A CRITICAL EDITION OF D'EWES' DIARY OF THE LONG PARLIAMENT, FROM NOVEMBER 3, 1640 TO JANUARY 1, 1641

A THESIS
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Faculty of the Graduate School
of the
UNIVERSITY OF MINNESOTA
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For the Degree of

MASTER OF ARTS

By
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REPORT
of
COMMITTEE ON THESIS

THE undersigned, acting as a committee of the Graduate School, have read the accompanying thesis submitted by Miss Anna May Lane 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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Wallace Culleen
Chairman

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[Date]

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A TABLE OF THE SEVERALL DAYS PASSAGES CONTAINED
in the first Tome or Volume of the Journall of the
house of Commons in the Parliament begunne and holden
at Westminster upon Tuesday the 3d day of November a. Dm. 1640, a. 16 Regis Caroli collected and gathered
for the greater part of it by Sir Simonds D'Ewes of
Stowhall in the County of Suffolke, Knight and Baron­
ett, one of the Burgesses of the towne and Burrough
of Sudbury in the same County by which Table it may
readily bee found where each dayes passages beginne
and end. And where as parte of the first meeting
of the same Parliament and parte of the second is
conteined in this first Tome or Volume soe much of
the rest of the said first and second meeting of the
same Parliament as was sett downe by himselfe or by
his direction is to bee found in the other ensuing
volumes.

The Parliament beganne on Tuesday Nov. 3, 1640
fol. 1. a.

The Speaker presented on Nov. 5 next ensuing
fol. 1a et b.
Thus farre out of the Journalle of Mr. John Bodville of Bodvile in the County of [Anglesey] in Wales of which Countie hee was chosen Knight for this Parliament.

From this place begins myne owne Journalle for I came first into the house upon Thursday Nov. 19. 1640.
Nov. 21. fol. 13 a et b et 14 a et b.

Nov. 22. Sunday.

Nov. 23. fol. 15a, 16 a et 17a.

Nov. 24. fol. 17a, 18a, 19a, et 20a.

Nov. 25. fol. 20b, 21a, 22a, et b et 23a.

Nov. 26. fol. 23a, 24a, et 25a, 292a et b et 293a et b.

Nov. 27. fol. 26a, et b, 27a et 28a.

Nov. 28. fol. 28a, 29a, et 30a.

Nov. 29. Sunday.

Nov. 30. fol. 31a, 32a, 33a, 34a et 35a.

Dec. 1 fol. 35a et b, 36a, 37a et 38a et b.

Dec. 2. fol 39a, 40a, 41a, 42a et 43a.

Dec. 3. fol. 43a, 44a, 45a et 46a.

Dec. 4. fol. 46a, 47a, et 48a et 49a.

Dec. 5. fol. 50a, 51a et 52a.


Dec. 7. fol. 52a, 53a, 54a, 55a, 56a et 57a.

Dec. 8. fol. 57a, 58a, 59a, 60a et 61a.

Dec. 9. fol. 61a, 62a

Dec. 10. fol. 65a, 66a, et 67a.
Dec. 11. fol. 67a. 68a. et b 69a et 70a.
Dec. 12. fol. 70a. 71a et 72a.
Dec. 13 Sunday.
Dec. 14. fol. 72a. 73a. 74a. 75a et 67a.
Dec. 15. fol. 76a. 77a. 78a. 79a et 80a.
Dec. 16. fol. 80a et b. 81a. et 82a.
Dec. 17. fol. 83a. 84a. et 85a.
Dec. 18. fol. 85a. 86a et 87a.
Dec. 19. fol. 87a. 88a et 89a.
Dec. 20. Sunday.
Dec. 21. fol. 89a. 90a. et 91a.
Dec. 22. fol. 92a et b. 93a. 94a et 95a.
Dec. 23. fol. 95a. 96a. 97a. et 98a.

The House adjourned to the Tuesday following.
Dec. 29. fol. 101a et b. 102a et 103a.
Jan. 1. fol. 110a. 111a et b et 112a.
Jan. 2. fol. 112a. 113a. 114a. et 115a.
Jan. 5. fol. 120a. 121a. 122a. et 123a.
Jan. 7. fol. 127a. 128a. 129a. et 130a et b.
Jan. 10. Sunday.
Jan. 15. fol. 147a et 148a.
A Journall of the Parliament beganne Nov. 3.

Tuesday A. D. 1640. a. 16. Caroli Regis, collected and gathered for the most parte of it by me, Sir Simonds D'Ewes of Stowhill in the Countie of Suffolke, knight and Baronet; being one of the Burgesses of the Towne and Burrough of Sudberry in the same Countie, being at that time High Sheriffe of the saied Countie, when I was elected and by my selfe returned.

Nov[ember] 3. Tuesday. 1640.

The Parliament beganne this day.

1. This introduction and the fragmentary notes for Nov. 3 and Nov. 5 are in D'Ewes' handwriting, probably filled in by him after his arrival on Nov. 15. From the 6th to the 19th the journal is written by Mr. John Bodvile as may be seen from the table of contents. Nothing more seems to be known of the man and his diary than what is given there.

2. The Long Parliament met for the first time in this day and the king made the opening address, followed by the Lord Keeper Finch, who spoke at great length on the state of public affairs. Then the Commons retired to choose their speaker.

The court had planned on the election of Sir Thomas Gardiner, Recorder of London, as the Speaker, but he was defeated in the election for the City of London, and in several other places where he filed as candidate. Charles was obliged at the last moment to think of another man and he chose William Lenthall, "a bencher of Lincolne's Inn" of whom comparatively little was known outside of his literary attainments. He was nominated in the Commons by Sir Henry Vane, elected by them and approved by the King on Nov. 6.

Clarendon says, "No doubt a worse could not have been deputed of all that profession who were then returned; for he was a man of a very narrow, timorous nature, and of no experience or conversation in the affairs of the kingdom, beyond what the very drudgery of his profession ... engaged him in. In a word, he was in all respects very unequal to the work; and not knowing how to preserve his own dignity, or to restrain the
7.

[The King said]: I am content to put myselfe upon my liege subjectts as my Lords who were at York can testify. All charges I have been at are only for gerd of the Kingdome. 2 points. 1. Chaseing out of the rebells. 2. To redresse the grievances and see men shall say that I en­deavour to make this glorious and flourishing Kingdome and of borrowing of money in London only for to maintaine the Army for two months. The distress of the North the King would leave to us where and when wee would beginne, and leaves it to my Lord Keeper if hee faile to give a fur­ther relation, there is noe fault in the King to make this a happie Parliament, as hee saied at Yorke. And hee desired that suspition might be set aside.

My Lord Keeper's Speech. 1. of the flourish­ing of this Kingdome anciently. A nation that never suffered any conqueror to give any newe law, nor the old Lawe was never changed, and so compared

license and exorbitance of others, his weakness con­tributed as much to the growing mischiefs as the malice of the principal contrivers.

Clarendon (Macray ed.)
sec. III., 2.

An account of the business transacted on this day is to be found in Commons Journals II, 20; Rush­worth IV., 1-17; Nalson I, 461-9.
1. Bodvile inserts these two speeches of the king and the Lord Keeper under date of Nov. 9 saying, "The
the Kingdom like an interrupted pedigree. Commendations of the King, etc. as the Lords of Yorke know and as after ages will remember. For his Justice: if any near him hath the dispensing of justice and hath done contrary to the express command of his royal Majestie saying hee serves me best that serves honestly. The Queene hath and doth co-operate to the happy success of this Parliament. A relation of the proceedings since the last Parliament concerning going to the North last summer. The Scotts strained the Articles of Pacification against his meaning and doe things against his honour, and the King did with the unanimous consent or advice of all his Privie Counsell to reduce the Scotts to obedience by warre etc. And soe caused Peeres at Yorke to bee summoned by Writt: and this was not to clash or prevent a Parliament but only to prepare and concurre with the Parliament. More particulars hee would have given if officers had come to Towne. His Majestie's intent was to give a more particular

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King's speech upon the 5. of November wherein he did express the trust hee did repose upon the house of Commons and putting himselfe upon them. Both of these speeches were made on Nov. 5 at the opening of Parliament. Cf. Rushworth IV., 11-16.
relation when further you please to receive it. Hee desires nothing more than to bee in the good affection and opinion of his Subjects. If any desire or endeavor to misinforme his Majestie or to withdrawe his Majesties intention towards his Subjects, effect it they cannot, but let curse and punishment light upon such. A relation of the postages at Yorke and the Commission to the Lords to treate at Rippon. The Scotts demand 40,000 l. for maintenance for their Army. The Lords at first were much trouble d at it etc. and in the conclusion gave 8050 l. per diem for maintenance of the Scotts Army.

Nov[ember] 5. Thursday .1640.

William Lenthall Esquire, the Speaker Elect, was this day presented to his Majestie in the Lords howse about [three] of the clooke in the afternoone. The said Speake elect first desired to be exc"used [from accepting the Speakership]. The Lorde Finch, Lord Keeper by his Majesties direction, approved of him.

1. Bodvile is obviously wrong here in the amount; Rushworth (IV. 16) states "850l. per diem".
2. William Lenthall, member for Woodstock, a Bencher of Lincoln's Inn.
3. His formal excuse is given in Rushworth IV., 17.
The Speaker then proceeded againe and spake
in effect following:

The King himselfe saied:

Nov[ember] 6 Friday. 1640.

Sir Miles Fleetwood moved for a fast to the
same persons and place and see the Records were
reade of the last Parliament.

Sir Robert Harlow moved that there might bee
a newe Committee for the fast, and that wee ought
not to take notice of the Committee in the last
Parliament.

It was ordered that a message should bee
sent to the Lords about a fast and a communion.

1. This speech is quoted in Rushworth IV. 17-19;
2. After the speech of the Speaker, the House with­
drew to meete in their own chamber and there is no
record of a speech made to them on this date by the
king. The king did make a speech to the Lords after
the withdrawal of the House.

Speeches of Parliament, Nov. 1640 - June 1641.
L. J. IV. 83.
3. Sir Miles Fleetwood, member for Hindon Borough.
Northcote's Notebook, 41, note.
Bodvile's writing begins at this point.
4. Probably Sir Robert Harley, Knt. of the Bath, Here­
ford.

M.of P. 489.
5. A committee was appointed to view the records.
The Messenger was Sir Thomas Roe - first a fast for the houses of Parliament and then for the whole Kingdom.

A Committee of Privileges was settled but all those whose Elections were questionable have no vote in the Committee although they be nominated of the same Committee.

It was ordered that a Warrant should go to have a Writt from the Clarke of the Crown for the Election of Knights for Cambridgeshire the former Writt being too late.

It was ordered that a Committee of the whole house should sit every afternoon. Upon Monday for Religion: upon Wednesday for grievances, upon Friday for Courts of Justice, a Committee for Trade upon Tuesday next and so forward, a Committee of the whole house for a Committee for Irish affairs as Mr. Pymme said that all the subjects of Ireland

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1. Sir Thomas Rowe, member for Oxford University; one of the Privy Counsellors.

2. A list of 88 members of this committee in C. J. II. 20-21. Rushworth gives the number as 47. Mr. Meynard was chosen chairman of this committee.

3. "Ordered, A Warrant to issue under Mr. Speaker's Hand, to the Clerk of the Crown, for a new Writ to be sent to the Sheriffe of Cambridgeshire, for Election of Knights of that Shire; because no County Day did intervene, between the Receipt of the Writ, and the Appearance in Parliament". C. J. II. 21.
have power to come here. Mr. Grimston saied it appeared soe by 20. Jurnells: for a Writt of Errours was brougth of business in Ireland here in the Kings Bench: a Committee for Irish affaires upon Thursday - a Committee of the whole howse: after appeales had:

It was ordered that the Committee of priv- ilidges should set this afternoone, and too morrow in the afternoone the committee for Irish affaires.

Nov[ember] 7. Saturday. 1640.

A peti­tion of the Freeholders of Leicest[er] of

Halsrid's disgracefull termes against Sir Arthur

1. The committees and their times of meeting agree in Bodvile and C. J. II. 21.
2. In some extracts from Geoffrey Palmer's diary given in Eng. His. Review 16:731 is the following note about the committee of the whole house for Irish affairs.

"A committee to be appointed for Irish affaires of the wholl howse was propounded that those were off opinion for the wholl howse should say I. The others noe.

Resolved the I should goe out. the howse being divided and they were the greater number.

In the debate: itt was moved that Ireland had parliaments to releive ther owne greivance. But the general opinion that they might bee hearde here for a writt of error lies off a judgment there in the Ks Benche here much more a redress in Parliament."

3. This must refer to Richard Holford who was order- ed to be sent for as a delinquent after the petition was read.

C. J. II. 21.
Halslrigge—Serjeant at Armes that for this Halsrid as a delinquent a Committee might be appointed to viewe the Journalls and records of the house.

Sir THOMAS ROE moved to have the records of the house to bee kept under looke and key and this was referred to the former Committee.

MR. HAMPDEN presents Alex[ander] Gennins his petition concerning shipp-money. Hee said because hee was demanded ship-money and answeread that the best way to gather it was by consent of Parliament. For this hee was committed to the Fleet by the Lords of the Council for scandalous speeches against his Majestie's Government and noe for not paying the ship-money hee was still kept in the Fleet, notwithstanding his motions at the Kings bench: and particularly hee complained against Sir John Bramston, Lord Cheife Justice of the Kings Bench, and the rest of the Judges of that Court, and noe hee and his Solicit

1. Rushworth dates this petition Nov. 9. "The Humble Petition of the Freeholders and Inhabitants of the County of Leicester was read, complaining of Mr. Richard Holford, for calling out Words in disgrace of Sir Arthur Haselrig Baronet, after he was declared to be chosen Knight of the Shire for the County of Leicester, declaring openly in the Field That they had chosen a Man... who had more Will than Wit..."
   Rushworth IV. p. 38.

2. Mr. John Hampden, member for Buckinghamshire; one of the five members.

3. Evidently the same as Alexander Jennings in Rushworth IV. 20.
brought his action into the Exchequer; for which his
Sollicit was sent for and kept in the messenger's
hands.

1
MR. PYMME presented two petitions of Mrs. Burton
and Mrs. Bastwicke, in the behalfe of their husbands
imprisoned in severall Isles. The Peticons being
reade, which are in print, Mr. Pymme moved that the
saied Mr. Burton and Doctor Bastwick might bee sent
for.

2
SIR THOMAS GERMYN, Controller of the King's
household, said that hee would not meddle with the
meritt of the cause and desired that nothing might
bee done before the King was consulted with.

1. Mr. John Pymme, member for Tavistock, Devon; the
leader of the Long Parl. until his death, Dec. 8, 1643.
a. "The cases of Burton, Bastwick, and Pymme are
well known as examples of the brutality of the Star
Chamber. They were all members of the learned pro-
fessions; the first being a clergymen, the second a
physician, and the third a lawyer. For having writ-
ten against the Bishops and the Government, they were
sentenced to pay a fine of 5,000 Lbs. each, to have
their ears cut off, to stand in the pillory, and to be
imprisoned for life in the distant castles of Lancas-
ter, Launceston and Carnarvon, whence they were af-
terwards transferred to Jersey, Guernsey and Scilly.
One of the first acts of the Long Parliament was to
bring them up to London in triumph, and to impeach
their judges.

Northcote 16, note.

The petitions of Mrs. Burton and Mrs. Bastwick
2. Sir Thomas Germyn or Jernyn sat for St. Edmunds-
bury, Suffolk. He was disabled in 1643.

Northcote 16.
1. Sir Henry Vane, the elder, sat for Wilton, Wiltshire.

2. Mr. Richard King, Weymouth and Melcombe Regis.

3. Peyton's account of this debate is much fuller than Bodvile's.
Others spake to the same matter and then it was ordered that the saied Mr. Burton and Doctor Bastwicke should bee sent for immediately to prosecute their owne causes in Parliament.

Mr. Pymme hath petitioned his Majestie. 2

MR. MAYNARD reported from the Committee of privilidges concerning a burgesse for Norwich. Mr. Cattlin was duly chosen but only the question was because Mr. Cattlin was noe burges. It was ordered that Mr. Cattlin should bee admitted but the Sheriff was not to bee punished because there was noe corruption.

A Petition for Harfordshire was preferred by Mr. Capell 1. against Innovation in Religion. 2. by abuses of feodaries and escheators which was noe profit to the King. 3. by which was noe profit to the Kinge. 4. Monopolies. 5. by ship-money. Their de-

1. C. J. II, 22.
2. No clue in the other journals as to what this unfinished sentence refers.
4. Two indentures were returned for Norwich—Mr. Harman and Mr. Catalyn, and Mr. Harman and Mr. Tooty. "The Sheriff annexeth a Schedule, wherein he saith that Mr. Tooty was a Citizen and a Freeman, inhabiting there in the City; and Mr. Catalyn was a Freeman, inhabiting the County of Norfolk, but not in the City."

C. J. II. 22.


Northcote, 52, note.
sire to have Parliaments more often. Grievances 1. Not having Parliaments and breaking upp the last. 2. Cannons lately made. 3. The unsufficient and un­meete ministerie. 4. The great abuse of ordinances. 5. Sermons in the afternoone. 6. The oath ex officio. 7. Unduely raising of militarie charges. 8. The pressing of men. 9. The Pattentee of Saltpeter. 10. The ignorances of the Traine band in the discipline, they desire lawes to bee made for military affaires. 11. Inquirie for the fomenters of the calamities of this Kingdome that they may bee punished.

MR. GRIMSTON shewed first what had been done the last Parliament Concerning the King's supply; on the otherside the grievances of ours were great. And soe wee concluded to give nothing before our grievances bee settled. And soe hee related the whole passages of the last Parliament, and desired reparition against him the Speaker, Sir John Finch, that violated our privileges that Parliament. 2. What hath been done since the last Parliament, nothing for their repaire. Gentlemen's studies and

1. Mr. Grimston's speech is quoted in full in Rushworth IV. 34-37, but is misdated Nov. 9.
   Mr. Harbottle Grimston, member for Colchester, Speaker in 1660, and afterwards Master of the Rolls.
   Northcote 29, note.
pocketts were searched, their bodies imprisoned. A reformation to bee in the Starr-Chamber etc. A Synod and a new Oath. Swear a damnable heresie, as all things contained in the discipline was fitt for salvation, and this an anticipation to swear never to alter. And to bee Juro divino. The function is divine but the jurisdiction is humane. There is neither divinitie nor charitie in it; and they desire to advance their hierarchie; other things they did there will bee properer to bee done here then with them; and the punishment of not granting subsidies out of Parliament and they that durst doe this durst do more if they could. Who have given encouragment to preaching printing etc, and who had advancement but superstitions corrupt in their doctrines and pitious in their lives but these Arminions and Popist affected persons. And what helpe have wee had of all our grievances for all our petitions. Judges have over throwne the Lawe and Bishopps Religion and some of

1. Referring here "to the Matter contained in the Oath it self."

Rushworth IV., 35.

2. This is just part of an anecdote that Grimston tells that he heard from a judge of the King's Bench-given in full in Rushworth IV. p. 36. Gardiner uses this story also. (IX. 224).
both have been the authors of all these miseries and we hope we shall have the like punishment against them as against Trisilian and other predecessors, etc.

1 SIR BENJAMIN RUDIARD spake first of Religion and abuses of poore ministers for not reading the Morris a booke. They have a minde to quell preaching and to drawe the Religion to olde ceremonies; this is the se­cret worke in hand as Dr. Heylin hath so often cele­brated in his bold pamphlets. Let not them say that these are the sayings of factions people, and Sancta Clara saieth that if Puritans were away this Religion and his would agree. And so they have branded all good Protestants under the name of Puritans. Some imagining which way wee were tending, striving to forerunne us turne popists.

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His speech is reported in full in Rushworth IV., 24-26 and commented on by Gardiner IX. 224-5.

a. Rudyerd is evidently referring to the "Declara­tion of Sports" published by James in 1618 and repub­lished by Charles in 1633; which book the clergy were compelled to read from the pulpit. It dealt primarily with recreations permitted on the Sabbath day: "As for our good people's lawful recreation, our pleasure like­wise is that, after the end of Divine service, our good people be not disturbed, letted, or discouraged from any lawful recreation, such as dancing, either men or women, archery for men, leaping, vaulting, or any other such harmless recreation, nor for having of May-games, Whitsun-ales and morris-dances, and the setting up of May-poles and other sports therewith used, so as the same be had in due and convenient time with­out impediment or neglect of Divine service etc.

SIR FRANCIS SEIMER. Groaning under great burthens. If wee should suffer this it were to betray our duty to the King, and our faith to the Country, and to impoverish the Crowne. The King hath been too provident a King and then who are those that spend. Had they that have been trusted been as provident for the King as for themselves they had not been so rich but the King's Coffers more full; the 10th part of projects the King had not. And the counsell have not been good or else they would not suffer an Army to come to this Kingdom. One may see what danger wee are in for religion; Jesuites and Priests openly to walke abroad and particularly: A priest that was taken how at first slighted will in due time bee examined. What incouragement is this to our popists. Noe lawes in execution. For popists often to goe to Masse. A complaint in our Church-Pride, Covetousnesse and slouth; more Church dignities then sermons preached; betweene a lazy Monke and a lazy Priest noe difference and say to an honest man what thou art hee that troubles us

1. Sir Francis Seymour, member for Marlborough, Wilts, created Baron Seymour Feb. 1641.

Neither Rushworth nor D. O. mentions this speech but Peyton (p.3) quotes one passage from it.
and when they preach, only their owne invectives; our
sufferings in goods and persons; our liberties taken
from us, that is a criuill death. None can say hee
is a free borne subject; things inforced out of will
more than of our lawes, noe: by noe lawe. Now a
question whether a proieror bee a base fellow, but
every proieror will find out his owne Master, Law
of Colonsio the new Innovator came with a halter
about his neoke, if against good then to be hanged.
The poore King and subjects poore by ill counsell.
Parliament the great Phisician of the Commonwealth,
Seldome Parliaments, and dissolution of them which
is the cause of all mischiefe. The King hath suf-
tered as much as wee. And I desire that hee may
see and heare it with his owne eyes and eares, and
then wee may make him greater than any; otherwise
looke upon good of all without any ende.

MR. PYMME moved for a reformation etc. finding

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1. Passage which Peyton quotes, p. 3.
2. Peyton and D'Ewes give a true account of Pym's
   speech on this day. Rushworth inserts an outline
   of a speech on grievances made in Parliament in April
   previous to the meeting of this parliament. Clarendon
   has Pym make this same speech on Nov. 11 but Claren-
   don's greatest weakness is dates. Taswell-Langmead
   repeats this error of Clarendon in his report of Pym's
   speech.

Peyton, 4.
Rushworth IV, 21-24.
Clarendon (Macrayed.)
I., 222
Taswell-Langmead. 455.
out authors and punishment of them. Actual declaration of offences needed no statutes and that is a stoppe to reformation. A designe to alter the Kingdom both in Religion and government; this is the highest of Treason that blowes upp by piece meales and almost goeth thorough their ende. This concerns the King as well as wee, and that I say with a reverence and care of his Majestie, so there are many heads of grievances. 1. The papists partie alter Religion and this is by setting difference betweene the King and his subjects and Tenetts of Papists undermine our Religion. 2. The corrupt parte of our clergie that make things for their owne ends and with a union betweene us and Rome. 3. Agents for Spaine and other Kingdomes by pensions to alter Religion and government. 4. Those that are for their owne preferment and further all badd things are worse then papists, those are willing to runne into Popery. Stopps of those things that have proceeded in motion first softly now by strides which are neare their ends if they bee not prevented.
Designes carried upon foure feet. The FIRST FOOT is.

1. Ecclesiastical courts. 2. Discountenancing of forward men in our Religion. 3. Countenancing their owne partie or else noe promotion. 4. By negotiating Agents from hence to Rome, and from Rome to this place to extirpate our Religion - proofe will appeare 5. Frequent preaching for Monarchy, Doctor Beald and others

2d FOOTE Policy for state and courteous of Justice. 1. The Counsell endeavouring to make difference between King and people by taxes against Lawes and wrong waies - noe proceedings judges were chidden [for the judges themselves said] wee granted habes corpus in the Kings Bench and wee were well chidden for our labour. 2. by keeping the King in constant necessitie, and see that [there] might bee for them still noe imputation to bee laid upon the King for any irregular actions but upon them that hee intrusted etc. 3. Arbitrary proceedings of Courts of Justice, Lawe and Presidents were nothing, expunging of matters, all defence of the Subject

1. According to Peyton, p. 4.
taken away for the dissolution of the Kingdome.

4. To make a difference between England and Scotland. A sermon preached in the North for the King to make an agreement between Popery and our Religion. The partition wall must bee pulled downe which was the Puritans. The Scotts have been the first authors of all. 5. By misguiding the Kings approbation.

THE 3RD FOOT. 1. Discontent and breach of Parliament. Hee would not mention the breach of old privilidges but late instances in nowe, as Mr. Crewe's case the Clarke is bound not to deliver any petitions nor see any member. If no safetie here then no where. 2. Great slanders in the declaration for which hee desired reparation. The King tooke it upon credditt of others, hee never sawe it. 3. Ingratiating of Papists and saying they are the best subjects etc. to bring the King in love with them. 4. By moulding the Irish government into an illegall course with intent to doe here etc. or see wee to have interest with them, wee are all the same subjects and noe newe thing.
THE 4TH FOOT. Military stepps. 1. Puting of Papists or suspected persons into command of Armye. 2. Power to Papists to muster by comission. 6. To bring souldiers from beyond sea and indeavours have been and happily are but that men are wanted 1 to doe it. Noe account of Spaniards comming here. Great jealousies. 6. The Irish Army to bring us to a better order; wee are not fully conquered.

THE 5TH FOOT. Papisticall bookes, many active men live here and are agents. And Judicatories, nunneries and Colledges are here; for this foot have gone farre. Hee moved that there might bee a settled committee to find out the danger the King and Kingdom is in.

MR. BAGSHAWE speaking. Forrests when never any Deere fedd there. Depopulation when never any Cottage was burned (?) and Justice they must have or else nothing will doe good for us. A Gentleman

1. "Referring to the proposal to bring in foreign soldiers to support the King in 1639 and 1640." Gardiner IX. 230.
2. "A widely entertained suspicion that same mystery lay concealed in the visit of that Spanish fleet destroyed in the Downs."
   Ibid.
   Gardiner misdates this speech of Pym's Nov. 10 - it was given Nov. 7.
3. Mr. Edward Bagshawe, Southwark, Surrey; disabled in 1643.
   Northcote, 28, note.
   Rushworth reports this speech in detail.
hath been in the High Commission five yeares and see is still for putting his hatte on in sermon time. And for the Oath ex officio it is Carnifex Conscience Mr. Crew saied hee delivered petitions to the Clarke of the Parliament only.


THE IRISH COMMITTEE. My Lord Mountnorris his petition. The Copy of Judgement of death against my Lord Mountnorris A counsell of warre was called purpose to arraine my Lord Mountnorris by my Lord De­ putie in time of peace when the courts of Justice sate and much about the Parliament time. MR. PYMME saied if wee consider divers points of this petition and papers a man would thinke wee lived rather in Turkie then in Christendome and moved for a private committee.

1. Mr. John Crew, member for Northampton. "In May, 1640 he was committed to the Tower for refusing to surrender papers in his possession as chairman of the committee on religion, but, making submission in the following month, was released."

J. M. Rigg in D. N. B.

2. Lord Mountnorris (Francis Annesley) as receiver-general of Ireland came in conflict with Thomas Wentworth (later Earl of Strafford) as lord deputy and Wentworth determined to crush him. He was brought before a council of war in Dublin Dec. 12, 1635 and a sentence of death was pronounced. There was no intention to put the sentence in execution and he was later stripped of all his offices. The rest of his life was spent in attempting to regain these lost offices.

S. L. Lee in D. N. B.
27.

SIR WILLIAM PENNYMAN was excepted against to bee of the committee and by president as

SIR MAURICE ABBOT excepted against but yet hee Sir William Pennyman was suffered to bee of the Committee which setts upon Thursday next.

SIR JOHN CLATTWORTHIE related of the State of the Kingdome, and saied it may bee to the being of this but not to the well being. 1. Church matters. Parliaments but no great redresse. Now small disorders there. Rake hell and you cannot finde worse and they are good without disparagement to any not paralleld Clergy - bad both in life and government, drunkenesse. One Bishopp was indited of whoredom and sodomy. Many of those soe. Active against the good, and stand alone in life is a way to gett preferment. 2. Courts.

1. Sir William Pennyman, member for Richmond York. Strafford's close friend. Gardiner IX. 231, P. 5. Peyton says he was excepted against "because he was a deputy Lieutenant of Yorkshire under the Lord President".

2. Sir Maurice Abbott was not a member of this Parliament - probably George Abbott, his sone, returned by Guildford, Surrey. M. of P. 494.

3. Sir John Clatworthy member for Malden, Essex. This speech is mentioned in the Diurnall Occurrences p. 1. under date Nov. 7 and Peyton (pp. 6-7) reports it very fully. Nalson also mentions it (II. 5).

4. Peyton's statement is clearer - "Rake hell, you could not parallel out of England some persons that wee have in Ireland". P. 6.
Officialls, oppressing, high Comission there is a great grievance. Example - noe papist or hereticke questioned. Many popish Religious howses; in our Towne 7 or 8. Popish officers in all the Kingdome, and the danger greater when the people are divided in Religion, not putting downe but erecting newe howses. A Gentleman near St. Lego (?) where since hee came a Monastery is created. Monke beate the Clarke for ringing the Bell. Protestant is scandalized, The question is who commended this whorish incestuous Bishop who lay with his sister in England; his sister suffered and hee escaped. [The man is] Dr. Adderton, Bishop of Waterford in Ireland. Courts of Justice: all is per forma tantum all is ended at Counsell bor de and odde reference in all. to the Secretary whose office is worth 6. or 7000l. per Annum.

2. There are of the Customes of Ireland - how in my Lord Lieutenant the King is abused 16. or 17000 l. under colour of 1300 l. advantage to the King. Wood or timber hath no rent without license from men upon Monopolie Tobacco business a great grievance a great losse to the
Kingdome and small profitt to the King. Forfeite of patents because men did not come time enough. Soe by that men were kept out of Parliament and 8000 of 10000 men are Papists ready to march where I knowe not. The old Protestant Army have not their pay but the popish Army are paid.

November 9. Munday. 1640 in the morning.

The Speaker made report of the Kings speech upon the 5 of November, wherein hee did expresse the trust hee did repose upon the howse of Commons and putting himselfe upon them etc.

1. Bodvile refers here to the speech made by the king on Nov. 3.
2. Sir John Holland, member for Castle-Rising, Norfolk. Rushworth reports this same speech (IV.27-28) but dates it Nov. 7.
strangers to the expense of His Majesties revenues. In supplies for the King proceede in due time with as ample amount as even was required. Relief of the North with a sense of Charity. Removeing of the Scotts with a soft and milde reconciliation if it may bee both to the honor of the King and safety of this Kingdom or else to expell them by force. Grievances to proceede for a redresse with all temper and due moderation.

The Sheriffe of Warwickshire was sent for by a Serjeant at Arms.


Sir Henry Vane was sent with a message from his Majestie to take away jealousies what soever in generall

1. Probably a reference to the reception of Mr. Con (a Scotchman) and later Count Rosetti, the Pope's agents in London, who, with their party, were lavishly entertained by the king and queen.
2. "George Warner, Sheriff, ... shall be sent for... to answer his Misdemeanours". C. J. II. 23.
3. Peyton refers to this petition presented by Alderman Pennington.
4. Against the present fortifications of the Tower and
or in particular. His Majestie taking notice of
the concourse of papists, the departing and disarming of papists from London and Westm\[ister\] by
Proclamation; fortification of the Tower to bee dissolved both soldiers and constables.

MR. PYMME desired in pursuance of the King's pleasure to have a Committee to see the papists depart out of Towne.

MR. WHISTLER letters of grace granted to Papists and letters to Judges to cast away all records and proceedings against convicts papists etc.

It was ordered that the Proclamation concerning the abode of papists, and Armes bee according to law to touch all Papists all Warants, letters and favours shewed Priests and Papists.

1. Peyton, in reporting this same petition (p. 3) says the king "hath already given order "for the disarming of the garrison. Gardiner says, "The day before (i.e. Nov. 8) Charles had announced his intention of expelling the recusants from London, and of withdrawing the Tower from the custody of the garrison which had been placed in it by Cottington." (IX. 232)

2. His authority must be Manchester.

C. J. II. 24.
Dr. Leighton's petition, who was imprisoned in the Bishop's howse of London, from thence he was put in a hole for 15. weekes and 3. daies. Kept without meate, etc. Poison was given him in Newgate, hee cast his hair with 10,000 fine, and on the pillary hee was sett two hours in frost and snow, his eares cutt, his face branded, his nose slitt. 8 fellows were sett upon him to beate him and to teate his clothes. By the hangman hee had 36. stripes. All this for writing Sion's Plea a booke against prelacie. They offered him usage full of crueltie. and deceit by Sir Robert Heath great gifts were offered him to accuse others that approved of the booke. Some of the Fleeete officers tooke from him mony and other things. 11 yeares hee hath been in prison. The officers offered his meanes taken from him but he refused; besides 16. years ago hee wrote a booke.

It was ordered that Dr. Leighton should have liber­tie to goe abroad with his Keeper and the Keeper to have noe fee, that he Dr. Leighton might prosecute his cause.

A fast appointed too-morrow sennight for us and too-

1. Dr. Leighton, a Scotchman, for his book entitled, "Sion's Plea", dedicated to the last parliament, counsell­ing them to kill all the bishops, by smiting them under the fifth rib, and railing against the queen, calling her a Canaanite and idolatress, had the sentence of the star chamber executed upon him. Whitlocke I. 41.

2. His book "Sion's Plea" was published in 1628 - 12 years ago and he was imprisoned in 1630.

3. C. J. II. 24. A committee of 16 was appointed to
morrow come moneth for the Kingdome. The Preachers appointed for the fast were Mr. Martiall, and Dr. Burgesse. Noe Convocation man to bee troubled to bee a preacher; Sunday come sennight was named for a Communion.

Mr. Pymme moved that a care might bee taken to distinguish Papists from Protestants at the Communion.

Sir Thomas Roe moved for prevention of deceit to have every one bring his certificate where he hath received in the yeare before. Concerning a fast and of a Communion upon Sunday or Lords day next after the fast may bee. The preacher appointed for the communion was Mr. Gawden, the place was Saint Margarett's. Mr. Morley was to preach that day in the afternoone. More speciall care should bee looked to them that have their wives and children papists.

Mr. Primne's man's petition: Histriomastick a booke written by Mr. Primne for which hee was punished. After par confesso hee was sentenced in the Starre- Chamber etc. It was ordered that Mr. Primne should come here to pro-

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1. A select committee was appointed "to prevent Profanation and Rejection of the Sacrament... and to take into Consideration some Way for the Members of this Houe to bring ... Certificates when and where they last received".
2. The famous Bishop Gawden, supposed author of "Eicon Basilike". For further details cf. article by Hooper in D. N. B.
execute his cause presently.

MR. STROUDE said when one was in the King's dis-
favour then presently a Bill is put in against him
in the Starr-Chamber and then if hee did not betraie
himselfe hee must bee undone with a sentence for not
answering. As was likewise offered in my Lord of
Bristowe's cause. Hee desired that wee should peti-
tion the King that this course as was intended for a
custome might bee laied downe and used so no more.

MR. CROMWELL delivered the petition of John

1. Mr. Stroude, "the celebrated member for Beeralston,
Devon and probably the most violent politician in the
house at this time". D'Ewes calls him "a firebrand,
a notable profaner of the Scriptures", probably because
they were such bitter political enemies.

2. Referring to the Earl of Bristol's loss of favour
when conducting some negotiations for Charles in Spain
and the trial and imprisonment which resulted.

3. This was probably the second speech Cromwell ever
made in Parliament; the first was made in 1629.

Sir Philip Warwicke, in his "Memoirs of the Reign
of King Charles I. p. 247-8, gives an interesting des-
cription of Cromwell's first appearance before the house.
"I came one morning into the House well- clad, and per-
ceived a Gentleman speaking (whom I knew not) very ordi-
inary appareled; for it was a plain cloth suit, which
seemed to have been made by an ill country-taylor; his
linen was plain, and not very clean; and I remember a
speck or two of blood upon his little band, which was
not much larger than his collar; his hatt was without
a hat-band; his stature was of a good size, his sword
stuck close to his side, his countenance swoln and red-
dish, his voice sharp and untunable, and his eloquence
full of fervor; for his subject matter would not bear
much of reason".

Cromwell was member from Cambridge at this time.

M. of P. 485.
Lilburne a sentence against him in Starr-Chamber etc. A Whipping of 200 stripes from Westm[minster] to the Fleete. He was wounded by the Wardens of the Fleete men. His cause was referred to the Committee of Dr. Leighton's cause, and freedome was given him to follow his cause.

A petition for Lincolnshire was preferred by SIR JOHN WRAY, wherein they did complain of draining of fennes and taking their lands from them, being griev'd with messingers from English Courts.

MR. ROUSE desired that the Bishop of Lincoln's cause might bee considered off by the Committee.

A petition for Yorkshire against the new Cannons without consent of Parliament. The countie being impoverished by my Lord President Court Serjeant Maior that came with muskets to demand money etc.

SIR FRANCIS SEIMER moved that every Projector or Monopolizer in all respects might bee disabled to sett in this howse.

MR. STROUDE said that all drawres of any patent

1. John Lilburne, the famous leader of the Levellers. The petition refers to his arrest in 1637 for printing and circulating unlicensed books, especially Prynne's "News from Ipswich". In his examinations before Star chamber he refused to take the ex officio oath and on Feb. 13, 1638 he was fined £500, whipped, pilloried and imprisoned till he obeyed. For further details see State Trials III. 1315-67.

2. Sir John Wray, member for Lincolnshire.

3. Reported in C. J. II; 24 under date of Nov. 9; Rushworth dates this Nov. 7.

4. Mr. Francis Rouse, who had been one of the leading
for monopolizing is as badd as any man that is a Monopolizer.

It was ordered that all projectors, Monopolizers, Promoters, or Advisors of them should be made incapable of setting in this house.

November 10. Tuesday morning. 1640.

SIR WILLIAM WITHERINGTON called the Scotts rebels. Mr. Hollis and Mr. Glyn moved either for explanation or punishment. Sir William explained his meaning and called them no more rebels seeing his Majestie called them otherwise. He related the destresse of the County of Northumberland and delivered a petition to that effect.

Mr. Peter Smart's petition was delivered by Mr.

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1. C. J. II., 24; Rushworth IV... 37.
2. Sir William Widdrington, member for Berwick, Northumberland.
3. With this explanation the House rested satisfied. C. J. II. 25.
4. Peter Smart, Prisoner in the King's Bench... complaining of Dr. Cosins his Innovations in matters of Religion in the Church of Dunham and of his Persecution of the said Mr. Smart in the High Commission Court at Yorke, where he was sentenced and deprived of his Living and Prebendary at Durham." Rushworth IV., 41.

Smart had preached a sermon in Durham Cathedral in which he inveighed against 'the reparation and beautifying of the cathedral' in which Cosin had taken a leading part.
36.

Bagshawe concerning the oaths and cannons first against the Stat ute 25, H 5. Cap. 2 against the Common Law. 3. It is a premunire M. 21. H Example cannons by Cardinall Wolsey. Nothing can binde the laitie without consent of Parliament. Nothing in commission that gives power to punish the poore man as is alledged in his petition for preaching an honest sermon such as if hee had preached in Queene Eliz[abeth's] time hee had been made a Bishopp for it.

It was moved that Dr. Cusons who is Deane of Peterburghough, might bee sent for by a Serjeant of Armes for a reviewe of poor Smart's cause in the high Commission. In punishment the Pope himselfe never went higher. The Petitioner moved to have course taken that hee might recover the 600 l. which was given him in lieu of the false imprisonment.

1. Mr. Edward Bagshawe, member for Southwark, Surrey. As Lent reader in the Middle Temple in 1639 he delivered two puritan addresses against bishops. He soon deserted this party and joined the king at Oxford. In 1644 he was taken prisoner by the parliamentary army but was released in 1646.

2. Bagshawe must be referring to Stat. 25. H.8. cap. 19, Stat. at Large IV. 233-6 - it was quoted so frequently at this time and there is certainly no statute to correspond with the number he gives.

2. Dr. Cosin, Bishop of Durham and later Deane of Peterbourough, Cambridget had very early incurred the hatred of the Puritans for his popish innovations. He was sentenced by the house to be 'sequestered from all ecclesiastical benefices' and thus became 'the first victim of puritanical vengeance who suffered by vote of the H. of C. After the Restoration he became very prominent again.

Canon Overton in D. N. B.
MR. PYM desired to consider who promoted Dr. Cusons to be Deane, and as for sending for this Cosens and others least they goe out of the King-dome that they might bee forthcoming.

SIR FRANCIS SEIMER moved against all those ministers that laide fault upon the last Parliament and against the Declaration that was then put out.

Mr. Smart's petition was referred to Dr. Leighton's Committee with the same libertie given him. Inquiry to make how and by whome Cusons was preferred and each member of the convocation howse if hee bee here questioned might bee sent for by a Serjeant at Armes.

SIR GILBERT PICKERINGE preferred a petition for a man of the Palatinate that is a Scholler and a Schoolmaster whose bookes were taken from him the last summer by Reade, others by Mr. Secretary Windebanke's directions.

MR. SECRETARY WINDEBANKE saied that hee heard that hee kept school against his licence, teaching strange doctrines and desired him to prove particulars.

1. C. J. II. 25; Rushworth IV. 42; Peyton 9-10. Mr. Selden was added to the committee.
2. No record of this petition and debate in Commons Journals, Rushworth or Peyton.
SIR GILBERT PICKERINGE said that the man was conformable: and saied that his intention was only to put downe good Schoolmasters and to bring poison-ed Schoolmasters in.

It was ordered for a select committee that upon perusing petitions already come in or to bee put up to this howse, in that a drawing of some complaint hereafter might bee by consent of the howse.to bee presented to the Lords for the punishment of those that deserved it as authors of our miseries and mischiefs. Noe committee cann report to ansher but to this howse only.

A petition for the Countie of Northumberland being distresse d by the Scottish Army 300 l. per diem to bee paied for one month to the Scotts by the petitioners; they desired relief for this particular losse of 3l. per diem etc. 2. most of the Coald (?) are lost and will not be recovered without great expense. 3. Want of trade and removall of them from their howses. 5 and 6. Want of people to till their grounds and their meddowes were spoiled. 7. Want of reliefe
for their Cattle in winter. 8. Plundering the howses of some of them. 9. Baking away their meanes. 10. Entering into the Kindome. 11. Putting offe their Cattle under value.

SIR BENJAMIN RUDIARD desired support for the petitioner by a common purse, and presently to declare our intention for relieffe untill time real-ly to performe it.

SIR HENRY ANDERSON desired reliefe both for Durham and Newcastle.

MR. PYMME desired that the authors of this mischiefe might be founde out in time and out of their estates to repaire this losse.

A Message was sent by the two Cheife Justices for a conference presently touching the breach of Privilidges of the Lords howse by some members of our howse in particular etc. A Committee attended the Lords. Only the matter was related. They conceived a breach of Privilidges by some members of ours, viz. for seizing and searching my Lord Brooke and the Earle of Warwick by Sir Will-

1. "This Petition ... with a Schedule of Grievances annexed was read, and much debated; but nothing resolv-ed upon it." C. J. II. 25.


Peyton refers to this speech of Anderson's and adds that he "concluded against the booke of Canons and moved that booke might bee burnt by the hand of the hangman". P. 9.

3. Gardiner styles this "an ominous suggestion". IX.236.
ia m Beecher who discharged himselfe by a warrant under the handes of Sir Henry Vane and Secretarie Windebanke without any crime laied to their charge.

Novembr 11. Wednesday. 1640.

It was ordered Alderman Abell should bee sent for to come here when the Committee of grievances which were to see this afternoone and to bring his patent of wines with him.

MR. CRADOCKE saied that there was noe good meant toward the Cittie. There was mounting of gunnes and setting of basketts with ladders to defend the gunners. They tried them at Dedford. Report that Island neare Horisdowne was desired from a Brewer and Inago Jones was to see it.

Soldiers at the Tower still training and mounting gunnes this day and many other gunnes were mounted. That Fereby belongs to the Deputie of Ireland who saied hee hoped the Citty would bee subdued in

1. Lord Digby makes this report to the house. Corresponding accounts in Commons Journals II. L. J. IV. 37, and Peyton 10. Nelson's account (I., 514-516) is also very accurate and complete.
2. C. J. II. 26 and Peyton 10 under date of Nov. 11. Rushworth (IV., 41.) misdates it Nov. 10.

Cf. C. J. II. 26 and Peyton 10 - both refer to a paper read by Cradock, not to a speech made by him.
4. Dedford means of course Deptford.
5. The most famous architect of his time.
6. "One Fereby that belonged to the Lord Lieutenant of Ireland said That shortly the Citty should be subdued". Peyton, 10.
a short time. And a Sollicitt[or] in the Bishopps Court saied he heard that the Cittie should shortly be about the citizens eares.

SIR THOMAS ROE saied that my Lord Cottington desired to show the training of the men in the Tower to the King before the discharging of them. And this hee protested was all and that there was no intention against the Cittie.

ALDERMAN PENNINGTON asked why the baskets and Granadoes were still upp seing it was only a Triumph.

MR. DIGBIE saied that there was a Popish Ecclesiasticall hierarchie and government over the whole government of this Kingdome. There was a letter from Chaing(?) requiring a fast among the papists towards the Queens pious intentions. The papists of Lankesheire have prepared all this summer more armes than the Protestants

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1. Many of the Puritan leaders, notably Pym and Hampden, firmly believed that the Catholiques at this time were plotting to overthrow Protestantism and take possession of the City of London. This accounts for their anxiety regarding the fortifications of the Tower.

2. Alderman Pennington, one of the members from London afterwards Lord Mayor; an important personage in securing the support of the City for the Parliament. He was one of the regicides. Northcote 6, n.

3. Bodvile evidently refers here to a letter offered by Mr. Rigby. Cf. C. J. II. 26. Rigby was the Puritan member for Wigan, Lancashire; There was no Mr. Digby in the house at this time.

4. According to Palmer, "Mr. Rigbie produced a lettre di­ rected to one Mr. Sandes in Lencashire by Anthony Champnes signifying Rosettes lettre of the Queen's pleasure for a fast everie Saturdale".
They fast everie Saturday. There was a letter dated from Oatelands by Seignor Rosetti to Anthony Champny a Preist which sent this letter to Sands a Preist in Lancashire. The Preists of London have gott their friends to arrest them to hinder any prosecution against them for their removall as the Proclamation directs.

SIR HENRY ANDERSON spoke of a paper delivered to him without name for his keeping his howse for his safetie.

SIR FRANCIS SEIMER moved concerning the Irish Preist. Hee said there was great danger to us all vide examination at large. Hee moved that wee might desire a present conference: much inveighing against Secretarie Windebanke's carelessness in the examination of the woman.

MR. PYMME moved against Sir George Ratcliffe, and moved against Sir Robert King that Ratcliffe

1. Seymour is referring here to William O'Connor, an Irish priest, who was in prison at this time on the testimony of Mrs. Anne Hussey for words "tending to alteration of religion and that there would be a "cutting of throats beginning with the king". Secretary Windebanke had referred the examination of this woman to his clerk, Mr. Read and was therefore censured for it. Rushworth IV. 41.

2. Bodvile omits to mention that after the reading of Mr. Rigby's letter the doors were locked to debate the impeachment of the Earl of Strafford; Peyton also omits this fact. Gardiner seizes this point and the misstatement about Mr. Rigby to criticize Bodvile's accuracy. He says, "Our only knowledge of the debate comes from Bodvile's Diary prefixed to D'Ewes'. It seems to have been written by someone who had no personal knowledge of the debate. Rigby appears 'Digby'. Bodvile had none of D'Ewes' minute accuracy and he omits all mention of the locking of the doors. Gardiner IX. 233 n.

3. The original reading in the mss. is "and Sir Robert
saied that this Armie raised in Ireland is against England and not against the Scotts: and soe much Sir Robert King desired a gentleman of this house to declare for us and our safetie. Sir John Clotworthie is the man to whom Sir Robert King gave this charge.

SIR JOHN CLOTWORTHIES relation. Sir Rob[ert] King, muster M[aster] generall of Ireland, saied some fewe daies before the brech of the last Parliament here, hee was in Ireland, Sir George Ratcliffe saied wee knowe how to please the Scotts at an hours warning and then when our Armies are together the King deserves noe good Counsellours if the King will not have what hee pleaseth in England. And upon my life what I say is truely spoken to mee by Sir Rob[ert] King who is willing to reveale his knowledge.

moved" but the inference must be drawn from the rest of the sentence that Pym made this whole speech. Sir Robert King was a member of the Irish Parliament.

1. Bodvile is much fuller here than Payton (p. 11). Gardiner quotes from this speech (IX.234) but fails to cite his authority.

2. Palme in reporting this speech of Clotworthy says "That there being an armie here, another to bee sent out of Ireland the K: was not well advised iff hee had not what he would".


3. Wherever brackets are used on 62, they indicate that in the photographing of the mss, certain syllables or words are cut off at the end of the line.
MR. THOMAS COOKE moved complainte how hee prosecuted one Smith that had an active hand in the Gunpowder Treason. This Smith was discharged by Justice Berkley upon command from Secretarie Windebanke: and another man one Moss whom Newton prosecuted discharged by Sir Henry Spiller upon a handwriting from Secretarie Windebanke and like from another Priest and for this hee was put in the prison instead of the Priest for his part.

Mr. Secretary Windebanke saied hee had done nothing in the busines of recusants but ministerially and if he hath done anything in his owne particular hee will submit to this houe.

MR. SANDS and SIR JOHN PACKINGTON charged Secretarie Windebanke, by Captaine Price who denieth it, that hee thought all that were of the last Parliament were Traitors for denying to give the King monies and Sir John Packington saied that Dr. Raymond heard him.

MR. PRICE saied that Sir John Packington was a young man and might forget himselfe and saied that

1. Mr. Thomas Cooke, member for Leicester.  
2. No clue as to which Sands spoke.  
Dr. Baskervill heard what was said. He confessed that Ser[re]tarie Windebanke said that all which paid not Ship-money were Traitours.

Chiefe Justice Bramston and Justice Foster came with a message to desire a meeting of a committee of both howses at three of the Clocke in the painted chamber this afternoone touching passages of a treatie at Rippon.

Answer was returned that they of our howse could not meet being upon very weightie busines, but as soon as wee could, wee would ret[urn] answer by messengers of our owne.

MR. SECRETARIE WINDEBANKE desired time to re-collect himselfe as concerning the charges[of] Price's, etc. and for the present hee did absolutely deny that hee did not remember any of those words charged upon him either by Price or Sir John Packington as spoken in Leice[ster] Howse and Dr. Baskervill and Radimond were sent for as witnesses forthwith.

A report was sent upp to the Lords touching things formerly saied and particularly against the

1. "Mr. Price was bid to bee called to the Barre for this offense, butt craving pardon hee was excused the Barre".  
Peyton II.


3. The Journals say 'Dr. Caddyman' (II.26) but Bodvile repeats Dr. Radimond.
Mr. Stevens complained that one said of my Lord of Worster that he had 500 Armes and his (?) hee complained of one Baskervill that another papist had many other shovells and spades [and] other provision for Armes.

Information for reporte of a letter by Mr. Diggie, and prayers beyonde seas for the success in England and mony is here gathered and powder provided. And soe suspected that goeing (?) the Tower was but colourable, and that the Kings person was in danger. One Hamend, papist in Berkshire, hath Armes in his howse, and Armes were found in the Chancery.

CONCERNING LEIUTENANT STRAFFORD. Sir George Ratcliffs words by Sir John Clotworth[he] as Mr. Irish Army intended against England and my Lord Lieutenant's servant [said] (as Mr. Cradocke allledged)

1. According to the Journals, the report was not sent up to the Lords at this time for it had not yet been formulated. (II. 26). Bodvile corrects himself later.


2. Bodvile omits to mention the appointment of a select committee consisting of Mr. Pym, Mr. Strode, Mr. St. John, Mr. Hollis, Lord Digby and Sir John Clotworthy "to prepare Matter for a Conference with the Lords, and the Charge against the Earl of Strafford". C. J. II. 26.

Bodvile gives only the above report made by this committee. Cf. with report in Peyton, 12 and Palmer - ibid.
that hee (which must relate to the Lieutenant)
would subdue the City. That my Lord Lieutenant
hath done things conformable to such a plotte.
Hee sent warrants for imposition upon paine of death,
and certainly if hee had power hee would doe it and
hath sent for levying of money by Musketeers. Hee
is a man very forward to persuade his Majestie
against the Scotts, and soe by weakening
and the Scotts the private designe of the papists
might bee advanced. Hee sent directions [to]
breake the treatie between us and the Scotts by in-
vasion and surprising of the Scotts? the Bishop-
pricke that therby the designe of the Papists might
bee advanced; and as concerning the Irish govern-
ment as yet it was nothing but in short time they
will prove that hee had a designe to bring the Irish
forces to subdue England. For present instance my
Lord Mountnorris his cause. And papists suffered in
England to increase in Armes. As for Ireland and my
Lord Deputie Sir George Ratcliffe declared that the
Scotts (upon his sa[n]tion) had demanded 800,000 l.

1. Peyton says (p. 12) "It will bee proved that my
Lord Lieutenant had a designe to bring over the Irish
Army into England."
and 4. counties to bee severed.

The Committee thought it fitt that a message should bee sent to the Lords to charge my Lord De­putie with high Treason and that for the present hee might be sequestered and stand committed for two or three daies untill witnesses and proofe came in.

SIR PHILIP STAPLETON moved that to the message might bee added here that my Lord Lieutenant sent a warrant to raise monies in Yorkshire pretending by warrant from all the Lords at Yorke. Hee beleived that the rest of the Lords would disavowe this.

It was ordered that wee should accuse my Lord Lieutenant of high Treason and desire the Lords that hee might bee committed and sequestered from the Parliament.

2. That a Proclamation should be sent to give notice to all that will come in to accuse and give testimonie against that great Lord. Example. a. l.

R2. this second is defered for two or three daies.

3. To thinke of some course that the portes of

1. Sir Philip Stapleton, member for Boroughbridge, York. He was a fellow-commissioner with Hampden and Fiennes in Scotland in 1641. He was disabled in 1647.

Northcote 29. n.

2. There is nothing in Rot. Parl. under 1 R.2 that has anything to do with a like situation.
Ireland might be open for all men to come over here to England.

MR. ST. JOHNS said that the accusation for Treason being a cause for blood the Prelates have no vote in this thing, and desired to give a touch to the Lords of this thing and leave it to them—and another reason for not having the Prelates to vote in this, in regard they were generally charged with Innovations of Religion, etc. Example against Bishopps went out from voting when the Duke of Ireland was condemned for High-Treason. Bishopps are to depart in cause of blood racione ordinis, and they ought not to meddle in things of this world.

SIR SIMON BASKERVILLE confessed hee spake with Price but only to know what was the cause hee was sent for at Leicester house; hee confessed hee once mett Secretarie Windebanke but hee denieth the wordes spoken by Secretary Windebanke touching refusers of

1. The Journals give just the first part of this order (II. 26-27) but on Nov. 12 a message was received from the Lords agreeing to keep the ports between Ireland and England open so this must have been a part of the original order.
2. Mr. Oliver St. John, member for Totnes, appointed Solicitor General in Jan. 1640-1. He had been counsel for Hampden, and prosecuted Strafford. This speech of St. John corresponds very closely with the one in Peyton p. 12.
3. Referring here to Robert De Vere, Duke of Ireland, (1362-1392) who was sentenced by the lords, Feb. 13, 1388, to be drawn and hanged as a traitor to the king and the realm. The bishops did not take part in his trial as shown in Rot. Parl. III. 230-6.
paying the Ship-money that they were Traitours.
And see hee denieth the rest etc. Dr. Radimond
denieth all.

November 12. Thursday 1640.

The Irish Priest William Oknnner should have
been tried this day at the Kings Bench but this
house orders that the cause bee staied in respect
1. the cause defends here.

A select Committee is appointed to prepare
2. the Articles against my Lord Strafford.

MR. PYMME moved for to morrow morning to
take into consideration the Kings Army and the
Northern parts, and it was see ordered.

Jealousies of the Irish etc. as the examina-
tion of one at Bastable who said the King and
3. Pope was all one. Hee is in prison now there.

1. William Okonnner was suspected of being involved
in this popish plot. In his examination before a
Justice of Peace at Middlesex a woman had witnessed
that he said that many thousands were in pay ready to
cut all the Protestant throats and would begin with
the King.

Gardiner attributes this statement to Bodvile,
fol. 6, but he must have got his account from Nelson
I. 523.

2. This committee was appointed on the previous day
but Sir Walter Earle and Mr. Hampden were added on this
day and Mr. Grimston to take the place of Mr. Hollies,
who resigned becosed of his relation as brother-in-
law to Strafford. C. J. II. 27.

3. Peyton attributes this speech to Mr. Perd who
told"of an Irishe man that said the king and the Pope
were all one". P. 13.
ALDERMAN PENNINGTON said that the City of London offer a garde.

A meeting was appointed this afternoone at 3. of the Clocke in the painted Chamber touching a relation of the Scottish business. The reporters for us are Sir Thomas Roe, Mr. White, Mr. Seldon, Mr. Grimston, Mr. St. Johns, Mr. Solliciter.

The Judges of the Kings bench will obey the commands of this house and will not goe on in the triall of the Jesuite till further order from this howse.

Tuov. Cheife Justice Littleton and Davenport brought a message that all the portes between England and Ireland were commanded to be kept open.

MR. PYMME moved that Sir George Ratcliffe as a delinquent and Sir Rob[er]t King as a witnes should be sent for. A Committee was to consider whether these two men could bee sent for being now members of the howse of Parliament in Ireland and to report their opinions to the howse.

SIR JOHN CULPEPPER saied who bailes a man or

1. Further proof of the fear of the H. of C. over the supposed popish plot. They later decided not to accept the City of London's offer.
2. Referring to the message sent up the previous day with the Earl of Strafford's accusation, which is given in Bodvile (p. 6) but not in the Journals.
3. Sir John Culpepper, Kent. Made Chancellor of the Exchequer in 1641, disabled in '43 and raised to the peerage in '44.

Peyton reports practically the same words for Culpepper.
releaseth anyone that is in for Treason is guilty of Treason himselfe.

Mr. Weekes, Keeper of the Gatehouse, his examination of Priest Fisher committed by the Lordes and discharged by Secretarie Windebanke. John Goodman was committed, and discharged by Mr. Secretarie. Thomas Reynolds was convicted and committed; and discharged by the same. And Warants were produced under the Secretarie’s hand to the same effect. And he acknowledges that to bee his hand.

ROWLAND JOHNSON, Keeper of Newgate, charged Mr. 1 Secretarie Windebanke for discharging of Mors and Goodman.

SIR THOMAS GERMYN saied that being commanded by the King, hee tolde us that the King owned the dischargeing of Priests and Papists. etc.

MR. GLINN moved who gave the King notice, it being a thing in debate and that was a plaine breach of the privilidges of this howse.

MR. PYMME saied a verball warrant or in writing was no discharge to Mr. Secretarie. Mors was a con-

1. The Journals and Rushworth give this name as Mosse. The rest agree with Bodvile. C.J. II 27. R. IV 44.
2. Peyton reports this speech of the Controller slightly differently: “That hee (the king) had commanded his Secretary to give warrants of releasements of sundry Jesuites and Priestes, etc.” P. 14.
3. According to Peyton, Mr. Pym also wished to know but seemingly no satisfaction was given.

Mr. John Glynn, Recorder, member for Westminister. M. of P. 491.
victe Papist and repreveved before Judgment.


My LORD MOUNTNORRIS desired to have the view of some letters that were allegéd to bee by his Majestie to my Lord Lieutenant concerning the erecting of a Marshalls court.

Sir Henry Vane tooke this to his care at the Treasure Chamber about foure of the Clocke this afternoone to receive petitions against my Lord Lieutenant and to prepare the Articles.

Report [from the Committee] by Mr. Solliciter concerning the sending for Sir George Ratcliffe and Sir Robert King, and the committee thought it fitt they should bee sent for because it was a safer way to goe upon cleere grounds than scattered instances.

For Sir George Ratcliffe if his accusation prove true it is high Treason and Treason is out of the privilidge of Parliament. As for the send-for Sir Robert King as a witnes, there is a differ-

1. The Journals give the date of these letters as July 31, 1635; Jan. 25, 1635; April, 1636.

2. Report of the Soliciter given also in Peyton, 14. "The Soliciter was Sir Ed. Herbert, member for old Sarum, Attorney General in Jan. 1640-1. He was impeached for framing articles of High Treason against the Five Members, and expelled the House".

Northcote, 32 n.
ence where it is for any other ordinary court that settys alwayes there this witnes cannot be sent for the man being a member of the Parliament of Ireland. Otherwise when the high court of Parliament sends for one from Ireland to give testimony here against one accused of high Treason, the Parliament not setting alwaies, and soo it is then that it is noe breach of the privilidges of Parliament.

It was ordered that Sir George Ratcliffe should bee sent for as a delinquent and Sir Robert King as a witnes, and to bee sent for by sev-

eral messengers,

The house was dissolved into a Committee touching the Northerne businesses etc. Before wee went into the debate a letter sealed and directed to the house was brought, the Speaker went to the chaire and read the letter; it came from Garrison and after reieoted a consideration to keep together his Majesties Army and for a redress of the North parts.

1. C. J. II. 88.
2. Peyton, in a marginal note, remarks "The Parlia-
ment about this time caught on any thing which might come". Of the letter he says, "The Speaker looked it over first, to see if it bee fitt to read in the house. He thought it frivolous and it was cast out." p. 15.
SIR JOHN STRANGWAYS desired (example 1. R. 2) supplies to bee given for the warre and named the Treasurers who tooke their oaths for honest laying out. Hee said hee heard that one hundred thousand pounds for the present would keepe the Armies together and doe the other busines etc. This hee moved and in respect of the necessetie, and that noe subsedies should bee irregularly granted but in the right order (videlicet last of all) etc.

SIR MILES FLEETWOOD moved that a summe of money for the busines not by subsedie but by borrowing or some other short way to raise it and that for supplies, and to appoint Treasurers of our owne. Hee thought the citty of London would lend the money.

SIR THOMAS ROE saied hee thought that supplies might be had from the Cittie. And this could not bee had by his Majesties commissioners for the Commons of the Cittie refused etc. not as hee believed out of any backwardness but in respect to the Parliament, especially the lower howse. This

1. Sir John Strangways, member for Weymouth and Melcombe Regis, Dorset; He was disabled in 1642. Northcote 4 n.
2. Rot. Parl. III., 7. Peyton is clearly wrong in referring to the precedent as 1° Ric. 1.
was a moderate and discreet answer and if this house inclined to it then the Cittie would bee much incouraged for a supplie etc.

1 SIR HUGH CHOLMELEY saied hee though[t] a subsidie would bee best. And to appoint some of the Cittie to bee Treasurers, and then the Cittie for the present would lay downe ? and then desire to pitch upon the summe.

SIR ROBERT HARLOW thought 100000 l. best but not by subsidie.

2 SIR JOHN HOTHAM desired rather the old way of Subsidie than the new way of benevolence and desired as much for the summe as our Subsidie would come unto.

3 SIR WILLIAM UDALE saied that the King's Army cost him 20,000 l. a moneth and that the Army had been paied untill the 10th of this moneth. And 14 daies would be spent before the money could bee carried to the place where it was to bee paied. And if wee pleased hee would give a particular of the charges of the Kings Army.

1. "Sir Hugh Cholmondeley, member for Scarborough; disabled in 1643." Northcote 30 n.

2. Sir John Hotham, member for Beverley, York, Governor of Hull at the beginning of the Civil War, was beheaded in 1643, together with his son, for treason against the Parl. Northcote 6 n.

MR. ST. JOHNS and SIR WILLIAM WITHERINGTON moved the Scottish Army be taken into our consideration.

MR. PYMME was against it and moved that wee might looke backward to the moneth already elapsed wherein the North parts were forced to a contribution.

SIR HENRY VANE moved to the manner for raising of the moneys: money would hardly come by subsedie in the time requisite but by supplie of the Cittie and certainly it must bee granted here by subsedie and wee shall have Treasurers of our owne first consider the inducement that must leade this summe.

MR. PYMME moved that the best way to supply was by way of contribution and declaration.

MR. HAMPDON desired that wee might goe by way of Subsedie and the question was whether the Supplie etc. should bee granted by Act of Parliament or by Declaration.

It was voted to bee by Act of Parliament and it was concluded that the summe for supplie must be

1. Peyton does not report any speeches between Sir Thomas Roe's and Sir Henry Vane's - Bodvile is the only authority for these; otherwise they agree very closely.
MR. CORRETON was questioned for sending a blanke Indenture.

Mr. Richard Butler was questioned for being inserted into a blanke Indenture etc.

A Committee was appointed to consider if these blanke returns and the other charge of complaint against Correton.

SIR HENRY VANE brought a message from the King in answer to the houses command to the Counsellours of this house etc. First his Majestie hath given directions to send for Sir George Ratcliffe and Sir Robert King, and as for the letter that my Lord Mounmorris desired yesterday. In regard Sir John Cooke had the letters and affaires of Ireland then in his hands, nothing for the present could bee done and hee shall bee sent unto with all expedition and noe time shall bee lost.

MR. GRIMSTON moved for a Warrant to bee produced by Sir Henry Spiller, but its thought was given by my

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1. C. J. II. 28.
2. The Journals, Peyton and Bodvile give corresponding account of Nov. 14 but Rushworth and the Diurnall Occurences say the house did not sit on this day. C. J. II. 29; Peyton 17-18; D. O. 3; R. Iv., 51.
3. Agrees with C. J. II. 29.
4. "Mr. Secretary Coke, who was employed about the affaires for Ireland at this time." Ibid.
Lord Lieutenant. Hee complained also against Sir Henry Spiller and hee was sent for as a delinquent, by a Sergeant at Arms.

2

MR. BAGSHAWE. de Jubile societatie Jesuit the King having warres in Scotland they [the papists] would fish in troubled waters. They had given the King a potion but it would not worke. But the King should have such a potion as should worke. Jude had this booke at Redriffe from one Henry Gradwell a Cobler whose wife is a papist, it was sent from Roterdam, there was a prayer in it to the holy Martirs that suffered Shipwracke here 1639. The booke was delivered to my late Lord Maior.


Mr. William Watkins was questioned for a Projector and kneeled at the Barre for offending in

1. Peyton's report (p. 17) of Mr. Grimston's speech is clearer. "Informed of a letter from the Earl of Strafford, wherein hee had written, that by the Lawes of the Land, the Law of Nations and the Law of Nature, every subject is to obey the command of his superior."

2. The Journals make this speech of Mr. Bagshawe's the testimony of Thomas Chude, who was called in with John Clay to testify touching a Booke, entitled "The Jubilee of Jesuits". C. J. II. 29.

Peyton does not mention either the speech or the testimony.

3. The Journals say "he [Chude] delivered the Book, the same Day he had it, to the Sheriff of London, Sheriff Warne." C. J. II. 29.
sitting in the house as a Projector; and a Select Committee was appointed to consider what Projectors did sett in this house.

Sir John Milton was complained offe as a Projector in Coal at Newcastle.

My Lord Buckhurst was returned for East Grimsted.

SIR JOHN WRAY moved that a Chirurgion affirmed that one was brought before the Attorney General and confessed that there was a great plott, that within 14. daies would be attempted against this Kingdome. This was confessed upon Saturday last. Mr. Attorney was sent unto for the examination.

SIR WILLIAM UDAL brought in his account touching the charge of the Kings Army. ALDERMAN PENNINGTON related that the Cittie mett to conferre of the supplie for his Majesties service which this house was about to grant the King by an Act. All the reasons were declared to the Cittie, and the Cittie declared their willingness

1. Mr. Watkins commanded to forbeare the House, till his Business had received further Examination. C. J. II. 29.
as farre forth as they were able and this by granting presently by waie of loane 25000 l.
and as much more in convenient time. The Assemblie was but thinne upon Saturday last in the Cittie but this day the Cittie meetes againe.

MR. VASSALL saied that the business of London Derry in Ireland did much exhaust the Cittie; this strikes heavie upon them to one hundred and sixtie thousand pounds. The seizing of the Mint was a hindrance and a stopp to their tradeing, the French hath taken away our gold, and silver goes away a pace by them by secret warrants. This is a secret convaiance of the Treasurie of the King-
dome.

1. In the extracts from Palmer's Diary (Eng. Hist. Review 16:734) Alderman Pennington is reported as saying "They had intimated to the lord maior the desire the citty should furnish monies. They had mett and were acquainted with the necessitie off a speedie releife in respect off the dangers iff the armie should disband which may bee more pernitious than an enemie."

"They objected the grievances upon them. The greatness off the somme. Yet a great readiness and cheerfulness. But considering the greate summes they had furnished alreadie they could furnishe noe more than 25000 l. for present and 25000 within a short time after."

"The howse turned into a committe touching the 100,000 and securitie for the citty, Mr. Sollicitour to take the Chair."

Bodvile fails to mention this last fact.

And though there bee an Act passed here for the money etc. yet in the Cittie particular men will demande what securitie they shall have for their money. Hee thought that the best way was that the Alderman's creditt should raise the money and that for their securitie some of them ought to bee appointed Treasurers.

MR. CRADOCKE saied hee feared it might hinder the busines to relie upon the Alderman.

ALDERMAN PENNINGTON thought that if the securitie bee here considered offe the money would be had some way or other.

Another motion was made that the Souldiers of London Tower should bee discharged being still as yett in the Tower.

MR. HERBERT saied that my Lord Cottingham tolde him this day the Souldiers would bee discharged and that they had been discharged before but the moneys were not as yett readie etc. The money comes in this day etc.

MR. CRADOCKE saied that unless the ordinance

1. Mr. Mathew Cradock, skinner, member for London. M. of P. 491.
be dismounted such jealousies and feares would possess the Cittie that it would bee a mighty hinderance to the busines of supplie.

ALDERMAN PENNINGTON excepted against the not inserting of the Non Convict rec[usante] as well as convict and yet Sir Henry Vane saied this day sennight that all papists as well convict as non convict should be comprehended in the Proclamation but it was not done.

It was ordered that those Alderman or others whiche should secure the money to the particular leaders should bee the persons that should receive the Subsedie money for the securitie. After a long debate which parties should bee exempted from Subsedie etc.

It was resolved upon by Votce that Northumberland Durham and Newcastle should bee exempted from paying Subsedie, and the Towne of Barwick must be charged 1 with subsedie.

At the Committee for Religion a petition was delivered by two Ministers and benefices for many of

1. C. J. II. 30.
2. I can find no other report of this committee.
the clergie of the countie of Lincolne. Touching matters of Religion. Increase of poperie. Renewing of idle and frivolous ceremonies. Against cannons that none hereafter should bee made but by consent of Parliament. To have marriage lawfull at all times. They desired to have some severe Law against fornication and adulterie and desired a prohibition for profanation of the Lords Day.

A Petition of Grantham in Lincolnshire concerning the Alter etc. (This was complained of in the last Parliament) Against Dr. Farmery and Dr. Hurst for putting organs upon the town and they that opposed it were brought to the Ecclesiastical Courts and forced to the oath ex officio. William Berry is the petitioner who was excommunicated by Doctor Farmery. The Petitioner desired a fortnights time to produce his witnesses.

John Spencer's Petition for setting up an olde altar stone by the officiall which formally the Bishop had taken downe. This was deferred untill this day sennight.
A petition of the Parishoners of St. Christophers in London complaining against Dr. [3]and his curate for removing the Communion Table Alter wise and divers other ceremonies and Popish Innovations, etc., and refusing the Communion to such as came not upp to the Railes. The time to prove this petition was this day sennight.

A petition of the Parishoners of St. Gregories. This Church was made before the and about 4 years agoe the saied Petitioners laied out 1500 ℛ. upon repaire of the saied Church. Yett for all this part of the saied Church was pulled downe to repaire st. Paul's and the rest is threatened to bee pulled downe, and there is no redresse but the petitioners are inforced to goe to other churches for their spirituall foode to their great inconvenience. Their servants being by this enticed to a great dis-order. Time till Monday next.

1. Cf. with Mr. White's report to the house Nov. 25 from the grand committee for religion.  
   C. J. II., 35.
The Petitions of Churchwardens and Sidesmen of London against the oath Articles and Cannons and other Ecclesiastical grievances.

It was ordered that a select Committee should consider of these petitions.

Edmund Pottin his Petition against Willm Giles minister for erroneous Doctrine because the said Petitioner tolde the Parishioners that the said Giles taught them false doctrine, the Petitioner was excommunicated by Doctor Eden. The points that the saied Giles held were popish and hee was accused as guilty of Adulterie and incest. Hee was irreligious(?) and drunken, seldom preached, never praised for the King, nor never gave thankes upon the 5. of November. Sir John Lambe sentenced the saied petitioners etc. Doctor Eden excommunicated the Churchwardens of Wibinge for not turring the table Altarwise.

November 17. Wednesday [Tuesday] 1640.

This was the day appointed for the generall fast, which was celebrated by the house of Commons in St. Margarets Church in Westminster. Dr. Burgesse
preaching in the forenoon and Mr. Marshall in
the afternoone. I my selfe was present at Mr.
Marshall's sermon.


It was ordered that matters of religion
should proceed other businesses.

Noe member of this howse should visit my
Lord Lieutenant without license of this howse.

A report of the treatie of the Lords concerning
the Scottish affaires upon Thursday last related
by Sir Thomas Roe reports the proposition at the
Conference at Yorke. The distresse of the Army,
etc. That after the Scotts had come to Newcastle
they sent a petition to his Majestie for redress
of their grievances etc. To which it was answered
that untill they sett downe the particulars hee could

1. This notice is in D'Ewes' handwriting and the
word "I" appears for the first time. He did not,
however, appear in the house until the 19th of Nov.
Peyton gives a very much fuller account of "this
day of fast" than D'Ewes. (P. p. 18).

Baillie writing on the following day, Nov. 18,
says "Marie ministers used greater freedome than
ever here was heard of. Episcopacie itself begin-
ing to be cryed downe, and a Covenant cried up, and
the Liturgie to be scorned. The Town of London, and
a world of men, minds to present a petition, which I
have seen, for the abolition of Bishops, Deanes, and
all their apertenaances. It is thought good to delay
it till the Parliament have pulled down Canterburie
and some prime Bishops, which they minde to doe so soon
as the King hes a little digested the bitterness of his
Lieutenant's censure. Hudge things are here in work-
ing". Baillie I. 273-4.

2. C. J. II. 30.

3. The text of this report may be found in Rushworth
IV. 46-51; it agrees closely with the notes in Bodvile
but R. misdates the report Nov. 13.
give noe answer. And hee commanded the Scotts not to advance and the Scotts advanced noe further. And sent a petition more particularly etc. Freedom of the Castle of Edinburg. That all the Scotts might signe a covenant, that shipps and goods might bee restored; and all papers made against us might be recalled; that losses might bee repaired: the scouldiers might be removed from those borders. etc. An answer to this petition was referred to the Lords at the Conference.

My LORD TRAQUEIRE made a relation to the Lords of the Statutes of Scotland etc. My Lord Lieutenant genreall made relation of the state of his Majesties Army. A relation of the disorderly retirement of his Majesties Army at Newborn. The men of Durham had answere from my Lord Lieutenant that the King could not helpe them, and they must shift for themselves and soe bee forced to a contribution of 850 l. per diem. The Scotts complaint to our Lords that their countrey should bee brought to a Province that was but one summers worke, etc. This and other reasons urged them to
enter England contrarie to their first intentions that the Lords of the great Counsell made election of Commissioners by his Majesties approbation to treate for conclusion of peace.

The place for treatie which was first appointed was Northaleron but after some inconveniences found there they came to Rippon and there went on with the treatie upon the whole busines propounded. A cessation of Armes was first treated of but the Scotts saied that there was another thing which ought first to bee taken into consideration, which was, maintenance for their Armie. This troubled all the Lords, but the necessitie of both Armies forced them to give his Majestie notice of it, and resolved to treate for a summe to main taine the Army least the Scotts should plunder the countries; and the maintenance which was resolved upon was only the allowance of the former contribution assessed upon the countries this being more honorable than to give them any other manner of
maintenance. The Lords were much troubled for giving maintenance whose ancestors had treated for the ransoming of Kings should now consider for the supply of an Army that had invaded the land.

Articles for agreement for cessation of Armes and for peace for the time were agreed upon. The Parliament coming on etc. The Lords petitioned the King that the treatie might bee transferred here to London. The King asked the Lords whether hee should signe the Articles and the Lords advised his Majestie to signe the saied Articles. The Lords reasons for advising his Majestie to signe the Articles of Treatie and for releife of his Majesties Army. The Lords sent to the Cittie of London for the loan of two hundred thousand pounds and his Majestie ratified the Articles of the treatie with the Scotts, etc.

My LORD of BRISTOW related the woefulnes of the affaires of the business in the North. Then

1. For the details of the Peers meeting at Ripon cf. Hardwicke State Papers II. 94-299.
the Lords promised to relate to the Parliament the miserie of the North. Yett they desired not to have any Subsedie. Yett if some course were not taken the whole Kingdome would bee brought into disorder and if consideration bee taken of the Scotts Armie why not of the Kings Armie. We ought not nor might not bee disbanded. The Scotts protested not to doe harme: but there is noe good trusting of a hardie Army when they come to a good countrey; then it may bee if they themselves like the countrie they will disobey their Commanders when it is required of them to retire.

It was ordered that the whole report should bee entered here that all might have copies...

MR. PYMME moved that thankes might bee given to the Lords for their paines in the treatie etc. and Sir Thomas Jermyn desired first that his Majestie should have thanks.

MR. STROUD moved that the Lords should have thanks for their petition to the King for a Par-
liament.

It was ordered that there should bee an entrie into the Clerkes booke and an acknowledgment of thankes first to his Majestie and then to the Lords for their great paines in the treatie and the Commonwealth thought itselfe much beholding unto them for their Lordships care of the Kingdome. And some 4 were named as a committee to see this entrie made. The Committee that was to viewe the Clarkes booke was to consider of the Entrie.

MR. PYMME moved for a committee to consider of the Articles against my Lord Lieuten-ant and desired direction of this houe. 1. What to doe for the witnesses that were backward to come in etc. 2. Hee desired further time for soe much busines came in that further time is desired to digest into order. 3. That if any member of this houe did know anything that might conduce to this charge, if any such member did conceale his knowledge then such mem-

1. It was resolved "That those Lords which were Petitioners to his Majestie at York, in their Petition. .... have done nothing but what was legal, just and expedient, for the good of the King and Kingdome, and is now approved by the whole Body of the Commons". C. J. II., 30.
bers shall be taken as guilty of misprision not as accessorie to the Treason.

It was ordered that Committee for Religion should sett every Saturday and Monday. Thankes was to bee returned to the Preachers yestarday.

First in answer to Mr. Pymme's motion touching the witnesses it was ordered that a message should be sent to the upper howse to tell them that wee as Accusers would drawe Interrogatorie against my Lord Lieutenant, and to desire their Lordshipps by a Committee of theirs, before a Committee of ours might examine such witnesses as are fitting and soe to keepe all things secret untill publication were convenient, this was according to the ancient Presidents.

Upon Friday next it was appointed that [there] should bee a Conference concerning the Canons.

SIR JOHN CLATWORTHIE complained against William Freestone for caluminating the Lords that petitioned the King for a Parliament and It was order-
ed that this petition should be enrolled and a declaration that it was lawful and thankes should be entered in the name of the whole body of the Kingdome, being an Act expedient both for King and Kingdome. It was ordered that Freestone should be sent for as a delinquent.

The Speaker went out of the Chair and Mr. Herbert sate in the Chair of a Committee to consider of the matter of Subsidie.

It was voted that the 100,000 l. should be rated over the Kingdome equallie upon all. The summe charged must be according to the proposition of the last Subsidies paid.

MR. PYMME moved that in the message to the Lords it might be inserted, that our house had ordered that no member in our house should presume to goe to my Lord Lieutenant, and that wee desired that the same order might be made in the Lords house. And withall to desire their Lordshipps to mediate the King that hee bee content

1. No other journal reports the proceedings in this grand committee - the Journals (II. 31) mention that it sat at this time.
that his privie Counsellours and other members of both howses might bee examined in the case of high Treason: The oath of Privie Counsellours being no exemption from examination in this case.

MR. ST. JOHN moved that the Attainders in the Kings bench the Records wherof were kept private from the Subject under three lockes might have free accesse to the records for the promot-ing of the great busines against my Lord Straf- ford.

It was ordered that a selecte Committee should have accesse to these records - for by an act of Parliament and other Presidents; that all subjects ought to have accesse to all such Records of Attainders though it bee against the King. And the care that is put upon these Re-cords is for the care and good of the Subject.

It was ordered that Sir George Wentworth might goe to my Lord Lieutenant as often as hee would and to come heare to this howse as he should

1. Rot. Parl. II. 314. D'Ewes uses this same precedent on Nov. 19, p. 10.
2. Sir George Wentworth was Strafford's brother.
A Committee was appointed to drawe the Bill for the Money etc.

The Committee for the Communion was to meete this afternoone touching the Altar in St. Margaretts.

Thursday, Nov[ember] 19, 1640.

I tooke the oaths of Allegiance and Supremacie this morning in the presence of Sir Gilbert, one of the Lord Steward's Deputies, and soe came first into the House this morning.

A Committee for Monopolies.

Mr. John Maynard of the Middle Temple made reporte of a controverted election in the towne of Marlow Magna in the countie of Buckingham between Mr. Hobbie and Mr. Burlaw that the election was made at the pound secretlie and illegalie and that the cheif miscarriage was by an inhabitant and they named Mr. Moore who having the precept conceales and denies it and soe when the day of election of the Burgesses came hee and his [sc]complices did it. Soe the election was void. I saied all

1. This is D'Ewes initial appearance in the house and from this time on the diary is in his own handwriting.
2. New members were added to the Committee for Monopolies of which D'Ewes was one.

C. J. II. 31.
Moore sent for [as a] delinquent. A new writ to be sent for a new election and the last election to be void as before. Ruled also upon the question. Mr. Burlacie returned in both Indentures and therefore it was moved he might sit but denied because all was void.

The question was whether the poor should have voice or no. Sir Hugh Cholmeley moved they should have voices.

I moved that the poor man ought to have a voice, that it was a birthright of the subjects of England and that all had voices in the election of Knights etc.

Mr. Maynard moved that the poor should have a voice.

Sir Miles Fleetwood moved they should not have voices: if there be presidents.

Sir John Hotham spake the poor might have voices.

Sir Peter Haimond spake the Commons might have voices.

1. The report of the Marlow Magna election agrees with the full account in the Journals. C. J. II. 31.
   There is also a very complete history of the trouble given by John Brue in the "Verney Notes of the Long Parliament". p. 1.
2. None of the authorities mention this debate in the proceedings for the day.
3. Sir Peter Hayman, member for Dover. He was one of the members arrested in 1629 for resisting tonnage and poundage and made a famous speech against Finch at the close of the session.
MR. BAGSHAWE moved poor men might have voice.

SIR FRANCIS SEYMOUR spake to end this motion.

MR. WHISTLER spake that the poor might have voice.

Mr. Croucher (?) spake the poor might to have voice.

SIR GILBERT GERRARD desired the motion might be left.

SIR ROBERT HARLOW spake that the Communion table should be brought downe. But that died.

MR. CREW spake against the poor having voice.

1. Mr. John Whistler "of Gray's Inn", Recorder of Oxford, member for Oxford City. He was disabled in 1642.
2. Probably John Coucher, member for Worcester.
5. Referring to the removal of the Communion-table at St. Margaret's to the middle of the church at the time of the administration of the Communion. Discussed in Gardiner IX. 227.
6. Mr. John Crew, member for Brackley; secluded in 1648.
SIR PHILIP TUFTON said the King's armie was in great want.

There was an order read that the house should be dissolved into a Committee. Mr. Herbert, the King's Solicitor, went into the Clarkes chaire. And the Speaker went out of his owne chaire.

MR. WHISTLER spoke how the summe of 100,000 l. should be levied and taxed the Lords would not be taxed by us. And that we may goe in the old way of subsidies and grant subsidies.

SIR HENRY ANDERSON said ther must be speedie order to releive the armies and moved for a subsidie alsoe to be granted by the clergie.

MR. CURTAIN mooved to have a subsidie 100,000 l., only cersainelie.

SIR MILES FLEETWOOD mooved that the 100,000 l. might not be granted as subsidies.

1. The only Tufton in this Parliament was Sir Humphrey Tufton, member for Maidstone, Kent. M. of P., 490.


3. No such person in M. of P.
MR. DENZEL HOLLIS saied this shall bee granted by act of Parliament. 2. that it shall not bee by way of subsidie but by way of grant in a certaine summe. 3. a summe of 100,000 l. in certaine. Perhaps in Wiltshire where the subsidie is 3 000 l. when a subsidie is 70,000 l. and then it will come unto ther some 3500.

SIR RALPH HOPTON - noe subsidies but other proportions.

MR. HERBERT the Kings Sollicitor being in the chaire mooved that the Lords monie might bee deducted out of the summe and then the summe proportioned on the Counties.

MR. PYMME mooved the summe to be proportioned on the counties.

SIR JOHN HOTHAM mooved that certificates might bee allowed. That one man might not bee rated in severall places.

MR. GLYNNE mooved that certificates might

1. Mr. Denzel Hollis, member for Dorchester, one of the Five Members. Northoote 39 n.
2. Sir Ralph Hopton "member for Wells, the gallant Royalist commander, 'Hopton of the West'. He was created Baron Hopton in 1642. Northoote 44 n.
3. Sir John Glynne, sat for Westminster. He was appointed "one of those doughty champions to bait the most noble and worthy Earl of Strafford, in order to bring him to the block; which being done, he shewed himself a great enemy to the bishops and their functions, a zealous covenanter". He was one of the eleven members arrested in 1647 and under Cromwell was made lord chief justice of the upper bench.

SIR THOMAS JERMIN, the Comptroller, mooved because the business was urgent to drawe it to a question.

SIR GILBERT GERRARD mooved that noe certificates might bee allowed.

SIR JOHN CULPEPPER mooved to have certificates allowed.

MR. NATHANIEL FINES, second sonne to the Lord Say. Mooved that certificates might bee allowed and that men might bee rated where they lived and noe where else.

MR. WHISTLER mooved that without certificates it could not bee levied on them that were assessed and levied elsewhere.

MR. COPEL mooved that some monie must bee granted above the 100,000 l. to the city that gathers it.

QUESTION. As many etc. (verbatim as in the order following)- viz to bee sett on the rate of the last subsidie.
That the particular summes to bee charged upon the particular counties shall bee sett according to the rates of the last subsidie paid by each countie.

The reporte to bee staied till the message bee sent.

Mr. Speaker tooke his chaire.

MR. PYMME movecl concerning a gaine the charge of the Earl of Strafford Lord Deputie being charged with High Treason. The two sortes of witnesses some about the Lords some about the Commons etc. all the Points to bee ordered.

SIR PETER HAIMOND mooved that the members of this howse might onlie bee examin'd by the howse and not by the Lords.

SIR WALTER EARLE conceived this mocion to bee of noe use.

MR. NATHANIEL FINES and Mr. Saint John mooved that the Lordes might not bee prescribed what to doe for the examination of such Lordes as weere of ther howse.

1. C. J. II. 31. The debate itself is not reported in Rushworth or Peyton.

2. Sir Walter Earle, "member for Weymouth; secluded in 1648".

Northcote 17 n.
The LORDE DIGBIE mooved that the Lordes assistants might bee added, or anie other which might bee in the upper howse.

SIR HARBOTLE GRIMSTON mooved that they might goe upp with the message — shall goe upp too morrow.

MR. ST. JOHN mooved that the Recordes in the Kings bench of Attainders might bee searched and this the Solicitor denied.

I cited the Recorde in Rotulo Parl[ament-
That everie subject might have copies of anie Records though they [be] made against the King.

SIR JOHN HOTHAM mooved that a committee may bee named to take care of the search against the Earl of Strafford and all saied I. Upon this I was added to the former committee in the Earle of Straffords business as to the search on­lie and therupon ordered that wee should search the Records as wee should thinke fitt.

SIR JOHN CLATWORTHIE mooved that wee all or anie two of us might search.

SIR GEORGE WENTWORTH, brother to the Earle of Strafford, moved that hee might have libertie to goe see his brother.

1. Rot. Parl. II. 314. "Prie la Commune... que pleise ordener par Estatut que Serche et Exemplification soient faizt as touz gentz de quecong; Recorde que les touche en assoum manere, auxi bien de ce que chiet encontre le Roe come outres genz. Le Roi le voet. This is D'Ewes' first record. In a letter to his wife written this same day, he says, "I spake thrice this morning in the Howse, and at my second speech vouched a record, which not onlie gave great satisfaction to the Howse, but ended a weightie and perplexed dispute it was then controverting. Upon this I was presentlie named in the Howse to bee one of the Select Committee, of which there are but seve­n, as I take it, in all, to search records about former attainders which wee may applie to the Deputie of Ireland's case". D'Ewes' Autobiography. II. 250-1.

2. C. J. II. 31. Peyton (pp. 20-21) gives a like account of this debate.

3. This was so ordered. Ibid.
MR. HARBERT the Solicitor made a reporte what had been agreed about the 100,000 l. this morning and the same was againe voted in the howse which had been voted in the howse before, being then resolved into a grand committee.

The order upon this was read by which All the Lawyers of the howse and divers others were named to meet too day at two of the clokke in the chequer chamber.

MR. HAMDEN desired to know when the monie should bee paied the cittie of London who were to lend this 100,000 l. and to receive the subsidies.

ALDERMAN PENNING[TON] saied the cittie would soon take order for 50000 l.

MR. DENSIL HOLLIS and SIR JOHN WRAY moved the Communion table might bee brought downe into the Church next Sunday when the howse was to receive at St. Margarets church.

SIR ROBERT HARLOW made a motion to the same purpose.

1. "This Committee is to prepare a Bill for the Grant of the hundred thousand pounds".  
   C. J. II. 31.
SIR GILBERT GERRARD mooved the same.

MR. PYMME mooved that the committee alreadie appointed about the Communion might meete this night at 5 of the Clocke in the Treasurie chamber and ther to take order about the sacraments, etc.

Mr. Glynne and Mr. Bell added to the Committee.

Friday Nov[ember] 20. 1640.

A motion made that in a Quaro Impedit in which Sir Thomas Woodhouse was dependent and judgment onlie to bee given etc. yet the Privilege allowed.

A petition delivered by Alderman Penning[ton] against the monopoly of salt etc. saying that other monopolies begann to hand ther heads this onlie continued bold and impudent: it was prefered by the Salt sellers.

MR. CAGE mooved that the Patent might bee brought in and the bonds given: and that one Sir Thomas North (of Yarmouth) might bee sent for and a waigh of salt was before xxx now tis 3 l. and it

3. Mr. William Cage, member for Ipswich, Suffolk. M of P. 494.
87.

decayes navigation. It was further moved that the referees which approved the Patent might be sent for. And an order was made to that purpose.

MR. MAYNARD moved Mr. Horth might bee sent for as a delinquent and agreed.

SIR EDMUND MUMFORD moved that it might bee referred to the Committee of Grievances and see the order was drawn.

MR. WHITEHEAD moved that ther was at the doore an under sherrife named Robert Harwood sheriff of Hampshire 1638 who was written unto to forbear prosecution of recusants. Hee was adviced by Leonard Dare who advised him to conceal the business and offered him 30 l. The letter hee receaved was from Secretarie Windebanke.

1. C. J. II. 31; Rushworth IV. 52.
2. Could this be Sir Edward Moundeford of Norfolk?
3. Mr. Richard Whithead, member for Southampton.

The examination of Horwood is reported in C. J. II. 32; Rushworth IV. 52; Peyton, 21. Peyton says of this bribe "Hee was offered, noe longer agoe than Sunday night last, 30 l. to redeliver the letter: and a letter was written to him, that now there must bee noe more said of that matter".
Upon Sir John Culpepper's motion Mr. Dare was to bee sent for by a messenger as a witnes; and it was to bee referred to the committee for Papists. An order to this purpose.

MR. WHISTLER moved that the Irish had preferred a Remonstrance against the Deputie and got a copy of this Remonstrance etc.

SIR JOHN CLATWORTHIE and MR. PYMME moved that the bookes of entries for petitions in Ireland both to the Deputie and the Counsell table might bee sent for and that the Monopolie for Tobacco ther might bee putt downe.

An order for this altered upon my ensuing motion.

MR. TREASUREOUR moved and I seconded him that not the original but copies or extracts of them bee sent. I added they were either Records or of the nature of Records and not to bee committed to the winds and the Floods (and see the House order-ed it) and besides I showed that if they should per-

1. The "Diurnall Occurrences" (p. 5.) gives an interesting bit of the earlier history of this Remonstrance: "In Ireland they are in combustion, for that the Lieutenant sent to adjourne the Parliament; which as the report is, was intercepted by his Deputy, or by his means; and a copy sent privately of it to the Lieutenant, or his Deputy, to the end he might make his peace. Which coppy was upon a search by accident seiz'd on, and sent to our Lords of Coun-

2. C. J. II. 32.
ish in the sea wee should lose that evidence wee had against him.

A message was sent to the Lordes about examination of witnesses etc. in the Lieutenant of Irelands Cause agreed yesterday. The Lordes answered that it was a business of great weight and they would take it into consideration and send an answer by a messenger of their own.

Then was the business of the late canons moved to be agitated in the house.

Sir Robert Harlow moved for some course to be taken for discovering of the papists. And that the Bishop of Lincoln, being Deane of Westminster, was moved for removing the Communion table into the church or chancell and a ticket to be made of every man's name and place for which he serves etc. The Deane was very ready to yield to it and said he would yield that to anyone in his diocese. With divers other matters touching preventing of the receiving of those that are popishly affected or have wives papists, or bred upp their children or have papist households

1. His report from the Committee for the Communion, and of the Bishop of Lincoln's offer given in full in the Journals II. 32.
should make some protestations to cleane them­selves from poperie. And that all that are sus­pected should within a month bring a certificate where everie one had received. 1

And then followed an order.

A message sent from the Lordes by Mr. Jus­tice Jones and Mr. Justice Crawley - That concern­ing the great busines of his Majesties commis­sioners treating with the commissioners of Scotland, that the Lordes desired a speedie conference either this morning or as soon as this houuse could con­venientlie.

The Judges being gone out it was upon the question resolved that the houuse should presentlie attend the Lordes in the painted chamber neare the upper houuse. Then were the Judges called in and the resolution of the houuse declared unto them. And after ther departure the houuse appointed some members of the houuse to reporte what the Lords should say. Which weree the Lorde Digby, Sir Thomas Roe, a privie Counsellor, and others.

1. The report was referred back to the committee to prepare an order.
91.

The LORD DIGBY mooved that the Reporters might bee permitted to goe out of the howse according to the order of the howse which was agreed and as soon brooken. For the howse instantlie rann out in a crowd and after they had awhile staied in the painted chamber the Lordes came out, and made such propositions as were after reported by Mr. Pymm and Sir Thomas Roe, as in the Journall booke.

After the reporte made, a long and fruitles dispute arose in the howse how farr the howse should approve the commission and commissioners and their treatie if they doe anything without the consent and advice of this howse.

In the afternoone.

Arguments of the Starre chamber etc. as the Committee of Greivances from Courts of Justice and a committee appointed of which I was one.

The howse sate and the speaker went into the chaire between 3 and 4 of the clocke.

SIR THOMAS ROE mooved that wee should speedlie give some resolution.
I mooved that wee might.

MR. TREASURER of the household seconded this.

MR. SELDON mooved that wee

Then many also argued it should bee by consent of Commons alone.

Saturday November 21. 1640.

Sir John Jacobs being a referee of Patents for Monopolies and a member of this howse was commanded, upon Sir John Hotham’s motion, to withdraw out of the howse till his cause was determined and heard by this howse wheere upon having spoken what hee could for himselfe hee withdrew.

It was mooved that Dr. Cousens should bee sent for by a Serjeant of Armes as a delinquent although hee bee a member of the Convocation howse. Dr. Cousens was indicted by presentment at Durham of high Treason by the grand jury at Durham: but there was noe further proceedings;

Now DR. EDON mooved that by a canon 10 Jacobi

hee stands for this ex communicate ipso facto, but

1. The house was evidently debating the question of the treaty with the Scots and how far they should approve of the action of the commissioners. According to the Journals they reached the following agreement: "Resolved, That this House does approve of the persons of those Lords, that were Commissioners in the late Treaty at Rippon, to be Commissioners, to treat with the Scottish Commissioners; with this Declaration, that no conclusion of theirs shall bind the Commons, without their consent in Parliament". C. J. II. 33.

2. Stat. 1 Jacobi, cap. 4 - "For the dire execution of the statutes against jesuits, seminary priests, recusants". Stat. at Large VII. 77-80.
till this bee denounced hee is not to be debarred from the convocation howse till hee bee soe denounced in convocation howse etc.

MR. PERD and MR. GLYNNE mooved hee should not bee sent for as a delinquent for feare of breaking the priviledges of the convocation howse.

MR. WHISTLER saied his denying the King to bee supreme head of the church is fitt to bee sent for by a serjeant of Armes.

I mooved that hee might bee sent for etc. and overruled upon it. I mooved the ancient inheritance of the Kings of England, William the firsts power etc. then Charles the 5. abolished the Pope etc. Lewes made his *pragmatica sanctio* etc. Dr. Parrie was of this Parliament de a 27 Eliz. 1584 and upon treasonable wordes spoken was first called to the barre and after sent to Tyburne. The wordes hee spake were not so badd as Dr. Cousens. etc. soe to bee sent for by a Serjeant. And soe being put to the Question it was overruled. Hee should bee sent for.

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1. D'Ewes uses this same precedent of Dr. Parry later in the arrest and trial of Charles - p. 384 b. D'Ewes discusses this case of Dr. Parry in his collection of the Journals of the Parliaments of Elizabeth under date, Feb. 11, 1585. "Upon a motion made by Mr. Digges, that Dr. Parry, a late unworthy member of this House, and now prisoner in the Tower,... hath so misbehaved himself as deserveth his said imprisonment in the Tower". On this it was resolved "that he be disabled to be any longer as member of this House".
SIR HENRY ANDERSON mooved many articles of most high and dangerous crimes against the Lord Leiftenant of Ireland: which hee delivered to the Clarke.

SIR JOHN HOTHAM mooved that the monie to bee sent into the North and provided by the cittie might instantlie bee sent away: in respect wee were yesterday enformed of the necessitie of both armies etc.

ALDERMAN PENNINGTON saied ther was alreadie underwritten in the cittie 20,000 l. and moore would bee raised if securitie might bee given.

MR. TREASUREOUR mooved that instant order might bee taken to give securitie to the cittie.

SIR THOMAS ROE made an excellent motion that some course might bee taken and that the Aldermen Then Sir Thomas Roe went upp to the Lordes with the message of our approbation of the commissioners etc. concluded on yesternight.


1. See p. 12.
A little after our returne the hawse was resolved into a committee.

Mr. Capel 1000 l.; Sir Nevill Poole 1000 l.;
Mr. Perepoint for a 1000 l.; Sir Thomas Roe 1000 l.;
Sir Arthur Ingram a 1000 l.; Sir Roger Palmer 1000 l.;
Sir Thomas Middleton 1000 l.; Sir Robert Crane a 1000 l.;
Sir Robert Ashburnham 1000 l.; Sir William Clayton a 1000 l.;
Sir William Morley 1000 l.; Sir Hugh Portman 1000 l.;
Sir John Corbet 1000 l.; Mr. Sandes a 1000 l.;
Sir Dudley North 1000 l.; Mr. Ofield 1000 l.;
Sir Richard Onslow 1000 l.; Sir Gervase Clifton 1000 l.;
Mr. Napper 1000 l.; Sir Thomas Barrington 1000 l.;
Sir Christopher Wrey 1000 l.; Sir John Wrey 1000 l.;
Mr. John Belhause Sir Francis Semour 1000 l.;
and to two thousand; Sir Edward Asken 1000 l.;
The Lorde Wenman 1000 l., Sir John Stowel 1000 l.;
Sir Henry Wallop 1000 l.; Mr. Eveling 1000 l.;
Sir Thomas Walsingham 1000 l.; Sir Miles Fleetwood 1000 l.;
Sir Richard Wyn 2000 l.; Myselfe 1000 l.;
Sir Thomas Heale a 1000 l.; Sir Ralph Hopton 1000 l.;

I. "Mr. Capell moved that for his own particular hee would bee willing to give his bond in security for 1000 l. And upon this there followed the motions freely of as many persons as made up 100 so that the security was there made and concluded on."

Peyton, 23.

I have not been able to find any place else where this list is given, although W. A. J. Archbold in Eng. His. R. 16: 734 says that the list may be found in Geoffrey Palmer's Diary. Reference to such a list is made in the Journalls II., 34; Rushworth IV.; 54; Peyton (see above) and Diurnall Occurrences p. 6.
Mr. Henry Percie for as much as his securitie will bee taken for; Sir William Udall 1000 l.; Sir Edmund Mumford 1000 l.; Mr. Norvell 1000 l.; Mr. Moore of Lancashire 1500 l.; Two burgesses of Coventrie 1000 l.; Sir John Eveling 1000 l.; Mr. Dutton 2000 l.; Mr. Treasurer 2000 l.; Sir Richard Lusan 1000 l.; Mr. Rogers 1000 l.; Mr. Speaker 1000 l.; Serjeant Wild 1000 l.; Citizens of Exeter Mr. Walker and Mr. Snow 1000 l.; Sir Thomas Sutton and his partner knights for 1000 l.; Sir Thomas Pelham 1000 l.; Serjeant Ever 1000 l.; Sir Thomas Fanshaw 1000 l.; Citizens of Brimstow 1000 l.; The Burgesses of Plimouth 1000 l.; My Lorde Fairfax 1000 l.; Sir Gilbert Gerrard 1000 l.; Mr. Hamden 1000 l.; Sir George Dalton and his partner of Cumberland 1000 l.; Mr. Whiting 1000 l.; Sir Alexander Denton 1000 l.; Sir John Jennings 1000 l.; Sir John Curson 1000 l.; Sir Robert Harlow 1000 l.; Sir George Stonehurst 1000 l.; Mr. Phetiplace 1000 l.; Sir Arthur Haselrigg 1000 l.; Sir John Croke 1000 l.;
Sir Ambrose Browne 1000 l.; Mr. Goodwin 1000 l.;
Mr. Catlin 1000 l.; Mr. Wheeler 1000 l.; Sir William Bowyer 1000 l.; Sir John Dredcin 1000 l.;
Mr. Potts 1000 l.; Sir John Holland 1000 l.; Sir Thomas Boyer 1000 l.; Sir Francis Knowles and Sir
Francis Knowles his sonne 1000 l.; Sir Peter Haimond
1000 l.; Mr. Ashburnham 1000 l.; Sir Charles Grosse
1000 l.; Sir Henry Worselie 1000 l.; Sir John Cul-
pepper 1000 l.; Mr. Erskin 1000 l.; Mr. Ashburnham
1000 l.; Sir Edward Greenfield 1000 l.; Mr. Seimour
1000 l.

I moved that I was glad to see the works thus
farr advanced.

Divers of the members of the howse of Commons
considering the great necessitie of speadie supplie
of monie to bee raised by reason of the danger and
English and Scottish armies in the North now [in]
great want have voluntarilie ingaged themselves for
the severall sommes of 1000 l. apiece in the whole
act intended to bee passed by this howse for the
granting and raising of these saied summes [the saied
howse of Commons bee fulle past. And each pro-
test that this act of some of the members of the
same howse shall not bee drawn into President
against this howse nor nee a binding or load-
ing ease to the same howse of Commons for the
time to come.

Approved by all the howse.

Then followed divers motions touching the
manner of securitie to bee given for the interest
and a Committee to bee appointed to consider of
the state of armie and other particulars and then
an order entered.

The Committee ended and the Speaker in the
Chair.

2
MR. PURFEROY moved that the popish comman-
ders and soulldiers might bee diminished and the

Then Mr. Sollicitor made a report of all wee
had agitated at the committee: and then Mr. Speak-
er putt these questions.

Then was the Committee named and some being
named that were not in the howse Mr. Nowell

moved that such as were nominated as were now
1. This is one of the most difficult passages in
D'Ewes to decipher and I can't be sure of the correct
order of all the words.
2. Could this be William Purefey of Warwick? His
name is given in the committee appointed immediately
after this to consider of the state of the King's
army.
C. J. II. 34.
3. Probably Baptist Noel, member for Rutland.
M. of P. 492.
absent might be put out of the Committee it being unfitt they should bee in the house.

The Committees were named that should consider of the state of the King's armie in the North and to issue the monies to be paid. And an order what the said committee should doe.

Post Meridien.

The case of Mr. Gurdon was heard in the Starr chamber before the committees for Privileges etc.

In the beginning of which agitation Peter Haywood Esquire one of the Justices of the citty of Westminster, between two and three of the clocke was stabbed by one John James supposed to be a popish priest.

1. C. J. II. 34.
2. According to Peyton (p. 23) the house was sitting as a Committee of the whole house for religion, but the committee of privileges could be sitting at the same time.
3. The Diurnall Occurrences (p. 6) gives a fuller account of this incident. "In the afternoone one John James, the sone of Sir Henry James of Feversham in Kent, and a Romanist, with a long dagger stabbed Justice Heywood, a Justice of the Peace for Westminster: This Master Heywood had prepared a scroule with the names of such Recusants as were in Westminster, to deliver up to the Committee, and whether that were the cause of the stab, or was done in revenge, for that the Justice two or three years since committed the Delinquent, as he sayes, which is not yet certainly known".

See also Peyton, 23; Whitelocke I., 113. There is also an account in a letter written by Thomas Knyvett to John Buxton - His Mss. Com. Var. Col. II. 259.

A peticcion by the Companie of Grocers was read in the house against a number of monopolies against Grocers wherein varie manye monopolies besides soape, starch, and other particulars.

A motion touching monopolies that a patent granted to carry over calve skinns was beneficiall.

Sir Thomas Bowyer saied thus much.

I spake etc.

Somewhat added to the former order of monopolies.

Mr. Hide mooved against the Court of Honour etc. and against the Heralds for taking monie after men's death etc.

SIR HENRIE MILDMAY seconded Mr. Hide and mooved further that not onlie the Court of Honour but other courts both Ecclesiasticall and civil; that Judges implored what new fees they would, that ministers had denied buriall to men.

1. Referred to the Committee for Grievances. C. J. II. 34.

2. A fragmentary account of this speech of D'Ewes on monopolies is reported in Peyton (p. 24) in which D'Ewes brought in some reference to "Cards and Dice". Peyton's note in the margin that "The house laughed at it heartily" probably accounts for D'Ewes failure to report his speech.

MR. SELDON showed that in the Court of Honour they exercised the absolute Imperial law: indeed some parte of it is received but in what Imperial lewes it meddles that are not warranted by our law are to bee avoided. Tis true that in the Admirall court ther is likewise an Imperial law. Therefore a select committee.

Dr. Eden mooved for a select committee: but excused the Earle Marshall etc.

Then a Committee was named of which I was one etc.

Then an order etc.

Mr. Speaker etc. I then mooved etc. Evangel-ium Regis etc.

MR. GLYNNE mooved that thee busines touching the hurte of Mr. Heywood had been examined by him etc. Refused the oath of supremacie, would take the oath of allegiance.

SIR WALTER EARLE shewed that the partie had been in Flanders at Brussels as hee confessed to the Lordes, etc.

1. Mr. John Selden, University of Oxford; one of the famous lawyers of the age. M. of P. 481.
2. Dr. Thomas Eden, member for Cambridge University. M. of P. 485.
3. Mr. Speaker delivered a message from the king that a foul act had been committed upon Mr. Heywood in his palace of Westminster and recommended the punishment of it to that house, etc.

C. J. II. 34.
I mooved an act to bee made etc.

SIR THOMAS WITHERINGTON moved that his trunke might bee searcht etc and a speciall commitee appointed which weere Ordered they should goe presentlie

SIR JOHN HOTHAM moved to know if papers had not been searched by order of State.

MR. TREASUROUR acknowledged hee had searched the papers.

SIR THOMAS ROE mooved

Sept. 30. 1640 Norton Cheinei Clemont

John Finoh, Sir Michael Linsay baronet

Charles

1. The members are given in the Journals.

G. J. II. 34.
For causing a recusant to take the oath of allegiance.

They bade Mr. Cheiney tell Sir Michael hee had done more than hee could justify.

MR. PERD thought they might bee sent for as delinquents because it is affirmed by an oath.

ALDERMAN PENNINGTON mooved for speedie care to bee taken for the safetie of the members of this house and that the cittie would bee readie to hazard ther lives for the safetie of this house.

MR. CAPELL mooved wee might looke to the safetie of ourselves according as wee had power.

MR. GOODWYN desired that wee might accept of a guard from the cittie.

1. The Journals say a note was delivored this day by a member from one Sir Michael Livesey and it was ordered "That Clement Finch, Jo. Finch and Charles Finch be sent for as Delinquents". C. J. II. 34.

Sir Michael Livesay, was a member for Queenborough in 1645 and later a regicide. He was not in the Parl. at this time.

2. According to Gardiner (IX., 239) the stabbing of Heywood had "carried conviction to the minds of the members that the great Popish plot of which they had heard so much was indeed a reality", therefore the offer of a guard by the city of London.
Noe order cann bee made as long as any member of the house is speaking.

SIR RALPH HOPTON mooved that the Finches might bee sent for as delinquents.

SERJEANT WYLDE moved that because the affidavit was extrajudicall and taken before a Master of the Chancerie.

Ordered that they bee sent for as delinquents.

SIR GILBERT GERRARD mooved that all the Preists and Jesuites that could bee taken about the towne might bee committed: and some principall papists.

MR. PYMME mooved that lawes might bee putt in execution, etc.

SIR WALTER EARLE mooved that wee might bee guarded by a companie of the cittie, each day one.

SIR HENRY MILDMAY mooved that when any one spake none might orie I or noe to interrupt him: and that speedie order might bee taken for our securitie.

Two Peticions from the cittie of London for ridding our selves from papists: and the danger by them.

SIR JOHN HOTHAM mooved that wee might accept the cittie guard. Mr. Grimston mooved the same.

1. This petition referred to in C. J. II., 34 and Rushworth IV., 57.
MR. RIGDEN mooved that some course might bee taken for the defence of the King's person considering the prince's minoritie.

SIR HENRY ANDERSON mooved the cittie might bee thank-ed for the motion.

MR. KING mooved Licenses weree granted to dispence with the proclamations, etc.

MR. TREASUROUR denied it. That anie licence was granted or should bee.

MR. ALDERMAN PENNINGTON saied that they might have 300 men at a time for a guard.

SIR THOMAS JEFMIN comptroller and Sir John Eveling saied that a guard would not secure particulars: but secure us onlie whilst we sitt. SIR ROBERT HARLOW des-ired the citties guard might bee accepted, and the Lordes have notice of what had passed: and of the King's message to us. MR. HAMDON mooved to accept of the guard. The LORDE DIGBIE to accept the cittie guard.

SIR THOMAS ROE mooved a guard would bee sufficient heere if but a civil guard.

1. Probably Mr. Rigby of Wigan.
2. Sir John Evelyn, member for Ludgersholl, Wilts.
MR. HOLLIS mooved noe securitie could secure particular men for that everie one must prepare. But the feare now is a generall assassination: and therefore a cittie guard.

SIR THOMAS GERMIN comptroller mooved the King might be acquainted with it:

I ended all controversies that the howse [was] guarded by the cittie in H. 6. and that yet wee might send the King notice by those Hon[ora]ble Senators.

MR. PYMM mooved that wee might send to the Lordes.

SIR PETER HAYMOND mooved to acquaint the Lordes with our resolution.

I mooved to have the message penned.

Some called on my Lord Digbie and some on Sir Thomas Roe and the message as I thought was in penning and soe I went before with some others to the upper howse but whilst I was absent the resolution of the howse was crost upon now great ground, etc. as if they had noe feare nor needed noe guard.

After our returne Dr. Cousens was attending at the doore brought by the Serjeant (which was overruled upon my

1. This report of the debate certainly shows the fear of the house at this time but as Gardiner says (IX., 240.) "Common sense prevailed in the end and the idea was abandoned."
mocion) and soe hee was brought in and kneeled at the barre, and the serjeant stood by him with his mace on his shoulder without the barre. Then the Speaker, after hee had awhile kneeled, had him stande upp and charged him first out of the Indictment found by the grand jurie at Durham with those wordes that hee had saied that the King was not supreme head of the Church nor could bee. To that hee answereared that hee had indeed saied soe and hoped that hee well might; for hee held the King to bee governor not head. Soe was it enacted by the statute de a°. 1°. Eliz[abeth] and soe were the wordes.


An act for the reversing of a decree in Chancerie and a decree in the Starre-Chamber read the first time.

SIR GILBERT GERRARD mooved that two delinquents now in towne desired to bee heard. Mr. Speaker mooved the

1. Neither the Journals nor Rushworth mention this appearance of Dr. Cosens but the Diurnall Occurrences (p.6) say, "This day Dr. Cousins was brought into the House as a Delinquent, to answer to an Inditement heretofore preferred against him; for saying that the King was not the head of the Church, and seducing the King's Subjects to become Papists.

2. Cap. 1. An act to restore to the crown the ancient jurisdiction over the estate ecclesiastical and spiritual, and abolishing all foreign powers repugnant to the same. Statutes at Large VI., 107-117.
staircases might be cleared and that Dr. Cousens complained to him that he was in danger to be killed as he went down the staircases.

SIR JOHN HOLLAND moved to clear himselfe that hee was free from Poperie though his wife were a Papist and that hee was readie, etc.

MR. HAMDON moved that the house might declare whether they were satisfied with Sir John Holland's declaration or not. And the Speaker putting it to the question in the house and all cleared him.

John Norton, a minister, brought in as a witness to the barre against Dr. Cusons that hee had a sonne of Katherine hall in Cambridge whome one Nichols and Lee of Peter howse had endeavoured to seduce to poperie by Dr. Couson's motion. The Serjeant standing within the barre his mace on his right shoulder. Hee saw the arguments that they used to seduce him, hee saw the disputation, etc. all directlie popish, etc. fellows of Peter howse. Peter howse chapell popish. One Norwidge another fellow of Peter howse preached a popist sermon which Dr.

1. C. J. II., 35.
Brownigg questioned but Dr. Cousons justified.

MR. ELLIS saied the orders of his chappell at Peter howse weere popish and delined a note of them in latine.

moduletur sacerdos Celebraturus pro ratione dierum.

officium et lectiones.

humilitate et reverentia qua ingrediuntur aegredian-
tur.

DR. EDEN spake to the witness of the minister. That it did not fully appeare that Nichols would have seduced his sonne and yet hee accounted Nichols a dangerous man. And for Norwige's sermon it was censured by the universitie and hee was committed for it: and how hee gott loose againe hee knoweth not.

SIR JOHN HOTHAM made a reporte of the state of the armie in the North of ther great want and danger of spoiling the countrie. That it was the opinion of the committee to send to the Lorde Generall to remove the popish officers, horse and foote, as well in the armie as in garrison to bee removed. The Earle of Craford a Scottish earle his companie called a reform a do which

1. D' Ewes' account is much fuller than that given in the Journals II., 35. or Peyton p.25 but differs in no essential detail.

2. 'decet' crossed out in the mss.
is unneceessarie and receivs 1400 l. a month to bee removed.

MR. VASSALL saied the cittie desired our securitie offered heere might continue till the monie weere paied in by the act.

MR. TREASUREOUR mooved that this putting out of the popish commanders and under officers would upon the sudden weaken the armie.

MR. HOLLIS shewed wee did not desire to diminish the armie but to strengthen it with more faithful commanders and officers. And the Earle of Craford's reformed is unneceessarie, etc.

It was then mooved wee should have send to my Lorde Generall to remove the popish commanders and officers.

I spake to let the King have notice of it, etc.

I mooved that this great busines had been referred to a wise and judicious committee and I well allowed the resolution thereof but added that by all I had either reade upon recorde or in stories when kings ap-

1. Peyton (p.25) gives a much more complete report but does not give the debate which followed the report.
pointed generalls and gave them power yet in great and weightie occasions as this was which might concerne the removing of perhapps thirde parte of the commanders of the armie ther was a tacite condition annexed that nothing should bee done without the sovraigne's consent. Nor did I believe but that if this question had been mooved at the committee which an hon[ora]ble member but now mooved that they would have taken it into serious consideration. I therfore wish that the message might bee sent as was proposed to the Lorde Generall and that wee to shew our humble respeots to his Majestio might desire some of the Hon[ora]ble members of this howse to acquaint his Majestie with our resolution.

Question whether to send to the Lorde Generall to remove all popish commanders and officers of horse and foote as are papists or justlie suspected bee removed and out of garrisons alsoe bee removed and Protestants placed in ther roomes.

Soe resolved upon the question.

The reporte of the Committee for the Kings armie is ordered to bee deferred till too morrow morning at nine of the clocke.
MR. PYMME reported the articles with which the Earle of Strafford, Leiftenant of Ireland, was charged and stood guiltie of high treason.

Hee spake low and I heard him not.

MR. GOODWIN having mooved that those articles might bee read openlie it was agreed.

And then weree the articles read by Mr. Henry Elsing Clarke of the howse which weree verbatim as followeth.

SIR WILLIAM MARSHAM mooved that wee must have the articles read singlie with the title and to bee voted.

MR. CAPELL mooved that one question might bee putt for all: which was answered it could not bee soo.

SIR ROLFE HOPTON mooveu that "other misdeamors" might bee added to the worde high treason but that was disallowed as unnecessarie.

1. D'Ewes does not mention this preliminary to Mr. Pym's report that "the outward Room was cleared; and the Keys of the outward Door, and the House Door, were brought up to the Clark's Table." House P. Co., J. II., 35.

2. There were seven articles reported at this time. Peyton, Northcoote and Palmer each give the articles and the evidence on each; Rushworth gives the articles but not the evidence, enlarging the seven articles into nine. Peyton 25-27; Northcoote 1-4; Palmer (Eng. His. R. 16:734-737) Rushworth VIII., 8.
Then the title was put to the question whether we allowed it or no. The Speaker read it and then put it to the Question and all said I — not a Noe.

Then the Clarke read the first article and when all had I.

SIR RALPH HOPTON moved that we needed to see some particular proofs.

SIR JOHN CULPEPPER said that we voted but generals and we might justlie trust the Committee with particulars.

And after some other short speeches, the first article was read by the Clarke.

And then the Speaker put the question thus — As many as are of opinion that this article shall bee the first article, to maintaine the charge preferred by the howse of Commons against the Earl of Strafford. Let them say I.

MR. CREW thought the 2nd Article should bee put as an addition to the first and not as a 2d article but as an addition.

After others Sir John Culpepper stood up and said that hee accounted them different with whome the howse agreed.
The 3d Article / Then was it putt to the Question and voted as the first.

Then did the Clarke read the particular instances to proove the Article, viz.

Then weeere the 3d. 4. 5. as before but in this shorter forme of question.

As many are of opinion that this should bee the 3d Article against the Earle of Strafford let them say I.

To the 6. one saied no. and some would have him asked his reason: but the speaker saied everie man had libertie to say I or noe.

To the 7. as to the rest the same answear[d] I. But noe instances weere read.

Then was the conclusion read and after some disputes to little purpose, some amendments were added to it.

MR. SELDEN mooved that the title of Lord Deputie and Lord Leiftenant might bee putt in and see the paper was sent to Mr. Selden to putt in those wordes.

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1. Blank space in the mss.

2. This note of D' Ewes shows the pressure which was being used to whip the members into line.

3. Neither Northoote nor Peyton gives the method of procedure in regard to each article as D' Ewes does. His report agrees with the method as outlined in the Journals II., 35.
After the wordes crowne and Dignite, wordes putt in by Mr. Selden: first it was voted they should bee putt in. 2dly voted alsoe upon the question those words should bee parte of the 7. article. Lastlie the conclusion was voted.

1. MR. PERD mooved for a day against Shipp-monie which was coulored by a iudgment.

SIR EDMUND MUMFORD mooved for a day to be sett to argue against the Commons [Canons].

SIR JOHN EVELING mooved the Kings Counsell might bee heere [heard].

MR. GLYNNE saied that needed not because the Kings Counsell had been heard before.

SIR JOHN STRANGWAIES mooved to argue against shipp-monie, and that proclamations might not bee of infinite power to alter or make lawes nor the Starre-chamber nor high commission Court bee without limitt, especiallie the oath ex officio.

1. Mr. George Peard, member for Barnstable, Devon. M. of P. 487.

2. Peyton and Northcote give Strangeways' speech in more detail. Peyton 27; Northcote 4.
MR. WHISTLER said that all that had been said by Sir John Strangwaies was of weight; but moved the Canons might first be put to a day.

MR. HIDE said the shipp-monie was an infinite consequence.

And so divers spake to this purpose, etc.

I moved that the fundamental laws of this kingdom cannot be altered but by Parliament. I said the Shipp-monie was the greatest burthen that ever this kingdom groaned under, etc.

For the debate of the Canons Thursday next. For the debate of the shipp-monie Friday next.

Fault with the word "regall power" in Art. 2.

MR. PERDE said legall and regall power and that regall power in a subject was tyrannicall.

MR. COMPTROLLER moved to question Mr. Perd. He expounded himselfe to meane if in a subject.

I moved that the word regall might well stand in; that Mr. Perde might expound himselfe and bee cleared by the house. That the charge against the Spencers, Mortimers and de la Pole ther charge was to have assumed regall

1. C. J. II., 35.
power: for if grant expresslie from himselfe particular acts of regalitie this may bee justlie exercised in some particulars but if upon generall

MR. PERD was cleared by the vote of the house. Upon question put by the Speaker.

Then it was ordered upon like question that all the charges against the Earle of Strafforde should bee en-grossed against too morrow morning.

A question was made about the Clarkes assistant being not sworne and cleared. The Clarke was to answear for him.

Then it was ordered and the order read.

November 25. Wednesday. 1640.

SIR WILLIAM BRUERTON moved against the exorbitant power of the high Commission. A0. 360. E. 3. n0.

1. Ref. to Hugh de D'espenecer the Younger, Roger Mortimer and Michael de la Pole, Earl of Suffolk.

2. Blank space in the mss.

3. The Journals add this that "no copies to be delivered in the interim: and the same Committee, that prepared the Charge, is to draw up the Interrogatories: and that Mr. Pimme is to go up to the Lords with the Charge." C. J. II., 35.

4. Reference to John Rushworth, the author of "Historical Collections."

5. Sir William Brereton, member for Chester. M. of P. 486. There is no other record of this speech of Sir William Brereton but he was added to the committee on Dr. Leighton's business at the opening of the session. C. J. II., 35.
118.

§o. That noe man ought to bee committed but upon his crime shown A°. 18°. E. 3. John de Bysses being committed to the Tower by the broad seale was upon a habeas corpus delivered.

They minister an oath ex officio which is carnifina conscientia, etc. They deprive godlie and innocent ministers, etc.

Then a petition was read of wife of [Mr.] Foxley against the High Commission, etc. Referred to the same committee in Dr. Leytons busines and to goe at large with a keeper as well as Dr. Leyton.

MR. WHITE reported that which was done at the Committee for religion in Dr. Edward Leyfeld's case, minister of Allhallow's Birchen, which was on Monday in the afternoon Nov[ember] 23.

Gett a copie of this reporte of Mr. White.

Sir Henry Spiller denied iustice to Rolf one of the persons that complained at the Sessions bench and reviled

1. n°. 90 is not given in Rot. Parl. II., 274.

2. Dr. Leyfield or Layfield was vicar at Allhallows Burking, London. A much fuller account in the Journals, I bid. D' Ewes has written the following words in cipher after Nov. 23"at which I spake." For key see Appendix.

3. In both the Journals and Rushworth this man is referred to as Wm. Coltman. D' Ewes has inserted the word 'Rolf' in the mss. Ibid; Rushworth IV., 59.
him and would not have him preferr his indictment. Spiller would not have him preferr his indictment. Can­terbury and the Bishop of Lon­don.

Dr. Layfeld rector of Alhallowes Berking, ordered upon question to bee sent for as a delinquent notwithstanding bee bee of the convocation house. 2dly ordered upon question that Sir Henry Spiller’s business bee re­ferred to the committee in his cause.

SIR THOMAS BOWYER mooved that wee might expedite this charge of Dr. Layfeld and transmitt him upp to the Lordes.

And a church was pulled downe (parte still of Mr. Whites report) and that it was desired it might bee re­defined, either by them that pulled it downe or otherwise. It was done by order of Counsell, but before that order the Lord Treasurer and Lord Cottington gave command it should bee done.

MR. GLYNNE saied it was strange that a church should bee pulled downe, etc.


2. Ref. here to the Church of St. Gregory. See Rushworth IV., 59; C. J. II., 36–37; Peyton, 27; Northcote, 5–6.
120.

The church wardens were fain to take down their seats and galleries was observed by Sir Peter Haimond; but Mr. Inigo Jones, the King's surveyor, pulled down the church; and hee to bee questioned.

MR. CAGE mooved it might bee recommitted to the same grand committee: and no new committee appointed.

The an order and a select committee to meete too morrow at two of the clooke in the [Ex]chequer chamber.

Sir John Wray mooved to reforme religion and cutt downe poperie at the roots; and that the sacrament might bee celebrated next Sunday.

MR. PERD mooved to have the charge goe against the Deputie, etc. Mr. Pymme seconded it, etc. And soe all the articles being engrost in parchment weree read as before, viz. on Nov. 23. Monday.

The paper was amended according to the engrost parchment in a worde that had been transposed in the writing.

The message was read to bee sent to the Lordes to desire them to appoint a conference at a Committee of both howses for the putting in of the charge of the Earle of Strafford.

1. Jones had charge of the rebuilding of St. Paul's which was begun in April, 1531 and continued for over nine years. In 1637 the king decided upon the removal of St. Gregory's church which abutted the cathedral at the southwest corner.
Then it was moved by Alderman Pennington that the cittie required two in a bonde.

To this divers spake that wee must satisfie the cittie and give what securitie they required.

Then the gentlemen that returned with the Lorde Digbie and the Lordes desired a present conference and soe wee went into the painted chamber, where wee found the Lordes readie sett. Ther Mr. Pymme delivered the charge against the Lord Deputie, and wee putt in our 1 articles engrost.

After the returne of the howse Mr. Solicitor spake to have what wee had done at the Committee to bee putt to the question. Then I moved though wee putt it to the question it should not hurt us, etc. and I gave a declaration.

MR. HARRISON, one of the Customers sonne, offered to bring in 50,000 l. and to take 50 mens bonde. And Mr. Harrison to bee treasourour to receive the monie or to appoint whome else he will to receive it.

It was then ordered that the voluntarie offer of the gentlemen should be allowed in Parliament.

1. C. J. II., 36; Rushworth VIII., 9-10.
2. Wm. Harrison, Jun., member for Queensborough, Kent; disabled in 1643. This offer given in Journals, II., 36.
And ordered that Mr. Harrison should take out his fiftie men.

After this followed a needless dispute how we should accept of Mr. Harrisons report and offer and not neglect the citizens' offer and then some persons were appointed to attend Mr. Harrison and the citie to know certainlie what might bee done: and what monies provided.

MR. MALLORIE moved that some might bee choosen and appointed to attend the Committee for drawing upp the bill to paye the 100,000 l.

SIR JOHN HOTHAM made a good motion that the Commanders that weree not of the howse might bee commanded to goe to the armie. And to looke to their charges and to keepe them in order. And to acquaint them with the newe supplie of monie and that the Earle of Northumberland, Lord Generall, might bee desired to doe this, and all assented to it.

MR. Solicitor made a reporte what was done at the [committee to prepare the bill for the hundred thousand pounds].

POST MERIDIEM. In the Starre-chamber.

At the Committee touching the Court of Honour of which I was the fifth in number appointed Nov. 23.

A petition of John Linoh and John Snelling two clothiers of Barfold in suit against Francis Warner Esquire 400 markes damages. 140 l. costs, and that the whole proceedings of the Court is illegall, etc. Francis Warner.

The petition of Robert Hale of Graies Inne, gentleman. Touching some speeches used to Philip Gill a surgeon calling him rascall, fined and imprisoned upon it and ordered to make satisfaction. Adjudged before the Lord Matraners.

At a Committee when a stranger is called in, the chaire is onlie to speake.

The Committee to meete againe on Friday. at 3. of the clocke in the Middle Temple hall.

After wee were risen I went into the howse wheere sate the grand Committee for Grievances, and ther were divers witnesses in examination about Mr. Squibs patent for cardes, being a Monopolie. How hee had violentlie broken into their howses taken away cardes readie made, and ther stampes to make them by, and raised the price
of cards from 3 d. a packe to 9 d. a packe. Then was Mr. Squibb and one Mr. Thomas May a messenger whome Squibb had employed called in and ordered that they should noe further prosecute.


The Communion appointed on Sunday next.

Ashburton and Hunnington to bee restored. Mr. Perd spake to that purpose. I spake to the same purpose and shewed the reason why they did forbeare to send was ther povertie, being not able to maintaine ther Burgesses. But now gentlemen bring generallie choosen, Burroughs desire ther ancient priviledge which was but remitted to them out of the King's favour.


1. No other report of this committee can be found.
2. This word is written in cipher in the ms.
3. Mr. Maynard made the report from the Committee for Privileges and it was resolved that the two towns of Honiton and Ashburton in the county of Devon should be restored to their ancient privileges of sending burgesses to Parl. C.J. II., 37.
Ashburton had not sent representatives since 26 Edw. I.

4. D' Ewes put the words which follow opposite page 23 and dates them Nov. 25. There is no record of his having made any speech on that day but he did make the speech about boroughs on the 26th. These words are also found directly opposite that speech, so I have inserted them here to apply to that speech although there is no direct evidence in D' Ewes that they do.
busines who was sentenced by the Earl of Huntington in the Starre-chamber. Sir Francis Hastings spake twice, and though Mr. Francis Bacon opposed him; yet upon allegation that he spake to new matter in the same cause he was permitted to speake.

Ibid Nov. 25. Wednesday. The verie wordes used by Secretarie Cecill who had then been as himselfe averred of seven Parliament as were the same almost in terminis that I tolde you offe, viz. that noe man ought to bee interrupted; for if hee speake wiselie hee ought to bee heard, if otherwise let him speake that the house may moore instlie taxe him. And as Sir Robert Cecill concluded his speech ther soe doe I mine now, that it is my heartie note that noe member of this house may - Plur verbis offendere quam consilio inmare.

And soe it was overruled that they should serve.

MR. MAYNARD made the reporte of Teuskburie of foure persons elected and all void.

1. In D' Ewes Journals of the Parliaments of Queen Elizabeth p. 673 is the following account to which D' Ewes here refers: "Sir Francis Hastings offered to speak again in the same matter; But Mr. Bacon interrupted him, and told him it was against the course. To which he Answered, he was old enough to know when and how often to speak. To which Mr. Bacon replyed, it was no matter, but he needed not to be so hot in an ill cause. To which Sir Francis replyed, in several matters of debate a man may speak often. So, I take it, is the Order."
Then ther grew a question whether all inhabitants have a voice, or onlie the freemen. And 2dly whether the freemen living out of town have voices. A long and unneceassarie dispute about Comminaltie whether it did not comprehend all the inhabitants. Mr. Glynn, Sir Walter Earle, Mr. Seldon and others were of opinion the Comminaltie comprehended the whole inhabitants.

Recommitted upon Question:

Then the busines came to bee disputed touching the Canons.

SIR MILES FLEETWOOD mooved that the Convocation men being called as Convocation men; and the Parliament being dissolved that yet they sate and made lawes.

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1. D' Ewes and Northcote are the only authorities who give any report of the debate of the Canons on this day. In Nelson's Collections I., 351–376 may be found a good account of the meeting of the Convocation and the passage of the seventeen canons. After the Short Parl. was dissolved in May, 1640, Convocation continued to sit on and under the direction of Laud, passed seventeen canons for the regulation of religion. It also imposed under the name of a benevolence, a tax of four shillings in the pound on all benefices for a term of six years. These proceedings were confirmed by the king on the 30th of June without giving Parl. any opportunity of expressing an opinion on them. Precedents had been distinctly established in the reigns of Henry VIII. and Elizabeth that all canons passed in convocation must be ratified in Parliament. They became the subject of long debates in the House of Commons, and formed the chief ground of the impeachment of Laud and other bishops.
127.

1 Cap. 25. H. 8. Cap. 19°. Ther 16 of the convocation house 8. Lords and 8 of the Commons, etc. and none to bee enacted or putt in execution, that are contrarie or repugnant to the Kings prerogative roiall or the Customers lawes or statutes of this realm.

And by this statute all cannons are to bee void that are made contrary to the Crowne and lawes of the Crowne of England, etc. Heere an unlawful oath : unlawfullie made,


2. The Oath is part of the 6th canon and was imposed on all clergymen, graduates of the universities, physicians proctors and schoolmasters. It was called either the Etcaetera Oath from the etcaetera which appears in the middle of it or the oath ex officio. It was said to deny that the King was a governor of the Church, unless he was included in the word, etc., "a scandalous place for his Majesty."

The oath itself is as follows "I A.B. do swear, That I do approve the Doctrine and Discipline or government Established in the Church of England as containing all things necessary to Salvation: And that I will not endeavour by myself, or any other, directly or indirectly, to bring in any Popish Doctrine, contrary to that which is so Established: nor will I ever give my consent to alter the Government of this Church, by Archbishops, Bishops, Deans and Archdeacons, etc. as it stands now Established, and as by right it ought to stand; nor yet ever to subject it to the Usurpations and Superstitions of the Sea of Rome. And all these things I do plainly and sincerely acknowledge and swear, according to the plan and common sense and understanding of the same words, without any equivocation, or mental evasion, or secret reservation whatsoever. And this I do heartily, willingly and truly swear, upon the Faith of a Christian. . . .

Nelson I., 374.
and commands unlawfull things, etc.

First intermixing ceremonies with Religion, etc.
2dly never to consent, etc. 3dly an, etc.

Then they may

16. R. 2. A statute of praemunire comes verie neare it in this case, etc.

A statute to bee made to abolish these canons and to restraine the clergie never to put anie moore snares upon our religion and consciences then shall bee allowed by Parliament.

SIR JOHN HOTHAM mooved about the monie that was to bee lent from Mr. Harrison and the cittie, etc.

MR. HARRISON saied 50,000 l. shoudl bee provided with all convenient speed: 10,666 l. on Saturday; 15,000 l. on Monday; and the rest as soon as is possible. And that hee had choosen 50 men out of the hundred whose names weree read.

These weere added to the Committee that are to consider of the state of the Kings armie and they are to meeete this afternoone in the [Ex]chequer Chamber at two of the clocke.


2. C. J. II., 37.
MR. GLYNNE conceived the canons were illegal.

1. Consider what the common law was before the Statute 25. H. 8. 19. and see this concerns all Canons.

At common law noe canons or constitutions did bind the subjects of England without ther consent.

By the common law a man might have disposed of his tithes wheere hee pleased and then comes a Constitution to order and rule, wheere tithes should bee paid.

Noe canon by the judgment of the law did bind the subjects of England wheere it concerned matter of Freeholdd.

The Canons of generall Counsels did not bind ev'rie wheere.

As in an act of Parliament all must concurre King and both howses or else all is void; so heere because the Parliament consents not. In the yeare booke de. a. 21°. H. 6. ther is a strong case to this purpose.

1. This speech reported in Northcote 7-8.

2. The same statute to which Sir Miles Fleetwood re-
ferred.
Thus stood the Common law. Then comes the Act de. a°. 25. H. 8. cap. 19. And that enacts that many wicked canons had been formerlie made; it restraines them what they should not doe; but gives them noe power what to doe: and wee are in a farr better case by the hope of that statute then ever wee weere before.

And for ther constituting a new oath that is utter­lie unlawfull.

Nothing can enioine a new oath but an act of Parli­ament.

Then long dispute ensued who should speake; divers stood upp and at last ruled for Mr. White and the speak­ers eye adecludged to bee the rule.

MR. WHITE argued that these Canons weere utterlie against law; and hee much doubted of the old.

For by these new Canons all our religion, all our safeties and all our estates in jeopardy: nay these new canons are to subvert our liberties. Deut. 17-18. 19.

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1. I bid.

2. Northoote (p.8-10) reports this same speech of Mr. White's.
   Mr. John White, member for Southwark, Surrey. M. of P. 494.

3. Three chapters which discuss the duties of priests the king and the people. The arguments there seem to be in favor of the priests.
131.
Noe law can be altered but in and by Parliament. These canons subvert the lawes which are the flowers of the Crowne: and the meanes by which the Crowne is maintained.

The oath verie dangerous and enacted uniuistlie, in which hee showed many particulars.

In the peticion of right noe new oath ought to bee administered. Jer.19. 5. Co. 2. last.

MR. CHEDWELL, a common lawyer, alsoe against the canons. And that the Bishopps cannot make canons against the law of the lande.

They have power to make canons soe as they bee not repugnant to law.

2 MR. PERD argued that for ther . The oath the hooke, the Canons the baite. Agree that they may make Canons but not against the law. Noe authotitie to make an oath. The oath abjured because it containes in it that

2. Scandalous - to all other Churches either our strong brethren of Forraigne Churches, etc. Soe it is scandalous to the weake brethren who say now wee see what will, etc.

1. The Dinnell Occurrences (p.7) say "Master Chadwell of Lincolns Inne [argued] for them."

3. Insidia -

Againe in other partes it is contradicterie, what plaine sence is in an, etc.

2. It is a wicked oath, because this oath is not true; because he doth sweare to an etc.

3. As if the Israelites had sworne never to put downe the brazen serpant, etc. If the Bishopps doe well we shall honour them. We shall never perswade the Bishopps that they are impotent.

A grant of a parke under hande and seale, etc. 1 R. 1

3. enacts that noe benevolences shall bee axacted. The petition of right is that ther should bee noe loanes. They appoint benevolences, etc.

I spake, etc. as appeares fol. 292. a and b postea

MR. SELDON desired to send for the oommissions by which the convocation howse wee

Post meridian.

At the Grand Committee for the Irish Affaires 3. pet- titions were preferred by Sir Fredericke Hamilton against severall persons, etc. And one preferred by Sir Henrie Wallop, etc. all showing the unjust proceedings of the Lord Leiftenant.

1. 1 R.3.cap.II. The subjects of this realm shall not be charged by any benevolence, etc. Statutes at Large IV., 3.

2. These pages, with the exception of the date, Nov. 26, 1640, are blank in the photographs.
One bill for the naturalizing of certaine persons was read the first time.

An act for the confirmation of divers estates to cohiphold tenants in the Dutchie of Lancaster, etc. First reading.

Mr. Glinne reported what was done at the Committee Nov. 25 for grivances, at which I was, touching Alderman Able and Rowland Wilson ther abusing certaine persons that preferred a petition hither, etc. The Committee thought him worthy of great punishment: Alderman Able especiallie: and soe submitted it to the house and Conradie said one of them was a sawcie knave, told James Master soe.

SIR WALTER EARLE mooved that hee might first bee fined and committed for this offenoe: and then to question his Monopolie.

The howse agreed Alderman [Abell, Rowland Wilson and Wm. Conrades shall be sent for as delinquentes].

SIR ARTHUR INGRAM reported that John James papers had been searcht and nothing found but some papers and

1. C. J. II., 37; Peyton, p.39; Northcote (p.10.) dates this report Nov. 28.
letters of noe moment. Then the howse thought fitt that hee should loose his hand and his goods and lands and bee perpetuallie imprisoned: and this to bee passed by an act.

MR. MALLORIE mooved that Mr. Hayward might have sufficient amends out of the goods of John James.

SIR HENRY ANDERSON mooved that wee might suspend his punishment awhile till wee had further enquired into his case.

And wheareas it was pretended hee was a madd man, all circumstances shew that to be false: for hee confesseth himselfe hee did it maliciouslie and is able to answeare subtillie to all other questions.

MR. HAMDEN mooved ther should bee a recommittment to the former Committees and some new to bee added, viz. Mr. Maynard and others, etc. to meete on Monday next at 2. of the clocke in the Starre-chamber, etc.

The order was made.

Then it was ordered that Mr. Chambers peticon should bee read on Wednesday morning next. And other orders of less moment were made.

1. Full account in C.J. II., 37; fragmentary notes in Northcoote, p.11; and Peyton, p.29. Northcoote dates this Nov. 28.
Then SIR THOMAS WITHERINGTON mooved to know if an act of Parliament would suffice to abolish shipp-monie. MR. PYMME mooved to waive that question.

Then SIR JOHN HOTHAM mooved about the monie in the North and the condition of the obligation.

Then SIR WALTER EARLE mooved that Mr. Saint John (having had licence to name him) might sett us into a way for the shipp monie.

MR. ST. JOHN said that bonum publicum might turne into malum publicum. Noe use of Parliament if shipp-monie stands.

The Judges in writts of error have desired to advise with the Parliament in what the law was.

In the Petition of right the Lordes would have had a clause added, which after upon a full conference was left out; and then it was agreed the King could lay noe taxe but by Parliament.

The safetie of the kingdome

Ther was first a Commission to 16 Commissioners. Then to 32 commissioners to raise monies by impositions or otherwise summa (?) salus regni periclitabatur.

1. The ensuing debate on ship money is reported in Peyton, P. 30; Northcote, p. 11-12-(under date of Nov. 28.)
Hee did argue for the property of goods not concerning shipp money.

Hee further moved to have the former judgments in Parliaments to be referred to a Committee and to be considered off which others agreed to.

Soe an order was made and a Committee appointed, etc. to that end.

MR. SELDON moved that Tonnage and Pondage, and the decree in the [Ex]checquer chamber that npe replevin should bee.

MR. SELDON moved that Tonnage and Poundage may bee added to the committee, etc.

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1. Peyton (p.30) gives the following report of this speech: "The opinions of the Judges and the reasons of the Judgments were the grievances now and nott the shipping-money- it overthrows Magna Charta and all our liberties. Tis a sword with 2 edges, for when Bonum publicum, as repaying of Bridges, building of Castles mending of wales, etc. and malum publicum fall in, these may begin a ground of raising of moneys upon that subject. If this stand then Parliaments have noe power, for thus is a Judgment of Parliament overthrown by the Judge. Wheras Judges have come to the Parliament to know what Lawe was, etc. From Tonnage and Poundage have come all the objections as to the propriety of the subject, etc."

Northoote reports the speech but dates it Nov. 28. as also he has misdated the Abell case, the report on the attempted murder of Mr. Hayward, and the ship-money debate.

2. There is a report of a speech of Mr. Selden made on this day in Diurnall Occurrences, 7.
Sir Walter Earle mooved that wee might onlie moove at the Committee for Shipp-monie.

I mooved to have added tonnage and pondage to bee considered by that Committee and shewed that decree in a°. 46°. E de. 3. no. 13°. no. 15°. It is shewed that it is a meere subsidie; and being now levied without authority of Parliament growes to bee an arbitrarie and an infinite taxe, etc. as well as shipp-monie; and by the same reason infinite additions might bee made. Tonnage which at first but 3 s. on a Tonne and 1 s. on each pounds worth of other goods that were not staple commodities. That it was formerlie often granted but for a yeare and often with this clause as appeares upon this record in the Parliament Rolls that they did grant it freeli as a thing whollie in ther owne power and see the Kings acknowledged it. Tis true that the Kings of England have a verie, vast, glorious and a great prerogative which the Common law gives them and when they transgre[as] they make a way to an infinite power.

In Journall de a°. 35. Eliz. A°. D m. 1592 when those great dangers weree threatened this realme from

1. No other report of D'Ewes speech.
2. Rot. Parl. II., 310.
Spaine and Rome; the Commons then assembled in Parliament after long dispute yielded to the grant of 3. subsidies and six fifteenths and tenths being a greater gift than ever had been granted to her Majestie before and made declaration that it should not bee drawn into president, etc.

Many alsoe have been the cautions and limitations of the Commons granting of Tonnage and Pondage in all times since the 45. yeares of E. 3 when it is saied to have been first granted in that yeare in the Parliament Rolle ensuing de a°. 46°. E 3. no. 15°.

Soe after some other speech this order was made.

Then a Committee of the whole house to consider of the bill to bee framed for Tonnage and Pondage.

A message from the Lordes sent by Sir Edward Littleton, etc. and Sir Robert Bartlet knight, one of the Justices of the King's bench.

1. See debates on this subject of the subsidy in D'Ewes Journals of the Parl. of 2. Eliz. 468-521 also Townshend's His. Col. 72.

2. D'Ewes put the following extract opposite p. 21 under date of Nov. 25 but the question of ship money and tonnage and poundage was not raised on that day; there is alsa no speech of D'Ewes to which to connect it. In this speech of his on Nov. 27, he uses the same precedents as cited here so I have appended it to that speech.

Rot. Parl. II., 310.
139.

The Lordes doe desire a conference of 30, etc.

Then after long debate this answer was sent that wee would send to them in convenient time by a messenger of our owne.

The Speaker sate covered both when they did [read] their message and when they departed.

Then followed many motions to have drawn a bill of Tonnage and Pondage and Tuesday next was appointed for a committee of the whole house and Mr. Pym mooved to further it.

But then MR. SAINT JOHN mooved that wee might not in the beginning of the Parliament grant Tonnage and Pondage: and Sir Walter Earle seconded him and soe the motion died and came to nothing.

Then was read a petition of Thomas Rich Esquire against one John White that by himselfe or one Mr. George a burgesse in the house who had extremelie abused the countrie under color of nuisances upon the river of Thames, and had extorted many services (?) from them.

SIR JOHN HOTHAM mooved this to bee referred to the Committee of Monopolies.

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1. C. J. II., 38.
SIR THOMAS ROE moved to have it referred or otherwise but that in the mean time Mr. George might forbear the house.

Upon Mr. Pym's motion time was given to Mr. George to defend himselfe till too morrow morning - hee spake somewhat to little purpose to justifie himselfe.

A Committee named to search.

Rot[uli] Parl[amentorum]. 50°. E. 3. n°. 34° in the Lord Nevill's case and in the same Parliament

Rot. Parl. 1 R. 2. n°. 38°

A Committee named to search presidents, etc. Mr. Saint John, Mr. Selden, Mr. Palmer, Mr. Pimme, Sir John Culpepper, Mr. Gwmston, Sir Simond D' Ewes and to meete this afternoone at 3 of the clocke in the Treasury chamber. This Committee or any two of them are to view these presidents cited by Mr. St. John or any others, that may conduce to that business and to present the state of them to this house too morrow morning.


2. Rot. Parl. III., 10. These are two precedents given by St. John in a speech which he made at this time in regard to the examination of witnesses against the Earl of Strafford.

3. C. J. II., 38.
Post meridian.

Divers of the Committee touching the Earle Marshall and the Court of Honour sate in the Middle Temple hall where I was awhile and wee had Mr. Holes case in agitation and then I went to search presidents.


An Act about the Countie Palatine of Durham, etc. read the 1 time.

A petition of Thomas Bruers read against the high Commission Court, etc. And therupon ordered to referre it to Dr. Laytons Committee and to have libertie to followe, etc. as Dr. Layton, etc.

A petition of Dr. Cousons read, etc. — very reasonable.

Then the Speaker had a letter from him which hee would have had read, but the house refused it, as a matter contrarie to the order therof.

Then was a Petition read from the towne of Banburie delivered by Mr. Say the younger; touching a wicked vicar

1. "An Act, that the County Palatine of Durham shall have Knights, Citizens, and Burgesses, to serve in the Commons." C. J. II., 38.

2. "The humble Petition of Thomas Brewer Gent. . . . He was an Anabaptist." Rushworth, IV., 64.
at Banburie that put downe preaching and vexed them that weere godly who sought it elsewheare. And when hee had ordained a communion let them neither have sacrament and sermon. He gave licence to one to marrie his neice, etc. That hee would not read the words "faith is faction and religion is rebellion," etc. Nor would read that act of Parliament Nov. 5, 1639, which is appointed to bee read though the church wardens brought him the statute booke: and hee saied some of the Nobilitie called in the Scotts, and now they durst not appeare.

It was referred to the grand committee for religion. Some mooved to have it referred to the sub-committee.

1. In 3° Jacobi an act was passed by Parl. ordering a public thanksgiving to Almighty God every year on the fifth of November for the delivery of the King, etc. from the gunpowder treason. Cf. Stat. at Large, VII., 145-146

This is undoubtedly what is meant by "that act of Parl. Nov. 5, 1639." The words "faith is faction and religion is rebellion" occur in the prayers ordered for that day. Burton charged Laud with innovations in these prayers and Laud discusses this subject in his Works VI., pt. I., pp. 52-55.

2. D' Ewes is the only authority who gives a detailed report of this petition in the House of Commons. In the House of Lords on Dec. 10 the same petition was present-ed there. Cf. L.J.IV., 108. The "wicked vicar's" name is given as John Howes.
But Mr. Cage saied the howse tooke no notice of sub-committees; but the Grand Committee is to referre it to the sub-committee.

The order

A letter directed out of Ireland to the howse of Commons. The Speaker was ordered to open it, and it was found to bee a peticion from the officers and marchants in Ireland. The Speaker received it from Mr. Burlimachie this morning, who received it in a letter sent out of Ireland. It was referred to the Committee that was to draw upp the charge of the Deputie or Leiftenant.

MR. WHISTLER stood upp and reported what had been done at the Grand Committee for the Irish affaires in the afternoon last past at which I was.

First he shewed that those who peticioned could not gett ther witnesses nor without infinite cost. 2dly The Chancelor Master of the Rolls and other officers to bee examined which could not well bee sent for from thence.

Heereupon an order, etc.

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1. Mr. Burlemachi - Post-master of England. The letter is referred to in Rushworth IV., 64.

2. Ibid, p.65.
MR. GLINNE reported from the Committee of Recusants about a proclamation and a clause of a non obstante: 1. Papists come to London, etc. 2. Papists convict have dispensations, etc. 3. Many have places of attendance. 4. Many papists have long settled here and now the place of their abode is here and so in all these respects they are out of the Proclamation and therefore the advice of the house was required in that particular.

And therupon ordered it should bee referred to the Committee for religion to draw a bill against licences and to frame the heads of a petition to bee preferred to the King.

Others spake to the number and danger of the papists.

And then a Committee named to frame this bill and others, viz. Mr. White and others.

I gave a report of what presidents I had searched in respect of the examination of the Presidents as in

1. Mr. Glyn's report is much clearer in the Journals II., 38. or Peyton, p. 30. The four heads are briefly:
   1. All popish recusants, without special license, have fifteen days in which to leave London. 2. It was to be executed against convicted recusants. 3. Many recusants have letters of grace to protect them. 4. Where the command is, for "Recusants to depart to their own Dwelling house" many have made their homes in and about London so they cannot be forced from them.
Add the pinned paper.

145.

the paper I have sett downe, refuting first Mr. Saint John's two Presidents: and then showed what might have been done and further and where I hoped to finde, etc.

1. Rot. Parl. de a°. 4°. E. 3. n°. 1°. The proces of judgment against Roger de Mortymer for treason; n°.
2 de against Simon de Bereford Knight; n°. 3°. against John Matravers knight; and n°. 4°. against Bogo de Bayon and John Deverell; n°. 5°. against Thomas de Gurnay and William de Ocle.

Yet n°. 6°. Ther is memorable passage worthie a further disquisition for the Lordes doe acknowledge that they are not in Parliament by law to give judgment upon noe others then ther fellow Peeres; and then (as I conceive submitting to better judgmente) it may bee thence stronglye inferred that the judgment and censure of all others did pertaine and belong to the house of Commons.

Rot. Parl. de a°. 1°. E. 4. a n°. 17°. ad n. 31.

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2. Ibid. P. 53.
3. Ibid.
4. Ibid.
5. Ibid. P. 54.
6. Ibid - His conclusion is not clear from the context which he cites.


Rot. Parl. de a°. 31°. R. 2. Fasciculo 3 do noted with the letter F consisting of divers Rolls wherein are contained the attainders of the Duke of Glocester, the Earles of Arundel and Warwick and others.

William Rickhill N°. 2 by commission from the King tooke the Duke of Glooesters confession.

There is a 3d copy (?) in the same yeare touching the same attainders intituled Placita coronae coram Domino Regis in Parliamente suo apud Westminster die luna proximo post festum exaltationis sanctae crucis a°

1. In D' Ewes Journ. of Queen Eliz. p. 206 - "A Motion being made whether it were convenient that this House and the Lords should join in Petition to move the Queens Majesty for the execution of the Duke of Norfolk ... or that the common opinion of this House touching necessary execution to be done upon him were meet to be signified unto their general Resolution. And upon the Question all the House thought that the general resolution was meetest to be signified unto her Majesty, but not by way of Petition or direction of this House."

This precedent seems to have little bearing on the question under dispute.

D' Ewes has crossed out after the word 'Journall, etc' Rot. Parl. de a°. 3°. H. 5. The attainder of Richard, Earle of Cambridge and others.


Mr. Saint John justified the first President de a°. 50°. E. 3. Rot°. 34°. but waived the 2 de a°. 1°. R. 2. 2 n°. 38°. et 39°.

MR. PYMNE and MR. GLYNNE thought it verie necessary that some of this howse should be present.

MR. MAYNARD mooved that wee might see the particular presidents and not goe upon uncertaine grounds. Though otherwise hee counted it verie necessary for some of our howse to bee present.

1. The original commission, with Judge Mikhill's answer and the Duke of Gloucester's confession under seal, are placed improperly in one of the Rolls of Parliament of the eleventh of K. Richard II. In the Rolls of the 21st of the same king there is another very faulty copy. There is likewise a copy of the appeal, the articles of accusation, the duke's confession, and the writ to bring him over to answer, on the Roll of the Placita Corona, 21 R.2. Rot. Parl. III., 378. n.

The business of Gloucester's death, the king's tampering with his confession and the date of his murder are well worked out by Mr. James Tait, in the Owens Historical Essays, 1902, where it is shown that the genuine record was inserted in the Parl. Roll of Richard's eleventh year, that it might escape observation.

2. Cf. fol. 27 n.
MR. WHISTLER shewed alsoe the great necessitie of some of ours to bee present at the examination, and soe did others argue.

MR. TREASUREOUR shewed that if wee could not shew President the Lordes would hardlie be perswaded by reason to let any of the house of Commons bee present at the examination.

I tolde them shortelie ther weere but two ways either wee must claime it by right; and soe proove it by president; or else of curtisie and claime it by favour. I agree that it stands with equitie, justice and necessitie wee should have some ther: I wished that I could furnish them with an hundred presidents: but unless wee are sure wee must onlie see what the Lordes will yeild unto.

Then a Committee named to goe and prepare reasons — Mr. Saint John and others weree named and went presentlie about it. Sir Sidney Montague often named mee for one but I desired to waive it.

The condition of the bonde to bee entred into and read and allowed.

1. Sir Sydney Montagu, member for Huntingdon; brother of James, bishop of Bath and Wells and later Winchester. For details of Sir Sydney’s life of F. R. Harris, Life of Edward Montague, London, 1912.
SIR THOMAS ROE moved that some members elect and not yet returned might receive to-morrow: and write their names and then add—elect Burgess or citizen of such a place.

Ordered.

SIR JOHN HOTHAM made reports touching the course they had sett downe for the Scottish armie: and how they would in convenient time report it.

And after some others had spokaken to the same purpose.

It was ordered that Sir William Udall should receive the monie that should bee lent by the citie and Mr. Harrison to bee sent to the two armes in the North parte. Parte to bee carried to a convoy to the Kings armie and the other to the Scotts armie to bee carried to Rippon and delivered to such gentlemen as have undertaken for the contribution of 850 l. the day which is too paid by the some (?) of the Northern counties that are charged.

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1. Neither the Journals nor Rushworth give any report of this order but Northcote (p.14) gives substantially the same words as D' Ewes.

No other journal gives the debate which follows as to the disposal of the money.
SIR PETER HAYMOND added that this money should only go for the contribution paid by the Counties since the composition made since the late treaty, but for some 16 or 17000 l. paid before, no allowance should be made.

ALDERMAN PENNINGTON said for the 25,000 l. the city desired no security, that was first to be paid down from any members of this house. Which motion was highly approved and MR. TREASURE stood up and wished thanks might be given to Alderman Soames and Alderman Pennington, in the house; and that they might thank the Lord Mayor and Aldermen. Soe 30,000 l. is to goe to the King's armie and 20,000 l. to the Scottish armie. That is to ease those Counties that pay contribution.

1. This is the famous Alderman Soames who was one of the four aldermen imprisoned in May, 1640 for refusing to comply with the king's demand of a loan of 200,000 l. from the City. This demand was made on the 7th and on the 10th the Lord Mayor and Aldermen were supposed to come before the Council with a list of such persons in their several wards as they believed to be capable of bearing their part of the loan, rated according to their means. They came without the list and it was then that Strafford made the statement which became the basis of the charge of the 25th article against him: "Unless you hang up some of them, you will do no good with them."

SIR THOMAS ROE mooved to know whether if this 20,000 l. bee paid, the Scottish Commissioners will give ther wordes, the countrie shall not be plundered till the other 30,000 l. bee sent.

Question whether Sir William Udall should not receive the whole 50,000 l.

And then many spake and interrupted the question, and would have Sir William Udall receive only soe much as was to bee sent to the Kings armie. I wished the whole 50,000 l. to bee put to the question - etc.

The LORDE DIGBIE mooved that, etc.

SIR RALPH HOPTON [moved] the monie might bee prepared and tolde and made ready. And that the busines might then bee expedited.

SIR HENRY ANDERSON conceived the Committee to bee great alreadie and wished noe moore to bee added.

QUESTION - and upon that ordered that the busines concerning the monies should bee recommitted backe to the same committees, to treat againe with the Lorde Commissioners according to a former order, etc. and to meete this afternoone at two of the clooke in the [Ex]checquer chamber, etc. and to make reporte on Monday morning the first.
Post meridian.

At the grand Committee for Religion Dr. Clarke, a minister in the town of Northampton, was questioned for divers innovations and for saying that some that appealed from the Archbishop to the Delegates did all one as if they had appealed to the Pope. He made a reasonable modest defence, but ere he was aware called the wine, sacred wine, after the Communion was ended.

Dr. Sibthorpe, another Doctor of Divinities in Northamptonshire, was questioned for saying, being then surrogate, that if the Mayor of Northampton's seat stood above the Communion table, he would sit above God Almighty. He was present also and said he was new come to towne and desired a copie of the petition against him; and time to answer. His meaning was doubtless that when the Elements were consecrated in the sacrament they then became the very body and blood of Christ.

1. Peyton (p. 31) gives a short report of the meetings of this committee but does not touch on this trouble in Northampton.

2. Dr. Robert Sibthorpe had preached a sermon entitled "Apostolical Obedience" at the Lenten Assizes at Northampton on Feb. 22, 1627 which had won him the favor of Laud but involved him in trouble with his parishioners and Parl. Cf. Gardiner VI., 206-7, 237. Some of the methods he used at the Assizes are given in Cal. St. P. Dom. 1640-41, pp. 282-3.

3. Fear of the Catholic doctrine of transubstantiation.
MR. PYMME mooved that one Mr. Owen of this house having protected one that was not his menial servant, that the house would dissolve the protection, which was granted, but Mr. Owen had time till too morrow morning to give an account to the house of this business.

The Vote of the house was, that none could protect anie but ther meniall servants.

Therupon an order followed.

It was ordered formerlie that Henry Darley Esquire should be sent for hither from Yorke wheare hee had been imprisoned neare two months, etc. They would not bring him upp till the terme was done, that soe hee might have noe Habeas Corpus. This morning the gentleman petitioned againe to bee freed upon baile and supposed if the Judges may baile him in terme, then they may baile him out of terme, and soe Sir Arthur Ingram and Mr. Purferey went as from themselves to the Lorde Chei[e] Justice of the Kings

1. Mr. Hugh Owen, member for Pembroke. M. of P. 498.

2. Henry Darley, carrier of Savile's letters, was imprisoned by order of Strafford. The Lords took action on his petition this same day. Cf. L.J. IV., 100. Strafford justified his position in regard to Darley in a petition sent to the Lords, Dec. 1, 1640. Ibid, p.102.
bench to know if hee would grant a habeas corpus or take baile; they away about it at the present.

MR. ROUSE made a reporte that one Mr. Wilson a minister was forbidden to preach in his owne Church on the weake day. 2. hee was sequestered from 1634 to 1638 from his living 3. or foure yeares for not reading the booke of libertie 3. hee was sent for by a pursuivant for not reading one of the new arbitrarie praier against the Scotts. Now the committee referred these particulars to the Committee.

MR. PYMME mooved that this and others might bee given upp and made readie together.

I added that I agreed well with Mr. Pymme but desired to add one worde touching the booke for the profanation of the Lordes day that never anie publike edict, etc. The Saxon homilie, etc.

1. A hint as to the way D' Ewes wrote part of his notes.


3. In August, 1640 after the king had declared the Scotts, rebels, a prayer was published to be said in all the churches for the king, in his expedition against the rebels of Scotland. Cf. Whitesloke, Memorials I., p. 102.

4. Corresponding reports in C. J. II., 39; Rushworth IV., 66.

A petition preferred against Serjeant Hide unduly returned one of the Burgesses of the city of new Sarum, etc. That he was an enemy to preaching, an allower of shipp-monie with divers other crimes: which were alsoe witnessed and set downe in a schedule.

Serjeant Mr. Hide desired to have a copie of the particulars laied to his charge. And desired but the justice of the howse without all manner of favour.

Then upon Mr. Hollis motion a Committee was appointed to examine this busines, viz., Mr. Hollis; Sir Walter Earle and others, etc. to meete this afternoone at 2. of the clooke in the Chequer Court.

And upon SIR JOHN CULPEPPER motion, Mr. George's busines was referred to the same committee alsoe.

It was moved that severall persons weree in the Serjeants custodie and not heere called to be heard. Next Wednesday was appointed for their punishment or bailee.

SIR JOHN CLATWORTHIE moved divers particulars against the Deputy or Lieutenant of Ireland, which were


2. Mr. John George was member for Cirencester. He followed the King to Oxford, and was of course disabled. Northoot, p. 15, note.
Mr. Maynard made reporte that for reasons to bee preferred to the Lordes to perswade them to admitt of some of this howse to bee present at the examination of the witnesses to bee examined against the Lorde Leiften-ant, viz.

Mr. Sollicitor seconded Mr. Maynard and shewed further reason and concluded that hee doubted not but that the motion would take effect it was sow reasonable.

Then was a Committee appointed of 60 that weere to meete with a Committee of 30 of the Lordes. In the painted chamber ther to have a free conference of which

1. Peyton (p. 31) adds this: "That Preparatorie examinations agrees with all cases of Capitall crimes, etc. at the common Lawe; and from the constant course of Inferior courts of Justice of Common Law wee desire these demands of ours to examine witnesses before the Lords. And Presidents neede nott on our parte; butt relying in the constant course of the Common Lawe, They must bring Presidents that deny it, to show the practise to the contrarie, etc."

Also cf. Northcote, p. 15.

2. "The Common Lawe goes upon Preparatorie examinations because the Judges will know what witnesses are for the king and what against him, etc."

Peyton, p. 31.
divers were before, etc. in other Committees about the same business, etc. of which I was one, etc.

Then divers members ran out to get room at the Conference, before we had sent a message to the Lordes to let them know that we were ready for the conference. And they were sent for by the Serjeant and the Mace, and some of them came back.

And then was the Committee of 60 named and read, etc.

And then Sir Thomas Roe was named to bee sent upp with the message to the Lordes.

Then was the order read what this great Committee of 60 should doe.

Mr. Hamden and Sir Thomas Roe were both named to goe with the message; but Mr. Hamden desired to bee excused and soe Sir Thomas Roe went: and because there was a report to bee made by Sir John Hotham of the great Northern business most were desired to stay: and soe some few went, and I staid.

But Sir John Hotham desired to bee excused till the members of the house were returned.

1. List of members given in C. J. II., 39.
Then weere 2 peticones, severall not filed together, preferred by Sir John Clatworthie from the knights, citizens and Burgesses of the Parliament in Ireland to either of which about 200 hands were subscribed ther names; one directed to this house with desire wee would preferre a Remonstrance sent with the peticon to his Majestie and the other was inscribed to his Majestie.

Then weere the parties that brought this peticon and remonstrance called in, and did justifie that they had received them from the howse of Commons: but that the Remonstrance had been kept backe by the Clarke.

They saied they received it from the Committee that should have brought it over; they were themselves members of the howse of Commons and have subscribed ther owne names to it. They say the number of the howse of Commons ther is but 250 at the most and see the greatest number by farr have subscribed ther names. They should have brought other particulars, but the Clarke by the Deputies Commandement.

1. The men who presented this petition were Mr. John Bellewe and Mr. Oliver Castle. C. J. II., 39.

2. The text of the remonstrance is given in Rushworth, VIII., 11-14.
And an order was read that had the date in the margin Nov. 1640 which had been made in the house of Commons in Ireland for the saied Committee to have come over and have prosecuted the same petition now preferred and a Remonstrance should [be made].

Then was the other petition read directed to the King by the same persons and subscribed by manye of the saied knights, citizens, and Burgesses in the Parliament now assembled in Ireland which was in part read.

At the great conference between 30 of the Lordes and 60 of the house of Commons in the painted chamber. LORD KEEPER. The Lordes are readie to examine our members when wee desire.

For this time and for this occasion the Lordes shall bee examined alsoe upon oath. And the assistants alsoe if it bee desired. It shall bee done with all speed.

Touching our desire to have some of our members present at the examination; for this the Lordes desire a free conference.

MR. MAINARD moved that in all capitall causes the accusers are to have witnesses examined before the triall come, that nothing may bee done impertinently.

1. No other journal gives a detailed report of this conference. D' Ewes was a member of the committee.
Wee conceive your Lordshipps will goe the same way as is used at Common law in other capitall causes.

The LORD KEEPER answered that hee did agree that the use at Common law was as had been shewed. But the Lordes have made an order to examine as well for the partie accused and for the partie accusing see this order should bee broken by this motion.

Mr. Pymme shewed the great necessitie of some members of the house of Commons to bee present.

MR. PALMER shewed wee

The Lord privie Seale demanded if wee had anie President.

MR. MAYNARD acknowledged the Presidents needed not: for wee went according to the course of Common law: and ther are depositions taken before the triall; which are of some necessitie if the witnesses die; and of use at the triall if they live.

LORD KEEPER shewed that after a capitall crime once brought to the barre in Parliament noe preparative proofs.

MR. MAYNARD added as before that wee did not intend to bind ther Lordshipps by those examinations, etc.

The LORD KEEPER said the depositions taken by Justices of peace ought not to bee published or copies given: and therefore not in this case.
MR. MAYNARD replied that wee did not now dispute what use to make of the depositions, but onlie to crave they might bee taken.

Whilst wee weeere absent peticions about one Mr. Waller, a wronged minister, about the not observing the 1 new devices .

And Mr. Burton and Mr. Prynne came into the howse in our absence and after ther appearing they were directed to bring in ther peticions to morrow .

Then it was suggested that ther weeere divers Idolls at Durham of G[od] the Father G[od] the S[on] and G[od] the H[oly] Gh[ost].

It was debated pro and con, whether those Images should bee sent for or not. I tolde them what Espencans and other papists saied at a meeting in France, etc.

1. This was a petition of George Walker, not Waller. The contents are cited at length in Cal. St. P. Dom. 1640-41, pp.277-48.

2. Baillie, in a letter written to the Presbytery of Irvine Dec. 2, 1640, describes Burton's and Pynne's return to London. "On Saturday Burton and Pin came through the most of the citie triumphantlie: never here such a like show; about a thousand horse, and some of good note sayes, above four thousand; above a hundred coatches, and, as manie sayes, above two hundred; with a world of foott, every one with their rosemary branch. Bostwick is not yet come from Sillie. This galled the Bishops exceedinglie." Letters and Journals I.,277.

3. Could D' Ewes be referrin a to Claude d'Espence, a noted French theologian of the 16th century?
I desired they might be sent for or I could never believe, etc. and soe the howse agreed to it. Yet the order was not read.

SIR JOHN HOTHAM reported that the Lordes were of opinion that Sir W[illiam] Udall should receive the whole 50,000 l., which was agitated yesterday morning, etc. and soe it was resolved upon question.

And then an order made viz. Resolved that Sir William Udall by order of the howse receive 50,000 l., etc. (of which 25,666 l. was to bee paid by Mr. Harrison and 25,000 l. by the cittie of London.) And then an order was added touching the fees hee should take for carrying it.

SIR WALTER EARLE mooved that Sir George Ratolyffe was come to towne and had escaped the messenger sent for him; and threfore order was taken that hee should bee speedilie sent for, by a messenger to this howse.

An order made and to be sent to the Leiftenant of the Tower that hee should not come to speake with the Earle of Strafford in the Tower or to send any letter to him: Because ther is an information against him preferred by this for high treason.

1. The question was deferred to another time. The cathedral at Durham was the seat of the trouble in regard to Dr. Cosen and Peter Smart and the question of popish innovations there was being constantly agitated.

2. C. J. II., 40.
MR. TREASUROUR reported that hee had spoken to the Lorde Generalle to send downe all the Commanders and under officers that lay about the towne and it was soe ordered by the Lorde Generall.

The mocion was then renewed againe for the same Lorde Generall to bee sent unto to remove the Popish Commanders and under officers in the armies and in the garrisons, etc.

Mr. Treasurour shewed the garrisons weree whollie at the Kings disposall and not in the Lorde Generalls power.

SIR THOMAS ROE made a moderate speech to shew that other forraigne Princes have admitted papists, etc.

SIR HENRY MILDMAY mooved that lawes weree heere against recusants that they shou'd not command nor beare armes, etc. And lett us forbeare to break our owne lawes.

Then divers others spake pro et con. And I wisht at last that wee might either shortelee end it or de­ferr it to another time. I shewed three particulars that seemed to bee dissonant, etc. 1. That I tooke it

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1. "To remove all Commanders and other Officers, in the Army in the North, which are Popists, or justly suspected to be Popish, and to put Protestant Commanders and Officers in their Places." Ibid.
165.
to bee the sence of the house that for those, etc. in
garrison townes wee were to move his Majestie. 2. Some
conceive the papists, etc. are to bee instantlie re-
moved, others thought that could not bee without danger:
for this wee onlie desire the Lorde Generall to remove
them in such convenient time as ther may neither danger
accrue to the armie, nor the desire of this howse bee
frustrated. And 3dly for other Princoe employing Prote-
stant Commanders, etc.

Then a question putt to that purpose, etc. and
the I['s] carried it wee should send without a noe.

And the messenger desired by the howse to doe both
this message to the Lorde Generall and the other officers,
etc. and the other message to the King about the garri-
son commanders and other officers, etc. and protestant[a]
putt in ther roomes, etc. This alsoe resolved upon
question.

35 SIR JOHN HOTHAM made a further report of the Earle
of Craford's regiment and the reformados of the armie are
an unnecessarie charge.

Then it was putt upon question that the King should
bee mooved in this in the name of the house by Mr. Treas-
urour alsoe.
And 2dly it was resolved upon the question that these troopes being cashiered should bee paid till the 8. day of the next moneth from the tenth day of this instant November.

Then Sir John Hotham reported further that the Committee was of opinion that the Lorde Generall should bee moved to make a new muster and role and to pay heereafter by that Role.

This alsoe voted upon the question. And ordered and Mr. Treasurour was entreated alsoe to move the Lord Generall in this.

Then it was put to the Question whether 30,000 l. should goe to the Kings armie and 20,000 l. to the Northern Counties, etc. and resolved it should bee soe.

Then was the order read by which these questions weree sett downe and framed into one bodie as the reso- lution of the howse.

Dec[ember] 1. Tuesday. 1640.

Mr. Owen saied that the person priviledged was his meniall servant (which Mr. Pymm moved against him yesterday morning) and yet for this time hee was con- tented to waive the saied priviledg[e].

An act for the reformation of divers abuses in Eco- clesiastical Courts read the first time.
Then the Speaker as in like cases repeated the heads and substance of the Act.

An act that the Countie Palatine of Durham shall have knights, citizens, and Burgesses to serve in the house of Commons.

This was the first reading, and an act formerlie read to this purpose with the same title was mistaken.

A motion was made by Sir Nevill Bole that the two ministers that preached on Sunday last at the Sacrament might bee thanked for ther paines and desired to print ther sermons which was agreed unto by the howse.

Then followed divers other motions of now great moment.

A committee to consider how farr a sherriffe might bee of the howse and how farr not. Mr. Selden, Mr. Hollis, Sir Thomas Withrington, Mr. Glynne, Mr. Maynard, Sir Edward Hungerford, Sir Simon D' Ewes, Mr. Palmer, Sir Edward Montford, Mr. Perd, Sir Thomas Bowyer, Mr. Lane, Mr. Saint John, Mr. Cage, meete in the Chequer chamber at two of the cloaks betwene Mr. Hobbie and Mr. Burlacie.


2. These names are inserted by D' Ewes on the opposite page. This committee was to take into consideration the question of the disputed election at Marlow Magna between Mr. Burlacie and Mr. Hobbie, which was first raised Nov. 9. C. J. II., 41.
MR. GLYNNE made reporte touching recusants, shewed that many priests had been condemned and delivered some by warrant from the privie Counsell and some by command or warrant from Secretarie Windebank. And then threescore a and odd letters of grace. Ther are 11,000 papists protected by being her Majesties servants. His Majesties warrants doe all take care to send them beyond the sea. Onlie one for one Mosse a Jesuite of whome his Majesties warrant was juggled that hee was but indicted when hee was condemned. To all the warrants from the Counsell are two Archbishopps handes, and to one only but one.

29. under Secretarie Windebankes handes. One preist committed by the Kings manuall; and yet discharged by Secretarie Windebanke without anie signification of the Kings pleasure. And see hee put many other examples of the discharge of others.

And to some Secretarie Windebanke gave letters of protection that none should molest them.

1. This report is also given in C. J. II., 41; Peyton, 32; Northcote, 19-20.

2. The Journals, Peyton and Northcote give the number as 74.

3. Northcote says, "Eleven houses protected by being her Majestie's servants" in place of D' Ewes, "11,000 papists protected," etc. D' Ewes is probably correct.

4. This statement agrees with Peyton (p.32), "To these warrants of Relassements and discharges from the Counsell were the hands of two Archbishopps to every one butt one: and to that the hand only of one Archbishop." Northcote says, "Another warrant under two Archbishopps' hands with Lords' commission."
And divers that were diligent in the discovery of priests were discouraged and threatened by Mr. Secretarie Windebanke.

A priest being apprehended by Secretarie Cokes warrant and brought to Whitehall; but he was discharged by Mr. Secretarie Windebanke.

A petition was preferred by Robert Forrand and 4 other priests being indicted of Treason petitioned to be received, as his Majesties loyal subjects; and so they were [by] Secretarie Windebanke.

Not one of those 74 letters of Grace entered in the Signet office.

And since Secretarie Cokes going out the priests and Jesuits have reference to the Secretaries [house] as the Iron (?) to the loadstone.

1. C. J. says (II. 41) "A Petition preferred to his Majesty by one Geo. Parrett, in his own Name, and in Behalf of Four Priests and Jesuits more (a Man condemned of High Treason) styling themselves, to be of the number of his Majesty's most loyal Subjects: Upon this bold Petition, by Signification under Mr. Secretary W. Hand, Proceedings against them were stayed. This is probably the petition to which D' Ewes refers.

2. Sir John Coke gave place to Sir Henry Vane in February, 1640 as Secretary of State. The reasons for his fall are given in Gardiner, IX., 87; Clarendon II., 54; C.H.Firth in his life of Coke in N.B. Sir Francis Windebanke had been one of the secretaries since 1632. Cf. Hayden's Book of Dignities.
And the papists doe generallie flooke to Denmarke howse with as much boldness as anie protestants doe to the Church.

Ther are 19 Peeres of this realme and two Countesses papists that ther weree never yet conviccted.

And for convicted recusants thorough England which have been searched into, and most are meane men; and few of anie note.

Now when Secretarie Windebanke forbadd men to bee proceeded withall to judgment after conviction of Trea­son this the King himselfe cannot by law doe, though hee may pardon traytors condemned.

Then was ther a long dispute and altercation about one John Rushfords noteing in characters, that was the Clarkes assistance; but hee had delivered out noe copies of anie thing.

In this I spake touching the ancient Journall in Queen Eliz[abeths] time, and that for the members of this howse everie man might take what hee would: which was the old use.

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1. Denmark House was one of the jointure houses of Hen­rietta Maria.

2. Peyton (p.33) says, "This Committee is informed of 29 Peers and 2 Countesses which are Recusants." Northoote (p.20) gives the number as 19 Peers, agreeing with D' Ewes.

3. Ref. to John Rushworth.

4. Cf. D' Ewes "Journal of all the Parliaments of Queen Elizabeth."
And this referred to the Committee that was to examine the Clarkes booke each Saturday night, etc. and I was added to the Committee.

One of these Letters of grace send to the Sheriffe of Sussex was read which was to forbear the seizure of Recusants lands and to restore what hee had seized, and to give them notice to come and compound at London.

From the Court at Whitehall

Your verie loving freind

9 of Oct. 1639.

Francis Windebanke.

To Sir John Bankes knight our Attourney generall and his successors. Charles R.

Suggesting that the King at the instance of the Queene Mother did dispence with Sir Henry Bedingfoild and his familie and soe as it might not bee scandalous to his government, etc.

Then was a petition read of the parishioners of St. Giles to the Lords of the Counsell against the increase of poperie, etc. All these particulars originalls or copies were delivered in by Mr. Glynne.

1. This whole matter of the way in which Charles and Windebanke favored the Jesuits has been written up by Prynne in "The Popish Royall Favourite" - Stuart Tracts VII. These two letters of grace may be found there.

2. Cf. C. J. II., 42.
Since 3°. Caroli the King hath received little above 4,000 l. of recusants in the ordinarie way of law by the levies of Sheriffs upon the Statutes.

MR. PYMM and SIR RALF HOPTON moved some course might bee taken to supprese the growth of poperie, to which purpose Sir Robert Harlow spake, alsoe Sir John Culpepper [against the Pope's] Nuntio, etc.

1. A charge against Secretarie Windebanke.

2. An humble remonstrance to the King about the growing of poperie.

3. That an act may bee drawen against the growth of poperie.

4. That the Committee [to] enquire what the person is that is called the Pope nuntio; and what authoritie he hath.

To the first SIR JOHN CLATWORTHIE and MR. SAINT JOHN moved that before any charge weere sent upp against Secretarie Windebanke, bee being a member heere might first bee called to answere heere, etc. too morrow morning was appointed; and it was desired that interrogatories might

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1. This belongs in the report proper of Mr. Glynn according to the Journals, Peyton and Northoote. Northoote gives the amount as 4,083 l., Peyton as 4083 l. and the Journals as 4080 l.

2. "Ordered, That a Committee make a charge against Sec. Windebank, to be sent (to) the Lords." Northoote, P. 31. C.J. says nothing about the action of the house after Mr. Glynn's report except that Windebank was to be present in the morning.
bee prepared against too morrow. But before anie order was made a message came from the Lords.

The message was sent by Sir Thomas Treaver one of the Barons of the Exchequer and Sir Robert Barkley one of the Justices of the Kings bench.

The Lordes doe desire a present conference concerning the matter of the free conference yesterday with the same Committees as yesterday in the painted chamber.

Much debate about the meaning of the message, but resolved wee should presentlie attend them.

At our conference touching the free conference in the painted chamber begunn about halfe an houre after eleven of the clocke there was a shorte stay.

The Lorde Keeper told us that their Lordships had considered of the reasons pressed yesterday and especiallie being desirous to shew all respect to the house of Commons and to keepe all correspondencie with them had made an order, which order that hee might not mistake hee would read it.

That such of the house of Commons as shall bee thought fitt shall alwaies bee present, at the prepara-
torie examination of the Earle of Strafford, as this howse shall thinke fitt.

Then upon our returne the same particulars touching Horwood [and] Secretary Windesbanke and preparation of an act to bee drawn upp against Recusants is to bee referred to the Committee for Recusants.

Ordered.

It was ordered that the busines touching the pretended Popes Nuntio and the Remonstrance bee drawn upp about recusants should bee referred to the Committee of foure and twentie which was a select Committee selected out of the Committee of Religion and ther divers added to it viz., etc.

MR. PYMME reported first what was done this day at our conference in the painted chamber, etc. supra.

Then MR. MAYNARD reported the substance of the Conference yesterday with them in the painted chamber.

1. The House of Commons had been unable to produce any satisfactory precedents giving them the right to be present at the preparatory examination and so had pressed the usage of criminal cases in Common Law. Cf. fol. 33.

2. Robert Horwood was called in; and produced a Letter, sent unto him, under Secretary Windesbank's Hand; which was read; enjoining him to surcease any further Prosecution of the Law against Recusants. C.J. II.,42.
175.

Gett this report of Mr. Maynard.

Then it was appointed that the Committee that had prepared the charge against the Earle of Strafford should bee present at his preparatorie examinations of the same Earle, and minister such interrogatories as should bee thought necessarie and that they should not divulge those examinations till the whole busines should bee done. And then to present the whole busines to this howse.

And this was ordered.

Then it was further ordered that a message should bee sent to the Lords that wee would present divers witnessnes and divers questions wee desired them to bee examined upon, and that as many of them as could, should bee examined too morrow.

Mr. Pymme was to carrie upp this message.

It was ordered therupon.

Then followed after twelve many new motions about new dayes to bee appointed about the Canons arguing and shipp-monie.

Then it was debated what should bee done to bring Sir George Ratcliffe to appeare (involved in the Lord

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1. C. J. (II., 42.) says, "Sir W. Earle went up with this Message" but D' Ewes says later (p.40) that Mr. Pymme desired to be excused so Sir W. Earle was sent.
Leiftenants busines) and it was ordered that if hee did not come in on Thursday morning next, then a message should bee sent to the Lords to desire a proclamation against him to bring him in.

Dec[ember] 2. Wednesday. 1640.

Richard Chambers petition preferred against the Customers in 1628 - was againe read this morning in the howse, touching Tonmage and Pondage taken out of divers of his goods by the saied customers against law. 2dly that being sent for before the Lordes of the Counsell for saying the marchants were moore wrung and scrued heere then in other partes of Christendome, they sent him to prison without suffering him to explaine himselfe.

3. That hee was long imprisoned before hee could gett a Habeas Corpus.

4. After the Habeas Corpus was allowed him, for a time hee was againe, upon Mr. Attorneys motion, committed to the Fleete.

5. That a bill was preferred against him in the starre chamber upon the saied wordes hee had spoaken at Counsell Table.

6. Then Mr. Acton being

1. The complete history of Richard Chamber's case with copies of his petitions, etc. may be found in Rushworth, I., 670-679 or Cobbett's State Trials, III., 374-383.

2. His principal offense was for saying, 'That the merchants are in no part of the world so screwed and wrung as in England; That in Turkey they have more encouragement.'

3. The words "he was afterwards ther heavilie censured" crossed out in the mss.
then sheriffe hindered him from a Replevin.

Then followed another petition of the same Richard Chambers by which hee showed the wrongs offered him since the petition in 1628. Hee was 9. May, 1639. cen­sured most grievously in the Starre-chamber and hee [was] committed to prison to the Fleet. Then to pay for his fine sett in the Starre-chamber; his goods and merchandize to the value of near 7000 l. were solde and destroyed to his utter undoing. And that first and last hee suffered 6. yeares imprisonment, his losse hath been 10,000 l. and himselfe, wife and 10. children were neare utterlie undone. That hee preferred a bill in the exchequer in 1629 to trie whether Tonnage and Pondage were due without a statute. But hee hath been delayed eleven yeares and kept from judgment to this present yeare, 1640 with divers other great and grievous wrongs and oppressions and imprisonment alsoe for not paying of shipp-monie. Each petition was subscribed with his name and oath, written in one paper.

MR. VASSALL, one of the Burgess at the citty of

1. Northcote says of Mr. Vassall, "Sixteen times com­mitted 5,000 l. damage. Loss of his trade, 10,000 l. more. His credit impaired. Total 20,000 l." N. 24.

Mr. Vassall had refused to pay the imposition on currants and when forced to it by Court of Exchequer, he de­cided to have nothing to do with the currants under such circumstances. He was committed to custody for contempt of court; his case was postponed from time to time and in the end he was forced to pay the duties without any special or­der of the court. Gardiner, VII., 167-8.
London, showed his greivanoes and oppressions for Tonnage, Pondage, and shipp-monie were not much inferior to Mr. Chambers, that hee had suffered much unjust imprisonment and had been damnified divers thousand pounds. That hee was denied justice in several Courts. In seven years he was 16 times committed, with divers other losses, wrongs, and oppressions to the losse of about 10,000 l.

Whilst Mr. Vassall was speaking Sir Hugh Cholmeley would have interrupted him because other busines was appointed: but the House overruled it hee should make an end and soe hee did.

Then upon Mr. Hollis and Sir Walter Earlet's motion a particular committee was appointed to consider of Mr. Chambers and Mr. Vassalls greivanoes and of Mr. Rolle.

1. John Rolle's case was slightly different from Chambers' and Vassall's. He was engaged in the Turkey trade in London and represented Callington, Cornwall in Parliament 1626 and 1628. In the latter year he refused to pay tonnage and poundage. His silks and other goods valued at l. 517 2s. were seized by the custom-house officers. Two writs of replevin were stopped by order of the exchequer. In Feb. 1629 Rolle was served with a subpoena in the Star-chamber where he was called in question for his replevins. The H. of C. then debating the seizure of merchants' goods, made the Star-Chamber's treatment of Rolle a matter of privilege. In Jan. 1630 he was again subpoenaed by the Star-Chamber. He represented Truro, Cornwall in the Long Parl. - his case was brought up there in May, 1641 and finally settled in May, 1644.

Gardiner, VII., 5, 32-33, 58, 64.
his business alsoe: who had suffered as well as others.

viz. Sir Walter Earle, Mr. Hollis, etc.

Ordered to meete, etc. in the [Exbhecoquer chamber on Friday next at two of the clooke in the afternoone.

Then was an order read made at the Court of Aldermen that 25,000 l. readie brought into to chamber of London should bee paiied to Sir William Udall according to the direction of this howse without any further securitie: and onlie desire that according to the former order of this howse they must first receive the monies they lend upon the saied act out of the monie that shall bee first paiied in and the cittie desired an order of this Court that they should paiied it in unto the saied Sir William Udall.

Sir William Morley

Then was an order read that the cittie should pay the first 25,000 l. [to] Sir William Udall.

A message sent upp to the Lordes by Sir Walter Earle according as had been ordered yesterday, Mr. Pymme desiring to bee excused.

That the howse is readie by a Committee to present divers witnesses to bee examined against the Earle of Strafford and such questions as they shall desire them to bee examined upon and soo desire that those witnesses
soe propounded by the Committee may bee all examined one after another with speed and secretlie.

After the message delivered wee staied long for an answer[re] and at last The Lorde Keeper told us; the Lordes weere now in a very great debate and that they would in convenient time send an answer by a messenger of his owne.

A petition read which was preferred by the freeholders of Warwickshire against George Warner, sheriffe of the same countie, etc. 1. That he adjoined the Court to severall places. 2. That he at first denied the Pole. 3. That having begun it he brake it offe and pronounced Mr. Combes and the Lord Compton knight where as Mr. Purferey was dulle elected.

The saied sheriffe after the petition read was called in and having kneeled was bidden to stand upp: and made spender answer to all these criminations: and confessed hee denied the Pole.

MR. COMBES, who was one of the mghties returned for Warwickshire, saied the saied sheriffe tolde him hee

1. L. J. IV., 103.

2. George Warner had been sent for as a delinquent on Nov. 9. C. J. II., 23; D' Ewes account agrees with Peyton, p. 33; and Rushworth, IV., 73 but is more detailed.
would returne him and the Lord Compton and would not goe to the Pole for Mr. Purferey, because hee was choosen Burges of Warwick. And that hee then tolde him hee should then doe much wrong, for hee thought Mr. Purferey had three voices to one.

Then it was long disputed whether hee should bee fined or it should bee referred to the Committee: to examine first; but because hee had himselfe confessed that hee had denied the Pole.

Then the Question was putt whether hee the saied Mr. Warner, should bee sent to the Tower. And the IIIs were ten to one.

Yet the no'ies making some question, I mooved that the question might bee putt againe, and soe it was. And then the IIIs appeared to be moore.

Then followed a long dispute putting the 2d question for his fining to which I spake and shewed the first question being putt might call the Justice and wisedome of the howse not to put the 2d and 3d question. Besides a sheriffre upon Record in H[enry] 4. time before the statute de a°. 23°. H. 6. in which a Sheriffre

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1. Stat. 23 Henry 6. cap XV. "Who shall be knights for the parliament. The manner of their election. The remedy where one is chosen and another returned."

Statutes at Large III., 279–285.

There is a definite provision in this statute that every sheriff making an undue return should pay a fine of 100 l.
Then after a little further dispute: hee was fined upon Question an 100 l. Then was the 3d question resolv-ed that hee should make his submission in this howse and in the Countie at the Assises.

And Mr. Sentall the speaker moved that at Glocester Then was Mr. Warner called in and kneeling all the time the Speaker pronounced the judgment of the howse against him - first that hee should bee committed to the Tower during the pleasure of this howse, etc.

Then it was moved how Mr. Purferey should have his right, and after much adoe I told them what was done upon Recorde, that I thought Mr. Combes his Election was good, that my Lord Compton was void and that Mr. Purferey ought to be returned without a new Election.

After which followed a long and unnecessary dispute about Mr. Combes election, whether cleare or not. And the second matter in question was whether this should be referred [to a committee].

Then the question was whether wee should have two questions whether the election of Warwicke for knights of the sheere weree void or not: and it was overruled for two questions.

Resolved first that Mr. Combes election was void.
Resolved upon the 2d. question that the Lord Compton's election was void. And then ordered a new writt should goe to the sheriffe of Wa[rwick].

Ordered upon reporte of Sir Robert Harlow from the grand Committee of trade. That the peticion preferred by the gold wyer drawers against the refiners beforenthe Committee of Greivances should bee referred to the Com- mittee of trade.

Post meridiem

At the Committee for the Court of the Constable and Marshall, etc.: we mett about 3. of the clocke. I first viewed a copie of the "Letters Patents of King James bearing date Aug. 29. a°. 19°. of his raigne by which hee created Thomas Earl of Arundell and Surrie Earl Marshall of England during his life una cum omni-
bus et singulis et suis officiis commoditatis emou-
lumentis praeeminentiis occasionbus et aliis suis
pertinentiis quibuscumque tam in ouriis nostris quam in omnibus aliis sidem officio comitis Mareschalli Anglia
qualitercumque spectantibus sine de iure ab antique per-
tinentibus etc., cum tam amplis modo potestate iurisdic-
tione et authoritate pront Thomas nuper Dux Norf. avus
praedicti Thome Comitis Arundel et Surr[ie] aut Thomas
After this I viewed other Letters patents (some businesses of little moment being then in agitation) which letters patents were as followeth:

Rot. Pat. de a°. 15°. Jac. Regis pts. 11mo. These Letters Patents were in English bearing date the 7th day of Febr[uary] at Westminster a°. 15°. Jacobi by which the ordering and disposing of the Earle Marshall's office was committed to Thomas Earle of Suff[olk] Treasurour, etc.; Lodowick, Duke of Lenox, Lord Steward, etc.; George, Mar­quess of Buckingham, Master of the horse; Charles, Earle of Nottingham, Lorde high Admirall of England; William, Earle of Pembroke, Lorde Chamberlaine of the Kings household and Thomas Earle of Arundel, etc. or anie three or moore of them to call before them the Kings of Armes Herald's and others and to know what armes they had of late granted without good warrant by the law of armes and to revoke all and disanull all such as shall bee unworthie or unlawfullie assigned, and to consider of such good ordinances as have been formerlie made by Earle Marshalls and Constables, for the limitation of the power of all
heralds and limitation of them and for their orderly visitations and in what order everie [one] of them shall behave themselves in the exercise of their several offices, etc. And for them or anie three of them to place in such officers of armes in the places of them that were at any time after were void till an Earle Marshall were appointed.

Thomas Bowton dwelling in Kent was petitioned against by Sir John Ryvers: The charge in his petition preferred to the Earle Marshall was that the said Bowton when the same Sir John hunted in his lands said hee would out of his dogs legs and that hee might perhaps prove himselfe as good a gentleman as the other. For this and some other speeches the said Bowton was sent for by a messenger, laied hold on and brought upp to London and committed to prison (no libell at all being putt in against him in the Earle Marshalls court) and was enforced before hee could gett out of prison, to give securitie by a bonde of an 100 l. penaltie to appeare againe when soever hee should be called for. Divers of the Committee spake to this matter.

MR. SELDEN spake against this proceeding and shewed
it to be most violent unjust and against the common law of England.

I shewed that this course strucke at the three great rights of the subjects of England, of our lives, liberties and estates. For first the saied messenger was sent to bring him upp as a prisoner, without any limitation of the weather or his disposition of health: by this alsoe was his libertie taken away; and then being in duressse hee was forced to enter into the saied bond of an 100 l. to appeare at any time within two dayes warning. First this is an arbitrarie, indefinite, and unlimited way of proceeding. For they might require a bond of 5,000 l. and suppose the partie bee not at home when hee is sent for, suppose hee bee in Yorkshire or in some other place yet his bonde is forfeited. And it is much

I moved in effect following - That by this proceedings whatsoever the free active subjects of England enjoined either by the common law or the Great Charter of Liberties was overthrown. For first heere is his libertie taken away and his bodie imprisoned without anie Processe depending against him. Secondlie hee is forced to enter a bond by duressse, of which the condition as it may fall out is impossible for him to performe and soe hee must forfeit. And by that meanes the propriety of his goods infringed. For hee is bound to appeare whenever hee shall be summoned.
harder proceeding then the verie court of Starre-chamber hath [done] in ther subpa'nas which command defendants to appeare immediate, for ther a man hath libertie of soe many daies to come to that court as the place wheere hee is distant from it, allowing to everie daies iournie 20 mile. And this proceeding is the moore strange, being it was done private by a chamber proceeding and not in open Court.

Others spoke after mee in this cause, but wee resolved nothing in it at the time.

Thursday. Dec[ember] 3. 1640.

A petition of Anthony Thompson, D[octo]r of Divinitie, touching divers Fens in Lincolnshire called Sutton Marsh; which were taken in by drayners and hee was onlie deprived of parte of the Tithes.

And then a petition was preferred by Mr. Deeram and the widow Margaret Kirkbie, but not read, touching the taking away of the very inheritance from them of parte of the same Marsh.

And soe there was a select committee appointed viz. Sir John Wray and neare 30 others and ordered to consider of the same petitions. And they were appointed to meete in the Chanoerie Court too morrow at two of the o'clock.
The words "by a Committee of this Howse" altered "by some members of this hose" which was yesterday sent upp to the Lordes (which message I expresslie writt out):

SIR FRANCIS SEIMOUR made reporte touching Serjeant Hide 1. That five yeares since hee did advise the school-master in Salisbury to catechize the schollers without expounding it. 2. For his opposing lectures hee onlie saied that the lecture on Friday hindered ther towne busines. 3. For the shipp-monie it appeared by his owne letter that hee forwarded shipp-monie and advized to gett it by violence Serjeant Hides advised that.

SIR WALTER EARLE moved that it was proved that mechanick men's children should not bee brought upp in learning but this hee spake as Mr. Maynard answeredd upon the schoolmasters owne complaint that hee was troubled with 20 poore children.

MR. HOLLIS shewed that two charges were against Serjeant Hide touching the schoolmaster: 1. That poore men's children ought not bee educated in learning. 2. Touch-
189.

ing his reproving the schoolemaster it was plaine that he told the schoolemaster, that hee ought not to ex-
puumnd the catechize. For the 3d charge it was fullie prooved, that hee saied that hee hoped ther would bee an order taken with lectures. It was true that Mr. Serjeant Hide gave 1s. to an ordinarie at a canonicall lecture. And saied that ther soules weere as well saved when ther was noe sermon but in the Cathedral Church as well as since ther weere moore. 3. That he was a promoter of Shipp monie was plaine and this was done as appeares by his owne letter written in 1635 before ther was anie Couler of judgment for it.

Then hee tolde a poore man whose howse had been broaken open and his goods taken away that he was well enough served.

4. He threatened such as gave ther vote against his election for one of the citizens for Salisburie; and tolde them that they had spoken against the State, because they had spaken against Monopolies.

When Mr. Hollis began, one would interrupted him; but Sir Walter Earle stood upp, and saied that it was
according to the orders of the house for any of a Committee to suppleie what the reporter had omitted: and the whole house almost assented to it.

SIR JOHN STRANGWAIES spake touching these matters and mitigated many things Mr. Hollis had delivered: and the Lord Falkland (though young) spake notablie for the defence of Serjeant Hide.

SIR JOHN HOTHAM spake notablie against Serjeant Hide, and saied that if these matters were fullie proved against him, his voice should bee to turne him out of the house.

I moved to put it to the question to put the matter out of Question, whether we should lay aside this business or noe; and soe it was put to the question: and overruled that wee should speake noe moore of this busines at this time and overruled upon Question.

Then MR. PERD and MR. MAYNARD moved for some farther course to bee used for the speedie Conviction of Recusants: and Mr. Maynard added that ther might bee an act drawn to convict them without anie further for- mall or legall conviction.

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1. Written in cipher. Falkland was about thirty years old at this time.
And then an order was made to be sent to all the Justices of peace of London and Middlesex, to take a course with the church-wardens and other officers to present the names of all the Recusants to be speedily proceeded against at the next sessions according to law notwithstanding any prohibition to the contrary.

Then followed a long debate about Mr. Hine what securitie hee should give to him that brought him from the Castle [Mount Orgueil in Jersey] and the best advice and resolution, that hee should give securitie himselfe but this house should not intermeddle with it.

Richard Kilvert, Dr. Cousons, Sir Henry Spiller and other prisoners in the Serjeant’s custodie had libertie to goe upon baile. It was ordered.

Then ther came a message from the Lordes brought by Sir Edward Littleton and Justice [Barkley]: That according to the desire of this house they had appointed certain members of ther house to take the examination of the witnesses against the Earle of Strafford in the presence of such members of this house as this house shall appoint. And see Mr. Pymme and some others of the house went away presentlie to the Lordes Committee Chamber.

1. Peyton (p. 34) and Northcoate (p. 27) give short reports of this debate.
Mr. Henry Burton, prisoner in Castle Cornet in the Island of Garnsey, petitioned that he being questioned in the Starre-chamber, about certaine sermons printed and preached: that his answære was mutilated and expunged by Sir John Bramston, fined 5000 l., deprived of his meanes, and ministeriall order, sett on the millorie, both his eares cutt offe and hee kept close prisoner 12 weekes in the Common gaole; and was after sent by an extra-iudicciall order to the Castle of Cornet in the Island of Garnsey in the winter time by sea and land; and his wife never suffered to come to him contrarie to the lawes of God and men; and penn, ink and paper denied him.

The petition of William Prinne, exile and prisoner, who shewed that by the wicked practices of the now Archbishopp of Canterburie and Dr. Helin hee hath been soe oppressed and cruellie handled as is almost without patterne or example.

First by Mr. Boy questioned for some inoffensive passages of his in a booke called [Histriomastix].

1. Rushworth (IV., 78-79) gives a complete copy of this petition of Mr. Burton.
2. A full report of this petition in Rushworth, IV., 74-78.
3. "Licensed by Mr. Thomas Buckler" crossed out in the mss.
When it was in reading Mr. Pymme moved that Mr. Secretary Windebanke might bee speedilie sent for to come to bee examined if the Kings affaires would permitt: and see the Serjeant of the howse [was sent to inquire].

Then followed the residue of Mr. Prinns petition: that [he was] fined 3000 l., expelled out of Oxford and Lincoln's Inne, and hindered from his profession. His bookes seized by one Crosse a messenger, etc. innumerable other oppressions and miseries, etc. To Carnarvan Castle in North Wales in a base dogg-hill, etc. Then was hee conducted to Isle of Jarsey to a mountainous castle ther, etc. 8 yeares tragical miseries to bee taken into consideration, etc.

Then Mr. Prinne came in and, standing at the barre, his petition was carried to him and hee affirmed his name to bee subscribed to it and avowed it.

Then was read the petition of Calvin Bruin, mercer of the cittie of Chester, being extreamelie vexed and troubled for being with Mr. Prinne at Chester with the

1. According to the Journals (II., 44.) the rest of the statement is, "Answer was brought, that, upon his Majestys Occasions, he sat up all last night, and was newly gone to Bed; yet, if the House would command him, he would presently come: But ther was Order given, that the like Intimation might be given him to be To-morrow Morning by Eight of Clock.

2. Rushworth (IV., 75.) gives 5000 l.

3. D' Ewes gives a more complete account of this petition than Rushworth (IV., 81.)
consent of his keepers; and hee was sentenced for it at the high commission court at Yorke, kept from his trade 8 months, fined 500 l., and was forced to make a most unjust and wicked submission in the Cathedrall church in Chester and in the Common hall ther, against his conscience, by which hee condemned Mr. Prinne and justified the cruell proceedings used against him - Sunday, Dec. 15, 1637 - The submission made. Matth[ew] 16. 17. Dr. Snell, Archdeacon of Chester preached on that text and shewed that it was the mercie of the Church to take these seditious persons.

Peter Lee, grocer of Chester, and Richard Tolburne were troubled as aforesaid for visiting Mr. Prinne at Chester. And because they would not make such wicked submission as weere required they were forced to flie into other countries. Dr. Merwicke had 35 l. and the Archbishopp 2 butts of sacke, etc., and damnified above 1000 l. and themselves almost utterlie undone.

1. In both the Journals (II., 44.) and Rushworth (IV., 81.) this name is spelled Richard Colborne.

2. "Peter Lee and Colborne gave Dr. Merrick 35 l., two butts of sack to Archbishop, 12 to one of his servants, to get access and favour from Archbishop to their damage of 1000 l. in trade being forced to leave the country for not making submission enjoined by High Commission."
These Petitioners came all to the howse with the Serjeant and stood at the barre and all of them saw ther peticions and acknowledged them to be theirs.

Petition of Nathaniel Wickens, late servant to Mr. Prynne, that hee was taken from the tower of London and severallie closelye imprisoned and examined; having been transmitted from prison to prison and at last after long miseries and troubles and oppressions, that the Archbishopp vowed hee should never bee sett at libertie till hee had discovered his mister's secretts.

Then came in Nathaniel Wickens and standing at the barre acknowledged his hande to the petition and avoved it.

The Clarke takes noe names for a Committee if anie member stand upp nor whilst the Speaker stands upp.

SIR ARTHUR INGRAM moved to have the proceedings in the Starre-chamber to bee referred to one Committee and this to another.

I moved that it should bee all referred to one Com- mittee and gave the reasons - because ther weree proceed- ings in severall courts, yet all concerned Ecclesiasticall

matters. Soe it was agreed and a Committee named, etc. viz. Mr. Hollis, Mr. Fines, Mr. Comptroller, etc., myself and others.

An order for ther meeting, etc. at two of the cloocks too-morrow in the chequer chamber.

Ordered that the Committee for the Lord Mount Norris shall sitt againe this afternoom (as I remember).

Ordered that the Committee in Sir William Founts busi­nes shall consider of other businesses and complaints in Leicestershire, touching militarie affaires.

Post meridien.

We mett in the Cheoquer chamber, fowre of us of the Committee in the Election betweene Mr. Hobbie and Mr. Burlacie about the election at Marlow in the Countie of Buckingham, wheere Mr. Whitloc̄e was choosen without controverseie. And wee adiou..cned the Committee Friday Come sennight at two of the clocke in the same place.

Then I went to the Grand Committee in the howse about Irish affaires wheere a sub committee was named of which I was one to consider of Sir Fredericke Hambledon’s peti­tions [to meet] in the inner starre-chamber at two of the

1. A complete list of the members in C. J. II.,44.
2. Agrees with the Journals, ibid.
o'clock on Saturday next. There were other petitions touching Irish affairs of no great moment, all tending to the further discoveries of the Lord Deputy or Lord Lieutenant's unjust actions, oppressions.

De[ember] 4. Friday, 1640.

Ordered that the Lady Dimock's petition and all others that concern the taking in of the Fens shall be referred to the Committee in Dr. Thompson's cause.

SIR FRANCIS KNOWLES moved that divers Freeholders in Kent complained of the election of the knights of the shire for Kent; 'tis true the time for preferring the petition is past, but that was not their fault for they delivered a petition to a member of this house in due time who promised to deliver it; and this he hoped should not turn to their prejudice.

An addition was made to the Committee touching the pulling downe of St. Gregories Church.

An act for the confirmation of certaine letters patent granted by King James to Mr. Wilboy of a certaine salt marsh read 1st vice.

1. This Committee is not reported elsewhere.

2. Sir Francis Knowles, member for Reading, Berks.
An order was made upon Mr. Stroud's motion that everie one that upon coming into the house did not take his place or did after the taking his place talk soe loud as to hinder the business of the house from being heard should pay ls. to bee divided betweene the Serjeant and the poore. And ther was added to the order from Sir John Strangways' motion that after twelve of the clooke ther should bee noe new busines entred into or moved without the leave of the house. This was ordered when the Bill was halfe read.

SIR WALTER EARLE moved that the generall fame and rumor was that Secretarie Windebanke was fledd; and therefore ordered that the Serjeant man should goe and know certainlie whether hee were fled or not; and to require Mr. Read, his clarke secretarie, to repaire speedilie hither if the Secretarie weree not to bee found. If the Secretarie himselves bee found then to warne him to attend the house speedilie.

1. Agrees with the Journals (II.,44) and Peyton (p.35) who adds "This order was made only for terror and little otherwise observed."

2. Peyton (p.35.) says, "Sir Walter Earle [moved] that there was a rumour about the Towne that Secretary Windebanke was fled; or nott to bee found and desired one might be sent to see: Which being done accordingly, answer was returned that hee was gone."

3. The words "And the servant that tolde him hee was yester day abed" are crossed out in the ms.

On Dec. 3 (p.27) Northcote has this entry, "An intimation to be sent to Secr. Windebank to come presently to the house, if it may stand with his Majesty's affairs. Answer that [he] is gone sick to bed."
I moved before the order was made that it would bee in vaine to search his papers (which had been moved) for doubtles his papers weree removed before himselfe went; and if the birde weree fledd, the eggs weree broaken.

MR. PYMME moved that the howse would name five to joine with the Lordes' five in exam[ination], etc. Earle of Strafford, and soo it was ansewered that anie five of the eight before named as a Committee might bee present, of which hee himselfe was one, and libertie was given them to make a protestation for secrecie.

Then was a complaint made of one Francis Traford, a popish colonel, that hee enforced the countrie people of Yorkshire against all law and iustice to bring him sheetes and blankets for his use.

MR. GRIMSTON moved that the Committee touching the forrests might bee enlarged, and soo after divers motions it was ordered that all would come to the Committee might have voice. And soo eight weree named to meete at Chequer Court on Monday next at two of the clooke.

1. Both the Journals (II., 45.) and Peyton, (p.35.) say "any four of the eight."

2. Durham crossed out and Yorkshire inserted. No other report of this complaint.
SIR THOMAS BARRINGTON said a great Judge tolde him that Forrests should bee found in all Counties of England but three: and being required to name him, said it was the now Lord Keeper.

Then was Mr. Henrie Burton called in and saw his petition preferred and read yesterday morning, and said hee avowed it and had signed it.

SIR HENRY ANDERSON avowed that Yorkshire had suffered moore by the insolencies of the King's armie then the Bishoppwicke of Durham had done by ther contribution to the Scootts: and that ther might bee a Committee named to gather the insolencies together of the officers and captains, and to present them to the Lord Generall; which was agreed.

Then was a particular complaint made of insolent levies made by Sir William Pennyman's Serjeant Maior Yors upon the inhabitants in the wapentake of Langburne.


2. Peyton reports this speech (p.35.) "That my Lord Keeper said that hee would find Forrest in any County of England." D. O. (p.10.) agrees with D' Ewes.

3. Northcote (p.30) is clearly wrong when he says "that a Committee may present a draught to Lord Admiral."

4. Northcote gives the name as 'Capt. Yeoward,' Serjeant Major to Sir Wm. Pennyman. Ibid.
Sir William Pennyman excused the matter and laied it upon his Serjent Maior. Sir Hugh Cholmeley shewed that all the insolvencies grew from Sir William Pennyman's owne warrant, which was openlie read viz. Oct. 19. 1640 was Pennyman's warrants dated to the Constables to make levies of monies, or to bring men that would not pay to serve in ther owne arms.

SIR HUGH CHOLMELEY enlarged the complaint and shewed that great oppressions and iniuriea had been exercized upon the people and inhabitants by vertue of the saied warrant. Nor was the Lord Leiftenant's uniuist dealing and oppression a sufficient ground for Sir William Pennyman's uniuist proceedings. And soe by vertue of Pennyman's warrants, William Babes, the high Constable, sent out most insolent warrants for the levying of monies and that men had been changed for monie. Mr. Crewe moved that a spe­ciall Committee might bee appointed to examine these complaints, etc.

I moved that the same Committee might have power to examine all complaints of this nature, for this chopping and changing of men had been a generall greivance.

Then came Sir [John] Brampston, Lord Cheife Justice of the King's bench and Sir Edward Littleton, etc. with a
message from the Lords. The message was that the Lordes did desire a present conference by a Committee of both houses in the painted chamber, touching the great business that concerned the two Kingdomes.

Then they retired and being shortlie after againe admitted, the Speaker saied to this effect: This house hath considered the Message sent from ther Lordshipps and will forwith give them a meeting as is desired.

Then Mr. Hollis made a motion that Mr. Hobbie elected and returned one of the Burgesses for Marlow Magna in Buckinghamshire might bee received into the house, the onlie scruple having been his being sheriff.

The LORDE KEEPER saied (after most of our house and manye of the Lords weree mett in the painted chamber) that the Commissioners appointed to treate wi[th] the Commissioners appointed to treate wi[th]

Then the Earle of Briston gave an account of ther proceedings: saied that the Lords Commissioners had commanded

First the King hath been graciouslie pleased to conferme all the 40 acts of Parliament which had

1. L. J. IV., 104.

2. A very fragmentary account with most of the sentences unfinished in the mss. This whole matter of the negotiations is discussed in Baillie I., 274-283.

An order dates Dec. 3, 1640 by which the Scots did acknowledge: Wee doe in the name of the Parliament and whole kingdome of Scotland acknowledge in all humilitie and thankfulness his Majestie's royall Justice and goodness in granting our first demand, being fully assured that the Parliament will leave nothing undone that may serve for his Majestie's honour and that the whole Kingdome in testimonie of their thankfulness will earnestlie pray that God may grant his Majestie a long and prosperous raigne.


The Lorde Commissioners have now settled all things touching the crown of Scotland.

The 3d thing to bee it was concluded at Rippom for two months

The 16 of this month the cessation of two months ends; and the time grow neare and that both armies begun now prepare, etc.

Whether this cessation of armes may not bee continued a moneth if the treatie soe long holde and this goe upon
the same termes as before, onlie that all things might
bee concluded; for there are 7 heades yet to bee treat-
ed off.

But the King would do nothing without the advice of
this house.

The Lord Keeper concluded the Lordes in the Upper
house had approved all this. And the Earle of Briston
said privatelie to Sir Thomas Roe that the Lordes de-
sired our answeare this morning.

Mr. Glynne moved about Doctor Wousen's and Doctor
Layfield's bailes. And first Dr. Cousen's baile was re-
 fused for Doctor Layfield was denied by the house but
that his cause might bee heard before the Committee too
morrow and then report the state of it on Monday morning
to the house; and then it was to question: As many as
are of opinion that the Serient shall forbeare to take
baile of Dr. Layfeld according to a former order till
the house take further order, let them say I.

As manye as are of opinion that Dr. Layfeld shall
bee heard too morrow before the Committee of religion,
let them say I.

1. The other journals just give Sir Thomas Roe's re-
port in the house of this conference.
And both these overruled in the affirmative, and it was ordered accordingly.

Rowland Wilson's baile was accepted, and Mr. Conrado's.

The SIR THOMAS ROE made a Reporte of our conference with the Lordes to the purpose before sett downe.

And then followed a long and unnecessary dispute about the question wee should put about our assent to the prolongation of the Treatie and cessation of Armes for a month longer.

I moved to have two questions putt to the two heads of the Earle of Bristowe's relation. That the orbes mooved in this Treatie like the celestiall orbes with soe much harmonie as I should bee verie sorrie they should receive any checke heere; and therfore if much further dispute were like to ensue, I wisht hee would put it to the question whether wee

As manye as are of opinion that this howse should put it to the question - doth approve, etc.

Resolved upon the Question that this howse did approve that ther should bee a continuation from the 16th

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day of this ensuing December of the Treatie and Cessation of armes betweene the Lords Commissioners upon the same termes as before.

Sir Thomas Roe, sent upp to the Lords to declare our resolution, returned not before the Court rose.

An addition of all the Knights of the shires to the Committee that was to draw the bill for the grant of 100,000 l. to meete this day at 2 of the clocke in the Chequer Chamber.

Sir John Culpepper moved that his election and Sir Edward Deering's for the knights of Kent had been questioned in the morning: hee desired those gentlemen that had been at that election and were now present might but testifie whether it had not passed fairelie and unquestioned: which Sir Peter Hamand and divers others did and soe the house rested satisfied; and that one Mr. Browne who stood against them lost it by many voices.

Post meridiem

In the afternoone the Committee sate in Mr. Prinn's and Mr. Burton's businesses, of which Committee I was, in

1. C. J. II., 45.
the starre chamber, and upon Mr. Bruins petition and others involved in ther sufferings. Ther weere read the three peticions of Mr. Prinne, Mr. Burton and Mr. Bruin, which had been read yesterday morning in the howse. Then Mr. Prinne and Mr. Burton not being readie; wee proceeded with Mr. Bruin's petition; and hee proved the messenger's seizing him from the high Commission at Yorke, his exacting 3 l. fee, his taking the oath ex officio, and other opressions. But hee being not fullie readie, was given him to appeare againe the Wednesday after twelfe-day. And Mr. Fountaine was assigned him for Counsell.

Dec[ember] 5. Saturday. 1640.

Mr. Valentine, Mr. Stowel and Mr. Moile, all return-ed from the Burrough of [St. Germans] in Cornwall; it was alledged that Mr. Valentine's election was cleare without controversie and that hee had sitten divers dayes in the howse and soe it was agreed hee should sitt still, before the matter of the saied election weree determined.

And wheereas Mr. Hollis had moved yesterday that Mr. Hobbie might come into the howse, betweene whome and

1. Following words written in cipher after 'star chamber' - "ubi impie condemnati et hoc mero casu acciderat dei providentia."

2. No mention in the other journals of this disputed election.
Mr. Burlacie ther was some controver[s]e touching the election at Marlow Magna in the Countie of Buckingham it was resolved by the howse this day that neither should bee admitted to sitt in the howse till the saied matter in controversie were determined.

SIR WALTER EARLE moved that the ancient order of the howse might bee observed viz. that noe bills might bee read the second time but betweene the howres of 9 and 12. And it was agreed to.

Then MR. LENTALL, the Speaker, moved that Bills might bee read the first time earlie in the morning and that was likewise admitted.

All the marchants and Mr. John Moore added to the Committee for Monopolies.

It was directed that a warrant for a new writt to goe from the Speaker to the clarke of the crowne to send a new writt for the election of one new knight in Bedfordshire in the Lord [Wentworth's place].

A petition from the inhabitants of Watford in the Countie of Hartfords against Thomas Coningsbie Esquire

1. Lord Wentworth was summoned by his Majesty's writ to sit in the House of Lords. C. J. II., 45. This is, of course, a reference to Strafford.
who was sheriffe ther in the yeare 1638, preferred by Mr. Capell, for the vigorous collection of shipp-monie by one that hee imploied to collect it; and that noe restitution had been made of the overplus of distresses.

Ordered that a select Committee should bee appointed to consider of his petition and of all others of this nature and that noe sheriffe or other off[icer] that had been vigorous in collecting it should bee of the Committee.

I spake to the order and asked if those sheriffs that had been called into the Starre chamber for not collecting it should bee of the Committee, and all agreed they should: yet the order was not amended but my name was in the Committee. And all that will come to have voice in the Chequer chamber Tuesday next at two of the clocke, excepting the saied sheriffs as aforesaied.

Then it was moved about the 50,000 l. to bee sent into the North, that 30,000 l. should bee disposed offe according to the Lorde Generall's warrants by Sir William Udall unto the King's armie. And for the 20,000 l. to bee distributed among the Northren Counties that to bee

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1. A complete list of members in C.J. II., 45.
by the order of the Committee formerlie appointed in
this busines.

A motion was made to recover Sir Edward Cokes writ-
ten books on other bookes being 19 in number, which were
taken from him during his last sickness, etc. And a Com-
mittee appointed to search for them, of which I was one.

I moved that Janus like, etc.

And therupon an order made and that wee should
search, etc.

A petition of the marchants of London trading in
French wines; that they have a great quantitie of wines:
on the Thames, etc. 4 l. per tunne. Sir Thomas Dawes,
collector of the same import, would not accept of bond
to pay it if it should bee confirmed by act of Parlia-
ment; but hee would not accept this; but would force
speedie paiment.

Divers moved that Sir Thomas Dawes should bee
moved to take bonds, etc. of the saied marchants for the

1. Northcote adds, "Ramsacking Lord Cook's study at his
death. Taking away 19 manuscripts and other books, 3 ready
for press, from his man." N. 31-32.
Bruce discusses the disappearance of Coke's papers
in the preface to Cal. St. P. Dom. 1634-35.

2. D'Ewes has written a note "to see foregoing page" but
there is nothing there nor on the pages following that has
any connection with this speech.
saied monie till the saied busines should bee discussed in Parliament. And soe to permitt them to land ther wines.

Mr. Rolls moved that wee should not assent to the giving of bonds to any thing that is illegallie imposed, etc.

I seconded that motion and said I utterlie misliked that wee should give countenance to any bonde to bee given for anie parte of the imposition that is illegal. I cited Rot. Parl. de a° 50°. E. 3. n°. 33°. 1 of one John Pechie that had gotten of Edward 3. an imposition of 3s. 6d. upon a Tonne of wine: and hee was sent for to the Parliament and fined 500 l. and sent to the Tower, and I never read that hee asked securitie by bonde after.

And upon my speech the sence of the howse was altered, from allowing any bondes to bee given.

Then followed a long and frivolous dispute concerning the Committee that was made to consider of the pulling downe of St. Gregories Church, and was againe referred to the select committee before appointed in it.

1. Rot. Parl. II., 328.

2. The following written in cipher, "at which all almost saied well spokeken and many laughed."
Another appointed to sitt this afternoone in the chaire in the Committee for privilidges in Mr. Maynards room viz. Sir Thomas Withrington.

The petition of Mr. Warner, the late sheriff of Warwickshire, etc. to bee delivered out of the Tower was read.

The petition of Richard Holford read also that was sent to the Tower about wordes spoaken against Sir Arthur Hasebrigg.

Soe the house gave consent to ther enlargement and that they should come hither on Monday morning to take ther submission.

Soe Mr. Holford was discharged upon the Question putt.

Then was it disputed whether Mr. Warner should bee delivered till hee had given securitie: and I moved ther needed noe securitie for it was a dett now due to the crowne upon the statute and soe the dett would bee taken order for out of the Exchequer well enough:

And soe it was resolved upon question hee should bee delivered without giving securitie. Then Sir John Dawes was sent for cheifalie upon my former motion, but re-newed by Mr. Cage.
Mr. Hide gave a verie good account about his search and enquirie about Sir Edward Cokes bookes - viz. that hee had spoake with Sir John Bankes, the Attornie generall and that ther had been two seizures of papers and bookes: one by Sir John Coke, then secretarie; the other by Sir Francis Windebanke. That the bookes taken by Secretarie Coke were in his hands; but those Secretarie Windebanke tooke hee receiv'd againe from him and hee hath a note what they are, which hee promised to shew. Hee saied hee had divers bookes of Mr. Noy but did not know what hee had of Sir Edward Cokes except a copie of his comment on 1 Magna Charta. Sir John Coke should bee written to. And soe the order was enlarged to see Noyes' bookes alsoe and to [bring them into the house].

It was ordered the shipp-monie should bee argued on next Monday morning peremptorilie: viz. as it afterwards fell out that the Committee appointed to search the Commissions and judgments should speake to it.

Mr. Sollicitor made reports touching the acte to bee drawen about the 100,000 l. to bee sent into the North,

1. The Diurnall Occurrences give the names of Sir Edward Coke's books as "A Commentary upon the Statute of Magna Charta, and other old Statutes. Secondly of Criminal Causes, and Pleas of the Crown. Thirdly of the jurisdiction of Courts, which are in the hands of Sir John Coke, late Secretary, and the Attorney Generall, and are to be brought into the House."
D. O., 10.
that the Committee was of opinion it was best to rate men for the whole estate. And this unnecessary question drew a long dispute in the house upon all sides.

I moved that this long and unnecessary dispute might be broken off for if we dispute till night we shall finde neither learning nor worth in it; I conceived it the best way for everie man to be rated where he lived. And I desired the Question might be put whether men should be rated where they lived.

And the vote of the house went with me. And yet they againe fell often not onlie into this dispute but into a most unreasonable dispute whether there should not be two subsidies granted: which had likelie to have been carried but that such as voted against it cried to rise upon Mr. Pym's motion and soe we did.

Post Meridien.

Sir Frederick's 4 petitions read at a Committee of which I was, in the inner Starre-Chamber and we entered into one of the petitions which I have sett downe

1. Two speeches of this debate are to be found in Peyton, 36.
2. "The Debate, concerning the Levying of the One hundred thousand Pounds, by way of Subsidy, or otherwise, is deferred, to be considered of on Monday morning next, after the Debate of the Subjects Property in their Goods."

C.J.,II., 46.
in another paper at large

Adiourned to Thursday next to the same place.


A petition preferred by Beniamin Hamond against
certaine Jesuites that had seduced himselfe and his bro-
ther; and gotten his brother to passe over his estates to
the disherision of his name and that hee know wheere the
Jesuites weere, etc. It was moved it should bee ordered
to bee committed.

I moved hee might have instan~order to seize on
the Jesuites, etc., which was assented unto, etc. Mr.
Hamond came in and at the barre avowed his petition, named
Sir Tobio Matthewes and one Mr. Cotton for the two Jesuites,
and one Mr. Sand, another Jesuite. And saied they had all
removed ther lodgings upon the proclamation, and hee knew
not certainlie wheere to finde them.

Ordered that the like order should bee sent in to
all counties of England and Wales to indite and convict
papistes at the next sessions as was formerlie sent to

1. Northcote (p.33) differs with D' Ewes in the name —
"Mr. Hanham's petition, that he would discover priests,
Sir Tob. Mathew, Mr. Cotton, Mr. Sande, but they were all
gone upon the proclamation."

2. Complete order in C. J., II., 46.
Then was the order read for arguing the property of the subjects, goods, etc. this day.

MR. SAINT JOHN, one of the Committees to whom the consideration of shipp-monie with other cases had been referred, reported (?) judgements in the 2do in Parliament against such warrants.¹

1. by Commission for loan.
2. Commissions of Excise. 3 Oct. 2do Caroli.
3. The petition of right.

1. For the Commissions for the loan there were many suggestions to warrant the execution of them. A parliament called and no supply granted. Great preparations abroad, great dangers at home. That true Religion was irreparable like to ruine, that speedie course must be taken for aid then could be granted in Parliament. That the King did promise in the word of a Prince it should all be bestowed upon the defence of the publick.

¹ Mr. St. John's report is found in Peyton, 36. and Northcote, 33-34.
2. Peyton has this discussion of point I. "Commission of the Loanes was to raise monies to maintaine the warre which the king found the Crowne engaged in by the advice of both houses of Parliament and was for the safety of the kingdom in time of inevitable necessitie when noe time was to call a Parliament. This Commission 3º Car[oli] was resolved in Parliament to bee against Lawe, and carried up to the Lords to confirm, which they did, and they desired to moove the king for his consent to it, which was granted." P., 36 III.

For a history of the forced loan cf. Gardiner VI., 143-275 passim.
Then was the Commission read by the clarke, by which
the loane [was] demanded; one of the especiall sugges-
tions was the defeate of the King of Denmarke armie: and
the likelihood of the utter ruine of the Protestant partie
in Germanie; together with the other reasons sett downe
before.

The reporte of the Committee 30 Caroli in the Upper
howse was as appeares by the Journall ther when the pe-
tition of right was granted; was that this Commission
was against law; and the King assented to it.

2. Commission Febr. Last. a6. 30. Caroli was for Ex-
cize. It was directed to divers Lordes and others. This
was never enroled; yet was the Commission damned heere
in this howse and a copie then taken of it by a member
of this howse. The suggestions in this Commission weere
the same as before - great danger and neede of speedie
supplie for the defence of the Kingdome.

The report is in the Journall booke a0.30. Caroli

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1. For the instructions to the Commissioners see Cal.
St. P. Dom. XXXVI., 42, 43.

2. This report may be in the Minute Book; it is not
in the H. of L. Journal for 30 Caroli.
Serjeant Aylisse brought downe the Commission of excizé cancelled by the Lord Keeper in the [House of Lords].

May 27. 30 Caroli. 1628. Journall booke of Upper howse shewes that the Lordes would have added a clause of saving his Majesties roiall prerogative: which was after putt out upon the motion and reasons of the Com- mons - least by that the petition of right should be void of itselffe by this clause.2 And when the first confer- ence tooke not effect, the second conference prevailed. And the two howses of Parliament 30 Caroli agreed then that the King could not, upon anie presence of publike danger or necessitie of the defence of the realme, raise anie taxe, levie, or tollage upon the subjects of Eng­ land, without the consent in Parliament.

For the shipping monie it consists 1. of the ex­ traiudiciall [opinions of Judges].

2. The shipp-writte both before and after the judgment in the Exchequer.

1. "This Commission 3 Car. was judged to bee against the Lawes of the Realme and the Lords desired to move the king it might bee cancelled, which was done, and it was bought into the lower house cancelled." - Peyton, 36.

2. The amendment proposed by the Lords may be found in Parl. His. VIII., 104. The reference to the Journall books (III., 626) is the final assent to the Petition of Right by the H. of L.
3. The judgment in the Exchequer Chamber in Mr. Hamden's case.

Then was read the enrolling of the saied letters of the King sent to the Judges and ther answereares; enroled on the Communia Rolle in the Exchequer. And the verie letters weree alsoe read at large with the questions his Majestie proposed.

MR. ST. JOHN. This is onlie a copie of the enrollment in the Exchequer. The second stepp of the Shipp busines is the Shipp-writt which hee abrédged, etc. much after the forme as tis abridged in Mr. Attournies Bill.

Then weere first read the King's instructions and warrants sent to Thomas, Lord Coventrie, Lord Keeper for the setting out the saied writt and amendment of the same in any parte wheree the townes in any Countie of England

1. Northcote makes this point of D' Ewes clearer — "The King though for safety, etc., cannot compel subjects to aid without consent in Parliament. Violations stand on three legs.
   1. Extrajudicial opinions of Judges.
   2. The Ship-writes.
   3. The judgment in Mr. Hamden's case." N., 35.
   For an account of John Hampden and ship money see State Trials III., 826-1815; Rushworth II., 335, 480-605 and Appendices.

2. A copy of the first ship-writ may be found in Rushworth, II., 257-9; State Trials, III., 830-1.

3. King's instructions in Rushworth, II., 259-64.
After which the very writ was read which was sent to the Sheriff of Dorsetshire to provide of shipp of 400 tonnes.

Mr. ST. JOHN shewed the writ comm

Now followes the judgment given in Mr. Hammond's case, etc. In Easter terme 130 Caroli.

The sheriff of Buckinghamshire is warned to warne all that had not paued to, etc. Hee warned Mr. Hamden, etc. who was to pay ££

The first Argument was before the Hillarie terme

The case came to Judgment -

The judgment was pronounced onlie by the barons of the Exchequer but grounded upon the judgment of the other Judges. Consideratum est per predictos Barones quod predictus Johannes Hamden solvat predictos ££ etc.

Then Mr. Saint John delivered the judgment to bee read which began as followeth: In Custodia Rememoratis dm Regis in termino Trinitatis a0. 130 Caroli.

And upon the motion of Mr. Crew and Sir John Hotham the whole proceedings of the saied judgment weree read, which weree verie long.

1. For the writ to the sheriff of Buckingham see Ibid III., Appendix, p. 213.
And whilst it was in reading a message came from the Lordes and soe the Clarke ceased till the message was delivered.

Sir Edward Littleton, etc. and Sir Humfrey Davenport cheife Baron brought the message, which was a Bill for confirmation of the Queen's jointure, which had passed the Lordes, and they recommended it to this howse, to bee passed with expedition.

Then the Clarke proceeded with the reading of the residue of the saied iugment, etc.

Then MR. ST. JOHN saied that the Committee thought it fitt to proceed noe further ther in ther reporte but to lay downe these grounds.

Then MR. CREW moved that it might bee declared what was further debated at the Committee.

Then Mr. St. John was bidden to relate that but he saied hee would not report it but onlie relate it.

First the Committee weree all of opinion that the Judgment in the Exchequer [Court was illegal].

2dly to vote all these. 3. severallie. 1. The extra-judiciall iudgment alone. 2. to vote the ilegalitie of the writt. 3. The ilegalitie of the iudgment. 3dly.
That wee should vote against the verie providing of a shipp and charging the subject with monies to provide it.

The first writs had not the clause of salus regni periclitatur.

Soe the Speaker propounded the question, etc. Touching the illegalitie of commanding shippes to bee provided and raising monies for it, etc., weere against law, etc. ¹

Then Mr. Sollicitor stood upp and desired some other way might bee provided, etc.

MR. PERD saied bee hoped this day should bee the Funerall day of shipp-monie and that²

Then was the first question propounded, etc. and Resolved upon the question nullo contradicente, etc. 2d question about the extrajudiciall judgment of the Judges published in the starre chamber and enroled in the Courts of Westminster upon Record propounded and ther

1. The first question in full is "That the Charge imposed upon the Subjects for the Providing and Furnishing of Ships; and the Assessments for raising of money for that Purpose, commonly called Ship-money; are against the Law of the Realme, the Subjects Right of Property, and contrary to former Resolutions in Parliament, and to the Petition of Right."

C.J., II., 46.

2. Completed by Peyton (p.37.) That the question might [be] proposed once aget, That wee might give it a solemn enterring; this spoken before the Question putt.
Then it was putt, and the judgment onlie generallie named that had been before read and that had been published in the Starre-chamber, etc.

Resolved upon question nullo contradicente, etc.

3d question about Shipp-writt, etc. and resolved nullo contradicentethat shipp-writt, etc. and all other shipp-writts, etc. and that shipp-writt were against law, etc. and the writt was to bee entered in the booke, etc.

4thly The judgment in the Exchequer was resolved upon question to bee void nullo contradicente and all proceedings in the Exchequer weree to bee entred in the bookes.

And the same Committee that was appointed for the Shipp-monie to bee apointed to take order for entring the other commissions about the loane and excize, that they might remaine upon recorde to posteritie: and to prepare these questions that have been now voted to bee presented to the Lordes in the upper howse, that they may likewise vote it.


2. Against Mr. Hampden. Ibid.
I moved the Committee might enquire of the monie in the sherife hands, etc.

The LORD FALKLAND made a notable speech against the Judges for this judgment: and especiallie against the Lorde Keeper, that hee had been the Sollicitior and perswader to this busines of shippmonie and that hee should have the honour to bee the first in the punishment.

MR. GOODWINE moved that a charge might bee drawen upp against the Judges and the Lord Keeper to bee sent to the upper howse. 2

MR. HIDE moved that all the Judges might bee sent unto to know how they had been sollicitited.

MR. PERD wished that Justice Jones being sick and in danger of death might bee sent unto speedilie.

And then divers speeches weree made how and in what manner a charge should bee prepared against them.

SIR JOHN WRAY saied Currat Lex and let the Common

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1. Peyton, p. 37.; Northcote, p. 37.; and Cal. St. P. Dom. 1640-41 pp.300-1. give summaries like D’Ewes of this speech. It is given in full in Rushworth, IV., 86-88; also in Book of Speeches 1640-41, 336-341. Gardiner (II.,245.) discusses the effects of Falkland’s eloquence very fully.

2. Agrees with Peyton, 37.

3. The words "the Judges" omitted here as superfluous.
law destroy them; they would have destroyed it.

And then followed a long dispute whether we should send to all the Judges to know how and by whom they were solicited and that presentlie: manye spake to it.

I moved that ther was noe neede of sending but only upon the extraiudicical judgment upon which they were surprized: that may receive excuse by that Judges solicitation of whome we have heard: but for ther solemne judgment in the Exchequer, that is without excuse, etc. And yet if we take things ad pensum and not ad numerum and wee had the better parte.

Then was it put to the Question - whether we should send members to everie judge to aske them by what threats: and agreed the Lord Keeper should not bee sent unto. Sir John Bramstone, Sir Humfrey Davenport, etc., and six moore to bee sent unto viz. Joanes, Cooke, Treavor, Bar­klie, Crawlie, and Weston.

I moved that they might goe two and two as they were sett downe to each Judge in his order and senoritie.

1. The speeches of Mr. Hyde, Peard and Wray agree with the extracts in Northcoote, p.38. He also gives extracts from a number of other speeches made at this time.

2. C. J. say "three to go to a Judge! but this is evidently a misprint as there were eight judges and sixteen members of the committee. C. J. II., 46.
But MR. HIDE, one that was to bee sent, moved that they might goe into a chamber together and to agree amongst themselves to what Judge each two should goe. Soe they retired.

Sir Thomas Roe brought a gracious message [from his Majesty].

Then MR. JEFFREY PALMER made a reporte touching an election at Bossinne in Cornwall which was made in a chamber, etc. of Mr. Corington that it was void.

I moved it was the order of the house that no new motion should be after twelve, but the house permitted him to speake.

And soe the Election was made void upon the Question [A message] from the King about Sir Edward Cokes bookes in Secretarie Windebanke's handes; that they should speedilie bee looked out, and an account given of them to this house.

After other motions made Sir Thomas Roe moved on the Lord Grandisons (?) behalfe that being a Commander in the

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1. "Report from his Majesty that the books [of] Sir E. Cook were by his order delivered Mr. Attorney, and returned to Sec. Windebank. Where [they] now are, his Majesty knows not, but within two or three days to cause them to be looked up."


3. Sir Thomas Roe brought this message as shown under footnote I.
North bee might have libertie to stay heere some few dayes before his departure about a suite of moment hee now had which was granted.

MR. MAYNARD made a reporte of Sir Edward Osburne's election at Barwick was void, etc. and soe resolved upon the question: and a writt to goe for a new election.

Then MR. MAINARD reported about Sudburie in Suffolke that Sir Robert Crane's election was good; which was in controversie betweene him and Mr. Brampton Gurdon.

Then MR. JOHN GURDON stood upp and shewed that the saied Mr. Brampton Gurdon his Father had wrong, that the Mayor refused to take the Poll for Mr. Gurdon both at first and at last, and desired the Mayor might bee sent for.

Then Sir Arthur Haselrigg seconded the motion but it being likely to come to a long dispute, the howse deferred it till too morrow morning and rose.

Post Meridiem.

At the Committee for the Forreste-busines which sate in the Checquer chamber of which I was; wee had a petition preferred by Sir Baynan Throckmorton and others, inhabi--

1. This disputed election is not reported in the Journals but D'Ewes himself was from Sudbury and so was especially interested.
tants within the Forrest of Deane, against Sir John Winter who had a lease in fee-farm ever of the Forrest of Deane at the rent of heare upon 2000 l. per annum. with other conditions and reservations. It was allledged that the timber in the Forrest would in time bee destroyed by him. Hee ansewred that all thriving timber trees were excepted out of his lease and marked: and all decaying timber trees were reserved especiallie for shipp-timber: so the sense of the Committee was till his cause were further heard hee should restrained from further cutting anie matter.

Dec[ember] 8. Tuesday. 1640.

Sir Roger North, upon the Lord Fairfax motion, had licence to depart for a season into the countrie about his necessarie affaires.

A petition of Edward Colfer Esquire against John Anguish late Mayor of Norwich, in 1639, for unjust assessing him and committing him about shipp-monie that yeare and for saying what doe you tell mee of the law, the Pre­rogative law is now in force. And by a note it was averred

1. No other journal gives a report of this committee meeting.
2. For details of Sir Roger North cf. North's "Lives of the Norths."
hee said, Prerogative was then trumpe. And wisht the
said Mr. Colfer to studie the Prerogative better.

SIR HENRY MILDMAY said that he desired hee might
not bee sent for as a delinquent till the offence were
proved which was verie foule.

Mr. Framlingham Gawdie was licensed to depart for a
time into the countrie about his necessarie affaires.

It was ordered that the canons should bee argued
againe too morrow.

Resolved upon the question that the Knights of Buck-
inghamshire should not bee questioned this Parliament.

Mr. Maynard being chosen in two places elected Tot-
neis. And Mr. Hamden being chosen in two places made his
election to stand for knight of Buckinghamshire.

MR. MAYNARD made report of the Election of Sudburie
and that it was conceived by the Committee that Sir Robert
Crane was dulle elected.

SIR ARTHUR HASELRIG, one of the Committee, moved
that Sir Robert Crane, myselfe and Mr. Gurdon stood for
the Burrough of Sudburie in the Countie of Suffolke.
That I was elected without controversie, and that the

1. Cf. C. J. II., 47.
Mayor had done verie foulie to advance Sir Robert Crane's election; altering the day from Saturday to the Monday; then in breaking offe the Pole, and that Sir Robert Crane himselfe threatened men; and his servants threatened men.

MR. WHISTLER spake in Justification of Sir Robert Crane's election.

MR. BAGSHAW spake and justified the Election of Sir Robert Crane.

Soe upon question it was resolved in the house that Sir Robert Crane was dulle elected and returned.

MR. PYMME saied if Sir Robert Crane did thteaten it was a delinquence. Sir John Strangwaies was therupon verie hott.

And then Mr. Pymme explained and justified himself. And much hott dispute might have ensued but Sir Robert Harlow and Sir Walter Earle stood upp and spake to the orders of the house, that Sir Robert Crane's Election being voted to bee good, ther ought to bee noe further dispute of it.

MR. MAYNARD made report of the Election at Windsore where Sir Thomas Roe and Mr. Waller were elected where
divers had stood. And first it was voted in the House that all the men of Windsore had a voice.

Sir Thomas Roe had been also chosen at Oxford and had made his election there; and soe spake long touching this election, being all of little moment. And in the issue he moved that a new writ might goe downe for a new election. Sir Walter Earle spake somewhat touching the Election and concluded that one Mr. Holland's Election was good. Sir John Culpepper spake and thought sufficient notice was not given; and soe desired that a new writt might goe forth.

Sir Thomas Roe would have spoken againe and Sir Walter Earle interrupted him and told him it was against 1 the orders of the House. Then the Speaker saied hee had leave of the House: and soe Sir Thomas Roe spake a worde or two that notice was not given. Then Mr. Hollis saied that if anie speake by leave of the House; it must first bee putt to the question in the House whether they will give leave or not.

1. It was against the rules of the House for a member to speak twice on the same order unless he added some new matter but this order was constantly violated.
Then MR. MAYNARD spake and saied hee thought ther was noe notice given as in law it ought.

Then another spake whome I heard not well.

I conceived and spake that I thought a new writt must goe out for a new election because Mr. Holland was not returned by the Mayor's indenture but by an Indenture returned by the undersheriffe in a stranger's name that noe man knowes wheere to finde.

After this followed many speeches about the notice not given as it ought to bee, which made the election void; and others would have justified the election of Mr. Holland.

Then arose a long debate what question should bee putt; whether Mr. Holland's election weree good or wheth Mr. Holland's election weree void; and this cost above halfe an hour's debate and lost much precious time.

And soe at last it was putt whether it weree good; and overruled it was void, because the Noes carrBed it.

The LORD FALKELAND reported that Sir John Brampston

1. Peyton (p.38) reports this speech of Mr. Maynard's in more detail but gives only two other speeches on the whole discussion - Mr. Pym's and Mr. Whistler's.

2. Written in cipher "all the honester men desired it might bee putt whether it weree good."
cheife Justice [had not been solicited in matter of
ship money].

MR. HIDE to the cheife Baron: denied that hee was
ever surprized or perswaded in his extraiudiciall [de
cisions].

MR. GOODWIN reported that Mr. Justice Joanes saied
that the Lorde Finch had spoaken to him verie fairelie.

MR. PEREPOINT reported that Mr. Baron Treaver
saied: that about the last of Nov[ember] 1635, the
then Lord Finch brought him a writing to his chamber and
desired him to subscribe [to it]. This was subscribed by
Mr. Baron Treaver Dec[ember] 1, 1635. Mr. Baron Treaver
desired a copie of it and the then Lord Finch --- .

1. In the report from the judges both Peyton (p.39-41.)
and Northcote (40-42.) are much more detailed than D' Ewes.
Northcote (p.41.) reports Brampston as saying "Lord
Chief Justice brought a case, Michaelmas term, before
judgment. He had heard that order was given to some Judg-
es to conceal." This case also in Peyton, p. 39.

2. "That the Lord Cheife Baron said, Hee heard nothing
of it till the kings lettre came fore his opinion in the
case, etc. to which hee sett his hand for conformitie,
butt hee referred himselfe to his Judgment in the Exche-
quer chamber for his opinion." Peyton, 39.

3. "Dying men use to speak the truth, but reporter was
persuaded he meant not yet to die. For reasons of his opin-
on, referred himself to his action." Northcote, 41.

4. Both Peyton and D' Ewes have Mr. Pierpont as the re-
porter for Baron Treaver while Northcote has Lord Wenman
of Oxford; otherwise they agree.
That the Lorde Keeper told him this was for the service of [the king and the good of the kingdom].

SIR MILES FLEETWOOD said hee had been with Mr. Justice Croke. Hee confess the Lord Cheife Justice Finch had been often with him and tolde him how much this business concerned the King and would have sifted out his opinion. Then after a little before hee argued the case, the now Lord Keeper did then sollicite him at his chamber, and that hee should doe the King great disservice.

SIR FRANCIS SEAMOUR went to Mr. Baron Weston; who saied hee was never threatened or perswaded, but saied at first the Lord Finch did bring him a paper, etc.

SIR JOHN STRANGWAIES had been with Mr. Justice Barclay – saied the case was shewed him by the Lord Finch; but that hee was never threatened nor sollicited.

SIR ARTHUR HASELRRIGG had been with Mr. Justice Crawley, who saied hee had not been threatened and sollicited but only the then Lord Finch, the now Lorde Keeper, brought him a case and desired him to subscribe to it about the shipp monie, and desired him to give his opinion in it, not to advice with anie other about it; but required secrete of him.

1. "But before wee went from him hee would have qualified what hee had first spoken." Peyton, 40.

2. Much more detailed in Peyton.
The LORD FALKLAND spake that we saw enough of the Lorde Keepers sollicitation to some alive. Hee saied hee had sollicited them alsoe that were dead. Som Mr. Perd and Sir Edward Ascough witnessed touching Judge Hutton. And then Lorde Falkland spake againe touching Mr. Baron Denham, etc. Mr. Hamden and Mr. Drake mentioned sent to the saied Baron to perswade him to give his judgment for the shipp-monie.

And the Lord Falkland proposed that wee should prepare a thorough charge against the Lorde Keeper, which the house allowed well.

Then MR. GRIMSTON spake much in the defence of Mr. Justice Croke in respect of his subscribing with the other Judges, how hee was drawn to it, etc.

MR. SAINT JOHN moved that the Lord Finch had misreported Baron Denhams judgment to the King upon which followed hott wordes, etc.

1. "How that the Judge would often lye troubled on his bedd, and say that hee could nott rest in peace and was weary of being a Judge." Peyton, 40.

2. "Baron Denham "had received a letter from Finch to sollicite him, with rebatation to shipmoney: butt by those that had read it 'twas said to bee in very close and concealed interpretation." Ibid.

3. "That Judge Denham by reason of his indisposition wrote a letter to the rest of the Judges and gave Judgment for the Plaintiff. The Lord Finch went presently and told the king hee had delivered his opinion for him, and then went to Baron Denham and told him he had declared to the king his judgment, at which Baron Denham declared himselfe and was displeased and soe growing to farther words they parted." Ibid, 41.
I moved that the gentlemen sent might set downe what they had reported and each two subscribe it to bee entered in the Clarkes booke, which was not ordered at this time.

Then after divers other motions, Sir Ralph Hopton witnesses that the Lord Finch at the assize at Dorchester, did say that shipp-monie was not like the Court of Wardes; such an inherent right of the Crowne, this an act of Parliament could not take it away.

MR. JANE said that the Lord Keeper said in one of his westerne circuits that the Shipp-monie was such an inherent right of the crowne that an act of Parliament could not take it away; and that if a Parliament did come in which it should bee disputed, that they should find as many tonges for it as against it.

Then MR. WHITLOCKE moved that the Lord Keeper might bee sequestered.

But MR. PYMME moved that a Committee might first bee appointed to draw a charge against the Lorde Keeper.

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1. Could this be Thomas Lane of Chipping Wycombe, Bucks.? M. of P. 485.

Then it was moved that the charge to bee prepared against the Lord Keeper· and the other Judges about shipp-monie should bee referred to the Committee about shipp-monie.

MR. STROUD moved that Sir Randolf Crew might bee sent unto, to know for what cause he was putt out of his place; which was rejected.

MR. WHITLOCKE moved that the 16 sent to the 8 judges might bee added to the Committee for shipp-monie, which was allowed.

SIR JOHN CULPEPPER added that hee desired the Habeas Corpus busines might bee added to this charge, which was allowed.

MR. GRIMSTON moved that not onlie the Habeas Corpus busines but the deniall of Prohibitions might bee added to ther charge.

After this followed many disputations what wee should add to the charge. I moved for the first charge to goe upp of the shipp-monie. Wee have a reservation of libertie to add moore charges. Then I spake touching the Habeas Corpus: it was the roote of all our miseries, it concerned

1. Ref. to practice of common law judges to issue prohibitions to the Ecclesiastical Courts in order to compel them to proceed no further with the case until they had proved that the case was within their jurisdiction.
our Lives; noe close imprisonment. The Persians, the
villaines, etc. like men in a shipp cast out, etc. Then
for prohibitions, etc. Noe Lordshipp knowen in the
Saxon times, etc. Prohibitions granted in time of Po-
perie, etc. The Judges and the Archbishopp in King James
his time, the [case] about Prohibitions, etc. I would
have an act drawen that wee never bee troubled againe
about Prohibitions, etc. soe I moved that all these
charges might goe upp in due time.

SIR RALFE HOPTON moved the Lord Privie Seale\(^2\) etc.
by the same committee.

Soe after a little dispute the order to this purpose
was drawen, and some committee's names weree added to the
former committee and it was referred to them to draw upp
all these charges, to meete, etc. too morrow at two of the
clocke in the Exchequer chamber.\(^3\)

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1. The reading in the ms. is doubtful here. D' Ewes may
be referring to Fuller's case in 1608 for the jurisdiction
of which the Court of High Commission and the common law
judges contended. Cf. Gardiner, II., 36-42.

2. "Lord Privy Seale gave his opinion to the Judges con-
cerning legality of ship money. That he be referred to the
Committee" Northcote, 14.

3. Complete order and names of members of the Committee
in C. J., II., 47. The time of meeting is given in the
Journals as "this afternoon, at two of the clock" instead of "to-morrow."
Then MR. HIDE moved that the Committee for the Court of Honour which was sine die might sitt againe on Wednesday next in the afternoone at two of the clocke in the starr chamber which was granted.

A letter without name was read which was supposed to bee sent from Secretarie Windebanke's clarke, Mr. Read, which was they were speedilie to passe into France.

For Mr. Thomas Windebanke in Drurie lane. The letter contained that Dec. 3, Secretarie Windebanke was at Quinborow [Queensborough] and meant speedilie to passe over into France.¹


After some frivolous motions, Mr. Capel moved that Dr. Bostwick might bee called in, being at the doore: and soe being come in and standing at the barre, the Petition of Susan Bostwick his wife was shewen him; and soe hee

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¹ Peyton has some further interesting details about these letters. "Sir Edward Deering delivered 2 letters sent him by the major of Gravesend, that came from Sec. Windibank or some belonging to him from Queensborough. The first direction to Burlemache; in that a lettre to Mr. Burlemache to desire the delivery of the second which was to Mr. Tho. Windebanke, the contents only that hee was now come to Queensborough, the ship was ready and the wind faire and they making for some ports in France... All dated 7. Dec ember 1640 butt without names."
withdrew. And after hee was called in againe and time
was given him to draw a new petition in his owne name
and subscribe it: and soe a copie of his petition was
to bee delivered him.

A motion was made for Sir George Ratcliffe to
goe to Church with his keeper but divers rose upp and
spake against it and soe the motion was laied aside and
came to nothing.

MR. ROUSE spake against the new canons, that the
oath was unlawfull because of the etc. Secondlie,
that there is a wicked benevolence enjoined. 3. There
is a Monopolie granted to the Archbishopp of Canter­
burie, that after 3 yeares hee may make new articles
and then impose us what wicked matters hee pleaseth,
either for doctrine or ceremonies. Hee therfore desired
that wee might enquire who weree the main
contrivers of these wicked canons and censure them deepelie. 2

DR. EDON shewed by the Stat. de a 0. 25°. R. 8. cap.
[18] 3 1. They ought to bee convoked by the King's writt.

1. No other journal seems to mention this motion but
as D' Ewes said, "It came to nothing."

2. Mr. Rouse's speech is summarized in Peyton, 42.

3. "The submission of the clergy, and restraint of
appeals" - Statutes at Large, IV., 283-6.
2. They ought to have the royal assent to the making and promulging: and if they faile in either of these two, then they are to bee fined and imprisoned but the 3rd which will aske a long debate, that they ought not to bee against the lawes, and customes, and statutes of the realme.

Now in these new canons the question is whether if some being against law all the rest of them shall bee void on onlie void for soe much. Hee thought that the Clergie had power at this day to make canons by the statute de a°. 25°. H. 8. cap. [19] to binde all men. And whereases it is objected that lay men are not parties to them and have noe voice and therefore it is unreasonable they should bee bound by them, hee answreaed wee are all parties and privies to that Statute; and so wee are parties and privies to those canons which are made by vertue of that statute; and are therefore bound by them, yet this bee submitted to the judgment of the howse.

MR. BAGSHAW spake long and concluded to damme all the new Canons and the wicked oath with them.

1. Summaries of Dr. Eden's spevch in Northcote, 45-6; Peyton, 42. Tolman 91
2. Mr. Bagshaw's speech is fully reported by Northcote, 46-47. Tolman 92. See also supra.
MR. RIGBIE of Gray's Inne spake and saieth the clergie had neither power at Common law nor by the statute to make these canons viz. the statute de a°, 25°. H. 8. cap. 19. For their power to bee none at the Common law, hee proved it by many authorities and reasons. And for the said statute de a°. 25°. H. 8. it was altogether restrictive. Then hee shewed that the verie Commission now granted them did not give them power to doe what they had done. Nay, hee shewed that by reason of the statute de a°.1°. Eliz[abeth] the king could not grant such a Commission as this was. And soe hee inferred that those canons weree void at Common law: void by the saied statutes and void for want of a due license. And the n instanced in divers of the Canons that some weree against several statute lawes, and some against the Common lawes and soe concluded that all weree absolutie void. And then hee added somewhat touching the unlawfulness of the new oath alsoe.

MR. KING, a common lawyer, saieth hee would speake shortelie touching the illegalitie of the new canons.

1. Stat. a°.1°. Eliz. cap. 1. "For restoring to the crown the ancient jurisdiction over the state ecclesiastical and spiritual, and abolishing all foreign power repugnant to the same." Stat. at Large, VI., 107-117.

2. Summaries of this speech in Peyton, 42 and Northcote, 47.
1. Hee conceived that the clergie had a good authoritie to make canons at this time. But 2. hee conceived that they had not well pursued ther authoritie. It appears by Linwood that sometimes the clergie made provinviol constitutions by the King's authoritie and sometimes without. But this must not act to binde the laitie as 21. E[dward] 4. fol. 45. our yeare booke prooves. For the Stat. de a°. 25°. H. 8. [cap.19] hee saied that was a restraining statute of the Clergies' power. Hee thought the Convocation writt was not a relative writt; but that ther might bee a convocation without a Barliament. Clarke's case 5. report shewes that some constitutions may binde. The parson cannot choose one of the Church-wardens, for they are a corporation at Common law; and concerns the libertie of the subject. But hee conceived none of these Canons to bee void, but just as weree against law. And whatsoever Bishopp hath administered this oath are in a Praemunire 7. H. 8. Keilwey's reporte, it is the verie expresse case heere, that such clergiemen as shall doe anie thing against the King's Prerogative are in a Prae-


munire and that have they done that have administered this oath.

MR. BRIDGMAN, a common lawyer, (sonne to Dr. Bridgman, Bishopp of Chester) argued next touching the same canons, but his argument was noe great consideration for hee spake soe dubiouslie, sometimes for them, and sometimes against them, as it was difficult to conclude amie thing from what hee saied.

Upon Mr. Pym's motion that Sir George Ratclyffe might bee committed to moore safe custodie, it was thought fitt hee should bee sent to the gate-howse.

Sce it was resolved upon Question that Sir George Ratclyffe should bee forthwith committed prisoner to the prison of the Gatehowse.

Ordered that because ther is an information against the saied Sir George Ratcliffe for hie h treason, it waS resolved upon question that hee should bee sent prisoner to the gatehowse, and that the Speaker shou~d doe this by his warrant.

1. D' Wws gives the only detailed report of Mr. King's speech.
2. Orlando Bridgman, member for Wigan. He was a royalist lawyer, and was disabled in 1642. Northoote, 47, n. Northoote makes no comment as to the 'dubious' character of his speech.
Some doubted whether it were not necessarie that Sir George Ratclyffe should first be brought to the barre; but that was overruled not to be absolutelie necessarie.

Then followed many motions about searching the commissions by which the last synods sate, for it was moved by some that these latter commissions did differ from the former; and see Mr. Saint John and others were appointed to search them as an addition to the former Committee and to see what Judges did give their assent or opinion in that matter: and by whome Commission hath been withdrawn out of the signet office which did enable the clergie to take the new oath with divers other particulars.

See it was ordered accordingly, etc. ordered that they or any two or three of them should meete, etc. this afternoon at 2 of the cloke in the Treasurie chamber and to make report on Monday next.

Post Meridian.

Wee met about three of the clock in the afternoon that were of the Committee for Mr. Prinne and Mr. Burton's

1. Full order and additional members of the committee in C. J. II., 48. It must have hurt D' Ewes that in this search for records and precedents he was not appointed a member of the committee.
petition and for those that depend upon them.

Mr. Prynne's counsel did open the cause much after the manner and forme as hee had laied downe in his petition. That his booke called "Histrio Mastix" was licence by Mr. Buckler, the then Archebischopp's chaplainne: and fre­lie sold and published after it was published: and yet shortly after William Noy, then Attourney generall, pre­ferred an Information against him for it. 2

And soe the verie originall Information it selfe was read to which Mr. Prynne's saied booke called Histrio-Mastix was affixed - by which saied information many horrible and great orimes weree laied against the saied Mr. Prynne as if hee had condemned all lawfull sportes and that hee had done it to move sedition and rebellion;

1. D'Ewes is the only journal that gives a complete history of these committee meetings in regard to Mr. Prynne. For an account of Mr. Prynne's life of Wood's Athenae Oxonienses ed. Bliss III., 844; C.H.F. in D.N.B.; S.R.Gardiner and Osmund Airy in 9th ed. of Encyclopaedia Brit.; for his trial and imprisonment, Doc. relating to Will. Prynne pub. by Camden Society and ed. by S.R.G.; State Trials III., 586--; Laud, Works,VI.,41=70,234-238.

2. D'Ewes has inserted these words "putt in. 29° die July a° 9° Caroli" which evidently apply to the information preferred by Noy but Prynne was sentenced by the Star Chamber Feb. 17, 1634 and the information must have been put in before that date.

3. This information of Mr. Noy's is given in "Doc. relating to W. Prynne" 2-10.
and that hee had allowed Mariana, the Jesuites booke to
1
destroy Kings ; and Dr. Laytons booke against order,
2
etc. To this answere I saw the hand of William Noy and
others subscribed and Mr. Buckler and others were also
made defendants. 10. die Sept. a°. 9°. Caroli - was the
day Mr. Prynnes answere was sworne unto by him. In the
saied answere, hee plainlie and fullie shewed that hee
did onlie gett the same booke licenced a°. 1630, having
gathered manye good authorities together out of allowed
authors against stage plaies. Hee sheweth that the saied
Mr. Thomas Buckler did peruse the saied booke both before
the saied booke was printed and afterwards, and did fullie
approve it. That hee had noe intention to offend his Ma-
jestie for whose happie raigne hee blesseth God. Hee pro-
3
tests hee had [no] wicked or seditious intents in the
publishing of the saied books; but that he intended the
good of his Majestie's subjects. That hee doth not de-

fend but condemn the laying violent hands upon princes;
and hee hath alwaies abhorred that wicked and abominable
opinion.

1. Johannes Mariana, the Jesuit, had written books against
stage plays and his works were therefore condemned as sedi-
tious. Prynne's offense was that he had commended Mariana
in Histrio-Mastix.
2. Dr. Leighton's book for which he was tried and sen-
tenced was his "Sion's Plea against the Prelacie." Prynne
had also commended this book.
3. D' Ewes has obviously omitted the word 'no' here.
Hee confesseth that hee cited a booke of Dr. Layton's but then knew noe exception taken against his person; as hee had alsoe of Mariana, a Jesuite [book] against stage plays, in which hee agrees with the orthodox divines. And hee protests hee had noe disloyall thoughts against his Majestie but if, inadvertentlie, he hath offended, hee humblie casts himselfe at his Majestie's feet, beseeching and imploring his Majestie's grace; and humblie besought the Court to bee intercessors for him to his saied Majestie.

John Herne Brerelie.

Mr. Prinne and his counsell did by way of admittance allow that individuall booke which was affixed to the saied Information to bee one of those bookes called His-trio - mastix; but did not confes it to binde them.

Then was the sentence of the starre-chamber read by which the saied Mr. Prinne and some other of the defendants weree condemned and in it almost the whole former proceedings weree sett forth, etc. Mr. Prinne to bee prisoner during this life, to pay 5000 l., to bee expelled [from] Lincolnes Inne, never to practice the Law,

1. The sentences pronounced against Prynne, Buckler and Sparks are to be found in Doc. relating to W. Prynne, 16-28.
to bee degraded at Oxford; to bee sett on the pillorie at Westminster, to have a paper on his head and ther to loose one of his eares. Then to stande on the pillorie in Cheapside another day, and to have a paper on his head ther alsoe, showing his offence, and ther to loose his other eare; and ther a fire to bee made before him and all the copies of the saied bookes, that could bee gotten, should bee burnt, etc., and then followed the sentence against the other defendants which are not much to this busines, etc.

Then Mr. Prinne's Counsell tooke exception first that Mr. Prinne was censurred for a booke licencod; 2. for a booke that containes nothing scandalous or offensive in it.

MR. WHITE moved that in the sentence 3 things are charged upon Mr. Prinne moore then in the Information. 1. That Dr. Good and Dr. Harris had informed him that the booke was a seditious booke and advized him not to publish. 2. They charged him with periurie for saying that hee never brought the booke to bee licenced before 1632 and yet hee brought it before to Dr. Good and Dr. Harris. 3. That hee sweare in his answere that hee had communicted the booke half a yeare before All Saints 1632 and yett it was not printed till All S[ain]ts 1632.
MR. HOLLIS observed that hee was imprisoned in the Tower and not admitted to make his owne defence soe ful-
lie as hee might have done.

MR. PRINNE shewed how in divers particular hee had been imprisoned and disabled to answeree or make his lawfull defence.

And then weree certaine orders of Starr-chamber read and divers disputes and motions made how wee should pro­ceed in the hearing of this busines. The next of matter of moment produced was this warrant following.

Starre-chamber, Febr[uary] 1, 1632. A warrant subscribed by Coventrie L[ord] Keeper and other privie Counsellors directed to Sir William Bulfors Leiftenant of the Tower of London to take William Prinne into his custodie, and not to suffer accesse to him: and noe cause assigned of his Committement.

An order Aug[ust] 20, 1633 to make him close prisoner because hee did not answeree before being a prisoner.

I observed that Mr. prinne's first committment was Febr[uary] 1, 1632 and that was a kind of close imprison­ment; and then the Information came in June following. His counselll could not come to him in the terme time, and in the vacation they weree out of townes; and yet for this
impossible default by the order Aug[ust] 20, 1633 he was made close prisoner and afterwardes I desired it might bee asked him, whether hee could possiblie draw his answere till hee had been at his studie and hee answereed not.

Then Dr. Helin being present was demanded whether hee had not gathered passages out of his booke and misinterpeted them.

DR. HELIN excused all malioe: and saied that in Hil­larie term 1632, before Mr. Prin's first committment hee was called before the Counsell and Mr. Secretarie Coke gave him a booke called Histrio-Mastix and charged him in the King's name to peruse it and to draw out such pas­sages as were scandalous wheerupon hee did it; and de­livered the notes hee had taken being faire written out to Secretarie Coke aforesaied, before the Information was putt in against Mr. Prinne: and did after deliver the foule original draught to Mr. Attournie Noy.

After many motions I saied before Dr. Helin that if hee had proceeded with the spirit of Christian mansuetude hee might have prevented Mr. Prinn's punishment by inter­preting those places dexteouslie which hee distorted sin­isterlie and I moved farther that some one of Mr. Prin's bookes might bee delivered to Dr. Helin to finde out some of those passages hee found before.
Adiourned to this place on Tuesday next at two of the clooke in the afternoone.

Dec[ember] 10. Thursday. 1640.

An act was read for the naturalization of George Smith - the first reading.

Upon Sir Gilbert Gerrard's motion, others were added to the Committee in Sir Henry Spiller's business, viz. the Lord Ruthin, Mr. Hollis, etc.

An act was read for the selling of a certain manour or Lordship, etc., other lands by Thomas Hunt, Roger Hunt, etc. for the raising of monies to pay debts, etc. The manour of Longton in the Countie of Stafford, etc. - the first reading.

Sir Robert Crane had libertie to departe for a time into the countrie, promising to returne speedelie.

MR. NOEL moved that Mr. Edward Holford might bee called in to make his submission. And the Speaker moved Mr. Warner, the Sheriffe of Warwickshire might doe the same.

1. Mr. Hollis is not given as a member of this committee in C. J., II., 48.

2. Mr. Holford was sent for as a delinquent on Nov. 7. for words spoken against Haslerigg.
Mr. Holford was brought into the barre and did ther upon his knee, his petition was read, hee kneeling, make his submission, acknowledging his sorrow for having wronged a member of this house (viz. Sir Arthur Haselrigg).

George Warner, Esquire was brought in, and did upon his knee heare his petition read, being about 80 yeares old and late sheriff of Warwickshire, and ther made his submission.

And soe they were both discharged from ther imprisonment and the Serjeant paying ther fees.

MR. GLINNE made a report touching the Committee's painstaking that were appointed to search out the number of Recusants about London and Westminster; and that the Constable of St. Clements parish coming to Arundel house to enquire, one William Marsh servant to the Earle of Arundel (whose younger sonne William is made Lord Stafford in right of his wife) did twice discourage the saied constable and lastlie threaten him if hee returned either the Earle of Arundel's name, the Lord Stafford's or any other of the Earle of Arundel's house.

Upon this ensued divers motions how farre wee might send for the saied William Marsh in respect of the privilidge of the Lordes.

1. Corresponding account in Peyton, 42–43.
I advised that what was done in the Parliament de a°. 43°. et 44°. Eliz. in the case betweene the Earle of Huntington and Mr. Belgrave a member of this howse, etc., there was a Conference with the Lordes by a speciall committee and soe I advized now.

Then was it moved that a warrant should goe from the Speaker for a new writt to bee sent to elect one in Secretarie Windebanke's place.

Then was a letter delivered by Mr. Serjeant Hide directed to the Assemblie of the High Court of Parliament, etc. It was found on Salisburie plaine and delivered to the Mayor of Salisburie and hee sent it to Mr. Serjeant Hide, being choosen and returned one of the citizens of that cittie.

After it was delivered to the Speaker ther was much dispute about opening it; which I spake and overruled it, shewing each howse severallie weree the Assemblie in Par-

1. The members of the special Committee appointed for the conference are given in D' Ewes Jour. of Parl. of Eliz. p. 673.

The house evidently did not follow D' Ewes advice for a notice was sent for Mr. Marsh to appear to-morrow morn-
ing. Peyton adds "That this intimation was only given him because being a servant to a Lord of the upper house they could not, without breaking the Priviledges of that house sand for him by warrant."

P. 43.

C.J.II., 48.
liament, etc. examinatus in pleno Parliamento, etc., that the houses never sate together as was saied by the Speaker in the Parliament de a°. 35°. Eliz. but alwaies severall, etc. Providence had brought it to us, etc. and I doubted not but that if it had been brought to the Lordes first, etc.

Then when it was begunne to bee read it appeared to bee a light, liballious fancie, etc. and soo upon the motion of Mr. Treasourour, Mr. Hollis and five other members went upp into the Committee chamber to peruse it. And soon after they returned and Mr. Hollis made reporte.

A Committee appointed to consider of the Pyrates of Argiers and Turkish, etc. too morrow in the afternoone at two of the clooke in the Starre-chamber. And to consider of all petitions that shall bee preferred by anye captives ther or in anie other partes of the Turkes dominions and to consider of some meanes of prevention, etc.

1. In this speech to which D' Ewes refers (Jour. of Parl. of Eliz., p.515.) the Speaker, Sir Edward Coke, argues that the H. of C. is merely the 'limb' of the H. of L. and that though the houses sat separately they were in reality one house. D' Ewes argument seems to be stronger than this precedent.

2. "The Report was that it was only fitt to bee burn-ed." Peyton,43; Northcoate, 49.
Then the order was read by which the debate for the manner of the levyning of the 100,000 l. should bee debated this morning.

Then MR. HERBERT, the King's sollicitor, made report that the greatest difficultie was whether men should bee rated for all where they dwell or in all places and secondlie whether by way of two subsidies, etc.

This fatall question being stirred it was much debated and strong enclination to it.

I spake stronglie that wee should not give subsidies; that it was against the honour and greatnes of this howse to change ther order, etc. A certaine summe the old way in E[dward] 3. time, etc. I was not present at the order, etc. I see nothing of moment moved to alter it. The difficultie of levyning, etc., the shipp-moohie and coate and conduct monie, etc. Another objection of searching into men's estates, etc. see in a subsidie. Tis

1. This is the only speech in this debate which Northcote (p. 49) reports.

2. Probably a reference to a grant made in 1380 of a tenth and a half and a fifteenth and a half.
   Rot. Parl.III.75; Stubbs II.,487.

3. Called 'coat and conduct money' because the sums ordered to be raised by the several counties were for apparelling the army in the North. Nelson, I.,489.
true somewhat is objected that the 100,000 l. will fail in the collecting: 1. for that wee may add moore. For the King's seizing of any parte of; 2. subsidies if wee gave them I suspect not that, etc. soo I see now reason to alter but that the Committee goe round to worke and make it readie to, etc. The Counsell King James gave in his Basilicon Doron to his Majesties blessed brother, etc. to bee fidus depositarius, etc. And I doubt not his Majesties care will bee the same, who is as observant a Prince of the Dictamens of soo wise a Father as ever anie Prince was.

Then followed divers other speeches; some for subsidies, some against it.

At last wee fell upon this Question: whether wee should putt the Question to resolve the howse into a Committee.

Then others that stood for subsidies would have had that Question putt: whether wee should alter our order and give two subsidies. And it was long and violentlie debated which Question should bee preferred.

1. Book which James wrote in the autumn of 1598 for the instruction of his son. Cf. Gardiner, I., 75.
2. Peyton (p.43) gives a brief summary of D' Ewes' speech.
257.

Then was the Question putt whether wee should resolve the howse into a Committee or not to debate the 100,000 l., etc.

And upon the Question the I's and Noes weree equal as the howse was divided upon it but not tolde, because upon the going out of the Noes, they weree found to bee [the] greatest number.

Resolved upon the Question that the howse should not bee resolved into a Committee to debate the 100,000 l., how it should bee levied; or whether the former order should bee altered.

Then the howse being sett againe, Mr. Speaker was putting the Question whether wee should give two subsidies or 100,000 l., etc. This was disputed afresh againe and divers spake to it; especiallie Mr. Pymm, that wee should not alter our former guift; it being contrarie to all former presidents to alter what wee have done and agreed on. And others also spake verie effectuallie to the same purpose.

I moved to have two subsidies mentioned if wee receded from the first grant of 100,000 l. and not to leave

l. Written in cipher, "But all good advice came too late and the business was without life or hope."
a relief by subsidie at large; for then wee may bee
surprized and leave a grant in infinitum.

Then followed new disputes what question should bee
putt, and at last the Question was: whether instead of
the 100,000 l. formerlie ordered by this howse to bee
granted for the reliefe of the Northmen partes and the
King's armie, two subsidies shall bee granted. And the
I's carried it.

And soe it was ordered accordinglie as it had been
resolved upon the Question.

Post Meridiem.

Our Committee being a subcommittee, for Sir Fred­
erick Hamilton's 4 petitions, out of the Grand Commit­
tee for Irish affaires, failed and was adiourned to
Thursday next.

After a[t the Grand Committee for Irish affaires
which sate this afternoone, this subcommittee was dis­
solved upon Mr. Reynold's motion and mine and the Grand
Committee reassumed the busines againe. And soe it was
ordered that Sir Frederick Hamilton should attend the
saied Grand Committee on Thursday next with his counsell:
and soe the saied Grand Committee, having little to doe,
rose about fowre of the clocke.

1. C. J., II., 49.
December 11th. Friday. 1640.

A motion made by Sir Walter Earle that the writt for the Burgesses of Windesor to bee new elected might bee delivered to the sheriffe of Barkshire before his going out of towne: and soe an order was made accordinglie that the order should bee sent to Mr. Willis.

SIR THOMAS BARINGTON preferred a new petition for Mr. Walker in which hee complained that his living was sequestered and that hee was commanded not to preach on certaine texts, etc., and upon that it was referred to the former Committee in his busines.

Ordered upon Sir Peter Haimond's motion that Cor­onel Lundsford having to [be] examined in this howse and by the Lordes may have libertie to stay in London, to attend that busines being otherwise ordered before to repaire into the Northern parts.

Ordered upon Mr. Rigbie's motion that two members of the Committee in Mr. Prinn's busines might examine Mr. Collins of Lincoln's Inne for him - that they should.

Mr. Pymme and others preferred three petitions ag­ainst the uniusct proceedings in the high Commission Court;

all which were referred to the Committee in Mr. Pynne and Mr. Burton's business; and that the said Committee should search into the unjust proceedings of the Judges and officers of the same Court.

Upon a petition of Joseph Hawes and other marchants preferred by Mr. Pymme, touching the wrongs done them at sea by the Spaniards; and it was referred to the same Committee that was appointed to consider of the Turkish pirates and Argiers; and to enquire what ministers of our state doe receive pensions from foraigne states.

A motion that Mr. Holburne might attend at the upper hose barre, being a member of this house in the Earle of Castle Haven's business of great weight, with whom he is of counsell. Some disliked it; but I moved it might bee granted; for the like had once been granted here in the Earle of Oxford's business.

Then some motions passed about the manner and forme of drawing upp the Bill of two subsidies which was likelie

1. "There were Three Petitions delivered, from one Mr. Allaby, Mr. Sparke, and Mr. Clobrey." C.J. II., 49.

2. Ibid.

3. Probably a reference to Henry de Vere, Earl of Oxford (1593-1625) who was twice imprisoned for words spoken against the Duke of Buckingham.
to have raised a new contention. But it proceeded noe further at this time.

The Speaker related that concerning the complaint made by one Elsing a constable against Edward Marsh, servant to the Earle Marshall yesterday; the saied Earle Marshall had sent to him to let him know and to desire him to signifie to this howse; that hee did doe much honour and respect it that, though the saied Marsh were his meniall servant, yet hee would noe way protect him, but leave him to the Justice of this howse. And soe it was ordered hee should bee sent for.

The townes of Malton and Arwartone weree alleged to have ancientlie sent Burgesses; and that the Committee for Priviledges had seen the Records to prove it; and soe it was resolved by the howse they should send Burgesses againe; and a warrant to goe out to the clarke of the crowne from the Speaker to send out a writt for the election.

I shewed the Statute de a°. 23°. H. 6. Cap. 15 doth expresslie enact that all the citizens in citties and all

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1. Reference to Malton which had last sent burgesses in 1295 and Allerton or Northallerton in 1298. M. of P.6,10.

2. Stat. at Large, III., 279-285: "Whose shall be knights for the parliament. The manner of their election. The remedy where one is chosen and another returned."
the Burgesses in Burroughs, etc. and the same extent citizens have in citties, have Burgesses in Burroughs; that wee intend free men that are rejiant onlie to have voice though never soe poore. And if wee admitt that Letters Patents may restraine the choice to two or three then actum est de Comitiis: and soe wee shall have such sent as great men will command. For the particular of Teuskburie ther are certaine Hamlets about it which is doubted; I saied if they were ancienstlie of the Burrough they must still have voice, else not.

After which followed divers other disputes how farre Letters Patents might restraine the election to a few and agreed by all that it was against law: and then what was understood by the worde Communitas; and the better opinion enolined that the word Communitas extended to all inhabitants.

Then after long dispute the Question was put and resolved that the matter of Teuskburie should bee framed into a case in writing by a select committee and presented to the howse, and that they should draw a bill to prevent difference and disorders in Elections for the time to come—

1. Peyton reports nine speeches in this debate but does not mention D' Ewes. P. 44-45.
of which I was one, to meete on Tuesday next in the Cheesquer Court at two of the clooke in the afternoone.

This is printed

A petition against the Archbishops, Bishopps, Deane, etc. and other tyrannicall government, which now claime uiro dving to the dishonour of God and the King, etc. And a roule of 15000 names sent in with the petition. And ther came about 1500 men with it into Westminster hall.

1. Ministers not daring to speake truth or preach for predestination [and] free grace.

2. Ministers depending on them.

3. Contempt of gentrie and nobilitie.

4. Godlie Ministers thrust out.

5. The suppressing of buying in impropriations.

6. The swarming of wicked ministers.

1. C. J. II., 49.

2. Northcote (pp. 50-53) gives the only other detailed account of this debate. The petition itself is printed in full in Rushworth, IV., 93-96; Nalson, I., 661-685; Book of Speeches, 1640-41.

In a letter written to Lady D' Ewes on Dec. 14, D' Ewes makes this comment on the London petition, "On Friday morning last wee entred upon the weightiest matter that ever was yet handled in the House; for there came a petition to us from the Cittie of London, . . . desiring, amongst other particulars, that the verie government by Archbishops and Lord Bishopps in the Church, with all their ceremonies and courts, might bee abolished.


Bailie also refers to this petition I., 275-4, 275.
7. The printing heretickall bookes.
8. The swarming of vitioms and wicked pamphlets.
9. The refraining of godlie bookes to bee printed, etc.
10. The broaching of wicked tenets against the subjects proprieties.

Hence grow all our miseries in Church and Commonwealth where almost immemorable calamities in Church and Commonwealth were sett downe.

SIR MILES FLEETWOOD spake and saied that wee ought in the first place to consider of Religion as the chiefest pillar of happines: and to desire the maintenance of it; and that if wee did not now looke to it wee were forever ruined and undone. Then Mr. Stroud spake somewhat to the same purpose.

I saied that this petition was of great weight and not without president of former ages. Here in the times of poperie such petitions were preferred in Parliament. In Spaine they have petitioned against the oppressions of the clergie. And in France the Admirall Chastillon that

1. Probably a reference to the petitions preferred in Henry IV.'s reign.

2. A reference to Gaspard Coligny, Admiral of France. At the Assembly of Notables in 1560 he presented a petition from the Protestants. There were no signatures, but Coligny declared that he could have obtained 50,000 names in Normandy alone.

Cam. Mod. His. II., 298.
was afterwards massacred at Paris did deliver to François the second, King of France in his Counsell chamber upon his knee, a petition preferred in the name of the Protestants of Normandie being 50,000 persons in number, which Petition the said King, though of the Romish religion, received verie graciously. For the petition before us it could not bee denied but that ther was much chaffe in it, as well as wheate, but yet like the good husbandman wee should not cut away the wheate with the chaffe but fanne the one and preserve the other. To speake to all particulars of the petition weree almost infinite. But to the maine thing in it, which is that Archbishops, Bishops, Deanes, etc. should bee wholly abolished, wee ought to proceed with great moderation. For doubtles the government of the church of God by godlie, zealous and preaching Bishoppes had been most ancient, and I should reverence such a Bishopp in the next degree to a King. But I protested in the presence of God that, though I were not a profess divine yet I had read somewhat in Divinitie, and could not conceive but that if matters in Religion had gone on but 20 yeares longer as they had done of late yeares, ther would not in the issue soe much as the verie face of Religion have continued amongst us; but that all
should have been overwhelmed with idolatrie, superstition, ignorance, profanenes, and heresie. As I allowed ancient and godlie Bishopps, soe I disliked ther baronies and temporall Honours and imploiments. William the first rent away 100,000 l. of yearelie revennue from his crowne to make them barons and this weree fitt to bee restored againe to the roiall throane which now needed it. For Cardinalles, Archbishopps, and Deanes – they weree meerelie created by the Pope; the Archbishopps are made by the sending a Pall as weree the Archbishopps of Vannes, Dole and Tholouse in France and this Pall is a little shorte peice of woollen stuffe, by which they are created Archbishopps. And for ther imploiments in temporall and offices, it is directlie against divers Canmons and Counsels of ther owne. I wished therfore wee might proceede to advize of the saied petition before us with such moderation as his roiall Majestie himselfe might not misinterpret it. For mine parte, I concluded that I came with that loiall and faithful heart to his Majestie into his howse, that Salus Deo Salua religione and salua libertate. I now was

1. So far as I have been able to discover Vannes and Dol were bishoprics, not archbishoprics at this time. Dol was later incorporated in the archdiocese of Rennes.
and ever should bee readie to assert and defend all the ancient, true and hereditarie rights, immunities, prerogatives of his saied Majestie's crowne and dignitie, which anie of his roiall progenitors had rightfullie and iustlie enioied before him.

Then followed divers other speeches all except Mr. Treasourour's for the entertaining of the petition. Hee spake that hee feared the consequence of the saied petition, that as hee knew many honest men had been unjustlie called Puritanes soe hee feared some Brownists had a hand in this petition. For they strucke at the alteration of those ecclesiasticall matters which weree established by Parliament: in particular hee saied hee was scandalized at that of ther exception at the kneeling at the Common-ion. And that hee was alsoe scandalized that such a great number of the cittie came into Westminster hall with the same petition. Soe hee desired that either wee would cast out the petition; or onlie handle the lesse offensive parte of it.

First, resolved upon the Question, that wee should consider of this petition upon a certaine day.

Secondlie, resolved upon Question that wee should consider of this petition on Thursday next.
Thirdlie, resolved upon the Question that the names should be sealed upp by the Speaker and the two Aldermen. And see it was after done in the howse openlie, the Speaker sealing first, and the two Aldermen viz. Alderman Soames and Alderman Pennington next, which two last sealed cheifelie upon my motion.

MR. PYMM moved that hee was sent for by some of the Lordes Commissioners of England to Sir Abraham Williams howse in Westminster wheree were alsoe some of the Lordes Commissioners of Scotland: wheree they tolde him that they had latelie received letters from the Scottish armie, declaring that noe monie was yet come to ther releife; that they were in great distresse, the Northren partes paying anye thing slowlie in; and the verie cloathes of many persons weree ragged and worne out. They thergore desired the howse to advize of some meanes that the other 30,000 l. might bee speedilie sent for the releife of the Northern partes: and too morrow morning at nine of the clocke was appointed for the debate of it.

1. C. J., II., 49.

2. This speech is not mentioned elsewhere but a reso- lution was introduced in the house that the matter of the king's supplie should be taken into consideration the next morning. C. J., II., 49.
Post meridiem.

At the Committee touching Shipp-monie, etc., we met about three of the clooke in the afternoone; and wee first fell into consideration of the petition of Watford in Hartfordshire against the proceedings of one Prudden, a servant of Mr. Coningsbie's, sheriff ther in the yeare 1638, and appointed him a speciall bailif. Manie notorious outrages committed in the distraining for shipp-monie, weree proved against the saied Prudden and one Sto[w] upon his distraining the goods of the saied Nathaniel Manistre and other inhabitants in the saied towne: by distraining and selling goods of double value, the money demanded without making anye restitution: and dragged some of them violentlie to prison. And that the verie warrant sent from Mr. Coningbie and signed by him did give authoritie to the saied Prudden and Stow either to distraine the saied inhabitants of Watforde or to imprison them.

I moved divers times to the order of the Committee that none might aske anye questions but Sir Edward Hungerford that sate in the chaire. And secondlie, that all

1. D'Ewes is the only authority for this committee meeting.
that were at the Committee might bee bare except such as
were members of the howse. At last the sence and resolu-
tion of the Committee was that a warrant should bee sent
downe into Harfordshire to bring upp the saied Prudden
and Stow and to cause them to bring upp ther warrants
with them.

SIR FRANCIS SEYMOUR complained that about summer was
twelvemonth Sir Edward Baynton came to him, having been
sheriffe of Wiltshire the yeare before and demanded 5 l.
and having first complain[ed] to the Lordes of Counsell
of him; and therupon hee was sent for before the Counsell.
And being dismissed after his returne home hee saied Sir
Edward Bayntone came to his howse and soe hee and his man
did distaine his horse in the pasture for it: being then
out of his shreivaltie and having noe warrant from Mr.
Duke, at that time sheriffe of Wiltshire; but onlie as
the saied Sir Edward Bayntone pretended a warrant from
the Lordes of the Counsell.

It was resolved by the Committee that this should
bee reported to the howse too morrow morning as Sir
Seymour had sett it foorth.

Then weree divers petitions preferred, but I staied
not the reading above one of noe great moment.
Dec[ember] 12. Saturday. 1640:

A Committee appointed to consider of all petitions brought in to what committee it is fitt to referre them.

MR. SPEAKER saied the King had sent for him, and was pleased to tell him hee would not pricke any member of this house to bee sheriff; that therefore if Mr. Hobbie had received his patent before election hee should not stand sheriff; but if hee had [not] received his Patent 1 before his election.

Now the house having ordered that a writt should goe out for the election of new Windsor, it is doubted whether the writt for election should goe out to Mr. Purferey the

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1. Peyton's statement (p. 45) is clearer: "That hee (the king) pricked Mr. Hobby Sheriff, but if it were before his Patent [was] sealed up a Burgess of the Parliament then hee would prick another; but if hee were nott then he should continue sheriff."

This disputed election in Marlow Magna is very fully discussed in the opening pages of the "Verney Notes" and is the only matter taken up before Feb. 10, 1641. When Parliament opened there were double returns for Marlow Magna; one of Burlace and Ipsley, the other of Burlace and Hobby. It was determined on Nov. 9 that Mr. Burlace was properly returned (C. J., II., 33). Later on the 19th the election was declared void so both Burlace and Hobby were unseated (C. J., II., 31). A new election was ordered and Whitelocke and Hobby were returned. Burlace disputed this again but no decision was reached (C. J., II., 41, 51, 63, 67). He was finally returned for Corfe Castle after Sec. Windsbanke's flight. Cf. Verney 1-4; C. J., II., 50; Whitelocke, I., 109; Northcote, p. 53.
old sherife who hath not yet his Patent of discharge
or to the new sheriffe: and agreed the writt should bee
sent to the old sheriffe till hee had his writt of dis-
charge.

And soe it was ordered.

The Bill or Act read for the confirmation of the
Queene Henrietta Maria's jointure which was sent from
the Lordes read the first time.

MR. KING reported from the Committee for Argiers
and Turkish Pyrates; that they weree tenn shipps of
Turkish Pyrates now lay upon the Westerne coasts: and
the Committee desired that his Majestie might bee hum-
blie moved to send two of his shipps of warre into those
partes to scowre the seas: and to enforme his Majestie
that they have taken three or fowre shipps the last
 weeke. Then Sir Henry Vane, the Treasurour of the King's
household was desired to move his Majestie in it, and
undertooke it.

Then wee fell upon the great business for sending
away the rest of the 100,000 l. into the North, of which

50,000 l. was gone.

1. D'Ewes has crossed out these words, "It was re-
fered to the Committee for the regulating of the
Northmen armies to consider of it." Nothing of the
kind is recorded in the Journals.
MR. TREASURER made report that both his Majestie and the Lord Generall weree willing with all convenient time and speede to remove all popish offenders out of the garrisons and English armie in the Northren parts.

Ordered, that the Committee for regulating the Northren affaires to consider of the payment of the garrisons, etc. and Mr. Treasurour to bee added to the Committee and at two of the clocke on Monday next in the Court of Wardes, the saied Committee is to meete againe.

Then the houe fell into dispute how the other 50,000 l. should bee advanced to bee sent away into the North, and Mr. Harrison saied hee would rather lend without securitie then that the Cittie should faile.

Soe theer passed new motions about such as should bee bound; and it appeared that many that offered to bee bound, etc. for an 100,000 l. if that bill had passed would not now bee bound for two subsidies, etc.

A petition of Henrie Browne, the foreman of a iurie at Hartforde, peticioned against Sir Robert Barclay knight, one of the Justices of the King's bench, that hee having presented the removing of the Communion table in All Saints church in Hartford, etc. and setting it Altar-wise, etc.; that hee caused him to read the pre-
sentiment and to tread it under his feete, and then im­
prisoned him; and reviled him and tolde him his present­
ment was a scandalous paper against the Church and State. 
That it was against law; and that hee knew noe law that 
did order or regulate the Communion table.

Ordered this busines should bee referred to the Com­ 
mittee appointed to draw up the Charges against the Lorde 
Keeper and Judges, and Mr. Wingate and Mr. Waller weere 
added to that Committee.

A petition preferred by divers inhabitants of the 
towne and parish of Beckington in Somersetshire, shewing 
how the church wardens of that parish, named James Wheel­
er and George Wrie, in 1635 [were] excommunicated for 
not setting upp the Communion table by William, Bishopp 
of Bath and Wells, altarwise; which stood in the Chan­
cell fairelie encompassed with wainscot.

In 1636, Thomas Homes and Thomas Dunninges wee re 
againe commanded to alter it, and being with the Bishopp 
they tolde him they thought they could not answer it to

1. C. J. II., 50.

2. Dr. William Piers or Pierce was appointed Bishop of 
Bath and Wells in 1632. An account of his trouble there 
may be found in Wood Athenae (ed. Bliss) IV., 859; 
Prynne, Canterburies Doom, 27, 90, 97-100, 134-41, 153, 
353, 377; Heylyn Cyp. Ang. 215, 272, 394; Book of 
Speeches, 318; Gardiner VIII., 116.
a Parliament: what tell you we saied bee ieering of a Parliament, when the skie falls wee shall catch larkes. The King hath whollie referred the matters of the Church to his Bishopps and other wordees. They onlie endeavoured to hinder the Parson and his workmen to remove, etc.

At Lent Assises, 1636, at Charde the Lord Finch, now Lorde Keeper, etc. setting in the Nisi prius court came from thence into the othex court, etc., riot, etc., calling it a Switzerland commotion or a Waldensinn insurrection, and that hee would not suffer the grand iurie to departe till they had found the riot.

Then later by the procurement of the Archbishop, the saied Lorde Finch at the next Assizes refused the iurie the sheriffe had impanelled and put on a iurie of yong, ignorant men hee ther called out; and forced them that they should finde the riot meere lie upon the testi monie of the parson of Beckington aforesaied, a most wicked, popish fellow and laied above 2,000 l. fine upon them to ther utter undoing and imprisoned them for six months.

Soo it was ordered that the saied Alexander Huet, the wicked parson of Beckington and the rest that assisted
him to cutt upp the wainscott about the Communion table and to prosecute the said Churchwardens should be sent for as delinquents, etc.

And this and some other petitions to be preferred against the Bishop of Bath and Wells were referred to a select Committee, etc. and soe ordered; to meete Tuesday at two of the clokke in the Exchequer court.

The petition of George Woodcocke read by which he accused one Richard Grisberie, a noted recusant, for saying that the petition which the Lordes carried into the North was an insolent petition and did savour of partaking with the Scotts. 2dly hee disliked the King's undertaking and covenanting for Religion, for hee would rather bee hanged then take such an oath. 3. That hee knew thousands in this kingdom both of the clergie and others that weeere of his mind. Ordered that hee should bee sent for presentlie by the Serjeant as a delinquent.

Post meridiem.

Pomeridian apud magnos Delegatos in re religionis in ipsis Comitatum aedibus, se iudicio sistebut Dr.

1. A corresponding account in Northcote, 56-57.

2. This name as given in the Journals is 'Grimbery.' C. J. II., 56.
Layfeldus rector Ecclesia omnium sanctorum Birchen.

Gravium postulatus crimenum se ubi imaginem nisi ad fontisterium erexit negavit adorationibus et concionibus reus ex maxima parte peractus.

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 Comitia[m] accesseram lustrabamus aliqua indiuisus aliqua addidimus et caetera approbavimus. Omnia ad nos legiti clerici; et mihi hoc opus maxime placuit, incepimus horam sociiter quartam desimus sociiter sextam.


An act for the naturalizing of William Fisher and Peter Herne marchants, read 1st vice.

An act to enable Sir Gilbert Wells, sonne and heire apparent of Thomas Wells, and Mary the wife of the saied Sir Gilbert, etc. to sell landes to pay ther detts.

1. The editor of Northcote's Diary (p. 57) makes a curious mistake here in allowing Northcote's date of Dec. 13th (Sunday) for the events of Monday, Dec. 14. to pass without any comment. This error makes the proceedings in Northcote fall one day behind the actual events.
Mr. Reynolds had libertie granted him to repaire into the country for three weekes to gett readie witnesses in a case now in agitation before the Grand Committee of grievances. But the Speaker was enforced to put it to the question because some cried No; and soe it was resolved upon the Question.

SIR ARTHUR HASELRIGG moved that the Committee appointed to consider of the power of the Star-chamber and Deputie Lieutenants, of which I was, might consider of the excess of Deputie Lieutenants in Leicestershire; Sir Hugh Cholmelie and Sir Philip Stapleton added to the Committee. And they were to consider the misdemeanors of the Deputie Lieutenants in all other counties.

And this was ordered accordinglie.

And then was a petition read, preferred against one Sir William Russell, a Deputie Lieutenant in Worstershire; for his horrible oppressions and changing soldiers and taking bribes as a Deputie Lieutenant, and altering rates and oppressing whom hee pleased and easing whom hee pleased and in the mean time paying nothing for his owne estate, being 1500 l. per annun.

1. C. J. II., 50.
2. This petition was preferred by Mr. Hazelwood.
Serjeant Wild spake long to little purpose in de­fence of Sir William Russell and after divers interrup­tions, etc. I spake that though everie member ought to have freee libertie of speech yet if any upon hearing spake impertinentlie as the gentleman now did, it was ever in the power of the howse to desire them to for­beare. And yet Serjeant Wild would goe on; and then upon Sir Walter Earle's motion seconding mine, hee was bidd hold his peace and see hee did.

Then SIR HENRY HARBERT spake against Sir William Russell and reported all that had been spokeon on his behalfe by Serjeant Wildes.

Soe the order was made full and perfect and read and all that would come to have voice - to meete too morrow at 2 of the clocke in the afternoone in the Dutchie court.

MR. ST. JOHN moved to consider of the King's rev­enue and to make a reparation for Monopolies, shipp monie and other things taken away.

I shewed that I did not rise upp to oppose but to further the two last motions; I well knew what meanes

1. D' Ewes has written 'Harber' here but it was obviously a slip of the pen.
the Kings of England ancientlie used to repair their revenue and should tender a view of them. The sea itselfe, etc. In France after the death of Henry the great, the revenue of the Crowne was found to bee 26,000 millions (I mistooke it for 2600 millions) and the expenses were moore then the income, and soe noe helpe till a cutting off of the unnecessarie expences. Soe in H[enry] 6 time the Lorde Cromwell being Lorde Treasurour, brought in a list into the Parliament of all the King's expences and Revenues. And the house restored to him a full and faire revenue, etc. And soe I assured myselfe should wee shew as much regard to his Majestie as ever loiall and loving subjects ever did to any King of England.

Then divers spake to particular heads: some about the compounding for the Court of Wardes, and others about the Customs and the like.

Sir Henry Fane [Vane] Treasourour of his Majestie's household, shewed that his Majestie would bee verie joyfull to heare of our care of his revenue and our desire to make him able to subsist like a King. And hee did

1. This speech of D' Ewes is not mentioned in Peyton's or Northcote's account of the debate.
not doubt but that his Majestie would bee verie willing that wee should consider both of his Revenues and expenses, which hee would bee readie to further to his uttermost in his owne particular. And see some other speeches of little moment passed in this particular.

Then was some dispute raised about the charge to bee sent upp against the Lorde Keeper and the Judges: and that the Committee might have power to examine by some of ther members the Judges or anye others.

Then was the order read, made on Wednesday, Dec[ember] 9 last past, concerning the Committee appointed to examine the proceedings of the last synod and ther new canons.

MR. WHISTLER saied that they had searched all particular Commissions and matters belonging to it, the late synod, excepting only the former writts of summons. First, for the oath hee saied it was a most wicked oath, and the etc. is not patterned in the oathes of Jewes, Turkes or heathens. Hee added that it weree in vaine to take away some of these canons and not to take away all:

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1. "Mr. Treasurer is intreated to acquaint his Majesty with the great Care and affection of this House to advance and settle his Majesty's Revenue."

C. J. II., 50.
or to leave them a power to make worse. And for that clause in these canons that the Archbishops should have power after 3 years to make what articles he would.

Hee added that hee held clearelie that within the
1 Statute de a°. 25. H. 8 they could not make canons to binde the subjects of England - no, not the clergie. The Statute is whollie restrictive. And had they power to make what canons they would, it were in vain for us to make anie statutes heere. Nor is ther anie proviso in the statute to bind us. Nay, ther canons cannot binde themselves, if they bee not conformable to law, and to the King's prerogative. And such canons as are to binde us ought to bee confirmed by law. Then hee shewed that the second commission to make them a synod did cleane contradict the first by which they were summoned to the convocation. And this was granted with a Non obstante anye law, statute or constitution to the contrarie, which shewes they had little respect to the Statute de a°.35°. H. 8. Then hee shewed that these Canons were against the
2 Statute de a°. 1°. Eliz. cap. 1. For that onlie gave to


the Crown what the Pope had usurped from it. But God forbidd we should thinke that by that statute the Pope's unlawful power was given to the king. Now for ther getting the King's Confirmation, that is an aggravation of ther offence, because they would lay all the errors upon the King. The King's authoritie shall never excuse a man's wicked act but ought rather to aggravate it. Many things are authorized alsoe by act of Parliament, which being unlawfullie pursued are void; as the verie summons to Parliament, and the like.

And soe concluded that all the new canons were void: first, because they were against law; secondly, because the second Commission gave them no securitie to make them.

SIR THOMAS WITHRINGTON, a common lawyer, alsoe spake first to the Canons and 2dly [to the] Commission by which the first Commission was revoked. And 3dly whether such canons as these new ones should binde. 1. Hee held that Canons made in Convocation did not binde for 1. they must binde as they are agreeable to law before setled; and

1. D' Ewes has written "Pope" here but it should be 'king,' judging from the context.

2. Both Peyton (p.47) and Northoote (pp.60-61) give Mr. Whistler's report but D' Ewes is much more detailed.
then they bind not as Canons but by reason of the law that bound before. Though some canons did formerlie binde, yet all our yeare bookees shew that those canons did not binde the laitie, but onlie the laitie [clergy]. But 2dly these new canons are void by reason of the new commission; for by the Parliament they had a relative power whilst they weere in convocation; but the Parlia­ment being dissolved, they weere meere Commissioners and private men by this new Commission; and soe cannot make Canons to binde either Clergie or laitie, for ther pub­like power is as they weere a representative bodie. And 3dly, these new canons are of most others most unlawfull. In the first canon they have medled with all our Liber­ties, Courts and lawes and taught new doctrine concerning the Prerogative and with matters they have nothing to in­termeddle in. And soe hee instanced in divers other canons to bee unlawful and void. And in many parts of them di­rectlie to cross Magna Charta. Nay for the wicked oath, all ministers that should mut of conscience have refused had been undone. It was moved by one (viz. Dr. Edon) that if anie of the Canons weeere good wee should allow them; but hee thought that they weeere all naught and all to bee contemned; and hee hoped ther buriall would bee moore hon­orable than ther birth.
SIR WILLIAM STRICKLAND compared the Synod to an unlawfull conventicle in which they endeavoured to doe two things: 1. to sow sedition between the King and his people and 2dly, to sow false doctrine.

SIR FRANCIS SEYMOUR saied this Holy Synod had been a hollow-hearted synod; had endeavoured to thrust religion and all godlie ministers out of the Church under pretence of going against poperie. Hee wished therefore these Canons might bee burnt by the Common hangman; to the makers, hee was moore charitable and wished ther reformation, not ther ruine. And soe desired the Question might bee putt.

MR. PYMME moved that wee should onlie vote the illegalitie of the Canons, and leave the burning of them and the punishment of the makers to the Lordes when wee shall have transmitted them upp.

Then divers spake to put it to the Question and Mr. Holburne spake to deferre it.

And after others, I saied that I wished the Question might bee putt, notwithstanding anything had been saied against it. For if a man should goe with a lanterne and

1. Northoote (p. 61-62) reports the speeches of Widdrington, Strickland and Seymour; Peyton (p. 47) of Widdrington alone.
candle at noone day as Diogenes did to find an honest man in Athens, hee would scarce bee able to find anything good amongst them. I durst averre that nothing of this kinde had ever been soe solemne and long debated in Parliament, that noe exception could bee against the Justice and the proceeding of this house. It was not so used in former times for in Rot. Parl. de A°. 6°. R. 2. no. 52° the subject did not onlie condemn Canons but a statute the Clergie had formerlie gotten to passe in Parliament, and complained to the King of the subtletie, craft and malice of the clergie. And soe I desired wee might put it to the Question now for damming these new canons; and too morrow dispute the craft of them that made them.

Then Mr. Holburne desired to have till too morrow to speake in the defence of the new canons.

And upon this followed a new and long dispute whether wee should not deferre the arguing of them or not. After many disputes Mr. Perd shewed that this day was appointed peremptorie to vote the illegalitie of the Canons. Ordered peremptorie to speake to the new Canons too morrow and then it shall receive a finall determination.

1. no 52 - not in Rot. Parl., III., 132-149. D’Ewes’ speech not mentioned elsewhere.
I was at first at the Grand Committee for religion and ther it was reported from a subcommittee that when Mr. Henry Wilkinson, a bachelor of Divinitie, when, some years since, hee came to receive holy orders at the Bishop of Oxford's hands, hee [was] put over to one Mr. Fulham to examine him: who asked him onlie certaine new ensnaring questions touching matters of bowing to altars at the name of Jesus and the like and because hee excused himselfe from answearing to them; hee was suspected not to bee of ther partie, and soe refused to admitt them. It was found alsoe by the saied committee that the saied Mr. Wilkinson had been latelie suspended by the Vice-chancellor of Oxford for an honest sermon ther preached; and th that all the exceptions the saied vice-chancellor tooke against the saied sermon weere frivolous and without ground and that therfore his suspension was unius upon and soe it was thought fitt to send for the saied vice-chancellor to answear the wrong done and to free the saied Mr. Wilkinson from the saied suspension.

As this was in resolving I went out of the house of Commons, wheere the saied Grand Committee sate, into the Exchequer chamber wheere I was of a select Committee
touching the Forrest busines. The Essex busines touching the new forrest ther found in October a°. 10°. Caroli in agitation when I came in. Ther it was proved that the iurie impanelled to find the new forrest were all within the bounds of the olde Forrest called Waltham forrest, as was witnessed by those which were of the saied iurie. And that the Sir John Finch, now Lorde Keeper, although the Earle of Warwick tolde him they were not provided to ansewre it, did command the iurie to find a verdict for the King, although in ther consciencen they were altogether unsatisfied to find it forrest -- supplying then the place of Attornie generall in Mr. Noyes' place. And that hee would bring them into the Starre-chamber if they did not finde it; but that then Sir John Trever, one of the barons of the Exchequer stood upp and saied hee hoped it should not prove a starre-chamber busines.

They were further shewed certaine Rolls de a°.20°. E. 1 and de a°.17°. E. 2 of the perambulation of the forrest. And that the saied Sir John Finch would not suffer them to peruse or see the Records, but used threatening

1. In the preface to Cal. St. P. Dom 1634-5 is a letter written by Warwick the day after the proceedings described in this committee (Oct. 5, 1634). The details correspond almost exactly with this report of D' Ewes of the committee.
speeches to them. Sir William Roe and Mr. Lee, men of quality, were rejected from being of the iurie because they were thought to stand to firmelie for ther cuntrie. And that a particular fine of 20 l. was sett upon one Mr. Searle but for desiring to produce a copie of King John's charter. The Earle of Warwick desired of Sir John Finch that the cuntrie might not bee surprized. And hee answered him. My Lord, yow have been at sea and know if you have your enemie under the locke (that is under decke) yow will hold him ther, and soe will wee the cuntrie for the King. After this betweene October a°.10° Caroli and Aprill a°. 11°. Caroli, Sir John Finch was made Lorde Cheife Justice of the King's bench. And in Aprill aforesaied wast the second sitting when Finch sate as a Judge and then the cuntrie had petitioned the King, had a gratious answear from him, and expected justice and had ther traversses readie, and demanded justice and a sight of the Records at the second hearing. But all was denied and refused, although ther weree still and had been purleiwes for time out of mind of the bounds of the old forrest and a ranger which are strong presump­tions that ther could bee noe new forrest. And in Oct. a°. 10°. Caroli Sir John Finch saied in Sir William Roe's
hearing, that before too morrow morning hee would have everie foote of the Countie of Essex found to bee forest from Stanestreet to Catway bridge. And that upon this uniusd judgment in Apr. a°. 11mo. Caroli gotten surreptitiouslie, still is continued the Erie or Forrest Court by commission formerlie granted to the Earle of Holland the Justice in Erie.

This Committee adiourned to this place on Friday next at 2 of the clooke in the afternoone.

December 15. Tuesday. 1640.

William Bullocke petitioned the howse that being commanded to attend this howse and to bring in his patent this afternoone about the Lights on the Sea-coasts, and being commanded to attend before the Lorde Keeper this afternoone alsoe, the howse agreed hee should attend heere and not ther.

Jogn Burdet was called in and standing at the barre 1 witnessed that Serjeant Maior Yore with certaine Muske-tiers had violentlie devied monie in Yorkshire by vertue of a warrant under Sir William Penniman's hand, a colonell of a Regiment in the English armie in the North. The cir-

1. Spelled 'Yeoward' in Northcote (p. 63) and 'Yoward' in the Journals (II., 51.)
circumstances of his threatening language and violent proceedings did much aggravate the offence.

Sir William Pennyman stood upp and first for Mr. Yore being a captaine (alsoe as well as his Serjeant Maior) hee saied if hee had done amisse hee wisht suffer for it. For his warrant hee confessed it might perhaps bee illegal; but hee excused it by the law of necessitie and nature, in respect the Scotts weree advanced to the verie skirts of Yorkshire; and soe if hee erred hee saied he had rather fall under the mercie of this house then under the contribution of the Scotts.

SIR HUGH CHOLMELEY answereared all that Sir W[illiam] P[ennyman] alledged in excuse of himselfe and shewed that all things were setled when this warrant was granted, for the generall contribution of Yorkshire was setled, and soe noe necessitie.

Then Sir William Pennyman began to replie, but Sir Walter Earle saied it was against the orders of the house for Pennyman being questioned as a delinquent to replie, but that hee ought rather to withdraw himselfe. Mr. Pymme saied hee though being matter of fact in question hee might sitt still.

1. In close agreement with Northcote (63-64) but he mistakes it, due to his mistake on the 13th. The principle in question here was that when a member of the house was questioned as a delinquent he ought to withdraw while his case was being considered.
Mr. Perd wished it might bee referred to the Com-
mittee touching Lord Leiftenants and Deputie Leiften-
ants, etc. and soe it was.

A petition of James Maleverer and Thomas Mayfer
about the exceeding losses and wrongs susteined for not
taking the order of knighthood, although they sought it.

Then MR. HOLBURN beganne according to yesterdaies
order to argue for the Canons. 1. Hee proposed the
question whether the convocation with the roiall assent
might make Canons to binde; 2. whether the late Commis-
sion did give sufficient power to a synod; 3. whether
these new canons weere not against law. For the first
hee held stronglie that such canons made in the convoca-
tion howse and confirmed by roiall assent being not di-
rectlie against law did binde, for else the power given
them by the statute de a°. 25. H. 8. [c. 19]. were of

1. James Maleverer of Arncliffe, Yorkshire was in-
volved in the same trouble as Sir David Foulis in re-
sisting compounding for knighthood in 1638.
    Cf. Rushworth, II., 216.
2. This speech is fully reported in Northcote (65-69).
   Nelson (I., 677.) says, "Mr. Holborne argued two hours
   in Justification of them" but was unable to get a copy
   of the speech as "very few Speeches, or Arguments of
   the Loyal Party have been rescued from oblivion."
noe use or force. Hee spake much of the Churches power to binde in former canons, although never anie one weere confirmed by act of Parliament. Since the statute a. 25. H. 8. [q. 19] the same power is given to the convocation howse which they ever had before. And this hee saied did appeare by the verie debate of that act before it passed. Since that Act divers canons have been made in H[enry] 8., E[dward] 6. Queene Elizabeth and King James his time, which did binde and never confirmed by anye act of Parliament. And surelie the Church ought to bee governed by ieselfe, and lay men not to intermeddle in it. Hee agreed that such canons as weere directlie against law weere void; but such as constitute indifferent things are not against law but ought to binde. Then hee shewed that in H[enry] 4. time ther was a Convocation without a Parliament and that it made Canons which did binde. Then if wee bee of the Church the Canons must bind us which binds all that are not out of the church. Hee acknowledged that the Convocation assembled with the Parliament is a dead bodie if that bee dissolved. But then the King may, by a new com­mission, make them a living bodie again. Then hee came

1. The question of convocation and ecclesiastical leg­islation is discussed in Stubbe, III., 332-343.
to the second point to discourse what this new Commission did worke, and for that hee conceived the King's power was the same in the one and in the other. And soe hee came to justifie the oath and the new Canons and saied if they had power to make canons, they had power to ratifie the observation of them by an oath. HEE instanced in divers oaths that had been made without authoritie of Parliament (many being verie dangerous examples).

MR. SAINT JOHN moved that hee would onlie handle this question whether any Canons or Constitutions of anie Counsell, Nationall, Provinciall or Synodicall, did bind without act of Parliament and hee held not. First hee helde that if the clergie weere bound no further then the laitie, because if they binde them, wee must bee bound by it, being to pray and joine in holie duties with them. Wee give the clergie ther wages and therfore tis reason wee should bee bound by them. But wee are now all one bodie, and must bee all bound by consent in Parliament. And by the statute de a°. l°. Eliz. cap. 1 nothing was given to the crowne but all the ancient rights

1. D' Ewes' account of St. John's spee ch is the most detailed report. Cf. Northcote,69; Peyton,48.

2. Stat. at Large, VI., 107-117.
restored to it. All canons made and Constitutions decreed before the Statute de a°. 25. H. 8. Cap. 16 [19] were then voided and abolished. And by that statute nothing is made to binde us but onlie they have licence if they doe make them mot to bee punished. Hee shewed that in the Saxons' time Constitutions and Canons made by the Parliament. Soe in William the first's time: matters of religion weree determined in Parliament. And soe in H[enry] 1. and H[enry] 2. King John and H[enry] 3. maintained their prerogatives in constituting matters of Religion. In H[enry] 8. time almost all matters of religion ordered by Parliament and soe all matters of Religion handled in E[dward] 6. time, Queene Marye, and Queene Elizabeth. Therfore they could not doe it without an act of Parliament. Hee then shewed the horrible tyrannie of ex communication and how unfit for us to bee bound by it. The verie ancient writts weree ad tractandum et consentiendum by which the convocation was summoned Rot Parl. de a°. 15°. E. 3. n°. 26°. 1 it appeares that the Canons weree then confirmed by act of Parliament. And soe Rot. Parl. de a°. E. 3. n°. the Commons do ther profes that they are not

MR. MAYNARD said that those who would bind us by the Canons of the clergie doe use the verie arguments the Pope did to raise his owne power. Tis true the clergie never ceast striving to enlarge ther power, but that ambitious designe was ever opposed. Hee made an excellent observation that the King gives them onlie libertie to make an oath for the clergie; and they have made it to extend to Doctors of phisicke and all graduates and then they sweare to uncertainties and yet sweare they sweare from the second Commission to doe what they have done.

Then SIR JOHN WRAY spake in generall against the innovations and usurpations pf the Bishoppes.

Then I spake and shewed I did not rise upp to argue the Canons anie further but onlie to answere some particulars had fallen from the gentleman in the gallerie (I meant Mr. Holburne).

1. A reference to one of the Commissions appointed by the Crown in the 16th century to revise the Canon law. Cf. Ollard and Crosse "Dictionary of Eng. Church History."

2. Peyton (p.48) adds this, "D' Ewes said, That many of the statutes were false printed, and in many places were omitted twelve lines together, and wished the booke might bee compared with the Recordes. Rushworth quotes at length three speeches in the debate of the Canons on Dec. 14 and 15 - Sir Edward Deering IV., pp. 100-104; Mr. Nathaniel Fiennes, pp. 105-111; Sir Benjamin Rudyard, p. 111.
Then followed much dispute about the Question and at length it was putt. As many as are of opinion that the Clergie of England convented in anye convocation or synod or otherwise have no power to make anye constitutions, canons or acts whatsoever in matter of Doctrine or discipline or otherwise to binde the clergie or laitie of the lande without common consent of Parliament.

Resolved upon the Question nulle Contradicente etc. (and soe write downe the Question verbatim). That the clergie, etc.

Then was the second question putt: As manye as are of opinion that the Constitutions and Canons Ecclesiasticall treated upon by the archbishopp of Canterburie and Yorke, Presidents of the Convocations for the respective Provinces of Canterburie and Yorke and the rest of the Bishopps and clergie of these Provinces and agreed upon with the King's Majesties licence in ther severall synods begunne at London and Yorke 1640 doe not binde the clergie or laitie of this lande or eigher of them.

Resolved upon the question nullo Contradicente that the severall constitutions (etc. verbatim as in the Question).

1. C. J. II., 51. This unanimous vote is very signifiecant as showing the strength of Pym's party at this time.
Ordered wee should consider further of the illegalities of the new Canons too morrow morning at nine of the clocke.

Post Meridiem.

We mett in the Exchequer chamber in the Committee for Mr. Prinn's petition a little after three of the clocke in the afternoone.

An order dated in Camera stellata 8 die Junii aO. 10 Caroli Regis by which Mr. Prinn's fine was to bee estreated speedilie of 5,000 l. and that hee should bee close prisoner and kept from penn and paper because hee had sent a letter to an honourable personage (viz. the Archbishopp of Canterburie) of two or three leaves, and being sent for by Noy the Attorney and shewed that letter that hee rent it into peices and threw it into the streete.

SIR WILLIAM BELFORE, Leiftenant of the Tower, did witnes that after hee heard of the saied motion made on the saied 8 day of June within a day or two after the order to the Lord Keeper Coventrie to know if hee should keepe him close prisoner; and he saied hee needed not. Nor

1. This letter is quoted at length 'from a copy in Dell's hand' in Gardiner, Doc. relating to Wm. Pymne, 32-56.
had hee that order for 3 weekes after the date of it and
then hee was held close prisoner for 3 weekes after, and
then was againe suffered to bee a prisoner at large.

John Eaton witnessed that hee saw Dr. Helin's notes
about May a°. 4°. Caroli by which hee charged him to have
gathered seven heads against Mr. Prinne, some amounting to
noe less then treason, by which it might well appeare Dr.
Helyn intended to question Mr. Prinn's life. These notes
weree sent by one Mr. Brocket to the saied Eaton, which
Mr. Brocket witnessed to have been a true copie, for hee
had seen the same notes severall times in Dr. Helin's
hands: and that hee copied them out himselfe out of Dr.
Helin's hands.

Then weree the examinations of Mr. Prinne read wheere-
in is little moore sett forth then was in his answear,
saving what booke, called Histrio mastix, hee dispersst
and to whome: viz. that hee had some thirtie bookees from
one Sparkes, a stationer. And in the same depositions hee
dothe not acknowledge the same booke to bee one his bookees
called Histrio-mastix unless hee had more time to examine
it.

Then weree read the depositions of Dr. Harris and Dr.
Good whoe witnessed that when they weree household chap-
laines to George, Archbishopp of Canterburie, divers
yeares before, that a little booke written against stage plaies by Mr. Prinne; this they refused to allow it. Now because Mr. Prinne had in his answere and in his examination upon interrogatories had saied that hee shewed not the present booke called Histrio-mastrix to anie person before Mr. Buckler whence in the sentence in the Starre-chamber chargeth him with periurie for this. It was the sence of the Committee that this was noe periurie as I shewed because the former parcels were in truth neither this individuall booke nor any parte of it.

A second periurie charged on Mr. Prinne is that ther is a difference in his answere to the interrogatories from his answere. In his answere hee saieth hee deliv­ered out some of the booke called Histrio mastix the Christmas before: and in his interrogatories he saieth hee did it the Christmas was twelvemonth before. And to this Mr. Prinne himselfe saieth that hee told one Smallie, the examiner, that it was mistaken and badd him mend it, who promised him to amend it, but did not.

Then the companye that were not of the Committee withdrawing wee went to vote this first proceeding against Mr. Prinne. Wee all agreed upon the witnes of one Mr. Col­lins that the now Archbishopp of Canterburie had a hand in
this persecution of Mr. Prinne as deepelie as Dr. Helin.
That the whole proceedings against him with the sentence
or judgment past in the Starre-chamber

Soe it was resolved upon the Question that all the
proceedings in the starre-chamber upon which the sentence
Febr. 17. a°. 9° Caroli was grounded against Mr. William
Prinn were all of them unijust and that the saied sen­
tence ought to bee reversed.

And it was resolved secondlie upon the question that
hee ought to bee freed from all further trouble and dam­
age by reason of that sentence and that hee ought to have
reparation made for all his wronge and losses therin susta­
tained.

**December 16. Wednesday, 1640.**

After a motion of noe great moment made touching the
Committee for the election of Marlow Magna in the Countie
of Buckingham, was read the petition of Guilford Slingsbie,
late a servant of the Earle of Strafford by which hee de­
sired leave to repaire to his saied Lorde about accounts;
but this howse would not intermeddle with it, but wished
him to goe petition the Lordes.

JOHN CLAITON, a common lawyer, petitioned against cer­
taine troupers that had violentlie broaken into his howse
and spokken verie disgracefullie and contemptiblie con­
cerning the late petition of Right. It was ordered the
parties should bee sent for to appeare and answear to
the charges of the saied petition.

SIR FRANCIS SEYMOUR made reporte touching the Com­
mittee's proceedings in the examination of the petition
preferred against Mr. John George, a member of this howse,
touching his uniusc oppressions of divers persons in Mid­
dlesex under couler of not scouring the navigable partes
of the river Thames. It appeared that hee was verie guil­
tie in manye of those particulars, not onlie by the wit­
nes of others but by divers letters alsoe written by the
saied Mr. George to one Edward Rich, Esquire; which weere
produced in the howse and some of them weere read by the
clarke.

MR. HOLLIS shewed that the Committee resolved first
that the Patent of Conservancie touching the Thames,
granted first to White was a Monopolie and a greivance
and against law: and secondlie, that Mr. George, though
he were not a patentie at first, yet had been an actor
in it. And both these particulars Sir Frances Seymoue
confessed to bee true.
It was therefore thought fitt it should be committed againe to the same Committee with further power to send for the Patent of Conservancie and to consider of all other like Patents of pretended Conservancie of navigable rivers with the complaints therupon. And soe divers more were added to the Committee. And this was ordered accordingly and to meete in the chequy court too morrow at two of the clocke.

MR. MAYNARD made report touching the election of Bramber in the Countie of Sussex, from the Committee of Priviledges that one Sir Edward Bishopp who was elected did offer x 1. to bee elected, and this was thought to bee such a misdemeanour as made him incapable. Then the saied Sir Edward Bishopp's election in the saied towne was upon the Question made void. Then Mr. Onslow's election ther was likewise made void, therupon the question. Then upon a thirde question it was voted that Sir Edward Bishopp aforesaied in respect hee had offered the saied x 1. was incapable to bee a member [of] this Parliament. And soe it was ordered.

1. D' Ewes has crossed out 'referred' and written "committed" but the word is evidently 'committed.'

2. C. J. II., 51.

It was moved that Sir Edward Bishopp might be sent for as a delinquent for offering the said x l. I said that his being disabled to be of the house this Parliament was sufficient punishment for his buying of minde and breath. 'Tis true his offence was that he offered to buy a judicial place. The first judicial place that I read to have been bought upon Recorde was by Thomas Becket, who gave 3000 l. for the Chancellor's place as appears in the great Pipe Rolls of H[enry] 2. I wished therefore that as we punish the buying of a Judicial place Reeve, so a select Committee might be appointed to enquire of all others that had bought judicial places that they might be punished, which motion the house approved.

Then it was ordered that one John Bramden, the said Sir Edward Bishopp's man, should be sent for by the Sergeant to be here on Friday morning to answer his abusing the Committee with many falseities.

Then followed an order to referre Mr. Maleure's and Mr. Moyser's petitions to [the] Committee to enquire after Lord Lieutenants and deputie Lieutenants, etc.

Then followed the dispute touching the matter of the new Canons and the illegalitie of them. Sir Edward Hunger-
ford mooved that divers of them were against the King's Prerogative, against the Lawes, against the Libertie and proprieetie of our goods. Hee disallowed the new wicked oath. Hee wished it might bee enquired if ther were not a principall solicitor heere as wee found amongst the Judges in the matter of Shipp-monie. And this hee wished might bee enquired after, that soo wee might transmitt up ther offences to the Lordes.

MR. PALMER added that this oath tended to sedition, and to make a conspiracie.

MR. NATHANIEL FINES spake against divers particular Canons as illegall; and especiallie against the oath.

Assoon as Mr. Nathaniel Fines had done speaking, Sir John Brampton knight and Sir Edward Littleton knight, Lord Cheife Justice of the Common pleas came and brought us a message from the Lordes to this effect: That the Lordes did desire this howse to give them a message presentlie for a conference to bee had by a Committee of both howses in the painted chamber if it might stande with our conveniencie, to treate of the great and waightie busines concerning the Scotts.

1. Rushworth quotes a speech of Fiennes in full for Dec. 14 which seems to be the speech to which D'Ewes refers here.
They being gone out of the house, we fell into a tedious and unseasonable dispute, whether we should give the Lordes a present meeting or send to them by a messenger of our owne. I spake and divers others spake for a present meeting; but we disputed it soe long that at last the Lordes sent to her saied messengers that ther was noe need of our present comming.

Sooe the messengers being called in after about half an houre's debate, wee sent worde by them to the Lordes that wee were in the agitation of a verie great and weightie busines and soo would sand ther Lordshipps our further resolutions in convenient time by messengers of our owne.

The saied Judges being gone, SIR RALPH HOPTON stood upp and spake against the Canons and new oath, much to the purpose as others had done: and alledged that yester-day one (meaning Mr. Holburne) had alledged that the King was the head, the Clergie the soule, and the laitie the bodie, etc.

Then I spake and at first answeread that Chancellour in open Parliament saied the King was the head, the

1. No other journal mentions D' Ewes' speech.
Bishopps the right hand, Rot. Parl. de a°. 5°. H. 4. n°. 2 do. The Bishopp of Lincolne being. For the Canons badd verie badd. Quod efficit tale magis tale est)

Onlie to two things 1. to the Canons, etc. and 2. to the oath; had it been an Imperative, etc. it had ensnared all men. As well beleive all the stories in the Legends and Alcoran, etc. They would not suffer images or altars mych lesse, etc. Leo the 3, etc. ubi populi et ammarum deci pulus, etc. For the oath certainlie it is of fa-tall consequence and cannot doubtles bee compeld upon

the subjects of England sine Parlimento, etc. Certainlie such an oath had been treason in the time of Poperie, etc. as H[enry] 3. in France entered into such an oath; this neither excused the Cardinall of Lorraine nor Peter de (?) Archbishopp of Lyons, but the one death, the other imprisonement. E[dward] 3. touching an oath in Parliment, etc. least moore bee forsworne how many oaths weree taken by


2. D' Ewes has crossed out the following words: "And when that wicked 2d Nicene Counsell, etc. The verie English Saxons by Alcuinus, a great divine amongst them, etc. wrote against it in the name of the Church of England."

D' Ewes in his reference to Leo III. is probably referring to some phase of the iconoclastic controversy.

3. This name is not decipherable in the original.

Trulie this new oath deservcs high punishment, having exceeded the King's Commission whether the chaire, etc. Those Bishopps to bee especiallie punished that have exacted this new oath of anie of the clergie since the oath made and perhaps sedentibus Comitias, etc.

Then after I had spoken divers agitations followed what questions should bee putt for the further condemning of the new Canons, and after long and great debate in which I spake with others to the first question, it was at last putt as followeth: As manye as are of opinion that these Canons (which the speaker then held in his hands)

1. These words, crossed out by D' Ewes, appear at the opening of p. 82. "It appeares in the Communia Rolls of H[enry]3 in the Custodie of the Lord Treasour'rs Remembrance, which passage I wrote out divers yeares since,etc., that a new oath was invented by the King and his Counsell, etc. and see the oath perished."

2. "Resolved upon the question, That these Canons and Constitutions Ecclesiastical .... doe contain in them many matters contrary to the king's prerogative, to the fundamental laws and statutes of the realm, to the rights of Parliaments, to the property and liberty of the subjects, and matters tending to sedition, and of dangerous consequence." C.J.II.,51-52.
In the second question as the Speaker was putting it, hee saied sacred Synod. I stood upp and praied him to leave the word sacred out and soe hee did. And then after much dispute it was put as followeth.

As many as are of opinion - 1

Then SIR JOHN HOTHAM, after some other motions had passed, moved that a Committee might bee appointed to take into consideration the offence of the makers of these Canons; and particularie to enquire whether the Archbishopp of Canterburie ought not to bee charged with high Treason or not.

MR. PYMM then spake at large that ther w ould bee just cause for manye respects to charge him with high treason as well as the Earle of Strafforde. And soe after divers other motions, at last a Committee was appointed. I was named of it by two or three but omitted by the Clarke's negligence.

Ordered that this Committee should examine whoe weree Actors and promoters of the new Canons, and who

1. Resolved upon the question, ... That the several grants of the benevolence, or contribution, granted to his most Excellent Majesty, by the clergy of the provinces of Canterbury and York in the several convocations and synods ... holden Anno Domini 1640, are contrary to the lawes, and ought not to bind the clergy. Ibid.

2. The members of the committee and its powers given in C.J. II., 52.
had since executed them in any part and to examine in particular the Archbishopp of Canterburie's doing therin and to prepare a charge of high Treason against him, and others that had offended in this kinde. This was ordered and the time and place was appointed at 4 of the clocke this afternoon in the starre chamber.

Then it was moved by MR. NOEL that such members of this house as had either taken or given this new oath might be disabled to sitt in this house, which especiallie concerned one Dr. Eden and Dr. Parrie. And the motion was seconded by divers, but it being neare two of the clocke the Speaker saied hee was ill and soe the house rose, nothing being ordered in it.

Post meridiem

In the afternoon I was at the grand Committee in the house for Greivances, where were divers matter of complaint about taking an of marsh lands, of little moment soe I went away a little after 4 of the clocke.

December 17. Thursday. 1640.

After divers motions for licence for members to goe into the cuntrie to ther wives, being sick for a few daies, and then to returne, of which I made one, Sir Henry Mildmay

1. Sir Robert Hatton, Mr. Gordon, and Mr. Wharton were granted permission to be absent.
preferred a petition in the name of the Descendants from Sir Walter Mildmay that founded Emmanuel Colledge in Cambridge which was in danger to bee subverted, especiallie by the continuance of divers fellowes ther longer then by the statutes they ought, with other particulars.

And after divers motions touching the said petition, a select committee was appointed to consider of the said petition, and for remedie. And it was ordered accordinglie. I was [named] of the Committee too morrow to meete at two of the Clocke in the Court of Wardes.

The petition of John Bostwicke, Doctor in phisiecke, was read, etc. Then Dr. Bostwicke came into the howse and his petition was carried to him to the barre to see and hee avowed it. Then it was ordered that it should not bee referred to the former Committee in Mr. Prinn's, of which I was, but to a new committee. And it was ordered accordinglie.

Then it was moved by Mr. Kirton that it might bee ordered that noe strangers might come to Committees, etc., but I stood upp and crossed it; and shewed that latelie at a Committee a stander by did witness in a materiall

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point. I allowed not disorders but wished it might not bee ordered, that noe strangers might come.

Soe a new Committee was appointed in Dr. Bastwick's busines to meete too morrow in the afternoone in the Starre-chamber.

Then Mr. Treasourour shewed that hee had acquainted the King's Majestie with the two messages this howse had committed to his charge, the first being: to present to his Majestie the desire of this howse, that his Majestie would bee pleased to sent two of his roiall shipps to scowe and secure the westerne partes from the pirates of Algiers or other Turkish pirates which now lay thereto which his Majestie instantlie assented. And to the other message touching the desire of this howse to enter into the consideration of his Majestie, etc. Hee read his Majestie's answere as followeth: His Majestie, being by mee acquainted with the great care and affection of the howse of Commons to advance and settle his Majestie's revenue, doth verie gratioslie interprett the same and hath commanded mee to give the howse thanks for it in his name. And his Majestie doth give the Howse free leave to enter into the debate of his Majestie's revenues and expences as is desired, and hath given order that all his
officers and ministers from tym to time shall assist
the howse therin as ther shall bee occasion.

MR. PYMME then mooved that wee had received a verie
gracious, I a very gracious, message from his Majestie
and wished that if a ballance of his Majestie's revenues
and expences could bee made readie against too morrow wee
might appoint that day to enter into the debate of this
busines.

SIR ROBERT PIE made a shorte motion to the same pur­
pose but added it was impossible to gett the ballance of
the King's revenues and the King's expences could not
possiblie bee gotten readie by too morrow.

I saied that I conceived it necessarie in that bal­
 lance wee should have the King's detts inserted as they
were in that ballance which was brought into Parliament
by the Lord Cromwell in H[enry] 6. time. I added that I
desired alseoe that the Hon[ora]ble person who brought us
this message might bee intrusted to returne our humble
thankes to his Majestie for soe gracious a message.

1. Corresponding accounts in C. J. II., 52; Rushworth,
IV., 119; Peyton, 49.

2. Lord Cromwell presented this estimate of the King's
SIR SIDNEY MONTAGUE seconded the latter parte of my motion. And then the Speaker moved it to the howse and they all agreed to the motion I had made to returne his Majestie our humble thankes.

[Conference with the Lords concerning the Scots].

Wee mett in the painted chamber, etc., the Lordes for want of place went some away and resumed ther howse, etc. but at last came againe.

The Lorde Keeper first made a declaration that the ende of our meeting was to know what had further hapned in the Treatie with the Scottish Commissioners, etc. which hee left to our Commissioners.

Then the EARLE of BRISTOW shewed that hee was to give an account how farre they had since proceeded with the Scottes Commissioners since our late conference, which hee divided into 4 heads. First the 8 articles agreed on or to be agreed on. 2. Calamities of the Scottish armie. 3. The state of the King's armie. 4. The Charges of the Scotts against the Archbishopp of Canterburie and the Lorde Leiftenant of Ireland.

1. D' Ewes is the only person to give a report of the actual conference.

2. For the eight articles cf. L. J. IV.,111-12; Nelson, I., 689.
Then my Lorde Mandeville read the Articles and the Earle of Bristow explained them, which were for confirmation of their late Acts of Parliaments for having the Castle of Edenborough and other streng[ths] in their hands to defend the kingdom. Punishment of incendiaries, restitution of shipps, refusion of charges, etc.

Then was shewed by the Earle of Bristow the great want and distresse of the Scottish armie and that the other 30,000 l. bee speedilie sent, which if it bee not, ther will a necessitie follow of plundering them Northren Counties, which are under contribution. This alseoe the Lord Mandevill read. Then hee shewed the miseries alsoe of the King's armie, etc.

Then the Lorde Paget read the Scotts' declarations against the Archbishop of Canterburie and the Leiftenant of Ireland after the Earle of Bristow had named them; the Lord Paget read ther declaration against the Archbishop of Canterburie. Then the Earle of Bristow spake touching the Lord Leiftenant, etc. And the Lord Mandeville read the charges against the Lord Leiftenant, etc.

Then the Earle of Bristow spake and desired our howse to consider of these articles and to give our advice: and the Lordes would alwaies bee ready for a free conference.

1. The Scotts' declaration against the Archbishop of Canterbury and the Lord Lieutenant printed in Rushworth, IV., 113-119; Nalson, I., 681-688; Book of Speeches, 1640-41.
Then the Lorde Keeper seconded this last motion shortelie and wished us to advize upon the saied busi­ness. But I did not perfectlie heare him.

At our returne SIR EDWARD HUNGERFORD moved that the Committee in the shipp-monie being sine die might meete this afternoone in the [Ex] checquer chamber, which was ordered accordinglie.

Divers petitions touching Marsh-land undulie taken in weere all referred to the Committee in Dr. Thompson's petition.

MR. PYMPE made a parte of the Reports of our confer­ence for se much onlie as touched the releife of the King's armie and of the Northren counties; and desired wee might speedilie appoint some time to advize upon it.

Then followed divers motions about the monie that was to bee sent into the North and to bee lent by Mr. Harrison and the cittie; for it was concluded to bee impossible for the bill of two subsidies to passe in time to help our necessitie.

Then it was further moved and disputed whether wee should name Commissioners in the bodie of the Bill or

1. Northcote (74-75) gives a brief account of this discussion but still under date of Dec. 14. Northcote combined three days' proceedings under this date.
leave them to the ordinance course to be named by the Lord Keeper, and at last it was put to the question whether we should name our own Commissioners which was over rated upon the question and so it was ordered accordinglie that we should name Commissioners, and the Knights and Burgesses.

SIR THOMAS DOE moved that we might conclude somewhat touching the monies to be sent to the Scottish armie and that 30,000 l. might particularlie bee sent moore to the releife of the Northren Counties.

I seconed him and said that I observed that the Commissioners did especiallie insist to have it declared by the house that 30,000 l. should now goe to the Northren counties and but 20,000 l. to the King's armie of this last as the other poraportions had been sent before, and this I said I conceived would give great satisfaction. And yet it was not voted, but agreed unto by a tacit consent. And then after some other shorte motions touching the speedie providing of the last 50,000 l. to bee sent away, the house rose.

Post meridiem.

Sir Frederick Hamilton's businesses in the grand Comittee, which I have placed in another paper.
The Speaker was at the house before 7 of the clocke and before I came divers bills of noe great moment were read: and after I came some petitions of like moment.

MR. MAYNARD moved that Mr. Cambile, a member of this house, had letters of Administration granted against him; and it was ordered that all proceedings against him should bee staid: and that Sir Edward Savage and the Register may bee sent for to answear their breach of the Priviledges of this house.

Upon MR. WHISTLER'S motion from the Grand Committee of Ireland in Sir Frederick Hamilton's, etc., it was ordered that an inhibition might bee sent, etc. in Evelin Lynche's cause, etc. and the sheriff to stay the monies levied, etc.

Upon my motion it was ordered that Sir Frederick Hamilton should returne and come safelie into Ireland, etc.

Then MR. NATHANIEL FINES moved that a select Committee might bee appointed to enquire of the imprisonment of some of the members of this house, after the

1. "Specially, the Proceedings against Mr. Hollys, Sir Peter Hayman, Mr. Strode, Mr. Valentine, Mr. Selden, Mr. Walther Long, Sir Jo. Elliott, Sir Miles Hobart, Mr. Crew, Mr. Bellasia, Sir Jo. Hotham, Mr. Hampden, Mr. Pimme, and Sir Walter Earle." C. J. II., 53.
dissolution of the Parliament a°. 3? Caroli.

MR. HOLLIS moved that such as had suffered, of which hee was one, might not bee of the Committee.

I added that former ages a°. 4°. E. 3. to the last Parliament of E[ward] 4 weree freed from such imprisonments. In Queene Elizabeth's time but one man sent twice to the Tower Peter Wentworth a°. 35°, etc. by the Queene, etc. a°. 39°. et 40°. by the howse for medling with the succession but was both times restored with honour to the howse.

Then was a Committee named, etc. and the matter ordered, etc. After followed divers speeches for addition to this Committee to consider of those who suffered the last Parliament, either by imprisonment or search of papers.

I moved that the search of papers was a greater injury then the imprisonment of the bodie. For by that I suffer in my owne person alone, but by the other, myselfe

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1. Peter Wentworth was first imprisoned in 18 Elizabeth (Feb. 3, 1575-6) not 35 Elizabeth. The speech which caused this arrest is printed in D'Ewes Jour. of 3. Eliz. 236-41; he was imprisoned for the second time Feb. 35 1592-3 (35 Eliz. not 39 et 40 Eliz.) for presenting a bill and petition in regard to the succession. Cf. D’Ewes Jour., p. 470.
and all my freinds and many petitioners might bee drawn into danger, soe as noe man will either complaine or let us know ther greifes. Soe the breaches of priviledges after the dissolution of the last Parliament as well as in a°. 3°. Caroli and it was ordered accordinglie to meete on Monday at 2 of the clocke in the court of wards.

I then moved that such as had suffered in the last Parliament after the dissolution of it might bee put out of the Committee and it was done accordinglie.

The Lorde Keeper sent a letter to one Mr. Finch, in which hee desired him to move the howse that before ther charge went upp against him hee might bee heard heere.

Mr. Pymme and Mr. Cage weere of opinion that hee might bee heard heere before his charge went upp.

1. Members of the Committee listed in C. J. II., 53.

2. John Finch, "member for Winchelsea, a kinsman of the Lord Keeper." Northcote 84, note.

Peyton (p.51) gives a more detailed account of this letter which the house refused to allow John Finch to read: "The Lord Keeper heard there was a charge intended against him from this house, and that hee had rather part with his life and fortune to have their favour than enjoy them both with their displeasure, and nothing could bee more griefe and sorrow to him than to have offended this house; and therefore now made it his honorable re­quest that they would leave him a few words for himselfe before they did pass any vote against him."
MR. PEREPOINT acquainted the house that he hoped the charge against the Lord Keeper would be ready to present to the house too morrow.

Soe the sense of the house was that the Lord Keeper might come and speake in the house, after his charge was in, but nothing was ordered at this first motion.

Then Mr. Harrison shewed that the last 25,000 l. hee was to lend should bee ready the next weeke.

It was moved Sir William Udall might have power to receive. Sir Walter Earle moved and I seconded him that 30,000 l. of this last 50,000 l. might goe to the releife of the Northern counties and but 20,000 l. to the King's armie.

MR. PYMME made reporte of our conference yesterday with the Lordes, etc. At the conclusion hee wished that wee would consider of speedie supply; and of having the Archbishopp of Canterburie sequestrated from the King.

MR. GRIMSTONE spake to this second point that the Archbishopp was the roote and ground of all our miseries and calamities; both in Churcough and Commonwealth wee re

1. Northcote (76-80) gives this report very fully and it agrees closely with D' Ewes account of the conference itself.
originallie proceeding from him. Hee preferd the Leiften-
ant to his honours and places, etc. Hee preferred Secre-
tarie Windebanke, Bishopp Wren and all the other wicked
Bishopps now in England.

MR. HARRISON the yonger moved that the Archbishopp
might bee speedilie committed.

MR. PYMME moved wee might presentlie send upp a
charge of high Treason against him and see it was
agreed. And Mr. Hollis was nominated to goe upp with
the message. And see it was ordered accordinglie. And
manye of the howse [went with him].

Mr. Hollis to goe upp with this message to the
Lorde to accuse William Lawd, Archbishopp of Canter-
burie, of high Treason in the name of this howse and
of all the Commons of England and to desire that hee
may bee sequestred forthwith from Parliament and bee
committed; and that within some convenient time this
howse will resorte to ther Lordshipps with particular
Accusations and Articles against him.

Then wee withdrew after the message delivered and
awhile after being called in, the Lord Keeper sitting

1. This speech is given at length in Rushworth, IV.,
122-133; Nalson, I. 690-691; Old Parl. His., IX.,
123-4; Gardiner also quotes from this speech (IX.,349).
in his seat saied: That their Lordshipps have consid-
ered of the Accusation of high Treason against William
Lavad, Archbishopp of Canterburie and have according to
your desires committed him to the custodie of the gen-
tleman Usher.

After our returne to the howse the Question was then
putting by the Speaker; whether 20,000 l. of the 50,000
remaining should not bee sent to the King's armie and
30,000 l. to the releife of the Northren counties for
ther payment of the contribution. And it was soe re-
solved on the Question and ordered.

Then it was moved that our free conference with
the Lordes should bee alsoe touching the further sup-
plie of the armies. But I stood upp and saied that I
had been present at the Conference and I did not heare
that any thing was mentioned touching the further sup-
plie of the armie; but onlie touching the 50,000 l.
yet unsent. Upon my testimonie Mr. Treasourour confessed
the same. And soe those words weere left [out] of the
order. And soon after the howse rose.

L. C. L., II., 54; L. J., IV., 112.
Post meridiem.

I was at the Committee for Shipp-monie and there were divers new complaints brought in against Mr. Coningsbie sheriff of Hartfordshire in 1638. And the said Prudden who was ordered last Friday to appear here to-day confessed many things that had been charged upon him; he discovered three particulars against the said Mr. Coningsbie: first, that he gave him authority to take 2s. 8d. upon every distress out of which he, the said Prudden had 1s. 8d. and Mr. Coningsbie's man 1s. Secondly, that the sheriff gave him order not to prize any distresses, but sell them for as much as he could. Thirdly, that in one and the same warrant he gave him order to distrain or if any were obstinate or distresses were not readie, he should imprison their bodies. Then he showed a letter from the Lordes of the Counsell, dated the last of June 1638, to which the hand of William, Archbishops of Canterburie and others was subscribed, in which among other particulars they promise that if anie suite should bee brought against anie man hee should imploy to distraine, they should receive noe damage but 3 Attornies were appointed in the King's bench, Common pleas and Exchequer, one in each court, to answeare all
such suits as should bee brought against anie parties

distrainting for shipp-monie without anie charge to them.

This Committee adjourned to the Tuesday after twelf-
day, Jan. 12 next ensuing.


Some bills of noe great moment were read last vice

before I came. At my coming ther were matters of Reli-
gion in agitation: and ther it was allledged that 12 die

Dec[ember] the grand Committee for Religion made a sub-

committee for religion who had pitched upon three points
touching Religion. 1. To enquire what is the cause of
the decay of preaching. 2. The increase of poperie. 3.
And of scandalous ministers. Soe it was ordered by the

house that this subcommittee should bee turned into a

select Committee who were appointed to meetes on Tuesday
next at 2 of the clocke in the afternoone.

Then ther was much debate about Bishopp Wrenne and

his wicked doings and great feares that hee would flye
away: and that certaine petitions preferred against him

might bee read. Diverse spake to this purpose what course

might bee used to stay him and whether a reports of the

charge of the Lord Keeper should bee reported first or
not. I saied the reporte might require dispute, but the petition being read might bee referred to a committee. For Bishopp Wren's stay wee might doe what was used ancielie as appeares upon Record; either to have him put into safe custodie or to give mainpernors for his safe fourth-coming, as ancieulie one of his owne coate and sleeves did, which was by neare 20 barons, knights and Bishopps.

Then the nowse fell into the further dispute of his evill demeanors: and I shewed that the course hee tooke was radiocibus enellere all religion and pietie, which wee might know by the Testimonie of an ancient partie that lived in Queene Marie's time who was living in a towne of Suff[coln] when his devices weree first sett afoote ther and upon seeing them, Oh, saied the partie, have I lived to see the old religion (meaning poperie) restored againe.

Soe at last it was odered after it had been severallie suggested that ther were great probabilities of his intendement to flie; it was resolved: That a message should bee sent to the Lords to acquaint ther Lordshipps that ther are certaine Informations of an high

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nature against the Bishop of Ely concerning the setting upp of Idolatrie and superstition in divers places and exercising some acts of it in his owne person and divers other matters of great importance. They have information that hee endeavours an escape; and therefore to desire ther Lordshipps that ther may bee some care taken that hee may give good securitie for his abiding the judgment of the Parliament. Mr. Hamden to goe with the message.

Soe Mr. Hamden went upp with the message and then followed some other motions touching the calamities Bishopp Wrenn had brought upon divers places in the Dioces of Norwich during his being Bishopp ther.

MR. SAINT JOHN made a long and excellent report touching a great part of the charges against the Lord Keeper, etc. and desired to know if wee would first send upp the charge against him. Mr. Finch had moved

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1. Written in cipher, "I was alsoe named by divers to goe upp but called on Mr. Hamden. Mr. Pymm named him before the order was drawn; and I spake to the orders off the howse that noe private men ought to name our messenger to bee sent but the howse ought to name him." Accusation of Bishop Wren in C. J. II., 54-55; L. J., IV., 112-13.

just as Mr. St. John began that the Lord Keeper might be heard.

I moved that we might do so, for I conceive the offence of Sir Thomas de Weyland and the Judges in Edward I. time for which some lost their lives, others were fined and exiled. The like punishments were in other Kings' times of unjust judges which I needed not to cite. I conceived this man's offences were transcendent, both for the manner and the measure above all theirs. His Majestie is a lover of Justice, equal to any Prince in the world. The verie heathens were such haters of injustice as Cambises, a Persian king, took the skinne of an unjust Judge, and had it bound about the pillars of the Justice seate, and made his owne sonne sitt in judgment ther.

Then followed a long and tedious dispute whether we should vote the Lord Keeper to be guiltie of Treason and other crimes or whether, according to Mr. Finche's motion, we should first heare the Lord Keeper according to his desire: and it was shewed that

1. Weyland was chief justice in the reign of Edward I. and was finally obliged to flee the country because of grievous offences committed while in office. T.F. Tout in N.D.B.
2. Peyton (p.52) gives four speeches on this subject.
hee had gottem libertie of the Lordes of the upper howse to come into this howse. Soe at last wee laied our voting aside till Monday morning and it was after disputed how hee should come in heere, like others to sitt with his hatt on as once the Earle of Southampton did and others did that came to conferre heere or to stand bareheaded as other petitioners did but this dispute was alsoe laied aside: and this busines putt offe to bee resumed againe on Monday morning. And see the L[ord] Keeper miGht if hee would take notice of it and present himselfe.

Then Mr. Hamden made report that hee had done the message to the Lords touching Bishopp Wrenn, and ther Lordshipps' answeare was, that they ordered the saied Bishopp Wrenn to give 10,000 l. baile to abide the Judgement of the Parliament, and in the meantime to enter into a reconisance of 10,000 l. to putt in the saied baile by Wednesday next.

Post meridiem

Wee mett in the Exchequer chamber in Mr. Burton's busines betweene two and three of the clooke in the afternoone, being a select committee appointed upon his
and Mr. Prinn's petition. Some of us being of the Com-
mittee for the shipp-busines that was adiourned hither
this afternoone, adiourned it hither againe to this
place on Monday next at two of the clocke in the after-
noon. After this wee sate some of us above halfe an
howre before wee could gett 8 of the Committee to sitt,
without which number at the least wee could not proceede.
I first read Mr. Burton's petition, being the same which
was before read in the howse, weree see it.

His counsell opened his cause much according to the
contents of his petition which consisted of two partes.
First the unjust proceedings against him in the high Com-
mission Court; 2dly in the Starr-chamber. First for the
high Commission proceedings: it was proved that Mr. Burton
was summoned to bee at Cheswicke, Dr. Duok's howse, being
the Bishop of London's Chancellor, after he had preached
the two sermons mentioned in the petition. That Mr. Burton
appearing ther with some of his parishioners, Dr. Duck
said hee had articles against him. But hee tendred him
the oath ex officio being alone: see as that was proved

1. Copy of Mr. Burton's petition in Rashworth, IV., 78-79.
2. These two sermons were afterwards published under the
title "For God and the King."
by Mr. Burton's assertion alone. Then was a copie of those articles produced which Dr. Duck would have administered to Mr. Burton if he had taken the path ex officio, in which he was questioned for those honest passages in his said sermons, by which he confuted the Arminian heresie, and inveighed against divers superstitions and innovations. And Dr. Ducke at Cheswicke shewed in private the said Articles to Mr. Burton before he tended him the [oath]. His being at Cheswicke was Tuesday Dec. 6, 1636. Hee appealed to the King three times, which was entred by Francis Mondy, the Register. On Friday Dec. 16, 1636, Dr. Ducke and some other Doctors mett at Doctors Commons and sent one John Wragg, a messenger, to Mr. Burton to come to them; but hee refusing to come but persisting in his former appeale, after that had thrice summoned him, they proceeded to suspend him from his ministeriall function and from his benefic of St. Matthew, Friday Strete. And after followed other proceedings against him in the high Commission Court, whereupon hee kept his howse till it was at last broken open by warrant from the high Commissioners; Dr. Ducke being present acknowledged those passages at Cheswicke: but denied that hee commanded Mr. Burton to take the oath or
could doe it, being a single Commissioner, but only
that hee demanded whether hee would take the oath ex
officio or not. And though the Register had entered it
by the words regnisitus; yet hee saied that was his
mistake. Hee acknowledged


A petition of the Mayor and Burgesses of Weymouth
and Melcomb Regis touching divers grievances as the Mon-
opolie of salt, shipp-monie, coat and conduct monie, and
divers impositions upon merchandize and other oppressions
and detention of merchandize. Divers spake to this peti-
tion and wished that the goods and merchandizes detained
might bee delivered to the owners, and the parties that
exacted those new impositions might bee sent for. And the
cheife of these parties was one Thomas Horth, who was al-
readie under custodie of the Serisant, and his patent
brought it.

And then at last a select Committee was appointed
to consider of that petition and of the petitions of all
other Port-townes and of the Patents of Soape, Leather,
Salt, and wine, and to provide redresse. And it was soe
ordered to meete Wednesday next in the Starre chamber
at two of the clocke.

1. List of members and powers of committee in C. J. 55.
SIR THOMAS ROE brought a message from the King touching Sir Edward Coke's bookes, which were in Secretary Windebanke's hande should bee delivered before Christmas Eve into the hands of Sir Rudolph Crew one of his executors; which message gave the house great content.

The same Sir Thomas Roe added that the said Sir Edward Coke's comment on Magna Charta was in Sir John Coke's hands.

Then MR. FINCH moved that the Lorde Keeper might bee called in. Soe it was disputed in what posture hee should bee placed upon his comming in, whether to sitt or stande. I spake that I thought hee ought to come within the barre, but to stande and not to sitt; for, though hee came as a Petitioner and not as a cleare man.

For then if hee came as a Peere to conferre hee ought to sitt and sitt covered. But at last after other dis-

1. Peyton and the Journals give an account of the Lord Keeper's entrance and his later actions but D' Eves is more complete. C. J. II., 55. P. 52-53.

2. Northoote in reporting this speech of D' Eves cites a precedent that, strange to say, D' Eves omitted. "De la Poole, Duke of Suffolk came into the house without either, and came within the bar." Northoote, 89-90.
putes it was agreed hee should have a chaire and to leave
it to his owne discretion to sitt or stande. Soe a chaire
was sett on the left side of the howse with the greate
seale in it and soe hee was called in.

The Serjeant came in before him and hee brought the
purse with the great seale in it himselfe and having made
1
3 reverences, hee laied the purse on the chaire; and
stood by it, leaning his left hand on it. And soe hee made
a long and well-composed speech, in which hee laboured to
excuse or mitigate all his offences.

But before hee begann to speake, the Speaker, sit-
ting in his chaire with his hatt on, said to him, My
Lorde Keeper, this howse hath been acquainted by a mem-
ber therof that you desired to bee heard heere, and the
howse is now readie to heare your Lordshipp speake and
doe give you free libertie to speake. Hee afterwards
tolde him, Your Lordshipp may sitt downe if you please.

But hee spake standing; and soe having ended his
speech, after a reverence made, tooke upp the purse and

1. "My Lord Keeper . . . came forward to the middle
of the barre, and there made a [reverence] to the
Speaker, and turning to the right hand did the same to
that side, and turning to the other side saluted that
side of the house likewise; and then resting his coun-
tenance towards the chaire.  Peyton, 52.
departed. The Serjeant stood all the time by him on his right hande with his mace on his right shoulder.

After his departure divers spake, and it was the generall sence of them all that hee had rather aggravated then mitigated his crime by his speech. And therfore next concluded him guiltie and wished wee might goe on to vote him culpable as wee were proceeding on Saturday last.

Then the Speaker propounded what question wee should putt, whether according to the opinion of the Committee wee should vote him to bee guiltie of high treason and of other misdemeanours.

MR. BRIDGMAN moved that wee should not vote him guiltie of high treason.

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As to the effect of his speech authorities differ. Peyton says (p.53), "He made a long and elegant speech unto the house in every particular of which hee concluded with that submission to the Judgment and wisdome of that house, that hee seemed altogether to plead for mercy, etc. butt it nothing prevailed with the house for his offences were presently voted." Peyton was, of course, a Royalist.

Rushworth (IV., 128): "Many were exceedingly taken with his Eloquence and Carriage; and it was a sad sight to see a person of his Greatness, Parts and Favour, to appear in such a Posture, before such an Assembly, to plead for his Life and Fortunes.
MR. WHITLOCKE spake to the contrarie and prooved him by divers instances and arguments to bee guiltie of High Treason.

MR. COMPTROLLER moved to know whether this were a Treason within the statute or by the construction of this house.

MR. PYMME moved that to endeavour the subversion of the Lawes of this kingdome was Treason of the highest Nature, and soe wished wee might proceed to the rating of the offence of Treason.

SIR HENRIE MILDMAY spake to deferre the Question but it was generally distasted.

MR. WHISTLER desired to know how wee should proceed to charge him with Treason at common law or by statute law.

MR. PERD spake exceeding well, to shew that his denying to putt the vote of the house was Treason for this was to blow upp the Parliament without gunpowder.


2. In 1629.

3. The editor of Northoote tries to show that D' Ewes' report of Peard's speech is incorrect and in so doing quotes D'Ewes as saying, "Mr. Peard spoke exceedingly well to shew this denying to put the vote of treason was to blow up the Parl. without gunpowder."
Cf. Northoote, 94-100.
2dly. His acting of the Forrest busines was Treasonable, making a forme of just proceedings. But 3dly for shippmonie, that was Treason in the highest nature. Hee was a broker in that busines, and declared the Legalities of it in his circuit and that an act of Parliament could not cutt it offe. 4. The declaration after the last Parliament was a Treasonable worke, for it was to divide the King and the People. Soe hee desired wee should vote him to bee guiltie.

MR. HOLBURN spake to most of those fowre offences Mr. Perd had spokken unto and shewed them to bee Treason.

MR. CREW spake to the same purpose and then concluded that the Lord Keeper was guiltie of severall Treasons and soe desired wee might vote it.

MR. HIDE shewewed with how much moderation and com-passion of the Lord Keeper's person the Committee to draw up his charge had proceeded and the case of his being guiltie of Treason was most clearelie to all ther consciences.

Then the Speaker putt the Question, etc. And resolved upon Question: That the Lorde Keeper was guiltie of High Treason and of divers other misdemeanors. Ther were onlie two or three Noes. And 2dly, resolved that wee should send
upp to accuse the saied John Lorde Finch, L[ord] Keeper of the great seale of England, in the name of this howse and of all the Commons of England, etc. speedilie: (in the same wordes as in the Archbishopp of Canterburie's question, etc.) And the Lord Falkland was named to goe upp with the message; but that it being now past twelve of the clocke wee understood the Lordes were risen: To this 2nd Question all saied I and not one Noe.

Post meridiem.

Wee mett in the Committee of Shipp-monie in the Inner starre-chamber betweene two and three of the clocke in the afternoone; wheere were divers complaints against Sir Edward Bainton, who was sheriffe of Wiltshire in 1638. Of great distresses taken for small sommes assessed and noe restitution made. That hee imploied one Edmund Brunden, a most infamous man, to bee his Bailif to distraine men. That in the townes of Milton in which Sir Edward Bainton had lands called Clinches which landes weree taxed by

1. It is significant that Falkland, the leader of the moderate party in the house, should take up this message, accusing Finch of high treason. For a detailed life of Falkland cf. J. A. R. Marriott, "Life and Times of Lucius Cary Viscount Falkland." London, 1908.

the parish at six pounds: but he eased his owne tenants and laid the whole, being about 31 l. upon four men of the parish which were the Assessors; upon one of whom he laied above 6 l. more than hee had been assessed and distrained 3 horses worth 16 l. in the whole: whereas his whole tax was betweene 10 and 11 l. and never anie retribution yet made. The saied Brunsdon told others that weree backward in paying the shipp-monie that they were rebels; and that hee did not doubt that if Sir Edward Bainton had been in towne to have had him imprisoned and hee hoped to have had them hanged. That the saied Sir Edward Bainton did cause severall distresses to bee taken after his yeare was out: and when men offerd to pay the saied Brunsdon the monie assessed, hee would refuse it, and cause them to bee sent for upp by messengers before the Counsell table, to ther great cost and trouble. The saied Brundon's custome alsoe was to distraine men's goods before hee demanded shipp-monie; and then made them pay severall somms before the delivery of those distresses. Soe as at a reasonable estimate it was thought hee had in Wiltshire in a few yeares by such unlawful meanes one thousand pounds from the King's subjects ther. Hee did not at first demand a sett or certaine fee for his distraining
till of late time; but then did much worse for sometimes hee took almost as much to restore a distresse as hee did for the shipp-monie itself distrained for. And that the same Brunsdon did severallie threaten men that would not pay. Divers great distresses taken much above the value of the shipp-monie assessed and never anie restitution yet made.

Adjoynd too morrow at this place at two of the clocke in the afternoone.

*Dec[ember] 22. Tuesday. 1640.*

The unlawfull levying of shipp-timber in Yorkshire and of monie to carrie that shipp-timber referred to the Committee to enquire of the abuses of Lord Leiftenants and Deputie Leiftenants.

Three that were to bee naturalized by Statute came into the howse and standing at the table, the clarke read to them the oaths of allegiance and supremacy, and they pronounced it after him and soe kissed the bookes.

Mr. Cage begann to move when the Serjeant went out with the mace for them; and Mr. Rouse when he went out with them beganne to speake but both were reproved, and

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1. Peyton and D' Ewes disagree as to the number - "five men and one woman" in P. 53. No mention of any in the Journals.
silence enioined till the Mace was brought backe and laied on the table before the Clarke.

A petition against divers proiectors that would entitle the King to all the lands in England betweene high-water and Low-water marke, which were worth 1000,000 l. per annum, and see it was referred to the Committee for Sutton Marsh and that Committee was enlarged.

A Committee appointed to enquire of Bishopp Wrenn, etc. [to meete in] Chequer Court this afternoone at two of the cloccke, to which I spake to further it.

Then weere read the Articles prepared by the Com­mittee against the Lorde Keeper which weere all voted against him. The articles being read it was severallie disputed whither wee should send upp the Lorde Falkeland with a message to have the Lorde Keeper committed as was agreed yesterday: for we wee re enformed that the Lord Keeper was fled, or whether wee should send upp to have the Cheife Justice Brampton, Cheife Baron Davenport,

1. The Articles may be found in Parl. His. IX, 138.
2. Peyton (p. 53) under entry of Dec. 31 says, "This [the Articles against the Lord Keeper] was not delivered today because the Lords were risen before it was voted and before the next day hee was fled."
Rushworth (IV., 139) also under the same date "The next day he was accused before the Lords, but he got up earlier, gave them the Slip, and escaped into Holland."
Justice Barkeley, Justice Crawley, Baron Treavor and Baron Weston to spurt in securitie by themselves and others to abide the judgment of Parliament, for that there are Informations and severall proceedings in examinations of crimes of an high nature against them in this howse.

After manie disputes what wee should doe, some saied the Lordes weree not sett by reason none was yet appointed by commission. I spake that I did not doubt the Lordes would soon bee sett for ther weree presidents that in the absence of the Lorde Keeper the Lordes themselves had sometimes appointed the Lorde Treasourer, sometimes the Lorde cheife Justice of the King's bench and sometimes the Lord cheife Justice of the Common pleas to supplie the Lorde Keeper's place in his absence.

Shortelie after wee heard the Lordes weree sett and then after divers motions, Sir Walter Earle stood upp and saied that hee thought the howse was not yet readie for this message because ther was noe complaint in against them in the upper howse.

I stood upp and saied that first I desired wee might proceede with the message against the Judges and lay aside that concerning the Lord Keeper. That was objected by a worthie member that noe complaint was yet made against them in the upper howse; that needed not, for it was sufficient that they weree questioned by us, not onlie by
information of others but by their owne confession, which is sufficient cause for us to desire they may put in securitie. For Rot. Parl. de a°. 23°. H. 6°.n°. 16. the Commons required that Michael de la Poole, Duke of Suffolk, might upon his owne confession be committed to warde. Now this confession being before anie proceedings were had against him in the Lord's howse, it must needs bee made in the howse of Commons or to some of the howse of Commons.

Soe upon my motion and the president I cited, ther ceased further agitacion in the saied matter: and see it was resolved upon question that the saied message should bee sent upp, which being resolved upon ther followed contention in the howse whose should bee sent upp with it. Mr. Saint John and Mr. Perd, being common lawyers, desired to bee excused after they were named; and see at last after much time lost in the nomination of divers, one Mr. Waller was pitched upon; which Soe hee went away with the saied message and was much out or mistaken in the deliverie of it.


2. Written in cipher in the mss., "was much disliked by myselfe and others; hee being a yong man and scarce knownen in the howse."
Then it was propounded to the house that the bill of subsidie might be read; and that the Speaker should goe out of the chaire and that the house might be resolved into a Committee; which was done accordinglie and Mr. Whistler, a common lawyer, was called to sitt in the chaire where the clarke of the Parliament sate. And after wee had begunne to read the bill of subsidies, Mr. Whistler acquainted us with divers passages yet not perfected in it: wheereupon the house resolved to proceed noe further in it, as being not yet ripe to bee debated and disputed in a committee. And soe the Serjeant was called to bring backe the mace, and the Speaker went into his chaire after Mr. Whistler was gone out of the clarke's chaire and then the clarke also returned to his chaire. And then the house proceeded with other busines.

After the Speaker was again seated a petition was read against the vicar of Preston in Northamptonshire that had spoken verie infamouslie and ignominiouslie of this Parliament, being besides a man of debauched life. It was ordered the Serjeant should send for him as a delinquent.

The men's name was Thomas Preston; he was vicar of Rotheres Thorpe, Northampton.
Another petition was read against Sir Robert Banaster, who was late lie sherriff of that sheere about his rigorous levying of shipp-monie, which was referred to the Committee of Shipp-monie.

After followed divers disputes when wee should recede or end our sitting and when wee should assemble againe. I, besides divers others, spake to it, and desired wee might meete againe on Tuesday next. Soe at last it was resolved upon severall motions: first, that wee should recede on Thursday morning next; 2dly, that wee should meete againe on Tuesday next; 3dly, that the howse should be called on Thursday next; 4thly, that all the Committees should sitt during that time if they would and adiourne themselves.

Before these two last particulars weree voted, Mr. Waller returned from the Lordes; and then presentlie before anie reports by him made of the Lordes answers, the Lord Falkland was instamtile sent upp to the Lordes with the message appointed yesterday, touching the Lord Keeper. I went away with him to the upper howse, and ther Sir

2. Agrees with C. J., II., 56.
Edward Littleton, knight, Lord Cheife Justice of the Common pleas, supplied the Lorde Keeper's place and came downe to the raile at the Lower end of the Upper howse and tooke the message which the Lord Falkland mis-tooke in the deliverie of it. And after a little withdrawing the Lord Falkland was called in againe, but I was not with him nor in the Commons howse when either Mr. Waller or hee made reports of the Lordes Answeares to the severall messages but I heard that the answear the saied Mr. Waller brought was that the Lordshipps had caused each of the saied Judges to enter into severall bonds of 10,000 l. to bee readie on Wednesday come sennight with sufficient Manuaptors to appeare before ther Lordshipps to stand to the judgment of this Parliament, or to that effect.

The answear the Lord Falkland brought was: That ther Lordshipps had by order sequestred the saied Lord Keeper from the howse; and would committ him assoon as hee could bee founde and that the howse of Commons did preferre articles against him, they would proceed therin according to Justice.

1. Corresponding reports in Peyton, 55 and Rushworth, IV., 130.
2. "That the Lords had sequestred him from Parliament: and for his committment they could not doe it, because hee was not forthcoming and they had information hee was Fled: and when they should bring the Articles of accusation against him, they would proceed with all expedition." Peyton, 55.
Post meridiem.

In the afternoon the Committee in Mr. Prinn's business, of which I was, met in the Exchequer chamber between two and three of the clock in the afternoon. One day had past in it when I was absent. His last or second sentence in the starre chamber was now in question with all the proceedings upon it. This afternoon we had it proved to us that the court of starre-chamber had refused two of his answers: the first, because it wanted a Counselor's hand; and Mr. Holt, his counsel refused to set his hand to it, pretending it was scandalous. His second answer brought in the day of his censure under the hand of Mr. Tomlins, his Counsel; they said that came too late. They refused divers of his affidavits, and Mr. Goad, an officer of the Court, would not let him swear. Soe at last they proceeded against him as taking all the crimes laied against him pro confesso: and soe proceeded to censure against him and against Mr. Burton and Mr. Dr. Bastwicke; laying divers pamphlets to ther charges of which neither they or anye of them weree proved to bee

1. The proceedings of this day are all related in "A Brief Relation of Certain Passages in Star Chamber, etc. concerning Dr. Bastwicke, Mr. Burton and Mr. Prynne." Harl. Misc. IV., 220-238.
the authors. Soe a copie of the Sentence pronounced against them in the Starre-chamber was read. Each fined 5,000 l. a peice and perpetuall imprisonment. Mr. Prynne to Carnarvan Castle: to have his eares close cutt offe, and to bee branded on one cheeke with the Letter L, on the other with the letter S. ¹ The rest of the censure against Mr. Burton and Dr. Bastwick pertaine not to this afternoone's work. Mr. Prynne saied himselfe that hee spake in the Court the day of his sentence and tolde the Lordes and others ther that they could not proceed to judgment against him, because nothing was particularie charged against him; hee confessed nothing, they had examined noe witnes to proove anie thing. Then after the sentence was given against him and the other two, it was executed before the sentence was entred in the Register; as the clarkees themselves confessed. Nay, whereas it appeared in the Minum booke of the starre-chamber into which the sentence of each are entred as the Judges pronounced them; that hee was onlie to bee sent to the castle of Carnarven; in the sentence tis drawn upp to

¹ Finch said S. L. as to stand for "seditious libeller" but Prynne in a Latin verse composed for the occasion had S. L. mean "Stigmata Laudis" or "Laud's Scars."

A Brief Relation Harl. Ms. IV., 338, 238.
bee sent to the iaile of the Castle of Carnarven, which is a mastie hole without the Castle. For the execution it was cruellie done and the left cheeke burnt twice. The first eare cutt soe close as had not present remedie been applied, hee had bledd to death. The left eare hee mangled and cutt in the cheeke neare to the ingular vaine, soe it both endangered his life and made it verie difficult to heale. Hee stood in the pillorie neare two howres and a quarter of an howre of that after hee was cutt and mangled. Soe as at the second eare cuttting, which was the left, hee was readie to die: and yet the bloudie executioner went away soe as they were compelled to use other means to open the pillorie. After this cruell execution hee was sent to the Tower, and after removed before his soares weree healed. The sentence was 13. June 1637. The warrant for his removall to Carnarvan iaile dated 20. July 1637, and the execution was the last of June then immediately foregoing. Then by an other order of Starre-chamber dated Aug. 27. a°. 1637, Mr. prinne was removed from the goale of Carnarvon castle to a Castle in the Isle of Jarsey. The goale was a low room


2. Cal. St. P. Dom. 1637, p. 421–2;
and uncovered at the topp and yet divers prisoners [were] kept ther of which divers died a little before the sickness. But Mr. Prinne being to bee a close prisoner and some being ther alive still, hee could not have been a close prisoner. And see hee remained in a chamber in the towne in Carnarvon in the tailor's howse till his removall to the Isle of Jarsey: they went in a broken vessell in October 1637, and weree in passing till January 15. ensuing, although it is but an 150 leagues.

Wee voted first upon the Question at the Committee sitting verie late, that Mr. Prinne was to bee restored to his practice and profession of an utterbarrister in Lincoln's and to the degree of batchelor of art in Oxford.

2dly. The Committee voted upon Question that the second sentence given against Mr. prinne in the starre chamber with all the proceedings therupon was unjest, and that it ought to bee reversed; and that Mr. Prinne ought to have recompence for his wrongs and damage herbie sustained.

3dly. Wee voted that the warrant which issued out in October 1637, by which it was appointed that Mr. Prinne

1. This seems incredible.
should bee conveyed by sea from Carnorvan to the Isle of Jarsey and his close imprisonment ther was against law.

Wee adjourned the Committee to this place too-morrow at two of the clocke in the afternoone.

Dec[ember] 23. Wednesday. 1640.

A petition of Sir David Foules, concerning the unjust proceedings of the starre-chamber against him for certaine wordes spoken touching the now Earle of Straford. Sir David Foules came in and justified his petition. Soe it was referred to the Committee in Mr. Mallevries petition. Mr. Catlin made a shorte motion touching Norwich before this.

I then preferred a petition of divers of the gentrie and others in Suff[olk] touching oppressions and innovations in matters of Religion in the Dioces of Norwich, which was not read but referred to the committee for the Dioces of Norwich.

MR. WHITE made a reporte of Mr. Henrie Wilkinson's suffering, being a minister, from the grand committee of

1. Sir David Foulis, a member of the Council of the North, had resisted compounding for knighthood in Yorkshire in 1632 and had maligne Wentworth. For this an information in Star Chamber was preferred against him in 1632; as a result of which, he was stripped of his office, fined 500 l. and imprisoned in the Fleet.


2. When Bishop Wren was transferred from Norwich to Ely in 1638 Montague had succeeded him there.
religion, which Sir Edward Deering had before made reporte of two the saied grand committee from a sub-committee on Tuesday was sennight.

It was resolved that Edward Fulham, the Bishop of Oxford's chaplaine, should bee sent for as a delinquent. 2dly, resolved upon question that Dr. Potts, now vice-chancellour of Oxford, should bee sent for as a delinquent. 3dly, that Mr. Wilkinson's suspension should bee taken offe publikelie and hee to bee restored to his lecture in Oxford; and hee desired to print the sermon if hee soe thinke good himselfe.

Then was a petition read touching the Earle of Strafford's oppression of the Northren parts by an arbitrarie government for many yeares exercised ther by him; which was referred to a special committee then named; and it was ordered that the same committee should consider of like oppressions in the Marches of Wales and Glostershire and Hereford, Thursday next come sennight at two of the clocke in the afternoone in the Court of wardes. The

1. Agrees with C. J., II., 57.

2. "This Committee is to consider of the Jurisdiction of the Court of Yorke, and of the Court of the Council of the Marches; and to consider how far the Thirteen Shires of Wales are subject to the Jurisdiction of that Court."  C. J. II., 57.
worde Provinciall Court was in the order and I desired it might bee left out; although it were abusivelie now sometimes called; because it was never reduced into the forme of a Province since the Romanes time.

MR. STROUD moved that the saied Committee for the Northren partes might enquire touching the power of the Stannerie Court. But Mr. Hollis moved that it might bee referred to the Committee in Mr. Coriton's busines and see it was ordered to meete to morrow sennight at two of the cloooke in the Court of Wardes.

SIR ROBERT HARLOW gave an account how the monie gathered at the Communion had been bestowed.

ALDERMAN PENNINGTON shewed they had gathered in the cittie yet but 13,000 l. of the last 25,000 l. to bee sent to the Northren counties.

Mr. Treasurer shewed two letters which weeere brought to him since hee came into the house. Yorke. 18. 1640 the date was of letters or certificates sent to the

1. Court for the Stannaries of Cornwall and Devon was a court of special jurisdiction, similar in character to the court of the Lord Warden of the Cinque Ports and the courts of the Counties Palatine of Lancaster and Durham.

2. Cf. C. J. II., 57; Peyton, 56; Nalson, 700. The total sum amounted to 84 l. 16s. 2d.
Earl of Northumberland, Lord Generall, touching the want of the King's armie and that the monie sent, viz. 30,000 l., did not fullie satisfie the monies due to the foote by divers dayes paiment. That on Tuesday next ther will bee six weekes due to the horse troupe.s. And that it was feared ther would bee some disorder shortelie in the armie for want of paiment. The one letter came from Sir Jacob Ashley and the second from Sir John Cogniers, Leiftenant generall of the horse. Thes were both read in the howse by the clarke.

SIR JOHN HOTHAM moved that by Jan. 4, the next ensuing, all the 100,000 l. will bee spent and 75,000 l. moore and therfore wished wee might grant 4 subsidies.

Resolved upon question that the 20,000 l. to bee disposed thus: 3,000 l. to the garrison at Barwicke; 1,000 l. to the garrison at Carlile;and 16,000 l. to the armie which is now to bee sent away; with the 30,000 l. to bee sent to pay the contribution of the Northren arm- mies.

For the wordes 'iustlie suspected,' and how to trie whether such weree papists or noe, after Mr. Treasurour

27 C. J., II., 57.
had shewed that all knownen papists weree discharged that had anie command in the King's armie, it was resolved upon question in the howse that to all such iustlie sus-pected the oaths of allegiance and supremacie might bee tended, and that such as would take them should be freed from suspition.

SIR WALTER EARLE moved that the Lords commissioners had found meanes to returne the 30,000 l. to return it into the North, which motion was verie allowed.

Then it was moved that wee should grant 4 subsidied in liew of the two, which would save all further feare of the want of monie and the frequent feares and rumors weree brought up concerning that particular, but this motion was generally distasted.

SIR JOHN STRANGWAIES moved that the English armie might bee drawn together; and one sent to command in cheife in person amongst them. And that the trained bands of Yorkshire might bee readie at 24 houres warn-ing, and that if the Scotts should at all attempt anie thing against ther commanders' wills, our armie with the

1. Sir John Strangways - "The Lord General being sick, that his Majesty be moved to appoint some Commander-in-chief."
helpe of those trained bands might bee able to repell and represse violence.

SIR HENRY ANDERSON moved that an end might bee added to the treatie, and to the maintenance of the armies or that some other course might bee taken, but that motion was generallie disliked. Soe after divers other motions it was at last agreed that wee should resolve the howse into a Committee.

But Mr. Jefferay Palmer made an unseasonable motion touching a clause in Sir John Gognier's letter above mentioned, about his desire to know if hee should practice or exercise martiall law, and desired wee might give no approbation to that clause. But it was answereed by Mr. Treasurer and Mr. Glinne that the noble gentleman's letters weree misinterpreted by Mr. Palmer and that hee desired not to have power to exercise martiall law, but rather declined it; for his wordes are that hee would bee loath to bee hanged for hanging another man by martiall law.

Soe the howse was dissolved into a Committee. Mr. Speaker went out of the chaire and Mr. Whistler came into it. The first debate that was fallen upon was wheth-er wee should grant 4 subsidies or not.
I saied it wee were fitt wee should make the plaister as bigg as the soare. The guift of 4 subsidies is a vast guift and such as hath scarce been known at the end of a Parliament, much lesse at the beginning. Yet the neces­sitie is now great, never greater since the Danes over ran England. I was at first against the altering of the manner of the guift; but now for the degrees and measure of giving wee shall not neede much dispute. For the somme of 75,000 l. by the 4. day of January next will bee due to the King's armie and Northren Counties above the 100,000 l. intended to bee granted; see as much alsoe must bee added to send away the scoulders and somewhat will bee left in the collection. But for our securitie wee have a president which was in H. 6 or E. 4 time. A great aid was granted to the King upon an expedition intended and as it appeares upon the Parliament rolle if hee went on with his armie see much was to bee paied, etc., see l heere. Then others spake alsoe to the same effect.

Then wee understood a message was sent from the Lords; and see Mr. Whistler went aside and Mr. Speaker came into the chaire. An act for the sale of certaine

1. This speech of D' Ewe is not reported in the debates recorded by Northoote (105-109) or Peyton (56-57).
lands for the paiment of the detts of Thomas, late
Earle of Winchelsey, was sent downe by Mr. Serjeant
Aylif and Mr. Serjeant Whitfeld.

Soe after ther departure the Serjeant carried away
the mace and the Speaker went out of the chaire and Mr.
Whistler came againe into the chaire wheree the clarke of
the Parliament sate.

Then followed a new and long debatement whether wee
should give three or fowre subsidies, and the greater
vote enlinded to fowre. Then ther grew a long and new de-
bate whether the Question should bee putt for 3 subsidies
or fowre; to which I spake and at last it was putt of fowre
in manner following: As manie as are of opinion that wee
shall give two subsidies moore to bee added to the other
two subsidies alreadie agreed on to bee paised to the same
uses as the former two, or to such other uses as this howse
shall order, let them say I. And seee resolved.

Then for the dayes of paiment ther was little dis-
pute. And it was resolved upon the question that the first
two subsidies should be paid the 10th day of Feb[ruary]
and then upon another question it was resolved that the

l. C. J., II., 57.
two last subsidies should bee paied in the 10th day of May next ensuing.

MR. TREASUROUR moved that wee might consider too morrow morning to make Treasourours to receive this monie.

SIR JOHN HOTHAM moved that Sir Thomas Barrington, Mr. Capell, and Sir Robert Pie might bee Treasourours to receive this monie. See they all severallie - first, Mr. Capell; next, Sir Thomas Barrington; and lastlie, Sir Robert Pie declared ther readines and willingnes to accept of that service if the howse soo thought good. But those who lent us the 100,000 l. did not both agree to accept of those Treasourours: nor was the Chamber of Lon- don agreed upon for the place of paiement, although it was proposed. See it was moved the cinque ports might bee free from the subsidies now granted but others spake against it, and soo nothing was concluded.

Then Mr. Whistler went out of the Clarke's chaire, the Speaker returned to his owne, and the mace was brought upp, and the clarke toke his chaire againe.

Then MR. WHISTLER made a reporte, verie breiflie, of what had been done and which wee had all heard, and

1. C. J., II., 57.
then the Speaker put the same questions which had been put at the said Committee by Mr. Whistler viz. whether wee should grant two subsidies more over and above them that had been granted, which was ruled affirmativelie as before, and 2dly that the first 2 subsidies should bee paid the 10th day Feb[ruary] next ensuing and the last 2 subsidies the 10th day of May next following. And then it was appointed that the said subsidy bill should bee perfected, and the Committee for the same subsidy bill to meete and prepare and fitt it for the howse that it may bee brought in too morrow morning, to meete in the chequer Court at 2 of the clooke this afternoone.

Then MR. PYMNE moved that on Tuesday next when the King's revenue came to bee considered and his expenses, wee might first consider of the matter of the navie, which was ordered accordinglie.

The busines touching the letters ad Administration served upon Mr. Cambill a member of this howse by Sir Edward Savage, was referred to the Committee of Privileges and they to sitt at two of the Clocke this afternoone.

Upon Sir Nevill Poole's motion it was agreed that the clarke should give out copies of the Lord Keeper's
speech (being now himselfe fledd), which hee spake in this howse on Saturday last.

Post meridiem.

The Committee in Mr. Burton's busines and Mr. Prin's, which I was, [mett] betweene two and three of the clocke.

Then Dr. Helyn being demanded the extracts hee had shewed at Mr. Lenets howse, which hee promised yesterday heere at the Committee to bring this day, hee drew them out; being a little Booke full, and saied they were such as Mr. Noyes' youth or boy delivered him. And saied hee was sent for as a witnes, and therfore desired to know [whether] wee demanded these notes of him as onlie to cleare this cause, or to make use of them against him. Wee spake divers of us to it.

I saied I ever tooke Dr. Helin to have been sent for to this Committee as a delinquent, and not as a meere witnes. That hee is charged in Mr. Prinne's petition to have contrived and fomented those sadder and tragical procedings against Mr. Prinne. That hee had before saied to this committee that hee had nothing of his notes remaining: till yesterday when hee was charged to have shewed some notes at Mr. Lenets and then hee confessed
hee shewed them at Mr. Lenets and promised us to bring them if hee could find them, without anie condition or limitation. And therfore hee ought now to deliver them without further exception.

And soe a little after, hee delivered in the saied papers to the Committee. And then after upon divers other questions hee confessed when hee delivered the notes hee had given Mr. Noy hee delivered (?) a copie of them, and that after Mr. Noy sent him those notes by his boy, which shewed plainlie they were a direct copie of his notes. Then Mr. Prinne shewed divers printed bookees in which hee had libelled against him by name, and in his sermons impliedlie, which is too long to sett downe.

Then wee entred upon Mr. Burton's businesse and somewhat was spoken upon the proceedings against him in the high commission court, which were handled at a former sitting wee had. Then wee entred upon the suite in the starre chamber. The Serjeant, Mr. Denhigh, that brake open his howse in Friday streets in the night, confessed hee did so: and shewed his warrant under the hands of divers of the starr chamber Lordes, dat[ed] Febr[uary] 1. A°. 1636, that hee should take Mr. Burton's person, but ther was no clause in the warrant
to breake open Mr. Burton's howse. And besides ther was
now cause sett foorth in the warrant why to take him and
imprison him. The Serjeant confessed alse hee car-
ried Mr. Burton to a constable, committed him to his
charge and soe medled noe farther in it. The information
in the starre chamber was putt in May 11th, 1637 against
Mr. Burton.

Adiourned to Tuesday next at two of the clooke to
this place.

**December 24. Thursday. 1640.**

An act for the reformation of abuses in the elec-
tions of Knights, citizens and burgesses, etc. read the
first time. Sir Robert Pie begann to speake to the Bill,
but hee was tolde it was not to bee spoaken unto upon
the first reading, but after the second reading and soe
hee sate downe.

An act for redresse of abuses in the Stannerie
Courts of Cornwall and Devonshire, etc. the first time
of the reading.
The business touching the levying of monie by musketeers, the levying of monie for carrying shipp-timber, etc. in Yorkshire referred to a speciall Committee, to meete this day sennight in the Checquer court at two of the clocke in the afternoone.

Upon MR. GLINN'S motion and reports from the Committee of Græevances, it was ordered that Alderman Abel should bee kept under the safe and strict custodie of the Serjeant.

Hee reported likewise from the Committee of Recusants that a person pretending to bee of a Lord's retinue of the Upper house refused to give in his name after some dispute about it. It was ordered that if anie did refuse to give in the name of his lodgers or anie man refused to give his owne name hee should bee bound to the good behaviour. And if hee pretended to bee protected by the priviledge of Parliament, then to certifie his name and by whome hee is protected: and the like order to bee sent downe by the knights of the severall counties. And it was the sense of the houсе that neither the Lords nor wee could legallie give protections to anie but ther and our meniall servants.

1. Agrees with C. J. II., 58.
MR. MAYNARD made report from the Committee of privileges that Mr. Robert Goodwine's election for one of the Burgesses of the burrough of East Greenerstead in Sussex was good. And upon the Question it was resolved to bee soe by the howse.

MR. KIRTON moved that Wednesday morning next might bee appointed onlie to heare reports from the Committees: and that some reportes touching the Earle of Strafford should then bee first heard, to bee made by Mr. Pymme, who made this last motion; being of the subcommittee in the Irish affaires by order of the grand Committee. And those that sitt in the chaire to consider what petitions before them doe conduce to the charges of the Lord Keeper, the Lord Strafford, the Archbishopp of Canterburie, the Judges or others.

Then it was moved that a message should goe upp to desire that William Peirce, the Bishop of Bath and Wells, might give securitie for his appearing before the Lordes in Parliament and to abide the judgment in Parliament; by reason of his endeavours to subvert and corrupt

1. Robert Goodwyn, member for East Grinstead, Sussex.

2. Mr. Pym was also to report "concerning the Lord Montmorris, the Lord Dillon, the late Chancellor of Ireland and the Earl of Kildare." C. J., II., 58.
true religion in his dioces, and for other misdemeanours. And this was put to the question and overruled upon it. And Sir Henrie Mildmay was to goe upp with the message and soe he went. The [messenger] was much out in the deliverie of it.

Ordered that Mr. John Gawin, tanner, that had served Mr. Wheeler, a member of the house, with a sub-pa' na should bee sent for by the Serjeant as a delinquent.

SIR WALTER EARLE reported that the English Lordes Commissioners, which treated with the Scotts, wee re willing to receive the last 30,000 l. which was now to bee paid for the releife of the Northren Counties. And soe it was ordered that the saied Lordes Commissioners, or anie three of them should receive the same to convey it to the saied Northren counties.

1. Mr. John Gawen, of Westbury, Wilts. C.J.II., 58.

2. Peyton (p. 57) reports a speech of Mr. Pym at this time, which adds a detail about the conduct of messages to the Lords—"Mr. Pymme desired the house, that when a message went to the Lords they would not runne in at the opening of the doore to the Barre presently, butt to ob­serve their old manner, which was that the gentlemen that accompanied the messenger should stand at the Lower end neere the wall, till the messenger went forward and to goe up with him."
Then was read a Bill about the assembling of a Parliament yearelie, though the King did not assemble it by writt.

Then the Speaker went out of the chaire and Mr. Whistler came into the clarke's chaire, etc. And Sir Sidney Montague moved that the word 'commons' might be left out in the beginning of the bill of subsidies, being never inserted before the Act of subsidies a°. 30. Caroli, etc. but the house allowed it not to have that words putt out.

1. The following written in cipher, 'This I misliked but did not forbear to speake against it till the second reading.'

2. Stat. at Large, VII., 332.
And then when wee begann to read the saied Bill of Subsidies wee found foure points in question which were not supplied in the Bill but were thought they might safelie bee supplied at the present soe as the sense of the howse, being then in a Committee, was that the Speaker should come into the chaire againe and that wee should give the bill the first reading. Soe the Serjeant brought backe the mace and the Speaker tooke his chaire; and Mr. Whistler went out of the clarke's chaire and hee came into it.

Then Mr. Whistler, standing neare the speaker's chaire, made reporte of what wee had treated off to the saied Speaker and howse although wee had all heard it. And then the Speaker proposed those 4 matters not yet resolved of to us in the howse.

1. The Treasurers not named. 2. The Commissioners names yet not putt in. 3. When the sitting of the Commissioners to assese the subsidies shall first begin. 4. What shall become of the surplusage if anie remains in the Treasurers' hands, this Parliament not sitting.

1. To Sir Thomas Barrington, Sir Robert Pie and Mr. Capell were added Alderman Soames, Alderman Pennington and Mr. Vassall. The place of the Treasurie to
bee the chamber of London. 3dly. The first sitting of
the Commissioners to assess the subsidies to bee on the
20th day of Januarie. And 4. that the surplusage should
bee disposed offe by order of this present Parliament.
And soe for some of the blankes in the saied bill
being supplied and filled upp, the bill of 4 entire
subsidies was read 1st view. And the Speaker gave a short-
er account or repetition of the heads of this bill then
of others.
Then upon MR. PYMM'S motion it was ordered that the
examination of Sir George Ratclif might bee by the Com-
mittee that is to examine the witnesses against the
Earle of Strafforde; and to prepare a charge against the
saied Sir George Ratclif.
Ordered that the shipp-monie votes by which it is
condemned might bee prepared to send upp to the Lordes.
Ordered that it might bee enquired what profit Mr.
Horth had made by the project of salt: for Sir Robert
Pie averred that the King had gained but 100 l. by it,
and that all salt detained should bee restored to the
owners. Then I moved that the saied Horth had vexed
and imprisoned most tradesmen dealing in salt that weere
of anie qualitie in most townes in England by calling
them before the Counsell and by other molestations. And upon my motion it was ordered likewise that, that should be enquired into by the former Committee appointed for Waymouth.

Then the Speaker adjourned the house to Tuesday next at 7 of the clocke in the morning, reserving power in the meane time to such committees to meete as will.

After the adjournment of the house, Sir John Strangwaies moved to have the order read touching the salt busines but hee [was] answered by the Speaker, being then just departing out of his chaire, and by others, that noe order could bee read after the house was adjourned.

1. Instances of this in Cal. St. P. Dom. 1640, p. 375-6.

2. Peyton and D' Ewes say the house adjourned until Tuesday, Dec. 29 and there is no report of any proceedings in the Journals between the 24th and 29th. Both Rushworth and Northcote report a debate on Dec. 28 but Rushworth makes a gross error when he says after the proceedings of the 29th (IV. 134) "From this Day the House adjourned till Saturday the 9th of January by reason of Christmas Week, and New-Years-Day." There was no adjournment at such a time, the house even meeting on New Year's Day, so that would serve to show him unreliable in reporting debate for Dec. 28. Northcote, as has been shown many times before, can seldom be trusted for dates.

The 'Diurnall Occurrences, (p. 18-19) also reports debates on Dec. 28 and then says, "The House Aejourned this night, till Saturday the ninth of January; by reason of Christmas week and New-years Day." So that Rushworth and D. O. agree on this point.
SIR HENRIE MILDMAY, before this adjournment was put, brought an answer from the Lordes touching the message sent by him this morning: that ther Lordshipps would cause the saied Bishopp of Bath and Wells to enter into securitie for his appearing before ther Lordshipps as soon as they should see him, but at that time hee was not in the Upper howse. I cannot tell certainlie at what time Sir Henrie Mildmay reported this message, because I was then stept out of the howse; which was a little before the Speaker went out of the chaire.

Dec[ember] 29. Tuesday. 1640.

We mett earlie in the morning and the Bill of the fowre subsidies was read by the clarke, the 2nd reading. And the Speaker made a shorte relation of the summe or heads therof. Agreed it should bee committed to a committee of the whole howse but it was much disputed whether wee should resolve the howse into a Committee presentlie or deferre it to Thursday morning. I and others spake to have it putt offe to that morning and soo it was, to 8 of the clocke. Ordered.

1. The report of Sir Henry Mildmay was given, according to the Journals, after the order in regard to Mr. North. C. J. II., 59.
Then it was read the order for this day that it was appointed to debate the King's revenue and in the first place the matter of the Navie. Sir Edward Wardour was at the doore with some preparations for the ballance of the King's revenue and expence. Sir Robert Pie was going out to call him; but it was tolde him the Serjeant was to goe and call him and see hee did. And then being come in, hee gave the Serjeant a little schedule, which the Serjeant delivered to the Speaker: and then hee offering to speake, the Speaker badd him withdraw. And being gone out, the Speaker moved the house to know if they would give him leave to speake, which being assented unto, hee was againe called in and stood at the place where the barre is usuallie laied crosse, but the barre was taken upp, and the Serjeant onlie stood by him, with the mace on his right shoulder. The saied Sir Edward Wardour excused himselfe that hee brought in a ballance of the King's revenue but of olde time viz. of the yeare 1635, which hee yet desired wee might peruse because it would give us some light into the busi̇es.

dat. 18. Dec[ember] 1635.
Then was read the ballance and the King's receits am-
counted to 618,379 l.

His expenses to the summe of 636,536 l.

Soe the expenses exceeded the receipts 18,157 l.

Great customes 150,000 l.

Pettie farmes 60,000 l. ²

Then it was moved that the saied ballance might bee laied aside as useles; and that a ballance might bee hastened for the time that now was, which Sir Robert Pye saied could not bee prepared in 2 months. Then Mr. Pymme moved that wee being all desirous to accomodate his Ma­ jestie for the releife of the navie, that his Majestie's farmers and customers will forbeare to pay anie thing till it were setled by Parliament.

MR. TREASUREOUR saied hee hoped that a ballance for the maine and the greatest summes might bee prepared within 8 dayes, and shewed that his Majestie's expences did now farre exceed his revenues both in his household, navie and other expences. Hee gave in a note dated Dec. 8.

1. Northocote (p.113) gives the amount of the King's reve­ nue as 618,990 l. but D' Ewes is more likely to be right as his report is more careful and detailed. Peyton was absent from the house from the 31st to the 4th of Jan. No report is given in the Journals.

2. Written in cipher, "I wrote noe moore of this the particulars for they were exceedingly false & sett downe: I believe (?) som particulars not the tenth part sett downe."
1640 of certaine provisions to bee made for the navie presentlie, both for this yeare and the yeares 1641, which came into 166,011 l. 13s. 3d.

Then it was further diverslie speaken into.

Then Mr. Pymme desired leave to move about Sir George Ratolife, which was granted him. And hee shewed how his case was soe involved with the Leitentant's of Ireland and his Treasons the same, that they could not examine witnesses severallie for them: and soe hee read 6 articles that had been prepared against him: and explained them as hee went along to shew upon what grounds and motives they charged him with treason and traiterous practices in each particular. And all these offences were committed during the time the saied Sir George Ratoliffe was a Counsellour of State in Ireland, desiring to subvert the fundamentall lawes of England and Ireland, and to bring in a tyrannicall and arbitrarie government confederacie with Thomas, Earle of Strafford; and the other articles were much of the same nature with those against the Earle of Strafford.

Then the Speaker, after the Clarke had read the articles, putt these Questions.

1. For the six articles of Northcote, 115-116; Nalson I., 701-2; Parl. Hist. IX., 152-153.
Resolved then upon Question that the Commons should send upp an accusation against Sir George Ratcliffe of high Treason, in the name of the Commons.

Resolved upon the Question that these articles now read shall be the ground of the accusation against the saied Sir George Ratcliffe.

Resolved upon the Question that a message should bee forthwith sent upp to the Lordes to accuse the saied Sir George Ratcliffe of high Treason. So Mr. Stroud went upp with the message and performed it.

Then after Mr. Stroud was returned, ther was a new question putt by the Speaker and resolved upon question, that the saied Articles now read against Sir George Ratcliffe should bee engrossed against too morrow.

Then wee returned to treate of the business of the customes, and wee weree against having anie order made in it for the greater partes.

Then ther came a message from the Lordes sent by Sir Charles Caesar, the M[aste]r of the Rolls, and Mr. Justice Reve, which was that whereas wee had sent upp an accusation of Treason against Sir George Ratcliffe, they desired to know whether wee desired that they should

1. C. J. II., 59; L. J. IV., 118.
make him safe. Then the said messengers being withdrawn it was debated what answer we should send; and after a little agitation it was agreed that the Speaker should tell them we had considered their Lordships' message, and that we would forthwith send to them by messenger of our own. And so the messengers being called in, the Speaker delivered them that answer.

Then those messengers being gone, we fell into debate what message we should send: and it was soon agreed that we send this message viz. That Sir George Ratcliffe was alreadie in safe custodie in the gate-house, and that we purposed to have acquainted their Lordships with it when we sent shortlie the argioles against the said Sir George Ratcliffe, but ther Lordships having now prevented us, we left it to their Lordships' consideration to take what further order with him as they shall thinke fitt. And Mr. Pynne [Pym] went up with the said message.

It was ordered that Dr. B.astwick's business should bee referred to the Committee for Mr. Burton and Mr. Prynne, of which I was.

1. L. J. IV., 118.
Mr. Speaker complained of an injurie offered to his servant by Mr. Thomas Sheapeheard; a Justice of peace and the headborough hee imploied and it was ordered that Mr. Sheapeheard and the said headborough should bee sent for as delinquents.

Then it was new disputed whether wee should make anie order touching the Custome howse and ther paiments. I spake against it that by making an order heere wee should seeme to approve ther uniuist taking of Tonnage and Pondage which was first given in the 45 yeare of E[ward] 3. Indeed if wee could restraine the customers to receive no moore, this were worthie this howse. But the sence of the howse was strong the other ay and soe the order was made that they should make noe paiments out but by the speciall order of this howse, but onlye for the ordinarie assignments of the King's howsehold.

Ordered that the severall offices of the Custome howse respectivelie to whome it may any way appertaine bee forthwith enioyned and required not to make anye issues or paiments of ther receits ther without speciall order from this howse unles it bee the ordinarme assign-

1. This is the last entry in Northoote's Notes.
ments for the use of his Majestie's household and it is likewise ordered that a copie of this order bee forthwith sent to the saied officers of the custome house.

Post Meridiem

The Committee in Mr. Burton and Mr. Prin's business mett in the [Ex]chequern chamber of which Committee I was. The first particular business wee fell upon was the taking away of some of Mr. Burton's booke by John Wragg a messenger, at the time when the saied Mr. Burton's house was broken open in the yeare 1636. Hee onlie produced a generall warrant by which hee was authorized to seize all booke of that kinde in all suspected places where Brownists and such like weere: and therafore it was suspected hee had some particular warrant. Hee confessed hee had particular direction to search Mr. Burton's studie, from the Archbishopp of Canterburie and Sir John Lambe. It was prooved that Alderman Abel did send for a crow of

1. This order is not given in the Journals.

2. An abstract of this general warrant is given under date of Feb. 20, 1635-6 in Calè St. P. Dom. 1635-6, p. 242-3, also an abstract with notes in which it is stated, that by virtue of such warrants as above, the books of Mr. Burton and Mr. Prymne were taken, and that Sir John Lambe stated that such warrants were issued every two or three years.

Ibid.
iron; and did command one Richard Ives, a porter, in the King's name to break open the door of Mr. Burton's house. But he not doing it at two or three streakes, the Sergeant at Armes took the crow from him and broke open the door and entering in, brake open two doors more. Mr. Burton was that night committed to the custody of one John Flemming a Constable: he was the next morning by a warrant dated at Whitehall Febr[uary] 2, 1636 directed to Mr. Ingram, wardein of the Fleete, committed thither close prisoner, so as no body might come to speake with him, till first hee had libertie in March following to advise with his counsell, having then an information in the Starre-chamber in against him.

June 14, 1637 then ensuing was his censure in the starre chamber. Upon the Information put in March 11th 1636 against him, Dr. Baweck, and Mr. Prinne, Mr. Burton's cheife charge was for his two sermons preached Nov[ember] 5, 1636 and an apologie of an appeale with certaine Epistles to them being printed. Mr. Burton's answear was put in the 10th day of May a°. 13°. Caroli a°. Dm. 1637. The certificate dating May 23. a°. 13°. Caroli Regis did Sir John Brampston knight Lord Cheife Justice. It was expunged 23. die May, as was sett downe on the
topp of the Answere that was expunged. Than was read Mr. Burton's Answer out of another copy of it; in which hee answered fullie to all the particular charges. Then Mr. Burton his Answer being expunged, could not saeflie bee examined upon Interrogatories, but must of necessitie bee perjured. For hee must confess that to bee his Answer which was not. The reasons hee gave why hee could not therefor without betraying his cause and violating his conscience answer to those Interrogatories were dated June 8, 1637, of which hee sent one copy to the Lorde Keeper and the other into the Starre-chamber court. The maine reason was, because by this hee should confess him guiltie of publishing those bookes which were not his as of those which were his.

Adiourned to this place at 2 of the clocoks on Thursday next in the afternoone.

Dec[ember] 30. Wednesday. 1640.

The petetion of the towne of Wolverstone in Suffolke against Mr. Skynner, a scandalous minister in Suffolke was referred to the Committee in Bishopp Wren's busines and Mr. Grimston was added to the Committee.
Certaine persons to bee naturalized came in and tooke the oaths of allegiance and supremacy at the Table neare the Speaker. The Serjeant stood on the right side by them all the time with his mace on his right shoulder. HEE alsoe brought them into the house with his mace in that posture and went with them to the doore. They made three reverences as they came in and three as they went out: ther names - Herme and Fisher.

The Bill for confirming of severall grants and enfranchisements to divers of his Majestie's tenants in Lancashire and elsewheere holding of the Dutchie of Lancaster, etc. read 2da vice. And it was committed and a committee named to meete on Friday in the afternoone in the Dutchie Chamber.

A petition from the Ladie Elizabeth, late wife of Sir Edward Coke knight and formerlie wife of Sir Christopher Hatton knight, against Matthew Wrenn, now Bishopp

1. Their names given as Jo.de Wischer and Peter Heeren in C. J. II., 60.

2. Elizabeth, daughter of Thomas, first Earl of Exeter, son of the great Lord Burghley, first married to Sir William Hatton, nephew of Lord Chancellor, Sir Christopher Hatton, and inheritor of his great wealth. She married Sir Edward Coke in 1599. The difficulties that she had with her property after her marriage to Coke are graphically told in a paper written by her in the Preface to Cal. St. P. Dom. 1634-5.
of Elye and the uniust proceedings against her in the Court of Requests. Whereupon after some disputes past it was committed and a committee was named to meete this afternoone at two of the clocke in the Court of Request, and to take into consideration the severall Statutes of concealment and limitation de a°. 21°. Jacobi. 1

Then MR. CROMWELL moved that the bill touching the holding of a Parliament everie yeare, whether the King sends out his writt or not, which Mr. Stroud preferred, might bee read the second time and soe it was.

Divers spake for the furthering of the saied Bill and that it might bee committed.

I spake that this was a free assemblie and everie man might speake freelie and that everie member was heere bound to speake his Conscience; which consideration at this time drew mee to speake. That Parliaments might bee yearelie assembled was the desire of all that wisht well to the publike. It was established by two lawes; 2 the one in a°. 4°. E. 3. , the other in a°. 36°. E. 3.

1. This is D' Ewes second mention of Cromwell; the first being at the presentation of John Lilburne's petition.


who was one of the most excellent princes that ever this kingdome had. And in the latter statute setteth downe the reason why a Parliament was to bee assembled yeare-lie viz. for the redresse of divers mischeifes and grievances that daily happened. And in Rot. Parl. in 1°. Parliamante (for ther were two Parliaments in that yeare as ther were often in the older times) de a°. 2do. R. 2. n°. 4°. The King ther made open declaration in Parliament that hee called that Parliament because it is enacted that a Parliament should bee helde once everie yeare. Soe as wee may see, this law was regarded in those times. And that wee had now latelie seen the lamentable effects of the want of a Parliament for eight or nine yeares. But yet I advized that wee should not provide a remedie worse then the disease. For if wee should give the King offence from whome wee had now received soe much favour since wee sate heere wee might afford them opportunitie who envie our happie beginnings heere to frame oblique conceits and suspicions against us. That ther were fundamental rights of the crowne which were to be preserved as well as the fundamental rights of the subject. That all wee did heere

1. Ibid.
was but lumen opacum, and had no light or force but
by the King's allowing it. That I hoped Parliaments
would bee frequent for the time to come; and that what
Tacitus saied of the Emperour Traian a heathen, that
hee did conceive Imperium et libertatum, which alsoe
Thuanus reported of H[enry] 4. of France, would for
the future bee verified of his Majestie. I thence
desired this bill now read might bee wholly withdrawn
and that a committee might bee appointed to draw a new
Bill for the like purpose. For this bill had many imper-
fections in it.

For it appointeth if the sheriffs and the Maiors
and Bailiffs of Citties and Burroughs will not elect
or choose knights, citizens and Burgesses, that then
the Freemen shall. And if that bee noe man to take care
of the poll wee might have heere returned 4,000 knights,
citizens and Burgesses instead of 400 and whereas the
Bill suggesteth that wee should sitt 40 days, two moneths
will not cleare the elections which must needes bee full
of disorder and confusion. Besides the Bill provides
onlie that if the King doe not summon a Parliament then
the Freeholders should elect and choose, but ther is noe
provision made in case of prorogation. And in Queene
Elizabeth's time the Parliament begunne in a°. 13°. Eliz[abeth] was continued for about nine yeares. And it was twice continued by severall prorogations for about four yeares together betwixt the severall sessions. And soe now if the King would continue a Parliament 30 yeares together by severall prorogations, [ther] was noe remedie provided in this bill. I threfore desired that wee might have Parliaments yearelie, and that to this purpose wee might have a new bill drawn and for my parte I should thinke myselfe verie happie if I might bee able to conferre anye thing to the draming upp of it.

Many cried well spoked: and Sir John Wray seconded my motion. But the greater parte of the howse weere much sett upon the allowing of the Bill, and soe it was ordered to bee committed. And I was named to bee one of the Committee but I stood upp myselfe, desiring to speake to the orders of the howse, and shewed that because I had spoken against the bodie of the bill I could not bee of the Committee; and soe my name was putt out.

Then MR. TREASUROUR moved that some of the Customers attended at the doore, etc.

Then the Customers were brought in by the Serjeant. The Customers alledged viz. Sir Nicholas Crispe and others
that they had divers sommes to pay out of the customes
upon which their creditt lay, and these monies were due
and appointed to bee paid before the order in this
howsse was made yesterday, that they should pay nothing
out but the ordinarie assignments to the King's household.
And they acknowledged they did receive Tonnage and Pondage.

Then they being withdrawn it was disputed whether wee
should give them libertie to make palment for anie or all
of those summs or whether wee should induct [or] abol-
ish the former order.

This spent a great deale of time in dispute whether
wee should abolish the former order. Divers spake both
for it and against it. I spake for the abolishing of it:
especiallie Mr. Saint John who shewed the navie was to
bee maintained with the customes.

I first shewed that yesterday, before the order was
made, I spake against the making of it, conceiving then
those mischeifes and inconveniences would ensue which wee
now find. And I was now of opinion that wee should in-
duct or abolish it. For I saied it was verie true what
the gentleman behinde had observed (viz. Mr. Saint John)
that the Customes of the realme ancientlie went to the
maintenance of the navie. For it appeared by the most
ancient autographical record in the Christian world the Booke of Domesdei fol. 1 a. that even in the Saxons times the sea was defended by the soveraigne out of the Customes and the service due by law out of the Coast-townes. And it appears in the Patent Rolls de a°. 6°. E. 1. that the verie cinque ports alone were to maintaine a navie of 52 saile with 1140 armed soldiers in it, which was in that age a considerable supple when shipps of soe great a burthen as now a daies were not known. And by this meanes did the Kings of England for 450 yeares defend and maintaine the sea, viz. by the tolls and Customes of the kîngdome and the ancient services of the sea-townes. And if they tooke anie thing else of ther subjects in shipping or any other assistance, they paied a full and due rate for it; which is in parte evidents as by other Records soe by two of the great Pipe Rolls, being the most august Recorde of England next Domesdei. The first is Rot. Magnus Pipoe de a°. 15°. H. 2. Rot. 12. M 2da in tergo. The next is Rot. Magnus Pipoe de a°. 1°. R. Rot. 12r. M.1a

in tergo. And see the like examples are frequent in the great Pipe Rolls of King John and in the Records of succeeding Kings. But when once E[dward] 3. in the 43 years of his reign as appears in Rot. Parl. de a°. 43°. E. 3. M°. 9°. had taken upon him the style and title of King of France; and that therupon Philip de Valois, King of this relame, having the assistance of some other princes, had provided great sea forces then, and not before was that subsidie which we now call Tonnage and Poundage granted.

Then was the house resolved into a grand Committee; Mr. Speaker went out of his chair and the Clarke removed out of his chair and Mr. Mainard came into the Clarke's chair.

And see the said order made yesterday about the customers was read by Mr. Mainard and divers spake to it, some for it and some against it. I spake again for the induction or abolishing of it. I said the snare was foreseen but we were now fallen into it: and therfore we were to get out as well as we might.

2. Rot. Parl., II., 300.
For this end wee had noe way but to abolish or induct this order, for if wee continued it, it could not stand with the Justice of the Howse to debarre the customers to pay those monies that were appointed and ordered to bee paid long before our order made. I would not have the order revoked but have it whollie defaced with blotts or obeliskes that it should never moore bee read. I therfore advized a way to reconcile all differences and that was that wee should resolve of the Speaker's returning into the chaire and inducting the order: and then for the matter of it, which is the Customes with the Tonnage and Pondage, for the disputing of which the howse was resolved into a grand Committee, they might stand without the order; and wee may appoint one day or moore to dispute these particulars.

After this ther followed new disputes and one Mr. Cage objected that it would bee a dishonour to this howse to see the order revoked or defaced. After some others had spokken I stood upp againe and shewed - First, that the order was that the saied customers should issue noe recits without order of this howse; wee did by this as well warrant ther recits to come as those past, for the worde was generall. And as for the
objection that was made that it will bee dishonourable for us to revoke or blott it out, I answered that the like was often found in the Records themselves, being matters of a higher nature then a Journall booke: where sometimes they are inducted by a vocet (?), sometimes by transverse lines drawn over them, and sometimes by obeliskes or blotts. And the like induction and blotting out wee may find in all the Journalls of Parliament in the Clarke's custodie; to witt, from H[enry] 8 raigne to this time in the Upper house, and from E[dward] 6 time to the day of this house presidents may bee found of like inductions. Besides this

As manye as are of opinion that the order made touching the receits by the Customers shall bee revoked, let them say I. And soe it was overruled by the I I's, being many more than the Noes.

Then it was long disputed whether wee should putt a second question to give a reason why wee abolished the saied order. And it was overruled upon the question affirmative. In both questions I was for the affirmative.

Some desired the Question might bee putt againe. I saied it could not bee unless the house were willing. And soe to satisfie them that desired it might bee put againe, it was permitted by the house.
Then it was debated what the 3d. question should be; and it was the sense of the house for the greater parte that we should express their taking of Tonnage and Poundage was the reason why was inducted the former order about. I desired it might be put by the words subsidie of Tonnage and Poundage, as it was called in 40 Parliament Rolls.

Then after others spake, MR. SELDEN spake that Tonnage and Poundage was not to bee named or soe called till it was granted by Parliament and therfore wished that the wordes unlawfull impositions were sufficient to comprehend it. After some other speeches, I saied, that they that knew Record did know that this subsidie was granted neare an 100 yeares by the title of un antiel subsidie or un mesme subsidie. And soe the wordes unlawfull impositions were not proper, for indeed, till it bee granted by Parliament, tis now Tonnage and Poundage.

But then a middle way was found, to put the name of Tonnage and Poundage as the Customers called it.

Soe it was resolved upon the question, that the reason why the former order was to bee revoked or repealed was because the howse was enformed from some of the customers' confession this morning that they had taken certaine impo-
sitions, which they called Tonnage and Poundage, and other unlawfull impositions not granted by Parliament, and they did doubt least by that order they should seeme to countenance those illegall takings.

Then Mr. Maynard (it being then past two of the clooke in the afternoone) went out of the clarke's chaire and the clarke went in. And the Speaker came into his chaire and the Serjeant brought upp the mace and laied it on the table.

And see Mr. Mainard made a shorte reporte of what had been acted at the grand Committee and of the three questions that had been resolved on.

Then Mr. Speaker saied hee would againe putt the questions. Then Mr. Cage desired him to putt but one question but I stood upp and desired that three questions might bee putt as at the Committee: and the Speaker confessed soe they ought to bee putt. And see hee did accordinglie putt them severallie, and they were all ruled in the affirmative as they had been at the Committee. Then the house rose.

Betweene three and fowre of the olooke in the af-
ternoone, the Committee touching Bishopp Wren's orders, of which I was, mett in the Chequer Court, where the petition of the men of Wolverstone against Mr. Jonathan Skynner, a scandalous minister ther who had been a cheife means to putt out Mr. Timothie Dalton, a godlie minister ther, now gone into New England. It was proved by divers witnesses that the saied Mr. Dalton had been parson ther above 20 yeares, and hee was a godlie, honest man and preached laboriouslie. That when Bishopp Wren came to bee Bishopp of Norwich, hee was questioned as for other innovations hee would not submitt unto, soe for not reading the booke for sportes and libertie on the sab-
boath day. That the saied Mr. Skynner was a principall persecutor of him, bringing downe pursuivants out of the high Commission Court against [him]. That the saied Mr. Dalton being suspended by the Chancellour of Norwich (Dr. Clement Corbet) and in severall dangers was forced with his wife and children to flie into New England. That the saied Mr. Skynner was a wicked, scandalous person was alsoe proved. That hee seldom preached and when hee came into the pulpit and tooke a text, once in five weekes, hee
rather railed then preached; called his parishioners hoggs and other reviling termes. HEE followed mechanical workes and almost all sortes of husbandrie. HEE walked ordinarilie with a rapier staff and sometimes with a pistoll charged. HEE used to adore to and towards the Communication table and to and towards the sacrament after consecration. Wherein HEE used alseoe to crosse the bread and cupp before consecration and to elevate the bread. That HEE had beaten two women, after which one died and the other escaped very narrowlie. That he had sued, molested and vexed divers of his parish to ther utter undoing, by malicious and unjust suites. That hee had caused a poore woman to bee excommunicated that had six small children and was faigne in her husband's absence to stay at home with them; then hee threatened and forbade all the rest of his parish from comming neare her; by which means the poore woman died at last for want of food; and then caused her to bee buried in a feild neare a ditch side.

With a number of other villanies too long heere to rehearse.

The said Mr. Skynner excused himselfe that hee did not alwaies adore or bow to the table, and never to the bread or wine; but for all other particulars hee did upon the manner confes them.
The Committee adjourned to Tuesday next.


Some petitions of noe great moment were read before I came to the house. Just as I came in, Mr. Pymne was making report of the Lord Mount Norris case; that for onlie saying such a one had a brother that would not have putt upp such an affront from the Lord Deputie, hee was in the time of peace by a Counsell of warre, when the Courts of Justice were open, adjudged to bee shott to death. Divers other injuries had been done him by the said Deputie but this was of the highest nature. Although in other particulars hee tooke alsoe his inheritance from him without law and denied him all remedie in the Courts of Justice.

Then the Speaker opened the report: 1. that the Lord Mount Norris desired to the office of Secretarie and the 200 l. fee and his other offices; and to his estate wrongfullie taken from him and the judgment for him to have been shott to death to have [been] illegall. Upon the 2d question, Resolved upon the question that the office of Secretarie and privie Signet and under Treasourer were un-

1. For the details of the trouble between Strafford and Mountnorris of Strafford's Letters, I., pp.344,304,345, 391,400,448,479,497-8,517; II., 144.
justlie and illegallie taken from the Lord Mount Norris. Resolved upon a 3d question that the judgment given against him by the Counsell of warre was unijust. Resolved upon a 4th question that the commission granted from the Counsell of Ireland to examine him in prison was illegall and unijust. Resolved upon a 5th question that the same Lord Mount Norris was unijustlie vexed and greived by the information putt in against him in the castle chamber (that is the Starre chamber in Ireland) and by the proceedings therupon. Resolved upon a 6th question that the mannour of Bimore was unijustlie taken from him. A 7th question was Resolved that the severall proceedings by the Lorde Leiftenant against the Lord Mount Norris upon the petitions of Pegworth and Manwaring were illegall.

Then Mr. Pymme went on with the report of the injuries and wrongs offered to the Lord Dillon; and then the Speaker put the Questions upon it. Resolved upon question that the severall proceedings against the Lorde Dillon touching his severall lands in the counties of Rosse-oomin and Meye are illegall and unijust; for they

1. Only 6 questions are recorded in the Journals, II., 60.
made a false case and presented it at the Counsell table, and ther tooke the Judges opinion upon it, without anie argument before had before them.

A 3d question was putt that those extra iudicall opinions given by the Judges at the Counsell table are against law and ought not to bind the Lord Dillon or anie other in anie parte.

I moved that the wordes against the law might bee putt tend to the subversion of the Lawe which was generallie allowed. But then because it was a particular case it was resolved in forme differing from both, viz. that the extra iudicall judgment given against the Lord Dillon ought not to bind him or anie other.

Resolved upon the 3d question that the saied extra-iudicall judgment given against the Lord Dillon ought to bee reversed and hee to bee setled in his possession.

Resolved upon question that Sir Richard Bolton, the now Lorde Chancellour of Ireland and then the Lord Cheife Baron of the Exchequer of Ireland, and the other Judges are fitt to bee questioned criminous for such extra iudicall opinions and proceedings.

1. C. J. II., 60-61.
Then were the articles of the Commons read by the Clarke against Sir George Ratcliffe by which they charge him with high Treason, being now engrossed in parchment. In the reading over of which twice there were divers wordes new inserted and divers particulars amended: to which purpose myselfe and divers other spake.

Soe it was resolved upon the question that the said articles soe engrost and now read to us should bee the articles by which the Commons should maintaine ther charge of high Treason against Sir George Ratcliffe before the Lordes.

Then it was deliberated that wee might send upp a message to desire a committee of both houses to preferre the said articles. And therupon it was resolved upon question that wee should send upp a message forthwith to desire a conference with the Lordshipps by a committee of both houses concerning articles to bee preferred against Sir George Ratcliffe in maintenance of ther charge of high Treason against him assoon as with convenience ther might. And Sir John Strangwaies went upp with it.

I accompanied him to the Upper howse and Sir Edward Littleton knight Lord cheife Justice of the Common pleas who yet supplied the place of the Lord Keeper in the
Upper howse cam downe to the raille, and ther Sir John Strangwaies delivered the message. And soo wee withdrew. And after a verie short stay wee were againe called in; and then the same Sir Edward Littleton, sitting in the Lord Keeper’s usual place, gave us this answearer that ther Lordshipps would give us a conference instantlie by a Committee of both howses in the painted chamber.

Soo I returned not backe with Sir John Strangwaies, who went and delivered the answearer of his message in the Commons howse, but staied to gett a convenient place in the saied painted chamber; whither presentlie after came divers of the Lordes and tooke ther places; and then came Mr. Pymme with divers of the Commons howse with the saied articles; which having taken his place hee read and after spake somewhat comparing the greatness of the saied Sir George Ratcliff’s faults and crimes with those of the Earle of Strafford’s; which being ended wee departed. The Earle Marshall sate at this conference at the Upper end of the table; wheere

1. L. J., IV., 120.
2. Copy of this speech in Parl. Hist. IX., 154-5; L. J. IV., 121.
the Lord Keeper usuallie sate at our former conferences.

After our returne to the howse, upon Mr. Pymm's motion, it was ordered that the same Committee of this howse that was appointed to bee present at the examination of the Earle of Strafford should bee present at the examination of Sir George Ratoliffe.

Then Mr. Treasurer stood up and shewed that the King's armie in the North was in great distresse, that manye of the soldiurers were readie to disband, others would not remove without readie money, that much pay was behind. To assert and prove all this hee produced two writings: the one was a minute or copie of Sir Jacob Ashley, Serjeant Maior Generall of the saied armie to the Earle of Northumberland; the other was the originall letters of one Mr. Thomas Kerne, an under officer in the armie, sent to the same Sir Jacob Ashley. See the letters weere sent upp from Mr. Treasurer, who at this time sate befor neare the barre, to the Clarke who read them: the substance of them was as followeth.

Dec. 25. 1640. is the date of Sir Jacob Ashleys letter written to the Earle of Northumberland, Lord Generall, by which hee shewed that the King's armie in
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Yorkshire was farre behind in pay, that the companies that were to remove would not stirre without money, that divers persons had trusted the soldiers some long for lodging and diet as they were able to furnish them noe longer and persuaded them to returne home and some many were returning.

Dec. 24. 1640 is the date of Mr. Thomas Kerne's letter to Sir Jacob Ashley, Serjeant Major General of the King's armie, where by the want and distress of part of the King's armie was sett downe.

Mr. Comptroller moved that in respect of the disorderlie condition of the soldiers, ther might bee an order to exercise martiall law.

Divers spake against it and so I did mysele and wheeras Dr. Eden gave a distinction that crimina militaria should bee punished by martiaall law but not crimina communia within the civill law. I shewed that the civill law was the Imperial law; and it was against our oath of supremacy to admitt anie forraigne law but wee must bee governed by our owne lawes: and the rule was generall without exception that wheeres the Courts of Justice were open martiaall law ought not to bee exercised; and seeing this great and supreme Court of Justice was open,

1. Neither of these letters is given in Cal. St. P. Dom. 1640-41.
God forbidd wee should have martiall law practiced.

Then it was farther debated and the sense of the house was that wee should give noe way to martiall law.

Then grew a new question whether wee shoud sitt too morrow; and divers spake to it. I wished that wee might sitt too morrow; that by speeding the bill of subsidie wee should both have creditt for monie, and it would comfort the armie to heare of it. For the motion that was made that wee should have somewhat for our subsidies, I moved that two shorte acts might bee prepared the one to abolish Idolatrie, superstition, prophanenes and heresie. And another to settle the matter of prohibitions.

Then after a little other dispute, it was first resolved upon question that wee should sitt too morrow.

Secondlie, it was resolved upon question that the house should bee resolved into a Grand Committee too morrow morning to debate the bill of subsidies.

It was resolved upon a 3d question that after the bill of subsidie agitated, wee should consider of some way to raise monie for the speedie relieving of the King’s armie and Northren parts.
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It was resolved upon a 4th question that wee should then alsoe advize of a way of regulating the King's armie and preventing disorders therein according to the lawes of the land.

It was resolved upon the fifth question that some representation might bee made to the King to dismisse the new armie raised last summer in Ireland and to convert the monies provided for the paiment thereof to the paiment of the English armie in the North.

Post meridiem.

Some of the Committee in Mr. Prinne and Mr. Burton's busines, of which I was, mett in the cheoquer chamber betweene two and three of the clocke in the afternoone. It appeared to us that his answear had for the most part been expunged upon the meere certificate of Sir John Bampstone, Lord Cheife Justice of the King's Bench, and Sir John Finch, then Lord Cheife Justice of the Common pleas, without anie order upon it; which was unustlie done. Then Mr. Burton's Counsell shewed that after they had expunged his answear as aforesaid the Court of Starre-chamber would have had him to have answereed to Interrogatories which

1. C. J., II., 61.
hee refused to doe because it might have drawn him to have accused himselfe falselie, and to have been periured.

Then was read the sentence against him in the Starrechamber 14 June, 1637 by which hee was first to bee degraded in the universitie and then to bee degraded from his ministerie. The latter was done June 27. 1637 but the former was never executed. Then followed the execution the last day of the same June, which as Mr. Duns the surgeon witnessed was executed with great crueltie, and that hee bledd long and spent much arteriall bloud before hee could come to him; hee then attending at Mr. Pinn's scaffolf. The same surgeon witnessed that hee was removed to Lancaster castle before his wounds weree hole: and Mr. Burton averred that though his wife was directed by the surgeon to dresse him, yet they would scarce let her come at him in his passage thither. And one Mr. Collins that accompanied him witnessed hee had a fever in his passage. And much adoee hee had to gett bedding in the same castle. After hee had remained there 12 weekees then hee was transported into the Iland of Gernsey at a dangerous season in the

winter November 1 and hee was committed to one Brian Burton, a verie leud fellow, to convey him over: and this was done by an extraiudiciall order: and his verie wife was debarred from coming within the saied Isle to see him or enquire for him.

Tuesday next was appointed for the hearing of Nathaniel Wickens petition, that was Mr. Prinn's man, and Michael Sparkes that printed Mr. Prinn's booke. Thursday next was appointed for the hearing of Dr. Bastwicke's petition, Soe wee came to the vote and voted by several questions this in generall that the proceedings and sentences against Mr. Burton in the high Commission Court and Starrechamber were against law and ought to bee reversed, and that hee ought to have reparation made: and that the breaking open his house, taking away his booke and his sending to the Isle of Garnsey were against law and against the libertie of the subject.
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A prayer read by the Speaker of the house of Commons each morning and in the afternoon also during the Earle of Strafford's Triall during this Parliament. The Eternall Lord God of heaven and earth the great and mightie Counsellor wee thy poore servants assembled before thee in this Senate humbly acknowledge our great and manifolde sinnes and imperfections and therby our unworthines to receive any grace or assistance from thee; yet most merciful father sith by the providence wee are called from all parts of the land to this great Counsell of Parliament to advise of those things which concerne thy glory, the good of thy church, the prosperitie of our King and the weale of thy people, wee most entirely beseech thee that pardoning all our sinnes in the blood of thy sonne Jesus Christ it would please thee by the brightness of thy Spirit to expell all darkness and vanity from our minds and all evil qual-
ities from our Speeches, and grant unto us wis-
dome and integritie of heart to become and re-
maine the faithfull servants of Jesus Christ,
the loiall and loving subjects of our gracious
King and the well affected and well tempered
members of this house. Let not us O Lord who
are mett together for the publike good of the
whole bee more carelessse and remisse in the
great business of the church and state then wee
use to bee in our owne private affaires: give
us grace, wee beseech the[e], to bee thankfull
for thy former mercies to this Nation, especi-
allie for our great Deliverance from the Span-
ish invasin in the daies of blessed Queene Eliz-
abeth and from the powder - Treason in the time
of our late gracious Soveraigne King James, and
that every one of us may labour to shewe a good
consciencel to thy Maiestie, a good seale to thy
word, a loiall heart to our now gracious King
Charles and a Christian love to our country and commonwealth: Bless his Majestie, O Lord, in his gracious consort, and in his hopefull issue the most noble Prince Charles with the rest of the royall progenie, and see smite the heart of his most excellent Majestie and this whole Assembly that wee may never bee divided: Enable us by thy grace and mercifull assistance to give strength to such godlie lawes as bee alreadie inacted that they may bee better executed, and to inact such as are further required for the bridleing of the wicked and incouragment of the godly and well affected subjects, that see thy great blessing may bee continued towards us and thy greivous Judgments turned from us, and that onlie for Christ Jesus sake our most glorious and onlie Mediatour and Advocate to whom with thy blessed Maiestie and the Holy Ghost bee given all honour and praise power and dominion from this time forth and evermore. Amen.
### Key to D'Ewes' Cipher

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