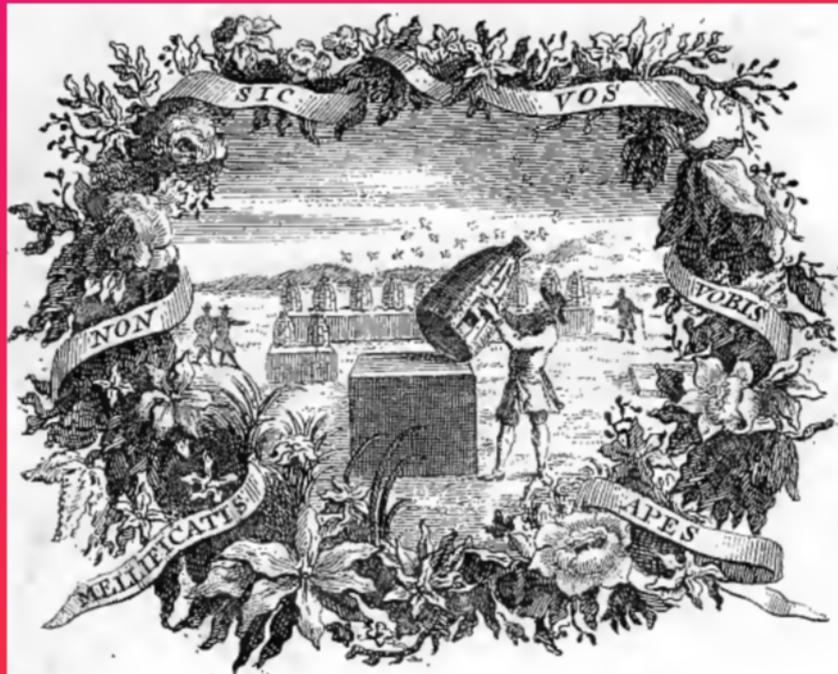


Rapin's History of England



Book 19

Volume 2

The Reign of Charles I

**The History
of
England
Written in French
By
Mr. Rapin de Thoyras**

Translated from French

By

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Of

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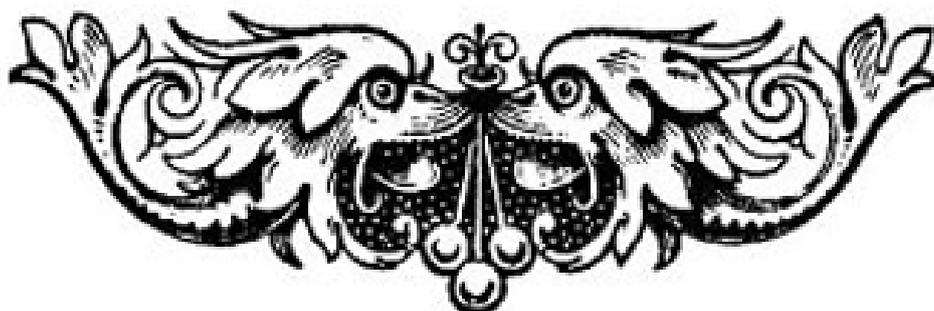
London

1733



CONTENTS

Plate: King Charles I	Page 4
Plate: King Charles I	5
Plate: Assassination of The Duke of Buckingham	6
Plate: William Laud	7
Plate: Posterity of James I	8
Chapter 1 The Reign of Charles I (First 15 Years)	9
Chapter 2 Proceedings Against The Earl of Bristol	270
Chapter 3 Considerations on The Authors Who Have Writ The History of Charles I	331



Book Nineteen

King Charles I



King Charles I of England

**The History being in two parts the second
Part is continued in book twenty.**





Charles I
Born 1600 — Died 1649



The Duke of Buckingham Assassinated



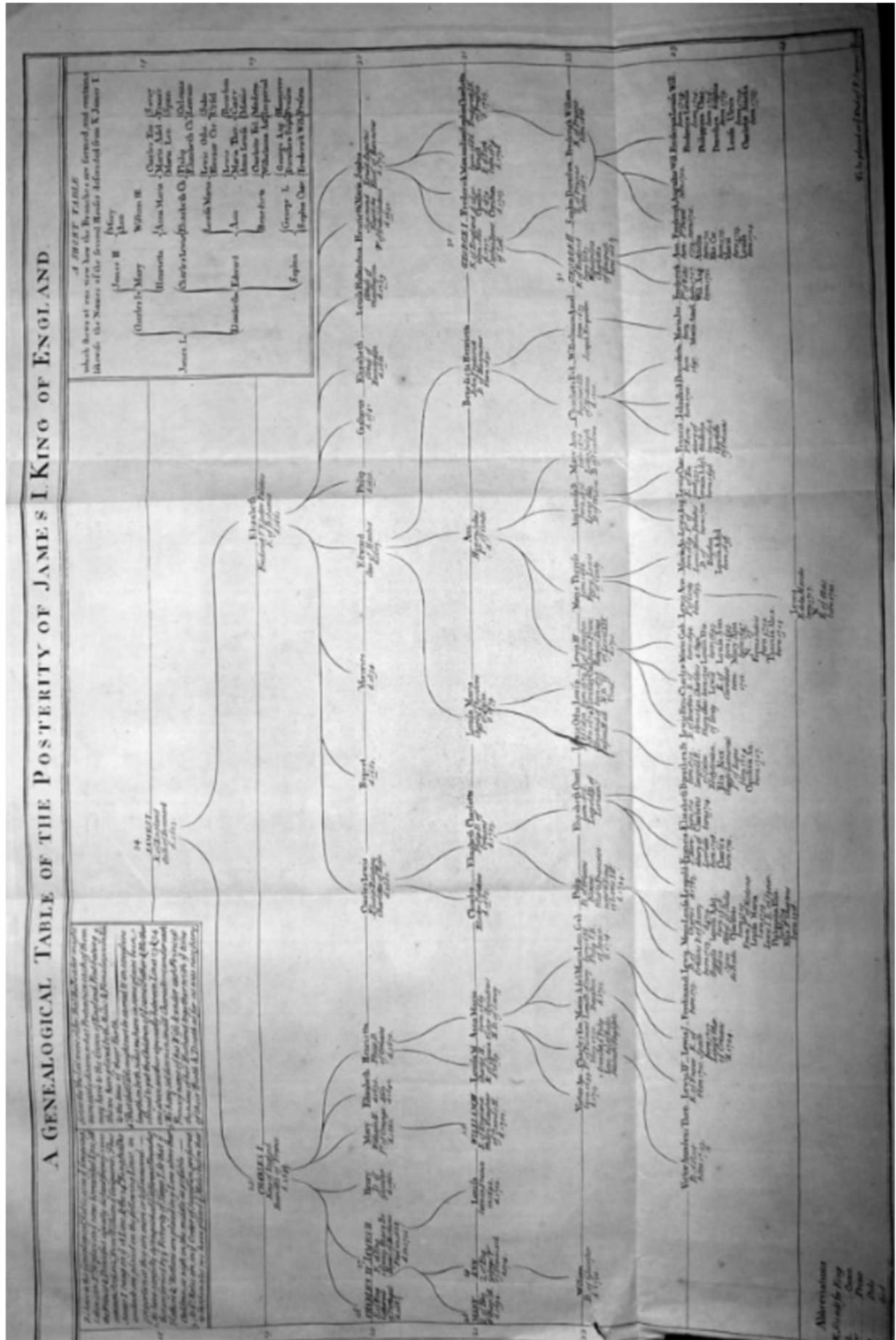
John Felton The Assassin and His Knife



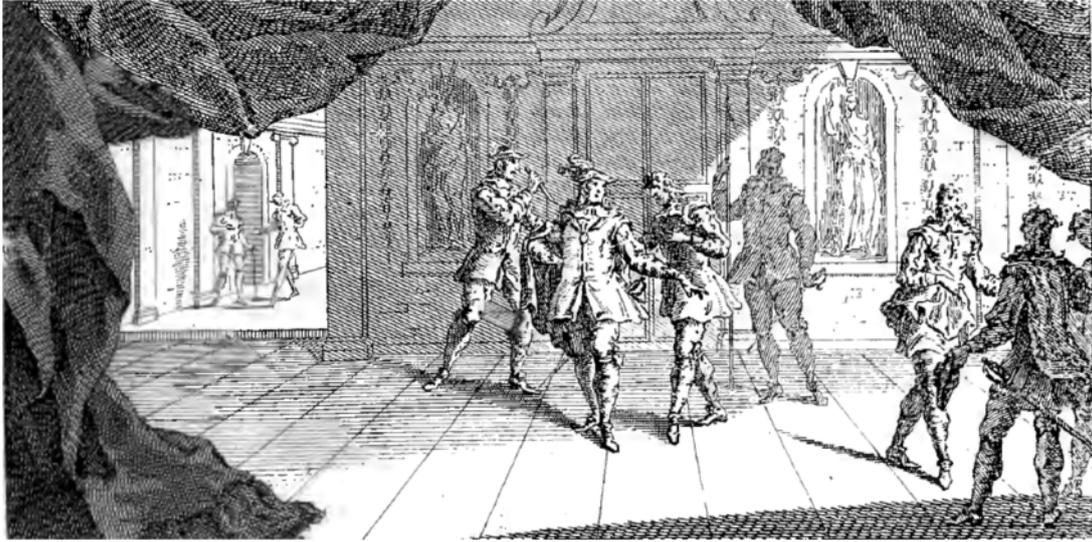
William Laud Archbishop of Canterbury

Born 7 October 1573

Died 10 January 1645



The Posterity of James I



THE HISTORY OF ENGLAND, BOOK XIX

Chapter I The Reign of Charles I ;

Containing The First Fifteen Yeare of The Reign of Charles I.

1625



CHARLES I. SON AND SUCCESSOR OF JAMES I. was tinctured from his infancy with the principles concerning the regal authority and prerogative Royal, which were so much improved by the deceased King during his life. He had the same favourite, the same council, the same ministers, and all the places at court, and in the Kingdom, continued in the hands of the Duke of Buckingham's creatures.

Buckingham is Favourite to The New King

So, there was nothing new but the King's person. Charles's journey to Spain had so endeared the Duke of Buckingham to him, that King James's affection for that favourite was nothing, as I may say, in comparison of the new King's. It was thought, and it is

not unlikely, if James had lived, he would have discarded the Duke, with whom he was displeased for several reasons:—

1. Because of the journey to Spain, of which he was the sole adviser, and which had exposed the King to the censure of all Europe.
2. On account of the breach of the Spanish match without any just cause.
3. For the Duke's engaging him, as it were against his will, to break with Spain.
4. For causing, by the Prince's credit, and his interest with the Parliament, the Lord Treasurer Middlesex to be condemned, in spite of the King himself, who did his utmost to save him, and even sued to the Prince and Duke for his pardon, without being able to obtain it.

The Duke is Suspected of King James I Death

Thus James died very seasonably, for the favourite, who, probably, to support himself, must have set the Prince at variance with his father, which might have had terrible consequences. This raised strong suspicions of the Duke, which were farther confirmed by his presuming to apply a plaster to the King's side, and giving him, with his own hand, a potion to drink, without the advice of his physicians.

Indeed, the Duke could not be directly accused of hastening the King his benefactor's death, by the remedies he gave him. But when the time and circumstances of this unexpected death, caused by a tertian ague, not usually very dangerous in the spring, were jointly considered, with the embarrassments it delivered the favourite from, and the advantages it procured him, it was difficult not to suspect him.

And yet, on the other hand, when the new King was seen to have an entire affection for the Duke, it could not be imagined that he doubted his innocence in that respect. However this be, this Duke of Buckingham was the son's favourite, as he had been the father's, with still greater power and credit than he had enjoyed in the foregoing reign.

Charles 1 Projects Concerning Arbitrary Power and The Palatinate

Charles I. at his accession to the throne, formed two projects equally difficult to be executed. The first was, to wrest from the Emperor, and the Duke of Bavaria, both the Palatinates which had been taken from his brother-in-law the Elector Palatine. The second, to carry the regal authority much higher than the King his father or any of his predecessors had done.

These two projects, which separately would, in all appearance, meet with great obstacles; became almost impracticable, when joined together. Nevertheless, Charles believed they mutually supported each other:—

That under colour of the Palatinate war, he should put the Parliament upon a foot not to refuse him any thing:

That in time, he should have both Houses at command, and after rendering himself independent, dispose as he pleased of the riches of the Kingdom, in executing his designs in favour of the King of Bohemia. As these two projects are the subject of the first fifteen years of this reign, it will be necessary to let them in a clear light, that the sequel may be the better understood.

Concerning The Palatinate

As to the first, I moan that of wresting the two Palatinates from the Emperor and the Duke of Bavaria, I think it needless to repeat what has been said in the Reign of James I.

It will be sufficient to put the reader in mind, that it was by the intrigues of the Prince and the Duke of Buckingham, and by the Duke's wrong information of what passed in Spain, that the Parliament was induced to advise the King to break the treaties, which were in effect broken already, and promise to support the war, which this breach would probably cause.

This was the Prince's and the Duke's real aim in disguising the truth. Afterwards, the Prince, when King, missed no opportunity to take advantage of the Parliament's hasty advice and promise, as if the Parliament had really been the sole author of the breach, and prime cause of the war for the recovery of the Palatinate. King James was the first victim of these artifices.

He was made to break a treaty which he had been labouring seven years, and to lose the portion he had reason to expect for the Prince's marriage with the Infanta. He was engaged, against his will and inclination, in a war with the House of Austria[1], and, what he deemed the greatest misfortune, compelled to have recourse to a Parliament, he that was so dissatisfied with the two former, that, probably, he would never have called another, had it not been for this breach.

The Duke of Buckingham was the second victim. As soon as the truth was known, he became the object of the public hatred, though, before his contrivances were discovered, he had been considered as a guardian angel, for breaking the intended match.

Finally, the Prince having mounted the throne, resolved to support the war, in which the Parliament had unadvisedly engaged. But because he found not in the House of Commons, that readiness to assist him which he expected, he dissolved several Parliaments merely for that very reason.

This bred in the minds of his subjects jealousy and discontent, which being inflamed by other causes, brought him in the end to the greatest misfortune that can befall a King. Hitherto the Prince's and Duke's real motive in breaking the treaty with Spain is unknown.

It is not conceived how, after the loss of the Palatinate, they could imagine it more easy to recover that country from the Emperor and Duke of Bavaria, by force of arms, than by managing the King of Spain's friendship, by means of the marriage already concluded. But the use the Prince, now become King, intended to make of this war, advised by the Parliament, can be no secret, namely, to accustom the House of Commons, under pretence of the urgent necessity of the war, to supply him in a few days, with the money he demanded, without considering any other affair.

This will evidently appear in the sequel. But before I descend to the particulars of this second project, it is necessary to promise some remarks on this subject.

The Second Project With Respect to Arbitrary Power

I have shewn in the reign of James I, that this first monarch of Great Britain, laboured, as long as his monarchy lasted, that is, while he was King of England, to extend the prerogative Royal. This was not only in some points, and on certain occasions, but by general principles, which being once admitted, would, by necessary conferences, clothe the Sovereign with an unlimited authority.

Whatever had been said by the most furious sticklers for the absolute power of Sovereigns, he readily applied to the Kings of England, without ever examining whether the power of a King

admitted of degrees, according to the several States, or the constitution of the government, whereof he was head. And yet this was the point in question. Otherwise, it followed from his principles, that the Regal Power was the same everywhere, and a King of Poland, for instance, ought to be as absolute as a King of Persia.

This was in effect what he always supposed in the affair of Bohemia, and what hindered him to espouse his son-in-law's quarrel. So long as he was satisfied with insinuating such maxims, by certain expressions in his public speeches, the people, and even the Parliament, took no great notice of them.

But when he meant to practice the various conferences which might thence be naturally drawn, he met with strong opposition, which obliged him to dissolve several Parliaments, because they were not so as he wished to imbibe his instructions. This opposition provoked him. Nay, he began to speak plainer, and assert, that Parliament owed their being, to the Royal concession, and that this concession might be revoked when they became unworthy of it, just as a charter granted to a corporation on certain express terms might be taken away, if the term's were not complied with.

But the Parliament would never allow of such a principle. It was readily agreed, that the King had power to call, prorogue, and dissolve the Parliament: Nay, that he might forbear summoning it for some time. But that England might or ought to be governed without Parliament, if the King thought proper, is what could not be allowed, much less that the King could dispense with, or act contrary to the Laws.

And yet to this height would James I. have carried his prerogative, an ambiguous term, by which he meant an absolute power, or something very near it. But the English, for the most part, underlined by that word, only a power in the person of the Sovereign, to command or act in matters not repugnant to the Law, or for which. the Law had not provided, and certain Acts of grace and favour, which the King might exercise with regard to some private persons, provided these acts were not very prejudicial to the rest of the nation.

This was the constant occasion of the quarrels between James I and the Parliament. It could not be said exactly, wherein consisted the King's prerogatives, and the people's privileges, because there had never been an express determination on that subject. Those Kings, who were reckoned the wisest and most prudent, avoided as rocks, such sort of disputes, which can only breed hatred and animosity between the King and the people.

On the other hand, former Parliaments chose rather, to see the prerogative royal stretched sometimes beyond its due bounds, than debate such difficult points, which in case of obstinacy on both sides, must have been decided by arms, since there was no higher tribunal to appeal to.

Besides, since Richard II, whose attempt cost him his crown and life, there had been no King who had endeavoured to carry the prerogative royal so far as to claim a power to act directly contrary to the laws. If there were any who, on some occasions, attempted to go beyond bounds, the Parliaments were under no concern, for one of these three reasons:—

1. Because it was in things of little importance.
2. Because, having a perfect confidence in their Sovereign, they believed he would not make an ill use of their indulgence.
3. Because they saw the King's aim and motive were advantageous, or at least not very prejudicial, to the nation.

But James I. was no sooner on the throne of England, but questions about the prerogative Royal became frequent and absolutely necessary. This Monarch was continually endeavouring to

establish principles, the consequences whereof tended to no less than to subvert the constitution of the government.

I shall relate some that have already appeared in the history of his reign, but which it is the more necessary to repeat here, as Charles I. exactly followed his father's steps, and as it is not possible to have too clear an idea of these things, since they are the chief subject of this reign.

From the principle that the Parliament owed its being to the concession of the Kings, and that this concession might be revoked, it followed of course: that the King might govern without a Parliament, and consequently, tax the people as he thought proper, for the support of the Government.

From the principle, that the King was above the law, it necessarily followed, that there was no security for the subjects, and their honour, fortunes liberty, and life itself were at the King's disposal.

From the principle, that the Parliament had no right to concern themselves with the King's affairs when their advice was not asked, it could not but be inferred, that the King was to be suffered to do whatever he pleased, even things most destructive to the nation. From the principle, that to complain of the administration, was want of respect to the King, it necessarily followed, that the Parliament could take no grievances into consideration, nor make any complaints, since grievances are generally acts of injustice committed, by the King or his ministers.

From the principle, that the Parliament had at most but a right to represent the grievances to the King, after which, the redress was patiently to be expected from the King himself, it followed, that the King might plague his subjects at his pleasure, without being obliged to redress their sufferings, any farther than he thought convenient.

From the principle, that to dispute the extent of his prerogative was wounding the King in the most sensible part, the consequence must have been, that the prerogative was without bounds, or that it could be limited only by the King's wisdom and goodness.

All these principles, as it is easy to perceive, tended to establish a despotic power. Had the King been satisfied with gaining now and then some favour, founded upon any of these principles, it might have been thought of no consequence. But he was seen, upon all occasions, to endeavour to instil these Principles into the minds of his subjects, and to establish, them upon instances taken here and there, of the conduct of his predecessors.

He himself was seen to draw from thence, by his actions,,the most extensive consequences, to fill the Kingdom with monopolies, to compel his subjects to lend or give him. money, to dissolve the Parliaments for not allowing his Principles, to imprison such members as ventured to speak freely, and even to declare publicly, he would call no more Parliaments. There was therefore no medium: his pretensions were either to be complied with, or opposed with open force.

James I. had the happiness to die before this division was carried any farther. The breach of the Spanish match served to reconcile the King and Parliament to each other. The King perceived, he could not proceed without Parliaments, and the people judged, that while the King was engaged in a war with the House of Austria, he would be forced to have a regard to the liberties of the nation and the privileges of the Parliament. Thus both sides seemed inclined to a reconciliation, and to forget all occasions of complaint.

James being dead, Charles I his son and successor, who had greatly improved by his instructions, mounted the throne, possessed with the same principles. But as he was young, and his passions strong, he could put no constraint upon himself, nor think of managing the affection of the

Parliament. He soon discovered by what maxims he meant to proceed in the government of his dominions.

He not only refused to redress the grievances introduced during his father's reign, but also added others more intolerable. He affected to let his subjects see, not only that their grievances touched him not, but that it was an offence to petition a redress.

In a word, he very plainly intimated, both in his speeches and conduct, that he looked upon Parliaments only as assemblies solely designed to supply him with money, and in case of refusal, he could proceed without their assistance.

Accordingly, he dissolved several Parliaments, because they did not readily grant the sums he demanded; offered violence to many members; and extorted from his subjects what money he wanted} by forced loans, or taxes imposed by his own authority. This ought not to seem strange, since besides the lessons taught him by his father, he had the same favourite, the same ministers, and the same council.

It is my design to shew all these things clearly and distinctly, not by reasoning and consequences, but by undeniable facts, by authentic vouchers of what I shall advance, and lastly, by the King's own conduct, which his most zealous friends have not otherwise undertaken to justify, than by an affected silence, or at least, by a very slight account of the first fifteen years of his reign.

My sole aim in thus enlarging on these things is, to enable the reader to understand the true causes of the war which afterwards afflicted the Kingdom.

King James's Funeral

As soon as the deceased King's funeral was solemnized[2], Charles speedily sent eight thousand men to Plymouth[3], to be embarked for an expedition to Spain.

As he had but little money in his coffers, the charge of coat and conduct was ordered to be disbursed by the country, and the country to be repaid out of the exchequer at a more convenient season. This was done after the precedent of former times, though the custom had now been long disused.

A Commission for Marshal Law

These troops having committed great disorders in their march, the King granted a commission for martial law, to punish the offenders[4]. This was looked upon as an innovation, which took from the usual Judges the cognizance of crimes committed by the soldiery, and yet, in general, it was not much considered.

The King's Marriage

The King's marriage having been concluded in his father's lifetime, was solemnized at Paris with great magnificence, on a theatre erected before the Church of Notre-Dame, the Duke of Chevreuse performing the office of proxy for the King of England. Presently after, the Duke of Buckingham was sent into France to conduct the Queen to the King her spouse. She arrived June 12, at Dover, where the King met her the next morning, and that evening the marriage was consummated at Canterbury[5].

The 16th of the same month the King and Queen made their entry into London, and two days after the Parliament met. The King made the following speech to both Houses at the opening of this first Parliament.

My Lords and Gentlemen,

Thank God, that the business to be treated on at this time is of such a nature, that it needs no eloquence to set it forth; for I am neither able to do it neither doth it stand with my nature to spend much, time in words.

It is no new business, being already happily begun by my father of blessed memory, who is with God; therefore it needeth no narrative: I hope in God you will go on to maintain it, as freely as you advised my father to do it. It is true, he may seem to some to have been slack to begin so just and so glorious a work; but it was his wisdom that made him loath to begin a work, until he might find a means to maintain it: But after that he saw how much he was abused in the confidence he had with other States, and was confirmed by your advice to run the course we are in with your engagement to maintain it, I need not press to prove how willingly he took your advice; for the his preparations that are made are better able to declare it than I to speak it.

The assistance of those in Germany, the fleet that is. ready for action, with the rest of .the preparations, which I have only followed my father in, do sufficiently prove, that he entered into this action.

My Lords and Gentlemen, I hope that you do remember, that you were pleased to employ me to advise my father to break off those two treaties that were on foot, so that I cannot say, that I came hither a free unengaged man. It is true, I came into the business willingly and freely, like a young man, and consequently rashly; but it was by your interest, your engagement:

So that though it were done like a young man, yet I cannot repent me of it, and I think none can blame me for it, knowing the love, and fidelity you have born to your King, having myself likewise some little experience of your affections. I pray you remember, that this being my first action, and begun by your advice and entreaty, what a great dishonour it were to you and me, if this action, so begun, should fail, for that assistance you are able to give me. Yet knowing the constancy of your love both to me and this business, I needed not to have said this, but only to show what care and sense I have of your honours and mine own, I mull entreat you likewise to consider of the times we are in, how that I must adventure your lives[6], (which I should be loath to do) should I continue you here long; and you must venture the business, if you be slow in your resolutions.

Wherefore I hope you will take such grave counsel, as you will expedite what you have, in hand to do: Which will do me and yourselves an infinite deal of honour; you, in shewing your love to me; and me, that I may perfect that work which my Father hath so happily begun.

Last of all, because some malicious men may, and as I hear, have given out, that I am not so true a keeper and maintainer of the true religion that I profess; I assure you, that I may with St. Paul say, that I have been trained up at Gamaliel's feet: and although I shall never be so arrogant as to a assume unto myself the rest, I shall so far shew the end of it, that all the world may see, that none hath been, nor ever shall be more desirous to maintain the religion I profess, than I shall be. I have commanded him to speak something unto you at this time, which is more for formality, than any great matter he hath to say unto you.

Then the Lord Keeper Williams[7] declared,

That the King's main reason of calling the Parliament, besides the beholding of his subjects faces, was to mind them of the great engagements for the recovery of the Palatinate, imposed on his Majesty by the late King his father, and by themselves, who broke off the two treaties with Spain. Also to let them understand, that the succeeding treaties and alliances, the armies sent into the Low-Countries, the repairing of the forts, and the fortifying of Ireland, do all meet in one centre, the Palatinate; and that the subsidies granted in the last Parliament are herein already spent, whereof the account is ready; together with as much more of the King's own revenue. His Lordship further commended three circumstances.

First, The time; all Europe being at this day at the pool of Bethesda, the first stirring of the waters must be laid hold on: Wherefore his Majesty desires them to bestow this meeting on him, or rather on their actions; and the next shall be theirs, as soon, and as long as they please, for domestic business.

Secondly, Supply, if subsidies be thought too long and backward, his Majesty desires to hear, and not to propound the way.

Thirdly, The issue of action; which being the first, doth highly concern his Majesty's honour and reputation, for which he relies upon their love, with the greatest confidence that ever King had in his subjects; witness his royal poesy, *Amor Civium Regis Munimentum*: And he doubts not, but as soon as he shall be known in Europe to be their King, so soon shall they be known to be a loving and loyal nation to him.

The Parliament Petitions The King Against Recusants & The Kings General Answer

Though the King affirmed in his speech, that no Prince was ever more desirous to maintain the religion he professed, the Parliament does not seem to have fully believed it, since, at the very first, both Houses joined in presenting to him a petition against recusants.

The King returned a very gracious answer, saying, he was very glad to see their zeal for religion, and was ready to concur with them in whatever they should propose on that head. He deferred however answering each particular article of the petition, till he had examined it.

Montague is Cited on Account of His Book

Mr. Richard Montague, a clergyman, had lately printed a book, entitled, *An Appeal to Cæsar*, wherein were several propositions tending to the disturbance of Church and State[8]. It was complained of to the Commons, who bringing the author to the Bar of their House, and examining him, thought proper to refer him to the Archbishop of Canterbury.

The King Brings The Cause Before The Council

The Archbishop, who was looked upon with no good eye at court, because he was suspected of being a friend to the Puritans, contented himself with exhorting him to write no more upon such subjects. The proceedings of the Commons displeased the King, for Montague being one of his chaplains, he pretended the bringing him to their Bar was an encroachment upon his prerogative.

He expressed his displeasures with the Commons, and took occasion to bring the cause before the Council. Every one suspected, that as Montague's book contained an Arminian doctrine, Laud, Bishop of St. Davids[9] the King's most intimate counsellor for religious affairs, had done this, to stop the prosecution. Laud was considered by many as the head and protector of the Arminians, who were now very numerous in the Kingdom. He had insinuated himself into

Buckingham's favour, and by that means into the King's, who readily followed his counsels, in the affairs of religion.

The Commons Grants New Subsidies

The displeasure expressed by the King against the Commons, hindered not the House from granting him two subsidies. The King accepted them graciously, but withal, intimated, this supply was far short of what was necessary for the war[10] to which his Father was advised by the Parliament.

The Act for the two subsidies was no sooner passed, than the King adjourned the Parliament to Oxford, to meet again the first of August following, by reason of the plague which raged in London.

Six Ships Lent to The King of France to Serve Against Rochel

King James, a little before his death, promised to lend the King of France five or six ships to be employed against the Genoese. At least they were borrowed on that pretence. But afterwards, Lewis XIII. wanting these ships for the siege of Rochel, prevailed with Charles I. by Buckingham's means, that he might employ them where he pleased, and accordingly they were sent to Dieppe under the command of Vice-Admiral Pennington[11].

The masters or commanders of these ships discovering they were to go against Rochel, weighed anchor and sailed back to England. Pennington informing the Duke of Buckingham of it, received an express order, confirmed by another from the King himself, to return to Dieppe with the ships, and put them into the hands of the French, which was done accordingly. but the mariners all deserted, utterly refusing to serve against Rochel.

Complaints Against Buckingham

This affair made great noise at Oxford where the Parliament was reassembled. Buckingham's ill conduct in this. and other respects was loudly complained of in the House of Commons. It was said:—

That the money granted by the Parliament to the late King had been misapplied, and put to uses very different from those it was intended for:—

That the seas were so neglected, that the corsairs had done great damage to the English Merchants.

That Popery and Arminianism were countenanced by a strong party in the Kingdom.

Neile Bishop of Winchester, and Laud Bishop of St. David's were chiefly looked upon as the heads and protectors of the Arminians[12], nay, as saviours of Popery, by reason of their rigid and passionate zeal for all the ceremonies of the Church of England, even for such as seemed the least necessity.

This zeal appeared to many as mysterious as uncommon, and caused them to suspect that the two prelates, under colour of maintaining religion, had formed a project to restore Popery. They could nor imagine, that men should have so strong an attachment to things in themselves of so little moment, without some hidden design. Wherefore Mr. Montague was summoned a second time before the House of Commons[13], and severely reprimanded.

The King Sends for The Two Houses

Meanwhile, the King seeing the Parliament had spent the three or four first days of their session in talking of grievances, without any mention of the money he expected for supporting the war, sent for both Houses, and in Christ Church Hall spoke to them in the following manner;

The King's Speech to The Two Houses

My Lords, and you of the Commons,

WE all remember, that from your desires and advice, my father, now with God, brake off those two treaties with Spain that were then in hand: Well you then foresaw, that as well for regaining my dispossessed brother's inheritance, as home defence, a war was likely to succeed; and that as your counsels had led my father into it, so your assistance in a Parliamentary way to pursue it, should not be wanting.

That aid you gave him by advice, was for succour of his allies, the guarding of Ireland, and the home part, supply of munitions, preparing and setting forth of his navy. A council you thought of, and appointed for the war, and treasurers for issuing of the monies: and to begin this work of your advice, you gave three subsidies, and as many fifteens, which with speed were levied, and by direction of that council of war (in which the preparation of this navy was not the lead) disbursed.

It pleased God at the entrance of this preparation (by your advice begun) to call my father to his mercy, whereby I entered as well to the care of your design, as his crown. I did not then, as Princes do of custom and formality, reassemble you, but that by your further advice and aid, I might be able to proceed in that which by your counsels my father was engaged in.

Your love to me, and forwardness to further those affairs, you expressed by a grant of two subsidies yet un-gathered although I must assure you, by myself and others upon credit taken up, and afore hand disbursed, as and far short, as yet to set forth that navy now preparing as I have lately the estimate of those of care, and who are still employed about it, whose particular of all expenses about this preparation shall be given you, when you please to take an account of it.

The Secretaries Speeches

When the King had done speaking, the Lord Conway and Sir John Coke, Secretaries of State made speeches, the design whereof, like that of the King's, was to demonstrate the absolute necessity the Commons were under, to grant his Majesty a large sum for the war wherein he was engaged.

The Commons Complain With Respect to Religion

They forgot not to repeat that the war was begun by the late King, by the advice of both Houses of Parliament, for this was what the King considered as an unanswerable reason. But the Parliament being now better informed how the King and Duke procured that advice from the former Parliament, these two speeches produced no great effect.

The Commons being returned to their House, proceeded to examine grievances, and in this examination divers complaints were made against the Duke of Buckingham. It was also complained, that Popery was not only tolerated, but even countenanced contrary to the King's express promise:—

That pardons were granted to recusants, signed by the Lord Conway Secretary of State, who pretended to be authorized by the King, and that these pardons stopped the course of justice, and the execution of the Laws.

Whereupon the King thought himself obliged to return positive answers to the petition presented to him at London by the two Houses, to which he had hitherto only answered in general. It is absolutely necessary to insert here the petition, with the King's answers to each article, that the reader may the better judge how the King's promises were afterwards performed.

Petition against Recusantesy With The King's Answers to Each Article

Most Gracious Sovereign,

IT being infallibly true, that nothing can more establish the throne, and assure the peace and prosperity of the people, than the unity and sincerity of religion; we your most humble and loyal subjects, the Lords Spiritual and Temporal, and Commons of this present Parliament assembled, hold ourselves bound in conscience and duty to represent the same to your sacred Majesty, together with the dangerous consequences of the increase of popery in this land, and what we conceive to be the principal causes thereof, and what may be the remedies.

The Dangers Appear in These Particulars

- I.** In their desperate ends, being, both the subversion of the Church and State, and the restlessness of their spirits to attain these ends, the doctrine of their teachers and leaders, persuading them that therein they do God good service.
- II.** Their evident and strict dependency upon such foreign Princes, as no way affect the good of your Majesty and this State.
- III.** The opening a way of popularity to the ambition of any who shall adventure to make himself head of so great a party.

The Principal Cause of The Increase of Papists

- I.** The want of the due execution of the laws against: Jesuits, Seminary Priests, and Popish recusants; occasioned partly by the connivency of the State, partly by defects in the laws themselves, and partly by the manifold abuse of officers.
- II.** The interposing of foreign Princes by their ambassadors and agents in favour of them.
- III.** Their great concourse to the City, and frequent conferences and conventicles there.
- IV.** The open and usual resort to the houses and chapels of foreign ambassadors.
- V.** The education of their children in seminaries, and houses of their religion in foreign parts, which of late have been greatly multiplied and enlarged for the entertainment of the English.
- VI.** That in some places of your realm, your people be not sufficiently instructed in the knowledge of true religion.

VII. The licentious printing and dispersing of Popish and seditious books.

VIII. The employment of men ill affected in religion in places of government, who do, shall, or may, countenance the popish party.

The Remedies Against This Outrageous and Dangerous Disease We Conceive to be These Ensuing.

I. That the youth of this realm be carefully educated by able and religious schoolmasters, and they to be enjoined to catechise and instruct their scholars in the grounds and principles of true religion. And whereas by many complaints from divers parts of the Kingdom, it doth plainly appear, that sundry popish scholars, dissembling their religion, have craftily crept in, and obtained the places of teaching in divers counties, and thereby infected and perverted their scholars, and so fitted them to be transported to the popish seminaries beyond the seas; that therefore there be great care in choice and admitting schoolmasters, and that the ordinaries make diligent enquiries of their demeanours, and proceed to the removing of such as shall be faulty, or justly suspected.

His Majesty's Answer

This is well allowed of; and for the better performance of what is desired, letters shall be written to the two Archbishops, and from them, letters to go to all the ordinaries of their several provinces to see this done; the several ordinaries to give account of their doings herein to the Archbishops respectively, and they to give account to his Majesty of their proceedings herein.

II. That the antient discipline of the universities be restored, being the famous nurseries of literature and virtue.

Answer. This is approved by his Majesty, and the Chancellor of each university shall be required to cause due execution of it.

III. That special care betaken to enlarge the word of God, throughout all the parts of your Majesty's dominions, as being the most powerful means for planting of true religion, and rooting out of the contrary: To which end, among other things, let it please your Majesty to advise your Bishops, by fatherly entreaty and tender usage, to reduce to the peaceable and orderly service of the Church, such able ministers as have been formerly silenced, that there may be a profitable use of their ministry in these needful and dangerous times; and that non-residency, pluralities, and commendams, may be moderated. Where we cannot forbear, most humbly to thank your Majesty for diminishing the number of your own chaplains; not doubting of the like princely care for the well bestowing of the rest of your benefices, both to the comfort of the people, and the encouragement of the universities; being full of grave and able Ministers unfurnished of livings.

Answer. This his Majesty likes well, so as it be applied to such ministers as are peaceable, orderly, and conformable to the church government. For pluralities and non-residencies, they are now so moderated, that the Archbishops affinity there be now no dispensation for pluralities granted; nor no man now is allowed above two benefices, and those not above thirty miles distant:

And for avoiding non-residency the canon in that case provided shall be duly put in execution. For commendams, they shall be sparingly granted, only in such case where the exility and smallness of the Bishopric required.

Also his Majesty will cause that the benefices belonging to him shall be well bestowed. And for the better propagating of religion, his Majesty recommendeth to the House of Parliament, that care may be taken, and provision made, that every parish shall allow a competent maintenance for an able minister; and that the owners of parsonages inappropriate would allow to the vicars, curates, and ministers in villages and places belonging to their parsonage, sufficient stipend and allowance for preaching ministers.

IV. That there may be strict provision against transporting of English children to the seminaries beyond the seas, and for the recalling of them who are already there placed, and for the punishment of such your subjects as are maintained of those seminaries, or of the scholars; considering, that besides the seducing of your people, great sums of money are yearly expended upon a them, to the impoverishing of this Kingdom.

Answer. The Law in this case shall be put in execution:

And farther, there shall he letters written to the Lord Treasurer, and also to the Lord Admiral, to all the ports of this Realm, and the creeks and members thereof be strictly kept, and strict searches made to this end:

A Proclamation shall be, to recall both the children of noblemen, and the children of any other men, and they to return by a day; also maintained of seminaries of scholars there, shall be punished according to law.

V. That no popish recusant be permitted to come within the court, unless your Majesty be pleased to call him upon special occasion, agreeable to the Statute of 3 Jac. And whereas your Majesty for the presenting of apparent mischief both to your majesty and the State, hath in your Princely wisdom taken order, that lions of your natural born subjects, not professing the true religion, as by Law established, be admitted into the service of your Royal consort the Queen. We give your Majesty most humble thanks and desire that your order herein may he observed.

Answer. If his Majesty shall find, or be informed of any concourse of recusant to the court, the law shall be strictly followed:

And his Majesty is pleased, that by proclamation the British and Irish subjects shall be put in the same care. And as his Majesty hath provided in his treaty with France, so his purpose is to keep it. That none of his subjects shall be admitted into his service, or into the service of his Royal consort the Queen, that are popish recusants.

VI. That all the laws now standing in force against Jesuit seminary priests, and others, having taken orders by authority derived from the See of Rome, be put in due execution. And to the intent they may not pretend to be surprised, that a speedy and certain day be prefixed by your Majesty's proclamation, for their departure out of this realm, and all other your dominions, and not to return upon the severest penalties of the laws now in force against them; and that all your Majesty's subjects may be

thereby admonished, not to receive, comfort, entertain, or conceal, any of them, upon the penalties which may be lawfully inflicted:

And that all such papists, Jesuits, and recusants, who are and shall be imprisoned for recusancy, or any other cause, may be so strictly restrained, as that none shall have conference with them, thereby to avoid the contagion of their corrupt religion:

And that no man that shall be suspected of popery, be suffered to be a keeper of any of his Majesty's prisoners.

Answer. The law in this case shall be put in execution, and a proclamation shall be to the effect desired; and such restraint shall be made, as is desired, and no man that is justly suspected of popery, shall be suffered to be a keeper of any of his Majesty's prisons.

VII. That your Majesty be pleased to take such order as to your Princely wisdom shall be expedient, that no natural born subject, or strange Bishops, nor any other by authority from the See of Rome, confer any ecclesiastical orders, to exercise any ecclesiastical function whatsoever, toward or upon your Majesty's natural subjects within your dominions.

Answer: This is fit to be ordered according as is provided, and it shall be so published by proclamation.

VIII. That your Majesty's learned council may receive order and commandment, to consider of all former grants of recusants lands, that such of them may be avoided as are made to the recusants use or interest, out of which the recusant receiveth than, benefit, which are either void, or voidable by the Law.

Answer: The King will give order to his learned council to consider of the grants, and will do according as is desired.

IX. That your Majesty will be likewise pleased strictly to command all your judges and ministers of justice, ecclesiastical and temporal, to see the laws of this realm against popish recusants, to be duly executed; and namely, that the censure of excommunication be declared and certified against them; and that they be not absolved upon public satisfaction by yielding to conformity.

Answer: His leaves the laws to their course, and will order in the point of excommunication as is desired.

X. That your Majesty will be pleased to remove from places of authority and government, all such persons, as are either popish recusants, or according to direction of former acts of state, to be justly suspected.

Answer: This his Majesty thinks fit, and will give order for it.

XI. That present order be taken for disarming all popish recusants, legally convicted, or justly suspected, according to the laws in that behalf, and the orders taken by his late Majesty's Privy Council upon reason of State.

Answer: The laws and acts in this shall be followed, and put in due execution

XII. That your Majesty be also pleased in respect to the great resort of recusants, to and about London, to command forthwith, upon pain of your indignation, and severe

execution of the laws, that they retire themselves to their several countries, there to remain confined within five miles of their places.

Answer: For this the Laws in force shall be forthwith executed.

XIII. And whereas your Majesty hath strictly commanded and taken order, that none of the natural born subjects repair to the hearing of masses, or other superstitious service at the chapels, or houses of foreign ambassadors, or in any other places whatsoever; we give your Majesty most humble thanks, and desire that your order and commandment therein may be continued and observed, and that the offenders herein may be punished according to the laws.

Answer: The King gives assent thereto, and will see that observed which herein hath been commanded by him.

XIV. That all such insolvencies, as any that are popishly affected, have lately committed, or shall hereafter commit, to the dishonour of our religion, or to the wrong of the true professors thereof, be exemplarily punished.

Answer: This shall be done as is desired.

XV. that the statute of I Eliz. for the payment of twelve pence every Sunday, by such as shall be absent from divine service in the Church, without a lawful excuse, may be put in due execution, the rather, for that the penalty by law is given to the poor, and therefore not to be dispensed withal.

Answer: it is fit that this Statute be executed, and the penalties shall not be dispensed withal.

XVI. Lastly, That your Majesty would be pleased to extend your Princely care also over the Kingdom of Ireland, that the like courses may be there taken for the restoring and establishing of true religion.

Answer: His Majesty's cares are, and shall be extended over the Kingdom of Ireland; and he will do all that a religious King should do for the restoring and establishing of true religion there.

And thus (most gracious Sovereign) according to our duty and zeal to God and religion, to your Majesty and your safety, to the Church and commonwealth, and their peace and prosperity, we have made a faithful declaration of the present estate, the causes and remedies of this increasing disease of Popery; humbly offering the same to your princely care and wisdom.

The answer of your Majesty's father, our late Sovereign of famous memory upon the like petition, did give us great comfort of reformation; but your Majesty's most gracious promises made in that kind, do give us confidence and assurance of the continual performance thereof. In which comfort and confidence reposing ourselves, we most humbly pray for your Majesty's long continuance in all princely felicity.

The King's Promises III Executed

These gracious answers of the King to the several Articles of the petition of both Houses, wanted only the performance of the promises. But if it may be judged by the continual complaints of the Parliaments throughout this whole reign, concerning these same articles, on which the King

seems to have given entire satisfaction, it will easily be seen that Charles's promises were no better performed than his father's.

Occasion of The King's Complaints Against The Commons

The King expected, that his answers to the petition would gain him the affection of the Commons. But these answers, though so gracious and positive, could not engage them to do what he desired, that is, to lay aside all other business, and think only of granting him money.

He was engaged in a war, to which he pretended the Parliament had induced his late Majesty, from whence he inferred, it was great injustice not to enable him speedily to support it. This was true in one sense. The Parliament advised King James to break off the treaties with Spain, and promised to assist him in case the breach should occasion a war, as it was very likely.

But, on the other side, it was now no longer a secret in England that the former Parliament was moved to give such advice to the King, by the Duke of Buckingham's narrative, a narrative false in every particular, though attested by the late King and the Prince.

So the former Parliament's advice being grounded on a wrong foundation, and as I may say, extorted by a mere artifice, the present Parliament did not think themselves obliged to perform very punctually a promise which the court had obtained rather by art, than fairly stating the case.

Nevertheless, this promise still subsisted; and if the Commons had shewn the public they were not obliged to keep it, they could not have done it without grievously affronting the King, by the discovery of the artifices he had used to procure it. They were willing to avoid this extremity. And therefore, letting the promise subsist without any disobliging reflection on the King, their aim was to excuse themselves from granting him fresh supplies for a war rashly undertaken, and without any likelihood of success.

At least if they should be forced to give any more money, rather than enter into a discussion of causes which had engaged the Kingdom in this war, they intended the King should purchase them, in some measure, with the redress of the grievances, the nation groaned under.

Wherefore, instead of the money bill, as the King desired, they began with examining and even inquiring after the grievances of the nation, and the state of religion[14]. In this examination, the Duke of Buckingham and the rest of the ministers were not spared.

The King Resolves to Dissolve Parliament

The King seeing what course the Commons were taking, was extremely offended. First, as by their slowness, they broke all his measures for the present campaign. Secondly, He deemed it a manifest affront and contempt of his person, to presume openly to attack his favourite and ministers, or rather himself under their name.

So, perceiving no likelihood of a speedy supply, which was the sole end of calling the Parliament, he was determined to dissolve it. The Commons having some notice of it, hastily drew up the following declaration, in order to throw the blame of this dissolution on the King, for fear he should himself lay it on them, under colour that they were not very ready to perform their promise.

The Commons Declaration.

WE the Knights, Citizens and Burgesses of the Commons House of Parliament, being the representative body of the whole Commons of this Realm, abundantly comforted in his Majesty's late gracious answer

touching religion, and his message for the care of our health, do solemnly protest and vow before God and the world, with one heart and voice, that we are all resolved, and do hereby declare, that we will ever continue most loyal and obedient subjects to our most gracious Sovereign Lord King Charles; and that we will be ready in convenient time, and in a Parliamentary way, freely and dutifully to do our utmost endeavours, to discover and reform the abuses and grievances of the Realm and State, and in like sort to afford all necessary supply to his most excellent Majesty, upon his present, and all other his just occasions and designs most humbly beseeching; our said dear and dread Sovereign, in his princely wisdom and goodness, to rest assured of the true and hearty affections of his poor Commons, and to esteem the same to be (as we conceive it is indeed) the greatest worldly reputation and security that a just King can have; and to account all such as slanderers of the people's affections, and enemies to the Commonwealth, that shall dare to say the contrary.

It evidently appears in this declaration, that the Commons aim was to intimate to the people, that they intended not to deny the King money for his just occasions: but believed to have a right to demand first the redress of grievances, as a condition, though they avoided using that term.

This is the method constantly observed by the Parliaments on the like occasions, and which is so necessary, that otherwise they would never be sure of procuring the people any satisfaction, with respect to their grievances. For, grievances being properly acts of injustice, and breaches of the laws committed by the King or his ministers, the desire of obtaining money from the Parliament is commonly the only inducement to the court to desist from injuring the people.

Of this there are frequent examples in the history of England. But James I. and Charles I. took a different course from that of their predecessors. They chose to dissolve the Parliaments, rather than yield to redress their grievances.

This gave occasion to ascribe to them a formal design to free themselves from the yoke of the Parliaments, or confine the use of them to the granting supplies, and affecting the people. They could not understand, that what flowed from the royal authority should be counted a grievance.

Parliament is Dissolved

This first Parliament was therefore dissolved for this sole reason, the 12th of August, not having sat to do business above three weeks both at Westminster and Oxford. The King pretended to dissolve it on account of the spreading of the plague, but the true reason was, because he found not in this Parliament a compliance and disposition fit for his purpose[15].

The dissolution of the Parliament hindered not the King from pursuing his design of continuing, or rather of beginning the war with Spain. For though the late King had taken some measures tending to a war, there had been however no action since the breach of the treaty.

The King Fits Out a Fleet

The sending of Count Mansfeldt into the Low-Countries, in order to march into the Palatinate, was almost the only thing that could be considered as a declaration against Spain, though the project had miscarried. Charles reviving therefore to undertake this war, of which he was the principal author and promoter, sent the Duke of Buckingham and the Earl of Holland to the Hague, to negotiate a League with the United Provinces. In the meantime, a fleet was equipping in England to act against Spain. But as he wanted money, he found no speedier or better method to raise it, than by borrowing of persons able to lend, to whom he directed letters under his Privy-Seal, requiring by way of loan such sums as each were taxed at[16].

This was the first effect of the dissolution of the Parliament. These forced loans, practised by some Kings of England, have ever been considered as great grievances, and tending to render Parliaments useless. It will hereafter appear, that the next Parliament did not suffer these to pass un-complained of.

However, to soften people's minds, and induce them to lend their money more freely, a proclamation was published, to call home all such children as were now educating in foreign countries, as well as all the English, Scots and Irish, in the service of the House of Austria. On the other hand, the Privy Council issued out warrants to disarm recusants[17]. I don't know whether these warrants were strictly executed: but it is certain however, that afterwards the House of Commons frequently required the disarming of the papists.

Fleet Sent Against Spain

The fleet designed against Spain was not ready to sail till the beginning of October, under the command of Edward Cecil[18], lately made Viscount Wimbleton, who had the Earl of Essex for Vice-Admiral. The fleet consisted of eighty sail, with ten regiments on board. The intent of this expedition was to wait in some convenient place for the Spanish Plate fleet which was expected from the Indies in November.

As the admiral had sufficient time, he might have attacked a great number of ships in the Bay of Cadiz, but the difficulty of the enterprise, or some other reason caused him to neglect this advantage. He was contented with landing Sir John Burroughs with some troops, who meeting no opposition, only plundered some villages, and abused themselves with wine, to their own, more than their enemies, prejudice.

The Fleet Returns Without Doing Anything

Whereupon they were forced to be re-embarked with all speed. After that, the contagion spreading among the troops, the fleet returned to England in November, without the King's reaping any benefit from this armament, which had been very chargeable to him. This ill success did great injury to the King, as well as to Buckingham, who was looked upon as the contriver and director of the court project.

A New Parliament Called

The King finding himself without money, and consequently unable to continue the war, resolved at length to call a new Parliament. But to avoid the inconvenience of seeing in the Lower House such members as had most opposed him, and exclaimed against the Duke in the late Parliament, the court invented this stratagem.

All these persons were made Sheriffs, and so could not be chosen members of Parliament. Sir Edward Coke was of this number: but however he and some others were chosen, preferring the service they owed their country in Parliament to that which they could render it as sheriffs[19]. The Parliament was therefore summoned to meet on the 6th of February 1625-6, and on the 2nd being Candlemas day, the King was crowned by Archbishop Abbot; William Laud Bishop of Bath and Wells, the King's favourite bishop, officiating as Dean of Westminster, in the room of Bishop Williams, who, through the King's disfavour, was sequestered from this service[20]. Before the Coronation, the King ordered by proclamation all such as had forty pounds a year or more, and were not yet Knights, to come and receive the order of knighthood.

This was considered as a new grievance, of which I shall speak hereafter. It suffices to say at present, that when this custom was first authorized by an Act of Parliament, with regard to such as had twenty pounds a year in land, twenty pounds then were equal to three hundred at the time

I am speaking of. But the King thought it a favour to his subjects to include such only in his order as had forty pounds a year.

The King's Coronation

The Coronation was performed with the usual ceremonies. But when all was over, the King being seated on his throne ready to receive the homage of the Lords, Laud approached him, and read an extraordinary passage, of which there appeared no instance in former coronations. It contained the following words:—

Stand and hold fast, from henceforth, the place to which you have been heir by the succession of your forefathers, being now delivered to you by the authority of Almighty God, and by the hands of us, and all the bishops and servants of God:

And as you see the clergy to come nearer to the altar than others, so remember that (in all places convenient) you give them greater honour, that the mediator of God and man may establish you in the kingly throne to be a mediator betwixt the clergy and the laity, and that you may reign for ever with Jesus Christ, the King of Kings, and Lord of Lords.

The Parliament being assembled on the 6th of February, the Lord Keeper Williams spoke thus to both Houses in the King's name:—

My Lords, and you the Knights, Citizens, and Burgesses of The House of Commons

YOU are here assembled by his Majesty's writs and Royal authority to hold a new Parliament, the general, ancient and powerful council of this renowned Kingdom; whereof if we consider aright, and do think of that incomparable distance between the supreme height and majesty of a mighty monarch, and the submissive awe and lowliness of a loyal subject, we cannot but receive exceeding comfort and contentment in the frame and constitution of this highest court;

Wherein not only the prelates, nobles, and grandees, but the Commons of all degrees have their part, and wherein that high Majesty doth descend to admit, or rather to invite the humbled of his subjects to conference and council with him, of the great, weighty, and difficult affairs of the King and Kingdom; a benefit and favour whereof we cannot be too sensible and thankful; for sure I am, that all good hearts would be both sensible and sorrowful, if we did want it; and therefore it behoveth all, with united hearts and minds, free from distraction and diversion, to fix their thoughts upon counsels and consultations worthy of such an assembly;

Remembering, that in it is presented the majesty and greatness, the authority and power, the wisdom and knowledge of this great and famous nation; and it behoveth us to magnify and bless God, that hath put the power of assembling Parliaments in the hands of him, the virtue of whose person doth strive with the greatness of his princely lineage and descent, whether he should be accounted major or melior, a greater King, or a better man; and of whom you have had so much trial and experience, that he doth as affectionately love, as he doth exactly know and understand the true use of Parliaments;

Witness his daily and unwearied access to this House, before his access to the crown; his gracious readiness to all conferences of importance; his frequent and effectual intercession to his blessed father of never dying memory, for the good of the

Kingdom, with so happy success, that both this and future generations shall feel it, and have cause to rejoice at the success of his Majesty's intercession.

And when the Royal diadem descended upon himself, presently, in the midst of his tears and sighs for the departure of his most dear and royal father, in the very first consultation with his Privy Council, was resolved to meet his people in Parliament:

And no sooner did the heavy hand of that destroying angel forbear those deadly strokes, which for some time did make this place inaccessible^[21], but his Majesty presently resolved to recall it, and hath now brought you together, and in a happy time I trust, to treat and consult, with uniform desires and united affections, of those things that concern the general good.

And now being thus assembled, his Majesty hath commanded me to let you know, that his love and affection to the public, moved him to call this Parliament; and looking into the danger, and the spreading of that late mortality, and weighing the multitude of his Majesty's pressing occasions, and urging affairs of State, both at home and abroad, much importing the safety and state of this Kingdom; the same affection that moved him to call it, doth forbid him to prolong the sitting of this Parliament:

And therefore his Majesty resolving to confine this meeting to a short time, hath confined me to a short errand; and that is, that as a thing most agreeable to the kingly office, to the example of the best times, and to the frame of modern affairs, his Majesty hath called you together to consult and to advise of provident and good laws, profitable for the public, and fitting for the present times and actions; for upon such depends the assurance of religion, and of justice, which are the surest pillars and buttresses of good government in a Kingdom:

For his Majesty doth consider, that the royal throne, on which God out of his mercy to us hath set him, is the fountain of all justice, and that good laws are the streams and quits by which the benefit and use of this fountain is dispersed to his people; and it is his Majesty's care and study, that his people may see with comfort and joy of heart, that this fountain is not dry, but they and their posterity may rest assured and confident in his time, to receive as ample benefit from this fountain, by his Majesty's mercy and justice, as ever subjects did in the time of the most eminent Princes amongst his noble progenitors; wherein as his Majesty shews himself most sensible of the good of the public, so were it an injury to this great and honourable assembly, if it should be but doubted, that they shall not be as sensible of any thing that may add to his Majesty's honour; which cannot but receive a high degree of love and affection, if his Majesty succeeding so many religious, wise, and renowned Princes, should begin his reign with some additions unto those good laws which their happy and glorious times have afforded.

And this his Majesty hath caused me to desire, at this time especially above others; for his Majesty having at his Royal Coronation lately solemnized the sacred rights of that blessed marriage between his people and him; and therein by a most holy oath vowed the protection of the laws, and maintenance of peace, both to church and people, no time can be so fit for his Majesty to advise and consult at large with his people, as at this present time, wherein so lately his Majesty hath vowed protection to his people, and they have protested their allegiance and service to him.

This is the sum of that charge which I have received from his Majesty to deliver unto you; wherein you see his Majesty's intent to the public:

And therefore his desire is, that according to that convenience of time which his affairs may afford, you may apply yourselves to dispatch the business of this Parliament.

The King is thanked for His Answer to Their The Petition Against Recusants

Though it did not appear in this Speech, that the King intended to ask a supply of the Commons, that was, however, as was afterwards seen, the real motive of calling the Parliament. But the Commons did not think themselves obliged to guess the King's intention, or prevent his demand.

So, after chousing their speaker, the first care was to thank the King for his gracious answer to the petition against recusants, presented to him at Oxford. Then they spent some days in examining the public grievances, amongst which were reckoned, the miscarriage of the fleet to Cadiz, evil counsellors about the King, and the misemployment of the three subsidies, and three fifteenths, granted to the late King, for the recovery of the Palatinate.

Committees are Appointed

To examine the grievances with more order and clearness, committees were appointed, one for secret affairs, another for grievances, and another for religion. This last, whereof Mr. Pym was Chairman, called in question again, Montague's books, entitled, *An Answer to The Late Gagg of Protestants, An Appeal to Cæsar, and A Treatise of The Invocation of Saints*, and reported to the House, the false, erroneous, papistical, Arminian, opinions found therein, repugnant to the Articles of the Church of England.

For instance:

That the Church of Rome hath ever remained firm upon the same foundation of sacraments and doctrines instituted by God.

That the controversial points, between the Church of England, and the Church of Rome, are of a lesser and inferior nature, of which a man may be ignorant without any danger of his soul at all.

That images may be used for the instruction of the ignorant, and excitation of devotion.

That there are tutelar Saints as well as angels.

That men justified may fall away and depart from the state of grace, and some other Arminian tenets

The King's Letter to The Judges to Proceed Against Recusants

The King seeing the Commons bent upon the examination of religious matters, ordered his Attorney-General to acquaint the Judges, of the Circuits, that it was his pleasure they should proceed with rigour against recusants. He had promised this six months before, in his answer to the former Parliament's petition: but, in all appearance, this article had been neglected, by the court, or by those who were commissioned to execute the orders. It is certain, during this reign, such kind of orders were never punctually executed.



The Commons Neglect The King's Affairs and Mind only Grievances

The King had demanded a supply of money to carry on the war; but the Commons were in no haste to grant it. On the contrary, they still proceeded in the examination of grievances, and, among others, of certain reprisals made upon France, with too much precipitation, to the great damage of the English merchants[22]. The council of war, appointed by the Parliament to manage the three subsidies granted to King James, were also obliged to give an account of their conduct.

The House of Lords Solicit Them in Vain

The King hearing this delay very impatiently, pressed the Commons to consider of the supply. The lords also endeavoured to persuade them to it, in a conference which they desired on this occasion, but it was to no purpose.

The King's Letter to The Speaker

On the contrary, they heard the report of the committee concerning the nation's grievances, wherein they had always the Duke of Buckingham in view, and even caused him to be informed of the articles on which the complaints against him were grounded. Whereupon the King sent a letter to the speaker, with a message to the House by Sir Richard Weston:—

Trusty and Well Beloved,

HAVING ASSEMBLED THE PARLIAMENT early in the beginning of the year, for the more timely help and advice of our people in our great and important affairs; and having of late, not only by message, but also of our self, put our House of Commons in mind of our pressing occasions, and of the present estate of Christendom, wherein they have equal interest with us, as well in respect of their own former engagements, as of the common cause, we shall not need to tell them with what care and patience we have in the midst of our negotiations attended their resolutions; but because their unseasonable slowness may produce at home as ill effects as a denial, and hazard the whole estate of things abroad;

We have thought fit by you the Speaker, to let them know, that without more loss of time, we look for a full and perfect answer of what they will give for our supply, according to our expectation, and their promises; wherein, as we press for nothing beyond the present state and condition of our subjects, so we accept no less than is proportionate to the greatness and goodness of the cause:

Neither do we press them to a present resolution in this, with a purpose to precipitate their counsels, much less to enter upon their privileges, but to shew that it is unfit to depend any longer upon- uncertainties, whereby the whole weight of the affairs of Christendom may break in upon us upon the sudden, to our dishonour, and the shame of this nation. And for the business at home, we command you to promise them in our name, that after they have satisfied us in this our reasonable demand, we shall not only continue them together at this time, so long as the season will permit, but call them shortly again to perfect those necessary businesses which shall be now left undone;

And now we shall willingly apply fit and seasonable remedies, to such just grievances which they shall present unto us in a dutiful and mannerly way, without throwing an ill odour upon our present government, or upon the government of our late blessed father.

And if there be yet who desire to find fault, we shall think him the wisest reprehender of errors past, who, without reflecting backward, can give us counsel how to settle the present estate of things, and, to provide for the future safety and honour of the Kingdom.

Heads of The Expenses to be Provided For

The message brought at the same time and delivered to the House by Weston, contained five articles of expense to be provided for, namely,

1. That his Majesty's fleet being returned, and the victuals spent, the men must of necessity be discharged, and their wages paid, or else an assured mutiny will follow, which may be many ways dangerous at this time.
2. That his Majesty hath made ready about forty ships, to be set forth on a second voyage, to hinder the enemy, which want only victuals and some men, which, without present supply of money, cannot be set forth and kept together.
3. That the army which is appointed in every coast, must presently be disbanded, if they be not presently supplied with victuals and clothes.
4. That if the companies of Ireland, lately sent thither, be not provided for, instead of defending that country, they will prove the authors of rebellion.
5. That the season of providing healthful victuals will be paid, if this month be neglected.

And therefore his Majesty commanded me to tell you, that he desired to know, without further delaying of time, what supply you will give him for these his present occasions, that he may accordingly frame his course and counsel.

The Commons are Disgusted - Reasons Thereof

The Commons were not very well pleased with the letter or message, wherein were several things they could not approve.

1. The manner of demanding the supply, which showed it to be not so much a free gift on their part as an obligation.
2. The King set them a time, by ordering it to be done without delay, and before all other things.
3. He would not accept of less than was necessary, and this could relate only to the five articles of expense, which was properly specifying to them the sum they were to give.
4. The King demanded money with an extraordinary and unprecedented haughtiness.
5. The King grounded his demands upon King James's promise to the last Parliament, a promise fraudulently obtained by the Duke of Buckingham's false narration.
6. The war, for which so much money was to be given, had been rashly undertaken, at a time when there was no prospect of success, and the King, and Duke of

Buckingham were known to be the authors of it, though the King perpetually insisted upon the Parliament's advice to his father.

Had it been undertaken, at the beginning of the quarrel between the King of Bohemia and the Emperor, or even before the loss of the Palatinate, when there was room to hope for the assistance of the Protestant Princes, it might have been expected to be crowned with success. But it was begun at a time, when all the Princes of Germany were either subdued by, or united with the Emperor, at a time when there was not a single place lest that might afford the English entrance into the Palatinate, or could possibly be approached by them.

How then could it be expected to wrest the two Palatinates from the Emperor and Duke of Bavaria? The whole therefore was reduced to the attacking of the Spaniard. Upon what account?

It was either to oblige him to use his interest for the restitution of the Palatinate, in which case a war was needless, since he had promised his mediation, and even engaged to render it effectual, before the breach of the marriage.

Or else, to constrain him to employ his arms in wresting the Palatinates from the two Princes in possession, a project which appeared extravagant, and would have drained England of men and money to no purpose. Besides, the late expedition of the fleet was no great encouragement to prosecute this undertaking.

7. Finally, though the Commons did not care openly to enter into all these discussions, they were willing however to show the King, they did not mean to be amused with a promise extorted by a mere artifice, and, if they granted him money, would reap at least the advantage of procuring the redress of the national grievances. But the King took care to shut that door against them, by deferring the redress of the grievances to another time. As they perceived, and the King himself intimated to them, that the desired supply would not be the last, they could not be sure, but in the next session of Parliament the King would again expect the money bill to pass before the grievances, and so there would be no end.

These were the true reasons of the tardiness of the Commons, and their little ardour for the King's affairs, though they would not openly declare then for fear of engaging in debates offensive to his Majesty.

Nevertheless they were willing to intimate them to him, and, very likely, he perceived them well enough, though it was thought proper on both sides to conceal them from the public. For this cause the Commons resolved to send an answer to the King's message, full of respect, submission, expressions of their zeal for his service, and even promises of aiding him in his wants, though in a general manner. But withal, they artfully intimated to him, that redress of grievances ought to precede the supply they intended to grant him. Their answer was as follows:—

The Commons Answer to The King

Most gracious Sovereign,

YOUR MAJESTY'S DUTIFUL AND LOYAL SUBJECTS, the Commons now assembled in Parliament, in all humility, present unto your royal wisdom, this their loyal answer to the message, which your Majesty was pleased by the Chancellor of your Exchequer to send unto them, desiring to know, without any further deferring of time, what supply they would give to your Majesty,

for your present and extraordinary occasions, that you might accordingly frame your courses and counsels.

First of all, they most humbly beseech your Majesty, to know and rest assured, that no King was ever dearer to his people than your Majesty; no people more zealous to maintain and advance the honour and greatness of their King than they; which, as upon all occasions they shall be ready to express, so especially in the support of that cause, wherein your Majesty and your allies are now justly engaged.

And because they cannot doubt, but your Majesty in your great wisdom, even out of justice, and according to the example of your most famous predecessors, will be pleased graciously to accept the faithful and necessary information and advice of your Parliament, which can have no end but the service of your Majesty, and safety of your realm, in discovering the causes, and proposing the remedies of these great evils, which have occasioned your Majesty's wants, and your people's grief.

They therefore in confidence and full assurance of redress therein, do with one consent propose (though in former time such course hath been unused) that they really intend to assist and supply your Majesty in such a way, and in so ample a measure, as may make you safe at home, and feared abroad; for the dispatch whereof they will use such diligence as your Majesty's pressing and present occasions shall require.

The King's Reply

The King fully perceived the intention of the House in sending him this answer. But he had not the same reasons as the Commons to be reserved in his expressions. It was rather his interest to speak freely, for fear, by dissembling his principles and pretensions, he should encourage the Commons to attack the Duke of Buckingham, who was counted the prime author of the grievances. His Majesty therefore makes this reply to the Commons answer:—

Mr. Speaker,

THE answer of the Commons delivered by you, I like well of, and do take it for a full and satisfactory answer, and I thank them for it, and I hope you will with all expedition take a course for performance thereof, the which will turn to your own good as well as mine; but for your clause therein, of presenting of grievances, I take that but for a parenthesis in your speech, and not a condition;

And yet for answer to that part, I will tell you, I will be as willing to hear your grievances, as my predecessors have been, so that you will apply yourselves to redress grievances, and not to enquire after grievances.

I must let you know, that I will not allow any of my servants to be questioned amongst you, much less such as are of eminent place, and near unto me. The old question was, what shall be done to the man whom the King will honour;

But now it hath been the labour of some, to seek what may be done against him whom the King thinks fit to honour.

I see you specially aim at the Duke of Buckingham; I wonder what hath so altered your affections towards him. I do well remember, that in the last Parliament in my father's time, when he was the instrument to break the treaties, all of you (and yet I cannot say all, for I know some of you are changed, but yet the House of Commons

is always the same) did so much honour and respect him, that all the honour conferred on him was too little;

And what he hath done since to alter and change your minds, I wot not; but can assure you, he hath not meddled, or done any thing concerning the public or Commonwealth, but by special directions and appointment, and as my servant; and is so far from gaining or improving his estate thereby, that I verily think he hath rather impaired the same.

I would you would hasten for my supply, or else it will be worse for yourselves; for if any ill happen, I think I shall be the last shall feel it.

Buckingham's Conduct Examined in The House

This Letter hindered not the Commons from proceeding in the examination of the Duke of Buckingham's conduct, it being resolved to impeach him in form. The question was moved by Dr. Turner, a physician, whether common fame be a good ground of proceeding for the House?

Turner's Question Approved - The King Demands Justice of Turner

This question was decided in the affirmative, after consulting some lawyers[23], at which the King was extremely offended, and showed his displeasure to the Commons,

demanding withal, that Turner might be punished for moving such a question[24]. But this message signified but little, and the House still continuing to proceed against the Duke, it was the general opinion of the members that, in granting the King money, the redress of the grievances was not to be neglected.

Meanwhile, to take from the King the pretence, which all these delays might furnish him with, the Commons unanimously voted him three subsidies and three fifteenths, to which, a month after, was added a fourth subsidy. Moreover they fixed the payment of the first to the last day of June[25].

Nothing is a clearer evidence of the design ascribed by me to the Commons, namely, that in granting money to the King, they meant to render their liberality subservient to the redress of grievances. By this expedient they showed the public, how ready they were to assist the King in his necessities; but withal reserved to themselves the liberty of passing this vote into an act (without which it was of no use to the King) when they should think fit.

Now, according to their intention, this act was not to pass till grievances were presented to, and answered by the King. Thus he was deprived of the pretence to complain of their delays, though indeed what they did for him could be advantageous to him, but on supposition he would regard their desires. This greatly embarrassed the King.

The King is Offended at Their Proceedings

He plainly saw the Commons design, and was the more offended, as all their proceedings were levelled at the Duke of Buckingham, or rather at the King himself, who had publicly declared, the Duke had only followed his orders, without being able to prevail for his being left unmolested. As he found they acted with too little respect, he resolved to let them know how much he was displeased with their proceedings, doubtless, to frighten them into another course.

The King's Speech March 20th

1626 AD] He sent therefore for both Houses to Whitehall, where he made the following speech:—

My Lords and Gentlemen,

I HAVE called you hither to day, I mean both Houses of Parliament; but it is for several and distinct reasons:

My Lords, you of the Upper-House, to give you thanks for the care of the state of the Kingdom if nowj and not only for the care of your own proceedings, but enticing your fellow House of the Commons, to take that into their consideration. Therefore, (my Lords) I must not only give you thanks, but I must also avow, that if this Parliament do not redound to the good of this Kingdom, (which I pray God it may,) it is not your faults. And you, gentlemen of the House of Commons, I am sorry that I may not justly give the same thanks to you, but that I must tell you, that I am come here to shew you your errors, and, as I may call it, un-parliamentary proceedings in this Parliament. But I do not despair, because you shall see your faults so clearly by the Lord-Keeper, that you may so amend your proceeding, that this Parliament shall end comfortably and happily, though at the beginning it hath had some rubs.

Then the Lord-Keeper, by the King's command spoke next:—

My Lords, and you the Knights, Citizens, and Burgesses of the House of Commons.

YOU are here assembled by his Majesty's commandment, to receive a declaration of his Royal pleasure; which although it be intended only to the House of Commons, yet his Majesty hath thought meet, the matter being of great weight and importance, it should be delivered in the presence of both Houses, and both Houses make one general Council:

And his Majesty is willing, that the Lords should be witnesses of the honour and justice of his resolutions. And therefore the errand, which by his Majesty's direction I must deliver, hath relation to the House of Commons. I must address myself therefore to you, Mr. Speaker, and the rest of that House.

And first, his Majesty would have you to understand, that there was never any King more loving to his people, or better affectioned to the right use of Parliaments, than his Majesty hath approved himself to be, not only by his long patience since the sitting down of this Parliament, but by those mild and calm directions which from time to time that House hath received by message and letter, and from his royal mouth; when the irregular humours of some particular persons wrought diversions and diffractions there, to the disturbance of those great and weighty affairs, which the necessity of the times, the honour and safety of the King and Kingdom, called upon. And therefore his Majesty doth assure you, that when these great affairs are settled, and that his Majesty hath received satisfaction of his reasonable demands, he will, as a just King, hear and answer your just grievances, which in a dutiful way shall be presented unto him; and this his Majesty doth avow.

Next his Majesty would have you know of a surety, that as never any King was more loving to his people, nor better affectioned to the right use of Parliaments, so never King more jealous of his honour, nor more sensible of the neglect and contempt of

his Royal rights, which his Majesty will by no means suffer to be violated by any pretended colour of parliamentary liberty; wherein his Majesty doth not forget, that the Parliament is his council, and therefore ought to have the liberty of a council; but his Majesty understands the difference betwixt council and controlling, and between liberty, and the abuse of liberty. This being set down in general, his Majesty hath commanded me to relate some particular passages and proceedings, whereat he finds himself aggrieved.

First, Whereas a seditious speech was uttered amongst you by Mr. Coke, the House did not, as they ought to do, censure and correct him. And when his Majesty understanding it, did, by a message by Mr. Chancellor of the Exchequer, delivered to the House, require justice of you, his Majesty hath since found nothing but protracting and delays. This his Majesty holds not agreeable to the wisdom and the duty which he expected from the House of Commons.

Secondly, Whereas Doctor Turner, in a strange un-parliamentary way, without any ground of knowledge in himself, or offering any particular proof of the House, did take upon him to advise the House to enquire upon sundry articles against the Duke of Buckingham, as he pretended, but in truth, to wound the honour and government of his Majesty, and of his renowned father;

And his Majesty, first by a message, and after by his own royal mouth, did declare, that that course of enquiry was an example which by no way he could suffer, though it were against his meanest servant, much less against one so near him; and that his Majesty did much wonder at the foolish insolvency of any man, that can think, that his Majesty should be drawn out of any end to offer such a sacrifice, so unworthy of a King, or a good master; yet for all this, you have been so far from correcting the insolvency of Turner, that ever since that time your committees have walked in the steps of Turner and proceeded in an un-parliamentary inquisition, running upon generals, and repeating that whereof you have made same the ground-work.

Here his Majesty hath cause to be exceeding sensible, that upon every particular he finds the honour of his father stained and blemished, and his own no less; and withal you have manifested a great forwardness, rather to pluck out of his bosom those who are near about him, and whom his Majesty hath cause to affect, than to trust his Majesty with the future reformation of these things which you seem to aim at:

And yet you cannot deny but his Majesty hath wrought a greater reformation in matters of religion, execution of the Laws, and concerning things of great importance, than the shortness of his Reign (in which he hath been hindered, partly through sickness, and the distraction of things, which we could have wished had been otherwise) could produce.

Concerning the Duke of Buckingham, his Majesty hath commanded me to tell you, that himself doth better know than any man living, the sincerity of the Duke's proceedings; with what cautions of weight and discretion he hath been guided in his public employments, from his Majesty and his blessed father; what enemies he hath procured at home and abroad; what peril of his person, and hazard of his estate, he ran into, for the service of his Majesty, and his ever blessed father; and how forward he hath been in the service of this House, many times since his return from Spain.

And therefore his Majesty cannot believe, that the aim is at the Duke of Buckingham, but findeth that these proceedings do directly wound the honour and judgment of himself, and of his father. It is therefore his Majesty's express and final commandment, that you yield obedience unto those directions which you have

formerly received, and cease this un-parliamentary inquisition, and commit unto his Majesty's care, and wisdom, and justice, the future reformation of these things which you suppose to be otherwise than they should be:

And his Majesty is resolved, that before the end of this session, he will set such a course, both for the amending of any thing that may be found amiss and for the settling of his own estate, as he doubteth not but will give you ample satisfaction and comfort.

Next to this, his Majesty takes notice, that you have suffered the greatest Council of State to be censured and traduced in the House, by men whose years and education cannot attain to that depth:

That foreign business's have been entertained in the House, to the hindrance and disadvantage of his Majesty's negotiations:

That the same year, yea, the first day of his Majesty's inauguration, you suffered his council, government, and servants» to be paralleled with the times of most exception:

That your Committees have presumed to examine the letters of Secretaries of State, nay, his own and sent a general warrant to his signet office, and commanded his officers, not only to produce and shew the records, but their books and private notes, which they made for his Majesty's service.

This his Majesty holds as insufferable, and it was in former times unusual.

Next I am to speak concerning your supply of three subsidies, and three fifteenths, which you have agreed to tender to his Majesty. You have been made acquainted with the greatness of his affairs, both at home and abroad, with the strong preparation of the enemy, with the importance of upholding his allies, strengthening and securing both England and Ireland; besides the encountering and annoying the enemy by a powerful fleet at sea, and the charge of all:

This having been calculated unto you, you have professed unto his Majesty, by the mouth of your speaker, your carefulness to support the cause wherein his Majesty and his allies are justly engaged; your unanimous consent and real intention to supply his Majesty in such a measure as should make him safe at home, and feared abroad; and that in the dispatch hereof, you would use such diligence as his Majesty's pressing and present occasions did require.

And now his Majesty having erected a proceeding suitable to this engagement, he doth observe, that in two days only of twelve, this business was thought of, and not begun till his Majesty by a message put you in mind of it, whilst your inquisition against his Majesty's direction proceeded day by day.

And for the measure of this supply, his Majesty findeth it so far from making himself safe at home, and feared abroad; as contrariwise it exposeth him both to danger and disesteem, for his Majesty cannot expect, without better help, but that his allies must presently disband, and leave him alone to bear the fury of a provoked and powerful enemy:

So as both he and you shall be unsafe at home, and ashamed and despised abroad. And for the manner of the supply, it is in itself very dishonourable, and full of

distrust; for although you have avoided the literal word of a condition, whereof his Majesty himself did warn you, when he told you of your parenthesis; yet you have put to it the effect of a condition, since the Bill is not come into your House until your grievances be both preferred and answered.

No such thing was in that expression and engagement delivered by your Speaker, for which his Majesty holdeth, that you have receded both in matter and manner, to his great disadvantage and dishonour.

And therefore his Majesty commanded, that you go together, and by Saturday next return your final answer, what further supply you will add to this you have already agreed on, and that to be without condition, either directly or indirectly, for the supply of these great and important affairs of his Majesty; which for the reasons formerly made known unto you, can endure no longer delay; and if you shall not by that time resolve on a more ample supply, his Majesty cannot expect a supply this way, nor promise you to sit longer together; otherwise, if you do it, his Majesty is well content that you should sit so long as the season of the year will permit; and doth assure you, that the present addition to your supply to set forward the work, shall be no hindrance to your speedy access again.

His Majesty hath commanded me to add this, that therein he doth expect your cheerful obedience, which will put a happy issue to this meeting, and will enable his Majesty, not only to a defensive war, but to employ his subjects in foreign actions, whereby will be added to them both experience safety, and honour.

Last of all, his Majesty hath commanded me, in explanation of the gracious goodness of his royal intention, to say unto you. That he doth well know, that there are among you many wise and well tempered men, well affected to the public, and to his Majesty's service; and that those that are willingly faulty are not many: And for the rest his Majesty doubteth not, but after his gracious admonition, they will, in due time, observe and follow the better sort; which if they shall do, his Majesty is most ready to forget whatsoever is past.

Then his Majesty spoke again.

I must withal put you in mind a little of times past you may remember, that in the time of my blessed father, you did with your counsel and persuasion persuade both my father and me to break off the treaties:

I confess I was your instrument, for two reasons; one was, the fitness of the time; the other was because I was seconded by so great and worthy a body, as the whole body of parliament:

Then there was no body in so great favour with you as this man, whom you seem now to touch, but indeed my father's government and mine. Now that you have all things according to your wishes, and that I am so far engaged, that you think there is no retreat; now you begin to set the dice, and make your own game: But I pray you be not deceived, it is not a parliamentary way, nor it is not a way to deal with a King.

Mr. Coke told you, it was better to be eaten up by a foreign enemy, than to be destroyed at home. Indeed I think it more honour for a King to be invaded, and almost destroyed by a foreign enemy, than to be despised by his own subjects.

Remember, that Parliaments are altogether in my power for their calling, sitting, and dissolution; therefore as I find the fruits of them good or evil, they are to continue, or not to be:

And remember, that if in this time, instead of mending your errors, by delay you persist in your errors, you make them greater and irreconcilable:

Whereas, on the other side, if you do go on cheerfully to mend them, and look to the distressed state of Christendom, and the affairs of the Kingdom, as it lieth now by this great engagement; you will do yourselves honour, you shall encourage me to go on with Parliaments, and, I hope, all Christendom shall feel the good of it.

The Commons Take Offence These Speeches

The King's and keeper's Speeches were so plain, that they could not be misunderstood. The King's aim in general was to intimate to the Parliament, they were only his Council, whose advice he might follow or reject, and he could either not assemble this council, or govern without it.

The Commons immediately turned the House into a grand Committee, ordering the doors to be locked, and no member to depart till the House came to a resolution concerning these speeches. His Majesty having notice thereof, and perceiving this could not but retard his affairs, ordered a conference between the two Houses, and commanded the Duke of Buckingham to explain his intentions, and give his words a sense less offensive than what they obviously bore. The Duke spoke in the manner following:—

The Duke of Buckingham's Speech

WHEREAS it is objected by some, who with good correspondence betwixt the King and people, that to prefix a day to give or to break was an unusual thing, and might express an inclination to the King to break; to remove this, as his Majesty was free from such thoughts, he hath descended to make this explanation.

That as his Majesty would not have you condition with him directly or indirectly, so he will not lie to a day, for giving farther supply; but it was the pressing occasion of Christendom that made him to pitch upon a day.

His Majesty hath here a servant of the King of Denmark, and another from the Duke of Weymer, and yesterday received a letter from his sister the Queen of Bohemia; who signified, that the King of Denmark hath sent an ambassador, with power to perfect the contract which was made at the Hague; so it was not the King, but time, and the things themselves that pressed a time.

Therefore his Majesty is pleased to give longer time, hoping you will not give him cause to put you in mind of it again; so that you have a greater latitude, if the business require to think further of it.

I am commanded further to tell you, that if his Majesty should accept of a less sum than will suffice, it will deceive your expeditions, disappoint his allies, and consume the treasure of the Kingdom: Whereas, if you give largely now, the business being at the crisis, it comes so seasonably, it may give a turn to the affairs of Christendom.

But while we delay and suffer the time to pass, others abroad will take advantage of it, as the King of Spain hath done, by concluding a peace, as it is thought, in Italy, for the Valteline whereby our work is become the greater, because there can be no diversion that way.

As it was a good rule to fear all things and nothing, and to be liberal was sometimes to be thrifty; so in this particular, if you give largely, you shall carry the war to the enemy's door, and keep that peace at home that hath been:

Whereas, on the contrary, if you draw the war at home, it brings with it nothing but disturbance and fear, all courses of justice stopped, and each man's revenue lessened, and nothing that can be profitable.

Another explanation I am commanded to make, touching the grievances; wherein his Majesty means no way to interrupt your proceedings, but hopes you will proceed in the antient way of your predecessors; and not so much seek faults, as the means to redress them.

I am farther commanded to tell you, that his Majesty intends to elect a committee of both Houses, whom he will trust, to take the view of his estate, the defeats of which are not fit for the eyes of a multitude; and this committee will be for your ease, and may satisfy you, without calling any ill odour on his government, or laying open any weakness that may bring shame upon us abroad.

That which is proposed is so little, that when the payment comes, it will bring him to a worse estate than now he is in; therefore withes you to enlarge it, but leaves the augmentation to your selves; but is sorry, and touched in conscience, that the burthen should be on the poorest, who want too much already; yet he will not prescribe, but wish that you, who were the abettors and counsellors of this war, would take a greater part of the burthen to yourselves; and any man that can find out that way, shall shew himself best affected, and do the best service to the King and State.

After the Duke had thus spoken for the King, he made his address to them in his own behalf, taking this occasion to vindicate his conduct, or rather to extol the services he had done the State. The Lord Conway, Secretary of State, spoke next, and pretended, among other things, to show, that the three subsidies and three fifteenths granted to the late King had been employed according to the Parliament's intention, because nothing was disbursed but by the King's express orders, a reason which must have appeared frivolous to the House of Commons[26].

The explanation of the King's intentions seemed to pacify the Commons a little. How great soever their discontent was, at what the King said about Parliaments, they did not think proper to censure it, whether they feared to enter into so dangerous a discussion, or expected that the Lords would take the affair in hand, since they were no less concerned. The Commons contented themselves therefore with presenting to the King a remonstrance, to justify their proceedings.

This Remonstrance was preceded by an address on the same subject. But as the address was of only an abstract of the remonstrance they were preparing, I shall pass it over in silence, and insert only the remonstrance, which was thus worded:—

The Commons Remonstrance to The King

Most Gracious Sovereign,

WHEREAS your Majesty hath been pleased of late, at sundry times, and by several means, to impart unto us your royal pleasure, touching some passages and proceedings in this present Parliament:

We do first, with unspeakable joy and comfort, acknowledge your Majesty's grace and favour, in that it hath pleased you to cause it to be delivered unto us by the Lord Keeper of your Great Seal, in your own royal presence, and before both Houses of Parliament, That never King was more loving to his people, nor better affected to the right use of Parliaments, withal, professing your most gracious resolution, to hear and redress our just grievances.

And with like comfort we acknowledge your Majesty's goodness shining at the very entrance of your glorious reign, in commanding the execution of the Laws established to preserve the true religion of Almighty God, in whose service consisteth in happiness of all Kings and Kingdom.

Yet let it not displease your Majesty, that we also express some sense of just grief, intermixed with that great joy, to see the careful proceedings of our sincere intentions so misreported, as to have wrought effects unexpected, and, we hope, undeserved.

First, touching the charge against us in the matter concerning Mr. Coke. We all sincerely protest, that neither the words mentioned in your Majesty's message, nor any other of seditious effect were spoken by him, as hath been resolved by the House, without one negative voice.

Howsoever, in a speech occasionally uttered, he let fall some few words, which might admit an ill construction; whereat the House being displeased at the delivery of them, as was expressed by a general and instant check, he forthwith so explained himself and his intention, that, for the present, we did forbear to take them into consideration, which since we have done: And the effect thereof had before this appeared, if by importunate business of your Majesty's service we had not been interrupted.

The like interruption did also befall us in the case of Dr. Turner; wherein the question being formerly rated, a resolution was ordered to have been taken that very day, on which we received your Majesty's command to attend you.

But for our own proceedings, we humbly beseech, your Majesty to be truly informed, That before the overture from Dr. Turner, (out of our great and necessary care for your honour, and welfare of your Realm) we had taken into serious consideration, the evils which now afflict your people, and the causes of them, that we might apply ourselves unto the fittest remedies:

In the pursuit whereof, our committees (whatsoever they might have done) have in no particular proceeded otherwise, than either upon ground of knowledge in themselves, or proof by examination of witnesses, or other evidence. In which course of service for the public good, as we have not swerved from the parliamentary way of our predecessors, so we conceive, that the discovery, and reforming of errors, is so far from laying an aspersion upon the present time and government, that it is rather a great honour and happiness to both, yielding matter to great Princes, wherein to exercise and illustrate their noblest virtues.

And although the grievous complaints of the merchants from all parts, together with the common service of the subjects well affected to those who profess our religion, gave us occasion to debate some businesses that were partly foreign, and had no relation to affairs of State; yet we beseech your Majesty to rest assured, it was exceeding far from our intention, either to traduce your counsellors, or disadvantage your negotiations. And though some examples of great and potent ministers of Princes, heretofore questioned in Parliament, have been alleged, yet was it without

paralleling your Majesty's government or councils, to any times at all, much less to times of exception.

Touching the letter of your Majesty's secretary, it was first alleged by your advocate for his own justification, and after, by direction of the committee, produced to make good his allegation.

And for the search at the signet office, the copy of a letter being divulged, as in your Majesty's name, with pregnant cause of suspicion, both in the body and direction thereof to be supposititious, the committee, out of desire to be cleared therein, did by their order send some of themselves to the signet office, to search whether there were any records of letters of that nature, without warrant to the officer for any, much less for a general, search.

But touching public records, we have not forborne, as often as our businesses have required, to make search into them, wherein we have done nothing unwarranted by the laws of your realm, and the constant usage of Parliaments. And if, for the ease of their labours, any of our committees have desired the help of the officers repertories, or breviats of direction, we conceive it is no more than any subject in his own affairs might have obtained for ordinary fees.

Now concerning your Majesty's servants, and namely, the Duke of Buckingham, we humbly beseech your Majesty to be informed by us your faithful Commons; who can have no private end but your Majesty's service, and the good of your country; that it hath been the ancient, constant, and undoubted right and usage of Parliaments, to question and complain of all persons of what degree soever, found grievous to the Commonwealth, in abusing the power and trust committed to them by their Sovereign.

A course approved not only by the examples in your father's days, of famous memory, but by frequent precedents in the best and most glorious reigns of your noble progenitors, appearing both in records and histories; without which liberty in Parliament, no private man, no servant to a King, perhaps no counsellor, without exposing himself to the hazard of great enmity and prejudice, can be a means to call great officers into question for their misdemeanours, but the Commonwealth might languish under their pressures without redress: and whatsoever we shall do accordingly in this Parliament, we doubt not but it shall redound to the honour of the crown, and welfare of your subjects.

Lastly, we most humbly beseech your Majesty graciously to conceive, that though it hath been the long custom of Parliaments to handle the matter of supply with the last of their businesses, yet at this time, out of extraordinary respect to your person, and care of your affairs, we have taken the same into more speedy consideration, and most happily, on the very day of your Majesty's inauguration, with great alacrity and unanimous consent:

After a short debate we grew to the resolution for a present supply, well known to your Majesty.

To which, if addition may be made of other great things for your service, yet in consultation amongst us, we doubt not but it will appear, that we have not receded from the truth of our first intention, so to supply you, as to make you safe at home, and feared abroad, especially if your Majesty shall be pleased to look upon the way intended in our promise, as well as to the measure of the gift agreed.

With like humility we beseech your Majesty, not to give ear to the officious reports of private persons for their own ends, which hath occasioned so much loss of time, nor to judge our proceedings whilst they are in agitation, but to be pleased to expect the issue and conclusion of our labours, which we are confident will manifest and justify to your Majesty the sincerity and loyalty of our hearts, who shall ever place in a high degree of happiness, the performing of that duty and service in Parliament, which may most tend to your Majesty's honour, and the good of your Kingdom.

The Commons Inattention to The Forgoing Remonstrance

By this remonstrance it appears, the Commons did not look upon Coke's offence as a crime deserving so severe a punishment as the King imagined, especially as the King had been misinformed. Moreover, in shewing resentment against Coke, they were afraid of discouraging their members, and hindering them from freely speaking their minds, besides that they should thereby authorize the King to make continual complaints on the like pretences.

But on the other hand, if they declared Coke entirely innocent, they were apprehensive of engaging in a discussion they were willing to avoid. As for Turner, they could not condemn him, since his motion was approved by the House.

So, they only evaded the King's demand, for fear of offending him by a refusal, imagining, the King would understand them. But as to the Duke of Buckingham, the case was different. The King having established for a principle, that the Commons had not power to accuse any of his servants without his permission, they could not speak too plainly, by reason of the importance of the King's pretensions, which tended to deprive the House of one of their greatest privileges.

As to the supply, it is very visible, the Commons did not intend the King should have it in his power to prescribe them terms, but were resolved to preserve the right of granting what they thought proper, and when they saw fit. Indeed, it is of so great consequence to the Commons, not to lose this right, that should they suffer the least encroachment upon it, they would assuredly become an empty name without authority.

The Parliament Adjourned

The King did not think proper to answer this remonstrance, or at least required time to examine it. Meanwhile he desired the Commons to adjourn for a week, as the Lords had done; and they did so accordingly.

The King was extremely embarrassed. He wanted money, and the Commons had voted him three subsidies and three fifteenths, to which they had lately added a fourth subsidy. But it evidently appeared they meant not to pass the Bill, till the Duke of Buckingham's affair was finished. So, the King not being able to divert the charge against the Duke, without hindering at the same time the subsidy Bill, consented at length, that the House should proceed in the examination of his favourite's conduct, but it was with intention to put a stop to it, if the affair was carried too far[27].

The Commons Acquaint The Duke with Their Designs

A few days after, the Commons sent word to the Duke of Buckingham, that they were passing articles of accusation against him, of which he might be informed by the clerk's book, and take a copy thereof, and that they expected his answer, if he pleased to send any[28]. Whereupon, the Duke applied to the Lords for leave to answer.

Articles Annexed to The Charges Against The Duke

But. the Lords did not think it convenient to permit him, under colour, that he would thereby give the Commons occasion to defer the subsidy Bill, which they were presently to take into consideration. But the Commons, without regarding the reason alleged by the Lords, which was signified to them by the Duke, continued their proceeding. Nay, they resolved to annexe to the charge, an article concerning the plaster and potion applied and given by the Duke to King James in his sickness, without the advice of the Physicians.

The King hearing of this, sent a message to the Commons:—

That he having consented to their proceedings against the Duke of Buckingham, and hearing there is new matter intended to be brought against him, nevertheless leaves the House to their own way to present the business to him, or to the Lords, withal advising them to consider of the season of the year, and to avoid all loss of time.

The King Tries in Vain to Elude The Commons Design

He would probably have been glad, as he was chiefly concerned in the article relating to the King his father's life, the Commons would have left it to his determination. But they feigned not to understand him, and only thanked him for his message.

Some interruption was given to the Duke of Buckingham's accusation, and consequently to the subsidy Bill, by a new affair which unexpectedly arose, and which it will be necessary briefly to mention, though I design not here to descend to particulars.

The Earl of Bristol, who had been ambassador in Spain for the affair of the marriage, which he had at length almost brought to a conclusion, according to King James's desire, had however the misfortune to displeas the Prince and Duke. As their aim was to hinder the Earl from giving the Parliament an exact account of what passed in Spain, they so managed, that at his return he was confined to his House and afterwards sent to the Tower.

King James was fully satisfied of the Earl's innocence, but was so little master of his actions the two last years of his life, that he dared not openly protect him. So, the Prince and Duke constrained him, on divers pretences, to keep him in prison, that he might not speak with him.

After King James's death, the Earl's case became so much the worse, as the new King and favourite, his professed enemies, were no longer obliged to use any ceremony. He remained therefore in prison till this second Parliament, that is, about two years, without being brought to a trial, or even any charge entered against him. At last, knowing how the Commons stood affected to the Duke, he resolved to embrace this opportunity, and try to recover his liberty.

He wished also to be in a condition to justify his conduct, which the Duke had aspersed, in order to cast on him the whole blame of what had passed in the negotiation of the Prince's marriage with the Infanta of Spain.

He presented therefore a petition to the House of Lords, shewing, that being Peer of the Realm, he had received no summons to the Parliament, desiring them to intercede for him, that he might enjoy his privilege. Whereupon the Lords prayed his Majesty, to send a writ of summons as well to the Earl of Bristol as to some other Peers, whose writs were also stopped, which the King granted.

A summons was therefore sent to the Earl, but withal, he received a letter from the Lord Keeper[29], acquainting him, that his Majesty would have him forbear his personal attendance. Upon this, the Earl sent a second petition to the Lords with the Keeper's letter, telling them, it

was done by the Duke of Buckingham's credit, whose aim was to prevent him from discovering his crimes.

Moreover, he besought the Lords to permit him to bring an accusation against the Duke, wherein he would demonstrate how much the Duke had abused the late King, his present Majesty, the State, and the Parliament. The King was so offended with the Earl of Bristol's boldness, that he sent a message to the Lords, declaring, he was determined to exhibit before them a charge of high treason against the Earl of Bristol.

After this declaration, the Lords could not avoid putting the Earl into the custody of the Black-Rod. Some days after, the Earl being brought to the bar of the House, the Attorney-General read the charge against him in the King's name, who had corrected it in several places with his own hand.

Nevertheless, the Lords received also the accusation entered by the Earl of Bristol against the Duke of Buckingham, and the Lord Conway, Secretary of State. The King's charge against the Earl was divided into three heads; namely, his offences, before the Prince's going to Spain: during the Prince's being in Spain: and after the Prince's return. But the Earl made such a defence, as covered his accusers with confusion.

He plainly shewed, how much the Duke of Buckingham had deceived the Parliament in his narrative of what passed in Spain. This reflected on the King himself, who had not only attested the relation, but persisted still to attest it as true. Wherefore he did not think fit to prosecute a sentence against the Earl. As the charge against the Earl of Bristol, his defence, and his accusation against the Duke of Buckingham and the Lord Conway, relate rather to the reign of King James, than to that of King Charles, I think it unnecessary to infill any farther upon this affair, which would lead me too far.

However, as this is a curious point; as in the Earl's defence there is an exact account of what passed in Spain in the negotiation of the projected marriage; and as the characters of James I, Charles I, and the Duke of Buckingham may be there clearly seen, I shall insert at the end of this book several papers upon this subject, which to me seem worthy the curiosity of the public.

Some days after the Earl of Bristol had given his answer, and presented his charge against the Duke and the Lord Conway, the Commons brought up to the Lords their declaration and impeachment against the Duke of Buckingham.

It contained thirteen articles, which were explained and aggravated by the managers appointed by the Commons. It is customary for the Commons on such occasions, to divide the task among several of their members, each of whom prepares to speak to the article assigned him[30]. Sir Dudley Diggs, who was appointed to explain and support the beginning of the charge, after a short prologue, read the following preamble:—

The Commons Declaration of Impeachment Against The Duke

For the speedy redress of great evils and mischief, and of the chief cause of these evils and mischief which this Kingdom of England now grievously suffereth, and of late years hath suffered; and to the honour and safety of our Sovereign Lord the King, and of his crown and dignity; and to the good and welfare of his people, The Commons in this present Parliament, by authority of our said Sovereign Lord the King, assembled, do, by this their Bill, shew and declare against George, Duke. Marquis, and Earl of Buckingham, Coventry, Viscount Villers, Baron Whaddon, Great Admiral of the Kingdoms of England and Ireland, and of the Principality of Wales, and of the dominions and islands of the same of the Town of Calais, and of the Marches of the same, and of Normandy, Gascoign and Guienne, General

Governor of the seas and ships of the said Kingdom, Lieutenant General Admiral, Captain General and Governor of his Majesty's Royal fleet and army lately set forth, Master of the Horse of our Sovereign Lord the King, Lord Warden, Chancellor, and Admiral of the Cinque Ports, and of the members thereof Constable of Dover Castle, Justice in Eyre of the Forests and Chaces on this side the River Trent, Constable of the Castle of Windsor, Gentleman of his Majesty's Bed-Chamber, one of his Majesty's most Honourable Privy Council in his Realms, both of England, Scotland, and Ireland, and Knight of the most Honourable Order of the Garter:

The misdemeanours, misprisions, offences, Crimes, and other matters, comprised in the articles following; and him the said Duke do accuse and impeach of the said misdemeanours, misprisions, offences and Crimes.

Diggs Explains and Aggravates The Preamble

This preamble being read, Sir Dudley Diggs gave a general knowledge of the impeachment, without insisting upon any particular article. He only reduced the charge to four principal heads. In the first, he shewed the grievances which sprung from so many offices conferred on a single person, and pretended it was one of the chief causes of the evils which affected England, as decay of trade, losses at sea, and the contempt the nation was fallen into.

In the second, he spoke in general of honours being sold or procured by the Duke for undeserving persons. In the third, he said, as the Duke had raised all his poor kindred to honours, so he had exhausted and misemployed his Majesty's lands and revenues.

In the fourth, he spoke of the remedies applied and given to the late King in his last sickness, but he only just mentioned them, because that article was to be enlarged upon by another manager. As this charge was never decided, I think it needless to relate the particulars, or give an account of what was said by each of the managers on the several articles. But that the reader may see in general what the Duke was accused of, I shall insert an abstract of each Article.

Abstract of The Articles of Impeachment

I. He was accused of engrossing into his hands a great number of offices, some whereof could hardly be executed by a single person: and of procuring them by ill means.

II. Of purchasing the office of High Admiral of the Earl of Nottingham, for the sum of £3000 and an annuity of £1000.

III. Of buying the office of Lord Warden of the Cinque Ports, of the late Lord Zouch, for the sum of £1000 and an annuity of £500.

IV. Of having neglected to guard the seas and protect the merchants.

V. Of confiscating a French ship, called the St. Peter of Newhaven worth £40,000, sterling: Of detaining the said ship, after the King's order to restore her to the owner, and of taking out several things for his use.

VI. Of oppressing the East India Company, by detaining under false pretences their ships which were ready to sail, and of compelling them to give him ten thousand pounds, that they might not lose their voyage.

VII, and VIII. Of delivering several merchant ships and a man of war into the hands of the French King, against the will of the owners, to serve at the liege of Rochel.

IX. Of containing several persons to purchase titles of honour[31].

X. Of selling the office of High Treasurer to Henry Montague Viscount Mandeville, for twenty thousand pounds, and the office of Master of the Wards and Liveries to Sir Lionel Cornfield for six thousand.

XI. Of procuring to his kindred and allies titles of Baron, Viscount, Earl, without their having done the State any service.

XII. Of embezzling and engrossing the King's money and lands.

XIII. Of applying a plaster to the late King's side in his last sickness, and of giving him a potion with his own hand at several times, in the absence, and without the order of the physicians.

Sir John Elliot Makes The Epilogue

These articles were enlarged upon by the several managers[32], and Sir John Elliot was appointed to make the epilogue to the impeachment, wherein he summed up what had been said against the Duke, and spoke of him in very offensive terms, but however mentioned not the plaster or potion.

The King's Speech to The House of Lords

The same or the next day, Diggs and Elliot were by the King's command sent to the Tower[33]: and two days after the King went to the House of Lords, and spoke to them after the following manner:—

My Lords,

THE cause and only cause of my coming to you this day, is to express the sense I have of all your honours; for he that toucheth any of you, toucheth me in a very great measure.

I have thought fit to take order for the punishing of some insolent speeches lately spoken. I have been too remiss heretofore in punishing such speeches as concern myself, not that I was greedy of their monies, but that Buckingham, through his importunity, would not suffer me to take notice of them, lest he might be thought to have set me on, and that he might come the forwarder to his trial. And to approve his innocence as touching the matters against him, I myself can be a witness to clear him in every one of them.

I speak not this to take any thing out of your hands; but to few the reason why I have not hitherto punished those insolent speeches against myself. And now I hope you will be as tender of my honour, when time shall serve, as I have been sensible of yours.

The Intent of The Speech

The King's aim in this speech was, first, to persuade the Lords, they were all concerned in the disrespectful things spoken by the managers against the Duke of Buckingham and some other

members of their House, and that he had committed Diggs and Elliot to the tower on purpose to vindicate their injured honour. But he succeeded not in his design.

Secondly, by offering to be a witness for the Duke of Buckingham, and to clear his innocence in every article of his impeachment, he proposed to the Lords, a kind of dilemma, which he thought they would not be able to get clear of. For they were either to declare the Duke innocent upon the King's evidence, or, by condemning him, openly reject his royal testimony, to which he imagined they would not easily be persuaded. But they were not imposed upon by this artifice, as will hereafter appear.

The Commons Desire The Duke May Be Committed

The King was no sooner departed from the House, but the Commons sent a message to the Lords, to desire the Duke of Buckingham might be taken into safe custody: but the Lords durst not commit him for fear of offending the King.

The Commons Make A Great Noise About The Imprisonment of Their Members

Meanwhile, the imprisonment of Diggs and Elliot made a terrible impression in the House of Commons, who, considered it as an express breach of their privileges. Sir Dudley Carleton, one of the court party, observing the unusual, and as he termed it, sullen, silence of the House, stood up and justified the King saying, if his Majesty conceived that Diggs went beyond his commission, when speaking of the plaster and potion given to King James, he said:—

That he did forbear to speak farther in regard of the King's honour. And as for Sir John Elliot, he affected to speak of the Duke with great contempt, and in very injurious terms. What displeased the King most was, that Eliot in speaking of the plaster and potion, used expressions, intimating as if there was something hidden, which it was not proper to reveal, and in so doing, exceeded the commission he had received from the House.

Unhappily, there was nothing of truth in what was ascribed to these two members, except the little respect they had shewn for the Duke of Buckingham. For Elliot had not mentioned the plaster or potion, and Diggs had said nothing like what he was accused of. Wherefore, the House of Commons taking advantage of these false charges, ordered that all the members there present should sign the following protestation:—

I protest before almighty God, and this House of Parliament, that I never gave consent that Sir Dudley Diggs should speak these words that he is now charged withal, or any words to that effect, and I have not affirmed to any that he did speak such words, or any to that effect.

Besides this, thirty six Lords who were present at the conference, where the impeachment of the Duke was presented, attested under their hands, that they did not hear Sir Dudley Diggs speak any such words. It followed therefore from the testimony of the Lords, and the Protestation of the Commons, either that the King was falsely and maliciously informed, or that the charge against Diggs was invented, to have an opportunity of punishing him for speaking of the Duke in so disrespect a manner.

Elliot's crime was of the same nature, that is, he had spoken of the Duke in uncivil terms though he was falsely accused of mentioning, the plaster in terms injurious to the King. But the Commons took care to clear their two members by declaring publicly, that neither had exceeded his commission. All this was not for the King's honour, who feeling no way to support what he had

done, caused the two imprisoned Members to be released. In all appearance, his design was to terrify the Commons, but he was disappointed.

The King's condescension to the Commons, drew upon him an affair of the like nature from the Lords. He had sent the Earl of Arundel to the tower for much the same crime as that of Diggs and Elliot, and the Lords had not complained of it. But when they saw the Commons had obtained the release of their members, by insisting upon their privileges, they thought proper to take this occasion to maintain their rights also.

They presented therefore a petition to the King, praying him to release the Earl of Arundel, according to the tenor of their privileges. The King perceived how prejudicial to him this petition was, the Lords pretending by means of their privileges, to limit the Prerogative Royal. For which reason he long resisted before he granted the Lords request.

There were several remonstrances from the Lords to the King, and several messages from the King to the Lords. Nay, the Peers went so far, as to declare it was an express breach of their privileges, to imprison any of their members, the Parliament sitting, without sentence or order of their House[34], and to resolve to take no other business into consideration till they had received satisfaction.

At last the King was forced to release the prisoner, though again, his will. As by the custom of England, members of Parliament are not privileged from arrest in cases of treason and felony, the King pretended the House of Lords ought not to take exception at his having committed one of their members.

His reason was, because the prisoner might possibly be guilty of felony or treason, and consequently the House ought to wait till it should please the King to declare the cause of his imprisonment. But as under colour of this possibility, the King had sent the Earl of Arundel to the tower, and had not yet declared the cause, the Lords plainly saw the possibility alleged by the King, was but an artifice to evade their most undoubted privileges.

So, the King affirmed, that as the untimely discovery of a treason might happen to be extremely prejudicial to the State, he could not allow to this pretended privilege of the members of Parliament, all the extent required by the Lords, because there were cases, wherein for the good of the State, it was absolutely necessary to limit it. But the Lords replied, if, on pretence of such cases which were very rare, the King could imprison a peer without the consent of the House, and declaration of the cause, it would follow, that in all sorts of cases, he might detain a Peer in custody so long as he pleased, and thereby abridge the Lords of their privileges.

If it is asked, why this dispute was never raised in the former reigns, the question is easily answered. For if a King happened to send a Peer to the tower, the Parliament sitting, either the cause was known, or, if a secret, the House took no offence, because the Lords not mistrusting the King, did not fear he would draw it into a precedent to abolish their privilege. But it was not the same in the reign of Charles I.

Besides that the Earl of Arundel was known to be sent to the tower only for speaking too freely in the House[35], what the King's principles were concerning the privileges of the people, was no secret, and it was manifest, that upon a bare possibility, he was endeavouring to establish a principle which tended to render the privilege in question entirely useless. And therefore the Lords being warranted by the example of the Commons, would not omit this opportunity to maintain their privilege.

Buckingham is Chosen Chancellor of The University of Cambridge

Before the Duke of Buckingham had given in his answer to the Commons impeachment, the Chancellorship of the University of Cambridge becoming void by the Earl of Suffolk's death, the King caused the Duke his favourite to be elected in the room of the late Chancellor. The House of Commons were extremely offended at this election, considering it as a manifest contempt, that the Duke should be chosen whilst under an impeachment, and when one of the articles against him was plurality of offices.

Besides, they maintained, there was a sort of contradiction in this choice, since the University themselves, by their representatives in Parliament, had given their consent to the Duke's impeachment. But the King openly supported the election in spite of the Commons.

The King Supports The Duke of Buckingham

At length, only the 8th of June, the Duke gave in his answer to the impeachment of the House of Commons. As I have not given the particulars of the accusation, it would be needless to insert here the answers, which had a necessary reference to what was alleged against the Duke.

This affair having never been decided, it is easy to judge, that as the accusation was very much aggravated, so the answers were palliated with great care. The proofs and evidences of the facts produced for or against, would be the only means to inform us of the truth, but the affair was not carried so far.

It will suffice therefore to say, that the Commons desiring a copy of the answer, the next day the King writ the following letter to the Speaker.

The King's Letter to The Speaker of The House of Commons

Trusty and Well Beloved &c.

OUR House of Commons cannot forget, how often and how earnestly we have called upon them for the speeding of that aid which they intended us for our great and weighty affairs, concerning the safety and honour of us and our Kingdoms:

And now the time being so far spent, that unless it be presently concluded, it can neither bring us money nor credit by the time which themselves have fixed, which is the last of this month, and being farther deferred would be of little use, we being daily advertised from all parts, of the great preparations of the enemy ready to assail us; we hold it necessary by these our letters, to give them our last and final admonition, and to let them know, that we shall account all farther delays and excuses to be express denials.

And therefore we will and require you to signify unto them, that we do expect that they forthwith bring in their bill of subsidy to be passed without delay or condition, so as it may fully pass the House by the end of the next week at the farthest: which if they do not, it will force us to take other resolutions. But let them know, if they finish this according to our desire, that we are resolved to let them sit together for the dispatch of their other affairs so long as the season will permit, and after their recess, to bring them together again the next winter. And if by their denial or delay, anything of ill consequence shall fall out either at home or abroad, we call God and man to witness, that we have done our part to prevent it, by calling our people together to advise with us, by opening the weight of our occasions unto them, and by requiring their timely help and assistance in these actions wherein we stand

engaged by their own counsels. And we will and command you that this letter be read publicly in the House.

The Kings Intent in This Letter

It was manifest, this letter, written at the time the Duke of Buckingham was going to be tried, was but an artifice to evade it. For it was not possible, that if the subsidy bill was passed by the time fixed by the King, the Duke's affair could he dispatched by the same time.

It is true, the King promised to let the Parliament sit, so long as the season would permit. But by that very thing he reserved to himself the liberty of proroguing it when he pleased, on pretence the season was too far advanced to sit any longer, especially as he feigned to press the subsidy bill, purely out of fear of a pretended invasion, which, he said, the Kingdom was threatened with.

It was therefore to be expected, that the Duke of Buckingham's affair would be dropped, and be forced to be revived in the next session, since a prorogation puts an end to all affairs.

The Commons not thinking fit to comply with the King's will, presented a fresh petition to him against popish recusants. This was to shew the Public, the King's answer to the petition of the Oxford Parliament, contained only empty promises, without being followed by any effects. They had a mind also to shew, that the Duke of Buckingham's ill-administration was not the only grievance they desired to be redressed. The petition was as follows:—

The Commons Petition to The King Concerning Recusants

To the King's most excellent Majesty,

OUR Majesty's most obedient and loyal subjects, the Commons, in this present Parliament assembled, do with great comfort remember the many testimonies which your Majesty hath given of your sincerity and zeal of the true religion established in this Kingdom, and in particular your gracious answer to both Houses of Parliament at Oxford, upon their petition concerning the causes and remedies of the increased Popery; that your Majesty thought fit, and would give order to remove from all places of authority and government, all such persons as are either popish recusants, or, according to direction of former Acts of State, justly to be suspected; which was then presented as a great and principal cause of that mischief. But not having received so full redress herein as may conduce to the peace of this Church, and safety of this Regal State, they hold it their duty, once more to resort to your sacred Majesty, humbly to inform you, that upon examination, they find the persons under written, to be either recusants, Papists, or justly suspected according to the former acts of State, who now do, or, since the sitting of the Parliament, did remain in places of government and authority, and trust, in your several counties of this your Realm of England, and Dominion of Wales.

Then followed a list of fifty-nine recusants, and suspected papists, who were in places of trust and authority in several Counties[36].

Wherefore they humbly beseech your Majesty, not to suffer your loving subjects to continue any longer discouraged, by the apparent sense of that increase both in number and power, which by the favour and countenance of such like ill affected governors accuseth to the popish party; but that, according to your own wisdom, goodness, and piety (whereof they rest assured) you will be graciously pleased to command that answer of your Majesty's to be effectually observed, and the parties above named, and all such others, to be put out of such commissions and places of

authority wherein they are now in your Majesty's realm of England; contrary to the acts and laws of States in that behalf.

It was not for the King's honour to be pressed so often to perform what he had so positively promised. But it must be considered, it was not easy for him to withstand the solicitations and intrigues of the Queen, of the Duke of Buckingham, whose mother was a professed papist, of Sir Richard Weston his chief councillor, and of the Lord Conway Secretary of State, both like wife Papists, since these were the men that were nearest his person, and by whom he was in a manner beset.

A few days after, the Commons resolved to wait upon the King, and present to him by their Speaker, a declaration of their conduct, serving for answer to his letter, and a petition to remove the Duke of Buckingham from his person. The audience they had desired being granted, the Speaker, before he presented the answer, made the following speech to him[37]:—

The Speaker's speech to The King Upon His Presenting The Petition to The King

Most gracious and dread Sovereign,

ACCORDING to that liberty of access, and liberty of speech which your Majesty and your Royal progenitors have ever vouchsafed to your House of Commons, your Majesty's most humble and loyal subjects, the Commons now assembled in Parliament, have been suitors for this access to your royal throne.

And out of their consideration of the nature, and of the weight and importance of the business, they have thought the attendance of the whole House, with their Speaker, not too solemn; and yet they have not thought fit barely to commit those words which express their thoughts, to the trust of any man's speech, but are bold to present them in writing to your gracious hands that they may not vanish, but be more lasting than the most powerful words of a more able speaker likely to be.

I have much to read, and shall therefore, as little as I can, weary your Majesty with speeches.

This parchment contains two things, the one by way of declaration, to give your Majesty an account, and humble satisfaction of their clear and sincere endeavours and intentions in your Majesty's service; and the other an humble petition to your Majesty, for the removal of that great person the Duke of Buckingham from access to your royal presence.

For the first, they beseech your most excellent Majesty to believe, that no earthly thing is so dear and precious to them, as that your Majesty should retain them in your grace and good opinion, and it is grief to them, beyond my expression, that any misinformation or misinterpretation, should at any time render their words or proceedings offensive to your Majesty.

It is not proper for any one to hear the echo of a voice, that hears not the voice; and if echo's be sometimes heard to double and redouble the echo of the echo is still fainter, and sounds not louder.

I need not make the application, words misreported, though by an echo, or but an echo of an echo, at a third or fourth hand, have oft a louder sound than the voice itself, and may found disloyalty, though the voice had nothing undutiful or illoyal in it.

Such misinformation, they fear, have begot those interruptions and diversions which have delayed the ripening and expediting of those great counsels, which concern your Majesty's important service, and have enforced this declaration.

I pass from that to the petition, in which my purpose is not to urge those reasons, which your Majesty may hear expressed in their own words in the language of the people.

I am only directed to offer to your great wisdom, and deep judgment, that this petition of theirs is such, as may stand with your Majesty's honour and justice to grant.

Your Majesty hath been pleased to give many Royal testimonies and arguments to the world, how good and gracious a master you are, and that which the Queen of Sheba once said to the wisest King, may without flattery be said to your Majesty, happy are those servants which stand continually before you.

But the relations by which your Majesty stands in a gracious aspect towards your people, do far transcend, and are more prevalent and binding, than any relation of a master towards a servant, and to hear and satisfy the full and necessary desires of your people, is more honourable than any expression of grace to a servant. To be a master to a servant is communicable to many of your subjects; to be a King of people, is regal and incommunicable to subjects.

Your Majesty is truly styled with that name, which the greatest Emperors, though they borrowed names and titles from those countries, which they gained by conquest, most delighted in, *Pater Patriæ*. And desires of children are preferred before those of servants, and the servant abideth not in the house for ever, but the son abideth ever.

The government of a King was truly termed by your Royal father, a politic marriage betwixt him and his people; and I may safely say, there was never a better union between a married pair, than is between your Majesty and your people.

The King Resolves to Dissolve Parliament

Having ended his speech, the speaker put into the King's hands the declaration and petition, which his Majesty was so displeased with, that he determined to dissolve the Parliament.

The Lords Try in Vain to Divert The King From it

The Commons having intimation of it, resolved to present a remonstrance to him, of which every member was ordered to have a copy. Whilst this remonstrance was preparing, the Lords being informed by the King himself of his resolution, presented a petition to him to divert him from his purpose. But he would hearken to nothing, and, on the 15th of June, caused the Parliament to be dissolved by a commission under the Great Seal.

The Parliament is Dissolved

It was not doubted that the Duke of Buckingham's interest was the sole cause of this dissolution. The Commons were so persuaded of it, that they chiefly insisted upon the great prejudice the Duke's credit occasioned to the Kingdom, in the remonstrance they had prepared, but were hindered from presenting by the dissolution of the Parliament. It will not be amiss however to insert here this remonstrance:—

A Remonstrance Drawn up by The Commons

Most gracious Sovereign,

WE your loyal and faithful subjects, the Commons assembled by your Majesty's most Royal authority in this present Parliament, having with all dutiful affection, from the time of our first meeting, earnestly; endeavoured to proceed speedily in those affairs, that might best and soonest conduce to our dispatch of the intended supply, of your Majesty's great designs, to the enlargement of your support, and to the enabling of ourselves, and them whom we represent, to the full and timely performance of the same; have, notwithstanding, by reason of divers information, interruptions, and other preventions, been hitherto so retarded in the prosecution of these affairs, that we now thought it a necessary part of our most humble duties, thus to declare, both those interruptions and preventions, with the true original and continual cause of them; as also our most earned devotion of the Parliamentary service of your most excellent Majesty, and of the careful safety and defence of your dominions, crown and dignity:

And we most humbly therefore beseech your most excellent Majesty, to be graciously pleased here to call your eye on some particulars, that have relation as well to your first Parliament as to this; out of which we cannot doubt, but that your great goodness may receive an ample satisfaction, touching our most loyal and faithful intentions.

In the first Parliament of the first year of your Majesty's most happy reign over us, the Commons then assembled, after they had cheerfully presented to your Majesty, as the first-fruits of their affections, two entire subsidies, were exceedingly pressed by the means of the Duke of Buckingham, and for his own ends, as we conceive, to enlarge that supply: which when he conceived would not be there effected, he procured, for the same ends, from your Majesty, an adjournment of the Parliament to the City of Oxford; where the Commons then taking into just consideration the great mischief which this Kingdom variously hath suffered, and that chiefly by reason of the exorbitant power and frequent misdoings of the said Duke, were entering into a Parliamentary course of examination of those mischiefs, power, and misdoings:

But no sooner was there any mention made of his name to this purpose, but that he, seeing lest his actions might so have been too much laid open to the view of your most excellent Majesty, and to the just censure that might have then followed, presently, through his misinformation to your Majesty, of the intentions of your said Commons, (as we have just cause to believe) procured a dissolution of the said Parliament:

And afterwards also in the same year, through divers misreports made to your Majesty in his behalf, touching; some members of the said Commons, who had more particularly drawn his name into just question, and justly professed themselves averse to his ends there, procured (as we cannot but conceive) the said members to be made the Sheriffs of several counties for this year that followed, to the end that they might have all been precluded from being chosen members of the present Parliament, lest they should again have there questioned him; and by the like practice also (as we are persuaded) he procured, soon after the said dissolution, another member of the said House[38], because he had justly professed himself against his ends, to be sent as Secretary of your Majesty's last fleet, hereby indeed to punish him, by such drawing him from his practice of the law, which was his profession, under colour of an honourable employment.

It pleased your Majesty afterwards, in February last, to call this present Parliament, wherein though none of those whom the said Duke had so procured to be made high sheriffs have sat as members; yet we finding in ourselves the like affection, first to

the service of your Majesty, and next to the good of the Commonwealth, we took into serious consideration several propositions, how for the safety and happiness of your Majesty's Kingdoms and allies, we might enlarge your supports, and add to the military strength, without charge to the poorer sort of your subjects, and give a larger supply to your Majesty for your instant and pressing occasions, than hath ever yet but once been given in Parliament:

Whereupon, for the enabling of ourselves, and those whom we represent, we conceive it first necessary to search into the causes of those mischiefs which this your Kingdom suffereth, and divers of the Grievances that overburden your subjects; without doing of which, we could neither be faithful to your Majesty, nor to the country that doth trust and employ us, as your royal father also, of blessed memory, admonished the House of Commons in the fourth session of his first Parliament.

In this consideration we found, that the most pressing and comprehensive mischief and grievance that he differed, was fundamentally settled in the vast power and enormous actions of the said Duke, being such, that by reason of his plurality of offices, all gotten by ambition, and some for money, expressly against the laws of your realm; his breach of trust in not guarding the seas; his high injustice in the Admiralty, his extortion; his delivering over the ships of this Kingdom into the hands of a foreign Prince; his procuring of the compulsory buying of honour for his own gain; his unexampled exhausting of the treasures and revenues of the Kingdom; his transcendent preemption of that unhappy applying of physic to your Royal father of blessed memory, few days before his death, and some other of his offences carefully and maturely examined by us, we made a Parliamentary charge of the same matters and offences against him, to the Lords, by your Majesty assembled in Parliament, there expecting some remedy by a speedy proceeding against him:

But, may it please your most excellent Majesty, not only during the time of our examination of the matters and offences of the same charge, we were diversely interrupted and diverted by messages procured through misinformation from your Majesty, which with most humble duty and reverence we did ever receive; whence it first fell out, that so not only much time was spent amongst us, before the same charge was perfected; but also within two days next after the same charge was transmitted by us to the Lords, upon untrue and malicious misinformation, privately and against the privilege of Parliaments, given to your Majesty, of certain words supposed to have been spoken by Sir Dudley Diggs and Sir John Elliot, Knights, two of the members of our House, in their service of the transmitting of the said charge, both of them having been especially employed in the chairs of committees with us, about the examination of the said matters and offences, they were both by your Majesty's command committed to close imprisonment in the Tower of London, and their lodgings presently searched, and their papers there found, presently taken away; by reason whereof, not only our known privileges of Parliament were infringed, but we ourselves, that, upon full hope of speedy course of justice against the said Duke, were preparing with all dutiful affection to proceed to the dispatch of the supply, and other services to your Majesty, were wholly, as the course and privilege of Parliament binds us, diverted for divers days, to the taking only into consideration some courses for the ratifying and preservation of the Privileges so infringed, and we think it our duties, most gracious Sovereign, most rightly to inform hereby your most excellent Majesty, of the course held in the commitment of the two members:

For, whereas by your Majesty's warrant to your messengers for the arresting of them, you were pleased to command, that they should repair to their lodgings, and there take them, your Majesty's principal Secretary, the Lord Conway, gave the said

messengers (as they affirmed) an express command, contrary to the said warrants, that they should not go to their lodgings, but to the House of Commons, and there take them, and if they found them not there, they should stay until they were come into the House, and apprehend them whatsoever else they should find them. Which, besides that it is contrary to your Majesty's command, is an apparent testimony of some mischievous intention there had against the whole House of Commons, and against the service intended to your Majesty.

All which, with the several interruptions that preceded it, and the misinformation that hath caused all of them, we cannot doubt but that they were wrought and procured by the Duke, to his own behoof, and for his advantage, especially because the said interruptions have, through misinformation, come amongst us, only at such times wherein we have had the matters and offences charged against him in agitation; but your Majesty, out of your great goodness and justice, being afterwards informed truly of our privilege, and the demerit of the that concerned our two members graciously commanded the delivery of them out of the tower, for which we render unto your Majesty most humble thanks; and were then again, by reason of our hopes of the dispatch of proceedings with the Lords upon our charge against him the said Duke, in a cheerful purpose to go on with the matter of supply, and other services to your Majesty, when again these hopes failed in us, by reason of some new exorbitance now lately shewed in the exercise of his so great power and ambition; for by such his power and ambition, notwithstanding our declaration against him for his so great plurality of offices, he also procured to himself, by the solicitations of his agents, and of such as depended upon him, the office of chancellor of the University of Cambridge; whereas the same University having two Burgesses in Parliament, did, by the same Burgesses, a few weeks before, consent with us in the charge against him for his ambition, for procuring such a plurality of offices; such was his ambition to sue for it, such was his power to make them give it him, contrary to what themselves had agreed in Parliament with all the Commons of England. And he procured also the same office, by the special labours and endeavour (as we are informed) of a factious party, who adhereth to that dangerous innovation of religion, published in the seditious writings of one Richard Montague Clerk; of whom it is thence also, and heretofore upon other reasons it hath been, conceived, that the said Duke is, and long hath been an abettor and protector.

These actions of the said Duke have thus among us hindered the service of your Majesty, by reason both of the interruptions that have so necessarily accompanied them, and of the prevention of our cheerfulness, which otherwise had long since been most effectually shewed in us, that having nothing else in our cares; next to our duty to God, but the loyal service of your Majesty, the safety of your Kingdom, and the subsidence of ourselves, and those whom we represent, for the continuance of that service and safety which we cannot hope for:

And we beseech your most excellent Majesty, graciously to receive this our humble and free Protestation, that we cannot hope for it, so long as we thus suffer under the pressures of the power and ambition of the said Duke, and the divers and false information so given to your Majesty on his behalf, and for his advantage especially when we observe also, that in such his greatness, he preventeth the giving of true information to your Majesty, in all things that may any ways reflect to his own misdoings, to shew unto your Majesty, the true state of your subjects and Kingdoms, otherwise than as it may be represented for his own ends. And to that purpose also hath he procured so many persons depending on him, either by alliance or advancement, to places of eminency near your sacred person.

Through his misinformation of that kind also, and power, we have seen, to our great grief, both in the time of your Majesty's Royal father of blessed memory, and of your Majesty, divers officers of the Kingdom, so often by him displaced and altered, that within these few years past, since the beginning of his greatness, more such displacing and alterations have by his means happened, than in many years before them:

Neither was there in the time of your Royal father of blessed memory, any such course held, before it was by the practice of the said Duke thus induced. And since that time, divers officers of the crown, not only in this your Kingdom of England, but also in Ireland, as they have been made friends, or adverse to the said Duke, have been either so commended, or misrepresented by him to his Sovereign, and by his procurement so placed or displaced, that he hath always herein, as much as in him lay, made his own ends and advantage the measure of the good or ill of your Majesty's Kingdoms.

But now at length, may it please your most excellent Majesty, we have received from the Lords, a copy of the said Duke's answer to our charge transmitted against him; whereunto we shall presently in such sort reply, according to the laws of Parliament, that unless his power and practice again undermine our proceedings, we do not doubt, but we shall upon the same have judgment against him.

In the times also (most gracious Sovereign) of these interruptions which came amongst us, by reason of the procurement of two of our members committed, a gracious message was formerly received from your Majesty, wherein you had been pleased to let us know, that if you had not a timely supply, your Majesty would betake yourself to new counsels; which we cannot doubt were intended by your most excellent Majesty to be such as stood with justice and the laws of this realm. But these words, "New Counsels" were remembered in a speech made amongst us by one of your Majesty's Privy Council, and lately a member of us^[39], who in the same speech told us, he had often thought of those words, New Counsels; that in his confederation of them, he remembered, that there were such kinds of Parliaments anciently among other nations, as are now in England.

That in England he saw the country people live in happiness and plenty, but in these other nations he saw them poor both in persons and habit, or to that effect which state and condition happened (as he said) to them, where such New Counsel were taken, as that the use of their Parliaments ended. This intimation, may it please your Majesty, was such, as also gave just cause to fear, there were some ill Ministers near your Majesty, that in behalf of the said Duke, and together with him, who is so strangely powerful, were so much against the Parliamentary course of this Kingdom, as they might perhaps advise your most excellent Majesty such new counsels as these, that fell under the memory and confederation of that Privy Counsellor. And one especial reason among others hath increased that fear among us, for that whereas the subsidies of tonnage and poundage, which determined upon the death of your most Royal father, our late Sovereign, and were never payable to any of your Majesty's ancestors, but only by a special act of Parliament, and ought not to be levied without such an act; yet ever since the beginning of your Majesty's happy reign over us, the said subsidies have been levied by some of your Majesty's ministers, as if they were still due; although also one Parliament hath been since then begun, and dissolved by procurement of the said Duke, as is before shewed, wherein no act passed for the same subsidies. Which example is so much against the constant use of former times, and the known right and liberty of your subjects, that it is an apparent effect of some new counsels given against the ancient settled course of government of this your Majesty's Kingdom, and chiefly against the right

of your Commons; as if there might be any subsidy, tax, or aid, levied upon them, without their consent in Parliament, or contrary to the settled laws of this Kingdom.

But if any such do so ill an office, as by the misrepresentation of the state, and right of your Majesty's loyal subjects, advise any such new counsels, as the levying any aid, tax, or subsidy, among your people, contrary to the settled laws of your Kingdom, we cannot, most gracious Sovereign, but esteem them that shall so advise, not only as vipers, but pests to their King and Commonwealth, (as all such were to both Houses of Parliament, expressly styled by your most Royal father) but also capital enemies, as well to your crown and dignity, as to the Commonwealth. And we shall, for our parts, in Parliament shew, as occasion shall require, and be ready to declare their offences of this kind, such as that may be rewarded with the highest punishment, as your laws inflict on any offenders.

These and some of these things, amongst many other, (most gracious Sovereign,) are those which have so much prevented a right understanding between your Majesty and us, and which have possessed the hearts of your people and loyal Commons with unspeakable sorrow and grief, finding apparently all humble and hearty endeavours misinterpreted, hindered, and now at last almost frustrated utterly, by the interposition of the excessive and abusive power of one man; against whom we have just cause to protest, not only in regard of the particulars wherewith he hath been charged, which Parliamentary way we are enforced to insist upon, as matters which lie in our notice and proof, but also because we apprehend him of so unbridled ambition, and so averse to the good and tranquillity of the Church and State, that we verily believe him to be an enemy to both:

And therefore unless we would betray our own duties to your Majesty, and those from whom we are trusted, we cannot but express our infinite grief, that he should have so great power and interest in your Princely affections, and under your Majesty, wholly in a manner to engross to himself the administration of your affairs of the Kingdom, which by that means is drawn into a condition most miserable and hazardous.

Give us then leave, most dear Sovereign, in the name of all the Commons of this your Kingdom, prostrate at the feet of your sacred Majesty, most humbly to beseech you, even for the honour of Almighty God, whose religion is directly undermined by the practice of that party whom this Duke supports, for your honour, which will be much, advanced in the relieving of your people, in this their great and general grievance; for the honour, safety, and welfare of your Kingdom, which by this means is threatened with at most unavoidable dangers, and for the love which your Majesty, as a good and loving father, bears unto your good people, to whom we profess, in the presence of Almighty God, (the searcher of all hearts,) you are as highly esteemed and beloved as ever any of your predecessors were, that you would be graciously pleased to remove this person from access to your sacred presence, and that you would not balance this one man with all these things, and with the affairs of the Christian world, which do all suffer so far as they have relation to this Kingdom, chiefly by his means.

For we protest to your Majesty, and to the whole world, that until this great person be removed from intermeddling with the great affairs of state, we are out of hope of any good success; and do fear that any money we shall or can give, will through his misemployment, be turned rather to the hurt and prejudice of your Kingdom, than otherwise, as by lamentable experience we have found, in those large supplies we have formerly and lately given.

But no sooner shall we receive redress and relief in this, (which of all others, is our most insupportable grievance,) but we shall forthwith proceed to accomplish your Majesty's own desire, for supply, and likewise with all cheerfulness apply ourselves to the perfecting of divers other great things, such as we think no one Parliament in one age can parallel, tending to the stability, wealth, and strength, and honour of this your Kingdom, and the support of your friends and allies abroad:

And we doubt not but through God's blessing, as you are the best, so shall you ever be the best beloved, and greatest monarch that ever sat on the royal throne of this famous Kingdom.

Having thus seen the complaints of the House of Commons against the Duke of Buckingham, or rather against the King himself, who was governed by his favourite, and had several times declared, that the Duke did nothing without his orders, it is but just, we should now see the King's complaints against the Commons, and the grounds and causes of his dissolving this, and the former Parliament.

Though his declaration published on this occasion be very long, as well as the foregoing Remonstrance, I believed it necessary to insert the whole, that the reader, by comparing them together, may be able to form a clearer idea of the causes and origin of the divisions between the King and the Parliament, through the whole course of this reign.

The King's Declaration, Notifying The Causes of Assembling And Dissolving The Two Last Parliaments.

THE King's most excellent Majesty, since his happy access to the imperial Crown of this Realm, having by his royal authority summoned and assembled two several Parliaments; the first: whereof was in August last, by adjournment held at Oxford, and there dissolved, and the other begun in February last, and continued until the fifteenth day of this present month of June, and then, to the unspeakable grief of himself, and (as he believeth) of all his good and well affected subjects, dissolved also:

Although he well knoweth that the calling, adjourning, proroguing, and dissolving of Parliaments, being his great Council of the Kingdom, do peculiarly belong unto himself by an undoubted prerogative inseparably united to his imperial crown; of which, as of his other royal actions, he is not bound to give an account to any but to God only, whose immediate lieutenant and Vicegerent he is in these realms and dominions, by the divine providence committed to his charge and government: yet forasmuch as by the assistance of the Almighty, his purpose is so to order himself and all his actions, especially in the great and public actions of state, concerning the weal of his Kingdoms, as may justify themselves, not only to his own confidence, and to his own people, but to the whole world; his Majesty hath thought it fit and necessary, as the affairs now stand both at home and abroad, to make a true, plain, and clear declaration of the causes which moved his Majesty to assemble, and after enforced him to dissolve these Parliaments, that so the mouth of malice itself may be stopped, and the doubts and fears of his own good subjects at home, and of his friends and allies abroad may be satisfied, and the deserved blame of so unhappy accidents may justly light upon the authors thereof.

When his Majesty, by the death of his dear and royal father of ever blessed memory, first came to the crown, he found himself engaged in a war with a potent enemy; not undertaken rashly, nor without just and honourable grounds, but enforced for the necessary defence of himself and his dominions, for the support of his friends

and allies, for the redeeming of the ancient honour of this Nation^ for the recovery of the patrimony of his dear sister, her consort, and their children, injuriously, and, under colour of treaties and friendship, taken from them, and for the maintenance of the true religion, and invited thereunto; and encouraged therein by the humble advice of both the Houses of Parliament, and by the large promises and protestations to his late Majesty, to give him full and real assistance in those enterprises, which were of so great importance to this Realm, and to the general peace and safety of all his friends and allies: but when his Majesty entered into a view of his treasure, he found how ill provided he was to proceed effectually with so great an action, unless he might be assured to receive such supplies from his loving subjects, as might enable him to manage the same.

Hereupon his Majesty, being willing to tread in the steps of his royal progenitors for the making of good and wholesome laws; for the better government of his people, for the right understanding of their true grievances, and for the supply of moneys to be employed for those public services, he did resolve to summon a Parliament with all convenient speed he might, and finding a former Parliament already called in the life of his father, he was desirous, for the speedier dispatch of his weighty affairs, and gaining time, to have continued the same without any alteration of the members thereof, had he not been advised to the contrary by his judges and council at law, which he desired to avoid.

But as soon as possible he could, he summoned a new Parliament, which he did with much confidence and assurance of the love of his people, that those (who had not long before, with some importunity won his father to break off his former treaties with Spain, and to effect it; had used mediation of his now Majesty, being then Prince, and a member of the Parliament, and had promised in Parliament their utmost assistance, for the enabling of his late Majesty to undergo the war, which they then foresaw might follow), would assuredly have performed it to his now Majesty, and would not have suffered him, in his first enterprise of so great an expectation, to have run the least hazard through their defaults.

This Parliament (after some adjournment, by reason of his Majesty's unavoidable occasions interposing) being assembled on the eighteenth day of June, it is true, that his Commons in Parliament taking into their due and serious consideration the manifold occasions, which at his first entry did press his Majesty, and his most important affairs, which both at home and abroad were then in action, did with great readiness and alacrity as a pledge of their most bounden duty and thankfulness, and as the first-fruits of the most dutiful affections of his loving and loyal subjects, devoted to his service, present his Majesty with the free and cheerful gift of two entire subsidies: which their gift, and much more the freeness and heartiness expressed in the giving thereof, his Majesty did thankfully and lovingly accept:

But when he had more narrowly entered into the consideration of his great affairs, wherein he was embarqued, and from which he could not, without much dishonour and disadvantage, withdraw his hand, he found that this sum of money was much short of that which of necessity must be presently expended, for the setting forward of those great actions, which by advice of his Council, he had undertaken, and were that summer to be pursued. This his Majesty imparted to his Commons House of Parliament, but before the same could receive that debate and due consideration which was fit, the fearful violation of the plague in and about the Cities of London and Westminster, where the Lords and the principal gentlemen of quality of his whole Kingdom were, for the time of this their service, lodged and abiding, did so much increase, that his Majesty, without extreme peril to the lives of his good

subjects, which were dear unto him, could not continue the Parliament any longer in that place.

His Majesty therefore on the eleventh day of July then following, adjourned the Parliament from Westminster until the first day of August then following, at the City of Oxford. And his Highness was so careful to accommodate his Lords and Commons there, that as he there fitted the Parliament men with all things convenient for their entertainment: and his Majesty himself being in his own heart sincere and free from all ends upon his people, which the searcher of hearts best knoweth, he little expected that any misconstruction of his actions would have been made as he there found.

But when the Parliament had been a while assembled, and his Majesty's affairs opened unto them, and a further supply desired as necessity required, he found them so slow; and so full of delays and diversions in their resolutions, that before any thing could be determined, the fearful contagion daily increased; and was dispersed into all parts of this Kingdom, and came home even to their doors where they assembled.

His Majesty therefore rather preferred the safety of his people from that present and visible danger, than the providing for that which was more remote; but no less dangerous to the state of this Kingdom, and of the affairs of that part of Christendom which then were, and yet are, in friendship and alliance with his Majesty. And thereupon his Majesty, not being then able to discern when it might please God to stay his hand of visitation, nor what place might be more secure than other; at a time convenient for their reassembling, his Majesty dissolved that Parliament.

That Parliament being now ended, his Majesty did not therewith cast off his royal care of his great and important affairs; but by the advice of his Privy Council, and of his council of war; he continued his preparations and former resolutions; and therein not only expended those monies, which by the two subsidies aforesaid were given unto him for his own private use, whereof he had too much occasion, as he found the state of his exchequer at his first entrance, but added much more of his own, as by his credit, and the credit of some of his servants, he was able to compass the same.

At last, by much disadvantage, by the retarding of provisions, and uncertainty of the means, his navy was prepared and set to sea, and the designs unto which they were lent, and especially directed, were so probable, and so well advised, that had they not miscarried in the execution, his Majesty is well assured, they would have given good satisfaction, not only to his own people, but to all the world, that they were not lightly or unadvisedly undertaken and pursued.

But it pleased God, who is the Lord of Hosts, and unto whose providence and good pleasure his Majesty doth, and shall submit himself, and all his endeavours, not to give that success which was desired: and yet were those attempts not altogether so fruitless, as the envy of the times hath apprehended, the enemy receiving thereby no small loss, nor our party no little advantage.

And it would much avail to further his Majesty's great affairs, and the peace of Christendom, which ought to be the true end of all hostility, were these first beginnings, which are most subject to misery, well seconded and pursued, as his Majesty intended, and as in the judgment of all men, conversant in his actions of this nature, were fit not to have been neglected.

These things being thus acted; and God of his infinite goodness, beyond expectation, assuaging the rage of the pestilence, and, in a manner, of a sudden restoring health and safety to the cities of London and Westminster, which are the fittest places for the resort of his Majesty, his Lords and Commons, to meet in Parliament; his Majesty, in the depth of winter, no sooner desired the probability of a safe assembling of his people, and in his princely wisdom and providence foresaw, that if the opportunity of season should be omitted, preparations both defensive and offensive could not be made in such sort, as was requisite for their common safety, but he advised and resolved of the summoning of a new Parliament, where he might freely communicate the necessities of the state, and the counsel and advice of the Lords and Commons in Parliament, who were the representative body of the whole Kingdom, and the great counsel of the realm, might proceed in these enterprises, and be enabled thereunto, which concern the common good, safety and honour both of Prince and People; and accordingly the 6th of February last, a new Parliament was begun. At the first meeting, his Majesty did forbear to press them with any thing which might have the least appearance of his own interest, but recommended unto them the care of making good Laws, which are the ordinary subject for a Parliament.

His Majesty believing, that they could not have suffered many days, much less many weeks, to have passed by, before the apprehension and care of the common safety of this Kingdom, and the true religion professed and maintained therein, and of our friends and allies, who must prosper, or suffer with us, would have led them to a due and timely consideration of all the means which might best conduce to those ends; which the Lords of the higher House, by a Committee of that House, did timely and seasonably consider of, and invited the Commons to a conference concerning that great business:

At which conference, there were opened unto them the great occasions which pressed his Majesty, which making no impression with them, his Majesty did, first by message, and after by letters, put the House of Commons in mind of that which was most necessary, the defence of the Kingdom, and due and timely preparations for the same.

The Commons House after this, upon the 27th of March last, with one unanimous consent at first, agreed to give unto his Majesty three entire subsidies, and three fifteens, for a present supply unto him; and upon the 26th of April after, upon second cogitations, they added a fourth subsidy, and ordered the days of payment for them all, whereof the first should have been on the last day of this present June.

Upon this, the King of Denmark, and other Princes and States, being engaged with his Majesty in this common cause, his Majesty fitted his occasions according to the times which were appointed for the payment of those subsidies and fifteens, and hasted on the Lords committees, and his council of war, to perfect their resolutions for the ordering and settling of his designs, which they accordingly did, and brought them to that maturity, that they found no impediment to a final conclusion of their counsels, but want of money to put things into action.

His Majesty hereupon, who had with much patience expected the real performance of that which the Commons had promised, finding the time of the year polling away, and having intelligence not only from his own ministers and subjects in foreign parts, but from all parts of Christendom, and of the great and powerful preparations of the King of Spain, and that his design was upon this Kingdom, or the Kingdom of Ireland, or both, (and it is hard to determine which of them would be of worse consequence) he acquainted the House of Commons therewith, and laid open unto

them truly and clearly, how the state of things then stood, and yet stand, and at several times, and upon several occasions reiterated the same:

But that House being abused by the violent and ill advised passions of a few members of the House, for private and personal ends, ill beseeming public persons, trusted by their country, as then they were, not only neglected, but wilfully refused to hearken to all the gentle admonitions which his Majesty could give them, and neither did nor would intend any thing, but the prosecution of one of the Peers of this Realm, and that in such a disordered manner, as being set at their own instance into a legal way, wherein the proofs on either part would have ruled the cause, which his Majesty allowed, they were not therewith content, but in their intemperate passions and desires to seek for errors in another, fell into a greater error themselves, and not only neglected to give just satisfaction to his Majesty in several cases which happened concerning his regality, but wholly forgot their engagements to his Majesty for the public defence of the realm:

Whereupon his Majesty wrote the aforementioned letter to the Speaker, dated the ninth day of June 1626. Notwithstanding which letter read in the House, being a clear and gracious manifest of his Majesty's resolutions, they never so much as admitted one reading to the bill of subsidies, but instead thereof, they prepared and voted a remonstrance or declaration, which they intended to prefer to his Majesty, containing (though palliated with glossing terms) as well dishonourable aspersions upon his Majesty, and upon the sacred memory of his deceased father, as also dilatory excuses for their not proceeding with the subsidies, adding thereto also coloured conditions, crossing thereby his Majesty's direction; which his Majesty understanding, and esteeming (as he had cause) to be a denial of the promised supply, and finding that no admonitions could move, no reasons or persuasions could prevail, when the time was so far spent, that they had put an impossibility upon themselves to perform their promises, which they esteemed all gracious messages unto them to be but interruptions:

His Majesty, upon mature advisement, discerning that all further patience would prove fruitless, on the fifteenth day of this present month he hath dissolved this unhappy Parliament: the acting whereof, as it was to his Majesty an inexpressible grief, so the memory thereof doth renew the hearty sorrow, which all his good and well affected Subjects will compassionate with him.

These passages his Majesty hath at the more length, and with the true circumstances thereof, expressed and published to the world, lest that which hath been unfortunate in itself, through the malice of the author of so great a mischief, and the malevolent report of such as are ill affected to this state, or the true religion here professed, or the fears or jealousies of friends and dutiful subjects, might be made more unfortunate in the consequences of it, which may be of worst effect than at the first can be well apprehended; and his Majesty being best privy to the integrity of his own heart, for the constant maintaining of the sincerity and unity of the true religion professed in the Church of England and to free it from the open contagion of popery, and secret infection of schism, of both which, by his public acts and actions, he hath given good testimony, and with a single heart, as in the presence of God, who can best judge thereof, purposeth resolutely and constantly to proceed in the due execution of either; and observing the subtlety of the adverse party, he cannot but believe, that the hand of Joab hath been in this disaster, that the common incendiaries of Christendom have subtly and secretly insinuated those things, which unhappily (and, as his Majesty hopeth, beyond the intentions of the actors) have caused these diversions and distractions:

And yet notwithstanding, his most excellent Majesty, for the comfort of his good and well affected subjects, in whose loves he doth repose himself with confidence, and esteemeth it as his greatest riches; for the assuring of his friends and allies, with whom, by God's assistance, he will not break in the substance of what he hath undertaken; for the discouraging of his adversaries, and the adversaries of his cause, and of his dominions, and religion, hath put on this resolution, which he doth hereby publish to all the world, that as God hath made him King of this great people, and large dominions, famous in former ages both by land and sea, and trusted him to be a father and protector both of their persons and fortunes, and a defender of the faith and true religion; so he will go on cheerfully and constantly in the defence thereof, and (notwithstanding so many difficulties and discouragements) will take his sceptre and sword into his hand, and not expose the persons of the people committed to his charge, to the insatiable desires of the King of Spain, who hath long thirsted after the universal Monarchy, nor their consciences to the yoke of the Pope of Rome:

And that at home he will take that care to redress the just grievances of his good subjects, as (hall be every way fit for a good King. And in the mean time his Majesty doth publish this to all his loving subjects, that they may know what to think with truth, and speak with duty of his Majesty's actions and proceedings in these two last dissolved Parliaments.

Given at his Majesty's palace at Whitehall, this thirteenth day of June, in the second year of his Majesty's reign of Great-Britain, France and Ireland.

Remarks on The Declaration

This declaration, which seems to be in the same style with the Lord Keeper Coventry's speeches, full of long periods, and parenthesis, contained, under a vast heap of words, but two things to the purpose, namely, the two reasons which obliged the King to dissolve the two last Parliaments.

It is said there, the plague which approached Oxford, occasioned the dissolution of the first. But this reason, which seems plausible, proves at most but a necessity to discontinue the Parliament, which might have been done by prorogation, as easily as by an entire dissolution.

In the second place, when this declaration was published, every one knew what the Commons had said in their remonstrance, that the end of dissolving the first, was to preclude from the following Parliament such members as had been against the Duke of Buckingham by causing them to be made Sheriffs of their several counties.

As to the dissolution of the second, it is wholly grounded in the declaration, upon the King's being pleased to consider as an absolute denial the Commons delay to supply him with money, though they affirmed the contrary. But none were so blind as not to see that the Commons demand, that the King would be pleased to remove the Duke of Buckingham from his presence, and the fear of the ill success of the impeachment against the Duke, were the true causes of this dissolution.

So, the declaration had no great effect among the people, who, besides, were not apprehensive of the pretended invasion of England or Ireland by the Spaniards, though the King did his utmost to inspire them with such a dread. It was something extraordinary, that within little more than a year, the war which was undertaken for the recovery of the Palatinate, should be changed into a defensive war, for the preservation of the King's dominions, and support of the Church of England, though the English had not yet received any check.

A Proclamation to Suppress The Remonstrance

A few days after the declaration was published, two proclamations appeared, which afforded ample matter of discourse to such as were not of the court party. By the first, the King commanded all persons who had any copies of the Commons remonstrance to burn the same, on pain of his highest displeasure. But such precautions serve generally only to cause the prohibited writings to be more carefully preserved. The King's injunction could not hinder this remonstrance from being transmitted to posterity.

Another Proclamation Not to Dispute Arminianism

The second proclamation contained very express commands, not to preach or dispute upon the controverted points of Arminianism, either for or against them, under colour that such sorts of disputes served only to breed contention.

But many were of opinion, that Laud Bishop of London, and Neil Bishop of Winchester, had procured this injunction, to oppress the orthodox ministers, who should take the liberty to break it, whilst the disobedience of the contrary party should be connived at.

It is certain, the next Parliament complained to the King, that the orthodox ministers were silenced for disobeying the proclamation, and the Arminians tolerated and countenanced. These matters belonged to the High-Commission, almost wholly composed of Laud's and Neil's creatures, the heads and protestors of the Armenians, or at least they were reputed as such.

The King Prevents The Duke being Accused in The Star Chamber

Meanwhile, an information was preferred by the King's special command in the star chamber against the Duke of Buckingham, for applying the plaster to the late King. But withal, it was so ordered, that the cause came not to a hearing.

Means Used to Raise Money

The King receiving no aid from the Parliament, because he was unwilling to purchase it at the rate set by the Commons, was in great straits[40]. He was to maintain a war against the House of Austria, to supply his allies with the promised succours, and to put his Kingdom in a posture of defence. As all this could not be done by his ordinary revenues, recourse was to be had to expedients to raise money.

I shall mention some of them here, though they were not all used at the same time. The first was a proclamation forbidding all persons, for two years, to present or solicit any suit for any thing, tending to the diminution of the King's revenues.

The second was a commission directed to the Archbishop of York and others, to compound with Papists recusants, not only for all forfeitures[41], due since the tenth year of King James, but also for such as shall become due hereafter. This commission was directly contrary to his promise to the Parliament at Oxford. But, as he could not obtain money of the late Parliament, only upon such conditions as he did not think fit to comply with, he thought himself authorized to supply his occasions some other way.

The third was a proclamation, declaring the King's resolution to make his revenue certain, by granting Ins lands, as well holden in copy as otherwise, to be holden in fee-farm.

The fourth was a loan from every Peer of a certain sum for the defence of the Kingdom. But his attempt to borrow a hundred thousand pounds of the city of London did not succeed, the City desiring to be excused.

The fifth was an imposition upon the several ports and maritime counties, to furnish and set out a certain number of ships to protect the trade. The City of London having refused to lend the King money, was appointed to equip twenty ships, or at least to find a sum sufficient for that purpose. As this tax was peculiar to the maritime towns, many of the inhabitants of such places retired elsewhere: but they were commanded by proclamation to return to their respective towns.

Lastly, the council ordered very strictly that the payment of tonnage and poundage should be continued, though the King had yet no grant from the Parliament, though he had never demanded any such thing, and though the Commons had complained of the levying these imports as a grievance, in the remonstrance they had prepared.

But to let the people see, it was purely out of necessity that the King made use of these extraordinary methods to raise money, his Majesty ordered a general fast, to be held on the 5th of July, to divert the judgments of God ready to fall on the Kingdom, by the pretended invasion it was threatened with. This afforded him also a pretence to require the Lords-Lieutenants of the several counties to muster and arm the militia, and put them in condition to withstand the invasions of enemies from abroad, and quell the rebellions of subjects at home, if any should happen[42]. For the court was under some fears of commotions[43].

Defeat of The King of Denmark The Kings Uncle

The means hitherto used by the King to raise money, were not sufficient to free him from a fresh encumbrance caused by an unexpected event. The King of Denmark his Uncle, whom he had engaged in a war with the Emperor, was defeated the 27th of August by Count Tilly, with the loss of all his baggage and train of artillery.

A General Loan

This accident obliged Charles to find money to support his uncle, who was in a very ill situation, and could not avoid making a peace with the Emperor, unless speedily relieved. The way which was thought most proper to raise money on this urgent occasion, was by a general loan from the subject, according as every man was affected in the rolls of the last subsidy.

It is true the King gave his royal word, that all the money should be repaid without fee or charge: but the performance of his promise, as afterwards appeared, was not relied on. The King himself as well as his council expected to meet with many obstacles in executing this project, such forced loans not being agreeable to the nation.

It was feared besides, that this way of raising money upon the subject, would in the end render Parliaments useless. For this reason the council judged it proper to make use of three methods to succeed in their design:—

1. Of some artifice to oblige the people as much as possible to lend freely:
2. Of fear, to terrify the irresolute:
3. Of rigour to compel the most obstinate.

There were the grounds of the instructions the council gave the commissioners, who were appointed in the several counties to levy the loan. The instructions were to this effect:—

- I. That they should themselves for a good example to others, lend unto his Majesty the several sums of money required of them, testifying it by their names, with their

own hands, that when they shall in his Majesty's name require others to lend, they may discern the said commissioners forwardness.

II. To take for their guide those rates, at which men were assessed in the book of the last subsidy, and to require the loan of so much money, as the entire rate and value comes to, at which they are rated and set as (namely), he that is set an hundred pounds in goods, to lend a hundred marks; and he that is set an hundred pounds in land, to lend a hundred pounds in money; and so per rata for a greater or lesser sum.

III. To use all possible endeavours to cause every man willingly and cheerfully to lend, opening unto them, the necessity and unavoidableness of this course, the honour and reputation of the nation; the true religion, and common safety of Prince and people, of our friends and allies engaged in the common cause, that there is no time now of disputing but of acting.

IV. That they appoint the days of payment to be within fourteen days, and persuade such as shall be able to pay it at one entire payment, the better to accommodate his Majesty's occasion; otherwise to accept of the one half at fourteen days, and the other to be paid before the twentieth of December now next coming.

V. That they treat apart with every one of those that are to lend, and not in the presence or hearing of any other, unless they see cause to the contrary. And if any shall refuse to lend, and shall make delays or excuses, and persist in their obstinacy, that they examine such persons upon oath, whether they have been dealt withal to deny or refuse to lend, or make an excuse for not lending? Who hath dealt so with him, and what speeches or persuasions he or they have used to him, tending to that purpose? And that they shall also charge every such person in his Majesty's name, upon his allegiance, not to disclose to any other, what his answer was.

VI. That they shew their discretion and affections, by making choice of such to begin with, who are likely to give the best examples; and when they have a competent number of hands to the roll or list of the leaders, that they shew the same to others to lead them in like manner.

VII. That they endeavour to discover, whether any, publicly or underhand, be workers or persuaders of others to dissent from, or dislike of this course, or hinder the good disposition of others. And that as much as they may, they hinder all discourse about it, and certify to the Privy Council in writing, the names, qualities, and dwelling places, of all such refractory persons, with all speed, and especially if they shall discover any combination or confederacy against these proceedings.

VIII. That they let all men know whom it may concern, that his Majesty is well pleased upon lending these sums required, to remit all that which by letters, in his name, was desired upon the late benevolence for free grant; and whatever hath been already paid upon that account, shall be accepted for part of this loan; and if it exceed the sum desired, that the over-plus shall be repaid without fee or charge so likewise for Privy Seals, if any have been already paid: but if not, that the agreeing of the loan of the sum required, be excused of the payment of the Privy-Seal.

IX. That they admit of no suit to be made, or reasons to be given, for the abating of any sum, the time and instant occasion not admitting any such dispute, which would but disturb and protract the Sheriff.

Lastly, The Commissioners were required and commanded, upon their faith and allegiance to his Majesty, to keep secret to themselves, and not impart or disclose these instructions to others.

Lord Chief Justice Crew Removed on Account of The Loan

For the advancement of the loan, care was taken to publish a list of such as had freely subscribed, for a good example to others, and all the Peers and gentlemen were ordered to repair to their country seats, that their absence might cause no delay or obstacle to the subscriptions. Sir Randolph Crew Lord Chief Justice, showing no zeal for advancing the loan, was removed from his place, which was given to Sir Nicholas Hide[44]. The King believed it necessary to show by this example, that he would admit of no excuse[45].

Besides this example, the court used, to promote the loan, some other ways, which, probably, would not be less effectual.

Soldiers are Quartered in Private Houses

The first was, the billeting of Soldiers upon private houses, contrary to the constant custom of England where all, but such as keep public houses, have the privilege of not being obliged to lodge soldiers against their wills. It is easy to perceive, that those who showed any reluctance to lend the King money, were not spared on this occasion, and that the soldiers quartered upon them took care to let them see, what they exposed themselves to by disobeying the King.

Moreover, such as were sufferers by these troublesome guests, could not summon them before the usual judges; but by the King's express orders, they were obliged to apply to a council of war, so that the officers were the sole judges of their soldiers.

This is never practiced in England, where councils of war have no jurisdiction but what the Parliament allows them by an act on purpose, limiting both the time and the occasions. In short, it evidently appeared, that the King would not be contradicted, and was resolved to raise money upon the subjects as he pleased.

It is true, he grounded his proceedings upon former precedents. But that some of his predecessors had, many ages before, practised these methods, whether out of necessity or otherwise, was sufficient for him to consider such a precedent as the foundation of his right, and a prerogative of the Crown.

Such as Refused to Subscribe are Enrolled Amongst The King's Troops

1627 AD] Notwithstanding all this, the people in general were so averse to the loan, that the money flowed but slowly into the King's exchequer. The court therefore was obliged to use a more violent remedy to force the most obstinate. And that was, to order such of the common sort as refused to subscribe to the loan, to be enrolled as soldiers to serve in his Majesty's troops.

As for persons of birth and rank, they were summoned to appear before the council, and upon a second refusal to lend money, were confined to places at a great distance from their habitations, and such as refused to be thus confined, were committed to the several prisons in London. Sir Thomas Wentworth, afterwards Earl of Strafford, and a zealous adherent of the King, was among the imprisoned[46].

Besides these means, the court practised another, from whence they expected great advantages, but which proved more detrimental than beneficial to the King. And that was, to cause ministers,

gained for that purpose, to preach as a Scripture doctrine, that subjects were obliged to obey the King's commands, without examination.

The Doctrine of Passive Obedience Publicly Preached By Sibthorp and Manwaring

Two of these ministers distinguished themselves by their sermons on this subject. Dr. Sibthorp, who was one, says, among other things, in a sermon, preached at Northampton, at Lent assizes:—

That the Prince, who is the head, and makes his court and council, it is his duty to direct and make laws;

Ecclesiastes. VIII. 3, 4. He doth whatsoever pleases him. Where the word of a King is, there is power, and who may say unto him, What dost thou?—

If Princes command anything which subjects may not perform, because it is against the laws of God, or of nature or impossible, yet subjects are bound to undergo the punishment, without either resisting or railing or reviling and so to yield a passive obedience where they cannot exhibit an active one—I know no other case, but one of those three, wherein a subject may excuse himself with passive obedience, but in all other he is bound to a active obedience.

But Dr. Manwaring spoke still more plainly in one of his sermons. He said:—

That the King is not bound to observe the laws of the realm concerning the subjects rights and liberties, but that his Royal will and command in imposing loans and taxes, without common consent in Parliament, doth oblige the subject's conscience upon pain of eternal damnation.

That those who refused to pay this loan, offended against the Law of God, and the King's supreme authority, and became guilty of impiety, disloyalty, rebellion.

And that the authority of Parliament is not necessary for the raising of aids and subsidies; and that the flow proceedings of such great assemblies, were not fitted for the supply of the states urgent necessities, but would rather produce sundry impediments to the just designs of Princes.

The Archbishop is Suspended for Refusing to Approve Sibthorp's Sermon

It can hardly be thought, that such a doctrine was publicly preached in England, or at least, it is apt to be imagined, that these preachers were men of no name, who sought to please the court, and were not openly approved.

But this belief must be changed, when it is considered, that Archbishop Abbot was suspended from all his Archiepiscopal functions, and confined to one of his country houses[47], for refusing to license Sibthorp's sermon: that Manwaring, after having been sentenced by the Lords in the next Parliament, to pay a thousand pounds fine, to make a public submission at the bars of the two Houses, and to be imprisoned, during the pleasure of the Lords, after having been suspended for three years, and declared incapable of holding any Ecclesiastical dignity, or secular office, obtained nevertheless the King's pardon, with a good benefice, and afterwards a Bishopric.

One cannot therefore help thinking, that the doctrine preached by these ministers, was approved, favoured, and countenanced by the court. Indeed, the King's, and his minister's conduct plainly

showed, it was their intention to establish an arbitrary power, and set the King above the laws. Of this we shall see farther proofs in the sequel.

The State of The King's Affairs at Home and Abroad

Notwithstanding the King's hopes to succeed at length in his project, he was not easy; the war he had undertaken for the recovery of the Palatinate, was so slowly and unsuccessfully carried on, that it was evident he would never compass his ends by continuing it in such a manner.

Hitherto, every thing had miscarried. The twelve thousand men intended for the Palatinate, under the command of Count Mansfeldt, were lost for want of proper measures for their passage, as was shown in the Reign of King James. The projected expedition against Cadiz and the Spanish West-India fleet, had met with no better success.

The King of Denmark beginning a war with the Emperor, at the instance of his nephew the King of England, was entirely defeated. The United Provinces of the Low Countries in alliance with England, were rather in want of assistance, than able to give any. Lewis XIII. had flattered the King of England with hopes of a League against the House of Austria, only to obtain the better terms from the Spaniards in Italy, and since he had concluded a peace in that country, did not show the least inclination to join with England for the recovery of the Palatinate.

Thus Charles saw himself farther than ever from the execution of his grand projects. To this may be added, that the dissolution of his two first Parliaments, without obtaining the expected supplies, rendered him contemptible to his neighbours.

There was no State desirous to enter into a strict alliance with a Prince who had imprudently quarrelled with his subjects, when he most wanted their assistance. In short, though he had intended to free himself from the yoke of Parliaments, and put himself in a condition to raise what money he pleased upon his subjects, by the methods he had devised, he daily perceived he had taken wrong measures.

The loan money came in but very slowly. To raise it, he was obliged continually to use rigour and violence, the English for the most part refusing voluntarily to submit to a power, they believed contrary to their liberties and laws. The court therefore was forced to be cautious in the examples of rigour against the disobedient, that it might not cause an open rebellion, for fear if a flame broke out in any part, it would spread over the whole Kingdom.

The Reasons of The King's Conduct

The King in his present situation, seems to have had but one of these two courses to take, either to agree with his people, or make peace with Spain. By the first course, he would have been enabled to push the war he had undertaken more vigorously.

By the second, he would have been freed from the trouble of demanding extraordinary supplies of his Parliament, or of raising money by unusual methods, which gained him the hatred of his people. But both these courses were contrary to his temper, his character, his projects, the interests of his favourite and ministers. As to the first, I believe I may affirm, he had formed the project of establishing in England a despotic power.

I shall not lose time in proving it. I had rather the reader would judge for himself, by the King's own speeches, by his messages to the House of Commons, by his conduct, and by that of his Ministers and Council. What has been hitherto seen may serve to give some idea of it, but what will appear hereafter, will, as I think, afford undeniable proofs.

This being supposed, Charles could not divest himself of the principles imbibed from his infancy, and deeply rooted in him by his father's instructions and examples, without relinquishing his projects, and forming a new plan of government, directly contrary to his temper and inclination.

In a reconciliation with his people, he must have submitted to the maxims of the Parliament, who were continually urging the laws of the land, and the liberties of the people, and been obliged to become, if I may so say, less a King than he had hitherto been, and than he thought he had right to be.

The suffering the extent of the prerogative Royal to be questioned on all occasions, was a thing too opposite to his temper. This was a point of which he was no less, or rather more, tender than his father. Besides, the Duke of Buckingham, who had a great influence over him, plainly saw, that an agreement between the King and people, would infallibly be followed with his own ruin.

The rest of the ministers, who were all his creatures, perceived likewise, that their welfare depended on the favourite's, and that the favourite's credit could not subsist with a good understanding between the King and his Parliament. It was necessary therefore, that the King, to extricate himself out of this labyrinth, should become, as I may say, quite another man, should alter his principles, should have strength of mind sufficient to discern clearly his true interests, from those of his favourites and ministers, and resolution to proceed without their assistance, and follow counsels more agreeable to his subjects.

But this was a thing impossible, considering the King's character, who seemed then of an inflexible temper. He perceived in the end, he had taken a wrong course, but not till it was too late to forsake it.

As to the other course, which was to make peace with Spain, betides that the King thought himself bound in honour to support a war of which he was the sole author, though he always affected to impute it to the Parliament, this peace was entirely contrary to his private interest. How little success soever he had reason to expect from the continuance of the war, in his present circumstances, served him for pretence to levy money upon his people, and afforded him means to put in practice his projects to establish an absolute power.

On the other hand, it being the interest of his favourite and ministers to keep him at variance with his people, to whom they were all very odious, they could not do it better than by putting him under an indispensable necessity of raising money upon the subject, without consent of Parliament.

The King Resolves to go to War With France

The effect of this policy evidently appeared at the very time I am speaking of. Instead of persuading the King to make peace with Spain, they engaged him by degrees to proclaim war with France, at a time when he knew not how to continue the war he had begun with the House of Austria. To engage France to afford some pretence for the rupture which was meditating in England, the King upon some disgust concerning the Queen's French chaplains and domestics [48] dismissed them all, having first paid what was due for wages or salaries.

Pretence of The War With France

The King of France highly resented this manifest breach of the marriage treaty; but however, did nothing that showed a design to be revenged by way of arms. So the disgust received from the Queen's domestics, who were sufficiently punished, could not serve for pretence of a rupture on the side of England, since on the contrary, France had reason to complain of the breach of the treaty. Nevertheless, it was intended to make war upon France, under colour of supporting the Huguenots who were oppressed, and threatened with utter destruction[49].

But when the character of the King, of the favourite, and of the ministry is considered, it can hardly be thought, that the desire of maintaining the Protestant religion, such as it was in France, was the real motive of this war.

The King and his whole Court mortally hated the Presbyterians. The Duke of Buckingham had properly no religion at all. Weston and Conway were Catholics. Laud and Neile thought it impossible to be saved out of the Church of England. How then can it be imagined that all these men who were the King's most intimate Counsellors, should combine to support in France a Religion for which they had the utmost contempt?

It is much more probable, that the King's ministers seeing little likelihood of recovering the Palatinate by arms, and fearing the King would at length be tired of a fruitless war with Spain, induced him to carry his arms into France, in order still to keep him under a necessity of raising money by extraordinary methods, and thereby perpetuating his misunderstanding with his subjects, on which the continuance of their credit entirely depended.

But I own this is only conjecture. Another cause is alleged of this war with France, namely, the Duke of Buckingham's pride, who being sent to Paris to conduct the Queen into England became amorous of Ann of Austria wife to Lewis XIII, and had the confidence to disclose his passion.

It is said, the court of France threatened him with a punishment suitable to his insolence, and refused to let him see the Queen any more, but that he swore, he would see her in spite of them all. To this oath is ascribed the resolution instilled into the King his master to make war upon France, in hopes it would give him an opportunity to perform his oath. I own, I see very little probability in this pretended project, which however the Lord Clarendon has thought fit to mention[50].

The King Declares The Causes of it to His Council

The war with France being resolved, the King declared the grounds of it to his council, namely:—

I. That the House of Austria had such an influence upon the Council of France, as to prevail with them to obstruct the landing of Count Mansfield's army, contrary to promise, with whom the French should have joined forces, for the relief of the Palatinate, and the German Princes; which failure of performance in them, proved the ruin of that army.

Observation

I have spoken of this affair in the reign of King James I, and showed that it was an error of the Council of England to depend upon a general promise as upon a treaty. Besides, it was too late for the King to think of revenging this pretended affront, which had not prevented his espousing the French King's sister.

II. That having by his mediation prevailed for a peace between the French King and his Protestant subjects, and engaged his word, that the Protestants should observe the articles of agreement: Nevertheless the King of France, contrary to the said articles, blocked up their towns, garrisons and forts, and had committed many spoils upon them when they had done nothing in violation of the edict of peace.

Observation

It is very true, it was the interest of England to support the Huguenots, who were unjustly oppressed. But by what law is a Prince, who procures a peace between two enemies, but is not

guarantee for performance of articles, empowered to go to war with one of the parties that breaks it? Had the King been satisfied with saying, the interest of England would not suffer the Huguenots to be oppressed, this political reason might have been allowed. But in such cases there is a wide difference between interest and right.

III. That the King of France had committed an example of great injustice in full peace, to seize upon one hundred and twenty English ships, with all their merchandize and artillery.

Observation

The King passes over in silence, that the French acted only by way of reprisal, and that the English were the aggressors, as the Parliament had complained to the King himself. It is evident therefore, that the grounds of this war could not be more frivolous.

Design of Putting The English in Possession of Rochel

The King's design was to send a fleet to Rochel, under colour of relieving that place, which was threatened with a siege. This affair had been managed at the Court of England by the Duke of Soubize, and Monsieur St. Blancard a gentleman of Languedoc, without the knowledge of the Rochellors.

This gives occasion to suspect, that their intention was to deliver the town to the English, on pretence of relieving it. However this be, the affair was kept very private, and ever since April a fleet had been equipping with all expedition, without any possibility of guessing for what it was intended. When it was ready, the King gave the Duke of Buckingham a commission, which plainly showed, the affair was to be a secret.

By this commission, the Duke was made admiral of the fleet, and commander in chief of the land forces, which should be embarked for the recovery of the Palatinate, according to such private instructions as he should receive from his Majesty.

The Rochellors Refuse to Admit The English

This fleet consisting of above a hundred ships, having on board seven thousand soldiers, sailed from Portsmouth the 7th of June, and on the 20th of July appeared before Rochel. At the Duke's approach, the Rochellors shut their gates for fear of a surprise, as having no notice that an English fleet was to come so near them. Presently after were seen to arrive the Duke of Soubize, with Sir William Beecher, who told them from the Duke of Buckingham, that the King of England, out of compassion to their sufferings, had sent a fleet and army to their assistance, and if they refused his aid, he declared he was fully quit of his engagement of honour and conscience for their relief.

The Duke of Buckingham Sails to The Isle of Rhee

The Mayor replied in the name of the inhabitants, that they most humbly thanked his Majesty for the care he had of them; but that being in strict union with all the rest of the Protestants in the Kingdom, they could not receive into the city the offered succours, without consulting their friends, and without the previous consent of the whole body of the Huguenots.

The Duke of Buckingham finding by this answer, it would not be easy to get his troops into Rochel, directed his course to the Isle of Rhee (Isle of Rhé), where Toiras commanded. Toiras endeavoured at first to hinder the landing of the English; but as his forces were few, he was obliged to retreat to his citadel at St. Martins, which was in a good state of defence.

Had the Duke understood the art of war, he would, without losing a moment, have marched to the fort, and thereby hindered Toiras from getting in provisions. But he spent so much time in landing, and in preparing to march, that Toiras had leisure to store the place with ammunition.

At last he marched to St. Martin's and besieged it in form, but with little success. He had to deal with one more expert than himself, and who found means to keep him employed in the siege till November, though he had sent the King word he should be master of the place in eight days.

Meanwhile, the King of France, who had not expected this invasion, ordered his troops to march with all speed towards the sea, and came in person to hasten the relief of the Isle of Rhee. When everything was ready, Count Schomberg passed into the isle with six or seven thousand men, without any opposition from the English fleet.

Then he marched to St. Martins, the siege whereof the Duke of Buckingham raised with precipitation, being vigorously pushed by the French to the very seaside, so that it was with great difficulty that he re-embarked his remaining troops. It is said, of the seven thousand men he brought from England, near five thousand perished in this unfortunate expedition. It was rumoured however in England, that not above fifteen hundred were lost, and some even say, the King was made to believe it.

Petition of Sir John Elliot Who Was Imprisoned Concerning The Loan

Whilst the Duke of Buckingham was employed in this expedition. Sir John Elliot, imprisoned for refusing to lend the King money, presented to his Majesty a petition for his liberty, which he did not ask as a favour, but as justice. He grounded his request upon several Statutes which he cited, and by which he pretended to shew, that the King could not exact money from the subject by way of loan, nor were the subjects bound to submit to it.

As the King then stood disposed, this petition could be of no service to the person that presented it. In November following, some other Gentlemen[51], committed for the same reason, brought their *Habeas Corpus*, that is, desired to be discharged upon bail, a privilege enjoyed by all Englishmen[52].

This cause was pleaded very solemnly before all the judges of the realm. There were two points to be decided. The first, whether the prisoners were committed by the special command of the King, since the warden said only, that the prisoners were detained by command of the King, signified to him by warrant of several of the Privy Council.

Some Other Prisoners Bring Their Habeas Corpus but to no Avail

Now the prisoners pleaded, that, according to law, the King's order should be produced, not barely for detaining them, but for committing them; and that besides, the signifying of the order by the Lords of the Council, shewed, it was not by special command of his Majesty. The second point was, whether the King could imprison any subject without declaring the cause of the commitment, and whether in such case, the prisoners ought not to have the benefit of a Habeas Corpus, that is, to be discharged upon bail.

The counsel for the prisoners represented the terrible consequences of such a power in the King, since thereby the liberty of every subject would be at the King's mercy, who could detain them in prison as long as he pleased, and there would be no remedy by law. But the judges unanimously decided against the prisoners, who were all remanded to their several prisons.

Complaints Against The Government and The Duke of Buckingham

The ill success of the Isle of Rhee expedition raised numberless complaints and murmurs against the Duke of Buckingham, who had many enemies. Multitudes were lost in that unfortunate undertaking, and among the rest, Major general Burroughs, one of the best officers in England; and these misfortunes were imputed to the Duke of Buckingham's incapacity, who had never been in the wars, and knew nothing of the sea service, though the King had made him both Admiral and Captain-general.

To these complaints were added others upon other accounts. The mariners complained, they had received no wages for three years past, and deferred in great numbers, not to be forced to serve any longer without pay.

The merchants made bitter complaints, that the seas were neglected, that within three years they had lost a great number of ships, and that the fishermen were taken almost in the very harbours. In a word, no one ventured to build any new ships, because as soon as they were ready the King seized them for his service, against the will of the owners.

The Rochellors Desire Assistance

Though the King did not much regard all these complaints, which perhaps reached him not; he was however very attentive to the petition which the Rochellors, upon the point of being besieged, sent him by their deputies, for relief.

He had engaged in a war with France, upon his good opinion of his fleet, and of his favourite's ability, and whose experience shewed him this opinion was ill grounded, he would proceed, let what would be the consequences.

Cotton Advises The King to Call a Parliament

Meanwhile, he saw himself without money, and the opposition he met with in the affair of the loan, made him sensible how difficult it would be to raise it by such methods. For this reason he consulted Sir Robert Cotton, upon the present situation of his affairs. Cotton advised him to call a Parliament, as the best means to free himself from all difficulties.

But as Sir Robert foresaw the House of Commons would attack the Duke of Buckingham, he advised withal, that the Duke might be the first, who, in full Council, should move the calling of a Parliament. This advice was followed, and the Duke having acted his part, the Parliament was summoned by the unanimous resolution of the Council, to meet the 17th of March 1628.

The Prisoners are Released and Chosen Members of Parliament

Immediately after, warrants were sent to all parts to release the imprisoned and confined Gentlemen for the affair of the loan money, and the King had the mortification to see almost all of them, to the number of twenty-seven, chosen to serve for representatives in the ensuing Parliament[53].

He sent writs of summons also to the Archbishop of Canterbury, who was confined to one of his houses, to the Bishop of Lincoln prisoner in the tower, and to the Earl of Bristol. At the same time, the Council ordered the Lord Mayor of London to use moderation in demanding the loan money. This shews that there were still some people who stood out, and that violence was hitherto used to compel them.

The King's Speech to Both Houses of Parliament

The Parliament being assembled the 17th March the King made the following speech to both Houses.

My Lords and Gentlemen,

THESE times are for action: Wherefore, for example sake, I mean not to spend much time in words; expecting accordingly, that your (as I hope) good resolutions will be speedy, not spending time unnecessarily, or (that I may better say) dangerously: For tedious consultations at this conjuncture of time are as hurtful as ill resolutions.

I am sure you now expect from me, both to know the cause of your meeting, and what to resolve on: Yet I think that there is none here but knows, that common danger is the cause of this Parliament, and that supply at this time is the chief end of it: So that I need but point to you what to do. I will use but few persuasions: For if to maintain your own advices, and as now the case stands for the following thereof, the true religion, laws, and liberties of this state, and the just defence of our true friends and allies, be not sufficient, then no eloquence of men or angels will prevail.

Only let me remind you, that my duty most of all, and every one of yours according to his degree, is to seek the maintenance of this church and Commonwealth: And certainly, there never was a time in which this duty was more necessarily required than now.

I therefore judging a Parliament to be the ancient, speediest, and best way in this time of common danger, to give such supply as to secure ourselves, and to save our friends from imminent ruin, have called you together. Every man now must do according to his conscience: wherefore if you (as God forbid) should not do your duties, in contributing what the state at this time needs, I must, in discharge of my conscience, use those other means which God hath put into my hands, to save that, which the follies of particular men may otherwise hazard to lose.

Take not this as a threatening, for I scorn to threaten any but my equals, but an admonition from him, that both out of nature and duty, hath most care of your preservations and prosperities: And (though I thus speak) I hope that your demeanours at this time will be such, as shall not only make me approve your former counsels, but lay on me such obligations, as shall tie me by way of thankfulness to meet often with you: For be assured, that nothing can be more pleasing unto me, than to keep a good correspondence with you.

I will only add one thing more, and then leave my Lord Keeper to make a short paraphrase upon the text I have delivered you, which is to remember a thing, to the end we may forget it. You may imagine that I came here with a doubt of success of what I desire, remembering the distractions of the last meeting: But I assure you, that I shall very easily and gladly forget and forgive what is past, so that you will at this present time leave the former ways of distractions, and follow the counsel late given you, To maintain the unity of the spirit in the bond of peace.

The Lord Keeper's Speech **The Lord Keeper Seconded His Majesty in This Manner**

My Lords and Gentlemen,

WE are here in Parliament by his Majesty's writ and royal command, to consult and conclude of the weighty and urgent business of this Kingdom. Weighty it is and great, as great as the honour, safety, and protection of religion, King, and country: and what can be greater? Urgent it is; it is little pleasure to tell or think how urgent: And to tell it with circumstances, were a long work: I will but touch the sum of it in few words.

The Pope and House of Austria have long affected, the one a spiritual, the other a temporal Monarchy; and to effect their ends, to serve each other's turn, the House of Austria, besides the rich and vast territories of both the Indies, and in Africa, joined together, are become masters of Spain and Italy, and the great country of Germany. And although France be not under their subjection, yet they have environed all about it; the very bowels of the Kingdom swayed by the Popish faction:

They have gotten such a part, and such intercession in the government, that under pretence of religion, to root out the Protestants and our religion, they have drawn the King to their adherence, so far, that albeit upon his Majesty's interposition by his ambassadors, and his engagement of his Royal word, there was between the King and his subjects articles of agreement, and the subjects were quiet; whereof his Majesty, interested in that great treaty, was bound to see a true accomplishment; yet against that strict alliance, that treaty hath been broken, and those of the religion have been put to all extremity, and undoubtedly will be ruined without present help. So as that King is not only diverted from assisting the common cause, but hath been misled to engage himself in hostile acts against our King and other Princes, making way thereby for the House of Austria, to the ruin of his own and other Kingdoms.

Other potentates, that in former time did balance and interrupt the growing greatness of the House of Austria, are now removed and diverted. The Turk hath made peace with the Emperor, and turned himself wholly into wars with Asia: The King of Sweden is embroiled in a war with Poland, which is invented by Spanish practices, to keep that King from succouring our part:

The King of Denmark is chased out of his Kingdom, on this and on that side the Zound so as the House of Austria is on the point to command all the seacoasts, from Dantzick to Embden, and all the rivers falling into the sea in that great extent: So, as besides the power by land, they begin to threaten our part by sea, to the subversion of all our State.

In the Baltic sea, they are providing and arming all the ships they can build or hire; and have at this time their ambassadors treating at Lubeck, to draw into their service the Hanse towns, whereby taking from us and our neighbours the east land trade, by which our shipping is supplied, they expect, without any blow given, to

make themselves masters of that sea. In these western parts, by the Dunkirkers, and by the now French and Spanish Admiral, to the ruin of billing (of infinite consequence both to us and the Low-Countries) they infest all our coast, so as we pass not safely from port to port. And that fleet which lately assisted the French at the Isle of Rhee, is now preparing at St. Andrews, with other ships built in the coast of Biscay to reinforce it, and a great fleet is making ready at Lisbon; where, besides their own, they do serve themselves upon all strangers bottoms' coming to that coast for trade:

And these great preparations are, no doubt, to assault us in England or Ireland, as they shall find advantage, and a place fit for their turn.

Our friends of the Netherlands, besides the fear that justly troubles them, lest the whole force of the Emperor may fall down upon them, are distracted by their voyages into the east, which hath carried both men and money into another world, and much weakened them at home. Thus are we even ready on all sides to be swallowed up; the Emperor, France, and Spain, being in open war against us; Germany overrun; the King of Denmark distressed; the King of Sweden diverted; and the Low-Country men disabled to give us assistance.

I speak not this to increase fear, unworthy of English courage, but to press to provision worthy the wisdom of a Parliament: And for that cause his Majesty hath called you hither, that by a timely provision against those great imminent dangers, ourselves may be strengthened at home, our friends and allies encouraged abroad, and those great causes of fear scattered and dispelled.

And because, in all warlike preparations, treasure bears the name, and holds the semblance of the nerves and sinews: and if a sinew be too short or too weak, if it be either shrunk or strained, the part becomes un-useful: It is needful, that you make a good and timely supply of treasure, without which all counsels will prove fruitless. I might press many reasons to this end, but I will name but few.

First, For his Majesty's sake, who requires it. Great is the duty which we owe him by the law of God; great by the law of nature, and our own allegiance; great for his own merit, and the memory of his ever blessed father. I do but point at them: but methinks our thoughts cannot but recoil on one consideration touched by his Majesty, which to me seems so sound, like a parliamentary pact or covenant.

A war was devised here, assistance professed, yea, and protested here: I do but touch it, I know you will deeply think on it; and the more, for the example the King hath set you; his lands, his plate, his jewels, he hath not spared, to supply the war: What the people hath protested, the King, for his part, hath willingly performed.

Secondly, For the cause sake. It concerns us in Christian charity, to tender the distresses of our friends abroad; it concerns us in honour not to abandon them, who have stood for us. And if this come not close enough, you shall find our interest so woven and involved with theirs, that the cause is more ours than theirs. If Religion be in peril, we have the most flourishing and orthodox Church: If honour be in question, the stories and monuments in former ages will shew, that our ancestors have left us as much as any nation: If trade and commerce be in danger, we are islanders, it is our life. All these at once lie at stake, and so doth our safety and being.

Lastly, In respect of the manner of his Majesty's demand, which is in Parliament, the way that hath ever best pleased the subjects of England. And good cause for it: For, aids granted in Parliament work good effects for the people; they be commonly accompanied with wholesome laws, gracious pardons, and the like. Besides, just and good Kings finding the love of their people, and the readiness of their supplies, may the better forbear the use of their prerogatives, and moderate the rigour of the laws towards their subjects.

This way, as his Majesty hath told you, he hath chosen; not as the only way, but as the fittest; not as destitute of others, but as most agreeable to the goodness of his own most gracious disposition, and to the desire and weal of his people. If this be deferred, necessity and the sword of the enemy make way to the others. remember his Majesty's admonition, I say, remember it.

Let me but add, and observe God's mercy towards this land above all others. The torrent of war hath overwhelmed other churches and countries; but God hath hitherto restrained it from us, and still gives us warning of every approaching danger, to save us from surprise. And our gracious Sovereign, in a true sense of it, calls together his high Court of Parliament, the lively representation of the wisdom, wealth and power of the whole Kingdom, to join together to repel those hostile attempts, which distressed our friends and allies, and threatened ourselves.

And therefore it behoves all to apply their thoughts unto counsel and consultations, worthy the greatness and wisdom of this assembly; to avoid discontents and divisions, which may either distemper or delay; and to attend that *Unum necessarium*, the common cause; propounding for the scope and work of all the debates, the general good of the King and Kingdom, whom God hath joined together with an indissoluble knot, which none must attempt to cut or untie. And let all, by unity and good accord, endeavour to pattern this Parliament by the bell that have been, that it may be a pattern to future Parliaments, and may infuse into Parliaments a kind of multiplying power and faculty, whereby they may be more frequent, and the King our Sovereign may delight to sit on his throne, and from thence to distribute his graces and favours amongst his people.

His Majesty hath given you cause to be confident of this, you have heard from his royal mouth; which nevertheless he hath given me express command to redouble: If this Parliament, by their dutiful and wise proceedings, shall but give this occasion, his Majesty will be ready, not only to manifest his gracious acceptance, but to blot out all memory of those distastes that have troubled former Parliaments.

I have but one thing more to add, and that is, as your consultations be serious, so let them be speedy. The enemy is beforehand with us, and flies on the wings of success. We may dally and play with the hourglass that is in our power, but the hour will not stay for us and an opportunity once lost, cannot be regained.

And therefore resolve of your supplies, that they may be timely and sufficient, serving the occasion: your counsel, your aid, all is but lost, if your aid be either too little, or too late; And his Majesty is resolved, that his affairs cannot permit him to expect it over long.

The King's Intent in These Two Speeches and Remarks Thereon

These two Speeches need no comment, since they plainly speak both the King's principles concerning the use of Parliaments, and his intention, in case he received not from the present Parliament the satisfaction he expected. The King does not seem to have made use of a proper means to gain the good-will of the Commons. But it must be observed, that nothing was more opposite to his temper, than to stoop to court his Parliament.

He thought it great condescension to declare, that though he had other ways of raising money, he was very willing to follow the old method of demanding a supply from the Parliament, But for fear the Commons should think he was forced to it by a kind of necessity, he took care to intimate, that in case the money he demanded was not granted, he could raise it by other ways. This was the sole aim of these two speeches.

As to the arguments alleged by the Lord-Keeper to excite the Commons to give a plentiful supply to the King, they were too much exaggerated to produce a great effect. The pretended preparations of the Spaniards to invade England were a groundless chimera. Indeed, during this whole war, the Spaniards made no attempt upon Great Britain or Ireland. Nay, it was in the King's power to

make peace with the Spaniard, who had no demands upon him, and yet, he would make believe that England was in imminent danger.

As to the argument so often repeated, that the Parliament advised the war, it was so worn out, that it could not make the least impression. There was not then a man in England, but what was perfectly informed, that the King and Duke of Buckingham were the real authors of the Spanish war, and had fraudulently obtained from the Parliament the advice continually insisted upon by the King.

A Letter Called The Speech Without Doors was Published in The Beginning of Parliament

Before the Commons had entered into any debates, there was a long letter communicated to them, directed, to my noble friends of the Lower House of Parliament, and dispersed under the title of; *A Speech Without Doors*. The author who was unknown, pretended to have been formerly a member of the Lower House, though he was not chosen to serve in the present Parliament.

His aim was to advise the Commons how they were to proceed, and to lay before them the sundry grievances complained of by the people. This writing made a great noise at that time, but I do not think it necessary to insert the contents, since they were only the sentiments of a private person.

After the two Houses had presented a petition to the King for a fast, the Commons began to examine the grievances of the nation, and seemed determined to grant no supply till these grievances were redressed. The first they took into consideration were, billeting of soldiers, loans by benevolence and privy seals, imprisonment of gentlemen refusing to lend, denial of release upon a *Habeas Corpus*; and several speeches were made upon these occasions.

Sir Francis Seymour among other things said:—

How can we think of giving of subsidies, till we know whether we have any thing to give or no? For if his Majesty be persuaded by any to take from his subjects what he will, and where it pleaseth him; I would gladly know what we have to give?—Hath it not been preached in our pulpits, that all we have is the King's **JURE DIVINO?**—

Sir Thomas Wentworth, afterwards so well known by the name of Earl of Strafford, distinguished himself by a speech against the government. He said truly, these things were not to be imputed to the King but to the projectors, that is, to the ministers or others who had formed the design of stretching the prerogative beyond its due bounds, of whom he spoke in this manner:—

They have brought the crown into greater want than ever, by anticipating the revenues: And can the shepherd be thus smitten, and the sheep not scattered? They have introduced a Privy Council, ravishing at once the spheres of all ancient government, imprisoning us without either bail or bond; they have taken from us, what? What shall I say indeed, what have they left us? All means of supplying the King and ingratiating ourselves with him, taking up the root of all propriety—.

Sir Edward Coke, a great lawyer, spoke chiefly to the grievance of the loans, and said among other things:—

Who will give subsidies, if the King may impose what he will? And if after Parliament, the King may enhance what he pleaseth?—The King cannot tax any by way of loans—

Thereupon he quoted the Statute of 25 Edward III, wherein it is said:—

That loans against the will of the subject, are against reason, and the franchises of the land;—

—and concluded with this paragraph out of Magna Charta:—

Nullus liber homo capiatur vel imprisonetur aut disseisietur de libero tenemento suo, &c. nisi per legale iudicium parium suorum, vel per legem terræ

Another speaking of the imprisonment of those who had refused to lend the King money, said:—

O improvident Ancestors! O unwise forefathers! to be so curious in providing for the quiet possession of our lands, and liberties of Parliament, and to neglect our persons and bodies, and to let them die in prison, and that *durante beneplacito*, remediless: If this be law, what do we talk of our liberties? Why do we trouble ourselves with the dispute of law, franchises, propriety of goods? What may a man call his, if not liberty?

I intend not to enlarge any farther upon what was said in the House of Commons upon these points. This suffices to shew how the majority were disposed. All their arguments tended to demonstrate, that if the King had power to take the goods of his subjects by a bare act of his will, whether by way of loan or otherwise, and to imprison such as refused to obey his orders without being admitted to bail, they were either to be entirely subject to the King's pleasure, or to begin with firmly establishing the rights of the people, to the prevention of tyranny.

The court party durst not directly oppose this general sentiment, but endeavoured by several arguments, to intimate, that to gain his Majesty's good will, supplies were in the first place to be granted. Then, they gave hopes, that the King, moved with such a mark of affection for his person, would not be against redressing the grievances[54].

But this made little impression upon the rest, who were by far the majority, and who verily believed, that to begin with the subsidies was the ready way to have the grievances un-redressed. Meanwhile, to make a diversion, Secretary Coke presented to the house certain proportions from the King, concerning supply: but it was resolved, that the reading thereof shall be deferred till the House had taken some resolution with respect to the grievances, especially the imprisonment of the subjects, and denial of bail.

The Commons Resolutions

There were very great debates upon these points, and the judges themselves were heard. At last, the House came to the following resolutions, directly contrary to the King's pretensions, and the judges determinations: That is, they established maxims opposite to those of the King, namely:—

I. That no freeman ought to be detained or kept in prison, or otherwise restrained by the command of the King or Privy Council, or any other, unless some cause of the commitment, detainer, or restraint be expressed for which by law he ought to be committed, detained, or if restrained.

II. That the writ of *Habeas Corpus* may not be denied, but ought to be granted to every man that is committed or detained in prison, or otherwise restrained, though it be by the command of the King, the Privy Council, or any other, he praying the same.

III. That if a freeman be committed or detained in prison, or otherwise restrained by command of the King, the Privy Council, or any other, no cause of such commitment, detainer, or restraint being expressed, for which by law he ought to be committed, detained, or restrained, and the same be returned upon a *Habeas Corpus*, granted for the said party, then he ought to be delivered or bailed.

IV. That it is the ancient and indubitable right of every freeman, that he hath a full and absolute property in his goods and estate; that no tax, tallage, loan, benevolence, or other like charge ought to be commanded or levied by the King, or any of his ministers, without common consent by act of Parliament[55].

The King's Demands

The proportions tendered the day before by Secretary Coke from his Majesty, were now received and read, but the debate thereof was referred to another day. The propositions were these:—

1. To furnish with men and victuals thirty ships to guard the narrow seas, and along the coasts.
2. To set out ten other ships for relief of the town of Rochel.
3. To set out ten other ships for the preservation of the Elbe, the Sound, and the Baltic Sea.
4. To levy arms, cloth, victual, pay, and transport an army of ten thousand horse, and ten thousand foot, for foreign service.
5. To pay and supply six thousand more for the service of Denmark.
6. To supply the forts of the office of ordnance.
7. To supply the stores of the navy.
8. To build twenty ships yearly for the increase of the navy.
9. To repair the forts within the land.
10. To pay the arrears of the office of ordnance.
11. To pay the arrears of the victuallers office.
12. To pay the arrears of the treasure of the Navy.
13. To pay the arrears due for the freight of divers merchant ships employed in his Majesty's service.
14. To provide a magazine for victuals for land and sea service.

The House easily perceived by the reading of these articles, that it would be a work of infinite labour, to examine the necessity and justice of each, and as there were no estimates made, they plainly saw, if they should take the particulars into confederation, the court would mount the expense very high. Wherefore, without entering into any discussion, they resolved in general to grant the King a large supply[56].

The Council's Conduct Examined

After that, they returned to the examination of this particular grievance, that the King's Council, by their bare authority, had confined to their houses, some that refused to lend money; had sent away others to distant places from their homes, and constrained some on the same account, to go and serve the King in foreign Countries[57].

Upon this point, Sir Thomas Wentworth said:—

If any man owes a man a displeasure, and shall procure him to be put into foreign employment, it will be a matter of high concern to the subject: We know the honour and justice of the King, but we know not what his ministers, or the mediation of ambassadors may do to work their own wrath upon any man.

Resolution of The House

These debates produced this resolution:—

That no freeman ought to be confined by any command from the King, or Privy-Council, or any other, unless it be by act of Parliament, or by other due course, or warrant of law.

Message From The King About The Duke of Buckingham

All these determinations promised the King no good with respect to his Prerogative and as he feared the Commons would again attack the Duke of Buckingham, he tried to divert them from it by a message delivered to the House by Secretary Coke. It was upon a rumour, that the Duke had spoken ill of the Parliament at the council board.

The King assured, it was not true, and the secretary added, if the Duke had so spoken, he would have contradicted himself, for the whole council could bear him witness, he was the first mover of calling the Parliament. But he took care not to tell them it was merely out of policy, pursuant to Cottons advice.

Another Message From The King

The next day the King sent another message to the Commons, desiring them to take the affair of supply into consideration. He told them likewise, that as to the freedom of persons, and propriety of goods, he was willing to come into any expedients which should be judged convenient, by way of Bill, or otherwise; and that the more confidence they should shew in his grace and goodness, the more they should prevail to obtain their desires.

Upon this message, the House unanimously voted five subsidies to the King[58], but returned immediately to the examination of grievances, and held a conference with the Lords upon that subject.

The King Hinders The Commons From Adjourning for Easter

Easter Holidays approaching, the King sent and desired, the commons not to adjourn, that affairs might be the more speedily dispatched. This message occasioned a debate, some of members fearing such a precedent might be a prejudice to the privileges of the House, and the King for the future think he had power to hinder an adjournment when he pleased. But at length it was resolved to do as the King desired.

The King Presses The Commons About Supply

The 11th of April, Secretary Coke moved the dispatch of the subsidies, saying, the votes to grant the King money were nothing till turned into a bill. But being opposed by several, it was resolved, that grievances and supply should go hand in hand.

The day following, Coke brought another message from the King to the House, to this effect:—

That his Majesty had long since expected some fruit of that which was so happily begun; but finding a stop beyond all expectation, his command was, that without any further delay, they should proceed in the affair of supply. For, notwithstanding his consenting that supply and grievances should go together, his meaning was not, that the one should give interruption to the other, nor the time be spun out on any pretence. And therefore bid them take heed, that they did not force him to make an displeasing end of what was so well begun.

This message did the King great injury:—

1. Because of the threatening.
2. By reason of his instances, that the affair of supply should be dispatched before that of grievances: for it was not doubted, that if the first were finished, the Parliament would be immediately prorogued.
3. Lastly, The King's unwillingness to redress the grievances, was a clear evidence, he would never be brought to it of his own accord, and consequently it was necessary to constrain him thereto.

This was the more probable, as Coke, when he delivered the message, added:—

That the King would willingly hear any thing concerning the abuses of power, but not about power itself.

These expressions were liable to many cavils, and plain intimations, that the King reserved to himself, by this restriction, a means to evade the grievances. And indeed, Coke being moved to explain what he meant by the word power, refused it[59].

Another Message From The King on The Same Account

Two days after, the Secretary delivered another message from the King, to hasten the affair of supply. These messages, which came thus one upon another, gave frequent occasions to the court party to press the House to content his Majesty.

All their Speeches upon this head, met in one point, namely, to inspire the House with a dread, that a quarrel between them and the King, would be fatal to Parliaments, and give the King occasion to proceed without them for the future. As the King himself, and the Lord Keeper (by his order), had frequently made use of the same means to frighten the Commons, it could not be doubted, that these men spoke pursuant to the intentions, and perhaps by the order, of the court.

A Privy Counsellor's speech in the Lower House last Parliament was not yet forgot, and of which the Commons had thought fit to take notice, in the remonstrance they would have presented to the King. The design of that speech was to intimate to the Commons, that if they did not content the King, they would run the risque of being the cause of no more Parliaments in England.

This threat so often insinuated by the King himself, by the Lord Keeper, by Members of the House, known to be devoted to the court, sometimes in dark, sometimes in plain terms, had a quite contrary effect to what the King expected. Instead of terrifying the Commons, it convinced them, how watchful they ought to be of the King's proceedings, lest their condescension, or even their silence, should authorize some things very prejudicial to the liberties of the nation, whom they represented. What! Said most of the members among themselves:—

We are threatened, that if we don't grant the King whatever he requires, and when he pleases, if we oppose his pleasure, even when contrary to the Laws, he will govern without a Parliament, that is, with an unlimited power; he will imprison our persons, seize our estates, and consider the whole Kingdom as his property! But he does not only threaten us, he has put his threats in execution already. Which then is best, either for him to usurp an absolute power against our will, or for us to suffer it, nay, approve it by our silence, and servile fears?

Of the two, certainly the first is less dangerous. A time may come, when the King shall have occasion for Parliaments, and then we shall be able to recover the ground we shall have lost. But if we betray the interest of our country, by tamely yielding to the King the power he would assume, our liberty will be irrecoverably lost.

We shall lay upon ourselves and posterity, a yoke which our forefathers could never bear, and be held in abhorrence by the whole nation. And after all, what shall we gain by our condescension? Why, the King will continue the use of Parliaments, provided he shall be absolute master; order them to give him such a sum, and by such a time, forbid them to examine grievances; in a word, manage them entirely as he pleases. Thus we shall prevent the King's governing without a Parliament, but shall establish a precedent which will render Parliaments for ever slaves to the King and his Ministers.

Such were the reasoning of the greatest part of the Commons, and though they did not openly say these very words, the House showed by their whole conduct, that these confederations were the real foundation of all their proceedings. For this reason it was, they resolved to desire an audience, in order to answer all his Majesty's messages, and to present to him withal a petition concerning billeting of soldiers upon the subject. Their representation to the King by the mouth of their Speaker, was as follows:—

The Speaker's Speech to The King on The Delivery of The Petition For Billeting Soldiers

Most gracious and dread Sovereign,

YOUR dutiful and loyal Commons here assembled, were lately humble suitors to his Majesty for access to your royal presence; the occasion that moved their desires herein, was a particular of importance, worthy of your princely consideration; which, as it well deserves, should have been the only subject of my speech at this time.

But since your gracious answer for this access, obtained by a message from your Majesty, they have had some cause to doubt, that your Majesty is not so well satisfied with the manner of their proceedings, as their hearty desire is you should be, especially in that part which concerns your Majesty's present supply, as if in the prosecution thereof, they had of late used some slackness or delay.

And because no unhappiness of theirs can parallel with that which may proceed from a misunderstanding in your Majesty, of their clear and loyal intentions, they have commanded me to attend your Majesty, with an humble and summary declaration of their proceedings, since this short time of their sitting, which they hope will give your Majesty abundant satisfaction, that never people did more truly desire to be endeared in the favour and gracious opinion of their Sovereign; and withal to let you see, that as you can have no where more faithful Counsel, so your great designs and occasions can no way be so speedily or heartily supported, as in this old and antient way of Parliament.

For this purpose they humbly beseech your Majesty to take into your Royal consideration, that although by antient right of Parliament, the matters there debated are to be disposed in their true method and order, and that their constant custom hath been to take into their considerations the common grievances of the Kingdom, before they enter upon the matter of supply; yet to make a full expression of that zeal and affection which they bear to your Royal Majesty, equalling at least, if not exceeding the best affections of their predecessors, to the best of your progenitors; they have in this assembly, contrary to the ordinary proceedings of Parliament, given your Majesty's supply precedence, before the common grievance of the subject, how pressing soever, joining with it only those fundamental and vital liberties of the Kingdom, which give subsistence and ability to your subjects.

This was their original order and resolution, and was grounded upon a true discerning, that these two considerations could not be severed, but did both of them entirely concern your Majesty's service, consisting no less in enabling and encouraging the subject, than in proportioning a present suiting to your Majesty's occasions, and their abilities may, so far have they been from using any unnecessary delays, as though, of the two, that of supply were the latter proposition amongst them, the grand committee to which both were referred, hath made that of your Majesty's supply first ready for conclusion.

And, to be sure your Majesty's supply might receive no interruption by the other, differing from usage and custom (in cases of this nature) sent up of those that concern the subjects by parcels, some to your Majesty, and some to the Lords, to the end your Majesty might receive such speedy content, as suited with the largest and best extent of their first order.

Sir, you are the breath of our nostrils, and the light of our eyes, and besides those many comforts, which under you and your Royal progenitors, in this frame of government, this nation hath enjoyed, the religion we profess hath taught us whose image you are; and we do all most humbly beseech your Majesty to believe, that nothing is or can be more dear unto us, than the sacred rights and prerogatives of your crown; no person or council can be greater lovers of you, nor be more truly careful to maintain them; and the preserving of those fundamental liberties which concern the freedom of our persons, and propriety of goods and estates, is an essential means to establish the true glory of a monarchy.

For rich and free subjects, as they are best governed, so they are most able to do your Majesty service either in peace or war, which next under God hath been the cause of the happy and famous victories of this nation, beyond other Kingdoms of larger territories and greater number of people.

What information soever contrary to this shall be brought unto your Majesty, can come from no other than such, as for their own ends, under colour of advancing the prerogative, do indeed undermine and weaken Royal power by impoverishing the

subjects, render this Monarchy less glorious, and the people less able to serve your Majesty.

Having (by this that hath been said) cleared our hearts and proceedings to your Majesty, our trust is, that in your Royal judgment we shall be free from the opinion of giving any necessary stop to our proceedings in the matter of your supply, and that your Majesty will be pleased to entertain belief of our alacrity, and cheerfulness in your service, and that hereafter no such misfortune shall befall us, to be misunderstood by your Majesty in anything.

We all most humbly beseech your Majesty, to receive no information in this or any other business from private relations, but to weigh and judge of our proceedings by those resolutions of the House that shall be represented from ourselves.

This, rightly and graciously understood, we are confident from the knowledge of your goodness and our own hearts, that the ending of this Parliament shall be much more happy than the beginning, and be to all ages styled the blessed Parliament, for making perfect union between the best King and the best people, that your Majesty may ever delight in calling us together, and we in the comforts of your gracious favour towards us.

In this hope return to my first errand, which will best appear by that which I shall humbly desire you to hear, and being an humble petition from the House of Commons, for redressing of those many inconveniences and distractions that have befallen your subjects by the billeting of soldiers in private men's houses against their wills.

Your Royal progenitors have ever held your subjects hearts the best garrison of this Kingdom, and our humble suit to your Majesty is, that our faith and loyalty may have such place in your Royal thoughts, as to rest assured, that all your subjects will be ready to lay down their lives for the defence of your sacred person, and this Kingdom.

Not going ourselves into our countries this Easter we should think it a great happiness to us, as we know it would be a singular comfort and encouragement to them that sent us hither, if we might defend them with the news of a gracious answer from your Majesty in this particular, which the reasons of the petition we hope will move your, most excellent Majesty graciously to vouchsafe us.

The Petition Concerning Billeting of Soldiers Presented to the King's Most Excellent Majesty

IN all humility complaining, sheweth unto your most excellent Majesty your loyal and dutiful Commons, now in Parliament assembled, that whereas by the fundamental laws of this realm, every freeman hath, and of right ought to have, a full and absolute propriety in his goods and estate, and that therefore the billeting and placing the soldiers in the house of any such freeman against his will, is directly contrary to the said laws, under which we and our ancestors have been so long and happily governed; yet in apparent violation of the said antient and undoubted right of all your Majesty's loyal subjects of this your Kingdom in general, and to the grievous and insupportable vexation and detriment of many counties and persons in particular, a new and almost unheard of way hath been invented and put in practice, to lay soldiers upon them, scattered in companies here and there, even in the heart and bowels of this Kingdom; and to compel many of your Majesty's subjects to

receive and lodge them in their own houses, and both themselves and others to contribute towards; the maintenance of them, to the exceeding great disservice of your Majesty, the general terror of all, and; utter undoing of many of your people, insomuch as we cannot sufficiently recount, nor in any way proportionate to the lively sense that we have of our miseries herein, are we able to represent unto your Majesty, the innumerable mischiefs and most grievous vexations that by this means alone we do now suffer, whereof we will not presume to trouble your sacred ears with particular instances; only, most gracious Sovereign, we beg leave to offer to your most gracious view, a compassionate consideration of a view of them in particular.

- 1). The service of almighty God is hereby greatly hindered, the people in many places not daring to repair to the Church, least in the meantime the soldiers should rifle their houses.
- 2). The antient and good government of the country is hereby neglected, and almost contemned.
- 3). Your officers of justice in performance of their duties have been resisted and endangered.
- 4). The rents and revenues of your gentry greatly and generally diminished; farmers to secure themselves from the soldiers insolence, being by the clamour of solicitation of their fearful and injured wives and children, enforced to give up their wonted dwellings, and to retire themselves into places of more secure habitation.
- 5). Husbandmen, that are as it were the hands of the country, corrupted by ill example of the soldiers, and encouraged to idle life, give over work, and rather seek to live idly at another man's charges, than by their own labours.
- 6). Tradesmen and artificers almost discouraged, and being enforced to leave their trades, and to employ their time in preserving themselves and their families from cruelty.
- 7). Markets unfrequented, and our ways grown so dangerous, that the people dare not pass to and fro upon their usual occasions.
- 8). Frequent robberies, assaults, batteries, burglaries, rapes, rapines, murders, barbarous cruelties, and other most abominable vices and outrages, are generally complained of from all parts, where these companies have been and had their abode, few of which insolences have been so much as questioned, and fewer according to their demerit punished.

These, and many other lamentable effects (most dread and dear Sovereign) have by the billeting of soldiers already fallen upon us your loyal subject, tending no less to the disservice of your Majesty, than to their impoverishing and destruction, so that thereby they are exceedingly disabled to yield to your Majesty those supplies for your urgent occasions, which they heartily desire; and yet they are further perplexed with apprehension of more approaching danger, one in regard of your subjects at home, the other of enemies from abroad, in both which respects it seems to threaten no small calamity to the meaner sort of your people, being exceeding poor, whereof in many places are great multitudes, and therefore in times of more settled and most

constant administration of justice, not easily ruled, are most apt upon this occasion to cast off the reins of Government, and by joining themselves with those disordered soldiers, are very like to fall into mutiny and rebellion; which in faithful discharge of our duties we cannot forbear most humbly to present to your high and excellent wisdom, being pressed with probable fears that some such mischief will shortly ensue, if an effectual and speedy course be not taken to remove out of the land, or otherwise to disband, those unruly companies.

For the second, we do most humbly beseech your Majesty to take into your Princely consideration, that many of those companies, besides their dissolute dispositions and carriages, are such as do openly profess themselves Papists, and therefore to be suspected, that if occasion serve, they will rather adhere to a foreign enemy; of that religion, than to your Majesty, their liege Lord and Sovereign, especially some of their captains and : commanders, being as popishly affected as themselves, and having served in the wars on the part of the King of Spain, and Archduchess against your Majesty's allies; which of what pernicious consequence it may prove, and how prejudicial to the safety of your Kingdom, we leave to your Majesty's high and princely wisdom.

And now upon these, and many more which might be alleged, most weighty and important reasons, grounded on the maintenance of the worship and service of Almighty God, the continuance and advancement of your Majesty's high honour and profit, the preservation of the antient and undoubted liberties of your people, and therein of justice, industry, valour, which nearly concern the glory and happiness of your Majesty and all your subjects, and the preventing of calamity and ruin both of Church and Commonwealth:

We your Majesty's most humble and loyal subjects, the Knights, Citizens, and Burgesses of your House of Commons, in the name of all the Commonalty of your Kingdom, who are upon this occasion most miserably disconsolate and afflicted, prostrate at the throne of your grace and justice, do most ardently beg a present remove of this insupportable burden, and that your Majesty would be graciously pleased to secure us from the like pressure in the time to come.

Remarks on The Behaviour of The King and Commons

The manner in which the King and Commons transacted together is very pleasant. There was nothing but evasion and artifice on both sides. They expressed not their real thoughts, when they spoke to each other, and yet, understood one another perfectly, though they made as if they did not.

The Commons knew, that the reasons to justify the delay of supply, alleged in their representation, were not valid, and that the King was persuaded of the same. But they thought he would seem to be satisfied with them, in order not to oblige them to tell him to his face they could not rely on his promises, and considered this delay as the only way to have their grievances redressed.

The King feigned to be ignorant of this motive, and took advantage of the Commons using obscure insinuations, in stead of speaking plainly. On the other hand, though the King had no design to redress grievances, he would however have it thought, he intended it as soon as the affair of supply was dispatched. The Commons on their part, feigning not to know his intention, had a mind to make believe, that the delay of supply proceeded from quite another cause, though they were sure, the King could not mistake.

The King's Reply

But as the King did not think himself obliged to use the same ceremony with the Commons, as they ought to use with him, he talked to them in a higher tone, knowing, they would not without necessity, be induced to speak more clearly. To their representation therefore he made this reply.

Mr. Speaker and Gentlemen,

WHEN I sent you my last message, I did not expect a reply, for I intended it to hasten you: I told you at your first meeting, this time was not to be spent in words, and I am sure it is less fit for disputes, which if I had a desire to entertain, Mr. Speaker's preamble might have given me ground enough: The question is not now what liberty you have in disposing of matters handled in your House, but rather at this time what is fit to be done.

Wherefore I hope you will follow my example, in eschewing deputations, and fall to your important business. You make a protestation of your affection and zeal to my Prerogative, grounded upon such good and just reasons, that I must believe you: But I look that you use me with the like charity, to believe what I have declared more than once, since your meeting with us, that I am as forward as you for the necessary preservation of your true liberties. Let us not spend so much time in this, that may hazard both my prerogative and your liberties to our enemies.

To be short, go on speedily with your business, without any more apologies, for time calls fast on you, which will neither stay for you nor me : Wherefore it is my duty to hasten, as knowing the necessity of it, and yours to give credit to what I say, as to him that sits at the helm

For what concerns your petition, I shall make answer in a convenient time.

Project of Petition of Right to be Presented to The King

The Commons, as I said, meant to reap some advantage by the five subsidies, they were willing to grant the King; and this was a necessary condition, which they continually insinuated, though they avoided using that expression[60]. To this end, they had prepared a petition to be presented to the King in the name of both Houses, to which they desired the concurrence of the Lords.

This Petition was termed the Petition of Right, because it was pretended not to desire of the King any grace or favour, but only the maintenance of the liberties of the subject. For this reason it was to be solemnly presented to the King on his throne by way of Bill, and the King was to reply to it in a parliamentary manner.

The King Tries to Hinder it

A draught of it had been sent to the Lords for their concurrence[61]. The King was alarmed at it. He was desirous to avoid receiving such a petition, which too plainly established the rights of the people, because he saw, if he rejected it, he should lose the five subsidies, the Bill not being yet passed.

On the other hand, in granting the contents of the petition, he himself tied up his hands for the future, and confessed withal, that the acts of authority he had hitherto exercised, were contrary to law. Into this straight precisely it was that the Commons meant to draw him by the Petition of Right. Wherefore he omitted nothing in his power to divert this blow. As he had a great influence in the Upper House, he so managed, that the Lords, by pretending to agree with the

Commons upon the substance of the petition, moved the praying his Majesty to make the following declarations.

Propositions Made by The Lords Touching The Petition of Rights

1. That the good old law called Magna Charta, and the six statutes, conceived to be declarations and explanations of that law, do still stand in force to all intents and purposes.

2. That his Majesty would be pleased graciously to declare, That according to Magna Charta, and the statutes afore named, as also according to the most antient customs and laws of this land, every free subject of this realm hath a fundamental propriety in his goods, and a fundamental liberty of his person.

3. That his Majesty would be graciously pleased to declare, that it is his royal pleasure to ratify and confirm unto all and every his loyal and faithful subjects, all their antient, several, just liberties, privileges, and rights, in as ample and beneficial manner, to all intents and purposes, as their ancestors did enjoy the same under the best of his most noble progenitors.

4. That his Majesty would be further pleased graciously to declare, for the good content of his loyal subjects, and for the securing them from future fear. That in all cases within the cognizance of the common law, concerning the liberties of the subject, his Majesty would proceed according to the common law of this land, and according to the laws established in the Kingdom, and in no other manner or wise.

5. As touching his Majesty's royal prerogative, intrinsic to his Sovereignty, and be trusted him withal from God, *ad communem totius populi salutem & non ad destructionem*. That his Majesty would resolve, not to use or divert the same, to the prejudice of any his his loyal people in the propriety of their goods, or liberty of their persons: And in case for the security of his Majesty's royal person, the common safety of his people, or the peaceable government of this Kingdom, his Majesty shall find just cause, for reason of State, to imprison or restrain any man's person, his Majesty would graciously declare, That within a convenient time he shall, and will express the cause of the commitment or restraint, either general or special and upon a cause so expressed, will leave him immediately to be tried according to the common justices of the Kingdom.

The King's Message to The Commons

But the Commons avoided this snare, plainly perceiving it was only an artifice to evade the Petition of Right, which would become as useless, after these declarations. Indeed, there was a great difference, as we shall see presently, between these declarations, and what was required in the petition.

The declarations were all expressed in general terms, which gave the King room to cavil upon the performance of each article, as he had done in the affair of the loans, and the imprisonment of those that refused to comply. In those cases, the King did not pretend to act contrary to the laws, but rather thought himself authorized by the law; and the Judges of the Realm had countenanced his pretensions. But the Petition of Right was more full and express, and left but little room for cavils. On the other hand the difference was not less, between the direct and parliamentary reply demanded by the Commons, and the bare and general declarations which were not capable of contenting the people. So, the Commons entirely rejected the proposition of the Lords.

The King Sends for Both Houses to Whitehall

The King not succeeding in his design, by means of the Upper House, tried to satisfy the Commons, by making them, of his own accord, the same offers the Lords had seemed only to desire of him. To that purpose, having sent for both Houses to Whitehall, the Lord-Keeper, in his presence, spoke to them in the following, manner:—

My Lords, and ye the Knights, Citizens and Burgesses of The House of Commons.

YE cannot but remember the great and important affairs, concerning the safety both of State and religion, declared first from his Majesty's own mouth, to be the causes of the assembling of this Parliament; the sense whereof as it doth daily increase with his Majesty, so it ought to do, and his Majesty doubts not but it doth so with you, since the danger increaseth every day, both by effluxion of time, and preparations of the enemy.

Yet his Majesty doth well weigh, that this expense of time hath been occasioned by the debate which hath arisen in both Houses, touching the liberty of the subject; in which, as his Majesty takes in good part the purpose and intent of the Houses, so clearly and frequently professed, that they would not diminish or blemish his just prerogative; so he presumes that ye will all confess it a point of extraordinary grace and justice in him, to suffer it to rest so long in dispute without interruption:

But now his Majesty considering the length of time which it hath taken, and fearing nothing so much as any future loss of chat, whereof every hour and minute is so precious; and foreseeing that the ordinary way of debate, though never so carefully husbanded, in regard of the form of both Houses, necessarily takes more time than the affairs of Christendom can permit; his Majesty out of great princely care, hath thought of this expedient to shorten the business, by declaring the clearness of his own heart and intention:

And therefore hath commanded me to let you know, that he holdeth the statute of Magna Charta, and the other six Statutes insisted upon for the subject's liberty to be all in force, and assures you, that he will maintain all his subjects in the just freedom of their persons, and safety of their estates; and that he will govern according to the laws and statutes of this Realm; and that ye shall find as much security in his Majesty's royal word and promise, as in the strength of any law ye can make, so that hereafter ye shall never have cause to complain.

The conclusion is, that his Majesty prayeth God, who hath hitherto blessed this Kingdom, and put into his heart to come to you this day, to make the success thereof happy both to King and people: And therefore he desires that no doubt or distrust may possess any man but that ye will all proceed unanimously to the business.

The Kings Message to The Commons

The Commons avoided this snare, as the former, and firmly adhered to the Petition of Right. A few days after Secretary Coke brings then a fresh message from the King, to know whether the House will rest on his royal word, declared to them by the Lord-Keeper, which if they do, he assures them, it shall be royally performed.

This message occasioned great debates[62], because Coke and the rest of the court party used their utmost endeavours, to persuade the House to what the King proposed, that is to lay aside

the Petition of Right, and rest upon his Majesty's promise. Sir Thomas Wentworth concluded the debate, saying:—

That never House of Parliament trusted more in the goodness of their King, for their own private, than the present, but we are ambitious that his Majesty's goodness may remain to posterity, and we are accountable to a public trust:

And therefore seeing there hath been a public violation of the laws by his ministers nothing will satisfy him but a public amends; and our desire to vindicate the subjects right by Bill, are no more than are laid down in former Laws with some modest provision for instruction, performance and execution.

This so well agreed with the sense of the House, that they made it the subject of a message to be delivered by the Speaker, to his Majesty.

Another Message From The King

Amidst those deliberations, another message was delivered from his Majesty by Secretary Coke, to this effect:—

That howsoever we proceed in this business we have in hand, which his Majesty will not doubt, but to be according to our constant profession, and so as he may have cause to u give us thanks: yet his resolution is, that both his royal care, and hearty and tender affection towards all his loving subjects, shall appear to the whole Kingdom, and all the world, that he will govern us according to the laws and customs of this Realm, that he will maintain us in the liberties of our persons, and properties of our goods, so as we may enjoy as much happiness as our forefathers in their best times and that he will rectify what hath been, or may be found amiss amongst us, so that hereafter there may be no just cause to complain.

Wherein, as his Majesty will rank himself amongst the best of Kings, and show he hath no intention to invade or impeach our lawful liberties, or right; so he will have us to match ourselves with the best subjects, not by encroaching upon that sovereignty or prerogative, which God hath put into his hands for our good but by containing ourselves within the bounds and laws of our forefathers, without restraining them, or enlarging them by new explanations, interpretations, exportions, or additions in any sort, which, he telleth us, he will not give way unto.

That the weight of the affairs of the Kingdom and Christendom do press him more and more, and that the time is now grown to that point of maturity, that it cannot endure long debate or delay; so as this session of Parliament must continue no longer than Tuesday come seven nights at the furthest:

In which time his Majesty, for his part, will be ready to perform what he promised; and if the House be not as ready to do that is fit for themselves, it shall be their own faults.

And upon assurance of our good dispatch and correspondence, his Majesty declareth, that his royal intention is to have another session of Parliament at Michaelmass next, for the perfecting of such things as cannot now be done.

All this was not able to divert the Commons from their purpose of turning the Petition of Right into an act of Parliament. The threat of putting an end to the session frightened them not, the King having gone too far to recede. The only point was to know, whether he would grant by Bill, what he was willing to grant any other way; and he could not break with the Parliament on that

account, without forfeiting entirely the love of his people, and losing the five subsidies. So the Commons would not miss this opportunity of firmly establishing the rights of the subjects.

The Speaker's Speech to The King

Here follows what the Speaker said to the King, in the name of the Commons, having first thanked him for his gracious assurance, that he would govern according to the laws, and told him, that the Commons greatest confidence was in his goodness:—

—True it is, they cannot but remember the public trust, for which they are accountable to present and future times; and their desires are, that your Majesty's goodness might, in fruit and memory, be the blessing and joy of posterity.

They say also, that of late there hath been public violation of the laws, and the subjects liberties, by some of your Majesty's ministers, and thence conceive, that no less than a public remedy will raise the dejected hearts of your loving subjects, to a cheerful supply of your Majesty, or make them receive content in the proceedings of this House.

From those considerations, they most humbly beg your Majesty's leave, to lay hold of that gracious offer of yours, which gave them assurance, that if they thought fit to secure themselves in their rights and liberties, by way of Bill, or otherwise, so it might be provided with due respect to God's honour, and the public good, you would be graciously pleased to give way unto it. Far from their intentions it is, any way to encroach upon your sovereignty or prerogative; nor have they the least thought of stretching or enlarging the former laws in any sort, by any new interpretations or additions; the bounds of their desires extend no farther, than to some necessary explanation of that which is truly comprehended within the just sense and meaning of those laws, with some moderate provision for execution and performance, as in times past upon like occasion hath been used.

The way how to accomplish these their humble desires, is now in serious consideration with them, wherein they humbly assure your Majesty, they will neither lose time, nor seek any thing of your Majesty, but that they hope may be fit for dutiful and loyal subjects to ask, and for a gracious and just King to grant.

His Majesty's answer was delivered by the Lord Keeper, follows:—

Mr. Speaker, and you Gentlemen of the House of Commons.

HIS Majesty hath commanded me to tell you, that he expected an answer by your actions, and not delay by your discourse: Ye acknowledge this trust and confidence in your proceedings, but his Majesty sees not how you requite him, by your confidence of his word and actions:

For what need explanations, if ye doubted not the performance of the true meaning? For explanations will hazard an encroachment upon his prerogative. And it may well be said, what need a new law to confirm an old, if you repose confidence in the declaration his Majesty made by me to both Houses? And ourselves acknowledge, that your greatest trust and confidence must be in his Majesty's grace and goodness, without which nothing ye can frame will be of safety, or avail to you:

Yet, to show clearly the sincerity of his Majesty's intentions, he is content that a Bill be drawn for a confirmation of Magna Charta, and the other six Statutes, insisted

upon for the subjects liberties, if ye shall chuse that as the best way, but so as it may be without additions, paraphrases, or explanations.

Thus if you please you may be secured from your needless fears, and this Parliament may have a happy wished for end: whereas by the contrary, if you seek to tie your King by new, and indeed impossible, bonds, you must be accountable to God and the Country for the ill success of this meeting. His Majesty hath given his royal word, that ye shall have no cause to complain hereafter less than which hath been enough to reconcile great Princes, and therefore ought much more to prevail between a King and his subjects.

Lastly, I am commanded to tell you, that his Majesty's pleasure is, that without further replies or messages, or other unnecessary delays, ye do what ye mean to do speedily, remembering the last message that Secretary Coke brought you in point of time his Majesty always intending to perform his promise to his power.

A Message From The King

To this answer the King presently after adds the following message, brought by Secretary Coke, to press the House, to rely on the King's word, notwithstanding the intimation of his good pleasure for a Bill:—

That he had rather, follow others, than begin to enter into this business; loss of time hath been the greatest complaint; the matter fallen now into consideration, is what way to take, whether to rely on his Majesty's word, or on a bill:

If we will consider the advantage we have in taking his Majesty's word, it will be of the largest extent, and we shall chuse; That that hath most assurance; an act of Parliament is by the consent of the King and Parliament; but this assurance by word, is, that he will govern us by the Laws; the King promises that, and also, that they shall be so executed, that we shall enjoy as much freedom as ever. This contains many Laws, and a grant of all good laws; nay, it contains a confirmation of those very laws, assurance, which binds the King further than the Law can:

First, it binds his affection, which is the greatest bond between King and subject, and that binds his judgment also, nay, his honour, and that not at home, but abroad; the Royal word of a King, is the ground of all treaty; nay, it binds his conference:

This confirmation between both Houses, is in nature of a vow for my oath, I think it is the greatest advantage to rely on his Majesty's word. He further added, this debate was fitter to be done before the House, and not before the Committee, and that it was a new course to go to a Committee of the whole House[63].

Remarks on The King's Answer

This answer and message clearly show, how much the King dreaded the Petition of Right, which was preparing for him. He justly supposed, it would contain not only the substance of Magna Charta, and the six Statutes, but also explanations which would prevent all cavils concerning the true meaning of these laws, which was what he would have avoided to approve, for fear of tying up his hands.

The Great Charter and the six Statutes had long also explanations which would prevent all cavils concerning the true meaning of these laws, which was what he would have avoided to approve, for fear of tying up his hands.

The Great Charter and the six statutes had long been in force, but that had not prevented his exacting money from his subjects by way of loan, and imprisoned such as refused to comply.

He was so far from owning, he had acted contrary to the laws, that he had caused his proceedings to be approved by the judges of the Realm. In offering therefore to confirm Magna Charta by a Bill, he left things in their present state, and the people would have reaped no benefit from the new Bill.

This is what the Lord Keeper could not forbear intimating, when he said, he did not see any occasion for a new law to confirm an old, By that he would have insinuated, that the old law was not infringed, and therefore the King was very willing to confirm it, provided there were no additions, explanations, and interpretations. But nothing was more apt to show the Commons the necessity of these explanations, than the King's endeavours to avoid them.

His extreme desire, that his word should be relied on, was a very strong reason to secure the liberties of the subject, by something more binding. It is true indeed, the words of Princes are capable of reconciling them, when at variance; but this supposes a mutual confidence, without which the bare word cannot beget a perfect reconciliation. Now the point was to know, whether the King's word might safely be taken, which the Commons did not believe, though they durst not openly declare it.

Besides, their having been told, that the King's promise to govern according to Law, was a greater security than the Laws themselves, was a plain indication, that the King did not think it impracticable to evade the law. Hence therefore they drew a fresh argument for binding the King by a more express and positive Law than those hitherto enacted.

We may further observe, that it is very surprising, the Secretary, in the conclusion of the message, should teach the Commons how this matter ought to be debated in the House, insinuating, that to go to a Committee of the whole House was a new course.

For the better understanding the design of this insinuation, the reader must know, that before the House a member cannot speak but once upon the same point, and having asserted his opinion, is not allowed to answer or reply. But when the House is turned into a committee, there is greater freedom.

Every one may argue, answer, reply, as he thinks fit. By this means the points in debate are fully cleared, so that it is easy for each to form his opinion upon the arguments, answers, and replies he has heard. It seems therefore, by what the Secretary insinuated to the Commons, the King feared all explanations that might arise from this way of debating.

Sir Edward Coke's Speech

But they did not think proper to receive his instructions, or alter their usual method[64]. The House therefore was turned into a committee, to take into consideration, all that could be laid for or against what the King desired. The general sense of the House was expressed as follows, by one of the Members, with whom the majority agreed:—

Was it ever known (said he) that general words were a sufficient satisfaction to particular grievances? was ever a verbal declaration of the King, *Verbum Regni*? When grievances be, the Parliament is to redress them. Did ever Parliament rely on messages? They put up Petitions of their grievances, and the King never answered them:

The King's answer is very gracious; but what is the law of the ream? that is the question. I put no diffidence in his Majesty, the King must speak by a record, and

in particulars, and not in general. Did you ever know the King's message come into a bill of subsidies? All succeeding Kings will say, Ye must trust me as well as ye did my predecessors, and trust my messages; but messages of love never came into a Parliament. Let us put up a petition of right: Not that I distrust the King, but that I cannot take his trust, but in a Parliamentary way.

As the Commons had resolved, that supply and grievances should go hand in hand, the Petition of Right was no sooner ready, but they made a farther progress in the affair of the subsidies, ordering that the two first should be paid the 10th of July, one more the 12th of October, another the 20th of December, and the last the 1st of March.

This was done to take from the King all pretence of complaining, that the affair of supply was neglected; but this did not satisfy him. He wished the subsidy bill to be drawn and passed, before the Petition of Right was presented to him, which the Commons were fully resolved not to do, being persuaded, that as soon as the subsidy bill should be passed, the Parliament would be prorogued or dissolved.

So, that same day, they sent the Petition of Right to the Lords for their concurrence[65]. But, before it was obtained, the Commons saw themselves obliged to sustain two fresh attacks, one from the King, the other from the House of Lords, where the court party was very strong.

The Lords being employed in examining the petition of right, desired a conference with the Commons, where the Lord Keeper said, he had proposed to the House some alterations in the Petition, to render it less harsh, and more agreeable to his Majesty, to the end, what was defined might be the more readily obtained. That whilst the Lords were debating upon the commitments, they received a letter from his Majesty, which they desired to communicate to the Commons; and it was read to them accordingly.

The King's Letter to The Lords Communicated to The Commons

To the Right Trusty and Right well beloved, the Lords Spiritual and Temporal, of the Higher House of Parliament.

Carolus Rex;

WE being desirous of nothing more than the advancement of the peace and prosperity of our people, have given leave to free debate upon the highest points of our Prerogative Royal, which in the time of our predecessors, Kings and Queens of this realm, were ever retrained as matters that they would not have discussed; and in other things we have been willing so far to descend to the desires of our good subjects as might fully satisfy all moderate minds, and free them from all just fears and jealousies, which those messages we have hitherto sent into the Commons House, will well demonstrate unto the world; yet we find it still insisted upon, that in no case whatsoever, should it never so nearly concern matters of State or government, we, or our Privy Council, have no power to commit any man without the cause be shewed;

Whereas it often happens, that should the cause be shewed, the service itself would thereby be destroyed and defeated, and the cause alleged must be such as may be determined by our Judges of our courts of Westminster, In a legal or ordinary way of justice; whereas the causes may be such, as those judges have not capacity of judicature; nor rules of Law to direct and guide their judgment in cases of that transcendent nature; which happening so often, the very encroaching on that constant

rule of government, for so many ages within this Kingdom practiced, would soon dissolve the very foundation and frame of our Monarchy.

Wherefore as to our Commons, we made fair proportions, which might equally preserve the just liberty of the subject:

So, my Lords, we have thought good to let you know, that without the overthrow of Sovereignty, we cannot suffer this power to be impeached; notwithstanding, to clear our conscience and just intentions, this we publish, that it is not in our heart, nor will we ever extend our Royal power, lent unto us from God, beyond the just rule of moderation, in anything which shall be contrary to our laws and customs, wherein the safety of our people shall be our only aim.

And we do hereby declare our Royal pleasure and resolution to be, which, God willing, we shall ever constantly continue and maintain. that neither we nor our Privy Council shall, or will, at any time hereafter, commit, or command to prison, or otherwise restrain the person of any, for not lending money to us, nor for any just cause, which in our conscience doth not concern the public good and safety of us and our people, we will not be drawn to pretend any cause; wherein our judgment and conscience is not satisfied with; base thoughts, we hope, no man can imagine will fall into our Royal breast; and that in all cases of this nature, which shall hereafter happen, we shall, upon the humble petition of the party, or address of our judges unto us, readily and really express the true cause of their commitment or restraint, so soon as with convenience and safety the same is fit to be disclosed and expressed; and that in all causes criminal, of ordinary jurisdiction, our judges shall proceed to the deliverance or bailment of the prisoner, according to the known and ordinary rules of the laws, of this land, and according to the Statutes of Magna Charta, and those other six statutes insisted upon, which we do take knowledge, stand in full force, and which we intend not to abrogate and weaken against the true intention thereof.

This we have thought fit to signify, or rather to shorten any long debate upon this great question, the season of the year being so far advanced, and our great occasions of State, not lending any more days for longer continuance of this session of Parliament,

Given under our signet, at our Palace at Westminster, 20 May, the fourth year of our Reign.

The Commons Remain Unshaken

The Commons took no notice of this letter, or rather, dissembled their vexation at the King's artifices, who by obscure and doubtful expressions, and by sundry restrictions, was preparing means to evade his promises, at the very time he would have them to be received as solemn, authentic, and satisfactory.

This may be plainly seen, if the terms of this letter be carefully considered, as well as the King's intent in writing it: which was to evade the Petition of Right, and be left at liberty to use his Prerogative as he had hitherto done.

The Lords Propound The Adding of a Clause to The Petition of Right

The second attack the Commons had to sustain, came from the Lords. They moved, at a conference, the adding to the Petition of Right, a clause which would have rendered it useless, at least, according to the court's intention, by whom, very probably, the House of Lords was directed. The additional clause was as follows:—

We present this our humble petition to your Majesty, with the care not only of preserving our own liberties, but with due regard to leave entire that Sovereign power wherewith your Majesty is trusted for the protection safety, and happiness of the people.

This addition was examined and debated with great exactness in the House of Commons[66], and the general opinion was, that it ought to be rejected, chiefly for three reasons.

The first, because of the ambiguity of the words Sovereign Power which the Parliaments had never used in speaking of the King's prerogatives.

The second, because this addition was in the nature of a saving of the King's Sovereignty, which rendered the petition of no force. It was a hedged, that in the reign of Edward I. the Parliament having presented the like petition to the King, he would have added these words, saving the King's Right .and Sovereignty, but the Parliament would not consent to it, because such savings render useless whatever they are annexed to. It was said likewise, that for the same reason the Kings would never suffer the clergy to insert in any of their acts, saying the honour of God and the Church.

The third reason was, that if this addition was genera!, and had no reference to the Petition, there was no need of admitting it. But if, on the contrary, it did refer to the Petition, it evidently rendered the Petition of no effect.

This clause being thus rejected by the Commons, the Lords durst not throw out the Petition[67], on account of this addition, which, in truth, was not absolutely necessary. so, being satisfied with giving the King this testimony of their affection for his service, they insisted no longer upon the additional clause.

The King's Speech Before The Reading of The Petition

Then the two Houses resolved to present the petition to the King, and to pray his Majesty to give his answer in full Parliament, that it might be enrolled and serve hereafter for rule to the courts of justice, as an act of Parliament. The 2nd of June the King came to the Parliament to give the Royal assent to the Petition of Right, and spoke thus to both Houses:—

Gentlemen,

I AM come hither to perform my duty. I think no man can think it long, since I have not taken so many days in answering the Petition, as ye spent weeks in framing it: And I am come hither to shew you, that as well in formal things as in essential, I desire to give you as much content as in me lies.

The Lord-Keeper added something farther; but, as there is nothing very material in his speech, I do not think it necessary to insert it. After he had done speaking, the Petition was read aloud, being expressed in these words:—[68]

To The King's Most Excellent Majesty

HUMBLY shew unto our Sovereign Lord the King, the Lords Spiritual and Temporal, and Commons in Parliament assembled, that, whereas it is declared and enacted by a Statute, made in the time of the Reign of King Edward the first, commonly called *Statutum de Tallagio non concedendo*, that no tallage or aide should be laid or levied, by the King or his heirs, in this realm; without the goodwill and assent of the Archbishops, Bishops, Earls, Barons, Knights, Burgesses, and other the freemen of the commonalty of this realm:

And by authority of Parliament houlden in the five and twentieth year of the reign of King Edward the third, it is declared and enacted, that from thenceforth no person should be compelled to make any loans to the King against his will, because such loans were against reason, and the franchise of the land; and by other laws of this realm it is provided, that none should be charged by any charge or imposition, called a Benevolence, nor by such like charge, by which the Statutes before mentioned, and other the good laws and statutes of this Realm, your subjects have inherited this freedom, that they should not be compelled to contribute to any tax, tallage, aid, or other like charge, not set by common consent in Parliament.

Yet nevertheless of late divers commissions, directed to sundry commissioners in several counties, with instructions, have been issued, by means whereof your people have been in divers places assembled, and required to lend certain sums of money unto your Majesty, and many of them upon their refusal so to do, have had an oath administered unto them, not warrantable by the laws or statutes of this Realm, and have been constrained to become bound to make appearance, and give attendance before your Privy Council, and in other places, and others of them have been therefore imprisoned, confined, and sundry other ways molested and disquieted:

And divers other charges have been laid and levied upon your people in several counties, by Lord Lieutenants, Deputy Lieutenants, commissioners for mutters, justices of peace, and others, by command or direction from your Majesty, or your Privy Council, against the laws and free customs of the realm.

And where also by the Statute called, The Great Charter of the Liberties of England, it is declared and enacted, that no freeman may be taken or imprisoned, or be disseized of his freehold or liberties, or his free customs, or be outlawed or exiled, or in any manner destroyed, but by the lawful judgment of his Peers, or by the law of the land:

And in the eight and twentieth year of the Reign of King Edward the Third, it was declared and enacted by authority of Parliament, that no man of what estate or condition that he be, should be put out of his lands or tenements, nor taken, nor imprisoned, nor disinherited. nor putt to death, without being brought to answer by due process of law.

Nevertheless against the tenor of the said statutes, and other the good laws and statutes of your Realm, to that end provided, divers of your Subjects have of late been imprisoned, without any cause shewed; and when for their deliverance they were brought before your justices, by your Majesty's writs of Habeas Corpus, there to undergo and receive as the Court should order, and their Keepers commanded to certify the causes of their detainer, no cause was certified, but that they were detained by your Majesty's special command, signified by the Lords of your Privy Council, and yet were returned back to several prisons without being charged with anything to which they might make answer according to the law.

And whereas of late great companies of soldiers and mariners have been dispersed into divers counties of the realm, and the inhabitants against their wills have been compelled to receive them into their houses, and there to suffer them to sojourn, against the laws and customs of this realm, and to the great grievance and vexation of the people.

And whereas also by authority of Parliament in the 25th year of the reign of King Edward III, it is declared and enacted, that no man should be fore-judged of life or limb, against the form of the great Charter, and the law of the land, and by the said great Charter, and other the laws and statutes of this your realm, no man ought to be adjudged to death, but by the laws established in this your realm, either by the customs of the same realm, or by acts of Parliament:

And whereas no offender of what kind soever, is exempted from the proceedings to be used, and punishments to be inflicted by the laws and statutes of this your realm; nevertheless of late time, divers commissions under your Majesty's Great Seal have issued forth, by which certaine persons have been assigned and appointed commissioners, with power and authority to proceed within the land, according to the justice of martial law against such soldiers and mariners, or other dissolute persons joining with them, as should commit any murder, robbery, felony, mutiny, or other outrage or misdemeanour whatsoever; and by such summary course and order as is agreeable to martial law, and as is used in armies in time of war, to proceed to the trial and condemnation of such offenders, and them to cause to be executed and put to death according to the law-martial.

By pretext whereof, some of your Majesty's subjects have been by some of the said commissioners put to death, when and where, if by the laws and statutes of the land they had deferred death, by the same laws and statutes also they might, and by no other ought, to have been judged and executed.

And also sundry grievous offenders by colour thereof, claming an exemption, have escaped the punishments due to them by the laws and statutes of this your realm, by reason that divers of your officers and ministers of justice have unjustly refused, or forborne to proceed against such offenders according to the same laws and statutes, upon pretence that the said offenders were punishable only by martial law, and by authority of such commissions as aforesaid; which commissions, and all others of like nature, are wholly and directly contrary to the said laws and statutes of this your realm.

They do therefore humbly pray your most excellent Majesty, That no man hereafter be compelled to make or yield any guiste, loan, benevolence, tax, or such like charge, without common consent by act of Parliament; and that none be called to make answer, or take such oath, or to give attendance, or be confined, or otherwise molested or disquieted concerning the same, or for refusal thereof:

And that no freeman, in any such manner as is before mentioned, be imprisoned or detained:

And that your Majesty would be pleased to remove the said soldiers and mariners, and that your people may not be so burthened in the time to come:

And that the aforesaid commissions for proceedings by martial Law, may be revoked and annulled; and that hereafter, no commissions of like nature may issue forth to any person or persons whatsoever, to be executed as aforesaid, least by colour of

them, any of your Majesty's subjects be destroyed or putt to death, contrary to the laws and franchise of the land.

All which they most humbly pray of your most excellent Majesty, as their rights and liberties, according to the laws and statutes of this realm: And that your Majesty would also vouchsafe to declare, That the awards, doings, and proceedings, to the prejudice of your people in any of the premises, shall not be drawn hereafter into consequence or example:

And that your Majesty would be also graciously pleased, for the further comfort and safety of your people, to declare your royal will and pleasure, That in the things aforesaid, all your officers and ministers shall serve you, according to the laws and statutes of this realm, as they tender the honour of your Majesty, and the prosperity of this Kingdom.

The King, as hath been seen, had used all possible endeavours to hinder this petition from being presented, and to satisfy the commons with general promises, which properly bound him to nothing, and did not destroy his system of government. So, though he feigned to come to the Parliament on purpose to pass the Petition of Right, and give a satisfactory answer, he pursued however his plan, and shewed by his answer, how much he dreaded to promise.

Here follows his answer, wherein may be easily perceived the same general promises, and the same restrictions as in what he had offered already.

The King's Answer to The Right of Petition

THE King willeth that right be done according to the laws and customs of the realm; and that the statutes be put in due execution, that his subjects may have no cause to complain of any strong oppressions, contrary to their just rights and liberties, to the preservation whereof he holds himself in conscience as well obliged, as of his prerogative.

Remarks on This Answer

It would be needless to make any remarks on this answer, since the King's intention appears so very plainly. It suffices only to observe, the King had endeavoured to content the Parliament with general promises, and the Commons not thinking that sufficient, had insisted upon the Petition of Right; where several particular cases were specified.

Now the King instead of giving the Parliament the satisfaction they desired, kept in his answer to his general promises, without touching upon any of the particular cases specified in the petition.

The Commons are Not Satisfied

The Commons not being satisfied with the King's answer, made no haste to finish the affair of supply. On the contrary, they desired a conference with the Lords, where the point of commitments was thoroughly discussed[69]. The thing in question was, the power assumed by the King to imprison the subjects, without declaring the cause, which the King had not lessened by his answer, though it was one of the chief motives of the Petition of Right.

Wherefore the Commons willing to shew the King their dissatisfaction, instead of proceeding with the subsidy bill, returned to the consideration of grievances. On this occasion, and at the instance of the Commons, the Lords passed upon Dr. Manwaring, the sentence I have mentioned in another place.

A Message From The King to The Commons of His Intention to End The Session

The King seeing the Commons other ways employed than in the business of subsidies, sent them the following message by their own Speaker:—

That his Majesty having, upon the Petition exhibited by both Houses, given an answer full of justice and grace, for which we and our posterity have just cause to bless his Majesty, it is now time to grow to a conclusion of the session; and therefore his Majesty thinks fit to let you know, That as he doth resolve to abide by that answer, without further change or alteration, so he will royally and really perform unto you what he hath thereby promised:

And further, that he resolves to end this session upon Wednesday the 11th of this month; and therefore wisheth, that the House will seriously attend those businesses which may best bring the session to a happy conclusion, without entertaining new matters, and so husband the time, that his Majesty may with the more comfort bring us speedily together again: At which time, if there be any further grievances not contained or expressed in the petition, they may be more maturely considered, than the time will now permit.

Buckingham is Complained of in The House

This message made the Commons believe[70], the Duke of Buckingham had done them ill offices with the King. This was mentioned in the House, and Sir John Elliot standing up, and beginning to speak in such a manner it was thought he was going to fall upon the favourite and ministry, the Speaker started from the chair and said:—

There is a command laid upon me, that I must command you not to proceed.

Whereupon Elliot sat down. But others more bold proposed to go and shew their dangers to the Lords, and then carry their complaints together to the King. Some of the court party saying, that the speech lately spoken by Sir John Elliot[71] had given offence to his Majesty, the House declared:—

That every Member is free from any undutiful Speech, from the beginning of the Parliament to that day, and ordered, that the House be turned into Committee, to consider what is fit to be done for the safety of the Kingdom; and that no man go out upon pain of going to the Tower.

The Speaker Goes Out

But Sir John Finch the Speaker, desiring leave to go out, obtained it, and immediately informed the King of what was passing in the House. In his absence it was debated, and going to be voted by a majority, to make a remonstrance to the King, wherein it should be said that the Duke of Buckingham was the chief cause of all the miseries of the Kingdom.

Resolve Concerning a Remonstrance

But before the debate was ended, the Speaker returned with a message from the King, commanding the House to adjourn till next day, and all committees to cease in the meantime. The Lords received the same order. On the morrow the Speaker brings the following message from the King.

Another Message From The King

Whereas his Majesty understanding, that ye did conceive his last message to restrain you in your just privileges, to complain of any of his ministers; these are to declare his intentions, That he had no meaning of barring you from what hath been your right, but only to avoid all scandals on his council and actions past, and that his Ministers might not be, nor himself, under their names, taxed for their counsel unto his Majesty, and that no such particulars should be taken in hand, as would ask a longer time of consideration than what he hath prefixed, and still revolves to hold, that so for this time all Christendom might take notice of a sweet parting between him and his people:

Which if it fall out, his Majesty will not be long from another meeting, when such (if there be any) at their leisure and convenience may be considered.

Remarks on This Message

It may have been hitherto observed, in King Charles's whole conduct, that he was so firm in his principles concerning government, that he could not resolve to recede from any thing, or if he seemed to make any concession, he immediately rendered it useless by some restriction.

This may be seen in his answer to the Petition of Right, but still more particularly in this last message to the Commons. He would not (as he said) bar them from the privilege to complain of his Ministers, but would not have them cast any blame on their counsels. That is, properly speaking, he would not have them attacked, or at most, would only suffer them, to be prosecuted for private offences which they might be guilty of, like all the rest of the subjects, but not for state affairs, as ministers and counsellors.

The Commons not being more satisfied with this message than the former, the House was again turned into a committee, and considered of some more heads to be inserted in the remonstrance, particularly the King's design to bring into the nation foreign forces. This complaint was grounded upon a discovery the House had made of a Privy Seal, expressed in these words[72]:-

The King's Order to Bring Foreign Troops into The Kingdom

CHARLES by the Grace of God &c.

To the Treasurer, and under-Treasurer for our Exchequer for the time beings greeting:

WE do hereby will and command you, out of our treasury, remaining in the receipt of: our said exchequer, forthwith to pay, or cause to be paid unto Philip Burlemack, London, Merchant, the sum of thirty thousand pounds, to be paid by him over by bill of exchange into the Low-Countries, and Germany, unto our truly and well beloved Sir William Balfour, Knight, and John Dolbier, Esq., or either of them, for levying and providing certain numbers of horses, with arms for horse and foot, to be brought over into this Kingdom for our service, viz. &c.

At the same time the Commons sent a message to the Lords, to desire their concurrence in an humble Petition to the King, that a clear and satisfactory answer be given by his Majesty in full Parliament to the Petition of Rights to which the Lords consented. The King knew then, it was not possible for him to avoid giving such answer as the Parliament desired, and therefore resolved at last to do it with a good grace, otherwise he saw plainly the affair of supply would be for ever

delayed. So coming to the Parliament the 7th of June, both Houses presented the following petition to him:—

The Petition of Both Houses

MAY it please your most excellent Majesty, The Lords spiritual and temporal, and commons in Parliament assembled, taking in consideration, that the good intelligence between your Majesty and your people doth much depend upon your Majesty's answer upon their petition of right formerly presented; with unanimous consent do now become most humble suitors unto your Majesty, that you would be pleased to give a clear and satisfactory answer thereunto in full Parliament.

To which the King replied:—

The answer I have already given you was made with so good deliberation, and approved by the judgments of so many wise men, that I could not have imagined but it should have given you full satisfaction:

But to avoid all ambiguous interpretations, and to shew you there is no doubleness in my meaning, I am willing to pleasure you as well in words as in substance; read your petition, and you shall have an answer that I am sure will please you.

Satisfactory Answer to The Petition

Here the Petition was read, and this answer was returned:—

Soit droit fait comme il eft désiré. C. R.

Then said his Majesty:—

This I am sure is full, yet no more than I granted you in my first answer, for the meaning of that was to confirm your liberties, knowing, according to your own protestations, that you neither mean nor can hurt my prerogative. And I assure you my maxim is, that the people's liberties strengthen the King's prerogative, and the King's prerogative is to defend the people's liberties.

You see how ready I have shewed myself to satisfy your demands, so that I have done my part; wherefore if this Parliament have not a happy conclusion, the sin is yours, I am free from it.

The Commons Examine Other Grievances

The Commons being satisfied upon this point, began seriously to proceed with the bill of subsidies, but in such a manner however, that they made the consideration of grievances go hand in hand with it^[73], knowing, as soon as the money-bill was passed, the King would put an end to the session.

They began therefore with examining a commission, whereby the King had authorized and required a certain number of Lords and Gentlemen to consider of the best and speediest means for raising money upon the people by way of imposition or otherwise^[74].

This commission had been granted after the summons to the Parliament, but before the meeting. Probably, the King fearing; he should be obliged to dissolve this Parliament for the same reasons

he had dissolved the former, was willing to be secured beforehand of means to raise money in case the Parliament refused to grant a supply. Be this as it will, the Commons, after a conference with the Lords, voted that the commission should be inserted in the remonstrance they were to present to the King.

Then they entered upon the examination of Buckingham's conduct, examination by no means favourable to the Duke. He was charged with being the cause of all the evils to the Kingdom, of the losses at sea, of the decay of trade, of the disasters to the armies, and of countenancing Arminianism and Popery.

Upon this article, it was observed, that the Duke's mother was a Papist, and had a great influence over her son, who had himself an absolute sway over the King, and that Dr. Montague, who was reckoned a zealous Arminian, made his court to him with great diligence.

Resolve of The House Against Buckingham

In short, the House came to this resolution, that the excessive power of the Duke of Buckingham is the cause of the evils and dangers to the King and Kingdom, and that this be added to the remonstrance, and, a few days after, voted that Dr. Neile, Bishop of Winchester, and Dr. Laud, Bishop of Bath and Wells, be named to be those about the King, who are suspected to be Arminians.

As this remonstrance clearly and distinctly discovers the occasions of the Commons complaint against the Government, I think it necessary to insert it.

Most Dread Sovereign,

AS with humble thankfulness we, your dutiful Commons now assembled in Parliament, do acknowledge the great comfort which we have in your Majesty's pious and gracious disposition, so we think it a meet and most necessary duty, being called by your Majesty, to consult and advise of the great and urgent affairs of this Church and Commonwealth, finding them, at this time in apparent danger of ruin and destruction, faithfully and dutifully to inform your Majesty thereof, and with bleeding hearts and bended knees, to crave your speedy redress. therein, as to your own wisdom (unto which we most humbly submit ourselves and our desires) shall seem most meet and convenient.

What the multitude and potency of your Majesty's enemies are abroad; what be their malicious and ambitious ends; and how vigilant and constantly industrious they are in pursuing the same, is well known to your Majesty; together with the dangers threatened thereby to your sacred person and your Kingdoms, and the calamities which have already fallen and do daily increase upon your friends and allies, of which we are well assured your Majesty is most sensible, and will accordingly, in your great wisdom, and with the gravest and most mature council, according to the exigency of the times and occasions, provide to prevent and help the same.

To which end we most humbly entreat your Majesty, first, and especially, to call our eyes upon the miserable condition of this your own Kingdom, of late so strangely weakened and dejected, that unless, through your Majesty's most gracious wisdom, goodness, and justice, it be speedily raised to a better condition, it is in no little danger to become a sudden prey to the enemies thereof; and of the most happy and flourishing, to be the most miserable and contemptible nation in the world. In the discoveries of which dangers, mischief, and inconveniences lying upon us, we do freely protest, that it is far from our thoughts to lay the least aspersion upon your sacred person, or the least scandal upon your government; for we do in all sincerity

of our hearts, not only for ourselves, but in the name of all the Commons of the Realm, (whom we represent) ascribe as much duty, as a most loyal and affectionate people can do unto the best King, (for so ye are, and so have been pleased abundantly to express yourself this present Parliament, by your Majesty's clear and satisfactory answer to our Petition of Right: For which, both ourselves and our posterity shall bless God for you, and ever preserve a thankful memory for your great goodness and justice therein); and we do verily believe, that all, or most of these things, which we shall now present unto your Majesty, are either unknown unto you, or else by some of your Majesty's ministers offered! under such specious pretences, as may hide their own ill intentions, and ill consequences of them from your Majesty:

But we assure ourselves, according to the good example of your Majesty's predecessors, nothing can make your Majesty, (being a wise and judicious Prince, and above all things desirous of the welfare of your people) more in love with Parliaments than this, which is one of the principal ends of calling them, that therein your Majesty may be truly informed of the state of all the several parts of your Kingdom, and how your Officers and Ministers do behave themselves in the trust reposed in them by your Majesty, which is scarce able to be made known unto you but in Parliament, as was declared by your blessed father, when he was pleased to put the Commons in Parliament assembled, in mind;

That it would be the greatest unfaithfulness and breach of duty to his Majesty; and of the trust committed to them by the country that could be, if in filing forth the grievances of the people, and the condition of all the parts of this Kingdom from whence they come, they did not deal clearly with him, without sparing any, how near and dear soever they were unto him, if they were hurtful or dangerous to the Commonwealth.

In confidence therefore of your Majesty's gracious acceptance in a matter of so high importance, and in faithful discharge of our duties we do first of all most humbly beseech your Majesty to take notice, that howsoever we know your Majesty, doth with your soul abhor, that any such thing should be imagined of attempted:

Yet there is a general fear conceived in your people, of secret working and combination, to introduce into their Kingdom, innovation, and change of our holy religion, more precious unto us than our lives, and whatever this world can afford. And our fears and jealousies herein are not merely conjectural, but arising out of such certain and visible effects, as may demonstrate a true and real cause:

For notwithstanding the many good and wholesome laws, and the provisions made to prevent the increase of popery within this Kingdom; and notwithstanding your Majesty's most gracious and satisfactory answers to the petition of both Houses in that behalf, presented to your Majesty at Oxford, we find there hath followed no good execution nor effect, but on the contrary, (at which your Majesty out of the quick sense of your own religious heart, cannot but be in the highest measure displeased) those of that religion do find extraordinary favours and respect in court from persons of great quality and power, whom they continually resort unto, and in particular to the Countess of Buckingham, who herself openly professing that religion, is a known favourer and supporter of them that do the same; which we well hoped, upon your Majesty's answer to the aforesaid Petition at Oxford, should not have been permitted, nor that any of your Majesty's subjects of that religion justly to be suspected, should be entertained in the service of your Majesty or your Royal Consort the Queen. Some likewise of that religion have had honours, offices, and places of command and authority lately conferred upon them. But that which striketh the greatest terror into the hearts of your loyal Subjects concerning this, is, that

letters of stay of legal proceedings against them have been procured from your Majesty, (by what indirect means we know not):

And commissions under the Great Seal, granted and executed for composition to be made with Popish recusants, with inhibitions, and restraint, both to the ecclesiastical and temporal courts, and officers to intermeddle with them; which is conceived to amount to no less than a toleration, odious to God, full of dishonour, and extreme disprofit to your Majesty, of extreme scandal and grief to your good People, and of apparent danger to the present state of your Majesty, and of this Kingdom; their numbers, power, and insolence, daily increasing in all parts of your Kingdom, and especially about London, and the suburbs thereof, where exceeding many families do make their abode publicly, frequent mass at Denmark House, and other places; and by their often meetings and conferences, have opportunities of combining their counsels and strength together, and to the hazard of your Majesty's safety and the state, and most especially in these doubtful and calamitous times.

And as our fear concerning change or subversion of religion, is grounded upon the daily increase of Papists, the open and professed enemies thereof, for the reasons formerly mentioned; so are the hearts of your good subjects no less perplexed, when with sorrow they behold a daily growth and spreading of the faction of the Arminians, that being, as your Majesty well knows, but a cunning way to bring in' Popery, and the professors of those opinions, the common disturbers of the Protestant Churches, and incendiaries in those States, wherein they have gotten any head, being Protestants in shew, but Jesuits in opinion; which caused your Royal father, with so much pious wisdom, and ardent zeal, to endeavour the suppressing of them, as well at home, as in the neighbour countries.

And your gracious Majesty, imitating his most worthy example, hath openly, and by your proclamation, declared your dislike of those persons, and of their opinions; who, notwithstanding, are much favoured and advanced, not wanting friends even of the clergy, near to your Majesty ; namely, Dr. Neile Bishop of Winchester, and Dr. Laud Bishop of Bath and Wells, who are justly suspected to be unsound in their opinions that way.

And it being now generally held the way to preferment and promotion in the Church, many scholars do bend the course of their studies to maintain those errors, their books and opinions are suffered to be printed and published; and on the other side, the imprinting of such as are written against them, and in defence of the orthodox church, are hindered and prohibited, and (which is a boldness almost incredible) this restraint of orthodox books is made under colour of your Majesty's formerly mentioned proclamation, the intent and meaning whereof, we know, was quite contrary.

And farther, to increase our fears concerning innovation of religion, we find, that there hath been no small labouring to remove that which is the most powerful means to strengthen and increase our own religion, and to coppice both those, which is the diligent teaching and instruction of the people in the true knowledge and worship of Almighty God.

And therefore means hath been sought out to depress and discountenance pious, and painful, and orthodox preachers, and how conformable soever, and peaceable in their disposition and carriage they be, yet the preferment of such is opposed, and instead of being encouraged, they are molested with vexatious courses and pursuits, and hardly permitted to lecture.

And in those places where are no constant preaching ministers, whereby many of your good people (whose souls, in this case, we beseech your Majesty to commiserate) are kept in ignorance, and are apt to be easily seduced to error and superstition. It doth not a little also increase our dangers and fears this way, to understand the miserable condition of your Kingdom of Ireland, where, without control, the popish religion is openly professed, and practised in every part thereof; popish jurisdiction being there generally exercised and avowed, monasteries, nunneries, and other superstitious houses newly erected, re-edified, and replenished with men and women of several orders, and in a plentiful manner maintained at Dublin, and most of the great towns, and divers other places of the Kingdom; which of what ill-consequence it may prove, if not seasonably repressed, we leave to your Majesty's wisdom to judge: But most humbly beseech you, (as we assure ourselves you wish to lay the serious consideration, thereof to your royal and pious heart, and that some speedy course may be taken for redress therein.

And if now to all these your Majesty will be pleased to add the consideration of the circumstances of time. wherein these courses, tending to the destruction of true religion, within these your Kingdoms, have been taken, here, even then when the same is with open force and violence prosecuted in other countries, and all the reformed Churches in Christendom, either depressed, or miserably distressed:

We do humbly appeal unto your Majesty's princely judgment, whether there be not just ground of fear, that there is some secret and strong cooperating here with the enemies of our religion abroad, for the utter extirpation thereof?

And whether, if those courses be not speedily redressed, and the profession of true religion more encouraged, we can expect any other but misery and ruin speedily to fall upon us? Especially, if besides the visible and apparent dangers wherewith we are compassed about, you would be pleased to remember the displeasure of Almighty God, always bent against the neglect of his holy religion, the strokes of whose divine justice we have already felt, and do still feel with smart and sorrow in great measure.

And besides this fear of innovation in religion, we do in like faithful discharge of our duties, most humbly declare to your Majesty, that the hearts of your people are full of fear of innovation and change of government, and accordingly possessed with extreme grief and sorrow; yet in this point, by your Majesty's late answer to our petition of right touching our liberties, much comforted, and raised again out of that sadness and discontent, which they generally had conceived throughout the whole Kingdom, for the undue courses which were the last year taken for raising of moneys by loans, than which (whatever your Majesty hath been informed to the contrary) there were never any moneys demanded nor paid with greater grief, and general dislike of all your faithful subjects; though many, partly out of fear, partly out of other respects, (yet most unwillingly) were drawn to yield to what was required.

The billeting of soldiers did much augment both their fears and grief, wherein likewise they find much comfort upon your gracious answer to our petition of right, and to that we presented to your Majesty concerning this particular. Yet we most humbly beseech your Majesty, that we may inform you, that the still continuance and late re-enforcing of those soldiers, the conditions of their persons, (many of them not being natives of this Kingdom, nor of the same, but of an opposite Religion) the placing them upon the seacoast, where making head amongst themselves, they may unite with the Popish party at home, if occasion serve, and join with an invading enemy to do extreme mischief; and that they are not yet dismissed, both still minister cause of jealousy in your loving subjects; for that the soldiers cannot be continued without exceeding great danger of the peace and safety of your Kingdom.

The report of the strange and dangerous purpose of bringing in German horse, and riders, would have turned our doubts into despair, and our fears into a certainty of confusion, had not your Majesty's gracious message (for which we humbly give you thanks) comforted us by the assurance of your royal word, that they neither are, nor were intended by your Majesty for any service in England, but that they were designed for some other foreign employment. Yet the fight of the Privy Seal, by which, it seemeth, they were to be levied; the great sum of money, which, upon examinations, we found to be paid for that purpose, gave us just cause of fear, that much about the same time there was a commission under the Great Seal granted unto the Lords and others of the Privy-Council, to consider of other ways for raising of moneys, so particularly by impositions, gave us just cause to suspect, that whatsoever was your Majesty's gracious intention, yet there wanted not those those, that under some colourable pretence, might secretly by this, as by other ways, contrive to change the frame both of religion and government, and thereby undermine the safety of year Majesty and your Kingdoms.

These men could not be ignorant, that the bringing in of grangers for aid, hath been pernicious to most states, where they have been admitted, but to England fatal. We do bless God that hath given your Majesty a wise understanding heart to discern of those courses, and that such power produceth nothing but weakness and calamity.

And we beseech your Majesty to pardon the vehemence of our expression, if in the loyal and zealous affections we bear to your Majesty and your service, we are bold to declare to your Majesty and the whole world, that we hold it far beneath the heart of any free Englishman to think, that this victorious nation should now stand in need of German soldiers to defend their now King and Kingdom.

But when we consider the course formerly mentioned, and these things tending to an apparent change of Government, the often breaches of Parliament, whereby your Majesty hath been deprived of the faithful counsel, and free aids of your people, by taking of tannage and poundage, without grant thereof by act of Parliament, ever since the beginning of your Majesty's reign to this present, the standing commission granted to the Duke of Buckingham to be general of an army in the land in the time of peace, the discharging of faithful and sufficient officers and ministers, some from judicial place, and others from the offices and authorities which they formerly held in the Commonwealth: we cannot but at the sight of such an apparent desolation as must necessarily follow these courses, out of the depth of sorrow, lift up our cries to heaven for help, and next, under God, apply our selves unto your sacred Majesty, who, if you could hear so many thousands speaking together, do jointly implore speedy help and reformation.

And if your Majesty would be pleased to take a further view of the present state of your realm, we do humbly pray you to consider, whether the miserable disasters and ill success that hath accompanied all your late designs and actions, particularly those of Calais, and the isle of Rhee, and the last expedition to Rochel, have not extremely wasted that stock of honour that was left unto this Kingdom, sometimes terrible to all other nations, and now declining to contempt beneath the meanest.

Together with our honours, we there lost those (and that not a few) who had they lived, we might have some better hope of recovering it again; our valiant and expert colonels, captains and commanders, and many thousand common soldiers and mariners: though we have some cause to think, that your Majesty is not as yet rightly informed thereof; and that of six or seven thousand of your subjects lost at the Isle of Rhee, your Majesty received information but of a few hundreds. And this

dishonour and loss hath been purchased with the consumption of above a million of treasure.

Many of the forts are exceeding weak and decayed, and want both men and munitions. And here we cannot but with grief consider and complain of a strange improvidence, (we think your Majesty will rather call it treachery) that your store of powder, which by order of your Privy Council, dated the 10th of December 1626, should be constantly three hundred last, besides a continual supply of twenty last a month for ordinary expenses, and were now fit (as we conceive) to be double the proportion, is at this time in the tower (the present warrants being served) but nine lasts and forty eight pounds in all; which we tremble to think of.

And that, notwithstanding the extreme scarcity of powder, great quantities have been permitted to be sold out of your Majesty's store to particular persons for private gain whereof we have seen a certificate, six last sold thence the fourteenth of January last, and your Majesty's store being unfurnished of powder, which by a contract made with Mr. Evelyn, by advice of your Lords in Parliament, ought to be supplied monthly with twenty last, at the rate of three pounds ten shillings and ten-pence a barrel; your Majesty hath been forced to pay above seven pounds a barrel for powder, to be brought in from beyond seas, for which purpose, twelve thousand four hundred pounds was impressed to Mr. Burlemack the last year, and that powder not so good as that by contract: your Majesty should have by one third part, all which are most fearful and dangerous abuses. But what the poverty, weakness, and misery of our Kingdom is now grown unto by decay of trade, and destruction, and loss of ships and mariners, within these three years, we are almost afraid to declare:

And could we by any other means have been sure, that your Majesty should any other way have had a true information thereof, we should have been doubtful to have made our weakness and extremity of misfortune in this kind to appear: But the importunate and most pitiful complaints from all parts of the Kingdom near adjoining to the sea in this kind, would rend, as we think, the stoniest heart in the world with sorrow; and the sense we have of the miserable condition your Kingdom is in by reason thereof, especially, for that we see no possible means (being now shortly to end this session) how to help the same, adds such a weight of grief unto our sad thoughts, as we have not words to express it: But for your Majesty's more exact information therein, we beseech you be pleased to peruse the calendar of particulars, which with the remonstrance, we most humbly present unto your Majesty.

One reason, amongst many, of this decay of trade, and loss of ships and mariners is, the not guarding of the narrow seas, the regality whereof your Majesty hath now in a manner wholly lost, being that wherein a principal part of the honour and safety of this Kingdom heretofore confided and now having absolutely neglected it, the town of Dunkirk doth so continually rob and spoil your subjects, that we can assure your Majesty (if some present and effectual remedy be not forthwith provided; the whole trade of this Kingdom, the shipping, mariners, and all belonging thereunto, will be utterly lost and consumed. The principal cause of which evils and dangers we conceive to be the excessive power of the Duke of Buckingham, and the abuse of that power:

And we humbly submit unto your Majesty's excellent wisdom, whether it be safe for yourself, or your Kingdoms, that so great power as rests in him by sea and land, should be in the hands of any one subject whatsoever.

And as it is not safe, so sure we are, it cannot be for your service, it being impossible for one man to manage so many and weighty affairs of the Kingdom as he hath undertaken, besides the ordinary duties of those offices which he holds, some of which well performed, would require the time and industry of the ablest men both of counsel and action, that your whole Kingdom will afford, especially in these times of common danger.

And our humble desire is farther, that your most excellent Majesty will be pleased to take into your most princely consideration, whether, in respect the said Duke hath so abused his power, it be safe for your Majesty and your Kingdoms to continue him, either in his great offices, or in his place of nearness and counsel about your sacred person.

And this in all humility, aiming at nothing but the honour of Almighty God, and the maintenance of his honour of Almighty God, and the maintenance of his true religion, the safety and happiness of your most excellent Majesty, and the preservation and prosperity of this Church and Commonwealth; we have endeavoured with faithful hearts and intentions, and in discharge of the duty we owe to your Majesty and our country, to give your Majesty a true representation of our present danger, and pressing calamities, which we humbly beseech your Majesty graciously to accept, and to take the same to heart, accounting the safety and prosperity of your people, your greatest happiness, and their love, your richest treasure. A rueful and lamentable spectacle we confess it must needs be, to behold those ruins in so fair an house, so many diseases, and almost every one of them deadly, in so strong and well tempered a body: as this Kingdom lately was.

But yet we will not doubt, but that God hath reserved this honour for your Majesty, to restore the safety and happiness thereof, as a work worthy so excellent a Prince, for whose long life and true felicity we daily pray, and that your fame and never-dying glory may be continued to all succeeding generations.

This remonstrance, delivered by the Speaker, (who much desired to be excused) made no great impression upon the King: though it did upon the people. All the facts therein alleged were known and indisputable truths. As to the Right, the People readily believed, the King and his ministers meant to establish a despotic power, because all their proceedings plainly shewed it.

But they could not believe that the Parliament had purposely formed a project to rob the King of his prerogatives. They were the more confirmed in this opinion, as after the dissolution of this very Parliament, the King, in the reasons he gave for the. dissolution, complained not of the remonstrance.

The Subsidy Bill is Sent to The Lords

The same day the remonstrance was presented to the King, the Commons sent the subsidy bill to the Lords for their concurrence. Soon after the King acquaints them by message, that he meant to end the session the 26th of June: whereupon the Commons began to prepare a particular remonstrance of the undue taking of tannage and poundage[75].

This was an ancient impost upon merchants goods exported and imported, which the Parliament usually granted to the Kings, to enable them to guard the seas and protect the trade. This impost had long been granted to every King, and it happened sometimes, that after the death of a King, his successor had continued to levy it, till the Parliament had given it by an act. As in the reign of Charles I, the court was much guided by precedents favourable to the prerogative royal, and as they took advantage of such precedents, as if they had been so many laws, it happened that since King James's death, Charles had levied tannage and poundage, without desiring an act of

Parliament for that purpose, under colour that some of his predecessors had practised it some time till an act was passed.

This is what the Commons found fault with, maintaining, the right was a pure grant of the people, and consequently the King had not power to levy it without the consent of Parliament; and the more as the seas had never been well guarded, nor the trade less protected than in the first years of this reign.

To maintain therefore the people's rights, and hinder the crown from usurping by degrees the impost of tunnage and poundage, as a right independent of the Parliament, the Commons prepared a remonstrance to the King upon that subject.

The King Tells Both Houses That The Commission For Raising Money is Cancelled

Whilst the remonstrance was drawing, the King acquainted the Lords, that the commission for finding means to raise money, was but a warrant of advice, agreeable to the time and occasions; but that now having received a token of his people's love, by the subsidy bill ready to be passed, the commission was become useless, and therefore he had commanded it to be cancelled.

As if he had said, in case the Parliament had not granted a supply he should have found ways to raise money. As to his saying the commission was but a warrant of advice, it is strange that in speaking to men of sense, such wretched excuses should be used. The day following, the Commons were informed also, that the commission was cancelled. As the affair of tunnage and poundage made a great noise, it is necessary to insert the Commons remonstrance on that subject:—

The Commons Remonstrance of Tunnage and Poundage

Most gracious Sovereign,

YOUR Majesty's most loyal and dutiful subjects, the Commons in this present Parliament assembled, being in nothing more careful, than of the honour and prosperity of your Majesty, and the Kingdom, which they know do much depend upon that happy union and relation betwixt your Majesty and your people, do with much sorrow apprehend, that by reason of the uncertainty of their continuance together, the unexpected interruptions which have been call upon them, and the shortness of time in which your Majesty hath determined to end this session, they cannot bring to maturity and perfection, divers businesses of weight, which they have taken into their consideration and resolution, as most important for the common good:

Amongst other things, they have taken into especial care the preparing of a bill, for the granting of your Majesty such a subsidy of tunnage and poundage, as might uphold your profit and revenue in as ample a manner as their just care and respect of trade (wherein not only the prosperity, but even the life of the Kingdom doth consist) would permit: but being a work which will require much time and preparation by conference with your Majesty's officers, and with the **merchants, not only of London**, but of other remote parts, they find it not possible to be accomplished at this time:

Wherefore considering it will be much more prejudicial to the right of the subject, if your Majesty should continue to receive the same without authority of law, after the determination of a session, than if there had been a recess by adjournment only, in which case, that intended grant would have related to the first day of the

Parliament; and alluring themselves, that your Majesty is resolved to observe that your royal answer, which you have lately made to the Petition of Right of both Houses of Parliament:

Yet doubting lest your Majesty may be misinformed concerning this particular case, as if you might continue to take those subsidies of tannage and poundage, and other impositions upon merchants, without breaking that answer, they are forced by that duty which they owe to your Majesty, and to those whom they represent, to declare,

That there ought not any imposition to be laid upon the goods of merchants, (exported or imported) without common consent by act of Parliament ; which is the right and inheritance of your subjects, founded not only upon the most ancient and original constitution of this Kingdom, but often confirmed and declared in divers Statute-Laws.

And for the better manifestation thereof, may It please your Majesty to understand, that although your royal predecessors, the Kings of this Realm, have often had such subsidies and impositions granted unto them upon divers occasions, especially for the guarding of the seas, and the safeguard of merchants:

Yet the subjects have been ever careful! to use such cautions and limitations in those grants, as might prevent any claim to be made, that such subsidies do proceed from duty, and not from the free gift of the Subjects.

And that they have heretofore used to limit a time in such grants, and for the most part but short, as for a year or two, and if it continued longer, they have sometimes directed a certain space of cessation or intermission, that so the right of the subject might be more evident. At other times it hath been granted upon occasion of war, for a certain number of years, with provision; That if the war were ended in the mean time, then the grant should cease:

And of course it hath been sequestered into the hands of some subjects, to be employed for the guarding of the seas. And it is acknowledged by the ordinary answers of your Majesty's predecessors, in their assent to the bills of subsidies of tannage and poundage, that it is of the nature of other subsidies, proceeding from the good will of the subject:

Very few of your predecessors had it for life, until the Reign of Henry VII, who was so far from conceiving he had any right thereunto, that although he granted commissions for collecting certain duties and customs due by law, yet he made no commissions for receiving the subsidy of tannage and poundage, until the same was granted unto him in Parliament. Since his time all the Kings and Queens of this realm have had the like grants for life, by the free love and goodwill of the subjects. And whomsoever the people have been grieved, by laying any impositions, or other charges upon their goods and merchandises without authority of law (which hath been very seldom) yet upon complaint in Parliament, they have been forthwith relieved; saving in the time of your royal father, who, having through ill counsel, raised the rates and charges upon merchandises to that height at which they now are, yet he was pleased so far forth to yield to the complaint of his people, as to offer, that if the value of those impositions which he had set might be made good unto him, he would bind himself and his heirs by an act of Parliament, never to lay any other:

Which offer, the Commons at that time, in regard of the great burden, did not think fit to yield unto. Nevertheless your loyal Commons in this Parliament, out of their

especial zeal to your service, and especial regard of your pressing occasions, have taken into their consideration, so to frame a grant of subsidy of tunnage or poundage to your Majesty, that both you might have been the better enabled for the defence of your realm, and your subjects, by being secure from all undue charges, be the more encouraged cheerfully to proceed in their course of trade; by the increase whereof, your Majesty's profit, and likewise the strength of the Kingdom, would be very much augmented.

But not being now able to accomplish this their desire, there is no course left unto them, without manifest breach of their duty, both to your Majesty and their country, save only to make this humble declaration, That the receiving of tunnage and poundage, and other impositions, not granted by Parliament, is a breach of the fundamental liberties of this Kingdom, and contrary to your Majesty's royal answer to the said Petition of Right.

And therefore they do most humbly beseech your Majesty to forbear any further receiving of the same; and not to take it in ill part from those of your Majesty's loving subjects, who shall refuse to make payment of any such charges, without warrant of law demanded.

And as by this forbearance, your most excellent Majesty shall manifest unto the world your royal justice in the observation of your laws: So they doubt not but hereafter, at the time appointed for their coming again, they shall have occasion to express their great desire to advance your Majesty's honour and profit.

The King's Speech to Both Houses Concerning Tunnage and Poundage

The King being informed of the contents of this remonstrance, on the 26th of June sent for the speaker, who returned some time after to the House, whilst the remonstrance was reading. He was no sooner come, but the King, who was now at the House of Lords, sent for the Commons, and thus spoke to both Houses:—

IT may seem strange that I came so suddenly to end this session; before I give my assent to the bills, I will tell you the cause, though I must avow, that I owe the account of my actions to God alone. It is known to every one, that a while ago the House of Commons gave me a remonstrance, how acceptable every man may judge; and for the merit of it, I will not call that in question, for I am sure no wise man can justify it.

Now since I am truly informed, that a second remonstrance is preparing for me to take away the profit of my tunnage and poundage, one of the chief maintenancies of my Crown, by alleging, I have given away my right thereto by my answer to your petition:

This is so prejudicial unto me, that I am forced to end this session some few hours before I meant, being not willing to receive any more remonstrances, to which I must give a harsh answer. And since I see, that even the House of Commons begins already to make false constructions of what I granted in your petition, lest it be worse interpreted in the country, I will now make a declaration concerning the true intent thereof.

The profession of both Houses in the time of hammering this petition, was no way to trench upon my prerogative, saying, they had neither intention or power to hurt

it. Therefore it must needs be conceived, that I have granted no new, but only confirmed the ancient liberties of my subjects. Yet to shew the clearness of my intentions, that I neither repent, nor mean to recede from any thing I have promised you, I do here declare myself, That those things which have been done, whereby many have had some cause to expect the liberties of the subjects to be trenched upon, which indeed was the first and true ground of the petition, shall not hereafter be drawn into example for your prejudice, and from time to time, in the word of a King, ye shall not have the like cause to complain. But as for tunnage and poundage, it is a thing I cannot want, and was never intended by you to ask, nor meant by me I am sure, to grant.

To conclude, I command you all that are here, to take notice of what I have spoken at this time, to be the true intent and meaning of what I granted you in your petition; but especially you, my Lords the Judges, for to you only, under me, belongs the interpretation of laws; for none of the Houses of Parliament, either joint or separate, (what new doctrine soever may be raised) have any power either to make or declare a law without my consent.

The Subsidy Bill is Passed and The Parliament Prorogued

After this speech, the subsidy bill was passed, the Lords having already given their consent, and the Parliament was prorogued to the 20th of October.

Remarks on The King's Speech

The King's Speech to the Parliament before the prorogation, was so dark, that it was hard to conceive upon what grounds he complained of the remonstrance the Commons had prepared. He seems to have considered tunnage and poundage as a right annexed to his prerogative royal. Otherwise, there was no need to observe, that both Houses, whilst they were preparing the petition of right, had declared, they meant not to encroach upon his prerogative.

This argument, on supposition of that principle, would have been unanswerable, and the rest very superfluous. But as the King knew he could never prove this right to belong to him independently of the Parliament, he proceeded to other arguments, the weakness whereof is evident.

He said, the two Houses by their petition of right, did not intend to take from him tunnage and poundage, from whence he inferred, that since they had no such particular view, he could not with justice be desired to desist from it.

But first, though the petition of right contained some particular articles, these articles did not exclude whatever was implied in the general article, founded upon the ancient statutes: That no tax, tallage, loan, benevolence, or other charge ought to be levied by the King, without the consent of Parliament. Now tunnage and poundage being of this nature, it necessarily followed, that it was included in the general article, or else, it was to be proved to belong to the Crown, independently of the common consent of the people.

In the second place, the two Houses had no intention to deprive him of tunnage and poundage in particular, because they designed to grant it by an act. He could not therefore conclude from thence, that he had a right to levy it without their consent. He alleged as another argument, that he never meant to grant them this article, making his answer to depend upon his intention. But his answer, *Soit sait comme il est désiré*, manifestly referred to the contents of the petition, and not to the King's intention in granting it.

His third argument was taken from tannage and poundage being one of the best revenues of the crown, and his chief support. This was an excellent argument to demonstrate to the Parliament the necessity of granting him this right, and to induce him to continue the session till the act was passed but he could not thence infer, that he had power to levy it against the Parliament's will, especially as it was in his breast to have it in a legal way.

Moreover, he continually inculcated, that his answer depended upon his intention, directly contrary to the clear and express terms of the answer itself, which could refer only to the petition. Finally, in taking from the Houses the power of declaring what was or what was not, law, he ascribed it solely to the judges who were under him; that is to say, as he could make or unmake the judges as he pleased, he put himself properly in possession of this same power, independently of the two Houses. This intention appeared but too plainly afterwards.

This session was worth to the King five subsidies[76], a very considerable aid, with which the Parliament purchased the King's answer to the Petition of Right, that in, the confirmation of the laws, which till then had passed for incontestable. On the other side, the King thought he

had no less dearly bought the five subsidies by his condescension to tie up his hands, in giving his consent to the petition of right, contrary to his own principles, and the projects he had formed with respect to government. But he afterwards shewed, that in granting the petition of right, he had only amused the Parliament, since he never regulated his conduct by what was contained in the Petition.

Manwaring's Sermons Suppressed by Proclamation

Presently after the prorogation of the Parliament, the King published several proclamations. The first was to suppress Dr. Manwaring's sermons, entitled, *Religion and Allegiance*. But this suppression confined only in an order to such as had any copies of these sermons, to deliver them to the Secretary of State, or some other magistrate[77].

The sequel will shew whether the court was desirous this order should be punctually executed. But the King's appearing publicly not to approve of these sermons, was sufficient to satisfy the people.

Another Against The Bishop of Chalcedon

By another Proclamation, Richard Smith, titular Bishop of Chalcedon, was ordered to be apprehended, with all other priests and Jesuits that had taken orders by authority from, the See of Rome, and, after conviction, to be committed to the castle of Wisbich[78].

Some Jesuits having been taken and sent to Newgate[79], the King ordered, that if they were found guilty, they should be carried to the same castle of Wisbich in the Isle of Ely. These were all the proceedings of the court against the Papists. But on the other hand, the King took a course which gave a much worse opinion of his own, or his minister's zeal for religion.

First, he appointed commissioners to compound with recusants. Secondly, Sir Richard Weston, a known papist, was made Lord Treasurer, and afterwards Earl of Portland. Thirdly, Dr. Laud, who was considered as head of the Arminians, in the judgment of the House of Commons, was translated from Bath and Wells, to the Bishopric of London. Fourthly, Dr. Montague, who had given so great offence by his book, entitled, *Appeal to Caesar*, was promoted to the See of Chichester[80].

Buckingham is Murdered by Felton

The town of Rochel being at this time closely besieged, by the King of France, the King had prepared a Fleet to relieve it, and the Duke of Buckingham, who was to have the command, was now at Portsmouth. But when he was going to embark, he was stabbed to the heart with a knife and immediately died[81]. The assassin was one; John Felton, a Lieutenant, who owned, that after the declaration of the Commons against the Duke, he had looked upon him as an enemy to his country, and been thereby induced to commit the deed.

It appeared by his trial, that he had no accomplice, and was led to this wicked action by an excess of zeal. The King, being then at Sir Daniel Norton's near Portsmouth, seemed extremely concerned for the Duke's death, and to give him, even after his death, continual marks of his affection, his creatures remained in the same favour and posts they had enjoyed in the life-time of their protector.

The Fleet Departs But Cannot Relieve Rochel

Meanwhile, as the relief of Rochel could not be delayed any longer, the King sent away the fleet designed for that purpose[82]. But Cardinal Richelieu had used so great diligence, that the barricade he was making to hinder the approach of the English ships, was finished, so that the fleet was forced to return without effecting anything, after having seen Rochel taken[83].

Parliament is Further Prorogued Until The 10th January

The meeting of the Parliament appointed to be the 20th of October, was by proclamation prorogued to the 10th of January. In this interval, certain cases happened which supplied the Parliament with a fresh occasion of complaint, and in the end caused their dissolution. Though the remonstrance concerning tunnage and poundage was not presented to the King, it was however public, and sufficient to show the people what was the sense of the House of Commons.

Some Merchants Refuse to Pay Tunnage and Poundage

Upon this foundation three merchants among others, refused to pay this duty to the King. Rolls, one of the three, merchant of London, and Member of the House of Commons, having refused it, as contrary to law, the customers seized his Goods, and upon his alleging the authority of Parliament, one of the officers insolently told him, If all the Parliament were in you, we would take your goods.

Their Goods are Seized

Chambers and Vassal the other two merchants of London, the first of whom was Alderman, were condemned to pay tunnage and poundage by the Barons of the exchequer, who ordered their goods to be detained.

The Parliament Meets - The Kings Sends for Both Houses

The Parliament meeting the 10th of January 1628-9, the Rolls's affair was immediately laid before the House, and referred to a committee. Whilst the Committee were in debate, the King sent a message to the House, willing them to desist till next day in the afternoon, at which time he would speak with them at Whitehall. The Lords having also received orders to be present, the King made the following speech to both Houses:—

The Kings Speech Concerning Tunnage and Poundage

THE care I have to remove all obstacles that may hinder the good correspondence between me and this Parliament, is the cause I have called you together at this time, the particular occasion being a complaint made in the lower House. And for you, my Lords, I am glad to take this, and all other occasions, whereby you may clearly understand both my words, and actions, for as you are nearest in degree, so you are the fittest witnesses unto Kings.

The complaint I speak of is, for staying men's Goods that deny tunnage and poundage; this may have an easy and short conclusion, if my words and actions be rightly understood: For by passing the bill, as my ancestors have had it, my by-past actions will be included, and my future proceedings authorised, which certainly would not have been stuck on, if men had not imagined that I had taken these duties as appertaining to my hereditary prerogative, in which they are much deceived, for it ever was and still is my meaning, by the gift of my people to enjoy it, and my intention in my speech is the ending of the last session concerning this point, was not to challenge tunnage and poundage as of right, but *de bene esse*, shewing you the necessity, not the right by which I was to take it, until you had granted it to me, assuring myself, according to your general professions, you wanted time, not will to give it me.

Wherefore now having opportunity, I expect that without loss of time you make good your professions, and so by passing of a Bill, put an end to all the questions arising from this subject; especially since I have cleared the only scruple that can trouble you in this business.

To conclude, let us not be jealous one of the other's actions; for if I had been easily moved at every occasion, the order you made on Wednesday last might have made me startle, there being some shew to suspect that you had given yourselves the liberty to be the inquisitors after complaints (the words of your order being somewhat too largely penned) but looking into your actions, I find you only hear complainers, not seeking complaints:

For I am certain you neither pretend, nor desire the liberty to be inquisitors of men's actions before particular complaint be made.

This I have spoken to shew you how slow I am to believe harshly of your proceedings, likewise to assure you, that the Houses' resolutions, not particular men's speeches, shall make me judge well or ill, not doubting, but according to my example, you will be deaf to ill reports concerning me, till my words and actions speak for themselves, that so, this session beginning with confidence one towards another, it may end with a perfect good understanding between us: Which God grant.

The Commons Consider Matters of Religion Instead of Tunnage and Poundage

Some days after the King sent a message to the Commons, that the bill for tunnage and poundage might be speedily taken into consideration, and no time lost. But the Commons not thinking the King had power to prescribe the time to them, fell upon matters of religion, particularly with regard, to Arminianism: and finding that Laud, Montague, and Manwaring had been preferred since the last session, several members made great complaints.

Though the King pressed them again by message to proceed with the bill for tunnage and poundage, they pretended that religion ought to have precedence of all other affairs. Wherefore

they began to inquire how the execution of the laws against Papists came to cease, and whence it was that Papists were employed and countenanced, and new ceremonies continually introduced, especially at Durham, by Dr. Cosins, as angels, saints, crucifixes, altars, candles on candlemass day, and lastly, from whence proceeded the increase of Arminianism.

The King Forbids The Commons to Meddle in Religious Matters

This inquiry was interrupted by a fresh message from the King, requiring them to give the preference to the bill for tunnage and poundage. Nevertheless he declared, that he meant not to interrupt their debates upon matters of religion, provided the House would not meddle with what did not belong to them. By that, he took away with one hand what he gave with the other, since he believed, the Commons had no right to meddle with religion. This message hindered them not from continuing their debates.

The proclamation forbidding all disputes for and against Arminianism was complained of particularly, wherein it was said, If there be any difference of opinion concerning the seasonable interpretation of the Thirty-nine Articles, the Bishops have power to order which way they please. But as some of the Bishops were suspected, it was concluded, that, by the terms of the proclamation, the Kingdom would be obliged to receive Popery or Arminianism, by following the determinations of the Bishops.

These suspicions fell chiefly upon Laud and Neile, who being the King's counsellors for matters of religion, governed almost all the other Bishops. Upon this account, the House, to prevent the dangers they feared, thought fit to enter into this vow:—

The Vow of The House of Commons Concerning Religion

We the Commons in Parliament assembled, do claim, protest, and avow for truth, the sense of the articles of religion, which were established by Parliament in the thirteenth year, of our late Queen Elizabeth, which by the public, all of the Church of England, and by the general and current expressions of the writers of our Church, have been delivered unto us. And we reject the sense of the Jesuits and Arminians, and all others, wherein they differ from us.

Both Houses Petition For A Fast

As the intention of the Commons was to persuade the people that religion was in danger, they desired the concurrence of the Lords to petition the King for a fast, which they obtained with some difficulty.

The King Grants It

The King plainly perceived the design of this petition, and, though he did not think fit to reject it, answered, that the custom of fasting every session was but lately begun; that he granted it however for this time, though he did not see the necessity of it; but for the future would not grant a fast, except on extraordinary occasions. Adding, that as for the defence of the reformed Churches abroad, fighting would do them more good than fasting.

As the King had frequently pressed the Commons to proceed with the bill for tunnage and poundage, and give it the precedence of matters of religion, they thought themselves obliged to present a declaration to the King to justify their conduct.

Declaration of The Commons to The King

This Declaration, which was a sort of apology, containing nothing material, I do not think it necessary to insert it at length. It suffices to say, the Commons excused themselves two ways, for not giving precedence to the bill for tunnage and poundage. The first was, because matters of religion having been first proposed, the constant order of the House required, they should have the preference.

The second was, the weight and importance of the concerns of religion. They concluded with thanking the King for his promises, to maintain religion, thereby tacitly reproaching him for not performing them.

The King answered! this declaration, not particularly, but with some short notes. He told them:—

He thought it strange they should have an ill opinion of him with respect to religion. He assured them, that he would never stop his ears to the complaints that should be brought to him upon that subject, provided that in form and matter the Commons did not transgress their limits.

Concluding with these words:—

I must still be instant with you, that you proceed with tunnage and poundage with diligence; (not looking to be denied in so just a desire) that you must not think it strange, if I, finding you slack, give you such farther quickening as I shall find cause.

Religious Grievances

After this, the Commons continued their debates upon matters of religion, and particularly on the proclamation, to prohibit disputing for or against Arminianism. This was pretended to be a snare to suppress the puritans, and give the Arminians more liberty, and that Laud and Montague had given the King this advice.

It was also complained, that the enemies of religion had procured a Royal pardon under the Great Seal for four ecclesiastics, the most suspected in England, namely, Montague, Cosins, Sibthorp, and Manwaring, and that, in contempt of the Parliament, they were even promoted to Bishoprics, or other good benefices[84].

I confess I cannot conceive how it is possible to justify the King's condescension for those, who advised him to protect so openly, nay, to prefer men so odious to the Parliament, since he could not be ignorant how much he rendered himself suspected by such a conduct. At least it cannot be denied that he gave his enemies an advantage. But besides that it was the genius of the King and court to look upon the Parliament, and especially the Commons, with extreme contempt, the King could refuse nothing to Dr. Laud, who was his prime councillor in ecclesiastical affairs.

To confirm the Commons in their suspicions of Laud, the printers and booksellers of London presented several petitions, complaining of the restraint of books written against popery and Arminianism, whilst a license was never refused to such as were composed in favour of popish and Arminian doctrines. They even instanced in certain books against popery, which were denied to be licensed. They affirmed, this was done by the Bishop of London, or his Chaplains, to whom the examination of the books was committed.

Laud's Character

As Dr. Laud, afterwards Archbishop of Canterbury, made a very great figure in England during the first fifteen years of this reign, I do not think it improper to relate here part of what is said for and against him.

Not that I pretend fully to make known his genius, his character, his religion: This to me seems impracticable, considering what opposite opinions there are concerning him, it being almost impossible to affirm any thing of him, good or bad, upon the testimony of some, but what is contradicted and rejected as false by others. This is the common effect of parties.

Hardly can any thing be added to the encomiums which those who profess what they call High-Church, that is, the rigid Episcopalians, bellow on this famous Bishop. The Lord Clarendon, in his History, expresses, on all occasions, a great esteem for Laud, and finds no other fault in him, but a little too much eagerness to accomplish his piety, and above all, his zeal for the Church of England, for which he at last died a Martyr. The Presbyterians, on the contrary, without denying his sense and learning, affirm, he was a rank Arminian, and almost a Papist.

They say, that under the colour of a great zeal for the ceremonies of the Church, he carried them to the borders of popery, and justly rendered himself suspected of defining by degrees to restore the Romish religion in England. That to this end he made even the least trifles, such as the reformers had not meddled with, because they thought them indifferent, to be considered as essential to religion.

They inferred from thence, that it was impossible for a man of his sense, to be attached to things of so little moment, had he not entertained some ill design against the reformed Religion. That he was a mortal enemy of the Presbyterians and Puritans, because from them he met with most opposition to the execution of his projects.

For my part, I own, that in all that has been said against him, I have found no convincing proof of his intention to re-establish the Roman Catholic religion in England, unless we confound, as many did in those days, popery with High-Church, through a spirit of Party. But it is very certain, he mortally hated the Presbyterians, and would have utterly extirpated Puritanism, had it been in his power.

Archbishop Abbot's Character of Bishop Laud

As for Arminianism, it is very probable, he was greatly inclined to it. See his character given by his predecessor Archbishop Abbot, in the narrative which he drew on his own vindication in the year 1627:—

THIS MAN is the only inward counsellor with Buckingham, sitting with him sometimes privately whole hours, and feeding his humour with malice and spite. His life in Oxford was to pick quarrels in the lectures of the public readers, and to advertise them to the then Bishop of Durham, that he might fill the ears of King James with discontents, against the honest men that took pains in their places, and settled the truth (which he called Puritanism) in their auditors.

He made it his work to see what books were in the press, and to look over epistles dedicatory, and prefaces to the reader, to see what faults might be found. It was an observation what a sweet man this was like to be, that the first observable act that he did, was the marrying of the Earl of D. to the Lady R[85] , when it was notorious to the world, that she had another husband, and the same a nobleman, who had divers children then living by her.

King James did for many years take this so ill, that he would never hear of any great preferment of him insomuch that the Bishop of Lincoln, Dr. Williams, who taketh upon him to be the first promoter of him, hath many times said, that when he made mention of Laud to the King, his Majesty was so averse from it, that he was constrained oftentimes to say, that he would never desire to serve that master, which could not remit one fault unto his servant. Well, in the end he did conquer it, to get

him to the Bishopric of St. David's; which he had not long enjoyed, but he began to undermine his benefactor, as at this day it appeareth. The Countess of Buckingham told Lincoln, that St. David's was the man that undermined him with her son:

And verily, such is his aspiring nature, that he will under work any man in the world, so that he may gain by it.

This character is not to Laud's advantage; but it must be observed, that the Archbishop ascribed his own disgrace to the secret counsels given by that prelate to the Duke of Buckingham.

A Fresh Quarrel Between The King and Commons About Tunnage and Poundage

Whilst the Commons were in debate concerning religion, the warehouse of Mr. Rolls merchant and member of Parliament, was locked up by a pursuivant, and himself called forth and served with a subpoena[86]. This put the House in a flame, and occasioned the sending for the officers of the customs, to know upon what account they had seized the merchants effects, and carried them to the King's store house[87].

They replied, it was for refusing to pay tunnage and poundage, and other duties. But because there was an information already preferred against the merchants in the exchequer and Star Chamber, the Commons resolved not to proceed with the bill of tunnage and poundage, till the goods were restored to the owners, and ordered that the Barons of the exchequer should be told, to make void their injunction concerning the detaining of-the merchant's effects[88].

The Barons returned answer, that they did not, by their injunctions, determine, or any way touch upon the right of tunnage and poundage; neither did they by their orders, bar the owners from filing for their goods in a lawful course; but whereas the merchants endeavoured to take their goods out of the King's possession by writs of *Replevin*, which was no lawful course in the King's case, nor agreeable to his Prerogative Royal, therefore the Court of Exchequer did stay those suits, and declare, that the owners, if they conceived themselves wronged, might take such remedy as the law allows.

This answer, which signified nothing, not being satisfactory to the Commons, a motion was made to consider, whether ever the Court of Exchequer held this course before, for flaying of *Replevins*; and whether this had been done by prerogative of the King in his Court of Exchequer.

This affair having been long debated in the House, the officers of the customs were sent for again, and answered, that they acted by virtue of a commission under the Great Seal.

One of them said, He had seized the goods for duties that were due in the time of King James, and that this affair having been long debated in the House, the officers of the customs were sent for again, and answered, that they acted by virtue of a commission under the Great Seal.

The Speaker Refuses to Put The Question

One of them said, He had seized the goods for duties that were due in the time of King James, and that his Majesty had sent for him, and commanded him to make no other answer. Whereupon the House being turned into a Grand Committee; a motion was made and seconded, whether the officers of the custom should be proceeded against, by separating their interest from that of the King. After several speeches pro and con, a report was made from the Grand Committee, that they had at last resolved, that Mr. Rolls ought to have privilege of person and goods, which being voted, the speaker was moved to put the question, but he refused to do it, saying, the King had commanded the contrary.

The Speaker Adjourns The House and is Detained by Force

Such a command could not but surprise the House: they adjourned to the 25th of February, and then were farther adjourned by his Majesty's order till the 2nd of March. On that day the Commons being met, and requiring the Speaker to put the question, he said, I have a command from the King to adjourn the House till the 10th of March. And endeavouring to go out of the chair, he was held down by force, and the doors were locked, till Sir John Elliot had drawn the following protestation, which was approved by the majority, though not without great tumult and confusion, and even some blows.

The Commons Protestation

1) Whosoever shall bring in innovation of religion, or by favour or countenance seem to extend or introduce Popery or Arminianism, or other opinion disagreeing from the truth and orthodox Church, shall be reputed a capital enemy to this Kingdom and Commonwealth.

2) Whosoever shall counsel or advise the taking and levying of the subsidies of tunnage and poundage, not being granted by Parliament, or shall be an actor or instrument therein, shall be likewise reputed an innovator in the government, and a capital enemy to the Kingdom and Commonwealth.

3) If any merchant or person whatsoever, shall voluntarily yield or pay the said subsidies of tunnage and poundage, not being granted by Parliament, he shall likewise be reputed a betrayer of the liberties of England, and an enemy to the same."

Proclamation to Dissolve Parliament

As the King expected no money from this second session, he was very glad to have, as he thought, a plausible pretence to dissolve the Parliament. So, that very day a proclamation was drawn up [89], to give notice of his design to dissolve the Parliament on the 10th of March, and that the members might depart about their own affairs.

Nine Members Cited Before The Council

The next day, warrants were directed from the Council to Denzil Hollis, Sir Miles Hobart, Sir John Elliot, Sir Peter Hayman, John Selden, William Coriton, Walter Long, William Stroud, Benjamin Valentine, Esq., commanding their personal appearance on the morrow. Four of them, Hollis, Elliot, Coriton, and Valentine, appeared: and refusing to answer out of Parliament, for what was said and done in the House, were committed close prisoners to the Tower.

Four Appear and are Sent to The Tower

The Council ordered at the same time, the studies of Hollis, Elliot, and Selden to be sealed up; and a proclamation was published to apprehend them. It must be observed that the Parliament not being yet dissolved, these men were still actually members of Parliament.

On the 10th of March the King coming to the Parliament House, made the following speech, addressing himself only to the Lords, there being but few Commons present, the Speaker and House of Commons not having been called.

The King's Speech at The Dissolution of Parliament

My Lords,

I NEVER came here upon so unpleasant an occasion, it being the dissolution of a Parliament; therefore men may have some cause to wonder, why I should not rather chuse to do this by commission, it being rather a general maxim of Kings, to leave harsh commands to their ministers, themselves only executing pleasing things:

Yet considering that justice as well consists in reward and praise of virtue, as punishing of vice, I thought it necessary to come here to day, and to declare to you and all the world, that it was merely the undutiful! and seditious carriage in the Lower-House that hath made the dissolution of this Parliament; and you, my Lords, are so far from being any causers of it, that I take as much comfort in your dutiful demeanour, as I am justly distasted with their proceedings; yet to avoid their mistakings, let me tell you, that it is so far from me to adjudge all the House alike guilty, that I know that there are many there as dutiful subjects as any in the world, it being but some few vipers among them that did cast this mist of undutifulness over most of their eyes:

Yet, to say truth, there was a good number there, that could not be infected with this contagion; insomuch that some did express their duties in speaking, which was the general fault of the House the last day. To conclude, as those vipers must look for their reward of punishment, so you, My Lords, must justly expert from me that favour and protection, that a good King oweth to his loving and faithful nobility. And now, my Lord-Keeper, do what I have commanded you.

Then the Lord-Keeper said:-

My Lords, and Gentlemen of the House of Commons, (though the Commons were not called) the King's Majesty doth dissolve this Parliament.

Remarks on The Dissolution of Parliament

The dissolution of the Parliament was caused by the insolence of the House of Commons, as the King had just told the Lords: and this insolence, this seditious carriage consisted only in keeping the speaker in his chair by force, after he had notified that the House was adjourned by his Majesty's order, till a protestation of three very short articles was set down in writing.

This was the Commons offence. And here it must be remarked, that there was a great difference between the adjourning and the proroguing or dissolving of the Parliament. The King's power to prorogue and dissolve was never called in question; before the time of James I. I believe no King had ever thought of adjourning the Parliament. King James was the first that did it.

The Commons complained of it as a breach of their privileges; but not finding the Lords inclined to dispute this power with the King, they were forced to give way, though they foresaw the ill consequences. These consequences showed themselves in the present Reign.

Charles I. taking advantage of this only precedent established by the King his father, was not satisfied with hindering the Parliament from adjourning themselves at Easter, as hath been seen, but even adjourned the Houses twice at a time when the Commons were debating upon matters which were not agreeable to him, and also prevented the speaker, by his sole authority, to put the question when required.

It is easy to see the consequences of this power, to adjourn the Houses. The King could put a stop to all the debates of either House, by adjourning them whenever they took into consideration any matters displeasing to him.

On the other hand, upon supposition that the King's right was unquestionable, the House of Commons had disobeyed his orders, and violated his prerogative, which might be attended with no less ill consequences. But the King, supposing his right as fully established, without giving himself any farther trouble to prove it, resolved to punish the House of Commons, not only by the dissolution of the Parliament, a punishment which concerned the whole nation rather than their representatives, but also in causing some of their most active and stirring members, to be condemned as rebellious and seditious.

Questions Proposed by The King to The Judges Concerning The Imprisoned Members

To that end, he commanded the judges of the realm to meet and give their opinions upon the questions he had to propose to them, in order to be guided by their determinations, lest he should be accused of proceeding too arbitrarily.

The questions, with the judges answers, were as follows:—

1) Whether if any subject both received probable information of any treason, or treacherous attempt, or intention against the King or state, that subject ought not to make known to the King, or his Majesty's commissioners, when thereunto he shall be required, what information he hath received, and the grounds thereof; to the end, the King being truly informed, may prevent the danger? And if the said subject, in such case shall refuse to be examined, or to answer the questions which shall be demanded of him for farther inquiry and discovery of the truth, whether it be not a high contempt in him, punishable in the Star Chamber, as an offence against the general justice and government of the Kingdom?

Solution: The resolution and answer of all the Justices was:—

That it is an offence punishable as aforesaid, so that this do not concern himself, but another, nor draw him to danger of treason or contempt by his answer.

2) Whether it be a good answer or excuse, being thus interrogated, and refusing to answer to say, That he was a Parliament man when he received this information, and that he spake thereof in the Parliament House, and therefore the Parliament being now ended, he refused to answer to any such question: but in the Parliament House, and not in any other place?

Solution: The Judges did not venture to decide publicly this question. But they gave this answer by advice privately to the Attorney General:—

That this excuse being in nature of a plea, and an error in judgment, was not punishable, until he were over-ruled in an orderly manner, to make another answer; and whether the party were brought in *Ore tenui*, or by information, for this plea he was not to be punished.

3) Whether a Parliament man, committing an offence against the King or Council, not in a Parliament way, might, after the Parliament ended, be punished or not?

Solution: All the Judges unanimously answered:—

He might, if he be not punished for it in Parliament; for the Parliament shall not give privilege to any, *contra morem Parliamentarium*, to exceed

the bounds and limits of his place and duty. And all agreed, That regularly he cannot be compelled out of Parliament to answer things done in Parliament, in a Parliamentary course; but it is otherwise where things are done exorbitantly, for those are not the acts of a court.

4. Whether, if one Parliament man alone shall resolve, or two or three shall covertly conspire to raise false slanders and rumours against the Lords of the council and judges, not with intent to question them in a legal course, or in a Parliamentary way, but to blast them, and to bring them to hatred of the people, and the government in contempt, be punishable in the Star Chamber after the Parliament is ended?

Solution: The Judges resolve,

That the same was punishable out of Parliament, as an offence exorbitant committed in Parliament, beyond the office, and besides the duty of a Parliament man.

The artifice of these questions consisted,

1. In the King's proposing them in a general manner, as if they related not to any particular person.
2. In his ascribing to one, two, or three Members of the House, what was done by a great majority.
3. In supposing offences, outrages, treasons against himself or council, and in deciding questions of law before the facts were stated[90].

The Attorney General Informs Against The Imprisoned Members

By virtue of these determinations, the Attorney General exhibited in the Star-Chamber an information against the imprisoned members, wherein he greatly aggravated what had passed in the Lower-House, when the Speaker was kept by force in the chair, but without the least mention of the occasion.

Chamber Condemned for Refusing Tunnage &c.

At the same time Alderman Chamber, one of those that refused to pay tunnage and poundage, was also prosecuted in the Star Chamber, for saying, That the Merchants were more screwed up and wrung in England, than in Turkey. He was condemned in an exorbitant fine, of £2000, by which, and some other oppressions, he was reduced to a very low condition.

I have already mentioned the artifice used by the Court, to remove from the Parliament such gentlemen as they suspected, by making them Sheriffs of their respective counties, which obliged them to swear to the due execution of their office.

Long is Fined

Walter Long Esq; of Wiltshire, being made Sheriff of the county a little before the calling of the last Parliament, was however elected, for Bath, and he preferred this service to that which his office obliged him to.

During the sitting of the Parliament, Long was left undisturbed, but after the dissolution, the court entered an information against him in the Star Chamber for breaking his oath, by absenting himself from his county, and he was fined two thousand marks.

The Imprisoned Members are Fined

The other members that were in several prisons, having petitioned the Judges to be released upon bail, by virtue of the Habeas Corpus, when the Judges were met, and ready to deliver their opinions, the prisoners were not brought to the Bar according to the rule of court. Whereupon, Proclamation being made for the bringing them in, the court was informed, that they were removed to the Tower by the King's own warrant.

Then there came a letter to the Judges from the King, signifying to the court, that the prisoners were not suffered to appear before them, by reason of their insolent carriage towards him. That is, instead of applying themselves to the King for pardon, they had addressed themselves to the Judges to be released upon bail, according to Law.

Not to insist too long upon this affair, I shall content myself with saying, that they were kept in prison from March till October, without being tried, or obtaining the benefit of the Habeas Corpus. In fine, the court of King's Bench having agreed with one voice, That the Courts as this case is, shall have jurisdiction, though the offences were committed in Parliament, and that the imprisoned members ought to plead, judgment was given against them upon a *Nihil Dicit*[91].

They were to be imprisoned during the King's pleasure, and moreover, Elliot was fined two thousand pounds, Hollis a thousand marks, and Valentine five hundred pounds.

The King's conduct, as well in dissolving the Parliament, as in what was done afterwards, could not but breed discontent among the people. Murmurs were every where heard: libels were dispersed about London against the King's counsellors, and particularly against Bishop Laud[92], and the Lord Treasurer Weston, who were accused of putting the King upon these violent proceedings.

For this reason, the King, to prevent greater complaints, published a declaration to notify to the People the causes of the dissolution of the last Parliament. Though this declaration be very long, I think it necessary to insert the whole in this place, lest I should be accused of having either passed over in silence, or too much abridged what may serve to justify the King. It must be observed that it was dated the 10th of March the very day the Parliament was dissolved, though it was not published that day, but some time after.

The King's Declaration, to All His Subjects, Notifying The Causes Which Moved Him to Dissolve the last Parliament

HOWEVER Princes are not bound to give account of their actions, but to God alone; yet for the satisfaction of the minds and affections of our loving subjects, we have thought good to set down thus much by way of declaration, that we may appear to the world in the truth and sincerity of our actions, and not in those colours in which we know some turbulent and ill affected spirits (to masque and disguise their wicked intentions, dangerous to the State) would represent us to the public view.

We assembled our Parliament the 17th day of March, in the third year of our reign, for the safety of religion, for securing our Kingdoms and subjects at home, and our friends and allies abroad. And therefore at the first sitting down of it, we declared the miserable afflicted estate of those of the reformed religion in Germany, France, and other parts of Christendom; the distressed extremities of our dearest uncle, the King of Denmark, chased out of a great part of his dominions; the strength of that party which was united against us:

That (besides the Pope and the House of Austria, and their antient confederates) the French King professed the rooting out of the Protestant religion:

That of the Princes and states on our party, some were overrun, others diverted, and some disabled to give assistance. For which, and other important motives, we propounded a speedy supply of treasure, answerable to the necessity of the cause.

These things in the beginning were well resented by the House of Commons, and with so much alacrity and readiness, that they agreed to grant a liberal aid: but before it was brought to any perfection, they were diverted by a multitude of questions railed amongst them, touching their liberties and privileges, and by other long disputes, that the Bill did not pass in a long time; and by that delay, our affairs were put into a far worse case than at the first; our foreign actions then in hand, being thereby disgraced and ruined for want of timely help.

In this, as we are not willing to derogate from the merit and good intentions of those wise and moderate men of that House, (to whose forwardness we attribute it, that it was propounded and resolved so soon) so we must needs say, that the delay of passing it when it was resolved, occasioned by causeless jealousies, stirred up by men of another temper, did much lessen both the reputation and reality of that supply. And their spirit, infused into many of the commissioners and assessors in the country, hath returned up the subsidies in such a scanty proportion, as is infinitely short, not only of our great occasions, but of the precedents of former subsidies, and of the intentions of all well affected men in that House.

In those large disputes, as we permitted many of our high prerogatives to be debated, which in the best times of our predecessors had never been questioned, without punishment or sharp reproof, so we did endeavour to have shortened those debates, for winning of time, which would have much advantaged our great affairs, both at home and abroad. And therefore both by speeches and messages, we did often declare our gracious and clear resolution to maintain, not only the Parliament, but all our People, in their antient and just liberties, without either violation or diminution, and in the end, for their full satisfaction and security did by an answer, framed in the form by themselves desired to their Parliamentary Petition, confirm their antient and just liberties and rights, which we resolve with all constancy and justice to maintain.

This Parliament howsoever, besides the settling our necessary supply, and their own liberties, they wasted much time in such proceedings, (blasting our government, as we are unwilling to remember) yet we suffered them to sit, until themselves desired us to appoint a time for their recess, not naming either adjournment or prorogation.

Whereupon by advice of our council, we resolved to prorogue and make a session; and to that end prefixed a day, by which they might (as was meet in so long a sitting) finish some profitable and good laws; and withal gave order for a gracious pardon to all our subjects; which, according to the use of former Parliaments, passed the higher House, and was sent down to the Commons.

All which being graciously intended by us, was ill entertained by some disaffected persons of that House, who by their artifices, in a short time raised so much heat and distemper in the House, for no other visible cause, but because we had declared our resolution to prorogue, as our council advised, and not to adjourn, as some of that House (after our resolution declared, and not before) did manifest themselves to affect; that seldom hath greater passion been seen in that House, upon the greatest occasions.

And some glances in the House, but upon open rumours abroad were spread. That by the answer to the petition we had given away, not only our impositions upon goods exported and imported, but the tunnage and poundage, (whereas in the debate and hammering of that Petition, there was no speech or mention in either House concerning those impositions, but concerning taxes and other charges within the land: much less was there any thought thereby to debar us of tunnage and poundage, which, both before and after the answer to that petition, the House of Commons in all their speeches and treaties, did profess they were willing to grant.)

And at the same time many other misinterpretations were raised of that petition and answer, by men not well distinguishing between well ordered liberty and licentiousness; as if by our answer to that petition, we had yet loose the reins of our Government. And in this distemper the House of Commons, laying aside the pardon (a thing never done in any former Parliament) and other business, fit to have been concluded in that session, some of them went about to frame and contrive a remonstrance against our receiving of tunnage and poundage, which was so far proceeded in, the night before the prefixed time, for concluding the session, and so hastened by the contrivers thereof, that they meant to have put it to the vote of the House the next morning, before we should prorogue that session.

And therefore, finding our gracious favours in the session, afforded to our people, so ill requited, and such sinister (trains made upon our answer to that petition, to the diminution of our profit, and (which was more) to the danger of our government:

We resolved to prevent the finishing of that Remonstrance, and other dangerous intentions of some ill affected persons, by ending the session the next morning, some few hours sooner than was expected; and by our own mouth to declare to both Houses the cause thereof: and for hindering the spreading of those sinister interpretations of that petition and answer, to give some necessary directions, for settling and quieting our government, until another meeting; which we performed accordingly the six and twentieth of June last.

The session thus ended, and the Parliament risen, that intended remonstrance gave us occasion to look into the business of tunnage and poundage. And therefore, though our necessities pleaded strongly for us, yet we were not apt to (train that point too far), but resolved to guide our self by the practice of former ages, and examples of our most noble predecessors, thinking those counsels best warranted, which the wisdom of former ages, concurring with the present occasions, did approve; and therefore gave order for a diligent search of records:

Upon which it was found, that although in the Parliament holden in the first year of the reign of King Edward the fourth, the subsidy of tunnage and poundage was not granted unto that King, but was first granted unto him by Parliament in the third year of his reign; yet the same was accounted and answered to that King, from the first day of his reign, all the first and second years of his reign, and until it was granted by Parliament.

And that in the succeeding times of King Richard the third, King Henry the seventh, King Henry the eighth, King Edward the sixth, Queen Mary and Queen Elizabeth, the subsidy of tunnage and Poundage was not only enjoyed by every of those Kings and Queens, from the death of each of them deceasing, until it was granted by Parliament unto the successor; but in all those times, being for the most part peaceable, and not burdened with like charges and necessities, as (modern times,) the Parliament did most readily and cheerfully, in the beginning of every of those

reigns, grant the same, as a thing mod necessary for the guarding of the seas, safety and defence of the realm, and supportation of the Royal dignity.

And in the time of our Royal Father of blessed memory, he enjoyed the same a full year, wanting very few days, before his Parliament began; and above a year before the act of Parliament for the grant of it was passed. And yet when the Parliament was assembled, it was granted without difficulty. And in our own time, we quietly received the same three years and more, expecting with patience in several Parliaments the like grant thereof, as had been made to so many of our predecessors; the House of Commons still professing, that multitude of other businesses, and not want of willingness on their part, had caused the settling thereof to be so long deferred.

And therefore finding so much reason and necessity for the receiving of the ordinary duties in the custom house, to concur with the practice of such a succession of Kings and Queens, famous for wisdom, justice and government, and nothing to the contrary, but that intended remonstrance, hatched out of the passionate brains of a few particular persons; we thought it was so far from the wisdom and duty of a House of Parliament, as we could not think that any moderate and discreet man (upon composed thoughts, setting aside passion and distemper) could be against receiving of tunnage and poundage; especially since we do, and still must pursue those ends, and undergo that charge for which it was first granted to the Crown; it having been so long and constantly continued to our predecessors as that in four several acts of Parliament, for the granting thereof to King Edward the sixth, Queen Mary, Queen Elizabeth, and our blessed father, it is in express terms mentioned, to have been had and enjoyed by the several Kings, named in those acts, time out of mind, by authority of Parliament.

And therefore upon these reasons we held it agreeable to our Kingly honour, and necessary for the safety and good of our Kingdom, to continue the receipt thereof, as so many of our predecessors had done.

Wherefore when a few merchants (being at first but one or two) fomented, as it is well known, by those evil spirits that would have hatched that undutiful remonstrance, began to oppose the payment of our accustomed duties in the custom house, we gave order to the officers of our customs to go on notwithstanding that opposition, in the receiving of the usual duties, and caused those that refused to be warned to attend at the council board, that by the wisdom and authority of our Council, they might be reduced to obedience and duty; where some of them, without reverence or respect to the honour and dignity of that presence, behaved themselves with such boldness and insolence of speech, as was not to be endured by a far meaner assembly, much less to be countenanced by a House of Parliament, against the body of our Privy Council.

And as in this we did, what in reason and honour was fit for the present, so our thoughts were daily intente upon the re-assembling of our Parliament, with full intention on our part, to take away all ill understanding between us, and our people; whose loves, as we desire to continue and preserve, so we used our best endeavours to prepare and facilitate the way to it.

And to this end, having taken a strict and exact survey of our government, both in the Church and Commonwealth, and what things were most fit and necessary to be reformed: We found in the first place, that much exception had been taken at a book, entitled, *Appello Cæsarem*, or, *An Appeal to Cæsar*, and published in the year 1625, by Richard Montague, then Bachelor of Divinity, and now Bishop of Chichester;

and because it did open the way to those schisms and divisions, which have since ensued in the Church, we did for remedy and redress thereof, and for the satisfaction of the consciences of our good people, not only by our public proclamation, call in that book, which ministered matter of offence; but to prevent the like danger for hereafter, re-printed the articles of religion, established in the time of Queen Elizabeth of famous memory; and by a declaration before those articles, we did tie and restrain all opinions to the sense of those articles, that nothing might be left for private fancies and innovations.

For we call God to record, before whom we stand, that it is, and always hath been our heart's desire, to be found worthy of that title, which we account the most glorious in all our crown, **Defender of The Faith**. Neither shall we ever give way to the authoring of anything, whereby any innovation may steal or creep into the Church, but to preserve that unity of doctrine and discipline established in the time of Queen Elizabeth, whereby the Church of England hath stood and flourished ever since.

And as we were careful to make up all breaches and rents in religion at home, so did we by our proclamation and commandment, for the execution of laws against priests and popish recusants, fortify all ways and approaches against that foreign enemy; which if it hath not succeeded according to our intention, we must lay the fault where it is, in the subordinate officers and ministers in the country, by whose remissness, Jesuits and priests escape without apprehension; and recusants, from those convictions and penalties which the law and our commandment would have inflicted on them.

For we do profess, that as it is our duty, so it shall be our care to command and direct well; but it is the part of others to perform the ministerial office. And when we have done our office, we shall account our self, and all charitable men will account us innocent, both to God and men. And those that are negligent, we will esteem as culpable both to God and us, and therefore will expect that hereafter they give us a better account.

And as we have been careful for the settling of religion, and quieting the Church; so were we not unmindful of the preservation of the just and ancient liberties of our subjects, which we secured to them by our gracious answer to the petition in Parliament, having not since that time done any act whereby to infringe them. But our care is, and hereafter shall be, to keep them entire and inviolable, as we would do our own right and sovereignty, having for that purpose enrolled the petition and answer in our courts of Justice.

Next to the care of religion, and of our subjects rights, we did our best for the provident and well ordering of that aid and supply, which was granted us the last session, whereof no part hath been wastefully spent, nor put to any other use, than those for which it was desired and granted; as upon payment of our fleet and army; wherein our care hath been such, as we chose rather to discontent our dearest friends and allies, and our nearest servants, than to leave our soldiers and mariners unsatisfied, whereby any vexation or disquiet might arise to our people.

We have also, with part of those moneys, begun to supply our magazines, and stores of munitions, and to put our navy into a constant form and order. Our fleet likewise is fitting, and almost in a readiness, whereby the narrow seas may be guarded, commerce maintained, and our Kingdom secured from all foreign attempts. These acts of ours might have made this impression in all good minds, that we were careful to direct our counsels, and dispose our actions, as might most conduced to the

maintenance of religion, honour of our government, and safety of our people. But with mischievous men once ill affected, *feu bene, feu male facta premunt*; and whatsoever once seemed amiss, is ever remembered; but good endeavours are never regarded.

Now all these things, that were the chief complaints the last session, being by our princely care so seriously reformed, the Parliament re-assembled the 20th of January last. We expected, according to the candour and sincerity of our own thoughts, that men would have framed themselves for the affecting of a right understanding between us and our people. But some few malevolent persons, like empericks and lewd artists, did strive to make new work, and to have some disease on foot, to keep themselves in request, and to be employed and entertained in the cure.

And yet to manifest how much offences have been diminished, the committees for grievances, committees for courts of justice, and committees for trade, have, since the sitting down of the Parliament, received few complaints, and those such as they themselves have not thought to be of that moment or importance, with which our ears should be acquainted.

No sooner therefore was the Parliament sat down, but these ill affected men began to sow and disperse their jealousies, by calling out some glances and doubtful speeches, as if the subject had not been so clearly and well dealt with, touching their liberties, and touching the petition answered the last Parliament. This being a plausible theme, thought on for an ill purpose, easily took hold on the minds of many, that knew not the practice.

And thereupon the second day of the Parliament, a committee was appointed to search, whether the petition and our answer thereunto were enrolled in the Parliament roll, and in the courts at Westminster; and in what manner the same was done. And a day also was then appointed, on which, the House being resolved into a committee, should take into consideration those things, wherein the liberty of the subjects had been invaded, against the Petition of Right. This, though it produced no other effect of moment or importance, yet was sufficient to raise a jealousy against our proceedings, in such as were not well acquainted with the sincerity and clearness of them.

There followed another of no less skill, for although our proceeding before the Parliament, about matters of religion, might have satisfied any moderate men, of our zealous care thereof, (as we are sure it did the most) yet, as bad stomachs turn the best things into their own nature, for want of good digestion; so these distempered persons have done the like of our good intents, by a bad and sinister interpretation:

For, when they did observe, that many honest and religious minds in that House did complain of those dangers that did threaten the church; they likewise took the same word in their mouth, and their cry likewise was, *Templum Domini, Templum Domini*, when the true care of the church never came into their hearts:

And what the one did out of zeal unto religion, the other took up as a plausible theme, to deprave our government, as if we, our clergy and council, were either senseless or careless of religion, and this wicked practice hath been, to make us seem to walk before our people, as if we halted before God.

Having, by these artifices, made a jealous impression in the hearts of many; and a day being appointed to treat of the grant of tannage and poundage, at the time prefixed, all express great willingness to grant it. But a new strain is found out, that

it could not be done without great peril to the right of the subject, unless we should disclaim any right therein, but by grant in Parliament; and should cause all those goods to be restored, which, upon commandment from us, or our Council, were stayed by our officers until those duties were paid, and consequently should put ourselves out of the possession of the tunnage and poundage, before they were granted; for else, it was pretended, the subject stood not in fit case to grant it. A fancy and cavil raised of purpose to trouble the business; it being evident, that all the Kings before named did receive that duty, and were in actual possession of it, before, and at the very time when it was granted to them by Parliament.

And although we, to remove all difficulties, did from our own mouth, in those clear and open terms, that might have satisfied any moderate and well disposed minds, declare, that it was our meaning, by the gift of our people, to enjoy it, and that we did not challenge it of right, but took it *de bene esse*, shewing thereby, not the right, hut the necessity by which we were to take it, (wherein we descended, for their satisfaction, so far beneath our self, as we are confident never any of our predecessors did the like, or was the like ever required or expected from them.)

Yet for all this, the bill of tunnage and poundage was laid aside, upon pretence, they must first clear the right of the subject therein, under colour whereof, they entertain the complaints, not only John Rolles, a member of their House, but also of Richard Chambers, John Foukes, and Bartholomew Gilman, against the officers of our customs, for detaining their goods, upon refusal to pay the ordinary duty, accustomed to be paid for the same.

And upon these complaints, they send for the officers of the customs, enforcing them to attend day after day, by the space of a month together, they cause them to produce their letters patents under our Great Seal, and the warrants made by our Privy Council, for levying of those duties. They examine the officers upon what questions they please, thereby to entrap them for doing our service and commandment. In these and other their proceedings, because we would not give the least shew of interruption, we endured long with much patience, both these and sundry other strange and exorbitant encroachments and usurpations, such as were never before attempted in that House.

We are not ignorant how much that House hath of late years endeavoured to extend their privileges, by setting up general committees for religion, for courts of Justice, for trade, and the like; a course never had until of late; So as, where in former times the Knights and Burgesses were wont to communicate to the House such business as they brought from their countries; now there are so many chairs erected, to make enquiry upon all sorts of men, where complaints of all sorts are entertained, to the insufferable disturbance and scandal of justice and government, which having been tolerated a while by our father and our self, hath daily grown to more and more height; insomuch that young lawyers sitting there, take upon them to decry the opinions of the judges; and some have not doubted to maintain, That the resolutions of that House must bind the judges; a thing never heard of in ages past. But, in this last assembly of Parliament, they have taken on them much more than ever before.

They sent messengers to examine our attorney general, (who is an officer of trust and secrecy) touching the execution of some commandments of ours, of which, without our leave first obtained, he was not to give account to any but our self, They sent a captious and directory message to the Lord Treasurer, Chancellor; and Barons of the Exchequer, touching some judicial proceedings of theirs in our court of exchequer.

They sent messengers to examine upon sundry questions, our two chief justices, and three other of our judges, touching their judicial proceedings at the goal delivery at Newgate, of which they are not accountable to the House of Commons.

And whereas suits were commenced in our court of Star Chamber, against Richard Chambers, John Foukes, Bartholomew Gilman, and Richard Philips, by our Attorney General, for great misdemeanours; they refolded that they were to have privilege of Parliament against us for their persons, for no other cause, but because they had petitions depending in that House; and (which is more strange) they resolved that a signification should be made from that House by a letter, to issue under the hand of their speaker, unto the Lord Keeper of our Great-Seal, that no attachment should be granted out against the said Chambers, Foukes, Gilman, or Philips, during their said privilege of Parliament.

Whereas it is far above the power of that House, to give directions to any of our courts at Westminster to stop attachments against any man, though never so strongly privileged the breach of privilege being not in the court that grants, but in the party or minister that puts in execution such attachment. And therefore, if any such letter had come to the Lord-Keeper, as it did not, he should have highly offended us if he had obeyed it. Nay, they went so far, as they spared not the honour of our council board, but examined their proceedings in the case of our customers, interrogating what this or that man of our council said, in direction of them in the business committed to their charge.

And when one of the Members of that House, speaking of our counsellors, said, we had wicked counsel; and another said, that the council and judges sought to trample under feet the liberty of the subject, and a third traduced our court of Star Chamber, for the sentence given against Savage they passed without check or censure by the House. By which may appear how far the members of that House have of late swollen beyond the rules of moderation, and the modesty of former times; and this under pretence of privilege and freedom of speech, whereby they take liberty to declare against all authority of council and courts at their pleasure.

They sent for our Sheriff of London, to examine him in a cause whereof they had no jurisdiction: their true and ancient jurisdiction extending only to their own members, and to the conservation of their privileges, and not to the censure of foreign persons and causes, which have no relation to their privileges, the same being but a late innovation.

And yet upon an enforced strain of a contempt for not answering to their satisfaction, they commit him to the Tower of London, using that outward pretext for a cause of committing him, the true and inward cause being, for that he had shewed himself dutiful to us and our commandments, in the matter concerning our customs. In these innovations (which we will never permit again) they pretended indeed our service; but their drift was, to break, by this means, through all respects and ligaments of Government, and to erect an universal over swaying power to themselves, which belongs only to us, and not to them.

Lastly, in their proceedings against our customers; they went about to censure them as delinquents, and to punish them, for staying some goods of some factious merchants, in our storehouse, for not paying those duties which themselves had formerly paid, and which the customers, without interruption, had received of all other merchants, many years before, and to which they were authorized, both by our Great-Seal, and by several directions and commandments from us and our Privy Council.

To give some colour to their proceedings herein, they went about to create a new privilege, (which we will never admit) that a Parliament man hath privilege for his goods against: the King; the consequences whereof would be, that he may not be constrained to pay any duties to the King, during the time of privilege of Parliament.

It is true, they would have this case to have been between the merchants, and our farmers of our customs, and have severed them from our interest and commandment, thereby the rather to make them liable to the censure and punishment of that House. But on the other side, we holding it both unjust and dishonourable, to withdraw our self from our officers, in any thing they did by our commandment, or to disavow any thing that we had enjoined to be done; upon Monday the 23rd of February, sent a message unto them by secretary Coke, thanking him for the respect they had shewed, in severing the interest of our farmers from our own interest and commandment.

Nevertheless, we were bound in honour to acknowledge a truth, that, what was done by them, was done by our express commandment and direction; and if for doing thereof our farmers should suffer, it would highly concern us in honour. Which message was no sooner delivered unto them, but in a tumultuous and discontented manner they called, adjourn, adjourn; and thereupon, without any cause given on our part, in a very unusual manner, adjourned until the Wednesday following.

On which day, by the uniform wisdom of our Privy Council, we caused both Houses to be adjourned until the second day of March; hoping that in the meantime, a better and more right understanding might be begotten between us and the members of that House, whereby the Parliament might come to an happy issue.

But understanding by good advertisement, that their discontent did not in that time digest and pass away; we resolved to make a second adjournment until the tenth of March, which was done, as well to take time to our self, to think of some means to accommodate those difficulties, as to give them time to advise better; and accordingly, we gave commandment for a second adjournment in both Houses, and for cessation of all business till the day appointed; which was very dutifully obeyed in the Higher-House, no man contradicting or questioning it.

But when the same commandment was delivered in the House of Commons by their Speaker, it was strait ways contradicted, and although the Speaker declared unto them, it was an absolute right and power in us to adjourn, as well as to prorogue or dissolve; and declared and read unto them divers precedents of that House, to warrant the same; yet our commandment was most contemptuously disobeyed; and some rising up to speak, said, they had business to do before the House should be adjourned.

Here the King inserted a long account of what passed in the House, when the Speaker was kept by force in the chair, whilst the remonstrance was drawing. This account is much aggravated, being taken word for word from the Attorney General's information against Elliot. But it contains in substance no more than what hath been said before.

Whilst the Duke of Buckingham lived, he was instituted to all the distempers and ill events of former Parliaments; and therefore much endeavour was used to demolish him, as the only wall of separation between us and our people. But now he is dead, no alteration was found among those envenomed spirits, which troubled then the blessed harmony between us and our subjects, and continue still to trouble it. For now, under the pretence of public case of the Commonwealth, they suggest new and causeless fears, which in their own hearts they know to be false, and devise new engines of mischief, so to cast a blindness upon the good affections of our people,

that they may not see the truth and largeness of our heart towards them. So that now it is manifest, the Duke was not alone the mark these men shot at, but was only as a near minister of ours, taken up, on the bye, and in their passage to their more secret designs; which were only to cast our affairs into a desperate condition, to abate the powers of our Crown, and to bring our government into obloquy; that in the end all things may be overwhelmed with anarchy and confusion.

We do not impute these disasters to the whole House of Commons, knowing that there were amongst them many religious, grave, and well minded men; but the sincerer and better part of the House was over born, by the practices and clamours of the other, who careless of their duties, and taking advantage of the times, and our necessities, have enforced us to break off this meeting; which had it been answered with like duty on their parts, as it was invited and begun with love on ours, might have proved happy and glorious, both to us and this whole nation.

We have thus declared the manifold causes we had to dissolve this Parliament, whereby all the world may see how much they have forgotten their former engagements at the entry into the war, themselves being persuaders to it; promising to make us feared by our enemies, and esteemed by our friends. And how they turned the necessities grown by that war, to enforce us to yield to conditions incompatible with Monarchy.

And now that our people may discern that these provocations of evil men (whose punishments we reserve to a due time) have not changed our good intentions to our subjects, we do here profess to maintain the true religion and doctrine established in the Church of England, without admitting or conniving at any backsliding, either to popery or schism.

We do also declare, that we will maintain the antient and just rights and liberties of our subjects, with so much constancy and justice, that they shall have cause to acknowledge, that under our government and gracious protection, they live in a more happy and free estate than any subjects in the Christian world. Yet let no man hereby take the boldness to abuse that liberty, turning it to licentiousness, nor misinterpret the petition, by perverting it to a lawless liberty, wantonly or frowardly, under that or any other colour, to refill lawful and necessary authority.

For as we will maintain our subjects in their just liberties, so we do and will expect, that they yield as much submission and duty to our royal prerogatives, and as ready obedience to our authority and commandments, as hath been performed to the greatest of our predecessors.

And for our ministers, we will not that they be terrified by those harsh proceedings, that have been strained against some of them. For as we will not command anything unjust or dishonourable, but shall use our authority and prerogatives for the good of our people, so we will expect, that our ministers obey us, and they shall assure themselves we will protect them.

As for our merchants, we let them know, we shall always endeavour to cherish and enlarge the trade of such as be dutiful, without burthening them beyond what is fitting: But the duty of five in the hundred, for guarding of the seas, and defence of the Realm, to which we hold ourselves still obliged, (and which duty hath continued without interruption so many successions of ages) we hold no good or dutiful subject will deny it, being so necessary for the good of the whole Kingdom.

And if any factious merchant will affront us, in a thing so reasonable, and wherein we require no more, nor in no other manner, than so many of our predecessors have done, and have been dutifully obeyed:

Let them not deceive themselves, but be assured, that we shall find honourable and just means to support our estate, vindicate our Sovereignty, and preserve the authority which God hath put into our hands.

And now having; laid down the truth and clearness of our proceedings, all wise and discreet men may easily judge of those rumours, and jealous fears, that are maliciously and wickedly bruited abroad, and may discern by examination of their own hearts, whether (in respect of the free passage of the Gospel, indifferent and equal administration of justice, freedom from oppression, and the great peace and quietness which every man enjoyeth under his own vine and fig-tree) the happiness of this nation can be paralleled by any of our neighbour countries, and if not, then to acknowledge their own blessedness, and for the same be thankful to God, the author of all goodness.

Remarks on This Declaration

This declaration, or rather apology, produced not the effect, the King expected. It was very difficult for the King to persuade the people, that a dozen members of Parliament had formed a project to subvert the government, to introduce anarchy, to usurp the Royal authority, without any appearance of the least advantage to themselves or others.

It would have been still more strange, that supposing the King so just a Prince, and so tender of his people, as he desired to be thought, these men should have had sufficient credit, to bring over the majority of the Commons to their sentiments.

On the other hand, the King defended himself very weakly, in his declaration, on the articles concerning recusants, tunnage and poundage, and in general, on the causes of the dissolution of the Parliament. For in aggravating the Commons fault, in not instantly obeying the adjournment, he not only supposed his power incontestable, though it was not so, but also omitted the immediate cause of their non-compliance; namely, the Speaker's refusal, by his express command, to put the question, which was a manifest breach of the freedom of Parliament.

Complaints therefore and murmurs continued more than ever, notwithstanding this apology. It was publicly said, the King intended utterly to destroy the privileges of the Parliament, and the liberties of the people, and what was done afterwards against the imprisoned members, helped not to undeceive the nation. It was added, that trade was ruined, and religion in danger, and that the Kingdom was going to be enslaved, if these mischiefs were not redressed by a new Parliament. The King being informed of these rumours, published a proclamation to this effect:

Proclamation Against False Rumors Touching Parliament

THAT, notwithstanding his Majesty's late declaration, for satisfying the minds and affections of his loving subjects, some ill disposed persons do spread false and pernicious rumours abroad, as if the scandalous and seditious proposition in the House of Commons, made by an outlawed man, desperate in mind and fortune, and tumultuously taken up by some few, after that, by his Majesty's royal authority, he had commanded their adjournment, had been the vote of the whole House, whereas the contrary is the truth; for it was then decried by the wisest and best affected, and fines disavowed, upon examination, by such as were suspected to have consented thereunto, and affirmed, as welt by them, as others who served

in the House that day, to be a thing of a most wicked and dangerous consequence, to the good estate of this Kingdom; and it appeareth to be so, by those impressions which this false rumour hath made in men's minds, whereby, out of causeless fears, the trade of the Kingdom is disturbed, and merchants discouraged to continue their wonted traffic.

His Majesty hath thought it expedient, not only to manifest the truth thereof, but to make known his royal pleasure, that those who raise or nourish false reports, shall be severely punished; and such as cheerfully go on with their trade, have all good encouragement; not purposing to overcharge his subjects by any new burthens, but to satisfy himself with those duties that were received by the King his father of blessed memory, which his now Majesty neither can, nor will dispense withal, but shall esteem them unworthy of his protection who shall deny the same, his Majesty intending to employ it for the defence of his Kingdom, dominion of the seas and lifeguard of the merchants, especially by such shipping as are now making ready, and such further preparations for aid of his friends and allies, as need shall require.

And whereas for several ill ends, the calling again of a Parliament is divulged, howsoever his Majesty hath shewed by his frequent meeting with his people, his love to the use of Parliaments; yet the late abuse having for the present driven his Majesty unwillingly out of that course, he shall account it preemption for any to prescribe any time to his Majesty for Parliaments the calling, continuing, and dissolving of which, is always in the King's own power.

And his Majesty shall be more inclinable to meet in Parliament again, when his people shall see more clearly into his intents and actions, when such as have bred this interruption shall receive their condign punishment, and those who are misled by them, and by such ill reports as are raised upon this occasion, shall come to a better understanding of his Majesty and themselves.

A Writing Published Against The King

About this time appeared a writing, entitled, *A Proposition For His Majesty's Service, to Bridle The Impertinency of Parliaments*. Very probably, if this writing had been presented to the King, it would never have been published. Accordingly, it was afterwards declared in the Star Chamber to be a seditious libel[93].

It serves, however, to shew, that many people thought, the King was taking measures to throw off the yoke of Parliaments, since he evidently followed some of the maxims proposed in this writing. There was even no likelihood of his intending to call another Parliament, till he had found means of having the Commons more at command, as he had plainly intimated in his last proclamation.

The King Makes a Peace With France

Rochel being taken, the King did not think proper to continue a war with France, which could bring him no advantage, nor serve him for pretence to ask money of the Parliament, sine he was determined not to call one. As France had no quarrel with him, but concerning the Queen's domestics, which was not a sufficient motive to continue the war, a peace was quickly concluded between the two crowns, by the mediation of the Republic of Venice. It was signed the 14th of April, about a month after the dissolution of the Parliament, France so little cared for what had passed concerning the Queen's domestics, that she was satisfied with inferring this article in the Treaty of Peace:—

The articles and contract of the marriage of the Queen of Great Britain are to be confirmed faithfully. And as for the said Queen's household, if there be any thing to be added or diminished, it shall be done by a mutual consent freely and willingly, as it may be judged fit and convenient for the service of the said Queen. This peace was sworn in September following.

Remarks on The Riches of The Kings of England

1629 AD] The King had now freed himself from the yoke of the Parliament, and intended not to resume it. But withal, he had deprived himself of the supplies of money, which the Parliaments were wont to grant to the Kings, not only on urgent and extraordinary occasions, but also as marks of affection and zeal, when the people were pleased with the government.

One may venture to say, no Prince in Europe equals in riches a King of England, who is beloved by his subjects. Not only his ordinary revenues, if well managed, are more than sufficient to enable him to keep a splendid and magnificent court; but it is properly the sovereign alone who has never any need to heap up money against any future extraordinary emergencies. He finds, at all times, in the purses of his subjects, and by a free gift, whatever is necessary to support the honour of his State.

There is no potentate in Europe that can, like him, be sure of never wanting money. But what must he do to gain the love of his people? Why, a thing the most practicable and easy, the most just, the most adapted to the welfare of his Kingdom, and to his own interest.

In a word, he must observe the laws to which himself and predecessors have consented, and which were deemed necessary for King and People. The pride therefore and insatiable avarice of favourites and Ministers, are the only things that make him sometimes lose the advantages naturally flowing from the constitution of the government.

The men, impatient of any bounds to their unlawful ambition of governing with an absolute sway, seek all possible means to instil into their master a desire to set himself above the laws, and to become like other Monarchs. That is, they do all that lies in their power to change the King's true and solid happiness into real misery.

For though a King of England should render himself absolute, he could never, by oppression and violence, obtain from his people what he may freely receive, by submitting to the laws and constitution of the government.

We have seen in the two late Reigns of William III, and Queen Anne, and we daily see in that of the Prince on the throne, such undeniable proofs of what I advance, that I think it needless to say any thing more. I shall only observe, that the Kings of England, who were most famous and most esteemed, as Edward I, Edward III, Henry V, Henry VIII, and Elizabeth, constantly followed the same maxim, and thereby rendered their Reigns prosperous and happy. Whereas, James I, Charles I, Charles II, James II, who took a contrary course, became miserable, and performed nothing either for their own or the nation's glory.

Cases of People's Discontent

Charles I, like the King his Father, was very fond of arbitrary power, and had no favourites or ministers, but what were of the same principles. His Privy-Council became by degrees an absolute Court, which thought itself above the Laws. The Star Chamber was another court, the most rigorous that ever was, the severity whereof fell chiefly upon those who pretended to dispute the prerogative royal.

The High-Commission perfectly seconded the council and Star Chamber, and under colour of putting a stop to schism, oppressed, as puritans, those that refused to submit to a despotic power. In short, the judges of the realm being all chosen by the court, and devoted to the King, omitted no opportunity to support the prerogative royal, and raise it as high as the King desired.

The Parliament only could cure these disorders, but the King was determined to call no more, the maxims of the Parliament being diametrically opposite to his. He thought the Parliament had much encroached upon the prerogative royal, in the foregoing reigns, and the Parliament could not help dreading the consequences of the general maxims, which the King was endeavouring to introduce into the government; and the rather, as they saw plainly, these consequences were not bare speculations, but were put in practice.

This dread induced them to deny the King some things readily granted by former Parliaments to his predecessors, because they were free from any such fears. But as the nation in general was more inclined to be ruled by the Parliament, than by the court, these contrails bred in the minds of the people a distaste to the court, the fatal effects whereof the King afterwards experienced.

By the dissolution of the late Parliament, and by his resolution never to call another, which was universally known, the King had not only deprived himself of the extraordinary supplies he might have expected from the Commons, but had also done himself great prejudice with respect to his Treasury.

The five subsidies granted by the Parliament fell very short of what was expected. As every man's quota towards a subsidy is settled by commissioners in each county, and by assistants belonging to the towns and villages, in proportion to his possessions, either poverty, or decay of trade, or some such excuse was pleaded to lessen the tax.

On the other hand, the commissioners and assistants not being inclined to the court, allowed very readily these excuses, and appeared much more apt to favour their countrymen than the King. This occasioned a great diminution of the usual value of the subsidies. Moreover tunnage and poundage were not paid without force.

There was continual occasion to use violence, so seize the effects, and imprison the merchants, to oblige them to pay what the House of Commons had declared illegal, besides, they practiced a thousand artifices to defraud the King of a duty, which they thought was unjustly laid upon them.

To cure these inconveniences, the council was forced to give very strict orders, even to the empowering the officers of the customs to enter into any ship, vessel, or house, and to search in any trunk or chest, and break any bulk whatsoever, in default of the payment of customs. But besides, that this had never been practiced before, another inconvenience arose.

These officers, under colour of searching, used many oppressions and rogueries, which caused the people still the more to exclaim. In a word, the King had not half the profit from tonnage and poundage that he received before his quarrel with the Parliament, and the people were much more dissatisfied than ever. But to hinder their discontent from turning into rebellion, the council gave strict orders to have the militia, both horse and foot, completely, armed, and instructed in the exercise of arms[94].

It was thereby intended to intimidate the people, and keep them in awe, which on the other hand, they were amused with orders for the rigorous execution of the laws against recusants. But these orders must have been neglected, since the people's complaints upon that subject never occurred during the whole course of this reign.

Several Monopolies Created to Raise Money for The King

Meanwhile, as the King wanted money, and it was easy to foresee, that his ordinary revenues would not be sufficient to supply his expenses, the ministers found no better way to increase the King's revenue, than by granting monopolies. That is, the King, by his letters patents, formed companies, to whom alone he gave the privilege of selling certain goods or wares and who were to pay him for it such a yearly revenue.

This was directly contrary to the rights of the people, and very destructive to trade: but in those days, the good of the nation was what the court had least in view. This abuse went so far, that in a manner all sort of commodities were monopolized, and the sale engrossed by some companies, even to old rags. I shall not here specify these monopolies, because, not having been all established at once, they will perhaps be mentioned hereafter[95]

A Treaty About Peace With Spain

1630 AD] Since the King had undertaken to make war upon France, the Spanish war was no more talked of than if there had been no such thing, though in all the speeches to the foregoing Parliaments, and in all the messages to the Commons, he had endeavoured to show how necessary this war was, for the welfare of all Europe, and especially of England.

He had frequently insinuated, that England and Ireland were in so great danger of being invaded by the Spaniards, that it was not possible to be too speedy in applying a remedy to so urgent an evil. And yet, the Spaniards never made any attempt that might confirm the fears, the King would have inspired the Parliament with.

Conclusion of The Peace

The King of Spain, contented with not being attacked, undertook nothing against England, knowing he was in no danger from that quarter. However, after the conclusion of the peace between France and England, he thought proper to end the war with the English, to which he met with no obstacle, Charles not being in condition to continue it. So, a peace between the two crowns, after some negotiations, was concluded in November 1630.

The King's Instructions to The Bishops Against The Presbyterians

Presbyterianism had lately gained ground in England, notwithstanding the strong opposition of the Bishops, and particularly of Laud Bishop of London, sworn enemy to the Puritans. This prelate seldom missed any opportunity to show his hatred to them, and such opportunities very frequently offered. Besides that he was the King's most intimate counsellor, especially for ecclesiastical matters, he had almost the sole direction of the high commission, after the Archbishop of Canterbury was excluded on account of Sibthorp's sermon.

He so managed therefore, to prevent the growth of Presbyterianism, that the King sent certain instructions to the Archbishops, with a command to impart them to the bishops of their provinces, in order to their being observed.

The chief end of these instructions was to hinder any Presbyterian minister from creeping into the Church of England, and to discover the careless observers of the rites prescribed by the Canons. Laud himself was the author of these instructions which were agreeable to some confederations (for the better settling of the Church government) presented by him to the King some time before. As the Presbyterians were not ignorant from whence the evil sprung, they entertained an implacable enmity to this prelate, the effects whereof they made him feel afterwards, when they found an opportunity.

Prince Charles is Born

This year the King had the satisfaction of having a son called Charles, of whom the Queen was delivered the 29th of May.

Negotiations With The King of Sweden

Gustavus Adolphus King of Sweden, had expressed a great desire to relieve Germany, oppressed by the Emperor, but his wars with Poland had prevented the execution of that design. Upon this account the Kings of France and England joined together to procure a peace between these two crowns, in which they succeeded at last.

The French King's aim was to humble the House of Austria by this diversion, and Charles hoped, that by the King of Sweden's means, he should recover the Palatinate for his brother-in-law.

The King Lends Him 6000 Men Under The Command of The Duke of Hamilton

The peace, I have just mentioned, was no sooner concluded, than the King of Sweden prepared to enter Germany at the head of a powerful army. At the same time, he made a private agreement with the King of England, whereby Charles engaged to furnish him with six thousand men, in the Marquis of Hamilton's name, as if that Lord had raised these troops at his own charge.

These articles seldom deceive: but however they give the Princes who use them, the assurance to say, it is done against their consent. That I may not return to this affair, I shall say here in two words, Charles was the dupe of Gustavus. When the Swede, after several victories over the Imperialists, was able in his turn to assist the King of Bohemia, he would have laid such hard terms upon him, that he could not think of accepting them.

So Charles withdrew his troops, which had done good service in the war, and recalled Sir Henry Pane who was with the King of Sweden, in quality of ambassador. Thus ended this sort of League, the particulars whereof I think it needless to relate, since it caused no alteration in the affairs of this reign.

I return now to domestic affairs. The King's ordinary revenues not sufficing for his expenses, it was necessary to find means to make a further supply. One of these means was, to attack such as had neglected to receive the order of Knighthood at the King's Coronation, though they had been summoned.

It was an antient custom from the Conquest, that such as had fifteen pounds a year in land, were obliged to serve the King in his wars, and those who were not capable of serving, compounded with the King, and for a certain sum were released from this service. To this end, those who were worth fifteen pounds a year, were to be made knights, that is, fit to serve the King.

In process of time, the number of those who were to take the order of knighthood was limited to such as had twenty pounds a year. What was at first but a bare custom, was turned into a law in the reign of Edward I, and after that some of the following Kings took advantage of it, as may be seen in Rymer's collection of the public acts. But in general, though this Statute was not abolished, it had however been long disused. Charles I. going upon the statute's being still in force, since it was never expressly repealed, put it in practice at his Coronation, and pretended to use great condescension, in summoning to take Knighthood such only as had forty pounds a year, though at that time forty pounds were much less than twenty pounds in the days of Edward II. He found but very few willing to obey these summons, the use whereof was entirely forgotten.

The King himself overlooked this non-compliance, perhaps for fear it might be some prejudice to him with regard to the supplies he was to ask of the Parliament. But after the dissolution of the third Parliament, he did not think himself obliged to the same caution.

He appointed therefore commissioners to compound with those who had neglected to appear, as well for their contempt, as for being excused from receiving the order of knighthood. The commissioners had this instruction, To take no less than after the rate of thrice and half as much, as the persons compounding were found rated in the subsidy. Multitudes being summoned upon this occasion, the compositions brought the King above a hundred thousand pounds.

This was looked upon afterwards as a grievous oppression, and the Parliament repealed the statute on which it was grounded.

Innovations in The Divine Service

I have already spoken of Bishop Laud's extraordinary zeal for the Church of England. This Church, at the reformation, thought fit to retain some ceremonies, not as absolutely necessary, but rather as indifferent, and which consequently she believed it not proper to remove from the divine service.

Laud was not only scrupulously attached to these ceremonies, but also to every thing that served to adorn the externals of religion, and seemed more inclined to increase the number than suppress any of those that most offended the Puritans. He gave a proof of this inclination when he confederated St. Catherine Creed Church, which had been lately repaired.

Ceremonies Observed By Bishop Laud at The Consecration of St. Catherine Creed Church

1631 AD] On this occasion he used some formalities which he might have forborne, as being too like what is practised in the Church of Rome on such solemnities. The manner of consecration was thus:—

At the Bishop's approach to the west door of the Church, some that were prepared for it, cried with a loud voice, open, open ye everlasting doors, that the King of glory may enter in. And presently the doors were opened: And the bishop, with some doctors, and many other principal men went in, and immediately; falling down upon his knees, with his eyes lifted up, and his arms spread abroad, uttered the words:—

This place is holy, the ground is holy, In the name of the Father, Son, and Holy Ghost. I pronounce it Holy.

Then he took up some of the dust, and threw it up into the air several times, in his going up towards the chancel. When they approached near to the rail and communion table, the bishop bowed towards it several times, and returning, they went round the church in procession, saying the 100th Psalm; after that the 19th Psalm, and then said a form of prayer, Lord Jesus Christ, &c. and concluding:

We consecrate this Church, and separate it unto thee, as holy ground, not to be profaned any more to common use.

After this the Bishop being near the communion table, and taking a written book in his hand, pronounced curses upon those that should afterwards profane that holy place, by musters of soldiers, or keeping profane law courts, or carrying burdens through it, and at the end of every curse, he bowed towards the east, and said,

Let all the people say, Amen.

When the curses were ended, he pronounced a number of blessings upon all those that had any hand in framing and building of that sacred and beautiful church, and those that had given, and should hereafter give any chalices, plate, ornaments, or utensils; and at the end of every blessing, he bowed towards the east, saying:—

Let all the people say, Amen.

After this followed the sermon; which being ended, the Bishop consecrated and administered the Sacrament in manner following.

As he approached the communion table, he made many several lowly bowing, and coming up to the side of the table where the bread and wine were covered he bowed seven times, and then, after the reading of many prayers, he came near the bread, and gently lifted up the corner of the napkin wherein the bread was laid, and when he beheld the bread, he laid it down again, drew back a step or two, bowed three several times towards it, then he drew near again, and opened the napkin, and bowed as before.

Then he laid his hand on the cup, which was full of wine, with a cover upon it, which he let go again, went back, and bowed thrice towards it; then he came near again, and lifting up the cover of the cup, looked into it, and seeing the wine, he let fall the cover again, retired back and bowed as before; then he received the Sacrament, and gave it to some principal men; after which many prayers being said, the solemnity of the consecration ended.

If Laud had taken all these ceremonies, both in the consecration of the Church, and in the administration of the sacrament, from a ritual of the Church of England, made since the Reformation, there would have been nothing to object. But some years after, the House of Commons accused him in form, of having exactly copied the Roman pontifical, which was found in his study. He denied it, alleging two seemingly very frivolous reasons.

First, that the Pontifical prescribes ashes to be thrown up by the bishop who consecrates the church, whereas he threw up dust in the air, which he found on the ground[96]. Secondly, that he observed a form communicated to him by Bishop Andrews. But as there is so little difference between dust and ashes, and as Bishop Andrews's form agreed with that in the pontifical, this answer was not much approved.

However this be, it cannot be denied, that it was affectation to use on this occasion, both for consecrating the Church, and administering the sacrament, a different form from that of the Church of England, and to chuse one so very like the Roman pontifical.

This gave his enemies a great advantage, who took occasion from it, to charge him with an intention to introduce popery. But he little regarded what could be said against him: The King's favour had raised him so high, that it was not in the power of his enemies to hurt him, but on the contrary, he had frequent opportunities to be revenged of them.

Whilst he was most exclaimed against, three doctors in divinity of the university of Oxford, having preached against Arminianism, were expelled the University, and some others who had undertaken their defence, were turned out of their offices. This was under colour of observing the King's proclamation, and it was not doubted but Laud was the author of these violent proceedings[97].

In the mean time, the King's ministers were diligently seeking means to raise money, and new projects were every day offered, of which they chose such as they thought proper. Among these means, monopolies, as I said, were at first most in vogue.

Monopolies

1632 AD] At the beginning of the year 1632, the King by his Patent under the Great Seal, incorporated the soap makers. It is said this Patent alone was worth to him ten thousand pounds[98]. There was another company settled for making of cards, of whom the King bought them at eighteen shillings a gross, and sealing them, sold them again. But I should be too tedious was I to mention all the monopolies made in this reign by the King's authority[99].

Monopolies were not however the only way practised to raise money. Several other methods were found. Shortly, after, the King by proclamation commanded all Lords, gentlemen, clergymen, and others whose stay in London was not absolutely necessary, to depart within forty days, and reside in their respective counties, and at their mansion houses. This injunction seemed to be grounded upon the King's desire, to hinder the nobility and gentry from wasting their estates by a needless residence in London, where they were obliged to be at a great expense. But it was perceived afterwards, that the King had another end in it, when such were summoned before the Star Chamber, as had neglected to obey the proclamation, and were condemned in grievous fines to the King's use.

At the same time, the King appointed commissioners to punish those that, contrary to former prohibitions, had enlarged the City of London by new buildings. From all this the King drew very considerable sums, the fines in which the offenders were condemned being all to his use. The Star Chamber exercised great rigour on these occasions.

The City of London Fined

About the same time, the City of London was fined fifteen hundred marks, because the mayor and aldermen had neglected to take inquisition of the death of one Doctor Lamb, who passed for a conjurer, and of whom the Duke of Buckingham had made use, but for what purpose I know not. This man being eighty years of age, was pursued by the mob from street to street, and died within a few days, either of the fatigue he had endured, or of the bruises he had received.

I have already observed, that Presbyterianism, or, as it was then called, Puritanism, daily gained ground, notwithstanding the endeavours used by the King's Bishops, High commission, Star Chamber, and courts of justice, to stop its progress.

As these endeavours consisted not in better informing the Presbyterians, but only in the excessive severity exercised upon them, when their zeal caused them to offend; they were the more exasperated against the Church of England, as they saw at the same time, that the Arminians and papists were left unmolested, or if orders were sometimes given against them, such orders were never executed.

This made them exclaim against the Bishops, and charge them with design to introduce popery and Arminianism into the Church. Unhappily, they imputed to the whole Church of England, the violence which ought to have been ascribed to the circumstances of the times, and the particular character of some bishops, who having credit at court, intimated to the King, that nothing was more opposite to regal authority, than Presbyterian Church government.

All who were not very submissive to the King, were considered as Puritans, and as such frequently oppressed. So, by a fatal policy, men well affected to the Church of England, but enemies to arbitrary power, were forced, against their wills, to join with the Puritans, in order to strengthen their party, and enable them to oppose the designs of the court.

I am persuaded, this conduct gave Puritanism many adherents, which otherwise it would never have had. What makes me of this opinion, is, that Presbyterianism never made so great a progress as during the first fifteen years of this reign, though it had never been more persecuted. After all, this conduit is not to be ascribed to the Church of England.

We don't find in her principles and doctrines, any thing repugnant to charity or tending to violence; but it was wholly owing to the character and designs of the court prelates, of the King's ministers and counsellors, who meant to carry the royal authority to the highest degree. They thought nothing would more conduce to that end, than the humbling, or rather the utter ruin of the Puritans, and unfortunately considered as such, all that opposed their design, according to King James's maxim. Hence it happened, that by confounding thus the state Puritans, with the Church Puritans, they compelled, as I may say, the first to join with the last.

The design of ruining Presbyterianism destroyed all regard to the scruples of tender consciences even in things of little moment, left by the Reformers in the public worship, rather as indifferent, than as absolutely necessary.

On the contrary, everything that gave most offence to the Presbyterians, was not only industriously praised, but also represented as necessary, and several novelties added which were apt to widen the breach, and make an union impracticable. Of this the reader, will hereafter be convinced. But before I leave this subject, I cannot forbear to relate a fact which clearly proves what I have advanced.

Process Against The Recorder of Salisbury

There was in the City of Salisbury a Collegiate Church, called St. Edmonds, which with its revenues, like the rest of that kind, came by act of Parliament into the hands of Henry VIII, and remained in the Crown till the reign of James I, who sold it to a private person, and he to another, so that it passed successively through several hands, till at length the last proprietor sold the church to the parishioners of St. Edmonds, who repaired and made it the parish church.

The windows which had till then been, preserved, were painted after the old fashion, and contained among other things the history of the creation, where the painter had represented God the Father in the form of an old man, creating the world during the first six days, but on the seventh had painted him sitting, to denote the day of rest.

The ignorant painter had committed several blunders, having given to one day the work performed on another, and, in expressing the creation of the sun and moon, had put in God's hand a pair of compasses, as if he was going to measure them. Henry Sheffield Recorder of Sarum and parishioner of St. Edmonds, having called a vestry, represented to the parishioners, that these pictures gave offence, and were apt to lead the people to superstition.

That the painter had committed several errors, and besides, the representation of God the Father in the form of an old man, offended the eyes of good Christians. Whereupon the vestry thought it proper to take down the windows[100], and put up others, not painted, in their room. Armed with this order, the recorder sends for a glazier, and showing him with his stick the glass which was to be changed, broke some of the panes, as little caring to preserve them.

Upon this outrage, an information is exhibited against Sheffield in the Star Chamber by the Attorney General, showing, that contrary to the canons, which forbid any private person to alter or innovate any thing in the fabric or ornament of a Church, without special license from (his Majesty or) the Bishop of the Diocese, Sheffield being ill affected to the discipline of the Church of England and the Government thereof by Bishops, did combine with some others of the same opinion, and undertake by a bare order of the vestry, and in contempt of the King and the diocesan

to break down the windows of St. Edmonds Church, which contained excellent pictures of the creation, made hundreds of years since, and were a great ornament to the Church.

That he committed this profane act contrary to the order of the Bishop, who by letter had enjoined him to desist from this design. That by this ill example, other wicked and schismatic person ill affected to the government of the Church of England under his Majesty, might be encouraged to use the like violent courses.

Sherfield answered, that the Church of St. Edmonds was a lay fee, and had so continued ever since it fell to the Crown, and therefore it was legally exempted from the jurisdiction of the bishop of the diocese. That confidently those who had purchased the Church, had lawful power to alter the windows, as they had before made other alterations, in the steeple, walls, pulpit, and other parts, without any complaints from the Bishop.

That after all he had only taken down some small quarries of glass to show the glazier what was to be altered, and that the history of the creation might still be plainly discovered. That the painting was so far from being fine, that when it was done, it did not cost above forty shillings. Then he set forth the gross blunders of the painter, and proved by acts of Parliament made in the reigns of Edward VI. and Elizabeth, that all pictures shall be removed out of the Churches.

Finally, he denied that he was ill affected to the government of the church under Bishops, or had acted in contempt of the King, or ever received a letter from the Bishop of Salisbury upon this subject.

Whereupon the Bishop of London said, that he did not pretend to justify the errors of the painter, but only to observe to the court, that God being called in scripture, the Ancient of Days, might be the occasion of the painter's representing God the Father like an old man[101]. But that Sherfield was much more to blame than the painter for daring to make alterations without licence.

In short, Sherfield was fined five hundred pounds, contrary to the opinion of some of his judges, who would have mounted his fine to a thousand, and condemned to make a public acknowledgement of his fault, before, such persons as the Bishop should please to name[102].

I thought myself obliged to relate this instance, in order to show what methods were taken to ruin Presbyterianism. It is easy to perceive, that such severities could not but produce very ill effects amongst the people, and alienate them from, instead of reconciling them to, the Church of England.

The King Gains Sir Thomas Wentworth

In the account, I have given of the third Parliament held in this reign, I had sometimes occasion to speak of Sir Thomas Wentworth, Knight of the Shire for the County of York. This Gentleman several times in the House of Commons, gave proofs of his zeal for the maintenance of the liberties of the people, and the privileges of the Parliament.

By that he became formidable to the Court, though he took care not to run into any excess with regard to the King and his minister. On the contrary, he always softened his opinions with some honourable and respectful expressions, but however seldom failed to oppose the pretensions of the Court. As he was one of the greatest geniuses then in England, the King soon perceived that his parts and capacity might be very serviceable to him, if he could gain him to his interest. He endeavoured it therefore, after, or perhaps before, the dissolution of the Parliament, and succeeded so well, that Wentworth became one of the most zealous promoters of the royal authority, or rather of the despotic power the King had a mind to establish[103].

Wentworth is Made President of The Council in The North

Upon this account, the King thought him the fittest person to be entrusted with the Presidentship of the council in the north. As this is one of the greatest grievances complained of by the English against Charles I, and one of the most noted occasions wherein that Prince discovered his design to set up an unlimited power, it will be necessary briefly to show what this council in the north was, and the use the King would have made of it to subject his people to a despotic power.

Remarks on The Council of York

Upon the suppression of the lesser monasteries in the 27th year of the reign of Henry VIII, there were for two or three years together, several insurrections in the north. Meanwhile, as Henry VIII. did not intend to stop there, but meant also to suppress all the rest of the monasteries, he thought proper to take some care to prevent the like insurrections in those parts.

To that end, he established at York a court of Justice, under the specious pretence of easing his poor subjects, who had not wherewithal to prosecute their suits in the courts of Westminster. But his real intent was, that this court should have an eye upon the proceedings of the northern lords and gentlemen, who were suspected, in order to punish them immediately, in case it was perceived they were endeavouring to raise any fresh insurrections.

A commission therefore was granted to the Bishop of Landaff the first president, and others, by virtue whereof was established this new council in the north, otherwise called the Court of York. The jurisdiction of this court extended over Yorkshire, Northumberland, Cumberland, Westmoreland, the Bishopric of Durham, the County of the Cities of York, Kingston upon Hull, and Newcastle upon Tine.

The King's commission was no other than a commission of Oyer and Terminer, with an additional clause, whereby the Council was empowered to hear all causes, real and personal, when one or both of the parties, by reason of their poverty, could not prosecute their rights, according to the laws of the land. This clause, though illegal, produced no ill effect, nor any complaint, whether the new Court exercised that part of the commission at all, or only so sparingly, that the poor found ease and benefit by it.

In the first year of the reign of King James I, a commission was granted to the Lord Sheffield President of the Court of York, which varied not from the former, only it had reference to instructions which the King was to send him. It is not known whether these instructions were sent; but it is evident, that in making the power of the court to depend on the King's instructions, the intent was, that its decisions should not be made so much according to the laws, as according to his Majesty's private orders.

And indeed, King James in the seventh year of his reign granted a new commission to the same Lord Sheffield, omitting these two clauses, which were in the first, That they should inquire *per Jacramentum honorum et legalium hoininum* and hear and determine, *secundum leges Anglia*. Thus the power of the court was limited only by the particular instructions, which were the first that appear to have been sent thither.

From that time, whenever the commission was renewed, which was upon every change of president or counsellor, the King sent new instructions, tending to render the Court of York independent, not only of the Courts of Westminster, which are the courts of the whole Kingdom, but even of all sorts of laws.

Charles I. renewed this commission in favour of the Lord Wentworth, with a more ample power than any of his predecessors had been invested with. In 1632, a clause was added, whereby among

other things, authority was committed to him to hear and determine all offences and misdemeanours, suits, debates, controversies and demands, causes, things and matters whatsoever contained in the instructions annexed to the commission. But what were these instructions[104]?

In the Parliament of 1640. Mr. Edward Hyde, then member of the House of Commons, and afterwards Earl of Clarendon, being sent by the House to the Lords concerning the Court of York, said in his speech to them, that in the instructions of 1632 and 1637, containing fifty-eight articles, there was scarce one that was not against or beside the law.

From whence he took occasion to ask, what have the good northern people done, that they only must be disfranchised of all their privileges, and be governed according to the discretion of the Court of York?

Nay, though this court might proceed according to its discretion, special provision was made in the King's instructions, that no fine, no punishment should be less than by law appointed[105]. This court was abolished afterwards by the same Parliament of 1640.

The King's Journey to Scotland

1633 AD] The King having governed three or four years without a Parliament, was very much at ease. His will, by degrees, began to pass for law; there was no House of Commons to complain publicly, and he saw none about him but such as were always ready to flatter him, and cherish his principles concerning government.

On the other hand, he was freed from the encumbrance and expense of a war, which had created him great trouble, and rendered him too dependent on the Parliament. In short, though he was not ignorant that in general the people were discontented, he did not see any appearance of a rebellion, the great men of the Kingdom and the neighbouring Princes being so disposed, as to give no encouragement to those who should attempt to disturb the State.

His affairs being in this situation, he believed he could not take a more proper time to go into Scotland, where three important affairs required his presence:—

First, he had a mind to be crowned.

2. He intended to hold a Parliament for procuring of money.

3. He designed to take some measures there for the execution of a project long since formed, to reduce the Kirk of Scotland to a perfect conformity with the Church of England, and entirely ruin Presbyterianism.

Charles is Crowned in Edinburgh

To this end it was, that he took with him Laud, Bishop of London, and at his arrival in Scotland, made him Privy Counsellor of that Kingdom. He departed therefore from London the 13th of May 1633, and being come to Edinburgh, was crowned with the usual solemnities. After that he held a Parliament, which gave him the largest subsidy that had ever been granted to any King of Scotland before him[106].

The third point concerning religion, requires some explication. But as I intend to speak more fully of it hereafter, I shall only say here what is absolutely necessary to shew the King's design. The Reformation was established in Scotland in the reign of Queen Mary, mother of James I, upon the plan of the Churches of Geneva and Switzerland. The hierarchy was entirely suppressed,

and the government of the Church committed to Presbyters, and national Synods, called in Scotland, General Assemblies.

But however, the Bishops were still continued, though diverted of all ecclesiastical jurisdiction. They retained only their revenues, lands, houses, seat in Parliament, and all the temporal advantages in general, that were annexed to the episcopal dignity. From the beginning of the Reformation, that is, from the year 1561, to the end of the sixteenth century, the state of the Bishops underwent several revolutions, of which I shall say nothing here, because I design to speak of them elsewhere.

It suffices to say at present, that James I, becoming King of England, found means to cause the Parliament of Scotland to rest ore episcopacy to its former lustre, and give the Bishops their ancient jurisdiction over the Church.

This was the first step to lead the Kirk of Scotland to the desired point, that is, to a perfect conformity with the Church of England. But the tedious treaty of the Prince his son's marriage with the Spanish Infanta, and the affairs of Bohemia and the Palatinate hindered him from fully executing his project.

Charles I, had this work no less at heart than the King his father. But as in the beginning of his reign he was engaged in a war with Spain, and afterwards with France, and moreover his disputes with his Parliaments affording him little leisure to think of other matters, he could not seriously set about this affair, till after the others were ended.

In the Parliament at Edinburgh in the year 1633, among other acts that were presented to be passed, there were two, namely, the third and fourth, the one entitled, An act anent (or concerning) his Majesty's royal Prerogative and apparel of Kirk men: The other. An act of ratification of the acts touching religion.

These were the only acts that met with any opposition, on account of the conferences which some feared the King would hereafter draw from them. The first of these acts was properly but a confirmation of a like act passed in the reign of King James VI. empowering his Majesty to order the vestments of the clergy as he pleased. Now as from that time, the design of altering the discipline of the Kirk of Scotland, had shewed itself more and more, some of the members of this Parliament suspected the King would make use of this act to introduce the surplice.

And indeed, being asked whether he intended it, he made no answer; but taking a list of the whole members out of his pocket, said:—

Gentlemen, I have all your names here, and I'll know who will do me service, and who will not^ this day.

However about thirteen noblemen, and as many Barons and Burgesses declared, that they agreed to the act for his Majesty's prerogative, but dissented from that part of it, as to the apparel of Kirk men. The other act which I mentioned, was expressed in the following manner:—

Our Sovereign Lord, with the advice and consent of the estates, ratifies and approves all and whatsoever acts and Statutes made before, anent the liberty and freedom of the true Kirk of God, and religion presently professed within this realm, and ordains at the same to stand in their full force and effect, as if they were specially mentioned and set down herein.

I have already said, that in the reign of James VI, and especially after his accession to England, he made several innovations in the Kirk of Scotland, particularly with respect to the episcopal jurisdiction which had been restored, The whole artifice of this act consisted therefore in these words, the religion at present professed: for thereby were confirmed all the innovations in the discipline of the Kirk of Scotland, to which the opposes of the act would not agree.

They were very willing to ratify the acts made in favour of Religion, as established by an act passed in the 6th year of James VI, when the Bishops had no power or jurisdiction; but would not admit these words, at present professed during these contests, the King said with some emotion, I will have no distinction, but command you to say, I or no,

Whereupon the dissenting Lords and Gentlemen said, no. However the two acts passed by a majority of votes. Some affirmed afterwards that fraud was used in gathering the votes. However that be, the King's eagerness to have these two acts passed, convinced the people of Scotland that the project of making greater innovations in the Kirk still subsisted, and that the two acts were a sort of preparative to accomplish it. On the other hand, the opposition the King met with, (shewed him), it was not yet time to act openly, and that it was necessary to take other measures to facilitate the success of his designs.[107].

The Puritans Persecuted in England

If it was endeavoured in Scotland to ruin Presbyterianism by indirect ways, it was thought proper to proceed in England with less caution. Accordingly, all possible efforts were used to destroy it utterly, by persecuting the Puritans, for whom there was not the least condescension.

The court and the Bishops laid it down for a rule, not to depart, on their account, from one tittle of what was practised in the Church of England, for fear they should grow too powerful, and the indulgence shewn them prove detrimental to the Church. But there was a stronger reason, namely, the implacable hatred conceived of them by the King, his ministers, and above all, by the Bishops of London and Winchester, which made them earnestly see all occasions to oppress them. And these occasions were easy to be found.

They had only to press the observation of the Canons without dispensing with one article, in order to cause the Presbyterians to commit offences, which exposed them to the rigour of the ecclesiastical and Civil Laws. But as the bishops could not be every where, and wanted people to inform them of what passed, Walter Curie, Bishop of Winchester bethought himself, in his primary visitation, to oblige by oath the Church wardens, and sworn men, to turn informers, that none might escape their inquiry. The Oath was as follows:—

You shall swear, that you and every of you, without all affection, favour, hatred, hope of reward and gain, or fear, of displeasure or malice of any person, shall present all and every such person and persons, of or within your parish, who hath committed any offence, fault or crime, or omitted any part of duty, which be enjoined to perform: wherein you shall deal uprightly, and according to truth; neither of malice presenting any contrary to truth, nor of corrupt affection sparing to present any, and to conceal the truth, having in this action God before your eyes, with an earnest zeal to maintain truths and suppress vice. So help you God, and the contents of this book.

With this oath were delivered certain instructions, according to which they were to proceed:—

1. As to the articles concerning the Church, they are to enquire, whether they have the book of constitutions, or canons ecclesiastical, and a parchment register book, book of Common Prayer, and book of homilies, &c. And whether the Communion table be placed in such convenient part within the said chancel or church, as that the minister may be best heard in his prayer and administration?
2. As to the articles concerning the clergy, whether doth the minister read the constitutions set forth by his Majesty once every year?
3. Whether the minister or preacher used to pray for the King's Majesty with his whole title, as King of Great Britain? And doth he in like manner pray for the

Archbishops, and Bishops? And doth he observe all the orders, rites and ceremonies prescribed in the Common Prayer, and administering the sacrament? And whether doth the minister receive the sacrament, kneeling at the same, and administereth to none but such as do kneel, as by the 12th Canon is directed?

4. Whether hath the minister admitted to the Communion any notorious offenders or schismatics? Contrary to the 26th and 27th constitution. And whether strangers of any other parish do come often and commonly to your church, from their own parish church? Contrary to the 28th canon. And whether doth the minister use to sign the children with the sign of the Cross, when they are baptized? And whether is your minister a licensed minister? If yea, then by whom? And whether doth the Minister wear the surplice whilst he is saying the public prayers, and administering the sacraments? Whether doth the minister catechise and instruct the youth of ignorant persons of your parish in the ten Commandments, &c? And whether he doth solemnize marriage, the banns not being three several Sundays and holidays first published in time of divine service? And whether doth your minister in the rogation days use the perambulation of the circuit of the parish? Whether doth the minister every six months denounce in the parish all such as do persevere in the sentence of excommunication, not seeking to be absolved? Or hath he admitted any excommunicated person into the church, without certificate and absolution: Whether is your minister a favourer of recusants, whereby he may be suspected not to be sincere in religion? Whether is your minister noted to be an incontinent person, a frequenter of taverns, ale houses, a common gamester, or player of dice, &c? With divers other articles of enquiry.

The King Supports Wakes and Revels

Hence may be seen, how very careful the Bishop of Winchester was to hinder any Presbyterian ministers from getting into the Church of England. But though the oath enjoined by this prelate, was a real outrage upon the laws, the Parliament alone having power to prescribe such oaths, none dared to attack him directly.

The Presbyterians were sure to meet with no encouragement from the Court. On the contrary, their dislike of a thing was a sufficient reason with the court strenuously to support it. Of this I shall give two very remarkable proofs. The Presbyterians were offended at the feasts of the dedications of Churches, commonly called wakes or ales, because they were only occasions of riot and debauchery, and because these days seldom passed without some disorders.

In Somersetshire where these revels abounded, the Lord Chief Justice Richardson and Baron Denham, in their circuits made an order, with the general content of the whole bench, that these revels should be suppressed[108]. But the Chief Justice being commanded to attend the council board was severely reprimanded, and enjoined to revoke the order made at the assizes, A second proof of what I advanced is this.

The Presbyterians, notwithstanding the late King's Proclamation, affecting still to forbid their servants to be present at these revels, or to use any recreations publicly on Sundays after divine service, the King renewed and confirmed the proclamation published by his father, commanding that the people should not be troubled or molested in their recreations.

The Court was afraid that by degrees a maxim deemed by them prejudicial to their interest would be established, namely, that when a custom, not ill in itself, occasioned abuses, it ought to be abolished. This maxim seeming to them too general, because it might be applied to things of great consequence, they opposed it to the utmost of their power.

George Abbot Archbishop of Canterbury Dies

George Abbot Archbishop of Canterbury dying this year 1653, William Laud, Bishop of London, succeeded him in that dignity[109].

James Duke of York Born

This same year the Queen was delivered of a second son, in October, who was called James, and created Duke of York.

The Presbyterians were possessed, that a project was formed to re-establish the Romish religion in England. This notion in general ought not to seem strange, since it is certain, that from the Reformation, this project had never been interrupted. But the authors of it must be carefully distinguished.

Had the Presbyterians been satisfied with believing that some private Roman Catholics had formed such a design, it may be affirmed, they would not have been mistaken; but they went much farther. They imagined that the King's ministers, the council, bishops, and particularly the new Archbishop of Canterbury, were the authors of this project. If they did not directly charge the King with it, at least they were persuaded, either that he encouraged it, or suffered himself to be carried farther than he intended, by persons who concealed their design from him.

Laud's Diary

The Catholics themselves gave occasion for these suspicions, in shewing openly their hopes of quickly seeing a change in favour of their religion. We find in a diary kept by Laud of what happened to him every day, that this very year 1633, he had the offer of a Cardinal's Cap, if he would help to restore the Romish religion.

For my part, I verily believe, neither the King, nor the Archbishop[110], nor the Ministers, for the most part, ever formed such a design. At least in all that has been said upon this subject, I have not met with any proof which appeared, I will not say, sufficient to convince me, but even to have the least probability.

Nevertheless it is certain this opinion was spread among the people, and the Presbyterians led all their endeavours to gain its belief. I do not know whether they believed it themselves, or only thought it for their advantage to cast this reproach upon the Church of England, in order to strengthen their part, in which they succeeded at last beyond their expectations.

But since this opinion produced in time surprising effects, I cannot forbear shewing upon what it was grounded:—

1. Whilst James I. was only King of Scotland, before the death of Queen Elizabeth, he was suspected to favour the Papists[111]. Elizabeth herself was not free from such a suspicion, as appeared in the history of her reign.

After James accession to the throne of England, he always expressed great tenderness for the Catholics. This he shewed on several occasions, as in the Gunpowder Plot, by his expressions in favour of the Catholics in all his speeches to the Parliament; by the places of trust, which he gave indifferently to papists and Protestants, as he owned himself in his famous apology; by his continual refusal to execute the laws against recusants; and lastly, by the little zeal and affection he expressed for the Protestant religion, in the two negotiations with Spain and France concerning his son's marriage. I say nothing here of his conferences with the Archbishop of Embrun,

because they were not known in his life time, nor can be affirmed to be faithfully related. All this gave some cause to suspect that King James had some ill design with regard to religion, and had left the execution to the care of his successor.

2. Charles I. when Prince and at Madrid, sent a letter to the Pope, which might have rendered him suspected. This suspicion might be confirmed by the secret articles he is said to have signed on occasion of his marriage with the Infanta.

3. After Charles was on the throne, he always shewed a very great condescension for the Catholics, several whereof were raised to the highest posts. Conway, Secretary of State, was a Papist: Weston, who was made Earl of Portland and Lord Treasurer, was so likewise. Indeed the Duke of Buckingham professed the Reformed religion, but it was generally believed, he would have made no difficulty to change it for the Roman.

Besides, his mother and his Duchess were Papists. The Parliament, as I have said, presented to the King a list of many recusants, to whom were committed the places of trust in their respective counties. In short, though the King had positively promised to proceed with vigour against the Recusants, he seems not to have performed his promise, since the following Parliaments were frequently obliged to renew their instances, and always in vain. If the King gave any orders upon that subject, they were never executed, and everyone believed, the court connived at the neglect of those who were charged with the execution, so that this was a perpetual cause of complaint during this whole reign.

4. The King had an excessive complaisance for his Queen, and the Queen was not only a Papist, but also very zealous for her religion. This gave occasion to fear, she had formed the project of restoring it in England, and would at last draw the King into her sentiments.

5. The Presbyterians, who were looked upon as the greatest enemies to Popery, were furiously oppressed and persecuted, whilst the Arminians and Papists were suffered to live unmolested. Hence it was inferred, that the court acted with such warmth against that sect, only to make way by their destruction to the restoration of Popery.

6. Arminianism was so openly countenanced by the court, and some of the principal Bishops, that many believed, there was a design to make use of it as a means to effect the more easily a change of religion.

7. As this notion of a design to restore Popery spread itself over the Kingdom, the heads of the Church of England were more attached to all the rites and ceremonies which gave most offence to tender conferences. Kneeling at the sacrament, wearing the surplice, confirmation, keeping of saints days, processions, bowing to the altar, and the like, which offended the Presbyterians, as being relics of popery, these things, I say, were pressed by the Bishops with the same eagerness as if religion must have fallen with them, and as if they were absolutely necessary to salvation. This caused many to suspect, that the observance of all these points was pressed, with design to pave the way for the more easy reception of the popish tenets hereafter.

8. The heads of the Church of England were not satisfied, with zealously maintaining the ceremonies and rites used in their Church since the Reformation, but made certain additions to them from time to time, which could not be justified by the canons. This occasioned these things to be considered as innovations tending to popery. What Laud had done in consecrating St. Catherine Creed Church, and in administering the sacrament, was of this kind. When some complained of these things, the Bishops

that countenanced them, alleged a Statute, which empowered Queen Elizabeth and her successors, in case of any abuses and indecencies in the divine service, to prescribe such ceremonies as they should judge proper for the glory of God, and the decency of his worship. Now as the King never failed to approve of what was enjoined by the Bishops, many suspected, that the King's authority was made use of to support these seemingly inconsiderable innovations, with design to take advantage of the same authority to justify alterations of much greater consequence.

9. Lastly, the Church's little regard to tender conscience and her obstinacy in refusing to relax in any the most insignificant point, as for instance, the surplice, gave occasion to believe, these things would not be so zealously adhered to, were there not some more hidden designs.

These were the grounds, as far as I have been able to observe, on which was founded the people's belief of a settled design to introduce popery. However, these are only preemptions, from whence, as I said, it cannot be justly inferred, that this opinion was well grounded.

But on the other hand, it must be confessed, that the principal Bishops, who were not ignorant of the consequences drawn from their conduct, were extremely careless in clearing themselves, or in taking measures to remove, or at least, to weaken these suspicions. They regarded the Presbyterians with the utmost contempt, as a set of stubborn, obstinate, people, who ought to be humbled, instead of being indulged.

But it was not with respect to religion only that the ruin of the Puritans was thought necessary. They were also considered as persons, who by the principles of their religion, were inclined to oppose all authority in the State, as well as in the Church, and consequently they could not be kept too low. This bred between the two parties, an implacable enmity, which is not yet extinguished.

The Presbyterians, who were under oppression at the time I am speaking of, had their turn afterwards, and oppressed, nay utterly destroyed, the Church of England. In the violent motions caused by this enmity, the Bishops suffered first. Laud lost his head on the scaffold. The Monarchy was overthrown, and in the fall the King himself came to a tragical end.

The Church of England disappeared for some time, and was, as it were, buried in the ruins of the State. And it was not without a wonderful providence that the Monarchy and Church were at last restored to their former splendour.

The King, as I said, intended to introduce the rites of the Church of England, into the Kirk of Scotland. This project was formed by the King his father, who had even ordered that divine service should be celebrated in his Royal Chapel at Edinburgh, in the same manner as in his chapel at Whitehall.

But whether this order was neglected, or the Scots would not frequent the chapel, Charles thought proper not only to renew it, but to add several things to hinder the chapel from being deserted for the future. On the 8th of October, he sent the following articles to the Bishop of Dunblane, Dean of his Chapel at Edinburgh.

Articles for His Majesty's Royal Chapel in Edinburgh

OUR express will and pleasure is, that the Dean of our Chapel, that now is, and his successors, shall be assistant to the Right Reverend Father in God, the Archbishop of St. Andrews, at the Coronation, so often as it shall happen.

2. That the book of the form of our Coronation lately used, be put in a little box, and laid into a standard, and committed to the care of the Dean of the Chapel successively.

The Coronation of King Charles I, it must be observed, had been performed according to the rites of the Church of England.

3. That there be Prayers twice a day, with the choir, as well in our absence, as otherwise, according to the English liturgy, till some course be taken for making one, that may fit the custom and constitution of that Church.

4. That the Dean of the Chapel look carefully, that all that receive the blessed sacrament there, receive it kneeling; and that there be a communion held in that our chapel, the first Sunday of every month.

5. That the Dean of our Chapel, that now is, and so successively, come duly thither to prayers upon Sundays, and such Holy days as that Church observes, in his whites, and preach so, whenever he preacheth there. And that he be not absent from thence, but upon necessary occasion of his diocese, or otherwise, according to the course of his preferment.

6. That these orders shall be our warrant to the Dean of our Chapel. That the Lords of our Privy Council, the Lords of the sessions, the advocate, clerks, writers to the signet, and members of our college of justice, be commanded to receive the holy Communion once every year at least, in that our Chapel Royal, and kneeling for example sake to the Kingdom. And we likewise command the dean aforesaid, to make report yearly to us, how we are obeyed therein, and by whom; as also if any man shall refuse, in what manner he doth, and why.

7. That the copies which are consecrated to our use, be delivered to the Dean, to be kept upon inventory by him, and in a standard provided for that purpose; and to be used at the celebration of the sacrament in our Chapel Royal[112]

Besides these articles, the King writ a letter to the dean, ordering him to certify to the Lords of the Privy- Council, if any of those appointed to communicate in his Chapel Royal, did not perform these articles, to the end, such order might be taken, as his Majesty had appointed by his former letters.

Hence it is visible, that not only the whole council of Scotland, but also those who were in public employments, and court places, were prepared to conform to the Church of England, otherwise they would not have been employed, or continued in their posts. It was with them the King intended to begin, that, as he said himself, they might serve for example to the rest. We shall see presently what happened when the King would have obliged the whole Scotch nation to the same condescension.

The Placing of The Communion Table Altar-Wise in St. Gregory's Church

Whilst the King was seeking means to engage the Scots to conform to the Church of England, pains were taken on the contrary to alienate from her, the Presbyterians in England, by affecting such usages and customs as were most apt to offend them.

At that time the heads of the Church of England, instead of undeceiving those who preposterously imagined she was leaning to Popery, seem to have taken all possible care to confirm their

suspicious, by industriously conforming to the Church of Rome, in matters of little moment, and without any necessity, as if it was done on purpose to brave them.

In October 1655, the Dean and Chapter of St. Paul's, as Ordinaries of St. Gregory's Church, which stood near the cathedral, removed the Communion Table from the middle of the chancel, to the upper-end, placing it there altar-wise. For which they alleged two reasons. The first, that in the King's chapel, and all cathedrals, the communion tables were placed in that manner, and therefore it was fit other churches should conform to the same custom.

The second, that when the tables stood in the middle of the chancel, several scandalous indecencies were committed, people leaning thereon in sermon time, or putting their hats on it. This last reason, added to the great care that was taken about kneeling at the sacrament, caused many to believe, that the endeavouring to inspire such an extraordinary respect for the communion table, and the giving it always the name of altar, was not without design.

And therefore some of the parishioners of St. Gregory's complained of this removal, by appeal to the Court of the Arches[113]. But the council having notice of it, prevented the sentence, by ordering the dean of the arches, to confirm by his authority, what had been done in St. Gregory's church.

A few days after, the King being present in council, caused this affair to be debated, and approving the act of the Dean and Chapter of St. Paul's, gave commandment, that if those parishioner did proceed in their appeal, the Dean of the Arches, who was then attending at the hearing of the cause, should cast them, and confirm the removal.

This sentence given by the King's sovereign authority, without staying for the judgment of the court, to whose cognizance this matter properly belonged, was a fountain of oppressions to many ministers and congregations, who were not willing to comply with it.

There was scarce a church in England, except the cathedrals, and the King's Chapel, where the communion table was placed altar wise, at the upper end of the chancel. But after the King had confirmed the removal in St. Gregory's Church, the like disputes arose in numberless places, and the High Commission had frequent occasions to punish the ministers, who were suspected of too little zeal for the Church of England.

As since the Reformation, the altars were changed into communion tables, and placed in the middle of the chancel, to avoid superstition, many imagined, the tables were again turned into altars, with intent to revive a superstitious worship.

1634 AD] England being then in profound peace, and almost wholly unconcerned in what passed abroad, I can speak here only of domestic affairs. It is true, that each taken singly, may seem of little consequence, but all together may serve to shew the character of the King, the genius of the court, the conduct of the magistrates, and in general, the causes of that terrible revolution, of which the Lord Clarendon has given the History.

Prym Informed Against in The Star Chamber

In February 1634, came to a solemn hearing in the Star Chamber, a cause which made a great noise, and which shewed the extreme severity of that Court against such as were suspected not to be submissive enough to the government.

The case was this. Mr. William Prym, barrister of Lincoln's Inn had compiled and printed a large volume in quarto, of above a thousand pages, entitled, *Histrion Mastix*. The Author's main design was to shew, that stage plays, balls, masques, were unlawful and anti-Christian. But in treating his subject, he had interspersed sundry reflections, applicable to the King, the Queen, and the

Church, who approved or tolerated these abuses. It was pretended, his aim in general was to shew, there was a design to reduce religion to a kind of paganism, in order to make way for Popery.

Severe Sentence On Prym

This outrage was represented by the King's Council in the blackest colours they could possibly give it. At last, after a solemn hearing of three days, the book was condemned to be burnt by the common hangman, a thing till then unused in England.

As for the author, sentence passed upon him, that he should be expelled Lincoln's Inn, disabled to practice, degraded of his degree in the university of Oxford, set on the pillory, have his ears cut off, imprisoned during life, and fined five thousand pounds. The publisher, Michael Sparkes, who was also the printer of the book, was fined five hundred pounds, and, Mr. Buckner, the chaplain who licensed it fifty pounds.

Wrong Policy of The Council In Oppressing The Puritans

This sentence seemed too severe to disinterested persons. It mortified the Presbyterians especially, most of whom were of the same principles with Prym. They could not help perceiving, in the severity exercised upon this author, a malicious design to disgrace their sect, and oppress them on all occasions.

The truth is, the Presbyterian party, though very numerous, as plainly appeared afterwards, laboured then under oppression. They had against them, the King, the ministers, the council, the Star Chamber, the High-Commission, the principal heads of the Church of England, the Arminians, the Papists, the Lord Lieutenants of the counties, the judges of the realm, and all the Magistrates in general.

Notwithstanding all this, they daily gained ground. This would seem incredible, if it was not considered, that the court themselves were the chief cause of their increase. The court looked upon as Puritans, all who did not shew submission enough to the King, or would not allow sufficient extent to the prerogative royal, and by oppressing them as such, or by refusing them all kinds of employments, engaged them unavoidably to turn to the Presbyterians.

As the King's pretensions, with regard to government, were not approved by the majority of the nation, it happened by degrees, that almost all England became Presbyterian, according to the sense given by the court to that term.

For besides, it is certain, there were in the Presbyterian party, multitudes who were very well affected to the Church of England, but could not allow of the King's principles concerning government. So, this party, though continually oppressed, grew daily more numerous, waiting with impatience for a Parliament, where they were almost sure of finding protestors.

But at the time I am speaking of there was no appearance of the King's intention to call a Parliament. As nothing forced him to it, he took care not to expose himself to the ill humours of a House of Commons, and run the risk of seeing revived the complaints which had obliged him to dissolve the three foregoing Parliaments.

It is very true, that in governing without a Parliament, the King debarred himself of the extraordinary supplies which the sovereigns usually received from thence: but he did not believe, that the only way to have extraordinary supplies was to apply to the House of Commons. He had expressly told the Parliament, by the Lord-Keeper, and frequently intimated himself, that he could find money without the assistance of Parliaments.

And yet, the petition of right having intervned since that time, and the King having bound himself, by his answer, not to raise any tax without the consent of both Houses, he seemed to be deprived, by that answer, of all methods which he thought he might lawfully use before the petition was prefaced.

But expedients to evade the most solemn promises are seldom wanting to men in power. On these occasions, there are ministers and counsellors who insinuate to their masters, that promises made by sovereigns bind them no farther than they think proper.

William Noy, attorney general, who was one of these bold counsellors, had, the last year, furnished the King with a way to raise an extraordinary supply without the concurrence of the Parliament: namely, by the imposition of a tax upon the people, under colour of maintaining a certain number of ships to guard the seas[114].

But this bold counsellor died before he had seen the effects of his advice[115], and having however engaged his master in an affair which made him for ever lose his people's confidence, and was one of the principal causes of his ruin.

The death of the attorney general hindered not the King from putting his advice in practice. To that purpose he directed to the mayors and head officers of the maritime towns, writs to much the same effect, with the following directed to the mayor of London[116].

The First Writ For Ship Money to The City of London

Carolus Rex, &c.

TO the Mayor, Commonalty and Citizens of our City of London, and to the Sheriffs of the same City, and good men in the said City, and in the liberties and members of the same, greeting.

Because we are given to understand, That certain thieves, pirates, and robbers of the sea, as well Turks, enemies of the Christian name, as others, being gathered together, wickedly taking by force, and spoiling the ships, and goods, and merchandize, not only of our subjects, but also of the subjects of our friends in the sea, which hath been accustomed antiently to be defended by the English nation; and the same, at their pleasure, have carried away, delivering the men in the same into miserable captivity:

And forasmuch as we see them daily preparing all manner of shipping, farther to molest our merchants, and to grieve the Kingdom, unless remedy be not sooner applied, and their endeavours be not more manly met withal; also the dangers considered, which on every side, in these times of war, do hang over our heads, that it behoveth us, and our subjects, to hasten the defence of the sea and Kingdom with all expedition or speed that we can; we willing, by the help of God, chiefly to provide for the defence of the Kingdom, safeguard of the sea, security of our subjects, safe conduct of ships and merchandize to our Kingdom of England coming, and from the same Kingdom to foreign parts passing; insomuch as we and our progenitors, Kings of England, have been always heretofore masters of the aforesaid sea, and it would be very irksome unto us, if that Princely honour in our times should be lost, or in any thing diminished.

And although that charge of defence, which concerneth all men, ought to be supported by all, as by the laws and customs of the Kingdom of England hath been accustomed to be done; Notwithstanding, we considering that you, constituted in the seacoasts, to whom by sea as well great dangers are imminent, and who by the same

do get more plentiful gains for the defence of the sea, and conservation of our princely honour in that behalf, according to the duty of your allegiance against such attempts, are chiefly bound to set to your helping such attempts, are chiefly bound to set to your helping; hand; we command firmly, enjoining you the aforesaid Major, Commonalty and Citizens, and Sheriffs of the said city, and the good men in the same city, and in the liberties and members of the same, in the faith and allegiance wherein ye are bound unto us, and as ye do love us, and our honour, and under the forfeiture of all which ye can forfeit to us, that ye cause to be prepared and brought to the port of Portsmouth, before the first day of March now next ensuing, one ship of war of the burthen of nine hundred tuns, with three hundred and fifty men at the least, as well expert masters, as very able and skilful mariners: one other ship of war of the burthen of eight bundled tuns, with two hundred and sixty men at the least, as well skilful masters, as very able and expert mariners: four other ships of war, every of them of the burthen of five hundred tuns, and every of them with two hundred men at the least, as well expert masters, as very able and skilful mariners: And one other ship of war, of the burthen of three hundred tuns, with a hundred and fifty men, as well expert masters, as very able and skilful mariners:

And also every of the aid ships with ordnance, as well greater as lesser, gun-powder, and spears, and weapons, and other necessary arms sufficient for war, and with double tackling, and with victuals, until the said first of March, competent for so many men; and from that time for twenty six weeks, at your charges, as well in victuals as men's wages, and other things necessary for war during that time, upon defence of the sea in our service, in command of the Admiral of the sea, to whom we shall commit the custody of the sea, before the aforesaid first day of March, and as he, on our behalf, shall command them to continue; so that they may be there the same day, at the farthest, to go from thence with our ship, and the ships of other faithful subjects, for the safeguard of the sea, and defence of you and yours, and repulse and vanquishing of whomsoever busying themselves to molest or trouble upon the sea our merchants, and other subjects and faithful people coming into our dominions for cause of merchandize; or from thence returning to their own countries.

Also we have assigned you, the aforesaid Mayor and Aldermen of the City aforesaid, or any thirteen, or more of you, within thirty days after the receipt of this writ, to assess all men in the said City, and in the liberties, and members of the same, and the land holders in the same, not having a ship, or any part of the aforesaid ships, not serving the same, to contribute to the expenses, about the necessary provision of the premises; and to assess and lay upon the aforesaid City, with the liberties and members thereof, viz. upon every of them according to their estates and substances, and the portion assessed upon them; and to nominate and appoint collectors in this behalf.

Also we have assigned you, the aforesaid Mayor, and also the Sheriffs of the City aforesaid, to levy the portions so as aforesaid assessed upon the aforesaid men and landholders, and every of them in the aforesaid City, with the liberties and members of the same, by distress and other due means; and to commit to prison all those whom you shall find rebellious, and contrary in the premises, there to remain until we shall give further order for their delivery.

And moreover we command you, that about the premises ye diligently attend, and execute those things with effect, upon peril that shall fall thereon: But we will not that under colour of our aforesaid command, more should be levied of the said men, than shall suffice for the necessary expenses of the premises; or that any, who have levied money for contribution, to raise the aforesaid charges, should by him detain the same, or any part thereof, or should presume, by any manner of colour, to

appropriate the same to other uses; willing, that if more than may be sufficient shall be collected, the same may be paid out among the contributors, for the rate of the part to them belonging.

Witness myself, at Westminster the 20th day of October, in the tenth year of our Reign.

The City of London's Petition to The King

The Lord Mayor of London having received this writ, assembled the Common Council, who agreed to present the following petition to the King.

To the King's most excellent Majesty.

The Humble Petition of your faithful Subjects, the Mayor, and Commonalty, and Citizens of your City of London, most humbly shewing,

THAT where your Majesty by writ, bearing *teste 20 Octobris* last, commanded your petitioners at their charge, to provide seven ships of war, furnished with men, victual, and all warlike provisions, to be at Portsmouth by the first of March next, and to continue from thence by the space of twenty six weeks in your Majesty's service; upon the defence of the seas and other causes in the said writ contained:

Your petitioners do, in all submissive humbleness, and with acknowledgment of your sacred Majesty's many favours unto your said City, inform your Majesty, that they conceive, that by ancient privileges, grants, and acts of Parliament (which they are ready humbly to shew forth) they are exempt, and are to be freed from that charge, &c.

But the pretensions of the City of London were not capable of causing the King to desist from his resolution. We shall see on the contrary, that in time this tax, which was at first peculiar to the maritime towns, was imposed upon the whole Kingdom[117].

Laud's Injunctions to The Walloon and French Churches

After Laud's promotion to the Archbishopric of Canterbury, his zeal for the Church of England and against the Presbyterians, seemed to be much increased. He kept by the King's order a private correspondence with the Bishops of Scotland, concerning the liturgy and canons designed to be introduced into the Kirk, and of which I shall speak more fully presently. It suffices to say here, that it was he that was charged with the conduct and execution of this project.

But he did not confine his labours to the conversion of the Scots, nor even of the English Presbyterians, The Dutch, the Walloons, the French, who had taken refuge in England, since the reign of Edward VI, had obtained sundry privileges from the former Kings, and particularly the liberty of celebrating divine service after their manner, that is, the Presbyterian, and formed several congregations, both in London and other parts of the Kingdom. But Laud could not bear they should enjoy this privilege any longer. And therefore sent them these two injunctions, having first secured the King's approbation;

L That all the natives of the Dutch and Walloon Congregations, in his grace's diocese, should repair to their several parish churches of those several parishes where

they inhabited, to hear divine service and sermons, and perform all duties and payments required in that behalf.

2. That the ministers, and all other of the Dutch and Walloon congregations, which were not natives and born subjects to the King's Majesty, or any other strangers that should come over to them, while they remained strangers, might have and use their own discipline, as formerly they have done; yet it was thought fit, that the English liturgy should be translated into French and Dutch, for the better settling of their children to the English government.

Besides that, by these injunctions, he imposed upon these foreign Churches a liturgy which they did not approve, he reduced these congregations almost to nothing, since he excluded all that were born in the Kingdom, that is, all the defendants of such as had fled hither in the reign of Edward VI, and consequently there could be but very few left of those born out of the Kingdom.

Upon this, the Dutch, and Walloon churches at Norwich presented a petition to the Bishop of that diocese, remonstrating, that the Archbishop's injunctions were contrary, not only to several orders of the council heretofore given in favour of their congregations, but also to the privileges granted them when they first settled in England, and continued to them during the reigns of Edward VI, Queen Elizabeth, and James I, and confirmed also by his present Majesty's royal word.

The Bishop of Norwich not returning a favourable answer to their petition, they applied to the Archbishop himself, who answered them by letter. That his Majesty was resolved, his instructions should hold, and that obedience should be yielded to them by all the natives, after the first descent, concluding his letter with these words:—

And thus I have given you answer fairly in all your particulars and do expect all obedience and conformity to my instructions, which if you shall perform, the State will have occasion to see how ready you are to practice the obedience which you teach:

And for my part, doubt not but yourselves, or your posterity at least, shall have cause to thank both the State and the Church for this care taken of you; but if you refuse, (as you have no cause to do, and I hope you will not) I shall then proceed against the natives, according to the laws and canons ecclesiastical[118].

Thus the Archbishop alleged, in vindication of the breach of the privileges granted to these congregations, and confirmed by four Kings, of whom his present Majesty was one, the King's sole will, or rather his own.

Reproaches Against The Archbishop

It was evident, that the King's good pleasure on which he laid so much stress, was rather an approbation of what the Archbishop had undertaken, than a warrant to undertake it. The Presbyterians having no other way to be revenged of the Archbishop, published several libels against him, taking notice of all the innovations he had brought into the Church, pretending they were so many steps towards popery.

They forgot not to upbraid him with the pictures he had placed in the windows of his chapel at Lambeth, particularly that of God the Father in the form of a little old man. They observed several other things, of which the Archbishop was afterwards accused by the House of Commons. But this is not the proper place to speak of this impeachment, or of the Archbishop's defence. The King being always in want, his ministers were continually employed in devising means to raise money.

Information Against Such as Reside in London Contrary to the King's Proclamation

In the beginning of the Year 1635, the Attorney General presented an information in the Star Chamber against several hundreds of persons, Lords, Knights, Gentlemen, Ladies, and others, for disobeying his Majesty's proclamation, by which they were commanded not to reside in London.

I do not find the sentence given upon this information, but, very probably, considering the Star Chamber's zeal to support the King's authority, the parties accused were punished by fine.

Ship Money is Laid Upon The Whole Kingdom

The tax to provide and maintain a certain number of Ships to guard the seas, was imposed in 1634, for the year 1635, only upon the maritime towns. But in 1635, the King sent his writs for ship money all over the Kingdom for the year 1636[119].

The reason or rather pretence of this genera tax was, that the Kingdom was in great danger, on account of the league lately concluded between France and the Low-Countries. Though it did not appear how this league, which was not against England, could put the Kingdom in danger, the King however inferred, that the two most powerful States in naval forces being united, it was absolutely necessary that England should have a strong fleet to preserve the dominion of the sea, otherwise she might be insulted, and her trade disturbed.

This tax being imposed by virtue of the prerogative royal, several private persons refused to pay the sums they were rated at. Nay some there were who sued the magistrates and other officers appointed to levy the money, averting, that the subject could be taxed only by act of Parliament.

This opposition was the reason, that in the year 1636 ship money amounted to not above two hundred, thousand pounds, though the King had expected a much larger sum. Meanwhile, the King considering, that by means of this tax he should have a settled revenue, besides that it would be a precedent to make use of his prerogative on other occasions, resolved to support his project at any rate.

The King Requires The opinion of The Judges Concerning This Matter

But to guard it against all objections of being illegal, and contrary to his answer to the petition of right y he had a mind to shew he was authorized on this occasion to exert his prerogative. To that end he sent to the judges of the realm, and required their opinion concerning his right to levy this tax.

As the Judges wholly depended upon the court, they very readily decided in favour of the King, and gave him their opinion in writing[120]. But the King thought not proper to publish their determination, being satisfied with keeping it private till there should be occasion to use it. This will hereafter appear.

Commission to Compound For Defective Title

But I must first speak of some other things which passed in this interval. This year 1635 the King renewed a former commission to confirm their defective titles, to such as held lands of the Crown. He pretended it was an act of grace, and that his only aim was to secure the possession of lands to those who held them by disputable titles.

But notwithstanding this, the commission was looked upon as a manifest oppression. For, under colour of examining defective titles, all the proprietors were obliged to produce their titles, to which, how valid soever they might be, the commissioners made objections. So, to avoid a lawsuit with the King, wherein they were sure to be cast, considering the disposition of the judges, the proprietors were forced to compound, and give money to secure their lands, which were otherwise in danger of being reunited to the Crown.

Proclamation to Forbid Going Out of The Realm

Shortly after, the King published a proclamation, commanding all persons, except soldiers, mariners, merchants, and their factors, not to depart the Kingdom without his licence. Several Kings of England had ordered the same thing on some particular occasions, but it was doubted whether such a prohibition was necessary when the proclamation was published.

Abuses of Informers Prevented

The abuses of the informers, that is, persons who watched peopled actions, in order to accuse them, in case they infringed the Laws, were grown so excessive, that the King was forced, if not to abolish them entirely, at least, to qualify them by certain directions which he ordered to be observed.

Juxton Made Lord Treasurer

The office of Lord Treasurer, which had been executed by commissioners, sine the death of the Earl of Portland, was conferred on Dr. William Juxton, Bishop of London, who discharged it worthily. No Churchman had enjoyed this post since Henry VIIth's time[121].

Parr 152 Years Old

The same year was presented to the King, by the Earl of Arundel, an old man called Parr, who was a hundred and fifty two years of age, and in perfect health. He was born the last year of the Reign of Edward IV.

The Elector Palatine in London

The Elector Palatine and Prince Rupert, (or Robert) his brother arrived in England about this time, and were lodged in the King, their uncle's, palace[122].

Divers Suits About The Altars

1636 AD] The Presbyterians were still molested upon every occasion, or whenever they gave their enemies an advantage, through an excess of zeal which was not always well regulated. Samuel Ward a minister in Ipswich, boldly preached against the King's Book of Sports, and also said, that the Church of England was ready to ring changes in religion.

For which he was suspended by the High Commission, and afterwards committed to prison for refusing to make a public recantation. The Church wardens of Beckington in Somersetshire refusing to place the communion table otherwise than it had been for sixty years, were excommunicated by the Bishop of Bath and Wells.

They appealed to the arches, but their appeal was rejected. Then they petitioned the King, but with no better success. So the church wardens stood excommunicated a whole year, and were afterwards thrown into the common goal, from whence at length they were released by the Bishop,

upon their public submission and penance. It would be too tedious to relate all the actions which were entered in the high commission upon the two articles I have been speaking of. It suffices to observe, that the number was very great, and the high commission always punished very severely such as dared to swerve from what was prescribed by the church.

The Archbishop of Canterbury's Intends to visit Universities. On the other hand, the Archbishop of Canterbury, ever zealous for the Church of England, considered as Puritans all who neglected the least rite or ceremony of that Church. This Prelate being informed of some remissness in that respect in the two Universities, could not suffer such an abuse.

There were at Cambridge three Chapels where divine service was daily celebrated, though they had never been consecrated. this neglect, which to him seemed so blameable, exciting his zeal, he resolved to visit the Universities as Metropolitan. He met with some opposition, the universities maintaining that he had not the right of visiting as Archbishop, though they did not deny he might visit by the King's commission, if his Majesty was pleased to appoint him.

But not being satisfied with a borrowed power, he brought the case before the King, who decided it in his favour, after having himself supported the Archbishop's reasons with arguments, and answered the objections of the universities. The Archbishop being so well supported, could not fail of obtaining the victory[123].

The King being determined, as I said, to continue the tax for the maintenance of the ships designed to guard the seas, and having the last year given orders for levying it this year 1636, was obliged to seek a pretence for a fleet.

This tax, called by the English, ship money, and which for shortness I shall term so for the future, was grounded upon the necessity of guarding the seas. But none could perceive the danger, which, according to the King, England was exposed to by the alliance between France, and Holland.

Proclamation to Forbid Foreigners to Fish on The Coasts of Great Britain

To this pretence therefore was to be added that of preserving the dominion of the narrow seas. To this end he publishes a proclamation, declaring:—,

WHEREAS to King James did, in the seventh year of his reign, set forth a proclamation touching fishing; whereby all persons of what nation or quality soever (being not his natural born subjects) of what nation or quality forever were restrained from fishing upon any of the coasts and seas of Great Britain, Ireland, and the rest of the sees adjacent, until they had orderly obtained licences in that behalf.

Since which time, neither the King his father, nor himself have made any considerable execution of the said proclamation, but have expected a voluntary conformity thereto. But now finding by experience, that all the inconveniences which occasioned that proclamation, are rather increased than abated, and his Majesty well knowing how far he is obliged in Honour to maintain the rights of his crown, has thought it necessary to renew the aforesaid restraint of fishing, and to declare, that his resolution is to keep such a competent strength of shipping upon his seas, as may be sufficient both to hinder farther encroachments upon his regalities, and assist and protect those his good friends and allies, who shall henceforth with licence endeavour to take benefit of fishing upon his coasts.

The King's Fleet Attacks The Dutch Fishermen

These friends were the Hollanders, who came every year and fished for Herrings on the coast of Scotland. It was therefore manifest, that after thirty years forbearance he sought a quarrel with the Dutch, only to have occasion to fit out a fleet, which served for pretence to impose the tax of ship money. This quarrel produced the two famous treatises, entitled, *More Liberum*, and *More Clausum*, the former penned by Grotius, the latter by Selden.

But the King regarded not arguments drawn from history, or antient treaties between the two nations; he made use of a more effectual method, namely, a fleet under the command of Algernoon Earl of Northumberland.

This fleet attacking the dispersed fishermen, who little expected it, and sinking some, compelled the rest to retire into the English harbours as the safest retreat, and in short, to give the King thirty thousand florins, for permission to continue their fishing that summer[124].

Soon after, the King raised thirty thousand pounds by a commission, to enquire concerning depopulation and conversions of arable Lands to pasture, since the 10th year of Queen Elizabeth [125]. There were many offenders of this kind, and so heavy a fine was imposed in the Star Chamber on Sir Anthony Roper, that the rest, to avoid the same treatment, speedily compounded with the King. But ship money was the most important thing, and as such regarded by the court. The King neither would nor could depart from it, for three principal reasons:—

First, because he should be deprived of a very considerable aid, which he meant to render fixed and customary.

Secondly, in desisting from this tax, after levying it two years successively, he would have given cause to believe he had no power to impose it, and consequently had acted contrary to law.

Thirdly, having resolved never more to call a Parliament, it highly concerned him to establish his prerogative in such a manner, that none should dare to contest it.

The Petition of The City of London in Vain

So the City of London having petitioned the board, that the twenty ships they were rated, might be reduced to ten, received a very sharp answer to this effect:—

That the tax of ship money was necessary for the preservation of the state, and the charge was not immoderate:

That his Majesty would admit of no excuse, but expected a ready compliance:

That the precedents alleged in favour of the City, ought to induce them to obey, rather than to contradict and direct the King.

Several law Suits About Ship Money The King Publishes The Judges Opinion

Notwithstanding all this, there were some that obstinately refused to pay their share of this tax, imagining, no court of justice would be so bold as to compel them. As these examples were of dangerous consequence, the King thought proper to publish the opinions of the Judges.

To that end, the Lord Keeper having assembled all the judges in the Star Chamber, told them, the King was very well pleased with their endeavours in their several circuits, to persuade his subjects to pay ship money; but however, his Majesty hearing that some refused to pay this tax, had thought fit to have recourse to their advice for his direction in this case, and had commanded him to publish their opinions for the satisfaction of his subjects.

Then he caused the King's letter to the judges on this subject to be read as follows;—

TRUSTY and well beloved, we greet you well. Taking into our princely consideration, that the honour and safety of this our realm of England (the preservation whereof is only entrusted in our care) was, and is now more nearly concerned than in former times, as well by divers counsels and attempts, to take from us the dominion of the sea, of which we are the sole Lords, and rightful owners, the loss whereof would be of great danger and peril to this Kingdom, and other of our dominions,

We, for the avoiding of these and the like dangers, well weighing with our selves, that where the good and safety of the Kingdom in general is concerned, and the whole Kingdom in danger, there the charge and defence ought to be borne by all the realm in general; did, for prevention of so public a mischief, resolve with our selves to have a royal navy provided, that might be of force and power, with Almighty God's blessing and assistance, to protect and defend this our realm, and our subjects therein, from all such perils and dangers; and for that purpose we issued forth writs under our Great Seal of England, directed to all our Sheriffs of all our several counties of England and Wales, commanding thereby all our said subjects of every city, town, and village, to provide such a number of ships well furnished, as might serve for this our royal purpose, and which might be done with the greatest equality that could be, in performance whereof, though generally throughout all the counties of this our realm, we have found in our subjects great cheerfulness and alacrity, which we graciously interpret, as a testimony as well of their dutiful affections to us and our service, as of the respect they have to the public, which well becometh every good subject.

Nevertheless, finding that some few, haply out of ignorance what the laws and customs of this our realm are, or out of a desire to be eased, and eased in their particulars, (how general soever the charge ought to be) have not yet paid and contributed the several rates and assessments that were set upon them, and foreseeing in our princely wisdom, that from hence divers suits and actions are not unlikely to be commenced and prosecuted in our several courts at Westminster:

We, desirous to avoid such inconvenience, and out of our princely love and affection to all our people, being willing to prevent such errors as any of our loving subjects may happen to run into, have thought fit, in a case of this nature, to advise with you our judges, who we doubt not are all well studied and informed in the right of our sovereignty; and because the trials of our several courts, by the formality of pleading, will require a long protraction, we have thought expedient by this our letter, directed to you all, to require your judgment in this case, as it is set down in the enclosed paper, which will not only gain time, but also be of more authority to overrule any prejudicial opinions of others in the point.

Given under our signet, at our Court at Whitehall, the second day of February, in the twelfth year of our reign, 1636.

The King's letter being read, the Lord-Keeper commanded the case enclosed to be read, being as follows:—

Questions Prepared by The King to The Judges

Carolus Rex

WHEN the good and safety of the Kingdom in general is concerned, and the whole Kingdom in danger, whether may not the King, by writ under the Great Seal of England, command all the subjects of our Kingdom, at their charge, to provide and furnish such a number of ships, with men, victuals, and munitions, and for such time as we shall think fit for the defence and safeguard of the Kingdom from such danger and peril, and by law compel the doing thereof in case of refusal and refractoriness? And whether, in such a case, is not the King the sole judge both of the danger, and when, and how the same is to be prevented and avoided?

The Judges Answer

May it please your most excellent Majesty,

WE have, according to your Majesty's command, every man by himself, and all of us together, taken into serious consideration, the case and question signed by your Majesty, and enclosed in your royal letter, and we are of opinion, that when the good and safety of the Kingdom in general is concerned, and the Kingdom in danger, your Majesty may, by writ under the Great Seal of England, command all your subjects of this your Kingdom, at their charge, to provide and furnish such a number of ships, with men, victuals, and munitions, and for such time as your Majesty shall think fit. for the defence and safeguard of this Kingdom from such danger and peril:

And that by Law your Majesty may compel the doing thereof, in case of refusal or refractoriness:

And we are also of opinion, that in such case your Majesty is the sole judge, both of the danger, and when, and how the same is to be prevented and avoided[126].

John Bramston,	George Crooke,
John Finch,	Thomas Trevor,
Humphrey Davenport,	George Fernon,
John Denham,	Francis Crawley,
Richard Hutton,	Robert Berkly,
William Jones,	Richard Weston.

The Judges Answer Entered in The Courts of Justice

After the reading of the case and answer, the Lord Keeper said:—

The King had commanded him to publish the judges determination, and to give order that it should be entered in all the Courts of Westminster:

That moreover, his Majesty enjoined the Judges to declare the same in their circuits throughout the Kingdom, that no man might plead ignorance.

That however, it was not his Majesty's purpose to stop the actions or suits which have been, or should be brought concerning this matter, but only to prevent such as should bring their action, from being surprised.

He concluded with saying:—

If any contrary opinion should yet remain among men, it must proceed from those that are sons of the law, or from some not towards the law. Of the latter I will say, *Felices demum essent artes fi de illis solum judicarent artifices.*

And as to the former, you, the judges of the realm, are and ever have been accounted the fathers of the law, then will it ill-become the son to dispute against, or take upon him to be wiser than the father.

Remark on This Matter

It is easy to perceive, that the artifice of the question proposed to the judges, lay in the supposition of some imminent danger to the Kingdom, for instance, a sudden and unexpected invasion, which most certainly was not the case then. And yet, upon the bare possibility of such an extraordinary case, the King established a principle, which gave him power to impose not only ship money, but any other tax he should please for the future.

The prevarication of the Judges consisted in that, feigning not to see the artifice of the question, they admitted, without examination, the King's supposition, and decided the present case, upon the foundation of an extraordinary and unforeseen, emergency, which was not impossible.

Two of the Judges however, namely, Hutton and Crooke, were not of the same opinion: but they were persuaded to sign, like the rest, by the consideration, that it was the opinion of the whole body.

Let it be farther observed, that the order to enter the judges determination in the courts of justice, and to publish it through all parts of the Kingdom, was very extraordinary, since thereby the King pretended to make it a sort of law, by which the courts were to proceed in judging the suits, which might afterwards be brought upon this affair. This had never been practised, but with regard to acts of Parliament.

Hampden's Prosecution

After these precautions, the King thought himself sufficiently authorized to order such to be prosecuted, as refused to pay ship money. He imagined, none would be so hardy and obstinate as to maintain a refusal before judges, that had already declared their opinion, and could not give a contrary judgment, without making themselves ridiculous.

Nevertheless, there was a gentleman, who being persuaded, notwithstanding the judges determination, that ship money was illegal, and contrary to the *petition of right*, resolved to stand the shock, and refuse to pay the tax.

Mr. Hampden of Buckinghamshire was the man, who being rated at twenty[127] shillings, chose rather to be condemned than pay voluntarily. This case was argued in the exchequer chamber, before all the judges of England, who were sent for to render the judgment more solemn and authentic. Though the point was only to decide, whether Mr. Hampden should pay twenty shillings or not, it was however, the most important case that had ever been argued in any court of Justice.

The thing in question was, to determine, whether the King had power to tax the subject, without the concurrence of the Parliament, and whether the people were obliged to pay taxes imposed in that manner.

Accordingly Mr. Hampden's and the King's counsel displayed on this occasion, all that wit, learning, knowledge of the laws, solidity of reasoning, subtlety, chicanery, are able to produce. There were some who pleaded four days together. I do not suppose it is expected, I should insert here all the arguments alleged on both sides in this famous case. I shall content myself therefore with briefly giving a general idea of the thing.

Summary of The Arguments on Both Sides

The King's Counsel maintained, that the King was the head of the State, and obliged to protect it when in danger.

That this danger might be such as required an immediate remedy. From whence they inferred, that what was alleged in favour of the laws was not to the purpose, since cases might happen where it was impracticable to observe them: consequently their execution was restrained by necessity, and in these cases of necessity, the King had an absolute power to impose taxes for the defence of the realm, for which they urged sundry precedents in former reigns.

They added, as the people were not called to the King's council to give their opinion, whether there was a necessity or not, to impose taxes for the defence of the Kingdom, it followed, that the King, by the advice of his council, was the sole judge:

That his Majesty having deemed it necessary in the present case, he might lawfully impose ship money, and his subjects could not refuse to pay it, without incurring the guilt of disobedience.

The counsel for Mr. Hampden owned the King was head of the state, and that it was incumbent on him to defend it, but withal maintained, that the law had provided the means to put the Kingdom in a state of safety, by inverting the person of his Majesty with several privileges which were intended for that purpose.

For instance, the right of being assisted by the possessors of the fees of the crown, of arming the Cinque Ports, fines, confiscations, tunnage and poundage, and other customs of which he was actually in possession, and which he had himself declared to be designed for the defence of the seas.

Lastly, supposing and allowing all these means to be exhausted, the King had another infallible way, which was to call a Parliament, and demand a supply for all extraordinary occasions.

But the King's counsel chiefly insisted upon the possibility of such sudden and unforeseen cases as would not afford time to call a Parliament. This was their main argument, and the sole foundation of the advantages they pretended to draw from the precedents of former reigns.

Though the principles they would have established tended to put it in the King's power to impose taxes whenever he pleased, they durst not however assert it in plain terms, but limited his power to cases of necessity, of which however they would have the King to be the sole judge, which came to the same thing. To this Mr. Hampden's Council replied:—

1. These cases were very rare, and granting the King had a power in such cases to impose extraordinary taxes, this necessity ought to be very evident.
2. The King, upon such a supposition, having exacted loans from his subjects, the Parliament had declared them void, and the King in his answer to the *Petition of Right*, acknowledged he had no power to demand them.
3. At this present time there was no reason to fear any sudden invasion, since his Majesty was in peace with all his neighbours.

4. The King himself did not think the danger to be imminent, since the writs sent to the counties to fit out ships being dated the 7th of August these ships were not to be at Portsmouth till the first of March following, and consequently the King himself was of opinion, that there was seven months time to prevent the danger, in which space a Parliament might easily be called.

I shall persist no longer upon this subject which would lead me too far, if I should relate the objections, answers, and replies of both sides. It suffices to make this general remark, that the counsel for Mr. Hampden pleaded express laws, Magna Charta, the subsequent statutes, and the *Petition of Right*.

The King's counsel insisted chiefly upon precedents and instances taken from some of the former reigns, and upon impossibility in certain cases, of strictly observing the laws, from whence they inferred, that the laws were not so general, but that they were limited by extraordinary cases, and the King being bound to defend the state, ought to be the sole judge of such cases. I don't find they endeavoured to prove that the Kingdom was actually in one of these extraordinary cases, or in imminent danger.

Hampden is Cast

After the cause had been argued many days, from the beginning of November till Christmas, in the following terms, till May and June, judgment was given against Mr. Hampden, and he was condemned to pay the sum he was taxed at. From thenceforth no one would have recourse to the law, since it would have been in vain after so solemn a Judgment[128].

The King's Design With Respect to Scotland

Whilst endeavours were using in England to carry the Prerogative-Royal higher than ever, the King resolved to execute at last the project he had formed with regard to Scotland, namely, to reduce the Kirk to a perfect conformity with the Church of England.

This project was formed by King James at his accession to the Crown of England. Nay, he had found means before he left Scotland to restore Episcopacy, as will presently appear. From that time, the Bishops were always protected and countenanced by James I, and Charles I, who gained the Parliaments to their interest, and moreover exerted their prerogative in favour of the prelates; for with them the execution of their design was to begin.

As the troubles this affair occasioned in Scotland, were the principal cause of the misfortunes and ruin of Charles I, I think it indispensably necessary to trace them to their origin, and the rather, as they had great influence upon the affairs of England. Besides, though many foreign authors have spoken of the differences between Charles I, and his subjects of Scotland. I don't know any that has undertaken to explain this matter clearly, or spoken of it impartially.

The State of Episcopacy in Scotland

The Reformation was received in Scotland by public authority, in the reign of Queen Mary 1560, just before the death of Francis II, and whilst the Queen his widow was yet in France. The first that embraced the reformed religion in Scotland under the former reigns, were much persecuted, even to the time I have been speaking of, and yet, their number did not fail daily to increase.

The bishops thought themselves bound in conscience to persecute the reformed. They were at once their adversaries and judges, and consequently it was almost impossible, but this conduct should draw on them the enmity of the sufferers. Accordingly, the decree of the states to admit the reformation, was no sooner made, than the Bishops lost all their credit and authority.

It is certain, the plan on which the government of the new church was at first settled, was not favourable to episcopacy, but it was resolved to conform to the discipline of the churches of Switzerland.

The Reformed had too great an aversion for the Bishops, to remain under their yoke, especially as there were but very few Prelates that agreed to the late change in religion. All that was done in their favour was, that the council ordered, such as would embrace the Reformation should enjoy their revenues, on condition they would maintain ministers.

This plainly shows, that though their revenues were left them, there was no intention to continue the government of the church in their hands. It was not the same in England, when the reformation was received in the reign of Edward VI. Far from being prejudiced against the bishops, the English, on the contrary, could not but own it was by means of the principal prelates that the Reformation was established.

There was therefore no motive either of hatred or policy to incline the English to throw off episcopal government, though they should be supposed to consider it as a thing indifferent. But in Scotland, passions, policy and reason itself required a deliverance from the yoke of the bishops, who, for the most part, opposed the Reformation to the utmost of their power.

So presbyteries, national synods, or general assemblies, were established, to whose care the settling of the discipline was committed.

These general assemblies at first had, or, perhaps, usurped, a very great authority. It was even necessary their power should be great, to enable them to defend the Reformation against the perpetual attacks of its enemies. Queen Mary, who arrived soon after in Scotland, was a zealous Catholic, and many of the principal Lords were in the same sentiments.

So, the popish party was still very strong, and in condition to obstruct the progress of the Reformation. On the other hand, the general assembly, which then consisted wholly of ministers, vigorously supported the new religion, notwithstanding the efforts of the Catholic party. Mean while, though they ardently laboured to abolish episcopacy by public authority, they could not obtain of the Parliament an express act for that purpose.

At last, in 1566, the general assembly solemnly approved of the discipline of the Church of Switzerland, and of a parity among the ministers. This was sufficient to overthrow at once the spiritual power of the bishops, but not to deprive them of their temporal privileges. So, from the year 1561, to the deposing of Queen Mary in 1567, the state of the bishops was very uncertain.

They enjoyed their revenues, sat in parliaments, but their spiritual jurisdiction was acknowledged by few, though they strove to preserve it. The general assembly had declared for the Presbyterian government, but the Parliament had not yet made any decision.

Meanwhile the bishops were in a very melancholy situation, since the people, who had a great veneration for the general assembly, could not, after they had been condemned there, acknowledge them for pastors. So, though their spiritual authority was not expressly abrogated by the Parliament, it was, as I may say, reduced to nothing, since they could not exercise it, the general assembly directing all the affairs of the church.

This has occasioned warm disputes concerning episcopacy, some affirming, it was entirely abolished in Scotland, and others, that it was always continued. One cannot but wonder at a dispute about a fad of this nature, and it is no less surprising that the Parliament of Scotland should delay above thirty years to settle the government of the church by their authority. Wherefore it is absolutely necessary to explain the reasons. Otherwise it would be difficult to understand the causes of the troubles of Scotland, of which we must necessarily speak.

But before I descend to particulars, it will be requisite to observe, that we must carefully distinguish the benefice from the office of a Bishop. By the benefice, I mean the revenues, lands, honours, privileges, in a word, all the temporalities annexed to the quality of bishop.

By the office, I understand the Spiritual jurisdiction and functions of the bishops. If this distinction is nor continually remembered, it will be impossible to understand the disputes concerning this matter.

It is certain that from the year 1560, when the Reformation was established in Scotland, to the year 1609, the church of that Kingdom was governed by presbyteries, diocesan and provincial synods, general assemblies, and that even superintendents were appointed, who continued till the year 1575.

It is no less certain, that the general assemblies condemned and rejected episcopal government above thirty years, and, during that time, constantly demanded and earnestly solicited the abolition of episcopacy, with respect both to temporals and spirituals. Nevertheless, from the beginning of the Reformation till 1592, no express act of Parliament could be obtained, whether for or against episcopacy, or to approve or reject the Presbyterian Government, if we except the interval between the years 1571 and 1575, of which I shall speak hereafter[129].

Had the general assemblies confined their demands to the abolishing of episcopacy as to the spiritual functions, very likely, they would have easily obtained it. But after the abolition of the episcopal office as far as in them lay, they were not contented with desiring that their act might be confirmed by the Parliament, but demanded also that the name of bishop might be abolished, and the Bishops deprived of all sorts of temporal honours and privileges, as the right of sitting in Parliament and the like.

But the court always opposed it strenuously, because the Bishoprics and abbeyes being filled by the King, he could almost depend upon as many votes in Parliament as there were bishops and abbots.

For the same reason, the court, by secret practices, hindered the Parliament from passing any act to establish presbytery, and to abrogate the spiritual jurisdiction of bishops, because it was perceived that this would tend to deprive them of their temporal honours. Not but that, in the actual practice of the church, episcopacy was really abolished, and Presbytery established; but however, as long as there was no express act to abolish episcopacy, the bishops and abbots could not be prevented from voting in Parliament, which was a great advantage to the court.

So the name and title of bishops and abbots still submitted. They held the lands annexed to their benefices, and enjoyed the same temporal privileges with their predecessors, though the office was ceased.

This is so true with respect to the abbots, as to admit of no dispute. The abbeyes were in the possession of laymen, who sat in Parliament by the name and title of Abbots. As to the bishops, the thing is not so clear, because the title of bishop was conferred on churchmen.

Had the court bestowed the bishoprics upon laymen, it would have, given the general assembly too great an advantage, who desired nothing more than a plausible pretence to press the abolition of the temporalities of the prelates. This demonstrates that a man may justly say, there were, and there were not at the same time bishops in Scotland.

There were bishops, if it is considered that there were persons so called, who held the lands and revenues of the Sees, and who, as such, had a seat in Parliament. There were none, with respect to the spiritual functions, which were really abolished by the decrees of the general assembly, and by actual practice, though the Parliament had not expressly repealed them. Upon the

confusion of the spiritual and temporal states of the bishops, all the objections and answers in this dispute wholly turn. Some prove very plainly that episcopacy subsisted in Scotland, provided they confine the meaning of that word to temporals: but their proofs are very defective with regard to spirituals.

Others evidently show, that episcopacy was abolished as to the spiritual functions, by virtue of the acts of the' general assembly. But they cannot prove, it was abolished with respect to the temporal privileges, since the Parliament had not yet made any decision. As neither can produce any express act of Parliament, at least till such a time, they allege some from whence they endeavour to draw inferences to their advantage. But this requires a further explication.

For the better understanding this matter we must necessarily distinguish the various circumstances of Scotland, from the beginning of the Reformation; namely, in the Reign of Mary; in that of James I. during his minority, under the same Prince after assuming the government, according to rise several ministers or favourites, by whose advice he was directed; and lastly, under the same Prince after his accession to England. The state of the bishops depended all this time on the interests of those who were in the administration.

The reign of Mary lasted till the year 1567. This Queen was a zealous Catholic, and yet, so long as the Earl of Murray her natural brother had any credit with her, the Reformation was not attacked. But towards the end of her reign under Bothwell's administration, the general assembly lost ground.

However, in 1566, they made the aforementioned decree, to approve of the discipline of the churches of Switzerland, and of a parity among the Ministers, which entirely destroyed episcopacy. But the Queen regardless of this decree, openly restored the Archbishopric of St. Andrews, notwithstanding the opposition of the assembly.

The interval from the deposing of Queen Mary in 1567 to 1573, was a time of troubles and discord, under the administration of several regents, whose authority was not firmly established: so that it was very difficult for the Parliament effectually to settle the discipline of the church. All that can be said is, that they rejected not what was established by the general assembly, though they gave not their actual consent to it.

On the other hand, in 1572 and 1573 the Regent, for some private views, caused some acts to be passed in favour of episcopacy, but which were afterwards repealed. These acts were as follows:—

By the first, which is the 46th of the Parliament holden in 1572, it is declared, The Archbishops and Bishops have the authority and are ordained, to convene and deprive all inferior persons being Minister, who shall not subscribe the articles of religion, and give their oath for acknowledging and recognising of our Sovereign Lord and his authority, and bring a testimonial in writing thereupon within a month after their admission.

By the 48th act of the same Parliament, it is declared, that Archbishops and Bishops have authority at their visitations to design ministers glebes.

By the 54th of the said Parliament, Archbishops and Bishops were authorized to nominate and appoint at their visitations, persons in every Parochin for making and setting of the taxation, for upholding and repairing of Kirks and Kirk-yards and to convene, try, and censure all persons that shall be found to have applied to their own use the stones, timber, or any thing else pertaining to Kirks demolished.

By the 55th of the Parliament in 1573, Archbishops and Bishops were authorized to admonish persons married, in case of desertion, to adhere, and in case of

disobedience, to direct charges to the minister of the Parochin to proceed to the sentence of excommunication.

There appears in these four acts some signs of the episcopal jurisdiction, or at least, that the Parliament did not look upon episcopacy as entirely abolished. But on the other hand, if the bishops actually exercised their functions at that time, where was the necessity of the Parliament's authorizing them to act in most of the things specified in these statutes?

But there is here a stronger objection still against the bishops. And that is, they who have thus cited these acts, have curtailed them, and passed over in silence the superintendents who were joined with the bishops. from whence it is inferred, that the bishops were. empowered only as commissioners of the Parliament.

I proceed now to the time of King James's majority, or at least, of his a turning the government, though he was not really of age. The Earl of Morton having loft his head in 1581, the Duke of Lenox and Earl of Arran ruled the young King as they pleased. They were expelled afterwards by the Ruthens, but the King recalled the Earl of Arran, who became more powerful than ever.

It is certain, this favourite's design was to disengage the King his master from the interest of England, and to countenance the Duke of Guise's project to invade Elizabeth by Scotland. It was the favourite's business therefore to curb the too great power of the general assembly, who strongly opposed the execution of this project. The best way to succeed, was, not only to protect the bishops, but also to give them authority over the ministers, that these might be more humble, To that end, he procured the four following Acts in the Parliament of 1584:—

The 130th ran: That none of his Majesty's lieges and subjects presume or take upon hand to impugn the dignity and authority of the three estates of this Kingdom, whereby the honour and authority of the King's Majesty's supreme Court of Parliament, past all memory of man, hath been continued, or to seek or procure the innovation or diminution of the power and authority of the same three estates, or any of them in time coming, under the pain of treason.

By the 131st All judgments and jurisdictions, as well in spiritual as temporal causes, in practice and custom, during the twenty-four years by past, not approved by the King and three estates in Parliament, are discharged; and it is defended, That nine of his Highness' subjects of whatsoever quality, estate or function they be of spiritual or temporal, presume, or take upon hand to convocate, convene, or assemble themselves together for holding of councils, conventions, or assemblies, to treat, consult, or determinate in any matter of estate, civil or ecclesiastical, except in the ordinary judgments) without his Majesty's special commandment, or express licence had and obtained to that effect.

By the 132nd , Bishops are authorized to try and judge ministers guilty of crimes meriting deprivation.

The 133rd ordains, That ministers exercising any office, beside their callings be tried and adjudged culpable by their ordinaries.

It is manifest, that the intent of these four acts was to abolish the general assemblies with the Presbytery, and restore the episcopal government. But it must be observed:—

1. These Acts were made during the tyranny of the Earl of Arran, who had formed the project of admitting into Scotland a popish army, and it is no credit to the bishops, that he should think them proper to countenance that design.

2. The general assembly solemnly protested against these acts, maintaining, it was not in the power of the King and Parliament to settle or alter the government of the church, without the Church's consent; that it could not be justly pretended, that four bishops, who were present in this Parliament, and whose spiritual power was long since abolished, and four laymen, under the name of abbots, were lawful representatives of the whole church, or that their consent to these acts should be considered as the consent of the national church.

3. These four acts were repealed by the Parliament of 1592.

I must proceed now to another juncture, when King James, freed from the Earl of Arran's tyranny, having relinquished the chimerical projects suggested by that favourite, was better acquainted with his true interests. I mean the year 1587. Though, at the beginning of this year, Elizabeth had beheaded Mary, King's James's mother, he was soon comforted by the hopes of possessing one day the Crown of England, which he was afraid of losing, in case he continued to form projects against religion, as he had done during the Earl of Arran's ministry.

This same year therefore he gave the royal assent to the act of annexation, whereby were annexed to the crown, all Lordships and Baronies pertaining to whatsoever Archbishops, or Bishops, Abbots, Priors, Nuns and Monks, reserving always to Archbishops, &c. and others possessors of great benefices of the estate of prelates, and which before had or hath vote in Parliament, the principal castles and fortresses.

It may be inferred from this act, that the depriving the Bishops of their lands, was depriving them withal of the right of sitting in Parliament, since that right was founded entirely upon the possession of the baronies.

Nay, it seems that the title of bishop begun now to be conferred on laymen, which gave them only the possession of the chief castle belonging to the See. At least we find, that shortly after, the Bishopric of Caithness becoming vacant, by the death of Robert Earl of March, the King's uncle, the general assembly prayed his Majesty to give that See to a clergyman.

At last, in 1592, the Parliament repealed and annulled not only the aforementioned acts of 1583, but also such as were contrary to the discipline established, approving, ratifying, and confirming the assemblies, presbyteries and synods with the discipline and jurisdiction of the Kirk, as most just and godly, notwithstanding whatsoever Statutes, Acts, Canons, civil or municipal Laws made in the contrary.

Further, they abrogated all acts granting commission to Bishops, and other judges constitute in ecclesiastical causes; and ordained presentation to benefices, to be directed to Presbyteries, with power to give collation thereupon.

This act was confirmed in 1593, and the power of Presbyteries solemnly acknowledged by the Parliament in 1594; Act 129.

Was not this sufficient to abolish Episcopacy entirely? By the Act of 1587, the bishops were dispossessed of their lands; and by that of 1592, they lost all manner of jurisdiction. For how could the power of the Presbyteries and general assemblies, be confident with the Episcopal jurisdiction?

And yet, there were persons who still bore the name of Bishop, by reason of their holding castles formerly belonging to the Sees: for it does not appear, upon what other account they could be called bishops; Nay, very likely, several of these sorts of Sees were in lay hands; at least, the Abbeys and Priors were certainly so.

But things remained not long upon the same foot whether the general assemblies usurped too much authority, after they were freed from the Bishops, or for some other reasons, the King formed new projects, and resolved to restore the bishops, at the same time as many other junctures, the court had so great an influence over the Parliament, that almost whatever was desired, was enacted.

The King therefore so ordered it, in 1597:—

That the privilege of a voice in Parliament was granted to the whole Kirk; and under that name to Bishops and Abbots, even as in times of popery. As to the office and spiritual government of Bishops, the Parliament remitted them to the King and the assembly, intending not to derogate from the provincial and general assemblies, and other whatsoever Presbyteries and sessions, nor from the discipline established in the Kirk.

The act shows, the Bishops had lost their right of seat in Parliament, since there was occasion to give it them again. By virtue of this act, they resumed their places in Parliament, and even Sir Robert Spotiswood a layman took his seat there, as abbot of New Abbey. The King desired nothing more at that time, than to introduce the Bishops and Abbots again into the Parliament. But he did not stop there, as will be seen presently.

Meanwhile, as the general assembly still continued to oppose strenuously the promotion of churchmen to posts of authority in the state, and as the people seemed more inclined to follow the determinations of the general assembly, than those of the Parliament, it was to be feared, this dissension would at last raise disturbances in the Kingdom.

To prevent this inconvenience, the King caused the general assembly, held at Montrose, in the year 1600, to be pressed so carnally to consent to what the Parliament of 1597 had granted to the bishops, that they were obliged either to comply, or break entirely with him.

They approved this act therefore, but upon certain conditions, the substance whereof was, that the bishops should act in Parliament only as commissioners or deputies of the Kirk, and should be subject to the general assembly. The conditions laid upon them were these:—

They shall obtain a commission from the general assembly, to act in their name in Parliament, and shall swear to observe the following articles.

They shall move nothing, without having an express order from the Kirk, on pain of being deprived of their office.

They shall not consent, no not by their silence, to any thing against the liberties of the Kirk, under the same penalty.

They shall be accountable to each general assembly, for their behaviour in the discharge of their commission, since the last assembly; be obliged to demand the approbation, and submit to the determination and censure of the assembly without any appeal, on pain of being pronounced infamous and excommunicated.

They shall be satisfied with that portion of their benefices, the King shall please to allot them for their subsistence, that they may not be a burden to the ministers that are already, or shall be hereafter settled in their benefices.

They shall not suffer their benefices to go to decay, or dispose of any thing belonging thereto, without the consent of the King and the general assembly, and shall allow that inhibitions be directed to them for that purpose.

They shall exercise the functions of pastors in their own congregations, and be subject to the censure of their own Presbyteries and the general assembly, like the rest of the ministers that are not commissioned. In the administration of discipline, and in every thing relating to the Government of the Kirk, they shall usurp no power or jurisdiction beyond what is adjudged to other ministers, on pain of forfeiting; their office.

In Presbyteries and general and provincial assemblies, they shall demean themselves in the same manner as other ministers, and shall be liable to their censure.

None of those that sit in Parliament shall be members of the general assemblies, unless they be expressly deputed by their Presbyteries.

It is plain from these conditions, inserted in the act of Parliament made to confirm that of 1597, what was the intention of the Montrose assembly, in agreeing out of complaisance to the King, that the Bishops should sit in Parliament.

The bishops embraced what was for their advantage, namely, the assembly's consent to the privilege that was granted them: but never performed any of the conditions. The court was then favourable to them, but it was still more so, after the King's accession to the Crown of England. As soon as James I, became King of England, he formed, as I said, the project of establishing in the Kirk of Scotland, the discipline and hierarchy of the Church of England.

To accomplish this design, it was necessary to restore the Bishops to all the rights they had enjoyed before the Reformation, and accordingly he resolved to begin with this restoration. His power in the Parliament was very great, during the last years of his being in Scotland; but it was nothing in comparison of what it was after his accession to the throne of England.

It suffices to say, that this influence was in proportion to the means he had of dispensing to his Scotch subjects favours, which he had not been able to grant them in their Country. We have seen, in the history of his reign, how he showered his bounties upon them, which the English could not forbear to complain of.

It is not therefore very strange, that the members of the Parliament of Scotland should be at his devotion. He made use of his credit in the year 1606, and obtained the following act of Parliament:—

THE ANTIENT and fundamental policy, consisting in the maintenance of the three Estates of Parliament, being of late greatly impaired, and almost subverted, especially by the indirect abolishing of the Estate of Bishops by the Act of Annexation: albeit it was never meant by his Majesty, nor by his estates, that the said estate of bishops, being a necessary estate of the Parliament, should any way be suppressed; yet by dismembering and abstracting from them of their livings, being brought in contempt and poverty, the said estate of bishops is hereby restored, and reintegrate to their antient and accustomed honour, dignities, prerogatives, privileges, lands, teindes, rents, as the same was in the reformed Kirk, most amply and free, at any time before the Act of Annexation: rescinding and annulling all acts of Parliament made in prejudice of the said Bishops in the premises, or any of them, with all that hath followed, or may follow thereupon, to the effect they may peaceably enjoy the honours, dignities, privileges and prerogatives competent to them or their estate since the reformation of religion.

Thus far however it concerned only the temporalities, there not being in the act a single word from whence it might be inferred that the Parliament restored the bishops to their spiritual functions, or antient jurisdiction. The general assembly pretended indeed, that the King and Parliament could make no alterations in the Spirituals, without the Kirk's consent: but they had

no power to hinder the King and Parliament from giving the lands of the crown to whom they pleased, and from admitting into the Parliament such as they thought proper. But the King did not intend to stop there.

In 1609 the King, under colour of confirming the act of 1606, obtained of the Parliament another act, which' in confirming the other, added a clause, whereby the bishops were restored to all their former authority, privileges and Jurisdictions.

By virtue of this last act it was that the bishops took possession of the government of the Kirk, notwithstanding the conditions of the Montrose assembly, which they little regarded, and supposed to be annulled by this act. But the genera) assembly protested in form against this act, affirming the Parliament had not power without the Kirk's consent, to restore a spiritual office that had been abolished. They protested also against the promotion of churchmen to civil posts, as pernicious to religion. Their protestation was rejected: but however it was printed and dispersed throughout the Kingdom.

The general assembly's opposition had a great effect upon the people, who loved not the bishops, and for fifty years had been used to the Presbyterian government. They complained, the Parliament had been gained to impose upon them episcopal government, which was odious to the whole nation, not only without consulting the Kirk, but even against her will.

This opposition convinced the King, that notwithstanding the authority of the Parliament, he should find it very difficult to reduce the people of Scotland to obedience, so long as the general assembly opposed the restoration of the bishops.

He resolved therefore to cause a general assembly to be held at Glasgow in 1610, where he took care to gain a majority of votes, and of which the bishops were the chief directors. The assembly thus disposed, agreed that the bishops should resume all their spiritual functions, with the government of the church. After that, in 1612, the King called a Parliament, who, upon the consent of the Glasgow assembly passed an act, whereby the bishops were restored to all their spiritual rights.

The adversaries of the bishops, astonished at this proceeding, were forced to be silent, the torrent being too strong, to be opposed. Besides, the general assemblies being grown less necessary, since the Bishops and the government of the church, the King very seldom gave them leave to meet, and when he did, it was after he had taken all necessary precautions to be assured that the bishops would, be the directors and managers.

In 1617, he moreover obtained of the Parliament an act, whereby it was ordained, that the bishops should be elected by the Chapters, and consecrated with the accustomed rites, that is with those introduced of late years. As during the troubles in Scotland on account of religion, the people, as will presently appear, loudly complained of the reiteration of the bishops, the content of the Glasgow assembly in 1610 was continually objected to them.

For this reason the first general assembly that King Charles was obliged to grant in 1638, found no better method to evade this objection than to declare the Glasgow Assembly void from the beginning.

Such was the state of episcopacy in Scotland, from the beginning of the Reformation to the reign of Charles I, who, at his accession to the throne, found it fully established, though contrary to the bent of the nation in general, as it plainly appeared afterwards. James I, as I observed, had formed the design of putting the Kirk of Scotland upon the same foot with the Church of England.

He had made great progress therein, and Charles I. pursued the same design with still more ardour than his father. But as hitherto I have related only what concerns the bishops, it is necessary,

before we speak of the troubles of that Kingdom, which first commenced in 1637, to mention the measures successively taken by the two Kings to accomplish their design.

After James I. had entirely restored Episcopacy in Scotland, he resolved to finish his work by degrees. To that purpose, he began with the five articles mentioned in the history of his reign, which he caused to be approved by the general assembly of Perth, by means as illegal perhaps as violent[130].

The bishops governed the Presbyteries, by making themselves moderators, so that it was not possible to chuse any for commissioners to the assembly general, but such as they thought proper.

However this be, the five articles being approved, the King, who by long experience was well acquainted with the genius and character of the Scots, thought it necessary, before all things, to curb the petulancy and boldness of the ministers, for fear they should raise disturbances in the Kingdom.

The People had for them a great veneration, which was even increased after the restoration of the bishops, because these last were more careful to maintain their grandeur and power, than gain the love of their flocks.

To compass his ends, the King set up in Scotland a High Commission, like that in England, but which, till then, was unheard of in Scotland. As the Scots had never given their King the title of supreme head of the church, as was done in England, there had been no occasion to establish a High Commission in Scotland, to exercise the supremacy in the King's name.

But James I, who was very apt to stretch his Prerogative, readily believed, he had no less right to exercise the supremacy in Scotland than in England, though till now he had never thought of any such thing. Be this as it will, by means of this new Court, which was at first very severe, and excommunicated and deprived the ministers for the least offence, he kept them so in awe, that not a man dared to stir.

This, with the favours bestowed upon such as showed a readiness to countenance his designs, made him almost secure of success in his undertaking, which daily advanced. Nothing was wanting to complete it, but the causing the English liturgy and canons to be received in Scotland, after which, there would be no difference between the churches of the two Kingdoms.

This was as easy to be accomplished, as what had been done already. So the King having convened a general assembly at Aberdeen, it was represented to them, that divine service was performed in the Kirk of Scotland after an indecent manner, every minister having liberty to compose public prayers, and use what expressions they pleased, which was liable to great inconveniences, that it would therefore be proper to compile a liturgy to be used in every church in Scotland, to the end the people might every where pray with one heart and one mouth.

It must be observed, that it was not moved to receive the English liturgy, but only to compose one proper for the Kirk of Scotland. Whereupon several members of the assembly believed, they might without danger agree, that a Common Prayer Book should be used, and the rather, as the reformed Churches of Geneva,

Switzerland, France, and Germany, had their several liturgies, though very different from that of the English. This motion being approved, the assembly appointed commissioners to compose the new liturgy, and it may well be imagined, this nomination was agreeable to the King's desire.

These commissioners, most of whom were bishops, after spending a considerable time in framing this liturgy, only copied that which was set forth in England in the reign of Edward VI, and sent it to the King for his approbation.

The affairs of the Palatinate, and the Spanish marriage so engrossed King James during the last years of his life, that he could not effectually think of finishing the work he had undertaken in Scotland. As he knew the Scots perfectly, and their strong prejudice for Presbyterianism, he doubtless thought proper to defer the execution of his design till he had ended his two principal affairs.

He was apprehensive, that if any troubles should unfortunately happen in Scotland on account of the liturgy, they might divert him from what was then the principal object of his care. I have related in the history of his reign, how he was amused for many years, and therefore he could not, before his death, finish what he had begun, but left it to the care of his successor.

Charles I. was no less eager than his father, to establish in Scotland the discipline of the Church of England. But his circumstances in the beginning of his reign, did not allow him to apply himself to the finishing of this affair with all the speed he desired. His wars with Spain, and afterwards with France, his projects with regard to his prerogative, his continual quarrels with the Parliaments, required his whole application.

Besides, it was not proper in these junctures to rouse the Scots, who indeed seemed quiet and submissive, but however were very discontented as the King well knew. He stayed therefore till he had concluded a peace with France and Spain, and rendered himself as it were, absolute by the dissolution of three Parliaments, by his resolution never to call any more, and by establishing his prerogative concerning taxes, without the concurrence of the Parliament.

Then it was that he seriously thought of completing the reduction of the Kirk of Scotland to a perfect conformity with the Church of England. He had not however been idle with respect to Scotland during these first years of his reign. Though he had delayed the execution of his design, it was ever in his thoughts, and he had taken some measures which seemed to warrant success.

1. He had either continued or renewed the High Commission, introduced by the King his father.
2. He had almost abolished the general assemblies, by not allowing any since his accession to the throne.
3. He had so supported and countenanced the bishops, that they had the clergy entirely in their power, whom they ruled with a very heavy hand.
4. He had gained a great number of the ministers by means of benefices and ecclesiastical offices or dignities, which were granted only to those whose compliance he could depend upon.
5. He had so filled the Council of Scotland, in whose hands the administration of affairs is lodged in the King's absence, that there was scarce a Privy Counsellor but what was engaged to promote his designs.
6. There was in this council several bishops, and the Archbishop of St. Andrews was vested with the Chancellorship, the prime office of the Kingdom[131].
7. He had secured the Lords of session, that is, of the college of justice[132], and in a word, all who had places depending upon the court.
8. He had charged Laud Archbishop of Canterbury, to hold continual correspondence with the bishops and Council of Scotland, and take with them the necessary measures to accomplish the design.

It seemed therefore impossible, that the King should meet with any opposition from a dispersed people, without leaders, without support, and destitute of the assistance of their magistrates.

Design to Send The New Liturgy into Scotland

1637 AD] With all these advantages, Charles undertook to finish what still remained to be done in Scotland. To that end, after a revisal of the liturgy transmitted to the late King, he sent it back into Scotland, with orders to have it received in the Kirk. But upon the objection, that this liturgy being word for word the same with that of the Church of England, the Scots, might take offence at the; imposing upon them the liturgy of another Kingdom, he thought proper to make some alterations, and ordered, that instead of the English version of the Psalms, and of the Epistles and Gospels, the Scotch translation should be inferred in the liturgy of Scotland.

After that, he believed it could not be complained of, with the least shadow of reason, that he had a mind to impose the English liturgy upon the Kirk of Scotland, though there was no other difference between them, than what I have mentioned[133].

During the revisal of the liturgy, the King sent into Scotland a book of canons, for the government of the Kirk, and these Canons enjoined a conformity to the liturgy, though it was not yet published, nor so much as known to the people.

This was so gross an error, that it must be surprising, the King and his ministers could be guilty of it. The pretence to introduce these new canons, was, that the acts of the general assemblies not being printed, but contained in many large manuscript volumes, remained unknown to the people. For this reason the King imagined, they would be obliged to him for his care in extracting the most material and principal things, in a little book which might be in every one's hands.

It seems sometimes, that certain Princes imagine they have a sovereign power, not only over the bodies, but also the understandings of their subjects, to make them believe the greatest absurdities. We have here two remarkable instances. Charles undertakes to persuade the people of Scotland, that he does not pretend to impose the English liturgy upon them, though it is the very same, not only in substance, but word for word, because the version of the Epistles and Gospels is different.

On the other hand, he would have them believe, that the book of Canons is only an abstract of the acts of their general assemblies, though the contrary be evident. From the beginning of the reformation, to the Glasgow assembly in 1610, that is, during the space of fifty years, the general assemblies had always condemned and rejected Episcopacy, and all their acts, without exception, supposed the Presbyterian government.

The book of Canons, on the contrary, supposed, in every article, the ecclesiastical hierarchy, and episcopal government. How then was it possible to persuade the Scots, that this book of Canons was an abstract of the acts of their general assemblies? This was imposing upon them in a strange manner[134].

And Afterwards The Liturgy

The Liturgy being ready, the King sent it into Scotland, and appointed it to be read in all the Churches of Edinburgh on Easter day this year 1637. But upon farther consultation, this order was revoked. The King was told, it might be dangerous to surprise the people with the reading of the liturgy before they were prepared.

That it was more proper to defer it some months, in order to see whether, in that interval, the malcontents would attempt to oppose it. In that case, they might be oppressed before they had

time to take just measures, and the ill success of their attempt would only serve to promote the King's design.

The Liturgy Ordered to be Used in The Churches of Edinburgh

This reason appeared so plausible, that the King ordered the reading of the Liturgy to be deferred till Sunday the 23rd of July the same year. during this whole interval, there was no unusual motion in Edinburgh, nor the least appearance that the King's orders would meet with opposition[135].

To be still more secure, the council caused it to be published eight days before, in all the churches of the City, that the Liturgy would be read the Sunday following. No person stirred the whole week, and all was so quiet in the City, that the council doubted not of success.

Tumult in Edinburgh

Nevertheless, the next Sunday the Lord-Chancellor, most of the Lords of the council, some Bishops, the Lords of session, or Judges of the Realm, and the Magistrates of Edinburgh, repairing to St. Giles's Church, the Cathedral of the City, when the dean opened the book to read the liturgy, the meaner sort of people, with clapping of hands, execrations and outcries, raised so hideous a noise that it was not possible to hear a word.

Whereupon the bishop of Edinburgh, who was to preach, stepping into the pulpit, with thoughts to appease the people, was received with the same clamours and imprecations, and if a stool, thrown at his head, had not been diverted by the hand of one present, would have been in danger of being killed.

The Lord Chancellor and Judges found no more reverence. At last, the provost and bailiffs of the City came from their places, and with much difficulty thrust out of the Church the enraged populace, and shutting the doors, the dean read the liturgy, though continually interrupted by the noise without, and the stones thrown in at the windows.

There were the same tumults in all the rest of the churches of Edinburgh, and yet no one was killed or wounded. Only the bishop of Edinburgh ran some risk both in the Church and in retiring to his lodging. This first tumult was raised only by the rabble, no person of condition or name appearing in it. The magistrates of Edinburgh openly disavowed these disorders, and promised the council to use their endeavours to discover and punish the authors and abettors.

They offered likewise to take order for the security of the ministers who should be appointed to read the liturgy another time, and writ to the Archbishop of Canterbury to clear themselves, desiring him to represent their innocence to the King.

Preparation for Another Tumult

Harvest approaching, many people left Edinburgh and went into the country. Meanwhile, the magistrates of the city prayed the council that the liturgy might not be read, because they had observed the people were not yet disposed to receive it. But in October, after harvest, so great a concourse of people stacked to Edinburgh, that it was easy to see a fresh tumult was preparing.

The Council's Proclamation of no Effect

Wherefore the council published three proclamations. The first, to order all strangers to depart the City within twenty four, hours. A second, for removing the session[137] from Edinburgh to Dundee[138]. A third, for calling in and burning a seditious book, entitled. *A dispute against*

the English Popish Ceremonies, obtruded upon the Kirk of Scotland. The first and last were not much regarded.

A Second Tumult in Edinburgh

On the morrow, the 18th of (October) the people came together in a tumultuous manner in the streets of Edinburgh, and seeing the Bishop of Galloway as he was going to the council, a great multitude followed him all the way with continual cursing, but however did him no hurt. They even beset the Council House, demanding the bishop's person, though it was in their power to have seized, nay, to have killed him whilst he was in the secret.

The council finding themselves thus beset, sent to the magistrates to come to their relief; who answered, they were themselves surrounded in their town house by their own citizens, who threatened to tear them in pieces, if they did not immediately sign a paper, which for fear of their lives they were forced to do. The paper contained these three things:-

Firstly, That the magistrates should join with the people in petitioning against the liturgy:

Secondly, That by their authority they should presently restore to their pulpits Ramsey and Rollock, two, silenced, ministers, very much beloved by the people:

Thirdly, That they should restore to his place, one Henderson a silenced reader.

Upon this the Earls of Traquaire and Wigton, the first of whom was Lord Treasurer, came to the town house to advise with the magistrates, what was best to be done for the safety of the bishop of Galloway, who was still beset.

After this consultation, the two Earls returning to the council were insulted by the populace. The Earl of Traquaire was thrown down, his hat, cloak, and white staff taken from him, the people crying out, God defend all those who will defend God's cause, and God confound the service book and all the maintainers of it.

Presently after the provost came to the council, and declared, that though he had used his utmost endeavours, it was not possible to appease the people. At last, the Lords of the council applied themselves to some of the nobility and gentry and others who were now assembled to sign the petition against the service book.

These men had more credit with the populace than the magistrates, and prevailed with them at length to retire. This second tumult, wherein no person was killed or wounded no more than the first, seemed however to be more important and dangerous, because in the first, none but the rabble were concerned, whereas in this it plainly appeared, the mutineers were countenanced by several Lords and gentlemen, as well as by the better sort of citizens. The tumult being appeased, a Proclamation was published forbidding any meetings in the streets or elsewhere; a proclamation of no use, at a time when the council could not be ignorant how much their authority was contemned by those whom they would have inspired with fear.

Accordingly, so far were the malcontents from being terrified, that they sent their commissioners to the board, to require that the silenced ministers might be restored to them, and that they might have assurance for the punctual performance of what had been lately promised them by the Magistrates.

Petition to The Council Against The Service Book

The Council could easily see by this conduct, that the malcontents had no design to stop here. And indeed, shortly after, the Lord chancellor received two petitions, one in the name of all the men, women, children, and servants of Edinburgh against the liturgy: The other from the noblemen, gentry, ministers and burgesses of the same city, against the liturgy and book of canons.

The first alleged:—

That they had a long time winked at some alterations, being put in hope that no farther innovations should follow. But now seeing that they were likely to be constrained to embrace another service, not approved by Church and Kingdom, and which had neither been agitated nor received either by general assembly or Parliament; they therefore desired that they might have the happiness of enjoying their religion, as it had been reformed in that land, and authorized by his Majesty.

In the second, the Petitioners complained:—

The Petition of The Noblemen &c.

That whereas they were attending a gracious answer to their former applications against the service book, they were surprised and charged by public proclamation, to depart out of the Town within twenty-four hours thereafter under pain of rebellion; by which their fears of a more severe and strict course of proceeding were augmented.

Wherefore they were constrained to remonstrate, that in the *Book of Common Prayer*, drawn up and set forth by the Archbishops and Bishops, were sown the seeds of divers superstitions, idolatry, and false doctrine, contrary to the religion established in the realm by divers acts of Parliament.

That in the Book of Canons, &c. it was ordained, That whosoever shall affirm, that the form of worship inserted in the *Book of Common Prayer*, and administrating of the sacraments, doth contain any thing repugnant to the Scriptures, or are corrupt, superstitiously or unlawful in the service and worship of God, shall be excommunicated, and not be restored, but by the Bishop of the place or Archbishop of the Province.

That besides it is ordained, that where in any of the Canons there is no penalty expressly set down, the punishment shall be arbitrary as the bishop shall think fittest.

All which Canons were never seen or allowed in any general assembly, but were imposed contrary to order of law appointed in the realm for establishing constitutions ecclesiastical.

Lastly, that the bishops had not only begun to urge the acceptance of those things, by injunctions given in provincial assemblies, but also by open Proclamation and charge of horning[138].

Wherefore the Petitioners craved, that this matter might be put to the trial, and the prelates be taken order with according to the Laws of the Realm, and not suffered to sit any more as judges until the cause were tried and decided according to justice.

The King Sends A Proclamation of Doubtful Meaning

The King thought not fit to answer these petitions, being on the contrary determined to punish severely the authors of the late tumults. However he commanded the Privy Council to publish a Proclamation on this occasion, supposing, though without any foundation, it would be capable of satisfying the people.

After mention in the Proclamation of the Lords Petition, &c. it was said:—

His Majesty in a just resentment of that foul indignity, the late insurrections at Edinburgh, hath been moved to delay the significations of his Majesty's gracious intentions, in giving to his subjects such satisfactorily angers to their petitions, as in equity might be expected from so just and religious a Prince:

But yet his Majesty being unwilling that his loyal and faithful subjects should be possessed with groundless and unnecessary doubts and fears, his Majesty is pleased out of his goodness to declare,

That as he abhorreth all superstition of Popery, so he will be not careful, that nothing be allowed within his Majesty's dominions, but that which shall tend to the advancement of true religion, as it is at present professed within his most antient Kingdom of Scotland; and that nothing is or was intended to be done therein, against the laudable laws of this his Majesty's native Kingdom.

Observations

It must be observed, that according to the King, the true religion was that of the Church of England. That by the Religion at present professed, he meant only that which contained the hierarchy and Episcopacy; and by the laws of the Kingdom, he undertook those that were enabled after the King his Father's accession to the Crown of England, and of which I have spoken above.

It is at least certain the malcontents gave this sense to his general expressions, from whence they inferred, he was very far from desisting from what he had undertaken, and still farther from pardoning the late disorders at Edinburgh. Wherefore, they resolved, to take , measures, not only to secure themselves from the King's resentment, but also to cause all the innovations complained of to be abolished[139].

Some time after, the Council having removed the session to Sterling, the King sent them another Proclamation, with orders to have it publicly read in the principal towns of the Kingdom. The Proclamation was to this effect:—

Another Proclamation

WE find our Royal authority much injured (by some late petitions and declarations given in to our Council against the *Book of Common Prayer*, and *Canons of the Church*), both in the matter and in the carriage thereof; whereby we conceive those of our Nobility, Gentry, and others, who kept and assisted these meetings, for contriving and forming the said petitions, to deserve and be liable to our high censure, both in their persons and fortunes; yet because we believe, that what they have done herein is out of a preposterous zeal, we are graciously pleased to dispense therewith, and with what may be their fault or error therein, to all such as, upon signification or declaration of our pleasure, shall retire themselves as becometh good and dutiful subjects:

To which purpose our will and pleasure is, that you discharge all such convocations and meetings in time coming, under the pain of treason. And also that you command,

charge, and inhibit all our lieges and subjects, that none of them presume, nor take in hand, to resort nor repair to our burgh of Sterling, nor to no other burgh where our Council and Session sits, till first they declare their cause of coming to our Council, and procure their warrant to that effect.

And as concerning any petitions that shall hereafter be given us, upon this or any other subject, we are likewise pleased to declare, we will not shut our ears therefrom, so that neither the form nor matter be prejudicial to our Regal authority.

Remarks of This Proclamation

This proclamation was not capable of satisfying the malcontents. First, there was not a word concerning the subject of their petition, and by that they could perceive, the King had no design to suppress the liturgy and canons.

Secondly, the King represented as a great condescension, the pardon he was pleased to grant for their fault in presenting a petition without his leave. This shewed them, that, according to the King's intention, obedience was their only curfew for the future.

Thirdly, the King clearly intimated to them, he would receive no more petitions, since he declared, he would reject such as should by the matter or form be prejudicial to his authority. Was not this saying, he would reject all?

In short, they saw plainly, the King, in forbidding all meetings, sought only to disunite and hinder them from concerting measures to obtain their desires. I own, I don't see how the King could flatter himself that such a proclamation should produce the effect he expected, and the rather, as there were not in Scotland forces sufficient to support his authority.

The malcontents were not so stupid as to be ignorant of the King's design. So, on the morrow, the Earls of Hume and Lindsey, accompanied with a great crowd of nobles and people, came and publicly read in Sterling a protestation against the proclamation, the presence and authority of the council not being capable of hindering it. The same protestation was publicly read at Lithgow and Edinburgh, immediately after the proclamation had been published there.

In this protestation the malcontents said:—

They had presented a supplication on the 23rd of September, and another upon the 18th of October, as also a remonstrance December the 19th, against the *Service Book*, and the Canons, as well as against the Archbishops and the bishops, as their parties, having the same day presented a declinator against them, to prevent their being judges in their own cause. But the Council having refused to admit of this declinator, they found themselves obliged to make the following protestation.

1. That they might have immediate recourse to the King, to present their grievances, and in a legal way to prosecute the same before the ordinary competent Judges.
2. That the Archbishops and Bishops could not be reputed or esteemed lawful judges, till they had purged themselves of such crimes as were laid to their charge.
3. That no proclamation, nor any of council, part in presence of the Archbishops and Bishops, could any ways be prejudicial to the supplicants.

4. That neither they, nor any that had joined, or should join with them against innovations, should incur any danger in life, lands, or any political or ecclesiastical pains, for not observing such acts, books, canons, rites, judicatures, proclamation, introduced without or against the acts of general assemblies, or acts of Parliament, and the statutes of the Kingdom.

5. That if any inconveniences should fall out thereupon, they could not be imputed to them, since the Council refused to hear their just remonstrances.

6. That their requests tended to no other end, but to the preservation of the true reformed religion, and the laws and liberties of his Majesty's Kingdom.

The Malcontents Erect Tables to Manage Their Affairs

Hitherto the King and the Council of Scotland had flattered themselves that the malcontents might be curbed by acts of authority. But this protestation plainly shewed they were too powerful to be compelled to obedience, by orders of the council, or by proclamations. They were persuaded, the King sought only to surprise them, and intended not to desist from his undertaking.

On the other hand, they had conceived an extreme aversion to the bishops, looking upon them as the authors of the evils, the church laboured under. The more they saw the King was against their assembling themselves to consult in common about their affairs, the more they perceived the necessity of their union, without which they would be infallibly oppressed one after another. So, before they could know the effect of their protection upon the King, as they expected no good from the court, they erected at Edinburgh, which was at their devotion, several Tables (as they called them) to manage their affairs.

There were four principal ones:—

The first of the Lords;

The second of the Gentry;

The third of the Burroughs and;

The fourth of the Ministers.

And the Gentry had many subordinate tables, according to their several Shires. These tables consulted of what they thought fit to be proposed at the general table, consisting of commissioner chosen from the other four tables. Never was sovereign more punctually obeyed than this general table, by all who disapproved the innovations introduced into the church for thirty or forty years past, that is, by almost the whole Kingdom.

They Subscribe The Covenant

The first thing that proceeded from these tables was the famous covenant, or general stand taken by the Scots for maintenance of their religion from all innovations.

For the better understanding what this covenant was, it must be observed, that in 1580, whilst the Duke of Lenox and Earl of Arran, the King's favourites, were suspected of ill designs against the Protestant religion, the general assembly thought it necessary to draw up a Confession of Faith, and caused it to be subscribed by all the subjects, and by the King himself, to whom they

presented a very humble Petition on that occasion. As James could not reject this request, without confirming the people's suspicions, which might have been of dangerous consequence, subscribed the Confession of Faith himself, and ordered it to be subscribed by persons of all ranks.

This was done in the years 1580 and 1581, and the subscriptions were renewed in 1580, and 1581, and the subscriptions were renewed in 1590, with an additional clause, whereby the subscribers engaged to maintain the true Religion and the King's person.

Explanation of The Covenant

It was this Confession of Faith of 1580 that was revived this present year 1638, by order of the general table, and offered to all sorts of persons to sign. Hitherto, there was nothing that could give the King just cases of complaint, at least, as to the matter, since it was the same confession that the King his father, and the whole Kingdom had signed in 1580 and 1581.

It is true, as to the form, he could justly complain, that his approbation had not been demanded. But the tables were not satisfied with the bare Confession of Faith, they added also an obligation, whereby the subscribers bound themselves by oath, to maintain religion as it was in 1580, and to reject all the innovations introduced since into the Church. This was directly contrary to the King's deigns.

Oath Added to The Covenant

Part of the oath which, being annexed to the Confession of Faith, was called the Covenant, that is, contract, agreement, or league among the subscribers, was as follows:—

Finally, being convinced in our minds, and confessing with our mouths, that the present and succeeding generations in this land are bound to keep the aforesaid national oath and subscription inviolable:

We Noblemen, Barons, Gentlemen, Burgesses, Ministers and Commons under subscribing, considering divers times before, and especially at this time, the danger of the true Reformed religion, of the King's honour, and of the public peace of the Kingdom, by the manifold innovations and evils generally contained, and particularly mentioned in our late applications, complaints, and protestations, do hereby profess, and before God, his angels, and the world, solemnly declare, that with our whole hearts we agree and resolve all the days of our life constantly to adhere unto, and to defend the aforesaid true religion, and forbearing the practice of all innovations, already introduced in the matters of the worship of God, or approbation of the corruptions of the public government of the Kirk, or civil places and power of Kirk men, till they be tried and allowed in free assemblies, and in Parliaments, to labour by all means lawful to recover the purity and liberty of the Gospel, as it was established and professed before the aforesaid innovations:

And because after due examination we plainly perceive, and undoubtedly believe, that the innovations and evils contained in our supplications, complaints and protestations, have no warrant of the word of God, are contrary to the articles of the aforesaid confessions, to the intention and meaning of the blessed reformers of religion in this land, to the above written acts of Parliament, and do sensibly tend to the re-establishing of the Popish religion and tyranny, and to the subversion and ruin of the true reformed religion, and of our liberties, laws and estates; we also declare, that the aforesaid confessions are to be interpreted, and ought to be understood of the aforesaid innovations and evils, no less than if every one of them had been expressed in the aforesaid confessions; and that we are obliged to detest

and abhor them, amongst other particular heads of Popery abjured therein: and therefore from the know ledge and conscience of our duty to God, to our King and country, without any worldly respect or inducement, so far as human infirmity will suffer, wishing a further measure of the grace of God for this effect, we promise and swear by the great name of the Lord our God, to continue in the profession and obedience of the aforesaid religion; that we shall defend the same, and resist all these contrary errors and corruptions, according to our vocation, and to the utmost of that power that God hath put into our hands all the days of our life.

And in like manner, with the same heart we declare before God and men, that we have no intention or desire to attempt any thing that may turn to the dishonour of God, or the diminution of the King's greatness and authority; but on the contrary, we promise and swear, that we shall to the utmost of our power, with our means and lives, stand to the defence of our dread sovereign the King's Majesty, his person and authority in the defence and preservation of the aforesaid true religion, liberties and laws of the Kingdom; as also to the mutual defence and assistance, every one of us of another, in the same cause of maintaining the true religion, and his Majesty's authority, with our best counsels, our bodies, means, and whole power, against all sorts of persons what soever, &c.

This Covenant, like an alarm bell, brought all the Scots together that were dissatisfied with the government, that is, almost the whole nation. It was subscribed by the great men and the people, except the Privy Counsellors, the judges, the bishops, and such ministers as were dignitaries in the church.

These were, a little before invested with all the authority both in church and state, the King verily believing, that to have those for him, who were in the public places and offices, was sufficient to awe the people.

But when the breach was once made, by the publication of the Covenant, the number, not the quality of adherents, was to be considered, and then the Royalists were not above one in a thousand; so that the King, council, judges, and bishops, were on a sudden without authority and power.

To urge the laws was in vain: the Covenant was the sole law, the people would follow with respect to religion, as being bound by a solemn oath. Thus, the King's authority being no longer regarded, and his promises mistrusted by the people, as tending, in their opinion, only to deceive them, it is not strange, that the King's after, endeavours to extinguish the flame should prove fruitless.

I have dwelt the longer upon the rise of the Scotch troubles, because it seemed to me absolutely necessary to the understanding of what passed afterwards in England. For the same reason, I am also obliged to speak of the effects produced by the Covenant in Scotland: but I shall endeavour to be as brief as possible.

Though the standard of rebellion was, as it were, erected in Scotland, and the King did not well see how he should free himself from these difficulties, he could not yet desist from his project. He still hoped the gathering storm might, by some artifice, be dispelled. So prepossessed was he in favour of the royal authority, that though he saw it little regarded, he imagined, his declaration and proclamations, worded, for the most part, in ambiguous terms, would be sufficient to reduce the Scots to their duty.

But he did not consider, that before the breach, the people were in a manner obliged to shut their eyes, and seem not to see what they saw: but that, when the breach was once made, the

malcontents were too wise to be taken in his snares, and too bold or insolent to refrain from publishing the artifices that were intended to amuse them.

The King deceived himself also in another thing. As the sects perpetually pleaded their laws, he thought to silence them, by alleging on his side, the laws enacted within forty years, not considering that these same Laws were the principal cause of their complaints, and what they desired to be annulled.

So, in producing these Acts of Parliament, whereby the innovations had been approved, he only confirmed their belief, that he designed to support them, and consequently, it was necessary to use some violent means to make him desist. The King had for him the Laws in force, since they were never repealed; and the People believed, they might rightfully cause to be abolished those Laws, imposed on them by corruption, artifice, and violence, complaining, that these new laws were enabled in violation of the old. Thus, both sides complained of the breach of the Laws.

The Malcontents Reasons

The malcontents said:—

James and Charles had established Episcopal Government in the Kirk, contrary to her consent, who ought to have been consulted in such an affair, which concerned religion alone, and could be decided only by the general assembly. But instead of following the settled rules of the Kirk, the Bishops were first introduced into the Parliament, and then, by means of the bishops, whatever was desired, was enacted, though the King and Parliament had no right to appoint new offices, and new jurisdictions in the Kirk, without the consent of the Kirk herself, represented by the general assembly, and not by five or six Bishops, with as many lay abbots, who were allowed a seat in Parliament.

To accomplish this design, several other artifices were used, as bribing the Glasgow assembly, abolishing general assemblies, erecting a High Commission, inconsistent with the liberties of the Kingdom.

In a word, the King had exercised, and still did exercise a power repugnant to the privileges of the subjects, in imposing upon them a liturgy and canons, detested by almost the whole nation, without asking the consent of Kirk or Parliament. By this management, no less violent than artful, the government of the Kirk was entirely altered, not only without the people's advice, but against their will, as plainly appealed by the great number of subscribers to the Covenant, and the few that refused to sign it.

They thought themselves therefore authorised, by virtue of their privileges, to demand the reiteration of religion in its purity, such as it was in 1580, and the abolition of all innovations. If the King complained that this covenant was made without his participation and consent, he ought to blame none but himself, since he had reduced them to this necessity, by refusing to hearken to their most humble Petitions.

This covenant seemed contrary to Law, only because it was supposed, the people's privileges were not invaded, though the contrary was evident. Scotland was a monarchy, consisting of a happy mixture of the King's prerogatives and the People's privileges. This union was so absolutely necessary, that it was not possible to separate these two things, without destroying the constitution of the government.

It was very true, if the people would enjoy their privileges, they were to pay all due obedience to the King: but it was no less true, that the King could require this obedience, only as he protected the People in their liberties. If they should be so senseless, as to pay a punctual obedience to laws advantages to the crown, whilst the King made no scruple to subvert the constitution, by assuming an absolute power, they should only supply him continually with arms, to reduce them to perfect slavery.

In short, the design of their Covenant was not, as it was industriously intimated, to rob the King of his just rights, but to hinder him from stretching his prerogative beyond the limits of the law.

The King alleged on his side:—

The Scots, under the false pretence that their privileges were violated, were running into open rebellion, by refusing to pay the King due obedience. In signing a League directly contrary to the rights of the Crown, they usurped a power which was so far from being legal, that it was even repugnant to the laws.

Their complaints in general about the breach of their privileges were groundless, since there was but one article in question concerning religion, that is, not the doctrine, but only the discipline of the church. Episcopacy had been immemorially established in the Church of Scotland.

It had indeed been under a sort of eclipse since the Reformation, at a time when the regulation of the discipline was more considered, than the reformation of the doctrine. Presbyterian government had been established in the Church of Scotland by the authority of general assemblies only, who were not Sovereigns, and whose decrees were of no force, till approved and confirmed by Parliament. From 1561 to 1592, the Parliament never approved of it, and if the Parliament, held that year, had their reasons to confirm it, the following Parliaments had stronger to abolish it, and restore Episcopal government.

Herein nothing was done contrary to law or custom, since no man could be ignorant that the Parliament, which represents the whole nation, has power to annul and repeal all former acts. The malcontents could not question this maxim, without grossly contradicting themselves, since their Presbyterian government could be founded only on the act of Parliament made in 1592, whereby were repealed all the antient laws in favour of Episcopacy.

How then was it possible to shew, that the Parliament of 1592 had power to abolish Episcopacy, and that of 1612 no right to abolish Presbyterian government? As to the general assemblies, to which was ascribed an absolute power in matters of religion, this power was either natural or acquired. If natural, whence was it, that before the Reformation, such assemblies, confiding of Presbyters only, without bishops, were never heard of? If it was an acquired power, they must have received it from the nation, that is, from the King and Parliament. Confidently they were subject to the Parliament, and their acts could not be valid but as confirmed by the Parliament. If they had received the unlimited power ascribed to them, where was the acts that granted it, and why was it not produced? Nay, though such an act should be produced, that would not be sufficient, unless it was shewn withal to be irrepealable; otherwise it would still be evident, they depended upon the Parliament, and consequently their acts had not the force they pretended to give them, unless approved by the Parliament, and the approbation un-repealed.

These general assemblies were first instituted at the Reformation, for the direction of affairs, and the case of the King and Parliament, in the examination of what was to be changed or altered with respect to Religion. But it was too true, they had usurped by degrees an authority very prejudicial to the Crown, and improper for subjects.

As to the liturgy, mentioned by the malcontents in so contemptuous a manner, as if it was intended to be introduced on purpose to lead the people gradually to Popery, he had but one thing to plead in its favour, namely, that it was composed by Bishops, who suffered martyrdom for the Protestant religion, and therefore it was very impertinent to say, such persons had a mind to restore Popery, when they were manifestly using their utmost endeavours to purge the public worship of every thing tending that way.

If the King his father and himself had desired to introduce the liturgy into the Church of Scotland, it was because they believed it conducive to the edification of the faithful, and to the banishing of the indecency with which divine service was performed in that church, where every minister made what prayers he pleased, and often, without any premeditation, which was liable to great inconveniences.

Herein he had nothing in view but the good and benefit of his subjects of Scotland, and it was injuring him in the highest degree, to impute to him a design of introducing Popery, which on the contrary he abhorred.

As to the book of Canons, he defended himself, in the manner before mentioned, and therefore it is needless to repeat it.

After seeing the reasons of both parties, it will not be difficult to conceive the motives of their conduct, without my being obliged hereafter to display them. I shall only add, that the malcontents having resolved to improve the weakness of the King's party, and the advantage given them by their Covenant, to abolish the innovations complained of, used not so much the most just and legal means as those they believed most proper for their ends.

On the other hand, the King constantly adhered to the acts of Parliament, by which these pretended innovations were established, feigning not to see, in that respect, the least cause of complaint against himself, or the King his father.

The King Sends The Marquis of Hamilton into Scotland

Things being come to the point abovementioned, by the almost universal subscription of the Covenant, the King resolved to send the Marquis of Hamilton into Scotland to represent his person under the title of his High Commissioner. He imagined this Scotch Lord, being invested with so eminent a character, would by his credit and industry reduce the people to obedience, without giving them any real satisfaction, being still very unwilling to desist from his project.

The tables having notice of this, doubted not but the King's aim was to amuse and surprise them, and therefore they used all possible means to divert the impending danger. I shall not descend to particulars, but content myself with saying, that the high commissioner was received by the malcontents with great coldness and little respect, and that they prepared, on the contrary, to withstand him vigorously, in case he offered to assert his authority.

Meanwhile, the King having sent to Scotland a ship laden with arms[140] for Edinburgh Castle, the tables resolved to seize them, fearing, the King intended to surprise them, whilst he should amuse them with negotiations. This Resolution could not be executed, because the King's party, having notice, instantly unladed the vessel, and carried the arms to Dalkeith, where the council then was.

For this reason the tables set a guard near the gate of the castle, to prevent these arms from being carried in. At the same time, the malcontents received two ships freighted with arms for their service.

The King would hardly digest this affront. but the malcontents did not think it prudent to be exposed to a surprise, on pretence that the rupture between the King and them was not yet entire. The High Commissioner being come to Edinburgh, offered these three propositions to the consideration of the malcontents:—

What they should expect to hear in the King's name for accommodating their grievances?

What might be expected from them for returning to their former obedience?

That they should renounce and deliver up their late Covenant.

To which they answered:—

1) That they insisted upon a general assembly, and a Parliament.

2) That they could not return to his Majesty's obedience, since they had never departed from it.

3) That they would sooner renounce their baptism than the Covenant[141].

The Marquis had brought with him a declaration, which however he was to make use of but in case of necessity, because the King was unwilling to promise the least condescension to the Scots, unless forced. But the Marquis soon perceived it was not possible to bring the malcontents to obedience, without amusing them at least with the hopes that the King would have soon regard to their, grievances.

The King's Declaration

He therefore thought proper to publish the declaration, though it evidently appeared by the very expressions, that the King would not properly be obliged to anything. What follows is the most material part of the declaration, and shows wherein consisted the King's condescension:—

And for further clearing of scruples, we do hereby assure all men. That we will neither now, nor hereafter, press the practice of the *Service Book*, or the aforesaid *Canons*, nor any thing of that nature, but in such a fair and legal way, as shall satisfy all our loving subjects, that we neither intend innovations in religion or laws; and to this effect have given order to discharge all acts of Council there anent.

And for the High Commission, we shall so rectify it, with the help and advice of our Privy Council, that it shall never impugn the laws, nor be a just grievance to our loyal subjects; and what is further fitting to be agitated in general assemblies and Parliament, for the good and peace of the Kirk, and peaceable government of the same, in establishing of the religion at present possessed shall likewise be taken into our royal consideration, in a free assembly and Parliament, which shall be indicted and called with our best convenience.

The King must have been ill informed of the disposition of the Scots, to imagine that a declaration with so many restrictions and ambiguous expressions should be capable of contenting them. This declaration was no sooner proclaimed at the market cross of Edinburgh, but the tables caused

an answer in form of a protestation to be publicly read in the same place, the substance whereof was:—

Protestation Against The Declaration

- 1). That** no proclamation or declaration could settle their fears, nor secure them from the re-entry of any evil or innovation.
- 2). That** they positively insisted upon a general assembly and a Parliament, which the King did not promise to call.
- 3) That** the Proclamation did not mention their complaints and grievances, but under the name of disorders, faults, and misdemeanours, &c.
- 4) That** the King took it for granted he had abundantly and sufficiently satisfied their fears, by his two former proclamations, and by his present declaration.
- 5). That** this proclamation supposed them guilty of an unlawful combination, or rebellion.
- 6). That** it did not disallow nor discharge any of the innovations complained of, but lest liberty to any prelate or person to practice the same.
- 7). That** it plainly evidenced his Majesty's intentions of pressing the practice of those innovations in a legal way, that is, according to those Laws which were the subject of their complaints.
- 8). That** his Majesty did not promise to abolish, but only to rectify the High Commission, with the advice of his Privy Council, implying the King's power, with consent of his council, to establish any judicatory within his Kingdom, without consent of the three estates convened in Parliament.

The High Commissioner being better informed of the affairs of Scotland, by what he had seen with his own eyes, thought it necessary to go himself and acquaint the King. He made therefore a journey to court, and returned shortly after, with a power to call a general assembly, and a Parliament.

But as for the assembly, he would know beforehand what persons it should be composed of, and what was to be debated. The tables rejected this limitation, as tending to render the assembly useless. They likewise told him, if the King refused to convene a general assembly, they believed they were sufficiently authorized to call one themselves.

Probably, the King's High Commissioner had orders to grant a general assembly, if it could not be avoided, but, however to use his utmost endeavours, either that the tables should desist from their demand, or at least, if he granted an assembly, to clog the favour with conditions that should prevent the King's designs receiving any prejudice.

It was doubtless in obedience to this order, that he presented to the tables eleven[142] articles, as so many conditions on which he was willing to call an assembly. As he had very likely good spies, he knew pretty well what the tables intended to do in order to reap great advantages by a general assembly, and these eleven conditions solely tended to render their measures ineffectual.

The tables being composed of the most able persons in Scotland, easily discovered the High Commissioner's aim. They replied therefore to these eleven articles, so as to show him it would be very difficult to surprise them.

Nevertheless he was not discouraged, and under colour of complying with the malcontents, reduced the eleven conditions to these two, which however contained the substance of the eleven, and tended to the same end.

1. That no laymen should have voices in choosing the Ministers to be sent from the several Presbyteries to the general assembly, nor any but the Ministers of the same Presbytery.

2. That the assembly should not go about to determine things established by act of Parliament, otherwise than by remonstrances or petition to the Parliament.

Explanation of The Two Propositions

To understand the end and motive of the first of these conditions, it must be observed, that it was very plainly perceived in Scotland, since the Glasgow assembly in 1610, how easily the King could secure a majority of votes among the ministers, whether by fears or hopes, or by present and real favours.

For this reason the malcontents had resolved not to let the ministers have the sole direction of the affairs of religion, and therefore had erected four tables, whereof that of the ministers which was but the third, could not determine of any thing without the concurrence of the other three, and the approbation of the general table.

Moreover when the tables had demanded a general assembly, they had at the same time resolved, that this assembly should be composed not only of the ministers, but also of lay elders, who should be persons of authority, and whose number should exceed that of the ministers. In short, they designed the ministers who were to be sent to the assembly, should be elected not only by the ministers themselves of each Presbytery, but also by the lay elders.

The Affairs of Scotland

The Marquise of Hamilton, who had intelligence of their intension, laid therefore a double snare for them in the former of his two conditions. The first snare consisted in that feigning to be ignorant of their design to send lay elders to the general assembly, he supposed it was to be composed of ministers only.

The second consisted in that he pretended, the nomination of these ministers for the assembly should be made by the ministers alone without the participation of the lay elders. He thereby endeavoured to break the measures, the tables had judged necessary to secure themselves from the articles of the court.

As to the second condition, it was evident that by things already established by acts of Parliament, he understood all the innovations complained of, which had been introduced since the year 1606, and which for the most part were, as I said, founded upon acts of Parliament.

So, by this second condition, he broke still more directly than by the first, the measures the tables might take, to cause these innovations to be examined and declared such by the general assembly. Wherefore the tables rejected these two conditions, regarding them as so many snares to surprise them since they could not accept them without being at the King's mercy.

This affair was come to that point, that the tables were satisfied, the innovations complained of were really innovations, and of their right to require their abolition. The thing was only to devise the properest means to procure the satisfaction they demanded.

On the other hand, the King did not in the least doubt the validity of the acts of Parliament, whereby these pretended innovations were established. And perhaps he still less questioned his power to introduce the liturgy and canons. But his concern was to find the properest means to maintain his own and the Parliament's authority, and to dispel the storm that was gathering in Scotland.

The Marquis Returns to England

The High Commissioner clearly perceiving, he had to deal with men who were upon their guard, and that it would be difficult to surprise them, resolved to take a second journey to England, to inform the King of the state of affairs. By putting the malcontents in hopes the King would grant such a general assembly, as they desired, he obtained with great difficulty, that the election of commissioners should be delayed till his return, which was fixed to the 21st of September.

During his absence, the tables expecting only new snares, or fresh delays from the court[143], resolved that a general assembly should be held, either with the King's permission, if he would grant it, or without his consent, and that the election of commissioners should be the 22nd of September.

In this interval, they sent to all the Presbyteries, directions in eight articles, not to chuse any suspected minister, and to elect every where lay elders, who should be persons of authority, and more numerous than the ministers. In a word, they took all possible measures to have an assembly at their devotion, wherein they perfectly succeeded, the King's party being every where so weak, that they were not in condition to oppose it successfully.

A New Proclamation

The High Commissioner being returned to Scotland with new instructions, immediately ordered a Proclamation to be published, containing in substance these three principal articles:—

1. That his Majesty revoked the *Service Book*, the *Book of Canons* the High Commission, and the five *Articles of Perth*.
2. That for the future none of his subjects, whether ecclesiastical or civil, should be liable to the trial and censure of the Parliament, or general assembly.
3. That persons of all ranks should be required to sign the *Confession of Faith* of 1580, with the oath he had annexed, but very different from that of the Covenant.

The High Commissioner Covens an Assembly and Parliament

After publishing this Proclamation, the High Commissioner summoned a general assembly to meet at Glasgow the 21st of November this year 1638, and a Parliament at Edinburgh the 15th of May the next year 1639.

Difference Between The King's Covenant and That of The Malcontents

It was not without reason that the malcontents expected some new snare from the King. Though the Confession of Faith which the King ordered to be signed, was exactly the same with that prefixed to the Covenant, the oath (or General Bond] annexed by the King, imported, that they swore to maintain the religion at present professed, which was utterly destroying the oath of the Covenant, whereby the subscribers were bound, to reject all the innovations introduced since 1580.

This snare was so palpable, and so very injurious to the King's affairs, that the council, to prevent its ill effects, were forced to publish a declaration, that the meaning of the oath was, that they swore to maintain the religion professed in 1580.

But notwithstanding this, the tables caused a protestation against the proclamation to be publicly read, to show, as they pretended, that the King acted not with sincerity; that by certain ambiguous clauses, restrictions, and additions, he took away with one hand, what he gave with the other; and reserved to himself a liberty to maintain at a more convenient season, the innovations he seemed to depart from.

Endeavours to Get The King's Covenant Signed

During the interval between the publishing of the proclamation, and the general assembly, the High Commissioners and council used all possible endeavours to make all sorts of people sign the Confession of Faith as sent by the King, and the tables on their part forgot nothing to oppose it.

But there passed at this time, a thing of great importance, which must not be omitted. Many Lords, Barons, Gentlemen, Ministers, Burgesses, who were not commissioners to the general assembly, presented to the Presbytery of Edinburgh, an information against David Lindsey Bishop of Edinburgh, and at the same time against all the rest of the Bishops.

The substance of this information, which contained several articles, some whereof doubtless were much aggravated, was, that Lindsey and his brethren had not performed the conditions required of them by the Montrose assembly.

The design of this information was to prevail with the Presbytery to summon, as they did accordingly, the bishops to appear before the assembly which was to be held at Glasgow. For as the abolition of Episcopacy was now resolved, it was necessary that the general assembly should have some ground or pretence to prosecute and try the Bishops. And for this the information was intended.

An Account of What Passed in The Glasgow Assembly

The general assembly met at Glasgow on the day appointed, consisting of such members as the Tables had desired or rather prescribed[144]. The King's party was so weak that they durst not make any opposition, and the matters to be debated had been directed by the tables who had sent their instructions to the commissioners.

In a word, as in the assembly of 1610, and the following ones, King James had so managed as to have every thing transacted as he pleased, the tables had now taken the same precautions to cause whatever they did not approve to be annulled. Wherefore the Marquis of Hamilton's grand aim, was visibly to raise contests and disputes which should afford him occasion to dissolve the assembly.

The first day was spent in reading the King's commission. The second day, a letter from the King containing nothing extraordinary was read[145]. Then the assembly proceeded to the choice of a moderator: but at the same time Dr. Hamilton presented from the bishops, a declinator, that is, a protestation against the legality of the assembly, and the High Commissioner would have this declinator read first. But it was objected, there was no assembly without a moderator, and consequently it was necessary to begin with his election.

The High Commissioner seeing he could not prevail, protested against the refusal to read the declinator before the choice of a moderator, and ordered his protestation to be entered. Before

the Moderator was chosen, the High Commissioner entered a second protestation, that this choice should prejudice neither the King's prerogative, nor any law of the Kingdom, nor bar the King from taking legal exceptions, either against the person elected, or the election itself. After that, they unanimously chose Mr. Alexander Henderson a minister for moderator.

The third day, the High Commissioner urged, that the Bishops' declinator might be read. But he was told, the assembly was not formed till the commissions of elections were examined, and the commissioners that were present, known to be duly authorized.

This affair was of more importance than it seems at first sight. As the declinator contained reasons to show that the election of all the commissioners, or at least of the greatest part, was null, it was easy to perceive, that these reasons would come too late after the power of the commissioners should be allowed, and they admitted for members of the assembly.

The High Commissioner not being able to obtain his desire, entered a third protestation on that head, and a fourth, the same day, against the choice of Mr. Archibald Johnston, for Clerk Register of the assembly[146], because he had been Clerk of the General Table at Edinburgh.

The fourth day, the commissions of elections were examined. But the High Commissioner first entered a fifth protestation, to take exception against their elections in his own due time.

The examination of the commissions not being ended the fourth day, was continued the fifth. It may be imagined, that the elections which were agreeable to the, instructions of the tables, were generally approved, and that means were not wanting to weaken or entirely reject those which were otherwise. The sixth day, the 27th of November, was read at last the bishops' declinator, wherein they pretended to prove by several reasons the illegality of the assembly.

After the reading of the declinator, the High Commissioner caused to be read some other protections, sent him from several places, against the lay elders right of voting in the general assemblies, and elections of the ministers by laymen.

The High Commissioner Dissolves The Assembly

The seventh day, the 28th of November, it was moved in the assembly, to debate, whether the bishops cause should be judged, notwithstanding their declinator. As after several speeches on this subject, the moderator was going to put the question, the High Commissioner rose up and said, since they pretended to assume a right to judge the bishops, he could not give his consent nor stay any longer with them.

Then after a long speech, wherein he represented his Majesty's gracious concessions in his last declaration, he dissolved the assembly in the name, and by the authority of the King, alleging these four principal reasons.

His Reasons

- 1.** Lay elders were introduced into the assembly to vote there which was not warranted by the laws, practice or custom of the Church or Kingdom, and, which supposing there were such a law, or custom, had been discontinued for above forty years.
- 2.** The ministers chosen commissioners, were elected by lay elders, contrary to custom and practice.
- 3.** The few Commissioners chosen contrary to the instructions of the Table, had been thrown out by mere cavils.

4. The cited bishops were to be tried by persons who had already declared against them.

It may be observed concerning these reasons-, that the High Commissioner was not ignorant, before the meeting of the assembly, of the manner of electing the commissioners, or that the bishops' cause was to be brought before the general assembly. Consequently these reasons would have been as strong to hinder the assembly from meeting, as they were to dissolve it the seventh day. But he was unwilling to give the malcontents the advantage of justly complaining, that he had amused them with the hopes of an assembly, which he intended not to hold. He expected to find in the proceedings of the assembly, causes or pretences to dissolve it, and his frequent protestations were so many expedients to use, which he intended at a proper season.

But as, in all appearance, he had the King's positive order to dissolve the assembly, in case they should take upon them to try the bishops, and as this was properly the first thing that was moved, it was not in his power to flay for other pretences. He was forced therefore to list the same reasons for dissolving, as might have served to hinder the meeting, of the assembly.

The Assembly Refuse to Break-Up and Continue Their Session

The King found not in the assembly the obedience he expected, though with little reason, considering how the Scots stood affected. It was easy to foresee that the Covenanters who had resolved to hold an assembly, thought the King should not have given his consent, were not disproved to break up after a seven days, session, without having finished any affair.

They had a mind to abolish Episcopacy entirely, with all the innovations introduced into the Kirk since the last forty years, and after all the steps they had taken, it was not likely they would suddenly relinquish their projects, and return to petitions and supplications which hitherto had proved fruitless.

They saw moreover, that the King used all sorts of means to prevent his consenting to their desires, or if he feigned to have any condescension for them, it was only to gain time, and that he referred to himself the power of maintaining the innovations at a more favourable opportunity. This was their belief at least, and the sudden dissolution of an assembly so earnestly desired, confirmed them in it. Wherefore they were unwilling to neglect so fair an opportunity.

They had the whole Kingdom on their side, and knew that the great discontents which reigned in England, would not suffer the King to make any considerable efforts against Scotland. Upon these accounts it was that the assembly of Glasgow continued their session by their own authority, notwithstanding their dissolution in the King's name, and a Proclamation published the next day[147], to which they were contented to answer as usual by protestation.

Thus the King had the mortification to see his authority contemned, and the acts of Parliament procured by his father to introduce the hierarchy into the Kirk, serve for foundation to a Scottish rebellion. Hence Sovereigns should learn not to introduce any innovations but what are absolutely necessary.

It is certain, the Reformation had been established in Scotland upon the Presbyterian plan, in the same manner as in Switzerland, Geneva, France, Germany, the Low Countries: that this same government subsisted there till James VI, became King of England: that this prince was possessed with the design of introducing episcopal government, and that Charles his son and successor was no less eager to pursue the same project. The question is not to know, whether episcopal government be good or bad in itself; but supposing it good and even excellent, the point is to know, whether the Church of Scotland could not be without it, and whether Charles I, had sufficient reason to hazard the peace, of that Kingdom and his own, in order to support a design, the execution whereof was not absolutely necessary.

The general assembly, having continued their session themselves, contrary to the King's order, loft no time to begin and finish what had been resolved in the tables.

Here follows a short list of some of their acts, which will show how much they endeavoured to abolish, as far as in them lay, all innovations:—

An Act bearing the assemblies Protestation against the dissolution thereof.

An Act annulling the six assemblies holden at Linlithgow 1606, and 1608, at Glasgow 1610, at Aberdeen 1616, at St. Andrews 1617, at Perth 1618.

An Act declaring the nullity of the oath, exacted by Prelates, from such as are instituted to Benefices.

An Act condemning the Service Book.

An Act condemning the Book of Canons.

An Act condemning the High Commission.

Two Acts containing the deposition and Excommunication of fourteen Bishops.

Act clearing the meaning of the Confession of Faith, made Anno 1580, as abjuring and removing Episcopacy.

An Act declaring the five articles of Perth to have been abjured, and to be removed.

Act restoring Presbyteries, provincial and general assemblies to their constitution of Ministers and Elders, and their power and jurisdiction contained in the *Book of Policy*.

Act concerning the power of Presbyteries, admission of Ministers, and chousing of their moderators.

Act against the profanation of the Sabbath, for want of afternoon's exercise.

Act against those who speak or write against the Covenant or the assembly.

Act condemning Chapters, Arch-deans, preaching Deacons, and such like popish trash.

Act condemning all civil offices in the persons of ministers separate to the Gospel, as to be Justices of Peace, sit in session or council, to vote or ride in Parliament.

Act appointing the Commissioners to attend the Parliament, and articles, which they are to represent in the name of the Kirk to the Estates.

An Act discharging printers to print any thing anent the Acts of the proceedings of the assembly, without a warrant under the secretary's hand.

Act ordaining the Covenant to be subscribed, with the assemblies declaration.

Act discharging all subscription to the Covenant, subscribed by his Majesty's Commissioner, and the Lords of the Council.

Act renewing the privileges of yearly general assemblies, and oftener (*pro re nata*) and appointing the third Wednesday in July 1639, in Edinburgh, for the next general assembly.

Act that none be chosen ruling Elders to sit in Presbyteries provincial, or general assemblies, but those who subscribe the Covenant.

These acts show, the King was not in the wrong when he said, the general assemblies of Scotland had usurped a kind of sovereignty in religious affairs, since this is seen boldly to annul, by their authority, things established by acts of Parliament. But, as said, in the dispute between the King and his Scotch subjects, the concern was not to examine the right of the parties, but to use the most effectual means to attain their respective ends.

The Assembly Declares Episcopacy to be Abolished by The Confession of 1580

This was the course taken by the general assembly of Glasgow. As the Parliament was to meet the next May, and they knew, they should be supported, they were willing to give the Parliament an occasion to abolish all the innovations complained of, upon the foundation of its being the general sentiment of the Kirk.

It must be farther remarked concerning this assembly, that before the sessions began, the Tables had used their utmost endeavours to hinder the signing the Confession of Faith of 1580, with the obligatory clause annexed by the King. But as this did not prevent its being subscribed by many, the assembly of Glasgow thought proper to explain the confession, and decide, that it virtually contained the abolition of Episcopacy, though the bishops were not mentioned.

A Contrary Explication Published by The Commissioner

So by this explication, they who had signed the Confession by the King's order, had subscribed to the abolition of Episcopal Government. The High Commissioner, hearing the assembly of Glasgow were upon this explication, made haste and published a quite different one, wherein he endeavoured to prove, that Episcopacy subsisted in 1580; and consequently, the signing of the confession of that year, could not be deemed an abjuration of Episcopacy.

A very long and particular answer was made to this explication. But without entering into a discussion of the facts alleged on both sides, I shall only observe, that what I said heretofore, concerning the ambiguity in the name of bishops, must be chiefly applied to these two papers.

The Marquis proved very well, that the name, title, temporal rights of the bishops, were not abolished by the Parliament, till the year 1580; but he very lamely proved, that till then the Kirk of Scotland had been governed by bishops.

The Benefice had subsisted till that year, but the office was abolished, if not by act of Parliament, at least by the custom and practice of the Kirk. On the other hand, the authors of the answer evidently showed, that episcopacy, as to the office, was abolished by the general assemblies, as far as lay in their power, and by the practice of the Kirk: but they could not prove that the order of Bishops was abolished till the year 1592.

1639 AD] Hitherto I have endeavoured to show the rise of the troubles of Scotland, to the end it may be the better conceived, how far the English ought to have been concerned in the war which broke out presently after, between the King and his subjects of Scotland.

The Parties in England

There were two parties in England; the Courtiers and rigid Episcopalians, who being religiously attached to the hierarchy, verily believed, the Scots were in the wrong to reject so obstinately this hierarchy, established thirty years ago by acts of Parliament. These looked upon the Scots as rebels, and wished to see them punished as such.

The other party consisted of Puritans: under which name were included not only the Church-Puritans, but also the State Puritans, that is, all those that were dissatisfied with the government, and thought the King assumed a power which belonged not to him. This party, though without posts or employment, and continually oppressed, was however much superior in number to the other, as plainly appeared afterwards.

These, far from disapproving the conduct of the Scots, said, that the Kings, James and Charles, having manifestly introduced innovations into the Kirk, the Scots could not be justly blamed for desiring, things might be restored to their former state.

When, therefore, the history of these troubles is read, the authors are to be distinguished. Some represent the conduct of the Scots as a real rebellion, flowing from a settled design of breaking all the bands of subjection and obedience to the King, and of utterly destroying monarchical government.

Others, on the contrary, speak of the King's behaviour to the Scots as really tyrannical, and pretend he had no less design to render himself absolute in Scotland than in England.

The Resolves Upon A War With Scotland

The King's party in Scotland was extremely weak, and consequently he had no other way left, than to use the forces of England to reduce the Scots to obedience. Accordingly, he took this course[148]. As soon as he heard that the general assembly of Glasgow continued their session by their own authority, and that the people approved of their conduct, he resolved to levy an army in England, to reduce the malcontents of Scotland to their duty.

But as the English might naturally ask, by what reason were they bound to venture their lives, in defence of the interests of the King in Scotland, he thought this objection should be obviated, by supposing the Scots to have already levied an army for the invasion of England.

The King Supposes it a Defensive War

From thence he inferred, it was incumbent upon him to provide for the defence of the Kingdom, by raising sufficient forces to repel the attacks of his enemies. There was (little probability that the Scots should think of invading England, if they were left unmolested, but it was necessary to excite the English) with the dread of an imaginary danger.

Summons The Lords to Bring Troops to York

The King thought not proper to call a Parliament to enable him to raise the forces he wanted. Experience had taught him, that he was not to expect any great assistance from the Parliament, unless he would alter his maxims, and redress the people's grievances, which he did not intend.

Remark on Those Summons

On the contrary, he flattered himself that he should easily reduce the Scots, and then be still more absolute in England. He chose therefore to suppose a defensive war, and on that supposition summoned the nobility to attend him at York the 1st of April following, each with as many horse as he could raise, and to inform the Court within a fortnight, of the number that could be brought.

In this manner, the Kings of England formerly prepared to withstand the invasions with which they were threatened. But the antient manner and this differed very much in two respects.

First, there were certain crown lands, the possessors whereof were obliged to find the King troops, according to the frontiers that were likely to be invaded. Most of these lands lay in the northern Counties, because of the neighbourhood of Scotland, which was the only place from whence invasions were to be feared by land.

But the tenants of such lands lying in Kent or Sussex, were nor bound to furnish troops for the defence of the northern borders against the Scots; or the tenants in the North, to defend the southern frontiers when threatened by the French. Whereas Charles I, without making any distinction of counties, or putting any difference between those that did, and those that did not hold these Crown lands, directed his summons to all the nobles in general.

Again, this method of raising troops was antiently used, only when the Kingdom was actually invaded, or in danger of being so, or at least, when there was a war proclaimed, and judged necessary for the defence of the Kingdom.

But Charles I was contented to suppose only though contrary to all appearance, that the Scots intended to invade England, and under colour of defending the Kingdom, his real design was to attack the Scots, on account of his own interests.

The King Demands Money of The Clergy

But, as having troops was not sufficient without money to subsist them, the King used two ways, besides those already in practice, as ship money and others, to increase his revenues. The first was to demand voluntary contributions of the clergy, by means of the Archbishop of Canterbury. Laud writ for that purpose a circular letter to the bishops and all the clergy, to exhort them to contribute liberally for the defence of the Kingdom, which was in extreme danger of a Scotch invasion.

The Queen Writes to The Catholics on The Same Account

He added, by way of postscript, that his Majesty expected from the clergy a larger sum than what they were wont to give in the usual way. The second means used by the King was, to put the Queen upon writing to the Catholics, to incite them to aid the King on this urgent occasion. These two means brought in very near what the King expected.

The Counties were Obligated to Find Troops

Besides the horse to be brought by the nobility to York, all the counties were obliged to find such a number of foot, horse, dragoons, artillery horses, and a certain quantity of ammunition. The whole amounted to nineteen thousand four hundred and eighty three foot, twelve hundred and thirty three horse[149], besides the troops of the nobility, and thirteen hundred and fifty horses for the carriages.

Moreover, the King equipped a fleet of sixteen men of war, the command whereof was given to the Marquis of Hamilton, who was come back to his Majesty.

The King departed for York the 27th of March, his Coronation day, and on the 9th of April published a proclamation, to revoke sundry monopolies, licences, and commissions, which he had granted by his letters patents. But very likely, this was only to amuse the people, and the proclamation was not executed, since, the next year, he published another, to revoke the same monopolies, which should have been abolished by this.

On the 29th of May the King reviewed his army, which consisted of nineteen thousand six hundred and fourteen men, beefiest five thousand on board the fleet, his own guards, and the garrisons of Berwick and Carlisle.

Whilst the King was making his preparations, the Scots were not idle. They had also drawn forces together[150], but their hopes were not so much built on their army as on their friends in England, and even at Court.

Some have suspected the Marquis of Hamilton, one of the King's favourites, of not having, at this juncture, faithfully served his master. As it was the King's interest to exasperate the English against the Scots, and persuade them that these last were in manifest rebellion; it was the Scots interest on the contrary to show, they had never any ill design against England, and if they took arms, it was only in their own defence.

They knew the success of the war depended upon the assistance England should freely give the King, and not upon the aid he should extort by force in virtue of his prerogative. And therefore their friends in England had advised them to mind two things especially.

First, to clear themselves as fully as possible from the crime of rebellion, which the King laid to their charge. Secondly, to avoid every thing that might excite the English to engage in the war, for fear of giving the King the advantage of being able to say, they were undertaking an offensive war.

They punctually followed these two advices, the former, by dispersing in England, by means of their emissaries, a great number of papers, wherein they set forth with all possible clearness the causes of their discontents, and the King's intentions.

They forgot not to insinuate, that it concerned England no less than Scotland, to oppose the arbitrary power assumed by the King, as well in ecclesiastical as civil affairs. They followed the second advice, by obeying with entire submission a Proclamation published by the King in Scotland, to forbid the Scotch army to approach within ten miles of the borders of England.

By this obedience they evidently shewed the war was not offensive on their side. It is not unlikely, that some of their friends had counselled the King to publish this proclamation, on purpose to afford them an opportunity to give this proof of it.

But this was not the only advantage the Scots reaped from the counsels given the King by their secret friends. He was persuaded, that their obedience to his proclamation was the effect of their fear; and was thereby induced to fend another proclamation to Edinburgh, commanding the sects to lay down their arms on pain of being declared guilty of treason, offering however pardon to all who should comply with his orders, and return to their duty.

Nothing could be more prejudicial to him in Scotland, than such a proclamation, which shewed he required a speedy obedience without any conditions; but the magistrates of Edinburgh would not suffer it to be published.

The same notion, that the Scots were intimidated, caused him to commit another error, in detaching the Earl of Holland with three thousand foot and a hundred horse into Scotland by way of Kelsey. Lesley, general of the Scots, being informed of the Earl of Holland's march, sent five or six thousand foot and five hundred horse against him, who made him halt on a sudden. He sent however a trumpet to command them to retire according to their promise.

It was answered, he would do much better to withdraw himself; and indeed, he found it proper to take their advice. The Earl of Holland's march, which came to nothing, freed the Scots from their promise of not approaching the borders, and on the morrow, Lesley marched towards Kelsey with about twelve thousand men.

The King Begins to Mistrust His Friends

The King began then to perceive that the obedience of the Scots was not owing to their fear, and that hitherto he had followed wrong counsels. Wherefore he took a sudden resolution to stand upon the defensive, and that very day writ to the Marquis of Hamilton, who was in the Firth with the fleet, to order him not to begin hostilities, though he had been sent there to take all possible advantages upon the Scots.

But this resolution was taken a little too late, after what he had just done, at least if he had no other design than to make the public believe he had undertaken the war only in his own defence. But he had a stronger reason not to engage too far. For, upon notice of the Scots approach, most of his generals had advised him not to give battle, though he was much superior in number of troops, which he could ascribe only to their unwillingness to venture their lives in his service.

The Scots Sue For Peace

The two armies were so near one another, that a battle was expected every day, though, in truth, both sides were alike resolved to stand upon the defensive. But when it was least expected, the Lord Dumfermling, a Scotchman, came to the King's camp with a trumpet, and presented, to his Majesty, in the name of the Scots, a very humble petition, entreating him to appoint commissioners to negotiate a peace.

The King answered, he had sent a proclamation to Edinburgh, whereby he offered his subjects of Scotland the free enjoyment of their religion and laws, with a pardon to such as should return to their duty: that this proclamation had been rejected with contempt; but he desired it might be published in the Scotch army, after which, he would be graciously pleased to hear their Petitions.

The Lord Dumfermling returning with this answer, the Scotch general ordered the proclamation to be publicly read in the army, which done, the King appointed six Commissioners to treat with the Scots[151].

In the conference held the 11th of June, between the commissioners of both parties, the Scots desired three things; namely:—

- 1. That** the Acts of the late assembly at Glasgow should be ratified in the ensuing Parliament.
- 2. That** all matters ecclesiastical might be determined by the assemblies of the Kirk, and matters civil by Parliament.
- 3. That** his Majesty's ships and forces by land be recalled; that all persons, ships, and goods arrested be restored: And that all excommunicate persons, incendiaries and informers against the Kingdom, who had caused these commotions for their own private ends, might be returned to suffer their deserved censure and punishment.

Upon this the King desiring the sects to give in writing the reasons and grounds of their demands, the Lord Lowdon, one of the Scottish deputies, said, their desires were only to enjoy their religion and liberties according to the ecclesiastical and civil laws of the Kingdom, and that they would not insist upon any point that was not so warranted humbly offering all civil and temporal obedience to his Majesty, which could be required or expected of loyal subjects. The King replied, if this was all that was desired, the peace would soon be concluded: And indeed, he granted immediately what the Lord Lowdon demanded, in the very same words, and on the same terms.

Then the Scottish deputies gave in writing the reasons and grounds of their three demands, and

added, it was also desired that parliaments might be held at set times, once at least in two or three years, by reason of his Majesty's absence, which hindered his subjects in their complaints and grievances to have immediate access to his Majesty.

They took occasion likewise to declare in this paper, that it had always been far from their thoughts to refuse due obedience to their native King, or to make an invasion upon England. They said, these were calumnies, the authors whereof they most humbly desired might be made a public example.

It was the 15th of June before the King returned his answer, which must have embarrassed him. He had filled all England with complaints concerning the horrible rebellion of the sects, and yet these same people whom he would have to be deemed rebels, desired only to enjoy their religion and liberties. On the other hand, he had levied a great army, and prepared a fleet on pretence to defend England against the invasion the Scots were meditating: but they solemnly declared, they never intended any such thing. At last, he gave his answer to this effect.

1. That he could not ratify or approve the acts of the general assembly at Glasgow.
2. That notwithstanding he was pleased to confirm and make good whatsoever his commissioner had granted and promised in his name.
3. That according to the petitioners desire, all matters ecclesiastical should be determined by the Kirk, and matters civil by the Parliament.
4. That a free general assembly should be held at Edinburgh the 6th day of August, and a Parliament at the same place the 20th of August next ensuing.
5. That upon the Scots disarming and disbanding these forces, dissolving and discharging all their pretended Tables and Conventions, and restoring to everyone whatsoever had been taken and detained from them since the late pretended general assembly, his Majesty would presently after recall his fleet, and retire his land-forces, and cause restitution to be made to all persons of their ships and goods, detained and arrested since the aforesaid assembly.

Upon this answer the seven following Articles were at last agreed on, the 17th of June, wherein however there was no mention of the principal reasons of the quarrel, because these matters were to be examined by the general assembly and Parliament of Scotland. So, though these articles were called articles of pacification, it could not but be a very doubtful peace, since there was nothing yet decided concerning the grounds of the war.

Articles Agreed Upon.

1. The forces of Scotland to be disbanded and dissolved, within eight and forty hours after the publication of his Majesty's declaration being agreed upon.
2. His Majesty's castles, forts, ammunitions of all sorts, and Royal honours to be delivered after the said publication, so soon as his Majesty can send to receive them.
3. His Majesty's ships to depart presently after the delivery of the castles, with the first fair wind, and in the mean time no interruption of trade or fishing.
4. His Majesty is graciously pleased to cause to be restored all persons, goods and ships, detained and arrested since the first day of November last past.

5. There shall be no meetings, treating, consultations, or convocations of his Majesty's lieges, but such as are warranted by act of Parliament.

6. All fortifications to desist, and no farther working therein, and they to be remitted to his Majesty's pleasure.

7. To restore to every one of his Majesty's good subjects their liberties, lands, houses, goods and means whatsoever, taken or detained from them by whatsoever means since the aforesaid time.

Pursuant to these articles the Scots disbanded their troops, but in such a manner, if we may believe the King's friends, that they could easily reassemble them in case of necessity[152]. This seems to me very probable, since it is certain, the readiness shewn by the two parties to conclude a Peace, was an occasion of mistrust to both[153].

The King Nominates The Earl of Traquair

As the general assembly and Parliament were to meet in August, the King appointed the Earl of Traquair to represent his person in quality of High Commissioner. This Lord, who was Treasurer of Scotland, was entirely devoted to him, and it was with him that the Scottish Bishops and Archbishop of Canterbury held, before the war, a strict correspondence, in order to accomplish the King's designs.

The King gave him the following instructions, signed with his own hand:—

Instructions Given to The Earl of Traquair, Lord High Commissioner For Scotland

AT the meeting of the assembly, before it be brought in dispute who shall preside, you shall appoint him who was moderator in the last assembly, to preside in this till a new moderator be chosen.

We allow that lay elders shall be admitted members of this assembly; but in case of the election of commissioners for Presbyteries, the lay elders have had voice, you shall declare against the informality thereof; as also against lay elders having voice in fundamental points of religion.

At the first opening of the assembly, you shall strive to make the assembly sensible of our goodness, that notwithstanding all that is part, whereby we might have been justly moved not to hearken to their petitions, yet we have been graciously pleased to grant a free general assembly; and for great and weighty considerations, have commanded the Archbishops and bishops not to appear at this assembly.

You shall not make use of the affections in public, except you find you shall be able to carry their having vote in the assembly.

You shall labour to your utmost, that there be no questions made about the last assembly; and in case it come to the worst, whatever shall be done in ratification, or with relation to the former assembly, our will is, that you declare the same to be done as an act of this assembly, and that you consent thereto only upon these terms, and no ways as having any relation to the former assembly.

You shall by all means shun the dispute about our power in assemblies; and if it shall be urged or offered to be disputed, whether we have the negative voice, or the sole

power of indicting, and consequently of dissolving, except you see clearly that you can carry the same in our favour, stop the dispute; and rather than it be decided against us, stop the course of the assembly until we be advertised.

For the better facilitating of our other services, and the more peaceable and plausible progress in all businesses recommended to you, we allow you at any time you shall find most convenient, after the opening of the assembly, to declare, that notwithstanding our own inclination, or any other considerations, we are contented, for our people's full satisfaction, to remit Episcopacy, and the estate of bishops to the freedom of the assembly; but so, as no respect be had to the determination of the point in the last assembly.

But in giving way to the abolishing of Episcopacy, be careful that it be done without the appearing of any warrant from the bishops; and if any offer to appear for them, you are to enquire for their warrant, and carry the dispute so, as the conclusion seem not to be made in prejudice of episcopacy as unlawful, but only in satisfaction to the people for settling the present disorders, and such other reasons of state: But herein you must be careful that our intentions appear not to any.

You shall labour, that ministers deposed by the last assembly, or commissions flowing from them, for no other cause but the subscribing the Petition or declinator against the last assembly, be upon their submission to the determination of this assembly, reponed in their own places; and such other ministers as are deposed for no other faults, that they be tried of new; and if that cannot be, strive that commissions may be directed from this assembly, for trying and censuring them, according to the nature of their process.

That immediately upon the conclusion of this assembly, you indict another at some convenient time, as near the expiring of the year as you can, and if you find that Aberdeen be not a place agreeable, let Glasgow be the place; and if that cannot give content, let it be elsewhere.

The general assembly is not to meddle with anything that is civil, or which formerly hath been established by act of Parliament, but upon his Majesty's special command or warrant.

We will not allow of any commissioner from the assembly, nor no such act as may give ground to the continuing of the Tables or Conventicles.

In case episcopacy be abolished at this assembly, you are to labour that we may have the power of choosing of so many ministers, as may represent the fourteen Bishops in Parliament; or if that cannot be, that fourteen others whom we shall present be agreed to, with a power to chuse the Lords of the articles for the nobility for this time, until the business be further considered upon.

We allow that episcopacy be abolished, for the reasons contained in the articles; and the Covenant 1580, for satisfaction of our people be subscribed, provided it be so conceived, that thereby our subjects be not forced to abjure episcopacy, as a point of Popery, or contrary to God's Law, or the Protestant religion; but if they require it to be abjured, as contrary to the constitution of the Church of Scotland, you are to give way to it rather than to make a breach.

After all assembly-business is ended, and immediately before prayers, you shall in the fairest way that you can, protest, that in respect of his Majesty's resolution of not coming in person, and that his instructions to you were upon short advertisement,

whereupon many things may have occurred, wherein you have not had his Majesty's pleasure; and for such other reasons as occasion may furnish, you are to protest, that in case anything hath escaped you, or hath been condescended upon in this present assembly, prejudicial to his Majesty's service, that his Majesty may be heard for redress thereof in his own time and place[154].

At Berwick the 27th of July 1639.

Further Instructions to the Earl of Traquair

Right Trusty,

WE have hitherto commanded Hamilton to answer several of your letters, but that of the 16th of August being of more weight than any of your former, we have thought fit to answer it our self.

And whereas you say, that nothing will satisfy them, except *in terminis*, the last assembly be named and ratified, or that way be given to the discharging of episcopacy, as abjured in that Church, as contrary to the Confession of Faith 1580, and the constitutions of the same, you being yet in some hope that the word abjured may be got changed, and that in drawing up the words of the act, it be only condemned as contrary to the constitution of the church:

We in this point leave you to your instructions, they being full, if you consider what we have said concerning episcopacy, and subscribing the Confession of Faith 1580, we thinking it fit to declare hereupon unto you, that let their madness be what it will, further than we have declared in our instructions, in these points we will not go.

For the **Service Book**, and **Book of Canons**, though we have been and are content they be discharged, yet we will never give our voice nor assent that they be condemned, as containing divers heads of Popery and superstition, in like manner, though we have been and are content that the High Commission be discharged, yet we will never acknowledge that it is without Law, or destructive to the civil and ecclesiastical judicatories of that our Kingdom:

Nor that the five articles of Perth, though discharged with our approbation, be condemned, as contrary to the aforesaid Confession. As concerning the late assemblies, we cannot give our consent to have them declared null, since they were so notoriously our father (of happy memory) his acts; it seeming strange that we having condescended to the taking away of these things that they complained of, which were done in those assemblies, they will not be content therewith, without laying an aspersion on our father's actions. Wherefore if the assembly will, in despite of your endeavour, conclude contrary to this, you are to protect against their proceedings in these points, and be sure not to ratify them in Parliament.

Concerning the yearly indiction of general assemblies, and the Confession of Faith, we commanded Hamilton, in his of the 16th, to answer that point to this effect, that we think it infinitely to our prejudice that we should consent to tie our self for the keeping yearly of their assemblies, not needing to repeat the reasons, they being well enough known to you, seeing at Berwick; it was conceived upon debate of that point, that your having power to indict a new one within the years would save that dispute, which you are by all means to eschew. But if this will not give satisfaction

you are by no means to give your assent to any such act, nor to ratify the same in Parliament.

The article in your instructions, which is only that the Covenant 1580, shall be subscribed, you must have an especial care of, and how you proceed therein; that the bond be the same which was in our father's time, *mutatis mutandis*; and that you give your assent no other ways to the interpretations thereof, than may stand with our future intentions well known to you; nor is the same otherwise to be ratified in Parliament.

Thus you have our pleasure fully signified in every particular of your letter, which you will find no ways contrary to our resolution taken at Berwick, and our institutions given to you there. But if the madness of our subjects be such, that they will not rest satisfied with what we have given you power and authority to condescend to, which notwithstanding all their insolences we shall allow you to make good to them, we take God to witness, that what misery soever shall fall to that country hereafter, it is no fault of ours, but their own procurement. And hereupon we do command you, that if you cannot compose this business according to our inflections, and what we have now written, that you prorogue the Parliament till the next spring; and that you think upon same course how you may make publicly known to all our subjects, what we had given you power to condescend to.

And because it is not improbable, that this way may produce a present rupture, you are to warn and assist Ruthven for the defence of the castle of Edinburgh, and to take in general the like care of all our houses and sorts in that Kingdom; and likewise to advertise all such who are affected to our service, that timously they may secure themselves; and so we bid you heartily farewell.

It is plain from these instructions, that the King had some private intentions, but which were known to the Earl of Traquair. The following Letter may help to discover part of these intentions, at least with respect to the Bishops.

His Majesty's Letter to The Archbishop of St. Andrews.

**Right trusty, most well-beloved Counsellor, and Reverend father in God,
we greet you well.**

YOUR Letter, and the rest of the Bishops (sent by the elect of Caithness) to my Lord of Canterbury hath been by him communicated to us: And after serious considerations of the contents thereof, we have thought fit our self to return this answer to you for direction according to our promise, which you are to communicate to the rest of your brethren.

We do in part approve of what you have advised, concerning the prorogating of the assembly and Parliament, and must acknowledge it to be grounded upon reason enough, were reason only to be thought on in this business: but considering the present state of our affairs, and what we have promised in the articles of pacification, we may not (as we conceive) without great prejudice to our self and service, condescend thereunto; wherefore we are resolved (rather necessitated) to hold the assembly and Parliament at the time and place appointed; and for that end we have nominated the Earl of Traquair our Commissioner, to whom we have given instructions, not only how to carry himself at the same, but a charge also to have a special care of your Lordships, and those of the inferior clergy, who have suffered for their duty to God, and obedience to our commands.

And we do hereby assure you, that it shall be still one of our chief studies, how to rectify and establish the government of that church aright, and to repair your losses, which we desire you to be most confident of.

As for your meeting to treat of the affairs of the Church, we do not see at this time how that can be done; for within our Kingdom of Scotland we cannot promise you any place of safety; and in any other of our dominions we cannot hold it convenient, all things considered; wherefore we conceive, that the best way our dominions we cannot hold it convenient, all things considered; wherefore we conceive, that the best way would be for your Lordships to give in, by way of protection or remonstrance, your exceptions against this assembly and Parliament to our commissioner, which may be sent by any mean man, so he be trusty, and deliver it at his entering into the Church; but we would not have it to be either read or argued in this meeting, where nothing but partiality is to be expected, but to be represented to us by him; which we promise to take so into confederation, as becometh a Prince sensible of his own interest and honour, joined with the equity of your desires; and you may rest secure, that though perhaps we may give way for the present, to that which will be prejudicial both to the Church and our own government, yet we shall not leave thinking in time how to remedy both.

We must likewise intimate unto you, that we are so far from conceiving it expedient for you, or any of my Lords of the clergy to be present at this meeting, as we do absolutely discharge your going thither; and for your absence, this shall be to you, and every of you, a sufficient warrant:

In the interim, your best course will be to remain in our Kingdom of England, till such time as you receive our farther order, where we shall provide for your subsistence; though not in that measure as we could wish, yet in such a way as you shall not be in want.

Thus you have our pleasure briefly signified unto you, which we doubt not but you will take in good part: You cannot but know, that what we do in this, we are necessitated to; so we bid you farewell.

Whitehall, August, 6. 1639.

C. R.

The Late Peace Very Uncertain

I have already observed, that the late peace between the King and his subjects of Scotland, did not properly consist in the seven articles of pacification, since there was no mention there of the true ground of the quarrel, but only of what passed after the breach.

Indeed both parties agreed to lay down their arms; but the peace could not be said to be concluded, so long as the motives of rupture still subsisted. If the demands of the Scots, and the King's answer be considered, such ambiguity on both sides will appear, that the peace must have been deemed very doubtful.

The Scots reduced their demands to this:—

That they might enjoy their religion and liberties, according to the ecclesiastical and civil laws of the Kingdom, offering in return all obedience to his Majesty, which could be required or expected of loyal subjects.

The King granted this their desire in the same words, and on the same conditions. But there was a palpable ambiguity as well in the demand, as in the answer. The Scots understood by the laws of the Kingdom, those that were in force before King James's accession to England, and all the innovations by them complained of; but the King meant such as were enacted since that time.

The condition was no less equivocal, for the obedience promised by the Scots, related to the observance of the antient laws, but that expected by the King, was founded upon the late laws. Both parties must have perceived the equivocation in what was to be the foundation of the peace, since neither of the parties could be ignorant of the occasion of the breach.

But however, both sides feigned not to perceive it, in order to be freed from their embarrassment in taking arms. The Scots had flattered themselves, that considering the discontents which reigned in England, the King would not be able to raise an army to reduce them to obedience.

But contrary to their expectation, they saw him near their borders, at the head of twenty thousand men, which they had not above twelve thousand, without reckoning his fleet, which interrupted their trade. It was therefore their interest, to endeavour by all means to avoid a decision of the quarrel by arms.

The loss of a battle would have certainly reduced them to slavery. Besides, their friends in England dissuaded them from running any hazard, and made them hope, they should, very shortly, put it out of the King's power to hurt them.

For these reasons, they were contented with the general demand of their religion and liberties, in order to gain time, knowing, that when matters came to be discussed, they should find means to include all their pretensions in this general demand. The King, on his side, was no less embarrassed. Though he had an army superior in number of troops, he was apprehensive of treacheries, or at least, that his English subjects would not cheerfully venture their lives for his sake.

So that the loss of a battle would not only have occasioned the loss of Scotland, but even put his affairs in England in a very ill situation. Therefore, though he could not possibly be ignorant of what the Scots meant by their religion and laws, finding they did not explain themselves more clearly, he took them at their word, in a belief, that at a more convenient season, it would be in his power to give these terms the sense that to him seemed most natural.

It may therefore be affirmed, that this peace, which yet decided nothing, was concluded upon very uncertain foundations, and that both parties, when they laid down, were in much the same state as when they took up their arms. But it was easy to foresee, a time would come, when it would be necessary to explain what hitherto remained in obscurity.

The Bishops Declinator

The bishops failed not, according to the King's advice, to present a declinator or protection to the High-Commissioner[155], who receiving it publicly as he was going into the Church, was contented with sending it to the King, without communicating it to the assembly[156]. The King was desirous to have such a paper in his hands, that he might use it upon occasion, or at a more proper time.

In this genial assembly held at Edinburgh by the King's order, the High Commissioner had sufficient interest to hinder any mention of the former assembly at Glasgow.

Acts of The General Assembly

Nevertheless, there passed several acts very disagreeable to the King, to which however the High-Commissioner gave his consent. The first contained the causes of the evils that had lately happened in the Kirk of Scotland. These causes, being six in number, were in substance:—

1. The pressing of the Service book, the books of canons and of consecration and ordination, and the High Commission.
2. The five articles of Perth.
3. The changing the government of the Kirk into episcopal government.
4. The civil places conferred on Kirk men.
5. The keeping and authorizing the assemblies in 1606, 1608, 1610, 1616, 1617, 1618.
6. The want of lawful and free general assemblies.

It was therefore ordained by this act that all these things should be abolished, and the Kirk restored to its former state. To this act the High Commissioner consented verbally, and promised to have it ratified in the ensuing Parliament. Another act also passed for the better keeping the Lords' Day.

After which followed a supplication of the general assembly to the Commissioner, desiring that a book called, *The Large Declaration*; and written by Dr. Balcanquel, Dean of Durham, a Scotchman, against his countrymen, might be called in. To this the Commissioner gave no other answer, but that he would impart the same to his Majesty.

Then was presented to the High Commissioner another application from the assembly, and the Lords of the Privy Council, wherein they petitioned, that it might be enjoined by act of council, that the Confession and Covenant should be subscribed by all his Majesty's subjects in Scotland, of what rank and quality soever.

The High Commissioner answered, by advice of the council, That he thought himself bound in conscience to approve of the Covenant, and as Earl of Traquair, would subscribe it as heartily as any subject in the Kingdom: but as the King's commissioner he could not do it, unless a clause was added, that this Covenant was the same with that subscribed by King James VI, in the years 1580, 1581, and 1590.

Whereupon the assembly made a new act, enjoining all the members of the Kirk to sign the Covenant, with this clause prefixed to the names of the subscribers:—

We subscribe this Covenant according to the explanation it hath received from the general assembly, that is, as declaring the five Articles of Perth, the Government of the Kirk by Bishops, and the best owing of civil places on Kirk men, to be unlawful within this Kirk.

After that, the assembly resolved to present a petition to the King, to pray him to cause these acts to be ratified by the Parliament. That done, they appointed the last Tuesday in July 1640, for holding another general assembly at Aberdeen, without consulting the High Commissioner.

The acts passed in this assembly plainly shew what the Scots meant by their religion, namely, that professed in 1580. The assembly had also determined, contrary to the King's pretensions, that episcopacy was abolished[157] by the Confession of Faith of the year 1580, though the bishops were not so much as mentioned.

Whereas, the King pretended, the religion of the Kingdom was that which was actually professed since the year 1606, and since established by several acts of Parliament, and general assemblies. On the contrary, the assembly of Edinburgh declared, that the assemblies held from 1606, to 1618, were void, and thereby annulled the Acts of Parliament by which they were confirmed and ratified.

As to the Covenant, the same assembly, in pretending to admit of the clause annexed by the Earl of Traquair had rendered it of no effect by an additional explication. The Earl was much blamed for not stoutly opposing this interpretation; nay, when he came to give the King an account of his commission, a Scotch Bishop[158] accused him of treason, and offered to suffer as a traitor, if he did not make good his accusation.

Acts of The Parliament of Scotland

By what had passed in the assembly, the King saw plainly what he was to expect from the Parliament, which met presently after the separation of the assembly. Before the ratification of the acts of the assembly was proposed, they presented to the High Commissioner some acts, which shewed they were no less bent to maintain the privileges of the people, and guard against the artifices by which the Court had for forty years caused the Parliament to pass what they pleased.

I have mentioned elsewhere the manner of choosing the Lords of the articles in the Parliament of Scotland, but it is necessary to explain it a little more fully, for the better understanding how advantageous to the King this method was grown. Ever since the Reign of David Bruce, that is, for about three hundred years, it had been customary in Scotland, that when the Parliament met, there were elected a certain number of Noblemen, Bishops, Barons, and Burgesses, who were called Lords of the Articles.

The business of this select committee was to examine and prepare the Bills which were to be moved in Parliament; and as they had power to reject such as they did not judge necessary or convenient, it seldom happened, that these they admitted were ever thrown out.

The manner of election, settled at a time when the inconveniences could not be foreseen, was thus: The body of the nobility nominated eight bishops, these Bishops named eight Lords, the sixteen elect Bishops and Lords chose eight Barons[159], these twenty four elected eight Burgesses[160]. This custom subsisted without many inconveniences, till James VI attempted to restore the Episcopacy.

The Prince, as we have seen, began with restoring the Bishops and lay abbots, to their seats in Parliament; and thereby had the votes of all the representatives of the Church at his command. So the Nobility, in choosing eight bishops, could name none but what were devoted to the King, from whom they received their benefices.

These eight Bishops made it their chief care to name eight Lords, on whom the King could depend. These sixteen never failed to chuse eight Barons of the same party, and consequently, the eight Burgesses elected by the twenty four, were likewise friends of the Court. By this means, the King obtained of the Parliament the fore-mentioned acts, to restore episcopal Government in the Kirk, notwithstanding all the endeavours of the general assemblies.

This gave occasion also to the complaint publicly dispersed in writing, that Charles I, in his journey to Scotland, had used unlawful methods to obtain the two acts concerning religion, of which I have spoken. It is said, that among the eight Lords then chosen by the Bishops, there were three suspected of Popery.

As since that time the face of affairs had been much changed in Scotland, and the King had no longer any power there, the Parliament, which met by his Majesty's order at Edinburgh in the year 1639, resolved to prevent the inconveniences flowing from the election of the Lords of the Articles.

To that purpose they presented to the High Commissioner an act, declaring null and void whatever should be done in Parliament, before the ancient way of electing the Lords of the Articles should be altered. This act was founded not only upon the aforementioned inconveniences, but chiefly upon the Parliament's disposition to abolish entirely the order of Bishops, from whence followed an absolute necessity to alter the manner of choosing the Lords of the Articles.

Besides, in all appearance, the Parliament was willing to obviate thereby the King's demand, that fourteen ministers or lay-abbots of his choosing might supply the place of the Bishops[161].

Besides this act, which was very material at this juncture, the Parliament presented also several others, all tending to lessen the King's prerogative:—

2. By the second it was enacted, that the coin should not be meddled with, but by advice of Parliament.

3. By the third, that no stranger should be entrusted with keeping of any castles, nor other person put in them, but by advice of the Estates. This was because the King had lately made two Englishmen Governors of the castles of Edinburgh and Dunbarton.

4. That no patent of honour be granted to any to stranger, but such as have a competency of land rent in Scotland.

5. That no commission of judiciary or lieutenancy may be granted but for a limited time.

6. They protested again if the precedency of the Lord-Treasurer, and Lord Privy Seal, because, as the alleged, the same was not warranted by a positive law.

There were others of the same nature, all prejudicial to the King, but which it is needless to insert. It may well be thought, the High Commissioner did not believe himself sufficiently authorised to give his consent to all these acts, without informing his Majesty.

The King Prorogues Parliament

The King seeing what course his affairs were taking in the Parliament of Scotland, plainly perceived by these first proceedings, that his commissioner would be little able to follow his instructions, and therefore, ordered him by letter only, to prorogue the Parliament till the 2nd of June the next year 1640, and if he met with opposition, to declare that the members who should continue to assemble, were guilty of High-Treason.

They Are Disgusted - Declaration Against it

This order being signified to the Parliament, met not with that compliance, the King perhaps had expected. They broke up however, but in such a manner as was no less disagreeable to the King, than if they had continued their session. Before they parted, they made a declaration, importing that the Earl of Traquair had not power to prorogue the Parliament upon the King's letter, without the consent of the Parliament itself.

That this order was owing to misinformation, the Parliament not having given the King any offence, or cause of complaint. That hitherto the Parliaments were never prorogued without their own consent, and consequently this prorogation was contrary to the usage of the Kingdom. They complained moreover, that the Earl of Traquair and the Council had several ways violated the privileges of Parliament, during this present session.

In short, they declared, that though they might lawfully remain assembled, notwithstanding the prorogation, they were willing to break up, in order to give the King a proof of their obedience; but however thought proper to leave a committee of some of each estate, to present a remonstrance to his Majesty, and attend his gracious answer, and to assure the King on all occasions of the Parliament's sincere intention to pay him all due obedience.

The declaration concluded with a protestation, that if any outrages and insolences should be committed, they could not be imputed to them, since they were constrained to use the properest means to secure the Kirk and State from the impending misery and confusion.

The King Refuses Audience to The Deputies of The Committee

Pursuant to the power given them by the Parliament, the committee sent the Earl of Dunfermling and the Lord Lowdon to present a remonstrance to his Majesty. But the King refused to give these deputies audience, as coming without warrant from the High Commissioner, and without communicating to him the occasion of their journey.

The Council of England Resolves Upon a War With Scotland

After their departure, the King sent for the Earl of Traquair, and ordered him to report to the council what had passed in Scotland since the Pacification. It was upon this Lord's report, and without hearing what the Scots had to say in their defence, that the Council of England unanimously declared, it was absolutely necessary to reduce the Scots to their duty by force of arms.

Meanwhile, as this resolution seemed a little too hasty, since it was not yet known what the Scots might plead in their vindication, the King, perceiving how prejudicial this precipitation might be to him, gave the committee of Edinburgh leave to send their deputies. But this was more for decency, than to see whether there would be any reason to alter the resolution already taken, the King not being ignorant of what could be said on this occasion.

Other Deputies Come From Scotland

1940 AD] Pursuant to the King's permission, four deputies came presently after, namely, the Earl of Dunfermlin the Lord Lowdon, Sir William Douglas, and Mr. Robert Berkley, and presented to him two petitions,

The first was from the late general assembly held at Edinburgh, who, after thanking him for being pleased to consent that ecclesiastical affairs should be determined in the assembly of the Kirk, prayed him to ratify their constitutions by the Parliament. By the other petition, the four deputies desired to be heard before some of the counselors of both Kingdoms, and that the Earl of Traquair's report to the Council of England might be given them in writing under his hand.

The King thought not proper to grant either of these articles. However, he appointed a committee of the council to hear them, to which the deputies would not agree, saying, they were sent to his Majesty to justify the proceedings of the Parliament of Scotland, and not to the Council of England, who had no jurisdiction over the Scots.

The King Uses Artifice to Have Occasion to go to War With Scotland

To remove this objection, the King was pleased to hear them himself, in the presence of the committee he had appointed. The Lord Lowdon made a long Speech in vindication of their transactions in Scotland; for that was the sole motive of the deputation.

But the King feigning to believe, and being very willing to suppose they were come to treat with him of an agreement, objected to them, that their Powers were inefficient, since they could neither offer nor accept any terms. A few days after, the Council of England declared, that the Scotch deputies had power only to justify the proceedings of their countrymen. And indeed, they had been sent only for that purpose, and not to treat with the King[162].

It was resolved, as I said, in the Council of England, to reduce the Scots to obedience by force. It is necessary therefore to shew upon what this resolution was founded. Though the King was by no means pleased with the act of the general assembly of Edinburgh, he had no reason however to complain, since they were approved by his High Commissioner, authorised for that purpose by a commission under the Great-Seal.

Reasons Alleged By The King For His Breaking With Scotland

Wherefore being desirous to hinder these acts from being ratified by the Parliament, he thought it more proper to ground the breach occasioned by the prorogation of the Parliament of Scotland, upon the proceedings of the Parliament than upon those of the assembly. He complained therefore:--

1. That under pretence of his having promised a free Parliament, they had carried that freedom so far as to imagine, that it was not to be limited with their own conditions, subscribed by the Lord Lowdon, which were to enjoy their religion and liberties, according to the ecclesiastical and civil laws of their Kingdom. For it was evident, that the Parliament had far exceeded the bounds established by the laws.

2. If they object, that they assume this liberty by our allowing of the Covenant, and commanding our former High Commissioner the Lord Marquis of Hamilton, and other our subjects to subscribe it; the answer is very ready, that there is a great difference between the Covenant and Band subscribed by our commandment, and their Band; for that Covenant and Band was made by our late father King James of blessed memory, Anno 1580, and obligeth those that swear to it, that they should mutually assist one another, as they should be commanded by the King, or any authorized by him. But this new Band was made without our consent, and by it they swear, mutually to assist one another, not excepting the King.

Neither can the Earl of Traquair's subscription or allowance of the Covenant be any warrant for their rebellious courses, seeing they did humbly supplicate, that they might be allowed and warranted to subscribe it:

Which clearly evinces, that what they did before, and of themselves, without warrant of authority, was neither laudable nor warrantable. Besides, it appears by what is prefixed to the Earl of Traquair's subscription, that by the Covenant he meant the same with that of 1580.

3. Since the Parliament, they have, without any authority or commission from us, taken upon them to levy and raise forces in several parts of the Kingdom; and have assigned them a rendezvous, and a day to be in a readiness to march.

4. They have made provisions of great quantities of artillery, munitions and arms, from foreign parts, which they have ready in magazine to make use of against us their sovereign.
5. They have of themselves laid taxes and impositions of ten marks in every hundred upon all and every our subjects, according to their several revenues; and this they have exacted with the greatest rigour and tyranny that can be imagined.
6. They have caused to be framed and published, sundry false, seditious and scandalous papers and pamphlets; and amongst others, one entitled, *An Information from the Estates of the Kingdom of Scotland, to the Kingdom of England, &c.*, which we have caused to be burnt by the hand of the hangman.
7. They have refused the Lord Estrict, Governor of our Castle at Edinburgh, timber, and other materials necessary for reparation of the works lately fallen down there, notwithstanding our express commandment by our letters to them, upon their allegiance to furnish them.
8. They have committed sundry outrages and violence upon the persons of some of the Garrison at Edinburgh that came out of the Castle to buy victuals.
9. They have begun to raise works and fortifications against the said Castle, thereby to block up that our royal fort, and to render it un-useful. And they have fortified sundry other places in that our Kingdom, and; particularly Insgarvy, where they have mounted divers pieces of ordnance.
10. They have lately imprisoned the Lord of Southesk, and sundry others of quality, for not adhering to them, and for their fidelity to us.
11. The magistrates of Edinburgh have upon sundry occasions refused to yield us due obedience, alleging, That they have delivered up the power of governing the town into the hands of the committee of the pretended Tables, by which they have not only voluntarily disabled themselves to serve us, but have incurred the guilt of high treason, by conferring upon any that power of government which they derive and hold from us alone.

Of these eleven articles, nine were inconsiderable. As after the prorogation of the Parliament, the Scots had great reason to fear the King intended to renew the war, the precautions they took for their defence, could not be deemed a just cause of invading them, though their fears had been vain.

At least, all these proceedings could have been easily repaired by the conclusion of a good peace. But the most material article, on which the King chiefly insisted was:--

12. A Letter communicated to him by the Earl of Traquair and which had been intercepted by his Lordship. It was written to the King of France by the chief of the malcontents to desire his assistance. The Letter follows, with this endorsement, *Au Roy*, which, as his Majesty observed, is in France always understood from those subjects only to their natural Prince.

The Scottish Malcontents Letter to The King of France

SIR,

OUR Majesty being the refuge and sanctuary of afflicted Princes and States, we have found it necessary to send this Gentleman, Mr. Colvil, to represent unto your Majesty the candour and ingenuity, as well of our actions and proceedings, as of our intentions, which we desire to be engraven and written to the whole world with a beam[163] of the sun, as well as to your Majesty. We therefore most humbly beseech you (Sir) to give faith and credit to him, and to all that he shall say on our party touching us and our affairs; being most assured (Sir) of an assistance equal to your wonted clemency heretofore, and so often shewed to this nation, which will not yield the glory to any other whatsoever to be eternally,

SIR,

**Your Majesty's most humble, Most obedient, and Most affectionate servants,
Roths, Montrose, Lesly, Marre, Montgomery, Loudoun, Forrester.**

The Use The King Made of This Letter

This letter, though no date appears, was writ before the peace. At least, the Lord Lowdon, who was committed to the Tower on that account, affirmed it, and I don't find he was ever contradicted. On the other hand, the King who pretended to receive great advantages from this letter, never said it was penned since the signing of the articles of pacification.

From whence it may be inferred, either the subscribers forgot to date it, or the date was not serviceable to the King who produced it. However this be, though the letter was never sent to France, since it was put into the hands of the Earl of Traquair in Scotland, the King, who had resolved to renew the war, made great use of it to vindicate his conduct.

He pretended, the Scots deigned to introduce a foreign army into their country to invade England, and therefore he was indispensably obliged to defend his English subjects. But it will be seen hereafter, that he reaped not from it all the advantages he expected.

The True Cause of The War

Upon this foundation however, he resolved to renew the war with Scotland. But though he alleged many reasons, as we have seen, it is certain, the chief motive was the abolition of Episcopacy, to which he could not consent. If this single point could have been adjusted, the rest were not considerable enough to oblige the two parties to take arms again.

So, the whole question of right between Charles and the Scots was reduced to this: Whether James and Charles could alter the Government of the Kirk of Scotland, notwithstanding the opposition of the Kirk itself; and whether the Scots might demand the abolition of Episcopacy, established upon the ruins of Presbytery, on pretence of the artifices practiced by the court to get these acts passed.

Ship Money Levied

The war being resolved, the King took all possible measures to have a numerous army, by taxing, as usual, each county to find a certain number of troops. On the other hand, a sea fight between the Spaniards and Dutch, near the coast of England, furnished the King with a pretence to renew his warrants for the payment of ship money.

As on this occasion the Dutch, who were the aggressors, had shewn little regard to the sovereignty of the sea affirmed by the King, his Majesty loudly complained of the affront he had received, and upon this foundation seemed bent to equip a powerful fleet to preserve the

dominion of the sea, and defend the Kingdom.

Wherefore he ordered ship money, as well as the arrears of that tax, to be levied with great severity. The Sheriff of Northamptonshire having sent to court a petition of the county against ship money[164], the council reprimanded him very sharply, commanding him to do his office on pain of exemplary punishment.

On the other hand, Sir John Finch being made Lord Keeper[165] upon the death of the Lord Coventry, made a speech to the judges, to exhort them to use in their circuits all their authority to promote this tax.

So it was evident the King was resolved to compass his ends, let what would be the consequence, and that this imposition was grown by degrees a standing tax upon the people.

Northumberland is Made General and Strafford Lieutenant General

At last, the King appointed, Algernon Percy, Earl of Northumberland for General of the army against Scotland, and gave him for Lieutenant-General Thomas Lord Wentworth, Deputy of Ireland, lately made Earl of Strafford.

The Secret Council

As he always dreaded the correspondents the Scots had in England, and for that reason durst not trust his council with all his affairs, he appointed a secret council, consisting of three persons only, namely, the Archbishop of Canterbury, the Marquis of Hamilton, and the Earl of Strafford [166].'

These three entirely directed the King's most important affairs, and were the persons, that after mature deliberation, advised him to call a Parliament. But as the King objected to them, that before the subsidies, which the Parliament should grant, could be paid, he should be reduced to great straits; the secret council provided against this inconvenience, by advising him to borrow of each of his counselors or others, who should be willing to lend, the sums he should want to supply his present occasions.

The King Calls Parliament

The Earl of Strafford alone subscribed twenty thousand pounds. The example of the counselors being followed by some other Lords, the King was enabled to make preparations for the war, before he had received any aid from the Parliament.

So, the Parliament was called for the 13th of April and a few days after the King published proclamation, to revoke the same patents which had served to establish monopolies, though they had been revoked once before without any effect.

The Parliament Meets

The Parliament being assembled at Westminster, on the day appointed, the King went to the House of Lords, and made the following Speech to both Houses:—

The King's Speech to Parliament

My Lords and Gentlemen,

THERE was never a King that had a more great and weighty cause to call his people together than myself: I will not trouble you with the particulars; I have informed my Lord-Keeper, and commanded him to speak, and desire your attention.

Then Sir John Finch Lord-Keeper, spoke thus:--

My Lords, and you the Knights, Citizens, and Burgesses of the House of Commons, You are here this day assembled by his Majesty's gracious writ and royal command, to hold a Parliament, the general, antient, and greatest Council of this renowned Kingdom.

By you, as by a select choice and abstract, the whole Kingdom is presented to his Majesty's royal view, and made happy in the beholding of his excellent and sacred person. All of you, not only the Prelates, Nobles and Grandees, but in your persons that are of the House of Commons, everyone, even the meanest of his Majesty's subjects, are graciously allowed to participate and share in the honour of those counsels, that concern the great and weighty affairs of the King and Kingdom.

You come all armed with the votes and suffrages of the whole nation: and I assure myself, your hearts are filled with that zealous and humble affection to his Majesty's person and government, that so just, so pious, and so gracious a King, hath reason to expect from all his subjects.

I doubt not, but you rejoice at this day's meeting, and methinks you should do so too; and good reason you have to do so, and with all humbleness of heart to acknowledge, the great goodness of his Majesty, who sequestering the memory of all former discouragements in preceding assemblies, is now of a fatherly affection to his people, and a confidence that they will not be failing in their duty to him, who is pleased graciously to invite you and all his loving subjects to a sacred unity of hearts and affections, in the services of him and of the Commonwealth, and in the execution of those counsels that tend only to the honour of his Majesty, and to the good preservation of you all.

His Majesty's kingly resolutions are seated in the ark of his sacred breast, and it were a preemption of too high a nature, for any Uzzah uncalled to touch it:

Yet his Majesty is now pleased to lay by the shining beams of Majesty, as Phœbus did to Phaeton, that the distance between sovereignty and subjection should not bar you of that filial freedom of access to his person and counsels, only let us beware how, with the son of Clymene, we aim not at the guiding of the chariot, as if that were the only testimony of fatherly affection: and let us ever remember, that though the King sometimes lays by the beams and rays of Majesty, he never lays by Majesty itself.

In former Parliaments you have been advised with, for the preventing and diverting of those dangers, which by foreign and more remote counsels, might have tended to the dishonour and ruin of this nation; therein his Majesty's great wisdom and providence hath for many years eased you of that trouble, his Majesty having with great judgment and prudence, not only seen and prevented our danger, but kept up the honour and splendour of the English Crown, of which at this day we find the happy and comfortable experience, Almighty God having vouchsafed such success to his Majesty's counsels, that our Fleece is dry, when it raineth blood in all the neighbour States. But what availeth this the Kingdom?

Si foras hostem non inueniat, si modo domi inueniat.

You are now summoned to counsels and resolutions that more nearly concern you, to prevent a danger and a dishonour that knocks at our gates, and that moves from such, from whom we had little reason to suspect it. It is well known upon what happy and solid counsels one of our wisest Kings made a match with Scotland for his eldest daughter.

We cannot forget (I am sure we should not) the blessed success that waited upon those counsels, when the Crown of England descended upon of ever blessed and famous memory, who with the fullness of joy to all true English hearts, made his entry not by bloodshed. The wall of separation was thereby taken away; and that glorious King, to make his word good, *faciam eos in Gentem unam*, made all England rejoice, and Scotland I am sure had no reason to be sorry for it:

They participated of English honours, the wealth and revenue of this nation they shared in, and no good thing was withheld from them, such was the largeness of heart in that most excellent King, and such was the comfort we took in this fraternity, or rather unity:

When both of us had but one brazen wall of fortification to look unto, the sea, and all things so equally and evenly carried between us, that *Tros Tyriusque nullo diferimine habentur*. His Majesty, our most gracious Sovereign, became heir, as well to his father's virtues as to his Kingdoms, *Pacatumque regit*, &c. and in his gracious and tender affection to that nation, hath given as many indulgent testimonies of love and benignity, as any could expect. Thus became we both like a land flowing with milk and honey; peace and plenty dwelt in our streets, and we have had all our blessings crowned with the sweet hopes of perpetuity.

God found out for my Lord the King a companion meet for him, his royal consort, our in most gracious Queen, who, as she is not to be paralleled for her person and virtue, so hath she made his Majesty and the whole Kingdom most happy and blessed in the sweetest pledges of their love, and our hopes, which ever stood like olive branches about the throne or table: But which I sorrow for, *Civiles furores patriæ nimia infelicitas*, and when his Majesty had most reason to expect a grateful return of loyalty and obedience from all the Scottish nation, some men of Belial, some Zeba, hath blown the trumpet there, and by their insolences and rebellious actions draw many after them, to the utter desertion of his Majesty's government; his Majesty's and his kingly father's love and bounty to that nation quite forgotten, his goodness and piety unremembered.

They have led a multitude after them into a course of disloyalty and rebellious treason, such as former times have not left in mention, nor this present age can any where equal; they have taken up arms against the Lord's anointed, their rightful Prince, and undoubted Sovereign, and following the wicked counsels of some Archithophel, they have seized on the trophies of honour, and inverted themselves with regal power and authority:

Such, and so many acts of disloyalty and disobedience, as (let their pretences be what they will be,) no true English or Christian heart, but must acknowledge them to be the effects of foul and horrid treason. The last summer his Majesty, at his own charge, and at the vast expense of many of his faithful and loving subjects of England, went with an army, and then they took upon them the boldness to out face and brave his royal army, with another of their own raising; yet for all this, his Majesty's goodness was not lessened by that, nor could his gracious nature forget what he was

to them, nor what they were to him; but considering with himself they were such *quos nec vincere, nec, vinci glorifum fuerat*, out of his piety and clemency, chose rather to pass by their former miscarriages, upon their humble protections of future loyalty and obedience, than by just vengeance to punish their rebellions. But his Majesty (who is ever a wake for the good and safety of all his subjects) hath since too plainly discovered, that they did but prevaricate with him to divert the storm which hung over their heads, and by gaining time to purchase themselves more advantage, for pursuing their rebellious purposes.

For since his Majesty came from Berwick, it is come to his certain knowledge, that instead of performing that loyalty and obedience, which by the laws of God, of nature, and nations, they owe unto him, they have addressed themselves to foreign states, and treated with them to deliver themselves up to their protection and power (as by God's great providence and goodness, his gracious Majesty is able to shew under the hands of the prime ring-leaders of that faction) than which nothing could be of more dangerous consequence to this and his Majesty's other Kingdoms.

Whosoever they be that do, or shall wish England ill, they may know it to be of too tough a complexion and courage, to be assailed in the face, or to be set upon at the fore door: And therefore it is not unlikely, but they may (as in former times) find out a postern gate.

There were heretofore two of them, Scotland and Ireland, and both of them had their several defences.

Ireland, through his Majesty's just and prudent government, is not only reduced from the distemper of former times, but settled in such a condition of peace, and during his Majesty's happy reign so altered and civilized, that instead of being a charge to him (as it was to his predecessors) hath yielded to him some revenue, and his subjects there do daily give very acceptable testimonies of their loyal and dutiful affection, both to his person and government.

And now lately at the Parliament assembled, they have not only with full and free consent, made his Majesty a cheerful aid towards his present preparations, to reduce his disaffected subjects in Scotland to their due obedience, but they have also professed and promised, that they will be ready with their persons and estates, to the uttermost of their ability, for his Majesty's future supply, as his great occasions, by the continuance of his forces against that distemper, shall require; so that the hopes of hurting England that way, are quite extinct. Scotland then only remains, whither (as to a weak and distempered part of the body) all the rheums and fluxes of factious humours make way.

His Majesty hath taken all these and much more into his princely consideration, and to avoid a manifest and apparent mischief, threatened to this and his other Kingdoms, hath resolved, by the means of a powerful army, to reduce them to the just and modest conditions of obedience.

It is a course his Majesty takes no delight in, but is forced unto it; for such is his Majesty's grace and goodness to all his subjects, and such it is and will be to them (how undutiful and rebellious so ever they now are) that if they put themselves into a way of humility becoming them, his Majesty's piety and clemency will soon appear to all the world: But his Majesty will not endure to have his honour weighed at the common beam: nor admit any to step between him and his virtue; and therefore as he will upon no terms, admit the mediation of any person whatsoever; so he shall judge it as high preemption in any person to offer it, and as that which he must

account mod dangerous to his honour, to have any conceit, that the solicitation of others can, by any possibility, better incline him to his people than he is, and ever will be, out of his own grace and goodness.

The charge of such an army hath been thoroughly advised, and must needs amount to a very great sum, such as cannot be imagined to be found in his Majesty's coffers, which, how empty so ever, have neither yet been exhausted by unnecessary triumphs, or sumptuous buildings, or other magnificence whatsoever, but most of his own revenue, and whatsoever hath come from his subjects, hath been by him employed, for the common good and preservation of the Kingdom. And like vapours arising out of the earth and gathered into a cloud, are fallen in sweet and refreshing showers upon the same ground.

Wherefore his Majesty hath now at this time called this Parliament, the second means under God's blessing to avert these public calamities threatened to all his Kingdoms, by the mutinous behaviour of them. And as his Majesty's predecessors have accustomed to do with your fore-fathers, so his Majesty now offers you the honour of working together with himself, for the good of him and his, and for the common preservation of yourselves and your posterity.

Counsels and deliberations that tend to benefit or profit, may endure disputes and debates, because they seem only accompanied with persuasions; but deliberations that tend to preservation are waited upon by necessity, and cannot endure either debate or delay; of such nature are the bleeding evils, that are now to be provided against.

This summer must not be lost, nor any minute of time forestowed, to reduce them of Scotland, lest by protraction here they gain time and advantage, to frame their parties with foreign states.

His Majesty doth therefore desire, upon these pressing and urgent occasions, that you will for a while lay aside all other debates, and that you would pass an act for such and so many subsidies, as you in your hearty affection to him, and to your common good, shall think fit and convenient for so great an action, and withal that you would hasten the payment of it, as soon as may be:

And his Majesty allures you all, that he would not have proposed anything out of the ordinary way, but that such is the straits of time, that unless the subsidies be forthwith part, it is not possible for him to put in order such things, as must be prepared before so great an army can be brought into the field.

And indeed had not his Majesty upon the credit of his servants, and security out of his own estate, taken up and issued between three and four hundred thousand pounds, it had not been possible for his Majesty, to have provided those things to begin with, which were necessary for so great an enterprise, and without which we could not have secured Berwick and Carlisle, or avoided those affronts, which the insolence of that faction might have put upon us, by injuring the persons and fortunes of his loyal subjects, in the northern parts.

To avoid all question and dispute that may arise, touching his Majesty's taking of tunnage and poundage, his Majesty hath commanded me to declare unto you, that he hath taken it only *de facto* according to the example of former Kings, from the death of their past predecessors, until the Parliament had passed an act for it themselves.

That in like manner, his Majesty desires not to claim it, but by grant of Parliament; for this purpose his Majesty hath caused a bill to be prepared in the same form as it passed to his Royal father of blessed memory, adding only words to give it him, from the first of his Majesty's reign.

This and the bill of subsidies his Majesty expects (for the pressing reasons before delivered unto you) may be dispatched with all speed, which his Majesty commanded me to tell you he shall graciously accept, as the welcome pledges of your loving, happy, and dutiful affection to him, his person, and government.

And his Majesty is graciously pleased to give you his royal word, that afterwards he will give you time, for considering of such petitions, as you and I conceive to be good for the Common-wealth, even now before you part, according as the season of the year, and the great affairs in hand will permit; and what is now omitted, his Majesty will give you time to perfect towards winter, when your own leisure and convenience may better attend it, he knowing well that these subsidies can be of little use, without that more ample supply which his Majesty expects upon the happy conclusion of this session, and therein his Majesty is graciously pleased (according to the antient way of Parliaments) to stay till your just grievances be heard and redressed.

And his Majesty assures you, that he will go along with you for your advantage, through all the gracious expressions of a just, a pious, and gracious King, to the end there may be such a happy conclusion of this Parliament, that it may be a cause of many more meetings with you. I have now delivered what I have in command from his Majesty.

The King's Speech

When the Lord-Keeper had ended his Speech, the King said:--

My Lords,

YOU shall see he hath spoken nothing hyperbolically, or nothing but what I shall make good one way or other. And because he did mention a letter by my subjects in Scotland, who did seek to draw in foreign power for aid, here is the original letter, which I shall command him to read unto you.

And because it may touch a neighbour of mine, whom will say nothing of but that which is just (God forbid I should) for any part, I think it was never accepted of by him: Indeed it was a letter to the French King, but I know not that ever he had it; for by chance I intercepted it as it was going unto him; and therefore I hope you will understand me right in that.

His Majesty delivering the letter to the Lord Keeper, his Lordship began to read it, and observed as follows.

The Lord Keeper Goes On

The superscription of the letter is this, **AU ROY**. For the nature of which superscription, it is well known to all that know the style of France, that it is never written by any French-man to any, but to their own King; and therefore being directed (**AU ROY**) it is to their own King, for so in effect they do by that superscription

acknowledge.

The Scotch Lord's Letter to The King of France is Read

Then his Lordship having read the letter both in French and English, the King added as follows:--

Of these Gentlemen that have set their hands to this letter, here is one, and I believe you would think it very strange if I should not lay him fast; and therefore I have signed a warrant to lay him close prisoner in the Tower.

The King Concludes The Discourse

My Lords, I think (but that I will not say positively, because I will not say anything here, (but what I am sure of) I think I have the Gentleman, that should have carried the letter, fast enough, but I know not, I may be mistaken.

Glanvile Chosen as Speaker

The King being withdrawn, the Commons returned to their House, and chose Sergeant Glanvile for their Speaker.

The King imagined the Parliament would take fire at hearing the letter written by the Scottish Lords to the King of France. And therefore immediately after the Commons had presented their Speaker, and appointed their Committees, the Lord Cottington reported to the Upper House, that by his Majesty's command, he and Secretary Windebank, with the Attorney General, had examined the Lord Lowdon in the Tower, and that Lowdon owned the letter to be his hand-writing, but alleged, it was penned before the pacification and never sent[167].

However, neither the Lords nor Commons would interpose in this affair. Some days after the King sent a message to the Commons by Secretary Windebank, representing to them the affronts and indignities he had received from the Scots: but the Secretary's speech was heard with great coldness, without producing any apparent effect.

Instead of concerning themselves with the affairs of Scotland, the Commons eagerly received a petition from the County of Hertford, complaining of sundry grievances, as ship money, monopolies, Star-Chamber, High Commission.

Several Speeches not very favourable to the King were made on this occasion. The next day were read petitions from divers counties upon the same subject; after which Mr. Pym rose up, and reducing the grievances of the people to three heads, namely, the privileges of Parliament, innovations in religion, propriety of goods and estates, made a long speech to shew, that in all these things the nation's rights had been violated.

On the 18th it was moved to send for the rolls of the Star Chamber, to examine the process against Sir John Elliot and others. Then, it was ordered that the court rolls, containing Mr. Hampden's trial for refusing to pay ship-money, should be laid before the House. On the 20th, the Speaker being examined, answered, that he had refused to put the question by his Majesty's express command; whereupon it was immediately voted to be a breach of privilege. On the 21st, both houses were ordered to attend the King at Whitehall, where the Lord-Keeper spoke to them in this manner, in the King's presence.

The Lord Keeper's Speech to Both Houses

My Lords and Gentlemen,

YOU may well remember, upon the beginning of this Parliament, his Majesty commanded me to deliver unto you the causes of calling of it, which was for the assistance and supply of his Majesty in so great, weighty, and important affairs, as ever King of England had to require at subjects hands.

I am now to put you in mind what I then said unto you, and withal to let you know that such and so great are his Majesty's occasions at this time, that if the supply be not speedy, it will be of no usee at all:

For the army is now marching, and doth stand his Majesty in at least one hundred thousand pounds a month, and if there be not means used to go on with this as is fitting, his Majesty's design will be lost, and the charge all cast away.

It is not a great and ample supply for the perfecting of the work, that his Majesty doth now expect, but it is such a supply, as without which, the charge will be lost, and the design frustrated, being built upon those weighty reasons which tend to the infinite good of the Kingdom, and preservation of you all.

This done, his Majesty will give you scope and liberty to present your just grievances unto him, and he will hear them with a gracious ear, and give them such an answer, as you and all the Kingdom shall have reason to joy therein.

His Majesty taketh notice of one particular, and that is concerning ship-money; wherein his Majesty hath commanded me to declare thus much unto you:

First, his Majesty never had it in his Royal heart to make an annual revenue of it, nor ever had a thought to make the least benefit or profit of it; But whatsoever he did or intended in it, it was for the common good of you all; for the honour, glory and splendour of this nation, and that every one of us are made sharers and partakers in the benefits, fruits, and successes of it, which otherwise you would have felt the woes of it. He hath been so far from making the least benefit of it, that he hath expended great sums of money out of his own coffers to work with, to those necessary ends I have named unto you.

The accompts of such moneys so received, have been brought to the council table, the moneys delivered to Sir William Russel the treasurer of the navy, and by them all it may appear, whether there hath been a fullness and clearness of truth in the disbursements thereof, for the good and safety of the Kingdom.

It is true, his Majesty had once intended this year not to have taken that course, but an army, which his Majesty, so just a King, for the preservation of the Kingdom, hath now taken into consideration; and I must tell you, that his Majesty prizeth nothing more than his honour, and he will not lose for any earthly thing, his honour in the least; they cannot make those expressions of love, duty and affection to him, which the graciousness of his nature will not exceed in.

Of all his Kingdoms this ought to be the nearest and dearest unto him; yet for his Kingdom of Ireland, the last Parliament before this, the very second day of the Parliament they gave him six subsidies, they relied upon his gracious words, the success was that before the end of the Parliament they had all that they desired granted, and had it with an advantage.

This last Parliament there, it is well known unto you all, what a cheerful supply they have given unto his Majesty, for their hearts went with it; and let it not be apprehended, that subsidies there are of a small value; there is not a subsidy that is granted, but it is worth fifty or sixty thousand pounds at the least:

Consider that Kingdom, what proportion it holdeth with this of England, and you will find that it is a considerable gift, as hath been given in many years. It hath wrought this effect, that certainly his Majesty will make it apparent to all the world, what a good construction, and how graciously he doth esteem and interpret this as of theirs. I have directed hitherto my speech to you that are of the House of Commons; now I shall address myself to your Lordships.

It is true, the proper and natural supply proceeds from the House of Commons, yet in aid at this time, his Majesty hath called you hither, and hopeth he shall not find the House of Commons backward to his desires, nor your Lordships to concur with them.

To you of the House of Commons, I did forget one thing of an objection that might perhaps be made, that tunnage and poundage is given towards the maintenance of a fleet at Sea, let me tell you that tunnage and poundage was never intended but for ordinary preservation of the sea, not that that should be to defend the dominion of the narrow seas, when the navies of all the Princes of Christendom, are so increased as they are. It is fit for his Majesty (as things now stand) to have such a strength at sea, as may be a terror to others abroad.

His Majesty was once resolved, that no shipping writs should have issued out this year, but he was enforced for your good, and the good of the Kingdom, and for his honour, upon necessary and weighty reason to send forth writs, and those reasons were these.

It was of necessity for his Majesty to prepare an army to reduce his disaffected subjects of Scotland to their due obedience. This very year all the neighbouring Princes are preparing with great fleets of ships, so as it is time for his Majesty to put himself into a strength that he may be able to preserve the dominion of the narrow seas, without which this Kingdom will be lost, he not able to maintain his right of being the moderator of the sea, whereby there may be freedom and commerce of trade, which adds exceedingly to the flourishing of this Kingdom.

Another reason for shipping writs this year is, that those of *Argier* are grown to that insolence, that they are provided of a fleet of sixty sail of ships, and have taken divers ships, and one called the Rebecca of London (well known to the merchants upon the exchange,) taken upon the coast of Spain, worth at the least two hundred and sixty thousand pounds. And therefore the writ having gone out upon those weighty reasons, before it was possible the Parliament could give any supply to provide for those things, his Majesty cannot this year forbear it, but he doth expect your concurrence in the levying of it for the future. I shall speak that unto you by his Majesty's command, which may comfort any English heart:

His Majesty hath no thoughts of enriching himself by the moneys coming in upon these writs; he doth desire but to live as it behoves a King of England, able to defend you and this nation in honour and in lustre, which is famous abroad, and glorious at home, and to live but like such a King, as every true English heart desireth their King should be.

Be masters of your own way, settle it so secure and so safe, that it may never come to the least benefit and advantage to himself, but for the common good and these necessary ends wherein you shall all share in your plenty, peace, honour, and whatsoever any Englishman can glory in.

His Majesty commands me to tell you, you shall propound nothing wherein you may receive all security for the property of your goods, and nothing for securing your own liberties, wherein he will not most readily listen unto you, and be as willing to grant, as you to ask. His Majesty doth now offer unto you the reasons, occasions, and the way to make this the most blessed and most happy Parliament that ever was, and that may produce such effects, that the King may delight in his people, and the people in their King. And he layeth before you not only the counsel to do so, but he will tell you the way, and that is, by putting an obligation of trust and confidence upon him, which shall more secure you than all that you can invent, or fears or jealousies can imagine to be provided for; it is a course that good manners, duty, and reason should require of you, to take into consideration.

The King is Offended At The Proceedings of The Commons

This speech was not capable of hindering the Commons from proceeding in the examination of the grievance?, and thereby they perverted the order prescribed them by the King. He was extremely troubled to see the time pass away to no purpose, and that the Commons should so little regard him, as not to rely on his promise, to hearken to their grievances, when the affair of supply should be ended.

He Causes The Lords to Demand a Conference

In short, perceiving, the Commons were not much moved by whatever he could represent to them, he so managed, that the Lords demanded a conference, where they endeavoured to show, that the affair of supply ought to precede that of grievances.

This conference served only to retard the King's affairs. The Commons taking offence, that the Lords should meddle with what did not belong to them, voted it to be a breach of privilege[168].

Several days were spent in this contest, and many conferences held, in which, contrary to the King's expectation, much time was lost. Wherefore, on the 2nd of May, the King sent a message to the Commons for a positive answer concerning the supply he expected. But as they made no haste to answer, on the 4th of May his Majesty sent Sir Henry Vane Secretary of State with the following message:—

The King's Message

His Majesty (the better to facilitate your resolutions) this day has thought fit to let you know, that of his grace and favour he is pleased, upon your granting twelve subsidies to be presently passed, and to be paid in three years, with a proviso, that it shall not determine the sessions, his Majesty will not only for the present forbear the levying any ship money,

but will give way to the utter abolishing of it, by one course that yourselves shall like best.

Tire Commons having taken this offer into consideration, great debates ensued, many thinking the King's demand exorbitant[169]. However, the Lord Clarendon, who was then a member of the House, affirms, that notwithstanding the clamours of those who opposed the court, the House was; inclined by degrees to give the King some satisfaction. But as the House could not come

to a resolution the first day, Sir Henry Vane was desired to acquaint his Majesty, that they hoped to return him an answer on the next.

The King is Wrongly Informed

Meanwhile, the King was maliciously informed, that the Commons thought only to gain time, in order to vote on the morrow against the war with Scotland[170]. The King, unfortunately, gave entire credit to this information, the falsehood whereof he perceived not till it was too late to repair his error.

The King's Speech at The Dissolving of Parliament

So, the next day, going to the House of Lords, and sending for the Commons, he made the following speech, addressing himself only to the Lords:-

My Lords,

THERE can no occasion of my coming to this House be so unpleasing to me, as this at this time. The fear of doing that which I am to do this day, made me not long since come into this House, where I express as well my fears, as the remedy which I thought necessary for the eschewing of what is to follow.

I must confess and acknowledge, that you my Lords of the higher House, did give me so willing an ear, and with such an affection did shew yourselves, that certainly I may say, that if there had been any means to have given an happy end to this Parliament, you took it; so that it was neither your Lordships fault nor mine, that it is not so. Therefore, in the first place, I must thank you my Lords for your good endeavours.

My Lords, I hope you remember what, the first day of the Parliament, my Lord-Keeper said to you in my name, and what likewise he said in the banqueting house in Whitehall and what lately I said unto you in this place myself. I name all this unto you, not doubting that you do not well remember it, but to shew you that I never said any thing in way of favour to my people, but (by the grace of God) I will punctually and really perform it.

I know that they have insisted very much on grievances; I will not say but there may be some, though I will confidently affirm, that there are not by many degrees so many as the public voice doth make them. Wherefore I desire you to take notice, now especially at this time, that out of Parliament I shall be as ready (if not more willing) to hear and redress any just grievances, as in Parliament.

There is one thing much spoken of, I mean as to matters of religion. Concerning which, albeit I expressed myself fully the last day in this place, yet I think it fit again, on this occasion to tell you, that as I am concerned, so I shall be most careful to preserve that purity of Religion, which I thank God is so well established in the Church of England, and that, as well out of as in Parliament.

My Lords, I shall not trouble you long with words, it being not my fashion; wherefore to conclude, what I offered the last day to the House of Commons, I think it is very well known to you all; as likewise how they accepted it, which I desire not to remember, but with they had remembered, how at first they were told by my Lord-Keeper, that delay was the worst kind of denial; yet I will not lay this fault on the whole House of Commons, I will not judge so uncharitably of those, whom, for

the most part, I take to be loyal and well affected subjects, but it hath been the malicious cunning of some few seditiously affected men, that hath been the cause of this misunderstanding.

I shall now end as I have begun, in giving you thanks for your affections shewn to me at this time, desiring you to go on and assist me in the maintaining of that regal power that is truly mine. As for the liberty of the people, that they now so much startle at; know, my Lords, that no King in the world shall be more careful in the propriety of their goods, liberty of their persons, and true Religion, than I shall.

And now, my Lord Keeper, do as I have commanded you.

The Lord-Keeper then added:—

My Lords, and you the Gentlemen of the House of Commons The King's Majesty doth dissolve this Parliament.

Some Members of The House of Commons are Suspected

Next day officers were sent by the council to search the Lord Brook's pockets and study for papers he being suspected of holding intelligence with the Scots. Henry Bellasit, Knight of the shire for the county of York, and Sir John Hotham, were examined in council, and committed to the fleet, for refusing to answer to questions concerning things done in Parliament.

John Crew, Esq., afterwards Lord Crew, who had been chairman of the committee for the affairs of religion, refusing to deliver to the Clerk of the House of Commons, such petitions and papers as he had received, was sent to the Tower.

The Lord Clarendon owns, the King had no sooner dissolved the Parliament, but he was heartily sorry for it[171]. nevertheless, he published the following declaration to justify his conduct:—

His Majesty's Declaration to All His Loving Subjects, of The Causes Which Moved Him to Dissolve The Last Parliament

THE King's most excellent Majesty well knoweth, that the calling, adjourning, proroguing and dissolving of Parliaments, are undoubted prerogatives inseparably annexed to his imperial Crown; of which he is not bound to render any account, but to God alone, no more than of his other regal actions.

Nevertheless, his Majesty, (whose piety and goodness) have made him ever so order and govern all things, that the clearness and candour of his royal heart may appear to all his subjects, especially in those great and public matters of state, that have relation to the weale and safety of his people, and the honour of his royal person and government), hath thought fit (for avoiding and preventing all sinister constructions and misinterpretation, which the malice of some ill affected persons to his Crown and Sovereignty, hath or may practise, to infuse into the minds and ears of his good and faithful subjects) to set down by way of declaration, the true causes, as well of his assembling, as of his dissolving the late Parliament.

It is not unknown to most of his Majesty's loving subjects, what discouragements he hath formerly had, by the undutiful and seditious carriage of divers of the lower House, in preceding assemblies of Parliaments, enough to have made him averse to those antient and accustomed ways of calling his people together; when instead of

dutiful expressions towards his person and government, they vented their own malice and disaffections to the State, and by their subtle and malignant courses, endeavoured nothing more than to bring into contempt and disorder all government and Magistracy.

Yet his Majesty well considering, that but few were guilty of that seditious and undutiful behaviour, and hoping that time and experience had made his loving subjects sensible of the distemper the whole Kingdom was like to be put into, by the ill-governed actions of those men; and his Majesty being over desirous to tread in the steps of his most noble progenitors, was pleased to issue forth his writs under the Great Seal of England for a Parliament, to be holden the 13th day of April last. At which day his Majesty, by the Lord Keeper of his Great Seal, was graciously pleased to let both Houses of Parliament know how desirous he was, that all his people would unite their hearts and affections in the execution of those counsels that might tend to the honour of his Majesty, the safety of his Kingdoms, and the good and preservation of all his people. And withal, how confident he was, that they would not be failing in their duties and affections to him and to the public.

He had lain open to them the manifest and apparent mischief threatened to this and all his other Kingdoms, by the mutinous and rebellious behaviour of divers of the Scottish nation, who had by their examples drawn many of his subjects there into a course of disloyalty and disobedience, not fit for his Majesty in honour, safety, or wisdom to endure.

How (to strengthen themselves in their disloyal courses) they had address themselves to foreign states, and treated with them to deliver themselves up to their protection and defence, as was made apparent under the hands of the prime ringleaders of that rebellious faction.

These courses of theirs tending so much to the ruin and overthrow of this famous monarchy, united by the descent of the Crown of England upon his Majesty and his father of blessed memory: His Majesty (in his great wisdom, and in discharge of the trust reposed in him by God, and by the fundamental laws of both Kingdoms, for the protection and government of them) resolved to suppress, and thereby to vindicate that Sovereign power entrusted to him.

He had by the last Summer's trial found, that his grace and goodness was abused, and that, contrary to his expectation and their faithful promises, they had (since his being at Berwick and the pacification there made) pursued their former rebellious designs: And therefore it was necessary now for his Majesty by power to reduce them, to the just and modest condition of their obedience and subjection, which whenever they should be brought unto, or seeing their own errors, should put themselves into a way of humility and obedience becoming them, his Majesty should need no other mediator for clemency and mercy to them, than his own piety and goodness, and the tender affection he hath ever born to that his native Kingdom.

This being of so great weight and conference to the whole Kingdom, and the charge of an army fit to master such a business amounting to such a sum as his Majesty hath no means to raise, having not only emptied his own coffers, but issued between three and four thousand pounds, which he borrowed of his servants upon security out of his own estate, to provide such things as were necessary to begin such an action with; his Majesty after the example of his predecessors, resorted to his people in their representative body the Parliament, whom he desired (with all the expressions of grace and goodness which could possibly come from him) that taking into serious and dutiful consideration the nature of these bleeding evils, and how

dangerous it was to lose the last minute of time, lest thereby those of Scotland should gain the opportunity to frame their parties with foreign States, that they would for a while lay aside all other debates, and pass an act for the speedy payment of so many subsidies, as might enable his Majesty to put in readiness for this summer's expedition those things which were to be prepared before so great an army could be brought into the field.

For further supply necessary for so great undertaking, his Majesty declared, that he expected it not till there might be a happy conclusion of that session, and till their just grievances might be first graciously heard and relieved.

Wherein as his Majesty would most willingly have given them the precedence before matter of supply, if the great necessity of his occasions could have permitted; so he was graciously pleased for their full assurance and satisfaction therein, to give them his royal word, that without determining the session (upon granting of the subsidies), he would give them, before they parted, as much time as the season of the year, and the great affairs in hand would permit, for considering all such Petitions as they conceived to be good for the Commonwealth, and what they would not now finish, they should have full time to perfect towards winter:

His Majesty graciously assuring them, that he would go along with them for their advantage, through all the expressions of a gracious and pious King, to the end there might be such a happy conclusion of that, as might be the cause of many more meetings with them in Parliament.

From their first assembling until the 21st of April, the House of Commons did nothing that could give his Majesty any content or confidence in their speedy supplying of him:

Whereupon he commanded both the Houses to attend him in the Banqueting House at Whitehall in the afternoon of that 21st of April, where (by the Lord Keeper) his Majesty put them in mind of the end for which they were assembled, which was for his Majesty's supplies; that if it were not speedy it would be of no use unto him, part of the army then marching at the charge of above a hundred thousand pounds a month; which would all be lost if his Majesty were not presently supplied, so as it was not possible to be longer forborne.

Yet his Majesty then expects, that the supply for the present desired was only to enable him to go on with his designs for three or four months, and that he expected no further supply till all their just grievances were relieved.

And because his Majesty had taken notice of some misapprehensions about the levying of ship money, his Majesty commanded the Lord Keeper to let them know that he never had any intention to make any revenue of it, nor had ever made any, but that all the money collected had been paid to the treasurer of the navy, and by him expended, besides great sums of money every year out of his Majesty's own purse.

That his Majesty had once resolved this year to have levied none, but that he was forced to alter his resolution, in regard he was of necessity to send an army for reducing those of Scotland, during which time it was requisite the seas should be well guarded.

And besides, his Majesty had knowledge of the great fleets prepared by all neighbouring princes this year, and of the insolences committed by those of Algiers with the store of ships they had in readiness.

And therefore though his Majesty for this present year could not forbear it, but expected their concurrence in the levying of it, yet for the future, to give all his Subjects assurance, how just and royal his intentions were, and that all his aim was, but to live like their King, able to defend himself and them; to be useful to his friends, and considerable to his enemies; to maintain the Sovereignty of the seas, and so make the Kingdom flourish in trade and commerce:

He was graciously pleased to let them know, that the ordinary revenue now taken by the Crown, could not serve the turn; and therefore that it must be by ship money, or some other way, wherein he was willing to leave it to their considerations, what better course to find our, and to settle it how they would (so the these were done) which so much imported the honour and safety of the Kingdom.

And his Majesty for his part, would most readily and cheerfully grant any thing they could desire, for securing them in the propriety of their goods and estates, and in the liberty of their persons. His Majesty telling them, it was in their power to make this as happy a Parliament as ever was, and to be the cause of the King's delighting to meet with his people, and his people with him.

That there was no such way to effect this, as by putting obligations of trust and confidence upon him, which as it was the way of good manners with a King, so it was a surer and safer course for themselves, than any their own jealousies and fears could invent; his Majesty being a Prince that deserved their trust, and could not lose the honour of it; and a Prince of such a gracious nature, that disdained his people should overcome him by kindness.

He had made this good to some other subjects of his, and if they followed his counsel, they should be sure not to repent it, being the people that were nearest and dearest unto him, and subjects whom he did and had reason to value more than the subjects of any of his other Kingdoms.

His Majesty having thus graciously expressed himself unto them, he expected the House of Commons would have the next day taken into consideration the matter of supply, and laid aside all other debates, till that was resolved of, according to his desire. But instead of giving an answer therein, such as the pressing and urgent occasions required, they fell into discourses and debates about their pretended grievances, and raised up so many and of so several natures, that in a parliamentary way they could not but spend more time than his Majesty's great and weighty affairs could possibly afford.

His Majesty foreseeing in his great wisdom, that they were not in the way to make this a happy Parliament, (which he so much desired and hoped) that nothing might be wanting on his part to bring them into this right way, for his honour, the safety of the Kingdom, and their own good, he resolved to desire the assistance of the Lords of the Higher-House, as persons in rank and degree nearer to the royal throne; and who having received honour from him and his royal progenitors, he doubted not would, for these and many other reasons, be moved in honour and dutiful affection to his person and Crown, to dispose the House of Commons to express their duties to his Majesty, in expediting the matter of Supply for which they were called together, and which required so present a dispatch.

For this purpose, his Majesty in his royal person came again to the Lords House on Wednesday the 24th day of April, where himself declared to the Lords the cause of his coming, which was to put them in mind of what had been by the Lord-Keeper in his name delivered to both the Houses the first day of the Parliament, and after

at Whitehall: how contrary to his expectation, the House of Commons having held confutation of matter of Religion, property of Goods, and liberty of Parliament, and voted some things concerning those three heads, had thereby given them the precedence before the matter of his supply. that his necessities were such, they could not bear delay; that whatever he had by the Lord-Keeper promised he would perform, if the House of Commons would trust him.

For Religion, that his heart and conscience went together with the religion established in the Church of England: and he would give order to his Archbishops and Bishops, that no innovation in matter of Religion should creep in.

For the ship-money, that he never made, nor intended to make any profit to himself of it, but only to preserve the dominion of the seas; which was so necessary, that without it the Kingdom could not subsist. But for the way and means by ship-money or otherwise he left it to them.

For property of goods and liberty of Parliament, he ever intended his people should enjoy them; holding no King so great, as he that was King of a rich and free people; and if they had not property of goods and liberty of persons, they would be neither rich nor free.

That, if the House of Commons would not first trust him, all his affairs would be disordered, and his business lost. That though they trusted him in part at first, yet before the Parliament ended he must totally trust them; and in conclusion, they must for execution of all things wholly trust him.

Therefore since the matter was no more, than who should be first trusted; and that the trust of him first, was but a trust in part, his Majesty desired the Lords to take into their considerations his and their own honour, the safety and welfare of this Kingdom, with the great danger it was in, and that they would by their advice dispose the House of Commons, to give his supply the precedence before the grievances.

His Majesty being departed, the Lords took into serious consideration what his Majesty had commended to their care, and forthwith laying aside all other debates, their Lordships delivered their votes in these words:—

We are of opinion, that the matter of his Majesty's supply should have precedence, and be resolved of before any other matter whatsoever. And we think fit, there shall be a conference desired with the House of Commons, to dispose them thereunto.

Accordingly, the next day being Saturday the 25th day of April, a conference was had in the Painted Chamber by a committee of both Houses, where the Lord-Keeper (by the Lords command) told the House of Commons of his Majesty's being the day before in person in the Higher-House, how graciously he had expressed himself in matter of religion, property of goods, and liberty of Parliament; and that he would therein graciously hear and relieve them, and give them what in reason could be desired, with the effect of what else had been graciously delivered unto them by his Majesty; as well touching his constant zeal and affection to the religion established in the Church of England, as touching the ship-money.

By all the proceedings herein declared, it is evident to all men, how willing and desirous his Majesty hath been to make use of the antient and noble way of Parliaments used and instituted by his Royal predecessors, for the preservation and honour of this famous Monarchy:

And that on his Majesty's part nothing was wanting, that could be expected from a King, whereby this Parliament might have had a happy conclusion, for the comfort and content of his Majesty's subjects, and for the good and safety of this Kingdom.

On the contrary it is apparent, how those of the House of Commons, (whose sinister and malicious courses enforced his Majesty to dissolve this Parliament) have vitiated and abused that antient and noble way of Parliament, perverting the same to their own unworthy ends, and forgetting the true use and institution of Parliaments.

For whereas, these meetings and assemblies of his Majesty, with the Peers and Commons of this realm, were in their first original, and in the practice of all succeeding ages, ordained and held as pledges and testimonies of affection between the King and his people; the King for his part graciously hearing and redressing such grievances, as his people in humble and dutiful manner should represent unto him; and the subjects on their part, (as testimonies of their duty) supplying his Majesty upon all extraordinary occasions, for support of his honour and sovereignty, and for preserving the Kingdom in glory and safety.

Those ill affected members of the House of Commons, instead of an humble and dutiful way of presenting their grievances to his Majesty, have taken upon, them to be the guiders and directors in all matters that concern his Majesty's government, both temporal and ecclesiastical: and (as if Kings were bound to give an account of their regal actions, and of their manner of government to their Subjects assembled in Parliament) they have, in a very audacious and insolent way, entered into examination and censuring of the present Government, traduced his Majesty's administration of justice, rendered, as much as in them lay, odious to the rest of his Majesty's subjects, not only the officers and ministers of state, but even his Majesty's very government, which hath been so just and gracious, that never did this, or any other nation, enjoy more blessings and happiness, than hath been by all his Majesty's subjects enjoyed ever since his Majesty's access to the Crown: Nor did this Kingdom ever so flourish in trade and commerce, as at this present, or partake of more peace and plenty in all kinds whatsoever.

And whereas, the ordinary revenues of the Crown not sufficing to defray extraordinary charges, it hath ever been the usage in all Parliaments, to aid and assist the Kings of this realm with free and fitting supply, towards the maintenance of their wars, and for making good their royal undertakings; whereby the Kingdom, entrusted to their protection, might be held up in splendour and greatness.

These ill affected persons of the House of Commons, have been so far from treading in the steps of their ancestors, by their dutiful expressions in this kind, that Contrarily they have introduced a way of bargaining and contracting with the King; as if nothing ought to be given him by them, but what he should buy or purchase of them, either by quitting somewhat of his royal prerogative, or by diminishing and lessening his revenues; which courses of theirs, how repugnant they are to the duty of subjects, how unfit for his Majesty in honour to permit and suffer, and what hazard and dishonour they subject this Kingdom to, all men may easily judge, that will but equally and impartially weigh them.

His Majesty hath been by this means reduced to such straits and extremities, that were not his care of the public good and safety the greater, these men (as much as in them lies) would quickly bring ruin and confusion to the state, and render contemptible this glorious Monarchy. But this forwardness and undutiful] behaviour of theirs, cannot lessen his Majesty's care of preserving the Kingdoms entrusted to his protection and government, nor his gracious and tender affection to his people,

for whose good and comfort his Majesty, by God's gracious assistance, will so provide, that all his loving subjects may still enjoy the happiness of living under the blessed shade and protection of his royal sceptres.

In the meantime, to the end all his Majesty's loving subjects may know how graciously his Majesty is inclined to hear and redress all the just grievances of his people, as well out of Parliament as in Parliament, his Majesty doth hereby further declare his royal will and pleasure, that all his loving subjects, who have any just cause to present, or complain of any grievances or oppressions, may freely address themselves to their humble petitions to his Sacred Majesty, who will graciously hear their complaints, and give such fitting redress therein, that all his people shall have just cause to acknowledge his grace and goodness towards them; and to be fully satisfied, that no persons or assemblies can walk and prevail with his Majesty, then the piety and justice of his own Royal nature, and the tender affection he doth and shall ever more bare to all his people and loving subjects.

After the reading of this declaration, the inserting it here at length will perhaps be thought needless, since it contains nothing but what was related before. However it is of use to show, that the king and his adversaries agreed as to facts, and disputed only upon the consequences and right.

The King Continues This Conversation

Though the parliament was dissolved, the King however continued the convocation, under the title of synod. Since the time of the Reformation, it had been always customary to assemble the clergy, at the same time with the parliament, and this assembly of the clergy, was called the convocation, and always began and ended with the Parliament. The King, thinking himself bound to a strict observance of this custom, dissolved the parliament, and continued the convocation, contrary to the opinion of several[172], who believed that he thereby exceeded his power. But the judges of the realm determined, that notwithstanding the dissolution of the parliament, the convocation subsisted, unless dissolved by the Kings writ[173].

The convocation therefore continued a month longer, and in that time did two things which gave occasion to great complaints in the ensuing parliament. First, they made certain canons, whereby all clergymen and graduates in the universities, were enjoined to take the following oath[174].

Oath Opposed by The Convocation

I **A. B.** do swear, that I 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 my self or any other, directly or indirectly, to bring in any popish doctrine, contrary to that which is so established: Nor will I ever give my consent to alter the government of this Church, by Archbishops, Bishops, Deans, and Archdeacons, &c. as it now stands established, and as by right it ought to stand; nor yet ever to subject it to the usurpations and superstitions of the See of Rome. And all these things I do plainly and sincerely acknowledge and swear, according to the plain and common sense and understanding of the same words, without any equivocation, or mental evasion, or secret reservation whatsoever. And this I do heartily, willingly, and truly upon the faith of a Christian. So help me God in Jesus Christ

Objections Against The Oath

This Oath was thought very strange, for several reasons,

1. It was not liked that the Clergy should take upon them to enjoin oaths, which, according to the general opinion, belonged to the Parliament only,
2. The et cetera after the word Archdeacons, offended many, because those that swore could not tell what they were to understand by this abbreviation.
3. The preferring such an oath was affirmed to be a confinement, and tying down of the civil legislature, since thereby the Government was deprived of the liberty of making any alteration in the discipline of the Church, which nevertheless might be altered without any danger to salvation.
4. It was objected, that the person was to declare, he took the oath most willingly, though he was constrained thereto under very severe penalties.

The second thing the convocation did before they broke up, was the granting the King, for the Scotch war, a subsidy of four shillings in the pound for six years[175]. This proceeding, which tended to diminish the Parliament's power, was no less disliked than the former.

It is true, that to justify it, a precedent was alleged, for it must be observed, that in this reign, examples or precedents in favour of the Crown, were looked upon as so many Laws. The Clergy, it seems, in the year 1585, after having granted Elizabeth a subsidy approved by the Parliament, made of themselves an addition of two shillings in the pound, which the Queen accepted without consulting the Parliament.

But, besides that this was a single precedent, there was a great difference between the time of Elizabeth, and that of Charles I. In Elizabeth's days, every one was pleased with the government. It was believed the Queen was not capable of making an ill use of these unusual favours, but employed the money given her solely for the good of the Kingdom. It was not the same in the time of Charles!

The King was not trusted at all; it was known by experience, that he would draw from the least precedent, conferences destructive of the liberties of Parliaments, and in fine, the number of the malcontents was infinite; Nay, the King seemed to do all that lay in his power to increase it, or at least, not to regard it. And what still more inflamed the People's discontent, was the seeing the popish recusants not only tolerated, but moreover protected, countenanced, and considered as the best subjects.

They resorted publicly to mass to Somerset house, and returned from thence in great multitudes, as if their churches had been allowed by authority. A public agent from Rome resided at London, Count Rozetti by name, who openly went to Court in great pomp, and whose house was, the general rendezvous of the Catholics. The Queen had prevailed with the King to receive this agent as a sort of nuncio and by that, as well as by the avowed protection she afforded those of her religion, she so drew upon herself the people's hatred, that they were even wanting in that outward respect they ought to have paid her.

All these discontents were fomented by the Scots, who seeing themselves upon the point of being attacked, were extremely diligent by means of their emissaries, to incense the people against the King. In justifying their own conduct, they forgot not to insinuate to the English, that the tyranny which was intended to be established in Scotland, was in order to introduce the like into England.

And that if the King laboured to support the hierarchy erected in the Kirk of Scotland by his father and himself, it was not so much for the sake of episcopal government, as in order to establish in that Kingdom an arbitrary power, which would be one day fatal to the English. Nay, that there was great danger, that after the accomplishment of his designs, he would restore popery

in his Kingdoms, since he could refuse nothing to the Queen, to Laud, and the other enemies of the Protestant religion.

The King himself, by his conduct, rendered those insinuations so plausible, that besides the Presbyterians, who were very numerous, there were many Church of England men, who could nor forbear dreading, that the King's zeal for the Church was only to engage them to be subservient to his more hidden designs.

Be this as it will, the Kingdom was full of suspicions, fears, jealousies, divisions, so that if the King had been well informed, he might easily have seen there were but very few that served him willingly and cheerfully, in the war he was going to wage with Scotland. This he had cause to know presently after.

The King Uses Sundry Ways to Raise Money

The King being engaged in a war with Scotland, without having received any supply from the Parliament, was in great straits. He even foresaw, that it would not be possible for him to maintain his army, unless he had recourse to extraordinary methods to raise money. Accordingly, he made use of the following expedients, to supply in part what he had expected from the Parliament:—

1. He ordered that the counties should advance coat and conduct money for their respective troops[176].
2. He bought upon credit of the East-India merchants all their pepper, and sold it again for ready money.
3. He took forty thousand pounds worth of the bullion, which the merchants had brought into the mint to be coined, which sum was afterwards punctually repaid [177].
4. He would have **borrowed two hundred thousand pounds of the City of London**, but had the mortification to meet with a denial. He was so displeased at it, that he resolved to be revenged in this manner.

The City, having some time before settled a colony at Londonderry in Ireland, had obtained a Patent from the King for certain lands in that country. The Londoners had no sooner refused to lend the King money, But the Lord-Mayor and the Sheriffs were cited before the Star-Chamber, to answer to the charge of having abused the Patent, by usurping more lands than the King had granted to the City.

Upon this charge, whether well or ill grounded, the Londoners were condemned to forfeit their rights, and grievously fined, but upon payment of the fine, their patent was restored[178]. They had but too many opportunities afterwards to be revenged of the King in their turn. On the other hand, the writ to levy ship money having been sent to the City of London, as well as to all the other towns in the Kingdom, it appeared that: the Lord-Mayor and City Council had neglected to levy this tax, or at least, they had not distrained any one person for non-payment, according to the tenor of the writ; For this reason, the council sent the following order to the Attorney-General:—

An Order From The Council Against The City of London

At Whitehall, July 5, 1640. Present, &c.

WHEREAS the Lord-Mayor of London and the two Sheriffs did this day appear before his Majesty and the Board, to give an account of their proceedings upon the writ for the ship business this present year: Forasmuch as it did appear, that besides all former neglects in the execution of that writ, his Majesty having respited the information again them, for the same; yet they have not since distrained any one person according to the said writ. It was this day ordered by his Majesty, with the advice of the board, that his Majesty's Attorney-General shall forthwith prefer an information in the Star-Chamber against the Lord-Mayor, and Sheriffs of London and Middlesex, for their contempt and default in the execution of the said writ; and shall forthwith proceed against them, *De die in diem*, until the cause be ready for hearing: And if upon examination of the said cause, his Majesty's Attorney-General shall find sufficient cause against any of the Aldermen, that then he do prefer one other information against the said Aldermen; and in like manner do proceed against them apart.

Thus the King, instead of relinquishing this odious tax, continued to exact it with great rigour, though his affairs were then at a crisis, which should have inspired him with a dread, that in case the success of the Scotch war did not answer his expectations, he should be little able to support himself. But in all appearance, he thought himself secure of victory.

The English Defeated in Defending The Pass of The Tine

Part of the army designed against Scotland was now upon the frontiers, under the command of the Lord Conway, General of the Horse, whilst the rest lay encamped near York. The Earl of Northumberland, who was to command under the King, remained sick at London, and the Earl of Strafford, who was Lieutenant-General, had not been able to depart soon enough, because he was a very necessary member of the King's secret council.

The Lord Conway being advanced as far as Newcastle, with three thousand foot, and fifteen hundred Horse, was informed that Lesley, General of the Scots[179], was preparing to march at the head of two and twenty thousand men, in order to enter England. And indeed, he passed the Tweed the 20th of August, the very day the King departed from London for York, where he arrived on the 23rd.

Lesley pursuing his march, came the 27th to Newburn, on the north side of the Tine, four miles from Newcastle. At his arrival, he found the Lord Conway posted with his troops on the south-side of the river, where he had raised breast works over against the two fords, to oppose his passage.

Newcastle Taken by The Scots

It is needless to give a particular account of this action. It suffices to say, the Scots forced the passage of the Tine, after a fight very faintly maintained by the English. The Lord Conway was seized with so great terror, that he left Newcastle the next day, and retreated to Durham, where not thinking himself yet safe, he went and joined the King's army, which was advanced to Northampton. The King's troops had no sooner quitted Newcastle, but the Scots entered, and found there the artillery and stores ordered thither by the King, who designed that place for the magazine of his army.

Great Alteration in The King's Affairs

The entrance of the Scots into England and the taking of Newcastle, broke all the King's measures. Though in this first action he had not lost above three or four hundred men, this inconsiderable loss produced however great effects, all to the King's disadvantage.

1. The Earl of Strafford having spoken a little too roughly to the officers , and soldiers, who were returned from the defeat of Newburn, displeased the whole army, and thereby put the vanquished upon magnifying in their own vindication, the valour and number of the Scotch troops. This could not but produce a very ill effect in the King's army, which before was not very well inclined.
2. The English malcontents were more at ease, and spoke more boldly against the government, knowing it was no proper season to silence them.
3. The Scots missed not this opportunity to shew the English, by as moderate a conduct as the juncture could allow, that their design in entering England, was not to injure the English, but only to procure access to the King in order to lay their grievances before him. By this means they separated, as much as they could, the King's cause from that of the people of England, which did the King an unspeakable prejudice.
4. The confirmation caused by the Newburn defeat, and, on the other hand, the moderation of the Scots, who notwithstanding the success of their arms, affected to desire only an accommodation, inclined the whole nation to a peace. None but the court party used their utmost endeavours, though in vain, to inspire the English with a desire of revenge.
5. As in the King's present circumstances, with an army of enemies before him, and numberless malcontents in all the rest of the Kingdom, as well as in his own army, it was not possible for him to raise money, by the same methods he had till then practised, there resulted a general opinion that a Parliament was absolutely necessary. To this it was that the Scots and the English malcontents desired to lead him, though against his will, knowing it was hardly possible that a new Parliament should be disposed in his favour.

They Justify Themselves to The English

The Scots had in England more correspondents than the King had till now imagined, but he perceived it not, till his affairs began to decline. They had dispersed two Manifestos, of which one was entitled, *Six Confederations of the Lawfulness of their Expedition into England*, and the other, *Intentions of the Scots and their Army manifested to their Brethren of England*.

In these two papers, they were extremely careful to shew, that the motive of their armament and entry into England, was not to invade that Kingdom, but only to defend themselves against some particular persons, their sworn enemies, among whom they named as the principal, the Earl of Strafford, and Archbishop of Canterbury. They said, in their present fixation, their country being blocked up by sea and land, and their trade interrupted, it was not possible to expect any longer the coming of their enemies to attack them, without being exposed to certain ruin. They compared themselves to a man who, when his house is beset, and his enemies ready to assault it, sallies out himself and attacks them in hopes of averting, by a vigorous effort, the impending ruin.

They maintained, it was the King that had broke the peace, and having granted that the General-assembly should regulate the affairs of the Kirk, and its regulations be ratified in Parliament, had, without any lawful cause, prorogued the Parliament, before what the general assembly had judged necessary, was confirmed.

Nay, he had denied to give audience to the deputies of the Parliament, and though he had agreed, other deputies the war with Scotland had been already determined in the council, and the Parliaments of Ireland and England convened in order for supplies. They carefully represented the justice and equity of the late Parliament of England, in denying the King money for a war

so notoriously unjust. In short, for it would be too tedious to relate all the particulars contained in these two papers, their aim was to demonstrate to the people of England:—

1. The justice of their cause.
2. The artifices of their enemies to surprise them.
3. The necessity, they were under, of taking arms in their own lawful defence, and to prevent their ruin.
4. They said, notwithstanding their entry into England, the war was defensive on their part, and
5. That they intended not to offer any injury or violence, or enrich themselves with the spoils of the English, but only to procure access to his Majesty, to present their grievances, which was denied them, unless they would entirely deliver themselves to the mercy of their enemies.
6. They called God to witness, this was their intention, and the better to gain belief, they made use of the strongest expressions and most solemn oaths.
7. Lastly, they forgot not to insinuate to the English, that they had the same cause to maintain, since the liberties of England were equally in danger with those of Scotland.

These manifestos, which were doubtless owing to the counsels of some of the English malcontents, produced such an effect upon the people, the army, and the Lords themselves who were not wholly devoted to the Court, that the King might very easily see how difficult it would be to support the war, and to what danger he would be exposed, if he hazarded a battle at such a juncture.

Nothing was more disadvantageous to the King, than the extreme desire expressed by the Scots to end the quarrel by an agreement, which shewed their aim was not to make war upon the English whereas it was the King's interest to engage them both in a national quarrel. Wherefore the Scots did not fail to improve the advantage of their moderate conduct.

As soon as they were masters of Newcastle, they sent a very humble petition to the King, beseeching him to give ear to their complaints, and cure their evils, by the advice of the Parliament of England. The King who was pressed on all sides, had already summoned the nobility to meet him at York the 24th of September, to give their advice upon the present situation of his affairs,

He therefore told the Scots, that their petition was expressed in such general terms, that he could not give them a positive answer. But if they would speak more plainly, and declare the particulars of their demands, he would give such answers as the peers who were to meet at York should, think proper. Upon this they sent their demands to the King, the 8th of September, namely:—

1. That his Majesty would be graciously pleased to command, that the last acts of Parliament may be published in his Highnesses' name, as our Sovereign Lord with the Estates of Parliament convened by his Majesty's authority.
2. That the castles of Edinburgh and other strengths of the Kingdom of Scotland may, according to the first foundation, be furnished and used for our defence and security.
3. That our Countrymen in his Majesty's Dominions of England and Ireland may be freed from censure for subscribing the Covenant, and be no more pressed with oaths

and subscriptions unwarrantable by your Laws, and contrary to their national oath and covenant approved by his Majesty.

4. That the common incendiaries which have been the authors of this combustion may receive their just censure.

5. That all our ships and goods, with all the damage thereof, may be restored.

6. That the wrongs, losses, and charges which all this time we have sustained, may be repaired.

7. That the declarations made against us as traitors, may be recalled in the end, by the advice and counsel of the States of England convened in Parliament. His Majesty may be pleased to remove the garrisons from the borders, and any impediments which may stop free trade.

They Gain The Goodwill of The Londoners

It appears by this last article; how careful the Scots were to lose no opportunity to gain the people of England to their interest. Of this they also gave the following instance.

As the Londoners had all their coals from Newcastle, and could by no means be without that trade, the Scots were no sooner masters of Newcastle, but they writ to the Lord-Mayor and Aldermen of London, that knowing how necessary the free traffic of coals was for their City, and other places of England, they had, as a testimony of greater respect and good-will to the City of London, sent two noblemen to declare to the masters of ships, who, possessed with needless fears, were hastening out of the river, that their purpose was not to stop, but to use their best means to continue that trade.

This letter answered the expectations of the Scots. Presently after it was publicly talked at London of presenting a petition to the King, to pray him to summon a Parliament. The Privy-Council, left by the King at London, having some notice of this design, endeavoured to prevent it by a letter directed to the Lord-Mayor and Aldermen: but they could not succeed.

So a petition was resolved, and sent to his Majesty at York by some of the Aldermen and Common-Council, which was as follows:—

Most gracious Sovereign

BEING moved with the duty and obedience which by the laws your petitioners owe unto your sacred Majesty, they humbly present unto your princely and pious wisdom, the several pressing grievances following, viz:—

1. The pressing and unusual impositions upon merchandize, importing and exporting, and the urging and levying of Ship-money, notwithstanding both which, Merchants ships and goods have been taken and destroyed both by Turks and other pirates.
2. The multitude of monopolies, Patents and warrants, whereby trade in the City and other parts of the Kingdom is much decayed.
3. The sundry innovations in matter of Religion.
4. The oath and canons lately enjoined by the late convocation, whereby your petitioners are in danger to be deprived of their ministers.

5. The great concourse of papists, and their inhabitations in London, and the suburbs, whereby they have more means and opportunity of plotting and executing their designs against the religion established.

6. The seldom calling, and sudden dissolutions, of Parliaments, without the redress of your subjects grievances.

7. The imprisonment of divers citizens for non-payment of ship money and impositions, and the prosecution of many others in the Star Chamber, for not conforming themselves to committees in patents of monopolies, whereby trade is restrained.

8. The great danger your sacred person is exposed unto in the present war, and the various fears that seized upon your petitioners, and their families by reason thereof, which grievances and fears have occasioned so great a stop and distraction in trade, that your petitioners can neither buy, sell, receive, or pay as formerly, and contends to the utter ruin of the inhabitants of the City, to the decay of navigation and clothing, and the manufactures of this Kingdom.

Your humble petitioners conceiving that the said grievances are contrary to the Laws of this Kingdom, and finding by experience that they are not redressed by the ordinary course of justice, do therefore most humbly beseech your most sacred Majesty, to cause a Parliament to be summoned with all convenient speed, whereby they may be relieved in the premises.

And your Petitioners, &c..

Petition From Twelve Lords

Within a few days, this Petition was followed by another from twelve Lords, in behalf of themselves and divers others.

Most gracious Sovereign,

THE sense of that duty and service which we owe unto your sacred Majesty, and our earned affection to the good and welfare of this your realm of England, have moved us in all humility to beseech your royal Majesty, to give us leave to offer unto your most princely wisdom, the apprehension which we and other of your faithful subjects have conceived of the great distempers and dangers now threatening the Church and State of your royal person, and the fittest means by which they may be prevented.

The evils and dangers whereof your Majesty may be pleased to take notice are these:—

1. That your sacred Majesty is exposed to hazard and danger in the present expedition against the Scottish army, and by the occasion of the war your revenue is much wasted, your subjects burthened with coat and conduct money, billeting of soldiers, and other military charges, and divers rapines and disorders committed in several parts in this your realm, by the soldiers raised for that service, and your whole Kingdom become full of fear and discontent.

2. The sundry innovations in matters of religion; the oath and canons lately imposed upon the clergy, and other your majesty's subjects.

3. The great increaser of Popery, and employing of popish recusants, and others ill affected to the religion by law established in places of power and trust, and especially commanding of men and arms both in the field and other counties in this realm; whereas by the laws they are not permitted to have arms in their own houses.

4. The great mischief which may fall upon this Kingdom, if the intentions which have been credibly reported of bringing in of Irish forces shall take effect.

5. The urging of ship money, and prosecution of some Sheriffs in the Star-Chamber for not levying of it.

6. The heavy charges of merchandize to the discouragement of trade, the multitude of monopolies or other patentees, whereby the commodities and manufactures of the Kingdom are much burthened, to the great and universal grievance of your people.

7. The great grief of your subjects by the intermission of Parliaments, in the late former dissolving of such as have been called, with the hoped effects which other- wise they might have procured.

For a remedy whereof, and prevention of the danger that may ensue to your royal person, and to the whole state, we do in all humility and faithfulness beseech your most excellent Majesty, that you would be pleased to summon a Parliament within some short and convenient time, whereby the cause of these, and other great grievances which your poor petitioners now lie under, may be taken away, and the authors and counsellors of them may be there brought to such legal trial and condign punishment, as the nature of the offence docs require; and that the present war may be composed by your Majesty's wisdom without bloodshed, in such a manner as may conduce to the honour and safety of your Majesty's person, and content of your people, and continuance of both of your Kingdoms against the common enemy of the Reformed Religion[180].

Signed

Francis Bedford, Say and Seal. Ro. Essex. Ed. Howard. William Hartford. Bullingbrook, Warwick, Mandevile, Earl of Bristol, Brook, Mulgrave, Pagett.

Presently after the King having called the Yorkshire gentry together, proposed to them the payment of the trained bands for two months. This proposition being accepted, the gentlemen prepared an address to inform the King of their consent: but withal they besought his Majesty to endeavour to compose the differences with the Scots, and to summon a Parliament.

Petition of The same Nature by The Gentry of Yorkshire

The Earl of Strafford being desired to present the address to the King, refused it, unless the clause about calling a Parliament was left out, alleging, he knew the King fully designed it.

The King Resolves to Call a Parliament

But the Gentlemen were unwilling to leave out these words, and delivered their address themselves. The King perceiving by the Petitions which were presented to him, that it was the nation's fervent desire, a Parliament should be called, did not doubt it would be the first advice, the peers, when assembled, would give him.

The King Speaks to His Great Assembly of Peers Assembled at York

He resolved therefore to prevent this advice, by summoning Parliament to meet on the 3rd of November, for fear, if he delayed it any longer, he might be thought to be forced to it. The great Council of the Peers being assembled at York the 24th of September, the King spoke to them as follows:—

My Lords,

UPON sudden invasions where the dangers are near and instant, it hath been the custom of my predecessors to assemble the great council of the Peers, and by their advice and assistance, to give a timely remedy to such evils, which could not admit a delay so long as must of necessity be allowed for the assembling of the Parliament.

This being our condition at this time, and an army of rebels lodged within this Kingdom, I thought it most fit to conform myself to the practice of my predecessors in like cases, that with your advice and assistance we might justly proceed to the chastisement of these insolences, and securing of my good Subjects.

In the first place, I must let you know, that I desire nothing more than to be rightly understood of my people. And to that end, I have of myself resolved to call a Parliament; having already given order to my Lord-Keeper to issue the writs instantly, so that the Parliament may be assembled by the 3rd of November next:

Whither if my subjects bring those good affections which become them towards me, it shall not fail on my part to make it a happy meeting. In the meantime there are two points wherein I shall desire your advice, which indeed were the chief cause of your meeting.

First, what answer to give to the petition of the rebels, and in what manner to treat with them. Of which, that you may give assure judgment, I have ordered that your Lordships shall be dearly and truly informed of the state of the whole business, and upon what reasons the advices that my Privy-Council unanimously; gave me, were grounded.

The second is, how my army shall be kept on foot and maintained, until the supplies of a Parliament may be had. For so long as the Scotch army remains in England I think no man will counsel me to disband mine: for that would be an unspeakable loss to all this part of the Kingdom, by subjecting them to the greedy appetite of the rebels, besides the unspeakable dishonour that would thereby fall upon this nation.

It is Resolved to Treat With The Scots

When the King had thus spoken to the Lords, he commanded to be read the reasons which had induced his Council to advise the levying an army against the Scots and the petition of the Scots presented to the King since their taking of Newcastle, as also the King's answer, and their particular demands.

Then, the Earl of Traquair by the King's order explained these demands to the Peers, and endeavoured to shew, how some of them subverted the fundamental laws of the Kingdom of Scotland, others the just prerogative and dignity of his Majesty, and of which many were to the detriment of the King's profit and prejudice of divers good subjects there. The result of the deliberations of the Peers was, that certain of themselves should be sent as commissioners to treat with the Scots and endeavour to conclude a peace.

Commissioners Appointed

Pursuant to this resolution, sixteen Peers were chosen for commissioners[181], to whom were added by the King as assistants, the Earls of Traquair, Morton and Lanerick Secretary of Scotland, (Sir Henry Vane) Sir Lewis Steward, and Sir John Burroughs It was farther agreed, that the Treaty should begin at Rippon[182] the 1st of October, and that the Earl of Lanerick should signify this resolution to the Scots.

Another Resolution to Borrow £200,000 of The Londoners

This article being dispatched, the King desired the Lords to consider of means to maintain the army during the treaty. It is strange, the King should undertake this war, without having any supply from the Parliament, and should be so ill provided for the payment of his army, that within a month after the opening of the campaign, he was unable to maintain it.

For my part, I cannot devise any other reason of this conduct, except that, for the support of this war, he had depended upon such means as were no longer in his power to employ. However this be, the Earl of Strafford having informed the Peers of the number of troops the King had on foot, namely, about four and twenty thousand men, declared that the payment of this army amounted to threescore thousand pounds a month, and that to keep the army together for three months, no less would serve than the sum of two hundred thousand pounds.

He added, if the army should disband, all Yorkshire would be lost in two days, and the whole Kingdom endangered. Whereupon it was resolved, **that a letter, subscribed by all the Peers present, should be sent to the City of London for lending the two hundred thousand pounds, upon such security as should be agreed on, each of the Peers offering to become bound.**

The Scots having appointed their commissioners to treat with the English, the negotiation began at Rippon the 1st of October[183]. But before the principal point of the treaty, was considered, certain preliminary articles were to be settled, which the Scots proposed as absolutely necessary to a happy conclusion.

They represented therefore, that their army had stopped at Newcastle by his Majesty's express order: That they subsisted by means of the contributions raised upon Cumberland, Newcastle and Durham, and as the negotiation might last some time, it was necessary, before all things, to provide for the subsistence of their troops during the treaty.

This was the principal article on which they insisted, as a preliminary to the treaty. There were also other articles, which I do not think absolutely necessary to be mentioned, since it will appear presently what was the principal thing, by the preliminaries that were agreed on.

I shall only add, that the Scots would never suffer the Earl of Traquair to assist at the treaty, because he was one of those they called incendiaries, against whom they demanded severe justice. After many debates, the commissioners of the two nations agreed at last, the 16th of October, on the following preliminaries:—

1. That the Scotch army shall have for a competent maintenance, the sum of £850, *per diem*, and that the payment thereof shall continue for two months, in case the Treaty shall so long last; which payment to be made s weekly upon the Friday of every week.
2. The days of the returning of the army to be numbered within the days of the allowed maintenance.
3. That the Scotch army shall content themselves with the aforesaid maintenance, and shall neither molest Papists, Prelates, nor their adherents, nor any other persons of whatsoever quality.
4. That the inhabitants of the said counties shall also have liberty to return peaceably to their own dwellings, and shall be refused no courtesy, it being always presupposed, that the fit lodging of their army shall be allowed.
5. That the army be furnished with coals in a regular way, and not at the pleasure of the soldiers.
6. That there be a provision of forage, at the prices to be set down in a table, which must also contain the particular prices of all sorts of victuals, and other necessaries for the army, to be indifferently agreed upon by persons nominated on both sides.
7. That free trade and commerce between both nations be restored, and not to be interrupted, but upon the warning of three months. But no victuals, arms, nor ammunition, to be imported into Newcastle, &c.
8. That victuals and other necessaries for the army be free of custom; and that his Majesty's custom of coals and other wares be left free to be levied by his own officers.
9. That there be a freedom to furnish necessaries for both armies, and liberty be granted for milling, brewing, &c.
10. That the arrears of the contributions due to the Scotch army, be completely paid to October 16th .
11. That there be a cessation of aims, according to the particulars to be agreed upon.
12. As for securing the sum of £850. *per diem* above specified, there is a committee appointed, who have power to treat with Northumberland, the Bishopric of Durham, Newcastle, and (if need require) with Cumberland and Westmoreland, about the payment of it.
13. The Lords will, before their going from York, settle a committee, who shall have charge to see the contribution orderly raised and paid, and that there shall likewise be a committee nominated, to whom either the Scotch commissioners, or the committees of the country, may weekly give an account of the carriage of the business.

The Treaty is Removed to London

The Scots had the address to prolong the signing of these preliminaries till the 16th of October, after which, it still remained to agree on the conditions of the truce. It was therefore almost impossible to enter into a discursion of the articles, which were to be the chief subject of the treaty, before the 3rd of November, the day appointed for the meeting of the Parliament.

The Lords, as well those at Rippon as those at York, being indispensably obliged to repair to London, it would have been needless to begin the negotiation at Rippon, where the time would scarce have allowed it to be opened.

Wherefore the English Commissioners, whether of themselves, or by the suggestion of the Scots, proposed to the King the removal of the Treaty from Rippon to London; and the King was forced to consent to it, though he plainly perceived the Scots expected to find many friends at London, and even in the Parliament, as indeed was the case.

The King's Errors

One may venture to say, that on occasion of this treaty, the King committed three capital errors. First, in summoning the Parliament to meet at Westminster, since he could not be ignorant how much the City of London was dissatisfied with the Government, and consequently, ready to countenance such resolutions as the Parliament might take against it.

Whereas, had he summoned the Parliament to meet at York, or in any other place at a distance from London, he would thereby have broken in part the measures of the Scots and English malcontents. He had but too much cause afterwards to be sensible of this error.

The second was, the removal of the Treaty to London, where the Scots had their principal correspondents. The third, in taking so short a time for the meeting of the Parliament, so that he had only the month of October to conclude a peace with the Scots, a space hardly sufficient to agree with them on the preliminaries and terms of the cessation, before the King and Peers would be obliged to leave York and go to London.

If he had not been in such haste to fix the meeting of the Parliament to the 3rd of November, he might have either concluded the treaty with the Scots, by granting what he could not have helped, or at least, left them without excuse, if they had obstinately persisted in any unreasonable demands.

Whereas, not being able to finish the negotiation at Rippon, he was forced to remove the conferences to London, a City well affected to the Scots and where they could better than any where else, take just measures, whether with the chief inhabitants, or with their friends in the Parliament.

The King was sufficiently convinced of these errors, when it was too late to retrieve them. Not to omit anything, which to me seems material in this History, I thought proper to add here the Earl of Bristol's process at the beginning of King Charles's reign. For, it is not foreign to the purpose. On the contrary, this process, with the Earl's answers, may be of great service to clear the latter part of the reign of James I, as to the negotiation of the marriage of Prince Charles with the Spanish Infanta, and the restitution of the Palatinate. It may also give an idea of the character of Charles I, and the Duke of Buckingham. But it could not be inserted in any other place, without a too great interruption of the thread of the history.

Notes Chapter I

1) The King upon his deathbed, exhorted his son the Prince, to take special care of the Elector Palatine's children, and to endeavour to restore them to their estate and dignities of their father. Rushworth, Tom. I, p. 155.

2) He was removed on April 23rd from Theobalds to London and buried May 7 in Henry's VII's chapel. His son and successor walked as chief mourner, being supported by the Earl of Arundel and Pembroke. Sandford. p. 560. Rushworth, Tom I., P. 167.

3) The Author, by mistake, says Portsmouth. There were twelve thousand raised in all. Two thousand sent to Holland. Idem, p. 68.

4) The occasion of this commission was not so much the disorders of these troops, as those committed by the army King James sent to Calais, under the command of Count Mansfield. The remembrance whereof was the cause of King Charles appointing now the marshal law to be in force. It seems this and the point of coat and conduct money, occasioned great debates among the judges. Whitelock, p. 1.

5) When she landed, she sent to his Majesty not to come till the morrow, because she had been indisposed at sea. So it was not until the next day that the marriage was consummated. Rushworth, Tom. I, p. 170.

6) By reason of the plague. Rapin.

7) Rapin, after Rushworth and Franklin, says it was the Lord Keeper Coventry, but Williams was not displaced till October 25. See Hacket, Part 2., P. 9, 27. Philips p. 106, 182.

8) Our author seems here to confound two distinct things. Montague (in 21 Jac.) published a book, which he called, *A New Gag For The Old Gospel*, being an answer to a popish book, entitled, *A Gag For The New Gospel*; and for this book it was that he was questioned by the Parliament, and committed to the Archbishop, who dismissed him with an admonition. Afterwards the Bishops of the Arminian party consulting the propagation of the five articles, condemned at the Synod of Dort, concluded, that Montague should publish his *Appeal to Caesar*, at first attested by their joint authorities, which they afterwards withdrew by subtlety. However, the book was printed and dedicated to King Charles. The House appointed a Committee to examine the errors therein, and thanked the Archbishop for his admonition formerly to the author, and voted his books to be contrary to the articles established by the Parliament, and took bond for his appearance. Rushworth, Tom. I, p. 173.

9) Rapin, by mistake, says Bath and Wells, which he was not yet.

10) The charges of which, by computation, amounted to £700,000 a year. Rushworth, Tom. I. p. 174.

11) The Vanguard a large man of war, with seven other merchant ships of great burden and strength. Ibid. Cote, p. 190.

12) Rapin, as well as most of our writers, especially those of the Puritan party, seem to confound two things, which have no manner of relation to each other, viz., Arminianism and high church principles. The Arminian doctrine, condemned by the Synod of Dort, held in 1618, was in substance reduced to these five articles. **I.** God does not in an arbitrary manner predestinate any person to be saved or damned. **II.** Christ died for all men, that is, all are partakers of the benefits of Christ's passion, who sincerely perform the Gospel terms of faith and repentance. **III.** How necessary soever grace may be towards our good actions, yet, **IV.** It is not irresistible, that is, we are still free agents, consequently, **V.** The faithful may finally fall away, or depart from a state of grace. Now nothing can be more evident, than that a man may embrace all these opinions, without being one jot the more a friend to popery or arbitrary power. Wherefore, though the first assertions of Armenianism happened likewise to be zealous sticklers for something like a despotic power in the King, yet is the one no consequence at all of the other, as abundance of our historians would insinuate. Doubtless, Laud, Neile, Montague, and the rest, who were for setting the King above the laws, would have been of that mind, whether they had been Armenian or not. Even at this time, the five articles above, which are now generally received in the Church of England, are believed by thousands, who are not for carrying the authority of the King or Church beyond its due bounds. The reason why Armenianism was condemned in the reigns of James I. and

Charles I was, because our articles and homilies (In the points abovementioned) were generally understood in a Calvinistic sense.

13) According to the condition of his bond. Montague's cause was recommended to the Duke of Buckingham, by Buckridge Bishop of Rochester. Likewise Bishop of Oxford, and Laud of St. David's, who observed, that learned men ought to be left to abound in their own sense, it being the great fault of the Council of Trent, to requite a subscription to school opinions, &c. See Rushworth, Tom. I. P. 176.

14) They resolved, that religion should have the first place in their debates; next the Kingdom's safety, and then supplies, Rushworth, Tom, I, p. 180.

15) The few acts made in this short Parliament were these: **1.** An act forbidding sports and pastimes, such as bear or bull baiting, plays, or other unlawful exercises, on Sundays. **2.** An act for the farther restraint of tipping in inns, alehouses, and victualing houses—The clergy granted the King three entire subsidies, and the laity two. See Statute.

16) The method was thus; First, the King wrote to the Lord-Lieutenants of the counties, to send him in the names of such persons as were of ability to furnish him with money, and what sums they thought they could spare, Then the controller of the King's Household should, by the council's order, issued forth letters in the King's name, under the Privy-Seal, to the several persons returned for the loan of money, in form as follows: Trusty and well beloved, &c. Having observed in the customs of former times, that all the Kings of this realm, upon extraordinary occasions, have used either to resort to those contributions, which arise from the generality of subjects, or to private helps of some well affected in particular, by way of loan—As we are enforced to proceed in the latter course—we doubt not but we shall receive such a testimony of your good affection from you, and that with such alacrity, as may make the same so much more acceptable, especially seeing we require but that sum which few men would deny a friend.—The sum we require of you by these presents is——which we promise in the name of us, our heirs, &c to repay to you or your assigns, within eighteen months after payment thereof, &c.—Pursuant to this Privy-Seal, the monies required were generally according to this proportion following, viz. for the Wes Riding of Yorkshire, Sir Thomas Wentworth, £20, Sir John Jackson, £20, Sir Edward Osborn, £30, Godfrey Copley Esq; £15, George Westby, Esq; £10, Sir Henry Savil £30, Sir John Savil, £15, Ursula Wentworth, £10 &c. Rushworth, Tom. I. p. 193.

17) Particularly the Marquis of Winchester, and his son; the Earl of Castlehaven; the Viscounts Montague 2nd Colchester; the Lords Petre, Morley, Vaux, Eures, Arundel of Warder, Tenbam, Herbert, and Windsor. Rushworth, Tom. I. p. 194.—The Bishops were likewise commanded to proceed against the papists by excommunication and other censures. Idem. p. 198.

18) Third son of the Earl of Exeter.

19) The three persons chiefly aimed at were, Sir Edward Coke, Sir Robert Philips, and Sir Thomas Wentworth, made Sheriffs of Bucks, Somerset, and Yorkshire. Coke, p. 216. Sir Edward Coke taking exceptions against the Sheriff's oath, these words were ever after left out: you shall do all your pain and diligence to defray and make to cease all manner of heresies and errors, commonly called Lollardies, within your bayliwick from time to time, and assist all ordinaries and commissioners of the Holy Church, and favour and maintain them as often as you shall be required. Rushworth, Tom. I. p. 198.

20) Bishop Laud had the chief hand in compiling the form of the coronation, and officiated as Dean of Westminster, but did not crown the King, as Rapin says by mistake. The Abbots of Westminster it seems, had formerly, and afterwards the deans, a considerable share in the solemnities of the coronation, they had, among other things, the custody of the old regalia, that is, the crown, the sword, the sceptre, the spurs, &c. of King Edward the Confessor. These things

it was the Dean's business to prepare and set in order. Laud finding an old Crucifix among the regalia, took care to place it upon the altar. *Collier's Ecclesiastical History*, p. Tom. II. p, 736.—He was afterwards charged of having made some alterations in the Coronation Oath, but see what makes to this, in *State Trials*, Tom. I. p. 866. &c.

21) He means the plague, of which these died, this year, in London and the out parishes, thirty five thousand four hundred and fifteen persons. Whitlock, p. 3.

22) It seems a report was made to the House, that the reason why our merchants ships and goods were seized in France was, because Sir James Bagg Vice Admiral for Cornwall and others, had seized upon the goods of the French in our ports, particularly a ship called the Peter of Newhaven by Buckingham's order, after the King and Council had ordered the ship to be restored upon a just claim. That twenty three bags of silver, and eight of gold, were by Sir Francis Stewart delivered to the Duke, who said. he would justify the stay of the ship by order from the King. Rushworth, Tom. I. p. 213.

23) Sir Thomas Wentworth, Mr. Noy, Mr. Seldon, and others. Whitlock, p. 3.

24) The King, in this message, demanded justice also against Mr. Clement Coke, Sir Edward's son, and Member for Ailesbury, who said in the House, that it was better to die by an enemy, than to suffer at home. Rushworth, Tom., I., p. 218.

25) And the last of October. Idem, p. 221.

26) He showed that there had been paid, for the four regiments in the Low Countries; for the navy; for the ordnance and forts in England and Ireland, and for the service under Count Mansfeldt; in all, £278,497. Rushworth, Tom, 1, p, 232.

27) At this time the King sent for the Bishops, and fourteen of them repairing to him, he charged them, that in the cause of Bristol and Buckingham, their consciences being their guides, they should follow only proofs, and not rumours. Rushworth, Tom. I., P. 247. Annals p, 122.

28) He was Proxy for no less than fourteen Lords, which being found of ill consequence, it was ordered, that for the future no Lord should be capable of receiving above two proxies. See Journal Proceedings and Rushworth, Tom, I. p. 269.

29) Rapin, by mistake, says, under the Great Seal. See Rushworth, Tom. I. p. 260, 261.

30) It was managed by eight members, and fifteen more as assistants. The eight chief managers were, Sir Dudley Diggs, Mr. Herbert, Mr. Selden, Mr. Glanville, Mr. Pym, Mr. Sherland, Mr. Wensford and Sir John Ellis. Idem., P. 302.

31) Particularly the Lord Roberts of Truro, whom he forced to pay ten thousand pounds for the title of Baron. Rushworth, Tom I p. 334.

32) I., II., III were enlarged upon by Mr. Herbert. IV. V. By Mr. Selden. VI. VII. VIII. By Mr. Glanville. IX, X, XI. By Mr. Pym. XII. By Mr. Sherland. XIII. By Mr. Wandesford.

33) Upon the impeachment the Duke, a paper was privately conveyed to the King, importing that this great, opposition, against the Duke was stirred up and maintained by such as seek the destruction of this free Monarchy. That since the time of Henry IV these parliamentary discourings might never be suffered, as being symptoms of rebellions, and dethroning our King, and no one daring to dethrone them, lest he incur the reputation of a fool or coward in his country's cause. His Majesty therefore strengthened himself ever with some favourite, as whom

he might better trust than many of the nobility, tainted with this oligarchy. It behoveth his Majesty to uphold the Duke, who, if he be discouraged it will be the corner stone, on which the demolishing of his Monarchy will be built. For if they prevail in this, they will pull the other feathers of royalty. They will appoint him counsellors, servants, &c. That the King and his father are concerned in the Duke's accusation, and if he suffers for obeying his Sovereign, the next attempt will be to call the King to an account, &c. Idem, p- 356.

34) Unless it be for treason or felony, or refusing to give security of peace, Rushworth, Tom, I, p. 365.

35) It does not appear that the Earl of Arundel was committed for any thing said in the House but, as it is thought, for his son's marrying the Duke of Lenox's sister, whom the King designed for the Lord Lorn. The Earl of Arundel had five proxies, which were lost by his imprisonment. Rushworth, Tom. I. p. 363, 364..

36) Among whom were the Earl of Rutland, the Viscounts Montague and Dunbar, the Lords Eure, Abergavenny, Terbam, Wotton, Morley, Mordant, St. John of Busing, Scroop. The rest were commoners. Rushworth, Tom. I. p. 392.

37) Rapin, by mistake, says two papers, but it was but one, as appears by the Speaker's speech. Though the copy of this answer, containing a declaration and petition, is not to be found, it was engrossed and allowed of, and this substance was delivered by the speaker, Sir Hentage Finch, Rushworth, Tom. I p. 39.

38) Mr. Glanville.

39) Sir Dudley Carleton, who was, on May 22, 1626, created Baron Carleton of Imbercourte. Rymer, Tom. XVIII. p. 715.

40) By his hasty dissolution of the Parliament, he lost four subsidies, and three fifteenths, which had been voted him by the Commons. Coke, p. 229.

41) Within ten northern counties specified in the Commission. Rushworth, Tom. I. p. 414.

42) This year the King raised the sailors wages, from fourteen to twenty shillings a month. Rymer's Fœd. Tom. 18. p. 721.

43) On February. 5th this year, George Lord Carew was created Earl of Totness, Robert Lord Cary Earl of Monmouth, Thomas Lord Wentworth Earl of Cleveland, Edmund Lord Sheffield Earl of Mulgrave, Thomas Howard Viscount Andover Earl of Berkshire, Henry Laid Danvers Earl of Danby, Henry Montague Viscount Mandevile Earl of Manchester, and James Lord Ley Earl of Marlburgh. Rymer's Fœd, Tom. 18. p. 278—290,—Within the course of this year died the learned Lancelot Andrews Bishop of Winchester, and Francis Bacon Lord Verulam, Echart.

44) He drew the Duke's answer in Parliament. Rushworth, Tom. I. p 420.

45) The Papists contributed very freely in the loan, but the puritans were very backward in it. Whitelock, p. 8. This did beget in the King at first, a tenderness towards the Papists, and afterwards a trust and confidence in them, which was unhappily mistaken by his other subjects, as if he inclined to their religion. Welwood, p. 37.

46) The following gentlemen were appointed to several confinements, not; in their own, but distinct counties. George Ratcliffe, Esq., Sir Walter Earl, St. John Strangeways, Sir Thomas Grantham, Sir John Havingham, Sir Nathaniel Bernardiston, William Coriton, Esq., Richard Knightly, Esq., Sir Harbottle Grimstone; Sir Robert Points, John Hampden. These, with many

others, were secured in foreign countries for refusing the loan. Many of those gentlemen were afterwards sent for by pursuivants out of the counties where they were confined by order of the council, and committed to several prisons, some to the fleet, some to the Marshalsea and Gatehouse. From which last place, Sir John Elliot, sends a petition to his Majesty, which the Reader may see in Rushworth Tom. 1, p 429.

47) At Ford, a Moorish, unhealthy place, five miles beyond Canterbury. Coke, p. 239.

48) They maintained, that King Charles had no power to intermeddle with his Queen's family, because he was an heretic: And besides, they had made the Queen walk to Tyburn in devotion to pray there. Rushworth, Tom. I, p. 423, 424.

49) This affair was managed and promoted by an Abbot, related to the Duke of Orleans, who had been disoblged by Cardinal Richelieu. Idem. p. 424.

50) The Duke of Buckingham is reasonably supposed to have been the author of this war, either out of revenge, for having been excepted against by Lewis XIII, when he was appointed to go as ambassador to France, or on account of some affronts put upon him by that court, when he was sent to bring the Queen over. For, from that time, he took all the ways he could to undervalue and exasperate that court and nation, and omitted no opportunity to incense King Charles against France, and even against his Queen, and behaved himself very rudely to her. See Clarendon, Tom, 1. p. 31.

51) Sir Thomas Darnel, Sir John Corbet, Sir Walter Earl, Sir John Hevingham, Sir Edward Hampden. Rushworth, Tom., I. p, 458.

52) For the better understanding of what follows, it must be observed, that when any person is committed (unless for treason or felony) upon his sending a copy of the Mittimus to the Chancellor, or any one of the judges of the Exchequer, they are obliged to grant him a writ called Habeas Corpus, upon the receipt of which, the head gaoler or keeper must carry up the prisoner, and return the causes of his commitment and detainour to the court, to which the writ is returnable. Then the judge determines whether the case beailable. If not, the prisoner is remanded back to prison. In the present case, the warden of the fleet made this return: "That Sir Walter Earl, Kt. named in the writ, is detained in the prison of the fleet in his custody, by special command of the King, to him signed by warrant of several of the Privy-Council. Now it was pleaded in behalf of the prisoners, that the form of the returns was not good, the cause of the commitment not being specified, as the writ requires. And therefore, if the prisoners were not bailed, but remanded, the subjects of the Kingdom may be restrained of the liberty for ever, and by law there can be no remedy. See Rushworth, Tom., I., p. 459.

53) There were released in all seventy-eight, See Rushworth, Ton. I. p. 473, where they are all named.

54) Mr. Secretary Coke in particular made two speeches, on March 22 and 24, wherein allowed that grievances ought to be redressed but advised the House to let supplies take the precedence. Rushworth Tom I. P. 502.

55) This year were the following creations. March 9, John Lord Mordant was created Earl of Peterburgh, March 14, William Maynard, Baron Maynard of Estayness. The 15th Thomas Bellasis Baron Fauconberge. The 26th Henry Lord Graye of Gruby Earl of Stanford. June 23, John Powlett Baron Powlett of Hinton St. George, And the 29th Robert Pierrepont Baron Pierrepont, and Viscount Newark. Rymer's Fœd. Tom XVIII. P. 983, &c.

56) March 31, the Commons presented a petition to the King against recusants, which, together with the King's answers, is to be seen in Rushworth, Tom. I. p. 516, &c.

- 57)** Sir Peter Hayman, who was sent into the Palatinate for refusing to lend money, opened his own case. Idem. p. 522.
- 58)** The King thankfully received them, acknowledging it the greatest gift that ever was given in Parliament. He added, that he liked Parliaments at the first, though, since, he was grown to a distaste of them, but now he loves them, and shall rejoice to meet with his people often. Idem. p. 525.
- 59)** He answered, I cannot descend to particulars, or go from that his Majesty gave me warrant or power to deliver Idem. P. 539.
- 60)** From the 21st to the 25th of April, in a grand committee, they spent most of their time in debate about martial law, and about the Petition of Right. Rushworth, Tom. I. p. 545.
- 61)** The King's serjeant Ashley said in his discourse, that the propositions made by the Commons tended rather to anarchy than Monarchy, and that they must follow the King to govern by acts of State. For which the Lords committed him, and he recanted. Rushworth, Tom. I, p. 545. Whitelock, p. 10.
- 62)** During the debates some said, that the King's word was to be taken in a parliamentary way. Whitelock, p. 10.
- 63)** Rapin has confused this answer and message, as if delivered at the same time by the Lord Keeper. See Rushworth, Tom. I, p. 557.
- 64)** Sir John Elliot replied to the King's message, that the proceeding in a Committee, is more honourable and advantageous to the King and for that way leads most to truth, and it is a more open way, and where every man may add his reason, and make answer upon the learning of other men's reasons and arguments. Rushworth, Tom. I. p. 557.
- 65)** It was carried up by Sir Edward Coke, Sir Dudley Diggs, and Mr. Littleton. Six weeks were spent in hearing the King's council against the petition, and the Commons defence of it. The managers for the petition were, Sir Edward Coke, Mr. Selden, Sir Dudley Diggs, Serjeant Glanville, Sir Henry Martin, and Mr- Mason. Coke, p. 207, Edition 1697.
- 66)** By Mr. Alford, Mr. Pimin, Mr. Hackwell, Sir Edward Coke, Sir Thomas Wentworth, Mr. Noy, Mr. Selden, Mr. Mason, Mr. Glanville and Henry Martin. See Rushworth, Tom. 1, p. 562.
- 67)** In a committee of the whole House, the Lord Say moved, that those Lords who stood for the liberties of the nation, might make their Protestation, to remain upon record and that the opposite party should, with their names, enter their reasons, to remain upon record; that posterity might not be to seek, who they were that so ignobly betrayed the freedom of our nation. This struck such a clamp upon the other party, that not one of them opposed it. Coke, p. 252.
- 68)** This petition was drawn up by Sir Edward Coke. Coke, p. 207. Edition. 1697.
- 69)** The King's answer being read in the House of Commons, and seeming too scanty, Sir John Elliot rose up, and in a long speech, set forth a full and lively representation of all grievances; which done, Sir Edward Coke moved, That an humble remonstrance be presented to his Majesty, touching the dangers and means of safety of King and Kingdom. Whereupon they turned themselves into a grand committee, and the committee for the bill of subsidies was ordered to expedite the said remonstrance. Meanwhile comes the message from the King by the Speaker, and after reading the message, the House proceeded with a declaration against Manwaring, which was the same day presented to the Lords, at a conference managed by Mr. Pym betwixt the

committees of both Houses. After Manwaring's sentence, the King sent another message of the same import by the Speaker. Rushworth, Tom. I., p 591, 605.

70) It was not this message, but another, sent June 5, wherein the King required the Commons, not to enter into, or proceed with any new business which might spend greater time, or lay any scandal or aspersion upon the state, government, or ministers thereof. Idem. p. 605.

71) The speech (after the reading of the King's answer to the petition) concerning grievances, mentioned in the note above.

72) Burlemack was called into the House, and confessed, he received thirty thousand pounds by Privy Seal for the buying of horses; that one thousand of them were levied; that those horses and their riders were to come over, and arms provided for them in Holland. But that he heard a countermand was one to stay them. Rushworth, Tom I., p. 612.

73) The House ordered, that the committees for religion, trade, grievances, and courts of justice, should sit no longer; and that only the grievances of most moment should be taken into consideration. Rushworth, Tom. I. p. 613.

74) The Commons sending for this commission to the Lord-Keeper, he returned answer, he received a warrant at the council table for the sealing thereof; and when it was sealed, he carried it back to the council table: However, it was sent and read. It was dated the last day of February, and directed to all court Lords and Bishops, and such gentlemen as were thought well affected to the Ministry. The reader may see it in Rushworth, Tom. I. p. 614. It was supposed, that the lending for foreign troops from Germany, as mentioned above, was in order to support this commission, in case of resistance. See Rushworth, Tom. I. p. 474.

75) The Commons fell immediately upon the bill of tunnage and poundage; but finding they should not have time to accomplish the same, it was ordered that a committee be appointed to draw up a remonstrance of the undue taking of tunnage and poundage without an act of Parliament. Rushworth, Tom., I, p. 628.

76) The Clergy granted also five subsidies—The acts made in this session were, 1. An act forbidding carriers, waggoners, and drovers, travelling on Sunday or butchers killing or selling meat on that day. 2. To restrain the passing or sending any to be popishly bred beyond the seas. 3. For the better suppressing of unlicensed alehouse keepers. 4. For establishing Sutton's Hospital. 5. For restitution in blood of Sir Carew Raleigh.

77) Rushworth says, they were wholly suppressed, and that it was Montague's books that were ordered to be delivered to the bishop of the diocese, &c. Rushworth, Tom. I, p. 633, 635.

78) They were first to be committed to the county goals, but if after conviction there should be cause to respite execution, they were to be removed to Wisbich. Idem., p. 633.

79) These were a nest of Jesuits discovered in Clarkenwell and formerly apprehended, who were also after conviction to be removed from Newgate to Wisbich.

80) Manwaring also (having with Montague procured a Royal pardon of all errors) was, notwithstanding his being disabled by the House of Lords from all future preferments, immediately presented to the rectory of Stamford Rivers, with a dispensation to hold St. Giles's in the Fields. Ibid.

81) As the Duke was going out of his Chamber, Felton stepped to the door, and made as if he had held up the hangings. In the passage, the Duke turning to speak to Sir Thomas Fryar, and stooping because Sir Thomas was very short, Felton came behind the Duke, and reaching over

Sir Thomas's shoulder, struck him to the heart. Clarendon, Tom. I. p. 24,25. The Duke was buried at Westminster, September 13. His whole estate was not quite £4000 a year, but he had £300,000, in Jewels and owed £60,000, Heylin on H. Lestr., p. 67.

82) On September. 8, under the command of Robert Bertie Earl of Lindsey. But the victuals of the fleet stunk, and it wanted proper tackling and other materials. Rushworth, Tom. I. p. 636,

83) It had held out so long, that prodigious numbers had died of the famine, so that at the taking of it, there were not four thousand remaining alive, out of fifteen thousand. Ibid.

84) Oliver Cromwell, who was of this committee, complained, That Dr. Neile Bishop of Winchester countenanced persons who preached popery; and, that Dr. Manwaring had been made Bishop. Adding, if these be the steps to Church preferment, what may we expect. Rushworth, Tom. 1. p. 655.

85) Laud it seems had married Charles Blount Earl of Devonshire to the Lady Rich, wife of the Earl of Warwick, who was then alive.

86) The author says, the pursuivant sent for Mr. Rolls out, to order him not to touch what was locked up. But this, and some ether little mistakes in this and the following paragraphs, are corrected in the translations, it not being so easy to do it by way of note.

87) It was moved, that the person that served the subpoena might be sent for and examined by, what procurement it was taken forth. Sir Humphrey May, Privy Councillor, assured the House, that this neither proceeded from King nor Council, and therefore desired it might be searched to the bottom, And afterwards the Attorney General writ a letter to Mr. Rolls, telling him, the serving a subpoena upon him was a mistake. And yet report was made to the House by the Committee for tunnage and poundage, that the Attorney General, notwithstanding his letter, did give order for the process against Mr Rolls. Rushworth, Tom. I. p, 654.

88) Chambers, it seems, having sued out a writ of *Replevin*, the proper remedy in law to regain the possession of his goods; the barons of the exchequer did order an injunction under the seals of the said courts directed to the Sheriff of London, commanding them not to execute the said writ, or any the like, and declaring the goods were not replevable. Idem., p. 642.

89) The Author says, published; but it was not published till after the 10th of March. Rushworth, Tom. I., p. 661.

90) Judge, Whitelock often highly complained against this way of sending to the Judges for their opinions beforehand, and said, that if Bishop Laud went on in this way, he would kindle a flame in the nation. Whitelock p. 23.

91) They refused to put in any other plea than denying the jurisdiction of the court in this case.

92) The libel against Bishop Laud was to this effect: Laud, look to thy self, be assured thy life is sought: As thou art the fountain of wickedness, regent of thy monstrous sins, before thou be taken out of the world; and assure thy self neither God nor the world can endure such a vile counsellor or whisperer to live. The other was as bad against the Lord Treasurer Weston. Rushworth, Tom, 1 p. 662—They were supposed to have persuaded the King to dissolve the Parliament. Eschard, Tom. 2, p. 79.

93) The project contained in his writing, was framed in 1613, by Sir Robert Dudley son of the Earl of Leicester. However, the Earls of Bedford, Somerset and Clare, Sir Robert Cotton, Mr Selden, and Mr. St. John were committed for dispersing it, and questioned in the Star Chamber;

but Sir David Fowles upon oath discovered the author, and so ended this business. Annals, p. 361. Whitelock, p. 14.

94) And for the exercising, and keeping the militia in good order, each county was affected at a certain rate for the entertainment of a muster master. Rushworth, Tom., 2. p. 10—An order was also made for raising money, by compounding with recusants. Idem. p. 13.—And a commissioner confirming defective titles, p. 49.

95) Thus, as the Lord Clarendon observes, unjust projects of all kinds, many ridiculous, many scandalous, all very grievous, were set on foot, the envy, and reproach of which came to the King, that profit no other men; insomuch that of £200,000 drawn by these ways in one year, scarce £1500 came to the King. Tom. I., p. 53.—This year died Sir John Elliot, George Carew, Earl of Totness, a commander in the Irish wars under Queen Elizabeth and John Speed the Historian. Echard—May 7th Sir Edward Herbert was created Baron Herbert of Chirbury, Rymer's Fœd. Tom., 19, p. 132-

96) Laud's words in Rushworth are: "Whereas it was said, I throw up dust in the air, this I deny; and where it was alleged that this was in imitation of the Roman pontifical, that (said he) is a mistake, for the pontifical prescribes ashes not dust to be cast abroad". However, it was successfully disposed by two witness that he threw up dust. Rushworth, Tom. 2. p. 79.

97) Laud was chosen Chancellor of Oxford, April 12, in the room of William Earl of Pembroke, who died of apoplexy April 10. Mr. Thomas Ford, of Maudlin College, Mr. Gilts Hedges of Exeter College and Mr. Giles Thorn of Baliol, being summoned before the Vice Chancellor, appealed from him to the proctors: Mr. Atherton Bruch of Brazen Nose, and Mr. John Doughty of Merton, who received their appeals, were turned out of their offices, and Ford, Hodges, and Thorn expelled. The cause was tried before the King at Woodstock, August. Rushworth, Tom 2, p. 110.

98) By way of advance, and eight pounds a tun for all soap hereafter boiled. Not long before was confirmed a grant made by King James to incorporate the starch makers into a company. Act Pub. 19. p. 92, 338. And there was a contract between the King and the master &c. of this company and did covenant to pay into his Majesty's exchequer £1500, the first year, £2500 the second and then £3500, yearly. Rushworth, Tom., 2, p. 13.

99) May 14, this year, Mervin, Lord Audley Earl of Castlehaven, was beheaded, for a rape committed on his wife by one of his servants, with his assistance, and for sodomy. State Trials, Tom., 1.,—November 4, was born the Princess Mary, married in 1641, to William Prince of Orange, and mother of the the late King William III. Sandford, p 606. This year died the famous Sir Robert Cotton, founder of the Cottonian Library. Echard.

100) What Mr. Sherfield wanted to have altered, was only one window, consisting but of four lights and not any of the fair windows of the church. Rushworth, Tom. 2. p. 154.

101) Upon which Edward Earl of Dorset observed, that by that text was meant, the eternity of God, and not God to be figured as an old man creating the world with a pair of compasses. But I wish, added he, there were no image of the Father, neither in the church, nor out of the church, for at the best they are but vanities, and teachers of lies. Rushworth, Tom. 2. p. 156. State Trials.

102) He was likewise committed to the fleet, removed from his recordership, and bound to his good behaviour. Ibid.

103) About the same time were gained also, Sir John Seville, who was made a Lord, and controller of the Household; Sir Dudley Diggs, who was promoted to the Mastership of the Rolls; Noy,

who was made Attorney General, and Sir Edward Littleton, who was made solicitor. Sir John Elliot was, some time before his death, tampered with, but he was proof against all temptation.

104) Among other matters in the instructions, the said President was to hear and determine, according to the course of proceedings in the Star Chamber, divers offences, deceit, and falsities, whether the same were provided by act of Parliament, or not. Likewise to hear and determine, according to the course of proceedings in the Court of Chancery, all manner of complaints, as well concerning lands, tenements, and hereditaments, &c., and to stay proceedings in the courts of Common Law by injunction, or otherwise, as is used in the Courts of Chancery. And that no prohibition shall be granted at all, but in cases where the president exceeded the limits of the said instructions. And that if a *Habeas Corpus* be granted, the party was not to be discharged till he performed the decree of the Council. Rushworth, Tom. 2. p. 158.

105) But added Mr. Hyde, as much greater as your discretion shall think fit. And indeed, (says he) in this improvement we find arbitrary courts are very pregnant. If the Law require my good behaviour, this discretion makes me close prisoner: If the law sets me ill the pillory, this discretion appoints me to leave my ears there. And such contusion hath this discretion in these instructions produced, as if discretion were only to act with rage and fury. See the whole speech in Rushworth, Tom., 2 p. 162, where the reader will find a narrative of the foundation, progress, and growth of this court,

106) This subsidy was 30s. of every pound worth of land, for six years, and also sixteenth penny of all annual rents, or interest of money and for six years as the former. Rushworth, Tom. 11. p. 182.

107) The King arrived at Greenwich from Scotland; July 20, Laud's diary.

108) On Sunday. Rushworth, Tom. II., p. 19.

109) Archbishop Abbot died August 4, and Laud succeeded him immediately after. His *Congé d'eslire* is dated August 12, the Royal assent, September 4, and the restitution of the Temporalities, September 23. See Rymer's *Fœd*, Tom. XIX. p. 525. Clarendon, Tom. I. p. 68, 69.

110) Wilson's observation about him seems to be just, Laud, says he, would never bring his neck under the obedience of the Roman yoke, though he might stick for the grandeur of the clergy, p. 753, *Complete History*.

111) It would have been thought something more than suspicion, had they known of his secret treaty with the King of Spain in 1596, managed by John Ogleby, a Scotch Baron, who declared to his Catholic Majesty, that King James would turn Catholic, and enter into a confederacy with his Holiness, and his Catholic Majesty, against the Queen of England, and produced a letter of credence of the said King James, preferring a memorial of the reasons that induced the King of Scotland to be reconciled to the See Apostolic, This transition is mentioned by none of our Historians. The papers relating to this affair were found among Sir Ralph Winwood's, which the reader may see in the collection of State Papers published by Edmund Sawyer, Esq., Tom, I., p. 1.

112) King Charles, before his return from Scotland, erected Edinburgh into a Bishopric. Clarendon, Tom. I., p. 67.

113) The Court is the thief and most antient consistory belonging to the Archbishop of Canterbury for debating several causes. It was held in the Church of St. Mary le Bow, from whence it has its name. Its jurisdiction is ordinary, and reaches through the whole province of Canterbury. The

Judge is called Dean, from his having jurisdiction over a deanery, consisting of thirteen Churches in London, exempted from the jurisdiction of the Bishop of London.

114) He died April 9, Laud's diary. This year also died Richard Weston Earl of Portland, and Sir Edward Coke. Eschard.

115) The Lord Keeper Coventry was also an adviser and promoter of this project. Whitelock, p. 24.

116) Sir Robert Heath being suddenly removed, Sir John Finch was, on October 16 sworn Lord Chief Justice of the Common Pleas in his room. Great were the discourses what the occasion should be of this sudden advancement. But four days after the writ for ship money coming forth, it was conceived he was to be instrumental in advancing that business. Rushworth, Tom. 2, p. 253.

117) This year, Sir Sanders Duncombe brought into England the use of chairs carried by two men. Rymer's Fœd, Tom., XIX p. 572.

118) About one hundred and forty families of these people went into Holland, where they were kindly received, and exempted from excise, and paying of house rent for seven years: They taught the Dutch the way of managing the woollen manufacture, which has been of very bad consequence to England. Thousands of families retired also into New England, Coke, p. 311, 312,

119) The reader may see in Rushworth, Tom. II. p. 335, the distribution of ships, in all forty five, to the several shires, together with the sum set on the separate towns in each county. For example,

		Tuns.	Men.	Charge.
<i>Essex</i> one Ship of	—————	300	320	8000 <i>l.</i>
Corporate Towns.	{ Borough of <i>Thaxted</i> —————			040
	{ Town and Parish of <i>Walden</i> —————			080
	{ Town of <i>Colchester</i> —————			400
	{ Borough of <i>Malden</i> —————			020
	{ Borough of <i>Harwich</i> —————			020

120) Whitelock says, after much solicitation by the Chief Justice Finch, promising preferment to some, and highly threatening others whom he found doubting, he got from them, in answer to the King's letter and case, their opinions, as will be seen hereafter. Whitelock, p. 24.

121) Whitelock gives him this character, "He was a person of great parts and temper, had much command of himself, was full of ingenuity and meekness, nor apt to give offence to any, and willing to do good to all" p. 24. In less than five years he lodged £900,000 in the exchequer, Coke, p. 234.

122) Charles the Elector Palatine, came to solicit his uncle to promote his restoration; their father, Frederick Elector Palatine died November 19. 1632. Rushworth, Tom. II, p. 183.

123) About this time the new statutes for the University of Oxford were finished, and published in convocation. Rushworth, Tom. II, p. 324. See Annals, p. 472.

124) The Dutch agreed to give the King thirty thousand pounds for this summer, which was paid accordingly; and expressed their willingness to obtain a grant from the King, for their permission to fish for the time to come, paying a yearly tribute. Rushworth, Tom, II. p. 322.

125) This was for only four counties. But the like commissions were granted for other counties. This was strenuously promoted by Archbishop Laud. Rushworth, Tom, II. p. 339. Clarendon, Tom. I. p. 76.

126) The King's letter, the case and Judges opinion being distinctly read in court, in the presence of all the judges, except Crooke, who at that time was indisposed as to his health, this same public reading seemed a surprise to some of the judges present. Rushworth, Tom, II. p. 335.

127) Rapin, by mistake, says ten.

128) The cause was not only argued by the King's, and Mr. Hampden's counsel, but afterwards by the judges at the bench, and all of them except, Hutton and Crooke, argued, and gave their judgment for the King. Judge Crooke (says Whitelock, of his own knowledge) was resolved to deliver his opinion for the King, and to that end had prepared his argument: But a few days before, upon discourse with some of his relations, and most serious thoughts of the business, and being heartened by his lady, who told her husband upon this occasion, that she hoped he would do nothing against his conscience, for fear of any danger or prejudice to him or his family and that she would be contented to suffer want or any misery with him, rather to be an occasion for him to do or say any anything against his judgment, Upon these, I say, and the like encouragements, but chiefly upon his better thoughts, he suddenly altered his purpose, and argued and declared his opinion against the King. Whitelock, Mem., p. 24.

129) For the better understanding of the sequel of the Scorch affairs, it will not be amiss to give a brief account of the present governance of the Kirk of Scotland. In Scotland are eight hundred and ninety parishes, each of which is divided in proportion to its extent, into particular districts, and every district has its own ruling. elders, (that is. men of the principal quality and interests in the parish) and deacon, (that is, one who has a competency, and is of a good character for manners and understanding.) A consistory of Ministers, Elders, and Deacons, is called a Kirk session, the lowest Ecclesiastical judicatory, which meets once a week, to consider the affairs of the parish. The minister is always moderator, but without a negative. Appeals he from hence to their own Presbyteries, which are the next higher judicatories. Scotland is divided into sixty-nine Presbyteries, each consisting of, from twelve to twenty four contiguous parishes. The ministers of these parishes with one ruling elder, chosen half-yearly out of every Kirk session, compose a Presbytery. They meet in the head town, and chuse their moderator, who must be a minister, half-yearly, he is only prolocutor. From hence appeals lie to provincial synods, which are composed of several adjacent Presbyteries, two, three, four, to eight. There are fifteen in all. The members are the ministers, and a ruling elder out of every parish. These synods meet twice a year, at the principal town of its bounds. They chuse a moderator, who is their prolocutor. The acts of the synod are subject to the review of the general assembly, the dernier resort of the Kirk of Scotland. It consists of commissioners from Presbyteries, Royal Burghs, and Universities. A Presbytery of twelve ministers, sends two ministers, and one ruling elder. Of between twelve and eighteen, it sends three, and one ruling elder. Of between eighteen and twenty-four, sends four, and two ruling elders. Of twenty-four, sends five, and two elders. Every Royal Burgh sends one elder, and Edinburgh two. Every University sends one commissioner, usually a minister. The assembly meets once a year.

130) See p. 193, where Rapin calls them four. The articles were, kneeling at the sacrament, communicating this sick, private baptism, confirmation, keeping some festivals. Many Scottish Presbyterians, it seems, were so weak as to believe, that these were the five articles condemned at the Synod of Dort. See the five articles of Dort. p. 240.

131) This office had never been in the hands of a Churchmen since the Reformation. He made likewise nine bishops Lords of Session, or Privy Counsellors. Clarendon, Tom. 1. p. 67. Rushworth, Tom. 2. p. 386.

132) This court was instituted by James V (after the form of the supreme sovereign court or Parliament of Paris) who gave it great privileges and immunities. The Lord Chancellor claimed a right to preside in this as in all the King's Courts. But this was much disputed by the court of session, and therefore he seldom came there. This court sits from the first of November, to the

fifth of February, and from the first of June, to the last of July, From hence lies no appeal. It consists of fifteen members.

133) See a particular account of the differences between the two liturgies in Collier's Ecclesiastical History. Tom. 2. p. 768, 769, King Charles, in his declaration about the Scottish liturgy, says, "That it was composed in substance not different from that of England, that the Roman party might not upbraid the two nations with any differences in their liturgies, and yet in some few alterations differing from it, that it might truly be reputed a book of the Scottish church's own composing." Rushworth, Tom, 2, p. 387.

134) The Lord Clarendon justly observes, as something strange, that neither these canons, nor the liturgy, were communicated to the Scottish clergy, nor passed their approbation. They were compiled by some Scottish bishops, and transmitted from Scotland to Archbishop Laud, Juxon bishop of London, and Wren of Norwich who revised, and put the finishing hand to them. Clarendon, Tom. I. p. 83, 85, 86.

135) Nor (says the Lord Clarendon) was anything done for the better adjusting things in the time of this suspension, but every thing left in the same state of unconcernedness as it was before, not so much as the council's being better informed of it; as if they had been sure all men would have submitted to it for conscience sake. He says, the Earl of Traquaire advised this delay. Vol., I. p. 87.

136) The same as the term in England.

137) The Council and Session were removed for the present to Linlithgo and after much vexation to Dundee, But the Council sat often at Dalkeith. See the Proclamation in Rushworth, Tom., II., P. 401.

138) That is, excommunicating and outlawing.

139) There were, on June 14, this year, extremely severe proceedings in the Star Chamber against some persons, which served very much to incense the whole nation against that merciless Court:—
1 William Prynne, for writing, in his confinement in the Tower, books called *The Quench Coal, News* from Ipswich, *The unbishopping of Timothy and Titus*. **2**. John Bastwick, M. D. (born at Writtle in Essex, brought up at Emanuel College, and Padua, and who professed physic at Colchester), for a book called, *Flagellum Pontificis & Episcoporum Latialium*, and another against the High Commission, entitled, *His Litany*. Henry Burton, B. D. Rector of St. Matthews in Friday-Street, and formerly closet keeper to the King, for a sermon preached on November 5. in all which books were contained severe invectives against the bishops. For this they were all three fined £5000 a piece. Prynne condemned to lose the rest of his ears, and to be stigmatised on both cheeks with the setters, S. L. for a seditious libeller; and the other two to lose only their ears and all to be imprisoned for life, Prynne in Caernarvon, Bastwick in Launceston, and Burton in Lancaster Castle. From whence they were afterwards removed, Prynne to Montorgueil Castle in Jersey, Bastwick to the Scilly Islands, and Burton to Guernsey. The Lord Clarendon observes, that as these three men were of the three professions which had the most influence upon the people, though they had formerly been looked upon under characters of reproach, yet when they were exposed on scaffolds, as common and signal rogues, to have their ears cut off, and faces branded with hot irons, Men began no more to consider their manners, but the men; and each profession, with anger and indignation enough, thought their education, and degrees, and quality, would have secured them from such infamous judgments, and treasured up wrath for the time to come. Vol. I. p- 73. —But this was not all: For John Lilburn, for writing in Prynne's behalf, to whom he had been clerk, was condemned to be whipped from the fleet prison, to Westminster Hall, and to stand in the pillory. He is said to receive five hundred stripes with a treble cord. Also Williams bishop of Lincoln, upon a charge of disloyal words against the King, and for suborning witnesses, was fined £10,000, committed to the Tower, and *suspended ab officio &c. beneficio*.

And Lambert Osboldeston, Master of Westminster School, for some letters of his to that bishop, which were supposed to reflect on Archbishop Laud, was fined £5000 to the King, and £5000 for damages to the Archbishop, and to stand in the pillory in Dean's Yard, but he made his escape. Bishop Williams was also fined £8000 upon this account. *State Trials*, Vol I. Fuller, Collier, Rushworth.

140) Two hundred muskets, and so many pikes, with a small quantity of powder. *Annals*, p. 635.

141) After this, they set new Guards upon the castle of Edinburgh, doubled the watch, and hearing that the Lord Commissioner was to have the next Sunday's Divine Service in the King's Palace at Holyrood House, they sent him word, That whosoever read the English service in that chapel, should never read more, and that there were a thousand men ready to disturb it. *Ibid.*, p. 636.

142) Ten says Whitelock, and Rushworth, p, 28, 762.

143) This it seems was the grand design of the Court, as appears by one of the King's letters to the High Commissioner, "In a word, says his Majesty to him, gain time by all the honest means you can, without forsaking your grounds". *Burnet's Mem. of Hamilton*, p. 56.

144) It consisted of about two hundred and sixty commissioners. Some of these members could neither read nor write, and yet three were to judge of heresy, and condemn Arminius or his Tenets, *Burnet's Mem. of Hamilton* p. 98.

145) And then the Marquis of Hamilton made a speech, and after that, tendered to the assembly, the King's concessions, which were much the same with those already mentioned above. See *Rushworth Tom. 2. p. 844, 845.*

146) Upon his election he made a short speech, declaring his unwillingness to accept the charge, yet would not be wanting to contribute his part toward the defence of the prerogative of the son of God. *Rushworth, Tom, 2, p. 847.*

147) Which made their sitting any longer Treason. *Nalson*, p. 123.

148) This was the course the Marquis of Hamilton had from the beginning advised him to take; namely, to send his fleet quickly with two thousand land soldiers in it, and send down arms to the northern counties of England, to garrison Berwick with fifteen hundred men, and Carlisle with five hundred; and to come himself in person with a Royal army. *Burnet's Mem. of Hamilton*, p. 54, 87, 98.

149) Upon the review taken afterwards by the King, the foot were found to be in all 19,614. The horse 1800, and the Dragoons 1460. Thomas Howard Earl of Arundel was general, Robert Devreux Earl of Essex; Lieutenant General, and Henry Rich Earl of Holland, General of the horse. See *Rushworth, Tom. 3. p. 926. Nalson, Tom. I. p. 207.*

150) And seized Edinburgh and Dunbarton castles; and applied to the King of France, *Nalson*, p. 197, 201. *Warwick.*

151) The King's Commissioners were, the Earl of Arundel Lord-General, the Earl of Essex Lieutenant-General, the Earl of Holland General of the horse, the Earls of Salisbury and Berkshire, and Mr. Secretary Coke and Sir Henry Vane. The Scotch deputies were, the Earls of Ruthes and Dumfermling, the Lord Lowdon, Sir William Douglas Sheriff of Tividale, Mr. Alexander Henderson, and Archibald Johnston. *Nalson, Tom, I. p. 233, 234.*

152) The King justly performed the articles on his part; but the Scots kept part of their forces in body, and all their officers in pay. *Whitelock*, p. 31.

153) During his stay in Scotland, the King gained James Earl of Montrose to his side, and much influenced the Earls of Lowdon and Lothian, Nalson, Tom I., P. 244.

154) Hence it is plain, the King had a mind to reserve a means to disavow his Commissioner. Rapin,

155) The Earl of Traquair: The King is always present in the General Assembly, by himself or Commissioner.

156) The King in his letter to Archbishop Spotiswood, ordered him to give in a protestation against the assembly, but that it should not be read or argued in the meeting, where, as he says,, nothing but partiality was to be expected. Rushworth, Tom. III. p, 952.

157) They not only abolished it, but also determined, that it was unlawful in the Church of Scotland. Rushworth, Tom. III- p 955.

158)) It was the Archbishop of St. Andrews and the Bishops of Ross, and Brichen, Annals, p. 790.

159) Or Lairds.

160)) These thirty two, with the eight officers of the crown, made up the select committee, called, Lords of the Articles; Whitelock and after him Echard says, the King chose the eight Noblemen.

161)) The Parliament allowed the High Commissioner to name the eight Lords, who should have been named by the Bishops, but professed it should be no precedent for the future; and they went on roundly to take away the Lords of the Articles entirely. When it was debated about what was to be brought in, in lieu of the Bishops, The Commissioner urged for the King to have fourteen lay abbots to represent the third estate, but it was voted, that the third estate should be completed by small Barons, who were to represent the commonality. Rushworth, Tom, III. P. 955.

162) During these commissioners stay in England, many secret counsels were held with them by the discontented English; chiefly by the favourers of Presbytery, and those who had suffered in the Star Chamber, or High Commission. The Earls of Essex, Bedford, and Holland; the Lord Say, Mr. Hampden, and Pym, and others of great interest and quality, were deep in with them. Whitelock, p. 31. The Lord Savile in particular, with great vehemence, pressed them to engage in a new war, and among other motives, brought them engagements in writing from most of the greatest Peers in England, to join with them, and assist them when they should come into England with an army. But these engagements were discovered at the Treaty of Rippon to have been a base forgery. Burnet's *Mem. of Hamilton*. p. 165. *History of His Time*, p. 37. *History of the Stuarts*, p. 37. p. 141, &c.

163) It is in the original Raye (which signifies a thornback) instead of Rais or Rayon, for which reason it seems, after the letter was signed by six of the covenanting Lords, it was rejected by the Lord Maitland, because it was false French and so it was laid aside, and never again taken into consideration, but one picking up the letter, brought it to Traquair, Mem, of Duke Hamilton, p. 161. It was said, however, that the Scots were encouraged to take arms from Cardinal Richelieu, by his chaplains, Chamberlain and concerned Scots; and by letters which a page of his brought to several in England and Scotland. Whitelock, p. 33. Coke, p. 325.

164) Sir Christopher Yelverton, High-Sheriff of Northamptonshire (Rapin by mistake says of Northumberland) sent, enclosed in a letter, a copy (under the hand of the Clerk of the Peace) of a presentment made by the grand jury, at a quarter sessions concerning ship money. Rushworth, Tom III- p. 991, 992.

165) He was created Baron of Fordwick in Kent, April 7. Rushworth, Tom. III. p. 1103.

166) The affairs of State were principally managed by the Archbishop of Canterbury, the Earl of Strafford, and the Lord Cottington. To these were added the Earl Northumberland, for ornament, the Bishop of London, for his place, being Lord Treasurer, the two secretaries, Vane and Wimlebank, for service and intelligence, only the Marquis of Hamilton by his skill and interest meddled just so far, and no farther, than he had a mind. These persons made up the Committee of State, reproachfully after called the Junta, and enviously then in the court, the Cabinet Council. Clarendon, Tom. I, p. 137.

167) There were (says Burnet) some ill instruments about the King, who advised him to proceed capitally against Lowdon, which is believed went very far. However, the Marquis of Hamilton, with the King's permission tried to gain Lowdon to the King, and finding him pliant, they came to a private agreement, and Lowdon was enlarged, and permitted to go down to Scotland, having promised to do the King service. See Burnet, Memoirs, p, 179, 171.

168) So high a breach (says the Lord Clarendon), that they could not proceed upon any other matter, until they first received satisfaction from the House of Peers, Clarendon Tom., I, p 106.

169) Whitelock says. Sir Henry Vane escaped not without censures. That his commission from the King was but to demand six subsidies, and that his mistake in requiring twelve subsidies, was on purpose to raise the House to animosity. Which, adds he, took effect, but whether intended so or not, is hard to judge. Whitelock's Mem. p, 34. See Nalson. Tom. I. p. 34.

170) The Lord Clarendon says, Sir Henry Vane, and the Solicitor General, made a worse representation of the humour and affection of the House than it deserved, and undertook to know, that if they came together again, they would pass such a vote against ship money, as would blast that revenue, as would other branches if the receipt. Vol. I. p. 110.

171) He consulted, the same day, on the next, whether he might by his proclamation, recall them to fit again. Clarendon, Tom. I. p. 111. Though the Lord Clarendon says the blame upon Sir Henry Vane, yet Whitelock says, it was chiefly by Laud's, and the secret Council's advice, that the Parliament was dissolved. Whitelock's Memoirs, p. 34. Dugdale says, the Queen was the cause of it. *View of The Troubles*, p. 61.

172) Dr. Brownrigg, Dr. Hacket, and other members of this convocation, (in all 36) protested against the continuation of its session. Fuller, E. XI, p. 169.

173) This was the opinion of the Lord-Keeper Finch, the Earl of Manchester, Sir John Bramston, Sir Edward Littleton, Sir Robert Heath, Sir Ralph Whitfield, and Sir John Banks. However, the King granted a new commission to continue the fitting of the convocation, which lasted till May 29. Nalson. Tom. I. p. 364, &c. Rushworth Tom. III. p. 1172, Whitelock.

174) The Canons, seventeen in all, with the oath, were voted, *nemine contradicente* except Godfrey Goodman Bishop of Gloucester who did not relish the oath, wherefore he was suspended; but afterwards he submitted, took the oath, and in a letter to Archbishop Laud says, he was encouraged to dissent by Bishop Montague, though at that instant he could have proved that Montague did visit, and hold correspondence, with the Pope's Agent, &c. Rushworth, Tom. III. p. 1187. Nalson, Tom. I. p. 371.

175) The Convocation voted six subsidies, payable in six years. Their subsidies were rated according to the valuation of the livings in the King's Books. Nalson, Tom. I. p. 366. A subsidy of four shillings in the pound, amounted to above twenty thousand pounds. So the whole six came to £120,000.

176) These Troops were pressed out of the militia of each county. Their allowance was eight pence a day; and their whole number amounted to £16,800. There were forces raised in the same manner to go by sea. What number of these were furnished by each county, see in Nalson, Tom. I. p. 381, 386, London found 1200. Essex and Kent 700 a piece, &c. In all 10,000. The first were to be at the Rendezvous the 10th of May, and the latter the 25th or 27th.

177) The bullion of the mint was ordered to be seized; but the merchants representing to his Majesty and council the great prejudice it would be to his Majesty's honour, reputation and interest, both at home and abroad, the design was laid aside, and £40,000 taken up of the merchants concerned in the mint, upon credit of the customs. There was likewise a design to debase the coin, but it was laid aside by the remarks of Sir Thomas Rowe, in a speech at the council table. Nalson, Tom. I. p. 391. These several methods, and particularly a voluntary loan of some Lords of the council, and other gentleman, brought the King in £300,000. Clarendon, Tom. I. p. 111.

178) They offered, by way of composition, to build for the King, a stately Palace in St. James's Park, and to pull down Whitehall, and make a stately way by the Thames side, strait from Charring Cross to Westminster Hall. Whitelock, p. 35.

179) To maintain their Army, the Scots imposed a tax of the tenth penny upon all the rents of Scotland. Nalson, Tom. I, p. 408.

180) The King's answer to this petition was: "That before the receipt thereof, he well foresaw the danger that threatened himself and crown, and therefore he resolved to summon all the Peers to his presence the 24th of September, and with them to consult, what in this case is fittest to be done for his honour, and the safety of the Kingdom, where the petitioners, with the rest, might offer anything conducive to these ends". *Whitelock's Memoirs*, p. 56.

181) The earls of Hertford, Bedford, Pembroke, Salisbury, Essex, Holland, Warwick, Bristol, and Berkshire; the Lord Viscount Mandeville; the Lord Paget, Wharton, Dunsmore, Brook, Savile, Paulette, and Howard of Escrick, were chosen by the King. Clarendon, Tom. I. p. 122. Rushworth, Tom., II, p. 1276.

182) York was named first, but the Scots refused to treat there, as not secure for their commissioners, so long as the Earl of Stratford commanded their chief, who had proclaimed them traitors in Ireland, before the king had done it in England. This was the first public appearance of the Scots enmity against Stratford and it is strange that it should not be more regarded. Whitelock, p. 36.

183) The Scottish commissioners were, the Earl of Dunfermline, Lord Lowdon, Sir Patrick Hopburge, Sir William Douglas, Mr Smith, Mr Wedderburn, Mr Henderson, Mr Johnston. Rushworth, Tom. III. P. 1282.



The Earl of Bristol





THE HISTORY OF ENGLAND, BOOK XIX

Chapter 2 Proceedings Against The Earl of Bristol



THE Earl of Bristol, who had been ambassador in Spain, to negotiate Prince Charles's marriage with the Spain's Infanta, was confined at his return to England, without being ever suffered to come into the King's presence. As long as King James lived, the Duke of Buckingham who was the cause of the Earl's disgrace, pretended however to be willing to adjust his affair, if he would but answer to some questions or objections, before commissioner appointed by the King.

The Earl answered those equations, but his reconciliation was not advanced by it. On the contrary, he found himself much farther from it by the death of King James, and the accession of Charles to the Crown. The Earl of Bristol finding himself on very ill terms, wished to come off if possible, without injuring his honour.

To this end, he applied to the Lord Conway Secretary of State, to desire him to intercede for him with his Majesty. There passed some letters between these two Lords upon that subject and at last, during the second Parliament of King Charles in 1626, the Earl received from the Lord Conway, the following Letter:—

My Lord,

I RECEIVED a Letter from your Lordship, dated the fourth of this month, written in answer to a former letter, which I directed to your Lordship by his Majesty's commandment. This last letter, according to my duty, I have shewed unto his Majesty, who hath perused it, and hath commanded me to write back to you again, that he finds himself nothing satisfied therewith.

The question propounded to your Lordship from his Majesty, was plain and clear, whether you did rather chuse to sit still, without being questioned for any errors past in your negotiation in Spain, and enjoy the benefit of the late gracious pardon granted in Parliament, whereof you may have the benefit:

Or whether, for the clearing of your innocence, (whereof yourself, and your friends and followers are so confident) you will be content to wave the advantage of that pardon, and put yourself into a legal way of examination for the trial thereof? His

Majesty's purpose thereby, is not to prevent you of any favours the Law hath given you; but if your assurance be such as your words and letters import, he conceives it stands not with that public and resolute profession of your integrity to decline your trial. His Majesty leaves the choice to yourself, and requires from you a direct answer, without circumlocution, or bargaining with him for future favours beforehand; but if you have a desire to make use of that pardon, which cannot be denied you, nor is any way desired to be taken from you, his Majesty expects you should at the least forbear to magnify your service, and out of an opinion of your innocence, cast an aspersion upon his Majesty's justice, in not affording you that present fullness of liberty and favour, which can not be drawn from him, but in his good time, and according to his good pleasure.

Thus much I have in commandment to write to your Lordship, and to require your answer clearly and plainly, by this messenger sent on purpose for it, and so remain,

Your Lordship's humble servant,

**Edw, Conway,
Whitehall, 24, March, 1626.**

The Earl of Bristol's Answer

My Lord,

I HAVE received your letter of the 24th of March, the twenty eighth, and I am infinitely grieved to understand, that my former answer to yours of the 24th of March, hath not satisfied his Majesty, which I will endeavour to do this, to the best of my understanding; and to that end, shall answer to the particular points of your present letter, with the greatest clearness I am able.

First, whereas you say in your letter, that the question propounded to me was plain and clear, viz. Whether I would chuse to sit still, without being questioned for any errors past in my negotiation with Spam, and enjoy the benefit of the late gracious pardon, whereof I may take the benefit? Or whether, being content to wave the advantage of that pardon, I shall put myself into a legal way of examination for the trial thereof, &c?

First, Your Lordship may be pleased to remember, your last Proposition was, Whether I desired to rest in the Security I was in, which you now express, whether I will chuse to sit Hill?

Secondly, Your proposition was, whether I would acknowledge the gracious favour of his Majesty that now is, who had been pleased not to question my actions, when it is best known to your Lordship, That by a Commission of the Lords, I was questioned upon twenty articles, divers involving felony and treason. Although it be true, that when I had so answered, (as I am confident their Lordships would have cleared me) I was so unhappy, as their Lordships never met more about that business.

But now your proposition is, whether I will now chuse to sit still without being further questioned for errors past, whereas before it was required I should acknowledge that I have not been questioned at all, which is a different thing? But conferring both your letters together, and gathering the sense and meaning, by making the latter an explanation of the former, which I could have wished your Lordship would have more clearly explained, I return unto your Lordship this plain and direct answer.

That understanding by the security I am in, and sitting still, and not being further questioned, I am restored to the bare freedom and liberty of a subject and Peer (for a man being called in question by his Majesty, if after his Majesty shall be pleased out of his goodness, that he rest quiet and secure, and that he shall not be farther questioned, I conceive that it is not apparent that his liberty naturally revolveth unto him, when by his Majesty's grace he is pleased to declare, he shall not be farther questioned, but may live in further security.)

So that understanding your letter in this sort (for no direct answer can be made, until the sense of the question be truly stated), I do most humbly acknowledge and accept his Majesty's grace and favour, and shall not wave any thing that (hall come to me by the pardon of the 21 Jac. Regis, nor by the pardon of his Majesty's Coronation, and am so far from bargaining, as you are pleased to express it, for future favour (though I hope my humble and submissive courses of petitioning his Majesty, neither hath, nor shall deserve so hard an expression) that I shall not presume so much as to press for any favour, until my dutiful and loyal behaviour may move his Majesty's royal and gracious heart thereunto, but receive with all humbleness, this my freedom and liberty, the which I shall only make use of in such sort, as I shall judge may be most agreeable to his Majesty's pleasure.

As for the second part of your letter, wherein you say, that if I desire to make use of that pardon, his Majesty expects that I should at least forbear to magnify my services; or out of an opinion of my own innocence call an aspersion upon his Majesty's justice.

To this point I answer, that as I hope I shall never err in that sort of immodesty of valuing my services, which I acknowledge to have been accompanied with infinite weakness and disabilities, so I trust it shall not displease, that I make use to mine own comfort, and the honour of my posterity, of those many written testimonies which my late most blessed master hath left me, of his gracious acceptance of my services for the space of twenty years.

So likewise I hope the modest avowing of mine innocence will not be thought to cast any aspersion upon his Majesty's honour or justice. I must freely confess unto your Lordship, I am much afflicted to see inferences of this nature made, both in your Lordship's last letter and in this. For if it shall be inferred as a thing reflecting upon the King's honour, that a man questioned, shall not endeavour to defend his own innocence before he be convicted, it will be impossible for any man to be safe; for the honour of his Majesty is too sacred a thing for any subject, how innocent soever to contest against.

So likewise, God forbid that it should be brought into consequences, (as in your former letter) as a tax upon the Government and justice of his late Majesty, and Majesty that now is, that I should have suffered so long time, not being guilty.

For as I never have been heard so much to repine of injustice in their Majesties in all my sufferings, so I well know, that the long continuance of my troubles may well be attributed unto other causes; as to my own errors of passion, or other accidents; for your Lordship may well remember, that my affairs were almost two years since upon the point of a happy accommodation, had it not been interrupted by the unfortunate mistaking of the speeches I used to Mr. Clark.

I shall conclude by entreating your Lordship's favour, that I may understand from you, as I hope for my comfort, that this letter hath given his Majesty satisfaction; or

if there should yet remain any scruple, that I may have a clear and plain signification of the King's pleasure, which I shall obey with all humility,

**Your Lordship's humble servant,
Bristol**

Not long after, the Earl of Bristol being informed that the House of Commons were ill affected to the Duke of Buckingham, believed he ought to improve that juncture. For which purpose he petitioned the House of Lords, shewing that he being a Peer of this realm, had not received a summons to Parliament, and desired their Lordships to mediate with his Majesty, that he might enjoy the liberty of a subject, and the privilege of his Peerage, after almost two years restraint, without being brought to a trial. And if any charge be brought in against him, he prayed that he might be tried by Parliament.

Upon which petition, it was resolved in a Committee of the Upper-House. That their Lordships should humbly beseech his Majesty, that a writ of summons might be sent to the Earl of Bristol. Hereupon the Duke of Buckingham signified to the House, that upon the Earl of Bristol's petition to the King, his Majesty had sent him his writ of summons: And withal, showed the Lords a copy of a letter written from the King unto the said Earl, being as followeth:—

We have received your letter addressed unto us by Buckingham, and cannot but wonder that you should through forgetfulness, make request to us of favour, as if you stood evenly capable of it, when you know what your behaviour in Spain deserved of us, which you are to examine by the observations we made, and know you well remember; how at our first coming into Spain, taking upon you to be so wise as to foresee our intention to change our religion, you were so far from dissuading us, that you offered your advice and secrecy to concur in it; and in many other conferences pressing to shew how convenient it was to be a Roman Catholic, it being impossible in your opinion to do any great action otherwise:

And how much wrong, disadvantage and disservice you did to the treaty, and to the right and interest of our dear brother and sister, and their children; what disadvantage, inconvenience, and hazard you entangled us in by your artifices, putting off and delaying our return home; the great estimation you made of that state, and the low price you set this Kingdom at; still maintaining that we under colour of friendship to Spain, did what was in our power against them, which they said, you very well knew:

And last of all, your approving of these conditions, that our nephew should be brought up in the Emperor's Court, to which Sir Walter Ashton then said, That he durst not give his consent for fear of his head: You replying unto him, that without some such great an action, neither marriage nor peace could be had.

The Lord-Keeper to the Earl of Bristol

My very good Lord,

BY his Majesty's commandment, I herewith send unto your Lordship your writ of summons for the Parliament; but withal to signify his Majesty's pleasure herein further, that howsoever he gives way to the awarding of the writ; yet his meaning is thereby, not to discharge any former directions for restraint of your Lordship's coming hither, but that you continue under the same restriction as you did before; so as your Lordship's personal attendance is to be forborne, and

therein I doubt not but your Lordship will readily give his Majesty satisfaction. And so I commend my service very heartily unto your Lordship, and remain,

Your Lord/hip's assured Friend and Servant,

**Dorset Court,
March 31st . 1626
Tho. Coventry, C. S.**

The Earl of Bristol's Answer to The Lord-Keeper

May it please your Lordship,

I Have received your Lordship's letter of the 31st of March, and with it his Majesty's writ of summons for the Parliament, in the one his Majesty commanded me, that all excuses set aside, upon my faith and allegiance, I fail not to come and attend his Majesty; and this under the Great-Seal of England. In the other, as in a letter missive, his Majesty's pleasure is intimated by your Lordship, that my personal attendance should be forborne:

I must crave leave ingenuously to confess unto your Lordship, that I want judgment rightly to direct myself in this case; as likewise that I am ignorant how far this may touch upon the privileges of the Peers of this land, and upon mine and their safety hereafter:

For if the writ be not obeyed, the Law calleth it a misprision, and highly fineable, whereof we have had late examples; and a missive letter being avowed or not, is to be doubted would not be adjudged a sufficient discharge against the Great-Seal of England.

On the other side, if the letter be not obeyed, a Peer may, *de facto*, be committed upon a contempt, in the interim, and the question cleared afterwards; so that in this case it is above mine abilities. I can only answer your Lordship, that, I will most exactly obey; and to the end I may understand which obedience will be, in all kinds, most suitable to my duty, I will presently repair to my private lodging at London, and there remain until in this, and other causes, I shall have petitioned his Majesty, and understand his further pleasure.

For the second part of your Lordship's letter, where your Lordship's faith:—

That his Majesty's meaning is not thereby to discharge any former directions, for restraint of your Lordship's coming hither, but that you continue under the same restriction as before; so that your Lordship's personal attendance here is to be forborne:

I conceive your Lordship intendeth this touching my coming to Parliament only; for as touching my coming to London, I never had at any time one word of prohibition or colourable prepuce of restraint; but on the contrary, having his late Majesty's express leave to come to London, to follow my affairs, out of my respect to his Majesty, then Prince, and to the Duke of Buckingham, I forbore to come until I might know, whether my coming would not be disagreeable unto them.

Whereunto his Majesty was pleased to answer, both under the hand of the Duke, and of Mr. secretary Conway, that he took my respect unto him herein in very good part, and would with me to make use of the leave the King had given me: Since

which time I never received any letter or message of restraint, only his Majesty by his letter, bearing date June the last, commandeth me to remain as I was in the time of the King his father, which was with liberty to come to London to follow my own affairs as I pleased, as will appear unto your Lordship, if you will afford me so much favour as to peruse them. I have writ this much unto your Lordship, because I would not, through misunderstanding, fall into displeasure by my coming up, and to entreat your Lordship to inform his Majesty thereof:

And that my Lord Conway, by whose warrant I was only restrained in the late King's time of famous memory, may produce anyone word, that may have so much as any colourable pretence of debarring my coming up to London. I beseech your Lordship to pardon my desire to have things clearly understood; for the want of that formerly hath caused all my troubles; and when anything is misinformed concerning me, I have little or no means to clear it:

To that my chief labour is to avoid misunderstanding. I shall conclude with beseeching your Lordship to do me this favour, to let his Majesty understand, that my coming up is only rightly to understand his pleasure, whereunto I shall in all things most dutifully and humbly conform myself.

And so with my humble service to your Lordship, I recommend you to God's holy protection, and remain;

Your Lordship's most humble Servant,

Sherborn,

April 12, 1626.

Bristol.

The Earl of Bristol's Second Petition Presented to The House of Lords, April 19, 1626

The humble Petition of John Earl of Bristol: Humbly shewing unto your Lordships,

THAT he hath lately received his writ of Parliament, for which he returneth unto your Lordships most humble thanks, but jointly with it a letter from my Lord-Keeper, commanding him in his Majesty's name to forbear his personal attendance; and although he shall ever obey the least intimation of his Majesty's pleasure, yet he most humbly offereth unto your Lordships wise considerations as too high a point for him, how far this may reach upon the liberty and safety of the Peers, and the authority of their Letters Patents, to be in this sort discharged by a letter missive of any subject, without the King's hand; and for your Lordships due information, he hath annexed a copy of the said Lord-Keeper's letter, and his answer thereunto.

He further humbly petitioneth your Lordship:—

That having been, for the space of two years, highly wronged in point of his liberty, and of his honour, by many sinister aspersions which have been cast upon him, without being permitted to answer for himself; which hath been done by the power

and industry of the Duke of Buckingham, to keep him from the presence of his Majesty and the Parliament, least he should discover many crimes concerning the said Duke:

He therefore most humbly beseecheth, That he may be heard both in the point of his wrong, and of his accusation of the said Duke; wherein he will make it appear, how infinitely the said Duke hath both abused their Majesties, the State, and both the Houses of Parliament. And this he is most confident will not be denied, since the Court of Parliament never refuseth to hear the poorest subject seeking for redress of wrongs, nor the accusation against any, be he never so powerful:

And herein he beseecheth your Lordships to mediate to his Majesty, for the suppliant's coming to the House, in such sort as you shall think fitting; assuring his Majesty, that all he shall say, shall not only tend to the service of his Majesty and the State, but highly to the honour of his Majesty's royal person, and of his princely virtues: And your suppliant shall ever pray for your Lordships prosperity.

Hereupon the Lord-Keeper delivered this message from the King to the House of Lords.

That his Majesty hath heard of a petition preferred unto this House by the Earl of Bristol, so void of duty and respect to his Majesty, that he hath great cause to punish him;

That he hath also heard with what duty and respectfulness to his Majesty their Lordships have proceeded therein, which his Majesty conceiveth to have been upon the knowledge they have, that he hath been restrained for matters of State; and his Majesty doth therefore give their Lordships thanks for the same, and is resolved to put the cause upon the honour and justice of their Lordships and this House. And thereupon his Majesty commanded him (the Lord-Keeper) to signify to their Lordships his royal pleasure, that the Earl of Bristol be sent for as a delinquent, to answer in this House his offences, committed in his negotiations before his Majesty's being in Spain, and his offences since his Majesty's coming from Spain, and his vandalizing the Duke of Buckingham immediately, and his Majesty by reflection, with whole privity, and by whose directions the Duke did guide his actions, and without which he did nothing.

All which his Majesty will cause to be charged against him before their Lordships in this House.

The Lords appointed a Committee to attend the King, and to present their humble thanks to his Majesty, for the trust and confidence he had placed in the honour and justice of their House.

ON MONDAY the first of May, the Gentleman Usher brought the Earl of Bristol to the bar, according to their Lordships order; and the Lord-Keeper acquainted him, that the King had commanded his Attorney General, to charge the Earl of Bristol before their Lordships with high treason, and other offences and misdemeanours of a very high nature, that they might proceed with a legal course against him, according to the justice and usual proceedings of Parliament.

Articles of Accusation Against The Earl of Bristol, Presented to The Upper-House by The King's Attorney General.

I. Offences Done and Committed by The Earl of Bristol, Before his Majesty's Going into Spain, When he Was Prince

WHAT the said Earl being trusted and employed by the said late King as his ambassador to Ferdinande, then and now Emperor of Germany; and to Philip the IVth, then and now King of Spain, in Amis 1621, 22, 23. And having commission, and particular and special direction, to treat with the said Emperor and the King of Spain, for the plenary restoring of such parts of the dominions, territories, and possessions of the Count Palatine of Rhine, who married with the most excellent Lady Elizabeth his now royal consort, the only daughter of the said late King James; which were then wrongfully and in hostile manner taken, and possessed with and by the armies of the said Emperor and King of Spain, or any other; and for the preserving and keeping such other parts thereof as were not then lost, but were then in the protection of the said late King James; and to the use of the said Count Palatine and his children:

And also to treat with the said King of Spain for a marriage to be had between the most high and excellent Prince Charles, then Prince of Wales, the only son and heir apparent of the said King James, and now our most Sovereign Lord, and the most illustrious Lady Donna Maria the Infanta of Spain, sister to the now King of Spain:

He the said Earl, contrary to his duty and allegiance, and contrary to the trust and duty of an Ambassador, at Madrid in the Kingdom of Spain, to advance and further the designs of the said King of Spain against our said sovereign Lord, his children, friends, and allies; falsely, willingly, and traitorously, and as a traitor to our said late Sovereign Lord the King, by sundry letters and other messages sent by the said Earl from Madrid, in the year aforesaid, unto King James and his Ministers of State of England, did confidently and resolutely inform, advise, and assure the said late King, that the said Emperor and King of Spain, would really, fully and effectually make restitution and plenary restoration to the said Count Palatine, and his children of the said dominions, territories and possessions of the said Count Palatine and of the said electoral dignity:

And that the said King of Spain did really, fully and effectually intend the said marriage between the said Lady his sister, and the said Prince our now Sovereign Lord, according to articles formerly propounded between the said Kings:

Whereas in truth, the said Emperor and King of Spain, or either of them, never really intended such restitution as aforesaid; and whereas the said King of Spain never really intended the marriage according to those articles propounded, but the said Emperor and the King of Spain, intended only by those treaties, to gain time to compass their own ends and purposes, to the detriment of this Kingdom, (of all which, the said Earl of Bristol neither was nor could be ignorant) the said late King James by entertaining those treaties, and continuing them upon those false assurances given unto him by the said Earl, as aforesaid, was made secure, and lost the opportunity of time, and thereby the said dominions, territories and possessions of the said Count Palatine, and the electoral dignity become utterly lost; and some parts thereof were taken out of the actual possession of the said King James, unto whose protection and safekeeping they were put, and committed to the said Count Palatine and the most excellent Lady Elizabeth his wife, and their children, are now utterly dispossessed and bereaved thereof, to the high dishonour of our said late Sovereign Lord King James, to the dispersion of the said late King's children, and their posterity, of their antient patrimony, and to the disadvantage and discouraging of

the rest of the Princes of Germany, and other Kings and Princes in amity and league with his Majesty.

II. That the said Earl of Bristol being ambassador for his late Majesty King James as aforesaid, *in aunis supradisiis*, and having received perfect, plain, and particular instructions and directions from his said late Majesty, that he should put the King of Spain to a speedy and punctual answer, touching the treaties aforesaid:

And the said Earl well understanding the effect of those instructions and directions so given unto him, and taking precise knowledge thereof; and also knowing how much it concerned his late Majesty in honour and safety (as his great affairs then stood) to put these Treaties to a speedy conclusion:

Yet nevertheless, he the said Earl, falsely, willingly and traitorously, contrary to his allegiance, and contrary to the trust and duty of an ambassador, continued those treaties upon generalities, without effectual pressing the said King of Spain unto particular conclusions, according to his Majesty's directions as aforesaid; and so the said Earl intended to have continued the said treaties upon generalities, and without reducing them to certainties and to direct conclusions, to the high dishonour of his said late Majesty, and to the extreme danger and detriment of his Majesty's person, his crown and dominions, confederates and allies.

III. That the said Earl of Bristol, being ambassador for his said late Majesty as aforesaid, in the years aforesaid, to the intent to discourage the said late King James, for the taking up of arms, entering into hostility with the said King of Spain, and for resisting him and his forces, from attempting the invasion of his said late Majesty's Dominions, and the Dominions of his said late Majesty's confederates, friends, and allies; the said King of Spain having long thirsted after an universal Monarchy in these Western parts of the world, hath many times, both by words and letters, to the said late King and his Ministers, extolled and magnified the greatness and power of the said King of Spain, and represented unto his said late Majesty, the supposed dangers which would ensue unto him, if a war should happen between them; and affirmed, and insinuated unto his said late Majesty, that if such a war should ensue, his said late Majesty, during the rest of his life, must expect neither to hunt, nor hawk, nor eat his meat in quiet:

Whereby the said Earl of Bristol did cunningly and traitorously strive to retard the resolutions of the said late King, to declare himself an enemy to the said King of Spain, (who, under colour of treaties and Alliances, had so much abused him) and to resist his arms and forces, to the loss of opportunity of time, which cannot be recalled, or regained, and to the extreme danger, dishonour, and detriment of this Kingdom.

IV. The said Earl of Bristol upon his dispatch out of this Realm of England, in his ambassage aforesaid, having communication with divers persons of London, within this Realm of England, before his going into Spain, in and about his ambassage concerning the said treaty, for the negotiation whereof, the said Earl purposely was sent; and he the said Earl being then told, that there was little probability, that these treaties would or, could have any good success, he the said Earl acknowledged as much;

And yet nevertheless, contrary to his duty and allegiance, and to the faith and truth of an ambassador, he the said Earl said and affirmed, that he cared not what the success thereof would be; for he would take care to have his instructions, and pursue

them punctually; and howsoever the business went, he would make his fortune thereby, or used words at that time to such effect; whereby it plainly appeareth, that the said Earl, from the beginning herein, intended not the service or honour of his late Majesty, but his own corrupt and sinister ends, and for his own advancement.

V. That from the beginning of his negotiation, and throughout the whole management thereof, by the said Earl of Bristol, and during his said ambassage, he the said Earl, contrary to his faith, and duty to God, the true religion professed by the Church of England, and the peace of this Church and State, did intend and resolve, that if the said Marriage so treated of as aforesaid, should by his ministry be effected, that thereby the Romish religion, and professors thereof, should be advanced within this Realm, and other his Majesty's realms and dominions, and the true religion and Professors thereof, discouraged and discountenanced.

And to that end and purpose, the said Earl, during the time aforesaid, by letters unto his late Majesty, and otherwise, often counselled and persuaded his said late Majesty to set at liberty the Jesuits and Priests of the Romish religion; which, according to the good, religious, and public laws of this Kingdom, were imprisoned or restrained, and to grant, and to allow unto the Papists, and professors of the Romish religion, free toleration, and silencing of all the laws made, and standing in force against them.

VI. That by the false information and intelligence of the said Earl of Bristol during the time aforesaid, unto his said late Majesty, and to his Majesty that now is, (being then Prince) concerning the said treaties; and by the assurances aforesaid given by the said Earl, his said late Majesty, and the Prince, his now Majesty, being put in hopes, and by the said long delay used, without producing any effect, their Majesties being put into jealousies, and just suspicion, that there was no such sincerity used towards them as they expected; and with so many answers from the Earl, had on their part been undertaken, the said Prince, our now gracious Sovereign, was enforced, out of his love to his country, to his allies, friends, and confederates, and to the peace of Christendom, who all suffered by those intolerable delays, in his own person to undertake his long and dangerous journey into Spain, that thereby he might either speedily conclude those treaties, or perfectly discover, that on the Emperor's, and the King of Spain's part, there was no true and real intention to bring the same to conclusion, upon any fit and honourable terms and conditions, and did absolutely and speedily break them off.

By which journey, the person of the said Prince, being then heir apparent to the crown of this Realm, and in his person, the peace and safety of this Kingdom, did undergo such apparent, and such inevitable danger, as at the very remembrance thereof, the hearts of all good subjects do even tremble.

II Offences Done and Committed By The Said Earl During The Time of The Prince of The Prince Being in Spain

VII. THAT at the Prince's coming into Spain, during the time aforesaid, the Earl of Bristol, cunningly, falsely, and traitorously, moved and persuaded the Prince, being then in the power of a foreign King of the Romish religion, to change his religion, which was done in this manner. At the Prince's first coming to the said Ear], he asked the Prince, for what he came thither?

The Prince at first not conceiving the Earl's meaning, answered, You know as well as I. The Earl replied, Sir, Servants can never serve their masters industriously,

although they may do it faithfully, unless they know their meanings fully. Give me leave therefore to tell you what they say in the town, is the cause of your coming, that you mean to change your religion, and to declare it here, and yet cunningly to disguise it.

The Earl added further: Sir, I do not speak this, that I will persuade you to do it or that I will promise you to follow your example, though you will do it; but as your faithful servant, if you will trust me with so great secret, I will endeavour to carry it the discreetest way I can.

The Prince being moved at this unexpected motion, again said unto him, I wonder what you have ever found in me, that you should conceive I would be so base and unworthy, as for a wife to change my Religion.

The said Earl replying, he desired the Prince to pardon him if he had offended him, it was but out of his desire to serve him. Which persuasions of the said Earl was the more dangerous, because the more subtle; whereas it had been the duty of a faithful servant, to God and his master, if he had found the Prince staggering in his Religion, to have prevented so great an error, and to have persuaded against it, so to have avoided the dangerous consequence thereof to the true religion, and to the State, if such a thing should have happened.

VIII. That afterwards, during the Prince's being in Spain, the said Earl having conference with the said Prince about the Romish religion, he endeavoured falsely and traitorously to persuade the Prince to change his religion, and to become a Roman Catholic, and to become obedient to the usurped authority of the Pope of Rome:

And to that end and purpose, the said Earl traitorously used these words unto the said Prince, that the State of England never did any great thing, but when they were under the obedience of the Pope of Rome, and that it was impossible they could do any thing of note otherwise.

IX. That during the time of the Prince's being in Spain, the Prince consulting and advising with the said Earl, and others, about a new offer made by the King of Spain, touching the Palatinate's eldest son, to marry with the Emperor's daughter, but then he must be bred up in the Emperor's court; the said Earl delivered his opinion, that the proposition was reasonable; whereat, when Sir Walter Aston then present, falling into some passion, said, that he durst not for his head consent to it; the Earl of Bristol replied, that he saw no such great inconvenience in it; for that he might be bred up in the Emperor's court in our religion.

But when the extreme danger, and, in a manner, the impossibility thereof was pressed unto the said Earl, he said again, that without some great action, the peace of Christendom would never be had; which was so dangerous, and so desperate a Counsel, that one near the Crown of England should be poisoned in his religion, and become an un-friend to our State, that the consequences thereof, both for the present and future times, were infinitely dangerous; and yet hereunto did his disaffection to our religion, the blindness in his judgment, misled by his sinister respects, and the too much regard he had to the House of Austria, lead him.

III. Offences Done and Commuted by The Said Earl, After The Prince's Coming From Spain.

X. THAT when the Prince had clearly found himself and his father deluded in these treaties, and hereupon resolved to return from the court of Spain; yet because it behoved him to part freely, he left the powers of the desponsories with the Earl of Bristol, to be delivered upon the return of the dispensation from Rome, which the King of Spain insisted upon; and without which, as he pretended, he would not conclude the marriage.

The Prince foreseeing and fearing, lest after the desponsories, the Infanta that should then be his wife, might be put into a monastery, wrote a letter back to the said Earl from Segovia, thereby commanding him not to make use of the said powers, until he could give him assurance, that a monastery should not rob him of his wife; which letter, the said Earl received, and with speed returned an answer thereto in England, persuading against this direction, yet promising obedience thereunto. Shortly after which, the Prince sent another letter to the said Earl into Spain, discharging him of his father's command.

But his late Majesty, by the same messenger, sent him a more express direction, not to dispatch the desponsories, until a full conclusion were had of the other Treaty of the Palatinate with this of the marriage; for his Majesty said, that he would not have one daughter to laugh, and leave the other daughter weeping. In which dispatch, although there were some mistaking, yet in the next following, the same was corrected, and the Earl of Bristol tied to the same restriction, which himself confessed in one of his dispatches afterwards, and promised to obey punctually the King's command therein; yet nevertheless, contrary to his duty and allegiance, in another letter sent immediately after, he declared, that he had set a day for the desponsories, without any assurance, or so much as treating of those things which were commanded to him as restrictions; and that so short a day, that if extraordinary diligence, with good success in the journey, had not concurred, the Prince's hands might have been bound up; and yet he neither sure of a wife, nor any assurance given of the temporal articles.

All which, in his high preemption, he adventured to do, being an express breach of his instructions; and if the same had not been prevented by his late Majesty's vigilance, it might have turned to the infinite dishonour and prejudice of his Majesty.

XI. Lastly, That he hath offended in a high and contemptuous manner, in preferring a scandalous petition to this honourable House, to the dishonour of his Majesty of blessed memory deceased, and of his sacred Majesty that now is, which are no way sufferable in a subject towards his Sovereign; and in one article of that petition specially, wherein he gives his now Majesty the lie, in denying and offering to falsify that relation which his Majesty affirmed, and thereunto added many things of his own remembrance to both Houses of Parliament.

Robert Heath, [Attorney-General.]

The Earl of Bristol, upon the Attorney-General's accusing him of high treason, thus expressed himself:—

That he had exhibited his petition to the House, April 19, that he might come up and be heard in his accusation of the Duke of Buckingham, and that thereupon, he being a peer of this realm, is now charged with treason:

That he had heretofore informed the late King of the Duke's unfaithful service, and thereupon the Duke laboured that he might be clapt up in the Tower, presently upon his return out of Spain:

That he importuned the late King, that he might be heard before himself, and his Majesty promised it; I pray God (said he) that the promise did him no hurt, for he died shortly after. And for the King's promise, he vouched the Lord-Chamberlain for a witness; and he desired the Lords to take notice, that their House was possessed already of his said petition, and of his accusation of the said Duke:

And therefore desired first, that they would receive his charge against the Duke and the Lord Conway, and not to invalid his testimony against him by the King's charge against him; and that he might not be impeached, till his charge of so high a nature be first heard.

So he tendered to the House the articles against the Duke, which the clerk received, and he withdrew, and his Petition exhibited the 19th of April was read; and the Lords resolved upon the question,

That the said Earl's charge against the Duke of Buckingham and the Lord Conway should be presently read.

The Earl being shortly after called in again to the Bar of the Lord's House, concerning his Articles against the Duke, made this speech.

First, he craved pardon of their Lordships for his earnest speeches the other day, counselling them to have been in passion, saying, That unexpected accusation of treason would warm any honest heart, but would hereafter amend it. Then he returned their Lordships humble thanks for their manner of proceeding against him; and desired to know, from Mr. Attorney, whether that was his whole charge or not. Mr. Attorney answered, That he had commandment to open no more against him; peradventure, upon the opening of the charge, some particulars might arise, and be urged, but no new matter should.

Then the Earl desired to know of Mr. Attorney, who was the relator to his charge, and that he might understand who was his accuser. Mr. Attorney answered, That the King himself, out of his own mouth, had given him directions for his own relation against him, and corrected many things that were added.

Unto which the Earl answered, that he would not contest with the King, neither did it beseem him so to do; neither esteemed he his life or his fortunes so much, as to save them by contesting with his Sovereign; and therefore would make no reply or answer, were it not that his religion and honour were jointly questioned with his life; but that being to descend to his posterity, for their sakes he was an humble suitor unto his Majesty.

That he would not take indignation at his own just defence, yet would he be ready to make any humble submission to his Majesty, and heartily desired some means might be made, that he might make it personally to himself, wherein he would submit himself most willingly to some such act of humiliation and submission, (not wronging his innocence) that never subject did towards his Sovereign:

And also that his Majesty would be pleased to set himself in his throne of justice, and declare out of his royal justice, that he would have the Duke and him upon equal terms, and that neither of their causes should be advanced before the other's.

These were his humble Petitions, which he besought their Lordships to present unto his Majesty, and to take it into their considerations, of how dangerous a consequence it would be, if the King should be accuser, judge, witness, and should have the confiscation. As touching the charge against him, he said, He had once answered it all, except that of his petition; and he doubted not but to clear himself before their Lordships, of every particular of it.

He said, He expected not to have heard of this again, having once answered it He rather expected to have been charged with some practice with Spain against the State; or the receipt of ten or twenty thousand pounds, for the persuading and procuring of the delivery up of some town, of which the crown was in possession, as might be the town of Flushing, the Brill, or the like; or for being the means of lending the King's ships to a foreign nation, and that against those of our own Religion; or for revealing his Majesty's highest secrets, which none above two or three dares know; or for treating the greatest affairs[1], as it were by his own authority, without formal instructions in the points; for having taken rewards; or been corrupted by a foreign Prince; or to have broken his instructions in any ecclesiastical point; or, as the law calleth it, to have committed an overt act of disloyalty; and not to be charged, after seven ambassages, with discourses and inferences.

Then he desired their Lordships, that he might have a copy of his charge in writing, and time allowed him for his answer, and counsel assigned him to plead his cause; and said:—

There was a great difference between the Duke of Buckingham and him; for the Duke was accused of treason, and yet at large, and in the King's favour; and he being accused but of that which he had long since answered, was a prisoner: And therefore he moved, that they might be put in equal condition.

And as touching the Lord Conway, inasmuch as he had given in Articles against him, he desired his Lordship, he might not meddle in that particular business, or use the King's name against him, *ex officio*.

He also besought their Lordships to be suitors to his Majesty on his behalf, that all the particular dispatches of his own ambassages, and Sir Walter Aston's might be brought thither, and that he might make use of them for his defence, as his evidence? Then he desired their Lordships, not to think it tedious for him to proceed, and lay open his case unto them: Which being granted, he began as followeth.

He said:—

That he had the honour to serve the late King his Master, of happy memory, for the space of twenty years, and a long time as a counsellor, and in seven foreign ambassages: In all which time, in point of his negotiation, he had never received one check or rebuke, until the return of the Duke of Buckingham out of Spain; and therefore, from thence he would begin his present narration.

The very day that his Majesty departed from Spain, he was pleased to tell him, That he had no ways offended him, but did him the honour to trust him with the custody of the powers for his marriage; and after his return into England, wrote unto him some letters, which did in no kind express any distrust or displeasure against him.

About the same time, he wrote unto his Majesty several letters, as in duty he was bound, not for any earthly respect whatsoever, to conceal from him the true estate of his affairs; in which letters he set down truly and honestly, That he conceived, that the distastes grown there betwixt the King of Spain and his Ministers, and the Duke of Buckingham, would disorder and utterly overthrow all his affairs, if his wisdom prevented it not, *bine illæ lachrymæ*:

The Duke of Buckingham got a sight and knowledge of the letters; and fearing, lest the Earl at his return should discover unto his said late Majesty, his practices and misdemeanours in Spain, he resolved, That his access to the King was no ways to be admitted, and therefore laboured and endeavoured, that he might be committed to the tower presently upon his arrival; and conceiving that the Lord Marquis Hamilton, in regard of his friendship with the Earl, and the alliance which was then intended between them, might oppose his course, he earnestly pressed him therein, and moved him to deal with my Lord-Chamberlain to the same purpose, vowing, That there was no hurt intended to the Earl, but only that he feared, that if he should be admitted to the King, he would cross and disturb the course of affairs. But they were so honourable, that neither of them would condescend thereunto; and so that intention of his took no effect.

This design of the Duke not taking, he fell upon other things, indeed to have frightened the Earl out of his country and honour; and thereupon laid some great and sinister aspersions upon him in both Houses of Parliament, thinking thereby to have terrified him, that he should not return, saying, That if he kept not himself where he was, and laid hold of those great offers which he heard were made unto him in Spain, it would be worse with him.

Here the Earl desired my Lord Chamberlain, that he would be pleased upon his honour, to deliver what he knew of the matter. Whereupon the Lord Chamberlain attested the truth of what the Earl had said concerning the Duke of Buckingham, the Marquis of Hamilton, and himself.

Then the Earl of Bristol proceeded and said:—

That the knowledge of these aspersions cast upon him in the Parliament, came first unto him at Bordeaux in France, where he was coming home at leisure, in the company of his wife and family, having formerly sent a post of purpose to the Lord Conway, to know if his speedy return would be any way useful to his Majesty's service:—

Who answered him,

That he might very well return at leisure with his family. And in the mean time, he was fallen upon by the Duke of Buckingham in Parliament, in such sort as your Lordships well remember, of whose declaration, he said, he would boldly affirm unto their Lordships, that there was scarce anyone thing concerning him in it, which was not contrary to, or different from the truth.

From Bordeaux the Earl took post, making haste, for that he hoped to clear his honour in Parliament before it should break up; and being arrived at Calais, he sent over to have one of the King's ships, for which there was public order given: But although both wind and weather were as fair as could be, and the King's ships lay at Boloigne, having carried over Count Mansfield, and might everyday within three hours have been with him, yet the ship came not in eight days expectance; so that the Earl, fearing the Parliament would be dissolved, was enforced to pass the sea in a boat with fixed oars, as he did, having with him thirty or forty thousand pounds of the King's jewels.

Upon his landing at Dover, hoping that if his arrest should have been deferred till his coming to London, he might have gotten directly to the King's presence, which the Duke resolved was by no means to be admitted: The Earl was there, by a letter of the Lord Conway's, delivered unto him by a servant of his, in his Majesty's name, commanded to retire himself to his house, and not to come to the court, or the King's presence, until he should have answered unto certain questions, which his Majesty would appoint some of the Lords of the Council to ask him.

Hereupon he sent presently to his Majesty, who sent him word, That his restraint was neither for any ill meaning unto him, nor that it should last long, but was intended for his good, to keep the Parliament from falling violently upon him. And the same reason the Duke alleged to some of his friends; and all those his troubles, which have followed upon his first restraint, have been procured by the Duke's art, under colour of favour. But the Earl having received his message from the King, became a most humble suitor unto his Majesty, that he would expose him to the Parliament; for that if he had not served him honestly in all things, he deserved no favour, but to be proceeded against with all severity.

And in this particular he pressed the King, as far as could stand with duty and good manners; but received answer from his Majesty, That there should but few more days pass, before he would put an end to his affairs. And about this time the Parliament was dissolved.

He still continued his solicitation to be admitted to the King's presence, who sent him word, and confirmed it by oath:

That as soon as he should have answered the questions which the commissioners were to propound to him, he would both see him and hear him, and wondered that he should so much doubt thereof.

He then solicited with all earnestness to have the questions sent unto him, which was promised should be within few days. In the interim, his Majesty being desirous that the business should have been accommodated, sent secretly to him by a gentleman (who is ready to depose it) this message; That he should write a fair Letter to the Duke, and leave the rest to him.

Hereupon the Duke sent a gentleman (one Mr. Clark) with fair propositions, offering to procure him whatsoever he could reasonably pretend; only he must not be admitted to the King's presence for some time; and that the Duke would have the disposing of his vice-chamberlain's place, having been therein formerly engaged.

The Earl told the gentleman, that to condescend to any such course, were jointly to confess himself faulty in some kind, which he would not do for any respect in the world; and let him know the great wrong that the Duke had already done him; and therefore it would be more honourable for him to procure him some reparation, than to press him farther.

Moreover, not by way of message, but by way of information of the said Mr. Clark, he let him know, how fit it were for the Duke not to press these things, who could not but be conscious of his own faults, and knows he is innocent; and withal shewed him a paper that he had made ready for the King, containing the particulars wherein the Duke had disparaged him.

Mr. Clark making the Duke acquainted herewith, the Duke wrote a letter the next day to the Earl, bearing date 7 July, telling him, that he had willingly intended the accommodation of his affairs; but by what he had now said to Mr. Clark, he was disobliged, unless he should be pleased to relent it.

Whereupon the Earl answered with that directness he thought befitting him in point of honour. The course of mediation was interrupted, and the Duke so far incensed, that he swore he would have him questioned for his life. In the interim (which the Earl desired might be known to the Lords) his late Majesty was so far from thinking him a delinquent, or any way dishonest, that he was often heard to say and swear:

That he held him an. honest man, and that he would answer for him that he had neither committed felony nor treason. And this divers are ready to depose. The which he well confirmed, for that he gave general leave to all gentlemen of the Court, Privy-Counsellors, and to his Secretary of State, to have free access unto him; yea, even so far as to admit of visits and intercourse with

Spanish ambassadors, and the Paedre Maestre, as is best known to my Lord Conway, by whose letter he received his Majesty's leave in that particular.

Then he resumed the state of his business where he left it, which was in the hands of the commissioners, and they were to frame interrogatories for him; the which, although they had promised should be sent within a few days, yet such art was used, that six or seven weeks were spent in the framing of them, to the end that his Majesty's progress beginning, there might be no means for the farther clearing of the business:

And so supposing that for the answering of the twenty interrogatories of so high a nature, the Earl would take some time, they caused the said interrogatories to be delivered unto him within a few days before the beginning of the progress; but he used so much diligence, that he made ready to answer *in persona*, though it were in the nature of a delinquent.

Unto which his Majesty answered most graciously. That out of his favour, and for that he would not do him wrong, he would not admit of it, but that he would send his answer, and he would instantly put an end to his businesses; as will appear by letters.

Hereupon the Duke was put into a great strait how to keep him any longer from his Majesty, but desired that only a few questions more might be asked of him; which the King upon great urging and instance, condescended unto, so that the questions might be presently sent him:

But herein were such artifices used, that the bringing of any was delayed until the King had begun his progress; and then within a day or two, the Lord Conway sent him word, That he had order indeed for the sending of him some more questions. but out of his affection to him he forbore the sending of them, unless he should press for them. Whereupon the Earl instantly wrote unto him, that they might be sent unto him.

My Lord Conway made him answer by his letter that he wished rather the course course of mediation might be pursued, for that would but further exasperate; but if he would needs have the questions they should be sent to him. Whereupon he sent to solicit his Lordship for them with all earnestness, insomuch as to petition his late Majesty twice, that the said questions might be sent: But when the turn was served of keeping him from the King's presence, the said questions were never more heard of till this day.

So likewise the Earl having sent his answer to all the commissioners, who most of them made not nice to declare, that they were fully satisfied; and when it was perceived that the commissioners would certainly clear him, and that he thereby should be restored unto his Majesty's favour, they were never more permitted to meet:

A proceeding, which, as he conceived, their Lordships would think hardly to be paralleled, that a commission should be appointed to condemn, if there had been cause, but not to clear.

After the progress was ended, he began again to solicit his Majesty, and wrote particularly unto the Duke of Buckingham. Whereupon the Duke was pleased to send four or five propositions, which he desired he should acknowledge; the which propositions contained nothing but what hath been already propounded and satisfied in the former interrogatories:

And if he would make his acknowledgement, he then promised to employ his force and power with the King and Prince, that he should be admitted to kiss their hands, and be received into their gracious favour; but otherwise, in a menacing sort, that he should lay his hands upon his breast, and so that would be best for him.

And in the preface of the said propositions, he writeth these words which follow:—

It is an assertion not granted, that the Earl of Bristol, by his answer hath satisfied either the King, the Prince, or me of his innocence.

A presumptuous communication for any subject.

But these proportions were so unjust, that he wrote unto the Duke, that instead of an acknowledgment, he had sent him an answer unto them; unto which, if either himself, or any man living was able to reply, he would submit himself to any thing that should be demanded. But this no way satisfied the Duke, although it did his late Majesty, who, in the Duke's presence, said:—

I were to be accounted a tyrant, to enjoin an innocent man to confess faults, which he was not guilty.

And thereupon sent him word, that he should make his answer, but acknowledge nothing he was not faulty in. And although he had received this message from the King's own mouth, as will be deposed, yet the Duke at the same time wrote unto him, that the conclusion of all that has been treated with his Majesty, was, that he should make the acknowledgment in such manner, as was set down in this paper.

And at this time likewise it was that his Majesty sent him word, that he would hear him concerning the Duke of Buckingham, as well as he had heard the Duke concerning him. And this was not long before his Majesty's sickness; And in the interim, as he had heard by several ways the King suffered much, and was infinitely pressed by the Duke concerning the said Earl and his affairs; and this he said, was the suffering he had spoken of to their Lordships the other day.

The Earl craved leave of their Lordships to specify some other particulars, whereby it should appear, that his Majesty was in no kind ill opinioned of him till his dying day, viz, That several persons will depose, that they have heard his Majesty say, that he esteemed him an honest man; and that he was pleased to accept of toys by way of present from him, graciously, and in good part; and at last was likewise pleased to give him leave to come to London, and to follow his own affairs; and that his pleasure was signified unto him by the Duke his own letter.

Whereupon he determined to come to London, intimating to the Duke his intention of going to his lodgings in Whitehall; but the Duke was therewith incensed again, and said, he mistook the King's meaning, which was, that he might privately follow his own business. And this he said, was the true state and conditions when it pleased God to take unto his mercy his late most gracious Majesty.

Upon his Majesty's coming to the Crown, he said, he wrote a most humble letter unto his Majesty, imploring his grace and goodness, and desiring the Duke's mediation. But he was pleased to answer by his letter of 7 May 1625:

That the resolution was to proceed against him, without a plain and direct confession of the point which he had formerly required him to acknowledge; and in a courtly manner of menace telleth him, that he would take the freedom to advise him, to bethink himself in time what would be most for his good.

But in the interim, his Majesty was graciously pleased that his writ of Parliament should be sent him; and thereupon he wrote unto the Duke of the receipt of the said writ, but that he should do nothing but what he should understand to be most agreeable to his Majesty's pleasure.

Whereunto the Duke answered in his letter of May, in this manner:—

I have acquainted his Majesty with your request towards him, touching our summons to the Parliament, which he taketh very well, and would have you rather make excuse for your absence, notwithstanding your writ, than to come yourself in person. Whereupon he sent humbly to desire a letter of leave under his Majesty's hand for his warrant; but instead thereof, he received from the Lord Conway an absolute prohibition, and to restrain and confine him in such sort, as he hath been in the late King's time:

And although he was indeed absolutely set free, he could never get cleared by the Lord Conway, though he sent him all the papers to examine; and when he could make no farther reply, he said, he conceived he was under restraint, and that his liberty expired with the late King's death; when indeed restraint may expire, but liberty is natural.

After this he continued for the space of three quarters of a year in the country without moving, in which time he was removed from those places and offices he held during his late Majesty's life; and the greatest part of his estate being laid out in their Majesties service, by their particular appointment, he could never be admitted so much as to the clearing of accompts.

Yet hereof he never made the least complaint : But against the time of his Majesty's coronation, he thought it fit to lay hold of that occasion, when Princes do acts of grace and favour, to be a most humble suitor to his Majesty for his grace and goodness; and addressed his letters unto the Duke of Buckingham, from whom he received a letter all written in his own hand, and therein a letter enclosed from his Majesty, so different from some gracious message which he had received from his Majesty since the said Earl returned into England, upon the occasion of a great sickness; and likewise from his speeches several times delivered to his wife, to wit, that he had never offended him, and that for his faults he no ways held them criminal, but to be expiated by any easy acknowledgement; that he confessed he knew not what judgment to make of the said letter, neither hath presumed hitherto to make any answer thereto, although by reducing the occasion of speeches and circumstances to his Majesty's memory, he no ways doubteth but he shall be able to give unto his Majesty such satisfaction to every particular, that his Majesty would not remain with the least scruple in any one point.

After this, he said, that his writ of Parliament was detained; whereupon he addressed himself to the Lord-Keeper, that he would be a suitor to his Majesty for him in that behalf: which diligences not taking effect, by petition he became a suitor to their Lordships for their honourable mediation to his Majesty, and thereupon his writ of Parliament was awarded.

But the Duke of Buckingham upon that took occasion, as he had published copies of the said letter over all the Kingdom, to read it likewise unto that honourable House, as was best known unto their Lordships, and the writ was accompanied with a prohibition from the Lord-Keeper; whereupon he addressed himself for justice to that honourable House, (being possessed of his cause by his petition) for both redress of his own wrongs, and likewise of complaints against the Duke for many crimes.

And that honourable House being possessed of his cause by his petition, there is preferred against him a succeeding complaint, amounting as high as treason, (as it is pretended) although he for divers years hath not been questioned; yet since his complaint against the Duke he hath been fetched up like a prisoner, and brought into the House as a delinquent; and the Duke, of whom he hath complained for his great crimes, is admitted still to sit in the House as one of his judges.

The which, with all that he hath formerly said, together with his life, fortunes and honour, he did with all willingness, humility and duty, submit to the justice and honour of that House.

Then the Lords asked him, when he would bring in his answer? He promised to answer as soon as might be, but knew not how far he should have occasion to use his ancient dispatches. The Lord-Keeper told him, that Mr. Attorney might help him by letting him know it. The Attorney said, that his charge should in nothing look further back than to the year 1621, which he desired might be recorded.

Whereupon the Earl thanking their Lordships for their patience, he was carried away by Mr. Maxwell the gentleman usher, in whose house and custody he remained.

Then were read the Earl's Articles against the Duke and the Lord Conway; viz.:-

Articles of the Earl of Bristol, whereby he chargeth the Duke of Buckingham, bearing date the first day of May, 1626.

THAT the Duke of Buckingham did secretly combine with the Conde of Gondemar, ambassador for the King of Spain, before his, the said ambassador's, last return into Spain, in the Summer, Anno 1622, to carry his Majesty, (then Prince) into Spain, to the end he might be informed and instructed in the Roman religion, and thereby have perverted the Prince, and subverted the true religion established in England:

From which misery this Kingdom, (next under God's mercy,) hath by the wise, religious, and constant carriage of his Majesty, been almost miraculously delivered, considering the many bold and subtle attempts of the said Duke in that kind.

II. That Mr. Porter was made acquainted therewith, and sent into Spain, and such messages at his return framed, as might serve for a ground to set on foot this conspiracy; The which was done accordingly, and thereby the King and Prince highly abused, and their consents thereby first gotten to the said journey, that is to say, after the return of the said Mr. Porter, which was about the end of December, or the beginning of January 1622, whereas the said Duke had plotted it many months before.

III. That the said Duke, at his arrival in Spain, nourished the Spanish Ministers, not only in the belief of his own being popishly affected, but did, (both by absenting himself from all exercises of religion, constantly used in the Earl of Bristol's house, and frequented by all other Protestant English, and by conforming himself to please the Spaniards in divers rites of their religion, even so far as to kneel and adore their Sacrament) from time to time give the Spaniards hope of the Prince his conversion: The which conversion, he endeavoured to procure by all means possible; and thereby cause the Spanish) Ministers to propound far worse conditions for religion, than had been formerly by the Earl of Bristol, and Sir Walter Aston, settled and signed under their Majesty's hands, with a clause in the King of Spain's answer of December 12, 1622, that they held the articles agreed upon sufficient, and such as ought to induce the Pope to the granting of the dispensation. **IV.** That the Duke of Buckingham having several times, in the presence of the Earl of Bristol, moved and prefixed his late Majesty, at the instance of the Conde of Gondemar, to write a letter unto the Pope; and to that purpose having once brought a letter ready drawn, wherewith the Earl of Bristol, by his Majesty being made acquainted, did so strongly oppose the writing of any such letter, that during the abode of the said Earl of Bristol in England, the said Duke could not obtain it; yet not long after the Earl was gone, he procured

such a Letter to be written from his said late Majesty unto the Pope, and to have him styled (Sanctissime Pater).

V. That the Pope being informed of the Duke of Buckingham's inclination and intention in point of religion, sent unto the said Duke a particular Bull in parchment, for to persuade and encourage him in the perversion of his Majesty, then Prince.

VI. That the said Duke's behaviour in Spain was such, that he thereby so incensed the King of Spain and his Ministers, as they would admit of no reconciliation, nor further dealing with him. Whereupon the said Duke seeing that the match would be now to his disadvantage, he endeavoured to break it, not for any service to the Kingdom, nor dislike of the match in itself, nor for that he found, (as since he had pretended) that the Spaniards did not really intend the said match, but out of his particular ends, and his indignation.

VII. That after he intended to cross the marriage, he put in practice divers undue courses; as namely, making use of the letters of his Majesty (then Prince) to his own ends, and not to what they were intended; as likewise concealing divers things of high importance from his late Majesty, and thereby overthrew his Majesty's purposes, and advanced his own ends.

VIII. That the said Duke, as he had with his skill and artifices formerly abused their Majesties, so to the same end he afterwards abused both Houses of Parliament, by his sinister relation of the carriage of affairs, as shall be made appear almost in every particular, that he spake unto the said Houses.

IX As for scandal given by his personal behaviour, as also the employing of his power with the King of Spain for the procuring of favours and offices which he bestowed upon base and unworthy persons, for the recompense and heir of his lust:

These things, as neither fit for the Earl of Bristol to speak, nor indeed for the House to hear, he leaveth to your Lordships wisdom, how far you will be pleased to have them examined; it having been indeed a great infamy and dishonour to this nation, that a person of the Duke's great quality and employments, a Privy-Counsellor, and ambassador, eminent in his master's favour, and solely trusted with the person of the Prince, should leave behind him in a foreign Court so much scandal as he did by his ill-behaviour.

X That the Duke hath been in great part the cause of the ruin and misfortune of the Prince Palatinate, and his estates, inasmuch as those affairs had relation unto this Kingdom.

XI That the Duke of Buckingham hath in his relations to both Houses of Parliament, wronged the Earl of Bristol in point of his honour, by many sinister aspersions which he hath laid upon him, and in point of his liberty by many undue courses, through his power and practices.

XII That the Earl of Bristol did reveal unto his late Majesty, both by word and letter, in what sort the said Duke had disserved him, and abused his trust:

And that the King by several ways sent him word, that he should rest assured, he would hear the said Earl, but that he should leave it to him to take his own time. And thereupon, few days before his sickness, he sent the Earl word, that he would hear him against the said Duke, as well as he had heard the said Duke against him. Which

the Duke him-self heard; and not long after his blessed Majesty sickness and died, having been in the interim much vexed and pressed by the said Duke.

Articles of The Earl of Bristol Against the Lord Conway Bearing date 1 May, 1626

THAT the Lord Conway is so great a Servant of the Duke of Buckingham's, that he hath not stuck to send the Earl of Bristol plain word, that if businesses could not be accommodated betwixt him and the Duke, he must then adhere and declare himself for the said Duke; and therefore unfit to be a judge in any thing that concerneth the Duke or the Earl.

II. That the said Lord Conway professeth himself to be a secretary of the Duke of Buckingham's creation, and so acknowledged it under his own hand: And although that he be the King's Secretary of State, and a Privy-Counsellor, he usually beginneth his letters to the Duke, (Most gracious Patron.)

III. That as a creature of the said Duke, the said Lord Conway hath been made the instrument of keeping the Earl of Bristol from the King's presence, and of imprisoning of him by warrants only under his own hand; for which he cannot (as the Earl conceiveth) produce any sufficient warrant.

IV That by the space of twelve months last past, the said Lord Conway hath been the cause of the Earl's restraint, only by misinforming his Majesty, and procuring a letter of restraint upon undue grounds: And when it was made apparent unto him, that the said Earl was restored to his liberty, freely to follow his own affairs, by his late Majesty of blessed memory, he replied, that that liberty given him by his Majesty expired with the King's death.

V That the Earl of Bristol's mother lying sick upon her death bed, desired for her comfort to see her son, and to give him her last blessing: Whereupon the Earl writ to the Lord Conway, to desire him to move the King for his leave; which he putting off from day to day, told the person employed, that by reason of the Duke's sickness, he could not find opportunity to get the Duke's leave to move the King:

And having spoken with the Duke, he made a negative answer in the King's name. Whereupon when the Earl acquainted the King by some of his Bed chamber, his Majesty was in a very great anger, swearing the Secretary had never moved him, and that to deny the said Earl leave, was a barbarous ac; and thereupon sent him presently free leave, which the secretary hearing of, sent afterwards a letter of leave, but with divers clauses and limitations, differing from the leave sent him from the King's own mouth.

VI That the having the businesses of the Earl of Bristol in his own hands, and the Earl being commanded by the King to address himself in his occasions unto his Lordship, he would never deliver any message from the said Earl, without acquainting the said Duke, and receiving his directions, and in a noble manner of freeness, stuck not to send him word.

VII That the Earl of Bristol having received from the Lord Conway twenty interrogatories in his late Majesty's name, drawn up by a commission of the Lords appointed to search into the proceedings and employments of the said Earl, in which search there was more than two months spent, divers of the said interrogatories involving felony and treason;

And his Majesty having been pleased to assure the said Earl, both by message and letters, that upon satisfaction given to himself and the commissioners by his answers, he would presently put an end to the Earl of Bristol's business. The Earl of Bristol having so fully answered, as would admit of no reply; and that many of the commissioners declared themselves to be fully satisfied:

The said Lord Conway, (being the Secretary in the commission, to whom it properly belonged to call the Lords to assemble) perceiving the Earl of Bristol was like to be cleared, never moved for any further meeting, neither have they ever been permitted to meet until this day, whereby the troubles of the Earl of Bristol have been kept on foot till this present, and the said Earl's imprisonment hath been enlarged twenty months. And by the artifices of the said Duke of Buckingham, and the said Lord Conway, (as shall be made appear) the said Earl hath been insensibly involved and stalked into the troubles he is now in, which he doubteth not but your Lordships will judge to be a very considerable case.

VIII. That for a colour of keeping the Earl from his late Majesty's presence, it being pretended, after the answer to the twenty interrogatories, that there were some few questions more to be added, whereunto when he should have answered, his Majesty swore solemnly, that without any delay he should be admitted to his presence, and that within two or three days he should have the said questions sent unto him; the Lord Conway, notwithstanding he acknowledged under his hand, that he had received his Majesty's directions for the sending of the said articles, and was often thereunto solicited on the behalf of the said Earl, would never send the said questions, and at last answered, That he had no more to do with the Earl's businesses.

IX. That the Earl of Bristol being set free by his late Majesty to come to London, to follow his own affairs as he pleased, and thereupon having his writ of Parliament sent unto him, without any letter of prohibition; but the Earl of Bristol, out of his great desire to conform all his actions to that which he should understand would best please his Majesty, sent to know, whether his going or stay would be most agreeable unto his Majesty? Who was pleased to answer by a letter from my Lord Duke of Buckingham, That he took in very good part the said Earl's respect unto him; but wished him to make some excuse for the present:

The which accordingly he did, and moved, That he might have a letter under the King's hand to warrant his absence; but under colour of this letter of leave, upon the Earl of Bristol's own motion and desire, the Lord Conway sent a letter from his Majesty, absolutely forbidding his coming to Parliament, and therein likewise was inserted a clause, That the Earl should remain restrained as he was in the time of his late Majesty; and so thereby a colour of restraint under his Majesty's hand was gotten, which could never be procured in his late Majesty's time; whereby the Earl of Bristol hath been unduly restrained ever since, without being able to procure any redress, or to make the Lord Conway willing to understand his case, although he sent him all the papers, whereby he might clearly see that the Earl was not under restraint in his late Majesty's time; but never other answer could be procured from, him, but that he judged the said Earl to be under restraint, and that his liberty was expired by the late King's death, as is aforesaid.

X. That the Lord Conway, knowing that the match for the marrying of the King of Bohemia's eldest son with the Emperor's Daughter, and being bred in the Emperor's court, was allowed and propounded by his late Majesty:

And that his Majesty, by his letters unto his son-in-law, declareth, That he thinketh it the fairest and cleared way for the accommodation of his affairs, and that he will

take sufficient care for his breeding in true religion. And notwithstanding that the said Earl received a copy of the said letter by the said late King's order, with other papers, setting down all that had been done in the said business, and his Majesty's assent thereunto from the Lord Conway himself; yet hath he suffered all to be charged, as a crime against the Earl of Bristol both in the twentieth interrogatory, and in his Majesty's last letter, that he should consent to the breeding of the young Prince in the Emperor's court.

And further, in the interrogatory he alledgeth, it is an aggravation against the said Earl, That the breeding of the said Prince in the Emperor's Court, inferred to the perversion of his religion, when he knew that the said breeding was never thought nor spoken of by the King, nor any other, but with that express clause and condition, That he should be bred in his own religion, and have such tutors and servants as his father should appoint.

XI. That the Lord Conway had been the cause of all the Earl of Bristol's troubles, by his dubious and entrapping dispatches, and inferring, That the said Earl hath failed in his directions, when it shall be made appear, that his dispatches contained no such directions as he hath alleged were given.

The House not being satisfied to commit the Earl to the Tower, let him remain where he was before, with the Gentleman Usher; and further ordered, That the King's charge against the Earl of Bristol be first heard, and then the charge of the said Earl against the Duke; yet so, that the Earl's testimony against the Duke be not prevented, prejudiced, or impeached.

The day following, the Lord-Keeper delivered a message from the King to the House of Lords,-

A Message From The King to The House of Lords

THAT his Majesty taketh notice of the articles exhibited against the Duke of Buckingham by the Earl of Bristol and he observeth, that many of them are such, as himself is able to say more of his own knowledge than any man, for the Duke's sincere carriage in them:

That one of them, touching the narrative made in Parliament in the one and twentieth of King James, toucheth as far upon himself as the Duke; for that his Majesty went as far as the Duke in that declaration; and that all of them have been closed in the Karl's own bread now for these two years, contrary to his duty, if he had known any crime of that nature by the Duke; and now he vents it by way of recrimination against the Duke, whom he knows to be a principal witness to prove his Majesty's charge.

And therefore, that his Majesty gave them thanks that they gave no way to the Earl of Bristol's unreasonable motion, of putting the Duke under the same restraint that they had put the Earl, thereby eshewing what the Earl aimeth at, to alter their dutiful proceedings towards his Majesty:

That thereby they had made his Majesty confident, that as they have, so they will put a difference between his Majesty's charge, against one that appeareth as a delinquent, and the recrimination of the Earl of Bristol against his Majesty's witness; and they will not equal them by a proceeding *pari passu*.

In the meantime, the King not being very sure of the Lords, endeavoured to take the Earl's cause out of the Upper-House, and to proceed by way of indictment in the King's-Bench: But the Lords

would not consent to it, for which they alleged several reasons, that were confirmed by the Judges, who declared, That a Peer of the Realm, impeached for treason, was to be tried in Parliament.

The Upper-House being willing to secure the Earl of Bristol from being over-powered by the Duke of Buckingham's exorbitant authority, asked the Judges opinion upon the two following questions:—

1. Whether the King could be a witness in case of Treason?
2. Admitting that he could, yet whether he might be so in the present case, i. e. when the King is the informer?

Before the Judges brought in their answer, this message and command came from the King to them, that in this general question they should not deliver any opinion, but if any point came in particular, they, upon mature deliberation, might give their advice.

About the middle of May, the Earl of Bristol gave in his answer to the articles brought against him; upon the delivering of which, he made the following Speech.

The Earl of Bristol's Speech, by Way of Introduction, Before He Gave in His Answer

I AM not insensible upon what disadvantages I come to trial in this cause: For first, I am fallen into his Majesty's heavy displeasure, and am to encounter with a potent adversary, highly in favour, and am accused for treason; for which all counsel and friends abandon me, as a man infected with the plague; I am become bound and under restraint; whereas a man who is to encounter for his life and honour, and with a strong adversary, had need to come upon equal terms.

But as to the matter, I find myself charged with divers articles of High Treason; but looking into them with the eyes of my best understanding, with the opinion also of my counsel lately assigned me, and taking them apart one article from another, I did not find anything in them like treason, or that hath so much as the shew or countenance of a fault, either in act or words; only by laying all things together, and by wresting the wrests with a strained construction, directly contrary to the true sense and meaning of them, and the occasion whereupon they were spoken, it is informed and that by way of inference only, that the intent was evil, and the matter to prove the intent to be evil, depends upon two props, viz. ill affection to religion, and too much affection to Spain; which if I shall clear, the inference grounded upon these props, will fall of itself.

Therefore I crave leave of your Lordships, before I give my answer to the charge, that I may give you an account of these two particulars; and I humbly beseech you that what I shall speak in my just defence, may not be conceived to proceed of vain ostentation.

And first for religion: I was in my childhood bred in the Protestant religion, and rather after the stricter manner than otherwise. When I grew in years fit, I travelled into France, Italy, and Rome itself: In all which travels, I can produce some that I consorted withal, who will witness with me, that I ever constantly used the religion I professed without the least prevarication no man being able to charge me that to much as out of curiosity I ever was present at any of the exercises belonging to the Roman religion, or did the least act of conformity to any their rites or ceremonies.

Secondly, after my return home, I was received into the service of his late Majesty, of blessed memory, whom I served some years as a Gentleman of his Privy-Chamber, and Carver, in which time none of his Majesty's servants received the Holy Sacrament, frequented sermons, and other exercises of our religion more than I.

Thirdly, in that time of my youth, not to avoid idleness, but out of affection to religion, I translated that excellent book of our faith, and great points of our religion, written by Monsieur Moulins, which his late Majesty having sometimes after seen, approved so well, that he would needs have it printed; which accordingly was printed in the name of Mr. Sampford my chaplain, to whom I gave the honour: But it was my own act, as Mr. Sampford will not deny, though to this hour I never had before spoken it.

Fourthly, about seven or eight and twenty years of my age, I was employed ambassador into Spain, in that great business of the treaty of the marriage; and whereas others before me carried with them but one Chaplain, I had two, viz. Mr. Sampford and Mr. Boswel; and at my arrival at the Court of Spain, I caused it to be published, that such a day (God willing) I purposed to have a communion, to the end that such English as were in the town, might resort thither.

Whereas the Duke de Lerma, and other the great ministers of Spain, took offence, and told me, they might well perceive I brought no good affection to the business I came about, that would so publicly and avowedly in that court, where never the like was done, proclaim there a Communion; and with high expressions persuaded me to decline it. Whereunto I answered, came to do my master's service, which I would heartily and effectually endeavour, but would not omit my service to God, no though by my master commanded. And at the Communion there were present one hundred persons, some of them brothers, kinsmen, and near dependants upon some of their Lordships, whom I see there in my eye. This I did in Spain; the like I did in Germany, in the Emperor's courts. in my ambassage thither.

Fifthly, I had in my several employments into Spain and Germany, above five hundred persons of all qualities attending upon me, and never once perverted in religion; my children carefully instructed and bred in the same religion. I had constantly every Sabbath a sermon in my house; and Sacraments, and other exercises; of our religion frequented.

Sixthly, a foul mouthed Shimei railed against our late King and religion in Spain; how I caused that to be; revenged by a near kinsman of my own, is well known.

Seventhly, one of the English dying in the town of Madrid, of whose religion there was some question made; and the King's chaplains telling me, that they at the day of his death had been with him, and taken an account of his faith, and that he died a Protestant:

I caused him to be brought home to my house, and there buried according to our rites; whereat much ado was made, and it was threatened, that the inquisitors and other officers, would come and fetch him out, and bury him after their manner: I stood upon it, and that it was the King of England's house, and openly protested, that whosoever should come thither with such intent, I would shoot at him with a piece; and exhorted all my people, that if such an attempt should be, they should rather, than suffer such a dishonour to our religion, die with me in that quarrel, and hoped such English as were in the town would do the like.

Eighthly, there having been a Monastery for English Jesuits founded and settled at Madrid before my coming thither, and the English arms set up, I laboured to suppress it, and having written thereof to the late King, his Majesty advised me not to run my head against the rock, for it was an impossible thing for me to do: Yet, I undertook it, and it pleased God so to bless my endeavours, that I absolutely dissolved and overthrew it. For which the Bishop of Winchester, Montague, (now with God) wrote unto me by his Majesty's direction, a letter of his Majesty's gracious acceptance of so great a service telling me, besides the service I had done to the Church and Commonwealth, it should remain a trophy of honour to me and my posterity for ever:

And the King himself, with his own hand, wrote unto me, beginning his letter, good fortune Digby, your good luck in your service well deserves that style.

Ninthly, in all negotiations in Spain, in point of religion, I never straitened my instructions.

Tenthly, the match with Spain was not moved by me; I ever advised a Protestant match, and shewed many reasons both of conscience and state; but if with a Catholic, then rather with Spain than France, so as good conditions might be made for religion, as appears by a letter I wrote, and delivered to the Prince, at his first going upon the employment, for which I had like then to have been ruined for being a Puritan, as I am now for being a Papist, and all by one and the same hand.

Eleventhly, and I appeal to the testimony of Dr, Mason and Dr. wren, the King's Chaplains with me in Spain; and to Mr. Sampford, Mr. Boswel, and Mr. Frewin my own chaplains there. And that such Papists as have been my antient acquaintance and friends, being men of worth, well known to many of their Lordships, may be examined upon oath, whether I have not in all places, as well in Spain as in England, and at all times upon fit occasions, avowed myself a Protestant, without the least prevarication?

Or whether I did ever any the least act that was not suitable to the same profession? And that Mr. Frewin, and Mr Wake, my own chaplains, may give their testimonies, whether in the time of several dangerous sicknesses, which I had of late years fallen into, I have not in the time of such my sicknesses (when no man can be supposed to dissemble with the world, being ready to leave it,) made before them a confession of my faith, and made my peace with God, resolving to die as befitted a Protestant; and good Christian. This I tell your Lordships, was my religion I was bred in, have ever professed and lived in, and was resolved by God's grace to die in; and yet was so unhappy, by reason of employment, to be distasteful to many good men, that I have been suspected even by them, not well knowing me:

And this hath been the rise the Duke hath now taken against me. Then for my love to Spain, I wonder from whence that opinion should grow, since I was there hated and shamed, as the man whom, of all others, they desired to have the least to do withal, having stood ever stricter in point of religion, than by my instructions I might have done; as after the capitulation concluded on; they understood by some intelligence, which caused their hatred towards me.

Sure I am, I shewed it not by the service I did them; for divers years together there was not a letter sent by that King to any other State, that the King my master had not a copy of before, or by that time it came to the place whither it was directed. There; was not any great action on foot, whereof I had not the private instructions, and sent them hither not any expedition by sea or land, wherein I had not some ministers or

intelligencers, that gave me from time to time advertisements of their actions, and most private intentions, whereof I advertised his Majesty from time to time. I used such industry, as to get all the papers of that King's private cabinet into my hands; took copies and notes of such of them as I thought useful; and upon every of them see my private mark before they were conveyed back again, to the end, that if I should have had an occasion to have charged him with any thing mentioned in the same papers, I might have any thing mentioned in the same Papers, I might have let him see I knew it, by telling him in what paper it was, and marked with such a mark.

There was not a port in Spain, that I had not caused the depth of it to be sounded, not a fort whereof I knew not the strength, both for the garrison, munitions, and other matters of advantage and disadvantage; insomuch as if it should please the King to appoint a committee of the Lords to take an account of me, I should, by the stores I gathered there, and brought with me, make it appear, I was as useful a servant to his Majesty in a war, as in a peace.

Whereas at his Majesty's coming out of Spain, the powers of the desponsories were to be deposited in some man's hands; and the Duke, upon pretence of doing me honour, but intending to break my neck by it, moved they might be left with me, and the King of Spain was contented; and so they were put into my hands, not as an attorney only for the Prince: But the King of Spain having taken the substitution of them by his Secretary of State, entered in legal form; whereby that King was then become interested in them by their occupation, as well as the Prince by granting of them. And becoming the *instrumentum stipulatum*, wherein they were both interested, they were deposited into my hands, as an indifferent person, trusted between the King of Spain and the Prince with a declaration of the trust.

And now the Duke was returned out of Spain, he plotted my ruin, and put it in execution in this manner. He concealed that the powers were to expire at Christmas, and procured his Majesty to write a letter, (not a direct command) but expressing a desire, that the desponsories should not be till one of the days in Christmas, intending thereby to draw me into a dilemma, That if I proceeded in the match, this letter should, as now it is, have been enforced against me, as a breach of instructions: If I had not proceeded, then I had broken my trust between the Prince and King of Spain, overthrown the marriage so long sought and laboured, it being the main scope of my ambassage, contrary to express warrant, and that upon a letter I must needs know to be a mistake.

And when I had written into England, to have a direct warrant in the point, the Duke then seeing that plot would not take, he dealt with divers great Lords, as was well known to some of their Lordships there present, to have me upon my arrival in England, committed to the Tower, before I should ever come to speak with the King; which the Spanish ambassador here in England, having gotten private notice of, gave advertisement thereof to that King; who thereupon foreseeing my danger, and consulting with his council and divines, what were fit for him in honour and conscience to do in that case, they resolved, That seeing my sufferings grew by being an honest man, and endeavouring to perform the trust reposed in me by that King as well as the Prince; That King was bound both in honour and conscience, not only to preserve me from ruin, but to make me a reparation for any loss I should sustain by occasion of the trust:

Whereupon, at his departure, going to court to take his leave, the Coude Olivares told me, what was plotted against me in England; and in respect of the danger, by reason of the greatness of my adversary, persuaded me to stay there, and in his master's name made an offer, not in secret, but in the presence of Sir Walter Aston

Here the Earl of Bristol explained wherein those offers consisted, namely, in a blank signed by the King of Spain, wherein the Earl might set down his own conditions, both in point of title and fortune. But all this he refused, as well as a large sum of money offered by the King. Then the Earl concluded in the following manner.

Upon what grounds and hope came I to encounter with those dangers? Not upon hope of my greatness in court, and strength of friends there to bolster out an ill cause, no future, my strength was too weak, and my adversaries too powerful. But I knew my conscience was clear, and my cause good, and trust in God Almighty. And to him now, and to their Lordships judgments, recommend myself and my cause.

The Answer of The Earl of Bristol, to The Articles of Accusation Brought Against Him by His Majesty's Attorney-General

THE first article he denieth; and because the matters contained in the said Article consist of several parts; viz. the loss of the said Palatinate, and the match with the said Lady of Spain, and of the several employments, as of one extraordinary ambassage to the Emperor, and another to the King of Spain, in the years 1621, 22, and 23. He humbly craves leave of this most honourable court to separate the business, and distinguish the times.

And beginning with the Palatinate first, to give an account of his ambassage to the Emperor, and so to make as brief a deduction as he could of the whole carriage in that business, from the beginning of his employment, to the time he left it. In his ambassage to the Emperor, he propounded all things faithfully according to his instructions, and the answers which he returned to his late Majesty of blessed memory, were the very same, and no other, than such as were given by the Emperor under his hand and imperial seal; the which, according to his duty, he faithfully sent unto his said Majesty, and withal did honestly and truly advertise his said Majesty, what he understood and thought then, upon the place; but was so far from giving to his Majesty any ill grounded hopes in that behalf, that he wrote unto the Lords of the council herein England from Vienna, 26 July 1624, in such sort as followeth.

I Am further to move your Lordships, that there may be a dispatch made presently into Spain to his Majesty's ambassador Mr. Cottington, that they deal effectually for the repairing and ripening of the business against my coming;

That they use some plain and direct language, letting the ministers there know, that the late letter sent by the King of Spain to the Emperor, was colder and more reserved than his master had reason to expect. I shall conclude with telling your Lordships:

That although I despair not of good success in that knotty business, yet I hope his Majesty and your Lordships lay not aside the care of all fitting preparations for a war, in case a peace cannot be honourably had.

And amongst other things,. I most earnestly commend unto your Lordships by your Lordships unto his Majesty, the continuing yet abroad, for some small time, of Sir Robert Mansel's fleet upon the coasts of Spain; which, in case his Majesty should be ill used, will prove the best argument we can use for the restitution of the Palatinate.

And this his advice, he saith, was wholly intended by his actions, by being the cause, as he returned homeward out of Germany, to bring down Count Mansfield, whereby the town of Frankendale was relieved, by supplying of his Majesty's army, when in great distress, with moneys and plate, to the value of ten thousand pounds merely out of his zeal and affection to the good of the King and his children, having no warrant or order, but that his heart was ever really bent in effects more than in shews, to serve the King's son-in-law and his cause, as by the discourse of this business will appear. And how acceptable these services were, will more appear, by the letters of the Queen of Bohemia, in these words following:—

My Lord,

Having understood from Heidelburgh, how you have shewed your affection to the King and me in all things, and in the help of money you have lent our soldiers; I cannot let so great obligations pass, without giving many thanks for it by these lines, since I have no other means to shew my gratefulness unto you:

Howsoever, assure yourself that I will never be forgetful of the testimonies you give me of your love, which I entreat you to continue, in doing the King and me all good offices you can to his Majesty. You have been an eyewitness of the miserable state our countries are in; I entreat you therefore to solicit his Majesty for our help. You having given me an assurance of your affection; I entreat you now to shew it, in helping of us by your good endeavours to his Majesty, and you ever bind me to continue, as I am already,

Your very affectionate friend,

ELIZABETH.

Which letters were seconded with others about the same time, both from the King of Bohemia and Councillor Heidelburgh, to the same effect, and how much satisfaction his late Majesty received in that behalf, and touching that business, will plainly appear several ways, and particularly by his speech in Parliament.

And the said Earl likewise appealeth to both Houses of Parliament, to whom, by his late Majesty's order, he gave a just and true account of that employment, with what true zeal he proceeded; and how he pressed that treaty, and promises no longer to be relied on, but that a fitting preparation for war might go along hand in hand with any treaty of accommodation. And, for a conclusion, among many of his late Majesty's approbations of his carriage in this employment, he humbly desired that a letter of the Duke of Buckingham's under his own hand, bearing date the eleventh of October 1621, may be produced, being as followeth:—

My Lord,

I AM exceeding glad that your Lordship hath carried yourself so well in this employment, that his Majesty is infinitely pleased with your service you have done, for which he commanded me to give your Lordship thanks in his name until he see you himself.

You of all men, have cause to commend his Majesty's choice of such a man, that unless your heart had gone with the business, you could never have brought it to so good a pass. Amongst other things, his Majesty liketh very well the care of clearing his honour, whereof he will advise further with your Lordship, at your next coming over.

I hope you will not find your negotiation with the Infanta of such difficulty as you seem to fear in your letter, seeing my brother Edward hath brought with him a letter from his Majesty's son-in-law, whereby he putteth himself solely to his Majesty's advice and pleasure for his submission, as you will perceive by the copy of the letter itself, which I here send your Lordships; wherein, though there be many things impertinent, yet of that point you may make good use for the accomplishment of the business, herein I have written to the Spanish ambassador to use his means and credit likewise, which I assure myself he will effectually do, especially seeing the impediments are taken away by Count Mansfield's composition, and the conformity of his Majesty's son-in-law to this submission.

For the money your Lordship hath so seasonably laid forth, his Majesty will see you shall sustain no loss, holding it very unconscionable you should suffer by the care of his service; which you have shewed so much to his contentment to the great joy of your Lordship's faithful servant?

Geo. Buckingham,

Having given this account of his employment with the Emperor, he humbly craveth leave to make it known, in what sort, before this his employment, he endeavoured to serve the Prince Palatine, and his cause, which will best appear by his Majesty's own testimony, upon the going of Sir Francis Nethersole to the Prince Palatine; at which time his Majesty being, out of his royal and just heart, desirous to do a faithful servant right, commanded Sir Francis Nethersole to let the Prince Palatine understand, how good a servant the said Earl had been unto him, and how active in his affairs, as will best appear by a dispatch of Sir Francis Nethersole, written all with his own hand to Sir George Calvert, dated in Prague, Aug, 11. 1620, and sent by his late Majesty to the said Earl for his comfort, being as followeth:—

Right Honourable,

THAT you may be the better assured that I have neither forgotten nor neglected the commandments received from his Majesty by your honour; you will be pleased to have the patience to hear me report what I said to this King upon the delivery of my Lord Deputy's letters to his Majesty; which was:—

That the King my master, whose justice is so renowned over the world, did use to shew it in nothing more, than in vindicating his servants from wrongful opinions whereof he knew noble hearts more sensible, than of injuries done to their persons or fortunes;

That out of his royal disposition, his Majesty having found my Lord Digby mistaken by some of his own people at home, by occasion of his being by him employed in the affairs with Spain, having thereupon received a jealousy,

That the same noble Lord might be also misreported; hitherto his Majesty's hands in that respect gave me a particular commandment, to assure his Majesty, he had not a more truly affectionate servant in England: And for proof thereof to let his Majesty understand,

That whereas the Baron of Doncaster, now his Majesty's ambassador for England, had, since his coming hither, obtained but three great booms for his Majesty's service, viz. the loan of money from the King of Denmark, the contribution in England of the City and countries, and the sending ambassadors to the contrary parties,

That my Lord Digby had been the first propounder of all those to the King my Master, before his Majesty's ambassador, or any other of his Majesty's servants in England; although his Lordship were contented, that others, who were but let on, should carry away the thanks and prayers, because his Lordship, being known to be the first mover therein, might possibly weaken the credit he hath in Spain, and to render himself the more valuable to serve both his own master and his Majesty; in which respect I humbly prayed his late Majesty, to keep this to himself.

By which testimony it may appear, as the said Earl conceiveth, how he, the said Earl, bestowed himself before his ambassador, and in his said ambassage with his said late Majesty's approbation thereof. Now he humbly craved leave to give your Lordships account how he proceeded after his return from the Emperor's court.

As soon as he came into England, he discovered unto his Majesty, and the Lords of the Council, in what great want he had left the forces in the Palatinate, and solicited the present sending away of money; thereupon thirty thousand pounds was borrowed of Sir Peter Vanlore, Sir Baptiss Hicks, and Sir William Cortine, and presently sent unto the Palatinate, besides the ten thousand pounds which he lent, for which he paid the interest out of his purse for six months, having also given, not long before, five hundred pounds, by way of benevolence, to the service of the said Palatinate.

Now in the interim, betwixt his return from the English coasts, which was in November 1621, and his going into Spain in May 1622, he first gave his account as aforesaid, of his ambassage to both Houses of Parliament, and moved them effectually, as was possible, for the supplying of his Majesty, and that the money might wholly be employed for the succour of the Palatinate.

The Parliament being dissolved, he solicited with great care and industry the settling of some course for the supplying of the Palatinate, and his Majesty was persuaded to maintain eight thousand foot, and sixteen hundred horse, under his own standard, and at his own purse, in the Palatinate to establish a certain course for due payment of the said army:

The Lord Chichester was, upon the said Earl's motion, sent for out of Ireland, and the said Earl, by his Majesty's command, took order for his dispatch. In this estate the said Earl left his affairs at his departure towards Spain in May 1622, nothing doubting but that all things would have effectually and constantly been pursued, according to the order which was settled and resolved on at his departure.

At his arrival at the Court of Spain he presently proceeded according to his instructions, pressing the business of the Palatinate as effectually as he could, and faithfully laboured and effected from time to time (as far as to the point of negotiation) all particulars that were given him in charge, as it will appear by his late Majesty's letter upon every particular occasion, and if by the accident of war for that summer, the Marquis of Baden, the Count Mansfield and the Duke of Brunswick, received each of them an overthrow:—

—the ordering of whose affairs his Majesty so far complained of to his son-in-law, as to give order for the withdrawing of his forces, as will appear by his Majesty's letters on the third of June 1622, and also by his letters unto Sir Horace Vere, and the Lord Chichester of the same date, if there was not a speedy redress—

—if by any of those accidents those businesses have miscarried, the said Earl hopes he shall not be liable to the blame, it having no relation to him, or to his employment, having so far and so honestly, with his best affections, employed his care and utmost services in the businesses, as his Majesty was pleased, by many several letters upon several! occasions, to signify his gracious receptance of his service, as in his letters of November 24. 1622, written as follows, viz.:—

Your dispatches are in all points so full, and in them we receive so good satisfaction, as in this we shall not need to enlarge any farther, but only tell you, we are well pleased with this diligent and discreet employment of your endeavours, and all that concerneth our service; so we are likewise with the whole proceedings of our ambassador, Sir Walter Aston.

Thus we bid you heartily farewell.

New-Market, Nov., 24. 1622.

And afterwards his Majesty was likewise pleased in his letters of January 8. 1622, a little before our gracious Sovereign Lord the King, then Prince, his coming into Spain, as followeth:—

Concerning that knotty and unfortunate affair of the Palatinate, to say the truth, as things stand, I know not what you could have done more than you have done already.

And whereas it is objected, the Palatinate should be lost by tue hopes, he, the said Karl, gave, by his letters out of Spain, it is an objection of impossibility, but there was nothing left but Mannheim and Frankendale, when his first letters out of Spain could possibly come to his late Majesty's hands, for he did not begin to negotiate that business until August 1622, and about that time Heidelberg, and all but Mannheim and Frankendale was lost, and Mannheim he had saved by his industry, had it not been so suddenly delivered as is by his Majesty acknowledged by letter of 24 November 1622, written thus; viz:—

And howsoever the order given to the Infanta, for the relief of Mannheim, arrived too late, and after the town was yielded to Tilly; yet must we acknowledge, it to be a good effect of your negotiation, and an argument of that King's sincere and sound intention.

And Frankendale being by the said Earl's means once saved, was again the second time faced merely by the said Earl's industry; and procuring a letter from the King of Spain, dated the 2nd of February 1623. Whereupon followed the treaty of sequestration, which hath since continued.

And he, the said Earl, was so far from hindering succours by any letter or counsel of his, that he was the solicitor, and in great part the procurer of most of the succours that had been sent thither, as is formerly set down. And when his Royal Majesty that now is, and the Duke of Buckingham arrived at the court of Spain, they found the business of the Palatinate in so fair a way, that the Spanish Ministers told them, the King should give his late Majesty a blank, in which we might frame our own conditions; and the same he confirmeth unto us now; and the like touching this blank was likewise acknowledged by the Duke of Buckingham, in his speech in Parliament, after the return of his Majesty out of Spain.

And it will appear by the testimony of Sir Walter Aston, and by his, and the said Earl's dispatches, that the said Earl wanted not industry and zeal in the business: In so much as the last answer the said Earl procured herein from the King of Spain, was fuller than he the said Earl was ordered by his late Majesty's latest letters to insist upon. So, as by that which hath been alleged, the said Earl hopeth your Lordships will be satisfied, not only that he wanted neither will nor industry, but that he hath, with all true zeal and affection, and with his own means, faithfully served their Majesties, and the Prince Palatine in this cause:

And for assurance in that affair, he had all that could be between Christian Princes; and if in the said assurances there hath been any deceit, as by the said articles is intimated, which he never knew nor believed, he referred it to God to punish their wickedness; for betwixt Princes there can be no greater tie, than their words, their hands and seals, all which he procured in that behalf; and both the said Earl, and Sir Walter Aston were so confident that the business would be ended

to his late Majesty's satisfaction, that in a joint dispatch to his late Majesty of 24 November 1623, after his own Majesty's return into England, they wrote as followeth, viz.

We hope that your Majesty may, according to your desire signified to me the Earl of Bristol, by the letters of October 8, give to your Majesty's Royal daughter this Christmas the comfortable news of the near expiring of her great troubles and sufferings, as unto the Prince your son in the congratulation of being arrived to a most excellent Princess.

And having thus given your Lordships an account of his proceedings touching the Palatinate, he will, by your Lordships good favours, proceed to the other part of that charge concerning the marriage.

And first, touching his hopes and assurances, that he is charged to have given to his late Majesty, and his Ministers of State here in England, of the Spaniards real proceedings in the said match, when, he said, he knew he never meant it:

He saith, he never gave any hopes of their real proceedings, but such, and the very same that were first: given to him, without adding or diminishing; neither could he have done otherwise, either with honesty or safety.

And he further saith, that the hopes he gave were not upon any intelligence; but as well in that of the match, as the other of the Palatinate, his advertisements were grounded upon all the assurances both of word and writing, that could possibly pass between Christians, as will be made evidently appear by his dispatch of 9 September 1623, which he humbly desires may be read, if the length of it may not displease.

The substance being to shew all the engagements and promises of the King of Spain, that he really intended the match. And the causes why the Conde Olivares pretended to the Duke of Buckingham, that the match was not formerly meant, was only thereby to free himself from treating any longer with the said Earl, to the end that he might treat for larger conditions, in point of religion with the said Duke:

The said Conde Olivares taking advantage of having the person of his Majesty, then Prince, in his hands. And with this dispatch the said Earl acquainted his Majesty that now is, in Spain, before he sent it.

And by this dispatch the Earl doubted not, but that it will appear to this honourable court, that whilst the treating of this business was in hand, he proceeded in that, not only with care and industry, but with some measure of vigilance.

And for clearing an objection that hath been alleged, that the match was never meant before the Duke's coming into Spain, nor after; the Earl craveth leave to set down some few reasons of many, which caused him to believe that the said match was, and hath been really meant, and that it was so conceived by both their Majesties, and the King of Spain, and their Ministers on both sides.

For ill, The Duke of Buckingham certified his late Majesty, that the business of the marriage was brought to a happy conclusion; whereupon his late Majesty was pleased to give order to the Duke and Earl, to proceed in the business; which his said Majesty would not have treated till the said marriage was concluded, as will appear by a letter of his said late Majesty, jointly to the Duke of Buckingham, and the said Earl, of the 23 July 1623.

Secondly, It will appear by Letters of the said Lord Conway to the Duke of Buckingham, bearing date September 4, 1623. That the said Duke had good

assurance of the conclusion of the said match; and upon this confidence were all things put in due execution in England, as had been capitulated; and the Lord Conway and others faithfully agreed and settled all the points of immunity and liberty for the Roman Catholics, and for the use of their religion, as was set down in their declaration, August 9, 1623. hereafter mentioned in the answer to the fifth article of this charge.

Thirdly, The very day his now Majesty and the Duke of Buckingham departed from the Escorial in Spain, towards England, the said Duke solemnly swore to the treaty of the said marriage, and the furtherance of it all that should be in his power, upon the holy Evangelists, in the presence of the said Earl and Sir Walter Aston.

Fourthly, The treaty of the said marriage had been formerly signed, sealed, and solemnly sworn by the King of Spain:

And when his Majesty, and that King took their leaves, he did solemnly, in the words of a King, faithfully and punctually protest to perform all that had been capitulated in the treaty of marriage; and thereupon embraced his Majesty at his departure, and sent the very next day a letter, written all with his own hand to his Majesty, vowing and protesting to make all good that he had capitulated or promised unto his Majesty at his departure the day before.

So that if there were no true meaning on the part of Spain to make the marriage, as by Mr. attorney is pretended, yet certainly the Earl hath not been slightly deceived; neither can it be, as he conceiveth, any fault in him, since not only his late Majesty, but also his Majesty that now is, and the Duke of Buckingham, being then both upon the place, did confidently believe, and that upon other grounds than misinformation, suggestions, and persuasions of the said Earl, that the marriage was really intended:

And to that effect, both his late Majesty of blessed memory, and his most excellent Majesty that now is, after his return into England, wrote unto him, the said Earl, several letters, assuring him, that their intents and pleasures, were to have the said match proceeded in, and thereupon the proxies of his Majesty, then Prince, were again enrolled and sent unto the said Earl.

So that the said Earl having so many and so great causes to be assured, that the match was really intended on both sides, he conceiveth it will be hard for Mr. Attorney to make good that part of his charge, wherein he affirmeth, that the Earl should know the contrary, or the assurance to be upon false grounds, as in the said article is alleged.

II. To the second article, he directly denieth all the supposed offences wherewith he stands charged by the said article. And for a clear declaration and manifestation of the truth and manner of his proceedings, he saith:—

First, As to the continuing the treaties upon generalities, that the temporal articles were by agreements on both sides not to be treated or settled until such time as the articles of religion were fully agreed on; for that it was held most proper and honourable for both sides, first, to see if the difficulty of religion might be removed, before they passed to any further engagements.

And the said articles of religion, by reason of the Pope's new demands sent into England by Mr. Gage, were not signed nor condescended to by his late Majesty, nor his Majesty that now is, then Prince, till January 5, 1612, and were then sent away in post out of England to the said Earl by Mr. Simon Digby, who arrived with them at Madrid in Spain, about the 25th of the same month.

But the Earl's care was such, to have no time spent in the settling of the temporal articles, that before he would condescend so much as *de bene effe* unto the articles of religion, that they should be sent back to Rome, he procured the King of Spain to promise, that within the time limited for procuring the desponsories, which was by March or April following at the furthest, all temporal articles should be settled and agreed, to the end that the Infanta might be delivered at the spring, as by the King of Spain his answer in writing was declared to be the King's intention; and accordingly Sir Walter Aston and the said Earl did not deal in general, but did most industriously labour to settle all in particular, viz. That the portion should be two millions, it appearing, that it was to agreed by the late King of Spain[2].

That the dispensation coming, the desponsories should be within forty days after; and that Don Duarte de Portugal should be the man that should attend the Infanta in the journey. And all other particulars necessary for the conclusion of the said treaties, were, by Sir Walter Aston and the said Earl, and the Spanish commissioners, drawn up into heads, in writing, and after many debates, they were consulted with that King; and 2 *Martij* 1623 *stilo vet.* the Conde Gondomar, and the Secretary Don Andreas de Prada, were appointed to come home to the house of the said Earl, to signify unto Sir Walter Aston and himself, as they did, that the King of Spain had declared his resolution in all the particulars, and given them order to come to a speedy conclusion with them in all things; And that King's answer to that conclusion, the Earl saw, and read, all written with the King of Spain's own hand.

On the seventh day of the said month of March 1623, the King's Majesty, then Prince, and the Duke of Buckingham, arrived at Madrid; and the Spaniards took new laws, and the negotiation was put into a new form. So that whereas it is objected against the Earl, that he entertained and continued the treaties so long upon generalities, he conceives it is not meant upon the spiritual articles; for they were such as were sent from Rome into England, from thence they came to the Earl:

And for the temporal articles, they were not to be settled and treated till the articles of religion were concluded. He conceiveth it cannot be alleged with any colour, that his Majesty was entertained with generalities, since the time that the said articles of religion were brought unto, the said Earl by Mr. Simon Digby, being about the 25th of January,, there were but six weeks until March 7 following, when his Majesty, then Prince, arrived in Madrid; and in the interim, all the abovementioned particulars were settled:

And the time that hath been spent in this treaty, hath not been through his, the said Earl's, default, in continuing upon generalities, without pressing to particulars, but hath been caused, as well by difficulties which the business brought with it, as also with exterior accidents, viz. The wars of Bohemia, the death of two Popes, and the late King of Spain, without the least fault of the said Earl, as is acknowledged by the late King of blessed memory, in the said Earl his instructions, on the 14th of March 1621.

Neither could any delay therein be attributed to him the said Earl; for he was employed in those times into Germany and Flanders, and Sir Walter Aston and Sir Francis Cottington, for the space of three or four years, were resident in Spain; from whence the hopes they gave were upon all the discreet grounds that ministers can expect from a State:

But the Earl reassumed his business six month before his Majesty's coming into Spain and he was so desirous to see his Majesty, then Prince, bestowed, that he pressed nothing as much, both to the King and Prince, as that the prince might lose

no more time, and rather to break the match with Spain, than suffer any further delays; as will appear by his dispatches from his first arrival at the Court of Spain, until his Majesty, then Prince, his coming. For in his letters of June 20, 1622, being the first he wrote after his first audience, he was so desirous that no time might be lost, that in them he craved leave of his Majesty, that in case he should find any delays in Spain, he might without expecting any order, take his leave, and come home.

Upon the return of Sir Francis Cottington, in September following, he wrote both to the King, and his Majesty then Prince. To the King, as followeth:—

RIGHT trusty and well beloved cousin and counsellor, we greet you heartily well. Whereas by your last letter written to our Secretary, dated September 29, you are desirous to have our pleasure signified unto you under our own hand:

Whether we will be content or not to grant a month's time longer, for the coming of the dispensation from Rome, than we have already limited unto you, in case they shall there conclude all things else for our contentment, with a resolution to send the Infanta hither the next spring: we do hereby declare unto you, that in that case you shall not break with them for a month's longer delay.

We also wish you not to trouble yourself with the rash censure of other men, in case your business should not succeed; resting in that full assurance of our justice and wisdom, that we will never judge a good and faithful servant by the effect of things so contingent and variable. And with this assurance we bid you heartily farewell.

And he further saith, That when he had agreed to the articles of religion, and that a certain time was set for the coming of the dispensation, and a conclusion of the match, although he would bind himself to nothing, without his Majesty's approbation, yet for that no time might be lost, he agreed to the proportions, *de bene esse*, sent by Mr. Porter, December 10, 1622, to the end the articles might be immediately sent to Rome, without losing so much time as to hear first from England:

And humbly moved, that in case his Majesty should like of the said articles, he would send his approbation directly to Rome for the gaining of time; which his Majesty was pleased to do. And at the same time he wrote both to his said late Majesty, and his Majesty then Prince, as followeth, viz. to his Majesty:—

THIS IS THE TRUE STATE of the business as it now standeth. If your Majesty approve of what is done, I hope it will be a happy and a short conclusion: If your Majesty think it not fit to allow and condescend to the said articles, I have done the uttermost of my endeavours, and shall humbly persuade your Majesty not to lose a day longer in the treaty; so much it importeth your Majesty and your Kingdoms that the Prince were bestowed.

And to the Prince, in letters of the like date in this sort.

IHAVE presumed to write to his Majesty, that which I think my duty to say to your Highness, That in case you shall not approve of what is now conditionally agreed, you permit not a day more to be lost in this Treaty; For it is of so great consequence that your Highness were bestowed that it importeth almost as much that you were speedily? as fitly matched. But I hope his Majesty and your Highness will in such sort approve of this last agreement, as you will speedily bring this long treaty to a happy conclusion.

I am out of hope of bringing things to any better terms; therefore I deal clearly with your Highness, and do not only most humbly persuade but on my knees beg it of you, that you either resolve to conclude this match as you may, or speedily to break it, and bestow yourself elsewhere; for no less than the happiness of your Kingdom, and the security of the King your father, and yourself, depend upon it.

All which things being considered, the Earl most humbly submitteth himself to the judgment of that most high and honourable court, whether the delays which accident's have brought forth in this business, can be attributed to his fault; since on the one side it will evidently appear to your Lordships, that he never moved his Majesty and the Prince to admit of delays, but rather to think of some other course; and it will on the other side appear by all the dispatches, that he pressed things with the Ministers of Spain to as speedy a conclusion, as the uttermost terms of fair negotiation and good manners would bear.

And whereas it is pretended, that the Spaniards should take occasion, by entertaining the said treaties, to abuse his said late Majesty (which he knoweth not) yet, he saith, he used all the vigilance and industry that a careful Minister could do, and had from the Spaniards, all the assurances by oaths, words, and writings, which could be expected from Christians; the which, without adding or diminishing, he faithfully presented unto his said late Majesty; and his said late Majesty was pleased in those times, to conceive upon those assurances, that they dealt really with him:

And he conceiveth that his Majesty that now is, then Prince, and the Duke of Buckingham, were pleased to write as much to the late King's Majesty, at their first coming into Spain, and that all which the Earl had written touching that employment, was there avowed by the Conde Olivares and Conde Gondomar, to the said Prince and Duke, at their arrival at Madrid; and he hopeth, that if that dispatch may be perused, it will as well appear and be adjudged, that he served his Majesty with some measure of vigilance, as well as fullness of fidelity.

Third Article

III. To the third article the said Earl saith, That he did not either by words or by letters to his late Majesty or his Ministers, extol, or magnify the greatness and power of the King of Spain, nor represented to his late Majesty the supposed danger that might ensue unto him if a war should happen between him and the King of Spain, nor affirmed, nor insinuated the same, as in the said article is mentioned; but if he did at any time speak or write of the power and greatness of the King of Spain, or represent any danger to his said late Majesty that might ensue by entering into hostility with the said King of Spain, it was as a faithful counsellor and servant to his Majesty, by way of his advice and opinion, which he ever delivered sincerely, faithfully and truly, according to the present occasion, and in no wise with such an intent as in the said articles is mentioned, nor to any other evil intent or purpose whatsoever.

But he hath been so far from dissuading his late Majesty to take arms, that he hath upon all just occasions advised, that all fitting preparations for war might be made, as beginning with the year 1621, from which time he is only charged, will appear by his speech in Parliament presently after his return out of Germany; and that he hoped his Majesty would no longer rely upon single treaties, but make all fitting preparations for war; and that the Parliament would enable his Majesty thereunto; and by the care he took before his going again upon his ambassage into Spain, that the establishment of an army under his Majesty's own standard of horse and foot, and under his own pay, might be settled and provided for; as likewise his advice to the Lords of the Council, that his Majesty might have a curb upon the King of Spain upon all occasions, by continuing of Sir Robert Mansel's fleet on the coasts of Spain, as will appear by his letter written from Vienna, 26 July 1621, mentioned in the answer to the first article. By all which it appeareth, that he

laboured and endeavoured as much as in him lay, that his Majesty might be well prepared for any occasions of war that should happen. And he no way remembered to have discouraged, or to have spoken or written any thing, that might have been understood to have tended to the discouraging of his said late Majesty for the taking of arms, and entering into hostility with Spain, or for resisting of him and his forces, from attempting the invasions of his late Majesty's Dominions, or the Dominions of his late Majesty's confederates, friends or allies, as by the said articles is charged against him; neither remembreth that he had any cause so to do.

But if he have in any kind spoken or written of Spain, or the power thereof, it may have been to his late Majesty, or to his Majesty that now is, by way of discourse, speaking of the soundness of the Spanish proceeding, of their serious and deliberate debating of businesses before they resolve on them, of the constant pursuing of them when they are once resolved, wished that England and other Nations would therein imitate them:

For he supposeth the right way to impeach their greatness was to grow as wise as they, and to beat them at their own weapons. But otherwise he is confident never to have been heard to speak or write any thing, that might have any terror or discouragement to his late Majesty or his chief Ministers, knowing that England well ordered, need to take little terror at the power of Spain, having almost in all attempts and enterprises won honour upon them.

And as for the preventing of dangers that might ensue upon a war, though he knew not what is aimed at in that particular: Yet he is most confident, out of the integrity of his own conscience, that he neither said, nor advised any thing but what befitted a faithful counsellor and ambassador, which was truly to deliver his opinion as he understood it upon the present occasion:

And as for affirming that his Majesty's quiet should be disturbed, and he not be permitted to hawk or to hunt, he remembreth not what discourse he may have had, or written to any person, how fit it might be upon the being broiled in a great war, seriously to intend it, and make it our whole work.

But as he is confident will it appear, that what discourse soever it might have been, it wanted not true zeal and affection which he hath ever born to the King's service, and he hopeth it will not be found to want due respect and reverence on his part, which he ought to shew to so gracious a master.

Neither can it be conceived, that the considerations of hunting and fowling, should be considerations worthy so great and prudent a King, to withhold from a war for the good of Christendom, and his Kingdom, if he should have been justly provoked thereunto.

IV. To the fourth article the said Earl saith, That he did not any thing contrary to his duty or allegiance, or contrary to the faith and duty of an ambassador, as by this article is alleged; but did intend the service and honour of his late Majesty; and no corrupt and sinister ends of his own advancement, as by this article is so alleged.

And as for the conference, which is pretended he should hold concerning the Treaty, that being told there was little probability that the said treaties would or could have good success, he should acknowledge as much; and yet said, he cared not what the success thereof might be, but that he would take care to have his instructions perfect, and to pursue them punctually, and would make his fortune thereby, or words to that effect; he doth not ever remember to have held such discourse.

Though it be true, the time hath been many years since, when he thought the match very unlike to be effected, in regard unequal answers were given in Prince Henry's days, and of the unlikelihood of accommodating the differences of religion; and saith further, That the reviving of the treaty of the said match for his Majesty that now is, was not by his means, for he ever

declared his opinion dearly, both to his late Majesty, and to his Majesty that now is, That in the first place, he wished and advised a Protestant match, but in the duty of a servant, understanding, that both their Majesties desired the match really with Spain, he did really and faithfully intend the service and honour of their Majesties, and effectually endeavoured to procure their ends.

And it is very likely he might say, he would get his instructions perfect, and pursue them punctually, as he conceiveth was lawful and fit for him; but the latter part of this conference, that he should say he would make his fortune by it, or any other words to that effect, he was in Anno 1621, and ever since, of that rank and quality, both in regard of his employments, fortunes, and his Majesty's favour, that he assureth himself he did not, and dares answer so far for his discretion, that it was impossible for him to hold so mean and unworthy discourse.

V. To the fifth article he saith. That what is therein alleged, is so far from being so, that contrarily upon all occasions to the uttermost of his power, he did labour to prevent all the inconveniences in point of religion, that might come by matching with a Princess of a different religion, as well appeareth by the paper of his opinion, that his Majesty should marry with a lady of his own religion, hereafter mentioned in his answer to the seventh article.

And for further proof thereof, he saith, That in the whole treaty with Spain, he stood more strict in points of religion, than by his instructions he needed to have done, as will appear by the testimony of Sir Walter Aston, and his dispatches of the twelfth of December 1622, and other dispatches, which he desireth may be read.

And as for concealing or persuading to set at liberty the Priests or Jesuits, he utterly denieth to have done any such thing, as before he hath answered. Although it be true, that the ambassage in Spain be far different from the employment of other places, where there is a body of our reformed religion, and where his Majesty hath kindred and allies; whereby his Majesty's ministers may be informed of the necessary occurrences of state, without the helps of priests or Jesuits.

But in Spain there being none but Roman Catholic!«, nor any manner of correspondence or intelligence but by them, the ambassadors must make use of all sorts of people, especially of Jesuits and Priests and to that end ambassadors sent thither have a large and particular warrant under the King's hand, to treat and make use of priests and Jesuits, and all other sorts of men, unless it be such as are proclaimed rebels.

And divers times the Ministers employed in Spain, to gratify fume whom there they employed for the King's service, have, as he believeth, at their, particular suit, moved his Majesty to extend grace and favour to some particular friend and kinsman of his, being a Roman Catholic, and imprisoned in England; and that he remembereth to have happened to others, but doth not remember himself to have written to his late Majesty in that kind:

And as concerning his advice and counsel, to set at liberty Jesuits and Priests, and the granting to the Papists a toleration, or the silencing of the laws against them, he said, That his late Majesty was engaged by the treaty of Madrid 1617, in divers matters concerning religion; likewise by promise to Conde Gondomar, and his letters to the King of Spain, April 1620, wherein he is pleased to promise some particulars in favour of Roman Catholics, as by the said letters will appear:

And understanding the said Earl had sufficient warrant under the King's own hand, to assure the King of Spain, whatsoever was agreed in the said article, or in the said letters, his Majesty would sincerely perform; yet the said Earl was so cautious in that point, that when, for the conclusion of the match, the other articles of religion being allowed, it was pressed by the Spanish Ministers that a clause of convenience might be inserted with protestation, That the form and way thereof should be wholly left to his Majesty's wisdom and clemency, and that his Majesty's Roman

Catholic subjects should acknowledge this grace to have come from the King's Majesty's mercy and goodness:

Yet the said Earl would not condescend hereunto, *de bene esse*, as by his letters to master secretary Calvert, 8 October 1622, will appear, hereby to give his Majesty time to have recourse unto his second consultation, and to take it into consideration before he would engage or bind himself in this point:

But his late Majesty, and his Majesty that now is, were pleased to condescend hereunto, by signing the said articles with their own handstand likewise by writing their private letters of the 8th of January 1622, to that effect to the King of Spain, as by the said letters will appear.

Neither did the said Earl, by letters or otherwise, ever counsel or persuade. his late Majesty, to grant or allow unto the papists or professors of the Romish Religion a free toleration and silencing of the laws made and standing in force against them, but ever protested against any such toleration; and when any such provision hath been offered to be made in Spain, he ever refused so much, as to give ear to it, or to suffer it to be propounded; although it be true, that he hath since seen a paper, touching pardons, suspensions, and dispensations for the Roman Catholics, bearing date the 7th of August 1623, signed by the Lord Conway and others, which in effect is little less than a toleration; which paper is that which followeth:—

Salisbury, 7 August 1623.

The Declaration Touching The Pardons, Suspensions, and Dispensations of the Roman Catholics

This Declaration having been inserted, in the Reign of King James I, under the year 1623, there is, I think no occasion of repeating it here.

But this declaration, the said Earl saith and affirmeth, was the effect of the Duke of Buckingham's negotiation, and treated and concluded by the Lord Conway, with the Spanish ambassador here, whilst the Prince was in Spain, neither was his privity or advice in it: For if he had known it, he should have protested against it. All which, together with the difference betwixt the conditions of Religion agreed at the treaty of Madrid, 12 December, 1622, by the said Earl, and the said Sir Walter Anthony being by their Lordships considered, the said Earl doubteth not but that it will manifestly appear, whose endeavour it was to advance the Romish religion, and the professors thereof and judges, the said Earl most unfortunate to be charged with an article of this kind. .

VI. To the fifth article the Earl saith. That the assurances which he gave his late Majesty, and his Majesty that now is, concerning the treaties, were such, That it had been dishonest and breach of his duty and trust for him to have held them back, being the same that were given him by the Emperor, and the King of Spain, and their Ministers, upon as great assurances as can pass between Ministers of Princes in the like case.

And for the delays of Spain, they could never be so ill, and with so. little colour complained of, as at the time of his Majesty's coming thither; for that a certain time was before then prefixed for the coming of the dispensation, viz. in April 1623, at the furthest, which was next month after the Prince's arrival at Madrid, the desponsories were to be within four days following, and the Infanta begin her journey into England twenty days after:

So as three months patience longer would have shewed the hue of the business without putting of the person of the Prince, being heir apparent to the Crown, in o eminent a hazard for the trying of an experiment. And it is an argument of great suspicion, because the Spaniards were suspected

to have dealt falsely, and so the less to be trusted with the person of the Prince, to be put into their hands to try conclusions:

But the truth is, though that were made the pretended ground, and the occasion of the journey, it was neither the assurances of the said Earl, nor the jealousies of Spain, but other motives that were the original cause of his Majesty's said journey, as shall be sufficiently made apparent in due time.

And the said Earl having got an inkling of it by something that was let fall from the Conde Gondomar to that purpose, instantly dispatched away by Mr. Grisly to his late Majesty, to have his journey prevented; who upon the confines of France, met with his Majesty and the Duke of Buckingham on his journey towards Spain, and told them as much. So that although he confesseth what is said in the charge to be true, viz.:

That by the said journey the person of the Prince, the peace and safety of the Kingdom did undergo further danger, (at the remembrance thereof the hearts of all good subjects do tremble) yet the blame is due to the authors and advisers of the same journey, and not to the said Earl; and although it pleased God, to the exceeding great joy and comfort of the said Earl, and of all good men, to send his gracious Majesty home with safety, yet never was the person of any Prince, upon such grounds, exposed to so great an hazard; and in such cases, not the success, but the counsellors are considerable.

VII. To the seventh Article the said Earl saith, that he did not move or persuade his Majesty, then Prince, to change his religion, neither in the manner in the said article mentioned, nor in any other manner whatsoever:

Neither doth he conceive, that the charge in itself as it is laid, will in any reasonable construction bear any such inference as is made therein; so as he conceiveth, he needeth not make any further or other answer thereunto. Yet that it may appear, that the manner he used to the same Prince was not traitorously, falsely, or cunningly, nor without ground, or to any such intent, as in the said article is supposed.

And to manifest unto this most high and honourable court, how far he was from all such intention, he saith, that he doth acknowledge that within few days after his Majesty's coming into Spain, whilst he had the great honour to have his Majesty lodged at his house, and to have so Royal a guest, finding by the Spanish Ministers, that there was a general opinion, that his Majesty's coming thither was with an intention to become a Roman Catholic; and the Conde Gondomar having that very morning pressed the Earl not to hinder so pious a work (as he termed it) of his Majesty's conversion, and seeming to be assured of the Duke of Buckingham's assistance therein.

His Majesty being all alone in a withdrawing room in the said Earl's house, the said Earl kneeled unto him, and told him, that he had a business to impart unto him, which highly imported his Majesty to know, so that he might be assured his boldness therein might be pardoned; which his Majesty graciously promised.

And thereupon the said Earl told his Majesty, that the general opinion of the Court was, that his Majesty's coming into Spain was with an intention to be a Roman Catholic, and there to declare it. And he confesseth, that at the same time, in regard of those things he had heard, he humbly besought his Majesty to deal freely with him as a servant, of whose fidelity he might be confident, or words to that effect:

But he was so far from persuading his Majesty to be a Roman Catholic, that without respecting his Majesty's answer, he declared himself to be a Protestant, and so should always continue; yet he said, he should always serve his Majesty, and labour to advance his, and the King his father's, affairs with as much fidelity and honesty, as any Catholic whatsoever:

And his Majesty was pleased then to make unto the said Earl a full and clear declaration of his religion, and of his constant resolution therein; and seemed to be much displeas'd, that any should have so unworthy an opinion of him, as to think he would for a wife, or any other earthly respect whatsoever, so much as waver in his religion.

Whereupon the said Earl besought his Majesty to pardon his boldness, and then entreated him not to suffer his business to be overthrow'n, by permitting that conceit of his conviction any longer to remain in the Spaniards, nor to any thing that might give them hope therein, alleging, that it was impossible the marriage could be without a dispensation and so long as the Spaniards, who were to procure the dispensation, should have hope of his Majesty's conversion, they would never content themselves with a part; to which they were tied by the articles agreed upon with the said Earl and Sir Walter Aston.

At which time his Majesty was pleas'd to approve of his opinion, and said, he would expect the dispensation, and did thereupon afterwards send Mr, Andrews to Rome to hasten it; and the next day the said Earl dealt very roundly with the Conde Olivares, and Gondomar telling them it was a discourteous manner of proceedings to press his Majesty to further conditions than were formerly agreed upon in point of religion, and to make his conditions the worse for the great obligation he had put upon them, by putting himself into their hands; whereat they took such great offence, that they estrang'd themselves from him for a long time after.

And that the said Earl did thus proceed with the said Conde, and that it was not a new fram'd answer to satisfy present objections; but that which really and indeed pass'd, will really appear by his dispatches unto his late Majesty of blessed memory; and before his Majesty that now is, came out of Spain, they were there shew'd unto his Majesty, bearing date the 9th of September 1623.

So that although it be true, that he the said Earl did not dissuade his Majesty, for that there was no cause for it, yet without expecting his Majesty's answer, he first made a clear and true profession of his own religion; and when his Majesty had declared to him his zeal and constancy, he humbly besought him, that the Spaniards might not for any respect be longer held in hopes of that point.

And because point of religion is that which all men of honour and honesty would chiefly desire to clear, especially having an imputation of that nature laid upon them, as the said Earl hath in the said article; he humbly beseecheth your Lordships, that he may not seem to digress from his charge; intending your Lordships satisfaction in that particular, not by the aforesaid verbal discourse only, which he professeth was in much zeal to religion and dutiful care to the Prince in that kind, but by some written testimony of his former opinion both of the match and religion.

When he was first employ'd into Spain for the treaty of his marriage 1617, his late Majesty having command'd him to give an account thereof unto his Majesty that now is, he at his departure towards Spain, presumed to give unto his Majesty that now is, his opinion in writing sign'd with his own hand, to be kept as a testimony of future action, the copy whereof is this as followeth:—

SIR,

THE opinion which I have ever presumed humbly to offer unto his Majesty concerning your Highness' marriage, hath been, that both in regard of conscience and satisfaction unto his Majesty's people and allies; likewise for the security and quiet of your Majesty's estates, your Highness might take for wife some Protestant Princess, although she neither were daughter to a King, nor had so ample a portion as might relieve the King's present necessities and wants; for then there might be many ways found to help the King's wants, either by some few years providence,

and frugality, or by winning the affections of the people, to the supplying of his Majesty by way of subsidies in Parliament: whereas contrariwise, if the number and power of the Papists shall be increased, as undoubtedly they will be by your Highness' matching with any Catholic Princess, through the concession which must be of necessity for the exercise of her religion for herself and family, within your Highness' Courts, and thereby by degrees these two different religions shall grow to an equality of power.

It will be great hazard and disquiet to the State, and not to be redressed without great danger, and courses of more violence than is usual for this State to put in practice. But in case his Majesty, out of his wisdom and consideration best known to himself hold it fittest that your Highness match with France, or Spain, or any other Catholic, either for that the present time affordeth no Protestant Princess, who is for years or blood suitable for your Highness, or that can in any considerable measure by the portion, apply his Majesty's present wants, I then conceive that the match by which this State shall suffer has inconvenience and cumbers, and whereby his Majesty's necessities shall by the greatness of their portion be the most relieved is with Spain, if such a match may be made with such conditions of religion, as other Catholic Princes will contract themselves withal.

Thus much I thought fit humbly to present unto your Highness, for that I see my employment liable to the censure of many worthy persons, with whom though I concur in my opinion, yet I seem much to differ from them many ways; for that it is more proper to me to be true to my master's ends and services, than by the declaring this, to procure their satisfaction:

Only to your Highness I thought fit to make this declaration, and shall be a suitor to you for your favour, as you shall see me really labour to put this in effect. And if his Majesty shall, either upon motion of Parliament, or any other proportion that can be made unto him, think fit to proceed with a Protestant match, as I shall with as well unto it as any man living, so I hope in such sort to manage the present business that I have in hand, that it shall rather much further, than any way cross or hinder it.

But in case his Majesty shall not be drawn to any proposition for a Protestant match., I then conceived, that your Highness both doth, and will approve, that I really and effectually labour to procure a match for your Highness in Spain, upon such conditions, in point of religion and portion, as to his Majesty shall seem fit.

Besides which declaration of this opinion, he hath all the days of his life, and in all places, lived and allowed himself to be a Protestant, never having done any the least act that was not suitable to that profession:

And in all his former employments, for the space of fourteen years, of more than five hundred persons of all qualities that attended on him, there was never one perverted in his religion, saving two Irish footmen, who in Ireland had been bred Papists.

And he humbly desired the testimony of Doctor Mason, and Doctor Wren, his Majesty's Chaplains, who were with his Majesty in Spain; and of Mr. Sampford, one of the Prebends of Canterbury, Mr. Boswell, Parson of St. Lawrence in London, and Mr. Frewen, Divinity Reader in Magdalen College in Oxford, and now one of his Majesty's Chaplains, who were his Majesty's chaplains in Spain; as well for the frequent use of the Sacrament, as constant profession and exercises of religion, and the testimony of such Catholics as are known to have been his ancient acquaintance and friends, to examine them upon oath, whether publicly or privately, in Spain or

in England they had known him in any kind to make shew, or so much as to forbear, upon all occasions, to declare the religion he professeth. And that the said Mr. Frewen and Mr. Wake may be also examined, whether in extremity of several sicknesses, whereinto he hath of late years fallen, he hath not ever settled his conscience with them towards God, and made a confession of his faith; resolving, as befitting a Protestant or good Christian.

VIII. To the eighth article the Earl saith, That he did not at any time, or in any place, endeavour to persuade the Prince, touching his religion, to become a Roman Catholic, and to be obedient to the usurped authority of Rome; neither did the said Earl, to that end, and purpose, or otherwise, use unto his Majesty, then Prince, the words in the article mentioned. But the said Earl acknowledged, That upon occasion of a letter that came to his Majesty, then Prince, putting his Majesty in mind of the great actions of his royal progenitors in the Holy War, that the great Kings of those times did not only employ their forces, but in their persons went into the Holy Land; the Earl believeth, that by way of discourse only, and not otherwise, he may have said, That in regard of the difference in religion, it was of more difficulty to undertake such great actions now, than in former ages; and it might well be instanced in the present treaty of the marriage, wherein the Pope's consent was to be obtained.

And to this effect, and upon the like grounds, he is confident there was very many that have, nay, few of nearness about his late Majesty, that have not often heard his Majesty say, That he was the true martyr, that suffered more for his religion than all the Princes of Christendom, besides, instancing in divers particulars, but especially in this, That he could not match his Children with Kings of his own rank, without the Pope's leave.

But the said Earl saith, He never alleged any such thing to any other purpose, than to shew, that only conscience, and love to truth, (in which regard Protestants suffered much) not any temporal respects, made men constant and zealous to the profession of our religion. By which discourse he ever attributed much to the honour and security of the Protestant religion; but never used it as an argument to persuade to the contrary, as in the accusation is insinuated.

Besides, he conceiveth, by way of answer thereunto, the said question may be asked, which his Majesty was pleased to ask of the Earl in the seventh article, viz. What the said Earl saw in his Majesty, that he should think him so unworthy, as to change his religion for a wife or any earthly respect whatsoever?

So why should it be thought, that being more fit to undertake great actions in the world, (being a mere moral and temporal respect) should be an argument to persuade in conscience so religious and wife a Prince, and so well instructed as his Majesty is, as though the soul of a Christian Prince was to be wrought upon, in point of truth and belief, by temporal and worldly respects of conveniences and greatness?

It were necessary, for the proving, that the said Earl persuaded his Majesty touching religion, to produce some arguments that he used out of Scripture, to satisfy him in point of conscience in the same tenets of the Roman Church, or that he produced any conference with learned men for his satisfaction in point of Religion:

Otherwise, the articles used in this against the said Earl, do (as he conceiveth) carry little strength to prove the charge of persuading his Majesty, either in regard of itself, or in regard of his Majesty's piety.

IX. To the ninth article, the said Earl saith, That there was a discourse in Spain of the way of accommodating the Prince Palatine and his affairs; and by way of discourse it was moved, That the marriage of his eldest son, with a daughter of the Emperor, and his son to be bred in the Emperor's court, would be the fairest way for

the pacifying of, and accommodating those businesses. And the Earl, by way of discourse, and not otherwise, did say, That he thought his late Majesty could not be adverse, either to the said match, or to the breeding of the Prince Palatine his son with the Emperor; so as thereby, the whole patrimonial estate of the Prince Palatine, and the dignity electoral might be fully restored, and that his son might be bred in his own religion, and have such preceptors, and such a family, as his late Majesty and his father, meaning the Prince Palatine, should appoint; and they to have free exercise of religion:

For so his late Majesty hath often declared himself to the said Earl, and wished him to lay hold on any occasion for the entertaining of any such proposition. And otherwise than so, and upon the terms aforesaid, and by that way of conference and discourse only, he delivered not any opinion to his Majesty, at his Majesty's being in Spain:

For the said Earl is very confident, that his Majesty was returned out of Spain before any proposition was made for the said marriage, other than by way of discourse, as aforesaid; the same as the said Earl believeth, being first moved and debated on by way of proportion, between Mr. Secretary Calvert, and the ambassador of the King of Spain, October 2. 1623.

His late Majesty, upon a relation made unto him by a letter of Mr. Secretary Calvert, approved of the said proposition, and declared the same to be the only way, as he conceived, to accommodate with honour those great businesses: And wrote to that purpose to his son-in-law the Prince Palatine, by his letters dated 9 November 1623, a copy of which he, together with Mr. Secretary Culvert's relation, and the Lord Conway, by his late Majesty's commandment, sent unto the said Earl, the tenor of which translated out of French, is as followeth:—

WE HAVE THOUGHT GOOD, that we may provide best and most soundly for your affairs, not only to procure, but also to assure your peace, were to cut up by the very roots that evil, which hath been settled in the heart of the Emperor, by the great displeasure and enmity he hath conceived against you.

For the removing and quite extinguishing of which, it seemeth to us no better or more powerful means can be used, than a good alliance, which may be proposed by us, between your eldest son, and the daughter of the said Emperor, upon the assurance we have, we shall not be refused in this matter, if you on your part will give your consent.

And for the more surety of the good success thereof, we are determined, before any such proposition be made to the Emperor, to interest the King of Spain with us in the business, who, we trust, will lend us his helping hand, as well for the effecting of it, and bringing it to a good conclusion, as in procuring likewise, that the condition be duly observed. Amongst which conditions, if it happen that the Emperor should demand, that your son, during his minority, should be brought up in his court, we shall tell you, that we, for our own part, see no reason why you should stick at it, upon such conditions as he might be tied unto, to wit:—

That the young Prince should have with him such governor as you shall please to appoint him, although he be no Roman Catholic; and that neither he, nor any of is, should be any way forced in matter of their conscience.

And our meaning is, so to order his proceeding in this treaty, that before your said son be put into the hands of the Emperor, we will have a clear and certain assurance

of an honourable, entire, and punctual restitution of all whatsoever belonging to you:

As also we will take care to provide accordingly, fully and exactly for the assurances requisite for the liberty of conscience, for him and his domestics, as they have done here with us, touching those that have been granted them for the Infanta. And therefore seeing there is no inconvenience at all, that may cause your averseness or backwardness in this business, which we for our parts think to be the best, shortest, and most honourable way that you can take, for the compassing of the entire restitution, and making your peace sure with the Emperor, we hope your opinion will concur with us therein, and shall entreat you, by the first, to send us your answer.

By which letters, after his Majesty's coming out of Spain, it appeareth to your Lordships, that there was no proposition of the marriage betwixt the son of the Prince Palatine, and the Emperor's daughter, when that letter was written; for therein his Majesty saith, he was determined to interest the King of Spain in the business, before any such proposition should be made to the Emperor.

And it will also thereby appear, that his late Majesty's inclination was of the convenience thereof, which the said Earl hopeth will acquit him, if by way of discourse only he declared what his Majesty's opinion was, which, with honesty he could not have concealed.

And the said Earl saith, he doth not remember what answer Sir Walter Aston made upon that discourse which he then delivered, nor what replies the said Earl made; but sure he is, whatsoever the said Earl said, or what answer or reply soever was made, as it was by way of discourse, and not otherwise, so it was according to that which he truly conceived to be the best and easiest way to accommodate the business and to be his Majesty's pleasure, (which the said Sir Walter Aston may be ignorant of, as he is confident that he was) and not out of any dissatisfaction to our religion, or for any sinister respect or regard to the House of Austria, as by the said article is intimated:

For he did conceive the breeding of the Prince Palatine's son with the Emperor, having a governor appointed by his late Majesty and his father, and he and his domestics to have free use of their own religion, to be a matter of impossibility, or such dangerous consequence in point of religion, as to imply his conversion, as by the article it is intimated; well knowing that in the Emperor's court, all Princes there, though his prisoners, and others his counsellors and servants about his person, and so great a command in his armies, being avowed protestants, have the free use of their religion:

And so is not to be supposed, the son of the Prince Palatine, grandchild to the King of Great Britain, should be matched, and no care taken to capitulate for the use of his religion, being ever granted to the meanest Prince that is bestowed. And his Majesty's special care in this point, is fully seen in the said letter.

X. To the tenth article he saith, That by comparing of this article of his too much forwardness, with the second article, whereby he is charged with continuing the Treaty upon generalities, without reducing them to certainties, and direct conclusions, your Lordships will perceive how impossible it was for him to avoid an exception. But for direct answer to the present charge, he saith he did not presumptuously, nor yet to his knowledge, break his instructions nor set a day at all for the desponsories; but was therein merely passive, in admitting the day nominated by the King of Spain, according to the capitulation before made: Nor did he presumptuously, wilfully, or willingly disobey any commandment or direction of

his Majesty that now is, then Prince, which he could understand not to be countermanded, either by present or future instructions otherwise explained.

And for the better manifestation of the truth of his proceedings in, and concerning the same, he saith,

That on the day of the departure of his Majesty, then Prince, from the Escorial in Spain, his Highness delivered unto him, in presence of the commissioners, his proxies powers, with public declaration, taken in writing by the Secretary, to the King of Spain, of the Prince his pleasure, and how the said Earl should use them, viz.

That he should deliver them to the King of Spain, upon the coming of the dispensation cleared from Rome, according to that which hath been agreed, which was to be within ten days after the coming of the dispensation. And he farther saith,

That it is true, that the Prince afterwards by his letters sent by one Mr. Clark, commanded him the said Earl not to deliver the said proxies till he should have received security, that the Infanta, after her being betrothed, should not enter into any religious order, and that before he proceeded, he should fend to his Majesty, then Prince, such securities as should be offered, that he might judge whether it were sufficient or not.

Whereupon the said Earl, as became a faithful servant, presented unto his Majesty that now is, then Prince, such assurances as were offered unto him, for securing of that point, together with such reasons as he conceived were fit to be offered to their considerations; which gave unto his late Majesty, and his Majesty that now is, then Prince, such satisfaction, as they were pleased to dispatch a post presently unto him, absolutely discharging him of that commandment, as by their several letters, dated October 8, 1623, will appear as followeth:—

WE have received your letters by Grisley, and the copy of them to our dear son; we cannot forbear to let you know how well we esteem that dutiful, discreet, and judicial relation, and humble advice to our son:

Whereupon, having fully deliberated with our self, and communicated with our dear son, we have resolved, with the good liking of our son, to rest upon that security in point of doubt, for the Infanta's taking a religious order, which you in your judgment shall think meet.

And by that other letter of his Majesty that now is, then Prince, as followeth, viz

YOUR letter to the King and me, concerning that doubt I made after I came from St, Laurence, hath so satisfied us both, that we think it fit no longer to stick upon It, but have it to your discretion to take what security you shall think fitting.

Whereby he was absolutely freed of that command; and being so freed thereof, he then remained under the order which his Majesty, then Prince, had left with him at his departure, which was to proceed according to the capitulations, and his Highness' declaration, when he delivered the said proxies unto him:

And so he intended to have done, till by his Highness' letters, November 13, 1623. he was directly commanded the contrary, which commandment he directly and punctually obeyed.

And for such his intentions, till he was countermanded, he conceived he had not only sufficient warrant, but he would have highly offended if he had done otherwise.

For first, for his proceedings to consummate the match, he had warrant and instruction under his late Majesty's hand.

Secondly, it was the main scope of his embassy.

Thirdly, he was enjoined by the King and Prince his commission, under the Great-Seal.

Fourthly, he had positive order under his Majesty's hand, by letters since.

Fifthly, It was agreed by capitulation, that it should be within so many days after the coming of the dispensation.

Sixthly, his late Majesty, and his Majesty that now is, then Prince, signified by their letters unto him, at the same time, when they discharged him of his commandment touching the Infanta's entering into religion, that they intended to proceed in the marriage, as by his Majesty's letters, October 8, 1623, will appear.

Seventhly, The Proxies were to that end left in his hands, and after again renewed, after his Majesty's return into England.

Eighthly, He had overthrown the marriage without order: For although Sir Walter Aston and himself used all possible means for the gaining of time, and deferring the desponsories; yet the King of Spain caused it to be protested,

That in case he the said Earl should infill upon the deferring of the desponsories, he would free him from the Treaty by the said Earl's infringing of the capitulations:

And in truth, although the King of Spain should have condescended to have prolonged the Desponsories, until one of the days of Christmas, as by the letter was required; yet the Prince's proxies had been before that time expired, and he durst not, without a precise warrant, put such a scorn upon so noble a Lady, whom he then conceived was likely to have been the Prince his wife, as to nominate a day of marriage when the proxies were out of date, and he was himself sworn to the Treaty.

And lastly, he could not in honour and honesty, but endeavour to perform that public trust reposed in him, when the proxies were deposited in his hands, with public and legal declaration, with an instrument by a Secretary of State to the King of Spain leading and directing the use of them, and the same being then *Instrumentum stipulatum*, wherein as well the King of Spain was interested by the acceptation of the substitution, as the Prince by granting of the proxies; he could not in honesty fail the public trust, without clear and undoubted warrant, which as soon as he had, he obeyed.

So as the case standing thus, the said Earl is very confident, that the supposed countermands, directions, and restrictions, when they should be perused and considered of, will appear to have been very slender and insufficient warrant against the aforesaid orders and reasons before specified:

And is also as confident, That what is assured out of his, the said Earl's dispatches, will also appear to be misunderstood; and that if he had proceeded to the execution of the desponsories, before he received direct and express commandment to the contrary by the aforesaid letters, November 13, 1623, which he readily and punctually obeyed, he had not, under favour, broken his instructions, or deserved any blame for lack of assurance of the restitution of the Palatinate, and temporal articles.

And first, of the Palatinate, his said Majesty did not send to the said Ear] express directions not to dispatch the desponsories, until a full conclusion were had of the other treaty of the Palatinate, together with that of the marriage, as by the said article is alleged; only his late Majesty, by the aforesaid letters of October 8, required the said Earl so to endeavour, that his Majesty might have the joy of both at Christmas. Whereas his instructions of May 4, 1621, were express, that he should not make the business of the Palatinate a condition of the marriage.

And his late Majesty's letters of December 30. 1623. were fully to the same effect. Yet did the said Ear], according to what was intimated by the said letter of October 8, so carefully provide therein, as that before the proxies were to be executed, he had an absolute answer in the business of the Palatinate, the same should be really restored according to his late Majesty's desire; and the Coude Olivares, both in his Majesty's name, and in his own, desired the said Earl and Sir Walter Aston, that they would assure his Majesty of the real performance of the same, and entreated, if need were, they should engage their honour and life for it, as by their joint dispatches of November 23, 1623, will appear; and so much the said Sir Walter Aston and the said Earl agreed should be delivered to them in writing, before they would have delivered their proxies, and so the said Earl declared it; the which answer in writing should have been the same, which since was given them of January 8, 1623.

And both Sir Walter Aston and the said Earl were confident therein, as they, by their said letters of November 23, wrote to his late Majesty as followeth; viz.—

THAT his Majesty might, according to his desire, signified to the said Earl, by his letters of October 8, give, as well to his Majesty a daughter that Christmas, the comfortable news of the expiring of her great troubles and sufferings, as to his son the Prince, the congratulation of being married to a most worthy and excellent Princess.

By which it will evidently appear, he meant not to leave the business of the Palatinate loose, when he intended to proceed to the marriage; but he counselled, that he was ever of opinion, that the best pawn and assurance his late Majesty could have of the real proceeding of the Palatinate, was, that they proceeded really to the effecting of the match; and of the same opinion was his late Majesty also, and the Lords commissioners here in England, as appeared by his instructions, dated March 14, 1621, which opinion first continued in them, as appeareth by his late Majesty's letters of January', 1622.

And as for the temporal articles, the said Earl saith, when the desponsories were formerly appointed to have been, as he remembreth, on Friday, August 29, before the departure of his Majesty, then Prince, out of Spain, which was only hindered by the not coming of the dispensation, the Prince appointed him and Sir Walter Aston to meet with the Spanish commissioners, and they drew up the heads of the temporal articles, wherewith the Prince and the Duke of Buckingham were acquainted; and in case the dispensation had come, and the desponsories being performed on that day, there had been no other provision made for them before the marriage.

But presently, upon the Prince his departure, he, the said Earl, caused them to be drawn into form, and sent them to his late Majesty, September 27, 1625, desiring to understand his Majesty's pleasure with all speed, especially if he disapproved any thing in them; but never received notice of any dislike thereof, until the aforesaid letters of November 13, 1623, which put off the desponsories.

So as it appeareth, the said Earl was so far from breaking his instructions, or from having any intention to have proceeded to the execution of the desponsories, before his Majesty and the Prince were satisfied of this point of the Infanta entering into religion, or before convenient assurance, as well for the restitution of the Palatinate, as performance, the temporal articles, that

he deserveth, as he conceiveth under favour, no blame, so much as an intention, but if he had erred in intention only, (as he did not) the same being never reduced into act, the fault (as he conceiveth) was removed by his obedience before the intention was put into execution:

For so it is in cases towards God. And as to the matter of aggravation against him, that he appointed so short a time for the desponsories, as that without extraordinary diligence the Prince had been bound, he thereto saith, as he said before, that he set no day at all thereunto, nor could defer it after the dispensation came from Rome, without a direst breach of the match so long laboured in, and so much desired; yet he and Sir Walter Aston having used all possible industry to discover how the motion of deferring the match would be taken; and finding an absolute resolution in the King of Spain to proceed punctually, and to require the proxies according to the capitulation, within ten days after the coming of the dispensation; and that time also getting advertisement from Rome, that the dispensation was granted, and would presently be there; he, the said Earl, to the end, in so great a cause, he might have a clear and undoubted understanding of his late Majesty's pleasure, sent a dispatch of November 1, with all diligence unto his Majesty, letting his Majesty know, that it could not be possible for him to protract the marriage above four days, unless he should hazard the breaking, for which he had no warrant.

But that this was now no new resolution, nor the King so straitened in time, as by the said article is pretended, will appear by the said Earl's dispatch of September 28, 1623. In which, upon scruple that was then made of the Infanta's entering into religion, he wrote to the same effect, viz:—

That if the dispensation should come, he knew no means how to detain the proxies above twenty or twenty four days.

So that although no difficulty happened until the middle of November 1623. yet it was foreseen, that it must of necessity happen when soever the dispensation should come; and then was warning of two months given thereof; viz. from September 24, until November 29, which was the time appointed for the desponsories.

So as he most humbly submits himself unto your Lordships, which of the two ways was the safer or dutiful for him to take; whether upon inferences or conjectures to have overthrown so great a business; or, on the other side, first, to have preferred unto his Majesty the truth and sincerity as he did, the true estate of his affairs, with his humble opinion therein, with an intimation, that if his Majesty should resolve to break the match, that for the said Earl his honest discharge of the public trust reposed in him, when the proxies were deposited in his hands, and for his sufficient warrant in so great a cause, his Majesty would be graciously pleased to give clear and express order, (which he had not) and in the interim, whilst his Majesty might take into consideration the great inconveniences that might ensue, the said inconveniences might be suspended, and the business kept upon fair terms, that his Majesty might have his way and choice clear and unsoiled before him.

And as to the evil consequences which are pretended would have followed, if the said Earl had proceeded to the consummation of the match, before he had express order and warrant to the contrary; he supposed his Majesty should speedily have seen the marriage, which he so long sought to have effected; that the Prince should have had a worthy lady whom he loved; that the portion was much greater than ever was given in money in Christendom; that the King of Spain had engaged himself for restitution of the Palatinate.

For which the said Earl conceived a daughter of Spain, and two millions, had been no ill pawn; besides many other additions of advantage to the Crown of England:

Whereas on the contrary side, he foresaw that the Prince would be kept a year longer unmarried, a thing that so highly concerneth these Kingdoms; he doubteth, that the recovery of the Palatinate

from the Emperor, and Duke of Bavaria, by force, would prove a great difficulty, and that Christendom was like to fall into a general combustion:

So that desiring that his Majesty should have obtained his ends, and have had the honour and happiness, not only to have given peace, plenty, and increase, unto his own subjects and Crowns, but to have propounded the greatest differences that had been these many years in Christendom:

And by his piety and wisdom, to have prevented the shedding of so much Christian blood, as he feared would ensue, if these businesses were disorded. These reasons, he confessed, and the zeal unto his Majesty's service, made him so earnestly desire the effecting of this business, and cannot but think himself an unfortunate man, (his Majesty's affairs being so near settling to his Majesty's content, as he conceiveth they were, and hoping to have been to his Majesty, not only a faithful servant, but a successful servant) to see the whole estate of his affairs turned upside down, without any the least fault of his; and yet he, the only Minister on the English and Spain side, that remained under disgrace.

XI. To the eleventh article the said Earl saith, that the article is grounded upon a petition by him preferred to this honourable House, supposed to be scandalous; which your Lordships (as he conceiveth) according to the customs and privileges of the House of Peers, would have been pleased first to have adjudged so to have been, either for matter appearing in itself, or upon hearing the said Earl; for if the matter appearing in the petition itself be not to be excepted unto, it cannot, as he conceiveth, by collateral accidents be taken for a scandal, till it be examined and found false.

For a plain and direct answer thereunto he saith, that the said petition is such, as will not warrant any such inference, as by the said article is enforced. And that he hoped to justify the contents of the said petition in such sort, as shall not displease his Majesty, nor decry that expression which is used in the charge; but contrarily what he hath said, or shall say therein in his defence, shall in all things tend to the honour and service of his Majesty, by reducing into his memory divers circumstances, and laying before him the passages of divers particulars, which by undue practices have been either concealed from his Majesty, or misrelated unto him.

Having thus offered to this high and honourable Court, such proofs and reasons as he hoped shall, in your Lordships wisdom and justice, clearly acquit him of any capital crime, or wilful offence; if it shall appear, that out of errors of judgment, too much ferventness of zeal to his Majesty's service, or the ignorance of the Laws of this Realm, (wherewith he hath not been able to be so well acquainted as he ought, by reason of foreign employments by the space of many years) or by any other ways or means he hath fallen into the danger of the Laws for anything pardoned in the general pardon, made in the Parliament holden at Westminster, Anno *Vicesimo Primo Regni Imp. Jacobi Anglia &c.*, see. of blessed memory, he humbly prayeth allowance of the pardons, and the benefit thereof, (with this clause, that he doth and will aver, that he is none of the persons excepted out of the same) although he is very confident, he shall not need the help of any pardon) having received many signification, as well from his Majesty's own mouth, that he had never offended his Majesty, as lately, by several letters of the Lord Conway, that he might rest in the security he was in, and sit still, and should be no farther questioned.

But he hopes your Lordships will not only find him so far from blame, but that he hath served his late Majesty of blessed memory, and his most gracious son, the King's Majesty that now is, with that fidelity, care, and industry, that your Lordships will take course, as you, in your wisdom, shall think fit, not only for upholding the honour and reputation of a Peer in this Realm, after so many employments, but likewise become humble and earnest suitors to his Majesty on his behalf (which he

humbly prayeth) that he may be restored to his Majesty's good favour, which, above all worldly things, he most desireth.

This defence of the Earl of Bristol seemed to me worthy to be transmitted to posterity, in a language more generally known than the English. Truth is visible throughout the whole, is perfectly coherent: nothing appears disguised, and the Earl's innocence is so clearly seen, as to be almost beyond doubt. But on the other hand, there appears a furious perfection against this lord, from those who must have been convinced of his innocence.

In this perfection is seen the extreme weakness of James I. who contrary to his own knowledge, not only permitted the Earl of Bristol to be oppressed, who had served him very faithfully, but also was induced to tell the Parliament, in 1624, two things equally distant from the truth. The first, that when the Prince and Duke of Buckingham came to Madrid, they found the affair with which the Earl of Bristol was charged, as untouched, as if it had never been mentioned before.

And yet, he had himself signed the Articles of the Treaty, and nothing was wanting but the Pope's dispensation to celebrate the marriage, as manifestly appears in the Earl of Bristol's answer. The second, that the affair upon which he consulted the Parliament, namely, whether he should break the Treaties with Spain, was yet, *Res integra*, though these treaties had been entirely broken two months before.

But Charles I's prejudice against the Earl of Bristol is so surprising, that after having seen the Earl's defence, one can hardly believe, a Prince, so judicious in other respects, could be induced to dictate to his Attorney-General, an accusation so full of calumnies against a Lord, whom certainly he could not think guilty, since no man knew more of the affair than himself.

This is a character which does not redound to his honour. He would have been more excusable, if he had caused the Duke of Buckingham to act alone, whose reputation ought not to have been more dear to him than his own.

In short, we see in the Earl of Bristol's defence, a clear and full explication of what passed in Spain, in the negotiation of the two Treaties for the marriage, and for the restitution of the Palatinate, which is the principal subject of the Reign of James I. The Earl's defence undeniably shews also, what all the good writers affirm, that the Duke of Buckingham's narrative to the Parliament in 1624, was all false.

And therefore I thought, this narrative of the Duke's would not be ill placed after the Earl of Bristol's defence, that the reader, by comparing the one with the other, may be satisfied with his own eyes, how unworthily King James, the Prince his Son, and the Duke of Buckingham, acted with the Parliament, in order to cause them to advise a rupture with Spain, on which advice King Charles afterwards so strenuously insisted.

The Duke of Buckingham's Narrative[3]of the Transactions in Spain, delivered to both Houses of Parliament, by order of King James I. in the year 1624.

THE Duke in his narration, observed six distinct and several parts.

- I. The motives of the Prince's journey to Spain.
- II. The treaty of the marriage set on foot in Spain, severally and by itself.
- III. The treaty of the marriage and restitution, united together by a reciprocal subordination.

IV. The Prince's return from Spain.

V. His Majesty's subsequent proceedings in both treaties, since the return.

VI. The stating of the question, *super totam materiam*, wherein both the Houses were to offer to his Majesty their advice and counsel.

ARTICLE I

The Motives of the Prince's Journey to Spain.

The negotiation of Sir Richard Weston Chancellor of the exchequer, with the Arch duchess of Brussels, ministered unto his Majesty the first occasion of jealousy, and made a kind of discovery of the Spaniards indirect dealing with this State.

After the Duke had spoken these few words, there was read a letter of the third of October 1622. from the King to the Earl of Bristol, wherein Bristol was required to let the King of Spain know, how sensible King James was of the Emperor's proceeding towards him; and that he should demand of the King of Spain a promise, under hand and seal, that Heidelbergh should be delivered within seventy days after audience, and the like for Mannheim and Frankendale, if they be taken, and if this be denied, to press to have leave to march through the King of Spain's territories with an army, for the recovering of his Children's patrimony; and that the King of Spain should assist us with his forces.

Then the Duke defined the Houses to take for truth whatever he should say, granted and attested by the Prince's presence; and shewed, that this letter was not put home to the utmost by the Earl of Bristol. Hereupon a dispatch was sent away to my Lord of Bristol, expressly commanding him to press his directions more home than yet he had done, and in case he should be denied or delayed by the King of Spain, then to take his leave and come away: This was not so fully exacted by my Lord of Bristol.

Porter, that carried these letters, was commanded not to stay above ten days, who after he had been there some four or five days, and saw nothing towards a dispatch, went himself to the Conde Olivares, (having been his creature) and desired him that he would speed his dispatch. Olivares asked him what he would have? Who replied, no more than what had been formerly promised, that in case the Emperor should deny the restitution of the Palatinate, the King of Spain should assist our King by arms to recover it, or else give way to our forces to march thither through his country.

Olivares replied, that this was a preposterous demand; what, to assist with arms against the King's uncle, and the Catholic League! Porter speaking to him of the marriage of our Prince with the Infanta of Spain, he told him, that he understood not a word of it[4].

Porter acquainted Bristol herewith: he said, he would call Olivares to an account, if he held this language with him, and would make him understand, that an Earl of England was as good a man as a Conde of Spain. But sending for Porter the next morning, he changed his resolution, and concluded to carry the business more calmly, and said, the Conde was so reserved, because he was shy and dainty to report those my desires with that freedom to him, who was not qualified as a public minister.

The Conde was angry with Porter for communicating what he said to Bristol, Mr. Porter returned with a dispatch fraught with generalities, and without any one particular or certainty at all, made

his relation to the Prince's Highness; who thereupon took his resolution to go in person to Spain, and gave himself these reasons for the enter prize.

He saw his father's negotiation plainly eluded; matters of religion gained upon, and extorted[5]; his sifter's cause more and more desperate; and that this was the way to put things off or on; and that in this particular, delay was worse than a plain denial, and that according to the usual proverb, *A desperate disease most have a desperate remedy*[6]

Hereupon the King commanded the Duke to accompany his Highness in his journey.

ARTICLE II

The Treaty of The Marriage Severed, and by Itself.

When the Prince had arrived at Madrid, the Conde gave him a visit; magnified exceedingly the Prince's journey; amplified the obligations his Highness had put upon that King; and said, that now without all peradventure, it must be a match, and we must part and divide the whole world betwixt us.

The next day the Conde taking the Duke into his coach, and Mr. Porter for his interpreter, falling into discourse of the match, he said unto the Duke, let us dispatch this match out of hand, and strike it up without the Pope: The Duke answered, he liked the manner very well, but desired to understand the means. The means, quoth the Conde, is very easy; it is but the conversion of the Prince; which we cannot conceive but his Highness intended upon his resolution for this journey.

The Duke answered forthwith, that with freedom they came thither, and with freedom they would return again: they were no jugglers, neither came they to Spain to make new bargains[7]: that the Prince was settled in his religion; his conscience was troubled with no scruples in that kind: If they struck any more upon that string, they would mar all the harmony.

Then said the Conde, there is no way but to send to Rome to hasten the dispensation to which the Duke assented. Hereupon the Conde wrote his Letter to the Cardinal Ludovicio the Pope's nephew; which being shewed to the Duke, seemed to him to be very heavy; the Duke therefore desired to quicken it with this postscript,

That now the Prince being arrived, must not be sent back without a wife; That delay to a suitor is a kind of refusal; that clogging infractions would amount to a denial, and new conditions, to an absolute breach.

The Conde fell into choler, and said directly it could not be done. This the Prince affirmed to be acted in his presence: But the Earl of Bristol made a more benign construction thereof, the Duke a right-down conclusion, that this people never intended either match or restitution; and so wished his Highness fairly at home again: However the messenger was dispatched to Rome.

Four or five days after his Highness was pleased to see his Mistress in her passage through the streets, as she made her visits from church to church: But pressing for access, he was delayed, but at last obtained a visit; but a very strange one. He was not suffered to speak unto her, but as they had set it down in words and syllables in writing, saying, they were no astrologers, and could not foresee the event of this marriage:

And therefore they resolved to admit him as a Prince only, and not as a suitor. But the Condé salved this up with a complement, That if the dispensation were once returned, he should lye

with her even that very night; nay, have her he should upon any terms. If he could not be qualified to enjoy her as a wife, yet he should have her as a mistress.

Soon after, riding in a coach, it was urged by the Conde, That the Infanta was of a tender conscience, and if she should come into England, and find the Prince an enemy to her religion, it would quite dishearten her. His Highness consented to hear her upon this subject, because he was as like to convert her, as she was to pervert him.

A conference with divines was pressed upon his Highness, which he refused, and said, If after deputation with them, they should not prevail against a young man, they would remain much disgusted, and ill affected to the whole negotiation; this kind of importunity was still used towards the Prince, till the return of the dispensation.

Six weeks after the Prince's arrival came the dispensation; but his Highness understood from Rome, by Mr. Gage, that the dispensation was returned, much clogged in matter and manner, especially with the annexed new condition. The King of Spain, before the receiving of the dispensation, was to take an oath to see all the articles performed; whereupon faculty was issued, really performed, or else to make war, in case of any failure, upon the King of England.

His Highness signified his resolution unto them, that he neither could nor would add or alter any thing of the first articles sent to England.

A juncto of divines are appointed to meet and consider, whether the King might safely take the oath. By this time the Prince had gone through all the articles, fitting in person with the Committee; only leaving three undecided, That of the Church, that of the nurse, and that of the education of the children; which his Highness reserved till he should speak with the King. Then said the Conde, Now business is in a better way than ever it was, a match, and without more ado she was his wife.

But the next day came Gondomar, and spake unto the Prince of the same match, as of a new thing, and told him plainly, That unless his Highness came to all the conditions of the dispensation as they were sent from Rome, clearly and entirely, nothing would be done; for they had no power to remove or alter a word of false Latin.

Whereupon his Highness was justly distasted, and offered to break. Then they pressed the Prince, that he would be pleased to stay twenty days, until the King of Spain might receive an answer from England. The Prince resolved to stay, upon condition that Sir Francis Cottington might be dispatched away within two days, and some messenger that might overtake him with the articles that should be sent after, as soon as ever they could be made ready: But the two days of their hammering spun out to twenty, at the end thereof they brought them with new additions.

The articles being at last sent to England, the Juncto of Divines delivered their opinions, that the Infanta could not be sent over before the spring; at which his Highness was offended, but the Conde prevailed with him to stay, until their ambassador should certify out of England, that the articles were assented unto by King James, and put into execution, and then the Lady should go with the Prince.

The Bishop of Segovia was pleased to say to the Duke, That he had heard something of the estate of our Kingdom, and had received it from good hands; that our King could not make a toleration without a rebellion, and he easily believed it; because the King of Spain is not able, in his Dominions, to effect the like enterprise, without incurring the like danger; therefore he concluded, it was unsafe to send the Lady thither at this time, because we having granted as much in effect as a toleration, it was very probable she should be welcomed with a rising and rebellion. To which the Duke replied, That if the favours which the King his master had exhibited to his Catholics, at the mediation of that King, and the advice of that very Committee, of which that

Bishop was one, be of so dangerous a consequence; it seems their Lordships, who gave the advice for that article, though they pretended Religion, intended plain and open rebellion.

But you must know, quoth the Duke, if his Highness had been of my Lord Bishop's opinion, That these connivances had amounted to a toleration, he had never accepted of these articles to have gained any alliance: For what was agreed unto, was but a temporary suspension of penal laws, but no toleration; for that could not be done, but by consent of Parliament.

Then Gondomar hereupon said, that for his part, he did not hold it fit to send the Infanta thither, before the articles be perfectly put in execution. And Gondomar privately infused to the Prince his Highness, being incensed against the Duke. That the Duke was in heart (as he said all his kindred were) a Roman Catholic; and he said to a Jesuit of great account and zeal in those parts, That the Duke was a most obstinate, perverse, and refractory Puritan.

About this time it was reported, that the Prince intended to steal away; whereupon they said wait to intercept him: Hereupon the Duke was sent to tell them, that although they had stolen thither out of love, they would never steal thence out of fear.

About this time the Prince sent a message to his father, that if he should receive any advertisement, that he was detained by that State as a prisoner, he would be pleased, for his sake, never to think upon him any longer as a son, but rested upon the good of his sister, and the safety of his own Kingdoms.

ARTICLE III

The Treaty of The Match and Restitution Reciprocally Subordinated

It is fit to observe this passage, which is the hinge whereupon all his Highness' subsequent actions are turned and moved. He had never staid as even night longer in Spain; he had never left any proxy with Bristol; he had never taken any oath at the Escorial; or so much as ever written a letter of complement to the Lady; but that he had still before his eyes, as his cynosure[8], the promise made by the Conde, for the restitution of the Palatinate.

To hasten the delivery of the Lady, the Duke presented unto the Conde, how his Master was now in years; the Prince his only son; and he would suffer in honour and reputation, to return home without his wife. The Conde consented hereunto, and desired the Prince would name a day for his departure.

This news came to the Infanta, who seemed to be apprehensive of the Prince's going away, and prevailed with his Highness to return this compliment unto her, that rather than, he would give her Alteza any disgust, he would stay for seven years.

By this time Sir Francis Cottington is arrived with all things perfected by the King, and letters from the ambassadors of good satisfaction, and a command from the King to his Highness, to make his return within one month.

Now began the Conde to enter into the treaty for the restitution of the Palatinate, saying, the lady should by no means go to England, before that business was accommodated. And it was projected, That there should be a restitution of the land to the Prince Palatine, upon a condition of marriage with the Emperor's Daughter, and that he should be bred in the Emperor's Court [9].

The Prince demanded of the Conde, whether, in case the Emperor proved refractory, the King his master would assist him with arms, to reduce him to reasonable terms? The Conde answered

negatively[10], because they had a maxim of State, that the King of Spain must never fight against the Emperor, for they would not employ their forces against the House of Austria.

Hereupon his Highness made his protestation to the Coude:

Look to it, Sir, for if you hold your self to that, there is an end of all; for without this you may not rely upon either marriage or friendship.

By this time the Prince is grown cheap and vulgar in the Court of Spain, so that they will scarce bestow a visit upon him, and the Conde came very seldom to him: and two letters came to the Duke's hands, which shewed, that all that the Conde did, was nothing but flashes and lightning; notwithstanding, he seemed at this time to be in a good humour, and told the Duke, That now certainly it must be a match, and the devil could not break it.

The Duke replied, He thought so, and the match had need be very firm and strong, it had been seven years in foadering. The Conde denied it, and said plainly, It had not been really intended seven months; and said, I will fetch that out of my desk, that shall assure you thereof; and so produced two letters; the first was written with the King of Spain's own hand, dated the fifth of November 1621, and the other from the Conde Olivares, of the eighth of November 1622, being an answer to that letter[11].

These letters having been inserted in the History of King James I, page 219, there is no need of repeating them here over again.

ARTICLE IV.

The Prince's return from Spain.

And now the Prince returning for England, being engaged to leave his proxy, did deposit the same in the hands of the Earl of Bristol, who was to keep it, and use it as his procurator; that is, as he should receive his Highness's directions from time to time: His order for the present was, (said the Duke). That if the confirmation came from Rome clear and entire[12], (which it did not) then within so many days he should deliver it to the King of Spain.

The second direction sent to him, was by a letter which his Highness sent him between his departure from the Escorial, and coming to the seaside, to this effect: That for fear a Monastery should rob him of his wife, he should stay the delivery of the powers until the doubts were cleared; and that his Highness would send him in the premises some further directions:

Here because my Lord of Bristol in his letter of the first of November 1623, doth press so vehemently the Prince his Highness concerning this proxy, and the Prince vowed openly before both Houses[13], that he had never by oath or honour engaged himself not to revoke the powers more than by the clause, *De non revocanda Procuratione*, inserted in the in document itself, and that he conceived the clause to be matter of form; and although essentially of no binding power, yet usually thrust into every such instrument; and that the Civilians do hold, That it is lawful by the civil and canon Law, for any man to revoke his proxy of marriage, notwithstanding it hath the clause, *De non revocanda Procuratione* inserted in it: Therefore as to this point the Duke concluded, That the Earl of Bristol in charging this matter so highly on the Prince, had much forgot himself[14].

ARTICLE V

The subsequent proceedings of his Majesty in both the Treaties, since the return of his Highness. The Prince, by the mercy of God, came to Royston, and made his relation to the King of all that had passed. His Majesty was glad, and told him, That

he had acted well the part of a son, and now the part of a father must come upon the stage, which was to provide with all circumspection, That his only son should not be married with a portion of tears to his only daughter. And therefore his Majesty commanded by an express dispatch, the stay of the proxy in the Earl of Bristol's hands, until he had some better assurance of the restitution of the Palatinate.

Then was read his Majesty's letter to the Earl of Bristol. dated the 8th of October 1625, wherein the Earl of Bristol was required by the King, to endeavour, that he might have the joy of both Treaties at Christmas; namely, those about the marriage, and the restitution of the Palatinate. This the Duke would have had looked upon as a positive order, not to deliver up the procuration, till the restitution of the Palatinate was actually promised; concerning which matter, see the Earl of Bristol's answer to the tenth Article of his accusation.

After that the Duke went on in the following manner:

You would perceive that by this dispatch, Bristol would lay hold on all hints and emergent occasions, to put off the desponsories without this required assurance by arms first obtained; but the truth is, he did not so.

For 1st, the confirmation came from Rome, clogged and mangled; and instead of challenging thereupon, he labours with no small strength of wit, to hide and palliate the same[15].

2, In the temporal articles the portion was altered, from fix hundred thousand pounds in ready cash, to some eighty thousand pounds in money, and a few jewels, and a pension of twenty thousand pounds per Annum. Instead of quarrelling with this main alteration, he seems to approve and applaud the payment[16].

3. For the assurance of restitution of the Palatinate, the main foundation, both of match and friendship, he is so far from providing for it before, (which was the method prescribed by the King) that he loves it to be mediated by the Infanta after the marriage.

lastly, instead of putting off the contract, as any man in the world (upon the dispatch from Royston) would have done, he comes to prefix a precise day for the desponsories.

Now from this rash fixing of the day for the desponsories in Spain, which was controlled again by an express[17], from hence issued an unnecessary discourtesy put upon the King, and in a manner upon the Infanta, by the Earl of Bristol:

From that proceeded a greater affront put upon the Prince, the taking away the title La Princessa from the Infanta, and the debarring of our ambassadors from any further access to her person. Then was produced an answer of the King of Spain, is the memorial of the English ambassador, implying a refusal to assist by arms for the recovery of the Palatinate, in case the Emperor consented not to a restitution.

ARTICLE VI

The Floating of The Question, Super Totam Materiam

This question the Duke stated after this manner: Whether this being the full effect and product of all the negotiation, which I have opened unto you, be sufficient super totam materiam, for his Majesty to rely upon with any safety; as well for the marriage of his only son, as for the relief of his only daughter? Or, that these treaties set aside, his Majesty were best to trust to his own strength, and to stand upon his own feet ? So the Duke ended with this conclusion, that if the bringing us from darkness to

light, did deserve any thanks, we owe it, and must wholly ascribe it to the Prince his Highness.

It is needless, I think, to make upon this narrative, reflections which may occur to every reader, after having seen the Earl of Bristol's defence. I shall content my self therefore with observing, how little proper this narrative was to afford sufficient information to the two Houses of Parliament, to enable them, upon good grounds, to form their resolutions concerning the question proposed to them by the King. And yet upon this; alone it was that they resolved to advise the King to break with Spain, and this hasty advice was the principal cause of the differences afterwards between Charles I, and his Parliaments.

Notes to Chapter 2

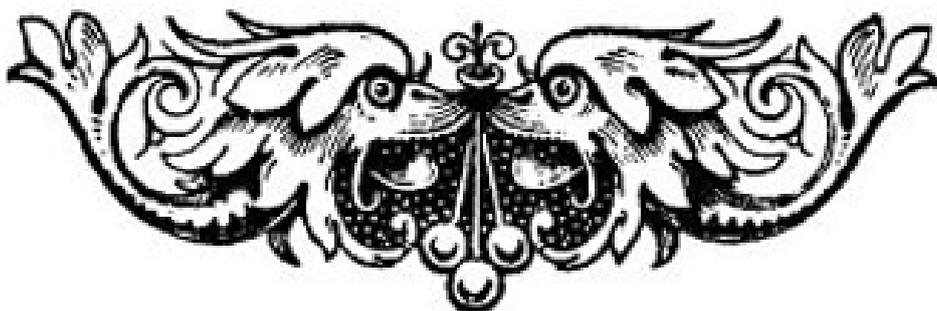
- 1) Of all these things was the Duke of Buckingham accused by the Public. Rapin
- 2) Philip III.
- 3) This narrative has been collated with the record in Rymer, Tom. XVII. p. 556, &c. by means whereof, several mistakes that were in Rushworth, are rectified.
- 4) The marriage had been now six years negotiating at Madrid. There were some articles signed, which Gregory XV. had sent back with his answers. Either therefore Conde Olivares, or Porter, or the Duke of Buckingham, did not speak the truth. Rapin.
- 5) These matters became much worse after the Prince was in Spain. Rapin.
- 6) All these reasons are extremely weak. For supposing them to be true, they only prove at most the necessity of a rupture with Spain, but not of the Prince's journey thither. Rapin.
- 7) They however made new terms. Rapin.
- 8) That is, Pole-Star.
- 9) It appears by the Earl of Bristol's defence, which is confirmed by a letter from King that this proposal was not actually made till after the prince's departure from Madrid. Rapin.
- 10) Either the Earl of Bristol, or the Duke of Buckingham, must in this point not have spoken the truth, Rapin.
- 11) The Earl of Bristol pretended, these letters were written with no other intent but to get the negotiation out of his hands, because the Court of Spain was in hopes of obtaining better conditions from the Duke of Buckingham. Rapin.
- 12) It is very doubtful, whether this condition was inserted in the Prince's declaration. Rapin.
- 13) About five months after Rapin.
- 14) See the Earl of Bristol's defence, *Article X*. Rapin.
- 15) This could not be true. For the dispensation did not come from Rome till the beginning of December 1613, and the King's absolute order not to deliver the dispensation, was dated November 23. Therefore the Earl of Bristol had not time to write to England, to palliate the defects of the dispensation, supposing him to have had any. Rapin.

16) This must be misrepresented: For if the Earl of Bristol had been guilty of such prevarication, the King would not have failed to bring it as an article of Accusation against him, which alone would have been sufficient to condemn him. Rapin.

17) It was the Prince himself, and the Duke, who had agreed with the King of Spam on the day the Marriage should be solemnized viz:, Ten days after he coming of the dispensation, which the Earl of Bristol altered not. Rapin.



The Battle of Naseby - June 14, 1645





Chapter III

Considerations on The Authors Who Have Writ The History of Charles I



THE CIVIL WAR BETWEEN CHARLES I, and the Parliament, gave birth to two parties, who contended for victory till the battle of Nazeby. By this battle, the Parliament acquired a superiority, which enabled them to hold the King's party, or the Cavaliers, in a sort of slavery, from which they were not delivered till 1660, by the restoration of Charles II.

After the restoration, the Royalists in their turn became so superior, that the other Party durst no longer hold up their heads. This continued till the end of the reign of James II, during the space of twenty-seven or twenty-eight years. In one or other of these two intervals were penned most of the works, wherein the authors undertake to give an exact account of the troubles of England, in the reign of Charles I, with the grounds and causes of the same.

From the conclusion of the war, to the Restoration of Charles II, the friends of the Parliament had free scope to write and publish whatever they pleased, whilst the King's adherents durst not set their names to their writings.

In this interval, were publicised numberless polemical writings, with such animosity, so many reproaches and inventives, that it is not easy for a man, who is in search after truth, to discern, in all these writings, the proofs which may have some solidity, and separate them from the presumptions, false confluences, artful suppositions, and invectives, wherewith they abound.

One of the most considerable writings of those days was *Eikon Basilikè*, or the King's portraiture, published in 1649. It can hardly be doubted, that Charles I. was himself the author[1]. He undertakes in this work to vindicate himself upon all the Articles laid to his charge. It is properly an abstract of the reasons he had before published in several papers printed by his order, or addressed to both Houses of Parliament. I have not quoted this book in the History of his Reign, because it contains nothing with regard to the facts or proofs, but what is more fully expressed in the King's messages, answers, and declarations.

An answer was published to this book, pretending to show, the King had not spoken with sincerity and presently after appeared a reply to this answer. This treatise has been highly esteemed, because it contains all the principal arguments in favour of the King. It may be easily presumed, the King forgot nothing material, since no man could know his affairs better than himself. Accordingly, this book has served for foundation to whatever has been since writ in his favour.

Another very considerable work, published a little after the death of Oliver Cromwell, and dedicated to his son Richard whilst protector was Rushworth's Collections— This work may very justly be considered as a continuation of Rymer's *Fœdera*, of which I have made great use of in

this History, it is a collection of all that passed with respect to the public affairs, from the year 1618, to the death, of Charles I, not by way of narration, but affording materials to compose a regular History.

It contains all the transactions at court and in the Parliament; the King's Proclamations upon sundry matters; his speeches to both Houses, and those that were made by his order; the addresses or petitions presented to the King by the Parliament; his Majesty's answers; the Petitions presented to both Houses; the speeches in the House of Commons, as well as in the Courts of Justice; the votes or resolves of the two Houses, and their conferences upon divers subjects; the King's messages to the Parliament, with the answers;

His impeachments of the Commons brought before the Lords against several illustrious persons; the answers of the parties accused; the sentences; the petitions of the commons and both Houses to the King, concerning religion, tunnage and poundage, the affairs of the militia, breaches of Privilege, the affair of Hull; the King's answers and his several messages upon these affairs; the King's and the Parliament's Manifesto's; all the events of the war; the accounts of the skirmishes, sieges and battles; the negotiations for peace; a great number of papers, which give a perfect knowledge of the differences between the King and his Scotch subjects, and of those between the army and Parliament, with the negotiations between the King and both Houses, after his Majesty's imprisonment; the violence exercised by the army upon the Parliament; the King's condemnation and death.

These materials are the more valuable, as the author draws no consequence from what he relates, and very seldom endeavours to prejudice his reader by reasoning. So that every man is free to make what use of them he thinks fit, according to his own principles. I shall speak a little more fully of these collections hereafter.

From the restoration of Charles I., to the end of his reign, two other works were published upon the same subject, I mean, upon the reign of Charles I. and a third was composed at the same time, though published later.

The first is entitled, *The annals of King James and King Charles I.* It is said to be composed by Dr. Franklin, who has not thought fit to put his name to it. He begins his Annals at the year 1612, and continues them through the rest of the reign of James I; and from the death of that Prince to the year 1642, during the first eighteen years of the reign of Charles I.

The second, published in 1682, was composed by John Nalson Doctor in Law. It is entitled, *An Impartial Collection of The Great Affairs of State*, from the beginning of the Scotch Rebellion to the murder of King Charles I. This collection begins only at the year 1639, and though probably the author intended to continue it to King Charles's, death, as appears by the title, he left it imperfect, and brought it no lower than January 1641-2, in two volumes in folio.

The third is, *The History of The Rebellion and Civil Wars in England*, written by the Earl of Clarendon. This History was penned before Nalson's though it appeared not till Queen Ann's reign. It begins properly with the Parliament of November the 3rd, 1640, the whole first book being a sort of introduction, where the author gives a general account of what passed from the last years of James I, to that Parliament. This history reaches to the restoration of Charles II, in 1660.

These three full works were composed in the reign of Charles II, at a time when that Prince had carried the Royal authority much higher than the King his father had ever done: at a time when those who had been adherents of the Long Parliament, or were in the same Principles, were cruelly persecuted, and when it was most dangerous to be a Presbyterian than an atheist.

I shall not speak here of many less considerable writings, most of which ascribe to the King an unlimited power, and consequently represent the last war of the Parliament against Charles I. as the blackest and most evident rebellion.

Whoever intends to write the History of the reign of Charles I. must take his materials from some one of the works I have mentioned, or from all. For this reason I think myself obliged to speak a little more fully of them; to the end it may not be thought strange that I have not adopted without examination whatever they contain.

Was there among the English some good neuter historian, it would be he that should be taken for guide: but I know not any. He, therefore that undertakes to write at this time the History of Charles I, must endeavour to discover the truth in even the most partial Historians, and be extremely careful to avoid the continual snares they lay for their readers, to favour the cause they maintain.

One must know what was their design in writing, what system they followed, and the artifices they used to engage in then principles such as make but few reflections in reading a history, and are apt to be easily drawn into the prejudices of the historian. I shall begin with Rushworth, who was the first writer.xxxxx

There is no historian that can appear at first sight more impartial than he that contents himself with furnishing materials for a history, without drawing any consequences himself, and without reasoning upon the papers he exhibits, either for or against what they contain. It is however certain, that even in this he may show very great partiality, as for instance, in giving forged papers, in curtailing of, altering those that are true, in giving such only as may be advantageous to the party he would favour.

Rushworth, who was most certainly a friend to the Parliament, Clerk-Assistant to the House of Commons, and Secretary to Genera! Fairfax, is accused of three things by the contrary party. It is pretended:—

1. That he has given false papers.
2. That he has curtailed others, under colour of abridging them.
3. That he has affected to give all those that are favourable to the Parliament, and to omit several which might serve to show the King's innocence.
4. Lastly, that not declaring, from whence he received his materials, we have only his authority for what he relates.

This is a general accusation, which, were it well proved upon any important and decisive facts, is sufficient to shake the credit of the collector. The Reader will judge, whether this charge is made good with regard to the particular cases on which he is accused, and whether these cases are of such a nature, that they ought to determine the disinterested to neglect the generality of his collections.

I shall take these particular accusations from Nalson's introduction, wherein his chief aim was to discredit Rushworth, and persuade his readers that they ought not to believe any thing he advances. It is very likely, Nalson has forgot nothing upon this subject. I shall begin with the false papers he accuses Rushworth of inserting in his collections.

The first paper forged by Rushworth, according to Nalson, is a speech of King James to the Parliament, the 30th of January 1620. Instead of giving this speech entire, Rushworth inserts only an abstract. And therefore Nalson takes care to print the true Speech, and Rushworth's abstract

in separate columns, that they may be more easily compared. He adds, that the whole speech was communicated by William Sancroft Archbishop of Canterbury. Upon comparing Rushworth's abstracts with the entire speech, there appears but one material passage which could give occasion to charge Rushworth with un-faithfulness. And that is where it is said in the speech, A Parliament is an assembly composed of a Head and a Body, the Monarch is the Head, and the three Estates the Body.

Whereas it is said in the abstract, the Parliament is a thing composed of a Head and a Body, the Monarch and the two Estates. This induces Nalson to exclaim against Rushworth, for reducing by his own authority the three Estates, namely, the Lords Spiritual, the Lords Temporal, and the Commons, to two Estates, meaning thereby, that the House of Peers made but one Estate.

This question was debated with great warmth, when the exclusion of the Bishops out of the Upper-House was in agitation. For if the Bishops were one of the three Estates of Parliament, it was evident they could not be excluded without altering the constitution.

But this opinion was not generally received. The Commons pretended, that the Bishops with the Peers made but one Estate. Nalson pretends therefore, that Rushworth to countenance the Commons opinion, and justify the exclusion of the Bishops, makes King James say what he did not.

To prove this, besides the whole speech, communicated by the Archbishop of Canterbury, he alleges several things to show, there have always been three estates acknowledged in the Parliament besides the King. He answers the objection drawn from Charles the first's confession, after the exclusion of the Bishops, that himself was one of the three Estates of Parliament, and concludes that James I. could not speak in his speech of two, but of three Estates.

A second instance of Rushworth's unfaithfulness is, that he gives only an abstract of a letter to the King from an unknown hand, tending to show, that the Parliament attacked the King himself, in attacking the Duke of Buckingham. This charge consists wholly in the supposition that Rushworth abridged this letter to hinder his readers from perceiving all its force.

The third instance of Rushworth unfaithfulness, is, that he has published in his Appendix a scandalous paper, called, *A proposition for his Majesty service to bridle the impertinence of Parliaments*. It is true Rushworth says, this paper was questioned in the Star-Chamber. But Nalson pretends, this is not sufficient to excuse Rushworth, who, he says, ought to have shown upon what grounds it was questioned, which he does himself very largely.

A fourth instance of Rushworth's unfaithfulness, is, that he inserts in his collections, a pretended letter of Archbishop Abbot to James I, to dissuade him from granting a toleration to the papists, when he was upon the point of concluding the Prince his son's marriage with the Spanish Infanta. Nalson says upon this subject, that the Archbishop being then out of favour, and having nothing to do with the management of counsels, could have no other foundation, but either his own conjecture, or the common rumour, both equally liable to deceive and to be deceived.

He does not positively say however, that the letter is forged, but contents himself with insinuating it, because Rushworth not having said how he came by the letter, the credit of it rests solely upon his fidelity.

But the fifth and most crying unfaithfulness of Rushworth, according to Nalson are the private articles of Prince Charles's marriage with the Infanta of Spain. He pretends they are all forged, on purpose to blacken the King and Prince, by intimating that their design was to restore the Catholic religion in England, and alleges several arguments to prove the forgery.

1. It is not probable, the King and Prince should promise what they knew was not in their power to perform, considering the strength and constitution of the English Laws against popery, and that the English nation would never have suffered it. This is not one of the most convincing arguments.

2. The Parliament never taxed Charles I with these private articles, not even in the declaration, where they collected all the reasons which could justify their resolution of not presenting any more addresses to his Majesty. This is a much stronger argument than the former.

3. In the *Memoirs of Deageant* it is said, the King of France hearing of King James's death, says to the Archbishop of Ambrun, All our hopes of England are loss. Which shows, that Charles had no intention to restore the Catholic religion. One would think Nalson should not have alleged this reason, which, in clearing this Prince, casts a great blemish on James I.

4. He says, Rushworth, by insinuating that Charles I. intended to restore the Catholic religion, contradicts himself, since he tells us in another place, that the Prince being in Spain, remained steadfast in his religion, what endeavours soever were used to seduce him.

5. Rushworth produces no other authority for the truth of these private articles, but his own, and, in all appearance, the French Mercury is his author.

The sixth instance of unfaithfulness said by Nalson to Rushworth is, the Pope's letter to the Prince when in Spain, and the Prince's answer.

1. Because it was a thing of mere ceremony,

2. In his circumstances it was no more than what common prudence and policy obliged him to, in order to get out of the King of Spain's hands.

This excuse shows Nalson was not thoroughly convinced of the forgery of these letters. He insinuates, however, that they might be counterfeit, by reason Rushworth alleges no other authority than his own. It is true, he says the copies of these letters were preserved by some who were then at Madrid, but names nobody. This made Nalson believe, Rushworth took the letters out of the French Mercury.

I come now to the charge against Rushworth, of inserting in his collections only what was advantageous to the Parliament, omitting whatever was favourable to the King. Nalson gives three instances in three particular cases.

The first is, that in the affair of imprisoning the members of Parliament, several of the Judges gave their opinions, to show that the King's conduit was not against Law. Nalson says, Rushworth is contented to mention the speeches of two Judges, namely, Whitlock's and Doderige's, which were in favour of the King, and to say that Hide and Jones delivered their opinions to the same purpose.

This charge therefore consists, in that Rushworth, after giving the speeches of two of the Judges, thought not proper to insert those of rest who were for the King upon the same principles. But Nalson pretends, he should likewise have given Hide's and Jones's speeches, and does it himself. Indeed Rushworth may be guilty of some partiality in omitting the two last, if it be true that they are stronger, and better supported than the others, of which I cannot judge.

The second case is, that Rushworth, speaking of Sergeant Ashley's speech in the House of Lords, says, he advanced the following proposition, for which he was committed to custody, and afterwards recanted:—

That the Lords must allow the King to govern by acts of State, otherwise he is a King without a Council, or a Council without power. Nalson makes it a crime in Rushworth not to have given Ashley's whole discourse, which would have shown that the Sergeant's fault was rather stemming the popular tide, than any other offence; that is, according to Nalson, Ashley very justly maintained this maxim, that the King must be allowed to govern by acts of State, such a charge can do no great injury to Rushworth.

The third case relates to the famous Sir Edward Coke who, when Judge, was of opinion, that if the Privy Council commit a man, he is notailable by any Court of Justice. But afterwards, being turned out of his office, and chosen member of Parliament, he maintained the contrary opinion. Nalson accuses Rushworth of concealing this change on Coke, by castrating and abridging his speeches, for fear his readers should perceive that Coke, who was odious to the court, acted out of revenge, in maintaining an opinion contrary to his assertion when Judge.

This is all Rushworth has been charged with. But I question whether the equitable and disinterested will be convinced, that these particular accusations ought to make him forfeit all his credit. His work is in eight volumes in folio, and contains so great a number of facts, votes, public speeches, and papers of all kinds, that it would be a sort of miracle, to meet with nothing to censure.

Nevertheless, all possible endeavours have been used to discredit him, by general charges of partiality, unfaithfulness. and insincerity. And it was this that induced me to say what I have said, in order to shew what these general accusations amounted to, when reduced to particular cases.

It is however very certain, that Rushworth's aim and design, in publishing his collections, was to disparage the King's conduct, and favour the Parliament's cause. But Rushworth's intention signifies nothing, to the knowing whether a man may safely make use of his collections. The only question is, whether his papers are true or false. If they are true, however injurious they be to the King's cause, whoever will write an impartial History of this reign, is not obliged to reject them for that reason.

This is so true, that even the most devoted historians to Charles I. have been forced to make use of these Papers[2], and take them for granted, because otherwise it would be impossible to compose the history of this reign, which consists only of the materials furnished by Rushworth. Had he begun his collections no higher than with the affairs of the Parliament, of November the 3rd 1640, the King's friends would doubtless have readily forgiven him.

But the papers of the twenty foregoing years are too hard of digestion, because they ill-agree with the hypothec's of the royal party, of which I shall speak presently, and too clearly discover, that Charles I. designed to introduce arbitrary power, and consequently, the Long Parliament had strong reasons to hinder the entire execution of such a design.

I do not see therefore any reason for rejecting the papers inserted by Rushworth in his collections, especially as both parties have equally made use of them, though in a very different manner. Some produce them in favour of the Parliament, and others, to support the King's cause. But even in this, both have owned, they were not only useful, but absolutely necessary. If there are any passages combated as forged, they are very few; and it is strange, that after so many exclamations against Rushworth's concealments and omissions, there appear in the writings of the King's favourers, so few material papers, that are not in his collections.

I proceed now to those who writ in vindication of the King's cause, as Franklin, Nalson, and the Earl of Clarendon, omitting the other authors of less note, to avoid being tedious.

These, in compiling the History of this reign, have formed two systems, directly contrary to those of the friends of the Parliament, though they have made use of Rushworth's materials. As these books were composed at a time when the regal authority was higher than ever, they have not scrupled to build upon the supposition of the King's having an absolute power. Though they use not the word, there is hardly a page in their writings where this principle is not maintained or supposed.

Hence it follows, that on the Parliament's side, the civil war was a manifest rebellion. So, the proceedings of the Parliament, which some represent as absolutely necessary for the preservation of the government, are accounted by others as rebellions and treasons, and tending to the subversion of the constitution of the State, without any necessity of discovering the facts.

The second system of the King's party is no less contrary to that of the favourers of the Parliament. These last pretend, that the Parliament being sufficiently convinced by undeniable proofs, of the King's design to establish arbitrary power, and alter the Constitution, thought themselves obliged to use their utmost endeavours to prevent the execution of that project.

This was their system. The King's adherents form another entirely different. They call the King's pretended efforts to establish an arbitrary Government, a chimera, affirming what was termed absolute power, was precisely what the Laws allowed the King. Indeed this was the principle of James I. Charles I. Charles II. and James II.

Consequently, they pretended, that to hinder the King from exercising such a power, was opposing the Laws of the Land. But as it evidently appeared in the reign of Charles I. that the Parliament and the people were not of this opinion, it was necessary to give some plausible reasons of the troubles caused by this dispute in that reign.

To this end, they have established a system, which with the principle of the King's absolute power, is the basis and foundation of whatever they have writ. And that is, the opposition, King Charles met with, proceeded not from the people's belief, that the King had exceeded the bounds of his power, but from a project long since formed, to alter the constitution of the Church. That the Presbyterians, authors of this project, knowing the King's steadfastness upon that head, judged there was no other way to execute it, than by ruining the King, and depriving him of his prerogatives.

That to arrive at this point, they instilled into the rest of the Parliament and Nation, groundless suspicions and jealousies, which they took care to cherish by all imaginable means, till they came at length to an entire breach, and to a war which proved so fatal to the King, and gave them opportunity to establish Presbyterianism, on the ruins of the Church of England.

The fault in these two systems is, that neither contains the whole truth. The Parliament's system ascribes all the proceedings of both Houses, solely to the define of redressing past grievances, and preventing an arbitrary Government. It is however certain, that several members of both Houses joined, with that design, the intention of altering the Government of the Church, which could not be done but by the King's ruin.

The system of the Royalists has the same fault; they impute to the Parliament but one single view, namely, to alter the government of the Church; and counting as nothing the design to prevent the establishing: of absolute power, they pretend it was only a contrivance, or excuse, to arrive with more ease to the principal end, which was to establish Presbyterian, Government. After having thus shewn these two different systems, I think it needless to explain particularly, in what manner Franklin, Nalson, and the Earl of Clarendon, apply theirs to the facts agreed on

by all. I shall content myself with observing, that they miss no occasion to combat the principles of the Parliament, or to impute to them, motives entirely different from those they pretended to act by. Herein their aim was to hinder their readers from being prepossessed with a belief, that the Parliament intended the good of their country, or had any other views than those they ascribe to them.

It is easy to perceive by what has been said, how the Historians of the Reign of Charles I. may be different, nay, contrary, according as the authors have closely followed one or other of these two systems. And this is what has actually happened. The histories of the two parties, though founded upon the same facts, are so opposite to one another, that a reader, who is not very attentive, or wants leisure to examine what is proposed to him, knows not where he is, when he sees this disagreement.

For my part, who am not engaged in either of the parties, and aim only at truth, I don't think myself obliged blindly to follow one or other of the two systems; but have established a third, composed of both, by supplying their defects. I leave it to the reader to judge, whether it be sufficiently coherent, to give him a distinct knowledge of the affairs of this reign. If I sometimes seem to incline to one side, it is because I have no reason to swerve from the truth, and am persuaded, that the King and the Parliament were both very much in the wrong, though not always, nor on the same occasions.

This has induced me to cite, throughout the History of this Reign, scarce any author but Rushworth, though no reign has more writers. My reason was, because Rushworth has formed no system, but contented himself with furnishing materials common to both parties, and of which both have made great use. But though I have carefully read and collated the works of Franklin, Nalson, and the Earl of Clarendon, I did not think proper to quote them, because they scarce let fact or paper pass, without applying it to their system, which is not always agreeable to mine.

It would therefore very much embarrass the reader, to quote, in proof of what I advance, facts or papers that are always followed with reasoning, often directly contrary to my system. I thought proper to say thus much in justification of the manner in which I have composed the History of this Reign[3].

Notes to Chapter 3

1) This seems to be said without sufficient ground, for whoever reads what Dr Walker and Toland in his *Amyntor*, have published on this subject, must be inclined to believe, that the King could not possibly be the author. Indeed it is almost demonstrable, that Bishop Gauden wrote that Treatise. See on one side, the aforesaid Dr. Walker and Toland and also Ludlow and *Burnet's History of His Own Time* and on the other side, Mr. Waghest &c.

2) As particularly Nalson himself, and Franklin; the main of whose collections is taken out of Rushworth.

3) It does not appear that Rapin ever saw Whitelock's Memorials of which doubtless, he would have made great use, since they contain many things that never would have come to light, at least, not without some preparation and adjustment. For as the author never intended his work for the public, nor meant coterie by it, than as a book for his memory and private use, he had not any temptations to prevaricate, nor can be well suspected of a design to represent things otherwise than faithfully to himself. All is naked there, and the party more likely to suffer by the truth, than the truth to have any violence in favour of a party. His book is entitled, *Memorials of The English Affairs, or an Historical Account of What Passed From The Beginning of The Reign of Charles I. to King Charles II's Restoration, Containing The Public Transactions Civil and Military, together with The private Consultations, and Secrets of the Cabinet.* It is writ by way of diary,

though so much was the author upon the stage during all the time of action, that the particulars of his diary go very far towards a perfect history of those times.



King Charles I, Henrietta Maria



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