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SIR ROGER TWYSDEN'S JOURNAL.

(Continued from Vol. I. p. 214.)

41. To w^{ch} purpos it may heere deserve a place what a friend of myne writ unto me soone after the bill for continewing their sitting, and y^e Act of Poll mony, in w^{ch} I was a Commissioner, had past, and finding sundry doubts troubling me how to proceede in it, I imparted them to my cosen Richard Browne,¹ a Parliament man (whose memory is ever deere unto me), for hys advise, who returned me answer the 24th of July, 1641, That he feared it might bee unseasonable to produce those my doubts, though just; for he had seene of like nature moeved lately wthout successe; That hee did hope the very good lawes allready made, and endeavors for more, would cause y^e kingdome to bear wth the inequalities, considering what was rendered them again, wherein both howses had beene bold wth themselves, having payd allready, and the City and Westminster goe on freely; and then proceeds thus:—

“Onely some popish and some episcopall men do cunningly indeavour to infuse, especially in both the Universities, ill opinions, as if all learning were falling, and the Universities fayling, if Lords, Bishops, and Deans, etc., should bee altered, wherein what is indeavoured were too long to write; but, in generall, y^e ayme is, to commit the episcopall jurisdiction to Laymen in every county,² and to give Orders by learned Ministers, upon examination of parties that are to enter into Orders,

¹ Of Great Chart. He was Member for New Romney.

² This formed a part of a scheme drawn up by Sir Edward Dering.—Ed.

intending to provide for every parish a resident painfull preacher, and for that preacher a competent maintenance, where it shall bee least an 100^l per An^m, and to some double, treble, quadruple, or more; and when this is setteled for a tyme, I beeleeve there will bee many learned men called together, to confer of one discipline through all the reformed churches, as neere Christ's owne Ordinances as may bee. But, Sir, these last are but some private opinions and desires; and when our bill of Episcopacy comes to the Lords, wee doubt it will bee buried in a Lawne wynding sheete. Sir, you see how willing I am to emparle wth you, whose presence heere might have affourded much counsell, both in these and other things, as now for setteling the Armes of y^e Kingdome, in some legall posture, for the defense of the Kingdome, by taking away, or by regulating, Deputy Lieutenants; but I must leave writing, etc.

"Your truly affected friend, and kinsman,

"RICHARD BROWNE.

"24th July, 1641."

42. To w^{ch} letter I find this answer amongst my papers:—

"Sir,—I am much bound unto you for your kind letter, as for y^t you write, of inequality in y^e law of Pole mony, I hope and doe not think it will make any dispute in this country. And certaynly the good Acts past this session deserve as much as wee have payd. I confesse, if it bee lawfull for me to speak my owne thoughts, the thing I most mislike in our payments is, that the two howses are as well expeditors as grauntors of them, w^{ch} I apprehend is a poynt may prove dangerous; for certaynly your nwe officers must eat up much of what wee pay, besides what else.

"But as for that you write is endeavoured about Episcopacy, I professe I see a great tempest hanging over y^e Kingdome; for besides y^t remoeving ordination from y^e Bishop is questionlesse that will give our adversaries advantage, who could never fixe it as not Apostolicall in this Church, and what I am persuaded, y^e King and Lords will never be induced to passe, I doe take many things annexed to their calling not absolutely spirituall, yet not so proper for lay men to meddle wth. But to let that passe,—where you say it is desired 'every

Ecclesiastique cure may have a paynfull resident preacher, none of w^{ch} to have lesse than an hundred pound a year, treble, quadruple, or more, etc.' This is, suer, a thing to bee hoped rather then expected. Truly no honest conscientious man but doth wish, when the great inundation happened on y^e Ecclesiastiques in Henry y^e 8th tyme, many appropriations, wth the religious howses to w^{ch} they perteyned, coming to y^e Crowne, but y^t the Parlyament would have given them to y^e Parishes to w^{ch} they first beelonged; but they beeing now in Lay hands, I see no possibilyty of doeing it, unlesse by applying that little remayns from Bishops and Cathedrall churches to y^e parochiall incumbent, w^{ch} is y^t I can not desire ever to see done; first, in respect of y^e revenue of y^e crowne; for I hold it an undoubted Maxime, the Kingdome must maynteyn y^e King; and there is no question but any Prince may wth lesse envy rayse somes of mony from them then the Lay, they beeing, for y^e most, as a body that gives rather then perticular persons, and w^{ch}, beeing ritch, is not subject to so great expences as the temporalyty, and therefore better able to spare it, as their payments are greater; but it is a dangerous president to take from them what by Law and long continuance is setteled upon them. When y^e yce is once broken for eyther Prince or any else, by these extraordinary ways of assuming the estates of others (of what condition soever), it is hard to say where it will stoppe. The 27th Hen. 8th, cap. 14, was so far from taking away y^e universities, as it made hon^{ble} mention of the greater religious howses, w^{ch} yet in y^e printed is omitted. (And this I take to bee y^e first that ever any Parlyament by meere power divested eyther socyety or corporation of their estates.) The 31st Hen. 8th, cap. 13, tooke them away; yet heere it stopt not; for the 37th of Henry y^e 8th, cap. 4, put chantries, Colledges, both the universities, into y^e King's hands; so that there was not, to my understanding, much of publique to bee had now from them: certaynly it was more then hys Ma^{ty} did think fit to make use of, and was onely in part renewed to hys Sonne (1st Ed. 6th, cap. 14), who finding nothing left to bee taken from that body, the Commons were forced (2^d et 3^d Ed. 6th, cap. 36) to ayd hym with a nwe invention of Reliefe out of sheepe, cloaths, goods, debts, etc., for three years, so heavy as y^e Parlyament next ensuing (the 3^d and 4th Ed. 6, cap. 23), they were constreyned to desire hys Ma^{ties}

mitigation, the clothier beeing in a manner discouraged from making cloath; yet I can not find all this made y^e Crowne ritch. Henry y^e 8th (the first of any English Prince), 1544, made abundance of base money. Camden observes he left England *opibus exhaustis*,¹ that Queene Elizabeth received it *afflictissima, ære alieno quod Hen. 8 et Edw^a 6 contraxerat oppressa*;² Heyward³ that Edward y^e 6ths debts were sayd to be 251,000 pounds; and this, after so large contributions, as, for my part, I can not reckon the treasure spent in fiefteene years, what in subsidies, fiefteenths, and other graunts, lesse (rather more) then y^e value of half y^e kingdome to bee sold. I shall conclude this long letter wth one observation: that whilst the Church was ritch (in taking away or altering whose estates, I doe not onely looke at them, but myself; for who doth from one may from y^e other), there was no compulsory Act for relieving y^e Poore, growne now so numerous, as you well know how burthensome they are. I have heard, y^e 39 Eliz., there was not lesse than eleven bylls propounded for their reliefe. My earnest desire of y^e good of this kingdome hath made mee thus far enlarge myself. You will pardon it in

“Your poore kinsman that truly loves you,

“ROGER TWYSDEN.

“Aug. 2, 1641, *East Peckham*.”

The reader will, I hope, pardon this digression.

43. Whilst wee lay thus imprizoned, dayly attending what would bee done wth us, Mr. Benyon, a worthy citizen, now Sir George Benion, impeached by the Commons, for somewhat concerning a petition they misliked, came to a censure beefore the Lords,—in what kind he was culpable I can not now say,—but, beeing fined, and by them committed to the Tower, I heard a Member aske the Black Rod, whither his fine were to y^e King or to bee employed towards y^e Irish wars now broken out. It was answered, all fines were to hys Mat^y; to w^{ch} he replyed, he would have had hym lost

¹ In Apparat. Annal. Eliz.—T.

² Ib. anno 1558.—T.

³ In Vitâ Edw. VI. p. 155.—T.

hys hand for it. This was spoken by Mr. George Peard, a Lawyer who, notwithstanding his beeing one of y^e severest men you could meete wth, told me the Howse of Commons could distinguish beetweene faults, that he saw very little against me.

44. Yet, for that onely (however, not impeached), I was, wth others, committed, lay at a place in Covent Garden, such as y^e Sergeant assigned us, all in one howse, tyl, y^e 8th April, I procured a petition, beeing not very well, and in a streight howse, to bee delivered to y^e howse of Commons, shewing—

That, having beene committed to their Sergeant, and remeyned in hys custody many days, to y^e prejudice of my helth, examyned on severall articles, to w^{ch} I had declared my knowledge, I did desire that, beeing infirme of body, they would bee pleased to accept of Bayl for my appearance, at such tyme as they should think fit, I beeing very sorry to have had hand in any thing hath offended y^e hon^{ble} howse, etc.

45. Upon it, y^e 9 April I was bayled, and so was Mr Spencer (S^r George Stroode lying longer), but were not to goe at all into Kent, nor more than 8 or ten miles out of London. As for bayling men by Order of y^e howse of Commons, it was never before this Parlyament; neither is it any formall way, by entring into Recognizance, as in Courts of Record (an undoubted signe they have not an absolute illimited power in committing), but by giving bond to their Sergeant, who requyred of me, (by their directions I suppose,) no lesse then xx^{ty} thousand Pounds for my appearance wthin four and twenty houres after I should bee called for by the howse. Truly the summe was so immence, I at first resolved to lye by it; for who could I procure to enter into so vast an Obligation? But beeing told it was onely forme, not really good in Law if it could be examyned by it, would never be looked after, and find-

ing my very noble friends, my unkle, Francis Finch, and Sr Robert Filmor,¹ ready to joyn, each in a bond of 5,000^l, and myself of 10,000^l, I did, in y^e end, submit unto it, though tyed not to make a steppe into Kent.

46. Where now much endeavour was had, to make the Country disclaym the former petition; and, for y^t end, to y^e next Quarter Sessions (w^{ch} beegan on Tuesday, April y^e 19, at Maydstone) there came y^t had not of some tyme² usually appeered on y^e Bench; but they met wth so great contradiction, and so earnest an affirming by many, that it did conteyn y^e desires of y^e County, there was nothing considerable could bee effected by them to stop the subscribing of it,³ w^{ch} went on cheerefully, and on y^e day appoynted, it was brought up by many. When they came to y^e Bridge, they found y^e Gate of it shut against them by y^e Sheriff of London, and there they were forced to quit their swords, beefore they might bee admitted to enter y^e Cyty; so much mislyked it was to see men not willing to combyne wth y^e howse of Commons in ruining the present government in Church or State; or rather, that it did appeere, there were had so much wit, as to foresee the commanding by Votes, Orders, Ordynances, and not by Lawes, must terminat in an enslaving them and their posterity; and so much courage as to let them know they would not willingly contribute to their owne misery.

47. After this petition, w^{ch} they entended thus to have styfled, was delivered, and they saw y^e worst was intended, I beegan to be a suitor for liberty to goe into Kent, (where I had left my wife ille and great wth chyld,)

¹ Of East Sutton, Knt., a steady loyalist, and author of many loyal tracts, chiefly in defence of the rights of the Crown. He was a great sufferer in the cause.—ED.

² Sr Walter Roberts, as hymself told me.—T.

³ The Grand Jury, however, sent a disclaimer to the House, as appears by the Journals.—ED.

w^{ch} after some tyme I obteyned, and y^e 17 May returned to my howse, there resolving to live quyately and meddle as little as possible wth any buisnesse whatsoever; Yet, beeing a Justice of Peace, and having a tryall, I went to y^e Assizes then next following, in July 1642, of w^{ch}, beeing the last publique meeting I was ever an actor in, it will bee necessary to make particular mention.

48. Beeing thus drawne to Maydstone, there came to th' Assizes a very large Committee of y^e Howse of Commons; all I think had any reference to y^e County of Kent and were members of it (unlesse old S^r Henry Vane): I asked one, to whome I was well known, what the intent was of so many gentlemen's coming from y^e Parlyament? He told me, about somewhat had reference to y^e peace of y^e County. This increased my wonder; it beeing in a firme peace, wthout any probabylty of other; except some of y^e Parlyament's faction made it otherwise. After dinner, the Justices of Peace received this Order, and these instructions from y^e sayd Committee, as coming from the Howse of Commons.

“Die Veneris, 22^o Julii 1642.

“Whereas this howse hath beene credibly informed, that some ille affected persons, with in the County of Kent, are now endeavouring to disperse rumors to the scandall of the Parlyament, and to censure their proceedings against the promoters of y^e late dangerous Petition, and that they have plotted for this purpos to meete at th' Assizes, the farther to extend their malicious designes; It is therefore thought fit, and ordered, by the sayd Howse, that S^r Edward Hales,¹ S^r Henry Heyman,² S^r Edward Partridge,³ S^r Thomas Peyton,⁴ S^r Thomas Walsingham,⁵ S^r Henry Vane,⁶ Sen^r et Jun^r,⁷ S^r Francis Barnham,⁸ S^r Peter Wroth,⁹ S^r Norton Knatchbull,¹⁰ S^r Humfry Tufton,¹¹ S^r

¹ Member for Queenborough.

² Member for Hythe.

^{3, 4} Members for Sandwich.

⁵ Member for Rochester.

⁶ Member for Wilton.

⁷ Member for Hull.

⁸ Member for Maidstone.

⁹ Member for Bridgewater.

¹⁰ Member for New Romney.

¹¹ Member for Maidstone.

Edward Boys,¹ Mr Browne,² Mr Skinner,³ Mr Lee,⁴ S^r Edward Masters,⁵ and Mr John Nutt,⁶ shall forthwith goe downe unto y^e sayd Assizes, and use all diligence to prevent all such inconvenience, or any other attempt that shall bee offered to y^e prejudice of y^e Parlyament, and by all lawfull wayes and means to preserve y^e sayd County, not onely in peace amongst themselves, but in a right understanding of the proceedings of Parlyament.

“H. ELSING, Cl. P. D. Com.”

The Instructions w^{ch} they acquainted us wth, were these,—

“49. You shall acquaynt the Justices of Peace at the Bench wth the contents of this Order, and let them know, that, out of y^e howse's tender care and affection to y^e peace of that County, and the Kingdome, they have sent you downe wth Order and Instructions, to use all lawfull wayes and means to preserve the sayd County, not onely in peace amongst themselves, but in a right understanding of the proceedings of Parlyament; and doe not doubt of their readynesse to comply wth the desire of this howse therein.”⁷

Then from themselves was added,—

“It is desired, according to the Instructions of y^e Howse of Commons, that you will give your best ayde and assistance to this Committee, in their performance of the commands of the Howse, expressed in their Order herewith delivered :

“That, to this End, this Committee may bee seated at the Bench, sutable to y^e auctoryty and trust they represent, to bee ready to performe the commands of the howse, as occasion shall requyre.”

50. The Committee, coming from Westminster, thus

¹ Member for Dover.

⁴ Member for Rochester.

² Member for New Romney.

^{5, 6} Members for Canterbury.

³ Member for the County.

⁷ By a reference to the Journals of the House, it will be seen that this Committee came down charged with instructions more extensive, and involving a more unwarrantable usurpation of power, even than that contained in the above.—ED.

armed, first made their publique appearance on y^e Bench on Saturday, July y^e 23, in y^e afternoone; when they desired, by S^r Henry Heyman, their Speaker, a printed order, touchinge the illegalyty of hys Ma^{ties} Commission of Array, might bee openly read; w^{ch} M^r Justice Mallet (though he spake not one word as approving of it) did not think fit to give way unto, conceiving hys power beeing deryved unto hym by y^e Great Seal, he could not admit of ought came not that way.

51. On Munday y^e 25 July, S^r Edward Hales, and some others, made a shewe of coming to y^e Bench; but the Court beeing just risen, they applyed themselves to y^e Judge, who wished what they would impart to hym might bee publick beefore all y^e Justices of y^e Peace: and, to y^t end, sent to them to meete at his lodging after dinner, whither the Committee soon after came, S^r Henry Vane, Jun., beeing their mouth, who told hym he was "to impart somewhat unto hym from the Howse of Commons." To w^{ch} in effect he answered, "That he came thither to administer Justice agreeable to y^e Law, that any thing concurring wth that, and coming from y^t body he should willingly embrace, and desired to know whither that they had to say to hym might not bee publick." It was replied, "it should bee afterwards; but they first thought fit to acquaynt hymself wth it." On w^{ch} he asked "whither it did not concerne the King?" The answer was, "Not more then all things perteyning to y^e government of y^e Kingdome." Upon this S^r Henry Vane and hymself went into a private roome together, (whether any others were wth them I can not now call to mynde) stayd there pryvately about half an houre; when they came out, what had past beetweene them was read to us, beeing in effect denyalls to what had beene propounded unto hym; and then these former Orders and Instructions were made knowne to y^e Justices of Peace,

52. Who the same afternoone fell into a sadde and serious consideration what answer was fit for them to returne. One was drawne; but, as that w^{ch} issues from heads of differing tempers doth not ever pleas all, (but is eyther too long, too short, something or other will want, or abound,) so that thus framed was cast on the table, where it lay as y^t was not approved, yet none taking it in hand to reforme; upon this I tooke it up, thinking onely to abbreviate it for my owne satisfaction, as indeed I held it somewhat too long; when I had done, I read it to them, and I know not by what fate, it was generally so well liked as, very few words altered or added, it was delivered to y^e Committee.

"The Answer of y^e Justices of Peace the sayd 25 July, 1642.

"1. That the first demand beeing grownded (as wee conceive) upon misinformation, and in it a great aspersion layd on this County, wee not knowing of any such endeavors as are expressed, it beeing, as wee hope, likely to continue in a secure peace; his Ma^{ties} Justices of y^e Peace, having their auctoryty committed unto them under the Great Seal of England, dare not, in y^e execution of it, joyn wth any not so authorized.

"2. That beeing demanded this Committee may sit upon y^e Bench for y^e performing y^e commands of y^e Howse of Commons, (unknowne to us,) wee doe not know what place may bee sutable to the authority and trust they represent; nor that wee have power to place any on y^e Bench not sent thither by y^e like auctoryty wee sit there."

53. But these giving no satisfaction, the 26 of July, 1642, the Committee replyed thus, and sent it us by S^r Norton Knatchbull, a very honest gentleman.

"Die Martis, July y^e 26, 1642.

"Whereas this Committee have received an answer yesterday in y^e name of hys Ma^{ties} Justices of Peace of the County of Kent, wth w^{ch} they are altogether unsatisfyed, and w^{ch} tends very much to the disservice of y^e Howse of Commons; They,

therefore, according to the Instructions they have received from that howse, (whereof a copy is hereunto annexed,) doe require the sayd Justices, in the name of that howse, to be assistant to this Committee in the execution and performance of the Orders and Commands of that Howse, as they will answer the contrary to the sayd howse. And for this purpos this Committee doth declare that they doe resolve to make their repayr to the Bench, from tyme to tyme, (as they shall see cause,) during these Assizes, there to put in execution the Orders and commands of that Howse as occasion shall require."

"The instructions of the Howse of Commons to the Committee.

"And for your better performing of the Orders, Instructions, and commands you heerewith received from this howse, the Sherifs, Justices of Peace, Mayors, and all other his Ma^{ties} Officers are hereby requyred to bee assistant to you in execution and performance of the sayd Orders and Instructions."

54. In the after noone, according to theyr Reply, they all came to the Bench, but there they found Mr Justice Mallet, (who onely attended these Assizes,) not at all readyer to comply wth their desires. Sr Henry Vane (who as Chayr man of y^e Committee, managed the conference, and spake exelently well, temperately, and soberly,) shewde a desire of propounding somewhat tended to y^e good of y^e King, peace of y^e County, mayntenance of y^e lawes, and Religion. The Judge, on the other side, seemed to doubt whither those he intended to deliver were so, and therefore excused hys giving way to their propositions unlesse first made knowne unto hym; sayd he was most willing to obey the howse of Commons in any thing consisted wth hys charge, and the preservation of y^e Law; but whilst this was in agitation, so loude acclamations were heard, and such fear of styrrs beegan to bee apprehended, the Judge told hym if it went on so he should bee forced to adjourne y^e court. And a whyle after, Sr Henry Vane, by command of the Committee, retyred himself, and that night went home to

Fayr Lane. At their going of, some few followed them crying for the "Parlyament," but beeing persons neyther for number or qualyty greatly considerable, were not as it seemed to me greatly regarded.

55. After this I retyred to my lodging, intending to make myself ready to goe to my howse; but hearing a very lowde shute, I went down to y^e Bench, and found divers young Gentlemen, viz^t S^r John Mayny,¹ S^r John Tufton,² S^r Edward Filmor,³ M^r W^m Clark (slayn afterward in y^e King's army),⁴ had brought wth others certayn Instructions to y^e Knights of y^e shire to acquaynt the Parlyament wth, w^{ch}, wth a Petition by them likewise presented, were to bee sent hys Ma^{ty} at Yorke. When I came, these had not beene read nor received by any. The Clark or hys agent refused y^e doing of it, they beeing offerd to me, I excused the accepting, in regard persons before me were on y^e Bench. S^r John Baker, M^r Spencer, etc. At last a young youth (I think y^e Undersherif's clark) was got to read them; some Parlyament men sitting amongst others on y^e Bench (having shewed no mislike whilst it was in reading,) at y^e conclusion of all, desired to know whither they were conceived to sit there as Justices of Peace; for if so, they must protest against whatsoever had thus past: it was answered they were not understoode to have approved any thing they heard. These Instructions were sent to the Knight of the Shire⁵ by M^r George Chute and some

¹ Of Linton Place, near Maidstone. He commanded the Royalists in the gallant defence of Maidstone against Fairfax in 1648.—Ed.

² Eldest son of Sir Humphrey Tufton, of the Mote, mentioned p. 181, *supra*.—Ed.

³ Eldest son of Sir Robert Filmer, mentioned above, p. 180, and brother to the first Baronet of the name.—Ed.

⁴ At Cropredy Bridge. He had raised a regiment at his own expense, at the head of which he was slain in the above battle, at the early age of thirty-six. He was of Ford in Wrotham.—Ed.

⁵ Augustine Skinner, of Tutsham Hall, in West Farleigh, near Maidstone. He was substituted for Sir Edward Dering on his expulsion.—Ed.

other; but he would not take them. I heard they were after throwne unto him.

56. And, beeing indeede full of resentment, did require Mr Augustine Skinner, as their Servant, to certify the howse of Commons there was no grownd for such an information as had beene made of y^e County, desiring the Informer, of what qualyty soever, might receive condigne punishment. Then, as Loyall subjects and good patriots, they require hym to offer their humble advise for y^e setteling the distractions of y^e tymes, w^{ch} might bee in giving hys Ma^{ty} satisfaction in four particulars.

1. In leaving y^e Towne of Hull in the same state it was before S^r John Hotham's entrance.

2. In laying aside the Militia till a good law may be framed.

3. That y^e Parlyament bee adjourned to an indifferent place, where hys sacred Ma^{ty}, all y^e Lordes, and y^e Members of the howse of Commons may meete wth honor, freedome, and safety.

4. That hys Ma^{ties} Navy may bee immediately restored unto hym.

To these Advises were joyned certayn reasons, and y^e Petition beefore mentioned, w^{ch} beeing after printed at York and London, I shall forbear farther to mention, then that on Thursday the 28th July, S^r John Mayny, hys brother in law Mr Richaut, S^r Edward Filmor, S^r Thomas Boswell, Mr Clark (after S^r William Clark, slayn at Cropready brydge, June y^e 29, 1644), carryed to Hys Ma^{ty} at York what had beene thus concluded; from whense it was by y^e presse divulged; but at London, where the Parlyament bare rule, it was stopt, divers copies taken from y^e Printer, and few suffered to bee vented, none exhibited unto them.¹

¹ We are enabled to lay before our readers a perfect copy of these requisitions, which seem to have been so eagerly suppressed by the Parliament.

"Instructions from the County of Kent, to Mr Augustine Skynner.

"WHEREAS,

"A Committe from the House of Commons is now sent down to the

57. And heere I think I may note, y^t beefore this, there was never any men who so represented others in Councell, as wth out their election they had no right of sitting in it, that ever refused to hear what was presented unto them by so considerable a party. If what was propounded were not fit to bee graunted, certaynly it did not ill beecome to say so, wth out using farther extremities. How this would have beene interpreted in the Netherlands, where the elected are so strictly tyed to the Elector's instructions, as fayling in performing of them, they are subject to their censure; I shall leave others to conclude from y^e Decree of Holland and West Friseland, 1587, lately printed in y^e Reepublica Hollandiæ.

Assizes upon a credible Information (as they say) that something should be done at this Assize to the disturbance of the peace of this County; We the Commons of *Kent* require you Master *Augustine Skynner*, as our servant, to certifie to that honorable House, that you found the country in full peace, and that there was no ground for any such Information; and that you desire in our names to know the particular of that Information (which it seems you are ignorant of) and the Informer, that this County may have full reparations in honour against so scandalous an aspersion cast upon them; and that the Informer, of what quality soever, may receive condigne punishment.

"And that the House of Commons may understand our desires, not onely to preserve the peace of this County (which by God's blessing, and the help of the good and known Laws of this Kingdom, we are confident we shall maintain) but also of the whole Kingdom, being now in so great a distraction, that every man stands at a maze to see what the event is like to be, and well weighing what a great fire a small spark may kindle, abhorring and detesting the thought of a Civil War: we forthwith require you to offer our humble advice, as faithfull and loyall Subjects to His Majestie, and good Patriots, and lovers of our Country, for settling the distractions of these times, one principall means to effect it, we conceive will be to give His Majestie full satisfaction in His just desires in these four particulars, *viz.*) In presently leaving the Town of *Hull* in the same state it was before Sir *John Hotham's* entrance into it, and delivering His Majestie His own Magazine. Secondly, in laying aside the *Militia*: untill a good Law may be framed, wherein care may be taken, as well for the Liberty of the Subject, as the defence of the Kingdom. That the Parliament may be adjourn'd to an indifferent place, where His sacred Person, and all the Lords and Members of the House of Commons may meet, and treat with honour, safety and freedom. Fourthly, that His Majestie's Navie may be immediately restored to him."

58. What had thus past at Maydstone very much offended the Howse of Commons, who, enraged to think they might meete with any opposition, the 2 of August, 1642, ordered their Sergeant at Arms, hys Deputy or Deputies, to repayr to y^e bayle or Suerties of S^r George Stroode, S^r Roger Twysden, and M^r Spencer, to cause them, according to the condition of their bonds, personally to attend the howse. Upon w^{ch} M^r George Brag his servant gave notice to my Unkle, Francis Fynch, at Kensington, (though y^e condition of my obligation requyred it should have beene at my howse in Redcrosstreete,¹) who, somewhat timorous, sent hys man to me all night to make me hast up. So I went immediately, leaving my deere wife nwely brought a bed and very weak.

59. When I came and had rendered myself to y^e Parlyament, the 5th of August, wthout ever any examination I was committed to the Sergeant, who sent me to y^e three Tobaccopipes, nigh Charing Crosse, as a prisoner, where having remayned about 15 dayes, never sent unto, charged, or questioned, in y^e least measure whatsoever; they finding nothing could possibly bee objected against me, one came and told me y^e howse was willing I should goe to my Brother Cholmley's² at Isleworth, w^{ch} I absolutely refused, seeing that must bee but to make another sute I might bee released thence; onely I desired I might bee charged wth y^e breach of any Law; to w^{ch} the answer was, "In these tymes the Howse could not looke at y^e nice observance of Law;" I replied, "that might bee wth those *qui belli sunt participes*, where the Armies lay; but for those did not at all engage, *contra hos nullum*

¹ It was the corner house of Red Cross Street and Barbican.

² Sir Hugh Cholmley, of Whitby, in Yorkshire, who, at this time, was a strong Parliamentary. He afterwards deserted their cause, when in command of Scarborough, which he delivered up to the Queen at a very critical conjuncture. His history is too well known to need further remark here.—Ed.

est jus bellicum," and alledged Grotius for my opinion.¹ Whilst I continewed there, I grewe acquainted wth two noble gentlemen, S^r Basill Brook, and S^r Kenelme Digby, persons of great worth and honor, who, whilst they remayned wth me, made the Prison a place of delight, such was their conversation and so great their knowledge; but S^r Kenelm Digby was soone released, his innocentie appearing to y^e close Committee; and y^e other, having compounded wth y^e Sergeant and payd hys fees, was remoeved to y^e King's bench; where, though he were received by a very honest gentleman, y^e Speaker's brother,² yet hys charge was far greater then wth me, paying at first 3^l per weeke for hymself and man in his howse, w^{ch} after was reduced to fifty shillings, w^{ch} beeing constantly payd, I have heard hym sometymes say he was as well as at hys owne home. But this summe, however it might perhaps not bee great for the one to receive, yet was excessive for hym, whom the Parlyament had stript of all, to pay; and might bee one cause wth other vexations, of concluding hys days in that Prison.

60. During this my restreynt, an horrid outrage was committed by Coll. Edwin Sandis,³ and others, sent by the Close Committee, at y^e Howse of S^r W^m Butler,⁴ in Teston; his servant tortured by fyer, hymself, then at y^e wells nigh Tunbridge, on the nwes, flying to y^e King. This beeing the next day divulged, dispersed all my famyly in Kent; it beeing beelieved and given out, they intended to bee at my howse the night following. My

¹ Grotius *De Jure Belli et Pacis*, lib. iii. cap. 17, n. 1.—T.

² S^r John Lentall.—T.

³ Second son of Sir Edwin Sandys, the author of '*Europæ Speculum*,' who was, as Wood says, "an excellent patriot, faithful to his country, without any falseness to his Prince." Sir Edwin was second son of the memorable reformer, Edwyn Sandys, Archbishop of York. The Parliamentary Colonel ended his days and his outrages at his seat at Northborne, near Deal, of a wound received in the battle of Worcester in 1642.—ED.

⁴ He was afterwards killed in the battle of Cropredy Bridge, at the head of his regiment which he had himself raised.—ED.

poore wife, never strong, but then exceeding weake, not recovered of her lying in, having placed her children wth my sister Twysden,¹ full of fright and fear came up to London on horsback. The rest shifted to one place or other where they might shroude themselves; onely a few servants were left to prove the extreamty, who, under God's protection staying in it were safe.

61. Of this Inhumane Action (for who can think or call it otherwise, that knwe how it past, or hath read the first Mercurius Rusticus) I shall say no more; but onely it was so disguised aboue, that I myself speaking of it to a Parlyament Man, he told me there was much more made of it then it deserved. The truth beeing, y^e Col. Sandis, lead in scorn by one of Sr W^{ms} servants into a privy howse, he, to make hym sencible of y^e affront, caused some poudre to bee put in y^e palme of hys hand, and so, after a military Punishment, had it set on fyer, w^{ch} though more then he wisht, was nothing in comparison of what was spoke; and this I neede not doubt to bee all y^e truth, he having received it from one of y^e Committee² employed in y^e scrutyny of that fact.

62. But as the servant told me, they did know better then so how he had beene used; for he, soone after the inquiry, making complaynt to my Lord of Essex of hys Usage, hys Lord^{sp} spake honorably unto hym, as if hys information were trwe, he should bee so far from protecting Sandis, as he should have reparations: after w^{ch} he could never get accesse to y^e Earl, w^{ch} made hym

¹ Wife of his brother Thomas, who was afterwards created a Baronet, and was one of the Justices of the Court of King's Bench temp. Car. II. She was sister of Matthew Tomlinson, who commanded the guard that had charge of Charles from St. James's to Whitehall; and on the scaffold, Charles gave him his gold toothpick in remembrance of his kind demeanour to him, which, with the Ribbon of the Garter worn by Charles at his execution, and handed to T.'s charge, we have often seen at Bradbourne, the family seat of the Judge.—ED.

² Sir Philip Stapleton.—T.

convert hymself to Mr Pym, whose zeal to Justice was so great as he held

"his dearest blood
Too small a prise to worke his countrie's good :"¹

but he spake otherwise; told hym perhaps he would petition the Parlyament; if he did, he assured hym y^e Collonell should find those in y^e howse would answer for hym and justyfy what he had done.

63. Certaynly, if he did countenance so abomynable an action, (for I have no other then y^e partie's owne relation, whome yet otherwise I never found false,) hee must maynteyn the liberty of y^e subject (so much talked of and so little practist) some other way, in y^e propriety of their goods and freedome of their persons, then by the known lawes of y^e Kingdome.

64. My Wife upon this, weak and sick as she was, retyred to her howse in London,—my famyly dispersed, myself in prison, out of mynd,—S^r Basill Brooke, an honest, worthy gentleman, (whom I found in y^e Sergeant's custody,) remoeved in to y^e King's bench, and I now solytary alone in a pryvate howse,—I beegan to think of delivering a Petition, and the 8th of August, 1642, procured a Petition to bee delivered, w^{ch} in effect spake thus:

"To the hon^{ble} howse of Commons, etc.

"That beeing brought in by my bayl, I had attended their pleasure more then a month, to y^e prejudice of my health, beeing streightly lodged, not permitted to styr to Church, that I had nothing hytherto objected against me. That I never enterteined other thoughts then what might tend to the good of y^e Kingdome, and therefore desired I might not lie under the heavy burthen of their displeasure, but retyre to my owne Lodgings, etc."

¹ Writ under hys pycture en taylle douce, and otherwise.—T.

65. Upon this petition I was again bayled y^e 12th of September, 1642, but advysed not to goe into Kent, w^{ch} I had no mind to doe, things standing in the posture they then did; yet, at y^e giving securty to y^e Sergeant of the Mace, I made knowne unto hym I had a resolution to travell, as I had a passe for y^t purpos lying by me. And I well remember, S^r John Finch told me, if I gave hym warning, he would goe wth me; but y^t noble gentleman, beeing soone after, by an unfortunate fall from an horse, taken away, left me to prosecute the designe alone.

66. Beeing got now to my howse in Redcros Streete, the Kingdome in a flame, I endeavoured to settle some particular businesses I had as well as I could; and trusting my chyldren to an old faythfull servant,¹ of whom I therefore asked no rent for my howse and land I had used to it in East Peckham and thereabouts, intended y^e making myself fit for a journey into France; and having sent my poore weake wife to take order about some things in Kent, having beene myself hardly ten days out of prison, certeyn officers of y^e Parish there, Zelots for y^e Parlyament, came to me to know what I would give upon the propositions of Publick faith.² I told them how much I had suffered by beeing long imprisoned, for nothing that I knewe, now enforced to stay from my famyly in y^e country; That mony I had none, That little plate I had, must of necessity serve to feede me and myne; yet I could give them no certeyn answer,

¹ George Stone.—T.

² By the active influence of Pennington, Lord Mayor of London, an overture was made by "divers (in the City) under the style of affected persons, that they would advance a considerable number of soldiers, for the supply and recruit of the Parliament Forces, and would arm, maintain, and pay them for several months, or during the times of danger and distractions; provided that they might have the public faith of the Kingdom, for repayment of all such sums of money, which they should so advance by way of Loan." An Ordinance was immediately framed and passed both Houses, "That all such as should furnish men, money, horse, or arms for

my wife beeing away, who knwe better then myself what I could doe, to whose returne I must remit them.

67. They seemed wth this reasonably well satisfied, saying they would stay tyl they heard she was come; yet afterwards they never came to my howse to enquire of me; onely casually meeting one of them in Barbican, he asked me what I intended to doe; to whom I answered I was not yet resolved; and so I heard no more tyll upon y^e Ordinance of y 29 November, somebody left at my howse a Tycket of 400 pounds, for my twentyeth part. But y^t ordinance extending onely to th' Inhabytants of London and parts adjacent, I did not take myself at all included in it, my abode beeing there rather by constreynt then choice. Yet when their Offycers came to gather it, I shewde them my howse, asked them whither they conceived all I had in it to bee worth 400 pounds, much lesse was that y^e xxth part of what I had; That I was no Inhabitant of London, but remayned in towne onely to bee ready if the howse of Commons called for me; That I desired they would make this knowne to such as employed them, w^{ch} they promysed to doe, but sayd it would bee better done by myself; to w^{ch} I replied, y^e summe was so immense, wth out all proportion, as I thought it would bee better from them who saw what I had, and therefore would bee credited. They told me I might bee heard if I would pay them y^e first 200 pounds, w^{ch} I had not to lay downe; after this I heard no more of them tyll some came wth

that Service, should have the same fully repaid again, with interest for the forbearance thereof, from the times disbursed. And for the true payment thereof, they did thereby engage to all and every such person and persons, the public Faith of the Kingdom."—Clarendon, vol. ii. p. 60. This Act or Ordinance was published about this time, and "the active Mayor and Sheriffs appointed a Committee of such Persons whose inclinations they well knew, to press all kind of People, especially those who were not forward, to new subscriptions; and by degrees, from this unconsidered Passage, grew the monthly Tax of six thousand pounds to be set upon the City for the payment of the army."—Ed.

carts and carryed away what I had, and so I think had y^e 20th part, for they lef nothing worth ought beehynd.

68. By this I easily saw how hardly men would be prest could not concur in making themselves slaves: for what was it other, to have our goods taken from us at y^e will of others,¹ wth out any dwe processe of Law? and resolved agayn to goe beeyond sea; onely I desired to see the issue of a Treaty about this tyme beegun at Oxford, beetweene the King and Parlyament, the carryage and conclusion of w^{ch} I leave you to see in y^e second tome of y^e Collection of Orders,² and shall onely say heere, that this was ye onely tyme in w^{ch} there was any probabylty of an accommodation; yet was clogd by the two howses wth five such³ bylls, as if hys Ma^{ty} had past them, they would, to my understanding, have brought such innovations in y^e Church, as must have given no small scandall to many honest persons; and in fine have beene found advantagious to none but y^e Roman party.

69. During this winter that I abode in Redcrosstreete, I had often recours to y^e tower, had y^e sight of sundry the auntyent Records of Parlyament there reserved, some of w^{ch} I procured to bee transcribed, of w^{ch} hereafter.⁴

70. When I was nwely freede, S^r Francis Barnham,⁵ a right honest Gentleman, and a very noble friend of myne, desired to speak wth me, w^{ch} he did at the Temple. The effect of what he sayd was, to perswade me to give

¹ See Justice Crook's argument against Shypmony, p. 17.—T.

² Collect. of Orders, tom. ii. p. 49 et seq., and p. 118.—T.

³ The Bill for "taking away superstitious innovations;" that "for the utterly abolishing and taking away all Archbishops, etc. etc. etc.;" that "against scandalous ministers;" the Bill "against pluralities;" and that "for consultation to be had with godly, religious, and learned divines."—Ed.

⁴ Perhaps this was the foundation of that taste for the antiquities of British History, which so distinguished Sir Roger Twysden, and which led to such valuable results in the 'Decem Scriptores,' and other works of our learned author.—Ed.

⁵ Formerly of Hollingbourne Hill, but now of Boughton Monchensey. He was the member for Maidstone.—Ed.

somewhat on y^e Propositions, that y^e Howse of Commons would goe very high against such as did not joyn with them, would maynteyn any man did ought against the disaffected party; That S^r John Sedly¹ and S^r Anthony Weldon² now ruled all Kent; and many other such weighty reasons as might come from a person of great wisdome and judgment; to all w^{ch} I could onely answer that the thing alone restreyned me from giving was y^e poynt of conscience. That y^e Howse, of w^{ch} hymself was a member, had urged me to promis I would defend the liberties of the subject; That I held nothing more against them then to have men forced from their estates for fear; That I had out of that respect, when I was not tyed wth a Protestation, refused Shypmony; That to give now would shew I did it not then out of other then a refractory spirit, or some sinister end; That I saw, if this war continewd, it would prove y^e ruine of y^e Protestant religion and y^e lawes of y^e Land. Beside I did not love to have a King armed wth booke law against me for my life and estate. He told me to y^e last it would not bee possible, should hys Ma^{ty} come in a Conqueror, (w^{ch} I wisht not,) he could, in so generall a defection, take away all men's estates; but there would bee some means found to gayn a generall pardon for y^e lives and estates of y^e most, as had beene in former Civil wars; That hymself had given, and shewde me the manner of it. That it was wth out y^e least thought of doing ought against y^e King, his person or power, but for conserving no other then y^e lawful and just rights of y^e subject, and added in effect that of S^r Edward Cooke, *Salus populi suprema lex*.³ To w^{ch} I answered that of y^e same auctor, *Optima*

¹ Of the Fryars, in Aylesford, near Maidstone. He was father to Sir Charles Sedley, the celebrated wit and profligate in the time of Charles II.—Ed.

² Of Swanscombe.—Ed.

³ Cooke, lib. 10, fol. 139 b.—T.

⁴ Cooke, lib. 2, fol. 3 b.—T.

regula, qua nulla est verior aut firmior in jure, neminem oportet esse sapientiores legibus. That those w^{ch} had somewhat must bee onely the loosers by these wars. I have made the more particular mention of the discourse I had wth this worthy Gentleman, not onely to shew what reteyned me from joyning wth the Parlyament; but y^t the reader may see how men of wisdom, honesty, and judgment, w^{ch} none y^t knwe hym can deny to have beene dwe un to hym, wer at first led away by y^e Protestations, promises, and pretenses, of those who ment nothing lesse then that they held out to y^e world.

71. About y^e beegining of 1643, S^r Christofo^r Nevil, a noble gentleman, and my very worthy friend, came to me, told me there would bee no abode for us in y^e Parlyament's quarters; and not long after going to see hym, he shewde me a Proclamation,¹ sent hym wth advise from Oxford, of not at all complying wth y^e Parlyament; that hys sister Goring had received y^e like; that he was resolved to get a passe and goe out of their quarters; that If I would, he could procure my name and my wive's to bee inserted in it. I profess I was at first sight amazed to see a King not able to give protection to hys people, yet declare it high treason to pay any assessment or contribution unto them, as y^t w^{ch} was ayding or assisting of them, prohybyted by y^e Act of y^e 25 Ed. 3. And where the Parlyament² (for so men now called y^e two howses) had publisht a Sequestration of y^e Estates of those had voluntarily contributed to hys Ma^{ty}, not lying under y^e power of any part of hys Army; The King in this adds no qualyfication whatsoever; and yet I have beene taught since,³ the giving ayd in such a case not to have beene treason.

¹ Collect. of Orders, tom. ii. p. 27, 28, at Oxford, 7 of April.—T.

² 1 April, 1643. Collect. of Orders, tom. ii. p. 13.—T.

³ Cooke, Instit. iii. p. 10, § "It was."—T. See 6 Ric. II. cap. 3, stat. 2.—T.

72. By this all Men saw if hys Ma^{ty} prevayled, they must looke for nothing but y^e extreamyty of Law, w^{ch} in so generall revolts, Princes have seldome put in execution, and never fortunate in professing beeforehand; as indeede what effect did it produce? but by making y^e adverse party more firmly combyne against hym from whom they expected no favor, in y^e end was a cause of hys utter ruine.

73. Some tyme after this, I asked Mr. Adrian Scroope what course he tooke (beeing y^e Duke of Richmond's steward) to preserve hys Lord^{ps} goods at Cobham; he protested unto me, he durst take none; having received an expresse charge from my Lord y^t he should not; and yet, says he, I know there is a pecture of hys mother's he values above any thing; by all this I saw the King was in good earnest had he prospered; and y^t Men wth in y^e Parlyament's power must deal waryly not to forfeit all.

74. But to S^r Christofo^r Nevel, first giving hym many humble thanks for hys kind offer, as it well deserved, I answered, "that I had no estate in y^e world but what lay wth in y^e Parlyament's quarters; that I had a wife and five small children, beesides old servants, to provide for, left me by my friends, w^{ch} I could not shake of; that staying heere I might hope to get somewhat, but going to the King I did certaynly expose myself to their fury that resolved (for ought I saw) y^e ruine of all men's estates could not joyn wth them. That I was not (for certaynly so I tooke myselfe) wth in any y^e words of y^e Ordinance for Sequestrations. That I should not contribute to them willingly; that what was forced from me the King, in justice, could not take amisse. That my body was not able to endure y^e toyle of war, and should bee ashamed to live in Oxford and not bee in y^e Army; that of this I had good experience in my youth, when I was both more able and had fewer to care for then now.

That for these reasons I durst not accept hys kind offer. But if he went one way, I would an other ;" beeing resolved to goe into France, against w^{ch} I thought there could be no exceptions, the law of Ric. y^e 2^d beeing repealed.¹

75. Upon this I intended to hastene my journey to those parts; and the 15 of May, 1643, some friends of myne going thither, I sent my eldest sonne, then not much above seven years old, wth them, and Hamnet Ward, now Doctor Ward, as Tutor wth hym; meaning myself speedily to follow them. And heere, that y^e reader may y^e better judge how I was brought to conclude upon this journey in my declyning age, I think it not amisse to take a short vieue of y^e state or posture of the kingdome, how y^e Justice of it was managed by severall Committees, both in this and some other years.

76.² The disputes beeteene the King (now in y^e North) and the Howse of Commons growing, upon every message, higher and higher; his Ma^{ty}, by S^r John Hotham, denyed entrance into Hull; and resolute to hynder y^e howses from enforcing their ordinances on y^e subject as bynding; many of eyther side beegan to fear the differences would not bee decyded onely by words: but mony, y^e sineues of war, beeing in plenty to neyther party, it was hoped each would encounter so great difficulties in endeavoring to rays an army, as might persuade the most averse to fit termes of peace.

77. But to shew how they should bee supplied, the two howses first brake y^e yce, many of themselves subscribing to a contribution of Arms the 10th of June, 1642,³ and inviting all others to doe y^e like; suggesting, such as were about y^e King, wth out eyther fear of God or the

¹ 5 Ric. II. cap. 2.—Ed.

² I return to my own story, not tyll No. 113.—T.

³ Collect. of Orders, tom. i. p. 340.—T.

Lawes, were ready to commit all manner of outrage and violence tending to y^e dissolution of this government, the destroying of our Laws, liberties, and propriety, etc.; that they did, therefore, for prevention of such evils, excite all persons well affected, to afford their best assistance, according to a Protestation by them lately framed for y^e mayntenance of the Priviledges and beeing of Parl^{nts}; promising not onely 8^l per cent. for all mony so brought to Guildhall, (for of late the Exchequer was kept there by certayn officers of y^e Cyty,) but consideration for y^e fashion of all plate, etc.

78. What a vast proportion of treasure was carried in upon these propositions (the repayment of w^{ch} beeing never executed, if at y^e first intended, turned in y^e end y^e name of Publick Ffaith to Publick fraud, in Latin, "*Publica fides, Punica fides*") I shall not heere enquire; it shall suffice me to say, it was so immense, it enabled them to rayse an Army, and, by the power of it, maynteyning a maxime (on what grownds I know not) xl^v made an howse of Commons, and three an howse of Peeres, did frame Orders and Ordinances commanding y^e subjects' estates, freedom, lives, after y^e most absolute, if not Tyranicall, way hath beene ever seene amongst Christians; for whereas th' Hollander¹ hath reference to carry hymself after their instructions and advise who depute them; the Venetian² makes no newe law, nor doth any thing extraordinary, but in an assembly of 600; the Florentine hath a councell of xlviii;³ the French a Parlyament to counsell or revise what passeth the Prince; these forty and their Committees, responsible to none but themselves, not supervised by any whomsoever, did

¹ Vide "Edictum de antiquo jure Reipub. Batavica, dat. 16 Octobris, 1587," nuper impress. Latine, scilic. 1630, in libro dicto "Respublica Hollandiæ," pag. 165; vid. et pag. 180 ad finem.—T.

² Botero della Repub. Venet. lib. 1, cap. "Governo," fol. 30 a.—T.

³ Adriani, lib. 1, pp. 7 et 8.—T.

exercise the most absolute, arbitrary, illimited power, Europe ever saw; having no colourable defence to uphold the injustice of sundry their doings, but "*that necessity compelled them,*" "*the preservation of the kingdome lead them to it,*" "*that it was carryed by a few votes in eyther howse;*" to whom, as it seemed, all men were to submit, as well their Judgment as obedience. Lord, of his goodness, grant England never see y^e like!

79. And though they wanted not men of integrity and wisdome that showed the absurdity of such like positions, and that men were not to submit their opinions to any Votes whatsoever, but their obedience to Laws made by King, Lords, and Commons; yet, having a sword to bear them out, there was nothing of the contrary to bee harkened unto, how reasonable soever, but that they voted was to bee credited, as what the whole nation was obliged to beelieve y^e best and most just.

80. And thus, under pretence of maynteyning the religion of the Church of England, they defaced (as superstitious or superfluous) all y^e antique monuments of pyety and devotion; ruined the Cathedrals; found means on easy terms (as not beeing payd what was due for service in y^e wars or otherwise) to divide amongst themselves those lands the Church had beene so many years possest of; denyed all former rights of Monarchy, yet wth a Protestation of defending hys royall person, honor, and estate; Seated in themselves an absolute power of taking from the subject all he could call hys owne, yet professing an upholding them in their lawfull rights, propriety of their goods, and liberties. Wth y^e first and second of these, as proper for the generall history of the tymes, I will not take on mee heere to meddle.

81. Of y^e third I shall remember, that, having got an Army, and finding Committees ready to forward their commands in all parts, they did, by little and little, force from the subject the greatest masse or treasure so short

a tyme had ever expended; yet first trying how it would rellish. So, upon a pretence diverse in and about London and Westminster had not payd equally to others for y^e beginning this war, the 29 November, 1642,¹ they made an order for assessing such as had not contributed at all, or not proportionably to their estates at the xxth part; although, in their declaration of 10 June, 1642, they had exprest no man's affection should bee measured by the proportion of y^e offer, so that he exprest his good will to the service in any proportion whatsoever, yet that expression now must not bee lesse than a xxth part of his Estate.

82. This carryed on by so high an hand, as it found no great opposition, the 7th May, 1643, produced another Ordenance² for "persons in all parts to pay the fifth part of their yearly revenue, and y^e xxth of goods and chattels;" but heere was a mischiefe to bee remooved. By these Ordinances Parlyament men themselves might come to bee taxed by others, as in former tymes had beene ever done; to avoyd w^{ch}, care was taken y^e 16 December, 1642,³ That no Member or Assistant to eyther Howse should bee rated but by that howse where they attended. By w^{ch}, all Parlyament men (except such as absented themselves, not able to comply wth their horrid injustice) escaped for y^e most these taxes, as did the active Committee men in some Counties.

83. How contrary this was to former presidents, every man knows y^t remembered y^e Acts of Subsidies; out of w^{ch} none was excepted from beeing assesst by hys neighbours *eo nomine* 'that he was lately or at present of y^e Parlyament.' I have seene many Petitions⁴ on y^e Parl^{nt} Rolls, y^t no Member should have any thing to doe wth

¹ Collect. of Orders, tom. i. p. 764.—T.

² Collect. of Orders, tom. ii. p. 169.—T.

³ Collect. tom. i. p. 777.—T.

⁴ Rot. Parl. 22 Edw. III. n. 24; 45 Edw. III. 43; 51 Edw. III. n. 48; 6 Hen. IV. n. 9; and he that hath not y^e leisure of searching all, may

assessing, collecting, or being Controulers in y^e guift given; but never any that themselves should not bee assesst as others were; of w^{ch}, no question, one and an especiall reason was, y^t the country might see their integrity, and they who gave bee rated to y^e guift by those that had no hand in it; when now, y^e same that gave, were not onely Commissioners, but forced others to pay what them listed; levyed it, and expended it so as did onely conduce to their owne ends.

84. Now if any Ordenance did at first speak wth some moderation, in y^e execution they and their Committees (who¹ were to bee borne out by both howses) were most barbarous. And therefore they made them so ambiguous as they might bee interpreted variously, according to successe; w^{ch} increasing, was allwaies y^e more severe and tyranous to such as, standing for y^e auntient laws and trwe liberty of the subject, did seeme to mislike or oppose their arbytrary government; or, if he lived quietly, had a good estate, and did not comply wth them farther then necessity (for y^e saving of it) inforced hym, something or other must bee found to bring hym wth in y^e list of men to bee sequestred: and this went much according to y^e qualyty and revenue of the person; of w^{ch} take this one of many may bee produced.

85. A gentleman,¹ riding abroad in y^e country, meetes a stranger unknowne to hym coming from London; asks hym, what nwes there? The party tells (that w^{ch} was indeede false) of a defeat geven to y^e Parlyament's forces. He, upon this, told it others, so as in y^e end it came to y^e Committee's ears, who sent for hym, told hym he must reveal to them how he came by y^e report.

Rot. Parl. at West. 2 Rich. II. n. 51; 13 Hen. IV. n. 10, in fine. Of which y^e last is, "they should not bee Collectors, Assessors, Controulers, nor Commissioners for raysing y^e subsidy then given."—T.

¹ Collect. of Orders, tom. i. p. 776, *et alibi*, *passim*.—T.

² Sergeant Hatton, of Surry.—T.

The man did; but nothing would serve, he must produce hys Auctor, or if not, Sequestration. What should he doe? The person was unknowne to hym; how to find hym impossible. But see y^e chance. They gave hym some tyme to seeke hym, during w^{ch}, riding abroad, he lighted on y^e same body, whom he carryed beefore y^e Committee, y^t did not deny to have told it hym, and y^t he had it from such an one in London. When they saw there was no way by this stratagem to bring in the Gentleman y^t had somewhat, y^e others not so considerable, they let y^e inquisition fall.

86. But to cast an eye upon y^t is more generall, and is by themselves printed, the 2 of October, 1643.¹ Upon a pretense of saving Tymber Trees, w^{ch} y^e poore, necessitated for want of fewell, (hys Ma^{ty} having Newcastle,) did in many parts destroy, they allowed certayn to enter in to and cut onely the fellable woods of Bishops, etc., and such as were described in an Act of Sequestration (of w^{ch} hereafter). But finding the King's army eyther not able or not willing to help the oppressed, and men ready to execute their commands (for *prima dominandi spes in arduo; ubi sis ingressus, adesse studia et ministros*,² etc.), the 16 April, 1644, they fell upon y^e Tymber of sundry persons; and amongst others, of S^r George Sondes,³ of Kent, who was so far from beeing at Oxford, or in Arms against them, as he hath publisht³ in print (to w^{ch} I have not heard any thing in opposition), that beeing forced to compound for hys estate, they could not charge

¹ Collect. of Orders, tom. ii. p. 351.—T.

² Tacit. Annal. iv. p. 152.—T.

³ Of Lees Court, near Faversham. He was imprisoned several years, his house plundered more than once, and his estate sequestered; but this was the smallest of his misfortunes. He was the father of George and Freeman Sondes, whose unhappy story is too well known to need repetition here. At the Restoration he was created Earl of Faversham and Viscount Sondes.—Ed.

⁴ Sondes hys Narrative, p. 2.—T.

hym wth any delinquency, but about a taxe, w^{ch}, beeing unequall, he refused, yet, upon abatement, payd; notwithstanding was sequestred, seven years imprisoned, and forced to 3,500^l composition.

87. What the Ordinances of Sequestration were I shall shew elsewhere. It shall suffice heere to remember, that having them for a cullor, they and their Committees (for what one did, the other would make good) did exercise a tyranny no tyme or hystory can paralell; depriving men of their estates, who never had part in y^e war; forcing them to a sute beefore a Committee of Lords and Commons (w^{ch}, under y^e two howses, or rather y^e howse of Commons, was y^e supream Court of Judicature in those cases) for recovery of that was illegally, by power of y^e sword, taken from them (for they ever put y^e accused to play y^e after game); seizing at y^e first upon all he had;¹ beeginning with execution, w^{ch} y^e party, beeing stript, must at hys unspeakable charge seeke to get of. Now, if there were no colourable shew of contynewing y^e Sequestration made, to defer judgment so as they might, eyther by delays weary hym out, or by hys necessities enforce hym to give over the sute; but, if that would not bee, but that they must come to a Resolution, and y^e Committee, from whom hee appealed, would have hym sequestered that they might pray longer on hys estate, then, though the Ordinance² described onely certayn notorious Delinquents, y^t had beene causers or instruments of y^e publique calamities, as subject to that punishment, they would (to bring him under it) enforce a construction contrary to all rules of former tymes for interpreting statutes y^t ever yet was seene. Neither was there hope what they thus by violence tooke from him might in fine satisfy for his

¹ See Bracton, lib. iii. de Corona, cap. 8, n. 5, p. 123, a, stat. 1 Ric. III. cap. 3.—T.

² 1 April, 1643.—T.

error, as was y^e use of our princes, when a subject had hys land extended¹ for a Fine on a Misdemeanor in y^e Star Chamber; but what ever they made, eyther by sale of wood, receipt of revenue, or otherwise, must bee reputed as nothing when he came to repurchase his estate. But if any were so fortunate as to get out of y^e *Premunure*, which was rare (had he a considerable Estate), it was allmost an impossybilty to get satisfaction for y^t he had beene by force deprieved of. Why? Beecaus y^e Souldyary were possest of it; and they, y^e Committee, could not tell how to pay it but out of their own purses. Of all or most of which I had the sad experyence as the reader will see.

88. Certaynly their severyty was so notorious, and their extortions so full of scandall, as y^e Officers of y^e Army (who ever seemed to me more full of Honor and mercy then y^e howse of Commons) did desire,² y^e first of August, 1647, Compositions on Sequestrations might bee lessened; and Cromwell, in hys speech of y^e 12th of September, 1654,³ told the Parlyament then assembled, "Poore Men under their arbitrary power were driven like flocks of sheepe, by forty in a morning, to y^e confiscation of Goods and Estates, without any man beeing able to give a reason that two of them had deserved to forfeit a shilling." But to look a little farther into their Ordenances.

89. The first Order⁴ for sequestrations was, that those by them employed should bee subject to such dyrections for allowance to Delinquents as both howses did require.

¹ *i. e.* surveyed and valued.—Ed.

² Proposals, p. 117.—T.

³ To y^e Parlyament, page 8.—T.—Sir Roger had originally written, "My Lord Protector, in his speech," etc.; but he subsequently seems to have been influenced by the issue of public events in his designation of Cromwell, for the MS. was apparently revised by him after the Restoration, in consequence of which, he has drawn his pen through "My Lord Protector," and substituted "Cromwell."—Ed.

⁴ Collect. of Orders, tom. ii. p. 15, 1 April.—T.

By w^{ch}, whilst it resided in the Parlyament, some (as my Lady Finch of Forditch) hyred their husband's estates by friends made in one or other howse; so as they lived and supported themselves. But y^e King, after the taking of Bristoll, sitting downe beefore Glocester, and not likely to carry it, they, out of fear of hys approach to London,¹ y^e 19 August, 1643, issued a second, leaving the conferring this to their Committees, or any two or more of them; and where y^e former words were for allowance to bee given Delinquents in generall, these were restrictive for their wives and children onely; so as one unmarried could not get a farthing; and y^t they did give was só pared by their officers, as little or nothing came to the distressed man's purs. If I forget not, S^r George Sonds told me the Committee of Glocester, of whom he hyred hys estate, (it beeing by y^e two howses assigned to mayntein their Guarrison,) did allow him, for y^e taxes and payments by hym made on their Ordennances, xiiij^s and vi^d in y^e pound. An other gentlewoman² spake of a greater proportion out of land she had.

90. But their Armies prospering, this (though not so beneficiall as y^e first) was in a great measure taken of,³ it beeing made voyd⁴ to all whose fathers or husbands abode in the King's quarters, by a subsequent one of y^e 8 of September, 1645. And afterward, y^e 17 March, 1648-9, assigning a very short tyme for men to come in and perfecting their Compositions, they resolved all persons not rendering themselves and submitting according to y^e tymes and rates by them prefixed (w^{ch} were greater then formerly) to have their estates confiscate, no further allowance to wife or children.

91. Now a certayn consequent of Sequestration, especially of an estate lay nigh London, was felling y^e

¹ Collect. of Orders, tom. ii. pp. 296, 299.—T. ² Mrs. Legat.—T.

³ i.e. "taken off."

⁴ Collect. of Orders, tom. ii. p. 726.—T.

woods upon it, in w^{ch}, if any did complayn their Agents went further than y^e Ordenance warranted, the first difficulty was to get any witnesse alowed; but if that could not bee absolutely, at least some exception must bee layed to enervate his testimony, as beeing malignant, ill affected to the proceedings of Parlyament, or such like; then to delay the tryall from day to day, to y^e starving a suitor (so far as y^e expectation was as insupportable as y^e injury); to question whither it were Tymber they had felled, though oke of thirty years' growth, wherein, all that grewe out of old stocks were, by their interpretation, to bee cast out, of what growth so ever, contrary to y^e Kentish Proverb;—

“The tree that growes on y^e father's head,
Is as good Tymber as ever was bread.”

92. But if the suitor would not desist, and, having overcome the tedious difficulties of sending to, and returns from, y^e Country Committees (for they above were to credit nothing but as y^e other their Agents, and y^e parties against whom y^e complaynt came, did certify), expected their resolution and some rights to bee done hym; there appeering nothing to justyfy the insupportable oppressions by hym susteyned, but y^e will of y^{am} that did it; the Chayrman would give an Order, eyther for hys absolute Sequestration on their desires, or, at least, such as did rather embolden them in what they did, then any way discountenance them for ought they had done; beecauss they were not to discourage the well-affected, nor incourage y^e other party; and this, too, after that boord (if not y^e very persons themselves, upon certifycat, of y^e County) had by letter answered, “There did appeere to them no cause of sequestration,” upon y^e same evidence hath beene done.

93. And heere I must adde a word, though, in effect, but a repetition of what is allready, that these men,

following Rhadamanthus his example, *Castigatque audit-que dolos subigitque fateri*, first seized on your Estate, w^{ch} was easily done, had you any one enemy in y^e Committee, bee y^e fault what it would: then you were to sue to understand what your crime might bee (w^{ch} was enough, if you could not approve and run mad in complying wth their horrid ways), w^{ch} they would not bee willing to tell you, especially if there were any opinion you were not wthin y^e Ordinance, but would put you of¹ y^t, "perhaps it came from above to them," "they could say nothing, beeing not a full Committee," or y^e like: if upon this, you applyed yourself to them at Westminster, the first question wth them would bee, "whyther you had not beene sequestred by the Howse," then a day must bee given for y^t inquiry: if, at the tyme prefixt, y^t were not found to have beene, then all you could hope for was, they would send to your Country to understand the causes of it; they and their Agents, in y^e mean tyme, receiving y^e rents, cutting downe y^e woods, and possessing all as absolute masters of y^e Estate; terryfying y^e party, "it should bee worse wth hym, if he did not submit unto them, and acknowledge hymself a Delinquent."

94. But if he could not bee induced, neyther by y^e threats were voyced abroad, nor by y^e delays of each Committee, to quit hys owne innocentie; but y^t they must deliver the causes brought hym wthin Premunire; and hys Delinquentie were not notorious, but questionable; some while after, he should have the accusation delivered hym, but might not know hys accusers; and then perhaps he might obteyn an Order to stoppe the felling of wood, w^{ch} was not absolute tyl hys cause were determined; but tyll such a day, at w^{ch} time y^e Committee were free, and their Ministers again beegan to make havock, then they, at their great charge, must get

¹ i.e. "off."

counsel to move again. Thus men were at continuall expence; all they had taken from them; in the end forced to confesse themselves offenders, though nothing contrary to law was objected against them, and were so far from having any part whatso ever in y^e wars, as they lay imprisoned for y^e most during y^e continuance of them, as I myself can testify.

95. As these were their comportments to privat persons, so were they not lesse tyranous in theyr publick exactions. I shall not (rather I can not) remember all y^e ways the people were by them peeled. It shall suffice to remember they first brought in y^t *Monster Excise*, unknowne to our Auncestors, wth so great exclamations detested in former Parlyaments, erected an office for regulating of it, declared, the 22 July,¹ 1643, what should bee payd for Tobacco, Wine, Beere, strong and small, Syder, Perry, Grocery, Silks imported, Furs, Linnens, Thread, Wyer imported.

96. This beeing publisht about y^e 1 of August, no peny was demanded on it, tyll they did perceive how it would bee swallowed; and indeede the very name having beene heeretofore so odious, as nothing more, it was wisely done, many hoping it would not have beene digested; themselves, I beeleeve, beeing of y^t persuasion; for having, y^e 8th of October, 1642,² declared a rumor which was then spread, that the Howse intended to asseesse men's peuter, and lay excise on that and other commodities,³ to be false and scandalous, raysed by ill-affected persons, and that tended to y^e disservice of y^e Parlyament, it was fit first to make an essay how it would rellish.

97. The 11 of Sept., 1643,⁴ this Ordinance was

¹ Collect. of Orders, to. ii., p. 267, 1643.—T.

² Collect. of Orders, tom. i., p. 638.—T.

³ "Nemo repente fuit turpissimus."—Juv., Satyr 2, vers. 82.—T.

⁴ Collect. of Orders, tom. ii., p. 313.—T.

annulled, and another Excise or new impost set upon Tobacco, Wynes, Strong Waters, Beere, Ale, Cyder, Perry, Grocery, Druggs, Mercery, Silks imported, Linnen, Drapery of Linnen, Haberdashery, Upholstery, Saltery, Soape, Drapery of Wollen, nwe and old Skins, and leather imported, Glasse men. But this, if y^e rates were more moderate (w^{ch} I leave to y^e search of y^e curious), as pretended, yet y^e number of things excisable were increased, was immediately put in execution by a power, found more ready obedience then ship mony; and beeing for y^e most upon imported commodities, it was hoped they would not have forced men to pay for that of necessity went into y^e mouth. But y^e 9 January, 1643-4,¹ assured y^e contrary, they then imposing it upon flesh, victuall, salt.² And now, when wee had neither Silk, Linnen, nor wollen to cloth us with; flesh, beere, nor salt, to put in our bellies, untaxed; I could not imagine how they could goe farther, and I conceive all history would bee at a stand; yet, after all, they found a nwe invention to cheat their stomachs, who dwelt about y^e City, compelling all, no members of eyther Howse, or Assistant of y^e howse of Peers, to pay for a weekely meal, as it should bee taxed or assessed by certayn therein appoynted.

98. This Excise upon flesh (as what the poore beegan to feele made us of a free people slaves) was very grievous, and much resented by many, and caused a great insurrection of y^e Butchers and others in London, y^e 15 of February, 1646-7. Upon w^{ch}, the two howses, y^e 22 of February following, taking into consideration the many tumults it had raysed, declared that, As nothing could have draune them to the resolution of that imposition, but y^e preservation of y^e Kingdome, Religion, Lawes, and Liberty, from utter ruine, so they could not find any other means to draw in y^e malig-

¹ Collect. of Orders, tom. 2, p. 410.—T.

² Ibid., p. 467.—T.

nants and neutralls, who had endeavored all cunning ways to evade what y^e well affected had so willingly bore; that, considering the great difficulties they had overcome by the receipte and credit of this Excize and some other helps, as maynteyning armies, relieving Ireland, satisfying, in some measure, y^e Scots, they did hope no well affected person would look what they had contributed that way. That for y^e continuance, if it shall bee considered to how many well affected they had already engaged for monies borrowed the Excise; what expence they must bee at for setteling this Kingdome, and reducing Ireland; they were confident no understanding person can desire or expect this leavy (w^{ch} they found the most equall and indifferent course to goe through so many great affayres) should ceas. Yet they declare, when they shall have overcome, in some good measure, these engagements, they shall make it appeere how much more ready they are to eas the people of this charge, then they were willing at first to impose y^e same.

99. This declaration printed fild y^e world with astonishment, and such as had beene wholly devoted to y^e two howses beegan to fear they should not meete wth more liberty then they had enjoyed beefore these warrs: but indifferent men saw playnly they must never see that monster totally buried, it beeing the most equall course to rayse mony. They laught to see them keepe their first principles of abusing y^e people by promises of better tymes. And I doe well remember some did then say, there was nothing but y^e Army could moderat the Tyranny the subject lay under; and for my part, I am confident that Howse of Commons had never redrest it in the least, had they beene sollicitated by any of lesse power to persuade then the Officers of y^e Army; upon whwse intreaty,¹ and their drawing nigh London,

¹ Proposals, p. 118, § 1.—T.

th' Excise was taken of¹ from somthings most burthen-some.

100. About wth tyme there happened to me a passage not unworthy the remembring, in effect as followeth:— Going up to the Parlyament wth one of y^e Howse of Commons, a person who stode in y^e Lobby beefore y^e entring in, wth severall petitions in hys hands to present them each member, gave me one (as supposing me one of y^e number), couched in very high language (such as at other tymes would not have beene endured), concerning certayn prisoners had, by some power deryved from them, beene restreyned. Going downe the stayres, I cast myne eye upon it, when one of them following, told me he saw I looked on their petition. I replyed, "I did on one was given mee above, that mee thought spake very boldly." "Sir," says he, "it is tyme, for wee see these men that sit there have nether truth nor honesty; for they have had our persons and estates at their command; and now, instead of y^e lyberty they promysed, and wee expected, they imprison us (who have gon along wth them) on every slight occasion. And of their truth wee have had a late experymēt, for upon y^e rising of the Butchers, they declared nothing but necessity had enforced them to y^e raysing mony by way of excise. That they could not take it downe, it beeing securty to other men for monies lent; yet now (says hee) the Army is coming up to London, they, apprehending the Butchers and common People may joyn wth it, pull them out and shake of¹ their auctoryty, they can lay it downe in some particulars, as flesh, etc.; if it bee for securty of others, how can they meddle wth it? If not, why did they not doe it beefore? And onely now they may apprehend the army will enforce them."

101. I thought not fit to hold long discourse wth so discontented an humor; though, for my part, I could

¹ "off."

not tell how to answer hym ; but I told it a Parlyament man,¹ who seemed to me to think he spake in a great measure truth, but that their intent was, to satisfy those creditors otherwise. Certaynly these ways by w^{ch} they made men hope for liberty were very rugged to get to it.

102. And indeede when I consider, how is it possible to bee otherwise? for who ever undertooke to deal in y^t is improper for them but it proved so? If the hand would walk, the feete write, how unapt were they! So, if the Howse of Commons, who were chosen to petition and expedite the affayres of others; to assent in making lawes by which themselves as well as y^e poorest is to bee governed; to see how y^e necessary charges of y^e commonwealth may bee furnished; will apply that care should bee for y^e generall, to conduce onely to their owne private ends; if, in lieu of making lawes to bee governed by, they will themselves bee governors; if, instead of beeing givers to y^e King, they will bee the expeditors themselves, as well as y^e graunters of y^e taxe, wee have of late had experyence how beneficiall it is.

103. But beecause the pretence ever was, *Necessyty enforced them to lay those immence burthens on y^e people*, w^{ch} no age will, I fear, ever see taken off; it will not bee amisse to cast an eye a little upon it, and what they were, so pressing, that forced them to such nwe unheard of paths to draw mony from y^e subject. And, for my part, I professe I can not imagine other then their owne ambitious appetites, w^{ch} y^e whole Kingdome could not suffice for. It is not conceivable, that, in effect, the King and Princes revenues, the inhaunced customs, the ordinary payments of Subsidies, Pole-mony, etc., would not have defrayed th' expence of any home war whatsoever, wth out such nwe unheard of ways, as excise,

¹ M. Richard Browne.

sequestration, and y^e like, for drayning their purses and ruining their estates, w^{ch} they ought by good lawes make more suer, not, by arbitrary ordinances, destroy and ruine.

104. This Island hath had in former tymes both domestick and forrayn wars, yet the subject never prayd upon as by these Men. When Edward y^e 3 entered upon those great expeditions against France, hee easily saw he was to receive great support from hys people in assisting Flanders, and carrying his armies into France. The 13 Ed. 3,¹ it fell in consideration, and propounded to give hys Ma^{ty} the tenth Lambe, Fleace, etc., for two years, w^{ch} y^e Lords easily assented to; but y^e Commons excused themselves tyll they could confer wth their Counties. The issue was, a Parliament was concluded to meete y^e 21 January following; when y^e Commons thought fit² to present the King wth xxx thousand sacks of wool, the Lords styll continewing in their former persuasion of y^e xth fleece, etc. About the middle of Lent following, an other Parl. met, in w^{ch} hys Ma^{ty} had that imposition first layd³ upon merchandize, is since knowne by y^e name of "Tunnage and Poundage,"⁴ and likewise the ixth Lambe, fleece, sheafe, etc.

105. These, I think, were y^e greatest guifts were ever given or taken from y^e subject beefore these tymes; and the collection of this latter was so full of trouble, so much to y^e vexation of y^e Commons, as the second⁵ payment seemes to have beene bought out for xxx thousand sacks of wool.⁶

¹ Rot. Parl., quinze S^t Michell, 13 Edw. III. n. 4, 5, 8, etc.—T.

² Rot. Parl., Octav. S^t Hillaire, 13 Edw. III. n. 7, 8.—T.

³ Statut. 14 Ed. III. cap. 21.—T.

⁴ Rot. Parl., en my quaresne, 14 Edw. III. n. 6, et stat. impress. cap. 20.—T.

⁵ Confer Rot. Parl., en my quaresne, 14 Edw. III. n. 6, wth 15 Edw. III. n. 48, et 17 Edw. III. 27.—T.

⁶ "The King, in return for the concessions he made, obtained from the barons and knights an unusual grant, for two years, of the ninth sheaf,

106. But the King's needes were pressing, and y^e Lambe for hys Ma^{ty} was not yeaned, nor y^e fleece shore, or Sheafe cut, and God had blessed hym wth a great Victory at Sea, by w^{ch} this kingdome was secured; but hys necessities encreased for want of treasure to keepe hys allies together and firme unto hym. Upon w^{ch}, he sent the Earls of Arundell, Glocester, and S^r W^m Trussell, wth Letters to y^e Prelats,¹ Earls, etc., expressing the same: who found no other way of relief, but to assiste hym wth xx thousand sacks of Wool, by y^e way of Lone, to bee sold y^e Merchant a marke cheaper then y^e ordinary rate, to pay for y^e custome of every sack 40^{sh}, the prise of y^e sayd Wooll to bee repayd out of y^e second year's fleece, etc. And this proceeding from the Lords the Knights of Counties were to make knowne at home.

107. After which I doe not meete wth any great nwe extraordinary charge (more then y^e subsidy of Tunnage and Poundage continued) given to y^t Prince, tyll y^e 51

lamb, and fleece on their estates; and from the burgesses a ninth of their movables at their true value. The whole Parliament, also, granted a duty of 40s. on each sack of wool exported, on each three hundred wood fells, and on each last of leather, for the same term of years. But, dreading the arbitrary spirit of the Crown, they expressly declared that this grant was to continue no longer, and was not to be drawn into precedent. Being soon after sensible that this supply, though considerable and very unusual in that age, would come in slowly, or would not answer the King's urgent necessities, both from his past debts and his preparations for war, they agreed that 20,000 sacks of wool should be immediately granted him, and their value be deducted from the ninths which were afterwards to be levied."—*Hume*.—Ed.

"N.B.—The knights often, at this time, acted as a separate body from the burgesses, and now made some scruple of taxing their constituents without their consent. They desired the guardian whom Edward had left in England to summon a new Parliament, which might be properly empowered for that purpose. Both this and the old one were rather unsparing in the conditions required by them before they would make the grant; but Edward himself came over, called a new Parliament, and contrived to get what he wanted granted, as above, on more moderate terms, and with the sacrifice of fewer concessions."—*Ditto*.—Ed.

¹ Rot. Parl. post transl. S^{ci} Thomæ, 14 Edw. III. n. 10, 11.—T.

Ed. 3,¹ when was graunted, considering "*Les grandes charges et insupportables despenses*" hys Ma^{ty} was at every day, more and more, of every person above 14 years old (beggars onely excepted), iiiij^d per teste, w^{ch} certaynly amounted to no great summe.

108. For 1 Ric. 2, a Parlyament, meeting the 13 of October, taking notice of the kingdome beeing in greater peril to bee lost then it had ever beene,² gave his Ma^{ty} out of all Cities, Burgs, and other lay persons whatsoever, two 15^{ths} and Two 10^{ths}, to bee payd by Candlemas ensuing; w^{ch} y^e year following, in y^e Parlyament held at Gloucester,³ is sayd to have beene y^e greatest guift had beene ever given any prince to bee payd in so short a tyme. And the same year, at Westminster,⁴ they renwe teste mony, setting an higher rate then in Edward y^e 3^{ds} days, and where the Parlyament, beefore⁵ they had increased y^e subsidy of Tunnage and Poundage to a marke more on every sack of wool, and so on others, beesides 6^d y^e pound on marchandize, on this gift hys Ma^{ty}, coming into Parlyament, was pleased to take them downe. It were tyme lost to run through all y^e Kings of this Island; no one of them will ever be found to have demanded so much as these men did actually leavy from y^e people. When King Hen. y^e 8,⁶ 1523, joyning wth Charles y^e 5th, intended such a war in France as had not beene seene, he demanded onely a fifth, viz^t. 4^{sh} y^e pound, in four years to bee payd, w^{ch} could not bee gayned.

109. When Hen. y^e 5th was engaged in y^t great war

¹ Rot. Parl. 51 Edw. III. n. 19.—T.

² Rot. Parl. 1 Ric. II. n. 27.—T.

³ Rot. Parl. at Glocest. 2 Ric. II. Rehersayl faiet par la Cōe de loeur charge done et lour response.—T.

⁴ Rot. Parl. at West. 2 Ric. n. 14.—T.

⁵ At Gloucester, n. 29, 30.—T.

⁶ Herbert's Hist. Hen. VIII. p. 144, 146.—T. (Lord Herbert of Cherbury's Life of Hen. VIII.—ED.)

against y^e French, he managed wth no extraordinary levies y^t I find, but onely

2 Hen. 5th,¹ Tunnage and Poundage 3 years; w^{ch}, 3 Hen. 5 (S^r Edward Cooke says),² was first given for life; yet see 21 Ric. 2, cap. 15.

2 Hen. 5,³ two xv^{ths} and 2 x^{ths}.⁴

3 Hen. 5,⁵ Tunnage and Poundage, given y^t Prince for life; one xvth, one xth, formerly given, y^e Payment accelerated; Item, one xvth and one xth *de novo*, of w^{ch}, at a Parlyament held y^e same year,⁶ y^e payment was a little quickened.

4 Hen. 5,⁷ two xv^{ths} and two x^{ths}.

5 Hen. 5,⁸ two xv^{ths} and two x^{ths}.

7 Hen. 5,⁹ one xvth and one xth, the third part of a xvth, and a xth.

9 Hen. 5,¹⁰ n. 10, one xth, one xvth.

110. With these helps from his subjects, y^t victorious Prince made all his conquests in France. And, to speak of latter tymes, queene Eliz.,¹¹ who found her Crowne "*afflictissima*," engaged in a war wth Scotland and Ffrance, a potent enemy of y^e Pope, had y^e Protestant party to assist all her tyme. Beeing left by her Friends after the y^e treaty of Vervins, had, in effect, the strength of all y^e Popish party in Europe turned upon her, and y^e Netherlands (whom she assisted hourly);—Had y^e Spanyard, fayling in hys attempt against England (1588), fallen wth a potent army (1601) into Ireland, and thence

¹ Rot. Parl. at Leycester, n. 11.—T.

² Instit. iv. p. 32.—T.

³ Parl. at West. n. 11.—T.

⁴ On the subject of fifteenths and tenths, vide note to pp. 215, 216.

⁵ Parl. omnium Sanctorum, n. 4, 5.—T.

⁶ Parl. 10 March, 3 Hen. V. n. 10.—T.

⁷ Parl. 19 Octobr. n. 9.—T.

⁸ Parl. 16 Novembr. n. 9.—T.

⁹ Parl. 16 Octob. n. 8.—T.

¹⁰ 1 December, 9 Hen. V. n. 10.—T.

¹¹ Camden, ano. MDLVIII.—T.

by y^e valor of y^e English expeled, payd styll her armies both there and heere;—Had never at one tyme two subsidies graunted, beefore 31st of her raigyn, nor ever after to bee payd more then one and two fyfteens in a year, or there abouts;—did make knowne to her Parl. (1601) that the French owed to her Ma^{ty} 13 hundred thousand pounds, y^e low countries 900 thousand pounds, the charge of Ireland when my Lord of Essex made hys expedition 300 thousand pounds; yet dyed ritch, beeloved of her people, and dreaded of her enemies.

111. By all w^{ch} it is more than manyfest, the paying an army could not take from y^e subject so great a masse of treasure as they forced from them: and who can doubt it, when the event prooves (what all good men feared) their chiefest end of raysing one was no other but to gayn a power, by w^{ch} they might beecome masters of y^e wealth, and appropriate to themselves the goverment of y^e Kingdome, wresting it out of their hands in w^{ch} it was legally seated, and everting all laws in opposition.

112. But, for governing a war, or counseling the King in y^t kind, certaynly former Parlyaments have rather sought to bee excused in, then to take that any way upon themselves. The 13 Ed. 3,¹ it was recommended to y^e Commons (of whom I speak) to take in to consideration y^e guarding of y^e seas, and give hys Ma^{ty} counsell therein; to w^{ch} they make answer, "*endroit de garde sur mere, prie la cōe q'ils ne soient chargez a conseil donner, es choses des queux is n'ont pas conisance,*" etc. And y^e 21 Ed. 3,² their advice beeing asked touching the wars then in hand, their retorne is onely thus, "*Tresredoute Seig^r, quant a vostre guerre et L'arraye d'icelle, nous sommes si misconisantz et simples, qe nous ne scavons ne poons ent conseiller; de quoy nous prions a*

¹ Rot. Parl. Quinye S^t Michel, 13 Edw. III. 3, 11.—T.

² Rot. Parl. 21 Edw. III. n. 5.—T.

vostre gracious Seigr^{ie}, nous avoir de L'ordinance pour excusez." Thus the Commons did not heretofore think it their part to bee counselors in y^e making a war, much lesse to be the sole managers of one, w^{ch} whither they have of late done, wth so great advantage to y^e common good, I shall leave y^e judgment to others, and turne to what happened to me, from whence I have somewhat strayed.

I left myself engaged in a resolution to follow my sonne into France,¹ w^{ch} I shall now goe on with.

¹ See before, No. 75.—T.