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SIR ROGER TWYSDEN'S JOURNAL.

(Continued from Vol. III. p. 176.)

189. It is certayn some of them did prosecute me wth so great passion, as Mr. Browne, then in the Chayr, told S^r Simondz Dieux some tyme after,¹ he durst doe no other then sequester me; And young S^r Henry Vane, not long after, expostulating wth my Brother y^t urged y^e hardnesse of y^e sentence, sayd playnly, the Committee of Lords and Commons would not, for one man's sake, disoblige an whole County.; and M^r Sergeant Wylde, seeing their resolution to continue so furiously against me, asked S^r Simondz Dieux seriously to tell hym trwly what my offence was, that "they would not permit," say'd he, "us above to doe hym any right."

190. In y^e arguing my case, there fell out a question w^{ch} hyndered y^e determination of it for that day. It was affirmed, this Petition of Kent was beegan to bee considered of y^e 16 March 164 $\frac{1}{2}$, (the boord took this for trwe) that it was hard to sequester me, the howse having not (as was thought,) declared it self then, in y^e poynt of men's beeing bound by Ordinances. Tyme was taken to make enquiry tyll y^e 23 August; at w^{ch} tyme it was found it had beene resolved, y^e 15 of March, 164 $\frac{1}{2}$, that, in case of excreame danger, and Hys Ma^{ties} refusall,² the Ordinance agreed on by both howses for y^e Militia, did oblige the people, and ought to bee obeyed by the fundamentall lawes of this Kingdome. So, wth out ever

¹ See No. 268.—T.² Collect. of Orders, tom. i. p. 102.—T.

any farther examynation of y^e truth of any particular, as y^t it could not bee so soone prynted and come to my hands as y^e 16th day, Maydstone beeing nigh forty myles of, they entred wth out any dispute this Order against me.

189.¹

"23 August, 1644,

"At y^e Committee of Lords and Commons for Sequestrations.

"Upon severall Certificats of y^e Committee of Kent of the cause of the sequestration of y^e Estate of S^r Roger Twysden, and upon full hearing of y^e Evidences and witnesses *Ore tenus*, and counsell on both sides, and after long and serious debate of y^e whole matter, It is ordered, that the estate of the sayd S^r Roger Twysden doe continue under Sequestration, And that the Committee of Sequestration in Kent doe proceede in y^e execution of y^e sayd Sequestration, any former Order of this Committee to y^e contrary notwithstanding.

"JOHN WYLD.

"Vera copia ex per me,

"RIC. VAUGHAN."

"I have noted in the margin, in Characters, for my own memoriall, the ground of the sequestring, viz. for associating in y^e Kentish petition.

"R. VAUGHAN."

190. Heere you see me now stript of all whatsoever but a prison; yet y^e crime not so notorious but it did admit of a long and serious debate; No cause alleadged; No affirmation the particular I was charged with was wth in y^e Ordinance of Sequestration, or what that was; onely y^e Clark, in y^e margin, for hys memory, had enterd as if an intent to petition was interpreted an actuall associating against the Parl^{nt}; w^{ch} makes me see how ille it is to have any thing penall left to y^e will of a Judge, especially a Committee; and this our auncestors have in former tymes had experyence of, when the howse of Commons endeavored to save men's estates; not, as now, to ruine them.

¹ *Sic*: 189 and 190 are twice numbered in the MS.—ED.

191. After the description of Conspirators,¹ the 33 Ed. I., it seemes the Judges by their interpretations made it grievous to the subject; upon w^{ch}, the Commons, the 29 Ed. III.² n. 29, petition:—"Item prie la Comē, qe come les Justices assignez d'enquire de diverses felonies, confederacies, et conspiracies, et maintenours de querelles, les queux pointz les dits Justices jugeont molt reddement en grevance de la commune, qe plesea nostre dit seig^r le Roy et son conseil, qe les poynitz de confederacies conspiracies et maintenances soient declarez;—"

To w^{ch} the answer is,

"Nostre seig^r le Roy voet, qe nul soit juge ne puni pour confederacie, forsqe en cas ou l'estatut en fact parle expressement sur les poynitz contenuz en mesme l'estatute."

192. I dare boldly say, no intent to petition was ever held by any Court of Justice whatsoever, beefore this, an unlawfull conspiracy or association. And heere I can not but call to mynd, that, beeing young, and discoursing wth a person of worth and knowledge of y^e often dissolving Parlyaments by King James, never heard of in former tymes, I used these words: "If I must receive injury, let it bee done me by a Parlyament;" adding farther these, or words to this effect, "That I would trust the two howses wth that they should doe unto me, as not expecting y^e least hard measure could issue from so hon^{ble} an assembly;" but it seemes I was deceived.

193. When my case was in hearing, a Colonel of the Army, unknowne to my Wife, stayd all the while (I should name him were I assured who it was) and heard S^r Simondz Dieux, Mr. Selden, and divers others speak for me; but when all was done, having observed how things had beene carryed, hee came to my wife, though a stranger, and of y^e howse of Commons, saying, "Ma-

¹ Vet. Magna Charta, fol. 90, a.—T.

² Rot. Parl. 29 Ed. III. n. 21.—T.

dam, God give you patience ! for on my word you have neede of it."

194. The heads in the petition most excepted against by them were, 12th Head, "That the subject might not bee bound by any Order of one or both howses of Parlyament not grownded on y^e lawes of the Land." The 13th, "that hys Ma^{ties} message of y^e 20th January, for y^e future establishment of y^e Privilege of Parlyament, our estates, Religeon, etc., might bee taken into consideration."

195. And heere, beefore I leave them, I think it not amisse to repeat one circumstance, shewing, in my opinion, a strange partialty. Whilst my Councell and theirs argued the case, my wife was permitted to bee present; but when they were to consider of it by themselves, and to give the reasons of their judgments, she and my councell were thrust out; but y^e advers party permitted to stay in. Whither this were not wors then y^e Star chamber? men's estates taken away, themselves, nor councell, so much as hearing why, I shall leave y^e judgment to others.¹ Cook Instit. ii. p. 103. "All causes ought to bee heard, ordered, and determined, openly, in y^e King's Courts, whither all persons may resort." And in y^e year 364, Valentinianus and Valens give this especiall charge to a Judge,² "Ut non in secessu domus de statu hominum, vel patrimoniorum, sententiam referat; sed, apertis Secretarij foribus, intro vocatis omnibus, aut pro tribunali locatus, et civiles et criminales controversias audiat," etc.

196. Beeing in prison, having no opinion of any good could come to me, some friends of mine, nothing satisfied wth the iustice of y^e former sentence, and desiring to preserve my estate from wast and utter ruine, intended to have made tryall whether they could have got

¹ Cok. Inst. 2, upon the first chapter of Marlbredg, p. 103.—T.

² Codex Theodos. de officio Rectoris Provinciae, Leg. 2, Lib. 1.—T.

me tenant to it. (As my Lady Finch of Fordich¹ was of her husband's, Sr George Sonds (whose sequestration beeing given to y^e Towne of Glocester) had, by the gentlemen of y^t County, intrusted by y^e Parl^{nt} in that buisnesse, beene.)² The Committee of Kent having the intelligence of it beefore myself, took notice of it, and thereupon, the 4th of Sept., writ this letter; but y^e subscribers I might not know, though they gave me the Copy:—

197. "My Lords and gentlemen, understanding of some endeavors of Sr Roger Twysden, or some friends of hys, to procure an Order from your hon^{ble} Committee, to become tenants to his estate, wee thought ourselves to represent unto you the mischiefs which are like to ensue upon such kind of dimises.

i. "It admits or creates a disposing power in y^e Delinquent, w^{ch} can not but prejudice y^e Parlyament, both in poynt of interest and honor.

ij. "It exposeth such tenants as have beene active for the Parlyament, or conformable to it in due payment of their rents, to y^e revenge and spleene of their old malignant Landlord; eyther by beeing turned out of their fermes, or otherwise discountenanced or discouraged.

iiij. "It gives a Latitude, eyther to y^e Delinquent, or to hys intrusted friend, to ingratiate to hym a disaffected party, by these dependencies upon hym and hys tenants. At least wise, it obligeth the fermors (who are y^e strength of y^e County) to a condition of neutrality, through hope or fear of their malignant Landlord's frowne or favor; and, by consequence, lays a foundation of disservice to y^e Parlyament, and insecurityty to y^e Parlyament.

198. "These, or the like no lesse considerable mischiefs, wee humbly conceive apparent in y^e present mannage of y^e Bishop of Canterbury hys estate; w^{ch}, by Order from this Committee, is in y^e hands, not of y^e Committees for Sequestrations entrusted by the Ordenance for y^e severall Counties; but of the Bishop's owne servants and attendants; of w^{ch} one onely, and he y^e meanest of them, is inhabiting in this County of Kent, whens the greatest part of that Estate ariseth.

¹ See No. 86 and 89 in Vol. II.; see also Appendix I.—Ed. ² *Sic.*—Ed.

"These things premised, our humble motion is, this hon^{ble} Committee would be pleased to take them into their serious considerations, and to signify to us the result hereof, in your directions and commands to

"your humble Servants."

(given me wthout any name.)

"Knoll, 4 September, 1644.

"Vera copia, ex^o per me,

"R. VAUGHAN."

199. You may aske mee heere, what moeved the Committee of Kent to write this letter, w^{ch} truly, to my apprehension, had neede of a favorable reader to make good construction of; (for how could they call the persons they writ to "this Committee"?) and carryed contradictions wth it; for what influence could such as lived out of y^e County, as y^e Archbishop's servant did, have on hys tenants in it? and when did the Parl^{nt} commit the sequestration of any but to such as they confided in? or, if to the wife or some friend, it was wth ties streight enough imposed on them. Beesides, these arguments fought as well against such as should compound (w^{ch} it was desired all men should bee driven to) as others.

200. You may perhaps farther enquire what drwe this extraordinary severyty from y^e Committee of Kent against me, not taken to have beene y^e most culpable? To this truly I can give no satisfactory answer (many of them I did not know so much as by face), unless I should alledge y^t of Tacitus, "*odij causæ acriores quia iniquæ*."¹ I have beene told, had I made my application to them onely, I might have sped better; but for y^t, I shall desire the reader impartially to consider what is heere truly set downe, and tell me what I could doe more. Beeing not able to attend them myself, I did by letter addresse myself to y^e Sequestrator Generall, and S^r Ed. Scot, that I might know my offence, and seeke some remedy; After y^t, by my brother and wife I made

it my sute, tyll y^e one was committed, and y^e other was told she should have nothing but on my acknowledging myself a Delinquent. Upon y^e former Order, the Committee of Kent that had caused certayne goods I had for my necessity at Chelmington, in Great Chart, (of small value, as bedding for me and my men, when I was drawn thither, etc.) to bee viewed; yet now, beecause they would loose nothing, sent carts and carryed them away.

201. I had a very great desire to have saved my seat from utter defacing; and, my woods lying about my howse, I did labour to have them allotted as her fifth part. Out of these hopes, she petitioned, y^e 6th of September, 1644, M^r Browne (who truly I take in hys owne nature to bee a just man) sitting in y^e Chayr; and, upon her desire of having the lands about my mansion howse included in her fifth part, when some question was made of it, "Yes, yes," sayd he, "let her have them, she hath had measure hard enough." So, in the end, she obteyned an Order, not peremptory, but recommendatory, to the Committee of Kent.

"6 Septem^{br} 1644.

"Upon the complaynt of Dame Isabella Twysden, Wife of S^r Roger Twysden, Baronet, it is thought fit and ordered, that the Committee of Kent doe alow unto y^e sayd Lady a fifth part of her husband's estate, according to the Ordenance; and it is recommended to y^e sayd Committee to let the sayd Lady have her Mansion Howse, and y^e lands adjoyning, in case her fifth part amount to so much.

"SAM. BROWNE."

203. In poursuite of this Order, my Wife heard of the letter from Kent, of w^{ch} beefore nu^o 197, and soone after had y^e copy of it, by Order; but shee, now great wth child, and a very weak body, thought fit to attend y^e Committee of Kent for her fift part: So downe she went, September y^e 17, and y^e 19th of the same, wth her Order to them

at Knoll, of y^e 6th of y^e same, for it: When she appeered beefore them, S^r Anthony Weldon, then in y^e Chayr, told her he heard she was come into the country, and that he wonderd how she durst. She replyed, "She came to her owne howse." He told her, it was not her owne, but y^e State's; and so presented them wth her Order, w^{ch} they seemed little to reguard; and, desiring she might hyer her estate, was absolutely refused. She alleadged some presidents to whom it had beene graunted; but nothing would bee heard, "*odij causæ acriores quia ini-quæ*," as I sayd beefore; yet this I would not have understood of all y^e Committee. There was then S^r Edward Monyngs, who, as he was a neere kinsman¹ and an honest gentleman, so he shewed hymself allwayes a worthy friend to her, and me; and, by hys means, M^r Oxenden; to whom I may adde M^r James, and S^r Nicholas Miller; that I dare say desired not to have done mischiefe in generall to any man, nor to me in particular, could they have prevayled, but y^e leading men were heere now y^e violent.

204. They prest her much for a particular of my estate; w^{ch} she told them they knwe better then herself, having received y^e rents a year and an half; much had beene altered since wee had the disposing of it; and so excused the giving of it: w^{ch} indeede she could not, at y^t time, doe. In short they used her very harsly, and when she told them she hoped nothing should bee done, Michaelmas beeing so nigh, but she might have according to y^e Order; The Chayrman told her, "assoone as ever this half year was past, they would have all y^e rents, and she nothing of them." An other added, "that if she did not bring in a rentall beefore Michaelmas, she would find it wors afterwards." This was y^e liberty of y^e subject in the propriety of their goods! and some who had complayned of the King's excesses in such like

¹ They were first cousins, as shown by pedigree. (See Appendix, No. II.)—Ed.

cases, seemed to her no lesse willing to exercise themselves this prodigious Tyrany.

205. When she saw they would doe her no right, neyther in hyring the estate, nor assigning her a fift part, according as had beene recommended unto them, she desired her Order again; w^{ch} at first was refused, saying, "they would keepe it, and write up in answer and satisfy them at Westminster:" but she replying, "it beeloned to her, beeing all she had to demand it by;" one of them (she knwe not who) told y^e rest, "she sayd trwe, it beeloned to her, let her have it." So home she went to Peckham, and returned to me at Lambeth, October y^e 3.

206. Beeing now come, she made her addresses to them at Westminster; who onely told her the Committee of Kent should alow her a fifth part; That they had given her as good an Order for it as lay in them to doe; advised her agayn to repayr unto them. Thus was she put of from post to pillar, according to y^e Proverb,—got nothing,—spent y^t little she had; in so much as wee often questioned, whyther it were not better to attend God's leisure, and leave all, or follow y^t they allowed her. Through so great difficultys, so trying delays, "*justitiæ dilatio est quædam denegatio.*"

207. But beeing persuaded otherwise, the 2 of November downe she went agayn, great wth child; and soone after to S^r Peter Richant's¹ Howse in Aylesford; formerly S^r John Sedley's, whither the Committee had transfered themselves, to speak unto them.

¹ This was the Friars, in Aylesford,—now the property of the Earl of Aylesford.—Sir Peter's estate had been sequestered for his attachment to the Royal cause,—and he himself was one of the persons excepted in the Propositions of the Lords and Commons, for a safe and well-grounded Peace, July 11, 1646, sent to Charles at Newcastle. He was father of ten children, the youngest of whom was the eminent Sir Paul Ricant, whose historical and political writings are no less distinguished than his services as a diplomatist and statesman.—Ed.

208. Whither they, hearing her former usage to have beene taken notice of in the Country, or somewhat had past from them at London, I cannot say; but now they seemed nothing so rugged as beefore, called for a stoole to have her sit downe,—did not absolutely deny her a fift part; but put her of, beecause she had not yet given her particular of the estate (w^{ch} yet they already had from my tenants), S^r Anthony Weldon, as Chayr man, telling her, tyll she gave it them, they could assigne her nothing. Neyther did it avayl, the saying she had never medled wth my receipts,—that they were burnt, etc. Tyll that were done, nothing could bee had. So they put her to y^e procuring a thing well nigh impossible.

209. Beeing thus necessitated, she sends to her tenants to know what they had given in for their rent, who easily told her. Upon which, she made up a rental, and presented it unto them, not much differing from one themselves had of them on warning to pay me no rent, onely some few pounds lesse. At this meeting, Mr. Godfry (now Recorder of Maydstone), after Dyke, Sequestrator generall of y^e County, asked her of my goods, what was beecome of them? To whom she replied, "Sir, it seemes you intend to examine me?" he sayd he did so; "Why," says she, "I am not so much a foole but I know y^t cannot bee, beeing hys Wife; yet to shew my integrity I am content." He asked her then what she had done wth them? she told him, "she had sold them." He sayd, that must bee eyther beefore or after my Sequestration; if after, she could not, for they were the State's. She sayd, "I had done it beefore for payment of debts."

210. To w^{ch} he made answer, I was not a person indebted, and enquyred what Servant had beene formerly wth me. She, a wise woeman, easily apprehended that was to descry by them what they could. Did remember

Captayn Augustine Skinner and hymself, when George Stone and Thomas Moys had past y^e Committee, tooke George Stone into a private roome, and questioned hym even upon oath what I had done wth my goods, who told them playnly he knwe nothing. But she was to answer; so she sayd, "I had one Hamnet Ward, Richard Read, John Mot, one Rutland." Then he demanded where they were? She answered, "The three first were in France, the last went to hys Country, beeing a stranger, she did not know whyther." When she had mentioned these, she did likewise George Stone and Moys, of whom beefore. So finding nothing could bee had out of her, he dismist her.

211. But she pressing for her fifth part, the 2 of December, they in Kent made this Order for M^r Wolf, who was their servant in sequestering men, and truly an honest man:—

"Ordered, that Walter Brooke, of Yalding, Gabriel Couchman, of y^e same, and Samuell Button, of East Peckham, doe vieue the farme and lands in East Peckham, in the occupation of George Stone; and doe certify unto this Committee, what number the acres of each severall sort are beeloning to the sayd farme, and what yearly value, and what quantyty of woods there are, and what growth and condition, and doe make y^e like vieue and certificate of such other Lands as are desired by the Lady Twysden, in part of her fift part. And the collector for Sequestration within that division is required to give notice to y^e sayd parties of this Order, and to attend the sayd survey; and doe make returne, under y^e hands of the sayd parties, what they doe therein, wth in ten dayes after the date heereof. Aylesford, y^e 2 of December, 1644.

"RICHARD HARDRES.
THO. BLOUNT.
N. MILLER.
WM. JAMES.
THO. FRANKLYN.

"To Mr. Wolf, at S^r John Sedly's."

212. But the following day, upon information given, as was pretended, of divers goods of great value in my howse undiscovered, they ordered—

“Stay to bee made of y^e Lady Twysden’s fift part, untill discovery of the goods in y^e sayd howse, 3 of December, 1644.

“THOMAS PLUMMER. ANTHONY WELDON.

“RICHARD HARDEES.

“THO. FRANKLYN. NICH. MILLER.

“RIC. BEAL.”

213. And heere to speak a word of my goods, w^{ch} they had beene heere severall tymes to search after: The best of w^{ch} I had transported beeyond seas, and were there for y^e most part lost; the others I had committed to those I knwe faythfull, and out of their power. Yet S^r Anthony Weldon told my wife the goods were of a great value, worth 10000^l,¹ sent M^r Wolf divers tymes wth souldiers to search for them, who, finding none but what y^e children lay on, or employed in theyr necessary use; and they beeing in some kind let to George Stone, wth whom they boorded, returned, truly there was not any. At this S^r Anthony chafed, told Wolf he would turne hym out of hys place, who, thereupon, answered, he was not y^e alone person searched; there were thirty Souldiers who did all see, as well as hee, there was none. But this was y^e Knight’s ordinary language. I remember he sent once to hym that kept my parke for a Buck wth this epiphonema, “tell the keeper if he send me not a good one I will turn hym out of hys place.”

214. But whither y^e Committee were satisfied wth the falsnesse of y^e information, or what elce, I know not. Mr. Wolf sent word to George Stone, y^e 13 December, he would the Wensday following, w^{ch} was y^e 18th, come and vieue the farme, according to former order; and

¹ See Appêndix, No. III.—ED.

therefore desired hym to give notice thereof to Walter Brooke, Gabriell Couchman, and Samuell Button: of w^{ch}, three were my professed Enemies; not y^e I had deserved ille of any of them; but rather y^e contrary; Button having married an old servant's daughter, and one (if I mistake not) I christened, as did my mother, whose name she caryed, and was born in my howse. Brooke had likewise beene beeholding to me in some poynts of Justice; but, beeing poore, and employed by them in cutting downe my woodds, by w^{ch} he hoped to have made hymself whole, he was so enraged against me as I have beene told, and I beeleeue it trwe, he should say, he hoped, or at least did not doubt to see my Wife and my lady Butler spyn for their livings. Of these, Couchman and Brooke appeered; but Button had not y^e confidence to looke my wife in the face; and, wth Mr Wolf's assistance, made a fayr certifycate y^e 18 December, 1644.

215. And who might not now have beene deceived as well as my Wife? The Lords and Commons professing her case to bee hard, recommended to them of Kent to have as her fift part my mansion howse and land about it, for avoyding y^e defacing of it, nor made unserviceable;¹—she pursues y^e getting it, wth unspeakable trouble, vexation, and charge. They send to have an estimate of it, w^{ch} is done; and, y^e 24 December, she attends the Committee again at Aylesford. They assure her she shall heere of them. After all this expence of travell, enterteynment of those they appoynted to see what she desired, w^{ch} was somewhat to those had all taken from them, see y^e issue.

216. "At the Committee for Sequestrations, at Aylesford, the 31 December, 1644.

"It is ordered, that the severall Collectors for the Seques-

¹ *I. e.* and lest it should be made unserviceable.—*Ed.*

trations, doe allow unto y^e Lady Twysden, one fift part of the rents and profits of the estate, reall and personall, of S^r Roger Twysden, within their severall divisions, in poursuance of y^e Ordinance for Sequestration. The sayd allowance to bee made out of the receipts since Michaelmas last.

“exemplⁿ LAMBERT GODFREY.

“To Mr Wolf, Collector
for Sequestrations, wthin
the Lath of Aylesford.”

217. If you aske, how it came to passe, after so much care and trouble, expence in pursuing of it, such a recommendation from above, and seeming compliance wth them beeneath, as appeered by their sending to value what she laboured to get, wee should onely have y^e mountayns' byrth, I can give you no certayn answer. Yet I think not unfit to tell y^e reader what I have heard, and seemes to me not improbable. That some of them, having carryed themselves so desperately to my ruine; yet finding, by relation, a good quantyty of wood to bee styll standing, so as I might come to live at my howse again, they resolved to have it cut downe; that, by so doing, it might be made absolutely unserviceable for y^e future. This I doe not give it for assured, so I thought it not fit to conceall it altogether: The reader may beeleeve what pleaseth hym.

218. My wife, seeing she could make no farther progresse, returned to Lambeth y^e 27th of December, whether the former order was soone after sent; by w^{ch} I saw it was not possible for me to expect any thing, when neither the recommendation of y^e Lords and Commons, nor the justice of my cause could prevayl so far as to let her have (in y^e case she then was) a place to shroude her head in. Beesides, what power had they to restreyn her fift part to beegin onely from Michaelmas 1644? The Committee of Westminster assigned her a fift part of my estate 6th September, beefore Michaelmas

rents were dwe: Therefore, at least, she was to have them out of our Lady day's rents. The Ordenance of y^e 19 August, 1643, is, that she may bee allowed from y^e hower of Sequestration; yet these limit it onely after Michaelmas. But wee were under, and must bee bound, not they.

219. This year, my dear Wife looking after my buisnesse, I had the liberty of following my studies; and finding humane nature can never bee absolutely idle, put out y^e Lawes of Henry y^e I. compared wth the red booke in the Exchequer, never beefore printed, and joyned them wth the Saxon Lawes set out by Mr. Lambert, 1568, and wth those of the Conqueror, publist by Mr Selden; part of w^{ch} beeing found in y^e sayd booke, viz. after cap. 50, I compared and corrected by it; and so past them to y^e presse wth a preface of my owne: w^{ch} is y^e first I ever appeered in print.¹

220. In January, 164 $\frac{4}{5}$, my wife informed the Committee of Lords and Commons she could get no expedition from y^e Committee of Kent, according to their order, for her mansion howse or lands about it. But from theise she could get no reliefe; it beeing against persons were not onely to have the protection of both howses of Parlyament, when they did execute their commands; but were to bee held to have done an acceptable service in destroying other men. And heere I may not forget that she taulking one day with one of them, he told her, they must defend their Committees against me; for they were for them, when they knwe me against them. And when she asked, what I had done to shew it? he replied, they knwe my thoughts. Thus they conclude when they are guilty of those injuries to others themselves cannot pardon.

221. My deere Wife, great wth child, and now ready to lye in, the 8th of february went downe in to Kent.

¹ See Appendix, No. IV.—Ed.

And though she rid all the way on horsback beehynd George Stone, yet God so enabled her, a weak body, she had no hurt: To hym, therefore, bee the prayse, for that and all his other goodnesse to me and her, for ever and ever, Amen. But whither her many journies on my errands, an unhappy Midwife, or what elce, I know not, she had a very ille tyme after her beeing delivered; and indeede never recovered her former strength during all her life.¹ In so much as she returned not to me again tyll the 23 May following.

222. The 11 March, 164 $\frac{4}{5}$, there was brought to Lambeth a Warrant, subscribed by John Leech, Clark to y^e Committee for the advance of the Scottish Lones, directed to the keeper of the Prison in Lambeth. The effect of it was, That, Whereas the hon^{ble} howse of Commons had set a fine upon me, and by their Order y^e 4th of that instant March, referred to them the care of levying it, to desire hym to cause me and S^r Wingfield Bodenham, if he were in hys custody, to bee brought to Gouldsmiths' Hall, on tuesday y^e same day, at three of the Clock in the after noone, there to give in my answer.

223. According to this Warrant, I attended them; there beeing then present M^r Ash, S^r Anthony Irby, S^r Davyd Watkins, and other whom I knwe not, six or eight, more or lesse. They used me very civilly, by all means would have me sit downe, when they told me the howse of Commons had imposed on me a fine of 3000^l, that it was referd to them to see it levied, who for y^t end had sent to confer wth me.

224. The immensenesse of this Summe imposed on me, with out ever beeing heard or sent unto; not acquainted by me how my estate stooode; not knowing what I could say for my self; made me see the Star-chamber was remoeved to y^e other end of Westminster

¹ For a most touching tribute to her memory, see Appendix No. V.—Ed.

Hall. I pleaded for myself as well as I could; desired to know my fault. Some sayd y^t was not referd to them; One read out of a paper, y^t it was for abetting a petition came out of Kent. I sayd, I nether framed, nor deliverd it, nor subscribed, oherwise then I gave out a trwe Copy, w^{ch}, on the howse of Commons' command I immediately called in.

225. Upon this M^r John Ash that was in the Chayr spake these formall words, "Wee sit heere to oppresse no man. For my part, I think this gentleman to have had very hard measure; but wee can doe hym no good, other then giving hym tyme for payment." And so they seemed to think all. I asked them then, "if they could not how I might bee redrest." They sayd, "by petitioning the howse." I beesought them, y^t one of themselves would bee pleased to deliver me a petition; but they replyed, it was not proper for them. And so they dismiss me. Beefore I had quite done, in came Captayn Augustine Skinner, who, as I heard after from hymself, spake in my favor of the hardnesse of my censure.

226. And heere, having mentioned M^r Ash, I can not but say this in short of that gentleman; that, whilst I attended the Committee, I found hym, however observant of the Orders of y^e howse of Commons, yet willing to hear reason in poynt of debts; or otherwise to dispatch men out of their misery; and to moderate, not their paiments, (for y^t was impossible, at least not in hys Power) but other things as much as he could. And let no man think I speak this out of any favor I received from hym; for I protest I payd 400^l for my fifth and twentyeth part, meerely for hys eyther wilfully or ignorantly mistaking the order of y^e howse.

227. Beeing out of prison, I went to my brother Yelverton, to speak to hym a word of this fyne. He assured me, if I would acknowledge myself a Delinquent

(w^{ch} I could not doe) it would bee mytigated. I desired it might have a full hearing in y^e Howse, and then I should know I was faulty and submit myself, if they concluded me so: But this was not to bee expected, they were so full of businesse; especially, if the case were such the party had hope of beeing freedde of Sequestration.¹

229. Now alone, my wife gon from me, I beegan to consider of the power and Priviledges of the two howses, as they stode apart, and did not joyn wth the King; especyally of the howse of Commons;—and how far they might legally requyre obedience from y^e subject;—And whither they had any priviledge or right to govern the nation, otherwise then by y^e knowne lawes of y^e land. To w^{ch} purpos beeing helped wth some good books from my Noble friend S^r Simondz D'ieux;² from w^{ch}, joyning wth them my owne collections, I gathered a good quanty of Notes, and am resolved heere to set downe, as those may perhaps bee usefull to some after me.

230. As for Priviledges (the breaking of w^{ch} was become much more dangerous then the transgressing any penall Law) I shall not heere make any inquiry into y^e genuine signification of the word; The late Howses made every man understand well enough what they meant by it. But for the nature, I take that to bee trwe in generall, *Privilegia ad bene vivendum dantur, non ad delinquendum; illaque præsidio bonis adversus improbos esse debere, non autem malis ad nocendum facultatem.* This beeing, then, y^e extent of all usages or concessions of that nature, I beegan to cast with myself, what made them of late so burthensome to y^e subject.

231. As for their exemptions from sutes, molestations by law, arests, or otherwise; it seemes very reasonable,

¹ Half a page of the MS. is left blank for No. 228.—Ed.

² See Appendix IV.—Ed.

they wth their attendance beeing there for y^e publike good, should, as my Lord Dyer¹ hath it, enjoy that freedom; but then it is as reasonable, Parlyaments should not reach to y^t immense length they have done of late, to y^e laying a sleepe a great part of the justice of y^e realm,² all guifts of the King having this condition, eyther exprest or tacit, *quod Patria per donationem illam magis solito non gravetur*. The like I think fit to bee sayd of their Priviledges. *Privilegia omnia paucis concessa personis in perniciem plurimorum in irritum devocentur*,³ was an Edict of the Emperors Gratian, Valentinian, and Theodosius, An^o 383. I did conceive the Commons beeing above 500, The Howse of Peeres about six skore, they and their Retinue could not bee less then five thowsand protected from all manner of Justice.

232. Another cause that the Commons did now not onely conclude what was a Priviledge; (w^{ch} in elder tymes was done on their desires in y^e upper howse, by y^e advise of the Lords and Judges, as is manyfest by Thorp's Case, 31 H. 6, n. 26, and Pleddal's, 2 et 3, P. et M. Decem^{br} 6. "*Journ. de Côes*." See there likewise, 4 et 5 P. et M. Jan. 29;) but themselves did likewise take upon them y^e punishing y^e transgressor, and freeing y^e Party; whereas, formerly the person imprisoned became freedde⁴ by a writ out of Chancery, graunted on a warrant from Mr. Speaker, but for hys damages, recovered them in a Court of Justice by a legall tryall. And, though the Commons have some tymes petitioned, one injuring a Burges might pay hym treble damages,⁵

¹ Dyer, fol. 60, a.—T.

² Coke. The Case of Monopolies, fol. 86, b.—T.

³ Codex Theodos. lib. xi. tit. 13. "Si per obreptionem fuerint impetrata, lege unica."—T.

⁴ Journ. des Comes, 5 et 6 Ed. 6, febr. 22; vide 18 Eliz. febr. 16, 21, 22, 27, 28.—T.

⁵ Rot. Parl. 5 Hen. 4, n. 71; 10 Hen. 6, n. 39.—T.

and after y^t, for double ; yet y^e making any addition to y^e Common Law, in y^t kind, hath beene allways stopt, and y^e party allowed hys defens in an ordinary legall way.

233. Neyther were their exemptions so absolute, but if for just causes they were imprisoned beefore the Parl^{nts} sitting, they were, after the dissolution or prorogation, to bee returned thither again. 8 Eliz. one Gardiner, a member of the Howse of Commons, lying in the Fleete, the Howse thought fit to demand hys restitution by y^e M^{rs} of y^e Requests and Rolls, the 8 of October ; who returned answer, that he should bee restored, wth condition that, at y^e prorogation or dissolution of the Sessions, he might bee eftsoons prisoner agayn.

234. And thus these Priviledges were not greatly grievous to y^e nation, tyll after y^e 18 Eliz., at w^{ch} tyme, Edward Smally, servent to y^e Burgesse of Grantham, beeing to have Priviledge from an Arrest, it was referred to a Committee,¹ to consider of the manner of doing it. Upon which, Report was made, febr. 22, by th' Attorny of y^e Dutchy, "that they found no president for setting at large, by y^e Mace, any person in Arrest, but onely by writ. And by divers presidents of Record perused by them, it appeareth, That every Knight, Citizen, and Burgesse, requyring Priviledge, hath used to take an oath beefore the Lord Chancelor or Keeper of y^e Great Seal, that the party for whom such writ is prayed came up wth hym, and was hys servant, at the tyme of y^e Arrest made."

235. After w^{ch}, M^r Hall, the Master to the sayd servant, was moeved to attend y^e Lord Keeper, make Oath, and so to take out y^e writ ; yet not withstanding, after severall arguments had y^e 27th of february, it was concluded he should bee freed by the Mace ; w^{ch} was done accordingly on Tuesday y^e 28th, and from hince I con-

¹ Journ. des Cöes. 18 Eliz. febr. 21.—T.

ceive Hollinshed¹ is to bee corrected, where he says, "all commands from y^e Nether howse are to be executed by y^e Sergeant, wth out writ, by shew of hys Mace," w^{ch} certaynly hee spake according to y^e tyme he writ in; for, doubtlesse, so many concurrent testimonies of freeing men by writ, in y^e Journalls of Parl^{nt}, can not bee false. Neyther can I think any difference betweene Ferrars a Burgesse, and Smally a Burgesse Man, (though y^e nam of one bee recorded in Chancery and not y^e other,) of any consideration as to this particular.

236. Since w^{ch}, y^e Commons (that beefore did not resolve of their priviledges wth out y^e Lords, and y^e opinion of the Judges) have not onely concluded w^{ch} they are when violated, and the guilt of y^e violaters of them, but y^e 23 Eliz.² first appoynting a Committee to examine the returns of y^e howse, And the 27 Eliz. another³ to consider the state and manner of serving processe upon any member of y^e howse; w^{ch} two (having been joyned in one y^e 35 Eliz. febr. 26, and at y^e beegining of every Parl^{nt} renewed) have so far enlarged the extent of these Priveledges, and their power in punishing, as now it is hard to say what may not bee a breach of them, if it have reference to a Parlyament man; And none but may wth more ease satisfy y^e rigor of a severe penall Law, then the censure of that howse; and if he bee held a breaker of them, though ignorantly, yet if hee bee questioned, may think he fayrly comes of, if hee speede no wors (what wth Sergeant's fees, wayting on them from day to day, imprisonment, and such like) then paying double or treble Damages as assest by a Jury.

237. As for committing any, I did ever understand the rule of imprisoning to have beene, y^e Law of y^e Land; And in this, Magna Charta, cap. 29, to have given di-

¹ Hollinshed in Hen. 8, 1542, p. 956, 27.—T.

² Journ. des Comes. 23 Eliz. febr. 24.—T.

³ Do. do. 27 Eliz. febr. 23.—T.

rections, "that it ought not to bee¹ *sanx due processe de la ley per legem*;" and therefore y^t all prooffe against one in y^t kind ought to bee legall, that is, by oath.

238. Upon w^{ch} grownd it is, that a Justice of Peace can not cause one to find suerty of y^e Peace or good beehaviour, but on the Complaynant's oath; though no statute inable hym unto it; yet, beeing according to y^e rule, "*Neque super eum ibimus nisi per legem terræ, etc.*," it is questionlesse legally done. Hince it seemes to me, no Magistrat or Court, not having a right of administring an Oath, (wth out w^{ch} there is no legall prooffe) can have right of committing any: and so, neyther y^e Howse of Commons, nor their Committees, having the Power of administring an oath, I doe not see how they can of y^e other; unlesse perhaps of some, their owne Members, for facts or words wth in their own walls.

239. His late Mat^v, in hys Declaration of the treaty at Oxford, 1648,² says, the Howse of Commons hath Power of committing, onely in the case of the breach of their Priviledges; w^{ch} yet, under favor, I doe not well see how to assent unto; having not observed them in former ages to have judged of those, otherwise then by making a law for y^e security of them; and for y^e prooffe of this, to the presidents beefore, may bee added Rot. Parl. 5 Hen. 4, n. 78; 28 Hen. 6, n. 56.

240. Neither doe I remember one example, in all y^e Rolls of Parlyament, of any one committed by y^e Commons alone, or their Committees. In y^e Journalls, towards the end of Ed. y^e 6th, in Queene Marie's, and Elizabeth's raigns, I confesse there are some: yet but rarely: And y^e farther back wee looke, the lesse frequent wee meete them. Heere truly I had much rather heare some person more learned speak in y^e argument;

¹ Rot. Parl. 36 Edw. 3, n. 20; 17 Ric. 2, n. 37.—T.

² Collect. of Orders, to. 2, p. 115.—T.

but beeing led into it, I shall onely say what I have observed in it; leaving the judgment to other of what I shall deliver.

241. The 21 January, 2 Ed. 6, 1548,¹ I find it ordered in the howse of Commons, John Story, a Member of it, should bee in y^e Sergeant's ward, wth out any to speak wth hym, and to bee heard y^e day following; but whither this were on exceptions taken for somewhat by hym uttered in y^e howse, upon reading of y^e booke of uniformity of y^e Service in y^e Church, or against hys Ma^{ties} supreamacy, doth not appeere. The 23, The accusation against hym was read in y^e howse; The 24, he was by order sent to y^e Tower; The 26, it is Ordered, hys wife should bring in her byll y^e next day; w^{ch} beeing exhibited, was orderd to bee deliverd to my Lord Protector's grace. So y^t it seemes hys offence was, y^e presenting some byll against the King's supreamacy, or some such lyke. The 2 of March, upon a letter of submission from hym in the Tower, It is Ordered, the King's Privy Councill in the Nether howse shall humbly declare unto y^e Lord Protector's Grace, that the resolution of that howse is, that M^r Story bee set at liberty out of Prison; and to desire his Ma^{ty} to forgive hym his offence, in this cause, towards the King and his Councill.

242. But, under favor, I doe not take this to have any conformity wth the commitments wee speak of. For first, Story was one of their owne body; so subject to such coercion as they should think fit. Secondly, the offense was so heynous against the King and his Councill, as the howse were suitors to hys Ma^{ty} for forgiveness of hym. And whither it might not have beene interpreted treason, in those doubtfull tymes, who can tell? Neither am I satisfyed that commitment was by them onely, wth out y^e King an Councill's directions; for it seemes not

¹ Journ. des Cōes. 2 Ed. 6, 21 Jan.—T.

to me probable the Commons would first have restreyned hym in y^e Sergeant's ward three days, after sent hym to y^e Tower, not delivered hym thens but wth a supplycation for hys forgiveness, had not all past but wth advise from the Court. Therefore, in my opinion, wee must seeke out later presidents; and truly the first I have met wth, is y^e fift and sixth of Edward y^e sixth.

243. The 15 February, y^e 5 and 6th of Edward y^e sixth, one Brandling, Burgesse of Newcastle,¹ coming to y^e Howse made hys complaynt against Sir John Witherington and others, upon an assault made upon the sayd Brandling. It was committed to one M^r Morgan and others, to make a warrant in y^e case, w^{ch} it seemes was not then so usuall as was well knowne how to bee done; for y^e 19th Febr. it is ordered, the Lord Chancelor may direct the King's Writ of attachment to y^e president of the King's Councell in y^e North parts, to attach Henry Witherington and others, upon complaynt of S^r Robert Brandling, Knight,² Burgesse of Newcastle, exhibited to y^e Nether house.

244. This seemes to have been done accordingly, and Witherington, upon it, came to towne. The 31 March, the howse refer the ordering this businesse to y^e Duke of Northumberland; and y^e 5 of April, they doe request the Lords of the Councell, to receive the byll exhybyted by Brandling against Witherington and others, and take order in y^e same. The 7th Aprill, the Lords excuse themselves, retorne the byll back again, to bee ordered by themselves, according to the auntient custome of y^e howse. Whereupon, the sayd bill of complaynt was read in y^e presence of Henry Witherington, sent from y^e Lords to y^e Howse of Commons, who confessed he beegan y^e fray upon Brandling; upon w^{ch} confession, the sayd Henry was committed prisoner to y^e Tower.

¹ Journ. des Cōes. 5 et 6 Ed. 6, febr. 15.—T.

² He is called no where else other then M^r Brandling.—T.

245. In y^e same Parl^{mt} Hugh Flood, servant to S^r Anthony Winkfield, Controuler, Kn^t of y^e shire of Suffolk, was y^e 18 March adjudged to have Priviledge. The 26th, John Gourdon, Frenchman, exhibits a supplication to undoe y^e sayd Priviledge. The 28th, the Howse ordered a *procedendo* to bee dyrected, to set Flood with out y^e Priviledge of the howse, The Serjeant to deliver hym Prisoner to y^e Sherifs of London. The 29, the howse beeing credibly informed, Hugh Flood, upon hys delivery to the Sergeant at London, did by an assault make an escape, did Order, the Sergeant shall require M^r Controuler to find Hugh Flood, and one Cricktoft, to attend the howse next day by 8 of the clock; where appearing, and charged by the Sherif's man wth this Misdeamenor, and that Flood made his escape by the assistance of Cricktoft, they were both committed Prisoners to y^e Gatehowse: from whens Flood was, y^e day following, y^e 31 March, remitted to the prison out of w^{ch} he was by Priviledge remoeved; and, if he compound wth Gourdon, to abide the Order of the howse, it sitting, or elce of y^e Lords of y^e Councell, touching his misdemeanor; Cricktoft to attend the day following; w^{ch} yet I doe not find he did til aprill y^e 5th, when he was freedde, paying his fees; but no intimation w^{ht} they were, or to whom.

246. And hince ariseth an other question may deserve some consideration; whither it bee probable the wisdom of this Kingdome would trust those wth a power of imprisoning, w^{ch}, beeing out of those walls (where they sate onely at y^e Prince's pleasure) had not of delivering, and therefore referd the enlarging their prisoners to y^e Privy councell? see *Journ. des Cōes.* 23 *Eliz.* March 18. If it bee objected, this fights as well against y^e Howse of Peeres committing, as of y^e Commons; truly, for my part, I was never satisfyed of their doing it to a Commoner, otherwise then as some of them are Privy Councelors, whose power in matters of state I

meddle not wth. But having writ of this elcewhere,¹ I shall heere say no more but, "*adducere inconueniens non est solvere argumentum.*"

247. These I take to have beene y^e first the howse of commons ever committed those were not their Members; and certaynly their remitting Brandling to y^e Duke and Councell by them to have it ended, and entring on it after so many remissions, no man but must conclude it a case not usually determyned by them in former tymes. But the Lords affirming such causes to have beene, according to the auntient custom of the howse, by themselves, that implying them to have a coercive power, their Commitments grewe more frequent.

248. But, hytherto, all commitments by them were on the parties' confession; for so was Witherington's; neyther doth Flood's appear to have beene otherwise; and Monington, who strook one Johnson a Burges, y^e 23 April, 1 Mar. Parl. 2,² beefore hys commitment (from whens he was delivered y^e next day) confessed y^e fact. But 1 Eliz., one Throner,³ servant to the Master of the Rolls, having spoke words against y^e honor of the Howse of Commons, beeing brought beefore them April 17, denied y^e same, w^{ch} were justyfyed by one Carnefeu; upon w^{ch} he was committed to y^e Sergeant's keeping, and more of it I find not. How far (Carnefue's accusation beeing not upon oath) this was wth in y^e word "*destruatur*" in Magna Charta, the Lawyers can best determin. The 1 February, 5 Eliz., a motion was made for imprisoning S^r Edward Warner; upon w^{ch} M^r Comptrouler and others were appoynted to confer of y^e Commons towching imprisoning; what they found is not remembred; nor Warner to have beene committed by them.

¹ See my booke of The Commoner's Liberty.—T. See Appendix VI.—ED.

² Journ. des Comes. Parl. 2, April 23, 1 Mar.—T.

³ Journ des Comes. 1 Eliz. April 17.—T.

249. The 8 Eliz., an Informer sent to ward by Mr Grafton, Chayrman as it seemes of some Committee, remoeved himself by Habeas Corpus into the King's Bench. November y^e 16,¹ it was referred to Mr Wroth and others, to take this into consideration, wth an other difference betweene Jones and Gray, sounding to y^e breach of the Priviledge of the howse; w^{ch} Wroth makes report of Novem^{br} 23. But of y^e other, none at all appears; by w^{ch} it may bee conjectured y^t had beene done was not found legall.

250. But one thing in these first Commitments, compared wth the latter, is in my judgment very considerable. Such as were then by them restreyned, the Howse itself presently tooke notice of their lying; and wth in a day or two remembred the freeing of them; so as indeede they had hardly caus to complayn, their lying beeing little above a day or two. Never any pressing of Sergeant's fees; if any thing were exacted, it was very small. But as y^e Commons beecame more frequent in committing, they grwe more burthensome, both for the length of men's lying, and forcing from them charges to their Sergeant: of w^{ch} a word.

251. The 14 Eliz., one Arthur Hall, Burgesse of Grantham, discontented as it seemes wth some proceedings of that Howse, had, May the 19, a good admonition by the Speaker at y^e bar, and so dismiss. His servant, y^e 18 Eliz., called Edward Smalley, was arrested in London; and craving Priviledge,² was y^e first set free by y^e Mace, as beefore nu^{ro} 234. But the Commons finding this arrest to have beene by hys owne procurement, sent hym to the Tower, there to remayn one whole month next ensuing, and to pay forty shillings³ for y^e Sergeant's fees; w^{ch} is y^e first summe I find assigned h̄y by y^e howse.

¹ Journ. des Cōes. 8 Eliz. Novembr. 16.—T.

² Vide Journ. des Cōes. febr. 22, 27, 28; 18 Eliz.—T.

³ March 10.—T.

252. The 27 Eliz., one John Bland, a Curryer of London, was awarded to pay hym twenty shillings¹ onely for hys fees, and bee freedde of hys Commitment. The 43 Eliz.,² the Sergeant demanded x^{sh} by day. When I was committed, he demanded of me, beesides all charge of Chamber, Dyet, etc., four nobles³ by day. It is trwe I compounded wth hym at an easier rate, he beeing indeede a civil person,⁴ but told me y^t was hys dwe; yet, as I remember, he had not lesse of me then 15 pound for my imprisonment as Fees onely. For my second, beeing committed for no other offens imaginable, I refused to pay any thing, as conceiving my former payments a discharge for y^t offence: onely I desired to bee informed what rule they went by in demanding, as I tooke it, so exhorbitant fees; but they shewde me nothing.

253. Afterward, a very good friend of myne, one Sergeant Dendy, shewed me a Parchmin Roll, of no great antiquity, made by Thomas Duke of Clarence at y^e siege of Caen in Normandy, the 3^d of September, 1417, conteyning severall Orders for the manner of their attendance of hys Ma^{ty}: to w^{ch} was annexed Other Ordinances, Priviledges, Services, and Employments by y^e Sergeant at Arms auntiently used and enjoyed. In these indeed was exprest, that he should take for the Arrest of an Archbishop or Duke an c shillings of sylver, and xl shilling for hys guard per diem; For a Marquis, Earl, Viscount, Bishop, Baron, Abbot, Pryor, five markes in silver,⁵ and two Marks for hys guard per Diem; For y^e Arrest of a Knight Bachelor, or Banneret, xl shillings,

¹ Journ. des Cōes. Novembr. March 10.—T.

² My Father's Memorials of 43 Eliz. Novembr. 27.—T.

³ i.e. £1. 6s. 8d., a noble being valued at six shillings and eightpence.—Ed.

⁴ Sergeant Hunt.—T.

A mark was worth thirteen and fourpence,—so that these fees were £3. 6s. 8d., and £1. 6s. 8d. for his guard per diem.—Ed.

and xx shillings for hys guard, by day ; and for y^e arrest of a Gentleman, xx shillings and x shillings for hys guard, by day ; wth some other particulars towching hys riding, etc.

I did desire to know where this was inrolled ; and was told, in y^e King's Bench, at first ; but upon search, it was no where to bee found but in y^e Herald's office. I saw by the mentioning Dukes, Marqueses, these fees could not bee prescribed for. But there was no contesting wth men would undoubtedly bee born out, were not to bee sued because of the Priviledge of Parlyament.

255. The wisest sort therefore finding the attendance on the howse so tedious, the charge so immence, to lye under this burthen of sergeant's fees, lodging, Diat, etc., at their coming first under hym, compounded at a summe for y^e tyme they lay, bee it long or short. But this had an ille, that, after he had hys mony payd, he would bee very apt to procure the remoevall of the Prisoner from hymself to other prisons ; where, after hys flawing, he was to bee excoriated, "*cum Pansa eripiet quicquid tibi Natta reliquit.*"¹ So y^t, in short, there was no securty of not beeing by them or their Agents ruined, but, to have nothing they could reach. Lord of thy mercy graunt England may never see y^e like tymes again !

256. As for y^e power of the Howse of Commons to fyne eyther Member or other, I have met wth nothing for my part, beefore y^e 13 Eliz.,² when one Thomas Long, having given y^e Major of Westbury in Wiltshire four pounds to bee chosen a Burgesse, as hymself confessed, The Corporation was fyned to y^e Queen's use, y^e 10 May, twenty pounds, for their sayd leude and slanderous attempt ; and the 11th May, ordered to bee sent for : but,

¹ Juvenal, Satyr. viii. 95.—T.

² Journall des Cōes. 13 Eliz. 10, 11 May.—T.

y^t Long was ejected, or the Mayor did appeere upon their summons, I can not affirme. Certaynly this was some what hard, first to punish, then to have them sent to for to give account how y^e fact passed.

257. Arthur Hall, of whom beefore, beeing as it seemes some what concerned in y^e case of hys servant Smalley, did, in y^e interval of Parlyament beetweene y^e 18 and 23 Eliz., publish a booke, dedicating it to S^r Henry Knyvet, to the slander of y^e late Speaker and sundry members thereof, and to the proceedings of y^e sayd howse, in a cause concerning the sayd Hall and Smalley hys man; for w^{ch} he was convented beefore the Lords; and y^e 23 Eliz.¹ censured in y^e howse of Commons, to lye six months in y^e Tower, to pay a fyne of 500 markes² to her Ma^{ty}, to bee excluded from beeing a member of the howse, a writ to bee sent for chusing a nwe Burgesse, etc. And this is the first I ever found expeld by y^e Commons onely, whom yet I meete wth again returned y^e 27 Eliz.

258. The same Howse did likewise impose a fine³ of twenty pounds upon every Knight, and ten pounds upon every Burgesse, that had beene absent the whole Session of that Parlyament. But that any peny of these fines were payd, I have not beene able to certyfy myself; I have heard the contrary; and that they were imposed onely *in terrorem*. This is all hath come to my hands in these poynts, w^{ch}, beecause they may serve some for use, others to make more careful search after, I have heere noted; and returne agayn to y^e relation of my own misfortunes.

My wife, beefore her going from Lambeth, having received y^e Copy of the Order from M^r Godfry, (of w^{ch} nu^{ro} 216), seeing no part of her woods, howse, or

¹ Journall des Comes. febr. 5, 6, 14; 23 Eliz.

² £333. 6s. 8d.—Ed.

³ 23 Eliz. March 18, post meridiem.—T.

land, assigned her, was advised by her friends (her woods beeing Tymber) to petition the Committee for woods (the justice of England going much now by Committees) for y^e saving of them, there beeing in it two very honest Gentlemen, S^r Robert Pye,¹ and S^r Thomas Dacres;² and myself, having formerly had good acquaintance wth S^r Thomas Dacres, writ unto hym the 18 January.

260. "That beeing sequestred, my wife had petitioned, her howse and land about it might bee assigned as her fift part, that she might preserve them from spoyle.—That this was alowed her by the Lords and Commons for Sequestrations; it beeing affirmed by some of them, her case was extraordinary.—That since the woods about, for whose sake onely she desired it, are not onely felled; but that which in law is Tymber, resolved to bee cut, if not stopt; beeing oke not onely more then thirty years' growth, but ever employed by my auncestors and myself for Laths, Rafters, Rayles, building;—That I could not bee so far wanting to my self as not inform hym thus much and desire hys favor."

The same day my wife delivered a Petition to y^e Lords and Commons that were of the Committee for cutting downe of Woods; the effect this:—

261. That she was to have a fifte part of her husband's estate, hys Mansion howse and lands adjoining to it. That the Committee of Kent had caused the same to bee estimated, Yet the woods adjoining to y^e sayd howse, beeing as she conceived in her fifte part, were then in felling. She did therefore humbly desire the sayd woods might bee stopt from felling, and alowed her, according to an Order of y^e 6th of September, of w^{ch} beefore nu^{ro} 201. Upon w^{ch} petition she obteyned this Order:—

¹ Member for Woodstock.

² Member for Hertfordshire.

262.

"4 febr. 164 $\frac{3}{4}$.

"At the Committee of Lords and Commons for supply of the Cities of London and Westminster, etc. wth wood for fewell.

"Upon consideration had of the Petition of Dame Isabella Twysden, wife of S^r Roger Twysden, concerning the woods growing upon her fift part, and neere adjoyning unto the Mansion howse of the sayd S^r Roger Twysden, and other woods of y^e sayd S^r Roger; and upon information given to this Committee that y^e felling thereof will bee a great defacing to y^e scite of the howse, It is thought fit and so ordered, that stay bee made of felling any more of the sayd woods by the persons employed by this Committee; and if any part of the sayd woods bee allready felled, the sayd Lady shall have the same (paying y^e charges of the felling) upon Certificate to bee by her first obteyned from three or more of the Committee of Kent, that they are of her sayd fift part; mean whyle, stay to bee made of the felling any more of y^e sayd S^r Roger Twysden's, by any the Agents for this Committee, tyll other Order bee taken by this Committee.

"JOHN WYLDE."

263. You may think by this, the Committee had an intent to have done me some right after that severe sentence; but the Committee of Kent was resolute. I must have neyther favor, nor Justice; or, as a gentleman told me from them, I should never bee unsequestred wth out applying my self unto them; w^{ch} yet I could not bee persuaded unto; it beeing certayn, I must first have taken y^e Covenant, and joyned wth them in all their injustice, at least, so far as not to have shewed a dislike of their actions. But, wth y^t Order, the 8th of febr.¹ my deere wife went downe into Kent, where I will leave her a while and looke back towching felling these woods.

264. In february, 164 $\frac{3}{4}$, they first beegan wth three

¹ Vide N^o 221, *supra*.

woods of myne; Prior's Broome, by some called Brown's Wood (because one Browne had sometyne bought it of my father when felled) and y^e Shetes; A second, named Motewood, both in Nettlestead; A third, Offam or Oven's Wood, in Wateringbury; neyther fully 20 years' growth; in w^{ch} they used me so barberously, as my wife having not her fifths assigned, they forced the tenant, who kept my howse and children, to pay for y^e wood hymself, and they spent (w^{ch} I after allowed hym); and this, though they tooke from me every farthing they could any way come by. But then they left Stokenbury wood unfelled, beeing oke, and far y^e greatest of growth, and more fit to bee cut, and w^{ch} I my self was in doing beefore I came in trouble; eyther conceiving it, as indeede it was, Tymber; or not assured of y^e Parlyament's prevayling; Or y^t I might bee adjudged not sequestrable, they would not expose themselves to y^e hazard of paying for y^t the order of the two Howses did not justify them in. So this Stokenbury wood was left uncut all 1644.

265. The 25 Aprill, 1644, they made an order, That no wood should bee felled untill farther Order; The 7th of May following, they explaned it so as did amount to little other then a revocation; Shewing, that upon a petition the 6th of February, 164 $\frac{3}{4}$, woods proper to be barked were to stand tyll this tyme of y^e year they might be flawed: And therefore their Officers might now proceede in the felling of them. After w^{ch}, my wife finding no good to bee done by them, turned her self to y^e Committee of Sequestrations, whom she did so closely sollicit as she procured severall Orders; some peremptory, not to fell any tyll I were adjudged; w^{ch} stopt them in Pryor's Broome tyll it was indeede too late in y^e year to barke any, w^{ch} makes it now so full of young okes; for y^e next year the Springs beeing growne, the part left was not so considerable as to

cause an utter devastation by taking them away that stood.

266. At the beeginning, therefore, of this year 164 $\frac{4}{5}$, they beegan wth Stokenbury wood, w^{ch} had beene all-ways reputed Tymber, beeing Oke; and so employed as fit for Lathes, Rafters, and y^e lyke; but now assigned for fewell to y^e City of London, as was pretended by one Northcod engaged by them to attend y^e service. But my Wife coming wth this Order of the 4 Febr, they made some stoppe; but it was from those knwe how to undoe what they conceived might advantage another against whom they had prejudice. So the 13 of February, 164 $\frac{4}{5}$, they made this on the desire of such as hoped to have the felling of them.

267.

13 Febr, 164 $\frac{4}{5}$.

“At the Committee of Lords and Commons for supply of the Cities of London and Westminster, etc., wth wood for fewell.

“Touching the case of y^e Lady Twysden, touching her fift part of y^e woods of Sr Roger Twysden, Knight, her husband, in y^e County of Kent, and the allegations made beefore this Committee, that some part of the sayd Woods w^{ch} are ap-
poynted to bee felled for this Service, are Tymber; and some other part so neere adjacent to hys Mansion howse, and of such ornament and use thereunto, as y^t no part can bee taken wth out defacing the seat. It is ordered, that the subcommittee for this service doe find some discreete and trusty person to take vieue of y^e sayd woods; and afterwards to certyfy this Committee, under their hands in writing, the truth of the premises; and also to bring a certificat from Mr Godfrey, solicitor for Sequestrations in the County of Kent, whither any part of the sayd woods (beeing, as informed, all that are felleable this year) bee set out for y^e sayd Ladies fift part, for such farther Order thereupon, to bee given you thereupon as shall bee fit.

“Exam^d et concordat cum originall
per Richard Hall Cleric Commit^t.”

It was not difficult to see this was no other then a disanulling y^e former Order procured by my wife; for none can imagine the Subcommittee, against whom wee complayned, would send any thing to accuse themselves; or that M^r Godfry would certyfy ought to my advantage, by whose warrant they were cut downe. My wife claymed them by y^e Order of y^e Lords and Commons of the 6th of September, w^{ch} they in Kent would not make good; against whom she therefore moeved for that Order; and indeede the 14 March, 1644⁵, one Edward Reede writ to y^e foresayd Northcod, "The Committee of London did expect he should proceede in y^e work, and give accoumpt thereof according to hys Commission; not taking notice of any request or command, unlesse from a greater, or the same power that gave them a Commission for y^e work."

265.¹ All restreynt now taken of, (for I was made acquainted wth nothing came from Kent,) it was strange the havock they made of Tan and Tymber; accoumpted 7 Acres what was indeede neerer twenty; in short, the destruction was so excessive, and their carriage so insupportable, my Wife framed and sent me this Petition, w^{ch} I gat delivered, y^e 2 Aprill, 1645, to the Lords and Commons for woods, by my constant and noble friend S^r Simonds Dieux, in effect thus.

266. "That they had the sixth of September last ordered her to have a fift part of her husband's estate; and recommended to y^e Committee of Kent, the having her Mansion howse wth the lands adjoyning to it,—That she had received no benefit by such Order; but y^e woods lying neere the sayd howse cut downe, and the greatest part of one, called Stokenbury wood, heeretofore reputed Tymber, now felled for fying. She did therefore humbly desire the sayd woods might bee assigned as her fift part, that she might make sale of them, to y^e

¹ Sic.—Ed.

advantage of y^e Country, and reliefe of her self and children."

267. Upon w^{ch} the Committee, who would doe some what, that their Clarks might bee payd for an Order, the same day resolved; "That the Committee of Kent (to whom that of y^e 6th of September was directed) doe make stay of felling any Tymber upon y^e sayd S^r Roger Twysden's lands or woods, wth in y^e scite or for y^e ornament of the Mansion Howse; and that the sayd Lady have her fift part of all the woods."

268. Upon this Petition and Order it was, y^t Sergeant Wyld took S^r Simonds D'ieux apart,¹ and desired hym to deal seriously wth hym; and to tell hym really what my offense was, that the Committee of Kent would not suffer them heere to doe me right or favor in any kind. And M^r Browne, (now Sergeant Browne) speaking wth hym in y^e same kind, told hym their importunty was such, hee durst doe no other then Sequester me: Of all w^{ch} he sent me word the 5th and 9th of this Aprill: w^{ch} yet, by hys favor, I doe not think trwe of all; but onely of some furious Zelots, who were themselves lead more by malice, then Justice.

269. But that Order was all I could now get; w^{ch} coming downe to one Walter Brook of Yalding, an active man in felling them downe, he easily perceived it conteyned nothing; and told them came to hym, he cared not for it, he must have from higher than they. And when they replyed, it came from y^e Lords and Commons for Sequestrations; he sayd he would not bee put of wth "fiddle faddle;" That he could assigne my wife no fiftth part, having hymself bought all now in cutting, the same beeing good for Rafter, Laths, Rayls, etc. Likewise Northcod, of whom, nu^{ro} 266² & 268, my Brother Frank demanding, on my wive's beehalf, a fift

¹ See nu^{ro} 189.—T. *I.e.* No. 189, p. 131.

² *I.e.* 266 in page 164.—ED.

part of those woods he that year felled, according to Order w^{ch} he read unto hym, made answer, he had sold them, and could not let her have any; though he confessed they had beene challenged of hym in December, full four months beefore. And these Speeches and actions, w^{ch} truly would have undone me, were interpreted by them, but as from persons zealously affected to their service. O y^e Justice of Committees!

270. These Men continewing thus to fell this fine young Tymber, I prest exceedingly at Westminster, to have it stopt; alleadging it to bee wood out of y^e Ordinance; w^{ch} truly no person lyving who knwe it, and had not hys understanding absolutely captyvated, but must confesse to have beene. But the Committee of Lords and Commons, to whom I addrest my self, supposing, by y^e name of Stockenbury Wood, it to grow out of old stocks; or upon some information I know not, the 17 of Aprill, came to this resolution; that woods of Oke, though never so great, yet growing not cleere out of the ground, was not to bee reputed Tymber. And this I hold every whit as unjust as the sentence of Sequestration; as contrary to all experience, that ever reputed of good use such, for building and other things about Husbandry; contrary to y^e Kentish proverb,

“T’ Oke that growes on the father’s head
Is as good Tymber as ever was bread.”

271. But I resolved (though wth out her that best could) to drive the nayle as far as it would goe. So sent downe to have a trwe certificate sent me of the nature of Stokenbury; such as, if neede were, would bee suorn to. Upon w^{ch} I had shortly after this retorne, in effect, from four persons well experienced in such affayrs.

272. That Stokenbury Wood was above 30 years’ growth;—That a part of it, w^{ch} was felled some five

years since, was then employed for Rayles, Laths, Ploughes, Rafters, and other necessities about building;—That this now remayning was more fit for those, or the like uses, then that had beene then cut, and more serviceable for them then greater;—That I had no Tymber so fit for those employments, as that little did yet remayn of that wood;—That when it was heeretofore felled by my father, beeing about the growth it now is, it was so used;—That they did conceive, beeing Oke of xxx^{ty} years' standing, it ought to bee reputed Tymber;—That to bee felled, and not so employed, would bee a losse to y^e parts adjacent;—That it was about half a myle from my mansion Howse, and those felled the year beefore, nearer, to the great defacement of it.

273. Having these informations, and likewise that they had felled a thousand young streight tymber trees, xx^{ty}, xxx^{ty}, xl^{ty} foote long, wth out ever a bough, tall, and coming cleere and free of themselves; I got my noble friend S^r Simonds D'ieux (a person never wearyed in doing courtesies) to move the Committee at Westminster, suggesting they had cut downe five hundred Tymber trees, and denyed my Wife her fift part of the sayd woods. Upon w^{ch} I obteyned this Order of y^e 14 May.

274. “Die Mercurij, 14 May, 1645.

“At the Committee of Lords and Commons for Sequestrations.

“In y^e case of y^e Lady Twysden, wife of S^r Roger Twysden, it beeing informed by S^r Simonds D'eux, that the Subcommittee of London, or their Agents, have felled five hundred Tymber,¹ in y^e sayd S^r Roger Twysden's woods in Kent, called Stokenbury wood, and Motewood; and have refused to alow the sayd Lady her fift part of y^e sayd woods, according to former Order of this Committee. It is ordered that some of the sayd Committee doe appeere beefore this Committee, on

¹ Sic.—Ed.

Fryday next come fortnight, to answer the sayd matter; at w^{ch} tyme all parties are to bee heard, and such order taken as shall bee fit.

“JOHN WYLDE.”

275. Upon this my deere Wife, now somewhat recovered of a great weaknesse she had after her lying in, provided herself of witnesse to prove fully the information; and came to me at Lambeth the 23 May (it beeing to bee heard the 30th, that day sevenight after) of w^{ch} I was not a little joyed; as one had much wanted her, y^t was indeede both a wise and temperat sollicitrix.

275. And now fryday, the day appoynted, drawing on, my witnesse came to Lambeth, and in y^e after noone to Westminster, to y^e Committee; where, upon oath they testyfyed, there could not have beene felled lesse then a thousand okes growing out of y^e grownd, not from any former stock. Against w^{ch} there appeered Walter Brooke, of whom beefore; who urged, those wee produced, not to bee competent witnesse, having beene all in a late rising in Kent against the Parlyament; my brother Francis, there present, made answer, that could not bee trwe of all; for hym self was never in any; w^{ch} was so likewise of others.

276. An other, whose name they could not learn, sayd, the woods were not of that qualyty these men informed. Beeing asked if he had ever seene them, he sayd, “no;” Beeing farther demanded, whither he had ever beene in Kent, he sayd likewise, “No;” And this was all there spoken publickly in opposition of our evidence; and then the Committee spake something privately amongst themselves, and dismissing my wife and her company; who returned to me fully persuaded they would doe us some right, in punishing so notorious abuses; but when wee came to looke after y^e Order,

wee found ourselves mistaken, that speaking no other then thus.

277. "Die Veneris, 30 May, 1645.

"At the Committee of Lords and Commons for Sequestrations.

"In the case of y^e Lady Twysden, Wife of Sr Roger Twysden, towching her complaynt for the felling of Tymber trees by the Subcommittee of London for woods, or their Agents, in y^e wood called Stokenbury wood; and to have her fift part of the sayd woods; upon hearing and debating of the matter (the sayd Committee beeing present), it appeereth that there was no felling of any Tymber trees; but the woods were felled in an orderly manner, according to the Ordinance, leaving 900 trees remayning in a xi or xii acres, whereof many might have beene felled. And, as towching the sayd Lady's fift part, It is ordered that the sayd Lady shall have her fift part of the woods standing, as allso of the woods that have beene felled, or of the proceede or trwe value that was made of them, and likewise of y^e barke and hoppoles that have beene made or felled of the sayd woods, the sayd Lady allowing her proportionable charge for felling of the sayd woods, etc., w^{ch} the sayd Committee doth agree too. And it is farther ordered, that care bee taken by the sayd Subcommittee and their Agents, that, by y^e burning of any Cole the sayd Woods bee not destroyed, or the growth thereof hynderd.

"JOHN WYLDE.

"Intra R. VAUGHAN."

278. When I saw this Order, I resolved never to trouble myself or them more wth any thing, let them doe what they would; they could have but all, and that they would have "*per fas nefas*," whither right or wrong. I saw wee must have nothing but that y^e Subcommittee did agree to, who spake of the leaving dcccc trees standing; and what was that to y^e purpos? if there were so many, were they now of their leaving? or such as my auncestors' care had done formerly? Did not

our wisse testyfy on Oath, they had cut a m there was no couller to doe by the Ordinance? Those they left are yet to bee seene: Let it bee examyned whither there bee any less flourishing in the Wood? Is it possible it should cast this time worse then formerly? Did they not now expressly save the worst? my wife one day walking downe it to see their doings in it, seeing one, a fine growing tree, desired it might bee left; Did not Walter Brook's sonne then make answer, it should bee cut, because she prayed y^e standing of it, and soone fell upon it?

279. All wee did in opposition of this order, was the shewing of it to some of the Committee, such as wee knwe; who all disavowed the beeing according to their sense; yet beeing done, no one would adde a finger to revers it. I sayd beefore "*gravius lacerantur homines a pravis iudicibus quam a cruentis hostibus*," and in these extremities, that of Ecclesiast. v. 8, was my great comfort; "If thou seest the oppression of y^e Poore, and violent perverting of judgment and justice in a province; marvell not at y^e matter, for he y^t is higher then the highest, regardeth; and there bee higher then they."

280. There was never any intended wth power to bear out a person in doing an other injury, but one way was, y^e difficulting the proofes against hym; and an other, slighting all objections produced. So these men, finding the two howses not to have given liberty for cutting Tymber, first alowed none for such; except onely Ash, Elme, Oke; nor these, coming out of a stock formerly cut. And though some Parlyament men were shewed this to bee very contrary to y^e usage of this County, that did hold and use all Ash and Oke indifferently, as well that w^{ch} grwe on y^e father's head, as others, for repaying, building, etc. That Sr Edward Cooke's opinion, Inst. 2, p. 643, seemed other wise; That Stat. 25 Ed. 3, cap. 3, looked onely at the age of

wood, the Commons expressly shewing that *soubbois est compris en ces paroles "sylva cedua" et nēny arbres de telle age*; yet, notwithstanding all these were to bee slighted, none could prevayle, nor ought in opposition might bee heard, but it must not bee reputed Timber, though never so old; there beeing no other way to palliate the enormous transgressions of their Officers.

281. This year in the summer, Sr Christofoer Yelverton and hys wife, my sister, desirous to take the fresh ayr of y^e Country, and not thinking fit to adventur at their owne in Northamptonshire,¹ eyther by reason of hys Ma^{ties} guarrison at Banbury, or some other cause, came and lived at my howse in Peckham; and as he was ever a kind friend unto me, so during his abode there, seeing that insupportable devastation made by them in Stockenbury Wood, sent unto me to think of some way of redeeming myself from y^e slavery I lay under.

282. My answer was, I should most willingly doe it, did I know how; but as I protested the fault by me committed; so I did assure hym I could not imagine a way, wth out absolutely quitting my inocensy, to get out of these bryars. But hymself coming about Michaelmas to London, styll insisted on it, and persuaded me to deliver a petition, w^{ch} was an huge difficulty to get in to y^e howse of Commons; as I my self wayted two years afterward to get it done. For such was the justice of that howse and their Committees; if one committed by them lay under an oppression they could not coulourably deny the relieving of hym; then, by reason of the greatnesse of y^e publick affairs, they could not bee at leisure to hear hym.

283. To which purpos, it may heere deserve a place, that Alderman Abel told me of hymself; How he beeing imprisoned about a nwe custome layd upon wines, and perhaps lying under the Odium of beeing an Agent for y^e

¹ Easton Maudit.—Ed.

Court in y^t businesse ; some of the Howse of Commons gave out as if they would doe great matters against hym, as supposing he was greatly enriched by it ; but on examination, finding nothing could of moment bee wth justice charged on hym, he not gayning one farthing by y^e project, they dismist hym ; yet retayned hym in the custody of their Sergeant, to attend them with counsell, “ de die in diem,” w^{ch} he did, at an excessive charge, a good space ; but finding no end, they styll clogd wth multiplicity of affayrs ; in y^e end, he thought of trying (underhand, I conceive,) whither two thousand pounds would buy hys peace ; w^{ch} understood, and that there was mony coming, those very men y^t could not for y^e multiplicity of buisnesse harken to hym, were (as I take it) at leisure y^e very next day to hear hym, accept hys fine, and discharge hym of y^e Sergeant.

284. An other Gentleman, one Mr. Brooke, told me, y^t beeing sent for to a committee, he desired a friend of hys to goe up to y^e Committee for prisoners, who asked hym why, and told hym, if it were to commit one he would doe it presently ; but hearing it was to free one, he excused hym self, by reson of some pressing occasions y^t called hym away : agreeing with that of Mr. Say to me, that y^e howse of Commons was much more easy to punish, then absolve, any man. God of hys mercy deliver the nation from such like Tyranicall oppression for y^e future ! let hym y^t had no feeling of it, pray he never may, and he shall dye happy ! but I returne to my brother Yelverton, whom I left engaged to get my petition into y^e Howse of Commons.

285. Which in the end he procured to bee read, the 9th of December, 1645, when my auntient friend and kinsman, my Cosen Richard Browne, spake very well and earnestly on my behalf. “ That hymself had beene twice sent from y^e Committee of Kent, to know y^e opinion of that howse, whether men were sequestrable

onely for meddling wth that Petition, and it would give no direction for y^e doing of it, w^{ch} he and they tooke for an affirmation they were not. That nothing else materiall could bee made good against me. That I was never charged wth compliance wth y^e enemy; and did therefore desire I might be freedde etc." All was sayd I can not repeat. The conclusion was, this Order my friends gayned.

"Die Martis ix December, 1645.

"The humble Petition of S^r Roger Twysden now Prisoner at Lambeth, was this day read and it is thereupon ordered, that hee bee forthwith bayled. And it is referred to the Committee of Lords and Commons for Sequestration to report the state of the case concerning S^r Roger Twysden to the howse, that they may therupon take such order there in, as they shall think fit.

"HEN. ELSYNG, Cler. Parl.

"D. Com."

287. The next day, my sister, Yelverton her self, good soule! brought it me; w^{ch}, though it were not much, yet truly was more then I expected, and what I could not suddaynly make use of on this occasion.

288. At the beeginning of these tymes, one Richard Kenward, having in Eastpeckham a peece of Land wth in mine, called Long shots, offerd it me to sell, it lying very convenyent for me; I was unwilling to misse it; and, conceiving my self then as far out of any Order of Sequestration as any man, contracted for it, payd him about cccc pounds doune, and had a year's day for cc pounds of y^e mony, for w^{ch} I gave hym my bond. Bee-fore this came dwe, Richard Kenward dyed, and his wife beeing to have x^l when she joyned in leavying a fine, in her widouhood, came to me, sealed me a releas, and had her mony. At that tyme, she made some scruple as having no other but my owne single bond; I told her,

abate me y^e use, I would pay her the mony next morning, w^{ch} she refused to doe.

289. Now, beefore y^e mony became dwe I was sequestred, and she marryed to one M^r Besbeeche; who came unto me some tymes for y^e mony; I that had none now to receive, was in prison, durst not leave my self absolutely wth out some; w^{ch} I told hym, and advised hym to repayr to y^e Kentish Committee, at least to get the Use of them; this he did; but they told hym, their part was to receive y^e rent of y^e land, but pay nothing; he replyed, the land was not mine, beeing not payd for; all one, he could get nothing of them. So one day coming to me at Lambeth, and expostulating wth me of it, I spake to hym somewhat perhaps more freely then was fit, that if hee did by law proceed against me I cared not; Upon w^{ch} hee very inconsiderately commences sute against me. In this conjuncture, for me to goe from one prison to an other was what I liked not to run in to; and therefore would not leave this tyll I had in some measure satisfyed hym, w^{ch} in the end was thus: I agreeede to pay hym forthwith two hundred Pounds, and thirty more for y^e use or forbearance of it; so he had of me 230^l for what I never drank of some years after.

290. Yet having done this, I could not immediately get out of Lambeth; for now I was to make a reckoning wth my keeper, one Alexander Leighton, a Scot, who writ hymself D^r of Phisick, some tyme heeretofore a Divine, no ille disposed person, but an earnest Presbyterian, and one who had not many years beefore beene censured¹ in y^e Star chamber for a Booke called "Zion's Plea against the Prelacy;" but now, to shew their greater contempt of y^e Archbishop, had y^e keeping of Lambeth howse, (by order of y^e 5 January, 164²/₃, from y^e Lords and Commons) committed unto hym for a

¹ See Appendix, No. VII.

prison, wth severall Instructions, w^{ch} I shall give a short vieue of.

"i. That the servants of the late Archbishop, excepting onely Mr. Dobson and one John Howell, doe depart and leave their chambers.

"ij. That the servants intrusted wth the Archbishop's goods, might remove such as y^e Committee for contributions should allow,—The rest to bee left to y^e keeper's use, who was to bee responsible for them.

"iij. That such as had bought the hay now in y^e howse, to carry it away with in a weeke. The wood and cole in the howse, to remayn for y^e use of the same.

"iv. The Gardens, Orchards, Fishponds, etc. to bee preserved. The chapel and windowes not to bee defaced, but by persons authorised by Order of Parlyament. M^r Dobson to allow out of the Archbishop's rents for repaying the howse.

"v. Collonell Manwayring and y^e Militia of London desired, with approbation of y^e keeper, to appoynt a sufficient guard for y^e security of the place.

"vi. The Keeper to receive as fees at the entrance of ordinary persons, xx shillings; of Esquires and Knights, xl^{ty} shillings; and of persons of an higher degree, five marks, and not above.

"vii. The keeper to take reasonable allowance for chamber, abating, to such as shall find their owne furniture, so much as it would cost to bee hyred of an Upholster."

291. The two last of these yeilded me some dispute wth the Keeper; for when I came in to prison, I was assigned a Lodging had formerly beene one of the Archbishop's Chaplayns, w^{ch} had three roomes and a studdy, according to most of the buildings of that house; one fayr chamber wth a chimney, for enterteynment; an other small one wth in it, or rather on y^e side, made, I conceive, for hanging hys gownes and other vestments; wth in, an other where wee lodged, and to that a studdy; both smaller then those wth out. For the bare walls of these, w^{ch} indeede were all but one, they demanded

xii^{sh} by the weeke, when I enterd; w^{ch} I payd, tyll y^e 16 of August, 1644, when seeing my imprisonment like to bee long, I went to the Doctor wth some others, and told hym I could not pay that summe any longer.

292. But he, who loved mony, would not abate one peny, though he were very ritch; for I my self saw of hys, at one tyme, so much brought in to that howse as two Porters could hardly carry in great baskets to y^e porch, from y^e waterside, without resting; and thense, through the hall to hys lodging gave them their fill. It was sayd to have beene above two thousand pounds; and that it was after vieued by some of y^e Parlyament's officers,¹ and found to be so. It is certayn, he intending to dispose of it, was afterwards, by some of the wayters there, denyed the transporting out of the howse at first; but by what auctoryty I can not say. I have heard the howse of Commons had in debate, y^e erecting a Committee to take away mony where ever it could be discovered; w^{ch} though it did not passe, yet on occasion was prety rife; so as, to bee known to have mony by them, for any (though of their own party) was not a little dangerous.

293. But to returne to Dr Leighton, or rather hys Deputy, (for hymself medled not much wth the Prisoners); upon this my denyal of rent, I was threatned wth harder usage, in so much as the 26th of September 1644, I was constreyned to write to Mr. Knightly, "that since my coming into that howse I had payd hym above 15 Pounds for bare walls, three payr of stayrs high, beeing the lodging of one onely person of the many beeloned to the Archbishop. That I had nothing of my estate, though I had never in any thing willingly offended the Parlyament. That I conceived, if any man had hys estate taken from hym, they who did it ought to affoord whereby he might bee susteyned. That I had never

¹ By one Captayn Guest.—T.

beene in any Act of hostility whatsoever, never out of the Parlyament quarters, etc." To all w^{ch} Mr Knightly made answer very civilly like himself, "That I should not fear any harder measure; when it was offerd, I should complayn to hym;" and such like; so I payd nothing.

294. Beesides this, the Doctor demanded five marks for entrance mony, as beeing a Baronet; all w^{ch} came to a great matter, more then I was well able to pay; in so much as I was forced to petition, by the means of my ever honrd friend S^r Henry Cholmley, to that noble gentleman Mr Knightly, Chayr man¹ of the Committee for Prisoners, and got it ordered the 6th february 164⁵/₆, that D^r Leighton and myself should attend that Committee the wensday following; w^{ch} wee did, my brother Yelverton, S^r Henry Cholmly, and what friends I could get, beeing present; where it was ordered, I should pay hym forty shillings entrance, and viii shillings per weeke from y^e 16th August; for tyll then, he had beene satisfyed; and of this in hand, xv Pounds forthwith, and xvij^l iiiij^{sh} y^e remaynder, at 3 months and three months; so that now there was xxxij^l iiiij^{sh}, to bee payd in a short tyme, by one had not six pence of hys estate; w^{ch} yet I did according to the times prefixed, and parted wth very great kindnesse from Doctor Leighton; the man beeing no ill dispositiond person, but one who loved the Presbytery, and loved mony.

295. And heere, having mentioned Mr Knightly, I think it not amisse to remember that, beeing recommended to hym by my brother Yelverton hys countryman, I received from him, beeing indeede hymself very much a gentleman, severall favors whilst I remaynd under restreynt; as first, the remooving me from that loathsome one in Southwark to that wholesome one at Lambeth; ij, where the Committee had ordered the

¹ He was member for Northampton.—Ed.

15th May 1644 the keepers of prisons should be enjoined at their perills, not to permit any prisoners to goe abroad; nor any to have accesse unto them, but such as brought them their provisions; y^e 28 May, he permitted my brother Frank (to whom I was much beehoulding for solliciting my buisnesse) and such as came in hys company to have accesse unto me,—The 14th June 1644, he permitted me farther to walk in the garden; yet wth this restriction, it to bee in the presence of the keeper; w^{ch} signified nothing; for y^e keeper neither did nor ever would attend me; yet perhaps was as much as he might wth safty doe.

296. The 29 August 1645, The Commons did order the keepers of severall prisons to admit no servant wayt on any prisoner but of their assignment; referring to y^e Committee of Prisoners, to take care thereof; and no prisoner to styr wth out their leave; by couler of w^{ch}, they would permit no provisions to bee brought us but by their owne servants, and sold it at excessive rates; w^{ch} was extream troublesome to me, who had much I eat and all I burnt, out of Kent; and this beeing wth some earnestnesse endeavored to bee put upon me, my brother Yelverton represented it to that noble gentleman; from whose hand he procured this warrant; w^{ch} was of great advantage to me that had no fewell but out of our Country.

“10 October, 1645.

“At the Committee of the Howse of Commons for Prisoners.

“Whereas this Committee is informed, the Keeper of Lambeth howse will not suffer S^r Roger Twysden to bring in bear or fewell in to y^e sayd prison, for hys owne provision; It is ordered, that the sayd Keeper, and hys Deputy, doe suffer the sayd S^r Roger Twysden, to bring in to y^e sayd prison, bear, fewell, and other necessaries, for hys subsistence.

“RICHARD KNIGHTLY.

“To the Keeper of
Lambeth howse, or hys Deputy.”

298. As I have not beene silent of the injuries these times made me acquaynted wth, so the reader will pardon this digression in remembring where I received civilities. And now I returne to my prison, out of w^{ch} I was freedde, y^e 20 february 164⁵/₈, having remayned there two years lacking two days; from thense I went to a lodging in Westminster, at one M^r Austin's in S^t Anne Streete; where I abode two years more; during all w^{ch} tyme I was few mornings (unless when ye fear of the sicknesse drove me in to y^e country) from y^e Parlyament doore. I put in to y^e Hands of all my friends, petitions to the Howse that they would appoynt a day to see their order of the 9 December 1645 put in execution.

299. Meeting M^r John Selden¹ one day, he spake to me of my Sequestration, and I to hym of this Order; He ingenuously told me, I would never get of but by compounding at Goldsmiths' hall; w^{ch} after I found trwe; for indeede this was the manner of that unpareleld Howse of Commons and their Committees; When in Justice they could not by their owne Orders Sequester an estate, they would continue what the Committees in the County, from whens he appealed, had done; eyther wth a reference to y^e judgment of the howse (w^{ch} it was hard to have), or not declaring hym to be wth in any words of the Order of Sequestration, leave it so ambiguous, as he had just cause to crave the howse's explanation and mercy in y^t case. Now, they must not hear any man's friend's information in the cause, but must have a particular Report from y^e Committee of Lords and Commons of it, w^{ch} it was resolved should never bee heard; and this I take to have beene my case; for neyther by friends, faver, nor mony, could I get it heard.

300. I went to M^r Ash, the Chayr man at Gold-

¹ This was the learned John Selden, who assisted Sir Roger Twysden in the publication of the 'Decem Scriptores,' and with whom he ever maintained a close intimacy and friendship.—ED.

smiths' hall; who told me truly and honestly, that they could not compound wth me, after the ordinary way, by the value of my estate; because, all layd against me was beefore the 20 May 1642; to w^{ch} tyme their Compositions onely looked, as from the time y^e war beegan. If I would pay 3000 pounds, I might bee received by them.

301. I went likewise to M^r Browne (who was in the chayr when my Sequestration, after so many remissions, was continewd,) to procure hym make y^e report; but I saw that was vayne to hope; he meant not to doe it; advised me to Goldsmith's hall too; And when I told hym they could not compound wth me, on y^e grownds beefore, all he answered was, "he would warrant me they should." So unwilling wee are (for I can attribute it to no other) to let others hear those of our Actions w^{ch} our own conscience doth not approve.

302. And heere is a strange matter. I was not so notorious a Delinquent; but whither wth in the Ordinance, or not, was a question; but such as fought against them, might and did come off much better, and at far easier rates then I, that never was out of the Parlyament's quarters. So dangerous is it to trust a multitude wth the administration of Justice, whose severyty usually increaseth wth their prosperity. In short, I omitted nothing I could devise, for three years' space after I was out of Lambeth, eyther in solliciting friends, advising with counsell, sparing neyther cost nor payns all y^t whyle; but good I could doe none; and if I did compound, I must take the Scottish Covenant; w^{ch} I could not downe wth unless permitted my owne explications; and thus I stood expecting tyll after the King's death, seeing my estate wither away by little and little, yet no power of helping it.

303. In March 164⁸/₉, the Commons having now made an absolute conquest; y^e 14, 17, 21 of that month, is-

sued out severall Resolves, very hard (for their severyty ever increased wth their power) in poynt of payments; yet easier to bee embraced, in that they requyred no promysory oath of the Compounder, but otherwise. That the tymes for men to come in at, wth in certayn distances of London, should bee, viz, wth in 80 miles, by y^e 20 April to file their Petitions; if farther, by y^e 3 of May, etc. What persons excepted out of all compositions. Such as admitted to pay a full sixth of the trwe value of their estates, half of it downe, the other half three months after. If any of a greater value, being concealed and not discovered by the party hymself, to bee forfeited. So likewise, of such as neglect to compound; wth out any allowance to bee made to Wife or Children. Such as perfect their compositions by their respective days then limited, whose estates had continewed untill y^e 21 March, 1648, should be exempted from paying any fift or twentieth part.

304. And whereas, formerly men's Compositions were to bee reported to y^e Howse of Commons by some of the Committee of Goldsmiths' Hall, where they were made; who approved what past there, beefore the second was dwe; by which it came to passe, some who were beefriended, got it deferd two or three years more or lesse, and, by that means, were inabled out of their rents to make y^e second payment; The 23 May, 1649, it was concluded, such Reports to bee made in order of tyme as they were set to certayn Commissioners; (which were themselves the Committee of Goldsmiths' hall) the compounder to pay the whole with in sixe weekes, under such penalties as were expressed in an Act by them published, w^{ch}, because they are in print, I shall wade no farther in.

305. Beeing styrd by these orders, the King dead, and no visible power able to oppose them, I resolved to try once again if it were possible for me to make any con-

clusion in my businesse. I spake my self, and got that honest Gentleman, my trwe and worthy friend M^r Nathaniel Stephens, to deal wth M^r John Ash about it; who told us, truly they could not compound wth me, as having no auctoryty to meddle wth setting any fine but for offences since the 20th May, 1642; yet advised me to petition unto them, and gave me some directions in y^e manner of doing it.

306. Accordingly, I went to Goldsmiths' hall, and in a full Committee, gave hym my petition; who tooke it, and desired their attention to it; but there was nothing to bee done. The Clarke found I had beene set at 3000^l by the howse, and without paying that, no hope of compounding; So away I was forced. In this encounter, I observed no man more sharpe than S^r Arthur Haselrig;¹ upon w^{ch} I went to hym, and by means of a very noble gentleman, one M^r George Fenwick, spake wth hym; and having rightly informed hym of my case, found hym much other then I apprehended; for he not onely assisted me in drawing a Petition to the howse, but advised me to get young S^r Henry Vane to deliver it; who not expediting it hymself, y^e 5th May, 1649, remembred y^e Commons of my suffrings; by w^{ch} he caused mine to bee inserted in to y^e list of other names, who as to y^e mitigation of their fines were to bee considered on y^e twelf of May following. In y^e mean tyme, I procured all my friends to bee for me; I gave my Petition to young S^r Henry Vane; but nothing could bee done tyll Saturday 19 May, when of all my case was some what spoken to. Old S^r Henry Vane, and young, spake earnestly for me. So did many more. S^r Lislebon Long, now knighted and Recorder of

¹ Member for Leicestershire, one of the most violent of the regicides, and the first designer of the Abolition Bill. It was he who, with Oliver Cromwell and S^r Henry Vane, put this bill into S^r Edward Dering's hands, and inveigled him into presenting that odious measure to the House.—ED.

London, solicited hys friends on my behalf: I may not forget a Gentleman of whom I received so signall favor.

307. The truth is, S^r Anthony Weldon now dead; and S^r John Sedly's power, by hys owne carriage, taken of; my woods, the great eye sore, destroyed; I found y^e Committee of Kent, not so eager against me, and my addresses more facile to y^e Parlyament; but what was to bee done was y^e question. S^r Arthur Haselrig (truly I am persuaded, having experience of y^e delays of that howse, out of an intent of doing me good) pitched upon this: that I should compound at a Tenth, y^t is, two years' revenue of my Estate,¹ and not above; w^{ch} was easily assented unto, and an order there upon, of the 19 May, 1649. "That S^r Roger Twysden, notwithstanding the fine imposed on hym by a former Vote of this Howse, bee referred to y^e Committee at Goldsmiths' hall, to compound at a Tenth, and not above."

308. When I heard of this Order, I was not a little troubled to think, for no fault, according to the use of former Parlyaments, I must pay a fyne; but I resolved to make an end of a tedious buisnesse, on my friends' persuasions, and embrace it; and so address my self to Goldsmith's hall; and giving them there the particular of my estate, wth the Incumbrance of a Leas lay upon it; and representing That my howse and fermes were all out of repayr; That Longshots was not payd for; That they had cut downe a world of wood; had left me nothing to rayse one peny by; That I had done nothing to forfeit my estate; if to bee fyned, I conceive it to have beene payd allready.

¹ After the great wars betweene the French and Charls 5th; upon the Truce concluded, 1556, beetwixt those potent princes; it was agreeede, for freeing of Prisoners, "ut milites, trimestri stipendio exsoluto; Nobiles, unius anni suorum bonorum redditum dependerent." But the Parlyament held it fit to deal more severely wth their countreyemen, than these with enemies taken in war. Thuanus, tom. 1. An^o 1556. lib. 17, p. 514, d.—T.

309. But all these were nothing. The Howse, w^{ch} had ordered my payment to bee a Tenth and not above, did intend I should pay so much, or elce no unsequestering. In short, in poursuit of that Order, they imposed on me the 31 of May, 1649, a fine of 1500^l; w^{ch} afterward, the 8 of June following, by reason of a leas before mentioned, was reduced to 1340^l, half to bee payd wth in 14 dayes, the remaynder, six weekes after it should bee reported; according to which, I payd 670 Pounds wth in 14 days, w^{ch} was y^e full halfe; and in respect there were Quit rents, Anueties, and the like, issuing out of my lands, whose value I could not certaynly tell, I desired they might bee remitted to y^e second payment, and then allowed me w^{ch} was assented to.

310. In following this, I met wth one answer may perhaps not unfitly heere have a place. Observing none to speede better then such notable Delinquents as had beene in Arms against the two howses, especially if they came in on Articles, (for it cannot bee denyed the Officers of the Army were very honorable in seeing them made good to y^e advers party) I complayned of it to Mr Reading; (an honest gentleman and of Counsell for the Committee y^t sate at Goldsmiths' hall for Compositions) That I, no notorious offender, should bee thus harrast, when they came of so well: at w^{ch} he smyled on me and replied, they had rules to deal wth them by, but not wth me, whose sequestration was so on malice, as they could not compound wth me, but by an especiall Order.

311. According to w^{ch}, I cannot omit what I had of Sr Francis Barnham. That, dealing one day with Mr Maynard, now Sergeant Maynard, to get Mr Robert Barnham (a very deserving sonne of a worthy father) out of Leeds Castle, where he lay secured by the Committee of Kent, he used this argument; that hys sonne had neyther fayled in duty to the howses, nor committed any thing against them: To w^{ch} Mr Maynard answered

(beeing as well a wise man as a great Lawyer) that he could then doe hym no good ; for if hys fault had beene eyther omission or commission, hee would have fetched him out the same way he came in ; but against malice he had no fence.

312. For as 1572 in y^e Massacher at Paris, some revenging their private Spleenes, under the notion of Huguenot, tooke away their adversaries, though of the Roman creede ; so now under this government, Injustice, Violence, and oppression, breaking in upon y^e people ; the lawes not permitted to give protection ; any leading man of a Committee maligning an other (though never so quyt a liver) as having a better estate, seat, howse, accomodation to it, then he wisht hym, did find means to ruine hym, under the tytle of hys disaffecting their courses and y^e present cause.

313. To w^{ch} purpos, I shall set heere downe what I had from a good hand, and I beelieve was trwe. That¹ a powerfull person of those tymes riding by an handsome seat, well wooded and pleasant otherwise, in y^e North ; he enquired to whom it beelonged ; and finding it unsequestred, the owner not in y^e Parlyament's service, hee could not conteyn hymself from saying he had an Earth worrne in hys breast, must have y^t Estate sequestred ; and never left pursuing the owner tyll he got it done. The truth of this I can not aver, onely I had it from old S^r Henry Vane, a person of y^t worth and honor, I dare say he would not have spoke it but on good grounds.

314. Beeing now in y^e Country, I found my estate miserably torne and ransackt by these Men ; but beefore I was well warme in my howse, I had nwes my case was reported y^e 7th December, 1649. Upon w^{ch} up I went, desired I might bee allowed 60 Pounds, for 30 pounds quit rents and charges issuing out of my estate. At first they would not any thing, in respect y^e Report was

¹ S^r Arthur Hazelrig.—T.

past, and contrary to the rules that Committee had taken to goe by, (for they set themselves lawes to conclude others by, knowne to very few but their dayly attendance) to abate any man after the report had past.

315. But not satisfyed wth this, the 18 January, 164⁹/₅₀, I petitioned the sayd Committee then sitting in the Lords' howse at Westminster. "That by an Order of Parlyament, I was to compound for my Estate at a Tenth, and not above; that I informed the Committee there lay, in quit rents and other charges, about 30^l a year payd out of it; but, by reason I was not certayn of y^e summe, nor had at hand the proofes, that the alowance might bee respyted tyll my second payment; that I did desire no abatement upon revieue; but that it might bee alowed me now, having not beene formerly." Upon this, M^r Mayer moeved they might see y^e papers of my Composition. W^{ch} beeing looked into, and seene that I spake truth, M^r Reading informing them, my case was differing from others, they having no power to compound wth me but by an especiall Order, they asked for y^e particulars of my payments; w^{ch} whilst I stept for, they concluded to abate me 40^l, wth out at all looking on them. So, instead of 60^l, I had onely 40 pounds; w^{ch} I rather chose to accept, then make a trouble, and have them perhaps not alow of y^e proofes I was to produce, or quarrell at y^e things themselves.

316. When this was done, and I had payd all my fine, brought them my acquittances, and had my discharge, I stept to M^r Ash, telling hym, by way of asking hys opinion, that I was now to pay no fifth nor twentieth part. Upon w^{ch} he sate downe by y^e fyer wth me in y^e Lords' howse, (where this Committee now sate) and called to one Vincent an officer there, to give hym y^e Votes of y^e Commons towching Sequestrations; and having read them, asked if I had made the first pay-

ment punctually according to them; I told hym I had. "Then," says he, "you are not." And of y^e same opinion, I assure myself, all y^e rest of y^e Committee would have beene; for I well remember M^r Reading not onely agreed wth hym in it, but told me it was expressly set so in y^e Act made upon y^e votes. But, "nwe Lords, nwe Lawes," This Committee (as not polling men perhaps enough) beeing changed afterwards by y^e Howse of Commons, they forced from me 400^l for it, as you shall hear.

317. Having now my discharge, under right of their hands of y^e 19 January, 164⁹/₅₀, for any delinquency charged on me, for any thing sayd or done by me in relation to the first Warre,—(I have told what part I had in them; but so it must bee!)—I retyred my self home ("accable des debtes," as the French frase is,) so opprest wth debt as I knwe not how to turn my self, my Estate ruined, my Woods feld, my howse ready to fall, in short, every thing in disorder.

318. Beefore I knwe well how to order my self, I was summoned by an Order from Haberdashers' Hall, bearing date on Wensday y^e 24 September, 1651, under y^e hands of Arthur Squibb, Richard Moore, William Molyns, Jo. Berners, to appeere y^e 17 October following, to give satisfaction to y^e assessment of six hundred pounds layd upon me, for y^e 20th part of my estate both reall and personall. I confesse this startled me. I was in y^e Country above 20 myles from London, I could not imagine they had any power to asseesse me, their power beeing limited to that space, by y^e Ordinance of y^e 30th of May, 1643.¹ On y^e 17 October I could not appeere, beeing not well; Upon w^{ch} I was respyted 21 days, on y^e importunty of my good friend and kinsman Collonell Robert Manwayring, against w^{ch} tyme I made my self ready to goe.

¹ Collect. of Orders, to. 2, p. 185.—T.

319. But beefore I went to them, I thought good to goe to M^r John Ash, w^{ch} I did wth that worthy patriot and constant friend of myne, M^r Nathaniel Stephens, finding hym layd up of y^e Gout at hys brother's howse, in Fanchurch streete; spake to hym of that had past hym in y^e Lords' Howse, w^{ch} he seemed not to remember; yet sayd he durst say he then told me nothing but what he conceived right. That y^e thing was playn, the Howse as a favor tooke off y^t 5 and 20th part from none, but such as payd their last wth in three months after their former; That, indeede, by y^e rules of their Committee, they looked after no man tyl more then six weekes after their Report past; and when I replied, my Composition not to have beene perfect tyll reported, beecause of somewhat then to have beene alowed; That they might have done it wth in 6 weekes y^e one of y^e other; That it was not my fault they did it not; That their Committee did not, I supposed, vary from y^e votes of y^e howse w^{ch} employed them; he sayd, no, but I should have called on them to have made it sooner; (yet one expresse order, of y^e 23 May, 1649, was for Reports to bee made in order of tyme as they were set, and not otherwise; so y^t I should have desired of them y^t they could not have done) that this was an especiall favor of y^e Howse; so y^e tyme of three months must bee punctually observed; and thus, in a manner, this great bounty of y^e Howse was reduced to nothing. Men could not pay their second payment till reported; The Commissioners ment not to have y^t done of six months, and then people were uncapable of receiving any benefit by y^e vote.

320. Receiving thus little comfort from M^r Ash; the 7th November, 1651, I went to the Committees at Haberdashers' Hall, procured S^r Michael Livesay¹ and Cap-
tayn Skinner to remonstrate my case, and speak for me. S^r Mychael spake rather against me; told them he

should not urge them to any thing stooode not wth the rules of their Committee, and y^e justice of y^e thing. (this man delivered hym self playnly that he meant they should squeeese me as much as they would). I spake what I could my self; alleadged the Orders or votes of y^e 17, 21, March, the continuance of them y^e 26 May and 27 June, 1649, of w^{ch} the last is thus, "That all y^e severall and respective days limyted in y^e late Act or Orders concerning Compositions wth Delinquents at Goldsmiths' hall, wth the severall qualifications, as well for y^e continewance of rents in tenants' hands, as otherwise, bee prolonged untill y^e first of August next and no longer."

321. I shewed them like wise I compounded as soone as they were inabled to treat wth me; That my composition was neither agreed nor perfected tyll my last payment, when I was alowed such quit rents and charges as issued out of my estate; That they had tooke all my goods from Redcross streete, therefore must have y^e 20th part; onely I did not presse my abode was more then twenty miles from London; partly through ignorance; (for though I had heard of it yet I had it not at hand to produce) I have beene since told it would have done me no good, that themselves knwe of it, and beeing publick ought to have taken notice of it; but I confess I since wish I had insisted on it, but what event beefel me will bee seene by the Order then made, w^{ch} I shall give you verbatim.

322. "Haberdashers' Hall, Fryday, 7 November, 1651.

"By y^e Commissioners for advance of mony, etc.

"In y^e case of Sr Roger Twysden, of East Peckham, in y^e County of Kent, concerning an Assessment upon hym for hys 20th part; upon hearing the sayd Sr Roger Twysden this day, who pleadeth the Votes of the 17 and 21 of March, to bee

¹ See note 3, No. 22.

exempted from hys 20th part; it appearing that the sayd Sr Roger did not petition tyll y^e 24 May 1649; whereas by y^e sayd votes, he ought to have filed hys Petition beefore y^e 20th of April 1649, and did not pay in the latter moyety wth in y^e tyme limited by the sayd votes:

323. "Whereupon, wee proceede to set hys fyne for hys 20th part; and upon calculating y^e particular of hys estate, (deduction beeing made of such debts as y^e sayd Sr Roger owed upon the 20th of May 1642) It is ordered, that he doe pay to our Treasurer the summe of four hundred and fifty pounds, in this manner; viz. one half there of wth in fourteene days, the other half thereof fourteen days after, and upon entry of hys Acquittance wth our Auditor, hee shall thereupon have our discharge of and from hys assessment for hys 20th part.

"ARTHUR SQUIBB.

RIC. MOORE.

WM. MOULINS.

JO. BERNERS.

"M. DALLISON."

(he was Secretary to y^e Committee.)

325. One thing not to bee forgot in this instans; they prest me, and that on oath, to tell them all I owed 1642, w^{ch} who could doe? truly I needed long premeditation; yet somewhat I did set downe. If I fayled in any particular, I beeseech Christ forgive me! But hast was requyred; and, I have since heard, not wth out reason; for if men had beene permitted to pause on it, the portions they then intended their children allready born might perhaps have beene accoumpted as dwe debts unto them, and by that means mollified their fynes.

326. By this Order I playnly saw they intended to excoriate me. What should I doe? my estate made over for payment of my fine would not bee good against them; they would break all conveyances whatsoever made since 1642. I was in a very great streight. I desired it might bee referred to y^e howse for their opinion. They told me then I must pay half immediately, or elce bee sequestred. My friends assured me, the

howse having assumed as well y^e disposing, as giving, mony, they never would goe against any thing their Agents did in y^t kind; that if I should get out, many had y^e same plea; from whom they now raysted considerable sums; That I might perhaps wait after them 5 or 6 years; of all w^{ch} I had a sad experience myself.

327. On these motives, I resolved to follow their advise; and on Tuesday y^e 18 Novem^{ber} payd 225^l in to their Treasury, taking an Acquittance for it. But heere, beefore I passe farther, I must let y^e reader know; after my Sequestration was of, I had sometye occasion of repaying to y^e Committee of Kent; whom I found much more civill then I expected; but their power beeing taken of, and Haberdashers' hall having by order taken their accoumpts, and received the mony they had, there was transmitted unto them 88^l 02^s 03^d of my wive's fift part, as was acknowledged by themselves; upon w^{ch}, by M^r James of Ighthams means and direction, I obteyned this effectuall letter from them in Kent.

328. "Gentlemen, At y^e request of y^e Lady Twysden, wife of S^r Roger Twysden, of this County, wee doe heereby certify that there was dwe unto her and unpayd at the tyme of transferring the sequestred estates into your hands, by y^e late Act of y^e 25 January, 1649, the summe of Eighty eight Pounds, two shillings, and three pence, the remaynder of her fifth part of the rents and profits of her husband's estate, received by y^e Collectors and Officers of this County, and by them accounted for, together wth y^e rest of y^e Sequestration monyes then remayning in their hands, unto your Treasurers, as by y^e sayd Act was enjoyned; w^{ch} sayd arere, dwe and payable unto ye sayd Lady, was also certyfyed unto you particularly, (as others of like nature) in the generall returne of Papists and Delinquents w^{ch} had beene sequestred and discharged upon compositions, etc.; sent in unto you from y^e late Committee of this County, and remayning wth you. This wee conceive will give you satisfaction, that she hath no other addresse for reliefe in

this particular, but to your selves, in whose hands the very mony it self now resteth; and therefore to your just and favorable consideration, wee now recommend her present suite in this beehalf, and rest

“Your humble Servants, late of the
Committee of y^e County of Kent
for Sequestrations.

“N. MILLER. WM. JAMES.
AUGUSTINE SKINNER.
LAMBERT GODFRY.

“Maydstone, September, 1651.”

379. Upon this letter written so effectually, I did not at all doubt of my mony; and desired of them, if I must pay this Assessment, I might bee allowed it. And they, whilst it was unpayd, did not deny the doing it; but told me, if I payd them, they would pay me what was my dwe. What should I doe? I had not now M^r James to consult with nor advise wth, they threatened that monster Sequestration, out of whose pawes I had so lately crept, and layn so long under, that they allowing mee for goods (viz. two cart loads of bedding, stooles, and other howsehold stuffe) by them carryed out of Red-crosstreete, the summe of 10^l 1^s 06^d, and reducing, on Fryday, 21 of November, the whole to 400^l onely, I did, y^e 26th of the same, pay unto their Treasurer, George Dauson, 164^l 18^s 06^d for my fifth and twentieth part, w^{ch} made just 400^l in all for it.

380. When I came downe into Kent, my good friend M^r James was angry wth me for not abating that 88^l 02^s 03^d dwe to my wife; assuring me, if I had payd the rest, this Committee would never have sequestred me for that onely. But I was so afayrd of y^e Beast, beeing threatened by them, I durst not venture; especially having a great confidence it would bee payd me afterwards. But I was deceived; for when they had myne, though I prest them my self, and beeing forced in to Kent, left the sollicitation of it to Collonell Manwayr-

ing, my neere Kinsman, and a person gracious wth them, who I dare say laboured it earnestly, but wth out successe, as he writ me word y^e 10th December following, in w^{ch} he tells me,

381. "That on Twesday sevenight beefore,¹ he delivered the letter of the Committee of Kent to M^r Mayer, (he was Chayr man of this Committee) who wisht hym to come in y^e after noone. That about four of the clock, they read the same, debated upon it about half an howre, then called hym in, and gave them² their resolution, that they could not pay me any thing. That he, thereupon, did desire to know theyr reasons why they could receive and not pay; to w^{ch} all y^e answer was, the beeing beefore their tyme they could not, that they pleaded they were upon their Oaths."

382. Thus people in power doe find easily excuses not to doe sometymes those actions, though right and just, they can not bee compeld unto, and to make oaths and Conscience the ground of such their doings; for certaynly the mony should have beene my wive's, beeing by them taken from the Committee of Kent, there could in justice bee no other expectation or intent in doing it, but for them to satisfy what by their own order, was really dwe unto her. But having y^e sword, these were resolved to interpret it otherwise; and to pay nothing, (though dwe by so many Orders of y^e Lords and Commons for Sequestrations) wth out one especiall in y^e case; pretending their oaths to justify their so doing, and knowing it meere folly for me to seeke it from that howse, w^{ch} was hardly ever at leisure to doe any man opprest by a Committee Justice; unlesse, perhaps, on y^e potent intercession of some in y^e Army.

383. And heere, having shewde how I fell into these troubles, how miserably I was tortured under them, and how God in hys good tyme, in part, delivered me

¹ The 2 December.—T.

² *Sic.*

out of them; there remainys that I render hym all humble and hartly thanks, for hys gracious assistance to me and mine, during the continuance of them; And in y^e end, by an unexpected hand, freeing this nation of their heavy Task masters, that men may live more quiatly, and enjoy wth more freedom their owne howses and thoughts. God of hys mercy graunt, that for y^e future, it may never see a perpetuity added to y^e two howses of Parlyament; Nor Committees to manage y^e justice of y^e Kingdome, and sit Judges of men's liberties, estates, and fortunes; admitting not y^e law for their rule; but the arbitrary, ambiguous, revocable, disputable Orders and Ordinances of one or two Howses if not of their own framing¹—which, as things now stand, is rather to bee prayed for, then expected; neither can I find any way how it can bee; but must remit all to y^e onely wise God, who of hys infinite goodness, and pity of the miseries of this distracted nation, may bee pleased to find some means of restoring every one to their rights, the law to its vigor, by a just King² Protector of it; wth out w^{ch}, I shall never look for a lasting Peace. And as it is, this 11th of December, 1657. So to see it shall ever bee the prayer of Roger Twysden.

¹ There is much confusion and erasure here in the manuscript. One line, (originally the concluding one of the Journal,) signed "Roger Twysden," has been erased, and "if not of their own framing" interlined. The remainder of the manuscript is a subsequent addition, in paler ink.—ED.

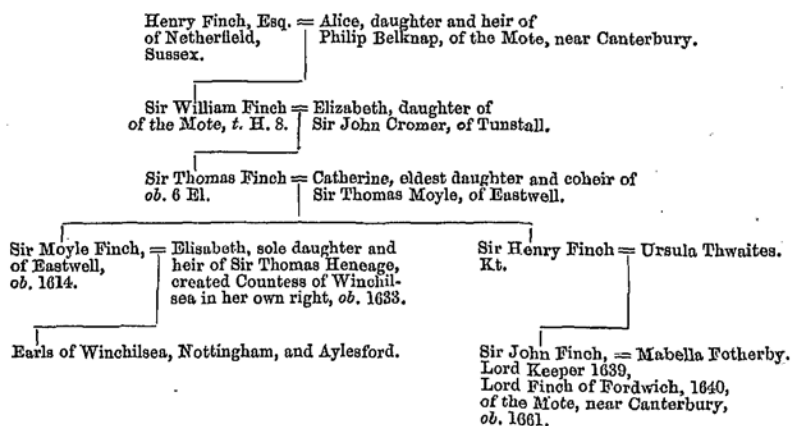
² "King" is an addition, in darker ink, made doubtless at the Restoration.—ED.

APPENDIX.

I.

Note to No. 196, "Lady Finch, of Fordich," and No. 89, Vol. II. p. 207.

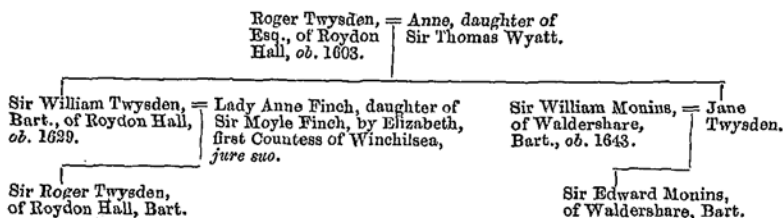
The Lady Finch here mentioned was the wife of Lord Finch, of the Mote, near Canterbury, who was at this time a refugee in Holland. He had been Chief Justice of the Common Pleas, was made Lord Keeper, 1639, and created Lord Finch of Fordwich, 7th April, 1640. "A man," says Clarendon, "exceedingly obnoxious to the people upon the business of ship money, and not of reputation and authority enough to countenance and advance the King's service." His seat of the Mote had descended to him from his grandfather, Sir William Finch, who inherited it from his mother, the heiress of Belknap. The house was burnt down many years since. The estate is now the property of Earl Cowper. The connection between the Lord Keeper and the Earls of Winchilsea is shown in the following abstract from the pedigree of that illustrious house:—



II.

Note to "Sir Edward Monyngs, who, as he was a neere kinsman," No. 208.

They were first cousins, as shown by this pedigraic extract:—



III.

Note to "S^r A. Weldon told my wife the goods were worth £10000,"
No. 213.

The following memorandum, from Sir Roger's private diary, is a laughable comment upon Sir Anthony Weldon's demand. It is an inventory of these "*spolia opima*" supposed to be hidden at Roydon Hall:—

"Things caryed out of my house in East Peckham, by y^e Troopers, on Wensday y^e of April, 1643:—

A saddle.

2 or 3 byts, gyrts, snaffles, styrrups, and all of y^t kind they met with.

Nurse her lased handkerchiefe.

W^m Sparks' shirts, 3 bands, 4^s 8^d in money, a boxe in sylver out of my wive's closet.

Captayn Vaughan's¹ two handed sword.

A glove of male.

A booke and a payr of compasses.

A payr of Pystol cases, a combe, and a book or two of Ward's.²

A little dagger, two belts, and gyrdles.

2 little bookes of waxe candles."

IV.

Note to "Finding humane nature," etc., No. 219.

Sir Roger's Preface to the Laws of Henry I. is dated "Ex ædibus Lamethanis, 13 Cal. Junii, 1645." Among the students

¹ *i.e.* Cuthbert Vaughan, the second husband of his great-grandmother, the heiress Elizabeth Roydon, a man distinguished among the Reformers.

² *i.e.* Hamnet Ward, his son's tutor.

of that learned work, few have, hitherto, been conscious of the tale of suffering and exhaustless energy involved in those simple words, "*Ex ædibus Lamethanis.*" Truly has it been said, "The elasticity of a powerful mind ever increases with the pressure imposed upon it." Even so was it with Roger Twysden. Indeed these words are but a philosophical commentary on his own expression, "finding humane nature can never bee absolutely idle."

It will be remembered that, in an earlier part of this Journal (see Vol. II., No. 69, p. 195), when on bail, restricted to the limits of London, he beguiles the weariness of his confinement by searching the Records at the Tower; and now we have him in actual imprisonment, with unbending spirit, turning to the same resources of literature "*in hisce carceris claustris solum literarum levamen admittentibus,*" as he touchingly writes to his friend Sir Simon Dewes, when asking the loan of a few books to cheer his solitude. The whole of this letter to Dewes is so characteristic of the man, that we cannot resist giving it entire. It is among MS. Harl. 374, p. 237 (old num. 248), and is as follows:—

"*Ante decennium integrum (vir clarissime) de eximiâ tuâ in anti-quitatibus scientiâ, et instructissimâ simul bibliothecâ libris selectissimis refertâ, tantum ad aures meas perferebat communis ex sermone rumor, ut incredibili te cognoscendi desiderio arderem; verum cum domesticæ curæ ab urbanis delitiis aliquanto longius me rus ad privata negotia non tam avocarent quam importune pertraherent, desperabam propemodum de obtinendâ unquam viri tam docti familiaritate, donec tandem huc revocato, iterum cœpit reviviscere pristina ardoris flamma; ideoque tum sororium meum rogavi ut tuæ me amicitia insinuaret.*

"*Sed jam, præter illud quod inter uxores nostras est sanguinis vinculum, innata illa tua et vera primorum sæculorum bonitas, summaque in me benevolentia, tot in me collatis favorum documentis adeo me tibi obstrinxit, ut in hac qua premor conditione, nihil feram magis ægre quam quod non invenio quo et vel grati saltem animi signum ostendam. Dabit meliora Deus. Interim, si quid mihi ex illo quem memoras antiquitatum tuarum acervo communicare volueris, poteris facillime, ac tuto, illud per Davidem Sibbaldum,¹ virum ut vere doctum, ita pium, et ex tenui lare suo quo contentus ruri*

¹ David Sibbald was a coadjutor and amanuensis to Sir Roger in putting out his '*Decem Scriptores,*' etc.

degebat, non aliâ quam solius conscientiæ servandæ causâ ejectum, ad me transmittere, utque ita mihi in hisce carceris claustris solum literarum levamen admittentibus, non parum solatii afferre.

“Vale, vir doctissime, et semper ama
tui studiosissimum,

“Lambethæ,
xiv Cal. Decemb.
MDCXLIV.”

“ROGER TWYSDEN.

[In dorso.] “Viro clarissimo Simondo D'Ewes, equiti aurato et Baronetto, in ædibus suis Westmonasterii.”

V.

Note to “never recovered her former strength,” No. 221.

Sure we are our readers will pardon us the insertion of a somewhat lengthened note to this passage, in one of the most affecting tributes ever penned by a noble-hearted husband to the memory of a loved and matchless wife. It is from the private diary of Sir Roger Twysden. We gave this touching effusion, some years since, to our lamented friend John Mitchell Kemble, who has introduced it in his charming biography of Sir Roger prefixed to the forty-fifth volume of the Camden Society's publications. It will bear reprinting. Indeed, to use Kemble's own words, “It would be a sin to omit a record which displays so beautifully the piety and amiability both of herself and the writer.”

“Isabella Saunder, daughter of Sr Nicholas Saunder, of Ewell, in Surry, by Nonesuch, married to me the 27th day of January, 163⁴/₅, mother of sixe children, three male and three female, . . . left the miseries of this life at a little house of myne in y^e Dean's Yard, in a little court in Westminster, the 11th day of March, 165⁴/₇, about 6 of y^e clock in y^e after noone, or rather not so much, but very nigh y^e houre, the day on which she dyed beeing Wensday, and was brought downe and buried by my father in our little burying place, in East Peckham Church, y^e Tuesday following, beeing y^e 17 day of March, 165⁴/₇.”

“She was a person of the most virtue and fewest vices I ever saw. She was truly religious and fearing God, serving hym allwayes in spirit and truth, after the auntient manner of the English Church, as it was reformed by Queen Eliz. and King James. This seasoned

all her other actions and made them such as were acceptable in y^e sight of God and good men. She had a very discerning judgment, and wth that, a temper beeyond imagination, and, with it, an affectionate nature to all, especyally such as loved her or me, of whom, if that can bee a fault, she was too fond, and so of her children. With what patience she, for my sake, endured the loathsomeness of a most nasty pryson, called y^e Counter, in Southwark, that she might have my company onely; with what wisdom she solicited, then and afterward, my business at Committees, and at the howse of Commons, sometymes, itself; with what magnanimyty she went through those miserable tymes, (in w^{ch} it was enough to be undone, not to bee so foolysh as not to consent or run madly to our owne ruine, y^t beeing the undoubted mark of a MALIGNANT) I shall not heere write, beecause indeede I have not words to expresse it.

"She was not at all unwilling to dye, insomuch as when she, growing weaker, my Cosen Burraston told her she feared 'she was not a woeman,' she took the words out of her mouth, and added herself, 'of this world;—God's will bee done; hys name be ever prayed!'

"I was, unfortunately, in y^e Country, when she fell sick of her last sickness. She had beene ille of a Cold; but was prety well recovered agayn; but y^e night I went away was stricken with death; though they conceived it onely a Cold. On Tuesday y^e 10 March, they sent a messenger of purpos for me. I saw there was then no delaying; but went so early, as I was wth her about 10 of y^e clock, found her much spent, her eyes to have lost her naturall quicknesse. Yet God gave her then a little lightning beefore death: Was joyd to see me, received the sacrament VIATICUM with me, w^{ch} done, she kissed the Minister, and us about her, to take her leave of us,—told me wee should meete in heaven. I never saw any receive the Eucharist wth more reverent devotion. Then, growing neerer her end, desired to bee layd to rest again, beeing heavy as nigher her tymes end. About 3 of the clock, she awaked agayn, knewe me. I kist her and she me; but I could not well understand her speech, but, as I since conceive it was, y^t she might dye quyately, w^{ch} she did, laying her self again to sleepe; but never waked more in this world.

"When I kist her, which was y^e last I ever did whilst she lived, she gave me many kisses together, so as I told her, 'heere is y^e old kisse still.' She smiled, as what she knewe she used to doe.

"She was of a weak constitution, very sickly, in so much as some tymes jesting wth her, and saying in sport, not long beefore her end, 'If God ryd me of this, for a second wife I would take no thought,' she, as conscious of her owne weaknesse, replied, 'Mock not, it may bee sooner than you think;' and so it happened.

"I may not forget, after her death, she reteyned y^t amyable pleas-

ing sweetnesse of countenance, she had living. I could not absteyn from kissing her to see it,—God suffering her body carry to her coffyn the lovely aspect, to show how deere and pleasing her soule was in hys sight. Lord! make me live as she lived, and truly fear God as she did, that I may dye as she did; y^t I may attayn that happy crown she is now in possession of.

"I may not forget, to these many guifts of mind, she had a very weak body; often sickly, or, rather, allwaies sickly; often sick very desperately, at least, since her last child, Charls, seldom well. When I lay in Lambeth, eyther from the contagion of many coming into it, after the fight at Naseby, or, seeing S^r George Bunckly, whom she saw in hys extreamty ready to depart, or anxiety of mynd to see me wth out any hope of freedom, she fel into a sicknesse, w^{ch} ended in a double quantan ague; after which, or rather perhaps her ill childbed of my youngest boy Charls, she had lesse her health then beefore; though God lent her me about 12 years after, yet ever weak.

"Her goodnesse I can not expresse, her pyety, mildnesse, temperance, not to be styrd, not at all passionate, sweetnesse of nature, judgment, justice, fellow-compassionatenesse, patience, humility, yet well understanding herself and her dwe, they who best knewe her can onely judge. Of her humblenesse I shall onely give this one example: after some of her great journeys into Kent, w^{ch} she undertooke for my buysinesse, and so very wisely solicited, seeing her ille and great wth child, I have sometye sayd, 'What an unfortunate man am I y^t have brought a gentlewoeman to such a deal of mysery for my sake!' She would take me up, as intymatyng and saying she would endure much more for my sake. When I was first sequestered, I kept a man to wayt upon her; after I could not; which she was so well contented with as nothing more.

"She was the saver of my estate. Never man had a better wife, —never children a better mother!"

VI.

Note to "The Commoners' Liberty," a footnote to No. 246.

This was a tract published anonymously by Sir Roger Twysden in 1648. Its title is, 'The Commoner's Liberty, or the Englishman's Birthright.' It consists of thirty-three pages, in small quarto. There is no printer's name; the title-page contains merely the above title, three mottoes from Coke, and the words, "Printed in 1648." We have in our possession Sir

Roger's own copy, with copious marginal manuscript additions, "to be prynted in y^e booke it self, if ever it be reprinted."

The subject was a tempting one to Sir Roger, who has brought to bear upon it all his vast stores of constitutional lore.

VII.

Note to 290.

Sir Roger uses a singularly moderate expression here. Perhaps the "censure" of the Star Chamber was, in these days, so well understood and appreciated, that it was hardly necessary to make further mention of the execrable spirit of vengeance with which the sentence was passed,—or the unparalleled cruelty with which its full rigours were inflicted on Leighton. Laud is said to have taken off his cap in court, and returned thanks to God, when the sentence was pronounced. As to Leighton—he was first whipped, then set in the pillory, where one of his ears was cut off; next, one side of his nose was slit, and his cheek branded with a hot iron, as the sower of sedition, with the letters S S; the very next week, ere the wounds, thus inflicted on every part of his body, were healed, he was again whipped, and, placed in the pillory, had his other cheek branded, his nose slit, and his remaining ear cut off; he was then imprisoned for eleven years. Strange were the vicissitudes of Leighton's fate, and more than amply was he now avenged! The return of brighter days, however, was destined to be of short duration; for his death took place accompanied by insanity—which was doubtless occasioned by the exquisite sufferings both his body and mind had formerly been doomed to sustain. His biographers appear to have committed a slight error in assigning the year 1644 as the period of his death; for in the above narrative Sir Roger Twysden speaks of him as still living, when he quitted his confinement in the early part of 1646. He was father of the learned, pious, and amiable Archbishop Leighton.

L. B. L.