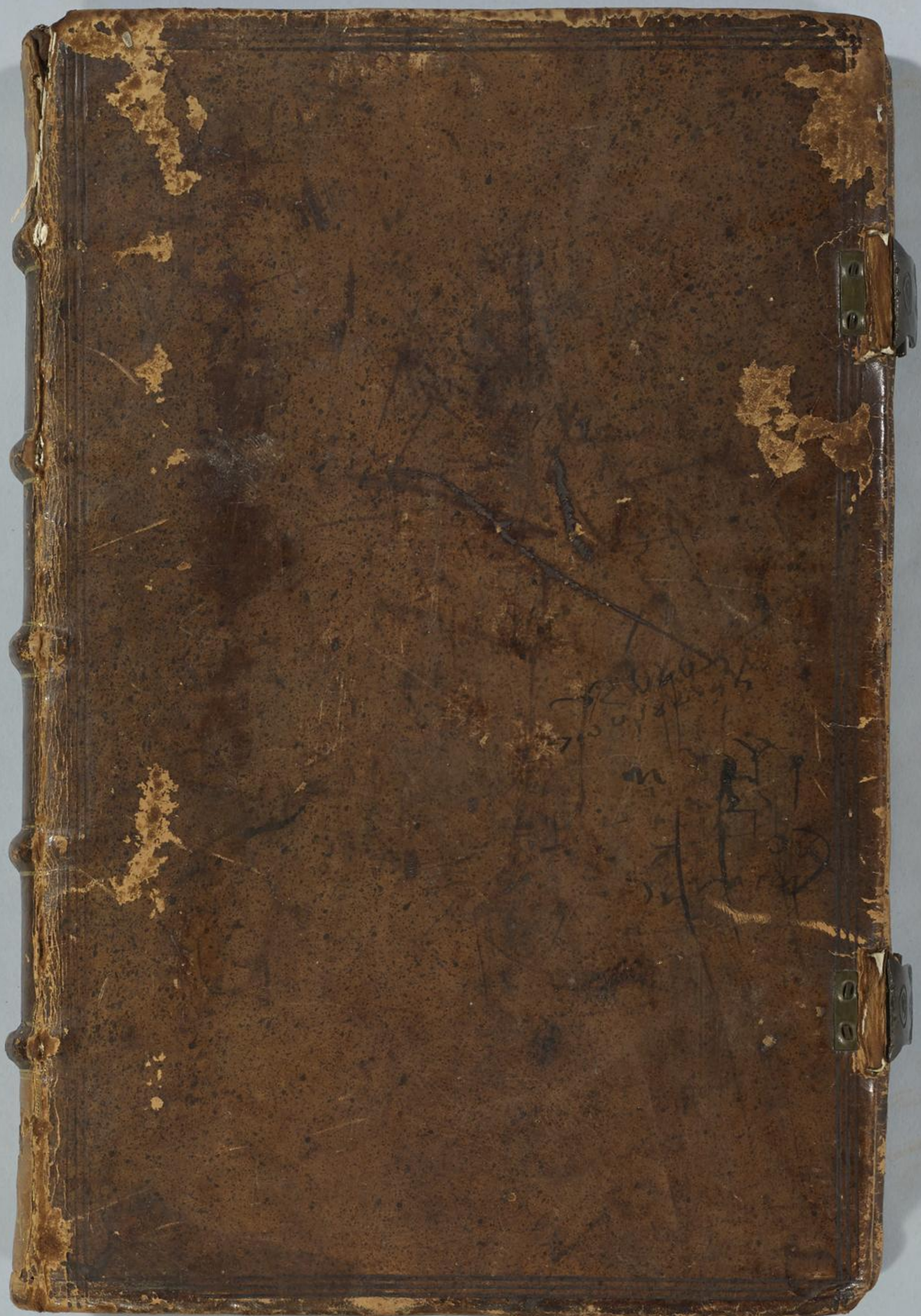

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The Arraignement and Death of Mary
Queene of Scotts. 1586.

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Marie Stuart

Vaste Martyr:
a! tues Martyr:

Marie Stuart Queene of Scotts.
Romes set Act nev'r tasts of quiet.

Thy dearest blood thou lost through Romane Art
Thou acted but their proiects: hence thy smart.
Tam viret Ars or thus
The Acts of Rome are of soe bloody nature
Hee findes noe quiet, who proues once there Creature.

1

Anno dm 1586

The arraignem^t of Marie Stuart
Queene of Scotts at Fotheringhay
Castle in Northampton shire.

Upon Wednesday the 12th of October the Lords
Commissioners for the Scottishe Queene came
to the Castle of Flotheringhaye in Northampton
shire about nyne of the Clock in the morninge,
At wch howre in the Chappell of the said Castle
the Deane of Peterborough preached before them:
ffrom the sermon they went to Counsell in
the Counsell Chamber of the said howse,
where the Commission from her Matie was
read to the Lords Commissioners for the greate
Cause grounded upon the act of 27° Eliz:
authorizinge them then to examine such
persons as stood suspected for any p^tence
of practise aga^t theire Queene, The tenor
whereof is to bee seene in the booke of statuts.
In the Commission there was noe inequalitie,
all mens voyces were free and of equall
power. This read, it was thought convenient
in the consultation by them all to send the
Queenes Maties lres of credit to the Queene
of Scotts, whereby might appeare the cause
of theire Commynge, as also theire authoritie

and intention to call her before them. The Messingers were appointed Sr Walter Mildmay Chancellor of the Exchequer and her Guardian Sr Amias Paulett, and to attend them one Barker a Civilian, whose office was to conceive the answere made to them upon the deliuerie of the Lres and to returne her answere simplie wthout any treatie or Conference.

Lord Scotts answere to the Messingers

It is noe small greife to me to thinke how harolie the Queene doth use me, after my longe miserie of imprisonmt and disquietnes of my body to bee suspected of my integritie, whereof I have given see greate and perfect testimonie. I have as it is well knowne stuck to adversities, and benige a Queene suffered many things dangerous to my estate and person, wherein I was not onlie neglected but vnjustlie condemned by the malice of some of my privie enemies, whereof I have not wanted of the mightiest, but I have bine contented wth any course, the Queene would hold wth me although I will prove when the first instrumt of Assassinacon was digested what waie they meant to take wth me, wherefore it standeth me upon the care of my selfe, seenige my papers are gone from me, and servants sequestred, and my selfe vnacquainted in the

lawes

lawes of this Realme, and sure I am that noe body shalbee allowed to speake for me, to avoyd therefore the prejudice that I may doe to other Princes, my seme and my selfe my answere is this. That I allowe not her Commissioners for my lawfull Jeeres, and therefore am not to bee dealt wthall, but by such as my selfe, absolute Princes, thinkinge it hard that whatsoever is discovered by forraine power, private practise in this land, or any fruite that discontented humors may worke should bee laid to my charge, who I confesse have given over what courses soever, and have remitted the estate of me and myne to the Consideracon of the Princes my Allies and fremd protestinge further that I never have done any thinge agat her person by whatsoever suggestion the Queene maie bee enformed.

Shee further desired to see the protestacon shee made to those that in the 14th yeare were sent to her. I meane said shee the Lord Chancellor that nowe is heere Wilson and others.

Upon Thursday there went to her in to her loognige the Lord Treasr Lord Chamberlaine the Earles of

Oxford Shrewsburie Kent Worcester Viscount Montacute Lord Lunch Grey Lumley Sr Ralph Sadler Sr James Croft Mr Vicechamberlaine Sr Amias Paulett the two Cheife Justices Doctor Dale Doctor Sford Barker and Wheeler notaryes who remayned wth her almost the space of two howres, signifiengie unto her that yf shee would not come forth before the Comissioners they would proceede agat her accordinge to theire Comission

That whole day was spent in Counsell and sendinge unto her

The next morninge beinge ffryday shee resolved to appeare, and soe about nyne of the clock shee came forth into the presence Chamber prepared and hangd wth a Cloth of Estate in the upper pt of the Chamber, and downe alonge the sides were formes covered wth greene for the Lords and Earles of the right side, and Barons on the left, somewhat belowe in the middst of the Chamber was a Barr sett, and wth in the Barr a forme for the kts of the privie Counsell, and before that forme a Chaire wth a Cushion and a foote Carpett for the Queene of Scotts. Directlie agat the Cloth of Estate belowe in the middst

middst of the Chamber was a Table whereat the Queenes Attorney and Sollicitor the Sr Ieant the Clarke of the Crowne and the two Notaries were directlie above that Table In the middst of the Chamber were two formes whereon sate on the right hand the Lord Cheife Justice of the Knigs Bench and the Lord Cheife Baron, over agat them the Lord Cheife Justice of the Comon Pleas and Justice Peryam, belowe the Barr were such gentlemen as came to see the Action

The names of the Comissioners

On the right hand	On the left hand
L: Chamberlaine	L: Lunch
L: Treer	L: Morley
E: of Oxford	L: Stafford
E: of Shrewsbury	L: Gray
E: of Kent	L: Lumley
E: of Darby	L: Sturton
E: of Worcester	L: Sandes
E: of Cumberland	L: Wentworth
E: of Warwick	L: Mordant
E: of Lincolne	L: St John
E: of Pembrooke	L: Compton
Viscount Montacute	L: Cheiney

Sr Walter Mildmay
Sr Ralph Sadler
Sr Ffra: Walsingham
Sr Christopher Hatton
Sr James Croft
Sr Amias Paulett

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The Lords and these benige thus sett and all
thingh ready, the Queene was brought in,
havenige a way or lane made from her lodgnige
dore (wth was in the lower Corner oss her lodgnige
Chamber) wth Halberth shee was in a black
gowne, covered over wth a whit vayle oss lawne,
a verie tall woman and bigg, benige lame,
and supported by the one ~~arm~~ arme by Wellomye
her gentleman, by the other wth the Schiscon,
one oss her woemen carried vpp her trayne, and
three other attended on her, one oss her servants
brought a Chaire covered wth a Crimson
velvet, and ~~at~~ another a Cushion oss the same,
A litle before her coninge in, her Chaire
was removed from the bottome oss the Chamber
to the vpper part belowe the Estate, and set
as it were Cornerwise towards the sides oss the
Lords and Barons. Then silence benige made
the Lord Chancellor stood vpp, and benige
uncovered, spake to this effect.

L: Chaunc: Madam the Queenes Maties benige strongly enformed
oss sundrie practises made by you agat her
hath caused this meetenige, as it hath bine
signified unto you. You have read the Queenes
lres certifienige the same. And I must saie
thus much

thus much unto you from her Maties mouth. That
havenige borne see many thingh at your hands
shee cannot any longer forbeare to proceede agat
you, not for the pills that may befall herselfe,
for God shee trusteth that hath ever defended
her, will still deliver her from them. But there
dependeth more vpon it, shee seeth that you are
made a foundacon oss all practises agat her and
yss shee should neglect it, shee should forgett the
cause oss God, and beare the sword in vayne,
It is not malice madam, nor regard oss her person
that causeth her to doe it. And albeit shee
might doe otherwise, and proceede agat you, yet
shee hath dealt thus in honour towards you that
you should bee heard speake for yourselfe.

L: oss Scotts The Queene answered to this effect by waie oss
protestacon, that shee was a free Prince and borne
a Queene, not subiect to any but to God, to
whom shee must give accompt, and therefore that
her appearenige should not bee prejudiciall to
other Kings and Princes nor her Allies, nor her
sonne, and thereupon desired an act to bee made
and desired her owne people to bee witnes oss it.

L: Chaunc: The Lord Chancellor againe protested agat the
protestacon, that it should in noe wise bee prejudiciall
to the Queenes Maties, nor to the Crowne oss England

and that they all in the behalf of her Matie required it to bee enacted.

Mr Poole — Then Mr Poole Clerke of the Crowne office read the Commission grounded upon the statute of 27 Eliz: the Commission read

L: of Scotts — The Queene said, I protest this lawe is insufficient and therefore I cannot submitt my selfe unto it.

Lo: Treas — Then the Lord Treas avowched this lawe to bee good and sufficient aga^t her

L: of Scotts — To whom shee replyed that the lawe was made aga^t her

L: Treas — The Lord Treas said wee have Commission to proceede and yf yo^u will not heare and answere wee will proceede therein aga^t yo^u.

L: of Scotts — Then shee said I will heare and answere it.

Sergeant Gawdye — Then arose Sergeant Gawdye and declared, first the statute, and then enforced that the Queene of Scotts there present had offended aga^t both the branches thereof, vizt that shee had bine both privie to the Conspiracie of killinge the Queene and also had practised it and compassed it herselfe, and soe ripped upp the whole complott from Ballards comminge into the Realme

Realme, and when the Sergeant said that the Queene present was both a mover and Compasser shee bowed her body and smiled.

Her first lre then to Babington was read to renewe that intelligence.

Fuckeringe — Then Sergeant Fuckeringe pursued the rest of Babingtons lres to her, and her answere to them againe.

L: of Scotts — The Queene answered that shee never had seene Babington, nor never had speeche wth him, nor never received lre from him, and that shee could stopp noe man from goeinge over the Seas, but let any man in England come and saie that ever I did any thinge aga^t the Queene of Englands life

Clerke of the Crowne office — Then Sands the Clarke of the Crowne read Babingtons lre and Confession and Fuckeringe opened the points.

L: of Scotts — The Queene said that shee beinge kept from all intelligence of all her freinds, and of her sonn, it might bee shee desired intelligence, but yf any other man had done or practised any thinge it is noe matter, to this purpose there bee some that send me lres, and I knowe not them, nor from whence they come.

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Clerke of the Crowne office — The Clarke of the Crowne office read againe Babbingtons Confession

L: of Scotts — The Queene againe said, I wott not of anie such matter

Then was read her lre to Anthonie Babington

L: of Scotts — To wth shee said yf Anthonie Babington and all the world said it, they lye of it, and I wonle see my owne hand writinge to Babington. And to Babingtons lre shee said, I never sawe that lre nor heard of it

Lo: Trer — Then said the Lord Trer prove her receipt of Babingtons lre.

Sr Sicant — Soe the Sicant shewed an answere to Babingtons letter from her in the same Cypher sent by a servinge man in a blewe Coate, Soe hee opened all the points of Babingtons lre. When mencon therein was made of the Earle of Arundell shee wept and blubbered out sayeinge. Woe is me that that howse hath suffered soe much for my sake, and after blubberinge a tyme, shee said, yf ever I made any such practise agat the Queene my sister, I pray God I never see the face of God, I have written I confesse as any Prince kept Captive as I am, might doe, vizt about my deliverance, but never agat the Queene

Queene. I confesse for the Catholiques delivdie from theire persecucon, I will worke, and yf I could wth my blond to save them from destrucon, I would and yf it may bee soe, I pray you lay that on me, and therewth wept.

L: Trer — The Lord Trer said the Queene putts noe man to death for theire Conscience, but they might enioye the libertie of theire Consciences yf they will live as dutifull subts, and therefore reforme your opinion herein.

L: of Scotts — The Queene said shee read it soe in a booke

L: Trer — The Lord Trer said they that write soe Madam write also that the Queene of England is noe Queene.

L: of Scotts — Then shee pickt a quarrell agat Mr Secretarie sayeinge that hee had bine her sore enemie, and her sonnes, and practised wth certaine persons agat her, but Mr Walsingham quoth shee I thinke you are an honest man, said even the word of an honest man, whether you have bine soe unto me.

Mr Secretarie — Mr Secretarie rose upp and came to the end of the Table, standinge in the midst before his seate, and said, Madam, I stand charged by you to have practised somthinge agat you I

call God and all the world to witnes, I have done nothinge as a private man unworthie of an honest man, nor as a publique person unworthy of my callinge. I protest before God that as a man carefull of my Mrs safety, I have bine carefull and curious, but yf Ballard had offered me his service, I protest, I would have used him, but yf hee were practised wth by me, why did hee not plead it then for his lyfe?

L: of Scotts Heere againe shee protested (and wept) that shee would not make a shippwrack of her sowle in conspiringe agat her good sister, and that those that Mr Secretarie had set as spyes over her, were spyes for her agat him, and had likewise told her thinge of him.

L: Attur: The Queenes Atturney proved that the Queene of Scotts was privie to the Conspiracie, and gave instructions to her Secretaries to write, by her Secretaries confessed unconstrayned or imprisoned, by theire oathes, by theire originalles some in cyphers and some translated into Englishe by her direction. Jaques Nan & Gilbert Curle

L: Solliciter The Sollicitor proveth both the points of the statute agreeinge to the points of the Commission.

ffirst

ffirst that shee was privie to the Conspiracie. That shee received Babingtons lres wherein the Conspiracie was conteyned to kell the Queene, who gave answere to it, deposed by her Secretaries, who besides theire oathes and voluntarie confessions did set downe accordinge to theire memorie the minimenth and points of Babingtons lre to the Queene and her answere to Babington, wherein especiallie they remember the points of the Conspiracie particular by Babington before hee was apprehended, and at large when hee thought to have executed it. Secondlie hee proved that shee herselfe did compasse and conspire the Queenes death, ffor besides the approvenige of Babingtons plott, shee addeth in her lre of her owne for the execution of the designemt. The Secretaries at the viewe of her lres did write thus per le expresse commaundement de la Roigne ma matresse: Nan: Curle. Then benige asked

L: of Scotts whether it were theire hands: The Queene confessed shee knewe it to bee theire hands, and that Curle was an honest man but shee would not bee indges by him, and that Nan was the Kings Secretarie of ffrance

and that hee had bine Secretarie to the Cardinall
Guyse and therefore could not tell what
practise hee might make agat her. When shee
said shee knewe not Babbington nor Ballard

Lo: Trer The Lord Trer said Maddam I will tell you
whom you knowe Morgan that hyred Jarry to
kill the Queene, and after you knewe it you
gave him a pension to murther her.

L: of Scott Shee said hee hath lost all for my sake, and
therefore I thought it belonged to my honour
to relewe him, but saith shee, there hath bine
pensions given to my enemies in Scotland
agat me, and to the Kinge my sonne one.

Lo: Trer The Lord Trer said the Queene because the
revenues of the Crowne of Scotland are
diminished, giveth you sonn a benevolence beinge
her Maties knisman, but noe pension

L: of Scott The Queene of Scotts the second day beinge
Satturday at her first comminge renewed her
first protestacion, saynige, I am a sacred and
annoynted Queene and ought not to bee iudged
by any lawe, I am a free Prince, and owe
noe more to any Prince then they owe to
me, I came hither for the iustificacion of my
honour

honour, and that wch is laid to my charge
agat my sister: Her oration was very longe
and of manie thinges shee said that the
Queene was see dealt wth when the matter
of Wyat was laid to her charge, and was
not guiltie of it, shee said shee liked not
the course to overthrowe her sister, although
shee desired to have the Catholiques from
persecucion, and that shee had rather play the
part of Hester then of Judith to pray,
quoth shee for my people, then to take any
awaie, and to deliver my people: God
forbidd that I should deserve to bee denyed
of Jhesus Christ before his father, they
gave it out that I was of noe Religion
neither did they ever seeke to drawe me
to theire Religion: For there was a tyme
when I tendered my selfe but they cared
not for my sowle; But my Lords, when you
have done all you can, and have put me
from that I should have, yet shall you not
obtaine your purpose of Mary Stuart and
heere shee wept and blubbered, that they
could not conceive her speeche. Then shee
said I desire that another assemblie may bee

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called, where I maie have my Counsell: I appeale to God first, my iust Iudge, and to the Princes my Allies &c

Lo: Trer Heere the Lord Trer said, Maddam wee have set downe yor protestacon under a Notaries hand, and againe wee have protested that the protestacon bee not prejudiciall to the Crowne of England.

L: of Scotts The Queene said, nideede my Lord yo^u take noe Commission but that that maie serve yor turne, yo^u have done the worst yo^u maie, I have offered that yf I might bee at libertie I would doe all dutie, and labour to quench these troubles that are made, but I could not bee heard. I was made beleive that I should bee set at libertie, and I promised hostages for securitie my owne sonne and my Coosen Guyses sonn.

Lo: Trer The Lord Trer said Maddam It is true yo^u offered hostages as yo^u said, and her Matie and Counsell were contented therewith, but the Lords of Scotland were not contented that theire Kinge should come.

But I

L: of Scotts But I told yo^u quoth the Queene yf I might bee at libertie I would effect it.

Lo: Trer The Lord Trer said, the Queene shall sett yo^u at libertie, and yo^u shall seeke her destruction, for all these practises of yor enlargem^t were nothinge else, but a plott aga^t the Queene, for even then when it was a doeinge, yor man Morgan hyred Jarry to kill the Queene

L: of Scotts My Lord said shee yo^u are myne enemie.

Lo: Trer Noe said my Lord Trer I am an enemie to the Queenes enemies.

L: of Scotts Was it not said quoth the Queene that yor Queene should never bee free from practises till I were sett at libertie, and therefore desired the occasion might bee taken awaie, supposinge to prevent the effect?

Then was read a Lre to Mendoza the Spanish Ambassador in France, wherein shee promised to give the Kinge of Spaine the Kingdomes of England and Scotland yf her sonn would not bee reclaymed from that heresie, wherein (shee said) hee was misled. A Lre also to Doctor Allen was read, wherein shee calleth

hmi reverend Father in God, and dealeth
wth hmi about the invasion: And also his
letter to her the night before. Likewise were
read her lres to the Lord Sagitt Charles,
Sadgitt and Sr Francis Knightfeild, wherein
shee saith, that shee hath given direction to
the Catholiques on this side for a dispatch:
Heere beinge pressed wth a truth of the
Conspiracie, because her owne men had sworne
L: of Scotts it. Shee said that shee thought they made
noe conscience of an oath given to them.

Heere the whole howse murmured concerninge
the gueninge awaie of the Kingdome of England
to the Kinge of Spaine. In writinge to Mendoza
shee advertised hmi thus. Let not this bee knowne
for yf it should ~~bee~~ it would bee in France
the losse of my Dower, in Scotland the breach
wth my sonn, and in England my totall
destruction.

Sollicitor The Sollicitor also remembred the Lords, that
yf a forraine Prince had the Kingdome, what
would become of theire estates and dignities.

Lo: Trer The Lord Trer said. Madam the succession of
this Crowne whosoever hath it, cannot give
it to a

it to a stranger Prince, it must goe by the
lawes of this Realme: When yor enemies in
Scotland threatned to kill you, the Queene
said shee would revenge it, and soe yor life
was saved.

L: of Scotts. At the end of the Session, when the Lords were
risenige, shee talked longe wth the Lord Trer
commnge to hmi to his seate, after to Mr Vice-
Chamberlaine, and to Mr Secretarie, opensinge
her selfe unto them. Shee said, to the Earle of
Warwick that shee heard hee was an honoble
gentleman, desirenige hmi not to beleive
all things that hee heard of her, desirenige hmi
to recommend her to the Lord of Leicester, a
saynige shee wisht hmi good successe in all his
affaires. To the Judges and Lawiers shee
said, I pray God blesse me from you, you have sore
hands over them that bee under you. And to
Mr Phillipps shee said thou never didst anie
good agat me.

And soe the Lords brake upp theire sittinge
upon Saturday at one of the Clock in the
afternoone and adiourned theire Commission to
the Starrchamber.

The true Copies of the Letters sent betweene the Q: of Scotts and Babbington

Queene of Scotts to Babbington

My verie good freind, albeit longe since you heard from me noe more then I have done from you agaᵗ my will, yet would I not you should thinke in the meane tyme I ever to bee unmyndfull of the effectuall affectious you have shewed heeretofore towards all that concerneth me. I have understood that upon the ceasinge of our intelligence, there were addressed unto you both from ffrance and Scotland for me some packetts, I pray you yss ame bee come to yoᵉ hands, and bee yet in place, to deliver them to the bearer heereof who will make them to bee safelie conveyed unto me And I will pray God for your pᵉservacon June the 25ᵗʰ at Chartly

Yoᵉ assured freind
Maria Regina

This is the true Copie of the Lᵗʳᵉ I received from the Queene of Scotts

Anthony Babbington.

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The answere of Anthony Babbington

Most mightie, most excellent, my dread Soveraigne Lady and Queene, unto whom I owe all fidelitie and obedience. May it please yor gracious Matie to admitt the excuse of my longe silence, and the discontinuance of the dutifull office incepted upon the remove of yor regall person from the place of yor ancient aboad to the Custodie of a wicked Puritan and meere Lycestrian a mortall enemie both by faith and faction to yor Matie and the Estate Catholique. I held the hope of our Countrie weale (dependinge next under God upon the lyfe and death of yor Matie) to bee desperate, and thereupon resolved to depart the land, determyninge to spend the remaynder of my life in such solitarie sort as the wretched and miserable estate of my Countrie did require, daylie expectinge accordinge to the iust iudgem^t of God the deserved conclusion thereof, wch our Lord for his mercies sake prevent: the wch my purpose beinge in execucion, and standinge upon my departure, there was addressed unto me from the parties beyond the Seas one Ballard, a man of vertue and learninge, and of

and of singuler zeale to the Catholique Cause and yor Maties service. This man informed me of greate preparacions by the Christian Princes yor Maties Allies, for the deliverance of our Countrie from the extreame and miserable estate wherein it hath see longe remayned, wch when I understood, my especiall desire was to advise by what meanes wth the hazard of my life and freinds in generall I might doe yor sacred Matie one daies good service. Whereupon most deere Soveraigne accordinge to the greate care wch those Princes have of the preservacion and safe deliverie of yor Maties person; I advised of meanes, and considered of the circumstances accordinge to the waight of the affaires, and after longe consideracion and Conference had wth see many the wisest and most trustie as wth safetie I might commend the safetie thereunto, I finde by the assistance of our Lord Jesus assurance of good effect and desired fruite of our travailes. These thinge are first to bee advised in this greate and honorable action, upon the yssue whereof depends

not onlie the life of yᵉ excellent Maᵗⁱᵉ, wᶜʰ
God longe preserve to our mostmiable comfort
and to the salvation of Englishe soules and
the life of all vᵗ adhere therein) but also the
honour and weale of our Countrie (have thon
our liege more deare unto vᵗ) and the last
yeare ever to restore the faith of our forefathers
and to redeeme our soules from the servitude
and bondage wᶜʰ yeare is sadly imposed upon
vᵗ wᶜʰ the losse of fyve thousande soules. First
assuringe of invasion, sufficient strengthe in
the invadors, sperde to arrive at wᶜʰ a stronge
pte at ondrie place to joyne wᶜʰ them, and
warrant theire landinge, the dispatche of
the usurpinge Competitor. Hor the effectinge
of all wᶜʰ, yf it please yᵒ excellencie to rely
upon my service, I vowe and protest before
the face of Almightie God (who miraculouslie
late longe preserved yᵉ sacred Maᵗⁱᵉ no doubt
to some mervelous all good end) that what I
have said shalbee effected and performed,
or all our livis happilie lost in the adventure
ensewes, wᶜʰ I vowe all the dewties duetto
have taken solemnelie, and and upon assurance
by yᵉ Maᵗⁱᵉ

by yᵉ Maᵗⁱᵉ leave to me to retourne the blessed
sacrament therewppon, either to prevaile in the
Quarrell beefalle, and yᵉ Maᵗⁱᵉ, or fortunatelie
to dye in the honorable Campe. Now forasmuche
as the delaie is most extreme dangerous
it may please yᵉ most excellent Maᵗⁱᵉ by yᵉ
wisdome to direct vᵗ, and by yᵉ princelie
authoritie to enable suche vᵗ may advance
the affaire, for bringe that wourd vᵗ not
any of the nobilitie assured to yᵉ Maᵗⁱᵉ in their
desperate service, except unknowne to vᵗ,
and bringe it vᵗ were necessarie and fit
that some there bee to beare grade to leade
the multitude, over disposed by nature in
their lande to followe nobilitie; Considringe
wᶜʰ all it dothe not onlie make Comone and
contrie to followe without contradiction or
contention, wᶜʰ is ever founde in cyvalitie
but also doth adde greate courage to the leaders.
For wᶜʰ necessarie regarde I recommend some
to yᵉ Maᵗⁱᵉ as fittest in my knowledge to
bee divided in the best parte of Monte
peare, Monte walde, Monte walde the Comitat
of Lancaster Derby and Staffordshire, All wᶜʰ

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Comities by xties alreadie made and fidelities taken in yor Maties name, I hold as most assured and of most undoubted fidelitie. My selfe wth tenn gentlemen and a hundred followers will undertake the deliverie of yor Matie from the hands of yor enemies: And for the dispatch of the usurper (from the obedience of whom wee are by the excommunicacion of her made free) there bee six noble gentlemen all my private freinds, who for the zeale they beare to the Catholique Cause and yor Maties service will undertake that tragicall execucion. It resteth that accordinge to theire infinite good deserts and yor Maties bonitie, the heroicall attempt may bee honoblie rewarded in them (yf they escape wth lyfe) or in theire posteritie, and that soe much I may bee able by yor Maties authoritie to assure them. Nowe it remaynetth onlie That by yor Maties wisdome it may bee reduced into method, that yor happy deliuerance bee first (for that thereupon dependeth onr onlie good) and that all other Circumstances soe concurr that the untymlie beginninge of one end doe not overthrowe the rest: All wth yor Maties

yor Maties wonderfull experience and wisdome will soe dispose of in soe good manner, as I doubt not through Godes assistance all shall come to desired effect, for the obtaynnige of wth everie one of us shall thinke his life most happilie spent. Upon the 12th of this moneth I wilbee at Litchfeild expectinge yor Maties answere and l^res in readines to execute what by them shalbee comanded.

Yo^r Maties faithfull sub^t and sworne servant
Anthony Babbington

This is a true Copie of the l^re I wrote and sent to the Queene of Scotts
Anthony Babbington

To Mr Nan Secretarie to the Queene of Scotts.

Mr Nan I would gladlie understand what opinion you hold of one Robert Sooley whom I finde to have intelligence wth her Maties occasions: I am private wth the man and by meanes thereof knowe somewhat, but I suspect more, I pray you deliver yor opinion of him

Anthony Babbington

The Queene of Scotts to
Anthony Babbington

Trustie and welbeloved, accordinge to the
zeale and affection wth I have knowne in you
towards the Comon cause of Religion, and myne,
havenige alwaies made accompt of you, as of
a principall member, and right worthie to bee
imployed, both in the one and in the other,
It hath bine noe lesse consolacon unto me to
understand your estate (as I have done by your
last letter) and to have found meanes to renewe
my intelligence wth you, then I felt greife
all this while past to bee wthout the same.
I pray you therefore from henceforth to write
unto me soe often as you can of all occurrents
wth you may indge in any sort to bee important
to the good of myne affaires, whereunto I
shall not fayle to correspond wth all the care
and diligence that shalbee in my possibilitie
for diverse greate and important consideracons
wth were heere to longe to bee deduced. I
cannot but greatlie prayse you for the more
then comon desire to prevent in tyme the
designemts of our enemies, for the extirpacon
of our

of our Religion out of this Realme, wth the
ruyne of us all; for I have longe a gone
shewen unto the forraigne Catholique Princes,
and experience doth daylie approve it, The
longer wee delay to put hand on the matter,
on this side, the greater pleasure have
our said enemies to prevaile and wynn a
advantage agat the said Princes, as they
have done agat the Kinge of Spaine, and
in the meane tyme the Catholiques that heere
remayne exposed to all sorts of persecucon and
cruelties, doe daylie diminishe in number,
forces, and power, soe that yf remedie bee
not thereunto hastilie provided, I feare not
a litle, but that they shall become altogether
unable for ever to rise againe and to receive
any ayde at all whensoever it were offered
them; For my owne part, I pray you assure
our principall freinds, that albeit I had not
in this cause any particular interest (that wth
I pretend unto benige of noe consideration unto
me in respect of the publique good of this
estate) I shalbee alwaies readie and most
willinge to imploye therein my life, and all

Consideracions in the ground-worke

I have, or may ever looke for in this world.
Now for to ground substantially this enterprise,
1 and to bringe it to good successe, you must
examine deepelie what forces aswell on foote
as on horse you may raise, amongst you all,
and what Captaines you shall appoint for
them in everie shire, in case a Chiefe generall
2 cannot bee had. Secondly of what Towne
sorts and havens you maie assure yourselves of,
aswell in the Northwest as in the South parts,
to receive succours from the Lowe Countries
3 Spaine and France. Thirdlie what place
you esteeme fittest, and of greatest advantage,
to assemble the principall Companie of your forces
at, and the same beinge assembled, whether,
4 or wth waie you maie have to march. Fowerthly
what forraine forces, aswell on horse as foote,
you require, wth would bee composed uniforme
to the proportion of yours, for how longe pay and
munition, and sorts the fittest for theire landinge
in this Realme, for the three forsaid forraine
5 Countries. Fistlie what provision in case you
6 want you would aske. Sixtly by what meanes
the six gentlemen doe deliberate to proceede.
Seaventhly.

7 Seaventhlie and lastlie the manner of my
goeinge out of this hould: Upon wth poinct
havenige taken amongst you, who are the
principall authors, and also as fewe in
number as you can, and of the best resolucion,
my advise is; That you impart the same wth
all diligence to Mendoza Ambassador Leidger
for the Kinge of Spaine in France, who
(besides the experience hee hath of the Estate
on this side) I may assure you will imploy
himselfe most willinglie therein; I shall not
fayle to write unto him of the matter wth
all the recomendacions that I can, as I
shall also to any other that shall bee needefull;
but you must make choyse of the managinge
of this affaire wth the said Mendoza and
others out of the Realme, of some faithfull
and verie secret personage, unto whom onlie
you must committ yourselves, to the end thinge
bee kept more secrett, for your owne securitie;
whom I recomend unto you above the rest.
Yf your Messinger bringe you back againe
sure promise and sufficient assurance of the
succour wth you demaund, then hereafter,
but nee sooner, for that it were in vaine,

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take diligent order that all those of yor
ptie on this side make soe secretlie as
they can; provision or armour, fitt horses,
and ready money to march soe soone as it
shalbee signified unto them by theire theifest
and principall in everie shire. And for
better colouringe of the matter (reservinge to
the principall the ground and knowledge
of the enterprise) it shalbee enough for the
beginninge to give out to the rest, that the
said provisions are made to fortifie yor selves,
in case of neede, aga^t the Suritanes of this
Realme, the principall whereof havenige the
theife forces of the same in the Iowe Countries.
I am (as yo^u maie let the bruite goe) ~~in~~
designed to ruyne and overthrowe and at
theire returne home the whole Catholiques,
and to usurpe the Crowne, not onlie aga^t me,
and all the lawfull p^r tenders thereunto,
but aga^t theire owne Queene that nowe is,
yf shee will not committ her selfe to theire
owne goverm^t. The same p^r tept may serve
to ground, found, and establishe amonge yo^u
all, an associacion and confederacion gen^r all,
as done

as done onlie for yor owne p^r servacion aswell
in Religion, as lives, and lands, and goods,
aga^t the oppression and attempts of the said
Suritanes w^thout touchinge any thinge by
writinge aga^t the Queene, but rather
willinge to maintaine her and her lawfull
heires, not namenige me, The affaires beinge
thus p^r pared, and forces in readines, both
w^thout and wth in the Realme, then shall
it bee tyme to set the six gentlemen on
worke, takenige order upon the accomplishinge
theire designe, I may bee suddanly transported
out of this place, and that all yor forces at
the same tyme bee in the feilds to meete w^th
me, tarrienige for the arrivall of the forraine
ayde, wth then must bee hastened wth all
diligence. Now for that there can noe
certaine day bee appointed for the accomplishinge
the said gentlemens designem^t to the end
that other may bee in a readines to take
me from hence, I would that the said gents
had alwaies about them or at the least
at the Court fower stout men furnished
wth good and speedy horses; ffor soe soone as
the said designe shalbee executed, to come w^th

all diligence to advertise those heere of
wth shalbee appointed for my transportinge,
to the end that they may ymediatlie after
bee at the place of my aboade before that
my Keeper can have notice of the peruca
of the said designes, or at the least before
hee can fortifie himselfe wthin the howse,
or carrie me out of the same. It were
necessarie to dispatch two or three of the
said advertizers by divers waies, to the
end that yf one bee staied the other maie
come thorough. And at the same instant
were it also needefull to assaie to cut off
the Jsfth ordinarie waies: This is the
plott that I finde best for this enterprize
and the order whereby you should conduct
the same for our Comon securities, for stirringe
on this side before you are assured of forraine
forces, yt were but to put yo selves in
danger of followinge the miserable fortune
of such as have heeretofore travelled in
like occasions, and to take me out of this
place not benige before assured to sett me
in the middst of a good armie, or in some
verie good

verie good strength, where I may safelie staie
on the assemblie of yo forces, and arrivall
of the said forraine succours; it were sufficient
cause given to the Queene in catchinge me
againe, to inclose me for ever in sene hould
forth of wth I should never escape (yf shee
did use me noe worse) and to pursue wth all
extremitie those wth had assisted me, wth
would greive me more then all the mishapp
that might befall my selfe; and therefore
must I needs yet once againe, admonishe you
soe earnestlie as I can, to looke and take heede
most carefullie and diligentlie to compasse
and assure soe well all that shalbee necessarie
for the effectuatinge of the said enterprises
as wth the grace of God you may bringe
the same to an happie end, remittinge to the
indgemt of our principall freinds on this side,
wth whom you have to deale heerein, to ordaine
or conclude upon this present, wth shall serve
you onlie for an overture and proposition
as you shall amonge you finde best. And
to yo selfe in particuler, I referre to assure
the gentlemen above mentioned, of all that
shalbee requisite on my pt, for the nitire

execucion of theire goodwill. I leave also
to yr comon resolucions in case theire
designemt doe not take hold (as may happen)
whether you will or not pursue my transport
and the execucion of the rest of the enterprise;
But yf the mishapp should fall out, that you
might not come by me, benige put into the
Tower of London, or in any other strength wth
greate guard, yet notwthstandnige leave not,
for Gods sake to proceede in the rest of the
enterprise; for I shall at any tyme dye
most contented understandnige of yr delivrie
out of servitude, wherein you are holden as
slaves; I shall assaie at the same tyme
that the worke shalbee in hand, in these pts
to make the Catholiques in Scotland arise,
and to put my sonn into theire hands, to the
effect, that from hence our enemies heere
may not prevaile of any succour. I would
also that some stirrnige in Ireland were
laboured for, and to bee begunn some while
before that any thinge bee done heere,
to the end the Allarum might bee given them
on the flat contrarie side that the blowe
cometh

cometh from: yr reasons me thinks to have
some generall head or theife, are very pertinent,
and therefore were it good to sound obscurelie
the Earle of Arundell, or some of his bretheren
likewise to seeke upon the younge Earle of
Northumberland yf hee bee at libertie from
over the Sea. The Earle of Westmerland
may bee had whose howse and name may doe
much in the North pts, as also the Lord Sadgett
of good abilitie in some shires heereabouts,
both the one and the other may bee brought
home secretlie, amongst wth some of the
principall banisht may returne yf the
enterprise bee once resolute; The said Lord
Sadgett is nowe in Spaine, and may treate
there of all wth by his brother Charles you
will committ unto him in this affaire; Beware
that none of yr Messingers, whom you send
forth of the Realme, carrie any letters
upon themselves, but make theire dispatches
either before or after them by some other.
Take heede of spyes and false bretheren
that are amongst you, especiallie of some
Sreists alreadie practised by our enemies
for yr discoverie; and in any wise never

keepe any paper about you, that maie in
any sort doe harme, for from like errors
have come the onlie condemnacion of all such
as have suffered heeretofore; agaᵗ whom
otherwise there could nothinge have bine
proved; discover as litle as you can your
names and intentions to the French Am=
bassador nowe Leidger at London; for
although as I understand hee bee a very
honest gentleman, and of good Conscience
and Religion, yet I feare that his Master
entertayneth wᵗʰ that Queene a course
farr contrarie to our designemᵗʰ, wᵗʰ maie
move him to crosse us, yf it should happen
hee should have any particuler knowledge
heereof; All this while past I have sued
to change and remove from this howse,
and for answere the Castle of Dudley
hath onlie bine named to serve the turne,
soe as by appearance wᵗʰ in the end of
this somᵐᵉʳ I maie goe thither, wherefore
advise soe soone as I shalbee there, what
provision may bee had in that pᵗ for my
escape thence. If I stay heere there is
but one for that purpose of these three
meanes

1 meanes to bee looked for followinge: The
first that at one certaine day appointed
in my walkinge abroad on horseback in the
Moores betweene this and Stafford, where
ordinarilie you knowe verie fewe people
passe a 50 or 60 well horsed and armed
may come to take me there, as they maie
easilie, my keeper havenige wᵗʰ him ordinarily
but 18 or 20 horsemen onlie wᵗʰ doggs.
2 The second meanes is to come at Midnight
or soone after to set fyre on the Barnes and
stables, wᵗʰ you knowe are neere the howse,
and whilest the Guardian his servants
shall runn forth to the fyre, your Companie
havenige everie one a marke, whereby they
may knowe one another under night, might
surprise the howse, where I hope wᵗʰ the
fewe servants I have about me, I were
3 able to give you correspondencie. And the
third meanes is, some that bringe Carts
hither ordinarilie comminge earlie in the
morninge, theire Carts might bee soe
prepared, and wᵗʰ such Cart leaders, that
benige nist in the midle of the greate gate

theire Darts might fall downe or overwhelme,
and that thereupon you might come suddanlie
wth yor followers to make yor selves Masters
oss the howse and carrie me awaie, and soe
you might doe easilie before any number oss
soldiers, who lodge in sundrie places forth this
place, as some halss a myle off, might come
to theire releife. Whatsoever issue the matter
take, I doe and will thinke my selss obliged
to you soe longe as I live, for the offers you
make to hazard yor selss as you doe for my
deliverie, And by any meanes whatsoever
I may have, I shall doe my endeavour to
recognize by effects yor desertes herein. I
have commanded a more ample Alphabett
to bee made for you, wth heerewth you shall
receive.

Maria Regina

Anthonie Babbington to the
Q: of Scotts the 3d daie of
August anno dni 1686:

Yor letters I received not untill the 29th oss Julie
the cause

The cause was, my absence from Litchfeild
contrarie to ~~my~~ promise, how dangerous the
cause was by my next lres shalbee imparted:
in the meane tyme yor Matie maie understand
That one Maude that came out oss France wth
Ballard, who came from Mendoza concerninge
this affaire is discovered to bee for this
state: Ballard acquainted him wth the
Cause oss his cominge and hath imployed
him oss late into Scotland wth lres, by
whose trecherie unto my extreme danger,
I have bine in ieopardie, and the whole plott
is like to bee brought to light, and by
what meanes wee have in part prevented,
and purpose by Godes assistance to redresse,
as yor Matie shalbee by my next lre informed,
till when my Soveraigne, for his sake that
preserveth yor Matie for our Comon good, dismay
not, neither doubt oss happie yssue; It is
Godes cause, the Churches, and yor Maties,
an enterprise honoble before God, and men,
undertaken upon zeale and devotion, free from
all ambition, and temporall regard, and
therefore noe doubt, will succede happilie;
Wee have vowed, and will performe or dye,

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what is holden of yor propositions together w^th
yor finall determinations, my next letter shall
discover, in the meane tyme restinge infinitelie
bound to yor highnes for the greate Confidence
it hath pleased yo^u to repose upon me, wch to
deserve wth all faithfull service I vowe before
the face of our Lord Jesus whom I beseeche
to graunt yor Matie a longe and prosperous
raigne, and us happie successe in these our
vertuous enterprises

London the 3^d of
August 1586

Anthony Babbington

This is the true Doppy of
the last l^re written to the
Queene of Scotts.

The manner of the execution of
Mary Stuart Queene of Scotts on
the 8th of Februarie 1586:
in the greate Hall at Fotheringhay
Castle

To the Right hono^ble Sr William Cecill
Lord high Treasuror of England

It may please yor good Lopp to bee advertised
that accordinge as yor Lopp gave me in Commission,
I have sett downe in writinge heere the tyme,
order, and manner of the execution of Mary
Stuart late Queene of Scotts the 8th of
Februarie, together wth a relation of all
such actions done in the yeare of our Lord
1586 in the greate Hall in the Castle of
Fotheringhay, wth all speeches spoken and
done by the said Queene, or anie other
circumstances and proceedings concerninge
the same, from and after the deliverie
of the said Scottishe Queene to Thomas
Andrewes esquire high Sheriffe for her
Maties Countie of Northampton to the end
of the said execution in all and as true manner
as followeth

R. W.

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The message of her death

The 6th of ffebruarie it benige certified to the Queene of Scotts by the right honble the Earle of Kent, the Earle of Shrewsburie and also by Mr Amias Ssaulett and Mr Drue Drury her Governors, that shee was to prepare her selfe to dye the 8th of ffebruarie next comminge, whereat shee seemed not to bee in any other terror, for ought that appeared by her

Her gesture

outward gestures or behaviour (otherwise then mervaylinge at soe suddaine a warninge) but rather wth smylinge theere and pleasant countenance disgested and accepted the said admonition of preparacion, although it was contrarie to her expectacion to have soe short warninge of her ~~expectacion~~ execucion, but benige wth herselfe suddanlie resolved, as it

Q: of Scotts

should seeme answered, That her death should bee welcome unto her, especiallie seenige it was her Maties will. And for my part I thinke (said shee) that that sowle were too farr unworthie the fruition of the ioyes of Heaven for ever, whose body would not in this world bee content to endure the stroke of execucion for a moment, and then wth that word spoken shee began to weepe bitterlie and became silent.

The 8th

Her attire

The 8th day of ffebruarie benige come, the tyme and place appointed for the execution as aforsaid was in readines. Concerninge her attire shee had on her head a borrowed haire, a dressinge of lawne edged wth bonelace, a pomander thayne wth an Agnus dei about her neck, a Crucifix in her hand, a paire of Beades at her girdle wth a golden Crosse at the end thereof, a vayle of lawne fastened to her Caule bowed out wth wyer and edged about wth bonelace, her gowne was of black satten printed, wth a trayne behinde her and longe sleeves to the ground sett wth acorne buttons of Jeate, trymmed wth pearle, and short sleeves of black sattin cut, wth a paire of purple velvet sleeves whole underneath them, her kirtle whole of figured black satten, her petticote unlaced in the backe of Crimson satten, her petticote skirts of Crimson velvet, her shooes of Spanish lether the rough side outward, a paire of greene silke garters, her stockings woosted, watchet colour Clocket wth silver and edged on the topp wth silver

and a paire of white Jarsey hose next her
Her person legg. For her person shee was tall of stature,
of body corpulent, round shouldred, her face
as it were fatt and broad double Chin, wth
hazle eyes, longe fingers and slender feete,
This Queene thus apparelled as is aforsaid,
in a kinde of Joy wthout any desire of deferringe
of matters or tyme departed her Chamber, and
verie willinglie bended her steps towards
the hall, wth was the place of execucion,
beinge gentlie carried and supported out
of her Chamber into an entrie next the
said greate hall, by two of Sr Amias
Paulets gentlemen, Mr Andrewes the
high Sheriffe goeinge before her. In the
entrie the Earle of Kent and the Earle
of Shrewsburie appointed Commissioners by
her Matie for her said execucion together wth
her two Governors of her person Sr Amias
Paulet and Sr Drue Drurie and divers kts
and gentlemen of good account mett her
where they found one of the said Queenes
Melvine servants named Melvine wringinge his hands
and sheddinge of teares usinge these words
(ah Madam)

(ah Madam) unhappie me, what man was
ever before the messinger of such sorrowe
and heavines as I shalbee when I shall
report that my good and gracious Queene
and Mrs was beheaded in England? Then
teares prevented him of farther speeche
Wherevpon the said Queene powringe forth
L: of Scotts her dyeinge teares, thus answered. Cease
to lament for thou hast cause rather to
reioyce then to mourne, for nowe shalt thou
see Marie Stuarte troubles receive theire
longe expected end and determination.
For knowe said shee (good servant) all the
world is but vanitie, and subiect still to
more sorrowe then a whole Ocean of teares,
can bewaile. But I pray thee said shee
report this from me, That I did die
true woeman to my Religion, true Scottish
and true French, but God forgive them
said shee, that have longe desired myne end,
and thirsted for my blond, as the hart doth
for the water brookes; O God said shee
thou that art the author of truth and truth
it selfe, thou knowest the inward Chamber
of my thoughts and how that I was ever
willinge that England and Scotland should

bee vnited together: Melvine (said shee then) commend me to my sonne, and tell him that I have not done any thinge prejudiciall to his estate, and saie vnto him from me, that hee trust not too much to practise and policie, for practises and polices will have an end. Soe resolvinge herselfe againe into teares, shee said Melvine farewell, farewell good Melvine, and wth her eyes and her cheekes all bee sprinkled wth teares as they were, shee kissed him, sayinge once againe good Melvine farewell, and pray for thy Mrs and Queene. Then shee turned herselfe vnto the Lords, and tould them that shee had certaine requests to make

Her requests

vnto them. One was for a somme of money (of wth Sr Amias Pawlet knewe) to bee paid to one Turle her servant. Next that her poore servants might have and enioye that wth shee had given them by her will and testamt, and that they might bee favorablie intreated and sent safe into theire Countries, and this as I crave, soe doe I conjure you my Lords to doe: Answere was made by Sr Amias Pawlet to this effect, I am not forgetfull of the money your grace doth speake of, therefore your grace neede not to rest in suspect of the not

Sr Amias Pawlet

not performinge your requests, and I am sure your servants shalbee well vsed. Then shee said yet there resteth one request more, wth I would make to you my Lords, wth is, that it would please you to permitt my poore distressed servants to bee present about me at my death, that theire eyes may behould and theire harte beare witnes how patientlie theire Queene and Mrs shall endure her execucion, and that thereby they might bee able to make relacion when they come into theire Countries how that shee dyed a true and constant Catholique to her Religion

Q: of Scotts

Earle of Kent

Then my Lord of Kent did answere thus Madam (quoth hee) that wth you have nowe desired cannot convenientlie bee granted. for yf it should it were to bee feared least some of these wth speeches or other behaviour would bee grevious vnto your grace and troublesome also vnpleasinge to vs and our companie, whereof wee have had some experience, or yf such a request might bee granted, they would not stick to put some superstitions trumperie tendinge to witchcrast in practise, and yf it were

by dyppinge of tefore gaudkerteerb in yom
fratob blond, weerof, it were verie vnmette
for vb to give any furt allowand

L: of Scotts My Lordf (faid fhe) yf teat bee all teedoubt
ff will give my words (altenge ff bad but ab
dead) teat teey fhall not deferve to bee blamed
in any of tee actions wtt yu Eerre name, but
alab poore fowlsb (faid fhe) it would doe
them good to bidd tefind Mrs farewell. And
ff eppo (faid fhe) funteer to tee Earle of
Kent, yo Mrs being a mayden Queene, fe
will yet in regard of Womangood vertefs
teat ff fhall eave fme of my people about
me at my deate. And funtermore ff knowe
(faid fhe) Eer Ma tie Eath not given any furt
ftrikt Comission but teat yu might graunt
me my requeft and fure more then teis yf
ff were a woman of fure moande talkinge
teer Queene of Scotts. And then perceivinge
teat fhee could not obtaine eer requeft wtout
fme difficultie, of meere griefe fhee burft
out into teards, faynge, yu knowe teat ff am
bofen to yo Queene, and deftended from
tee blond royall of Kinge Jonne tee Savonte
and eave

and eave bnto a married Queene of Scotland
and an anoynted Queene of Scotland.

Her requests graunted Wheare upon upon greate consultation eed-
betweene tee two Earles and otefe in Comission
it was fmitted that fhe fhould eave fome
of eer fervants accordinge to eer earneft
requeft, and teerew all did dofire eer to
make teefe of fuch of eer beft beloved men
and women. And then of eer men fervants
fhee chofe Melvin, eer Apotegrarie, eer Physician
and one other olde man beffides, and of eer
women fhee chofe two teat did lye in eer
Chamber. Affer teis tee faid Queene beinge
fupported by tee faid two gentlemen, and
Melvin eer man carryenge upp eer traine,
and beinge accompanid wtt tee Lords knights
and gentl above named, and tee Officers
goeinge before eer, paffed out of tee entrie
into tee Hall wtt a carefull and knappallod
Countenance, importinge nattefr mirte then
mourninge, wtout any terror of tee place
or perfonages, or tee preparation then and there
made for eer deathe; fhee fhepped wtt ffalone
upp to tee ftaffold, beinge fixe foote in
height, and twelve foote broade, wtt rayles
round about it, Ranged and covered wtt black

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Cotton, tyen cawnigo tye stoole brought yor
sse sate downe: By yor on two stoolse sate
on tye right yand tye Earle osse Cowsbarie
on tye losse yand tye Earle osse Kent yor Ma
Comissionors, and Mr Doctor Andrewes
Cgonsse, and before yor stood two Cornetts,
rownd about tye rayles stood tye Knights and
gentlemen and tye Halberds, and wthout tye
rayles directlie before yor stood Doctor
Flettyer Deane osse Peterborough. Tyen
Comissio read silence benigo made tye Cnecnes Ma
Comission was read openlie for tye sparrow
osse tye Cnecne osse Scotts by Mr Beale Clarke
osse tye Counsell, and after tesse words word
pronuncd by tye assemblie God save the Cuene.
During tye readinge osse wch Comission tye
said Cnecne osse Scotts usse silence, but
listoned vnto it wth small regard, as ysse
it had not tendrnod yor at all, but rather
wth sse mouric a Comittimr as ysse it had
bnd a pardon from yor Mat for yor lyse,
and wth all usse dsing a strangenes in yor
words and deedse, as tyenge sse had never known
any tenige osse tye assemblie, nor bnd any tenige
spoke in tye Englisse tongne

Tyen Mr

27

Tyen Mr Doctor Flettyer Deane osse Peterborough
bendige yre bodye wth greate reverence a
towardse yor usse tesse expectations wch and
in bwise as followethe.

Mr Dr Fletchers exhortation Madam tye Cnecnes most excellent Ma
(wsom God longe pserve) cawnigo notwthstandinge
tyre preparacon for tye coronacon osse Kinge
mistie to bee done on yo, for yo manifold
trespasses aga yor sacred psons estate and
gvernment, a tender care ovor yo soule
(wch pntlie dothinge out osse yo body must
citsen bee sepated in tye true faithe osse Christ
or risse for ever in eternall death) cate sent
me to minister to yo Josus Christ after tye
comfortable promisse in yre gospell to all
penitent and beleivinge Christians, wsoron
I beseche yo grace in tye bowelle osse Josus
Christ to consider: 1: tenige: first yo estate
2 past and transitorie glorie. Secondlie
yo condicon present osse death and mortalitie
3 Cyndlie yo estate to come osse everlastinge
Cppomes or spotnall infelicitie. For tye
wch let me speake to yo grace wth David
tye kinge: forget Madam yo pompe and
yo owne people, forget yo fatherr Cpresse and
yo nathrall birthe, forget yo regall and

ſpirituelle dignitie, ſoe ſhall the kinge of kinges
take pleaſure in yᵉ ſpirituall beautie, make
all thinges as duſt and clay, doeinge that
yᵒᵘ may bee fomed of God, not gaveinge yᵉ
owne righteouſnes wᵗʰ is defyled and unclean
but the righteouſnes of God by faith in Jeſus
Chriſt upon all and in all that beleive, that
yᵒᵘ may knowe Chriſt and the power of his
everlaſtinge, the vertue of his reſurrection
to rayſe yᵒᵘ upp at the day to lyfe eternall:
the followſhipp of his paſſion that yᵗ yᵒᵘ
ſuffer wᵗʰ him yᵒᵘ may bee glorified wᵗʰ
him yᵒᵘ may bee glorified wᵗʰ him and the
conformitie of his deathe, that by the
ſtakinge and communion therof yᵒᵘ may
dye in ſinne and live againe to righteouſnes
to the end that in that reſpect of yᵉ
former courſe yᵒᵘ bee not indyed of the
Lord, repent yᵒᵘ truelie of yᵉ former ſinnes
and wickednes, mortifie the Enuie now
to bee exerted, and mortifie yᵉ Maᵗᶦᵉˢ
faithfullnes towardſ yᵒᵘ at all tymes, gaue
a libelle faithe in Chriſt our Lord and
Saviour, and ſoe ſhall yᵒᵘ bee mightie
ꝑpared

ꝑpared vnto deathe, yᵗ yᵉ offences Madam
word ab many, ab the ſandſ upon the ſea
ſhoare, and ab blondie redd ab the ſcarlet
yet the Eyes of the Lorde the grace and
mercie of Jeſus Chriſt ſhall purge and
make them ſo white ab ſnowe, and ſhall
caſt them into the bottome of the ſea and
remember them noe more. The eſpeciall
meanes to attaine forgivenes of ſinnes, is
neither in man nor by man, but by faithe
onlie in Jeſus Chriſt mortified, by faithe
in whom noe beinge iuſtified haue peace
2 in god and all eternitie. Therefore
conſider the boſtinge yᵉ graue, your preſent
condition of deathe and mortalitie, your
goinge from hence to bee noe more ſeene,
yᵉ departinge into a lande where all
thinges are forgotten, yᵉ entrie into a
howſe of clay, where wormes ſhalbee yᵉ
ſiſters, and courtyard and bedfellowes yᵉ
Prayer ab Job ſpeakethe. Againe where
the tree falleth there it muſt lye whether
it bee towardſ the South of light or towardſ
the North of deathe and darkenes: now
is the tyme of yᵉ riſinge to God, or yᵉ
fall to utter darkenes, where ſhalbee weepinge

waylinge and gnashinge of teeth: Heereafter is noe tyme of reconciliacion or place of satisfaccion, heere lyfe is gotten, heere lyfe is lost, and therefore Madam this day yea this howre, yf you will heare Gods voyre harden not your hart, the hand of death is over your head, the axe is put to the roote of the tree, the throne of the greatest Judge of heaven is layd open, and soe is the booke wherein are written all the workes of your lyfe; what wanteth now but the particular sentence of the eternall Judgem^t to bee given aga^t you? omitt noe tyme good Madam, let not the night of darkenes bringe your soule a sleepe, but take the light of the sonn while yet the day endureth, yf yet you lay hold on Christ wth the hand of true faith, yf yet you applie his merith to the lyfe of your soule, yf yet you forsake your selfe and fly to his throne of grace, there is noe doubt that the tyme is yet ame whitt too late, but that our Lord Jesus Christ shalbee your lyfe, and your death shalbee your advantage, and nothinge else but an entrance into everlastinge glorie, and this your mortallitie shall in a moment

moment put on immortalitie. Madam even nowe Madam doth God open to you a doore into a heavenlie Kingdome, in comparison whereof all earthlie principallitie is darkenes, and the shaddowe of death. Shut not upp therefore this passage by the hardninge of your hart, and greive not the good spirit of God wth may seale your soule to a day of redempcion.

3 Thirdlie and last of all I pray your grace to consider and waigh, wth your selfe the tyme and estate to come, either to rise in the day of the Lord to the resurrection of lyfe and to heare that ioyfull songe Come yee blessed of my Father or eternall damnation to depart wth sorrowe and greife from before the irefull face of the Judge that shall say Goe yee cursed into everlastinge fyre. One of these Lady must bee your lot, either to stand on gods right hand as a sheepe of his pasture, or on his left hand as a goate prepared for vengeance, either to bee gathered as wheate into his barne, or to bee cast out as chaffe into unquenchable fyre. Blessed

are the dead wth dye in the Lord: In the
Lord shall ye dye, yst in the true faith ye
desire to bee dissolved, and to bee wth Christ,
ye onlie sacrifice for ye sinnes, and a full
ransome for ye redempcion. Ah Madam trust
not in the devices ost men, wth the word ost
God doth not warrant, wth word is the true
touchstone, and the cleere lanthorne to lead
and guide ye feete into the waie ost peace.
Jesus Christ yesterday and to day and the
same for ever, in him are all the promisses
ost God for man accomplished, to him give
all the scriptures witnes, that through faith
in his blond, wee and all Gods Church
shall receive remission ost sinnes, on him all
the Saints called in the day ost theire trouble,
and have bine heard and delivered, in him
have they all trusted and never were confounded.
All other Oesterns Madam are broaken
and can hould noe water, I meane the
water ost everlastinge life by Christ our
Lord. The name ost the Lord is a stronge
tower whereunto the righteous fly, and bee
saved. Therefore good Madam that ye may
soe glorifie god in ye death, as you maie
presentlie

presentlie bee glorified ost him in everlastinge
lyfe. More I beseeche ye grace humblie
in the tender mercies ost Jesus Christ,
that ye will ioyne wth us in prayer to the
throne ost his grace, that wee may receive
comfort in ye and ye in him, that God
almightie may turne his lovenige countenance
towards ye and graunt ye his peace Amen.

Q: ost Scotts In the utteringe ost this exhortacion the said
Queene :3: or :4: tymes interrupted him,
sayinge Mr Deane Mr Deane trouble not
ye selfe nor me I am setled and perswaded
in the ancient Catholique Romaine faith,
and myndi to spend my blond in defence
ost it

Deane Then the Deane said Madam lay a side
those unclean dreggs ost superstition wth ye
have about ye, and repent ye ost ye sinnes
and setle ye onlie on Jesus Christ by him
to bee saved.

Q: ost Scotts Then shee answered againe and againe, and
that wth greate earnestnes Good Mr Deane
trouble ye selfe noe more about this matter
for I was borne in this Religion, I have

lived in this Religion, and am resolute to dye in this Religion

The Earles Then the Earles of Shrewsburie and Kent preweinge her soe obstinate, tould her, that since shee would not heare the exhortation, wee will pray for yo grace, that yf it stand wth Gods will you may have your hart enlightned even at the last howre wth the true knowledge of God.

L: of Scotts Then shee answered yf you pray for me my Lords, I will thanke you, but to ioyne in prayers wth you I will not, yo prayers will doe me noe good for that you and I am not of one Religion.

Then the Lords callinge for the Deane, hee came who kneelinge upon the staffold staires began his prayer, all the assemblie except the Queene of Scotts and her servants sayinge after him.

The Deanes prayer. O most gracious God and loveinge ffather who accordinge to the multitude of thy mercies doest soe put awaie the sinnes of them that repent trulie, that thou remembrest them

noe more

noe more, open wee beseeche thee the eyes of thy mercie, and behould this prisoner appointed unto death, whose eyes of understandinge and spiritnall light, albeit thou hast hitherto shutt upp, that the glorious beames of favour in Jesus Christ doe not shine into her, but is pressed downe wth greate blindnes and ignorance of heavenlie thinges, a certaine tooken of thy heavie displeasure yf thy mercie doe not triumph agat thy Judgemts, yet impute not unto her O Lord God wee beseeche thee those offences wth segate her from thy mercies, and yf it may please thee, that it may stand wth thine everlastinge purpose and good pleasure, oh Lord graunt unto us thy humble servants this mercie, wth is about thy throne, that the eyes of her hart may bee opened, that shee may understand and bee converted unto thee, graunt her also yf it bee thy blessed will the heavenlie comfort of thy holie spirit, that shee may tast and see how gracious the Lord is, and that thou hast noe pleasure o Lord in the death of a sinner; for noe man shall prayse thy name in the pit

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remove woo most ymblie besete tee
wgatsoeuer is tourupted mi eye, eitger by
eye owne frailtie, or by tee malice ost tee
ghostlie enemie. visit eye o lorde god yst it
bee tey pleasure wtt tey swetnige gealtey
ab tgou didst tee offender at tee side ost tey
Crosse wtt tey tefe tonsolatou This day shalt
thou bee wtt me in yaradice. Say unto eye
ab tgou didst unto tey servant david I am
thy salvation soe shall tey mortid bonige
more miggtid, bonige more magnified. Grant
tesse mortiod unto us o lord to tey increase
ost tey kingdome and glorie at tefe tyme.
And furtgee most mortifull shatgen sowed
woe besetge tegd mi longe and eyne ble poare
and safetie elizabete tey servant and our
natturall Sovereigne and Quene. let tgem
bee asgamed and tonfounded o lord tgat seeke
eye fall, let tgem bee turned back and pnt
to tonfusion tgat wisg eye evill, and strengtem
still woe pray tegd tey holy hand and ballance
ost justice amongd us by eye gratious godm^t,
soe shall woe bote hond and knee rost under
tey faitgfullnes and trute, as under a sgield
and bucklor, blesse tey name and magnifie
tey mortid

tey mercie wtt livest and raignest our most
gratious god Amen

Durtinge tee time ost wtt prayer tee Quene
ost Scotts sittinge upon eye stoole, eavinige
about eye neck an Agnus dei, mi eye hande a
Crucifix at eye girdle a paire ost Beades
wtt a medall at tey ende ost tgem, and a
latine primmer in eye hand, began wtt a
lowde and fast voyce to pray in latine,
and in tey middest ost eye prayers sgee slidd
from eye stoole, and kneelinge saidd over
latine prayers, and after tey ende ost tey
ende ost tey Beades prayers, sgee kneelinge
prayed in englisge to tefe offert. Flow
Christ poore afflictede Christe, and for
an ende ost all eye troubles, for eye pm
tgat eye might prosper and found God,
and for tey Quene tgat sgee might proske
and foune God a right, sgee confessed,
tgat sgee ogged to bee saved by tey bloud
ost Christ, at tey foote ost wgost Crucifix
sgee would sgedd eye bloud.

E: ost Kent Eyen said my lord ost Kent Madam stele
Christ Josus mercye eant and leave tesse
temporis.

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Q: of Scotts — Shee prayed that God would avert his wrath from this Island, and that God would give her forgivenes of her sinnes. These wth other prayers shee made in English saynige shee forgave her enemies wthall her hart that had longe sought her blond and desired god to convert them to the truth. In the end of her prayer shee desired all the Companie of Heaven to make intercession for her, and soe kissinge the Crucifix and crossinge herselfe shee said these words Even as thy armes o Jesus are spread heere upon the crosse, soe receive me into the armes of thy mercie and forgive me all my sinnes.

Executioners — Her prayer beinge ended the two Executioners kneelinge on theire knees desired her grace to forgive them, who answered

Q: of Scotts — I forgive you wthall my hart, for nowe I hope you shall make an end of all my troubles.

Then they wth her two woemen helpinge her upp, beinge to disroabe her of her apparell, shee lettinge fall her Crucifix, one of her executioners tooke from her neck the Agnus dei, wth shee

wth shee laynige hould on, gave to one of her women, and tould him that hee should bee answered money for it. Then shee suffered her two women to disrobe her of her chaine and pomander beads and all other her apparell most willinglie and wth Joy rather then wth sorrowe helpinge to make unreadie herselfe, puttinge on a paire of sleeves wth her owne hands, wth they had pulled off, and that wth some hast as though shee longed to bee gon. All the tyme they were puttinge off her apparell shee never chaniged her countenance, but wth smylenige cheere uttered these words That shee never had such Groomes to make her unreadie before (meaninge the two executioners) and that shee never put off her cloathes before such a Company. Then shee beinge stript of all her cloathes except her petticote and kirtle, her two women began to cry and lament. Then shee turned to them and imbraced them and said these words in ffrench, ne crye poins pour moye say promise pur vous and soe crossinge and kissinge them both shee tould them that they had more cause to reioyce

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then weepe, for that nowe they should see an
Her gesture end of all her troubles. Then shee wth a
smilinge Countenance turninge from her women
servants to Melvin and the rest standinge
upon the Bench neere the scaffold, crossinge
them wth her hands, bad them farwell and
bad them pray for her untill the last houre.
This done shee went awaie to the block and
kneeled downe, then one of her women havinge
a Corpus Christi cloth lapped three corner wise
kissed it and put it over her face, and pinned
it fast to the Vaule of her head, and soe
kneelinge upon the Cushion, most resolutelie
and wthout any tooken of feare of death
shee spake a lond certaine verses of the
Psalmes in latine In te domine confido non
confundar in æternum &c. beinge the 31 psalme
accordinge to our translation, then gropinge
for the block shee laid downe her head, puttinge
her chayne over the block wth both her hands
under it, wth had bine cut off, had they not
bine forseene. Then lyeinge upon the block
and streachinge forth her body shee cryed
a lond in manus tuas domine comendo
spiritum meum three or fower tymes. Then
one of

Execution one of the hangmen kneelinge held her downe
by the midle and the other gave the stroake
missinge her neck, cuttinge into the bone of
her head, behind but shee moved not at the stroake and the 2d tyme hee cut off her head
save onlie one sinnewe, wth beinge
sawed asunder wth the axe, hee lifted upp the
head to the viewe of the people standinge by,
and bid god save the Queene. And the Deane
said soe wishe all her enemies. Her haire was
gray, as one of 70 yeares of age powled verie
short, her face beinge soe much altered
presentlie from the same shee had when shee
was alive, as fewe could remember her by her
dead face, shee gasped after her head was
cut off by the space of halfe a quarter of
an hower, and after the bodie lyeinge there
headles bleedinge the Earle of Kent standinge
by it said wth a lond voyce This bee the
end and reward of all that hate the
Gospell. Then one of the executioners
pullinge of one of her stockings, her
litle waytinge dogg was gotten under
her cloathes, wth could not bee gotten out
but by force, wth afterwards came and
lay betwixt her head and her shoulders
and beinge imbrued in her blond was

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carried awaie and washed, as all thinges
else were that had any blond either washed
or burned, and the hangmen depted wth money
for theire paynes, not havenige one thinge
that belonged unto her, either of apparell
or any thinge else. And so the dead body
and the head was carried by the Sheriffe
and his men into the greate Chamber
lyenige there readie for the Chirurgions
to imbaulme her

The manner of the Scottish
Queenes funerall solempnized
the first day of August Anno
1587 at Peterborough

Upon the first day of August benige Wednesday
were the funeralls appointed to bee solempnized
for the Scottish Queene in the Cathedrall
Church of Peterborough, and accordinglie
there were sent thither to make preparacon
for the dyet Mr Darnell and Mr Cope, for
the funerall officers Mr Fortescue Mr of
the greate Wardroabe. The harrold came
downe three or fewer daies before and
appointed

appointed wth the 23pp and the Deane of the
place for the body to bee interred, wch was
devised over agat the lyenige of Queene Katherine
Dowager on the right hand of the Quire
to the tombe of John last Abbot and first 23pp
of that Church. There was a rich hearse
erected above the first stepp of the Quire
neere to the place of the buriall, and the
whole Quire and Church were hanged wth
black. Upon Sunday at night the 30th of
Julie the body was brought by torch light
from Flodringham Castle, where it had
layen since the tyme of the execution by
Garter Kinge at armes and other harrolds
wth some number of horse in a Charriot
made of purpose covered wth black velvet
and adorned wth her ensignes accordinglie
betweene one and two of the clock in the
morninge, where attended for it before the
Church the 23pp of Peterborough and the
Deane of the Cathedrall Church, the Mr
of the Wardroabe Clarentius Kinge at
armes, and divers others aswell of her Maties
servants as other persons. There came wth the
body six of the Scottish trayne as Melvin
the Master of her howshold the Phisitian

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and others. The body wth the closures waighed 900 waight, wth beinge carried and attended orderlie by the said psons was committed to the ground in the vault appointed, and ymediatlie the vault was covered, savinge a small hole left open for the staves to bee broaken into. There was not at that tyme any office of the Church service done, the Bpp beinge readie to have executed it. But it was by all that were psent aswell Scottish as others agreed and thought good, that it should bee done on the day and tyme of the solempnitie. Upon Munday in the afternoone came to Peterborough all the Lords and Ladies and other assistants appointed, and at the Bpps Pallace was ppared a greate supper for them, where all at one Table supped in the greate Chamber beinge hanged wth black, where was a seate set on the right side there of purple velvet. Upon Tuesday morninge the Cheife mourners Lords Ladies and other Assistants beinge readie about tenn of the Clock they marched from the Hall of the Bpps Pallace as followeth.

Cheife

Cheife Mourners

Countesse of Bedford	Sr George Hastings
Earle of Rutland	Sr Ric: Knightly
Earle of Lincolne	Sr Andrewe Rawell
wth Countesses	Sr George Savill
Bpp of Lincolne	Sr James Harrington
Bpp of Peterborough	Mr John Manners
Lord Dudley	Lady Mordant
Lord Chamberlaine	Lady Talbot
Lord Sty John of Rybay	Lady Dudley
Lord Steward	Lady St John of Bletso
Lord Willoughby of Durham	Lady St Tho: of Bletso
Lord Compton	Lady Mar: Savill
Lord Mordant	Lady Cecill
Sr Tho: Cecill	Lady Montague
Sr Tho: Manners	Ladie Manners
Sr Edw: Montague	Ladie Nevill

Mrs Allington
8 Scottish women

Divers other of
good accompt

Garter Clarentius
Kings at armes

5 Herralds at armes.
100 poore women

The effect of the Sermon

The solempnitie beinge setled, the Quire and Prebends receive them at the Church doore singinge an Antheme. The Scottish all save Mr Melvin departed and would not tarrie sermon nor Ceremonies. The Bpp of Lincolne preached out of the 39 psalme. Lord let me knowe myne end and the number of my daies that I may bee certified how longe I shall live, behould thou hast made my daies as a spann longe &c till hee came soe farr as man heapeth opp riches and cannot tell who shall enioye them In the prayer when hee gave thankes for such as were translated out of this vale of miserie, hee used these words. Let us give thankes for the happie dissolucion of the High and mightie Princesse Marie late Queene of Scotland and Dowager of ffrance, of whose lyfe and death at this tyme (whatsoever may bee expected) I have not much to saie, because I was not acquainted wth the one nor present at the other. I will not enter into Judgemt further, but it hath bine signified unto me that shee trusted to bee saved by the blood of Christ I will hope well

hope well of her salvation; ffor as ffather Luther was wont to saie, many one that lived a Papist dyeth a Protestant. In discourse of his text hee oulie dealt wth the generall doctrine of the vanitie of the flesh

The Sermon ended the offeringe of the Theife Mourner and hatchmts were received by the Bpp of Peterborough, and the offeringe of the rest by the Deane; wth ended, the Mourners departed. The Ceremonie of the buriall was done by the Deane, the officers breakinge theire staves and castinge them into the vault upon the Coffin, and soe they departed to the Bpp howse, where was a greate feast prepared. The concurse of people was of many thousands, and after dinner the Nobles departed everie one towards his owne howse

Finis.

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The Arraignem:

of Sr Walter Rawleigh at the Castle of Winchester on Thursday the 17th of Novem=ber 1603. before the Right Noble the Erle of Suffolke Lo: Chamblanie, the Erle of Deuonshire, Lord Henry Howard, Lo: Cecill, Lo: Wotton, Sr John Stanhop, Lo: chiefe Justice of England, Lo: chiefe Justice of the Common Pleas Popham & Anderson, Justice Gawdy, Justice Warberton Sr William Wade Commissions.

After the Commission was read, the Prisoner was bidd holde vpp his hand, then the Clerke of the Crowne Office read the Indictment, the effect whereof was as followeth / That hee did conspire and goe about to deprive the King of his Crowne and to raise vpp Sedition within the Realme to alter Religion, and to bring in the Romish Superstition, and to procure forraigne Enemies to invade

to invade the Kingdome / That the Lord Cobham
the nynth of June last did meete wth the
said Sr. Walter, Cobham was in Durham house
in the Parrish of St. Martins in the ffields,
and then and there had Conference wth him
how to advance Arbella Steward to the Crowne
and Royall Throne of his Kingdome, and
that then and there it was agreed, that
Cobham should treate wth Aremberge Embassador
to the Archduke of Austria to obtaine of him
600. thousand Crownes to bring to passe their
intended Treasons / It was agreed that Cobham
should goe to Albert the Archduke to procure
him to advance the pretended tytle of Arbella from
thence (knowing that Albert had not sufficient
meanes to maintaine his owne Army in the
lowe Countries) Cobham should goe into Spaine
to procure the King to assist and further his
pretended tytle / It was also agreed the better
to effect all these Conspiracies, that Arbella
should write 3. Tres, one to the Archduke,
another to the King of Spaine, and another to ye
Duke of Savoy, and promising 3. things, first
to establish firme peace betwixt England
and Spaine, secondly to tollerate the Romish
and Popish Supstition, thirdly to bee ruled
by them for the Contracting of her marriage.

And for ex.

And for theffecting of these traytorous purpo=
=ses, Cobham should returne by the Isle of Jersey,
and should finde Sr. Walter Rawleigh Captaine
of the said Isle there and tooke Counsell of
him for the distributing of the foresaid Crownes
as the occasion and discontentment of the
Subte should give cause and way, And further
that Cobham and his brother Brooke did meete
on the 9th of June last, and Cobham tolde Brooke
all the Treasons, to which Treasons Brooke
gave his assent, and did wyne himselfe to all
these / And after on the Thursday following,
Cobham and Brooke did traytorously speake
these words, that there would new bee a good
world in England, till the King (meaning our
Soveraigne lord) and his Cubbs (meaning his
Royall issue) were taken away, And the more
to disable and to deprive the King of his
Crowne, and to confirme the said Cobham
in his Intente, Rawleigh did traytorously
publish a booke falsly written against the most
iust and Royall Tytle of the King, (knowing
the said booke to bee written against the
King) which booke Cobham afterwards received
of him; And further for the better effecting
of these traytorous purposes, and to establish
the said Brooke in his Intente, Cobham did
deliver the said Booke to him on the 14th of June,
and on

and on the 16th of June, for the accomplishment of the said Conference, and by the traytorous Instigacons of Rawleigh did move Brooke to incyte Arbella to write to the 3. foresaid Prince to procure them to advance her tytle, and that shee, after that shee had obtained the Crowne should performe three thinge, vizt to establish a firme peace betwixt England and Spaine, secondly to tollerate the Popish Religion with impunitie, And thirdly to bee ruled by them there in the contracting of marriage by their assent, And for the better effecting of these treasons, Cobham upon the 17th of June by the Instigacon of Rawleigh did write tres to Count Aremberge, and delivered the said tres to one Math: de Lawrency who delivered them to the Count for the obtaining of 600000. Crownes, which money by other tres, Aremberge did promise to performe payment of and those tres Cobham did receive on the 18th of June. Then did Cobham promise Rawleigh that when hee should have received that money hee would delivr 8000. Crownes to him to which moccon hee did consent, And afterward Cobham offered Brooke that when hee should have received that money, hee would give 10000. Crownes thereof to him, to the which moccon Brooke did assent/

To the Ch.

To the Indictment, the Prisoner pleaded not guiltie/ Then was the Jurie called and Sworne, whose names were as here followeth/.

Knights	Ralph Connisbye	Hen: Goodyer.	Tho: Higate
	Tho: Fowler	Rog: Wood	Ro: Kempton
	Edw: Peacock	Tho: Walker	John. Chawkie
	Willm Rowe	Tho: Whitby	Robte Bromly gent.

Is the Jury was called to the booke, Sr Walter Rawleigh was asked whether hee would challenge aine of them before they were sworne, whereto hee Answered/.

I know none of them they are Christians and honest gent I trust I accuse none of them all/. Raw:

You gent of the Kings learned Councell follow the same Course as you did the other day/. Suff.

My Lord I pray you that I may Answer the pointe particularly as they shalbe delivered because of the weaknes of my memorie and sicknes/. Raw:

After the Kings Counsell have delivered the Evidence Sr Walter, you may Answer particularlie to what you will/. Lo: chiefe Justice/

Then began the Kings Serieant Heale/.

You have heard Ch.

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You have heard of Rawleighs bloodie
Attempte to kill the King and his Royall
Progeine, and in place thereof to advance
one Arbella Steward / The particulars
of the Indictment are these, first that
Rawleigh mett with Cobham on the 14th of
June, and had Conference of an Invasion
of a Rebellion, and of an Insurrection to bee
made by the Kings Subte, to depose the
King and kill his Children, poore babes
that new gave offence. Here is blood, here
is a new King and Gouvno. / In o. King
consisteth all o. happines, and the true
use of the Gospell, a thing which wee all
wished to bee settled after the death of the
Queene, here must bee money to doe all
this, for money is the sinewes of warr,
and where should that bee had. Mary
Monsier Hun, Monsier Bin, Charles Count
Aremberge must borrow 600000. Drowns
of Phillipp King of Spaine, and out of
this money Rawleigh must have 8. or 10.
thousand Drowns, but what is that
Count Aremberge, though I am noe good
ffrenchman, yet that is asmuch as to
say in English Erle Aremberge. Then there
must bee friends to compasse this, Cobham
must

must goe to Albert Archduke of Austria, for
whom Aremberge was Embassado. at that
time in England, what then? hee must
perswade the Archduke to assist the pretended
Tytle of Arbella, and from thence hee must
goe to the King of Spaine to perswade him
to assist the said Tytle / Since the Con=
=quest there was new the like Treason. But
out of whose head came it! out of Rawleighs
who must also advise his ffriend Cobham to
use his brother Brooke to incite the Lady to
write lres as aforesaid / In this Indictment
all this was on the 9th of June / Then 3.
dayes after Brooke was acquainted with it,
after this Cobham said to Brooke, it will
new bee well in England till the King
and his Dubbs bee taken away / Afterward
Rawleigh delivered a Booke to Cobham tray=
=terously written against the King / It
appeares that Rawleigh tooke Cobham
either for a god or an Idoll, Cobham en=
deavoureth to sett up a new King or
Gouvno. God forbidd myne Eyes should ever
see soe unhappie a change, As for Arbella
on my Conscience, shee hath noe more
tytle to the Drowne then I have wch
before God I utterlie disclayme. Cobham
a man

a man bredd in England, hath noe Experi=
=ence abroad, but Rawleigh a man of witt
millitarie and a sword man, Now is these
things were bredd in a hollow tree, I
leave that to them to speake of which
can speake farr better of them then my
selfe, and so sat him downe againe.

The Kings Attorney Genall Coke

I must first (my Lords) before I come to
the Cause, give one Caution, because wee
shall often mencon psons of eminent place
some of them great Monarches, that whatsoe
is said of them wee shall but repeate yt
which others have said of them, I meane
the Capitall Offenders in their Confessi=
=ons, wee professing the lawe must speake
reverently of Kings and Potentates, And
I preme these hoble Lords, and the rest of
this great Assemblie, are come to scare
what hath beene scattered upon the back
of report you carrie nist myndes to
condemne noe man but upon plaine
Evidence. Here is mischiefe in summo gradu
exorbitant

exorbitant mischiefe. My speech shall chiefly
touch these 3. pointe Imitacon, Supportacon
and Defence, The imitacon of evill ever
exceeds the President, as on the contrary
Imitacon of good ever comes as short, mischiefe
cannot bee supported but by mischiefe,
yea it will see multiplie, that it will
bring all to confusion. Mischiefe is alwayes
underpropped by falshood and foule prac=
=tises And because all these did concurr in
this Treason you shall understand the
manner as before you did. The Bye the
Treason of the Bye, consisted of these
pointe, first that the Lord Cray, Brooke
Marchum and the rest by force in the night
intended to surprise the Court, which was
a Rebellion in the heart of the Realme,
yea in the heart of the hurt of the
Courte, They intended to take him that
is a Sovereigne to make him subt. to their
power purposing to open the doores wth
musketts and Daleevers, and to take alsoe
the Prince and the Councell and then under
the Kings Authoritie to carry the King to
the Tower, to make a stale of the Lord
Admywall, and when they had the King
there to exhaust 3. things from him, first
a pardon

a pardon for all their Treasons, secondly
a tolleracion of the Romish Religion (which
their Eyes shall sooner fall out then ensee)
ffor the King hath spoken these words in the
hearing of manie, I will loose my life &
my Crowne before I will alter Religion
And thirdly to remove Councellors / In the
roome of the Chancellor, they would have
placed a Priest, one Watson absurd in
humanitie and ignorant in divinitie / Brooke
must bee Treasurer of whome I will
say nothing / The Secretarie of the State
must bee Marchum, oculus Patriae, a hole
must bee found in my Lo: Chiefe Justice
his Coate, Gray must bee Erle Marshall
and m. of the Horse, because hee would
have a Table in ye Courte, Mary hee
would advance Worcester to a better place,
all this cannot bee done without a
multitude / Therefore Watson the Priest
telleth a resolute man, that the King is
in danger of Puritans and Jesuite, see
to bring him blindfolde into the Accon,
saying further that the King is noe King
till hee bee Crowned, and therefore
edie man might right his owne wrong,
but hee

but hee is Rex natus his dignitie discended
aswell as your my Lords / Then Watson im=
poseth a blasphemous Oath that they
should sweare to defend the Kings person, to
keepe secret what was given them in charge
& to speake by all wayes and meanes to
advance the Catholique Religion / Then they
intended to send for the Lord Maior and the
Aldermen in the Kings name to the Tower
and least they should make aine resistance
there to take Hostage of them, and drive
them to provide for them victuall and
Municon, Gray (because the King removed
before Midsom) had a further reach to gett a
Compaine of Sword men to assist the Accon,
therefore hee would stay till hee had obtained
a Regiment from Austria / See that you
see these Treasons were like Sampsons
ffoxes, which were joyned by the tailes,
though the heads were sewed /.

You gent of the Jury, I pray you remem= Raw:
=ber this, I am not charged with the Bye
being the Treasons of the Priests /.

You are not / (my Lords) you shall observe Attor:
three things in the Treason, first they had
a watchword (the Kings safety) their
pretence was Bonu in se, but their intent
was malu

was malu in re, Secondly they avouched
Scripture, both the Priests had (Scriptu
est) perverting and ignorantly mistaking
the Sense of the Scripture / Thirdly they
avouched the London lawe to prove hee was
not Being till hee was Drowned, alleadging
a Statute of Eliz: Anno 13. Thus by the
way of Imitacion hath beene the course
of all Traytors / In the 20th yeare of
Edw: the Second, Eliza: the Queene and the
Lord Mortimour gave out that the Kings
person was not safe, and for the good of the
Church and Londonwealth the Bpp. of
Carlell did preach upon this Text Dolet
Caput meum meaning by the Head the
King, who where hee had begunne to bee
negligent, the people might reforme all yt
was amisse / In the 3d yeare of Henr the
4th Sr. Robte Clarindon accompanied with
two Priests, gave out King Richard the
Second to bee alive when hee was Dead
Edw: the 3d did cutt of Mortimors head
for giving Downcell to murther the King
his Father, Sr. Willm Stanley who had
found the Drowne in the Dust, and had sett
it on the Kings head afterward when as
Fitzwater Egerard tould him that Rich:
Duke of Yorke was living, hee said if hee
bee alive

bee alive, I will fight for him, but these
words cost him his head, Edmund de la
Poole Duke of Suffolke killed a man in the
raigne of Hen: the 7th for the which the
King would have him holde upp his hand
at the Barr, and then pardoned him, yet
hee took such an offence thereat, that hee sent
to the Noblemen to helpe to reforme the
Domonwealth, and then said hee would goe
into ffrance and gett power there / (Many
of these Presidents did mr. Attorney alleage)
Then hee said there was another thing that
would bee stood upon, namely that they had
but one wittnes. Then hee avouched a
Pleaders case a Traytor in Norfolke, who
stood upon it that a man must have two
Accusers. Helmes was the man that accused
him, And that mr. Justice Catlyn had said
that Statute was not in force / Then hee went
on speaking of the Statute of Accusers, &
made this difference betwixt an Accuser
and a wittnesse / An Accuser is hee that
shall charge aine man upon his owne
Knowledge by word or report, but a
wittnes is hee that upon his Oath shall
give Evidence against aine man / And
a 3. sorte of Evidence there is likewise
and this

and this is holden more forcible then either of the other two / That is when a man by his ~~[illegible]~~ accusacion of another, shall (by the same accusacion) also condemne himselfe. and make himselfe liable to the same fault and punishment / This is more strong then maine wittnesses / Then hee came to make a definicion of Treason, Treason in ye heart, Treason in the mouth, Treason in the hand and Treason in the Consumacion, comparing yt. in Corde to the roote of a tree, In ore to ye Budd, in manu to the Blossome, and that wch is Consumacione to the fruite / Now I come to charge you of the furie / The greatnes of Treason is to bee considered by these two things Determinacione finis et Electione Judicii / And this Treason excelles in both for the 4 first that was to destroy the King and his Progenie. other Treasons are said to bee Crimen lesæ Matis. This goes further and may bee termed Crimen et Extirpatio Regie Matis et totius Progenij / I shall not need (my lords) to speake aine thing of the King, nor of the bountie and sweetnes of his nature whose thoughte are innocent, whose words full of wisedome and learning, and whose worke full of honor. although it bee a true

saying

saying Nunquam minus quod Nunquam satis but to whome doe you beare your malice to the Children? /

To whome speake you all this? you tell mee of newes I need heard of / Raw:

Sr. I will prove you to bee the most notorious Traytor that ever came at a Barr / Attor:

Your words cannot condemne mee (mr. Attor) my Innocencie is my defence, prove one of these things wherewith you have charged mee, and I will confesse the whole Indictment, and that I am the vildest Traytor that ever lived, and worthie to bee crucified with a thousand Dormbs / Raw:

Nay I will prove all, thou art a Monster, thou hast an English face but a Spanish heart, now you must have money Aremberge was noe sooner in England etc. I charge thee Rawleigh that thou incitest Cobham to goe unto him and to deale with him to bestowe 600000. Drowned on discontented persons to raise Rebellion in the Kingdome / Attor:

Let mee answer for my selfe. Raw:

Sr. you shall not / Attor.

It concerned my life / Raw:

Sr. Walter Rawleigh, (mr. Attorney) is but yet in the gendall when the Kings Sr. chiefe Justice /

Counsell

Councell hath gine the whole Evidence;
you shall Answer to eny particular /.

Attor: & doe I touch you?

Lo: Cecill. Mr. Attorney, when you have done with
the generall Charge doe you not meane to
lett him Answer particularlie? /

Attor: Yes, when wee delivr the proofes to bee read
Rawleigh procured Cobham by his Instiga=
=cion to goe to Aremberge, Rawleigh conducted
him to Durham house wth Lawrency a
servant of Aremberge where hee went
in by a back way, Cobham could neu bee quiet
till hee had entertained this mocion, for
hee had four lres from Rawleigh, Aremberge
Answered the money should bee performed,
but knew not to whome it should bee distri=
=buted, then Cobham and Lawrency came
back to Durham house, where they found
Rawleigh and Cobham and Rawleigh
went vpp where they had secret Confe=
=rence in a Ccallery leaving Lawrencie
belowe, and then afterwards Cobham &
Lawrencie departed from Rawleigh, your
Jergon was peace, what is that Spanish
Invasione, Scottish subuertione, And againe
you are not a man fitt to take soe much
money for procuring of a lawfull
peace

peace, for peace procured by money is
dishonourable, then Cobham must goe to
Spaine and returne by Jersey where
you were Captaine, and then because
Cobham had not soe much pollicie (or at
least soe much wickednes as you) hee
must have your advice for the distributing
of the money; would you have deposed
soe good a king lyneally discended of
Elizabeth eldest daughter to Edw: the 4th
why then you must sett vpp another Par=
liament to make Arbella a tittular queene
of whose tytle I will speake nothing, but
sure you meant to make her a State, alas
good Lady you could meane her noe good /.

You tell mee newes mr. Attorney /. Raw:

& Sd. I am the more large, because Attor:
I know wth whome I deale, for wee
have to deale wth a man of witt this
day /.

Did I ev speake wth the Lady? Raw:

I will tract you before I have done Attor:
Englishmen will not bee pshaded by words,
but they must have bookes to pshade /.

The booke was written by a man of Raw:
your profession mr. Attorney /.

I would not have you impatient /. Attor:

Methinks etc.

Methinks you fall out wth yor selfe I say nothing/

Attor: You would pswade men by this booke, that hee is not the lawfull King, now lett vs consider some Circumstance (my Lords) you know my Lord Cobham for whome wee all lament and reioyce, lament in that his howse wch hath stood soe long vnspotted is now ruynated, reioyce, in that his treasons are revealed, hee is neither pollitican nor sword man, Rawleigh was both and vnyted in the Cause with him, and therefore the cause of his destruccon, another Circumstance is, the secrett contriving of it Humfrey Stafford claymed Sanctuarie for treason, Rawleigh in his Machivillian pollicie hath made a Sanctuarie for treason, hee must talke with none but Cobham because one wittnes cannot condemne; for Brooke said vnto Dr. Griffin Marcum, take heed how you doe make my Lord Cobham acquainted, for what soeu hee knoweth, Rawleigh the witch will gett it forth of him/ Moreou as soone as Rawleigh was exaied (of noe part of treason concerning the Lord Cobham) hee writes thus vnto him/ I have beene exaied about you but confess nothing, further you sent vnto him

vnto him by your trustie servant Kemish that one wittnes could not condemne, and therefore bid his Lopp. bee of good cheare came this out of Cobhams Quiner. noe, but out of Rawleighs Machivillian and divelish pollicie, yes but Cobham did retract it. why doe you vrge it nowe? see the most horrible practise that ou came out of the bottomles pitt of Hell/ After that Rawleigh had Intelligence, that Cobham had accused him, hee endeavoured to have Intelligence from Cobham which hee had gotten by young Dr. John Hayton, but I think it was the Erro. of his youth/

The Lords tolde it mee or else I had not beene sent to the Tower/

Thus Cobham by Instigacon of Rawleigh entred into these Accons, see that the question wilbe whether you are not the principall Traytor and that Cobham nou else would have entred into it, why did Cobham retract it againe, first because Rawleigh was soe odious that hee thought hee should faire the worse for his sake, secondly hee thought thus wth himselfe, ist hee bee freed I shall cleare my selfe the better/ After this Cobham asked for a

Preacher

Preacher to confer wth all pretending Doctor Andrewes, but indeed hee meant not to have him, Mr. Galloway, a worthie man and reuend who can doe more wth the King (as hee said) then ten others, that hee seeing his constant denyall, might informe the King thereof; Here hee played wth the preachers if Rawleigh could pswade the Lords that hee had noe intent to travell, then hee should bee well / Here is forgerie in the Tower, Cobham must write to Sr. Tho: Vaham a worthie man that hee meant not to goe into Spaine which Lrs Rawleigh devised in Cobhams name /.

Raw: I will wash my hands of this Indictmt. and dye a true Subt. to the King /.

Attor: You are the absolutest Traytor that ever was /.

Raw: Your Phrases will not proue it mr. Attorney /;

Attor: Cobham doth write a lre to my Lord Cecill and doth will Myles his man to lay it in a Spanish Bible, and to make as though hee found it by chance / This was after hee had Intelligence wth this Viper that hee was false /.

You meane

You meane a lre intended to mee I never had it /. Lo: Cecill.

Noe my Lord you had it not, my masters of the Jury respect not the wickednes nor hatred of the man, but respect the cause, if hee bee guiltie I know you will have care of it, for the preservacon of the King, and the Continuance of the Gospell Authorised, and the good of vs all /. Attor:

I doe not heare that you have spoken one word against mee, here is noe Treason of myne, if the Lord Cobham bee a Traytor what is that to mee? Raw:

All that hee did was by thy Instigacon thou traiterous Viper /. Attor:

It becometh not a man of qualitie or vertue to call men soe, but I take Comfort in this it is all you can doe. / Raw:

I have angred you. / Attor:

I am not in Case to bee angrie /. Raw:

Dr. Walter Rawleigh mr. Attorney out of the zeale of his duty to the service of ye King and you for your life, bee valiant of both sides /. Lo: chiefe Justice /

Here they proceeded to the reading of the proofes, and first Cobhams Examynacon was read /.

Hee confesseth. &c.

Hee confesseth hee had passport to goe
into Spaine intending to goe to the Archduke
to conferr wth him about these practises
and because hee knew the Archduke had
not money enough to pay his Army from
thence hee meant to goe to Spaine to
deale wth the King for 600000. Crownes &
to returne to Jersey, and that nothing should
bee done till hee had spoken wth Sr. Walter
Rawleigh for the distributing of the money
to those that were discontented in England
at the first beginning hee breathed out Bathes
and exclamacons against Rawleigh calling
him Villaine and Traytor, saying hee had
neu entred into these Courses but by his
instigacon and that hee would neu lett him
alone, (here the Attorney caused to bee
read againe these words) that hee would neu
let him alone, besides hee spoke of plotts and
fusacions of the particular whereof hee
could not accompt though Rawleigh and
hee had often conference of them, And
further hee said hee was affraid of
Rawleigh that when hee did returne by
Jersey hee would have deluded him and
the money to the King and being expaied
of Sr. Arthure Gorge, hee freed him
saying

saying they neu durst trust him but Sr.
Arthure Savage they intended to use, be-
cause they thought him a fitt man.

Let mee see the Accusacon, this is ab- Raw:
solutely all the Evidence that can bee
brought against mee, poor shifte, you
gent of the Jury, I pray you understand
this that must either condemne mee or give
mee life, which must either free mee
or send my wife and Childe to begg their
bread about the Streets, this is it that must
prove mee either a notorious Traytor, or a
true Subiect to the King, let mee see ye
Accusacon that I may make my Answer.

I did read and shew all the Examinacon. Sr. Wm. Wade.

At my first Examinacon at Winsor, Raw:
my Lords asked mee what I knew of a
surprise of the Kings person and of Cobhams
practice wth Aremberge, I answered
negatively, and as concerning Arbella
I protest before God I neu heard of it, if
it bee proved let mee guiltie of Ten
thousand Treasons, It is a strange thing
you will impute that to mee which you
never heard of soe much as the name
of Arbella Steward, but onely Arbella,
After being againe expaied, I tolde my
Lords, that I thought my lord Cobham
had

had conference with Aremberge, I suspected
his visiting of him for after hee departed
from mee at Durham house, I saw
him passe his owne Stairs, and cross
on to St. Mary-ouers, I knew that
Lawrency a Marchant and a follower
of Aremberge lay that way, and therefore
likely to goe unto him, my Lord Cecill asked
my opinion of Lawrency, I said if you
doe not apprehend Lawrency it is dangerous
hee will flye, and if you doe apprehend
him, you shall give to my Lord Cobham
knowledge. Then I was likewise asked,
who was the greatest man with my Lord
Cobham, I answered I knew none soe
great with him as young Wiat of Kent
as soone as Cobham saw my Lord to have
discouered his dealing with Aremberge, in
his fury hee accused mee, and before hee
came to the Staire sate, hee repented him
and said hee had done mee wrong when
hee came to thend of his Accusacion, that
if hee brought the money to Jersey, hee
feared that I would delive him and the
money to the King, mr. Attorney you said
this new came out of Cobhams Quiver
hee is a simple man. Is hee soe simple?
noe hee

noe hee hath a disposicion of his owne, hee
will not soe easily bee guided by others
but that if hee hath once took a head in
a matter, hee is not soe easily drawne
from it, hee is noe baby but is it not
strange with mee to devise with Cobham
to goe into Spaine to prevade the King
to disburse soe much money, hee being
a man of noe love in England, and I
having resigned my place of chiefest Com=
ande, the Wardenship of the Stanleyes,
Is it not strange for mee to make my selfe
Robinhood, Kitt, or Cade, I knowing Engl.
to bee in better Estate to defend it selfe
then ever it was, I knew Scottland buyled
which before was seeded, Ireland quiet
wherein late o. forces were dispersed, Denmarke
assured, which before was suspected, I
knew that having a Lady whome time
hath surprised wee had now an Active
King and a lawfull Successor who would
himselfe bee present in all his affaires,
The Estate of Spaine was not unknowne
to mee I had written my discourse wch
I intended to present unto the King against
peace with Spaine, I knew the Spaniards
had six repulses three in Ireland 3.
at Sea, once in 88: and at Cales, I
knew

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knew hee was discouraged and disho-
noured, I knew the King of Spaine to
bee the proudest Prince in Christendome,
but now hee cometh creeping to the King
my md. for peace, I knew that whereas
Ere had in his Harbours some fortie
Saile of Shipps, hee hath now scarce
six or seaven, I knew of 25. Millions wch
hee had from the Indies hee hath scarce
one left, I knew him to bee soe poore that
Jesuite in Spaine that were wont to have
soe large Allowance were now faine to
begg at the Church doores. was it ev read
or heard that aine Prince would disburse
soe much money without a sufficient
pawne. I knew the Queene did not
lend the States money without Flushing,
Brill, and other Towns for a pawne,
I knew her owne Subte the Cittizens
of London would not lend her money wont
land in mortgage, and can it bee then
thought that a King that can soe ill
spare money would lett Cobham have soe
great a summe for nothing / I new came
to the Lord Cobham but about matters
of his profitt as ordering of his house,
or paying of his servante boord wages,
I had

I had of his when I was expaied 400.
pounds worth of Jewells for a purchase
a Pearle of 300. pounds, and a King
worth 500. pounds, if hee had had a
fancie to have runne away, hee would not
have left soe much to have purchased
a Leaze in fee farme I saw him buy
300. pounds worth of bookes to send to
his library at Canterbury and a Cabbin-
-nett of 30. pounds to bee given md. Attorney
for drawing the Conveyances, and God
in Heaven knoweth and not I, whether
hee intended to travell or noe, and as
touching the practice wth Arbella or
tred to Aremberge framed, his discourse
wth him, in what language hee spoke
to him, if I knew of these things, I
absolutely confesse the Indictment, and
acknowledge my selfe worthie of ten
thousand deathes /.

Then was read Cobhams second
Examynacon /.

The Lord Cobham being required
to subscribe to an Examinacon there
was shewed to him a note under Sr.
Walter Rawleighs hand, which when
hee pused

hee pused, hee broke forth into these speeches.
O Villaine, O Traytor, I will now tell
you all the truth, and then confessed
how his course was to goe into Flaunders
and into Spaine for the obtaining of ye
foresaid money, that Rawleigh had appointed
to meete him at Jersey as hee returned
home and to bee advised by him about
the distributing of the money/.

Ev: Chiefe Justice. When Cobham Answered to the Inter=
rogatories, hee made scruple to subscribe
& being urged hee said that if hee might
heare mee to affirme that a person of
his degree ought to sett to his hand, hee
would I lyeing then at Greenewich
Richmond for feare of the Plague was
sent for and tolde him that hee ought to
subscribe otherwise it were contempt of
high nature, whereupon hee subscribed/
the Lords questioned with him further, and
hee showed to them (as I thought) a Lre
writte to mee but indeed it was to my
Lord Cecill, hee desired to see it againe,
and then said O wretch, O Traytor,
whereupon I preined you had not pformed
the trust hee had reposed in you/.

Raw: Hee is as passionate a man as liveth
for hee hath not spared his best friends
that hee

that hee hath in England in his passion.
my Lord (I take it) hee that hath beene
examined, hath ever beene asked at ye
time of his Examinacion whether it hath
beene according to his meaning and
hereupon subscribed, methinke when my
Lord Cobham accuseth a man hee should give
some Accompt and reason for it, if I
had beene the Plotter would not I have
given Cobham some Argumte whereby to
pswade the King of Spaine and to
Answer his obiecions, I knew Westmerland
and Boathwell men of other undertaking
then Cobham, readie to begg their bread
here/.

Did Sr. Walter Rawleigh write a Lre
to my Lord Cobham (before hee was examined)
concerning him or not/. Sr. Tho: Fowler of ye Jury.

Yes/ I am in great dispute with my
selfe to speake in the case of this gent
of former dearnes betweene him and mee
tyed with so firme a knott of my conceipt
of his vertues, now broken by the discovery
of his Imperfecions, I protest if I did
serve a King that I knew would bee
displeased with mee for speaking in his
case Attor:

Vase I would speake whatsoeu came on it
but seeing hee is compact of pietie and
Justice, and one that will not mistike a man
for speaking the truth I will answer
your question, Sr. Walter Rawleigh was
stayed by mee at Winsor vpon the first newes
of Copley that the Kings person should bee
surprised by my Lord Gray and mr. George
Brooke; when I found Brooke was in it,
I suspected Cobham and doubted Rawleigh
to bee a ptaker / I speake not this that
it should bee thought that I had greater
Judgment then the rest of my Lords in making
this hoste to have them exaied Rawleigh
following to Winsor, I mett wth him vpon the
Tarras and willed him as from the King to
stay, saying the Lords had something to
say to him then hee was examined but
not concerning my Lord Cobham, but of the
surprising treason, my Lord Gray was
apprehended and likewise Brooke, By Brooke
wee found that hee had give notice to
Cobham of the surprising treason as hee
deluded it vnto vs but wth asmuch sparingnes
of a brother as hee might, wee sent for
the Lord Cobham to Richmond where hee
stood

stood vpon his Justificacon and on his qualitie
sometyme being froward, hee said hee was
not bound to subscribe wherewth wee acq=
=uainted the King, then hee said if my Lord
Chiefe Justice would say it were a Contempt
hee would subscribe, whereof being resolued
hee subscribed / There was a light give to
Aremberge that Lawrency was exaied but
that on Rawleigh knew that Cobham was
exaied was more then I know /.

If my Lord Cobham trusted mee in the Raw:
Mayne, was I not as fitt a man to bee
trusted in the Bye /.

Rawleigh did by his lres acquaint vs Lo: Cecill. /
that my Lord Cobham had Lawrency to Arem=
berge when hee knew not that wee had
anie dealing wth him /.

It had made for you if Lawrencie had Lo: Hen: Howard. /
beene onely acquainted wth Cobham and
not wth you, but you knew of his whole
Estate and were acquainted wth Cobhams
practice wth Lawrencie, and it was
knowne to you before that Lawrencye
depended of Aremberge /.

First Rawleigh protesteth against the Attor:
surprising treason, Secondly that hee knew
not of the matter touching Arbella, I
would

would not charge you Sr. Walter wth a matter of falshood, you say you suspected the Intelligence that Cobham had wth Aremberge by Lawrency /.

Raw: I had thought it had beene me other Intelligence but such as might bee warranted /.

Attor: Then it was but lawfull suspicion, but to that whereas you say that Cobham accused you on passion, I Answer you 3. wayes, first I observe when Cobham said lett mee see the lre against hee pawsed, and when hee sawe that Count Aremberge was touched hee cryed out Villaines, now I will confesse the whole truth / Secondly the Accusacion of a man upon hearsay is nothing / would hee accuse himselfe upon passion and ruyne his howse and posteritie upon malice to accuse you / Thirdly could this bee out of passion? marke the manner of it. Cobham had said this at least two Monethes before to his brother Brooke, you are fooles, you are on the Bye, Rawleigh and I are on the Mayne, wee meane to take away the King and his Lubbs / This hee delivered two Monethes before, see marke the manner and the matter, hee would not turne the weapon

weapon against his owne bosome, and accuse himselfe to accuse you /.

Hath Cobham confessed that? Raw:

This is spoken by mr. Attorney, to prove that Cobhams speeches came not out of passion /. Lo: chiefe Justice /.

But let it bee proved that Cobham said so /. Raw:

Cobham saith hee was a great while doubtfull of Rawleigh that hee would send him and the money to the King, did Cobham feare least you would betray him in Jernsey? Then of necessitie there must bee trust betwixt you, we man can betray a man but hee that is trusted / In my understanding this is the greatest Argument to prove yt. hee was acquainted wth Cobhams proceedings Rawleigh hath a greater reach, then to make himselfe Robinhood, Kitt or Cade; Robinhood was an Outlawe, but I new heard hee was a Traytor, and whereas hee saith that o. King is not onely more wealthie and potent then his predecessors, but also more pollitique and wise, see that hee could have no hope to prevaile, I Answer this, that there is no King so potent, wise and Active, but that hee may bee outtaken wth Treason, whereas you say that Spaine Attor:

Spaine is soe poore, discoursing of it soe
largly, it had beene better for you to have
kept you in Guyana then to have beene
soe well acquainted wth the State of Spaine,
besides, if you could have brought Spaine
and Scottland to have joyned together, you
might have had hope to have prevailed a
great deale the better, and for his six
outthrowes, I answer hee had the more
malice because repulses breeds desire of
Revenge, then you say you neu talked wth
Cobham but about leases and letting lands
and ordering of his howse, I neu knew
you Clerke of his Kitchin, but if you
had at first fallen of your knees, and
confessed your Treasons, it had beene better
for you / you say hee meant to have given
mee a Dabbonett of 30. pounds, phapps hee
thought by this meanes to have anticip=
=ated mee therewth / you say all these are
but Circumstances / I answer this Accusacion
in Circumstance is true, Here now I
must appeale to my Lords in that you
take holde of this that hee subscribed not
to the Accusacion /.

Lo: Hen: Howard / Cobham was not then pressed to subscribe /

Attor: His Accusacion being testified by the
Lords is in as great force as if hee had
subscribed

subscribed, but saith Rawleigh if the Accuser
bee alive, hee must bee brought face to
face to speake, and alleadgeth the 25th of
Edward the third, that there must bee two
sufficient wittnesses that must bee brought
face to face before the Accused /.

You try mee by the Spanish Inquisicion Raw:
if you proceed onely by Circumstances w
wthout wittnes /.

This is a Treasonable Speech. / Attor:

Pervertere hominem iustū in causa sua
iniustū est / good my Lords let it bee proved
by the lawe of the land or the lawe of God
that there ought not bee two wittnesses. /
In the 10th of Edward the second, there
were two wittnesses appointed, yet I
will not stand to defend this point in lawe
if the King will have it soe, It is noe
rare thing for a man to bee falsly accused
A Judge condemned a woman at Salisbury
for killing her husband, afterwards his man
confessed the Murther when hee was exe=
cuted / It is commanded in the Scripture
Exodus allegatus est Jehova Mosen, Ex ore
duorū aut triū Testiū etc. If Christ re=
quireth as appeareth by Mathew, if by ye
Cannons of the Civill lawe and by Gods
word

word it bee required that there must bee two
witnesses at the least, then beare wth mee if
I desire one, I would not desire to live if I
were privy to Cobhams proceedings, I had
beene a slave a villaine, and a foole if I
would have ~~endeavored~~ endeavoured to have sett
upp Arbella and have refused soe gracious
and lawfull a Soudaigne, but now urge your
proofes/

Lo: Chiefe Justice/ You have offered questions on divers Statute
all which mencon two Accusers in case of
Indictment, you have deceived yo. selfe, for by
the lawes of the 5th and 6th of Edw: the
second, it sufficeth there bee proofes made, either
by hand or by testymonie of witnesses, or by
Oathes, it needs not the subscripcon of the
partie, soe there bee hands of credible Persons
to testifie the Examinacon/

Raw: It may bee an Erro. in mee, but if you
affirme it, it must bee a lawe to posterity,
but the proofe of the London lawe in my
understanding is by witness and Jury, lett
Cobham bee heard lett him speake it, call the
Accuser before mee I have done/

Attor: Scientia Scelerum est mera Ignorantia, you
have read the tre of the lawe, but understand
it not, here was your Anchorholde and remedie,
you trusted

you trusted Cobham, either Cobham must accuse
you or noe bodie, and if hee did accuse you
it could not hurt you, because hee is but one
witness and if hee did not, then were you
safe/

Raw: If ever I read word of lawe or Statute
before I was Prisoner in the Tower, God
Confound mee/

Attor: Now I come to the Circumstances of the
Accusacon to bee true Cobham confesseth
hee had a passport to goe travell thereby
intending to present to the Archduke from
thence to goe to Spaine and there to have
Conference wth the King for money, you say
go. selfe hee promised to come home by Jersey
to make merry wth you and your wife/

Raw: I said in his returne from ffrance
but not from Spaine/

Attor: ffurther hee saith nothing could bee sett
downe for the distributing of the money to
the discontented without Conference wth
Rawleigh, you say it should have beene for
procurement of peace, but it was for raising
of Rebellion, Cobham said further, that hee
would never have entred into these Courses
but by your Instigacon, and that you would
never lett him alone, your Scholler was not
apt enough to tell us all the plotts, that is
enough

enough for you to doe that is his Master, you intended to trust Sr. Arthure Savage who I take to bee an honest gent but not Sr. Arthure George/.

Raw: All this is but one Accusacon of Cobhams I heare noe other, to this hee neu subscribed nor avouched it, I beseech you my Lords let Cobham bee sent for, charge him on his soule on his Allegeance to the King, and if hee affirme it I am guiltie/.

Lo: Cecill. It is the Accusacon of my Lord Cobham that is the Evidence against you must it not bee of force without his subscripcon/ I desire to bee resolved by the Judges whether by the lawe it bee not a forcible Argument of Evidence/.

Judges/ My Lord it is/.

Raw: The King is sworne at his Coronacon in omnibus Judicijs suis Equitate non rigore Legis observare by the rigour and cruelties of the lawe it may bee forcible Evidence/.

Lo: Chiefe Justice/ It is not the Cruelties of the lawe, but the Justice of the lawe else when a man hath made a plaine Accusacon by practice, a man may bee brought to retract it againe/.

Raw: O my Lord you may use Equity/.

Lo: Chiefe Justice/ That is from the King, you are to have Justice from us/.

The lawe is

The lawe is if the matter bee proved to Judge Ander: Jury they must finde you guiltie, and Cobhams Accusacon is not onely against you there are other things sufficient/.

Now that Sr. Walter Rawleigh is satisfied that Cobhams subscripcon is not necessary, goe on I pray you Mr. Attorney/. Lo: Cecill.

Good Mr. Attorney bee patient and give mee leave/. Raw:

An unnecessary patience is but a hinderance lett him goe on wth his proofes and then refell him/. Lo: Cecill.

My Lord I would answer particularly/. Raw:

If you would have Tables or pen Inke and pap you shall have it/. Lo: Cecill.

And here pen Inke and pap was give him/.

Here the Clerke of the Crowne Office read Cobhams Lre written in July, which was to the effect of his former Examinacon, further saying, if I have disclosed all to accuse aine falsly were but to burthen my Conscience/. Cobhams Lre.

Read Copleyes Lre Confession the 8th of June, hee saith hee was offered 1000. Crownes to bee in this Accon/.

Brooke Confession/.

There hath Lres passed saith hee betweene Cobham and Aremberge for a great Some

some of money to assist a second Accon for the surprising of his Matie /

Attor: It is not possible it was out of passion, for it was in talke before three men being sevally examined agreed in the same of money to bee bestowed on discontented psons, that Gray should have 12000. Drownes, and Rawleigh should have 8. or 10: thousand Drownes /

Then was read Lawrencyes Examynacon /

Lawren: Exam. Within three dayes Aremberge arrived, Cobham resorted unto him, and that night Cobham went to Aremberge with Lawrency, Rawleigh supped with him /

Attor: Rawleigh must have his part of the money therefore now hee is a Traytor he Drowne shall not stand one yeare of the head of ye king my ld. if a Traytor may not bee condemned by Circumstance for if A tell B. and B. tell C. and C. tell D. etc. wee shall neu prove Treason without two witnesses /

Rawleighs Examynacon /

Raw: Exam. Hee confesseth that Cobham offered him 8000. Drownes which hee would have for the furtherance of the peace between England and Spaine, and that hee should have it within three dayes to which hee saith hee gave this Answer when I see the money

the money I will tell you more, for I thought it had beene one of his ordinarie idle Conceipt, and therefore made noe Accompt thereof /

Raw: Mr. Attorney hath made a long Narracon of Copley and the Priestes that concerne mee nothing, neither knew I how Cobham was altered for hee tolde mee if I would agree to further the peace, hee would gett mee 8000. Drownes, I asked him who should have the rest of the money, hee Answered I will offer such a noble man some of the money which was not then named, I said hee will not bee pswaded by you but will extreamly hate you for such a mocon / Lett mee bee pinched to death with hott Irons if ever I knew there was anie Intencon to bestow the money upon discontented psons / I had made a discourse against the peace and would have printed it if Cobham had not changed his mynde, if the Priestes, if Brooke had anie such Intencon what is that to mee, they must Answer for it, hee offered one the money before Aremberge came and that is difference of tyme /

Rawleigh confesseth the matter and avoydeth it by distinguishing of tyme, you say it was offered you before the coming of Aremberge

Serieant Phillipps /

of Aremberge which is false, for you being
exayed whether you should have anie
such money of Cobham or not, you said
yea, and that within 2. or 3. dayes Nemo
moriturus presumitur mentiri /.

Lo: Hen: Howard. / Alleadge mee anie ground or Cause
why you gave Eare to Cobham for recein=
=ing pencons for matter you had not to
deale wth /.

Raw: Could I stopp my lord Cobhams mouth? /

Lo: Cecill. Dr. Walter Rawleigh presseth that my
lord Cobham bee brought face to face, if
hee aske things of favour and grace they
must onely come from him that must
give them, if wee sitt as Bondissioners,
how shall wee bee satisfied whether hee
ought to bee brought vnles wee heare
the Judges speake /.

Lo: Chiefe Justice / This thing cannot bee granted, for then a
number of Treasons should flourish, the
Accuser may bee drawne by practise while
hee is in Prison /.

Justice Gawdy: The Statute you speake of concerning two
wittnesses in cases of Treason, is found
to bee inconvenient therefore by another
lawe it was refelled /.

Raw: The Bondon trygall of England is by
Jury and wittnes /.

Justice Warb: I marvell Sr. Walter Rawleigh that
you being

you being of such Experience and witt
that you should stand on this point, for see
many horse stealers may escape, if they
may not bee condempned without wittnesses /
If anie should rush into the Kings privy
Chamber whilst hee is alone, and kill
the King (which God forbidd) And this
man shalbe mett comeing forth with
his sword drawne all blondie, shall not
hee bee condempned to death without two
wittnesses, my lord Cobham hath beene
phappe laboured wthall, and to save you
his Ole ffriend, it may bee hee will deny
all that hee hath said /.

I know not how you conceave the lawe /. Raw:

May wee doe not conceive the lawe wee know the lawe /. Lo: Chiefe Justice /

The wisedome of the law of God was absolute and perfect, hoc fac et vives. I pray you shew mee this in your lawe, but how the wisedome of the State and the wisedome of your lawe is, it is uncertaine, yet where the Accuser is not conveniently to bee had I agree wth you but here my Accuser may bee had, Susanna had beene condemned, if Danyell had not croyed out to the Judge, will you Condemne Raw:

Condemne an Innocent, and aske noe question of the Accused? Remember that it is the absolutest Condandement of God ist a false wittnes rise upp, thou shalt cause him to bee brought before the Judge, ist hee bee found false, hee shall have ye same punishment, the Accused should have had, it is very sure for my Lord Cobham to accuse mee is my Claime danger, and it may bee a meanes to excuse him selfe/.

Lo: Chiefe Justice

There must not bee such a gapp opened to the destruction of the King as would bee ist wee should grante this, you plead for your selfe, but the lawes of the land plead as hard for the safety of the King, I did new heare that course was taken in case of Treason as to write one to another; or to speake one to another during the time of their Imprisonment there hath beene Intelligence betweene you and Cobham and what underhand practises there may bee I know not. Ist the Circumstances agree not wth the Evidence wee will not condemne/.

Raw:

The King desireth nothing but ye knowledge of the truth and would have nothing taken of advantage by the severity of the lawe, ist ou wee had a gracious King

now wee

now wee have, And I hope as the King is, such are his Ministers/ ist there bee but a tryall of five marks at the London lawe a wittnes must bee deposed in the Case. (Good my Lords) let my Accuser come face to face and bee deposed/.

You have noe lawe for it God forbidd anie man should accuse himselfe upon his owne Oath/.

Lo: Chiefe Justice/.

The lawe presumes a man will not condemne himselfe to accuse another, you are an odious man for Cobham thinke his case the worse that you are in it, now you shall heare of some sturrs to bee raised in Scottland/.

Attor:

Read Copleyes Examynacion/.

Alsoe Watson tolde mee, that a speciall person tolde him, that Aremberge offered him 1000 Crownes to bee in the Accon, and that Brooke said the sturrs in Scottland came out of Rawleigh hee head/.

Copley Exam.

Brooke hath beene taught his lessen/

Raw:

This Examinacion was taken before mee, did I teach him his lessen/

Lo: Hen: Howard

Noe my Lord I protest before God, I meant it not by anie privy Counsellor but because money is scant hee will

Raw:

iuggle

inggle on both sides /.

Raw: exam. Hee saith the best way to invade Engl. was to beginne wth Sturrs in Scottland /.

Raw: Why I thinke so still. I have spoken it to divs of the Lords of the Councell by way of discourse and opinion /.

Attor: Let us to those words of destroying the King and his Cubbs /.

Raw: If barbarous ist they like unnaturall Villaines should use such words, shall I bee charged wth them? I will not endure to heare it, I was neu aine plotter wth them against my Countrie / I have spent 40000.li of my owne against the Spanish faction for ye good of England, And doe you bring the words of those hellish Spiders, Clerke, Watson and others against mee? /

Attor: Thou hast a Spanish heart and thy selfe art a Spider of Hell, for thou confessest the King to bee a sweete and gracious Prince and yet hast thou conspired agt. him /.

Watsons Examynacion /.

Watt: Ex: Hee saith that Cretney Brooke tolde him twice that his brother the Lord Cobham tolde him, that you bee but on the Bye, but Rawleigh and I are on the Mayne /.

Brooke exam. Brooke saith being asked what was meant by the Bye and the Mayne, hee said that the Lord Cobham

Lord Cobham tolde him that Gray and others were of the Bye, but hee and Rawleigh were of the Mayne, being asked what exposicion his Brother made of these words, hee saith hee is loath to repeate it, and after saith by the Mayne was meant the taking away of the King and his issue and thinketh in his Conscience that it was infused into his Brothers head by Rawleigh /.

Cobham exam. Being asked ist on hee had said it will neu bee well till the King and his Cubbs bee taken away, hee said hee had answered before, and that now hee would answer noe more to that pointe /.

Raw: I am not named in all this / there is a law of two sorte, of Accusers one of his owne knowledge another on hearesay /.

Suff. Something my Lord of Suffolke said here about the case of Arnolde /.

Lo: chiefe Justice. It is the case of W: Thomas and Nicholas Arnoldus /.

Attor: Rawleigh saith Cobham was in passion when hee said soe; would hee tell his brother aine thing in malice against Rawleigh whome hee loved as his owne Soule /.

Raw: Brooke neu loved mee, and untill hee knew his brother had accused mee hee said nothing /.

Wee have ex

Lo: Cecill. / Wee have heard nothing that might lead us to thinke that Brooke accused you, hee was onely in the surprising treason, for by accusing you, hee should have accused his brother /.

Raw: Hee doth not much care for that /.

Lo: Cecill. I must judge the best, the accusacion of his brother was not voluntary, hee spared any thing as much as hee could to save his brother /.

Cobham Exam. Hee saith hee had a booke written against the tytle of the King which hee had of Rawleigh, and that hee gave it his brother Brooke, and that Rawleigh said it was foolishly written /.

Attor: After the King came wth in twelve Myles of London, Cobham now came to see him but intended to travell without seeing the Queene or Prince, now in this discontentment Sr you gave him this booke, and hee gave it to his brother /

Raw: I now gave it him, hee took it of my table, for I well remember a little before that tyme I received a challenge from Sr Amyas Preston, and for that I did intend to answer it, I resolved to leave my Estate settled, therefore I lay out all my loose papers, amongst which was this booke /.

Where had

Where had you that booke? Lo: Hen: Howard /

In the Ade Lord Treers study after his death /. Raw:

Did you ever shewe or make knowne the booke to mee? Lo: Cecill

Not my Lord /. Raw:

The Lord Cecill said that his father being imployed in the affaires of State at that tyme, it was like enough hee had maine bookes and papers written against the then Queene and the State which might come to his hand by discordie of such offences. / Lo: Cecill /.

I preme there was intelligence betwixt you & Cobham in the Tower for after hee said it was against the Kings tytle, hee denyed it againe /. Attor:

First my Lord Cobham confessed it, & after hee had subscribed it hee revoked it againe, yet hee alwayes said to mee yt the drift of it was against the Kings tytle /. Sr Wm Wade /

I protest before God and all his works I gave him not the booke, and here Sr Robte Wroth whispered to one that sate by him /. Raw:

My Lords I must here complaine of Sr Robte Wroth, hee saith that this Evidence is not materiall /. Attor:

I will give my word for Sr Robte Wroth /. Lo: Cecill /

I now

S. Robte Wroth. I neu spake the words /.

Attor: Let mr. Serieant Phillippe say whether hee heard him speake the words or noe? /

S. Robte Wroth. I will speake as true as you mr. Attorney / and by God I neu spake it /.

Lo: Chiefe Justice /. But wherefore should this booke bee burned? I burned it not /.

Serieant Phillippe. You presented yo. friend with it when hee was discontented, if it had beene before the Queens death, it had beene a lesser matter but gave it him presently when hee came from the King which was the time of his discontentment /.

Raw: Here is a booke supposed to bee treasonable, I neu read it condended it, urged it, nor delivered it /.

Attor: Why this is cunning /.

Raw: Every thing that makes for mee it is cunning, and every thing that makes against mee is probable /.

Attor: The Lord Cobham saith that Kemish came to him with a tre forme and did wish him not to bee dismayd for one wittnes could not hurt him /.

Raw: This poore man hath beene in prison this 18. weeks, hee was offered the Vack to make him confesse, I neu sent aine such message

message by him, I onely writt to my Lord Cobham to tell him what I had done with the Attorney, having of his at that time the great Pearle and Dyamond /.

Noe Circumstance moveth mee more then this, Kemish was neu on the Vack the King gave charge that noe Vigour should bee used /. Lo: Hen: Howard /.

Wee protest there was noe such matter to our knowledge /. Comiss:

Was not the Vack keep sent for and hee threatned with it /. Raw:

When mr. Sollicitor came to examine Kemish, wee tolde him hee deserved the Vack but hee was neu threatned with it /. S. Wm Wade.

It was more then wee knew. / Comiss:

Read Cobhams Examynacon /. Attor:

Hee saith that Kemish brought him a tre from Rawleigh, and that part which was concerning the Lords of the Councell was rent out / The tre contained that hee was examined and had cleared him of all, and that the Lord Henry Howard said, that because hee was discontented hee was fitt to bee in the Accon, And further that Kemish said unto him from Rawleigh that hee should bee of good Comfort for one wittnes could not condemne Cobham Exam /.

not condemne a man for treason /.

Lo: Cecill / My Lord Cobham was asked whether & when hee heard from you? And hee answered any day /.

Raw: Remish added more I now bade him speake those last words /.

Here the Attorney offered to interrupt him /.

Lo: Cecill / It is his last discourse give him leave mr. Attorney /.

Raw: I am accused concerning Arbella, and concerning money out of Spaine, my lord Chiefe Justice saith a man may bee condemned with one wittnes yea without anie wittnes at all / Cobham is guiltie of manie things (Conscientia mille Testes) my lords vouchsafe mee but this grace, lett him bee brought being alive and in the house, let him avouch anie of these things and I will confesse the whole Indictment and renounce the Kings mercie /.

Lo: Cecill / Here hath beene a touch of the Lady Arbella Steward a neere Kinswoman of the Kings, let us not scandalize the innocent by confusion of Speech, shee is as innocent of these things as I or anie man here, onely shee received a tre from Cobham to prepare her which shee laughed

shee laughed at, and sent it to the King soe farr was shee from discontent, that shee laughed him to scorne, but you see how farr the Count Aremberge did consent /.

Here the Lord Admyrall being by in a standing wth the Lady speake to the voote /.

The Lady doth here protest upon her salvacon shee new dealt in anie of these things, and soe shee wills mee to tell the voote /. Lo: Admyrall /

The Lord Cobham writt to the Lady Arbella to know if hee might come to speake wth her and gave her to understand that there were some about the King that labourred to disgrace her shee doubted it was a trick, but Brooke saith his brother made him to procure Arbella to write lres to ye King of Spaine, but saith hee new did it / Lo: Cecill /

The Lord Cobham hath accused mee, and you see in what manner hee hath forswoorne it, were it not for his accusacon all this were nothing, let him bee asked if the tre Lawrency brought him from Aremberge let mee speake for my life it can bee noe hurt for him to bee brought, hee dared not accuse mee if you grante mee not this, I am strangly used / Campion was not denyed to have his accusers face to face /. Raw:

Since hee

Lo: Chiefe Justice/ Since hee must needs have Justice, the acquiting of his olde friend, may move him to speake otherwise then the truth/

Raw: If I have beene the Infuser of these Treasons into him you gent of the Jury I pray you mark this, hee saith I have beene the cause of all his miseries, and ye destruction of his house, and that all this Evill hath happened unto him by my wicked Councell, if this bee true, whome hath hee cause to accuse, and to bee revenged on more then mee, and I know him to bee as revengefull as ame man upon the Earth/.

Attor: Hee is a partie and may not come, the lawe is against it/.

Raw: Tis a toy, to tell of lawe, I defie such lawe I stand on the fact/.

Lo: Cecill. I am affraid my often speaking whoe am inferior to the Lords here present will make the world thinke I desire to heare my selfe talke, my affection to you Sr. Walter Rawleigh was not extinguished but slackned in regard of your defecte, you know the lawe of the Realme to the which your mynde doth not contest is that my Lord Cobham cannot bee brought/.

Raw: Hee may my Lord/.

Lo: Cecill/ But dare you challenge it?/

Doe.

Doe./

Raw: Attor: You say my Lo: Cobham your maine Accuser may bee brought face to face to accuse you, you say hee hath retracted, I say maine particulars are not retracted what the valliditie of this is meerly left to the ~~Courte~~ Jury, lett mee aske you this, If my Lord Cobham will say you were the onely Justigator of him to proceed in these Treasons, dare you putt your selfe on this?/

Raw: If hee will speake it before God and the King, that I ever knew of Arbellas matter or the money out of Spaine, or the surprising Treason, I putt my selfe on it, Gods will bee done and the Kings withmee/

Lo: Hen: Howard./ How if hee will speake things equivalent to that you say?

Raw: Yes and in a maine pointe/

Lo: Cecill./ If hee say you have beene the Justigator of him to deale with the Spanish King, had not the Councell cause to drawe you hither/.

Raw: I put my selfe on it/.

Lo: Cecill/ Then call to God and prepare your selfe Sr. Walter, for I doe verily beleeve my Lord Cobham will prove this/ Except your faulte I am your ffriend, the heat & passion in you and the Attorneyes zeale in the

in the Kings service makes mee speake this /.

Raw: Whosoe is the workman, it is reason hee should account of his worke to the workm. but lett it bee proved that ever hee acquainted mee with aine of his Conference wth Aremberge and if I had sett him on worke, hee would surely have given mee some Acompt of his worke /.

Lo: Cecill. Nay that followes not, if I sett yo on worke, and you give mee noe account, am I therefore Innocent /.

Attor: For the Lady Arbella, I said shee was neu acquainted with the matter. Now that Rawleigh hath had Conference with all those Treasons, it is manifest to the Jury, who have heard out the matter, my Lords here is one Dyer a Pylott who being in Lisbourne mett with a Portugall gent that asked him if the King of England were Drowned, To whome hee Answered I think not yet, but hee shalbe shortly, Nay saith the Portugall that shall neu bee for his throat wilbe cutt with Don Rawleigh and Don Cobham before hee bee Drowned / Here was Dyer called and sworne /

Dyer / I came to a Marchante house in Lisbourne to see a boy I had there, And there came a gent into the house, and enquired of mee what Countryman I was / I said of England

of England, then hee asked mee if the King were Drowned, I Answered noe, but I hoped hee should bee shortly, nay saith ye Portugall hee shall neu bee Drowned, for Don Rawleigh and Don Cobham will cutt his throate before the day cometh /.

Raw: What inferr you upon this? /

Attor: That your Treason hath wings /

Raw: If Cobham had practise wth Arem=berge, how could it not bee Knowne in Spaine? And why did they name the Duke of Buckingham to bee in the Rebellion with Jack Straw, and the Duke of Yorke wth Jack Cade, was it not to Countenance their Treason? you gent of the Jury, I pray you Consider there is noe case see doubtfull which the Kings Counsell cannot make good against the lawe consider my disabilitie and their Abilitie, they prove nothing against mee, onely they bring in the Accusacion wch hee hath repented, and lamented as heartily as though it had beene a sorrible murther for hee Knew that all this sorrow which should come unto mee was by his meanes, Presumpcion must proceed from precedent or subsequent facte / I have spent 40000 lb against the Spaniard, I have not purchased fortie pounds a yeare if I had dyed in Guyana I had not lest 300. mkr a yeare to my wife & sonne

3 Sonne, I that have alwayes condemned ye Spanish faction, methinke it is a thing w strange that I should now beginne to affect it /. Remember what St. Austin saith, Sic indicate tanquam ab alio mox iudicandi, unus Iudex tribunall. Soe iudge yee as men that are to bee iudged one day by another, for there is one Iudge one Iudgment seate, Now my Masters if you your selves would bee contented upon presumpcons to bee delivered upp to slaughter to have your wives and children turned out into the streets to begg their bread, if you would bee contented to bee soe iudged, then iudge soe of mee /.

Serieant Phillipps. I hope to make this matter soe cleare as that the witt of man shall have no colour to Answer it / The matter is treason in ye highest degree, the end to deprive the King of his Crowne / The particular treasons are these first to raise upp Rebellion, and for to effect that to procure money to raise upp Tumulte in Scotland, and by divulging a treasonable booke against ye Kings Right to the Crowne, they purpose to take away the life of his Matie and his issue, my lord Cobham confesseth Dr. Walter Rawleigh to bee guiltie of all these treasons. The question is whether hee bee guiltie as

ioyning

ioyning wth him, or instigating of him, the Course to prove this was my lord Cobhams Accusacon, if that bee true hee is guiltie, if not hee is cleare, soe that whether Cobham say true or Rawleigh that is the question, Rawleigh hath no Answer but the shaddow of assumpt witt as the witt of man can devise, hee useth his bare denyall, but a denyall for a desst might not move a Jury In the Starr Chamber or in the Chancerie for a matter of tytle, if a desst bee called in question, his denyall upon his Oath is no Evidence to the Courte to cleare him, hee did it in Propria causa therefore much lesse in matter of treason, and here hee preeded wth a large discourse of Cobhams Accusacon against Rawleigh /.

Raw: Is truth bee constant and Constancy bee in truth, why hath hee forsworne that which hee hath said? you have not proved anie thing against mee by direct proofes but all by Circumstances /.

Attor: Have you done the King must have the last /.

Raw: Nay mr. Attorney, hee that speakes for his life must speake last, false repeticons and mistakings must not marr my Cause, you should speake secundum allegata

allegata et probata, I appeale to God & the King in this point, whether Cobhams Accusacon bee sufficient to condemne mee/.

Attor: The Kings safetie and your clearing cannot stand together/ I protest before God I neu knew a clearer Treason/.

Raw: I neu had Intelligence wth Cobham since I came to the Tower/.

Attor: Goe too, I will lay thee on the back for the Confidentest Traytor that eu came at a Barr, why should you take 8000. Crowns for a peace?/

Ex: Cecill. Bee not soe impatient mr Attorney/ give him leave to speake/.

Attor: Ist I may not bee patiently heard, you will encourage Traytors and discourage us, I am the Kings sworne servant, and must speake, ist hee bee guiltie hee is an odious Traytor, ist not delid him/.

And here the Attorney sat downe in a chafe and would speake noe more till the Commissioners vryed & entreated him/.

After much adoe, hee went on, and made a long repeticon of all the Evidence for the direccon of the Jury, and at the repeating of some things, Sr Walter Rawleigh interrupted him, and said hee did him

did him wrong/

Thou art the most vile execrable Traytor that eu lived/ Sr Walter Rawleigh replied that hee spoke indiscreetly, barbarously, and incivilly, whereupon the Attorney said, I want words sufficient to expresse thy viperous Treasons/.

Attor: Raw: Attor:

I thinke you want words indeed for you have spoken one thing halfe a dozen times/

Raw:

Thou art an odious fellow, thy name is hatefull to all the Realme of England for thy pride/

Attor:

That will goe neere to prove a measuring cast betweene you & mee mr Attorney/.

Raw:

Well I will now make it appeare to the world, that there neu lived a viler vip upon the face of the Earth then thou, and Herewth all hee drew a Tre out of his pocket saying further my lords you shall see this is an Agent that writt a Treatise against the Spaniard and that eu hath soe detested him/ this is hee that spent soe much money against them in service, and yet you shall all see whether his heart bee not wholly Spanish, the Lord Cobham who of his owne nature was a good and honorable gent till outtaken by this wretch/ now finding his Conscience heavily burthened wth some Courses, which the subtilty of this

Attor:

of this Traytor had drawne him into (my lords)
hee could bee at no rest with himselfe nor
quiet in his thoughts untill hee was eased
of that heavy waight out of which passion
of his mynde in discharge of his dutie to
his Prince, and his conscience to god
taking it upon his salvacion that hee sett
downe nothing but the truth, and with
his owne hands hee wrote this lre. Now
Sr. you shall see whether you had not in=
telligence with him but 4. dayes before
you came from the Tower, and if hee bee
wholly spanish that desires a pencion of 1500 lb
a yeare from Spaine, that Spaine by him
might have Intelligence, then Rawleigh
is a Traytor, hee pinned a lre. unto an
Apple and threw it into my lord Cobhams
Windowe, the contents whereof were these,
It is doubtfull whether wee shall bee
proceeded with or noe, phapps now you
shall not bee tryed, this was to gett a
Retraccion, (& it was Adams Apple)
wherewith the divell did deceive him, further
hee writes thus, doe not as my lord of Essex
did, take heed of Preachers pswasion hee
confessed and made himselfe guiltie, I
doubt not but this day God shall have as
great a Longnest by this Traytor, and
the same

the same of God shalle as much glorified as
when it was said Vicisti Galilaee, you know
my meaning, what though Cobham retracted
yet would hee neither rest nor steepe, untill
hee had confirmed it againe, if this bee
not enough to prove him a Traytor the
King my md. shall not live five yeares to
an end. And then the lre it selfe was
read. I have thought it fitt to sett downe
this to my lords wherein I protest on my
soule to write nothing but truth. I
am now come neere the period of my
tyme, therefore I confesse the whole truth
before God and his Angells Rawleigh 4
dayes before I came from the Tower caused
an Apple Adams Apple to bee throwne in at
the windowe of my chamber, theffect of it
was to entreat mee to right the wrongs
I had done him in saying I should come
home by Jersey which under my hand to him
I have retracted his first lre which
was throwne in, In the same manner
I answered not at all therein hee prayed
mee to write him a lre, hee sent mee word
that the Judges mett at md. Attorneyes
house, and that there was good hope the
proceedings against us should bee stayed
Hee sent mee at another tyme a little
Tobacco, Att Aremberges comeing Rawleigh
was

was to have a pencon procured him of 1500 lb.
a yeare for which he promised nee Accon
should bee against Spaine, the low Coun=
tries, or Indyes but hee would give
Knowledge thereof beforehand / Hee tolde
mee the States had Audience with the
King /

Attor: Is not this a Spanish heart in an English
body hee hath beene the Originall cause
of all my Ruyne, for I neu had aine
dealing with Aremberge but by his In=
stigacon, hee hath beene the cause of all
my discontentmente, Also hee advised mee
not to bee entaken with Preachers as
Essex was, and that the King would better
allowe of a Constant denyall then to accuse
aine / O damnable Atheist, hee hath
learned some Texte of Scripture to serve
his owne purpose, but falsly alleadgeth
them, hee Councells him not to bee lead
by the Councell of Preachers as Essex
was, hee dyed the Child of God, and God
honored him at his death, and thou wast
by to showe thy malice, At Lupus et
Turpes instant morienti, [illegible] hee
dyed indeed for his offence against the
lawe. The King himselfe spake these
words of him: Hee that shall say that
Essex

Essex dyed not for Treason is punishable /.
You heare a strange tale of a
strange man, now hee thinke hee hath Raw:
matter enough to destroy mee, but ye
King and all you shall wittnes by our
deathes whether of vs was the ruyne of
the other. I had a poore fellow threw in
the lre at his window to this purpose
writte / you know you have undone
mee, now write 3. lynes to justifie mee,
In this I will dye you have done mee
wrong /.
But what say you to the rest of ye Ev: Chiefe
lre and the pencon of 1500 lb a yeare / Justice /.
I say that Cobham is a base disposble Raw:
poore soule /.
Is hee base? I returne it unto thee Attor:
but for thee hee had beene a good Subt /
I preme you are not so cleare a man Ev: Chiefe
as you have protested all this while for Justice /
you should have discowed these matters to
the King

Here Rawleigh pulled forth another
lre of Cobhams, and prayed ye
Ev: Cecill to read it, because hee
knew the hand /.
Seeing my selfe so neere my end for Cobhams letter /
the discharge

the discharge of my conscience, and for my freeing of my selfe from your blood, which else would cry for vengeance against mee / I protest upon my salva=
=cion, I neu practised wth Spaine by yor procurement / God so comfort mee in this my afflicion as you are a true subiect for aine thing I know / And therefore that I may with the Prophet David say, purus sum a sanguine huius, so God have mercy on my soule as I know noe treason by you /

Raw: Now I wonder how maine soules this man hath that damns one in this tre, & another in that /

Attor: Here was much adoe / mr Attorney alleadged, that this last tre was politique=
=ly and cunningly urged from the lord Cobham, and that the first was simplie the truth, And least it should seeme doubtfull that the first tre was drawne from my lord Cobham by promise of mercie or hope of favour, the lord Chiefe Justice willed that the Jurie might therein bee satisfied whereupon the Erle of Devon=
=shire delivered that the same was meere voluntarie and not extracted from the Lord Cobham upon aine hope or promise of pardon

pardon / And then the Jury went together and stayed not above a quarter of an houre but gave upp their verdict, and found him guiltie /

Then Sericant Heale demanded Judgment against the prisoner. Sr Walter Rawleigh was asked what hee could say why hee should not have Judgment /. Heale /

My lords the Jury have found mee guiltie, they must doe as they are directed, I can say nothing why Judgment should not passe against mee, you see whereof Cobham hath accused mee, Remember his pte=
=stacion that I was neu guiltie of aine treason hee knew, I desire the King should know what wrong I have bidde since I came hither / Raw:

You have had noe wrong Sr Walter / Eo: Chiefe Justice /

Yes of the Attorney I desire the lords to remember 3 things to the King, I was accused to bee a practiser wth Spaine, I neu knew my lord Cobham meant to goe thither, I will aske noe mercie at ye Kings hands if hee affirme it / Secondly, I neu knew of the practice wth Arbella, Thirdly I neu knew of my lord Cobhams practise Raw:

practise wth Aremberge, nor of the surpri-
sing Treason /

Lo: chiefe Justice / In my Conscience, I am pshaded that Cobham hath accused you truly, you cannot deny but you were dealt wth to have a pension of 1500lb a yeare to bee a Spie for Spaine /

Raw: I submitt my selfe to the Kings mercie, I know his mercie is greater then my offence, and recomend my wife & Childe of tender yeares unbrought upp to his Compassion /

Here the Lo: chiefe Justice gave him Judgment /

Lo: chiefe Justice / I had thought I should now have seene this day Sr Walter to have stood in this place to give sentence of death against you, because I thought it impossible, that one of soe great parts should have fallen soe grievously / God hath bestowed on you manie benefitts you had beene a man fitt and able to have served your Prince in good place, you had brought your selfe to a good Estate of living if you had entred into a good Consideracion of it and not have suffered your owne witt to have

to have intrapped yo selfe, you might have lived in Comfort but it is best for a man not to clyme too high least hee fall, nor yet to creepe too lowe, least hee bee trodden upon / It was the Poesie of the greatest and wisest Counsellors of ye tymes in England In medio spatio me-diocria firma locantur, you might have lived well with 3000lb a yeare, (for soe much I have heard your Revenues to bee) I know nothing that might move you to bee discontented, but if you had beene downe, ffortunes wheele when it is turned about riseth againe I now heard the King booke anie thing from you but the Captainshipp of the Guard which hee did with good reason to have one of his owne Knowledge whome hee might trust in that place you have beene taken for a wise man, and have shewed witt enough this day / Againe for Monoplies for wines if the King hath said it is a thing that offendeth my people should I burthen them to your particular good / I thinke you could not well take it hardly that his Subte were eased though by your private Linde-rance / Two vices have chiefly lodged in you

in you, out an eager Ambicion in desiring
to bee advanced to equall grace and
favour as you have beene before tyme,
ye grace you then had, you gott it not in
a day nor in a yeare. for your Dovi=
tousnes I am sorrie to heare that a gent
of that worth should become a base Spie
for the Enemy which is the basest of all
others, wherein on my Conscience Cobham
saith true, you would have encreased
your living 1500lb a yeare / This Dovi=
tousnes is like a Danker without the
place where it lives / your case being
thus, lett it not grieve you though I
speake a little out of zeale and love
to your good, you have beene taxed by
the world of Defending most heathenish
and blasphemous opinions, which I list
not to repeate because Christian Eares
cannot endure to heare them, nor the
Authors nor Maintainers of them suffered
to live in a Pandemoealth / you know
what men say of Heriott, you should doe
well before you goe out of the world to
give satisfaccion herein and not to
dye with those Imputacions upon you /
Let not ame Dinell pswade you to
thinke there is noe Eternitie in Heaven,
for ist you

for ist you thinke thus, you shall surely
finde there is Eternity in Hell fire / In
the first Accusacion of my Lord Cobhams,
I observed his maner of speaking, I
protest before the living god I am pswaded
hee spoke nothing but the truth, you
wrote unto him that hee should not in
ame case confesse ame thing to a Pre=
acher, calling him an example of my
Lord of Essex (that noble Erle that is
gone) who ist hee had not beene carried
away by others, hee might have lived in
honor till this day amongst us, Hee
confessed his offences and obtained mercie
of the Lord, for I am verily pswaded in
my heart, hee dyed a worthie Saint of
God / your Conceipt of not confessing ame
thing, are very inhumane and wicked /
In this world is ye tyme of Confession
that wee may bee absolved at the day
of Judgment, but you showed a fearefull
signe of denying God in advising a
man not to confess the truth / It comes
now to my mynde why you may not have
your Accuser come face to face, because
such a one is easily brought to
retract when hee seeth there is no
hope

hope of his owne life / It is dangerous
anie Traytor should have accesse or
Conference one with another, for when
they see themselves must dye, they will
think it best to have their fellow live
that hee may, conditt the like treason
againe, and see in some sorte seeke reve=
=nge / Now therefore there reste noe more
but to pronounce Judgment which I
wish you had not beene here this day to
have received of mee for if the feare
of God in you had beene Answerable
to other your great parte, you might
have lived to have beene a singular good
subt / I neu sawe the like tryall, and
I hope I shall neu see the like againe, but
since you have beene fonne guiltie of these
horrible treasons, the Judgment of this
Courte is, that you bee had from hence to
the place from whence you came there to
abide till the day of Execucon / And from
thence you shalbe drawne upon a hurdle
through the open streets to the place
of Execucon there to bee hanged and
cutt downe alive, your privy Members
to bee cutt of yor body opened, your heart
and bowells shalbe plucked out and cast
into the fire before your eyes, your head
shalbe

shalbe strucken of from yor body, and yor
bodie devided into 4. quarters to bee
disposed at the Kings pleasure, And God
have mercie on your soule /.

Sr. Walter Rawleigh besought
the Erle of Devon: & the Lords to bee
Suytors in his behalfe to the King, yt.
in regard of places of Estymacon that
hee did beare in her Mat^e tyme, the
rigour of his Judgment might bee
quallified, and his death noble and
not ignominious wherein after they had
assured him to doe their uttermost endea=
=vour the Courte rose and the Prisoner
was carried upp againe into the Castle /.

Finis /: *

Sr. Walter Ry.

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Sr Walter Rawleigh his Lre
to the King after his condemnacon./

The life which I had (most mightie Prince)
the lawe hath taken from mee, and I am
now but the same dust of which I was
made, if my offence had aine proporcon
wth your Mate mercies, I might not dispaire,
or if my deservings had aine quantitie
wth your Mate unmeasurable goodnes, I
might hope, but it is your great Matie
that must judge of both, not I: name
blood, gentilitie or Estate I have none
nee not see much as a being or a
bare tytle thereof, nee not see much
as vitam Plantae, I have onely a penitent
Soule in a bodie of Iron which moveth
towards the Loadstone of death and cannot
bee with-held from touching it, except
your Mate mercie turne the pointe towards
mee which expelleth it, lost I am for
hearing of a vaine man, for hearing onely
and not beleeving nor accepting, and
see little accompt I made of that speech
of his (which was my condemnacon) as
the living God knoweth, I new remembred
aine such thing untill it was at my
tryall

tryall obiected against mee, so did hee
repay my care that cared to make him
good, which I see nee care of man can
effect but God, for my offences to him hath
layd this heavie burthen upon mee mi=
serable and unfortunate wretch that I
am / And God knowes (wth whome I may
not now dissemble) that I have honoured
your Matie by fame, and loved & admyred
you by knowledge, see as whether I dye
or live, your Mate true and loving servant
I will live or dye / If I now write
what doth not become mee (most mightie
Prince) vouchsafe to ascribe it to the
Councell of a dead Part, and to a mynd
which sorrow hath broken, but the more
my miserie is, the more is your Mate
mercie if you please to beholde it, And
the lesse I can deserve the more liberall
is your Mate guist. God onely your Matie
shall imitate herein both in giving freely
and in giving to such a one, from whome
there can bee nee retribucon but a desire
to pay againe a lent life wth the same
great goodnes you shall please to
bestow it / This being the first Lre
that ever your Matie received from a
dead man, I humbly submitt my selfe
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to the will of my supreame lord, and shall
willinglie and patiently suffer whatsoeu
it shall please your Mat.ie to lay on mee.

W: R:

Sr Walter

Sr Walter Rawleigh his tre
to his wife after his Condemnacon /:

You shall receive (deare wife) my last
words in these my last lynes, my love I
send you that you may keepe it when I
am dead, and my counsell that you may
remember it when I am nee more. I would
not with my will present you sorrowes (deare
Besse) let them goe to the grave with mee
and bee buryed in the dust, seeing it is
not the will of God that eu I shall see
you againe in this life, beare my destr=
=ucon patiently and with a heart like
your selfe first I send you all the thanks
which my heart can conceive or my words
can express for your manie travells and
care taken for mee, which though they
have not taken effect as you wished, yet
my debt is not the lesse, but I shall neu
pay it you in this world, secondly I beseech
you even for the love of God and for the
love you bore to mee living that you
doe not hide your selfe manie dayes
but by your travells seeke to helpe
your miserable fortunes and the right
of your poore Childe, your mourning
cannot availe mee that am but dust.

Thirdly

Thirdly you shall finde, that my lands were
conveyed (Bona fide) to my Childe, the writings
were drawne at Midsomer last as diuds
can wittnes, and I trust my blood will
quench their malice, that desired my
slaughter, and that they will not seeke
also, to kill you and yours wth extreame
paintie to what friend to direct you I
know not, for all myne have lost mee in
the true tyme of tryall, most sorrie I
am that being thus surprised wth death,
I can leave you no better estate God
knowes, I meant you all my office of
wines, or that which I could make of
selling it, halfe my stuff and halfe
my Jewells, some few for the Boy, but
God hath prevented all my determynacions
that great God that worketh all in
all, But if you can live free from
want, care for noe more the rest is
but vanity. love God and begynne betymes
to repose your trust in him, therein shall
you finde true and lasting riches &
endles Comforte, for the rest when you
have travelled and wearied your
thoughte on all sorte of worldly Cogi=
tacions, you shall but sitt downe by
sorrow in the end, teach your sonne also
to serve

to serve and feare God whilst hee is
younge, that the feare of God may grow
upp in him, then will God bee a husband
to you and a ffather to him, a husband
and a ffather that can nevr bee taken from
you, Baily owes mee 1000 lb. Adrian 600 lb
in Jersey, I have also much owing mee.
The Arrerages of wines will pay my
debte, howsoevr I beseech you for my soules
sake pay all poore men when I am gone
noe doubt but you shalle sought unto,
for the world thinke I was very rich, but
take heed of the pretence of men, noe
greater miserie can befall you in this
life, then to become a prey and after
to bee despised. I speake it (God knowes)
to diswade you from marriage, for it
wilbe best for you both in respect of
God and the world, as for mee I am
noe more yours nor you myne death
hath cutt us asunder, and God hath
devided mee from the world, and you
from mee, Remember yo. poore Childe for
his ffathers sake who chose you & loved
you in his happiest estate and tymes,
I sued for my life but God hee knowes
it was for you and yours I desired it,
for know

for know (deare wife) your sonne is ye
Childe of a true man, who in his owne
respect despiseth death and all his
mishapen and vglie formes / I cannot
write much, God knowes how hardly I
steale this time whilst others sleepe,
And it is alsoe time for mee now to
separate my thoughts from the world, begg
my dead body which being living was
denyed you / and lay it either in Sherborne
or in Exciter by my ffather and
mother. I can say noe more, time
and death call mee away /.

The everlasting powerfull infinite
and unsearchable God Almighte
who is goodnes it selfe mercie it
selfe, the true life and light keepe
you and yours and have mercie
upon mee, teach mee to forgive my
persecutors and false accusers, and
send us to meete againe in his
glorious Kingdome / my true wife
farewell. Blesse my poore boy, pray
for mee, let my true God holde
you both in his Armes /.

W. R.

Sr. Walter

Sr. Walter Rawleigh his
Lre to Sr. Robt. Carr /.

Sr. after manie great losses and
many yeares sorrow, (of both which
I have cause to feare I was mistaken in
their ends) It is come to my knowledge yt.
your selfe whome I know not but by an
Noble fame, have beene pleaded to give
mee and myne their last fatall blowe by
obtaining from his Matie the Inheritance
of my Children and Nephewes left in ye
lawe for want of a word, this done there
remaines nothing wth mee but the name
of life despoiled of all else but the title
and sorrowe thereof, (his Matie whome I
neu offended) ffor I have ew held it unna=
=turall and uncomely to hate goodnes)
stayed mee even at the Graves Brinke,
not as I hope that his Matie thought mee
worthie of manie deathes, and to beholde
all myne cast out of the world wth my
selfe, but as a King who judging the
poore in truth, hath receiued a promise
from God, that his throane shalbe esta=
=blished for ew. And for you Sr. seeing
your faire day is but now in the dawne
and myne

and myne drawne to the Evening, your
owne vertue and the Kings grace,
assuring you of maine good fortunes &
much honor. I beseech you not to beginne
your first buildings upon the Ruynes of
the Innocent, and that their & my sorrowes
may not attend your first Plantacion, I
have beene bound to your Uacon aswell
for maine other graces as for the true
Report you gave to the Kings Mtie against
whome if I should bee found malignant
the hearing of my Cause would not
have turned Enemies into friends malice
into compassion and the myndes of the
greatest number then present, into the
Condiscracion of my Estate, It is not the
nature of foule Treason to begett such
faire passions, neither would it agree
with the Duties and love of faithfull Subte
(especially of your owne Uacon) to bewaile
his outthrow that had conspired against
their most liberall and naturall Lord, I
therefore trust Sr you will not bee the
first that shall kill vs outright, roote downe
the tree with the fruite, and undergoe ye
Curse of them that enter into the fields
of the fatherles which if it please
you to

you to understand the truth are farr lesse
worth in value then in fame, but that soe
worthie a gent as your selfe will rather
bynde vs to your service being (8) gentle
not base in birth or Allyance which have
Interrest therein / And my selfe to my
uttermost thankfullnes will ever remaine
readie to obey your Commands / *



W * R * C

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The Lord Sanquiers arraignm^t and confession touchinge the murdringe of Turnor the Fencer in the white~~hall~~ Friars who was executed on the xxix^th of June Anno dn̄d 1612 beinge St Peters day at Westminster.

Lord Sanquiers Confession

My Lords that wth at my arraignem^t the other day I pleaded unto the Countrie, was not that I could ~~not~~ bee soe unworthie to denye any sillable I had formerle confessed before soe hono^ble personages, nor out of any desire that any thinge might bee concealed wth might serve for evidence to convince me of this foule fact whereof I nowe stand accused, and whereof I formerlie have and nowe doe most willinglie and penitentlie confesse my selfe to bee guiltie: My purpose then was to game tyme for the disposinge of some temporall affaires, and for the better preparinge of my soule for her departure from this bodie; ffor that I should longe live, I neither can expect nor much desire. And now my Lords yf that it maie

stand wᵗᵗ tᵉᵉ tonuᵉ of tᵉᵉ lawᵈ,
ꝟ will saᵉ tᵉᵉᵈ fraᵘᵈ, tᵉᵉ ᵉmiᵉ Comᵐᵇˡ
and yᵉ ᵉ ᵉoppᵈ, and will confeᵉ my
ſelf guiltie of tᵉᵉᵈ fact, in tᵉᵉ ſame
manner as it ſtᵈ laid in tᵉᵉ indictm,
or yᵉ that may not be ꝑmitted by
lawe, yet ſhall ꝟ giue ſuᵉ evidence
agᵗ my ſelf, as ꝟ ſhall not leave it
needfull in anie point to be aggravatie,
onlie in ſome circumſtances ꝟ will
endeavor yᵉ not to extenuate tᵉᵉ fact,
yet at leaſt to move yᵉ ᵉ ᵉoppᵈ, and
tᵉᵉᵈ worſhipfull auditorᵉ to pitie my
caſe, wherein as ꝟ knowe ꝟ can ſay
nothinge of ſubſtance that can geive
me in a legall proceedinge, ſoe ꝟ
truſte ſhall ꝛ that in tᵉᵉſe circumſtances
ꝟ woulde deliuer, ꝟ ſhall not be able
at full to expreſſe my owne tᵉoughts
bothe for my owne imꝑfections, and
alſo for that ꝟ lack tᵉᵉ gerace of
tᵉᵉᵈ Countrie; but for that, in ſuche
paſſages as ꝟ ſhall not be underſtood
in, ꝟ will humblie intreate yᵉ ᵉ ᵉoppᵈ
in yᵉ wiſdome, and tᵉᵉᵈ auditorᵉ in
tᵉᵉire Charitie, to conceaue that my
meaninge

meaninge ẅᵈ, to make a full and true
declaracon of all tᵉᵉᵈ buſineſſ. Tᵉᵉ
firſt motiue of tᵉᵉᵈ fatall accident,
was (as ẅᵈ well knowne) that I was
playinge wᵗᵗ me at foyles, now about
ſeaven yeares paſt at my Lord Norris
ẅᵈ I came in Oxford Shyre vnt one
of my eyes, and that (as my ſelf
and conſcience was ẅᵈ witneſſe)
willinglie and of ſet purpoſe: At tᵉᵉ
takinge vpp of tᵉᵉᵈ foyles ꝟ offered
vnto him ꝟ playd but as a ſcholler,
and not as one that woulde contende
wᵗᵗ a Maſter in his owne profeſſion,
and tᵉᵉrevpon resigned him that
he woulde play as wᵗᵗ a ſcholler ought
order wherein, though it bee vnacquaint-
ted to yᵉ ᵉ ᵉoppᵈ, yet to diuerſe Gen-
tlemen and gentlemen that were
ꝑſent, it is knowne to bee to ſome
ſmall ꝑfection. After tᵉᵉᵈ loſſe of my eye
and wᵗᵗ it tᵉᵉ greate hazard of tᵉᵉ
loſſe of my life, ꝟ muſt confeſſe ꝟ
coulde not a while in my ſoule, but
not of ſet purpoſe to geive taken ſoe geiue
a revenge, yet in tᵉᵉ courſe of my

revenge, I considered not my wronge
upon tearmes of Christianitie, for
then I should have sought for other
satisfaccon, but beinge trayned upp
in Courth, and Armes, I stood upon
tearmes of honour and thence came
this act of dishonour, wherely I
have offended God, my Prince, my
native Countrie, and this Countrie,
the pertie murdered, his wife and posteritie,
Darliell nowe executed, and lastlie
myne owne soule and to dye for my
offence. 1. Towards God I hope that
my prayers and supplicacons unto
him have now at last obtayned his
grace and pdon for this my sinn.
For at my returne from this place,
the people, of whom I expected scorne
and disgrace, did by theire pittie and
clemencie move that in me, wth the
pride of myne owne hart would not
till then suffer me to see. Then I
began to have a sence and feelinge
of the fowlenes of my offence, wth
formerlie I could not pswade my
selfe, was any more then a iust revenge
for my

The qualitie of his offence and the satisfaccon

for my wronge, and since then such
comfort and consolacon have I in
my soule, that I doubt not but that
my contrition and true repentance
is accepted before God, and that
2 hee hath pardoned my offence. For
my offence unto the Kinges Matie,
yf I had more then life to make
satisfaccon unto him, I would thinke
my selfe happie. And this favour I
request yo Lopps, that the Kinge
may bee trulie informed of the
sinceritie of my Confession, and of
my hartie repentance, and yf it
please him not to pardon this offence,
yet that I maie dye in his grace.
3 For myne owne Countrie, let me intreate
you that my singuler offence may not
bee laid as an aspcon unto my
Countrie, but that my selfe may beare
the shame, and my body the punishmt.
4 Of this Countrie, because I doe
deserve noe favour I desire that
of Christianitie you would pittie me
5 as a penitent man. For the partie

murdered my blond must satisfie
the lawe, to wth I shall add such repen=
tance as I hope by Christ mercie
will make satisfaccon for my offence.
6 For his wife and posteritie some
releife I have given, and more will
7 add unto it. For Earliell his too
much affeccon to me made him too
forward an execucioner of my will
and wicked purpose, but I hope by
his repentance hee is pardoned his
offence, in him my sinn is doubled
and I pray God to pardon me.
8 For the manner of the murther, I
neither commanded nor gave allowance
to pistoll him; But I must confesse
that at the request of Earliell
and Gray I gave either of them
a pistoll for to bringe themselves
9 off after they should kill him. For
him who is nowe suspected I never
knewe him nor spoake wth him nor
dealt directlie nor indirectlie wth
10 him in all my lyfe. Lastlie for my
selfe. I committ my body to the Kinge,
and my

and my soule to God. But my
Lords besides my owne offence wth
in his owne nature needs noe aggrava=
tion, divers scandalous reports are
given out wth blemish my reputacon,
wth is more deere unto me then my
lyfe. First that I made shewe of
reconciliacon wth Turnor, the wth
I protest is utterlie untrue, for
what I have formerlie said, I
doe againe assure yr good Lopps that
ever after my hurt received, I kept
a grudge in my soule agat him, and
never made pretence of reconciliacon
wth him; yet this my Lords I will
saie, that yf hee would have confessed
and sworne, that hee did it not of
purpose, and wthall would have forsworne
armes, I would have pardoned him.
For my Lords I considered that
must needs bee done either of set
purpose or ignorantlie; yf the first,
I had noe reason to pardon him, yf
the last, that is noe excuse in a Mr,
and therefore for such a revenge I

thought him unworthie to beare armes.

2 The second oblique is, that to deferr the revenge soe longe argues an inveterate malice, and an ill disposition; ffor the deferringe of my revenge, I answere, that at the receiveinge the hurt I was soe astonished, that I thought I had bine slaine, and by the opinion of many Phisitians from Oxford and other places, my life was then in much hazard for many daies after. yet after some moneth, recoveringe of my strength, and some ease in myne eye, I went ymediatlie over into ffrance, and there continued two yeares hopeinge of the recoverie of myne eye. Againe, at the Kinge of Denmarkes cominge hether, I came out of ffrance, and then hearinge at Greenewich that Turnor played there before the Kinge, I must confesse that after those prizes done, I sought for him upp and downe, and yf I had mett him in any place of the Court

the Court, I was then resolved to have run him through, though I must confesse the place had made my offence farr greater, but missinge him there that day, the next daie I went after him to London, and then sought after him for two daies, but could not meete wth him. The first newes then I heard of him, was that hee was gon into the Countrie unto the Lord Norris. Soe for that tyme I was prevented of my purpose. Before his returne I went into Scotland, and after my returne againe, I laid about for him, ever intendinge all this while to have acted it my selfe. But seeinge the difficulties of it, both for that I was well knowne about the ffryars, and yet did not my selfe knowe Turnor, but carried others wth me for my direction, and afterward agreed wth two of my Countrymen, who undertooke the actinge of this tragedie, but nothinge ensued upon it, and therefore

I desire I may conceale theire names.
After this my occasions callinge me
into France and other pts, soe that my
residence in this Countrie was verie
litle, till nowe at last I dealt wth
this unfortunate Earliell, who tooke
unto him one Gray for his ptner,
and brought him unto me, and those
two I directed to take a lodginge
in the Fryers, therefore the better
to discover how my selfe might come
to revenge my selfe on Turnor. But
after some delay they both tould me,
I could wth noe conveniencie come
my selfe to doe it, but the second
would undertake it, to wth I assented,
but prescribed neither any tyme nor
manner how they would effect it.
After this Gray fell off, and went
downe to the shippes for Denmarke
wth Earliell came and asked me,
and wthall tould me that Turnor
was then out of towne, but since
Gray had deceived him, hee would
trust noe body but himselfe, and
would

would assuredlie kill him at his
returne, though it were wth the losse
of his owne lyfe. But I beinge longe
delayed by two others who formerlie
I spake of, and also by these two,
and seeinge Gray gon, I thought
that Earliell had but spoke this to
give me content, and to insinuate
himselfe into my favour; soe that I
left him wthout any further direction,
or much regard to his speeche, and
never heard more of him, untill I
heard that Turnor was slaine; the
tyme whereof and the manner I
ptest before God and his Angelles
I was altogether ignorant of; for
had I expected it to have bine done,
I would not have stayed my selfe heere
at last cast; before that tyme I
could wth ease have gon over into
France, for I had a lycence to travell,
and for transportinge some horses.
3 Another aspcon is laid on me, that
this was Godes Indgemt, for that
I was an ill natured fellowe ever
revengefull and delighted in blond.

To the first I confesse I was never willinge to put vpp a wronge, where vpon tearmes of honour I might right my selfe, nor never willinge to pardon where I had a power to revenge. To the second, I say, that I was never guiltie of blond till now, yet I have had occasion to drawe my sword in the feild, and vpon suddaine violences, and have given and received hurts, and never guiltie of blond vnto death till nowe. Onlie I must now confesse that vpon Commission from the Kinge to suppresse wronges done me, in myne owne Countrie I put divers of the Johnsons to death, but for that I hope I neede neither to aske God nor man forgivenes.

4 Lastlie the obiection that since my imprisonm^t I have attempted by the meanes of my Countrymen to breake prison and escape. A course wth I protest vpon my salvation was never moved vnto me by any, nor did I ever lodge such a thought in my breast

And for

And for further confirmacion of that, I referr my selfe vnto the Marshall and his officers, who in the prison have seene and best knowe my deportm^t. Thus my Lords have I troubled yo^u wth a tedious discourse whereof noe circumstance can in any point of lawe doe me any good, nor would I bee thought all this while to plead for lyfe, my desires onlie are, that my life might satisfie for my offence, and that my reputation might not bee lest defamed. Lastly my Lords and the rest of this honorable and worshippfull presence I desire in Charitie that yo^u will consider these fewe Circumstances to move yo^u to some pittie.

Circumstances

1 First the indignitie I received from soe meane a man

2 Secondlie that it was done willingly

3 Thirdlie my perpetuall losse of myne eye

4 The want of lawe to gwe satisfaccion for such a losse

5 The continuall blemishe I received thereby

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6 And lastlie unto this I add my
voluntarie and free confession
of my offence, unto wth my Lords
let me add my last request to
Request yor Lopps. That the Kinge may bee
trulie enformed of these thinges
3 meanes for pardon from God. Contrition Confession and Satisfaction
are the meanes to obtayne pdon from
God for our sinnes, and these many
tymes doe move the mercie of
Princes, wth yf his highnes shall
extend to me, I shall desire my life
may bee spent to doe hm service,
or yf not I shall most willinglie ypilo
to dye.

Hee was arraigned as Esquire in
the Kings Bench in Westminster hall,
and was tryed by the Countrie, hee
challenged his tryall by the Peeres
but could not have it, because hee had
noe Baronie, though hee were intituled
a Lord in Scotland, and because
hee was noe Lord of the Parliam^t
house heere in England. This Scottish
Lord

Lord was condemned on the Satturday
and hanged at Westminster on the
Munday followinge beinge St Peters
day

Anno decimo Jacobi Regis Angliæ
Anno dñi 1612
~~Junii~~

And Varliell was hanged at White
Fryers where the fact was done

Finis.

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The Arraignment of the Earle of Castlehauen

Wherein is sett forth Aswell the manner thereof As of his death & Execution wth other Passages Betweene his Condemnacon And Time of Execution &c.

For the Enormius Crimes of A Rape procured & Assisted By himselfe, to bee Comitted on the bodie of his owne wife. The Countesse of Castlehauen, By one Broadway his Servant &c.

And of Sodomie Comitted by the said Earle on the bodye of one Lawrence Fitz Patricke his Footeman, who were both Executed at Tiburne for the same facts. Together wth the substance of &c.

Their Confessions at their Deaths, And in the prosecuting of all, the Earles mentall discripcon in these his Latter dayes; Compendiously set forth Collected And Composed &c.

Anno: Dni

1631

The Arraignmt. of Meruin Lord Audley Earle of Castlehauen at the Kings Bench Barre in westminster Hall the 25. Aprilis Anno: Dni: 1631

And first of the Preparation of the Seremonie of the Theater

For the more Seremonious Accomplishmt. of the Tryall of Meruin Lord Audley Earle of Castlehauen. And for the better ornamt. And accomodatinge of all Circumstances belonging thereunto According to the State and qualitie of his person, Their was A theater, Erected in westmd hall Lifted up in height, Equall wth the Kings Bench Souered all ~~over~~ over wth greene cloath. In the upp end where of was placed A Tribunall or Seaire of Estate for the Lord Couentrie Lord keep of the greate Seale: wege by Commission of Oyer And Terminer. for that day was Lord highe Steward of England. on both sides of his Tribunall were Seates for the Nobilitie And undt them were the Judges Placed /

In the lower End thereof on against the State. Sate the Kings Learned Counsell, And at their backe were settled two Seates, lifted up in the face of the Court in manner of Pewes, Alsoe Souered wth greene Cloth the one for the Prisoner, And the other for the leifetent of the Tower, And in the midst of them all was A place made wth A dissencion for the Clarke of the Crowne And his Assistant /

Betweene Eight and Nine of the Clocke in the fore noone of the same day. The Clarke of the Crowne And the Judges mett first in the Hall And tooke up their places, neere about the same Tyme came in the leifetenant of the Tow wth the Prisoner attended by divers

by Duke of the Guard who for the tyme retired from
Golues in a little roome next the Comon place.

Before Mr the Lords the Peeres Assembled from
Golues booing in number 27 the Kings of the Garter
wearing their Collors of Estes about their Necks
the Office where of were Richard Lord Weston Lo
Kings Treasurer of England.

And Thomas Earle of Arundell And Surrey Earle
Marshall of England who did direct themselues attending
to their Seuerall Ranks on Eyther side of the
Seate And sate in their Robes of Estate.
Last of all about nine of the Clocke came the Lord high
Steward wearing a Cloake Velvet or Plush gowne
Laced wth broad gould lace. And trimmed wth gold
Buttons Aforsaid as soe Entred the Hall soe put of
his Hatt. And soe past bare headed on to the Court
Before him were borne 7 great Maces of State by
7 Seargeants at Armes, Hee was attended by Sr
John Burrough Kn. And m^r Maxwell Usher of the
Blacke Rodd. upon his Left hand marched the
Seate soe saluted the Lords And the Lords vsa
luted him And soe passed on And Ascended
the State, A Velvet Seate was set for Sr John Borrough
Knight at Armes Aforesaid.

The Court booing thus set Sr Thomas Fanshawe the
Clerke of the Crowne & Office his Office wth the Patent before
of his place of Lo: High Stewards, wth was redd And
after an Oyes made by one of the Seargents at Armes
for Silence all his M^ties, his Office Rodd bearer & his Comitted
barke to the Clarke of the Crowne to bee publiquely
read wth booing Accordingly done the Usher of the
blacke Rodd, from kneeling downe And gaue to
his Office his white Staffe or Rodde of State.

The Comitted

The Comitted read as afore said And the Staffe was
redressed by the Lord high Steward, his Grace
Commanded A Solemne Oyes to bee Soundly made.
And Upon yeare Leaue to all the Lords the Judges and
Princis Counsell, Learned Sergeant to bee Covered
But wth Proclibition that none And that degree
Should Presume to looke on their Lattes upon paine
of Imprisonment

So Sr thus Accomplished wth State and Authority
A Lord protlim Aford was made that the Judges
Should Certifie And bring into Sr Hall by writt the Word
Commanded all the Lords touching the Lord Audleys
Arraignm: wch they Accordingly Performed.

And afterwards the Lords the Peeres
were Sumoned to answere to their
Seuerall names wth each of
them did perticularly
as followeth.

1 Richard Ld Weston Ld high Treasurer of England &
Knight of the Garter

2 Henrye Earle of Manchester Ld Privie Seale.

3 Thomas Earle of Arundell and Surreye Earle Marshall of
England & Knight of the Garter

+ Philip Earle of Pembrooke and Mountgomerey Lord
Chamberlain to his ma^tis Household. & Kt: of the Garter

5 Henry Earle of Kent

6 Henry Earle of Worcester

7 Francis Earle of Bedford

Robert Earle of

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8 Robert Earle of Essex

9 Edward Earle of Dorset Lord Chamberlain to the Queenes Matie & Knt: of the Garter

10 Robert Earle of Leicester:

11 William Earle of salisburie Knt: of the Garter

12 Robert Earle of Warwicke

13 James Earle of Carlile Knt: of the Garter

14 Henrye Earle of Holland: Knt: of the Garter

15 Thomas Earle of Barkshire: knt: of the Garter

16 Henrye Earle of Denbye:

Edward Viscount Wimbleton

Edward Viscount Conaway

Dudley Viscount Dorchester (Principall Secretarie)

Thomas Viscount Wentworth. Lo: President of the North

Algernon Lord Peircie

James Lord Ferarge

Henry Lord Clifford

William Lo: Deeter

Dudley Lo: North

Edward Lo: Howard

George Lo: Goringe

The Judges Assistants in this tryall for Councell in cases of Lawe were these/

Sr Nicholas Hide Lo: cheife Justice of England.

Sr Thomas Richdson Lo: Cheife Justice of the Common Pleas

Sr Humpherie Davenport Lo: Cheife Baron.

Baron Denham.

Baron Denham

Judge Jones

Judge Hutton

Judge whitelocke

Judge Crooke

And the Kings Counsell were theise

Seirgeant Crewe

Sr Robert Heath Knt: Attourny generall

Sr Richard Shelton Knt: Solicitor generall

Sr John ffinch Knight

The Clarke of the Crowne

Sr Thomas ffanshawe was Knight

Mr Keeling his assistant

Allyings thus sett in order a Proclamacyon was Comanded to bringe his Prisoner to the Barr: And all to returne to their Places. And the Lieutenant of the Tower was Comanded to bringe his Prisoner to the Barr: And when the Lieutenant of the Tower with his Company did come Assisted by divers of the Guard And they were placed in the Places formerly prepared for them.

When the Prisoner had performed his obeysaunce to the Lo: high Steward. And the rest of the Lords his Peeres were in like maner saluted from the Lord high Steward Causes the warrant to be read wch done

he addressed his Speech to the Prisoner to this Effect.

My Lord Audley. The Kinge hath been pleased to bid Stand both by reporte And by the verdict of xiij Good & Lawfull men of your Countrie. That you stand impeached of divers Crimes of a most high and Monous Nature, And therefore to the

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whether they bee true or not Cokp End Justice may receave
for due & doo bringe yo^u this day upon Tryall Dooing there-
in like the Almightie King of Kinges in the 18th of Genesis
verse 20 21. who went downe to see whether the Crymes of
Sodome and Gomorha were soe grievous as the Cry of
them that came to before him. Crauseth the Cryes of Sodome
and Gomorha is great and there Crimes grievous I will
goe downe saith the Lord and see whether they have done
altogether according to the Cry of it wch is come up unto
mee: And Kinges on Earth can have noe better Patterne
to followe then that of the King of Heaven And there-
fore a most gratious Soveraigne Gods Vicegerent here on Earth
hath by Speciall commaund Summoned these yo^u Peeres this day
here to Assemble themselves to heare and give their opinion of
the words yo^u generally have lost yor reputation soe by the ver-
dict of these yor noble Judges yo^u may publiquely bee Arguded
of the scandall & againe restored if yo^u bee Innocent) to yor
lost good names; or if yo^u bee found guilty of these hei-
nous offences reserved yo^u stand Convicted that it may appe
unto the world yo^u are justly condemned & Dooing afforded
bee noble so Just and Indifferent Judges. ffor the de-
fence of yor cause: is that yo^u by all Lawes should bee as Equall as
Justice and Equitie it selfe. And for that cause these
Justice and Equitie it selfe. And for that cause these
yor Peeres (whose parts are full of Interexcitie Justice &
truth as their Bodies of noble Blood) are this day to trie yo^u
more fore if yo^u bee Innocent speake boldly and Confident
ly And feare not to justifie yor selfe for bee Assured
hee who doe Accuse yo^u (if yo^u quit yor selfe) shall not
Escape Thus: But if yo^u bee guilty of advise yo^u to give
the Kinge to god And the King And freely confesse yor fault
for it is not A vaine confidence or standing out in denial
That can hide the Crime And therefore all shifts and sub-
tilties against it, Are but Consilia adversus dominum
Upon the truth touch yo^u at the last And yo^u owne Con-
sciences Charge yo^u with is as A thousand witnesses And gods
grace w^ch

Grace wch is greater then both prinke yo^u & stand not out
Against Truth, ffor if yo^u doe, God will never powre his grace
into the harts of these noble Peeres yo^u Peeres the true
Jurors. See as they shall vertuously find it out And doe
Justice

Heere upon the Lord Audley
spake as followeth

May it please yor Grace, I have stood Charged here this fo-
nor these five Monthes wth out ffriends wth out Counsell or de-
nied, wherein I have beene depriued of the knowledge of
the Crimes laid to my Charge
the Circumstances of the Crimes laid to my Charge
And beeing unskilfull in Advantages or disadvantages of Law
And also but weake of Spirit upon I am at the best
desire I have the liberty of Counsell to speake for mee

Heere upon the Lord High
Steward replied.

No for yor long Imprisonment my Lord that hath beene
Speciall favor unto yo^u Peeres for thereby yo^u have had time
Enough to bethinke yor selfe. And more then ever man had
that hath beene Committed for such Crimes, And for
that hath beene Committed for such Crimes, And for
doode yo^u have found more grace upon order any that came
to this Barre. ffor yo^u shall not demaund that of the
Lawe may Allowe yo^u But it is graunted yo^u. And touching
as touching his yor first demaund I must move it to the
Judges who shall satisfie yo^u thereon. And not onely in this but
Also in any other thing yo^u shall require

Whereupon his Grace propounded to
the Judges whether this demaund of
the Lo. Audley might bee granted

who answered

That in Criminall Causes Counsell is not to bee allowed for
matter of fact But for matter of Lawe it may.

Upon the Lord high Steward Commaunded the
Indictments to bee read. wch being 3 in Number
Sr Thomas ffanshawe according-
ly did read.

Ego first accused

The first whereof was for a Rape by his owne actuall
assistance procured to bee Committed upon the person of
his owne wife the Countesse of Castlehaven. By one
Broadway his Servant.

And the other 2 for Sodomie Committed on the Bodyes of
his Servants Lawrence ffitz Patrick an Irish man borne. And his
ffootman. Upon the readeing whereof being demaunded
by Sr Thomas ffanshawe whether he were Guilty
or not Guiltye.

Hee answered them all
not Guiltye.

Then Sr Thomas ffanshawe further demaunded by whome
he would bee tryed. And the Ld Audley put
himselfe upon God & his Peeres.

Then all the nobilitie & Peeres put of
their hatts & the Kinds speech upon
was Soy nos.

Then the Ld high Steward Addressing his speech to
the Lds the Peeres, said, my Lds the Prisoner whome yo
honors see stands Indicted of a Rape by one Indictmt
And of Sodomie by two other Indictments, And hee hath
pleaded not guiltie unto them all And for his Tryall hath
put himselfe upon God and his Peeres.

It is my duty therefore (my Lds) to Charge yo with the Tryall
thereof And yo the Judges of the offences whereof he stands
Charged are to bee Directed by Evidence And because the
Crimes that come this day before us, may in some sorte dis-
tracte, And the Passion of his Tender mynders may move Com-
passion: I Advise yo Lds & Lay, I praise two Rules And let yo
reason sway yo Judgment, let that rule yo Affections And
yo hands yo Hearte Now neither of these ought to bee put
in the ballance, because: A crime on either side may beare
downe the skales, yo are to give Attendance and Eare, And then
to weigh Equallye that the skales may leane the right way.

The Judges

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The Judges will Assist yo in point of Lawe, whereof yo doubt
yo are to propound it to me. And I unto them. To like yo must
observe if any Question arise touching the Prisoner, the
Ld Stew and are to doe without Corporall Oath. Taken ffor
ffor the Lawe rather more yo Peers Integritie. That yo will
doe that for the love of God, & Preservation of Justice, we dispense
for sauving their Oathes. And therefore Admitt of noe
Challenge. God direct yo & so doe it as yo ought. And leave yo
to the Truth.

Sr Thomas Crewe the Kings serient
at Lawe gave the first charge &
after him Sr Robert Heath the
Kinges Attorney proceeded
and said

My lord high steward may it please yo Grace there are
three Indictments Against Mervin Ld Audley:

The first of a Rape, the other for Sodomie, the Prisoner
is here: but the Crimes are most dishonorable, foule and
farre more base, then beastlye, of wch hee stands Indicted
if they fall out to bee true (wch must bee left unto the Tryall of the
bookes) Affirme never yet invented nor Historiographer
ever writt of any so foule: And although Suetonius, Shaw
Curiously set out the Lawes of some of the Emperors who
had absolute power and Soveraignitie, wch made them ffearefull
of all manner of punishment And wood bee wise were heathens
& knew not God, yet none of them all name name this un-
happie Lords Crymes, wherefore hee stands heere attainted
Impossible (as it should seeme) even for heathens to Dreame, much
less ought to bee named by A Christian, & he one whereof
& A Prince in a Nation of such sanctitie that noe Sodome have
knowne the like: And the other was scarce out & Boy of before
And both of them are of that position shall and possessions, natures
that if they bee not punished they will Drawe downe
ffrom heaven Gods heavie Judgments.

But heere (my

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But my Lds his ma^tie whoe is the Modell of all
Vertue and Goodnes not onely in this Eminency of
place as hee beareth the office and dignitye of
A Kinge. But in his Person alsoe, As hee is simply A man
of whome it is hard to judge whether hee be more in fault
or Mercies. But for my p^te to thinke rather in Mercye, his
have the Ld Morley this p^sonne at Barr, howe he is a mere
favour As A Crime of this Nature Can p^tend, Although
wrson hee first heard thereof hee gave strict Commaund that
the truth should bee searched out. To thend this Treason
(Soe to bright bee cleared from lust blame And Infamie
Lyes, And heerupon hee was Indited in his owne Country
according to the Lawe, And by vertue of quallitie and worth
the Ld was found And now hee is p^sonalie brought to this
Barr. To bee tryed by his Peeres, Lords of whose
wisedome and Iuriditio, there can bee noe p^son doubt nor
Equall Ballance made but hee shall find A most Iuste:

Hearemge.

And Now (my Lds) I returne my selfe before yor Lo^pps
route bee p^swaded, That this wicked Lat Barr. hath put before
his Arreignous life, And had the feare of God before his Eyes
of his Actions hitherto had bin Pandors & unspotted, Then
it is likelye & p^robable that those soe Haynous & Dry mes
non laid to his charge p^ceeded from Malice; And are sugges
suggested & forged by his Adversaries to bring him (once on the
stage & his p^sonne Life into Ieopardie, But if all his
Actions (As by Euidence it will p^mptly appeare) have bin
beyond Imagination, Iustifiable & Godlye, yea Imparalled in
any former Ages, And I hope in the future shall neuer be fou
And heaping of Crime upon Crime, Then have yor Lo^pps full
Power to Iudge of the p^sent by that wch is formerly past
& Groome of him ab^m all mischiefe daroing offendor.

To begin therefore wth his worst p^te the leading part to all
Ingnitie the Scarre of all Euill, And the fountaine w^ence
springe the p^verse manstrume, the Religion hee was bred
up in the Protestant Faith & Doctrine But his wauering
And fickle—

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But hereof my good Lds) It seemed not A little strange vnto
mee at the first, how A Gentleman of his birth And qualities
should fall into such Abominable sinne. But when I had
found hee had giuen himselfe ouer vnto lust, And Considered
that Nemo repente fit Turpissimus: And that is mere habit
themselues in Euill, It is no marvell if the fall into Any sinne
& was then Easilie Induced to beleeue that nothing is im-
possible for that man to doe; who Iniquitie is of no Religion
And whose life is but A Continuance of wickednes, no Grudge
Remembreth mee to vnfolde the passages of his life. Before
& proceede to the p^sent Charge, The better thereby to
plant in yor Grace and the rest of the Lds: A beleife that
hee that late him so wicked in all Actions, may also adde
the latter Crimes to his former sinne/

Heere the Prisoner perceiueing the Attourney
Diuerted from the Endictments And beyond other Crimes
Charged hee interrupted him And desired that his Religion
may not bee touched nor Any thinge els but that wch Conduced
to the Crimes wherof hee stood Charged And therefore
Required him to hold himselfe to the poynts of the Endictm^ts.

But the Lord Steward prayed his Lo^pp to
be patient Assureing him hee should bee also
hard in time Conuement at full.

whereupon mr Attorney spake in this manner, I come not
hither to trouble yor Grace, nor the rest of the Nobilitie w^th
yor p^sent discourse, nor Indeed wth any thing that tendeth
not to the Condemnation of the p^sonor, of the Crimes wch
of hee stands Indicted, notw^thstanding I can soone ease (made it
please yor Grace) wth that great Comfort And Consolation that
I receaue all the time of my Seruice, both in the dayes of his ma:
late Royall Father, And now since his highnes Came to
the Crowne (I now before had occasion to speake in this
place &c. As Peeres of the Realme, And yet knowe I
now doe wth much sorrow and greife And I hope I
shall neuer hereafter haue occasion to doe yor Lds
But my Lds

And sirlie Goodiron would not long yᵉ mit him to rest mud
in that good course. But brought him in to Popery. yet
were it sometwhat tolerable if hee had remained militant
there in, for were both serue one And the same God, though
wᵗʰ different Ceremonies. But the truth is. Hee made
shew of two Religions. Hee bore two faces vnder one hood
whereas Indeed hee was not really a zealot of any one
then Cor quod Ingreditur duas Vias non habebit Successum
ffor in the morneing hee would bee a Papist and go to Masse
And in the Afternoone A Protestant And goe to A Sermon
Shall I therefore bee so bound as to render vnto yᵒ Grace the
reason why hee became so ill Surely it is knowen by Apparāt
hee boldened no God. hee had not the feare of God before his
Eyes, hee left God and God left him to his Euill wayes. And
then what wicked one will not that man run into, what sinne
soe foule, what thing soe Odious that hee dares not Attempt
And in my Conscience were hee pressed vpon the poynt hee
would confesse the truth, And to yᵒ Quere at this Instant hee is
to thinke his Religion, yᵒ may prime then into what Euill
ridge hee is fallen And into what fatall Error hee is Inuolued
what wicked one will sure A man leaue his one, who is some-
times to approoue not the Cruelties of the pames of Hell
the Euerlasting and intolerable habitation ordeyned for
offenders: of the qualities of this prisoner, ffor the course
of his late Confirmed, hee hath no Expectation of the Ioyes
of Heauen, nor that there is any such thing as Heauen or Hell
But that those ydeas are onely fayned as an Idea Platonica
As yᵒ Atheists doe. hence yᵒ Grace shall heare what mon-
strous this Chemera his Religion hath bredde for to resemble
it is to bee attributed, beeing ioyned wᵗʰ the Nature of A
man framed wᵗʰ Iniquity

But I find things here farre beyond ymagination for I
find his ill Entertained Inclined to cause his worse
nought, wᵗʰ the nimble wit of man of Euer yet hard of desired
most of all to bee virtuous & good, how badde soeuer himselfe were
ffor beeing married to A Ladie high of Birth & great in for-
tune: Noble by first marriage but most vnfortunate by her
lust, ffor soe soone as euer shee beeing
in bed) Hee came to her bringing wᵗʰ him his Page Edmit
Anthill

Anthill. And said vnto her That hee was his ffriend. That
hee loued him Entirely And therefore shee must loue Anthill
(whome hee honoured above all) as shee loued him for husband
But not wᵗʰ An honest but most dishonest Loue ffor the Con-
clusion was shee must make shipwracke of her honr Vnto
this Anthill. And to Encourage her to vnto hee framed
sir Reasons from Scriptures (saying) That her body was
now made subiect vnto him. And therefore if at his Comaund
shee did Euill. It was not her fault, but his, And hee would
Answere for the Euill But shee pintirely refuseing hee
left her for that tyme. In Example pinkard of. And en-
structed, That the Husband should labour to become Lord to
his owne wife wᵗʰ all men generally Abhorre: But this is
but A Prologue to Enclosing Euill. This man of his this
Anthill one whome hee raised Euen out of the dirt must
Dominolie bee his bedfellowe (not Attending to the opinion
of the world) wᵗʰ out Abhommation But that I passe
ouer, ffor now shall Anon showe Euidence Enough to Con-
demne; And that Indeede by pregnant proofes, But to
returne to ô matter theise words not sufficient Favo but
hee must seale to his league of Friendshippe to this
this base & Indigent fellowe, wife the marriage of his
natural Daughter vnto him, wᵗʰ A Dowry of 8000: for
A Salarie (at most mon Suppose) of his Lines/

But hows yet stayes not, The violence of this vnbounded
torrent this day will I represent vnto yᵒ Grace vpon this
stage most strange & rare dies. This vnhappie Sir cannot
bee wᵗʰ out his favourite for Anthill vsurped one Skipwith
An Irish man borne to bee sir mymon no business might bee
done but such as passe through his hands, no request ob-
tayned of him, no not by his owne Lady or her daughter
his Sonnes wife, or his deare ffriends but meanes
must bee first made vnto Skipwith, for Enjoying their
desires, But this is the least, ffor if his wife or daughter
stood in needde of Anything though nouer soe strange they
must Lye wᵗʰ Skipwith And soe reteaue it from him, or
els not, Then yᵒ see his owne wife, And his Sonnes wife
his wife/

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her wives daughter must bee the Shipwifes Concubines & prostrate themselues vnto him; To that ende allures the Sillye Girle Comming but yeare 13 yeares old to the Kinges Ma[ie]s treatie[s] came & promises, And before sid date Caused the Shipwife to lye wth her. But shee yeare comig too young & not Capable of man, hee at Length wth standinge Enabled him by the Application of An Oyle to satisfie sid Lust on her, And wthall gee was yet in Arrow Hee spake vnto him thus

Do it Shipwife worke Lustelie & beget A Boye Sweareing A great Oathe thou shalt enioy all my Estate ffor I had rather haue A Child of thy begetting then all my other mans: Most vnnaturall resolution, ffor record ab Euerie man desires sid Estate should remaine in his owne ffamilie, & sid vnnaturall man contrarie to all desires by these Cowardly meanes to bee the instrum[t] to Conveigh his to the Bastard of A Whore and Incestuous Adulteresse Hee did vnfaithfully forsake sid Ladie to lye wth him in sid bedd, wch other to Any ill purpose yo[r] Lpp may Imagine Hir Singular and vnparalled Love to this Shipwife is also most remarkable, for wherein soeuer gee could dismember sid Estate hee conferred that vpon him from his Sonne: hee vnfaithfully sent to Spend of sid Purse 500. ℔ And And at one by me gee gaue him 1000. in money.

Now Some wee to other his Lord & Maist[r] Hee kept A dissolute woman in sid house hee Cohabited in sinne wth her Calls A yeare to gether yea hee not onely ruined all sid ffamilie, & bee fortate & but also ye Estate in his owne hands for at one time gee made 4 of sid Servants one after the other to lye wth her in sid House. And yet this gett must in Abe the first man.

May it please

May it please yo[r] Grace hauing thus Cursorily run ouer the Passages of his Life thought they bee not Enormes worthy Standes Indicted & not by the Lawes of this Land punishable by death yet are they soe greate that soe Honourable Lpp may thereby Easily bee Induced to beleeue, That that man who dares Comit them will not stand to Comitt the Crime whereof he Stands Charged it being sid Ordinarie practice to heape sin vpon sin The latter allwayes transcending the former. /

Now my Lds I Come to the Crimes wherewth ye Prisoner Stands Indicted wch are nomber 2 Viz 3 Severall Indictmts The one of Adultery for the Fairy King of Sid crowns wife

The other 2 of Sodomie or Buggerie. As Concerning the first of sid Crimes prohibited by Almighty God wth that Severitie that death is the punishm[t] set by the Civill Lawe. And not onely Threatned the offenders herein wth punishm[t] But also the whole Country wherein it was Committed. witness the Example in the Scripture Judges the 19th & 20th Chap: where wee read that a Leuite his wife beeing forced by the Tribe of Beniamin vntill shee was Killed, her husband deuided her into 12 parts and sent for throughout all the Coast of Israell And that saue her said that there was no such thinge done or seene since the Children of Israell came vp from the Land of Egipt vnto this day Then all the People Armed themselues Against the Tribe of Beniamin And sent vnto them to deliu[r] vnto them the wicked men who did Comit this deede That they might put them to death But the refusing to doe it, Ioyned in warlike manner against them And killed almost all the Tribe of Beniamin /

Now my Lde sid Abhominacon of this offence Vnto yo[r] Honours Least it beeing left vnpunished it should draw downe the wrath of God vpon the whole Kingdome.

By the Ancient

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by the Auncient Lawes of this Land in the tyme of Kinge Athelstone before the Conquest Before any Statute Lawe was ordained Rape hath binn (according to ye opinion of Bracton & Glanuile) Iudged A detestable Crymne worthie of deathe; Stamford 21 And most greivous punishments were inflicted vppon such Transgressors As it appeares by

Nº 1.

But the Statute of Cap 13 was more mild to such offenders vntill the next Parliament holden at Westmynster Anno

Cap 34 The offence of Rape was made Felonie. And the Statute of 6 R 2. did the greater punishment ab loss of Eares to Woomen Consenting at Lenght to Ravishm^t, ye knowe heard my Ld Ellesmere how this Ld laboured to allure his wyfe to lye wth Sir Thrill But now hee prooved into Accord vpon his words cannot Batter the fort of her Chastitie: Shee Perhaunce the Ffoxes skinne for the Lions: ffor looking in Bed wth his wyfe in his owne house last Summer the day

And A man of his called by the name of Broadway looking in A Trundle Bedd in the same Chamb^r hee called vnto him to bring him light A pipe of Tobacco, wch done, hee willed him to come into Bedd betweene him & his wyfe (Shee looking then A sleepe) to thende hee might Enjoy his pleasure of her, This Broadway after some refusall at last yeilded to his perswasions And did forcibly ravish his Ladies, his wife beeing not onely A looker on but holding his wives Armes, the Legges with the nurse & other forced for m^th done shee discovered Ladie got out of her bedde And like Another Lucrece would have killed herselfe had not shee bin restrayned by her husband And this Broadway this Rape is confessed by Broadway the Actor in his Examinacon And proved by the Court And also by his wife/

And now my Ld I leave it to yor Lopps Consideracon to iudge whether such an horrible Act were ever committed Either in this Kingdome or Any other throughout the world how bad it is of this I am sure That no Chronicle or historie saith hitherto left the like recorded vnto posteritie/

Course now leads vs to this second Crime this second Abhominacon this so much Abhorred Crime or Sinne of Sodomy A Crymes Unusuall

A Crime vnusuall in Sodom, And I hope now ere after to bee by my labor & diligence A Crime so detested by Almighty God That for this onely sinne (Sodome from whence it takes it denominacon) & Gomorha were vtterly destroyed And Lawes to the Contrary by rayning fire And Brimstone downe vpon them & such Terrible manner That the flames thereof ascended vp into Heaven Like the Smoke of A Furnace: Gen: Cap: 19 vers: 24th Against Buggerers shall not possesse the Kingdome of Heaven 1 Cor: Cap: 6th It is also prohibited 1 Tim: 1 20: & it is more at large written in the true Author of Latter tymes That Angelo Countrey hath beene destroyed by that wickednesse By the Lawes of the Church also ordained in that kind are to bee punished by fire, That it be burned to ashes in the eyes of Sodome who knew it was at the first punished by God. And the Statute Lawes have added to that punishment, Loss of goods and Lands, But the Common Lawe hath not inflicted any punishment at all, the reason & ground was: Quia it was not thought amongst them. Et ad ea quae frequentius accidunt iura adaptantur. In the tyme of Ed: 3 there came certaine people into this Kingdome vnder the name of Langobards, who were detected of that Bestialitie But they were found to bee Infidells And not Langobards & sought shrowding themselves vnder that title. And that was not A Crime wherein feare was conceived, It might bee put in practise in this Realme. Hope most that went vnder the name of Langobards were expelled the Kingdome And now being the Dane: Now the Statute of Hen: 8: were to continue but vntill the next Parlaym^t made it Felonie. There is also added Loss of Lands And Goods ab initio of Felonie ffor Years is A perpetuall Acte made to that purpose: 25 H: 8: of Hen: 8: But that Acte Amongst other Acts of the Statute of Hen: 8:) was repealed by Quee: Mary: And revived by Quee: Eliz: vpon wch Acte the Prisoner is Indicted

Now yor Lopps shall plainly vnderstand by the Evidence that this Prisoner is as guilty of this horrible Crime ffor which hee stands Committed This Crime by nature wth one Fitz Patricke An Irish man At Several places ab this Fitz Patricke Confessed But said his Master was Accessary. And also wth one Broadway.

wth one Broadway wch the same Broadway hath also confessed But without publication. And Patrick Sutton confesseth That my Lo: Chauncy sent to Burgh sent And although their weare no more to condemne synn the horse 2 last date. But the parties themselves wth whome god committed the fact yet they weare sufficient But the poise & lead rather should proceed from the mouthes of the wittnesses themselves then from mee. And therupon desired the Proofes to bee read.

And First was Read Walter Biggs his Examinacon

who saith that Anthill was Visago unto Sr Henry Smith And had no meanes upon hee came to my La Audley But the Marquesse rode on. That sir Hy entertained him at first as Visago And soe hee continued 8 yeares And then my Lord appointed him to keepe his Sonne in his Lopps stronde By wch meanes hee purchased him selfe to the value of 2000li But hee now sate at Table wth sir Hy till hee had married sir daughter And then gave him to the value of 7000li And this Examinate further saith that Henry Skipwith was sent for from Ireland by my Lord. To bee Visago to my Ladie. That sir Hy & the mother were verye meane soules That hee set out of my Ls meanes 500li p Ann. That hee gave sir Hy at one 2000li And hath made unto him 2000li worth of Lands unto sir That my Lord was at first a Protestant But after the buying of Ffountaine hee Changed his Religion.

And then the Examinacon of the La: Audley himselfe taken before the Lord Keeper La: Tres Lord Marshall & others was Read.

wch was first showed unto him subscribed wth his owne hand But his Lpp would not acknowledge it but denyed it saying y sir Hy was here but seeing read unto him above hee acknowledged it.

The Contents whereof are as followeth.

That Henry Skipwith had noe meanes when hee first served sir And that hee hath given him 1000li That Skipwith did lye wth him when hee was sprightsmed in Rome. That Hee gave dyverse of 100li p Ann to Anthill that had married his daughter And at other times to the value of 7000li And that there was one Blackmore in his house about 14 dayes were bestowed And did disease him And therefore hee sent Anthill away.

Then was Read the Countesse of Castlehaven her Examinacons taken before the same Lords

wherein (Amongst many other Things) shee deposeth That shortly after the Earle married her, to wit the first or second night after, Anthill came to the Bedside where shee and her husband lay in bed together, And her husband spake Lasciviously unto her, And told her that her bodie was mine, And that if shee loved him shee must love Anthill And that if shee lay w any other man wth his Consent it was not her fault, but his, And if it were his will to send it soe shee must obey him & doe it, But soe attempted to draw her to Lye wth his servants Skipwith & Anthill made him believe hee did it. But did it not.

That soe would make Skipwith come Naked into his Chamber And obliged in Calling wth his servantes to see their Privities And soe would make her Looke on them And Commend those that had the largest.

That one night Lying in Bedd wth her at Ffountaine Hee called for sir Jo Broadway And Commanded him to Lye at his bedds feete, And about Midnight (shee hearing a Noyse) shee called him up to light him a Pipe of Tobacco Broadway rose in his Shirte to the Lord pulled Broadway into Bedd And made him Lye next to her, And Broadway lay wth her And knew her Carnally, whilest shee made resistance, And my Lord held both her hands and one of her feete the while: whereupon (shee hearing Noyse) would afterwards have killed her selfe wth a knife. But that Broadway forcibly tooke the knife out of her hands & broake it. Before that Act of Broadways shee had never denyed shee further saith before that the Lord her Husband obliged her to see his servants And made Anthill to come into the Bedd to them And Lye wth her whilest hee might see it, And that Hee Lyed out to save Sandes horsefe.

Fitz Patricks

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ffitz Patrickes Examinacon

Ion Lawrence ffitz Patrickes his Lopps ffootman was sworne &c. But before his Testimonie was read. The Earle of Castlehaven desired that neither hee nor any other might be allowed witnesses ag^t^ him. vnto whom they had at first taken the Oath of Allegeance.

This by the Lord high Steward is referred to the Lords the Judges who resolued ag^t^ him vnlesse the weare convicted Recusants.

Whereuppon ffitz Patricke was Read:

The Earle vehemently hee againe Confirmed by oath And protested in hee deposeth the Act of Sodomy to have bin intended committed by his Lord vppon his owne person. That Skipwith had said the Lord made sporte with his owne Ladye. And that hee made him vsually lye wth the Ladye Ansley And that hee saw Skipwith in his Lordes bed my Lord beeing p^rsent. And that hee himselfe lay wth Blandina his Lordes sister And soe did 4 more And afterward the Earle himselfe lay wth her in their sight.

Henry Skipwith his Examinacon

Then Skipwith is produced And sworne to his Examinacon read wherein hee stoode Confirmed. Hee therein deposeth That first the Earle of Castlehaven often solicited him to lye wth the yonge Ladie Audley. And perswaded & wooed him to it And to drawe her thereunto hee knewe that his Lorde her husband vpon his knowledge loued her not And that in the end hee actually lay wth the yonge Lady And that hee was loue betweene them, both before and afterwards, And that my Lord said hee had rather haue A Boy of his begetting then of any others. And that shee was but 3 Courses of dyet vpon shee first lay wth her And that hee could get vpon Entire Body wth out the helpe of Arte. And that my Lord fetcht And Applyed vnto

Applyed & oyle to vse on her bodie. But shee Cryed out And hee could not Enter how that his Lopp had Applyed Oyle to the second time And then hee entred her bodye And knewe her Carnally Skipwith Lieninge downe by & that the Lord made him lye wth his owne Ladie But hee knew not yet how his Lopp had did. That hee spent the of his Lords purse. That hee lay for the most pte in bedd wth the Earle & yet the Earle gave him his house in Salisburie And A Manor of 160^li^ p Ann And that Blandina liued halfe A yeare in the Earles house & was A Comon whore.

ffitz Patricks second Examinacon

Hee saith that the L^d^ made him that deponent lye wth him at Amesbury And at Salisburie And more in the bedd, And spent his seed on him but did not penetrate his Bodye. & that hee heard see did see wth others, That Skipwith lay wth the yonge Ladie often And ordinarily And that the Lord desired to haue A Boye of his begetting, & that Blandina liued halfe A yeare in the Lords house And was A Comon whore.

Then two of his Servants. Scotte & ffryer deposed.

That Skipwith frequently knew the yonge Ladyr. And the Earle Encouraged him. And ffryer said that Skipwith lay wth her when the Earle was in Company And professed he would haue A Boye by Skipwith.

Then was Read the yonge Laidie Audleys Examinacon

She confesseth that shee was married to her husband by A Romish Preist in the Mourning, And at Night by A Preband of Kilkenny. That shee was first to lye wth Skipwith by the Earle of Castle Havens Appoyntm^t^. And that shee had no meanes but what Skipwith gaue her. But shee would not Lord Patrick Hee solicited her also to lye wth one Greene but shee did it not. That the Earle himselfe gaue Skipwith & her 3 or 4 seuerall times dinde And sundry Times, And many of the Servants in the house

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In the house also saw the same; when hee solicited her on the behalfe of Skipwith. To perswade her to consent hee used threatning that hee would turne her out of doores if shee would not lye with him. And though shee did it not, hee would never bee reconciled to her husband that shee did it. And hee being very young hee had an eye to both their bodies first. So that at last Skipwith usually lay with her, & it was by the Earles Counsell & Consent.

Broadway his Examinacon was then Read.

Hee confesseth that hee lay at his Lords Bedd & foote & that in the night his lord called for Drinke and as hee brought it (being on his knee) in his shirt his Lop caught hold of him. And made him come to Bedd to him And lye neere; And hee holding of his hands Layd him by him. And bad him that hee might have the use of her body. And that at last hee lay with her & had carnall knowledge of her not withstanding her resistance. Hee further saith that his Lop used his body as the body of a woman. But never put it fully hee found his good between his Thighes And further that hee hath layne the young Ladie Shirley & Skipwith in a bedd together And when hee got upon her the Lord stood by and encouraged him to get her with Child. And made him kisse his Lady and lye with her, telling him that hee him selfe should not live long And it might bee his makeing And hee said the like unto Skipwith.

Hereupon the Ld being againe Examined upon these Accusations

Lrd Lop desired to bee pmitted for declaring of those things of wch hee must Answer himselfe. & said that his owne Condemnation should not come out of his owne mouth.

Then spake the Lord Steward And advised his Lop. not to deny those things wch are clearely proved for then ye Ld. & ye Lords (said hee) will give lesse Credit to ye rest ye shall say.

Then the Attorney

Then the Attorney generall (after hee had as before opened matters very bitterly and in Exalted language Ag[t] the Earle) replyed in this manner, ye have heard my Lord & the Honrable the Lords And I know yo[r] Lop is inclined to bee just as yo[u] will understand that in soe Hard A businesse A Clearer proofe cannot possibly bee had, for sayd hee A man to bee now so wicked now so impudent hee will not fall with his wicked nose yet here ye Earle this point also proved And hee further showed both the Lawes of God and Man to bee Ag[t] this sinne last Sodomye. And first to that purpose the 18th of Leuticus towards the end where it is recorded that by those Abhominations the Land is defiled And therfore the Lord doth visit that Land for the iniquity therof, And Counsells thereupon that God may remoue And take from us his Plagues. Let this wicked man (saith hee) be taken away from Amongst us.

Shee the Earle after the Ld Steward had told him that hee should bee heard in his defence wth as much patience as was pmitted in his Charge Entered into his owne defence.

But the Lord Highe Steward advised him to speake Pertinently.

Whereupon hee alleaged that hee was A weake man And of An ill memory, And therefore desired that hee might not bee interrupted And then said as followeth.

May it please yo[r] Grace though I am not the most wicked of men yet I am the most unfortunate of the Lindsey for the wife of my bedd. my naturall Child & my mornall servants did now Conspire Ag[t] my life. Of their Accusations were grounded upon Injustice, And free from Malice yet were not desirous left for mee in my guiltinesse nor cause mee this day to complaine of their Inmanitie & unkindnesse. But I am soe Conscious of my owne Innocence that I make no question but Almightie God & his Just Judgment of all Injuries will in his owne time bring their malice

their malice to light, & shall therefore trouble yo Lopp
wth A few words in defence of my selfe Agt those slanders
maliciously obiected Agt me. ffor I trust the Almightie to
will not (that of all those enormities wch my adversaries this
day have vomited Agt me) I am altogether innocent as the Child
newly borne. It is not my Lds thy sinnes that make me this
day A spectacle to the world, but lay my life in yo hands
It is the ingratitude of A sonne And the wickednes of A wife
my sonne drawes neare the Age of 21 yeares his ffather did
And hath held his Estate too long. And now he thinkes it time
to sit in his ffathers seate. A bloodie purchase. Dangerous
president... It is my Estate that doth drawe me this day And
nothing else. What my course like hath bin hitherto is
well knowne & will not for my part oppose the Iudges
ffor these eyes before ffirst

Now therefore I have but iust cause to call her see
seeing shee would cast of her Duty for other
causes then shee makes shew of

(my Lord) It is A thing very unlikely & almost impossible to
bee imagined that A husband should for his owne worse
to bee the trumpet of Another And of whome, of one that
came into my service by her owne procuring. And Continued
not there above five monthes. It hath been A pleasure to commit
sure A sinne I should rather please sutch as were my owne Friends
Especially seeing A matter of persons, for seeing also wee would, it
were A forfeiture of not lesse then my life, yo Lopp may then
take into yo Consideration, That in A tryall depending into my life
I would make her Creatures the Cabinet of suche secretts, ones
those witnesses are but Impostures fallely suborned to take away
A guiltles life, Besides my Lord how came it to passe that
this woman, soe much grieved, as shee reports, & that shee was
ready to separate her selfe out of the house, was long toleing shee
was seene in soe many Innes, & there was A meane for it, shee
must bee Instrument meanes made witnesse must be suborned
to prove A Rape, where none was

Thus much my Lord for the first parte of my Answere, In an-
swere wherunto I will onely adde, That I take it not meete nor
warranted by any Lawes that the wife should bears witnes
Agt her husband,

Ffor this I would

Ffor this I would intreate yo Lopp to consider And of the dangr
consequente thereof, & I doubt that yo Lopp & the Iudges may give
there opinion therein.

Ffor my other parte of my Answere nee lesse haynous then the
former, I trust Abhorred & punished by God & odious to men
hope yo Lopp will consider the qualitie of my Accuser, they
are base, fugitives and Indigent persons, Both of them were
my Servants for A little time, but misse hauing the misefortune
soone gone away for their misdemeanours & without wages. But now
I see they would pay me home, & be were no sooner out of my Doores
But they were retained by my enemies and wife, & ffor this
close fryendship there liberalities towardes them were great, & to
what purpose, this dayes works shewes ffor certainly to bring
them up to make A preye of my Life, & how testimonies & forged
cannot bee sufficient to Condemne their M for what misdemeanor
will not the practised and offended malice of A Great contrive
but admitting their testimonyes to bee true, ffor there is nothing
more false) I do not renounce the offence laid to my Charge
to bee sodomie wth out Penetration, & in that I referred my selfe
to yo Lopp Iudges, & that opinion of my Lords the Iudges how ever
concludes his Defence. Amongst other Exceptions Agt his wife
hee first urgeth that by her testimonie shee was discourse with
Broadway, whereunto the Lt High Steward Answered that it is
made Agt his Lopp. And therefore hee ought not to allowe for his
defence that Act as an imputation to his wife wch hee
forced by his Compulsion & violence

24 Then hee objects the Incompetencie of the witnesse, as the one
his wife the other his servants, And that Bromley to this by his
former Practise who sought his life, And hee desired to know
whether the 2d Act of Statute 5 Edward the Incompetency of witnesses
whether that do not Statute 5 Edward the Incompetency of witnesses

The Iudges resolved that there was none touching witnesses
but in Cases of high Treason there was A Statute
Concerneing Accusors

25 And desired to bee resolved, whether her Broadway doth not depose
of any Penetration But only that hee spent his seed upon him
whether that should bee felony for a Rape.

The Iudges Resolved it is A Rape
and Consequently felony

27 Then hee demanded whether his wife bee to bee allowed A
witnes against him

The Iudges

The Judges resolved that in Civill Causes the wife may not bee But in Criminall Causes of this high Nature, where the wife is the prosecutrix & one upon whome the Offence is Committed there she may bee A witness for her Husband

And hee Craved leave for bending their bodyes soe long. But Bowin had obtained leave was the most Respectfull Cobridge said It is A Cause where upon his life depended/

And now replied mr Attourney Generall

May it please your Grace & you my Lords. The Prisoner hath soe little for himselfe. That I shall not need attend to trouble your Lopps in more then in answering some few obiections wch the Prisoner made/

Bracton tells us of Kinge Athelstones Lawe before the Conquest If the pties were of equall estate. But Athens yet there may bee A Vantage But it is A good Plea to say the wife Consented

In an Indictm. of A Rape Yeare is no time of Reformation necessary for nullum tempus occurrit Regi. But in A Case of an Appeale of A Rape. if the woman doe not prosecute in convenient time it will barre you

If A man take away A maid by force & Ravish her & after wards she Consenteth her consent and marrie him. yet it is A Rape/

For the Crimen Sodomiticum no Lawe had noe knowledge of it till 15th. He. 8th. by wch statute it was made ffelony. And in this there is no more question but only whether it bee Crimen sine Penetratione. For the Lawe (the 5th of this Statute) it downe in generall words And where the Lawe doth not distinguish nor we must not know, nor doubt I submit the resolution hereof. And the Reasons & objections unto the Judgmt of you my Lords the Judges. And for you my Lords the Peeres if there you will bee Counsell how you give the last Dominions or Attainder. to see how sad & abhominable Sinne wch Lawe brought Sure & Plagues after them as was noted Gen: 17: Levi: 18: Judg: 29. Rom: 1:

And now the Lord high Steward desired the Lds the Judges to resolve those questions wch the Attourney had submitted to their Judgmt.

1 Whether it were to bee accounted Buggery wthin the Statute wthout Penetration/

The Judges

The Judges resolved that it was for that the use of the Bodye before, & to found Judgt thereon made/ yet soe/

2 Whether it bee any Rape that the pties having used sinfull Act of Adultery it will Amount to A Rape/

The Judges resolved it A Rape though Committed in A Common Brothell for it is the forcing the will that makes the Rape And A Common whore may bee ravished As her will And it is Felony to doe it.

3 Whether it bee to bee Judged A Rape when the Woman complaines not presently And whether there bee Necessity of Attestation wthin A convenient time Ans wthin 24 houres.

The Judges resolved that in all cases where Force is used As her will & then showed how dislike shee was not bynoted to any by her for her complaint. And that in an Indictm Yeare is time bynoted by Statute of time. But in An Appeale Thowes/

4 Whether men of noe worth Shalbee allowed Sufficient proofe Against A Barron/

They Judges resolved that any man is A Sufficient witness in Case of ffelony

Then the Lord high Stewarde said my Lord yo Have bin graciously dealt wth in this Business & proceedings for it is not usuall in soe Capitall and haynous Cases as this to bring the Delinquent And his witnesses face to face. before Tryall. But my Lord yo Have long Exd this yo Tryall. And their Examinations & questioned And opposed face to face: And are thereby Enabled to make yo Defence. And his Matie is still Graciously pleased to continue his Goodnes towards yo. And Hath Commanded that yo Shall bee Heard at full & therefore yo Have Any thing else to say for yo selfe to Speake it.

Whereas hee answered (having first made A Solemne protestation of his Innocencie.

But never the lesse Implored the mercie of God & the King that hee had noe more to say. but left himselfe to God and his Peeres Resorting to their Consideracon those three woes ffe Adorning. viz.

woe to that

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1) Woe to that man whose wife should bee A wittnesse against him

2) Woe to that man whose Sonne shall prosecute him and conspire his Death

3) Woe to that man whose Servants should bee allowed for wittnes to take away his life

And required the Lords to take those into Consideracon for it might bee some of their Cases or the Cause of Any good or man of Worth That keepe a Schoolman or Any Servaunt whose office shall bee Nurry of her Husband or his Sonne Attayned to full Age: That would draw Children Servants to Conspire his ffathers Death

Hee further declared that sir Wm Ford, had his dwelling his abode in Ireland nought and had Adhird wth the Countesse to Sue her Hond that his Sonne beeing betwixt 21 yeares of Age & himselfe outlawed & Dead the one would have his Lands the other A yongre Husband. And therefore by their Testimonie And his Servaunts Added to theirs they had plotted and Conspired his destruccon And Death

And now being thereunto required By the Lord high Steward hee wth: Withdrew himselfe from the Barre.

Then the Lord High Steward after silence first Crier made Addressed himselfe to the Lords the Peeres And spake to this Effect.

My Lords yo Lopps have had the Proofes the Prisoner Defence & all his doubts & questions resolved by the Lords the Judges & therefore yo Lopps may if yo please wth draw yo Selves if yo are not Satisfied. But yo Prisoner is not to bee called to the Barre Againe untill yo Lopps are agreed of yo Verdict

Then the Peeres

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Then the Peeres wth drewe themselves And after two houres debate & Several Motions & Conferences wth the Lord Chiefe Justice upon they sent for and Consulted wth Sr Wm Sr Edward Lymes Knowing in that Case also sent the Earle of Warwicke And Lord of Dorsett together wth the Lord Chiefe Justice to consult wth the Lord high Steward. At last they returned to their places And at their returne the Lord High Steward Asked them one by one, first beginning wth the lowest & so Assending whether the Lord Audley were guilty of the Fact: wherefore he stood Indicted or no. And they all gave him guilty. And then whether he were guilty of the Sodomy wch he was Charged or not. & if he Lo Condemned him And the other 12 found him

When the Verdict was thus given up. The Lieutenant of the Tow was Againe Commanded to bring his Prisoner to the Barr to heare his Sentence & beeing brought in. The Lord High Steward said unto him For as much as thou Mr Lord Audley hast bin Indicted of divs ffellonies by 3 Several Indictmts one for A Rape. The other Two for Sodomy & hast pleaded not guilty to them all. And for thy Tryall hast put thy Selfe on God And thy Peeres, wch Tryall thou hast had, And they have found thee guilty of them all. What canst thou say for thy Selfe why the Sentence of Death should not bee pronounced by thee.

Whereunto the Prisoner made Answ that hee could say no more But referred himselfe to God And the Kings mercy

Then said the Lord High Steward

My hart grieveth for that wch my Tongue must utter But Justice is the way to Rule of vertues And therefore heare thy Sentence.

Thy Sentence is that thou goe from hence to the Place from whence thou camest And from thence to the Place of Execucon there to bee hanged by the Neck untill thou bee Dead. And so Lord have mercy on thy Soule

And having thus pronounced the sentence of Death Against him hee continued his Speech & said.

Thimbleton

Hereafter ffollowes Certaine Passages betweene the Earle and some of his ffriends in the Interim of his Condemnation and tyme of Execution —

The Prisoner beeing (According to the Sentence) returned backe to the Tower of London by the Lieutenant whose before hee lay Emprisoned, & hee remained still in Custody vntill the King by warrant vnto the Lieutenant of the Tower gaue order for his Execution. In the Interim writeth hee diuers & Certaine Lres vnto his Sonne the now Earle of Castell Hauen. And vnto his Cossin Thereby giueing them the best Satisfaccon touching his ffaith & Religion wch Amongst other things, hereafte ffollowe /

The Earle of Castle Hauens Lre to his Sonne

Sonne Dudley
God graunt yo life & soule & Appointed mee as an Instrument to bee yo ffather, whereon I haue Double Charge, ffirst to take care of yo bodye: whereon my Lres yo beeing bound of my bone and flesh of my flesh. And likewise to yo Soule that pticular Treasure wch God hath Infused. And yo giue & both are Especially to take Care for. wch must giue An Accompte before the Tribunall of the Diuine ma:tie (yo Soule) it is howe in this world. In A great & Terrible Storme & tost wth diu & sundry Stormes & windes. Therefore it must bee yo Care to waudit into some Secure Harbr whereby it may bee shelt red vtt an Inuincible ffaith. And for yo youth shall better Instructed in the Rules of that Truth that shall hope the Shippe of yo Soule steddy & haue sent to yo to follow the same. ffor if yo looke into that Scripture. The holy writt of the Sacred Spiritt. yo will find the Danger of beeing tost in Euery winde. Therefore fill not yo Saile wth the blast of Vayne wch is raised by Sofisticated & Curious Gnosticke. Reade the Scripture and obserue it. obey Gods Lawes and the Lawes of the Substitute.

Hereafter ffollowes

And thereuppon at the Last the Lord Dudley descended to A Base and Low Petticoat to the Lords & humbly besought them to mediate to his Ma:tie That hee might not dye but bee Banished, ffat Least that his Ma:tie would not suddenlie cut him of. but giue him time of Repentance —

Soe Portlimarod beeing made By A Sergeant at Armes had declared that the Lo high stewards Pleasure was that all Iust wch Attended the dayes Sentence were Licenced to depte. And soe the Dore brake vpp

Hereafter ffollowes

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substitute of Religious kinge for ye are ye come from fearefull billowes vnto A quiet & smooth sea by wch meanes no question ye may attaine the blessed light of Christ after this life & in this Pilgrimage yor out ward paines & sorrowes God Blesse yo.

Your ffather. Castlehaven/

Castle Havens Lre to his Sisters/

God hath giuen & God hath taken. Blessed bee the name of the Lord who hath redeemed my soule out of misfire. And opened my eyes to see my sinnes that him. my deare sisters the shortnes of my tyme is such that I cannot particularly — write to ye all. But know ye all to yor Comforte: the great & infinite fauor that the blessed Trinitie throw ye sonne & one God hath bestowed vpon mee through the sufferinge of my Sauior Xe: Christ vpon whose merits & supplycations wholly I build And finde A stroke of faith to rely and vnto in my life (I thanke God) In all my follies, in all my sinnes wch were infinite before my Deuine maker I neuer tooke so much Comfort as I doe in this wch the world calls misery & Affliction for vpon I haue drawne my Cogitations by day & by what meanes I should bee drawne to scorne & Contemne the world I can thinke vpon none but this ye sonne bestowed vpon mee: God hath giuen mee Teares wch Fauit Deter. And I doubt not but by the Assistance of the most glorious Spirit shortly to bee wth the blessed man hath his teares nominated wth Saluation. The God of heauen blesse ye all and send ye his holy Spirit & that ye may turne to him wth Contrite & sorrowfull hearts soe shall ye all the end of yor Tedious journey find A happie repose wth that great Lord of Lords & hath bestowed this blessinge vpon ye late and most vnfortunate brother.

I thanke Almightye God giuen the fitt of my Crudite & staid my selfe and all Earthly things at the feete of the quick And saue not blessed bee his name reuiued at any thing wch it hath pleased him to lay vppon mee. But I haue gone on

Thorefully

thorefully & humbly God be blessed. And I pray God blesse ye all I pray for mee for ye knowe the Diuell neuer bee busie God send my soule where it may haue the fruition of my Sauiour

Sir Iohn Iohnston

How are ye wellt

To the right hono^ble my deare Sister the Ladie Amie Blunt. the Ladie Elizabeth Griffin. the Ladie Christian Merum, the Ladye Elenor Douglas. or to Any one of them these

what Title I may giue my selfe I know not A Christian I know I am: I am your Deare Brother. Merum

After some tyme of Interm^ission it pleased his Matie to signe A warrant to the Lieutenant of the Tow^r for the said Earle of Castle Havens Execution. But Examining the Manner of his death from that wch by his Sentence was suffer. into A behoading wch warrant occasioned this Ensueing Petition vnto his Matie Interposed by his Sisters on the behalfe of the said Earle their Brother as followeth. vizt

To the Kinges most excellent Matie

The humble Petic^on of the Ladie Amie Blunt Eliz: Griffin and Christian Merum. Sist^rs To the Condemned Earle of Castle Haven/ &c

That whereas Cas^s of Treasons are Dreadfully Informed yor Maties warrant is gone forth for the Execution of the Sentence of death vpon yor loyall subiect the Earle aboue said Wee Petitioners doe humbly beseech yor Matie to consider that yor Matie in mouing yor royall hart to giue the said Earle some Sorrowfull rite for vpon Treason hath thereby giuen yor Matie Cause to confirme the Lawe of yor Iustice. And the Power of yor tender Conscience by preuenting the Effusion of Noble Christian & Innocent Blood—

May it therefore please yor most Sacred Matie to make soe gratious vse of Diuine

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the ~~of~~ dobine morris, & to discend vnto the Examinacon of the ~~Ar~~ Person vppon whose Testimonie the said Earle & dearer brother hath bin Adiudged to dye. And also to take into ye Punitely Consideracon such Proofes & Conspiricyes as by them & like of the said Earle as shalbee ~~Edyted~~ produced

And ye mat. humble and loyall subiects the wofull Petitioners shall euer (as the are most bounden) pray for ye mats long & happie Raigne ouer vs. wth the encrease and Continuance of ye Ioy all Posteritie

This Petic~~on~~ was deliuered by Sr Archiball Dowglas and ~~re~~turned by his mat^tie to the Lords of the Counsell who. Signed a warrant for the said Sr Archiball Imprisonm^t in the ffleete for this Presumption but his Imprisonm^t was ~~de~~ found by reason of some Suits he had depending vppon their Lopps

And the Exetucon nouerthe lesse ~~proceeded~~ according to his ~~mat~~ie said warrant in manner hereafter declared

A Relation of the Execution of the Earle of Castle Haven vppon the Tower hill. on Saterday the 14th of maij 1631^t togeather wth such Speeches as he then & there made

But ffirst about three howrs before ~~he~~ set forth Thom^as Abbine sent from his Master Sonne to his Lopp who in his said Sonnes name deliuered vnto his Lopp his ffather ye Blessing his Blessing. And wth all kindly Entreated him at ye Time of his death to reward him from hauing any hand in his Troubles.

Who answered

That he reard him not & would, nor would But yet would ffor my sonne sake

Then a Little before Eight of the Clocke in the Morneing his Lopp was brought out of the Prison of the Tower of London wth his Coffine

his Coffine Carried before him Attended by the Lieutenant two grand debines, who were Docter Winniffe Deane of Paules and Docter Wickham one of his mat^ties Chaplaines. both Diuers men and ye wardens wth about 4 or 5 of his owne men goeing before him in Ranke vnto the Tower hill. wch end the Skoole of the Scaffould ~~yet~~ stood halfe an howr in priuate conference wth the Deanes. And vpon Ascending the Scaffold hee turned againe priuately conferred wth them one other halfe howr. After wch time they went hee pulled of his hatt and bowing himselfe to ye people hee spake as ffolloweth. Viz^t

I know that beeing brought to this place where I am to end the short remainder of my ill spent dayes. All haue ~~w~~ spent doe expect I should say somthing But in regard of my dyet and ye weaknesse of my memorie Caused by this my long affliction of ymprisonm^t I hope ye will excuse mee for makeing my Speech short Therefore what I shall speake shall bee in short & desire it may bee taken as tendring from a dyeing man. Because it will bee nothing Availeable Either to shame my selfe or deceiue the world.

And then wth a bould Courage & vndaunted Spirit hee proceeded wth a loud & Cleare voice Saying

I Confesse that Almighty God hath bin A most Gratious God vnto mee in bestoweing vppon mee many & greate blessings ffarre beyond my merritt. wch I haue (alas wrotch I am) most vnthankfully Abused. hee hath giuen mee Parts in the bound antre: ye ha hath giuen mee honr too. But wth sorrowe & greife of Hart I speake it I haue not made that good vse of them that I should and might haue done. for wch I am most heartily grieued And doe most Earnestly Aske pdon at ye most Gratious handes

The kinges ma^tie: my (Soueraigne) Lord hath likewise showed very many and great fauo^rs towards mee; ab initio mee thus to Dy all by my Seruice, In giueing mee A Large & long tyme of repentance for wch tyme (I hope) by true humiliation & sorrowe for my sinnes I haue made reconciliation wth my God, & assured I am not too bold for wth I most humble thanke his ma^tie for soe hath sent those two reuerent p^rs: vnto mee (meaneing the Deanes) for the Instructing & comforting of mee for ye good of my Soule &

Soule, of whome I have made mencyon and have receaved the blessed Sacrament. I mind at your hands I doe confesse that my synnes have bin many & great. & sure as worthelie deserued death. But for those two great Crymes laid to my Charge amongst the rest at my Tryall I call God to witnes in whose presence I stand, I am altogether Innocent and nowayes guilty of them for notwithstanding I confesse I have deserued death, and to that end I am brought Either wth Gods his Infinite mercye Enable mee Patiently to vndergoe.

And whereas at my Tryall there was some question made of my Religion. I doe here freely Confesse that vpon Examination I have bin to negligent in the Carriage. & have to much Externally favoured Popery. & sure I find. but in my Judgmt. & opinion I have all waye held the Olde & true Catholique & the Ancient of the Church of England howsoeuer outwardly I have too much favoured Popery. wch God of his Infinite mercye for his Sonne my Saviors Sake pardon & forgiue mee.

Here in his hand hee held out a Pap and shewed it to the People saying

I have here wth my owne hand set downe the Articles that I have Allwayes beleeued And will now dye in. wch by reason of the weakenesse of my sight I am not able to reade. I my selfe therefore doe desire they may bee publiquely read.

And soe giuing them to a young man one of his Friends here named Richard Slaughton doe did openly read them wch Articles were in all poynts agreeable to the Church of England & are before expressed & subsequent to his Tryall to his Sonne Immediately after his Tryall. wch subsequent Copie I have bin Examined by the originall at his Tyme Publiquely read & testified vnder his owne hand the wherefore I omitt here to inserte them Againe after the reading whereof hee further Said

I have nothing more to say but to intreate all yours good People now Present & all the world els. to forgiue mee, for I doe forgiue all the world And for those who were the Cause of my bringing hither I doe as Earnestly forgiue them as I desire God to forgiue mee.

Thus hauing finished his speech hee bowed himselfe dyuers to the People & passed to the middest of the Scaffold & there kneeling downe vpon his knees wth his face towards the East. holding vp his hands & eyes to Heauen (the Deanes also kneeling on either

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on either side of him devoutly prayed to God.

wch prayer beeing ended after some Conference had wth the Deanes the Priests soone wth diuers of the Scaffold wth A smiling & chearefull Countenance tooke his leaue of some in the Minister & of all in generall & desired their prayrs to Almighty God for him.

And then disposing himselfe to death hee pulled off his band & doublet. & tyed a handkercher about his Necke.

Here the Executioner kneeled downe before him and asked him ffrgiuenes

Who answered

Heedid ffrgiue him wth all his hart. And then pulling downe the handkerchief ouer his Face. hee most patiently prostrated his body on the Scaffold & fitting his head to the Block hee submitted himselfe to the stroake of the Executioner who wth one small stroake seuered his head from his body. wch wth more speedy taken vp by his Seruants who Attended at the Scaffold, & put in the Coffins prepared for him, And soe

Conueyed away

Here ye see the Body of the Earle of Castlehauen, ye ffinde here his Tragedie finished wth the vntimely Effusion of his blood by the hand of Iustice according to his demeriat And saw him here reduced to Earth (his Center) from whence hee was in Creation Extracted, By his Seruor all Soldiers Led in the Quirk of the Tower.

Now because his two Seruants. Broadway. & ffitz Patricke are also Partakers of the same wages for the same offence & are Relations in one and the same Tragidie.

I thought good According to their Seuerall degrees orderly to lay no from top to Toe in this worke, to thinde, that as in their liues they were linked in Consent & practise of Euill soe they should Liue in their Deaths make but one totall Lumpe and Survey of Iniquity & Injustice.

Seeing then that their Crimes are in their Lords Arraygnt allready

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allready sett forth I will here recount my selfe wth the most of substance, onely wch they openly delivered at the tyme of their deathes, And soe close vpp all wth the Earles mortall disruption

But for Broadway I did in writing my confession wch I suffered first I will first begin wth his confession wch was thus

Broadwayes Confession at Tiburne

My Last desire of God & all the world from the Bottome of my hart

I confesse before God Allmighty that I have bin A sinner And have broken all his holy Commaundm^ts in thought word & in deede Every yeare, every month, every day Every howre I am sorry for it, wth my hart, And I trust that hee that made mee (wch was God the ffather) will forgive mee, for gods sake Alonely & onely & onely vnto whom his word saith to all wch doe truly repent and beleeve in him. And Acknowledge that Jesus Christ dyed for sinners not for the righteous but to call sinners vnto repentance, that they may repent & beleeve in him onely & that Jesus suffered that death & bloody passion for sinners onely

Secondly I aske all the world forgiveness. Those whom I have wronged, & I have wronged them in thought, in word & in deede many and Severall tymes, And doe like wise forgive my Ladie of Castlehaven, And all the world whome I have wronged mee & I trust God Allmighty will forgive mee my many sinns Cleansed by his heavenly Mc^ie.

Thirdly for my sinnes to God Allmighty I have deserved death & damnation. But non did any thing that the Lawe of this Kingdome could take my life from mee. neither did I knowe my Ladie nor any other woeman Carnally whilest I served my Lord of Castlehaven, And that was done by my Lds p^rsuasions.

Lords p^rsuasions And not desire of mine. & hope of salvation. Until I was in deede. And I desire God to forgive my sins I hope to bee forgiven of all my sinnes by mee Committed praying to God to save mine vpon mee & Sinner & to receave my Soule to his Everlasting Kingdome, where I shall Ever remaine, & trust in Christ Jesus I doe desire ye all to pray wth mee for my Soules health, And last of all I commend my Soule to God the ffather And yee that made mee, save mee And receive my Spirit Amen.

Whereas it hee death by the Lawe for wch I suffered to have layne wth her, I know not how farre the Lawe doth extend in that kind But for knowing her Carnally I never did & hope to bee saved by the merits of Jesus Christ

Giles Broadway

Lawrence Fitz Patricke Confession at Tiburne

And now followes in order the Confession of Lawrence fitz Patricke who Amongst other things delivered at the tyme & place of Execution. tooke occasion ffirst of all to advise Broadway how to dye in Case of Religion. wch hee did boldly & freely & resolutly saying vnto him Mowe ffollowe Broadway. & I have not before & will hereafter let mee Counsell thee soe dye that wee may bee mates in Heaven And there Everlastingly live together in Joy and blisse And therefore I advise thee now to dye a Roman Catholique. ffor there is but one Church one ffaith & one truth out side for there is noe Salvation And this is the Roman Catholique Church

Whereunto Broadway answered never a word / Then Patricke fell-

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Then Patricke ffell ffoully to the matter that brought him thither and said I doe confesse I am guilty of the sinne of Buggerie for wch I am now to suffer. what soeuer thereof I haue confest before the Lords of the Councell before the Lord Chiefe Iustice of England or any other touchinge the same: it all true, & God is true. ffor the Lord Committed the sinne of Buggery upon mee and I upon my Lord. But it was done by my Lords owne motion & Instigation wch also is true, as God is true, I doe also confesse & doe confesse my Lord of Carlile haueth no guilt, ffor wch I desire Almighty God to forgiue mee, yet I haue done my Lord no wrong but what I haue spoken is truth

I confesse I haue bin A great & haynous offender against my God. In transgressinge his most holy Lawes and Commaundm^ts in thought, in word, & in deedes; & principally in swearinge & forsweringe. & untowardly liued in all manner of sinne & wickednesse wch I haue committed ffoolishly without scruple, feare, or remorse But this was only ffor want of Grace. wch God almightie wth drewe from mee when I grew Could & starke in sinne & vice Yett was lothly negligent to goe to my Ghostly ffather for Absolution of my sinnes & to strengthen & feed my soule wth the heauenly bread of the most blessed Sacram^t. ffor wch I hartily entreate Gods mercie, ffor through this negligent & Easily fall into A dayly vse of Committinge those lesser sinnes till at length I had gotten A habitt of sinninge wch now at last hath cast mee vpon the ffatall Forke of those desperate and Abhominable sinnes. And therefore I wish Euery man here to take Example by mee And to take A spetiall and vigilant Care of the Service of God & Continuall vse of his most Holy Sacram^t. wch the Band of sinne & Sathan^s Temptac^ons Art Iniquitie

But one thing more I must tell yo^u wch I had allmost forgotten It is reported that the yong Lord had A hand in the plott Supposed to bee laide Art his ffather the late Earle of Carlile haueth And that I haue taken some Satisffaccon or bribery of him, for my Testimony, Art my Lord is ffalse. I must therefore cleare my yong Lord of his fowle and most ffalse Imputac^on ffor I take it vpon my Death, as I hope for Saluac^on, my yong Lord had neuer any hand in any sute I plotte writt or writ there any sute, I spoke at all in it Neither did I euer receaue any penny or any Satisffac^on or bribe of or from my yong Lord or any other for my Testimonie therein But what I haue receaued for the same yo^u all doe knowe the Halter.

This was all of substance hee spake Publiquely but onely when Broadway mounted the Cart. & reported to Attribute & beleiue the holie Catholique Church, Loe Said Patricke Interrupting him the best & fayre to beleiue the Holie Catholique church. yet the^y will not dye A Catholique

These 2 Executions were performed at Tiburne on the 7th day of Julie: Ano Dm. 1631 / the parties arraigned at the Kinges Bench Barre about a Seaghnight before. Termino Trinitatis Eodem Anno.

Now Gomo & to the prosecuc^on of this Traytor to discouer wth before I promysed wherein is Briefely set forth vnto yo^u the hugly discription of the Earle^s mortall offences in his latter dayes As followeth. Viz^t.

A Compendious

A Compendious description of the Memorable Late Earle of Castle Haven. wherein the True Picture of his mind & affections towards the Latter end of his Time is faithfully Represented.

The late Earle was extracted from the Lynes of noble progenitors soe well qualified wth guifts of nature that hee gaue noe small hopes of augmenting that original honor by his p^rsonall Actions, of a sharp & quicke Apprehension vpon small & light Inducements able to make Iudiciall discoueries of Solome walkeing therein Lowe and shallowe Fordes. But wadeing in the greatest Deepes too many vnion to disguise his Intentions wth differing Appearances. At the first happily to bee vnderstood. but when his Actions were soe Knowne that they blushed to appeare in their owne shapes. It was his Fortune to make triall at the last Habitt of Time tooke away all sence and feeleing of his honor & reputation that hee grew lesse Cautelous of his Credit & more bould in publique profession of his enormious practises. his disposition was Free Louing & Eingenious. Able to steale the hearts of such as were Conuersant wth him. voyde of Pride & Choller Spectially at such times wth soe had deuirated to his place Seuere, sodaine or non pollutioning his mouth wth Fowle oathes Lasciuious, sodaine or non pollutioning his mouth wth Fowle oathes Laudeable towards the latter end of his Time is thought of his Actions to bee Temperat hee was in noe Excesse of drinkeing, yet now & then vnto Gentlemen of Quality & Companions in vse Amongst gallants who are not Contented to bee Drunkeards in Drunkennes themselues but procure others to the same Excesse of Drinke. Addicted to Venerie not wth in his late dayes carried a high hand on this. yet was hee not altogether prone thereunto by nature but meerly affected to suit the Times of his reigne & Cohabitation Conformeing himself to the Fashion of the Court to Extinguish ye light not daring at any time to bee by himselfe, no Sharke Seuere Censurer, in his dealeings Euer Just, & sure of his word, Carefull of running into debte, & more carefull to pay whats hee borrowed after his Estate prudent & carefull, & considering his Inheritance

Inheritance rather then Abateing it & may better it wold haue bin Had hee not Emptied himselfe too much vpon his creatures who vsed him of his hart & vpon whome hee too much doted.

Adiudged the end of this life hee spent honorably & religiously till at last hee made shipwracke of both. & to assure vs that Religion is the life & soule of honor in the Absence of that soule this bodye was dead and putrified & neuer prepared after the other before to decay, & whither, yet in his greatest fitts of Fuell, as a man might feare him to his graue, sometimes to applaud, soe at other times to diuert & renounce hart to words religious solemnities and Certaine Endeauors of some good deedes y^t lay deepe in his harte: to spring forth & appeare. when the greate Iudge for saw time to waite his Vineyard wth Confesse hee did to the waters of Marah the bread of Affliction

The Vine was soe Clustered wth wild Grapes y^t
theire was noe shaking of that soe fruitt
But by striking at the roote. the stocke & stomach him by
Imprisonm^t that soe Enlarged his hart into mischiefe. &
soe deepe & bad of all & good knew that gentle reynes would
not lead him to heauen (Called to his owne worde) But a
Snaffle was necessary to curbe his vntamed Colt. And surely
if euer heauen suffered violence it was when hee tooke that
Kingdome, & most violent Phrases required great Forcible
on in stopping those wch glide wth an Easie Current, mercie was
Greatest Hand ouer Saint Paule. in his Conuersion soon made
to acts were sent to reconcile St Austine vnto God Gathan
Professing all hee might Suppresse all & haue what Enimies
soe was like to saue of both. God sent this now & Elias to his
Schoole (the Cross) where what Eminent soe euer hee was in heauen, And although happily before his Cry all soe had one foote vpon the life yet generally his Conuersation was in Heauen, & the Prison had not filed away all the rust of Corruption surely in the furnace of his Cry all soe was refined & after the sonte nere of death was cast vpon sin, sometimes most worthy to liue, now all his thoughts were employed in learning that great Lesson to dye well And soe happily by the Example of his Saiue who not onely at the vsuall of death forgaue but prayed to his Father to forgiue his Enimies thereby not Contented

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to bestowe their ffriends but their Adversarie. Two reuerent Deuines by his maiest appointment addressed themselues vnto him who Exhort him to retourne the blessed Sacrament. hee desired some respite of Praparation for soe holy A worke, knowing how feareful it was to resort vnto the Lord Alter till hee had Agreed wth his Reconciliac in the way. wch done (good God) w^t great Earnestnesse did hee desire to bee Humbled & quiet to his Heauenly Banquet & wth what deuotion hee receaued (misse Lords, the Host & wth much Comfort haue related by them was his heart soe Amolesshed & rived w^t that onely in their absence hee desired they might bee sent to his wife Adding that in his opinion not Confessours could bee soe Cautorized w^t their holy Instructions could not worke vpon by their hartie mourning vpon his Heart. Hee could say wth David. Cor Contritum est Cor meum: An humbled hart. A broken hart, A sacrifice that is now vnwelcome at the Lords Alter. soe after much Struggling his greatest Enimie (his owne Conscience) beate his assured ffriend his sowle to Armes & his sweetest Comforter the Host & soe how gratious the peace of Conscience & Heaue of Dauids Penitant is Heaue of Dauids Penitant is

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The Arraignmt of Arthur Gohagan of the Order of St Dominik affryer; 25. Nouemb: 1633.

Att

The Kings Bonch barre for Treason. wth the Manner of his execution.

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Arthur Gohagan by birth an Irishman a Fryer of the Order of St. Dominicke.

Was arraigned att the kings bench barre Novemb: 25. 1633. being Moudaye for speaking these words.

I will kill the Kinge if I can come att him because hee is an Heritique.

wth words hee uttered the last of Decemb: Anno Sextimo Caroli 1631. in a Dabbin of a skipp belonging to one Dapt. Bust an Englishman, riding in the roade of Lisbourne in Portugal were the Castle there.

To wth hee pleaded not guiltie The kings Attourney informed agt him upon the Statute of 25. Ed: 3. Wheeler and Essinge two English Mchants, or Factors appeared Wittnesses against him, who deposed they heard him speake the words then, and there, wth they presently related to Dapt. Bust, who was att that tyme (of the uttering of the said words)

gone

words) gone forth of the Cabbin where
the said Gohagan had been disputeing wth
him aboute the principles of our Reli-
gion, especially aboute the meritt of works
and free will wth the said ffryer main-
tained.

Aboute July last the said
Captn Bust met wth the said ffryer in
the Strand neere London who tooke
acquaintance of the said Bust, but hee
knewe him not, wth the ffryer perceiu-
ing, asked him, haue yo^u forgott yor father
Gohagan that did yo^u many courtesies
in Spaine at Lisbourne, wth the Duke of
Macada Gouernour there; where upon
the said Bust thanked him, and promised
him the best service hee could do for him
here in England.

The said Bust being depar-
ted from him called to minde the words
wth the said Wheeler and Essinge tolde
him the ffryer had spoken in there pre-
sence in Spaine, wth hee imparted to one
Dauenport of London, a Citizen, whoe
advised him not to conceale the same,
but to acquainte the Lords of the privy

Counsell

Counsell therewith; who there upon went
with the said Dauenport to Viscounte
Faulkland and the Lords Newburghe
Counsellor of his Mattie Duchy of Lancaster,
who upon informacon of the said words, &
Gohagan's arrivall into England (and
att that tyme lying by Lincolns Inne feilds
neere the Cockpitt playhouse) signed a
Warrant for his apprehension and sent
a Messinger along wth them, who after
a Weeks search founde him in the place
aforsaid.

Att their coming thither the
said Gohagans Chamber doore was locked,
and being denyed entrance, the Messinger
said hee would breake it open if hee would
not let them in, wth (after some little
passage of discourse, seeing no meanes to
hinder them any longer) was opened unto
them, where the Messinger, Bust, and
Dauenport founde him lying upon his bed,
wth two of his Countrymen in the Chamber
with him, who spake Irish amongst them-
selues, The Messinger at that instant sear-
ching aboute the roome for papers, which
might discover something of the said

Goha:

Gohagan's plott and purpose, but founde noue
whereupon the Messinger Damande the said
Gohagan not to speake in Irish, but in
English that they might understand them.
And withall told him that hee must go wth
him, wth hee said hee would not do because
hee was sicke, but the Messinger replyed
that hee must and should, for hee was
the Kings prisoner, to whome Gohagan
returned this answere. I care not thus
much for yor king (putting his Thumbe
between his teeth and ferking it back againe.)

This was deposed against him,
further Gohagan answered it was not true
that wth was layd to his charge, And his
Argument was this.

First hee neuer sawe their
faces (viz) Wheeler and Essinge who
accused him of the Traytorouse words
spoken in Spaine. And that Captn Bust
wth whome hee had aboute that tyme a
disputacon in the Cabbin, aboute merrit of
works, and free will, did not heare him
speake these words.

Secondly hee had done
many speciall courtesies for Captaine

Bust

Bust and one Grayes, for that a skipp
belonging to the said Grayes and Bust,
being arrested, sentenced, and seized upon
as Confiscate to the kinge of Spaine,
because it was a ffleemish bottome, By
his providence hee gott the same restored
unto them, through his credit wth the
Duke of Macada.

After wth hee procured a
tre of Marte, helped them to a tall, strong
built skipp, wth they much desired att a
reasonable price And all this hee did for
them Gratis, though it was alledged they
gaue him as much Searge as would make
him a Coate, wth hee denyed, and said, yt
peice of Searge was given to the Duke of
Macadas Secretary for a dispatch, And
concluded that if hee had thought so ill of
the king hee would neuer haue showne
that fauo^r to those men that were the
kings Subiects and such strangers to him.

Hee said further that it
was a most ingratfull thing to requite
the many courtesyes hee had done for
them wth this false accusacon (This hee

spoke

spoke to the Bench.

And his Argument for merrit of Workes was this.

If ill workes deserve punishment, good Workes deserve rewards.

His Argument for free-will was this.

If a man bee necessitated to do an evill Acte why should hee bee punished for it; Why should a man bee hanged for Domitting any offence if it bee not in his power to shun it.

After this hee was enterrupted by the Lord Cheife Justice, who tolde him hee had spoken much but it was all impertinent. So hee was silent.

The Lord Cheife Justice bad the Jury go together (the foreman being Sr. Thomas Towler knight and Barrout of Islington) who after a litle staye, returned, and delivered upp their Verdict, guilty of those Trayterouse words.

After the Lo: Cheife Justice spake to the said Father Gohagan as followeth.

Sirrah

Sirrah you have been arraigned of highe treason, to wch you pleaded not guiltie, you have been tryed by the oathes of 29. men 17. Grand-Jury and 12. petty Jury according to evidence and have been by them founde guiltie.

Then the Cheife substance of his speech was this.

That wee were the happiest people in the World, for while all the Christian World were clashing together in Armes wee lived in peace and plenty And that those and all other blessings of this kingdome, wee owe, under God, to the just and quyet Gouernment of our most gratious kinge; Who is at this daye ye most Religious, pious, and gratious Prince in the Christian World.

That hee was the Kings Subject and that hee was bounde to acknowledge the kings goodnes therein and to render thanks to God for his Maties blessed Gouernment over us.

That hee was a most wretched

Villaine

Villaine to say hee was an heretique, whosoever adiudged and declared him soe, or would doe it yet being vnsentenced an heretique hee would yet conclude him so and say that therefore hee would kill him./

That they meddle not wth him concerninge his Religione but for treason, for wth all the Jesuits and Preists have suffered death within these 80. yeares, And not one of them all for Religion: And therefore they do all vainly imagine that they dye Martirs for Religion./

This is thy Judgment wth is not mine, but Judicium Regis

Thou shalt goe from the place where thou standest, to the place from whence thou camest, or to some other prison, and there staye a convenient tyme; Then thou shalt bee taken and drawne vpon a hurdle wth thy feet forwards, The reason is that such a traytorouse Villaine as thou art, art not

worthy

worthy to tread vpon the earth to the place of execution, Where thou shalt bee hanged by the necke, but not till thou art dead, And then being cutt downe alive, the fire being first prepared thy privy members shall bee cutt of and cast into the fire: After thy belly shall bee ript vpp, and that traytorouse hart of thine wth hath imagined this mischeif against our gratious Soueraigne, shall bee torne out, and likewise cast into the fire: Next thy head shall bee cutt of: And last of all thy body shall bee devided into fower quarters wth shalbee att his Ma:ties dispose./

I will say the Lord have mercy on thy soule in Charity, And desire God to give thee grace to repent thee of thy foule treason, although I knowe it is not worth thanks from thee or any of thy religion./

Then the Clarke of the Crowne asked him if hee could say any thing for himself &c./

Hee

Hee answered hee had nothing to say.

Uppon Wednesday 27 of Nouemb: the said Arthur Gollagan was accordingly drawne uppon a Hurdle from the kings bench to the City of London and so to Tiburne from whence hee was listed up into a Carte.

Where undismaide and wth a fearlesse Countenance hee spake these words In manus tuus Comendo spiritum meum Quia Redimisti me ô Deus veritatis meæ. wth hee often reiterated.

I haue been these eleven years in Spaine, I am free of the Order of St. Dominick. I dye a Romane Catholick, I pray yo all beare wittnesse of it: I beleeue the 12. Articles of the Creed accordinge to the exposicion of the Romish church: I forgiue all my Enimies hartily, as hartily as I desire God to forgiue mee all my infinite sins: I pray God to forgiue them that are the cause of my

death

death, for I never spake these words, if I did, may all the Diuells in Hell take a waye my soule att this instant tyme: In manus tuus &c.

I pray God blesse the kinge and his successors and make all his enterprises successfull.

I desire that my body be not dismembred, but that it may bee put upp and that the Spanish Ambassador would send it to bee buryed in some Abby, or place belonging to our Abbye of St. Dominicke.

I would suffer in my clothes if yo would giue mee leaue for desencys sake, if not I will do as yo please, wth was denyed. After this his stockings and breeches pulled of hee asked if hee might not were those little under breeches (sizt) a paire of white Trowses, wth the Sherriffe likewise denyed.

Then again desireing all good Christians to pray for him hee earnestly comended his soule to God and said.

Ô

O thou glorious Virgine Mary mother of our Lord and Saviour pray to thy sonne Jesus Christ to receive my Soule.

I would fame have received ye holly Sacrament according to the Injunction of our Order but I could not get a Preist to give it mee.

Then being stript to his skirt holding upp his hands to Heaven with great earnestnes iterating In manus tuus &c. The Cart was drawne a waye, where hee hanged a little tyme, then the Rope was Dutt with a Bill, the Hangman holdinge him fast in his Armes that hee should not have fall to the grounde, Att with tyme, the Corde being slacke hee made a great noise in his Throat.

Then they laid him on the earth, drewe him a longe (being a Line) neare the fire, threwe there his bowells and Hart, layd him afterwards upon his face, Dutt of his head by the Necke,

decided

Decided his body by the Waste, and then Cutt it a Sunder in fower parts, wth were not dispersed upon the gate, but some obtained the disposing of them, by favour of his Ma:tie And sent them over Sea, to bee interred As hee requested. &c.

[of his friends]

Finis.

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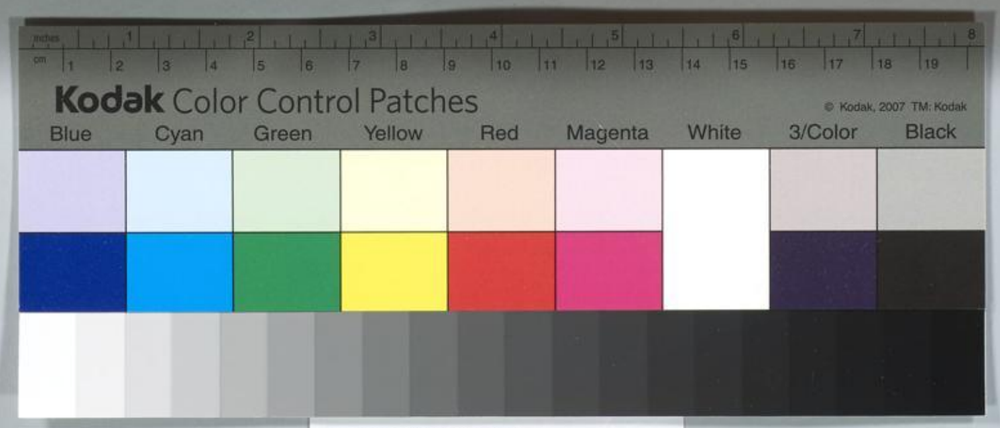
A Relacon of the { Star Chamb^r / Chauncery

6



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Camera stellata

An explanacion of the most famous and worthie Court of Justice in Christendome wth the offences there punishable together wth the fees and orders for preceding

Extraordinarie remedie

As in the government of all common wealthes sundrie thinges doe fall out both in peace and warr that doe require an extraordinary helpe and cannot abide the usuall cure of common rule and dailie Justice, the wch is not performed but after one sort, and that not wthout some delaie of helpe and dispence of tyme, soe albeit here wthin this Realme of England the most pt of causes in complaint are referred to the ordinarie pces and solempne handlinge of common lawe and Justice it selfe, yet alwaies there have bine some fewe mres risen wch have bine reserved to a higher hand and have bine lest to the ayde of absolute government and authoritie

A Marchant robbed at sea to have his goods restored

Of this sort it is for example that yf any Marchant privie or stranger bee robbed of his goods at the sea and the same doe come to the hands of any wthin this Realme the Marchant maie by the statute 27: E: 3: cap: 13: sue to recover his goods and shalbee received to prove the same to bee his owne either by his marke Charterpartie or Docket or by the testimonie of honest Marchants and thereupon they shalbee delivered him againe wthout other suite at the common lawe.

Use of the Starr. before: 3: H: 7:

Neither is it hard to iudge before whom this suite whereof that statute speaketh ought to bee commenced seeinge that the

Name of the Land wch is the verie Springe and well head of all Justice Gate waies myne wthin this Realme (as Mr Bracton noteth) All names of Authoritie and iurisdiction wth owt Gate not deliuered over to others his subalterne Iustices

Example: 2: Kic: 3: And therefore King Richard the third did well saie in a Speech wth his Councell in the Starr: and there geard the taxe of 4li paniffy Marchant that stode upon his bonds stated before mentioned for his goods robbed at sea. And the reste of Justices 11: H: 7: ca: 3: wherin that King & his Councell in the Starrechamber for conference wth the Nobilitie about the execution of studied statute, for the better observinge of wth the reste tooke the temporall oathes of them all. So that as it semeth this place was the Councell chamber of the Kinge when the Court remayned at Westm wherefore longe title bee said and registred in bookes of Lawe because Lawiers were not then used in it, yet I doubt not but the Records of the Kinges Court plentifull mention of the acts in the same.

Why called Starrechamber Now wherein the place of Starrechamber bee so called in respect it is starred, that is, full of light and windowes, or for that the roofe therof was at the first garnished wth Images of guilded Starrs, or by derivation from the old English word to storan wch signifieth to restore or redresse as doth the Pilot in a Ship, or whether it were so named of the word Stellio wch betokeneth that starrie and subtile beast of whom the fault of traffic is manie by the Civilians called Stellionatus wch

also is omitted in the Court by an extraordinarie paine over as it is wth them the matter is not of such importance that it requireth any longe discourse or larger disputation, yea the paines shalbee better bestowed if I leape over the same wee enter into the Court it selfe, and unfold the right use and ende thereof, wch standeth in three. To applie an fewe Eies and lawfull remedies for such enormities and crosses as citizens bee subiect vnto when they are not sufficiently redressed by the vsuall strooke of Lawe or bee meete to bee geard upon the staye, as it were that many waies take a lesser penaltie, or els bee vomited by vsuall course, pardon parentage or wealth in the inferiour ought commaundements that the ordinarie course of Lawe is omitted and framed there ordered to the end and conclusion of them. For all wch causes right necessarie it is that the Starrechamber of auntcientie under the Kinge should bee governed by the Master and one of whose vsuall assistants bee sure of good & learned men abashed and beaten downe and sure offences made exemplarie and forwarminge to others.

The order of the whole discourse But now because I doe not finde that there was either ordinarie Session in this Court or expresse declaration of the places that were apteste to bee handled therein before the time of King H: 7: I will begynne wth the statute therof made in the third yeare of his raigne, and first waye it and the offences contayned therein and then afterwardes touche some other principall wordes of the Court dote vsually take good understanding.

The beginninge of the auctoritie of the Court Her ordinarie auntoritie of the Court of Starr: began by the statute made the third yeare of H: 7:

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The statute 3: H: 7. cap: 1:

By wch it is enacted That aswell for restreyning of vnlawfull maintenance of giuen signes and tookens, or tokens by writings or otherwise of imbraceors of the Kings subs of vntrue demeanings of Sheriffes in makings of panells and returnings of writts and of takings of mony by Iurors As also for the punishment of vnlawfull assemblies of people The Starr Chamber and Court of England for the tyme being and the Iudges of the Kings priuie scale, or two of them, calling to them a Temporall Lord of the Kings most honble Counsell and the two Chiefe Iustices of the Kings bench and comon pleas or in their absence other two Iustices of the Kings bench shall haue authoritie vpon Bill or Informacon put to the Starr Chamber for the King, or any other to call before them by writt of priuie scale any of the said misdoers, and by their discretions to examine them and others by whom the truth may be knowne and such as they shall finde defective to punish after their demerits according to the forme and effect of Statute heretofore to be made in like manner and forme as they should or ought to be punished if they were brought by due order of the Kings lawes conuicted

H:7: authoritie to determine contrarie to the statute.

And this Statute was accordingly put in execution vntill the Parliament in the 21th yeare of King H: 8th by wch time experience had taught what wants in this behalfe. Yet wch were then by the 20th Cap: thereof prouided in this manner (viz) That the Starr Chamber of England and the President of the King most honble Counsell attending vpon his Ma:tie and the Lords of the priuie scale or two of them calling vnto them the Bishop of the Diocesse where any misdemeanor shall be committed and the Lord Chancellor or Lord Keeper of the priuie seale, or else were but onlie assistant of their Counsell and aduise, for good in their latter laws they shall authoritie to giue to the Starr Chamber Court President or Deputy of the priuie seale and the rest are onlie to be called vnto them for their aduise but yet there it necessitie of calling them for if the controuersie be common vpon their not calling them or feare not their aduise were they are called.

H:7: authoritie to determine contrarie to the statute.

Secondlie a doubt is taken aswell that might arise vpon the words of the first statute namelie vpon the 23th the Temporall Lord of the Kings Counsell and the Iustices named in that statute were Iudges of all authoritie wth the Starr Chamber and Keeper of the priuie seale, or else were but onlie assistant of their Counsell and aduise, for good in their latter laws they shall authoritie to giue to the Starr Chamber President or Keeper of the priuie seale and the rest are onlie to be called vnto them for their aduise but yet there it necessitie of calling them for if the controuersie be common vpon their not calling them or feare not their aduise were they are called.

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Gyrdlie wherebi the forme statute willeth to have the said offendes punished after the forme of the statute yet wee doe not meane to barre other statute reserved the punishm^t to the forme of that and of all statute before tyme made and beinge in force.

The Informacion generall

Lastlie the Bill or Informacion maie by this latter statute bee put in yeoball wherebi the wordes of the forme have it ought to have bine put to the Examinac^on

The offences to bee punished either by confession or vpon ^ without Jurie

By these two statutes vpon it is brought to passe That wheras before tyme the cawlinge of these offences did proceede by 12 men that is either by waie of indictm^t or by arraignm^t vpon the statute that did prohibite these offendes now the same may without any enquest or verdict bee determined by examinacon, and that either of confession of the partie, or of the grieffe themselves, ^ thinge that was never permitted by the comon lawe of the Realme wth allowinge not tryall but sith legale judicium parium ab magna carta plainly doth acknowledge it. And this was now at the last done because the statutes themselves doe report that ordinarie proceedinges at the Comon Lawe and these Mandamus & Retayno Exigent and the rest were hindered by the practises of the offendes the wch were so bribed aided and backed in soe many of sundrie Comtyes and followinge in these omne Comtries that no indictm^t or tryall could make waie aga^t them, Our evill tendinge to the better subdewe of the goode policie of the Realme yf this statute and diligent endeavor not bine practised for helpe and remedie. But not by the expresse wordes of these lawes the offendes therein

nameth any one thinge to bee permitted nowe in these Comon tryes were before by indictm^t and the tryall of the 12 And therefore all the pranges that in matter rebellion or disturbance of plaie the peace the tryall the verie substance that in the fault it selfe and the paine thereto inflicted remayninge the same that they were before from wth appointed waies by these Lordes shall set any tyme varie by reason distraction that must bee understood to bee done by some former antecedent wch not by vertue of these statute wth leave vnto them non libertie at all in these legall.

And vnto beinge said touchinge these heinous offences let yt nowe declared to the plainer vnderstandinge and cawlinge of these offences that are by these statutes to bee geaned and determined by the Lordes there. And they are in number 8 vizt

The particuler thinges recited in these statutes

1 Vnlawfull Maintenance
2 Giveinge of Liveries Synes or tokens
3 Retayno by writinge or otherwise
4 Embraceries of the Kinges subiect
5 Vnlawe Bandeinge of Fellowes in makeinge of parkes or other vnlawe retraunt
6 Taikinge of money by Juries
7 Grand Assise
8 Vnlawfull Assemblies

All wch are bent either by fraude or force to the endeavors of the overthrow of lawe and to the mischeife that one of these statute saith of murder robberie spoile bushardie of mens liues and losse of their goodes and landes

forgeries and all other offences wch by corruption of tyme are growne upp and we have devided ~~devided~~ for theire punishmt but by theis statute, wee gate auctorities to punishe beyonde the statues accordinge to the nature of the offence

The devision of the treatise upon the statute

Now for the better manifestation of these matters it will lieth them upp by one and by one in order as they lie, and first shewe the nature of the fault, then the evills that doe ensue thereof and lastlie the punishmt that by lawe is laid upon it.

Wht maintenance is

Maintenance soundeth to bee derived of the latine word (manutenere) because he that maintaineth taketh in hand as it were and taketh the cause of another man as fast as yf it were his owne proper. And therefore maintenance is a kinde of confederacie made by two or more persons agaist some other because the one is to the ayde and some other that happeneth in to the quarrell of the one doe make a complaint agaist the adverse parte to the same. And there may bee as well for matter (pendinge the suite or plea) as for some other cause not benige benigne into plea or action. Howbeit maintenance is commonlie understood of cause in suite as when one that hath nor interest to a matter in question will either give money to withstand or will take some interest of purpose to make the cause seeme to bee eyther owne, or will shewe evidence, or give eye speeche or committee for the one side against the other at suche time as the matter dothe depende or stayed, or will threatne or discomfite the the contrarie side, or generallie will doe any thinge for the one side to the endearment

of the fee of the other partie.
Maintenance is one sort that boardeth a speciall name called champertie because the title to a suite groweth to some other man for maintenance sake (campi partim) that is some parte of the pleinge in demaunde or otherwise some profite ensuinge unto the same.

And example (saith the statute 3: E: 1.) bee they that move pleas and suites or cause them to bee moved by theire owne or other mens procurement and sue them at theire expen, to the ende that of the land in variance or parte of the gaines that maie come by that suite.

The evills that ensue of maintenance and champertie

The persons that fall into theis faults of maintenance or champertie bee either publique officers, or else private men, and the evills that doe ensue thereof bee greate in both bothe but some greater in publique persons, as they cause (wch private men doe want the power of the office offered and ayde of theire auctorities to worke theire feates with all, for yf it bee omitted that one and especiallie sure as cause the pleas maie stopp into the quarrell of another and maintaine it as theire owne lotes by theire mouth and theire power, upon whch the cause of the poore and cumth bee overthrowne and trampled under foote, and upon whch the wicked doe imbolden to offer wronge and the waie to redresse it shalbee shut upp and fast barred. The lawes of theis realme have therefore ordeined to the diversities of the offences theirein ordayned remedie and diverse punishmt. And first for maintenance lewd.

Agt maintenince in the Kinges Councell his officers or other great personages.

Non of the Kinge Comsellt, servants of his Counsell, officers of his Courte or greate men of the Realme shall take upon them to maintaine and quarrell or by meanes Comitrie to the disturbance of the Comon lawe upon paine of their offices bodies goods and landes to be at the Kinges pleasure 1: E: 3: ca: 14: 4: E: 3: ca: 11: 20: E: 3: ca: 4: 28: H: 6: ca: 11.

Non man shall by any meanes buy or sell or take promise or covenant to have any pretended right or title to any landes tenemts or hereditamts unlesse he that so sellith promiseth or covenanteth or his Auncestors or they by whom he claymeth have bine in possession thereof, or have taken the rents or profitt thereof by the space of one whole yeare next before such sale covenant or promise upon payne that such seller or promisor shall loose the whole value of the things bought or promised, and that such buyer or taker of promise, knowinge thereof, shall likewise loose the whole value thereof.

Non man shall by any sinister labour or meanes maintaine any matter or cause to the disturbance or hinderaunce of Justice upon payne to loose xl li for everie offence 32: H: 8: ca: 9:

Agt Sheriffs and Stewards

Non the Sheriffe or Steward of any Court shall suffer any Barrettor or maintayner of quarrells in their Comitye Courte or otherwise upon payne that the Kinge shall provide finnishe both the Sheriffe and them that so doth 3: E: 1: ca: 32:

Non plea after forceable entrie by any made

into any landes, or after felonie the same wch forth shall make and proffit for distinuance sake to any lord or other pson to defraude the possessor of his right and title maie lose power upon that proffit or a distraint maie and shalbe voyd: 7: H: 6: ca: 9:

Not to conceale or hinder the findinge of Tyot by the Juries.

Non pson shall maintaine any Tyot Rout or unlawfull Assemblie that the same cause by maie not be found by the Juries upon payne of imprisonm and to forfeite xx li: 19: H: 7: ca: 13:

4 yeares imprisonm and fine upon anie of the Kinges Councell and servants for Champertie

Concerninge Champertie, it was ordained that suche as take pleas to champertie by any kinde of bargaine shall lose their accion and the Kinges Comsellt Household servants officers of the Courte or Ministers there have 3 yeares imprisonm and make fyne at the Kinges pleasure: 21: E: 1:

To forfeit soe much of their owne landes as the value

And if they or anie other pson upon suche Tyot shall forfeite soe much of their owne landes and goodes as the thinges that they have soe bought shalbe worth: 28: E: 1:

Liveries and badges

Liveries of liveries badges or other signes or tokens the right maie not fault in order to maintenance and stablishe of the same matter bought also a kinde of transpiratie to maintaine some pt and to make it greate wch all. Now on the one side when noble and mighty men and gents doe perceave that the tryall of causes in the Comitrie accordinge ordinarilie by the monthes of Franklins and other men precedents and doe finde them soluble whenst suche to recover their wrongs and oppressions wth the value of landes. Then doe they many tymes retaine suche men into their abowment Service and

ytenow ofte nyge vnto tyme the tormettinge
of tyme nobilitie auctoritie wealthe and
frendes that they also made retreate retayning
favor and good eyes by theire solicitation
and meanes amonge the freeholders of the
Countrie that be theire neighbors frendes
and kindesfolkes. And on the other side the
good followed soonge that the floate and
flote of a nobleman or other greate estate
to be a good defensative aga[inst] sturres
of lawe or other business as doe arise in the
Countrie and that myght many tymes (as
the experience is doth occurone right) They
also willinglie and by greate suite embande
themselves amongst theire other servantes
and many of them when they finde themselves
soe mistaken way afterwardes be bold to a
other wronge to theire neighbors as they
were gladd at the first to bee sheelded from
it. Besides this there was wont to bee another
kinde of leagues and alliance, not of
many servantes but of cognalle amongst
themselves, whereof not lesse mischeifes
have ensued then of the former. For the
vnlearn and base people espieinge that
the Gentlemen were riche and stronge by
theire tenauntes that the nobilitie
gentrie and best yomanrie of the Countrie
were fastlinked together in bondes and
that in Cities and corporate townes also
there was an vnnaturall rumbniation of many
into one body, soe that all other sortes of
men beside themselves were stronglie united
and they onlie to stande loft to themselves
they also fell therefore into factions bandes
bandinge into companies and euerie man
at eyther owne choyce united himself like

The harme of liveries &c

Coates of cloth hatts lattes or other marke
whereby they might bee knowne eache to other
of them. Now although suche rowdemonte made
at the first shewe deceive many, with a vizarde
of amitie love and brotherhood yet the wisedome
of the lawe with is able to vnmaske suche frau-
dulent distourdes many damagenous evilles that
lie and lurke vnderneathe them. Afor before
that the comon tonne of Englishe betweene
man and man was greatlie imbrewed
by these confederacies, soe as hardlie anie
man that was not able to surge a rebellion
could either assure his right aga[inst] anie of them
or repell the injuries that they should offer
vnto him (the taste of whereof one of them
bought vpon as the comon taste and greatest
of them all) yet was somde qualme by manie
proofes even to the estate and dishonour it
selfe that either noblemen or gent should
drawe soe longe tayles after them, or that
the meaner sort of the people should become
sustained to make soe strange bodies and
bandes amonge themselves bothe with axe the
sedes and weede of mutinie tumult and rebellion.
And therefore the lawes gave armed theire
power aga[inst] them evidentlye at the first that

The same of giveringe liveries

noe yeoman or other p[er]son vnder the degree
of an esquier shall take any livie of same
lorde except eyther hee bee gyven fee servaunt or
tenaunt to walle officer vpon payne of fyne
and imprisonm[ent] 16 R: 2: ca: 4: et 20: R:
2: cap 2: Upon afterwardes it was ordained
vpon like paine that noe lorde spirituall
or temporall should give livorie to any
or esquier other then to eyr fee servaunt
officer and Counsell learned in the lawe
1: H: 4: ca: 7: wch lawe stoppeth not fare
into this matter that it forbadd knightes and
esquiers to weare the Kinges owne livorie

dureinge ye tyme that they sad theire abode in theire Comtries. And kinge H. 4: seinge ye will to entrease did also entrease ye paine and laide it upon ye giver of any liverie yt yey were att or under that estate and alt upon ye taker 7: H: 4: ca: 14: Att ye longe ye penaltie of it for twoe monthe was inflicted upon ye giver and ye like upon ye taker except ye were sed yowshold man officer or Comsello at ye lawe 7: E: 4: ca: 2: And becaus it was at ye bringe greaved that ye officers of ye kinge owne castles Mano[rs] land[s] forrests Parcks and Parkes were attayned unlawfullie by other men, and did also retaine into theire owne services unlawfullie ye kinge Mano[rs] and Temp[ts], those offenses were also drawne into Judgem[t] and punished by ye lose of theire offices and fees 7: H: 7: ca: 12: Ye[t] saw of liveries signes or badges given by ye Lord to sed Statute

Also tenginge ye other tenfed warre of comon people, yey same was also prohibited under ye paine of alt laid upon twise one that shold tonyregate themselves by ye use of same comon liverie. Yese fraternities and mistrie that were ordayned to a good intent of sitied and Vnkonnyged only excepted: 7: H: 4: ca: 14:

Attainment wthout Liveries

And nowe it might seme that sufficient lawe had bine provided agt all kinde of attaynm[t] but yt it was found true that one saide Yee that will devise lawe agt offender gate ye head of Hydra to fight wth all, seinge that one will be noe sooner cut of, but another starte upe and take ye place. And even see fell it out in ye matter of

attaynm[t] for wch ye lawe had laide ye terrour upon ye giveinge of liveries signes badges or other notorious tookens of unlawfull tomyslothe. Yese was it devised that men should streitlie binde themselves togither for maintenance of quarrells by oathe semisse or writinge wherwith ye grete & greate dealo more cumt then of all other attaynm[t] besyde. For that in tyme wher attaynm[t] men served at liberte and might change wch they would but by this meanes they were sod fast tyed that without breache of oathe or semisse (seinge wherwith all men make sone conscience) they could not be set free and delivered. And ye more sure attayno[r] and ye to loose of a power for twoe monthes ye attaynm[t] should continue 8: E: 4: ca: 4:

Yese be ye paines that lawe hathe provided and yese be ye evills that sometymes case ensued contrarie ye matter of attaynm[t]

Agt attayninge of wealthie yomanrie

Yet not yere is in tyme to further mischife begotten, ye w[ch] is yese lawes had fastened they would case wrought a sharpe edge agt it. For seinge that in sundry agrees ye paym[t] of subsidies ye service at musters and other comon charges of yere one tyme were not small ye harme of attaynm[t] was not then so tendarlie sene and discovered as nowe it is. Yere is noteinge more shall at yere day then to attaine ye wealthiest yomanrie, and either by forbearinge term yeolde, or rearyinge from lyttles to make restompte of theire service by robbinge ye kinge rosfolk or by defraudinge Emi and ye realme of that either wthout they might bringe ysse they were cynalled buriened as theires theirgoyne and not favoured by men that manage those services

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in respect that they belonge vnto them w^ch
themselues considered it is to bee wished that
either the Laws were decided or at the
least the former Lawe more sharply executed
against vnlawfull Retayners And now to the rest.

Embracerie That embracerie of the Kings subt^s wch is
mentioned in these Statute maie bee of two
sorts, for either it maie bee taken for the
drawinge of men into bandes and Confederacies
for maintenance and then it is but a member
of the former maintenance, or elce it maie
signifie the soliciteinge of Juroure to giue
Iudgment by wch is more openlie talked
and more commonlie knowen by the name
of embraserie and yet is a sort of maintenance
and conspiracie also ffor in these respect
the Statute of 28: E: 1: talketh these sort of
men false Informours and Embracours
of Assises and Iuries and the Statute 38:
E: 3: ca: 12: defyneth them to bee Embracours
wch doe sollicite and procure engroste in the
Countrie to make ayde and ffauor to either by.
It tooke the name and maie well bee de-
riued either of the ffrench word Embracer
wch is to kindle or set on fyre or elce from
the word Embrasser from the said language
wch our tongue gathe adopted and vsethe in
the same sence That wheare one man taketh
another in his armes and as we vsuallie
speake embraseth him ffor by a Metaphore
of the first meaninge that laboureth
a Iurie for the one side or other maie
well bee termed an Embracer betause
he taketh doe it w^tout kindlinge or
inconsinge kyndnes vnto the other
side And by a Metaphore of the second
meaninge hee maie bee said an Embracero
of a Iurie that maketh mues of them

Fitz Harbert natura brevium 171: 12: H: 4: 26: Hawke in issue fitz 100 fur Embracerie

and embraseth them in the armes of faire
speeches gifts or promises to them to allure
and winne them to their side against the other.
So that yf a man will take vpon him to
labour and ply a Iurie for the one side
before they come to the barr or by anie
meanes endeavor to torment them for the
behoof of the one side against the other hee is a
Spetiall maintayner vnder the name of a
Embracerie

The harme of Embracerie What euills doe followe of this fault maie
bee seene by this That it is a sort of main-
tenance and therefore spreadeth abroad the like
effect in goodwillie that other maintenance
have, And of spetialtie it is annoied in a
twofould wise of Iurors wch are in effect
the verie Iudges of our lawe seeinge
that they Iudge ran giue noe other ver-
dict w^tout their warrandize to the verdict w^ch
Iuries probablie vnto them.

Now what harmes maie ensue by poysoninge
the common of Iurors in these Realme (where
the triall of euerie matter in lawe is by the neare
of them) euerie man maie see, and to saie
the truthe noe losse mischiefe dothe anoyance
it them the forrest vnder mynding nature and
ouerthrowe of all lawe right and Iustice,
wonderfull therefore gate the lawe 38: E: 3:
ca: 12: ordayned that yf anie person shall
for his owne gayne embrace the Iurie
or enquest hee shall loose tenn tymes so
muche as hee extended, and yf hee have
not wherew^tall to answere soe much hee
shall endure a whole yeares imprisonment.
But yf hee shall embrace a Iurie w^tout
taking anie thinge for his labour yt by the Statute
32: H: 8: ca: 9: hee shall paye C^li for euerie such offence.

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Misdemeanors of the Sheriff

And now let the Jury see to doe wrong
can little availe by reuyming the verdict of
law strong they bee never soe well furnished
with Retaynors and followers and engaged
also, unlesse withall by the oath of the Jurrie
and ~~the~~ the Clarke of peace men bee returned
and put into the pannell as the statute
selues should nominate and like. Even so
the statute seemeth that false returnes
depend not lesse upon the negligence of
the Sheriffe sheriff, then doe the doore
the Sheriffe sheriff upon the verdict by the meane of wch it
vpon the verdict by the meane of wch it
oppositte and disclose, at pleasure, the Jury
in the fiscle place noted two generall misdea-
meanors of the same officer, and the referred
meanors of the same to their verdict
the returne of the same to their verdict
assemblie in the Exchequer Chamber. The
vs the untrue demeanure of the Sheriffe
in makeinge pannells. The other vs the
falsegood in voteyr returnes. By the pannell
vs meant the Catalogue or role where in the
names of 24 good and lawfull men ought
to bee returned by the Sheriffe, out of wch com
the number of 12 are to bee tryed and sworne
and to yelde theire verdict upon each matter
in issue that vs tryable by Jurie betweene
man and man, and the same or a greater
number of them to bee regarded for nigrities
or the cause of the Judge

The evills of this misdemeanor

An wch yf the Sheriffe shall anyle emiselfe
not to serve the Court and Justices wch mi-
ster can vs, but the one or the other
wch shall torturtlie wnne him. The shall
not the better trust but the false jurie
world, and it shalbe all one wether the
mdge of the one matter or grave shegad emiselfe
shall nominate to passe upon the matter in tryall
for him.

And als in the eyes of the office the goode
demeanor of the Sheriffe makethe muche to
the furtherance of right and the contrarye
dealinge maie greatlie advance mischiefe
and wronge, soe also by all other returnes
and answeres of the writte to the Ma
Bonrt the maie greatlie helpe or hinder
the matter in question, the more winninge
time aga the p^t by dilatorie returnes
of the writte and bonds or wrongfull the
delaye by untrue answeres made of that
wch the gate in arreare or abusinge bothe
the and the Court by sendinge in not
returne at all.

The part of such misdemeanors

The all or the most of these wch is traded altogether
the title defrauded by the maie somtymes
either emiselfe by averrm^t aga the returne,
somtymes by trompet to the Court where the
suite depende, and other tymes maie finde
amendt by an avow upon the case of the
abuse, yet the lawe seemeth that sufficie
in many tymes bothe delayed and delinded
by suche unfaithfull servitors gate first
contryninge pannells gradallie avoided by the
statute 42 E. 3. 25. ca. 11. 34 E. 6.
ca. 4. & 11. for the better direction of the
Jerriffe in that behalfe that upon paine
to bee fyned before the quantitie of the
trespasse aga the Jurie and to loose
the quantitie of the damage sustayned
by the title, in all manor of pannells
these bonds should bee sent, that bee most
substantiall worthie of faithe, and not
suspected nor petted, but expedient bothe
knowledge of the truthe, and beinge most
nigh to the place where the question
in lawe dothe arise. And. 17. fl. 6. ca. 14

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It was ordayned to continue for a tyme that
yf the Sheriffe or Baylifs ſhould take any
tenure for arrayninge of a pamell the xtie
yrewod ſhould have execution and retorne
them tymes ſo mutche as them. And that the
abuſe might bee the more ſtrictly reformed
eſpecially in taſſes wheare the ſheriffe tenethe
the ſame emboſſe order was taken by the
ſtatute: 3: H: 8: ca: 12: That the ſheriffes of
Goald dolwin and of the Shyre might
reforme all pamells returned before them
to ſerve the Kinge, and that the Sheriffe
and his Miniſters ſhall under the paine
of xxli offsond retourne the ſame ſo
returned by them. Many other rules &
theare are ordinable for downe by ſtatute
touchinge the value of the ſeverall landes
or goodes returned in ſundrie ſorte of a man
tenementes emongſt to bee nicelie in the
pamell amongſt them tonechinge the qualitie
of the yſſues that the Sheriffe ought to
returne upon ewrie of theire graund and ſtate
other matters wherof many doe rarrie
theire ſpeciall pamell with them All wch
are over longe to bee recited heare and
bee ſufficient of themſelves to make the
body of a large diſtourſe.

To come to the other at theis foure wordes
either the Sheriffe will not returne the
writt at all, or retorninge it will make
noe returne of the ſame. Heare is a large
ſtatute made 13: Eliz: ca: 29: By wch
it is enacted that the xtie maie deliver
his writt openlie unto the Sheriffe him
ſelfe or other witneſſes, and that yf here
doe not then returne the ſame the xtie
ſhall have damages agaſt him accordinge

to the gill that might come unto him by that
delaie. The like remedie do theare given
yf the Sheriffe will untrulie returne that
the writt came ſo late unto his hands that
he could not for want of tyme make thereof
ſo it. Heare do lye alſo for the untrue re-
turne of ſmalleſt rod upon a man of
land to ſmall to anſwere yrdate, and for the
unjuſt tarryinge of the Baylifes of libertie
to have made him noe anſwere of the writt
that came unto them, for all wch abuſe
of falſe returned power do given to the
ordinarie Juſtices to punniſhe the Sheriffe
once or twice for eche offonde, but yf the
faild the third tyme that then non man
ſhall have to do therein, but the Kinge.
Even by the ſame ſtatute noe Judge or
officer maie take upon him to punniſhe a
yrdate man that ſhall reſiſt the Sheriffe
in the execution of the Kinge writt but the
Kinge himſelfe to whom that power do
belonge: by the ſtatute of Marlebridge
cap: 29: and of the Kinges Courte.

The Sheriffes Clarke where punished

It was ſometyme ad the Sheriffes Clarke
was bold to commit the ſame offence &
for wch theire maſters were to have punniſhed and
for wch theire ware not yet any ſworde of
lawe drawne againſt them. There was in the
tyme of the ſame Kinge an ordinance
made and called bractabus contra dictum
et Licos By wch it was provided that
yf the offonde of a falſe returne were found
in the Sheriffe of ſhire a Clarke to the Sheriffe
there ſhall that Clarke make bote ſyne
to the Kinge and ſatisfie the xtie ſute

yff ego bee able, and they Sheriffe to goe quitt, but yff they blanke bee insufficient, then ys the Sheriffe ernestlie to answere for emi. ytt would prove tedious to present the varities off all theise paines and forfeitures that lawe in force gate devised aga^t the untrue witnesses off the Sheriffe, wittch ys ytt for fitt for the purpose that ytt am nowe in hand, sithinge that in the most off them the ordinarie remedie given by the Statute ys sufficient revenge. And therefore Lawemige alreadie proved that yt wch best serveth for giveinge manifestion to the Court ytt will goe forward to the Lawemige off the rest

Takeinge off money by Juries and the evills thereof ensueinge

Ytt ys pitifull to bee supported that yff they may take money to give theire verdict they will as Judas betray their trust. And yff it bee most true that gyfts and bribes will invent the findyngs off the wisest, then how can it bee otherwise but that the comon man shalbe drawne aside and corrupted therby. The wch fault ys soe mutch greater then ys a cittizen corrupted or maintenid that they pitch that bee but private men, or false or pretended doalings in the Sheriffe and his Clarke beinge publique officers, as Consecons they should tollinde amongst themselves and close togither, yet an upright and faithfull Juric that without respect off reward would attend their trust off their evidence might overthrowe the frame off whatsoever mistrust they should intend and maynie betweene themselves. And therefore when they Juro also that bee as ytt came said mont they

eaelf findyngs off the controwsie shall pledge the one off the pitch ni that true off poyson wch goe gate bidrawde to destroye their life off the Adversaride right, wch can bee looked for but that the bottom side shall pay the worse and take the fall. And theire beinge sworne to the lawe it was ordayned 33: E: 3: ca: 13:

The punishm^t off such Jurors

That yff a Juror ne and inquest to bee taken for the Kinge or betweene pitch doe take any reinge by ernestlie, or by any other off the pitch p^ties or doe to their perdit then shall yet pay decise tantum tem tymes soe mutch as gode gate taken, wherto off theire oathe to bee to the Kinge wch off Justice and Judgem^t gode gate granted, and the other oathe to the pitch or any other that will sue for the same, and yff they gave not to satisfie the lawe then to gave the imprisonment off a weole yeare. In wch statute one reinge ne dispriallie to bee observed, that to take any reinge whatsoever for doinge off their perdit ne an offence aga^t it, although the statute 3: Hl: 7: that submittes they ne fault to the remission off the Starrtzambe gate noe mannor but off the takeinge off money, wch words yff they bee not construed by an equitie the weole lawe maie be voided by it

Greate Ryotts unlawfull assemblies

After they hand the rest off the offenders there and taxied in the hope off frandchisen and detriment greate Ryotts and unlawfull assemblies that will make theire waie by force could rest to my hand, the wch two thinges they bee distinct fault, bote in the oppartid off theire owne nature and yff the order off theise statute, yet betause for the most yt seme ne but the

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effect and signall of terrour & will wynd them vpp bote in one bottome together. Not w^t^out cause but for distinccon sake doth the statute 2: H: 5: call some Riotts grate for smale & former lawes doe note two or mamor of Riotts, the one lesse in respect of the small number of psons that commit it, wch in regard of the small terror disturbance or hurt that ensueth of it, they otherw^s^ create or cayuse, because it savoreth of a more generall disobedience ouer to the p^r^ejudice of the State, and wch or more in regard of the number or ymarrell & terrible sight of mischiefe and rebellion And therefore the statute 2: H: 5: ca: 8: & 13: R: 2: ca: 2: & 15: 6: doe terme the Riotts of the latter sort by the names of Enormous grate Riotts and Riotts Aga^t^ the peace, the Statute 2: H: 5: ca: 9: calleth them assemblies of people in grate number in maner of Insurrection and the Lawes 5: R: 2: ca: 2: & Mar: Parliament 1: ca: 12: doe name them rebellions Insurrections and rebellions assemblies.

What is an vnlawfull assemblie Rowt and Ryot

But the offences of all these sorts are now at this daie distinguished by these words, that is vnlawfull assemblies Rowts and Ryotts. An vnlawfull assembly is comonlie taken to bee when a company of tenne psons or more bee gathered together to ende to comitt forcable and vnlawfull act. A Rowt is likewise construed to bee when sure a Company of three or more doinge gathered to sure an ende, doe move forwards by goinge or ridinge & putting of their more in practise & yet doe

not come to the doinge actuall pformance and execucon of their purpose. A Ryot is the verie effect and finall act of sure a company and putting in execucon forcible that vnlawfull worke w^t^ they intended. As for example, if three psons vnder the number of twelue doe assemble themselues vnlawfullie to beate one p^s^on or to enter forcible into the howse or land of another or to pull downe the inclosures of one Parke Warren or ground inclosed or to destroy any fishe pounde poole or dovehouse or to doe any such other act beinge so assembled doe goe forwarde about the same and doe effect their intent, They are then vnlawfull assemblie for their first meetinge, & Rowt for their mouinge forwarde and a Ryot in their beinge together.

From whence Rowt and Ryot is derived.

These words Rowt came from the Saxons or Redons wch is as much as a band or company of men ridinge together, Ryot was borrowed of the ffrenche Riotter wch is to brawle or stolde, because most comonlie outrayous doth doe followe contentous and stolenge words. The

The evills

evills that will ensue yf follows such p^r^actise are to much to be suffered to runne vpon their list vn Grapple, and to put and ende at other mens will and salvage beastly of the feild and ffrendship are wont to doe how soe ynoate and apparent that they beweare them selues and needs nor words to blaze them.

The paines

The paines therefore that lawe cate a-

inflicted upon suche Assemblies towards and
tryalle bee testified. Every Jurour taken by
the Justices of the peace and Cingeristes
and bee returned into the next Circuite
till they have made fyne and ransome to
the Kinge: 15: K: 2: ca: 2: Everye attainted
of greate and haynous tryalle shalbe imprisoned
one whole yeare at the least w^t out bailes
or mainprise and then make greviouse
fyne: And suche as shalbe attainted of
petit tryalle shall have imprisonm^t and
make fyne: 18 Justices: 2: H: 5: ca: 51: But yf
the number of suche an assemblie bee 12
or above that shall attempt any of the
things prohibited by the Statute made aga
unlawfull and rebellious assemblies in
the first yeare of the late Queene Eliz):
raigne, and doe continue together by
the space of one howre after Proclamation
made for them to depart, then the
offence bee felonie and maie receave
punishem^t in another degree and in another
Court by the ordinarie course of the lawfull
tryall

Of those other faults whereof this Court hath iurisdiction

Now have I risen over the first parte of my purpose and have not onlie dealt w^t the Statute that gave the first ordinarie & Cognition and auntiquitie to this Court, but have also disbonded the 3 speciall offices that are tontayned therein, the wch I have not soe largelie discoursed as the argum^t it self would beare, especiallie for that I w^t distribute the names, titles & bevause I meant onlie to make a

summarie reporte of the whole matter and
withe for that the Judges of the Court
are not tyed as I said before to the strict
paines of the lawes, but as the same
shall offer to their honorable discretions be
maie alter or increase any of the same.

It remaineth that I give some taste of those
other faultes also for wch this noble and
graue Court doth chalenge deliberate and
circumspect proceedings in the Courtes
Counsell wherein I am compelled to bee
the shorter seinge that I have noither am
will in large wherby to large term upon
nor have I anie answere to the memorialls of
this Court it self w^t the onlie register
of those times that fall out in experience
w^t in the same 23 yeares the wch beare
variable and infinite in their severall
sorte according to the variable and
bottomlesse draughts and devises of wittie
men out of whose heades they have sent
w^t consideration constrained the learned
Poet to singe

Non mihi si linguæ centum sint oraq; centum
Ferrea vox oēs scelerum comprendere formas
Omnia pœnarum percurrere nomina possim.

Howbeit they maie bee all tontayned in some
of these fowre all bondes that doe ensue. First as
all causes of this Court bee in their owne
nature criminall, and not civell, see also
those criminalls doe proceede as I have before
noted in these fowre wayes of those Statute
doe treate first either from fraud or force
or from them both together. And likewise
they all bee committed either by publique assault
or by private men but sometymes aga^t the
one and some other tymes aga^t the other.

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Offences and Officers

The misdemenors of publique men and officers that are forged out of fraud be the corruptions of the Judges of same Court of the Justices of Peace and of weathother inditiall ministers or delegates that for vaine mens ill tempested or for friendship or hatred towards anie of the which will put their owne knights into the cause that doe hange before them and willbe shene more like to aduocate Counsellors or which, lean to wright and indifferent Judges either hatching lawes too longe that it maie overcreate the one side or hamming it too short that the benefit thereof should not extend to the other side or otherwise indirectlie abusinge the course of their authoritie and Justice with the bondes wherewith they ought to gold and keepe them.

And in this point as some men doe sklie abuse their goods, gnitte in respect of wth they are called to the magistracie for other some stirk not openlie to use forceable but subtile meanes for the winninge of their will themkinge that for their apparent nobilitie eminent gentrie large possessions and flowinge riches store of friendes or romes of their authoritie with they cause above their Reigebount we passage ought to be stopped aga them whatsoever it leade to the damage or hindringe of other men, And therefore they will either give the battmadoe without damage of a knyght or will apprehende some other violent and ominent evill without anie knyght or unlawfull assemblie for with respect it must be confessed that there is not anie kinde of example preedinge from this Court of the Starrchamber more

fruitfull or benificiall to the comon weale then by the statutes authorities therebie to repell the insolencie and outragiousnes of Judges Justices and other persons that hee created by their place and authoritie for as bole themselves maie be either amended or removed their equalls fearfull to howard and take goode and their Inferiors made to quake for feare upon themge their battell to signe punished they can amisse to themselves nor eyther of in quantitie or qualitie.

The faults of private men

The private wronges sort wantinge the fruition of authorities and of sundrie other goods wherein their greate ende are apparelled doe beate their braines for the findinge out of subtilties and slights and doe for the most part make trappes and laie gnotes for the snaringe and intangling of silly and simple men and gnosse seeminge those many trespasses traffic wrongs hinderinge devises subtile complotts contrarie drifte and fraudulent sleights the eyes wherewith they bee, and sometymes by desire of monie and sometyme by their of revenge but bee alwaies or for the most part carried by envie bribrie and corruption and are inspired to the distradit of the goode name of some to the losse and endamage of others in their goods or fortunes and to the greate danger and hazard of the life of manye man.

Now to saie the truthe it is verie meete and iust that yll the wicked sort of men shall prevaile and instead and trauinge wthe greate labour of will and cunninge for ab it maie seeme they have drawne a Quintessence of a mistrifle and set a broache a most rare and singular devise to the gust of the good and quiet subiect

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ſtt vō moſt̄ and moſt̄ ſtrō ſtat lawfull auntpritie it ſhall alſo w^t vō ordayned for t^e deſerte oſ t^e one and punim^t oſ t^e other ſhould ſtraine t^e lyne oſ Juſtice beyond t^e ordinarie boungte and take coguiſite reuengem^t upon t^em for t^e ſame.

Auctho-ritie to punish as cause requireth

And t^erfore t^eſe eight Count ab it pleaſe all other ordinarie Courtſ oſ Juſtice in t^eſe ſtat beſide ſundrie noblemen endued w^t grauite wiſdome and learninge oſ manie ſorte, it pleaſe alſo t^e moſt graue and learned Judgeſ oſ t^e other Courtſ for t^eire aſſiſtance, ſoe vō it ſhall otherwiſe t^e fitteſt to applie newe remedie for newe diſeaſe and to weſt and exortiſe t^e euge oſ honor auntpritie pleaſant wiſdomes and gniſſe oſ t^e eigeſt loaninge upon ſuche diuelliſh ſmpoſed miſgouions ſtregreſſions and damnable deuiſes

The diligence of publique persons

And nor liſſe reaſon it vō alſo but ſhee good and uprigt Judgeſ Juſtices Comiſſione effectuat and weatſoeuer other publique eſtabliſhm^t ab w^t out ſtatutes by patēſ and ſtatutes exalob doe walke regia via in t^eire ſtraight walkinge and yet notwtſtanding hee aſſayled by t^e tongueſ ſcoffinge nod by t^e forceſ or diſturbed by t^e tumultuous attempteſ oſ other men ſhould fly and reſort for refuge to t^eſe eight Count ab to a certaine ſanctuarie and ſolid anchor and ſhould t^eire ſtroke t^e defence oſ t^eſe auntpritie bt t^e hand oſ t^em by whoſe meanes and recommendation t^eſe firſt eſtabliſhed it

The further authoritie of the Starrchamber in thinges not mentioned in the first statute

A miggt afford out oſ manie other preſidentes and memorie ſome ſtatutable oſ example for for t^e moſt pt oſ t^eſe ſort oſ offences drawne into t^eſe Count by temp^t and entruſted by auntpritie t^eire. Bt becauſe it vō doione

to omitt names to writinge and ſt grave noe ſufficient note or warrant out oſ t^e Regiſter oſ t^e Court weare w^t to ſtorde my ſelf ſt repoſe nat̄ to forbeare and will now tourninge my diſcourſe w^t a fewe woꝛdſ tor-termingo t^e auntpritie t^eat t^eſe Court gate ouer t^eſe and t^eſe like offendeꝛs t^eat are not ſtatutable named ni either oſ t^eſe two ſtatutes wgnow w^t ſt firſt began

The feare of manu-miſsion for-takinge of freedome

Albeit t^e greate Charter oſ t^e liberties oſ England t^e bond vſe oſ manumiſsion ab it were oſ t^e people oſ t^eſe Realme out oſ t^eat ſeruitude wgnerin t^e Norman gat hold t^em many yeareſ after t^eire tonguſt ſole ni t^e reſn oſ t^e Kinge amongſt many other freedomeſ graunt t^eſe Nullus liber homo capiatur vel imprisonatur aut diſſeiſiatur de libero tenemento ſuo vel libertatibus vel liberis conſuetudinibus aut vt laygatur aut trauletur aut aliquo modo deſtruatur nec ſuper eum ibimus nec ſuper eum mittemus niſi per legale iudicium parium ſuorū vel & per legem terre ea wgeby t^eſe comon ſub t^eongſt Emſelſ ſtood from t^eat abſolute auntpritie w^t t^eſe formeꝛ & kinge and t^eſe Comitell oſ Eſtate cad-poſſeſſed your Em and t^eat ſee ought not from t^eſe preſidente to bee drawne to anſwere ni any cauſe ob-tayned it were by waie oſ miditm^t or ſubtilitie oſ good and lawfull men beinge t^eir Peeres or by proceſſe made upon writt originall after t^e nature oſ t^eare, yet nedtheleſſe ſome raſh daghd preſumpcion ont by reaſon oſ controuerſtes for w^t noe lawe cad be prouided (for weat wiſdome oſ man vō t^eire t^eat can foreſee weat ſhould bee meete ni carefy ſtirulor) and ſome miſdemeanoꝛs happenige alſo from tyme to tyme ni t^e diſtribution oſ t^eſe lawes t^eat were alreadie made

At ranne to passe that many were mistroded to
sue to the kinge hsbn it sholl for remedie
wch ab goode the tryste Justice and honor
of God wthin the realme se also goode
standeth bound to deliver indgement and
Justice wpon it shall be required at eu
hands And the[y] sould not eualue bee
sprightlie doe wthout tallinge the other xtie
neither cade goe many tymes disporiallies
in a newe and suddaine attempt and
ordinarie writt or prob wherby to tall em
Wherefore the[y] sames was to
resort to eu absolute power againe and
by eu statute or lres to send for the
adverse xtie and then to proceede to the
determinacon and determinacon of the tanse
ab to eu knighte and inditiall office qui-
tamed The wch that goe might the better
doe It was ordained 25: E: 1: ca: 5. that
the Chancellor and the Justices of the
kinge bench shulde followe the kinge wher-
soever goe went, to thend that goe might
alwaies gave some recre vnto em that
were learned in the lawe and able to order
such matters as should bee brought before em.

Howbeit the sub[ie]ct wthin his castle stode to the
kinge and eu Comrell for suche was gladd
wthall eu spt to retire and make retornes
to the ordinarie state and sindge againe
The wch the kinge wolden it appeared by the
rearegoable and gode answere to the peticon of
the Prince that tonke not but bee mani-
waies busied wth greater matters or by
the longe delaie of Justice that must needs
fall in eu absence out of the realme upon
the occasion of eu forreigne warre and
otherr affaires or by some vntrue dealinge

of eu Comrell for want of sufficient
knowledge in the lawes wherefore cappitalie
they would vndertake the examinige of
matters wthout the advise of the Chancellor
and Justices, or wherfore it ensued by all
these or by some other meanes it needeth
not longe or tedious matter of Record or
writt originall anordinge to the ancient
lawes of the land Ende to spende that such
as vsed to p[re]ferr vnto the kinge any
annoyance suggestions or petic[i]ons against other
men might bee vtterlie discouraged and
beaten from the same A lawe was given by
Parliam[en]t: 7: E: 3: ca: 8: that they should
bee sent to the kinges Chancellor Tres
and eu grande Comrell and there should
put in sureties of Salvation that they
nither the same name that they other should
have cade vse the suggestion were proved
untrue. Wthout that point was mollified
the next yeare after and order taken that
they should bee imprisoned vntill they had
made full agreem[en]t wth the xtie molested
and fyne and ransome to the kinge. Finally
by the Statute: 17: R: 2: ca: 6: It was
referred to the Chancellor alone to award
damages by eu discretion against anie such
that should make an untrue suggestion against
another before the kinges Comrell. The
authorities goe deprived many yeares
together vntill at length eu wisdo[m] of
subie[ct]s flowe see forth abroade sur matters
determinable at the Comon lawe that goe
was reaged to spreade the bonds of the
Chancellors vnto em, For that
the Parliam[en]t: 15: H: 6: ca: 4: forbadd that
anie subie[ct] should bee graunted vntill sureties
were found to pay vnto the xtie greived
both eu damages and expenses the

matter could not bee made good wch was
contayned in the Bill aga^t him. And
leaste it maie at once appeare howe grate
a thinge it is for greate men assembled w^th
suche authoritie to maintaine themselves
w^thin the prescribed limitts and pale of theire
power and also how impatient the comon
man of this Realme^ is grown alwaies bent and
w^thout all doubt yet is to cause this matter
determined either at the Councell boarde
w^thout oppen hearinge or by absolute
Jurisdiction w^thout ordinarie course of proceedinge.

An other of wch sorte is the verie revolte
of Ireland against and from the
former beginninge yea it is assaied that as this
controversie is not at the first taken from
the ordinarie tryall and drawne to the
Councell boarde w^thout the speciall labour
of this adversarie and for greate favor bestowed
unto him, soe yea feareth that the same good
will bringe over planted will continuallie
possesse the place and prove immediatlie for
him enemie to the one possessinge and bestowed
the rather because yea is not openly feared
and esteemed, A thinge that above otherwise
bridleth these affaires that comonlie breake
forth in street. In the latter because upon
yea is to bee judged by an irregular and
absolute authoritie yea findeth himselfe utterly
destitute of all counsell and advise wch waie
to turne him, since no man can assure him
before hand what will bee the construction or
distruction of his fredome, where the issue
maie bee foretold in the said controversies
that come to determination by rulde lawe and
bounden Jurisdiction. And therefore the eight
and fifteenth wisdome of the Starchamber thinges
it meete that equall lawes should bee followed

gaue losse to the Councell boarde the mannaginge
of these matters that are of State and gate
omitted the devision of private contentions
and distribution of common Justice to suche
Courtes as ordinarie resort and regular auc-
thorities, but yet wth this caution I gat recor-
ded in the notorious of suche causes and tola-
mities of that kinde reverence maie bee gaue
to the Chamberlin for ayde aga^t the rigor
of the Comon lawe. For likewise in criminall
matters, where the evill is either newe in
devise (for wch no lawe gaue hitherto kinde
provided) or doth surmount the comon growth
shee ad standing lawe gate not roome or
condigne punishm^t for it, hereto eyther and
supplie is to bee sought in this Court of
the Starrechamber before the Queene^ that
and put in trust wth it. And nowe although
these acte of Starchiam^t before recited doo
specifie and namlie deliver power over
these 3 offences and none other, yet doth
this Court lawfullie ad it selfe to take
knowledge of all other crymes that bee of
the same kinde and like dangerous example,
as by vertue of the Chamberlin Court
and white Justice of the Realme wee bee
the greatest professors of Justice that are
Land to the wisedome and discretions
of weyne sometymes together and sometymes
apart sundrie lawes gaue committed the
correction of many offences as by the
savage of this Court it selfe wth shire the
makinge of the said recited statute gate
comonlie reteined sute tonge as and this
selfe by the equitie of the sole and street
meaninge of the same statute wch bringe most
wholsome lawes and made for reforminge of
exploratie misgrippes and sure ad doo over two

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the rest remoot but her trouget under the name of their sowe to compownde all offerb-
tent doe offer the like cnat or doe trespaton
shall damger wth them

ffor proofe of this first it is cleare alreadie noted
in^e statute, and the volumes of the rotts of Parl-
iam^t will afforde aboundo many more w^ch
it will not stande to recite. And for confirmacon
of the second and third ponte, not it but
the statute made in the 5 yeare of the late
Queene Eliz: agai^t wch shall speake for
their boldnes.

ffor after that it hath pleased her correction
of wch to the consideracon of their
Lordshipps in the
Lordshipps will appoynt to be
made and to the sheriffe of Essex of gaole
deliverie and of. to sitt there it hath verie wordes
following vizt Provided alwaies that this
act shall not extend to restraine the power
given by acte of Parliam^t made in the tyme
of k^ng Henrie the 7th to the Lord Chamberlin
of England and other the k^ngs Counsell
to examine and punishe Ryotts Routs Rayswa
wrongs and offences and misdemeano wth the
Lords Chamberlin and they shall the makinge
of that acte have no such p^rogatiue used to their
and determine such matters in the Court at
Westm^r p^rogatiue called the Starrechamber
but that they shall and may proceede in the pu-
nishm^t of all offences heretofore punishable
in such wise as they might have done and used
to doe before the makinge of this acte. But
of wch words these 3 things are plainlie ab it
seemeth to be collected. First that this Court
of Starrechamber tooke her first ordinarie
power by that acte of H: 7: from wch it have
before deduced it Secondly that Lords and peyrs
wrongs and by this statute of the said late Queene

ronstrued to bee w^thin the meaninge of that acte
of H: 7: And yet that acte never a word
of Rowt nor of Peyrs wrongs otherwise
then by implicacon That Juro and wrongs
wherin they take money to save harmles.
Lastlie that this Court hath used to heare
and determine such matters vizt as
tende not unto these verie offences w^thin
thistatute and like to them named in that first
statute, but also such other matters and offences
as doe tend to the like end and evill wth them.

And albeit it knowne that findes upon my due col-
lection reporteth a strange opinion That the
rase of wrongs is not subiect to the examinacon
and order of this Starrechamber Court. Yet
forasmuch as it appeareth by the rolls and
Records that this Court hath used
thereof and upheld not unto it shall not
be contented to expect some further resolucon
before it change my former assertion.

This is all wth for this tyme and service
it purposed to shew of this most honble Court
the bounds of whose bright Justice doe shine
and spread themselves as farr as the Realme
is longe and wide and by the influence of
whose auncthoritie all other the Courts of
lawe and Justice are holde the more orderlie
mamaged, and the more Lawfullie staied upp
and maintayned. And nowe it will sit yor
good to give due to the offices of that Court

The Clarke of this Court hath
intituled the office Clarke of the
Counsell of Estate.

Imprimis of his Maties Lres patentes ——— xxxij^li xiij^s iiij^d
Item a lyverie gowne and of damaske
for other of his servaunts belowe
Item for a warrant upon edie 23: H: 6 ——— iij^s
Item for the Clarke attendinge of yeres ——— ij^li vj^s viij^d
Item for every Affidi for impotencie or
cause of appearance ——— ij^s viij^d

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The warrant for entric of these

for the Coppie of the Affidt ——— ij s

Subp ad fariend melior response Bill
ad fariend melius responsr Intend
ad rejungend
ad rejungend in Comiss
ad audiend inditum
ad solvend expensas
alias Attach
alias Attach tum polam
Retorned Com Rebell
Retorned Com ad examinand testes
Renewed dedim potestat ——— iij s

The warrant for entric of these

The Coppie of the Attach p Affidt ——— ij s iiij d

Attachm granted in open Court
Attachm for want of answere
Attach for want of apparn
Attach into polam
Com of Rebellion
Inspeximus
Habeas Corpus
Recognit
Certiorari
Writt of privilege
Duces tecum
Summons ——— iij s iiij d

The warrant for entric of these

Com ad examinand testes
dedi potestat
ad significand de datum ——— iij s iiij d

For the name in a dedim potest ——— ij s
For the appearance of the Deft ——— ij s
For the retorne of the Defts ——— iij s iiij d
For the retorne of the witnes ——— ij s iiij d
For the Coppies of all proceedinge in Court & Depos ——— xij d
For all Coppies made by the Attorney & Depos ——— xij d
For entrie of the Rule ——— xij d
For entrie of the Rule to have all Bookes of Reconings ——— xij d
For the entrie and tryall of the Issue not exceedinge one Sheet ——— iij s
For more exceedinge the length
For the dismission of the Defts ——— ij s
For all costs for the Defts ——— xij s

The Cause of the Attorney for the Queene
Court

For the two Defts ——— iij s iiij d
For the Depos of the Witnesses by them ——— xij d

The Clarke of the Crowne
Fees

Subp Attach (Attach) tum polam for the Qu ——— ij s
Com ad exd testes dedi potestat Depos
ne essent regni Contrarie writt of priviledge
Duces tecum Summons for the Qu ——— iij s viij d
Com of Rebellion ——— x s

Termino Trinitatis anno xxxiij
Eliz: Regine
Tho: Egerton
Arm Custod magni sigilli in
Camera stellata.

Causes move the Court to establish the orders following

Whereas it appeareth by diverse and sundry motions at the barr that there are many and frivolous suits prosecuted maliciously and greate number of the Majesties Subiects for reparacon only with Councell that they shall not prosecute wherby the Defts and forced to an infinite charge in bringinge in their learned Counsell to the barr first to move the Court for a Demurrer for the Pltf to showe cause why the matter should not be dismissed for want of prosecucon And secondly to attend at the Demurrer day appointed upon the first motion to peare what was Decreed and make answere And perceaving the Lords and others of this most honorable Court in Hillary terme in the second yeare of the Queenes Reigne graciously and Blis mindinge the ease of the Subiect in the premisses did especially order That all Bylls Answers and Depositions in this Court shall be reduced into a certaine forme and that no Demurrer shall be receaved unless it contayne three causes at the most And that no Replication Rejoynder Surrejoynder Rebutter nor Surrebutter be receaved but that the Defts shall be dismissed without any further trouble

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Dismission for want of Replication

Now this Court of a very reasonable request to cause the intollerable charge of the ensuing good and lovinge subiect wch dailie growe and increase in that behalfe may thought fit and ordered accordinglie, that vnto the next Court that yf the pl^ff in any Bill exhibited or to bee exhibited shall suffer default and not replie on the first day of the terme next ensuinge that the said cause to be dismissed wth costs to bee assessed by the right hono^ble the Lord Chamberlin for the tyme beinge

Dismission for want of psecucon after Replicacon and before publication.

That all and euery suite depending vpon issue joyned for want of prosecucon after replicacon and before publication shall attend vpon the Clarke of the Counsell of this Court before and motion in Court to bee made for the dismission of any cause for want of prosecucon and there vpon the said Clarke calling to the Attorneys on both p^ties shall examine the state of the said cause and see wheth the same shall finde not to bee prosecuted w^thin a weeke Comaund that the same cause shall be dismissed wth costs to bee taxed as aforesaid vnlesse the pl^ff shall bee next terme following good cause to the contrarie shewn vpon Court

Dismission for want of Prosecucon after publication

That euery suite depending vpon issue joyned for want of prosecucon after publicacon shall likewise attend vpon the Clarke of this Court before and motion to bee made in open Court for the dismission of any cause for want of prosecucon after publicacon to examine the state of the same cause in the absence of the Attorneys on both sides and as many as

shall finde not to bee entended in the generall bowle of expedicion for iudgem^t w^thin terme Comaund after publicacon shall likewise bee dismissed wth costs to bee taxed as aforesaid vnlesse the pl^ff shall the next Comaund following good cause to the contrary shewn vpon Court

What tyme the pl^ff must sue out his proces and serue the defend^r

That noe pl^ff hereafter doe name in his Bill wth expresse shall serue and cause vpon the same Bill against any one defend^t after the exhibitinge of his Bill vnles the pl^ff take out proces against such defend^t vpon the exhibitinge of his Bill and that affidavit be made that the pl^ff did his best endeavo to cause the said proces to bee served but could not serve the same That in such case the pl^ff hereafter named may proceed as if the said proces had not bine named in the Bill That all persons shall be sued out w^thin such time as is limited.

Newe names to be added into the Bill

That noe pl^ff after proces sued out vpon his Bill shall add any newe named into his Bill w^thout speciall warrant by the Lord Chamberlin

Noe newe fee to be exacted

That neither the Clarke of the Court nor any other officer shall take any newe fee more then hath antiently vsed.

The Kinges Attorney to be named vpon standings & dismission.

Provided alwaies that this order shall not debarr the Kinges Attorney or his deputy of the Kinges right to appeare and cause to be dismissed

Finis.

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A declaration of the highe and honoble Court of Chauncerie and of the Judges and Officers there wth their perticuler Offices together wth the proceedings in the same.

Seeinge by Godes favour I intend somwhat to discourse of the manner of proceedinge in Chauncerie suits, to the performinge whereof, it seemeth requisite, first to unfold the nature of equitie, conscience, and the rigour of the common lawes of this Realme, as the prop obiect or matter whereabouts such suits are for the most pt occupied, to thintent it maie wth the more facilitie bee understood, how, and when such suits are fitlie to bee taken in hand. Therefore I will first speake of summum ius (wth oftentymes precisely regardeth the verie lre and words of the common lawes) for remedie whereof, parties greived pray ayde of this honoble Court of Chauncerie, to bridle extremitie, and reduce such rigor to equitie and conscience

Of strict or precise lawe wch is called summum ius

Aristotle calleth it exact or precise lawe, because that yf it have noe allay in it to qualifie the harshnes and seuditie of it, it is unpleasant and sower in tast, and repugnant to equitie.

And Quidaeus saith that this word (strict and precise lawe) is a word wth amongst the Civilians signifieth verie hard lawe, exact and full of rigor, and almost unmist, for they that write of the lawe, make these words strict lawe, and equitie, opposite the one to the other. The Lawiers doe also terme it ius subtile subtile lawe, & the Lawiers doe terme it summum ius, lawe in the highest degree

or most apart, and it is so taken of them, when man stand more upon the lu[tter] of the law, then upon the meaninge of the writer or maker of the lawe. for w[ch] because it sor falleth out of tymes, that vnder a colour of knowledge of the lawe, many gross and damigerous errors be tollerated Corasius Misal: lib: 2: ca: 8: nu: 12:

Wherevnto debideth this summum ius, or lawe in the biggest degree into two branches; the one proper, the other improper

Lawe in the biggest degree; soe properlie termed or taken, is an vndoubted and infallible rule of equitie, w[ch] maie verballie without corruption be put in practise in a Comon wealth, weather it be originallie ygrounded upon the lawe of nature, or upon the lawe of nations: ffor examples whereof, ye maie take all the statutes and priviledges of the lawe, doe in their kinde most profitlie and equallie dispose and bownd out the matter, w[ch] they goe vnto lawfull and rightfull, w[th]out any regard of circumstance of the fact that maie fall out of w[ch] sort of vnlaw and tresp[as]; Record the word, cuat ave man: tresp and goodall Tales of lawe in the biggest degree, soe righteous and full of justice in their kinde, that by the lawe of nature it is, better and more rightfull to not be given Lib: 1: ff: de Justic

Wnt cause wee soe not resort vnto any circumstance of the word, or equitie, for that wold belonge to equitie, or the Court of Chancerie, w[ch] wth vs is called the Chancerie, as the case maie fall out: and the lawe in the biggest degree, being that were partlie taken, as wrongfully formed by the Comon sort of men, wronge in the biggest degree: for to speake generallie and at a words, it is the instant reason that maie bee, whether naturall or nationall for soe it is from beinge to bee rightfullie taken wronge,

until it bee shortned, and as it were set upon torture evidet, to bee drawne to some inconvenient circumstance of the fact. As when a man + vote vow[n]t or give evil word to doe some dishonest fact, or hurtfull and dangerous to the Comon wealth: for w[ch] cause if a man should wrest the rule of lawe. Keepe the words in steede of doeinge right in the biggest degree, he should tourne Iniustice in the biggest degree: not because the lawe gathe any fault in it self, but because the wronge evil taken, and travelling wth the lawe, his worketh wickednes, not judginge a right the circumstances of the fact, whereon lawe and right standeth Li: Si: ff: de Statis

Lawe in the biggest degree improperlie taken is for tormed, when by an over rigorous and hard interpretation, it is drawne to inconvenient kinde of fact, or by tollerable agreem[en]t is drawne to frustrate the good intainge of the lawe L: Inciuili cum L: seq: ff: de legibus

Of Equitie

Equitie is that w[ch] tourneth valued equall and good and somtymes equall and not lib: 1: et Pon: ff: de Justitia et iure: ff: Sicut ius ff: si certum petatur Aristotle termeth it Epieice and otherwise termeth Epiciecian, w[ch] is a mitigation or moderation of the lawe written, in some circumstance, either of the benig[n]e remembrance of the grounde of the lawe. Lawe (saith Donatus) is that, that maketh all temporall straight and not polyable to the one, or the other, Equitie is that that disponeth w[th] many points of the lawe. Diverse other writers make manie definitions of Equitie but Equitie is a certaine exception and allay,

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hoon goode ordinances sett[illegible] beside the common
rules of the lawe, and so they call it a
rule of right of stirred allayed w[i]th the sweet-
nes of mercie

Equitie is diverslie termed in the lawe, sometymes
it is verie significantly called a convenient
bevause it ministreth, among st men a fit
proportion answerable to the persons, the matters,
the places, and times. Sometymes plaine
dealinge is called equitie, w[hi]ch is opposite
to the dealinge of man by the strict penitie of
lawe. Sometyme it is taken for naturall justice
or the lawe of natures. Sometyme it is taken
for lawe that is opposite to forged and de-
vised lawe. Sometyme it is taken for religion
&c. And to be short equitie is the correction
or amendm[en]t of a good lawe, w[hi]ch is defective
in some p[ar]t, by reason of the generalitie of it.

Of the devision of Equitie

Equitie is two fold written, and not written,
for equitie maie be used both in respect,
and place of judgem[en]t two waies: the one,
by taking good heede how, and in what
sort, former and ancient cases observed in
equitie, in making and setting downe
of lawes, appointed to be rules and guard
of mens actions, so that as at any time
like cases fallen out, w[hi]ch is in all penitie
answerable to the lawe, breed of any different
circumstances, w[hi]ch might require some
change or alteration of the lawe they maie
accordinglie frame their judgem[en]t, being
sure and out of doubt, that the lawe of
equitie is already walked out of from
another waie equitie is to be practised
in those p[ar]ticulers safely, w[hi]ch daylie fallout,
and cann not contain hym self within set
out for them in the lawes already made,
so that wee must be forced to delive our
judgem[en]t in them, according to certaine
circumstances applied as neerlie as wee
can to the premisses of our lawe. And even
standeth the greatest use of equitie, most fit
for common weales: and therefore wee maie
well call it an unwritten equitie, not because
wee are at our libertie to define and de-
termyne of it w[i]thout due regard had to the
lawe written, but because it taketh some
libertie not to binde it self to the generall
rules of the lawe.

Of the difference betweene Equitie and strict lawe

Strict lawe and Equitie differ eyther, That
strict lawe doth set downe m[an]a generall sent
what it enacteth, and is severe, and not
to be moved, one waie or other: it taketh
order for things once for all: the gramer
and premisses w[hi]ch it buildeth unto are
usually hard and full of severitie and rigour,
from w[hi]ch rules it will not stand a[dmi]tted,
wee not the breadth of an haire. But
Equitie is fitlie compared to a spoonmaker
whoe that is well furnished w[i]th all sorts
and manner of lasts for mens feete,
weare each man maie be shod to fitte
one last or other that shall fit him, bee
he greate or small. It is not also un-
fitlie compared to an Apothecaries shop,
stored w[i]th all kinde of drugges, fit for
all the maladies and diseases of men,
w[hi]ch drugges notw[i]thstanding, in case they

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should bee prejudiciall to compownded bargaines, wordes in steede of reall meaninge, worke great doubt to the patient that should receive them: for it requireth the industrie and cunninge arte of a learned Counsellor to make a right construction, distinguishinge betweene outward goodes from evill. In like sort in affaires both publique and private Equitie doth diligently and exactlie examine the causes, the nature the circumstances, the truth and difficulties of questions, and matters, and by former Iudgem^t upon like cases gathereth and frameth an absolute and perfect determininge and determininge the matter essentiall in question and suite

How the Chauncerie is termes the Court of Conscience

Now forasmuche as this Court builded the rigor of the Comon lawes by giveninge remedies and provisions for remedies where by lawe none were, inordinate to equitie and conscience to maintaine iniquitie herein, the Comon people terme the Chauncerie the Court of Conscience. Not ignorant conscience is so regarded, that lawes bee not neglected for they must receive bandes in the moderation of extremitie. Nam ipsae etiam leges cupiunt ut iure regantur, id est, ut bene faciat, ac benigna interpretatione temperentur, verum dicitur Nullus recedat a Cancell: sine remedio 4. H. 7. 4.

Of Iudgem^ts in Chauncerie

The great is the power, Iurisdiction and Matie of this Court, that Iudgem^ts thereinquior are not to bee controlled or reversed in anie other Court, then the high Court of Parliam^t which the highest of all other Courts in the Realme Diver: Car: 105: 37: H: 6: 14:

Of the power ordinarie of the Chauncerie

And here Count is armed with twofold power that is to saie with power ordinarie and absolute: 9: E: 4: 15:

By ordinarie power the Lord Chancellor proceedeth as at the Comon lawe, as in proceedinge upon recognizances there acknowledged; and traverses of offices, in which cases to pleade and ioyne issue as at Comon lawe. And so in suite ayd or for Clerke of the Chancerie and other Offices privileged by attendance there for matter of fraud remediable by the Comon lawe but when they bee at issue, the record must bee transmitted into the Kinges Bench, to bee tryed by Iurie. And when it is so tryed it must bee remanded into the Chancerie, that Iudgem^t maie bee there given and entred upon the same: 24: E: 45: 14: E: 4: 7. 8: E: 4: 6:

Of the power absolute of the Chauncerie

The absolute power is not tryed to the rules of the Comon lawe, but by that matters maie bee examined omnibus viis et modis quibus rei veritas melius scire poterit iudicijs quibus secd^m allegata et probata, and not by Iurie of 12 men as at the Comon lawe but by examinacon of witnesses, as in the Court of Civill lawe Smith de Repub: Anglor Li: 2: ca: 12: Diverse Cur: 106: 9: E: 4: 15: Neither is sure grisly forme of pleadinge vsed in the Chancerie, as at the Comon lawe, nor anie advantage

to bee taken for mispleadinge, or want of ſ-e forme, ſoe as the ſubſtance of the matter bee ſufficiently diſcloſed in Conſtionto Diuers: Cur: 106: 9: E: 4: 15: 24: E: 3: 45: 14: E: 4: 9:

Diuers other ſpeciall auntcorities and priuiledges hath the Lord Chamberlen by ſundrie ſtatuts, as herein appeareth. And partition made in the Chamberrie rendringe rent is good, and may well bee ſent into the Kinge Bench and execution thereupon made by ſcire facias 37: H: 6: 43: Li: Aſſ: 32: And yf land bee bee retorned from a woman wherein ſhee was endowed in the Chamberrie ſhee may haue a ſcire facias howe to bee newlie endowed: 29: A: 22:

Of a Subpena

And ſeinge the ordinarie meanes to call and bringe in the ptie to answere in their Court is citacon by the Sergeant at the mace or by ſubp^a, wch onlie is tearmyall proc^s of their Court, and muſt bee diſcended to the ptie Doct: stud: li: c: 17: Smith de Rep: Angl: li: 2: ca: 12: yf will expreſſe where a ſubp^a is liable and where it is not

Causes remediable in Chauncerie where a subp^a is liable

Sparinge the ſubd cognitio and ſummum ius wch theire diſcretions reſerued vpon ſuite in their Court doo theſe lies, yt ſeemeth good wee ſpecifie to conſider ſuch ſpeciall caſes as bee remediable in Chamcerie and for wch a writt of ſubp^a hath been allowed.

A ſubp^a lieth in woraſs but where the comon lawe faylth, ſoe as the ptie wch in equitie hath wronge^d can haue noe ordinarie remedie by the courſe and rules of the comon lawe 29: H: 6: 26: 9: H: 7: 11: as in theſe caſes followinge and ſuch like.

As yf the Kinge by his lres patents graunt vnto A: goodes forfeited to his highnes by treaſon A: maie ſue for the ſame in Chamberie: 39: H: 6: 26:

And it ſometh yf one Coexecutor release debt due to the teſtator, his Companion maie heerafter ſue remedie in Chamberie againſt his Coexecutor onlie yf not towne bee in deſolator: but yf theye bee, then againſt theem both 4: H: 7: 4: diuerſ: Cur: 206:

And by Poole: yf a Quare impedit by two Coparceners, the one make a falſe plea of tenn in between the ſaid Coparcener his Companion be ſuite in the Court maie ſeize the tenn in vpon theim and the deſt their Companion be ſuite in the Court maie ſeize them in vpon the ptie and their a true accompt. 6: E: 4: 10:

Yf land in auncient demeaſne extended by ſtatute Marchant, bee wrongd by comon notorious, the Cognizee ſute not remedie but in conſcience: 7: H: 7: 11:

Yf Affeerors in Court remaunded by retorne ſue to enforce his verdict, refuſe to doo it, a ſubp^a lyeth for the verdict against them 37: H: 6: 36:

Yf a man make a feoffm^t in truſt of land & deſcended to him ex parte maternâ, and diſpoſe of the ſame yf the ex parte maternis maie haue a ſubp^a 5: E: 4: 7:

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Yff M knowe that N is indebted to
myne vse, or yf my will, or Entē goods
geven Emi to myne vse, and bar the land
or goods geven Emi to myne vse & subp
hibite agt the bonder And bonder to performe
the will on his p: E: 4: 7: 11: E: 4: 8:
Diverss: Cur: 106: but agt the bonden only
yf the bonder gave not sure notice Diverss:
Cur: 106:

Yff a feoffmt bee made to the vse of
or otherwise, to vse, the maie refuse to e-
xecute the estate for estrigmi Knight off
the Scignorie, and not subpena lieth agt
Emi 16: E: 4: 4:

The heire of the feoffor in trust homage ne
by distent is remediable by subpena to ex-
ecute an estate answerable to the trust
22: E: 4: 6:

Yff a wife will that her husband shall enfeoffe
her husband, the maie not withdraw from
her word. 18: E: 4: 11:

Yff A be bound to ff to the use of B: &
ne Examinis maie withdraw to doe:
A: for the same 2: E: 4: 2:

Yff A: dolid money to A: to dolid to his
executē or administrate to dispose &c
and A: dolid the same upon bond to B:
to doe and not dolid to him: A: dyeth
his executē or administrate may in Exam:
withdraw A to doe the obligē for the money 4: E: 4: 37:

Yff A: bee bound to B: to the use of C:
and B: refuse: C: maie remedie
herefore in Examinis 7: H: 7: 11:

A subpena lyeth on a comission or agreemt by word
ab to build a howse, or to doe anything of
lawfull art 8: E: 4: 4: Diverss: Cur: 105

An action lyeth agt executē ne Examinis
upon a simple contract without specialtie
17: H. 7: 6

Yff three bee two obligē, and the obligee
give longer day of payemt to three of them
and the tother the maie have a subpena: 6:
E: 4: 41:

Yff goods bee given to defraud Creditē, the
maie have remedie in Examinis by a
the donees, or sue at Law the possession of
the goods 16: E: 4: 9:

Yff a man buy a debt due by obligation
and bee bounde to pay a somē of money to
the bondor for it, yet forasmuche as the
thinge shall rise to noe in action in the
bondee the can have noe optio, and
therefore cate not quid pro quo the bondee
maie bee relieved in Equitie for his
owne Obligatiō 39: H: 6: 13:

And for avoidinge wherefore the Knowe
whether the containe contentes nor contentes
the maie have remedie in Examinis
Diverss: Cap: 105

The necessarie bee the remedies in Examinis

ꝑson ꝯnitios allowed by lawe, yet it
semeth not inconvenient to ꝙve assigned
sure remedies for the ꝯfyrmes of the
lawes of this realme, wch are said to
consist of 6 pryncipall: first the
lawe of reason secondly the lawe of God
3 generall customes of the realme 4
Maxims or rules of lawe 5 particular
customes vsed onlie in certaine places
of this realme 6: Acts of Parliament
Doct: and Stud: lib: 1: ca: 3: 4: 5: 6: 7.
8: 9: 10: 11: & 17:

Yf a man bound in a single obligacion or bill
of debt, pay the money according to the
bond, neither take ought an acquittance
forreine, nor ratefieng the speralties of
the same, yet is he comon lawe regardable
to pay the same debt again, by vertue of
the said speralties; but mare ꝙve remedy
forreine in the Examinac: Doct: and Stu:
l: 1: ca: 6: 1: fl: 7: fol: 14

A viewe of certaine cases wherein
the partie greived seemeth more-
ouer in Conscience, and yet is
remediles in Chauncerie

If an executor muste wage his lawe in an action
of debt vpon a simple contract Doct: and
Stud: lib: 1: ca: 18:

If a false verdict by a graund Jurie in
Chauncerie Doct: and Stud: l: 1: ca: 18:

A man maie not demaund that wch he ought
not to affirme of record in a Court of
Record, nor affirme that wch he ought not
denie in a Court of Record, nor that
wch is notorious, ꝙo wilfully estopped or excluded
himself by deede indented or otherwise:
And yf a daughter wch is sole geve to
her Father and heire wch her bastard sister
she is remedilesse by lawe Doct: and Stud:
li: 1: ca: 19)

Yf a tenure be founde by verdict against truthe
before Judgment Doct: and Stud: li: 1: ca: 19

Where the tenure of the lawe ceaseth, the
lawe also ceaseth in conscience: As before
for yeares recovered by judgment treble
damages for a trespasse of waste done by
an estranger, And ꝙo in the writtow dyeth
before her anow of wast bee ended, yet in
conscience she ought to sue execucion for
her single damages, for she had no more
that remedy Doc: and Stud: li: ca: 19:

Of lawes grounded vpon a false presumpcion
is not to bee medled in conscience Doc: and
Stud: li: 1: ca: 19:

Conscience maie not provide against a lawfull
custome, either generall or particular: As in
distresse of lande to be chosen bee the
comon lawe, to bee sought by Sanctuary
English and to all by Gauelkinde Doct Stu:
li: ca: 19:

Nor man maie bound in conscience to pay the penalties
of a penall statute, nor other penalty untill it bee
lawfullie recovered against him Doc: et Stu: l: 1: ca: 23:

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If one ffreetenant of a wood sell the wood, and leave all the mines reserved for it & regolie to ym selfe, yet sellowd maie have remedie m Cramerid l: 11: ca: 19: And-so it semble if the ffee were ffreetenure m Comun or ffreetenure of other tenure

If a Comun ffen of yt moore moun the cat other consideracon make a ffeoffm of a Mano, w^tout these words (w^t thappurtenc) yet gets right onlie to the demaisnes and Comon and rent of the tenaunts but not the advowson appendant nor villein regardant Unt ye time case, notw^tstandinge the words (w^t thappurtenc) were in the graunt: yet neither advowson nor villein doe passe either by lawe or construcc vnlesse they bee especially named doc: and Stud: li: 1: ca: 19: 6: E: 3: 256 Keilt fol: 225: fundamenta legum fo: 90: 43: E: 3: 23:

If a lease for yeares bee rendring rent w^t a clause of reentrie, the rent is due, the leasse dyeth before demand, the heire can neither enter by lawe nor construcc otherwise if the made a lawfull demand thereof doc: and Stu: l: 1: ca: 20:

Edw lawe ordayned for the disseisin of lands or goods, contrario neither to the lawe of God nor to the lawe of nature holdeth in the Court of Construcc doc: and Stu: l: 1: ca: 20:

If the Comt for life mysamolled or any thing not lost yshue and dye, they are liable by lawe on ym in the reuersion, and so bee the Enheritance ysshue after the death whose the land had ab ist seemeth in construcc for the necessitie of the ordinance of Justice do: Stu: l: 2: ca: 21

Affowe w^t clamatow, and not clayme to ym self yeare; extinguisheth the right of all estrangers aswell as of the p^{rs} by lawe, and in construcc also it seemeth because thereby the right and title is made certaine, and thereby the Comun wealth more quiet and it is not contrarie to Gods lawe do: Stu: 25:

Comun double w^t voucers have writt of entrie, ordinarie punished, and not notorious in value to bee sold in dooe bare the ysshue in taile in lawe 23: H: 8: Fr: Taile 23: 14. E: 4: 14: et 19: 12. E: 4: And in construcc it seemeth, for as the intailed and made by lawe West 2: C: 1: even so by lawe maie they bee dennulled. And the lawe as nature giveth right on opportio to tenure landlord not contrarie to the lawes of God or of reason are good in construcc do: and Stu: l: 1: ca: 6:

If an estranger doe wast land w^t thawtes goldeth for yeares, life, in dower, or by curtesie w^tout the Comt assent, the owner of the reuersion maie recover the place wasted, and treble damages against the Comt in lawe and in construcc notw^tstandinge that the estranger hee

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misseffirient to recompence ejn for the same
for it is ejs owne act and folliè to take
suche estate subt to the Comon Dict Stat:
li: 2: c: 4:

Warrantie Collateral

A man seised of lands in fee taile hathe two
sonnes, the elder brother goethe beyonde
sea and nomanne hathe harde vntille it boe
notoriouslie reported that hee is deade, the
father dieth, the younger brother entrethe
into ejs landes as ejs eldest, and alienethe
wth warrantie, and dieth wthout issue
of ejs bodie, leavinge noe lande to distende
to ejs next eldest, and afterwardes the elder
brother returnethe, and claimethe the landes
in ejs owne right, yet is ejs barred
by lawe and constitucon, for that it is
the act of ejs Ancestor, wch is eldest
ejr is, by whom ab eo might have had
advantage to have had ejs landes by distent
from ejm ab ejs eldest is of the had gadrany
so it semethe reasonable that for the
privitie of blonde ejr sustaine disadvantage
by ejm, because hee the father and the
younger were ignorant of the elder brotherhe
and right by reason of his owne absence &c:
Stat: l: 2: c: 49 Litt: sect 704. 705. 707.
But if such heire were wronged by force of the
warrantie, yet maie enter into the warrantie
as one that hathe not maie be distent from that
Ancestor, and so avoyd the warrantie

Now that woe have the lords wordes &
titles in lawe is liable how weake soe ever
we will not pull downe the Judges and officers of

the honorable Court wch theire priviledges
offices and theire will unfolde the ordinarie
proceedings thereon.

The Judges and Officers of the honorable Court of Chauncerie.

The Judges of this Court are the Lorde
Chancellor of England, or Lorde Keeper
Assistants the Master of the Rolles and Masters
of the Chancerie, wch are comonlie Doctors of
the Civill lawe

Officers of this Court are the sixe Clarkes
of the Chancerie, the Clarke of the Crowne
office, the Registers, the Controuler of the
seale, two examiners, the Clarke of the Hanaper,
the three Clarkes of the petie bagg, the
Usshers, the Serjeant of the Mace.

The Lorde Chancellor or Lorde Keeper keepethe
the greate seale, and gathethe it transmitted
wth ejm wheresoever ejs goethe.

The Master of the Rolles is the Keeper of the
Records of Judgments and Recognizances given in
the Court of Chancerie

The Masters of the Chancerie are
Assistants to the Court, to showe what is
the equitie of the Civill lawe, and what is
constitucon

The Clarkes of the Crowne is the register
Chancian of all the matters of the Crowne
what are Crowne matters and proofe of the
Crowne

The sixe Clarkes are the Attornies, ab
whom for the Pl ab Defte in eche suite in
this Court

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The Register is the Ingrosser and keeper of the decrees publicacions orders and Annuncions issuinge out of this Court

The 2 Examiners are such as take the examination of the witnesses brought to prove or reprove anie thinge in suite in this Court, and to put their depositions and answeres to Interrogatories in writinge

The Comptroler of the seale is to see and allowe of all writts made in this Court

The Clarke of the Camp, is hee that doth receive the fynes due for ewie writ sealed in this Court

The three Clarkes of the Issettie bagg are they that receive the offices and transcribe them to the Exchequer and Court of wards

The Cursitors are Clarkes appointed to theire sewall shires, wth doe write originall writts that belonge to this Court or the Comon Pleas

The Sergeant carrieth the Mace before the Lord Chancellor or Lord Keeper, and is to call any man before him at his commandmt

Before I come to the handlinge of the preedings of this Court it seemeth necessarie seinge the preedings are by orders and decrees upon Bill Answere Replicacion &c to expresse the nature of a Bill answere Replicacion &c and first for a Bill thus.

What a Bill of Complaint is

A Bill of Complaint is a declaration in writinge shewinge the plts greife, and the wronge wth hee supposeth to bee done unto him by the Desst, and what damages hee sustayneth by occasion thereof, prayinge prees agat him for redresse of the same, as maie appeare by many examples whereupon Lyttiensis hath those verses

Quis, quid, coram quo, quo iure petatur et a quo
Recte compositus quisq libellus habet

And first the matter of ewie Bill ought to bee true, secondlie the same matter ought to bee laid downe therein plainlie and certainlie, in ewie circumstance of the thinge, person, tyme, place, manner of doeinge and other accidents. And thirdlie the same ought to bee sufficient in lawe, both for the forme thereof, and for the matter, that it bee such as is examinable in this Court, wth boinge otherwise maie bee dismissed thence.

What an Answere is

An Answere is that wth the Desst pleadeth or saith in barr to avoyd the plts Bill or accon, either by confession and avoydinge, or by denyeinge and traversinge the materiall pts thereof. And it is called in latine Exceptio, quae dicta est quasi quaedam exclusio quae interponi actioni cuiuscunq rei solet, ad excludendum id quod in intentionem condemnationis iure deductum est Ulpianus

What a Replication is

A Replicacion is the plts speeche or

Answere to the Defts Answere wch must affirme and prove the Bill, and confesse and avoyde, denie or traverse the Defts Answere. And note that the Plt ought to replie the next terme after that the Defft hath answered, elce maie the Defft the day to replie, by wch daie yf the doe not replie the Defft maie procure a dismission and get iustice. Et dicta videtur Replicatio quod vel implicatum et quasi tectam exceptionis iniquitatem explicet et patefaciat: vel potius quod æquitatem actionis ab excipiente rei tectam et quasi complicatam explicet atq; aperiat Flottomanus.

What a Rejoynder is

A Rejoynder is the Answere wch the Defft makethe to the Plts Replication, wch must praise and confirme the Answere, and not swarve from the same, and sufficiently confesse, and avoyde, denie or traverse such materiall pt of the Plts Replication. Est autem rejunctio, seu duplicatio, vel allegatio quæ datur rei ad informandã Replicationem actoris et confirmandã exceptionem rei Sylvest.

Yf the pties doe not at issue, by reason of some newe matter disclosed in the Defts Rejoynder, that requirethe Answere then maie the Plt procure to the said Rejoynder, and the Defft in like maner to the Surrejoynder, yf there be cause; wch Opponents vonic Sclosmo.

What a Surrejoynder is

A Surrejoynder is a seconde defence of the Plts Answere opposite to the Defts Rejoynder And therefore Flottomanus calleth it Triplicatio quæ est secundum etc. actionis defensio contra rei duplicationẽ opposita

Of the ordinarie proceedings in the high Court of Chauncerie

Firste the pties q praiseth take out ther writt of Subpœna ags the pty or pties offending

But yf the Defft be a nobleman, then now Subpœna is awarded but a Lre by the Lords of Counsell or Lords keep tewd.

A Lre to a Nobleman in steede of a subpœna to answere

After my verie curtie recommendacons to yor Lopp. Wheras Thos Gate hathe exhibited a Bill of compt expressed into the high Court of Chancerie ags yor Lopp by wch he geaneth to gyve yor Lopp to vnderstande that the matter therin conteyned touchethe not the Kinges Matie nor his revenues, but onlie the priuate estate of the said Thos, then by awarding of the Kinges Matie high prerogative, wch is to be preferred before all priuate causes, I doe therefore hereby praie yor Lopp to give order for the takeing out of a Copie of the Bill and for the puttinge in of the Answere thereunto, according to the vsuall course in like cases accustomed, at or before Octab Hillar. next ensueinge. Yf the matter be noteinge doubtfull but that yor Lopp will geave the same and reguard wch expedicion

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I leave yp Copp to ye most mornfull tearinge
of ye almightie from my Chamber ye 7th of
March 1623

Yo verie loveinge friend

E: M:

The superscription.

To my lord: good lord: &c: ye Bish of Ely

And it is to bee noted, that by ye statute
15: H. 6: ca: 4: a Subp^na is not gramtable
w^thout sureties to yeild damages unto ye
Defft yf ye bee pmisshd vexed, and it
were good to observe this course, for
avoydinge of vexatious & trifleinge
suits, to wch most men are over prone.

Costs for default of a Bill

Yet yf ye Defft doe appeare at ye retorne
of ye Subp^na, and no Bill bee put into
ye Court by ye p^lt^f ags^t him upon rost
and to bee gramted for suite wrongfull
vexation And upon yis maie ensue
a Subp^na ad solvend for ye same rost

And yerein is to bee noted that although
ye Subp^na ad respondend import that ye
Bill is put in before ye taking out
of ye same, yet yf ye p^lt^f put in his
Bill by ye retorne of ye writ it is
sufficient, and no further proces passe.
And although ye writ mentioneth ye
name of ye D^ft or suite like yet yf ye
Defft doe not appeare at ye retorne

of ye writ, either by Emssell or by his
Attorney ye said pane is not forfeited
or leviable, for it is in terrorem tantum
v: E: 3: 6: 10: H: 7: 4: upon which vate
made before some M^rs of ye Chancerie
for ye severinge of ye Subp^na wch vate must
bee, that it was proved on ye Defts Emssell
or at his dwellinge house, soe that ye might
have notice thereof, or that ye p^lt^f did
soe another serve ye same, as aforesaid, or
that ye Defft confessed to ye p^lt^f, that
he was served thereof, an Attachm^t shalbee
awarded ags^t ye Defft according to ye
course of ye Court.

And yf ye Defft cannot bee found upon
ye attach^m^t, and that ye Sheriffe retorne
quod non est inventus &c in balliva
sua, somtymes ye Court upon motion
will (yf ye p^lt^f insiste) hear ye cause of
some suite on action &c extremitie at
ye Comon lawe, saie ye Defft suite
by Subpena, untill he gett answered
ye Bill, and satisfied ye Court for
his contempt, but ni ordinarie ye
ye stid proceed to his attach^m^t with
proclamacon

And yf ye attach^m^t bee awarded ags^t
anie dwellinge w^thin ye Countie Palatine
of Chester then it is directed to ye
Chamberlaine of ye said Countie Palatine
who sendeth forth his warrant thereupon
unto ye Sheriffe so that ye Sheriffes
retorne is unto ye Chamberlaine and
ye Chamberlaines to ye Chancerie

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Wnt ni otegr ſeiros yſſ tegr ꝯeprifſe returnd
vpon teat attacm̃t ꝑ Proclamacon quod
defend nor est mentus in hostilia sua tegn.
a Comiſſion oſſ rebellion enſuite, directed
to ſute Comiſſioners for tge execucon tgerof
ab tge p̃ſt ſall nominate and apꝑont.

And ni ſamo taſbe a ſheyfbdeab vs awarded
oſſ tgis Comiſſion oſſ Rebellion aforſaid

Of an Iniunction

And yſſ tge ꝑtie doſt ramot bee taken
by vertue oſſ tge ſaid Comiſſion: tgen
yſſ tge p̃ſſmto bee for tytle oſſ lande
tge Court ſomtymes graṁtge an Iniunccon
to tge p̃ſt for poſſeſſion, till tge doſt exte
apꝑeared anſwered and ſatiſfied tgis
contempt yſſ for ſtaie oſſ ſuite at tge
Comon lawe tgen an Iniunccon vpon motion
oſſ tge Court maie bee obtayned: for tge
proceedinge ni tgis Court vs, by tge ſaid
writte and by ordere Iniunccons and
decrees as aforſaid; wtg yſſ tge doſt
reſiſt, gis puniſgm̃t for tgis reſiſtance
and for gis contempt ni not appearinge
vs impriſonm̃t ni tge priſon oſſ tge Fleete,
as vs ſaid, duringe tge Lord Chancellor
or Lord Keeper tgeire plcaſure, or
vntill ego will obey and gefurnd tge
order and decree oſſ tge ſame Court
37: H: 6: 13: and: 14: H: 6: 26:

Of apparance

Wnt yſſ tge doſt appeare by Attourny

vpon affidt or oatg made, tgat tge doſt vs
not able to travell for tge anſweringe
oſſ tge ſame tanſe ꝑſonallie ni tge Chancery
wtgout damger oſſ life or by reaſon oſſ
extreame ag̃e, or otger infirmitie, or
reaſonable cauſe tgen or otgerwiſe tge
Chancellor or Lord Keeper or tge M̃r oſſ
tge Rolls by tgeire diſcretions maie, and
often doe graṁt Comiſſions to certaine
gentl oſſ credit ni tge Countrie wgere
tge doſt dwellete, to retorne and
certifie gis anſwere ni writinge
includinge tge tenꝑ tge writte wtgin tge
ſame Comiſſion, wtg ſaid Comiſſion vs
called a dedimus ꝑteſtatem.

Wtg ſaid Comiſſion vs comonlie retorned
wtg tgis indorſm̃t ꝑſt

Executio istius bris patet in quibusdam
scedulis eidem annexis

Adminge tge Comiſſioñ names tgis

M: C:
A: 23:

Tgen yo̅ muſt file tge Bill wtg is ſent
incloſed ni tge ſaid Comiſſion wtg tge
doſts Anſwere to tge barſides oſſ tge
ſaid Comiſſion And vnder tge ſaide
Anſwere tge Comiſſioñs muſt comonlie
cauſe tge doſt to ſubſcribe gis name
or ſet downe gis marke, and ſet downe
tgeire ſeales or tge like wordes

Dat apud C̃ in Com Lincoln 23 die
Aprilis Anno R̃i Rs Jac: dei gra Angl &c
primo not

M: C: st
A: 23:

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Deliverie of the Comission in Court

The Comissioners subscribinge theire names also to the said Answere, And when this or any other Comission returnable in this Court is executed and returned, it must bee brought into the same Court either by one or moe of the Comissioners thereof, or by some other credible person: but yf anie other then some of the Comissioners doe put it into the Court, hee must make oath that hee received the same Comission at the hands of some of the Comissioners thereof, and that by his consent procurement or knowledge it hath not bine opened or altered, since hee soe received the same.

And yet somtymes upon good cause a writt of supsedeas is awarded to staie the execucion of such and other Comissions

Of imperfect answere

But yf the desst appeare personallie or by Attorney, and make an imperfect Answere, then upon demurrer tendred, and motion made in Court by the plts Counsell, shewinge the imperfection of such Answere, an order will be made

that the desst shall make a better answere by some certaine tyme, and thereupon yssueth a subpoe ad faciendum melior responsio.

Receiveinge and ioyninge in Comission ad examinandum testes.

And when the desst hath made a perfect Answere, the plt either of his owne accord, or by order in Court must replie or bee dismissed for want of a Replicacion, and ordered to pay to the desst costs for his wrongfull vexacion, but upon Replicacion put in by the plt, the plt is to take out a subpoe against the desst ad reiungendum et inuingendum in Comissione ad examinandum testes

And thereupon the desst must put in his Reioynder to the plts Replication. And yf anie other matter bee in the desstes Reioynder then was in his Answere, then maie the plt put in a Surreioynder, and thereby answere the same, and soe proceede to perfect issue. And the parties beinge soe at yssue may either examine theire witnesses before the Examiners of the Chancerie in Court or doe procure a Comission ad examinandum testes to certaine persons of good credit directed.

The returne of wch Comission is commonlie indorsed upon the same thus.

Executio istius Comissionis patet in quibusdam scedulis eidem Comissioni annexis

The Comissioners names
W: S: A: B: O: d:

And then to fyle the Interrogatories and depositions to the backside of the Comission, the Comissioners, or the partie wth hath the carriage of the same, yf the day and place for execucion thereof bee not lymitted in the Comission doe use to give notice thereof to the partie in writinge under theire handes thus

A notice sent by Comissioners unto witnesses whereby they have warninge of the tyme and place of the execution of the Comission

After our hartie Comendacions. Whereas wee have receaved his Maties Comission forth of his highnes Court of Chancery to us and others directed for the examinacion of witnesses betweene G: S: pltt and W: K: deft. These are to signifie unto ypu that for the execucion of the same Comission wee whose names are subscribed have appointed to sit at S: in the Countie of: di the last day of the next moneth, by eight of the clock in the forenoone of the same daie

wth wee have thought good to signifie unto ypu, that ypu maie have ypr Comissioners and witnesses then there ready accordingly yf ypu thinke it expedient for ypu. And so wee bidd ypu farewell 27 Febr 1624

Ypr Lovinge ffreinde
B: A: O: d:

Of citeinge witnesses

And yf such Comission give authoritie to them to cite and call witnesses before them they use to doe it by such a precept as followeth.

The precept of the Comissioners to bringe witnesses before them to bee examined.

By vertue of his Maties Comission forth of his honoble Court of Chancerie to S: A: P: kt S: S: esquier and us directed for the examinacion of witnesses betweene G: S: pltt and W: K: deft. These are in his Maties name to charge and comanne ypu, and cuiec of ypu, whose names are hereunder written, personallie to appeare before us at S: the last daie of this moneth of August, by eight of the clock in the forenoone, then and there to depose ypr sevall knowledges, upon

tep xt and bocaſs oſs tep ſaid Ch: C:
And eppns oſs faild yp not ab yp will
anſwrd yp defaultp at yp xiijth dated
tpis xxiijth oſs Auguſt 1622

Yo vnfd lovinge freinds
R: Z3: G: C:

To our lovinge freinds Mr G: M:
Z3: E: P: W: eſquiers and E: M: &
d: gentlemen.

Subpena ad teſtificand

But vſs tpat noe ſuſe power bee graūted
by ſuſe Comiſſion, tpen vſs tep witneſſes
will not appeard gratis, tepr ſard
compellable tperunto by ſubp ad
teſtificand.

Of the ſtile of Interrogatories

Interrogatories to be miniſtred to tep
witneſſes to bee indited vpon tep xt
and bocaſs oſs R: Z3: tomp aga
C: d: deſt (vſs tepy bee ſor tep p
but vſs for tep deſt, vpon tep xt and
bocaſs oſs C: d: deſt aga R Z3 tomp
Imprimis doe yp knowe tep ptie p
and deſt or eitper oſ tem ſa
Item doe yp knowe ſa, ab tep ranke
qualitie

*Of the ſtile of the depoſitions
therevpon taken.*

Depoſitions taken at E: in tep Comtie oſs
E: tep laſt day oſ Aprill in tep tpird
yeare oſs tep raigne oſ our ſouraigne Lord
Charles by tep grace oſ God oſ England
Scotland Fraūce and Irelande Kinge
Defender oſs tep faitp &c vpon tep xt
and bocaſs oſs R: Z3: plt aga C: d:
deſt, for vpon tep xt oſs C: D: deſt aga
R Z3 plt by vertue oſs p tide Comiſſion
ſunte oſs p p ſeaſed Mr of Commiſſion
to E: G: C: E: W: G: and M: M:
or to tpree or two oſs tepm directed for
tep examinacon oſs witneſſes betweene
tep ſaid ptie.

E: d: oſs R: in tep Comtie oſs E: labourer
oſs tep age oſ 46 yeares or tperabountp
ſworne and examined depoſeth and ſaitp
vpon p ſd oathe as followeth

Item to tep firſt Interrogatorie epr
deposeth and ſaitp tpat p R is tp matter
ſd &c And ſo vpon tep reſt oſs tep Iteme:

*Of publication hearinge and
breviates after that then this
Certific: depoſicon teſtim ex
parte A: B: et C: D:*

After tpat tep witneſſes bee ſo examined
in Court, or by Commiſſion, ab is aforſaid,
Publication is to bee ſaid, and tperupon

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a day of hearinge is to bee geven.
Agaⁱⁿ wᶜʰ tyme breviates must bee made
of the effect of the pleadinges, depositions
and other proofes and evidence, and the
Counsell effectlie instructed of the weole
state of the matter, and a subpœna ad audiend
judicium made and delivered to the ptie
a convenient tyme before the said day
of hearinge. At wᶜʰ tyme albeit that
upon the hearinge the matter bee
dismissed, yet maie the ptie have the
depositions of their witnesse exemplified
under the greate seale of England for
the further and maintenance of
their rights and titles, at and by the
Comon lawe. But yf the matter bee
decreed for the compt, after the decree
past and inrolled, hee maie have a
writt de executione Judicij wᶜʰ must
bee served upon the deft. And yf hee
refuse to satisfie the same, then upon
oathe made therof ptie of contempt
is to bee sued againⁱ him. And yf sure
decree bee made unto land, and the
Deft abide all the said proffe of contempt
and still detaine the possession of the
lands from the pˡᵗ, contrarie to the said
decree, then upon motion thereof maie
the Court a Comission is shalbe
framed to the Sheriffe and some
other mete adioyninge to the land in question
to put and keepe the pˡᵗ in possession accordinge
to the said decree.

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Of a Comission to examine witnesses in perpetuall memorie

If the pˡᵗ must exhibite his Bill and
therby shewe his title to the land sued,
or suche like matter that hee gate right
unto, and that the witnesse wᶜʰ can
prove his title bee aged, and not like
longe to live wherby hee maie bee in
damager of the losse of the evidence. And therefore to praye to have
a Comission directed to certaine gentlᵉⁿ
of credit and woⁿ ꝑᵉ for the examinacion
of the said witnesse. And also to prove
ptie of subpœnaⁱ againⁱ him, hee, or Agent,
to shewe cause, yf hee or they can, why
the pˡᵗ should not examine the witnesse
as aforesaid.

Concerninge these matters of the Chauncerie note what ensueth.

And yf the ptie Deft doe appeare,
either by himselfe or his Counsell and
shewe suche sufficient cause as the Court
will allowe of, why the pˡᵗ should not
examine his witnesse, as is aforesaid,
then the pˡᵗ maie not proceede therein,
unlesse hee can better satisfie the Court
to the contrarie. But yf the Deft bee
contented, and will ioyne with the pˡᵗ
in examinacion, then after examinacion
had had, there can bee noe publicacion
therof during the liues of the witnesse
unlesse the Deft doe assent, or unlesse

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the pl^t or some other in his behalf, doe make oath, that the matter whereupon the witnesses were examined, is to take tryall at the Common lawe, either at the Assises or at the Barr. And that A: B: or more of the witnesses before examined, are necessarie witnesses, and not able to travell to the said tryall, And upon such oath taken, his or theire depositions are to bee published of course, and to bee exemplified yf the ptie soe require.

But yf the ptie desst doe not appeare upon the said writt nether by himselfe, nor his Attorney, by the end of the said 14 daies, nor shewe noe cause of staie thereof, whether it bee in terme or out of terme tyme, then upon oath made of the servinge of the same writt. The Lord Chancellor, Lord Keeper, or M^r of the Rolles for the tyme beinge at the request of the pl^t will appoint Commissioners for the examinacon of the pl^ts witnesses, accordinge to certaine orders prescribed in that behalf.

The manner of proceedinge upon a speciall Certiorari

The ptie greived exhibiteth his Bill and by the same prayeth not onlie a Certiorari, but also a subp^n, agt the

desst, to answere to his Bill, And yf the Lord Chancellor Lord Keeper or M^r of the Rolles shall see good and probable matter in the Bill, they usuallie graunt the same, takeinge bond of the pl^t for proofe of the surmises of his Bill, wth in 14^teene daies after the returne of his speciall Certiorari

And yf the pl^t doe not make proofe of the surmise of his Bill as aforsaid, then upon Certificate made under the hands of the Examiners of this Court, and notice from the pl^ts Attorney, that hee hath not examined ame witnesses either in this Court or by Commission then a precedendo is graunted of course, But yf there bee witnesses examined, then to have theire examinacons referred to a M^r of the Chancerie.

And yf hee finde and soe certifie, that the pl^t hath proved the substance of his Bill, then the cause to bee retoyned and ordered in this Court, yf not then a precedendo to precede for the remaindinge of the said cause.

And this is all wth for this tyme I purposed to speake of this most honorable Court of Chancerie whose authoritie doth depresse the rigour of the Common lawe, in forme before declared.

Finis.

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The proceeding in the Starrcamber against Sr. John Hollis and others for Speeches used by them to weston at the time of his Execution at Tyburne, about ye death of Sr. Thomas Overbury 10. Novemb. 1615. in the 13th yeare of the Raigne of ye late Sowaigne Lo: King James.

***

In Camera stellata 10: Novembr. 13. Jac. &c.

Present.

The Lo: Chamblaine
Archbp. of Cant
Lo: Treer.
Lo: Steward
Earle of Pembroke.
Bpp. of London
Bpp: of Winton
Lo: Zouch
Lo: Knowles
Secr. Winwood
Chanc. of ye Duchy
Sr. Tho: Lake.
{The 3. chiefe Justice.}

Being sate.

There was brought to the Barr Sr. John Hollis (now Lo: Houghton) Sr. John Wentworth, and Mr. Lumsden a Scottish gent as Offendors and Prisoners committed by the Lords of the Counsell, Mr. Attorney Cecdall did informe against them Ore tenus in this manner.

My Lords, I am to informe against these gent at the Barr wherein your Lops

Lops well know that in the proceeding
Ore tenus, the Confession of the Offendors
must bee the grounde of my Informacon,
and your sentence. All Collaterall Testimonie
that may bee read against them, may bee
read for aggravacon and not for Condem=
=nacon, and therefore the generall Examinacons of
the Prisoners must bee shewed them, wch
being done, they were asked whether these
were their hands, which being confessed by
them, hee proceeded to their Sevall charge,
wherein hee said hee would take them
not after their ranck but after their
Offences, and first would charge mr
Lunsden, hee made some protestacon that
the gent were all his Ffriends, ~~but~~ hee
thought hee could not shew his love
better to them then to make them know
their faulte; His Charge against them
hee said conteyned a highmisdemeanor
in scandalizing and defacing the Justice
of his Matie in a cause Capitall among
all the Royall vertues of his Matie there
being none more emynent in him then
his Justice, which indeed is the Mr vertue
of all other Cardinall vertues, for all
the other minister vnto Justice, and doe
serve to doe Justice, wisedome serveth
to discerne and to finde out the
Offence, Ffortitude ministreth constancie
and Courage to execute, temperance
to carry

to carry her selfe free from passion, to keepe
her free from precipitacon, in confyning
tyme, and misvalning persons, All three
stirring but as Handmaydes to Justice,
God having lately raised a Stage for his
Matie to act his Princly vertue in the
late violent and vntymely death of Sr
Tho: Overbury, his Matie did protest all due
proceeding against the Offendors thereby
to free himselfe from the Crymes of blood,
being a sinne which doth stinck in ye
Nostrills of God; these gent as it seemes,
observing the greatness of this vertue
in his Matie have endeavoured to calump=
=niate and traduce it, or otherwise to
give some affront vnto it, the greater
his Justice therein is, the greater
is their fault that seeke to traduce it
the ground of this business being causa
beneficij; ffirst I will ~~show~~ speake somewht
of the gevall poysoning, and then secon=
=dly of the particular poysoning of
Sr Tho: Overbury, and thirdly of
his Mate care to have the truth expaied/

It is writte of Caius Caligula being
a man of blood, hee was lutu sanguine
tinctu et maceratu mire, mingled
with blood, and of all men of blood
those that shedd innocent blood by poyson
are the basest and most guiltie I have
observed all Examples of bloodshed in
the

the Scripture from Adam to the end
of the new Testament, and I finde none
to bee maliciously sheed by poyson, onely
Basnall poyson is menconed in Malachie
of the bitter waters, death in the pott &c.
And there is mencon made of the poyson
of Beasts, as the poyson of Aspes is under
their lipps, and in that Prophet alsoe,
it is made a snare unto them, which
hee thought to bee his treacherie of
Friends, rather then of poyson of meates
or drinck; If poysoning should not bee
severely punished, our Tables would
become Snares, this snare of poysoning
hath two spurrs of Evill in it, spes
pficiendi, spes celandi, It is easily
conditted, most easily concealed; It is
as the Arrow flying in the darke a
man discerns not, and therefore cannot
tell whome it shall ~~may~~ hitt, it may bee
layd for one, it may kill another as
in Sanders Case, poyson layd for the
mother killed the Child. The Statute
case of the poyson layd in the Vest
killed seaven saving the poore that
dranke of the Veligues at the doore,
Soe that a man may dye alyeno
noculo, It went into the Almesbasket
In Rolfes case 22. h. 8. being prepared
for one, it endangered 14. or 15. and
therefore by the Statute of 22. h. 8.
poysoning

poysoning was justly made treason, And
although that Statute bee now repealed,
yet whatsoeu endeth to dissolve humane
Societie is treason, but that Statute
recites truly that it was a thing seldome
heard of in this Kingdome thanke bee to
God, But this poyson is not nostri San=
=guinis nec genus peccatu, but the
papacie is a fitt neast for it / Soe much
of the Gendall whereof there cannot
bee too much Consideracon /.

The second part of this Speech
is the particular impoysoning of S.
Tho: Overbury, hee was a gent that
had a great mynde, but it did not
move in good Order, it flew a high
pitch and his greatest fault was,
that hee made his friend his Idoll
hee was conditted to the Tower, where
being Prisoner the State was
accomptable for his safetie, being a
Prisoner hee was in the preservacon
of the law, and what is in the preservacon
of the law cannot bee hurt, yet here
was hee chased to death by Sendall
poysons, Arsnick, Rosaker, and Mercury
sublymate, the Poets feigne of the
fayes that they whipp men to death
with a whipp of Snakes, soe was
this gent putt to death with divers
poysons

poysons./

Thirdly the matter being first informed to his Matie his wisdome was great to give direccons to finde it out, his temperance was greate, hee gave speciall charge that noe innocent should bee touched, noe not so much as with an aspcon, soe tender was hee of reputacon, being like Christe Doate, that admitts noe seame, there was two great psons that were especially in question touching this matter, the one the daughter of a great Earle the Lo: Trer, whome all the world I thinke doe Condiserate at this day, for his sorrow of whome I will say for his Comfort, as Nature speakes of the Pomgranate that there is none so good but may have one rotten or perisht kirnell; this Informacon of his Matie was temperate, inasmuch as when hee touldye Earle of Comfort of it, hee did not call it an Informacon but a Rumor, this was his Matie temperance, and now his fortitude and Constancie continueth to vindicate not Dolore proprio sed amore Justiciae, In this his Justice is admyrable above all other kings, It is noe wonder that

Pro

Pro thunder out lawes against treason which tend to the preservacon of themselves: nen was the death of a private gent persecuted cu tanto ~~dolore~~ motu regni, the Earme hath beene made a vacacon and in effect nothing done but this, and yet noe discourse can flout or say, that any thing is done so much: But I will conclude with Salomon, Sit gloria Dei celari rem, gloria regis scrutari rem, though this matter hath concerned a great noble man who hath beene unto his Matie as the signet of his right hand, yet hath hee putt him of from him as a man suspected, the third part of my speech is a narratine or Narracon of the point of charge that Weston who had the Machivall parte of this poysoning, and being indicted of this poysoning by a substanciall Grand Jury of selected Cittizens of the number of 19: It was found Billa vera, and Weston standing mute, the business was gravely and wisely deferred untill another day, at which tyme it pleased God to cast out ye Drunken Dinell, and hee did freely answer and pleade to the Indictment who being tryed by a Jury of 14. sufficient Jurors, and found guilt ie, was the next day in state of penitencie which wrought in him this effect, that being

being pricked with remorse of conscience
hee sent to the ffather of the gent mur=
=thered, who being come hee fell on his
knees and besought him to forgive
him, who answering that his loss could
not bee repaired, yet since it could
not bee redeemed, hee did forgive
him, and soe departed from him, weston
ran after him, and desired that hee
would condend his request likewise to
his wife the mother, that hee would
forgive him, and besought all his
kindred to forgive him/

Thus much was the day before at
mrs Turners Arraignemt. affirmed
by mr. Overb. upon his Gath to bee
done by weston in the presence of Doctor
Whiting and others, and that weston
affirmed his confessions before the
Chiefe Justice, this aboundance of con=
fession came from him as water from
a fountaine, the tyme of confession being
sealed upp and this man being to dye,
there stood by him Tempters to examine
him againe concerning this ffact, to whome
hee said, that hee took it upon his
salvacon, that what hee had confessed
was true, wherewith they were not
satisfied, but traduced the Justice passed
continueing questioning him, and mr
Lumsden

Lumsden compassed a false libellous pap
of this proceeding against him contey=
=ning as many lyes as lynes, and offers
the same to mr. Cribb of the Bedchamber
to bee delivered to the King, to scandall
his Mate. sacred Cares with the Justice
that had passed, yet was not Lumsden
present att the first proceeding against
weston as Sr. John Hollis was, but took
it upp by London fame or Report, (as hee
pretended) but it was conceived that hee
had received, that hee had received it
from Sr. John Hollis, though neither
of them would confess soe much: Sr. John
Wentworth made questions to weston
touching the very point determyned by
verdict at his being at Tyburne, asking
him if they were guiltie of the poyso=
=ning of Sr. Tho: Overbury or not,
who answered, that hee dyed worthily,
and Sr. John asked him againe that hee
would tell whether hee were guiltie
that hee might pray with him; the
offence of Sr. John Hollis was, that
when it was the tyme of a Christian
penitent to dye in peace, then hee
more warily and cunningly gives counsell
to weston to discharge his conscience (?)
to satisfie the world, to whome weston
answered, Sr. John, ye doe mee wrong
to trouble mee, and speaking to the
Sheriff

Sheriff, hee tould him that hee did not keepe promise with him, in that hee suffered him to bee troubled, yet did Sr. John Hollis press the same againe upon him, and then the Ladder being turned and weston cast off Sr. John Hollis turned about his horse to the people sayeing, It is a shamefull thing that wee should suffer this man to goe away thus, I am sorrie to see this Conclusion, againe Sr. John Hollis being at the tryall of weston, & hauing heard the Evidence given against him, hee said publiquely that if hee were of the Jury hee should doubt what to doe, but being exaied therevpon hee said that hee did not remember whether hee spake the same after the verdict delivered in or before, whereupon mr. Attorney said, that hee knew not whether it was the greater offence for being spoken before, It ended to prejudice and after to Attaint the Jury These Examinacions were taken before the Lo: Chanc, the Lo: Steward, the Lord warden of the 5. Ports, and the Lo: Chiefe Justice Comrs for examining of this cause, It seemed also that Sr. Tho: Vauasor, mr. Sackvile, Sr. Henry Vanz and Sr. Wm. Button, had done some disturbance to the Execucion of weston but being

but being exaied they had not confessed it and could not bee thus proceeded against/

Here the Sewall examinacions and Confessions of the Prisoners were read by the Clerke, and they acknowledged ye Substance of this their Charge, the pap preferred by mr. Lumsden & mr. Gibb, was read, being to this effect, weston could not write nor reade, yet all the Exaiacions of westons did comprehend the Circumstance of tyme and place soe exactly, as if hee had kept a Kallendar of the dayes of the Moneth, and the place where hee did aine thing in the business; hee did plead not guiltie, but being terrified with Sharpness of law, hee yeilded to whatsoeu they required at his hands; hee offered to speake concerning his Innocencie, but the Lo: Chiefe Justice interrupted him & for his Apologie therein did take a Staine pap out of his bosome, and said they were Interrogatories penned by the King, and this was affirmed generally by high and lowe by a Condon and Constant report/

mr. Attorney inferred on this pap, that the same was offered in this manner, of purpose to slaunder the Justice of the proceeding of the Commissioners in generall, and of my Lo: Chiefe Justice in speciall, to putt off the Justice to come

ensuing

touching the foule offence layd altogether
ud. Attorney said, that they did bind to
disfard the Justice past, and to rutt of
the throod of that which were p[ro]ue
of this Slaunder of my Lo: Chiefe Justice
hee would say of him that noe p[er]son
or place could bettr warde them my
Lo: Chiefe Justice and the Lord Cooke
were mott in the cause of Dr Tho:
Overbury /

This graund ud. Lumsden is a Scottish
man and knowes not our law, and out
of the Ignorance thereof is this Err[or]
p[ro]ued, and therefore I will not aggra-
vate his offence, But though diuers
dayes yeares and places were sett downe
in the Indictm[en]t of Weston, yet hee did
not plainly confesse y[e] that Plaine Treason
but onely I say, that about those dayes
and yeares the things in[dic]ted were done,
Against the Lo: Chiefe Justice did but
his duties to interrupt Weston from
speaking, for so long as hee did stye at
law, and not putt himselfe upon his
tryall, for noe discourse of Justificac[i]on
might bee heard, before hee did putt
himselfe upon his tryall, for noe discourse
of Justificac[i]on might bee heard
before hee did putt himselfe upon his
tryall, and then all comings hearing
is to bee

is to bee p[er]ued p[ro]ue the p[ri]soners, and at
the time also when the Lo: Chiefe
Justice did bidd him shold his peace,
it was after that hee had interrupted
Justice Doderidge while hee was speaking
and for that part of his misdemeanor
that I say the Lo: Chiefe Justice should
take a way out of his bosome for his
Apology, and should allege that there
were Interrogatories drawne by his
Matie this doth rest an Imputac[i]on on
his Matie because the Lo: Chiefe Justice
took his time and a fitt time to publish
his Maties zeale to the Justice of this b[us]ines
by reason that his Matie had written 3. Scrowles
proofe of pap with his owne hands, wherefore
hee thought fitt the parties supported should
bee examined, And this did the Lo: Chiefe
Justice then publish for the hono[u]r of his Matie
and this pap thus stuffed with Untruthes
and offered to his Matie ought to bee censured
as a Slaunderous libell /

Now for Dr John Wentworth, hee
confesseth that hee was not at the Arraignm[en]t
but hee went to Aylesbury, and there hee
staied twoe dayes to the very end of y[e]
Verdict and Judgment of y[e] proceedings
of the Commissioners, and after that hee
had perused Mr Weston by Weston yet hee
pressed on him other Intent, saying
Weston tell mee, did you pray for Dr
Tho: Overbury, tell mee that I may
pray with you, you Dr John Wentworth
and mee

are noe fitt man to pronounce men
excommunicate for prayer if they doe
not pray with you, but this importunity
of pressing questions, doth apparantly
declare an intent in you to slaunder ye
Justice that passed on Weston Sr. John
Hollis hee is noe Questionist, but his
offence is in giving Counsell, Weston discharge
your Conscience and satisfie the world
what world meane you the Tyburne world
for the Guildhall world was satisfied
sufficiently, wittness the Bells that did
ring that night for ioy, your Conclusion
Sr. John expresseth your selfe, you said
it was a fearefull and a shamefull thing
to suffer a man to goe away in that fashion
and you were sorrie to see that Conclu=
=sion, you were sorrie to see Justice
done on him and soe you declared your
selfe before this tyme, for at the tyme
of the Evidence, you delivered your opinion
that you should doubt how to finde the
Bill, soe you would have Indicted the
Jury before the verdict; but my Lords
if wee will have Justice maintained
wee must maintaine Justice/.

Mr. Lumsden for Answer to this
Charge said, that himselfe was not at
the Arraignement, but what hee had
spoken or sett downe in writing, hee had
received of manie in London discourse,
who being now demanded to justifie the
same

same, doe denie it, and therefore hee
would confess, that what was written
was false, hee pleaded Ignorance of
the law, and that hee did it without
anie purpose of Prejudice to the publique
business, but onely, as hee conceived out
of duty, and because hee allwayes lived
as a gent, hee would not soe much
degenerate from himselfe and his birth,
nor soe much offend against humane
societie, as to become a base Accuser, but
would submitt himselfe and his offence
to the Censure of ye Courte, and to the
favourable Interpretacon of their Lops./

Mr. Attorney replied, that his
Answer and submission were modest, and
therefore hee would not press his offence
further, yet hee would tell him that in
Criminall Causes whosoeu would raise
a slaunder, and refuse to tell his Author
hee must tell him that which the lawes
tell him, that hee was the Author him=
selfe, this kinde of slaundering Judges
to Kings and Prince is London, Popham
a great Judge in his tyme was com=
playned of by peticon to Queene Eliz:
It was committed to four privy Coun=
=sellors but the same was found to bee
slaunderous and the parties punished
in this Courte/.

Mr. Attorney said, I may not
admitt of this new learning, I holde it
not

not unworthie a gent to discharge his faulte upon the first Author, And by ye law ye not doeing thereof maketh him the first Author, soe he becomes a false Accuser of himselfe/.

The Lo: Chanc. there is a great difference when a man becomes an Accuser originally, and voluntarily, and now hee is examined by Authoritie, in which case hee ought to tell the truth, that it is neither lawfull nor manndly for him to deny it/.

Chiefe Justice/. when the King doth aske a question, It is a base Answer to say, I will not become a base Accuser, doth not a great Lady lye in the Tower and soe hath done long, because shee will not Answer/.

Mountague the Kings Serieant said, that hee would speake a word as a Serieant at the law, and a word as a Commissioner: As a Serieant at the law hee would say, that the law was plaine, that noe man may question anie thing that is found by verdict as 43. E. 3. 12: 11: Hen: 4. 9. E. 42. a great Ingratitude and Injurie is therefore offered by this Slaunderous and false peticon comprehending Articles of untrue Slaunders to bee infused into his Mate Cares, onely to prevent all further proceedings of Justice

of Justice in this business/ As a Commissioner hee would say, that if the Lord Chiefe Justice should not have shewed the extremitie of the Judgment to Weston when hee refused to pleade, hee should not have done well, for by the Statute of Westm: 1. cap: 12. noe such Judgment shalbe given but upon pregnant proofes &c. which doth justifie also the declaring and disclosing of the Evidences, to this purpose Stamford exhorteth that noe Judge give Judgment of that paine forte et dure but with all meanes before used of exhortacon to pleade, and it must bee done to satisfie the Conscience of the Judge, and to manifest the fault to the world/.

The Lo: Chanc. said, that the Statute of E. 1. did punish all those that did raise false newes betweene the King and his people, therefore this peticon raising a Slaunder of the Lo: Chiefe Justice, and the Commissioners which was most untrue, It was punishable in this Courte, and whereas it was thought by mr. Lumsden in his Answer, that it was baseness to bee an Accuser, this was his Error, for a man being examined of anie thing by the Kings Commissions appointed to examine to discon his Author was not to bee an Accuser but as to the publishing of the Evidence, it was

gravely

gravely and judiciously done, as in Parris case, though hee confessed the Indictm.t yet the Evidence was read publiquely to satisfie the world/

Sr John Wentworths Answer was, that hee would not willinglie bee conceined to speake more here, then hee had done heretofore, It was true that hee was at the execucon of Weston and did aske those questions touching the poysoning of Sr. Tho: Overbury, which hee did on two reasons, the one was because hee had seene others doe the same at the same tyme, and especially one Parkes, and hee thought heemight doe it aswell as hee, Another reason was, because hee not being at the Arraignem and hearing that Weston had denyed ye fact, hee was desirous to bee satisfied of the truth from himselfe, yet hee purposed not to aske anie questions when hee came thither, but is to aske questions of a man goeing to execucon were offensive to the State, hee did humbly submitt to their Lops. Censures/

Sr. John Hollis Answered yt. the matters declared against him contained 3. Crymes/ The first that at ye first upon the Indictment hee should foreindge

foreindge the Jury by delivering his opinion sayeing, that hee should doubt what to doe, and this hee confessed as a man phapps more trickish and curious to give his verdict or Judgment of life or death then others, and is a bare word of his opinion drawne by discourse, (hee being but a standerby in this business) bee to bee Censured, I appeale to your Judgment/ His second offence was for giving of Counsell and asking questions of Weston at the execucon, hee said I confess I was there, but carryed wth a gentall desire which hee had to see the execucon, as hee had done in manie like cases before, and hee had formlie seene that it was a Common thing for men standers by, to aske questions of those that were to bee executed, and now manie asking this Question of the Fact of Weston, and hee Answering in gentall tearmes I did not unworthily, hee also among manie others did aske him the question (as hath beene opened) which was not purposed of him when hee came thither but was occasioned by reason of one that stood behinde him at the Gallowes that said to Weston that hee should confess the truth of this Fact, for is hee had

hee had had his right, hee had beene
hanged manie yeares agoe, whereunto
Weston answered, ffact or noe ffact I
dye worthily, hee said that Mr Attorney
had soe well applyed his Charge agt.
him, that hee did not carry the Seale
of good Conscience with him, hee
would almost make him beleeve that hee
was guiltie, but hee hoped their Lops.
would take the bird by the body and not
by the ffeathers, his speech hee said might
bee well understood, but the worst end
of it was turned towards him, hee did
but the part of a Christian & perswade
Weston to discharge his Conscience and
intended not to contrould the law and
Justice that had passed on him, as for
Testimonie of being being borne, I know
not what hee is that is deposed against
mee, but it seemes hee is some man of
trade against whome I think I may not
putt my selfe in opposicon, that my de=
=myall may stand against his affirmacon,
In his youth some of your Lops. know
that hee had spent some of his time
in the warrs and travell, and afterwards
hee lined in place at Courte, both in
the time of Queene Eliz: and his Ma:tie
eight yeares, hee had served the late
most worthie Prince, the memorie of
whome

whome hee said did grieve him, that hee
should plead his name at the Barr
whome for the myserie of this State it
pleased God to take away, since whose
death hee had beene as a fish out of
the water, thus much hee said was pulled
out of his mouth by reason of his
Testimonie produced against him, but hee
knew that not words but his cause
must helpe him out of this myre, And
therefore if their Lops. had determyned
anie thing against him for these offences,
hee did humbly submitt himselfe & their
hotle Censures, The Lo: Chanc. said, yt.
this deposicon of Beringborne was
not read but in explanacon and aggra=
vacon, and not for Evidence of Con=
dempnacon against Dr. John Hollis/

Mr. Attorney replyed upon Dr.
John & this Answer of his, that this
Speech & Weston was occasioned, and
not resolved on before his coming & ye
Execucon with new matter thought upon
and devised since his being questioned
for his Offence, for there was new
a word thereof spoken in this Examinacon,
and there this is the ffeather you
speake of and not the body, whereunto
Dr. John Hollis Answered that they
might very well stand together/.

Serieant

Serieant Crew said that
hee had determyned not to speake this day,
yet hee did now speake as called on for
the hons. of his Mat.ie and Comfort of
his people, this Apologye of the Lord
Chiefe Justice as it was Learned, was
the direccon of his Mat.ie out of his
heart as David speakes in the Psalme,
his heart was prepared to doe Justice
and execute Judgment, and therefore
to that purpose hee had granted his
Commission and drawne Interrogatories
with his owne hand, whereupon the
partie delinquent Weston, in due course
of legall proceedings by a full Jury
of sufficient and understanding Citizens
was found guiltie, and now being readie
for execucon, and after that hee had
publiquely confessed that hee dyed worthily,
then did these gent attempt (contrarie
to law and Charitie) to beard and affront
the proceedings herein, and when the
body and Soule were readie to part,
with questioning and Counselling did
toyle and pturbe the poore Prisoner
for my Ld. Chiefe Justice his carriage
in this business, hee would say this of
him, though his praise could doe him
noe hons. to have observed in him that
exactness in the examinacon in this business,
that ev after in matters of Examinacon,
hee said

hee said hee should bee his Imitacon, hee
always did first of all move the parties
examined, Weston and others by putting
them in mynde of some place of Scripture
delivered from the mouth of God, and God
blessed his labours and him in this labor.
Hee carryed all things with grave
Integritie and simplicitie, without
forcing and straying anie thing, if
hee had done otherwise, his Conscience
should have had the Courage to have
tould him soe; his Chiefe care was, that
his Mat.s directions unto him in this
business might bee fully pformed, wch
was not to spare the guiltie, nor to
touch the Innocent wherein hee had
beene happie hitherto, for that noe
tincture of guiltless blood had sucked
him, Weston the partie condemned Acknowledging
justly that hee dyed worthily, &
that my Lord Chiefe Justice had dealt
with him hobly, Mr. Attorney replyed
also, that as their proceedings in this
business had beene noe Spanish Inquisicon
to make men confess that they ought not,
soe did they not gagg mens mouthes from
speaking or asking questions / Provided
that they were not cross Interrogatories
intended to search or deface Justice; It
hath ev beene counted hatefull to trouble
men dyeing with questions of worldly
matters

matters, much more hatefull it is, with matters of Justice tryed. Lett Sr. John Wentworthes case therefore bee the first President of Cross Interrogatories to a Judgment ministred at the Gallowes, Dr. John Hollis his Counsell was to thend to have caused Weston to speake something if might have beene spread in the defaming of his tryall, this appeares by the declaracon of his opinion at the tyme of the Evidence, that hee should doubt what to doe and at Westons execucon alsoe, hee was sorry to see that Conclusion that hee made, which hee doth now interprett to bee his mann of dyeing, But the truth is, (as I take it) apparant, that aswell his Empting by questions as his Counselling by perswasions, were onely intended to this end, to scandall and defame the Judgment passed, and to discourage and discountenance anie further proceedings, Dr. John was sorry to see this Conclusion that hee did not use some words of retractacon and that mann of dyeing, bee ause it tended to the Confirmacon of ~~further proceedings~~ Justice passed, and the Justificacon of further proceedings herein, hereafter now for the fuller disquisicon of the truth if this Interpretacon seeme doubtfull, It is made plaine and evident by the Examinacon of Beringborne who testifieth

testifieth the Speech of Dr. John to bee that turning about his horse to the people, after the execucon hee said, It was a fearefull and shamefull thing that a man should bee soe suffered to goe away, The Offence therefore lyes so open to bee shaddowed or hidd, and it did soe evidently shew it selfe to the weakest eye, as hee should not need herein to use any further Inforcement of discourse for discordie, hee rather merveiled very much, that Dr. John having soe manie faire endowmente of nature, witt, and Experience aswell at home as of forraigne Nations, should bee soe fowly & grossly taken tardie in a matter of soe familiar and ordinary Caution, And although hee said that his Counsell tended to Charitie the highest dutie of a Christian, in that hee perswaded him to discharge his Conscience, yet this being a matter touching the proceeding of Justice, and wherein hee was concerned this was a great misdemeanor and punishable in this Courte, and hereof are manie Presidente where a man that is a partie writeth a Tre to a Juror, to appeare and delivr his Conscience, this was punished in this Courte as unlawfull maintenance, and yet asmuch Charity was shewed here to wish a Juror to discharge his Conscience as was used by

by) Sr John Hollis vnto Coesbon whom
hee was readie to bee turned off the Ladder
and soe hee rendered the house vnto their
Lopps. honnours.

The Chancellr. of the Exchequr
began examining why Sr Edward Fynche
bainy the prosecucon of ye publique, should
habe his name questioned or shadowed
and shewed here that were to make open
a tyrannt dare reall truth, and to cast
all into a Sea of confusion, wherein
all men must sustayne name, fortune, &
all without a Hydate.

Sr Fowke Greuill said, if hee
should show vnto delight in the lawes of
men, hee should show a malice not becom-
ing his owne frayltie, and therefore hee
was more compassionate of the practise
then pleased with the contemptuous, still
had an Actiue power in the hearts of
men which must bee throughout loost it
grew tyrannous, his honnors vsed of
yd. Emmotson, 2000. wch, and of Sr John Peerbuorth
1000. wch, and of Sr John Hollis 1000. li and
Emprisonment during the Kings pleasure.

Sr Tho. Lake said Justicia
virtutum sororistat is et firmat solum Regis
Justria and proues doth fitt both other
Lex mutua Iudex, Iudex, lex loquens,
the law is a dumbe Iudge, the Iudge
is a

is a speaking law; it were to bee wished
that the body were without diseased, but
if diseased doe not part from the bodie
which must bee necessarily taken &
removed away, in the state of the
state of the Comon-wealth Iudges are
taken to bee a part of the politt actiue bodie
of the King, they are reputed among the
noble and great men, whose Slaunder is not
to bee lost vnpunished. Many Examples
are there of the punishment of them y^t
slandered Iudges, as one hee knew read
punished to acknowledge his fault in
Westm Hall for slandering a Baron of
the Exchequr. nunc more should hee that
hath slandered the Chiefe Justice in this
man, of whome hee would say as St Paul
said of a good m^r. Cuius Lous in Exitio
pol of the Lo: Whose Justice Cuius
Laus in Reipublica, the King in this
Cause is hereby looked on, who of the
principall Effunde & heretofore graciously,
yet of late beholding the Sprinkled of
blood in their Lawes, hee doth cast of
all respect of their qualitie and doth
more looke on them with the Eye of
Justice like God hee cared not for
their Sacrifices of Calues and Beeues
of Bulls but an vpright heart and
vnstraut hand, and it is in the Psalme
the state it selfe is stablished in the
stand all of Justice, and therefore it
were fitt some exemplarie Justice
were

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were fitt some exemplarie Justice were made of this, and for that reason hee thought fitt, that the place of mr. Lumsdens Imprisonment were in the Tower and hee to make some open Confession of his fault in the Kings Bench, some have said that the Eye of Justice is blynde, but I thinke shee hath a cleare Eye and like the Eye of Nature seeth best when there is noe Colour layd before her, hee that is prest to death dyeth for Contempt of the law and not for his offence, Contempt of the lawe is the worst offence, and therefore it is punished with the most cruell death, as for Dr. John Hollis his offence, it was worthie of punishment, hee nentheless acknowledged him a worthie gent that notwithstanding his punishment might well hereafter bee imployed againe in the State, which hee did speake for his Comfort, but agreed for his Censure, and Dr. John Wentworths, as had beene alreadie sett, onely to pay their ffynes, and to goe back to their sendall Prisons from whence they came.

Lo: Chiefe Baron Danfield said, that it was not lawfull for men to make questions in affront of Justice, neither was it usuall or tollerable to men goeing to execucon as those were made by Dr. John Wentworth, but questions

questions for discordie of offences are lawfull, as to aske a horse stealer that is to bee hanged, whether hee stole such another horse, or such like, which endeth to discord an Offence, but for that wch is indged to bee executed not to contract it, and question whether hee hath committed the offence or noe is not lawfull, but to question for some discordie, is lawfull enough; wherefore hee agreed in the same Censure for Dr. John Wentworth and Dr. John Hollis, As for mr. Lumsdens offence it is an Offence in writing, & therefore it is committed advisedly and on deliberacon, and therefore agreed for his ffyne and Imprisonment in the Tower during the Kings pleasure.

The Lo: Chiefe Justice Hubbert said, that the Prisoners did differ in ranck, but did well joyne in their ends, not in respect of anie Conspiracie or Combynacon that hee would lay to their Charge, but surely they had all one marke or end to prejudice and stounder the Justice to come of a thing not proved to scandall the Justice already passed on Weston, who was then there to bee executed, words in the breast are thoughts, and wee may bee our owne Judges of them, but of words spoken, wee may make others our Judges of them, & wee are to make Answer of such Interpretacon as may bee made of them

of them; here the words spoken in questions
by Sr. John Wentworth and in Counsell by
Dr. John Hollis, may bee very well inter=
pted, that they would have Westons
grave made the disgrace of Justice the
paint of his last will and testament, Mr.
Lumsden here gathers upprowes of
Westons Arraignemt. in the Streete, conditts
it to pay, & intends Informacon thereof
to his Matie. which is the most odious
presumpcon that ever hee heard of to informe
a King out of soe weake a ground, &
therein to informe untruly and slaun=
derously of the proceeding of soe high
Judges of matter of the Crowne preceded
in soe publique a manner and place as
the Guildhall, this was a pregnant Error.
and affected Ignorance of the truth
and certaintie of the fact, but omnis casti=
=gatio debet esse mansueta, but as for
the proceeding with Weston by my Lord
Chiefe Justice, hee had erred in Judgmt.
if hee had not used some words of ex=
hortacon in his owne person, and by some
grave and learned man afterwards
to have drawne Weston to have pleaded,
and for the Interrupcon that was made
by him, it was because hee did interrupt
a Judge, during whose speech silence
ought to bee kept; As for the offence
of questioning by a younge gent whoe
made this questioning Ore rotundo, and
knew not

knew not how to make it warily, and
therefore the more pdonable, and yet
the same is an offence against lawe.
ffor if men should try offences by the
parties owne speech after the tryall, then
lett them goe from the barr to the grave
to bee informed of Malefactors in Cryminall
matters; Dr. John Hollis his offence is
greater, because noe man may delive his
opinion to the Judice of Justice before
or after it is done to the scandall of it
now if Weston here had denyed that
hee had beene guiltie, then presently a
London fame would have growne, that
hee dyed unworthily / The Counsell and
the question both were of Curiositie In
36. 2. 3. there was a Statute made
that whosoever did accuse another unjustly,
hee should beare the same punishment yt.
the partie should have done, if his
accusacon had beene true; but this
Statute was so severe to give the same
Lex Talionis, and therefore the same
was repealed the Yeare following in ye
37. 2. 3: but it is still left to the pu=
nishment of ffyne and Ransome, and
therefore this slaunderous peticon of
Mr. Lumsdens, being against soe high
a Judge in a matter of soe high
a nature, deserves the greater punishmt.
And soe hee concluded with the ffyne and
Imprisonment sett by Dr. Tho: Lake.

Cooke Chiefe Justice of the Kings
Bench said, that hee would say of this
business

business and his dealing therein as
Abimelech said of himselfe, Tu scis dne
quod feci in simplicitate cordis et
munditie manum and therefore would
also bouldly affirme, that there was
now brought into question of this great
business of poyson, but such as in his
soule and conscience were apparantly
guiltie, hee said hee was noe fitt man
for a London place, yet hee had found
some records of poysoning which hee
would shew, as namely in the Treasurie
31. E. 3. as the King indeed hath two
Treasuries the one of record the other
of golde and silver where a woman
committed Adulterie and after poysoned
her husband, And 21. E. 1. Salomon
le Roy a Judge was poysoned by a
Monck and afterwards prayed to bee
delivered to the Censure of the Church,
and hee was denyed because the same
was a wrong to the state to poyson a
Judge, and it is to observed in the first
case, that poysoning and Adulterie goe
together, and on the second that poysoning
and Poperie goe together from E: 3.
downe to 22. h. 8. which was a great
Lumpe of Tyme noe mencon is made
of poysoning anie man, and then a Stat
was made, that those that did poyson
anie bodie should bee boyled to death &
were first to bee putt in at the tiptoes
In this business hee said hee would tell
noe

noe newes, but hee was not yet att the
roote, God forbidd that those kinds of
offences should bee searched & unpunished
wheresoeu they are found, There are divers
sorts of poysoning by some whereof a man
shall dye a Moneth or a quarter of a
yeare after, ut sic se sentiatze mori, &
shall not know in what manu hee is
poysoned, as one Squire a Priest should
have poysoned Q: Eliz: by poysoning her
Saddle, this poysoning came first from
Poperie, in this case of Weston hee
would new confess the Indictment because
the Indictment was that hee poysoned
Dr Tho: Merbury with Arsnick, Rosaker
and Mercury sublymate, when as indeed
it was not knowne what poyson killed
him, here the poore man concevied a
scruple, that is hee did not know with
which of the poysons Merbury was
poysoned, hee was not guiltie of the
Offence layd in the Indictmt. and there-
fore said, hee was not guiltie of the
Offence, Now ut obstruitur os iniqui,
that the mouth of a wicked man may
bee fully stopped, after that it was
resolved unto him that the manu of the
killing layd in the Indictment was not
the point of the Indictment but the
matter of killing, as is the Indictmt.
bee, that a man was killed with a Sword
whereas indeed hee was killed with
a dagger

a dagger, yet the partie is guiltie, because
the killing of a man is the point of the
Indictment, then hee confessed the fact
and for this gent mr. Lumsden a Scottish
gent a Nation that hee loved well and
to his Matie both English and Scottish
were equally deare, Scoti Angli nullo
discrimine &c. hee that infuseth into
his Mate Eares the least falshood con=
=cuning his Judges unjustly, is like him
that infuseth new see little Dopp into
Doyne, they both conditt a kinde of
Treason, and for the matter of it which
was informed for qui non bene respondet
non respondet, and a little to dint from
this business, you mr. Lumsden were a
Pander to the Earle of Dondsett, and
were his favourer indeed but his
follower in Evill, afflictioni dat intellectu
let your afflicon now give you sence
& feeling of your sinnes, your service
of a Pander is apparantly to bee
shewed you by a letter under my Lord
of Dondsetts owne hand, and your Answer
to it, lett it now enter your heart and
Soule to assure your selfe, that there is
now noe safety, protecon, nor assurance,
but under a religious faith in Jesus
Christ, and that Radix Justiciæ est
pietas, the foundacon and roote of
Justice is pietie, I confess I had a
great suspicon out of whose quiver
the murder first came, but because
I had

I had noe certaine proofes, I would new
question them: This resolucon of Weston
to bee mute, was very great, when hee
was perswaded by the Bpp. of London &
Elye to pleade, hee would not and after
being promised that if hee would speake
hee should have a Popish Priest, hee
thereunto Answered, what! have I refused
the godly perswasions of the Bpp. of London
and shall I now Answer to a Popish Priest
And for your perswasions mr. Lumsden that
you will not bee an Accuser, this is a
Contemptuous Answer, for this is not
to bee an Accuser being examined of
another to discon him but your refusall
in this kinde to Answer, is a manifest
Contempt, and for the like offence a
great Lady of the land lyeth now in ye
Tower for onely refusing to Answer
being examined; Quod Diabolus ad malum
exposuit Deus ad bonum exposuit, that
which the Divell exposeth to evill God
disposeth to good, this refusing to discon
an Offender is a Contempt to a mr.
in a family if hee should commande
amie one of his servant to tell him
of an Offence committed and by whome
and the servant that is see asked shall
refuse to tell him, hee shalbe worthie
of punishment, much more amie subte
being examined by the kings Authoritie
and Commissioners if hee shall refuse
to make

to make discovery of the truth, the statute
of the 1. and 2. of R: 2. that hee that
doth raise false news betweene the king
and the Nobles, shalbe imprisoned for ye
space of a Yeare, I thinke fitt that mr
Lunsdens Imprisonment should bee for
a Yeare, and afterwards untill hee
shall produce his Author. As for Dr.
John Hollis his fault of questioning
and Counselling, it is very great, the
same being made after a verdict, for
is a man condit Treason the 20th day
of May, and sell his lands the 5th day
and after is indicted that hee did
condit the Treason the first day which
goes before the sale, and after is found
guiltie of this Indictment, hee that
is to loose the land cannot denie this
verdict and say the Treason was
Condited the 20th day though it concerne
him for all that hee hath of layeing
is that hee that is to bee undone by
a verdict shall not speake cross matter
to a verdict (as the bookes of E: 3. and
E: 1. are and 11. Henr. 4. 53. Estophell
137.) what shalbe done to him that having
noe cause in a matter Capitall wherein
hee had nothing to doe would intermeddle
for as the law saith Turpe est admissis
rei ad se non pertinenti, Dr. John said
that it hath beene a Custome to aske
questions at those times, and that hee
did

did usually goe to execution, for his owne
part hee said that even since hee was
a Scholler and had read those verses
of Mil et Lupus et Turpes instant
morientibus et quecunque minor nata=
=litate fero est, hee did neu like it, and
therefore hee said hee did mervaile
much at the use of Dr. John, Dr. John
Answers here at the barr and saith that
if anie thing were determyned against
him, hee did humbly submitt himselfe
thereto, by wch Barme soe determyning,
hee meant (I thinke) as if wee did give
our Censures against him by ~~[illegible]~~
Conspiracie, for my owne part I talked
wth none other, nor I thinke did anie of
us one speake with other before wee
came together there, padventure hee thinkes,
(as some have thought) that all the carri=
age of this business is but a Conspiracy
against the Earle of Dowsett, hee saith
hee hath beene since the Prince his
death but as a fish out of the water
I know not what hee meanes by a fish out
of the water, I have heard that Clericus
in oppido tanquam Piscis in Arido, a Clerke
in the Towne is like a fish out of the
water, hee is a Justice of peace a Com=
missioner of Ayer and Terminer, a man of
faire lands 1500. lb p Annu at the least, this
money is enough to bee a privy Counsellor
and yett Dr. John Hollis is like a fish
out

out of the water, I know hee hath travelled
maine Countries, speaks maine languages,
hath seene many manners and Customes,
and knowes much of forraigne Nations,
yet a little knowledge of the Common law
of this land would have beene better for
him then all these, It would have kept him
from asking of questions and counselling
in scandall of Religion and Justice, two
of the maine Pillars of the Kingdome
and that in could blond Evidence is above
Eloquence, the partie himselfe acknowled=
=ged that hee dyed justly, and those that
saw him said that hee dyed penitently,
soe to conclude as it was sometymes said
of Rome, Et que tanta fuit Romam tibi
causa videndi, hee might very well now
say of Dr. John Hollis his goeing to
Tyburne with a little alteracon of
the word Et que tanta fuit Tiburn
tibi causa videndi, for his Censure hee
agreed with that which had beene sett
and the acknowledgment of mr Lumsden
should bee alsoe in the Courte of Common
pleas and Exchequer because the Justice
of all Courte may bee wronged with
staunderous peticons, and moved that
Informacon might bee made against
the other gent that were asking of
questions as these were, and that they
might receive their due punishment hee
meant

meant hee said mr. Barkvile, Dr. Tho:
Vanasor, and Dr. Henry Vane, who would bee
a Baron if Attainders did not lye in the
way; If these bee not punished, the gent
will think that they have wrong, sfor
Que mala cum multis patim. leviora vident.
hee said hee would wish gent to take heed
how they fall into discourses of these bus=
=nesses when they bee at their Chambers
for in the proceeding of these great bus=
=nesses and affaires, if a man speake
unreuently of the Justice thereof, the
bird that hath wings will reveale it/.

Dr. Ralfe Winwood said yt.
it was well said by mr. Attorney, that
Justicia est Regina virtutis, and that
wisedome fortitude and Emperance are
but pedissequa and Ancillata unto her, &
to the end that the glorie of Gods Justice
in this great business might bee the
more ascribed unto him, hee would declare
the same from the beginning as it were
a bono not thereby to move aine con=
templacon thereof from your Lops (who
knowes the same well already) but for
the better satisfacon of other Lords
and gent there present, who doe not see
well understand the same though it con=
=tinued in a long silence, yet att
length it was discouered by a voluntary
and free Confession, for Dr. Gervace
Elvash

Clwash tould the Lord of Shrewsburie
that hee would willinglie give satisfaccon
unto him concerning the death of Dr. Tho:
Mercury, and if it pleased mee I
should bee present thereat, and accordinglie
about June last past I was present
when Dr. Jervace tould the Earle that
Weston had beene imployed therein, and
the whole circumstance hath beene since
discovered which at that tyme hee resolved
to conceale because his Matie was then
goeing his progress, and in his progress
also hee thought the tyme unfitt
because it might disquiet his Matie in
his sporte, but at length in Septemb.
last hee informed his Matie thereof
and Dr. Jervace was commanded to putt
the same in writing, and Weston was
sent for, apprehended, and sent to Dr.
Tho: Parvyes howse who presently insti=
=fied the same as Dr. Jervace had delivered
it, The king then presently caused three
Interr to bee asked of him, whereupon
hee being examined, his Matie forthwith
sent to the Lord Chiefe Justice, and
upon his approach kneeled downe
on his knees and with hands and Eyes
cast upp to heaven hee prayed God as
hee would bless him, his Sonne and his
Kingdome, that it would please him to
discou

discou this matter and presently sail to
my Lord Chiefe Justice that hee commended
the matter wholly to his care with a bitter
execracon against him, (if hee did not
with all his diligence endeavour the
discovrie thereof) wherein his Lops paines
since hath beene great, aswell to finde
out the bryn as the bottome of the whole
plott and pieck, and to make knowne that
Accessorius sequitur. Sine principale, nothing
hath beene more plainly discovered: yester=
day himselfe being present at tharraignement
of mrs. Turner, nothing was more appa=
rantly proved then that shee was a Pan=
=dress or Bawde, a witch, a Sorceress
a murderess, and a whoore, and although
shee denyed it, yet shee confessed an ill
life with an Jesuite vent with whome shee
had lived long lewdly, If shee were
not guiltie I will say, Quis modo
nocens and for mr. Lunsden to traduce
the same in writing, was an impudent
boldness; for it was not in Flesh and
blood to disprove him Rex indictate pro
veritate accipit. except Justice bee
maintained by us, Justice will not
maintaine us, Therefore I agree in ye
Censure in all pointe wth my Ld: Chiefe
Justice

The Lo: Knowles said, I
preme a man may learne all the dayes of
his life

his life, when I came hither I thought the offence layd to Dr. John Hollis, and Dr. John Wentworths charge, to bee noe great matter, but now I preeme it to bee otherwise, resolved by the opinion of those that have gone before mee; I agree with them in Censure for all particularly as my Lord Chiefe Justice /.

Whereunto the Lo: Zouch also agreed in all particulars without anie further speech /.

The Bpp. of Winch: spake very shortly and not audibly /.

The Bpp. of London said, Finis dnus Rerum (saith Seneca) when God appointe his ends, hee will also use his meanes by his owne Instrumte, God is said to bee Judex bonus, iustus, fortis, et patiens, soe are Goes Judges said to bee Goes, if they bee good, iust, Courageous and patient, Many men out of the ranckness of their witts will take upon them to bee Judges, as Absalom asserting his fathers Kingdome saith to those hee meetes, that there was none to distribute Justice and Judgmt. unto them but if hee were King hee would iudge them according to equitie but this was out of the ranckness of his witt, for which it happened afterwards

afterwards that hee was hanged by ye hayre of his head, and soe hee was caught in his owne devises, such men there are now a dayes, whose arrogancy is such, that they presume to have or challenge that in the Abstract, which is not given to anie but in Conceipt; they will needs bee called the witts of the tyme, and thereupon take libty to discourse of all men and things freely, It is well said of St. Augustine Ingenium homini Daemon and manie may well take upp the saying Ingenio perist qui instar ipse suo, the Act of a mans witt is often his ruyne, there is noe wisedome without witt, but there is manie tymes witt without wisedome; It doth assume soe great libty in men, that they can scarce Emp their hands or Ungues, the intemperance whereof is best curbed in this Courte, but still it breakes out againe in the 109. Psalme, in the list and Catalogue of execracons to the wicked man It is said lett a wicked man bee sett on him, when hee is iudged let him bee condemned, soe that to have wicked Judges is a great Curse to the Kingdome, whereas thanke bee to god wee now had better in all Courte in noe age; Judges are the Rock whereon the Common wealth is built, they that slaunder them

them splitt against them, as the Rock, see the 14. Psalme./

The Bpp of Winch: spake so low so bee heard/.

The Earle of Pembroke said, that the proceedings of this great business in his observacon had the signall of Justice & him that could judge onely by the words of men all chiefe gent now censured did but ioyne & puddle the streame of Justice/.

The Duke of Lenox spake somewhat low and after the Scottish manner, see that I could neither well heare nor understand him, onely hee agreed in the censure with the rest./

The Lo: Trer said that hee had heard the offences and the opinion of the Judges whose mouthes hee said are our Interpreters of the law, and hee had heard all the rest of the Lords agree upon ye mischiefes and inconveniences of the gent offences, and that hee said was sufficient for him to agree in ye censure of the Offenders with the most/.

The Archbp. said that Poenae fructus maximum tendit ad exemplum, sorrow extends but to make a man know his sinne

sinne; Justice like the under mother beates her Children with weeping Eyes vexatio dat intellectum (as hath beene said) I would m. Lumsden would make use of this afflicon that hee might bee wise not to offend anie more, m. Lumsden once would have brought a Servant of his in case of Premunire, and before I and did Covenant to make shares of his estate and hee said hee did then give him admonicon to take heed of ye Starry=amber and to call to mynde Sr. James Creightons practise against Sr. Anthony Ashley, this is a great offence to abuse the kings Eares with falshood who is a lover of truth: lett him make good use of this punishment, for if hee bee found in the state of unthankfull=ness, a greater offence will draw on a greater punishment; As for the questions that have beene made by these Ent. in scandall of Justice and the proceeding of the State in the business hee that heretofore heard in this place of a wise noble man that the devices of greene heads by questions and Argumte against ye Consultacon of the State are like the head of glass, against the head of brass, which if they hitt doth dash the head of glass in peeces,

Judex

Judex solius dei examen relinquit. saith
Gregorie, this great Justice must have
power and prudence to assist her, some
Causes want power some wisedome, but
this cause especially requires fortitude
humanum est humanis casibus inge=
nescere, It is a humane worke to bewayle
humane miserie, if a great tree bee
falling downe, shall a man goe to
hould it vpp hee may have a squatt
or a bruise but cannot support it;
A great tree here hath hackt it
selfe and is readie to fall by the great
blast of Justice, and Dr. John Hollis
runne to holde it vpright, hee shalbe
sure to take hurt himselfe, but hee
will neu bee able to sett himselfe
stedfast in his place, God saith to
Israell beholde I will doe a great
worke of Justice in your dayes, that
all Israell shall speake of it in the
dayes to come, hee hath spoken asmuch
to vs in the heart of his Matie this
great business hath begunne in for=
=nication, hath continued in witchcraft
and ended in murder, whoremongers
and Adulterers God will indge (saith
the Apostle) as for the blondthirstie
man into his hands lett not my soule
come saith the Prophet, lett this
great

great tree stand or fall to himselfe,
they that have contemned Gods Judgmte
have at the length most basely feared
them, as it was said of Dionisius the
Tyrant, that hee was a great Propha=
ner of God and of his Temple, but
at the last was soe fearefull of
thunder, that at the least crack hee
would runne under the bedd, and if
hee walked abroad hee would have
a Shield of brass carried on him to
free himselfe from danger that might
fall from heaven to destroy him and
the punishment of murder is condanded
in the 35. of Numb 33. where it is
said, that blond defyleth the land, and
the land cannot bee cleansed of the
blond that is shedd in it; things that
are condon are not alwayes to bee
accustomed tuta frequensque via est p
amici fallere nomen tuta frequensque
licet sit via crimen habet, this course
of questioning men condemned, tendeth
to the blemishing and obscuring of Justice
and therefore though it bee not vsuall
yet it is vtterly to bee condemned.
Hee agreeth in censure with the
rest!

The Lo: Chanc. said, that it
was a good worke of Magistrates to
repress curious men, sit maxima
cura

dura curiosos reprimere there was some words did kill Sacerdote some Sacer=
=dotum, so this petition did not so much seeke to stannder the Judges as others have done, as Justice it selfe, so stannder a Judge hath beene punished in this Courte, as it is recorded of one Henry Dray, who spake unreverently of Baron Harley, a Baron of the Exchequ. 12. Eliz: 1: and of one Fletcher, who stannderd Fitzjames Chiefe Justice in tempore H. 8. who ~~wapp~~ was punished with loss of his Eares on ye Pillory, the Kings Justice is admyrable in this Kingdome, as in the case of the Co: Zanguer, and though there have beene great Presidents of Justice in the tymes of form Kings of this Realme as the case of Hartgill in Quee: Maryes tyme, and the case of the Earle of Cornwall and his sonne, yet neither of them are comparable to this of his Ma:tie for this was his Ma:tie plea=
=sure in this business that this case should bee censured although the Co: Chiefe Justice desired earnestly that it might not come to censure/

The Senten

The Sentence was Fyne, Imprisonm:t and Submission as followeth/

Lumsden Fyned 2000. mrk imprisoned in the Tower for a whole year and after untill hee shall at the Kings Bench Barr submitt himselfe and confess his faulte, and also pence his Authors/

Sr John Hollis was fyned 1000 lb imprisoned in the Tower for the space of a yeare/

Sr John Wentworth fyned 1000 mrk imprisoned in the Tower for a yeare & both to make Submission at the Kings Bench barr/

And it is ordered that Informacon should bee preferred against Sr Tho: Vana=
=sor and the rest that were said to have offended in the like manner, but had not yet confessed the same as those gent had done and therefore could not bee proceeded against in this manner/:*

Finis:*

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Kodak Color Control Patches
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concerninge m^r Chambers
goods detayned in the kings
Store house at the Custome house.

1629

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To the Right Honoble Richard
Lord Weston Lord high Trer
of England Sr Francis
Cottington Kt and Baronett
Chauncellor and vnder Trer
of his Maties Court of Exchequer
Sr John Walter knight Lord
Cheife Baron of the same Court
and the rest of the Barons there.

Humblie complayninge sheweth vnto yo
good Lopps yo Lopps Orator Richard
Chambers of London Marchant Whereas
yo Lopps Orator is an Englishman
borne in the Citie of London wth in
this his Maties Realme of England at
London, and was possest in the parts
beyond the Seas of one Case of black
silke Grograines, conteyninge ten peeces
worth 400lb, and of 26 bales of Turkey
Grograines worth 2900lb and of 3 bales
of Mohaires worth 300lb and :3: bales
of Naples Organsine silke worth 900lb
and 5 bales of rawe silke worth 1250lb
and of 6 bales of Chamblett worth
950lb and of 40 sacks of galls worth
360lb as of his owne goods and Chattells
and soe beinge thereof possest, and the
same goods beinge necessarie for the vse

ofs the subts ofs this Kingdome, and goods
ofs like natures, havinge beene for-
many yeares before brought in this
Kingdome by waie ofs marchandize
freelie wthout restraint or contradicion,
yoe Loppes said Orator betweene the first
day ofs Julie and the last day ofs Novembe
last past in the fowerth yeare ofs the
raigne ofs our soveraigne Lord the Kinge
that nowe is, brought the same goods
from the parts beyond the Seas in
shippes whereofs Englishmen his Matties
subts were owners, Masters, and Marriners
into this Kingdome, by way ofs marchandize
into the Sort ofs London, and entered the
Pticulers ofs them in his Matties Onstome=
howse in London, and who was the true
owner ofs them, and in what shipp they
were brought, and who was Master
ofs the same shippes, and landed them
at the Onstomehowse key, and other
lawfull wharfes there, in the day light,
betwixt the sunn risinge and the sunn
settinge, and betwixt seaven ofs the clock
in the morninge, and fower ofs the clock
in the afternoone, ofs the dayes, ofs theire

severall landinge. Nowe soe it is that
Abraham Dawes ofs London esquire Richard
Darmarthen esquier John Halloway esquire
and Bryan Rogers gentl pretendinge
themselves to bee officers to his Matie
or ffarmors ofs his Maties customes subsidies
and impostes, and some others pretendinge
themselves to bee servants to his Maties said
officers or ffarmers, wth force and stronge
hand agat the lawe and custome ofs this
Realme, seized on yoe Orators said goods,
and them tooke, and carried the same
into his Maties storehowse at Onstomehowse
key in London. And albeit yoe Orator
did in gentle manner desire them to
delwer the said goods to yoe Orator,
and that hee would pay for the same
whatsoever was due to bee payd for
them by the lawe and custome ofs the
Realme, yet would they not delwer the
same goods or ame part ofs them unto
yoe Orator nor would suffer him to
have any sight ofs them, or to take
course for preservinge ofs them from
perishinge, unlesse hee would make
fyne for redempcion ofs the said goods,

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and pay unto them 300 lb of lawfull
money of England. And thereupon yᵉ
said Orator sued two Replevins out of
the Courts of the Sheriffes of London
agaᵗ the detayners and seizers, to replevy
the said goods, and found pledges sufficient
to execute the same Replevyns, to make
returne of the same goods, yf returne
thereof should bee to them adjudged.
And thereupon the said Abraham Dawes
and Richard Darmarthen, wᵗʰ purpose
to prevent the due execucion of the said
precepts, and to wᵗʰhold the said goods
from yᵉ Orator, came before the
Barons of this Court the xxxᵗʰ daie
of Januarie in Hillarie tearme last
past in the fowerth yeare of his Maᵗⁱᵉˢ
raigne, and tooke theire corporall oathes
that yᵉ Loppᵉˢ said Orator dyd on the
29ᵗʰ day of the same moneth of Januarie
come to the Customehouse of London,
and there demanded of them certaine
goods and marchandizes, then remaynnige
in the Kings storehouse upon Customehouse
key, and shewed unto them the said

Abraham Dawes and Richard Darmarthen
a paper wᵗʰ yᵉ Orator called a Replevyn
and brought one Phillipps an Officer
to the Sheriffes of London, to execute
the same, but the said Phillipps refused
to doe it. And thereupon at the motion
of his Maᵗⁱᵉˢ Attorney generall for the
reasons by him shewed It was the same
30ᵗʰ day of Januarie ordered and declared
by this Court, that the Sheriffes officers
of London should not execute any kinde
of Replevyn, brought by plaintf by anie
person for deliverie of goods as aforsaid
beinge in the Kings storehouse, and his
owne possession, but the parties were to
take such course for the same, yf they
were undulie detayned as the lawe
doth allowe. In consideracion whereof
and for that nothinge is due unto
his Maᵗⁱᵉ out of or for the same goods
by the lawes and custome of this Realme
that yᵉ Orator knoweth of. And for
that yᵉ Orator is willinge and ready
to pay whatsoever is due by lawe and
custome whensoever the same shalbee

legallie adiudged to bee due as aforsaid
And for that by the lawe and custome
of this Realme yo^e Grators goods ought
not to bee seized and deteyned from him
wth out cause, And for that there hath
bine hitherunto noe Informacion exhibited
into this Court, that they were seized,
neither were they seized by anie warrant
or p^rcept, out of any of his Maties Courts,
nor is there anie Record, or other matter,
by wth it appeareth that the same goods
ought to bee seized or deteyned, and yet
under p^rtence of duties due to his Matie
they are deteyned aga^t the lawe and aga^t
equitie And for the same goods, by
keepinge of them, are much impayred,
and made worse by deteyninge of them,
and wilbee everie day the worse thereby,
and yo^e Grator hath noe other meanes
to come by his goods but by a Replevyn,
but that whatsoever other course hee shall
take concerninge the same, hee shall
not bee able to attaine to the possession
of them but at the will and pleasure of

the said p^rsons that seized them, and it is
agreeable to equitie and good conscience,
that the said goods should bee delivered to
yo^e Grator, or that hee should p^rsecute
such course for recoverie of them as the
lawe alloweth. May it please yo^e Lopps
to graunt unto yo^e Grator his Maties
most gracious writt of Subp^a under the
seale of this Court to them the said
Abraham Dawes Richard Darmarthen
John Holloway and Ryan Rogers to bee
directed Commanndinge them and everie
of them at a certaine daie and under a
certaine payne therein to bee lymitted
p^rsonallie to bee and appeare before yo^e
Honors in his Maties Court of Exchequer
Chamber at Westminster, then and there
p^rticulerlie to answere all and everie the
aforsaid p^rmisses upon theire oathes And
also for that it is p^rtended that the same
goods are deteyned for some duties p^rtended
to bee due to his Matie, and that the same
were seized to his Maties use That yo^e Honors
would bee pleased to give order that his
Maties Atturney generall maie likewise
answere the p^rmisses and maie shewe
cause why the same goods were seized

and deteyned, and for what dutie, and
how the same grewe due, and wherefore
the same should not bee restored unto yor
Orator And yor Orator shall ever
pray for yor Hono^rs wth much encrease
longe to endure.

The ioynt and severall answers
of Abraham Dawes Richard
Carmarthen and John Holloway
Esquires and Bryan Rogers gentle-
man fowre of the defendants
to the Bill of Complaint of Richard
Chambers Marchant Complaynant

The said defend^ts sayen and everie of
them for himselfe sayeth That true it
is (as these defend^ts verilie belewe)
that the said Complaynant is an English-
man borne in the Citie of London
wth in his Maties Zealme of England
at London, and that wth in the tyme
mentioned in the Bill hee brought or
caused to bee brought from the parts
beyond the Seas, by way of marchandizes
in shippes whereof Englishmen his Maties

sub^ts were owners, masters, and Marriners
into the Port of London, certaine parcells
of goods, wth they take to bee the same
or pt of the same goods in the bill mentioned,
and made such entries in his Maties custome
bookes in the Port of London, as by the
Bill is alleadged, and landed the same
goods at the Customehouse key, and other
lawfull wharfes there in the daylight,
betwixt the sun risenige and the sun
settinge and betwixt the howres in the
Bill mentioned as by the Bill is alleadged,
but whether the same goods conteyne such
quantities, or bee of such values as by
the Bill is alleadged they knowe not,
And they further sayen that they belewe
the same goods are necessarie for the use
of the sub^ts of this Kingdome, and that
goods of like nature had for many yeares
before bine brought into this Kingdome
by waie of marchandizes w^thout restraint
or contradiction as by the bill is alleadged,
the duties beinge payd And these def^ts
say that by the statute made in the

first yeare of the raigne of our late
soveraigne Lord Kinge James of blessed
memorie the Comons in that Parliam^t
then assembled did give and graunt unto
his said late Matie, dureinge his naturall
lyfe one subsidie called poundage, that is
to say of all such goods and marchandizes
as are mencioned in the Bill of everie
Marchant denizen or Allien whatsoever,
carried or to bee carried out of this Realme,
or brought or to bee brought into the
same by waie of marchandize of the value
of everie twentie shillings of the same goods
and marchandizes twelve pence, and soe
after that rate as by the said act of Parliam^t
amongst other things relacion beinge there=
unto had more plainlie maie appeare.
And they further say that afterwards
his said late Matie by l^res patents under
the greate seale of England, beareinge
date at Westminster the 28th daie of
Julie in the sixth yeare of his highnes
raigne of England directed to the then
R^t Hono^ble Robert Earle of Salisburie

Then Lord high Treasuror of England,
did for himselfe his heires and successors
appoint ordaine and comaunde that from
and after the 29th daie of September
then next ensueinge the date thereof,
there should bee taken, leavied, and
receaved by waie of imposicion then newlie
set, over and besides Customes subsidies
and other duties formerlie due and
payable unto his said late Matie upon all
marchandizes of whatsoever like nature
or qualitie, wth from and after the said
29th day of September should either bee
brought from aine p^t beyond the Seas,
into this Realme of England dominion
of Wales and Port or towne of Barwick
or into any of them, or wth should bee
transported or carried forth of this
Realme of England dominion of Wales
and towne of Barwick or out of any
of them to any forraine p^t by any person
or persons whatsoever, aswell his late Maties
naturall borne sub^ts as denizens and
strangers equallie soe much for the said
newe imposicion as was formlie answered

and payd to his said late Matie for a
subsidie of the said Marchandizes and
and neither more nor lesse (exceptinge
such marchandizes onlie as in a schedule
annexed unto the said l^res patents were
either to bee altogether free from paym^t
of the said newe Imposicon, or else were
appointed to pay the same in such other
proportions as in the said schedule was
expressed. And at the tyme of the
makeinge of the said l^res patents and
longe before Grograines of silke narrow
were worth the yard vj^s viij^d and broad
the yard x^s and were then and longe
before soe rated in the booke of rates
for payment of customes and subsidies,
and accordinge to that rate the customes
and subsidies was then and longe before
used to bee payd for them, and were not
expressed in the said schedule, And at
that tyme and longe before Turkey
grograns were worth the peece not
above 16 yards 40^s, and at that rate
were then and longe before rated in the
said booke of rates for paym^t of customes

and subsidies, And accordinge to that
rate customes and subsidies were then
and before payd for them, and were
expressed in the said schedule, and thereby
appointed to pay for the said newe Imposicon
xx^s the peece. And at that tyme and
longe before Naples silke black was
esteemed to bee worth xx^s the pound
conteyninge 16 ounces And in colour
xxvj^s viij^d and at those rates were then
and before rated in the booke of rates
for paym^t of customes and subsidies, And
accordinge to those rates customes and
subsidies were then payd for them and
were not expressed in the said schedule.
And at that tyme and longe before raw
longe silke the pound conteyninge 24
ounces was esteemed to bee worth xvj^s viij^d
the pound and rawe short silke the pound
conteyninge 24 ounces was esteemed
to bee worth vj^s viij^d the pound, and at
those rates were then and before rated
in the booke of rates for payment of
customes and subsidies, and accordinge
to those rates the customes and subsidies
were then and before used to bee payd

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for them and were expressed in the said
schedule and thereby appointed to bee
freed from the paym^t of the said newe
Imposicion, And at that tyme and longe
before Chamblets unwatered were esteemed
to bee worth ij^s the yard and Chamblets
of silke iiij^s the yard and Chamblets of
silke tincelled wth gould and silver vj^s viij^d
the yard and at those rates were then
and before rated in the booke of rates
for paym^t of customes and subsidie
and accordinge to these rates the
Customes and subsidie were then and
before used to bee payd for them, and
were not expressed in the schedule.
And at that tyme and longe before
Chamblets watered were esteemed to
bee worth ij^s vj^d the yard and at that
rate were then and before rated in
the booke of rates for paym^t of customes
and subsidie, and accordinge to that rate
the customes and subsidie were then
and before used to bee payd for them
and are not expressed in the said schedule
And at that tyme and longe before

Gauls were esteemed to bee worth
xxxiij^s iiij^d the hundred waight contayninge
Cxij pounds and at that rate were then
and before rated in the booke of rates
for paym^t of customes and subsidie,
and accordinge to that rate the customes
and subsidie were then and before used
to bee payd for them, and are expressed
in the said schedule, and there by appoin-
ted to pay for the said newe Imposicion
after the rate of xx^s the hundreth waight
contayninge one hundred and 12 pounds
as by the said l^res patents schedule
and booke of rates, whereto these dests
for more certenitie referr themselves,
may appeare. And for Mohaires these
defendants say they are not by such speciall
name mentioned in the said schedule,
but then and before payd customes and
subsidies accordinge to the rate of
Turkey grograines And these defendants
saie that in the lyfe tyme of his said
late Matie after the said 29th daie of
September in the said l^res patents
mentioned divers Marchants of London

whereof the Complaynant (as they believe)
was one brought from the pts beyond the
Seas into this Port of London severall
pcells of black silke grograme Turkey
grogrames Mohaires Naples Organsine
silke Raw silke Chamblettes and galls, and
payd for the same aswell as the said
subsidie given and granted by the said
Act of Parliamt, as also the said Imposicon
soe set by the said lres patents as
aforsaid, to his said late Matties use
to the officers or ffarmers of his said late
Matie in that Port accordinge to the
said booke of rates lres patents and
schedule aforsaid. And our said late
Soveraigne Lord Kinge James of blessed
memorie by himselfe and his officers
and ffarmers from the said 29th day
of September in the 6th yeare of
his raigne untill the tyme of his
disease wch was the 27th of March
in the 23th yeare of his raigne of
England received and had the said
subsidie and imposicons, and the same
paymts were also continued to our

Soveraigne Lord the Kinge Matie that
nowe is after his accesse to the Crowne
in the same manner wthout any further
speciall directions then before herein
is alleadged that these knowe and
remember untill the 26th day of Julie
in the second yeare of his Maties raigne,
at wch tyme his Matie by his highnes
lres patents under the greate seale
of England bearinge the day and yeare
last mencioned directed to the Treasurer
of England for the tyme beinge the
Commissioners of his Maties treasurie
for the tyme beinge, to the Chiefe
Baron and the rest of the Barons
of this Exchequer for the tyme beinge
to the Customers Comptrollers Searchers
and all other his Maties officers of his
Ports or belonginge to his customes for
the tyme beinge, and to all other his
Maties officers and lovinge subts whom
it should or might concerne, did declare
his will and pleasure to bee That all
these duties upon goods and marchandizes
called by the severall names of customes

subsidies and impositions should bee leavyed
collected and receaved in such forme
and manner as the same were leavyed
collected and receaved at the tyme of
the decease of our late soveraigne Lord
Kinge James, and upon such accomptants
and fermers as at the day of the said
lres patents the same were collected
or thereafter should bee by our soveraigne
Lord that nowe is appointed under his
greate seale of England to bee collected
leavyed or receaved And his Matie by
the same lres patents did declare
his will and pleasure to bee that the
same collections and receipts should
continue untill such tyme as by Parliam^t
(as in former tymes) it might receive
an absolute setlinge, as by the said
lres patents amongst other thinges
whereto these desst^s also for more
certeintie referr themselves, maie
appeare And these defendst^s further
say that afterwards (that is to saie)
the 16th day of August in the yeare

of our Lord God 1626 the then Right
Honoble James Earle of Marlborough
then Lord Treasuror of England by
lres under his hand and seale directed
to his Maties then officers and contracted
fermers of his Maties Customes in the
Port of London willed and required them
~~them~~ to bee carefull to see the contents
of his Maties said lres patents punctuallie
observed in the said Port of London
and the members thereof accordinge
to his Maties said directions as by the
said lres also whereto for more certeintie
these defendst^s referr themselves, maie
also appeare, And these defendst^s further
saie that divers Marchants of London
and amongst others the Complaynant
(as they beleive) tooke notice of his Maties
said lres patents and of the Lord Trers
said lre and directions thereby given,
and at sundrie tymes afterwards and
before the first day of July last past
in the 4th yeare of his Maties raigne
that nowe is in the Bill of complaint
mentioned, brought greate quantitie of black

silke grogranies Turkey grogranies
Mohaires, Naples Organsine silke, Raw
silke Shambletts and galls from the pts
beyond the Seas into the Port of London
and payed duties for the same accordinge
to the rates heerein before menconed,
untill of late that some Marchants of
London began to wthstand and gainsaie
the paymt thereof, and that the complaynt
hath refused to make payment, and some
pt of his goods for that cause stayed till
the pleasure of the Lords and others of
his Maties most honoble privie Councell
might bee knowne therein; whereof
the Lords beinge informed made an order
at the Councell board the last of
August 1628 under the hands of divers
of them (his Matie beinge then present)
the tenor whereof is as followeth vizt
Whereas Informacon was this day given
by the officers of the Customehouse
that certaine Marchants of London
notwthstandinge the greate seale of England
directinge the officers of the Customehouse
to collect all such duties as were formlie

payd to Kinge James of blessed memorie
upon all marchandizes imported into the
Kingdome, have attempted violentlie
to take awaie theire goods before the said
duties are discharged The board haveinge
thereupon considered the undue proceedings
of the said Marchants in the said busines
hath thought fit and ordered That
Abraham Dawes esquire Collector of his
Maties customes inwards shalbee ordered
and required to deteyne in his Maties storehouse
all such goods for wth the said duties
or any pt of them heeretofore payd in
the tyme of Kinge James, are nowe
refused, whereof hee may not fayle
At Southwick the last of August 1628

And the said defendt Abraham Dawes
for his part saith, That hee at the
severall tymes of bringinge in, enteringe
and landinge of the goods menconed or
meant in or by the said complaynants
Bill, was, and for divers yeares before
had bine and yet still is one of his
Maties officers of and belongnige to the
Customehouse in the Port of London

That is to saie Collector for his Maties
duties for goods imported into the said
Port. And the said Richard Carmarthen
for his pt also saith that hee then was,
and for divers yeares before had bine and
yet still is another of his Maties officers
there, that is to say Surveyor of his Maties
said customes and duties there And the
said John Hollowaie for his part also
saith, that hee then was and for divers
yeares before had bine and yet is another
of his Maties officers there (that is to
saie) controller of his Maties said
Customes and duties there And the
said Bryan Rogers for his part also
saith That hee then was and for divers
yeares before had bine and yet is one
of the wayters for his Matie in the said
Port of London And these defends
further say that they or some of them
upon the enteringe of the said goods
in or by the Complaynants bill mentioned
or meant did demaund of the said
complaynant the like duties as formerlie
had bine payd for the like goods in the

lyfe tyme and at the death of the said
Kinge James, wth they so demaunded
by vertue of his Maties forsaid lres
patents under the greate seale of England
bearinge date the 26th day of Julie
in the second yeare of his highnes
raigne herein before mentioned, and
other directions to them in that behalf
given by his Matie and the Lord Trer
and others of his Maties most honoble
privie Councell, wth duties or anie
pt thereof the said Complaynant
refused to pay and at severall daies
and tymes landed the said goods and
offered to have carried them awaie
wthout paym^t of any duties or money
whatsoever to his Maties use for the
same, whereupon these defendants
or some of them required the wayters
and the Farmers deputie Michaell
Measie messinger and Mr Vicant
Dendy, to stay the said goods and carry
them into his Maties storehouse upon
Customehouse key, as they conceived
they were by the intent and meaninge
of his Maties said lres patents bound

by the dutie of theire places and offices to doe.
And the same goods were soe carried and put
into the said storehouse accordinglie where
they yet remaine for anie thinge these defendants
knowe to the contrarie under the custodie
of Richard Androwes, substitute to the said
defendant Abraham Dawes, who for manie
yeares last past, aswell before the said
Abraham Dawes came to his office as since
hath bine imployed for keepeinge of goods
thither brought And the said defendants say
that the same goods were stayed and deteyned
and yet are deteyned in his Maties storehouse
from the pl^t for that hee refused (as before
is said) to pay such duties to his Maties ffarmers
and officers as had bine by other English
Marchants, and (as they beleive) by himselfe
for such like goods in the tyme of our late
soveraigne Lord Kinge James and in the
tyme of our Soveraigne Lord the Kinge
that nowe is, aswell before as after the
directions given for the collectinge of the said
duties by the forsaid lres patents of the
26th of Julie in the second yeare of his
Maties raigne and for noe other cause
And these defendants or some of them did

offer the Complaynant sundrie tymes after
the stay of the said goods to restore and
deliver them back unto him againe yf hee
would pay such duties as aforsaid wch
hee refuseth to doe But it is true hee
desired these defendants to deliver them unto
him, and sayd hee would pay for them what=
soever was due to bee payd by lawe and
custome of the Realme, but not acknowledginge
any thinge due nor payinge nor yeilinge to
pay anie thinge these defendants durst not
deliver them unto the Complaynant. But
where it is alleadged that these defendants
would not suffer the Complaynant to have
any sight of his goods, or to take course
for preservinge of them from perishinge,
they thereto saie that they did never denye
the Complaynant to see them or to take
course for preservinge of them, neither did
hee ever desire any such matter of them
But this defendant Abraham Dawes saith
That soone after the said goods were stayed
and put into the storehouse as aforsaid
John Flowks and Bartholomewe Gilman
two other Marchants who had also goods
in the said storehouse did on the behalfe
of themselves and other Marchants that

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ead goodf tepre dessire teis defendt teat
tepy might come to upon and ayre tepire
said goodf, wtt teis defendt yielde unto
tellinge tpm teat ysl either osl tpm or
any other osl tpe Marrgants teat ead goodf
tepre would come but and at at tyme
and upon on ayre tepire goodf mi eis psonto
tepy sholde freelie and willingly bee admitted
tepreunto, wch for tpe pśent tepy seemed to
take mi goodf pt and bee well satisfiedd
wtt all. But on tpe morrowe tpe said
Martpolomewe Gilman came, and gave
emi tpankes for tpe favore epe was contente
to ease shewed tpem to emi and M stowte,
but teat tepy sawe ead time advised otper-
wise by tepire Counsell, and tepy did not
at any tyme after desire to see upon or ayre
tpm And tpese defendts doe denye teat
tepy desired or required tpe pltt to make
fyne for redemption osl eis said goodf
and pay unto tpese defendts or any osl tpm
30s li or ame otper some otper tpm at aforesaid
And tpese defendts likewise acknowledge
it to bee true teat tpe said Complaynant
sued two Replevyns out osl tpe Courte osl tpe
Cite griffes osl London to replevie eis said
goodf, and founde pledges (as tepy belowe)

accordinge to tpe Course in suche case usedd
And teat tperupon teese defendts Abraham
Dawes and Richard Carmarthen came ad tpe
next court wch tpemselves bounde in ccclio to doe,
before tpe Barons osl teis Exchequer about
tpe tyme in tpe Bill mencioned, and teat
tperupon at tpe motion osl eis Ma tes Attorney
generall it was ordered by teis Court to
sue, affeer ad by tpe said Bill is alsso
alleadged, as by tepire said rate and order
remayninge osl Record in teis tyme Court
wch to teese defendts for more certentie
wch tpemselves may appeare. And
wch read tpe said Complaynant by eis said
Bill dothe alleadge teat tpere is nothinge
due unto eis Ma tie out osl or for tpe same
goodf by tpe lawe and custome osl teis Realme
teat epe knowthe osl, and teat epe is willinge
and readie to pay wch soever is due by
lawe and custome wchsoever tpe same
shalbe legallie adiudged to bee due, and
teat by tpe lawe and custome osl teis
Realme eis goodf ought not to bee seized
and detayned from emi wtout cause
and teat tpere cathe bine now informacon
exhibited into teis Court teat tepy were
seized, and teat tepy were not seized by

any warrant or precept ont of anie of his
Maties Courts, and that there is not anie
record or other matter by wch it appeareth,
that the said goods ought to bee seized or deteyned,
and that yet under pretence of duties due
to his Matie they are deteyned aga^t the lawe
and aga^t equitie, and that the same goods
by keepeinge of them are much impayred
and made everie day the worser by detey-
ninge, and that it was agreeable to equitie
and good conscience that the said goods
should bee delivered to the p^lt or that hee
should prosecute such course for the recoverie
of them as the lawe alloweth; Thereupon
these defendants say that whether any thinge
bee due by lawe or custome, or the
goods ought to bee seized or deteyned, or
what is agreeable to equitie in that case,
they leave it to the answere of Mr Attorney
generall to whom it properlie belongeth;
Conceiveinge it fitter for them beinge his
Maties officers, humblie to submitt themselves
to his Maties comandes and directions, then
to take upon them to dispute his Maties
rights and interests, especiallie in a
matter of soe high a consequence, and as

the same goods are deteyned by his Maties
comandes, soe to bee readie as they wilbee,
as farr as in them lyeth upon his Maties
comandes or legall order of this Court
to cause them to bee aganie delivered to
the said Complaynant And they acknowledge
there is not any Informacion exhibited
into this Court concerninge the said goods
other then the Informacion of the former
affidavit and Mr Attorneys mocion, to
theire knowledge, And as to the impayreinge
of the said goods by the keepeinge them,
These defendants say they beleive it
cannot otherwise bee but that they are
impayred by beinge soe longe tyme in
that place w^thout openinge and ayreinge,
but yf they bee it was the p^lts fault who
might have had leave to have opened
and ayred them yf hee had desired it,
these defendants not haveinge willinglie
done any thinge whereby to impayre
them otherwise then of necessitie must
growe by the deteynure for the reasons
aforsaid, w^thout that that any other
matter or thinge in the said ~~Informacion~~
bill of Comp^lt conteyned materiall
or effectuall for these defendants to answere

unto and hereon not sufficientlie answered unto, confessed, or avoyded, traversed or denyed is true. All wth these defendts are readie to averr and prove as this honble Court shall award, And humblie pray to bee hence dismissed wth theire reasonable costs and charges in this behalf wrongfully sustayned.

Termino Paschae anno quinto Regis Caroli

Hall p ⊙
Tenschier p dcs

The severall Answere of Sr Robert Heath knight his Maties Atturney generall to the Bill of Complaint of Richard Chambers of London marchant Complaynant

London

The said Atturney saveinge to himselfe on his Maties behalf all advantages of exception to the uncertenitie and insufficiencie of the said Bill of complaint for answere saith That hee beleiveth that the Complaynant is an Englishman borne in the Citie of London and that about the tyme in the bill mencioned hee brought into this Realme and into the Port of London diverse goods by waie of Marchandize but the certenitie thereof and of the particulers of those goods or the values of them hee knoweth not but for that referreth himselfe to the Customes

booke kept for the Kings Maties in the said Port of London where this desdt thinketh the same were entered And to the goods themselves hee saith farther that yf those goods bee of the severall sorts and kinds set forth by the said Bill the same are necessarie Comodities and usefull for the subts of this Kingdome and of such natures as have bine usuallie brought into this Kingdome heeretofore by way of marchandize and for ought the said Atturney knoweth the same were landed at lawfull wharfes and at lawfull howres and tymes as by the said Bill is set forth And hee further saith that diverse goods of the complaynants wth hee thinketh are those goods the compllt intendeth by his Bill were by his Maties officers of the Customes put into the Kings Customehouse or Storehouses at Customehouse Key in London and doe there yet remayne, but for the manner of the takeinge of them hee referreth himselfe to the Answeres of Abraham Dawes Richard Warmarthen John Holloway and Bryan Rogers the other desdts why are his Maties officers seeinge and attendinge in the said Port And hee farther saith that hee doth not know what offer the Compllt made to the said other defendants

touchinge the paym^t of any customes or other
duties to his Matie for or in respect of the
said goods, nor what somes of money the said
other desst or anie other of the Kings officers
did demaund or require to have received for
his Maties use in respect thereof, but therein
also referreth himselfe to the other desst
and to such proofes as shalbee made in
that behalf But this desst remembreth
well that after the said Comp^lts goods
were carried into the Kings storehouse
as aforsaid and soe were in the Kinges
actuall possession the said Comp^lt did sue
forth one or more Replevyns to have replevied
the same, but this Court beinge informed
that the same were then in the Kings owne
actuall possession, this Court did resolve
and accordinglie order that such Replevyns
were not maintaynable in that manner as
by the orders of this Court to that purpose
made to wch the said Atturney referreth
himselfe it doth and may more fullie appeare
And hee farther saith that hee conceiveth
that there then were and are some duties
payable to his Matie for or upon the said
goods legallie due and to bee payd knowne
by the name of custome and Impost wch the

Comp^lt then refused and yet doth refuse
to pay to his Maties use, but the certeintie
of those duties or what they amount unto
hee saith that hee doth not knowe, the rather
because hee doth not knowe the certeintie
of the said goods But whereas the said Comp^lt
saith that hee is readie to pay whatsoever
is due by lawe and custome whensoever
the same shalbee legallie adiudged to bee
due The said Atturney generall on his
Maties behalf saith that hee also therein
referreth himselfe to the Judgem^t of this
Court when upon due proofe made on
both sides in this Cause or in anie other
wch this Court shall thinke fit to direct
this Cause shalbee rype for theire Judgem^t
And untill this Court upon proofes to
bee made in due forme of lawe and
accordinge to the course of this Court
shall have adiudged what duties ought
to have bine payd to his Matie for the
said goods soe imported as aforsaid and
that the same bee payd accordinglie
the said Atturney generall humbly conceiveth
that those goods for wch or in respect
whereof those duties are required may
instlie bee seized and kept in his Maties

handes not as goodes forfeited for not paym^t
of those duties but as lest or sequestred
into his Maties handes untill the Compl^t
or some other shall have satisfied those duties
otherwise it would bee infinitely disadvantageous
to his Matie to bee inforced to have so
many suites or complaynts as would of
necessitie to bee had and prosecuted on his
Maties behalf wthout that that there are
noe customes Impost or other dutie due
unto his Matie for the same goodes as the said
Compl^t by his Bill surmyseth And wthout
that that anie other matter or thinge
in the said Bill conteyned All which
matters and thinges the said Atturney
doth and will averre &c

Ro: Heath
Ric: Shilton
Humfrey Davenport.

Ex pte Rememorator Regis

Termino Pasche Anno quinto Rx Caroli

Mercurij xxix^no die Aprilis

London

Whereas Richard Chambers of London
Marchant hath latelie exhibited his English
Bill into this Honoble Court agat Abraham
Dawes of London esquire Richard Carmarthen
John Holloway Esquires and Bryan Rogers
gentleman to bee releived thereby touchinge
one Case of black silke grogrames twentie
six bales of Turkey grogrames three bales
of Mohairs and divers other goods of verie
greate value latelie seized by them the said
Abraham Dawes Richard Carmarthen John
Holloway and Bryan Rogers and some
others pretendinge themselves to bee servants
to them the aforsaid persons upon pretence
of some duties due to bee payd to his Matie
for the same and doe still detayne the said
goods in his Maties storehouse at Custome=
house Key in London In wth Bill also
the said Richard Chambers hath humblie
prayed that (for the reasons therein expressed)
this Court would bee pleased to give order
that his Maties Atturney generall might
answere the contents thereof and might

shewe cause why the aforsaid goods were
seized and deteyned and for what untie
and how the same grewe due and wherefore
the same should not bee restored to the pl.
by the said bill (amongst other thinges)
more fullie and at large maie appeare
Now upon the motion of Mr Roy of Donnell
wth the said Richard Chambers in presence
of Sr Robert Heath knight his Maties
Atturney generall humblie desireinge that
the said Richard Chambers might have
a writt of deliverie whereby to have the
said goods restored unto him againe and
that his Maties said Atturney generall
might speedilie put in his Answere
unto the said Bill, and that in the
meane tyme (because that the said
goods are of such nature and qualitie
that they may bee spoyled and perish
yf some course bee not taken for the
lookeinge to them and openinge of them)
the Court would bee pleased that the
said goods might bee taken out of the
aforsaid storehouse and ayred and
opened It is thereupon this present day

ordered by this Court by and wth the
consent also of his Maties said Atturney
generall that the said Richard Chambers
and some wth him may have accesse to
the said goods where they are kept and
deteyned and see them ayred and preserved
from perishinge in the presence of such
of the officers of the Customehouse
as shalbee thereunto appointed, so as
hee nor anie for him doe not anie waies
interrupt his Maties possession of the
said goods untill this Court take further
order And as touchinge a writt of
deliverie for the aforsaid goods the
Court is to bee moved againe when his
Maties Atturney generall hath answered
the said Bill of wch hee hath nowe
taken notice in Court and is pleased
to give this Court to understand that
hee will put in his Answere thereunto
as soone as convenientlie hee maie
and accordinge to the course of this
Court

H: pro Chambers
B: pro Rege

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The 4th of May 1629 accordinge to this order I Richard Chambers went to the Customehouse to demaund the sight and ayrenige of my goods and demaunded the same of Mr Dawes and Mr Carmarthen by vertue heereof but they answered that they were out of theire possession and they had nothinge to doe wth them, and this was all I could get of them at that tyme In witnes fewe

Mr Niggott
Mr Cornishe
Mr Bartlett
Robt Ffettiplace

Luna xviij° die Maij 1629

London Whereas Richard Chambers of London Marchant hath latelie exhibited an English Bill into this Court against Abraham Dawes Esquire Richard Carmarthen Esquire John Holloway Esquire and Bryan Rogers gentleman defendts touchinge certaine goods of greate value wch were

seized by them or some of them as officers and sfermers of his Maties Customes and still deteyned in his Maties storehouse of London for some duties pretended to bee due to his Matie And whereas also by the said Bill the said Richard Chambers hath humblie prayed that this Court would bee pleased to give order that his Maties Attorney generall might likewise answere to the said Bill, as by the said Bill (amongst many other things therein conteyned) more fullie and at large may appeare. Now upon the mocon of Mr Noy on the behalf of the said Richard Chambers in presence of his Maties said Attorney generall informinge this Court that the said Bill came in almost three weekes sithence, and that after divers rules given heere in Court accordinge to the course of this Court the said Abraham Dawes Richard Carmarthen John Holloway and Bryan Rogers did on Twesday last put in theire Answere to the said Bill but that

his Maties Atturney generall hath not
as yet put in any answere to the same
And therefore and for other reasons by
him the said Mr Roy alleadged in Court
It was now by him humblie desired
that the said goods soe seized might bee
redelivered to him the said Richard Chambers
It is thereupon this present day ordered
by this Court by and wth the consent
of the said Mr Atturney generall that
the said Mr Atturney shall this daie
put in his Answere to the said Bill
And then upon the motion of the said
Mr Roy to morrowe the Court will
give such further order in the said
cause as shalbee fittinge ;

Ex parte Remendator Regis London

Martis xix^o die Maij 1629

Whereas Richard Chambers of London
Marchant hath latelie exhibited an
English Bill into this Court against
Abraham dawes Esquire Richard Carmar-
then Esquire John Holloway esquire and

Bryan Rogers gentleman defendt touchinge
certaine goods of greate value wch were
seized by them or some of them as officers
and ffarmors of his Maties customes and
still detayned in his Maties storehouse of
London for some duties pretended to bee due
to his Matie And whereas also by the
said Bill the said Richard Chambers
humblie prayed that this Court would
bee pleased to give order that his Maties
Atturney generall might likewise answere
to the same Bill. Upon the motion of
Mr Roye yesterdaid on the behalf of the
said Richard Chambers in presence of
his Maties said Atturney generall informinge
this Court that the said Bill came in
almost three weekes sithence and that
after divers Rules given here in Court
accordinge to the course of this Court
the said Abraham dawes Richard Carmarthen
John Holloway and Bryan Rogers did on
Twesday last put in theire Answeres to
the said Bill but that his Maties Atturney
generall had not then put in his Answere
to the same And therefore and for other

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reasons by him the said Mr Boye alleadged
in Court It was then by him humblie
desired that the said goods soe seized and
detayned as aforsaid might bee redelivered
to him the said Richard Chambers. It
was thereupon yesterday ordered by this
Court by and wth the consent of the said
Mr Attorney generall that the said
Mr Attorney should the same day put in
his Answere to the said Bill, and then
upon the motion of the said Mr Boye made
agame this day the Court would give
such further order in the said Cause
as should bee fittinge Nowe upon the
motion of the said Mr Boye informinge
this Court that the Answere of the
said Mr Attorney beinge nowe this morninge
come in, and the said Mr Attorney for
most things in the said Bill conteyned
referringe himselfe to the Answere of
the aforsaid officers of his Maties Customs-
house and further that hee conceaveth
that the aforsaid goods for wch the
aforsaid duties are required might instlie

bee seized and kept in his Maties hands not
as goods forfeited for not payment of
those duties, but as sequestred into his
Maties hands untill the planitiffe had
satisfied those duties (as by the said
Answere may appeare) and therefore the
said Mr Boye humblie desired that the
said goods might bee speedilie delivered
forth to the said planitiffe The Court
consideringe that the same was a matter
of greate waight and consequence did
thinke fit to give any present resolution
in the said Cause touchinge the duties
themselves or touchinge the possession
of the said goods but doe thinke fit,
And it is this present day soe ordered
by this Court that the said matter
shalbee moved agame upon the first
Thursday of the next Terme before
the Lord Treasuror Chancellor and
Barons there and then upon hearenige
the said Answere of his Maties Attorney
read and the answere of the other
defendts and upon hearenige of Counsell

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on both sides the Court will give such order
touchinge the possession of the said goods
as shalbee fittinge And it is further ordered
that the said matter shalbee put into the
Bill of causes to bee sett downe as a
motion for that day.

H: pro Q
B: pro def^ts

Camera Sccij

Tercio sancte Trinitatis Anno
quinto Regis Caroli
Jovis xj^mo die Junij

London Whereas in the cause dependinge in this
Court by English Bill latelie exhibited
by Richard Chambers of London Marchant
agat Abraham Dawes esquire Richard
Carmarthen esquire John Holloway esquire
and Bryan Rogers gentleman and also
agat his Maties Attorney generall defendts
touchinge certaine goods of greate value
wch were seized by the aforsaid defendts
or some of them as officers and ffarmo^es

of his Maties Customes and still detayned
in his Maties storehouse of London for
some duties pretended to bee due to his
Matie, to wch Bill all the said defendts
have nowe answered. Upon the motion of
Mr Roye of Counsell wth the said Richard
Chambers made on Twesday the nynteenth
of May last It was thought fit and
that day soe ordered by this Court for
the reasons in the said order expressed
that the said matter should bee moved
againe this day before the Right honble
the Lord Treasuror Chancellor and
Barons of this Court, and then upon
hearinge the Answere of his Maties
said Atturney read and the answere
of the other defendts and upon hearinge
of Counsell on both sides the Court would
give such order touchinge the possession
of the said goods as should bee fittinge
as by the said order may appeare. Nowe
the said matter benige this day moved
againe by the said Mr Roye, but his Maties
Atturney generall informinge this Court

that the Lord Treasuror was this morninge
sent for to his Matie to Greenewich, upon
some busnesses of greate waight soe as
his Lopp cannot bee heere this day. It is
therevpon this present day ordered by this
Court that the said Mr Roye shall move
the said matter againe on Mundaie next
yf the Lord Treasuror can then bee heere,
and yf hee cannot that day bee heere then
upon this day seaunght, and yf his Lopp
cannot bee heere that day then the Court
intendeth to take such order in the said
cause touchinge the said goods as shall bee fittinge

per Curiam
H: pro ⊙

Camera Scc^ii

Termino Sancte Trinitatis Anno
quinto Regis Caroli
Jovis xviij^o die Junij 1629

London

Whereas in the cause dependinge in this
Court by English Bill latelie exhibited
by Richard Chambers of London Marchant

Agat Abraham Dawes esquire Richard
Carmarthen esquire John Holloway esquire
and Bryan Rogers gentleman and also
agat his Maties Attorney generall dests
touchinge certaine goods of greate value
as the said plaintiffe affirmed wch were
seized by th'aforsaid defendts or some of
them as officers and ffarmo^rs of his Maties
customes and are still deteyned in his Maties
Storehouse of London for some duties pretended
to bee due to his Matie To wch Bill all
the said defendts have put in theire answeres.
Upon the motion of Mr Roye made in Court
this day seaunght for the deliverie of the
said goods to the said Richard Chambers
It was the same day ordered by this Court
that the said Mr Roye should move the
said matter againe on Mundaie then next
followinge in the Exchequer Chamber
yf the right honoble the Lord Treasuror
of England could then bee there, and
yf hee could not that day bee there then
upon this day, and yf his Lopp could not
bee heere this day then the Court would
take such order in the said cause touchinge
the said goods as should bee fittinge as

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by the said order may appeare Now upon
hearinge of the said Mr Boye for the said
Richard Chambers and also of his Maties
Attorney generall on the behalf of his
Maties It is this present day ordered by
this Court that the aforsaid fower officers
of his Maties Customehouse (that is to
say) Abraham Dawes Richard Darmarthen
John Holloway and Bryan Rogers shall
betweene this and Mundaie next viewe
all the said goods of the said Richard
Chambers seized by them as aforsaid
and shall by that tyme make a Certificate
to this Court under theire hands of the
value of the said goods and also what
duties they demaund of the said Richard
Chambers for the said goods And upon
the returne of the said Certificate that
day the Court will take such further
order touchinge the said matter as to
theire wisdomes shall seeme fittinge

H: pro Q
B: pro defendt

Exte Remendator Regis

Termino Trinitatis Anno quinto
Regis Caroli
Lune xxij die Junij 1629

London

Whereas on Thursday last It was ordered
by the Court that Abraham Dawes Richard
Darmarthen and John Holloway Esquires
and Bryan Rogers gentleman officers of
his Maties Customehouse of London should
betweene that and this day viewe all the
goods of Richard Chambers Marchant seized
by them for some duties pretended to bee due
to his Maties and should by this daie make
a Certificate to this Court under theire
hands of the value of the said goods and also
what duties they demaund of the said Richard
Chambers for the said goods as by the said
order may appeare Now forasmuch as the
said Abraham Dawes Richard Darmarthen
and John Holloway have this daie brought
in a Certificate in this Court under theire
hands whereby they did certifie (inter
alia) that the said goods are in his Maties
Storehouse where they lye soe pyled upp
one bale and fardell upon another wth
divers other Marchants goods that they

could not viewe the same neither did they
at any tyme open anie Marchants goods beinge
entered at sight as yt ost these goods were
unlesse the Marchant himselfe or servant were
there present wch are the reasons why they
could not yet certifie this Court the value
ost the said goods Nowe upon the motion ost
Mr Boye and upon readinge the said Certificate
his Maties Atturney generall beinge also
present in Court It is this day ordered by
the Court by the consent ost the said Mr
Atturney that the said Mr Chambers shall
have libertie to goe himselfe wth his keeper
and wth two ost his servants to assist him
to the said Customehouse there together
wth the aforsaid officers peaceablie and
quietlie to viewe all the said goods seized
as aforsaid And that the said officers
shall to morrowe morninge certifie to this
Court under theire hands the value ost the
said goods and also what duties they
demaund for the same And upon returne
ost the same Certificate the Court intendeth
to make some end ost the said matter And
it is also further ordered by the like

assent ost the said Mr Atturney in Court
that in the meane tyme nothinge shalboe
done to alter the possession ost the said
goods but that the said goods shalboe and
remayne in the same state they are nowe

The Farmors Certificate of
the valewe of Richard Chambers
goods deteyned in the Customehouse
and the demaunds of the Farmors
for Custome Impost &c of his
goods deteyned and for goods delivered
him.

June: 23th: 1629

May it please ye good Lopp

Whereas by an order out ost this honoble Court
bearinge date this present daie wee are
thereby required to viewe and value the
goods ost Mr Richard Chambers in his
presence remayninge in his Maties Customehouse
In conformitie and due obedience unto
the said order wee his Maties Officers
therein mentioned doe most humblie
Certifie unto this honorable Court as
followeth (viz)

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In his Maties seuerall Storehouses eighthie five pcells of seuerall goods valued accordinge to the booke of rates for all duties unto his Highnes therein conteyned amountinge to the some of

	£	s	d
	5717	13	04

More for increase of the value upon rawe silke after the rate of five shillinges per pound waight by vertue of a priuie seale bearenige date the three and twentieth day of Aprill in the third yeare of his Maties raigne amountinge to the some of

	£	s	d
	239	10	00
	5957	03	04

The duties demanded by us for his Maties use by vertue of his Highnes Commission under the greate seale of England bearenige date the six and twentieth of Julie in the second yeare of his said Maiesties raigne doth amount to the some of

	£	s	d
	297	17	02

More wth is delivered to Mr Chambers one bale raw silke and certaine Cotton wooll valued accordinge to the booke of rates for the duties as above mentioned is

	£	s	d
	214	04	00

More demanded for the increase of the silke as above

	£	s	d
	34	10	00
	248	14	00

The duties demanded by us for his Maties use by vertue as above is

	£	s	d
	12	08	08 1/2

More one bale of Orgnsine silke wth came from Bristowe to bee pferted here in London valued accordinge to the booke of rates is

	£	s	d
	270	00	00

More three bales of rawe silke taken upp by the said Mr Chambers for wth noe duties were answered or payd valued at

	£	s	d
	443	06	08

More three bales of wormseeds in the like nature valued at

	£	s	d
	160	00	00

More one bale of grograine yarne valued as aforsaid at

	£	s	d
	070	00	00
	943	06	08

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More for the increase of the value of the three bales of rawe silke as above mentioned according to the privie seale aforsaid is the some of	133	00	00
	1076	06	08
The duties demanded by us as aforsaid for his Maties use for these eight bales above specified doe amount to the some of	053	16	04

Abraham Dawes Coll.
Jo: Holloway Comptr:
Ric: Carmarthen Sur:

More	297	17	02
More	012	08	08 1/2
The duties (of all these goods) demanded doe amount to the some of	364	02	02 1/2

dated 23th of June 1629

The whole value of all the aforsaid goods brought in and noe duties payd amounts to as they bee valued in the booke of Rates to Rec the duties	7262	04	00
The whole duties demanded for all the abovesaid goods for custome impost and increase is	0364	02	02 1/2

That is to saie for the goods nowe remaynige in the Custome howse	297	17	02
And for the goods taken awaie by the said Chambers at tymes	066	05	00 1/2
Totalls	364	02	02 1/2

Martie xxiij^o die Junij 1629 Sunnd

London

Whereas yesterdaie upon the motion of Mr Roye of Counsell wth Richard Chambers Marchant of London and nowe a prisoner in the ffleete touchinge Etaine goods and marchandize of good valewe seized and detayned from him by the officers of his Maties Customhowse for some duties by them claymed to bee due to his Matie cum Robert Heath knight his Maties Attorney generall beinge also present in Court It was ordered by the Court by the consent of the said Mr Attorney that the said Mr Chambers should have libertie to goe himselfe wth his Keeper

and wth two of his servants to assist
him to the said Onstomehouse there together
wth Abraham Dawes esquire John Holloway
Richard Carmarthen esquires and Bryan
Rogers gentleman officers of his Maties
said Onstomehouse peaceablie and quietlie
to viewe all the said goods seised as
aforsaid and that the said officers should
this morninge certifie to this Court
under theire hands the value of the
said goods, and also what duties they
demaund for the same, and upon returne
of the same Certificate the Court would
make some end of the said matter.
And it was also further ordered by
this Court that in the meane tyme
nothinge should bee done to alter the
possession of the said goods but that
the said goods should bee and remayne
in the same estate they were in. Now
forasmuch as the said Abraham Dawes
John Holloway and Richard Carmarthen
have this day certified this Court under
theire hands that the duties demaunded
of all the goods of the said Richard

Chambers valued by the said officers
accordinge to the aforsaid order aswell
those wch were formerlie delivered to the
said Richard Chambers as those wch are
still remayninge in his Maties storehouse
doe amount to the some of 364^lb - 02^s - 02^d ½
That is to saie 297^lb - 17^s - 2^d for certaine
goods nowe remayninge in the Kinges
storehouse and 66^lb - 5^s - ½ for certaine
goods delivered the said Chambers as
by the said Certificate registred in this
Court amonge the orders of this terme
more fullie and at large maie appeare
It is thereupon thought fit and this
present day ordered by this Court in presence
of his Maties said Attorney generall that
the said Chambers shall by or before
Saturday next bringe into this Court
the said some of 364^lb - 02^s - 2^d - ½ demaunded
by the aforsaid officers for duties to
his Matie or else yf hee refuse soe to
doe, then that the said officers shall
retayne in theire hands soe much or
such quantitie of the said goods of
the said Richard Chambers beinge

Bona peritura, as shall amount to the
double of soe much money to bee by them
detayned in liene of the said money by
them demanded as aforsaid untill the
Court shall make an end of the said
cause and thereupon either to bee restored
or the due to bee kept for his Matie.
And it is further ordered that all the
residue of the said goods shalbee forthwith
thereupon delivered to the said Richard
Chambers or his assignes And this order
shalbee a sufficient warrant to his Maties
said officers of the Customehouse or
such others whom it maie concerne
for the doeinge thereof accordinglie
And whereas the Court was this
day further informed by the said M^r
Boye that one Mr Rolls of London
Marchant and divers other Marchants
of London had divers of theire goods
likewise kept and detayned for some
duties to his Matie It is nowe also
ordered by this Court that his Maties
Attorney generall shall shewe cause

on Thursdaie next why theire goods
should not bee delivered to them in like
manner and upon the same Condicions
as it is nowe ordered for the goods
of the said Mr Chambers

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The Replication of Richard Chambers of London Marchant Compt. to the answere of Sr. Robert Heath Knt. his Maties Attorney Generall. /

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The said Compt. saith as in his Bill hee hath said, And that the same Bill is in all thinge true and that the goods and Chattells therein specified at the tyme of the taking of them were of such quantities and of such valewes as in the said Bill is sett forth and declared and divers of the same goods and Chattells, that is to say, one Case of blacke silke grogrons containing 10. peeces, worth 400. and 26. Balls of Turky Grogrons, worth 2900. and 3. Balls of Mohares worth 300. and 3. balls of Naplus Orginsine silke worth 900. and 5. balls of rawe silke worth 1250. and 6. Balls of Chambletts worth 950. & 40. sacke Galls worth 360. amounting all to the value of 7060. it being now eleaven monthes since the said goods were seized, and are yet detayned and withholden from the said Compt. by the said other defendts in the Bill named or by theire meanes, and by occasion of the said wrongefull taking of them by the said Compt. Confesseth, that sithence the said Bill exhibited, the said defendts in the Bill named have restored to the Compt. some pte of the said goods and Chattells, that is to saie, one Case of blacke silke Grogrons of tenn peeces and ten Balles of Turky Grogrons and three balls of Mohares and two balls of Orginsine silke

and one ball of rawe silke and 6. balls of
Chambletts, and 40. sackes of galles, but the
said goods and Chattells so redelivered before
the redelivery were much impayred decayed &
made worse, by the keeping of them and by
occasion of the detayner of the said goods the
said Compl.t hath bene much hindred in his
marchantdizing and lost great somes of money
wch by his marchantdizing hee might have
acquired and gotten, in case the said goods
and Chattells hud not bene taken by the other
defendt in the Bill named, and hee is
thereby otherwise greatly danified both in
Credit and trade of marchantdize, and the said
Compl.t saith that the Statute made in the fifth
yeare of King James Concerning Tonnage and
Poundage was to Continue in force only during
the life of the said late King and ~~the somes of~~
~~therein mencioned~~ no longer and the same and
the duties thereby granted determyned by the
decease of the said late King and the somes of money
therein mencioned to be paid ought not by
the lawe to have bene leavyed after his late
Mat.e decease, and that all the said goods and
Chattells were brought into the Realme from
the pte beyond the Sea and put on land long
after the decease of the said late Mat.ie King
James. And that for any the Causes in the
said

said answere mencioned the somes of money in
the said answeare specified ought not to be paid
nor were due to his Mat.ie nor ought the said goods
to be seized or detayned for not payment thereof
And the said Compl.t was of the said goods the
true owner, as in his Bill is set forth, untill
the other defendt in the Bill named did
unlawfully take them and detayne them from
him, and would not suffer the said Compl.t to open
them and viewe and dry and ayre them to keepe
them from perishing, as the said Compl.t by his Bill
hath sett forth and alledged, And wthout that
that any thing in the said answere materiall
to be replyed unto is true wch hee is ready to
averre and prayeth as by his Bill hee hath
prayed.

Another Replicacon word for word
to the fearmor.s of the Custom house.

Ex pte Remendator
Re.
London

Terio Sci Michis Anno quinto Re Caroli
Sabbi xxviij.o die Novembris

In the Cause depending in this Court by English
Bill betwene Richard Chambers of London mchant
and Abraham Dawes Richard Carmarthen esqrs &
others deffts wherein also his mat.e Attorney gen.all
is made a deff. To wch Bill all the said deffts have
answered and the said Richard Chambers hath this
terme put in his Replicacon. Upon the mocon
of mr Noy this day in Cote, it is ordered

that his mat^ie Attorney Gewall having notice given him of this order, and all the rest of the desst^ll shall reioyne to the Replicacon of the said p^lt by or before thursday next, and that the said Cause shalbe put into the Bill of hearings for the next Terme to be heard at such tyme as the Lord Tre^r and Barons of this Court at the setting down of Causes shall thinke fitt & appoint And it is further ordered, that the said Richard Chambers may examine such witnesses as hee hath to exp^ne in the said Cause before some one of the Barons of this Court, giving notice of theire names to the desst^ll Attorney in Court that his mat^ie Attorney Gewall and the other desst^ll may examine them also if they please, and if they will not then the said Richard Chambers may examine them alone.

Interrogatories to bee administred & witnesses to bee examyned on the behalfe of Richard Chambers of London Marchant p^lt against Abraham Dawes Richard Sarmarden and John Holloway and Bryant Rogers desst^ll

1 Impris doe you knowe the p^lt or defendt^ll, all or any of them and wch of them and how many of them?

2 Item is not the p^lt a freeman and a Citizen of London, and did not there come from the p^lt beyond the Seas consigned to the p^lt in the Yeare 1628. betweene the first day of July till the last day of November then following these severall sorts and p^cells of goods and Marchantdize of the p^lt, that is to say, one Case of blacke silke grogrows containing 10. peeces and 26. balls of Turkey Grogrows, and 3. balls of Mohares: and 3. balls of Naples orginsine silke and 5. balls of Rawe silke and six balls of Turkey Chambletts and 10. sacks of Galls./

3. Item was not the p^lt hindred in the landing of the said goods and were they not a longe tyme kept from him aboard of Shippes & lighters and how long were they kept from him, by wch of the said defendt^ll or by wch of theire Commands or direccon were they so kept./

4 Item were not some p^te of the said goods landed by some of the defendt^ll Officers of the Customs

house without the assent or order of the pl.t and put into the Customs house of London, and by whome was it done and by whose order.

5. Item did not the pl.t sundry tymes demaund of Abraham Dawes and the other desd.t Officers of the Customs house in London all his said goods or some pte of them and did not the said Abraham Dawes and the other desd.t Officers ~~for the said goods~~ or some of them detayne all the said goods after they were demaunded as aforesaid and did not they or some of them refuse to deliver them to the pl.t vnlesse the pl.t would pay divers somes of mony, how much mony did they so demaund.

6 Item did not the pl.t at sundry tymes offer the said Abraham Dawes and the other desd.t Officers for the said goods what was due by lawe, and did not the pl.t desire them to pay themselves, what was due out of the said goods, and to deliver vnto the pl.t the rest, and did not the said Dawes and other desd.t Officers refuse to doe both the one and the other And did not the pl.t desire them to permit him to see his said goods, and to vse meanes to preserve them from pishing But did not the said Dawes and other desendt Officers refuse to suffer the pl.t so to doe vnlesse the pl.t would voluntarily pay such somes or pretended duties as they demaunded for the said goods./

7

7. Item was not a Dase of blacke Naplus silke Grogrons, and a Ball of Orginsine silke the first pte of the said goods so seized and taken from the pl.t as aforesaid, and when were the said goods so seized or taken from the pl.t and by whome and at what tyme.

8. Item did not the pl.t bring two Replevins for pte of his said goods aforesaid, and did not the Sheriffes Officers of London take out of Lighters at Customs house key and landpte of the pl.t said goods by vertue of those Replevins or warrants and after the landing thereof did Replevine those goods and tooke them by the said Replevine into theire possessions and power.

9 Item did not the said Abraham Dawes and other defendt Officers of the said Customs house after the Sheriffes Officers of London had Replevined the pl.t said goods in the Serieants possessions, violently and by force take away the said goods and carrie them into the Customs house.

10. Item of what worth & value were the said goods mencioned in the second Interr at the tyme they were first brought into the Port of London, to have bene then soulde there severally and how longe tyme were all or any parte of the said goods detayned from the pl.t by the said

Abraham Dawes and other Officers, and did not the
pl.tt loose his first markett and the season of that
yeare for the sale of the said goods by that detaynm.t
Item during the tyme of the said detaynem.t and
after the said seizure did not there come into the
said Port of London great quantities of the like
sortes of goods, in so much that the prizes from
tyme of the first detention of the said goods
fall in prize at least 12.lb per cent one wth the
other, and what losse damage or hinderance
or may they pl.tt have sustayned by the detaynm.t
or seyzure of the said goods as aforesaid thro
the proceedings of the said Abraham Dawes and
other desst. Officers /

12. Item what pte of the said goods were seized and
carried away by the said Sheriffes Officers of
for an extent of 2000.lb for the kings maty and wh
were the said goods worth at the tyme they were
detayned from the pl.tt as aforesaid.

13. Item did not the said Abraham Dawes and other officers
contrary to an order of the Exchequer Court of the 23
June 1629. now shewed you detayne the said goods to
end they might be seized for the kings use and did
the said Dawes and other officers, when the said Ex
was brought shewe the Officers that brought the
the ndke & goods of the Pl.tt and deliver over the
goods to the disposall of the Sheriffes of London & the
Officers, & did not they refuse to deliver them to
Pl.tt /

14. Item hath not the pl.tt by the said detention seizure &
losse of his said goods bene stopped in the course
of his Trade and bene so hindered that hee did
not send any goods out of England for Turkey
or any other pte beyond the Seas since the first
arrivall of the said goods in this port of London to
this day, and hath not the pl.tt by cause of these
seyzures and detayner of his said goods by these
desst. Officers of the Customs house bene much
ympayred in his Creditt and weakened in his
estate to a very great value & how much as
you verely beleeve And hath not the pl.tt bene
inforced to take up mony at interest to sustaine
his Creditt and supply his occasions by the causes
aforesaid.

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Passages in the Star Chambre against
Richard Chambres of London marchant
for wordes spoken by him: &c
1629

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The Information of Mr Attorney Generall against Richard Chambers in the Starre-Chamber

To the Kings most excellent Matie

Informacon

Humbly informeth yor most excellent Ma^ty Sr Robert Heath knight yor ma^ts Attorney Generall That whereas this Realme of England by meanes of the Commodious Scituacon and fertility of it, and through Goes great blessing unto and upon this Nacon and the gratious goverment of yor ma^ty and yor most noble Progenitors and Predecessors kings and Queenes of this Realme, hath abounded beyond other nations in the Trade of Marchandize And the marchants of this Realme are so free in theire Tradings and are so farre from being oppressed by yor ma^ty or the State in the Trade of Marchantdizing, that they now have, and of longe tyme have had all fitting Protection & Priviledge which they could reasonably desire for theire incouragem^t and thereby and by the blessing of God upon theire endeavors the marchants of this Kingdome of England and above others those of the Levant or Turkey Company doe daily growe to great wealth and estate, and yet they and all other the marchants of this Realme doe and by all the tyme of yor ma^ts most happy Raigne and by the tymes of the Raignes

of yor ma^ts most royall ffather of blessed memory
King James and others of yor most noble &
Predecessors kings and Queenes of this Realme
Allwayes and from tyme to tyme have payd and
ought to pay certayne moderate duties, vpon and
for the goods and marchantdizes exported and impo
by them, out of and into this Realme for and
towards the support of theire ma^ts great and da
charges, for the publique defence of this Realme
and p^rservacon of the Peace thereof, and for th
mayntenance of theire Regall dignity, And
whereas the raysing and publishing of all vndu
and false speeches, tales, newes and rumo^rs, w^ch
may any wayes tend to the dishono^r of yor ma
or the State or to the discouragement or
discontentment of yor good Sub^ts or to hett disco
or variance betwene yor ma^ty and yor good peop
are offences of a daungerous consequence, and
by the lawes and Statutes of this Realme are
both prohibited and condemned vnder greevous
penalties and punishments, Yet so it is m
it please yor most excellent ma^ty That
Richard Chambers of London marchant, and on
of the Society of the Marchants trading for
the Levant vpon the Eight and Twentith da

of

of September last past being amongst some
other marchants called to the Counsell Board
at Hampton Court in the County of mid^ch
before the Right Hono^ble the Lords and others
of his ma^ts most Ho^ble Privy Counsell about
some things wch were complayned of against
the said Richard Chambers and some other
marchants, wherein it was conceyved that the
said Richard Chambers and some others of
Confederacy had very vnduly, and in a riotous
manner behaved themselves; and the Lords of
yor ma^ts Counsell gravely admonishing the
said Richard Chambers of such his miscarriage
and speaking of the gracious vsage of his
Matie to the marchants, hee the said Richard
Chambers then and there in the presence
and hearing of the Lords and others of yor
ma^ts said Privy Counsell they then sitting
in Counsell and in the hearing of others
then p^rsent, did vnto the Lords and others
of yor Privy Counsell most vndutifully, maliciously
seditiously falsely, and in a contemptuous
rude and vnreverend manner speake and
vtter these scandalous malicious and false
words following, They (speaking of the m^rchants

and of his ma^ts usage of them in theire marchant
dizing) are in noe pte of the world so screwed
and wrunge as in England, In Turkey they
have more incouragement, whereby the said
Richard Chambers, contrary to the duty he owe
to yor sacred ma^ty his Liege Lord, and contra
to that respect and reverence, wch hee owe
to that hono^ble Boord endeavoured as much
as in him laye to alienate the good affeccon
of yor ma^ts subiects from yor ma^ty, to bringe
a sclaunder upon yor gracious and iust
goverment, to discourage yor good and loving
subiects the marchants of this kingdome, and
to stirre upp false rumo^rs and tales, which
might tend to yor ma^ts great wronge and
preiudice In consideracon whereof, forasmuch
as these seditious and malicious words, and
false tales and rumo^rs were spoken, by the said
Richard Chambers, concerning yor ma^ty and
goverment, and in a very contemptuous and
undutifull manner, and are offences of such
an evill nature, and of a most dangerous
consequence, and is most proper for yor most
hono^ble Court of Starre-Chamber to punish the
same, according to the good lawes and Statu
of

of this yor Realme: may it therefore please yor
most excellent ma^tie to graunt unto yor said
Attorney yor ma^ts most gracious writt of Spna
to bee directed to the said Richard Chambers
commanding him thereby at a certayne day
and under a certen payne therein to bee lymitted
psonally to bee and appeare before yor ma^ty
and the Lords and others of yor ma^ts most
ho^ble Privy Counsell in yor high Court
of Starre Chamber then and there to answeare
the premisses, upon his corporall oath, and
further to stand to and abide such order
direccon sentence and decree herein, as to
yor ma^ty & the said Lords and others shall
seeme most fitt & agreeable to Justice: And
yor ma^ts said Attourney shall ever pray for yor ma^tie

The Answeare of Richard Chambers
to the Information of Sr Robert
Heath his Ma^ts Attorney Generall:

This defendt saving to himselfe the
Advantage of Excepcon to the insufficiency of
the said Informacon either in matter or forme
for answeare thereunto saith That hee
this defendt having a dase of Silke

Erograines brought from Bristowe by a Carrier
to London, the same being of the value of fower
hundreth pounds or thereabouts, all the said
Erograines were by some inferior officers
attending on the Custome house seized without
this defendt consent and carried unto the
Custome house, and there detayned from this
defendt upon the pretence of paying of thirty
five pounds Nyne shillings and foure pence for
Custome and Impost to his matie although this
defendt being a knowne merchant, who hath paid
unto his matie about seaven or 800li p Annd for
Custome and Impost, did make offer to give
security to pay such Custome as should be
due by lawe, Whereupon this defendt conceyv-
ing himselfe to bee vnjustly greeved by the
Officers of the Custome house, did make his
humble Peticon unto the Lords and others of
his mats most hoble Privie Counsell, for a
reobtaynnig of his goods, and being thereupon
called to that hoble Board, upon the eight &
twentith day of September last at Hampton
Court, this defendt having before that tyme
bene much grieved and damnified, by the
injurious dealing of the under Officers of
the

the Hearmors of his mats Customes ~~house~~ in
theire exaccons of undue fees, as also by
exacting Composicon, by his mats Erocer,
for some goods not used at all in his mats
house as Course oyles &c And by paying for
greater quantity then is used in his mats
house By strict waight and measures &c.
By wch losse hath bene to this defendt not respecting
hee payeth Custome and Impost for Durt Gravell
Garble &c Being amonge those goods hee payeth
for, wch in some goods is one third pte garble
&c By damages upon defective goods, not
having so much allowance as hee hath losse
thereby By detayning away this defendt estate
and synce by taking away this defendt goods
out of Shippes, Contrary to Consent and
knowledge By keepnig about a yeare the
Impost of Goods reshipped from him, wch
ought to bee payd him presently By infor-
ming this defendt to enter his goods pfect, by
Invoyce, when they are at free Choyce to enter
pfect or at sight By wch Course is any
error is Committed by or servants or factors, by
mistake of numbers or Contents, wee loose our
goods by short entry, or not being the Comodity

entred By not suffering the defendt to see his
goods, to use meanes to preserue them from
daunger and pishing By enforcing this defendt
to land his goods at the Customehouse Key or
wharfe, when there is about Nyneteene keyes
or wharfes allowed for marchants to land their
goods; for these and divers other the like
iniuryes, this defendt knowing no place to
seeke redresse therein but at that honoble Board
this defendt confessethe, that there hee did utter
these words, that marchants in England were
more wrounge and screwed then in forraigne
ptes, By wch words soe by him uttered,
this defendt saith that hee had noe disloyalty that
at that tyme of his mats government or
sinister opinion of any ye proceedings of the
State, but only intended those wordes to introduce
his Just complaynt against the said Inferiors
Officers of the ffearnoes of his mats Customes
And because this defendts words (as hee conceyvedt)
were then apprehended in a sence in him not
intended this defendt thereupon did forthwith
severall tymes in all humblenes, Grave liberty
of the honoble Board to explaine his meaning

in

in the wordes aforesaid by him uttered, wch
he would have instantly done, if hee had
bene then pmitted, but being Committed to
the prison of the marshalsea, where hee
remayned twenty fiue dayes; during that
tyme this defendt endeavoured in humble
manner by words and peticon to giue satisfaccon
to that honorable Board of his true intencon
in those his speaches, and to remove the
opinion suddenly apprehended upon his
speaches And doth now most humbly beseech
that hoble presence to accept of this defendts
faithfull explanacon now made upon his
oath, there being noe better meanes to
manifest the true intention of his heart
at that tyme in those speaches And this
defendt for further satisfaccon doth solemnely
professe from the bottome of a true Christian
heart, that his intention was fixed in those
speaches upon the abuses of the said officers
and farre from any evill thought of his
said mats government or that honoble Board
And doth in all loyaltie acknowledge his
mats blessed government to bee most pious

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gracious and mercifull, and saith that hee never
had a seditious thought against his most sacred
ma^tie or the State And for a full perfect and
direct answeare to the said Informacon, hee
this defendt saith, that as to any Combinacon
practises uttering of undutifull and unreverent
or disloyall speaches or any other the misdemeanor
in or by the said Informacon layd to this defendt
charge, examinable in this most honorable
Court, this defendt is, of them and every
of them clearely not guilty in such sort
as in and by the same they are sett forth, as
wch matters and things this defendt is and will
ready to averre and prove as this Honble Court
shall award and most humbly prayeth that
Honble presence to accept of this defendt faithfull
relacon And humbly prayeth that hee may be
dismissed any farther attendance, and he shall
ever dutifully acknowledge the Justice and favour
of this honorable Court. /

Deposicon

Deposicon Capt undecimo die Januar
Anno Quarto Caroli &c Sup Interr
adm Attor Gen^al ministrat

William Trumbull Esqr one of the
Clarkes of the Connsell in Ordinary
aged fiftie five yeares sworne &c

1 To the first Interr this dep^t saith that hee
did on the 28th day of September last
past attend at the Connsell Board at Hampton
Court in the County of Mid^x, that being
the month of his ordinary attendance where
the defendt Richard Chambers did likewise
attend. /

2 To the second Interr this dep^t saith that
the said Chambers used before the Lords of
the Connsell then sitting these words, vizt,
In noe part of the world where they are
strued and wrunge as in England, In
Turkey they have more incouragement,
wch words this dep^t the better remembreth
because hee then and there sett them downe
in a Note Booke, wch the Lords then present
Caused him to read openly and acknowledged
to bee the words truly taken.

3 To the third Interr this dep^t saith that the
defendt Chambers did use the words in the

former Interr, in an insolent and contemptuous manner, at wch the Lords tooke much offence, and thereupon gave order for the present Committment of him to the prison of the Marshalsea./

(4) To the fourth Interr this dept saith that the Conference wch the Lords then had, wth the defendt Chambers was concerning the paymt of certain Customes and other duties of marchandize, and the words were spoken by him upon that occasion and no other, and further hee cannot depose.

Lawrence Whittaker one of the Clarkes of the Counsell extraordinary aged fourtie fourt yeares or thereabouts sworne &c

(1. To the first interr this depont saith, hee was present attending the Lords and other of his mtie Privy Counsell at the Counsell Board at Hampton Court on the 28th day of September last past when the defendt Richard Chambers amongst some other marchants was sent for and did in person attend that Hoble Board

To the second Interr this dept saith that the said Richard Chambers did in this depte hearing then and there use these words following (vizt) that there was noe place of the world where the marchants were soe screwed

and wrounge as in England And that in Turkey they were more incouraged And that the defendt was in this depte apprehension goeing on further with that Comparison, but that hee was interrupted therein by some of the Lords./

3 To the third Interr this dept saith, that this dept did well perceave by the gesture and sudden stirring of the Lords upon the uttering of the foresaid words that theire Lops did apprehend them to bee spoken in an unreverend and malicious manner, neither could this dept in his owne understanding conceave otherwise of them, And the Lords and others of his mtie Privy Counsell then present did both for the matter of the words and the defendtle manner of uttering them take much offence thereat and did thereupon Committ the defendt to the prison of the Marshalsea./

4. To the fourth Interr this dept saith that the Conference wch the Lords then had wth the said Richard Chambers was only concerning the paymt of certayne Customes & other duties upon marchantdize, wch had bene heere tofore duely answered unto his matie and the words aforesaid spoken by the defendt ~~spoken~~, were

spoken by him vpon that occasion and no other, for this dep.t did not heare any words at that tyme spoken by the said Lords or any of them, or by the defendt or any other, concerning the Officers of the Custome house or any fees or duties challenged exacted or receaved by them or any of them, and further deposeth not./

Interrogatories to be ministred to witnesses to be examined on the part and behalfe of S.r Robert Heath knight his ma.te Attorney Generall by way of Informacon p.te against Richard Chambers of London merchant de

1 Imprimis were you present attending the Lords and others of his ma.te most Ho.ble Privy Counsell at the Counsell Board at Hampton Courte in the County of Middlesex the eight and twentith day of September last past when the defendt Richard Chambers amongst some other marchants was sent for and in person did attend that Hono.ble Board. Answeare directly

2 Item what words did the said Chambers then vse in yo.r hearing to the Lords then present and sitting in Counsell touching the hard vsage of marchants in England, declare the same particularly?

Item

3 Item in what manner did the said Richard Chambers expresse or vse those words, did he not in the apprehencon of the Lords then present & in yo.r owne vnderstanding speake those words in a bold and vnreverend manner, in soe much as both for the matter of the words as also the manner of speaking them the Lords and others of his ma.te Privy Counsell then present tooke much offence thereat, and thereupon Committed the defendt to the Prison of the marshalsea? Answeare truly &c

4. Item whether was not the Conference wch the Lords then had wth the said Chambers concerning the payment of certayne Customes or other duties vpon marchandize vnto his ma.tie and were not the words aforesaid spoken by the def.te spoken by him vpon that occasion and noe other and whether were there any words at that tyme spoken by the said Lords or any of them or by the said defendt or by any other concerning the officers of the Custome house, or any fees or duties challenged or exacted or receaved by them or any of them; declare yo.r whole knowledge herein vpon yo.r oath./

In

In Camera Stellata coram Concio ibm
Sexto die Maij Anno quinto Caroli Regis.

Sentence This day came to bee heard the matter of
Complaynt exhibited into this Court by Sr
Robert Heath knight his mat Attorney Gen
in his mat behalfe by Informacon pte against
Richard Chambers marchant defendt for a gre
Contempt and misdemeanor in speaking most
undutifull seditious false and malicious
words unto and before the Lords and others of
his mat most honble Privy Counsell at the
Counsell Board to the scandall of his ma
and his goverment As by the said Informacon
more at large appeareth. Upon hearing
whereof it appeared to this hoble Court that
the said defendt being Convented before the Lo
and others of his mat most honble Privy Counsell
at the Counsell Board in September last to receive
admonicon for his riotous Carriage used not
longe before at the Custome house, and there
being then some speach used concerning the
marchants of this kingdome and his mat wo
and gratious usage of them, the said defendt
Chambers did then and there in insolent contemp
tuous and seditious manner falsely and malici
ously say and affirme, that they (meaning the
marchants) are in noe part of the world
so screwed and wrounge as in England And that

in Turkey they have more incouragement, the speaking
of wch words the defendt doth likewise in substance
confesse upon his answeare, but would excuse
the same alledging the same to bee meant by
him of the Inferior Officers of the Custome house
yet did not produce one witnes to prove the
same And also hee alleadged that hee came to
preferre a Peticon to theire Lopps for wronges
done unto him, by the said under Officers
but offered no proofe thereof at all Whereupon
the whole Court taking the same into theire
mature Consideracons and gravely waighing
the nature and quallity of the said Offence
and Considering the damigerousnes of the
example, if the insolency and disobedience of
such malicious and seditious persons, should not
be restrayned seeing theire opposicon to the
king and his Goverment hath allreadys
wrought so damigerous effects as is well
knowne to theire Lordshippes in the decay of
trading, and theire Lordshippes in theire
great Judgements Considering how much
his Royall matie may suffer hereby, whose
Princely Care is and ever hath bene to
keepe his Justice unspotted, and under whose

support the marchants of this kingdome are
have bene so well and graciously protected
and encouraged that no marchants of any
Nacon in the world doe growe so suddenly
into great estates as the marchants of this
Kingdome, and yet that his highnes gover
out of the mallice of this defendt is comp
and made inferior to that Governement of the
Turke, wch in respect of his mat happy
Goverment may be tearmed Turkish Tiranny
Theire Lordshipps therefore houlding the said
defendt worthy to undergoe some severe
exemplary punishment for this his false
scandall of his matie and his happie govern
have ordered Adiudged and decreed that the
said defendt Chambers shall pay a fyne
of two thousand pounds to his mat use, and
stand and be committed to the prison of the
fleete, and before his delivery thence shall
also in submissive manner make his humble
acknowledgement and submission for this
his great offence both at the Counsell Board
in this Court and at the Royall Exchange
at such tyme and in such manner as this Court
shall direct./

The

The Coppie of Mr Attourneys Submission
sent to mr Warden of the fleete to shewe
Richard Chambers to performe the same
who utterly refuseth all and eny pte thereof
to death./

I Richard Chambers of London marchant, doe humbly
acknowledge that whereas upon an Informacon
exhibited agt mee by the kings Attorney Generall
I was in Easter Terme last sentenced by the honoble
Court of Starre Chamber for that I in September
last being convented before the Lords and others
of his mat most honoble Privy Counsell Board
upon some speaches then used concerning the
marchants of this kingdome, and his mat well
and gracious usage of them, did then and there
in insolent Contemptuous and seditious manner
falsely and maliciously say and affirme that
they (meaning the marchants) are in noe part of
the world, so screwed and wrounge as in England
and that in Turkey they have more incouragemt
And whereas by the sentence of that honoble
Court, I was adiudged amonge other punishments
instly imposed upon mee, to make my humble
acknowledgemt and submission of this great offence
at this honoble Board, before I should be delivered
out of the prison of the fleete, whereto I was then
committed, as by the said decree and sentence of
that Court, amonge other things it doth and may
appeare. Now I the said Richard Chambers

in obediēce to the Sentence of the said hono:ble Court doe humbly confesse and acknowledge the speaking of the words aforesaid for wch I was so charged, and am heartily sorry for the same And doe humbly beseech yor Lopps all, to bee hono:rable Intercessors for me to Her matie that God would bee graciously pleased to pardon that great error and fault soe committed by mee. /

(these words were written by himself at the end of his owne copy:)

All the abovesaid Contents and submission above the said Richard Chambers doth utterly revoke, abhor and detest, as most wright and Salse, and to death will acknowledge any parte thereof

The perticular somes imposed in the Starr: Chamber by every perticular Lord on Richard Chambers marchant

Sr Fraūcis Cottington Chancellr of the Exchequr	5000.
Sr Tho: Richardson Lord Chiefe Justice of the Comon Pleas	0500.
Sr Nich: Hyde Lo: Chiefe Justice of the Kings Bench	0500.
Sr John Cooke Secretary of State	1000.
Sr Humfry May Recr: Chamberlayne	1500.
Sr Tho: Edmonds Comptroller of the Househould	2000.
Sr Edw: Barrett Lo: Rueburgh, Chanc: of the Duchy	2000.
Dr Neale Bpp of Winchester	3000.
Dr Laud Bishop of London	3000.
Dudley Carleton Viscount Dorchester Lr imediall Secretary	3000.
Lord Chamd of Scotland	2000.
Henry Earle of Holland	1500.
James Earle of Carlisle	1500.
Willm Earle of Salisbury	1500.
Edward Earle of Dorsett	3000.
Theophilus Earle of Suffolk	3000.
Phillip: Earle of Montgomery, Lo: Chamblaine	1500.
Thomas Earle of Arundell Earle marshall	3000.
Henry Earle of Manchester Lo: Privy Seale	3000.
Edw: Viscount Conway Lo: President of the Comitte	2000.
Keith: Lord Weston Lo: Trer of England	3000.
Thomas Lord Coventry Lord Keepr of the great Seale	1500.

70

To the right hoble Thomas Lord Coventrie Lord Keeper of the Great Seale of England Richard Lord Weston Lord high Treasorer of England and other the Lords and Judges of the hoble Court of Starre Chamber.

The humble petition of Richard Chambers of London marchant Prisoner in the Fleete.

Sheweth,

That ye Petitioner heretofore hath been in severall prisons 38. daies imprisoned and for the same cause after Censured in the Starre-Chamber the 6th day of may last since wch hyne Hee hath been a prisoner 3/11. dayes more in the ffleete.

And wherevas ye petitioner hath a great part of his estate at present in Turkey Italy and other remote places and also (about 8 or 10. monthes 7000 li estate) detayned from him in the Custome house of London, The wch tendeth to ye Petitioners overthrow of Trade Credit and estate and divers other great Inconveniens to Him affayres His wife Children and family and to the detriment of His Creditrs and dues Debtors to whom Hee owes great Sommes of money and by his restraint is like to suffer much hereby

Therefore ye petitioner Humbly prayeth yor Lopps that hee may

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To the Right hon^ble Sr John Walter Knight
Lord Chiefe Baron of the Exchequr and the
rest of the Barons there of the same Court.

The humble Peticon of Richard Chambers
of London marchant Prisoner in the Fleete

Wherein he sheweth that ofsheete there was sent into his
ma^te Exchequr Court a writte sub pede magni Sigilli
together wth a note of a fine of 2000. mencioned
in the writt to bee sett upon the Petitioner by his ma:tie
and his Counsell in the Court of Starre Chamber Com-
maunding you to doe for the leavying thereof that
wch Justice shall require in that behalfe.
Now for that the Petic^r humbleth that his ma:tie and
his Counsell in the Court of Starre Chamber have
no power by the Lawes of this Land to impose any
fyne upon him, although the Lord Keeper Lord
Treasurer Lord President of the kings Counsell
and Lord Privy Seale or two of them calling to
them one Bishopp and one Temporall Lord of
his ma:tie Privie Counsell and the two
Cheefe Justices of the kings Bench and Comon
Pleas and other two of the kings Justices in their
absence by the Statute of 3. H. 7. Cap: 1. & 21. H. 8.
Cap: 20. in some case may impose fynes, wch
fine of two thousand pounds doth not appeare
by the writt to bee so imposed.
And for that by the same writt it appeareth that
his ma:tie pleasure is, the Consideracon of his granting
of Proofe for Copying of the said fyne is referred
to the Lords and yet the Petic^r feareth the

Court his free liberty upon Bayle after all
this 4. Imprisonments to follow his needfull
full busynes and affaires, or wth liberty duely
the 6th of June. to depend, And the Petic^r shall dayly pray for the Lords happines &c.

To the right hon^ble Sr John Walter
knight Lord Chiefe Baron of the Exchequr
and the rest of the Barons of that Court

The humble peticon of Richard Chambers
marchant Prisoner in the Fleete.

Sheweth that the Petic^r on Wednesday last 17th June
presented the Lords a peticon with a Plea annexed in Bar
of a fine against him, desiring the same to be filed
in Court wthout Lords promised, and that
stay should bee of Proceese. Nevertheles this morn
Mr Attorney Sandrall, hath taken out some speciall
writt warrant or proces ags^t the Petic^r and sent
it to the Sheriffes of London and their Officers
to goe to the dwellinge, to execute the same upon
his goods there.

The petic^r therefore being grieved herein
humbly desireth that stay may be made
hereof as in the wisedome shall be fitt
And the Petic^r shall as in duty pray

This Peticon was decided the 19th of June
1629

Clarke in the Exchequer before the Consideracon
hereon had will rashly & dowbte make Exacon
for wayving thereof vnlesse the Lor grant it by
making stay thereof. And for that the
Petic~on Esqr his plea ready & redy to annexed
to pleade in barre of the said Writ and of the
proceedings thereupon to be had, but can finde no
Counsell willing to plead the same or to move
the Court or to give advice therein or to confer
with him being a prisoner, but his fellow prisoners
neither can he come forth of prison to attend the
Lopp

The Petic~on humbly desireth the Lopp to give
Order that his plea may be filed in Court in the
Peter Osborne office from wence the Proces is to
be made, and to stay the proces thereupon to
be had for wayving of this writ so therby
to be so ymployed but aforesaid vntill the matter
may be considered on by the Lopp.

And the Petic~on shall euer pray for the Lopps health

The Plea. Termino Sc~e Trinitatis Anno quinto R~e Caroli

London. Comptus est in magno Rotulo de Ex~r Anno in
Quod exigunt~r ibm de Rico Chambers duas mille libras
pro quodam fine sup ipm import hur misst virtute br
dci dn Regis nunc sub pede magni sigilli Angl confirm
et Baron Emit Civ~ Direct p Exton~r inde ad opus dci
dn R~e sup inde fiend sicut continet ibm Et modo scilt
Octab Sc~e Trinitat hor Termin venit Ex Ghab

Ricus Chambers in propria psona sua et petit auditu
demandi Edict et si legitur petit eciam audiri
Edict brev sub pede magni Sigilli Angl sibi missi
et ei legitur verba sequ~ Carolus dei gra Anglie
Scotie ffrancie et Hibnie Rex fidei defensor &c
Thesaurar et Barronib suis de Scac~io suo salt~m Cognit
quod finem fecit et adiudicat p nob et dnm
Consilium nrm in Cur nra Camere Scacc in Termino
Sc~e Michis Termino Sc~i Hillar et Termino Paschae nt
Edict sup Exigenda Barnab de Maroch Sc~i Clementis
danoy in tom Comitat Cantebr et ab Legatum et
diversum cet tam Spalit~r existentes nobis mittimus
Eis Presentib inhibendo mandantes vt inspecto
ipsius nostri dni pro Conservac~one dignitat Corone
Regie quod de cur~ fieri faciatis certos ex nob vp
ipius Mestm xxi die maij Anno regni nri quinto
Mitantes et bene sufficiente cum bri annexo quoad ipsum
Ricum Chambers Sequit~ in hec verba Hillr Termino
Paschae Anno quinto Caroli Regis Rex Chambers
de London mercht~ &c. &c. Quibz Cur audita
et p ipius inbitione quer~ Sic rotulo finis irrotulat~
Regale fore et inquisitat et per inimic iuste Quia
protestando pro Edward magnus Rotulus ac materia in eo
contenta minus sufficien in Lege existunt Adeque
ipe non dicit nec per legem tenet~ respondere
Pro plito tamen idem Ricus dicit pro ipo de demand
Edict in magno Rotulo dicto mencionat et de qualit
inde proced orga dicit dnm Regem nunc cognovisse debet
Quia dicit pro ipo est et a tempore cujus memoria non
Edict et dum antea fuit libr Leno et mercator

donationib⁹ libraturar et sigillor et retinentiar p Indenturar
promissa, sacramenta, scripta, et alia Embraciari (Anglice et
Embracerie) subditor dñi dñi &c, falsas gesturar (Anglice dowbling
pistrow in panellis faciendis et alia falsa returna, p Capitum
premiis p Jurator, p magnar Tiotas et illegalib⁹ congregationib⁹
(Anglice Assemblies) politia et bonu regimen Equor regni
fore timorat⁹, et pro non punitione dictar⁹ inconvenientiar
et occasione finitor⁹ parū aut nihil inveniat⁹ p Inquisitiones
ratione cuius Legis terre in hac parte haiant parvu effectu
in instrumentum mordrag, robberiar⁹ pirator⁹ et insurrectionis
eorum Lejum vicinitat⁹ detrimentu nag terrar⁹ et bonor⁹ in
magna desolacionem dei omnipotentis, ordinat fuit p
reformacione⁹ quissag, quittatis dudum Parliamenti
quod Cancellarius et Thesaurarius Anglie p tempora existen
et Custos privati Sigilli dñi Regis, aut duo eor⁹
vocat⁹ sibi pro Ep̄o, duo Temporali spectabiliores
Comitiū dñi Regis et duobz Capitalibz Justiciariis Banci
Regis et communi plitor⁹ p tempore existen, aut duobz
aliis Justiciariis in eor⁹ absentia per Billam aut Informacionem
eidem Cancellario exhibit⁹, p Rege aut aliquo alio
possit aliquam psonam & aliqua malefactor⁹ prosequi et
auctoritem vocandi coram eis p⁹ dict aut privatu sigillu dos
malefactor⁹ et eor⁹ et alior⁹ p eor⁹ diligenciam examinandi et
talios qualit⁹ illi invenient in eisdem deficientes puniendi
secundu demerita eor⁹ Legem formam et effectu Statuti sup inde
fact⁹ edit⁹ modo et forma, sicut possint et debuerunt
puniri si essent sup inde convict⁹ secundu debitu modu Legis
Ac p quendam Actu in pliamento dñi Henrici nup Regis
Anglie Cestrie, Anno regni sui vicesimo primo lat⁹ recitat⁹
existit in eod⁹ Statuto edit⁹ Henrici nup Regis Anglie
Cestrie diversar⁹ auctoritat⁹ dicti pliamenti ordinat⁹

Equis Regni existent apud [illegible] de Marie de Arcubz in Wa
de Cheape London Ac p quendam Actu in pliamento dñi
Henrici nup Regis Anglie tertij Ao regni sui nono lat⁹ edit⁹
existit fuit et existit auctoritate cuiusdam pliamenti, quod
Equis non amerciet⁹ p parvo delicto nisi secundu modu
delicti, et pro magno delicto secundu magnitudinem, salvo
contenemento suo, et mercator eodem modo salva
diza, et villanus alterius cuiusc eodem modo amerciet⁹
salvo wainagio suo et nulla Grancia nisi p sacramentu bonor⁹ et legalium Equor de vicineto
quendam alium Actu in pliamento dñi Edwardi nup Regis
Anglie primi, anno regni sui octavo lat⁹ edit⁹ existit
et existit, q⁹ nulla Civitas Burgus nec villa, nec al
Equus amerciet⁹ sine causa rationabili et secundu quantitat
transgressionis, viz liber Equus salvo contenemento suo, mercator
salva mercandisa sua et villanus salvo wainagio et Ep̄ p sp
Ac p quendam Actu in pliamento suisdem dñi Henrici nup Regis
Anglie tertij Anno regni sui nono superius lat⁹ edit⁹
fuit et existit auctoritate dictiusdem Parliamenti q⁹ nullus ballivus
Equus capiat⁹ vel imprisonet⁹ vel disseisiet⁹ de libo tenemento
vel libertat⁹ vel libis consuetudinib⁹ suis vel utlagetur vel exulet
vel alio modo disturbet⁹ aut q⁹ dict⁹ Rex non ibit nec sup illum
agredet nec eo nisi p legale Judicium parium suor⁹ vel p
terre Ac p quendam Actu in pliamento dñi Edwardi nup Regis
Anglie tertij Anno regni sui quinto lat⁹ edit⁹ existit
et existit auctoritate dictiusdem Parliamenti q⁹ nullus escaetor
ratione alicuius accusacionis aut inditamenti de vita vel
aut q⁹ dicti hered⁹ bona aut catalla disseisiet⁹ in
dñi Regis contra formam magne Carte et legem terre
quendam Actu in pliamento dñi Henrici nup Regis Anglie
anno regni sui octavo lat⁹ editam q⁹ illegales manutenc

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et enactitatum fuit et est, quod deinceps Cancellarius Thesaurarius Anglie et Praeses Phonoratissimi Consilij dni Regis, eius Phonoratissimi bilem personam attendens pro tempore existens et Custos privati Sigilli dni Regis aut eorum duo vocat sibi uno Epo, et uno dno Temporali, Phonoratissimi Consilij dni Regis et duobus Capitalibus Justiciarijs Banci Regis et Communium pleitorum pro tempore existentibus et duobus Justiciarijs in eorum absentia pro aliquam Villam aut Ciuitatem postea Cancellar Anglie, Thesaurar, Praesidi dci Phonoratissimi Consilij dni Regis, aut Custodi Privati Sigilli dni Regis pro tempore existens pro aliqua malegestur in predco Statuto Henrici Septimi predci praecitat exhibendum deinceps plenam potestatem et auctoritatem coram eis vocandi per aut privatum Sigillum tales malefactores et eos et alios eorum discretionem pro quos veritas sciri poterit examinandi tales quales inveniunt deficientes puniendi secundum demerita secundum et effectum dci Statuti predci dni Regis Henrici Septimi et omnium aliorum Statutorum superinde antea factum minime revocat et expirat eodem modo et forma sicut possunt et debuerunt puniri, si superinde essent convicti secundum ordinem legum dci dni Regis Ac per predcm bre sub pte Sigilli manifest constat quod dct finis imposit fuit per dnm Regem et Consilium suum, non per legale Judicium dci Rici Chambers, nec per legem terrae, nec secundum modum pretensi delicti dci Rici Chambers, nec salva mercandiza sua nec per aliqua offensa in dicto Statuto mencionat Que omnia et singula idem Ricus Chambers est verificare pro Cur &c unde petit iudicium Ac quod de dicto duabus mille libr erga dcm dnm Regem exoneretur Ac quoad premissa ab hac Cur dimittatur

Inter ordines de Termino Sancti Trinitatis Anno quinto Regis Caroli in Sccio ex parte remedium Thesis remanent inter alia continetur ut sequitur, vizt

Mercurij xvij° Junij.

London.

Touching the Plea put into this Court by Richard Chambers to discharge himselfe of a fyne of 2000 sett on him in the Starre Chamber ffor a sunne as Sr Robert Heath knight his mate Attorney Generall informed this Court, that the said Chambers in his said Plea recites divers Statutes and magna Charta and what offences are punishable in the Starre-Chamber and how the proceedings ought to bee, and upon the whole matter concludes that the said ffyne was imposed by the king and his Counsell and not by a legall Judgement of his Peeres, nor by the lawe of the land, nor according to the manner of his offence, nor saving his marchandize, nor for any offence mencioned in the said Statutes, wch Plea mr Attorney conceaving to be very frivolous and insufficient and derogatory to the honor and Jurisdiccion of the Court of Starre-Chamber humbly prayed might not bee allowed of nor filed. It is thereupon this day ordered that the said Plea shalbe read on Satterday next and then upon hearing the kings Counsell and the Counsell of the said Chambers This Court will declare theire further order therein, and in the meane tyme the said Plea is not to be filed nor delivered out :/

pro Cur

To the Right hon^ble Sr John Walter kn^t Lord
Chiefe Baron of the Exchequer and the rest of the
Barons there

The humble Peticon of Rich: Chamber
of London mercant Prisoner in the Fleet
delivered June 19.

Sheweth That yor Pet^r on Wednesday last the 16th of June
presented yor Lopp a Peticon wch a Plea annexed
Barre of a ffyne ag^t hyn desiring the same
filed in Court wch yor Lopp so promised and that
should bee of Proces &c./

Nevertheless this morning mr Attorney General
hath taken out some speciall writt, warrant or
Proces ag^t your Pet^r and sent it to the Sheriffe
of London and theire Officers to goe to the Custom
house to extend the same vpon his goods there

Yo^r Peticoner therefore being grieved herein
humbly desireth that stay may bee made
thereof as in yor wisedomes shalbe most fitt,
And yor Pet^r shall ever as in duty pray &c./

To the right hon^ble Sr John Walter kn^t L. C. B.
and the rest of the Barons there./

The humble Peticon of Rich: Chamber

Sheweth That yor Lopp the 23th June last 1629. in the Exch
Court vpon hearing Counsell of the kings and yor P
did order that the ffearmo^rs of the kings Custom
should deliver yor Pet^rs goods so longe detayned for
supposed duties as by the said order doth appeare
Now so it is that yor Peticon^r is afrayd to receave
his goods into his possession, because of extents

or warrants wch hath gone out, and as hee
conceaveth is at this present to bee served on
his goods for 2000^li ffyne estreated out of the
Starre-Chamber into the Exchequer, so that it will be
no benefitt to him to have his goods, and after to
bee extended from him. And whereas yor Pet^r
the 16th of this present moneth did in barre of the said
ffine present yor Lopp and the Barrons with a Peticon
and a Plea annexed thereto, humbly desiring yor Lopp
that the same might bee filed in Court, and that all
extents Proces and warrants might bee stayed therein
wch yor Lopp receaved and read it and thereupon
promised filing and stay thereof, yet contrary to the
said Plea some Processe or warrant hath bene
granted and sent to the Sheriffe of London and
theire officers to execute the same, the which I
now feare agayne if yor Lopp doth not by some
order prevent the same—

Also mr Attorney did move the Court that
the Plea should bee read on Satturday following
but it was not and so remayneth doubtfull.

Yo^r Peticoner therefore humbly prayeth that
his Plea may be filed and all extents
execucions and warrants stayed. And he
shall ever as in duty pray for yor Hono^r &c./

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The Coppie of the Enfent ffieri fac. bap. and
exfont stroode on the goode of Rich. Chambers
in the Custome Howse the first of July 1629
togeather with the apprayfement of Hom.

Carolus dei gra Angle Scotie ffrancie et Hibnie
Rex fidei defensor &c viz London et Midd Salt
Scripsimus vobis quod non omittatis propter aliquam li
quin eam ingredi et de bonis et catallis Ric
Chambers de pch Civitat London Mercator in balliva
vra fieri fac m. & ipsum nob debit et sup
onerat pro fine suo p Duos de Privato Consilio
nro in Camera Stellat impost p offens suo
Terio Pasche Anno regni nri quinto Ita quod de
ibi Exactis coram Baron de Scio nro apud W
vt dob Constit et tandem ordinat fuit nob
futur nob tunc inde solvend Et si forte bona
catalla eiusdem Ric Chambers ad solucoem debit
sui Edi in dca balliva vra non sufficiant tu
non omittatis propter libtat Edit quin eam ingred
corpus Edi Ric Chambers capiatis et eum salvo
Custod faciatis, Denar nob de debo Edo plenarie
satisfecit vel aliud inde vob Exspiminus Et inbrem
Et Sacrum probat et legitim de balliva vra Edo
alijs rijs modijs et modijs quibz molinis
aut potuit diligent inquir quar bon quo bona
Chamb Nup valuer Edmd Trind Chambers Gul
dca balliva vra die quo nob de debit pd primo
decemit seu ingm postea Eurusq Capt ita et

in quorum tmon mand iam fieri fac test Edo
Capiatis in manu vras et ea etiam salvo custod
Ita q de bonis et catallis illis aut de proceis sue
valor eorudem nobis non deducat nec ipse nec
nob respondeat quoquo modo de debit Exi plenarie
satisfact fuit vel aliud inde vob Exspiminus Et constare
fac Exfat Baron nros ad diem et locum pdt quo et
Quarde hon et Balli et ceteris proceis nostris quar
bon que bona et catalla ipsius Ric Chambers
in manu vras cauc Inventoriu & vbi ea in die
Capcois eorudem in manu vras Et Exatis ibi tunc
nota fuer pdt et hoc die Coste Festi Walter mde
apud Westm coram &c Die Junij Anno r mi quinto &
Godulph pipe et p Baronet Sthorne

Petersborne / An Inventorie of the goodes & Chattells
of Richard Chambers merchant taken &
appriseth the first day of July Anno
Dm 1629. by vertue of his ma^tie writt
of ffieri fac Cap and Exsent by Edmund
Booker Thomas Turpin, Robert Campion
Ralphe Hayes and Thomas Price Citizens
at mare and appraised by John Thurgood
Grocer George Dotton Clymer John
David and William Draughon
Painter Clymer as followeth.

Imprs 9 Bayles of Brogaran containing 20. pieces &c
in a bayle ——— £660

Item 6. Bayles of Brogdon containing 34. peeces &c
in a bayle 2 ——— £612

Item one Bale of Exeter ratting containing
24. peeces ——— 32. 13. 4

Item for the wrappers Mashe cording and
Cotton wolle ——— 2 — 10 — 0

Item one bale of Fine silke wrighing
3 C. 1 q. and ij. lb. with wrappers cording
and Cotton wolle ——— 240. — 0 — 0

Summa totall — 1547 — 3 — 4

To the Right hono.ble Sr Thomas Coventry Lo. Keep. of the Great Seale of England

The humble petition of Rich: Chambers of London
now prisoner in the Fleete.

Sheweth That yor Petitioner having formerly bene 3. severall tymes
ymprisoned before any sentence and suite hadd in the Star
Chamber at 2000. and 1000. against him 9. weekes
bene a prisoner for the same beinge in the ffleete
That yor Petr. for his rebiefe therein the 16th daye
June last, in beinge bynd duly deliver into the Exchequ
Court to the Lord Chiefe Baron and the other Barons
a Plea in Barre of the said ffyne wch a petition and
wch Plea Eye Humbly desired might be filed, w
upon the Lord Chiefe Baron required, and tooke it a
deliuered it to mr Serivan, wch order to file the same
wch yor Petr. conceaved ye his due right so to have
And that by vertue thereof nothinge ought to issue
out against him, by writte or desente or other waye
like the same bee adiudged by lawe.
Neverthelesse without any Legall proceeding thereon
A fieri facias Cap: and Exigent twice since hath gone out

and the last now extended on his goods in the
Custome-house for the aforesaid fine and carried
away by the Officers without my Lord Chiefe
Barons Order and knowledge of the Barons,
disavowing utterly the said proceedinge, as beinge
out of the due course of lawe:
Now for that yor Petr. by order of the Court
of Exchequr was to have all his goods delivered
him and that by the proceedinge aforesaid a great
p.te of his goods is taken from him, for the aforesaid
fyne, and another great p.t dettas not for supposed
debtes, and the other p.te wch is left him nowe
delivered into his possession, Eye Humbly desireth
the like liberty that other prisoners in like case
have, to followe his affaires for the sale of his
goods and payinge his debts yr taking such order
wth mr Warden of the ffleete as is accustomed.
And Eye shall ever as in duty pray &c.

My Lord Keepers Answeare.

By the sentence of the Court the Petitioner was to make
an acknowledgement as I remember before Eye
was enlarged wch hath bene drawen by mr Attorney
and indorsed to the Petr by mr Warden of the ffleete
wch I am informed, but the Petr refuseth in disobedience
to the sentence, and therefore I may not grant any Order
for his Liberty, And as for the proceedinge in the
Court of Exchequr if it seemes not to mee to redresse
any complaints thereof or to meddle therewith. 1668.
8. July. 1629. —/

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Kodak Color Control Patches
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Blue Cyan Green Yellow Red Magenta White 3/Color Black
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Kodak Color Control Patches
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To the right wo.rth Sr George Vernon knight ~~and Baronet~~ one of the Barons of the Kings Exchequer Court./

The humble petiçon of Richard Chambers prisoner in the Fleete.

Humbly sheweth,

That in Easter Terme last an Estraite of certaine fines taxed and adiudged in the Court of Starre-Chamber, was sent by his ma.tie under Seale directed to the Treasurer and Barons of his Exchequer Commanding that they for the leavying of the said ffine should doe what of Right was to bee done, amongst wch there was a fine of 2000.lb upon yo.r pet.r

That yo.r peticoner being informed that of Right noe Execucon ought to bee awarded against him for the said ffine, but first a Summons ought to issue out, to warne him to shewe cause, if hee had any, why execucon should not bee graunted, prepared his Plea in barre of Execucon before Summons awarded, wherein hee hopeth, sufficient matter is alleadged, wherefore of Right noe Execucon ought to bee awarded.

That this Plea was the 16.th day of June in Trinitie Terme last delivered in open Court & desired on yo.r Pet.rs behalfe it might bee filed, wch was thereupon accepted, and deliuded to the Officer of the Court to bee filed, and the 17.th day of June, his ma.ts Attorney Generall moved to have it cast out of Court, whereupon it was ordered that the Plea should be read on Satturday then next and that then upon hearing of the kings Counsell

the Court would declare their further order therein, at wch day his matie Counsell came not, by wch meanes not further order was made in Court

That yet the 25th day of June following a fieri facias Capias and Extent, directed to the Sheriffe of London & Mdx, went out of this Honble Court, by colour wch they have seized divers goods to the value of the said sume and more, wch goods are still in the custody of the said Sheriffes and their officers—

That the mischeif issueing out of the said writt & the Execution thereof being by the Petitioner complained of to the Lord Chiefe Baron, & the other Barons, they all disclaymed their having any hand therein or knowledge thereof. /

The Petitioners humble suite is, That in assumuch as the issueing out of the said writt without summons & without standing a plea in Court is against lawes, & his matie expresse Commands in the said Estrait, that this Court for the convying of the suite should only doe what of right ought to bee done, therefore humbly desires the Lord to graunt a Supersedeas to the writt quia erronee emanauit, & also to order the said Sheriffe of London to restitucon of the said goods so indirectly seized the petitioner againe, and hee shall ever in duty pray for the Lord &c. /

Lincolns Inn in the ffleete the 17th August 1627 London.

Mr Chambers Letter to the Sheriffs of London.

Right worll Sr I understand you endeavour to make sale of my Lords in the Custody, wch by vnlegall proceedinge hath bene taken by a fieri facias, before a Scire facias or Summons hath gone forth, and therefore in a freindly respect to you and the Brother & Office advise you to consider 3 points in the fieri facias and the Returne ~~and the Returne~~ you are to make before the Barons of the Exchequer, the first of mistaken matt Terme, what goods lands tenements &c and the condicon and qualitie wch the prayses namde &c wch I wishe (for the generall good Cause sake) to choose prayses wch may understand themselves and discerne betweene painting and playsteringe, to distinguish betweene double paned and single paned of Estreete, wch the 3 Valli prayses at 66li for single paned, wch are double paned worth a 100li at least, and so in the other goods likewise &c in lieu barre of the aforesaid proceedinge I assure my selfe, that the Lord knoweth of my plea, wch if you doe not I pray you take notice Lordship, that the 16th day of June last in Terme time I put in the Exchequer Court a plea, wch they can denie they take valide Lordship in barre of my suite & all other proceedinge against mee as not being, according to the lawes of the Land, wch mr Attorney hath noted Lordship (also by his motion the next day in Court appoth) wch plea was accepted, and is a sufficient barre ag.t all proceedinge till it bee adiudged by Law ag.t mee, wch yet is not. as also that those proceedinge aboue said are disavowed by my Lord Chiefe Baron, and the other Barons

as

ab bene wEout Hare consents & knowledge & bolde
Ee Rules of Lawe. All wE passages I cannot passe by,
but in due time will question these irregular pro-
dings being contrary to the kings lawes wE every
faithfull Subt is bound to God, Eie king and Country
to maintaine. These lawes wE my inheritance and
right of ony freeman of this kingdome, wE for my
ple & estate are my life and about my estate, wE
death will depend thereon. Hystories doe record the
fearefull endes of some men, wch have denyed Justice
and broken the kings lawes Eie after wEout the lawe wch
cannot subsist, nor our king bee in safetie, I purpose
more to petition the Lords, the next sitting to see if
friendly accomodacon of all busynes may bee obtayned
wE I hartily wish Eie Then out of my love & service
to you, farre from all feare, dare, or distrust of this
my inst proceeding, I thought fitt to advise you Hereof
take all exceptions away Hereafter, and so resting most
confident on my Gods protection, I leave you to the
Lords tuition, giving you further notice that no part
of my goods you can make in respect of my plea
nor no man legally can buy them, except you Have
a writt out of the Exchequer Court called Vendi-
exponas, wch is ye warrant in case my Pleas should
insufficient.

ye Rt to be Denicamded to his power
Richard Chambers.

Dd the 17th of August 1629. to
Officer of the Sheriffe of London.

To the right hoble the Lords and others of
his mats most hoble Privie Counsell.

The humble petition of Rich: Chambers
of London wthout prisoner in the Fleete,

Sheweth

That ye Petr on the 28th day of September last 1628.
went of his owne free will to Hampton Court wE a petition
for relefe and restoring of his goods, wch were taken from
him by the officers of the Custome House, wE petition
Ee delivered to the Eie Board, and being called in before
ye Lords Eie petition was read, and upon debating thereof, ye
Petr did (upon occasion) then say that marchants in England
were more wronged & pressed then in other Ile, only intending
them words by the officers of the Custome House, at wch
the Petition was, wE if ye Lords would Have permitted him,
at that instant time ye Petr would Have Disclaymed himselfe
and the then here Humbly desired, but not being suffered
was Commanded forth, and so committed prisoner to the
Marshalsea, where Ee remayned twenty five dayes, in wch
time Ee petitioned 3. severall times to ye Lords for his liberty
Explained his words before said, desiring ye Lords favour,
wE he could not obtaine, and so was forced to bring his
Hias Corpus, upon wE, wE great difficulty, (found to his
good behaviour) Ee had his liberty, and after was committed
to the kings Bench by the Judges 3. dayes, and discharged by
them wEout meanes, and after that committed againe, by wE
Attorney and there prisoner 10. dayes, & discharged by him,
Being served by mr Attorney wch proceed to answere an
Information in the Starro-Chamber, for speaking the
aforesaid words, wE ye petition hath answered upon his
oath, after wch proceedinge Ee hath bene suddenly called
into the Starro Chamber, & there fined at 2000. to the king, &
Censured to imprisonment & acknowledgmt &c being for the
same busynes for wch 3. Judges by mis Ee was imprisoned

before

before any sentence 38. dayes, and since 18. weeks more after censure prisoner in the ffleete.

Yo^r Pet^r therefore for his iust defence and reliefe in ye premisses did the 16th day of June last, in terme tyme put into the Exchequer Court a Plea in barre of the execution to bee made for the levying of the said ffine and deliuded the same to the Lord Chiefe Baron, and other Barons wth a Peticon, who receaued it, and gaue it to an Officer of the Court m^r Scrivan, to file the same and direccon to acquaint m^r Attorney therew^th, being promised by the Barons the Justice of the Court &c.

The next day m^r Attorney moved the Court about it, & tooke notice of the Plea, as by his motion appeareth, yet 10. dayes after a fieri facias was taken out before a Barre and sent to the Sheriffes of London to extend on his goods for 2000^lb. wch was done, although the goods were in the protection and disposall of the Exchequer Court, & by order of Court the goods were to bee deliuded into yor pet^rs owne handes and possession, but were not, but extended in the ffearment of the Customes possession, and taken, prayssed, and carried away, being contrary to the lawe as yor pet^r conceaueth, and contrary to the vsuall course of the Court, wch put the Barons knowledge & consent, wch they disavowe, for a plea, being put in Court is a Barre, as he conceaueth sufficient against all proceedings whatsoever, till it bee adiudged by lawe, wch yet is not.

May it therefore please yor Lop^s to consider the premisses and the dutifull respect, wch yor peticon oweth to this honorable Board, and the kings happy lawes, being farre from conceaving or giving any offence to the kings ma^tie

or

or yor Lopp^s and heartily sorry that yor Lop^s haue taken any offence at his wordes, by any interpretacon contrary to his faithfull intention, and innocent heart, farre from thinking any disloyalty in wordes or action, as is suggested in the Informacon, ag^t the kings iust govern^t. or yor Lopp^s and having vpon his solemne and sacred oath, legally vpon mature deliberacon and advice of Counsell in all true sincerity of his heart explained himselfe, by wch solemne oath his conscience and soule is ever obliged till death, to maintaine in this life, that so by faith and a good conscience, heere discharged before men, hee may in the life to come, receaue the blessed reward promised./

In remembrance of wch his former sufferings being 4. seuall tymes imprisoned as aforesaid, and 7000^lb. estate allmost a yeare detayned from him, All wch being to his great discreditt hinderance and charge, which tendeth to the ruyne and vtter overthrowe, of his trade, creditt, and estate, wth divers griefes and inconveniences to his wife, 4. children and family, and the hurt of his creditors and clothiers, to whome hee is indebted.

Yo^r peticoner therefore in all humble manner beseecheth yor good Lopp^s to intercede for him to his most gratious ma^tie for the remitting of the said censure and to restore him to his goods so taken from him, wth his former liberty to followe his affaires, for the reliefe of him, his wife children and family and the paying of his debts &c. And hee shall ever as in duty pray for yor honno^rs happines./

This Peticon was deliuded to the Lords the 11th of September 1629./

To the Kings most excellent Matie

The humble petition of Richard Chambers of London Marchant Prisoner in the Fleete.

In all humilitie sheweth, that having bene wrongeth and his goods, as hee conceaveth, wthout warrant of lawe taken from him by the Officers of the Customs house, the Peticioner for his Deliefe in that behalfe did the 28th day of September last 1628. peticion the hono^ble Boord at Hampton Court.

That being called before theire Lordships and his Peticion read, occasionally upon debate of some pte thereof, the Peticion in Justificacion of his said Complaint ag^t the said Officers in a respective ~~manner~~ and dutifull manner said, that Marchants in England were more wrounge & scrub then in other pte, meaning by those Officers ag^t whome hee had peticioned, as the peticioner then twice instantly humbly offered to explaine himselfe and by pticulars to prue the same, if by a sudden Committment to the marshalsea hee had not bene prevented, where hee remayned prisoner 25. daies.

That the Peticion during that restraint did three severall tymes in all humble manner sue to theire Lord^ps for his Libertie, therein explaining his meaning by the former words aforesaid but could not obtaine it.

That not prevailing therein, the peticion legally sought

sought his liberty by Heas Corpus, retornable in the Kings Bench, wch he obtayned, yet was afterwards by the Judges of that Court Committed 3. dayes to the Kings Bench, and after by mr Attorney Generall Committed to the fleete 10. daies

That after the Peticion for the same words for wch hee had soe severally bene Committed, was called into the High Court of Starre Chamber, where by his answere upon his solemne oath, hee cleare his true & just meaning, in the using the said words, to be only of the said Officers.

That notwthstanding upon hearing, the 6th day of may last, the Peticion was fined at 2000^lb and Censured to ymprisonm^t and to Confession of himselfe to be guilty of that hee had formerly upon solemne oath denied and cleared.

That out of 7000^lb estate of the Peticioners goods allmost a yeare Ganflesly detayned, by the said Officers and ordered by the ho^ble Court of Exchequer to be retorned to the pet^r owne possession, some pte of the said goods have bene since seized for the ~~[illegible]~~ said fyne, and that (as the Pet^r is informed wthout due Course of lawe, there being no former summons, and the pet^r having before put into the said Court a plea in barre of Execucion &c

The pet.rs most humble suite to yo.r most gratious ma.tie
is that in as much as hee hath bene 3. tymes
imprisoned before censure, and now above 20. weeks
more since straightly straightly kept and his goods
seized and all for two poore words, spoken out of in
griefe ag.t the said officers wthout the least int
either in thought or word, to give any distast to
sacred ma.tie or yo.r ho.ble Counsell, goverment or St
Hee is heartily sorry that they were offensively
taken, and most humbly beseecheth yo.r ma.tie to
consider yo.r poore Sub.te estate, and greevous suf
And that yo.r ma.ty would be gratiously pleased to
remitt the said censure, and to order restitution
of his Goods to the Pet.r and no longer to suffer
yo.r poore Sub.t to languish in prison to the decay
of his estate, & the utter undoeing of himselfe
his wife and 4. children and family, and the
hurt of his honest Clothyers and Creditors that
so yo.r poore Sub.te who formerly out of conscie
and Religion, paid yo.r ma.tie about 600.li p. And
Customs by yo.r ma.tie Justice & goodnes bee restor
to his former liberty, Goods & trade of marcha
to doe the like agayne & to the preserving of himselfe
& family from ruyne. &c And yo.r ma.tie poore Sub

Dd to the King 27. Sept. 1629.

Ex parte Remendator
Re.

Terio sci michis Anno quinto Re Caroli

London

Whereas upon the moron of mr Noy on Saturday
last it was ordered that his mate Attorney generall
should hyne day untill this day to shewe cause why
aswell the overplus of the value of certaine goods of
Richard Chambers marchant of London and now a
Prisoner in the fleete detayned by Abraham Jo
John Holloway and other Officers of his mate Chamb
House of London by former order of this Court
for certayne duties demaunded by the aforesaid Offi
to be due to his maty from the said Richard
Chambers, as also why the residue of the said goo
and marchantdize, wch were seized by the Shew
of London by vertue of proces out of this Court
a fyne of two thousand pounds imposed upon the sa
Richard Chambers should not be redelivered to the
said Richard Chambers according to a former order
of this Court of the three and twentith of Ju
last, there being a Plea put in to the said ffyn
as was alleadged by Mr Noy of Counsell wth
Chambers And it was further ordered that upo
hearing of his mte Attorney Generall this day and
the said mr Noy for the said mr Chambers, the
would take such further order touching the said ma
as should be fitting Now upon hearing of his
said Attorney Generall this day and of the sa
mr Noy: It is thereupon ordered by the Court
that a true Coppie of the said Plea, put in
the said ffyne of two thousand pounds as afore

shall be ~~delivered~~ forthwth delivered to the
said mr Chambers to the end he may shewe
the same to the said mr Noy and to mr Robert
Mason of Lincolnes Inne Esqr, wch are at the
request of the said mr Chambers assigned to be
of his Counsell therein, and then it is ordered
that upon ffriday next the said Plea shalbe read
in Court at wch tyme the said mr Noy and mr
Mason are to attend this Court touching the
premisses And it is likewise ordered by the consent
of mr Attorney this day in Court, that in the
meane tyme noe vendicon expon shalbe
awarded forth of this Court for sale of any
of the said goods or marchantdize of the said
Richard Chambers seized as aforesaid for or
by reason of the aforesaid ffyne of two
thousand pounds

h. p Chambers
B. p Re

Ex parte Remendator
Re

Terio sci michis Anno quinto
Re Caroli

Veneris xvi^to die Octobris

London

Whereas this day was appointed by this
Court for his mate Attorney Generall and
mr Noy and mr Mason to be heard touching

a Plea put in to a fyne of two thousand pounds
imposed upon Richard Chambers of London merchant
in his mat^ie High Court of Starre Chamber and
that in the meane tyme a Coppie of the said
Plea should be delivered to the said mr Chambers
to the end hee might shewe the same to the
said mr Noy and mr mason, who were by an
Order made on Twesday last assigned to bee
of his Counsell and that the said Plea should
bee this day read in Court And it was like-
wise ordered by the Consent of the said mr
Atturney that in the meane tyme noe vendicion
expon should be awarded for sale of certain
goods and marchandizes of the said mr Chambers
seized upon the said fyne. Now upon hearing
of his mat^ie said Attorney Generall and of the
said mr Noy and mr mason for the said mr Chambers
It is this present day ordered by this Court that
the said Plea shalbe read in Court upon Tw
next, and then the Court will take such further
order therein as shalbe fitting And wherea
the said mr Noy informed this Court that
Dawes and John Holloway Esqrs and some of
of the Officers of his mat^ie Custome house of
London had by vertue of an order of this Court

of

of the three and twentieth of June last
detayned divers goods and marchandizes of the
said mr Chambers amounting to farre above
the double value of the duties demaunded
by them to belonge to his mat^ty in great
prejudice of the said mr Chambers. Mr Attorney
being this day present in Court, was pleased to
offer that he would write his lre to the
said Officers of the Custome house to
require them that they shall detayne but
a moderate proporcion of the said goods and
marchandizes for or in liewe of the duties
by them demaunded for his mat^ty as aforesaid
and restore the residue to the said mr Chambers

h: p Chambers
B: p Re

Inter ordines de Termino Sancti Michis Anno
quinto Regis Caroli in Sacro ex parte Remanentis
remanent (inter alia) continetur ut sequitur, vigt
Martis xxj. Octobris.

London. /

Upon reading mr Chambers Plea in open
Court to the fyne of 2000^lb sett on him
in the Starre Chamber This Court thinking
fitt to advise of it hath this day ordered
that a Coppie thereof shalbe forthwith made and
delivered to the Barons to pvse, and on
ffriday next they will declare theire opinions
p Curr

Inter ordines de Termino Sancti Michaelis Anno quinto Regis Caroli in Sectio ex parte Remanentis (inter alia) continetur ut sequitur, videlicet

Lath xxiij° Octobr.

This Court having taken into Consideracion the matter touching the Plea of Mr Chambers by him tendred to the ffine of 2000 lb. sett on him in the Starre Chamber, and holding it fitt that the same bee legally and Judicially determined hath this day ordered in the presence of Mr Attorney Generall that the Plea shalbe filed and inrolled according as Mr Chambers desires, to the end it may bee so proceeded in as that it may receive a legall and Judiciall determinacion wch all expedient

per Curiam /

Ex parte Remanentis Regis London /

Termino Sancti Michaelis Anno quinto Regis Caroli

Martis xxvij° die Octobris

This day Mr Noy informing this Court on the behalfe of Richard Chambers of London merchant that whereas the Officers of his Mattie Customehouse of London were by a former order of this Court to deteyne so much goods and merchantdizes of the said Richard Chambers as should amount to double the value of certayne dutyes demaunded by them to belonge to his Maty they the said Officers by vertue of the said order detayned goods and

merchantdizes

merchantdizes of the said Chambers farre above the said double value, wch overplus the said Mr Noy humbly desired might be restored to him the said Chambers It is thereupon this daye Ordered by the Court by and wth the consent of Sr Robert Heath Knight his Mattie Attorney Generall being prte in Court at the said moccon that Abraham Jawes Esqr and Allan Garye Esqr two of the Officers of his Mattie said Customehouse shall viewe and appraise the said goods and marchantdizes, according to the true value of the same, and not according to the value expressed in the booke of Rates, and that thereupon if they finde the same to be overvalued according to the true value thereof then they shall redeliver unto the said Richard Chambers or his assignes the overplus of the said goods or marchantdizes, wch shall amount to more then the double value of the said goods marchantdizes by the said Officers of the said Customehouse to bee deteyned as aforesaid And this order shalbe a sufficient warrant to them for the doeing thereof accordingly /

~~Martis~~ Inter ordines

Inter ordinat de Term sti mich
Anno quinto R. Caroli in Curia
coram ipso Rege

Martis 27. Octobr

London

Mr Chambers

ffforasmuch as Edr mr Attorney Generall hath put in a demurrer to the plea of mr Chambers by him put into Court to the ffine of 2000li sett on him in the Starre Chamber It is this day ordered by the Court in the psence of mr Noy and mr Mason formerly assigned to be of Counsell w[i]th the said mr Chambers, And if mr Chambers himselfe nor hee shall come hither till ffriday next to joyne in demurrer that the said plea may be legally and judicially determined And if hee will make Choyce of any other Counsell then hee hath allready this Court will Consider and resolve what course is fittest to bee taken touching the said plea

Mr Attorneys demurrer to mr Chambers his plea.

Et Robtus Heath miles Attornatus dni Regis nunc Generalis qui pro dicto Dno Rege nunc in hac pte sequitur psonit se hic in Curia ad eundem diem in propria psona sua protestando non recognoscendo aliquid in dicto plito Edi Chambers superius placitat fore verum modo et forma prout ipse superius pletando allegavit

Pro

265

Pro plito suo repliicando tamen idem Attornat dci dni Regis nunc pro dicto Dno Rege dicit, quod Edrus plitum illud Edi Chambers ut materia in eodem contenta et spiritat minus sufficiens in lege existit ad excludend dcm dnm Regem nunc ab execucone sua esse dcm Edrum Chambers de Edrus Ducatus mille libras in dicto Edro mencionat habend Quodq; mille libras in dicto Edro mencionat habend fundat ob insufficiencem plitj Edi idem Attornat dci dni Regis nunc petit judicium si pro dicto Dno Rege petat Judicium Et pro Edrus Edrus Chambers de et in dcm Edrum Ducatus mille libras in dicto Edro mencionat erga dcm dnm Regem nunc ordinet et idem dnus Rex inde respondeat et satisfaciat

Mr Chambers Rejoynder.

Et Edrus Edrus Chambers de quo ipse sufficientem materiam in lege in plito suo Edro ad excludend dcm dnm Regem nunc ab execucone sua esse petit Edrus Chambers de Edrum Ducatus mille libras in dicto Edro mencionat et quatt inde prolla Curia superius allegavit, quam ipse Edrus Edrus Chambers paratus est verificare Quare quidem materiam Edrus Attornat dci dni Regis nunc petit judicium si pro dicto Dno Rege non debeat ad dam aliqualiter respondeat sed verificacionem illam admittere omnino recusat Idem Edrus

Chambers vt prius petit Judicium quod ipse de predictis duabus mille libris in onere predicto mencionatis erga dictum dnum Regem nunc exponeretur ac quoad premissa ab hac Cur dimittatur./

Inter ordines de Termino sancti Michaelis Anno quinto Rx. Caroli in Scacio ex parte Remem Thesaur. remanent (inter alia) vt sequitur

Sabbat xxxi° Octobr 1629.

London

This Court having maturely considered of the Plea put into this Court by Richard Chambers to the fyne of 2000 lb. sett on him in the Starre Chamber upon wch Plea Mr Attorney Generall hath demurred in lawe, hath upon the mocion of his Mat. said Attorney Generall humbly praying that this Court would be pleased to deliver theire opinions touching the same, this day declared in open Court theire resolution and opinions, that the said Plea is a very idle friuolous and erroneous Plea, both for forme matter & substance and doth overrule the same and doth declare the demurrer to be good And doth order that process shall precede & goe to levie the said fyne./

Dur

Inter ordines de Termino sancti Michaelis Anno quinto Rx. Caroli in Scacio ex parte Remem Thesaur. remanent (inter alia) continetur vt sequitur,

London./

Forasmuch as Sr. Robert Heath his Mat. Attorney Generall informed this Court that the goods of Richard Chambers Marchant being seized into the kings handes at 1500 lb. and some odd money for a fyne of 2000 lb. set upon the said Mr. Chambers in the Starre Chamber and a vendicioni exponas awarded to sell them, the Sheriffes returne they cannot sell them for the price they are valued at, and that they remayne still in theire hands for want of buyers And for that it hath bene alledged on the behalfe of the said Mr Chambers that the said goods are of more value then they are prized at, Mr Attorney moved for the kings service that a new writt may be awarded to sell the said goods, and a certaine day appointed by the Sheriffes for selling of the said goods and that the said Mr Chambers may have notice of the day that hee or any for him may come and buy the said goods, at that price they are prized at, and if hee will not come or send for that purpose, that the Sheriffe may sell the goods for as much as they can gett

for them although it bee under the price they
are already valued at, Whereupon it is this
day ordered that a new writt of vendicion
exponas shalbe awarded to sell the said goods
and the Sheriffe are to appoint a certen day
for the sale thereof and to give Mr Thu
convenient notice of the day appointed and
he will not come or send to take the goods
as they are now prized then the said Sheriffe
are to sell them for as much as they can
gett for them and sell them plus offerenti

11° Nov: 1629. Ex p Pet

Mr Chambers the Sheriffe have appointed
the sale of the goods abouesaid to be on mun
the xvij day of this instant November

Kodak Color Control Patches
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Blue Cyan Green Yellow Red Magenta White 3/Color Black
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MS D153

To the Right hon^ble the Lords and others of his ma^ties most hon^ble Privy Counsell.

The humble Peticon of Richard Chambers of London Marchant Prisoner in the Fleete

Yo^r hono^rs knowe my case and manifold sufferinge wch is every way soe pittifull that I want words to expresse them.

I have allready upon my solemne oath in the Starre Chamber affirmed and doe now protest before the ma^tie of Allmighty God, that these words for wch I stand sentenced and imprisoned, I never meant them by the Kinge sacred ma^tie yor hono^rs the State or government, but only by the inferio^r officers of the Custome house by whome I have much suffered, and this I must still protest, for I can doe no other wthout wronging the truth and my owne Conscience, I confesse the wordes were spoken in yor hono^rs presence through griefe of heart and I am heartily sorry, that yor hono^rs have bene offended thereby, at whose feete I humbly cast myselfe in all humility.

My goods are seized upon for the ffyne of 2000^li to his ma^tie my Creditt estate and trade of Marchantdize overthrowne thereby and by reason of this my longe restraint no meanes is leste ~~me~~ to relieve me my wife and 4. Childrens family, but by yor hono^rs Clemency, wch I humbly implore:

My most humble suite therefore is that yor hono^rs would be pleased soe farre to Commiserate my distressed estate as to intercede for mee to his ma^tie

for his gracious remission of the said Sensure, and
the Release of my Goods, and that in the meanetyme
Yo^r Hono^rs would bee pleased to give some order to
Mr Warden of the Fleete to afford me such liberty
for the following of my affaires at the Exchange &c
where I have not bene this 28 weeks, but straight
restrayned more then other prisoners, All wch I
most humbly submitt to yor hono^rs grave Consideration
Craving such reliefe therein as to yor hono^rs shall
seeme meete. And yor pet^r shall ever as in duty pray

presented. nov: 18.

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To the Kings most excellent Matie

Humbly shewethe and informethe yor most excellent Matie
Sr Robert Heath knight yor ma^tie Attorney Generall that
whereas this Realme of England by meanes of the
Comodious situacon and fertility thereof, and through
Godes great blessing unto and upon this Nacon, and the
gracious goverment of yor ma^tie and yor most noble
Progenitors and Predecessors Kings and Queenes of
this Realme hath abounded and doth abound beyond
other Nacons in the trade of Marchantdize, and the
Marchants of this Realme have ever bene, and yet are
so free in theire trading, and so farre from being
oppressed or hardly used by yor ma^tie or yor Predecessors
or the State in theire trade of Marchantdizing
that they now have and of longe tyme have had
all fitting protecon and Priviledges, wch they
could reasonably desire, for theire incouragement
in theire trade and course of Marchantdizing, and
otherwise, so that thereby and by the blessing
of God upon theire labours they all, and above
others those of the Levant and Turkish Company
have growne, and doe growe to great wealth and
estates And yet they and all other the marchants
of this Realme doe and by all the tyme of
yor ma^tie most happie Raigne and by the tymes
of the Raignes of yor most Royall father king
James and others of yor most noble Predecessors
Kings and Queenes of this Realme allwayes
from tyme to tyme have paied and ought to paie
Certaine moderate Customes and duties upon
for the goods and marchantdizes exported and
imported by them out of and into this Realme

for and towards the support of the great and daily
charges of the Crowne for the publique defence of
this Realme and preservacon of the Peace thereof and
for the maintenance of the Regall dignitie and State
And whereas the raysing and publishing of all undu-
tifull and false speeches, tales newes and rumors
wch might by any wayes tend to the dishonor
of yor matie or the State, or to the discouragemt
or discontentment of yor good people, are offences of
a high nature and dangerous consequence and by
the lawes and Statutes of this Realme have bene
and are both prohibited and condemned under gre-
vous penalties and punishment And whereas
the connuzance and determynacon of all complaints
suites Pleas Accons and questions touching or
concerning any such Customes or duties as aforesaid
have allwayes heretofore bene ordered, decided,
adiudged and decreed by and before the right
honble the Lord Trer of England, the Chanc.
of the Court of Exchequer the Lord Chiefe
Baron and the rest of the Barons of the
said Court of Exchequer for the time being
in the said Court, the same Court being and
allwayes having bene the proper Court of the
hearing and determyning all Causes touching
any Customes or duties arising or growing due

or

paieable to yor matie or any yor most noble
Progenitors for importacon or exportacon of
any goods or Marchandizes whatsoever or any
other thing concerning the ordinary Revenewe
of the Crowne of England And whereas
according to the lawe and the auncyent course
of the said Court of Exchequer for the setling
of questions and contentions concerning
Customes or other duties & prevencon of suites
and troubles betwene yor matie and yor
Loving Subte the right honble the Lord
Trer the Chancellor of the Exchequer
the Lord Chiefe Baron and the rest of the
Barons of the same Court of Exchequer
in the said Court of Exchequer upon Thursday
the thirteenth day of November last past
upon the mocon of yor matie Attorney
Generall on yor matie behalfe agt John
Rolles George Moore, William Woodhouse
and Symon Whitcombe touching a writt or
writte of Replevin directed unto the Sheriffe
of London for the ty deliuy of certayne goods
unto the said John Rolles and the rest before
named, supposed to be detayned by Sr John
Woolstenholme knight Abraham Dawes and
Richard Carmarthen Esqrs and Richard Andrews

wch are the knowne lawfull ordinary officers of
the Custome Howse in the Port of London, did order
that the said Sheriffe should not make any deliu[ery]
of the said goode, or any pte thereof, upon or by
vertue of the said Writt or writte, or of any other
writ of the like nature and that day fortnight was
then given by the said Court to the said plts to
shew Cause why an Iniunccon should not bee
awarded to staie the Suite upon the said Writt
of Replevyn, and in the meane tyme the possession
of the goode then endeavoured to bee replevyed, was staied
and quieted by the said ord[er]. As by the said ord[er]
amongst other thinge it appeareth. And afterwards
vpon Munday the xxvij[th] of Novembr last past
vpon the motion of yo[r] ma[tie] said Attorney Generall
informing the said Court of Exchequer that one
Humfry Browne marchant had lately brought the
like writt of Replevyn ag[t] the said Abraham
Dawes and againgt Allen Garie Thomas
Hainford Richard Andrewes Robert Perry and
John Pellinge for certaine goode supposed to bee by
them detayned, wch are but meere servants to yo[r]
ma[tie] in yo[r] Custome Howse and Hath nor pretends
or private interest vnto the said goode, neither did they
nor make any Clayme thereunto but as yo[r] ma[tie] bailiffes
It was thereupon ordred by the said Court that
the Sheriffe of London should not make any deliu[ery]

of the said Humfry Browne his goode or any
pte thereof vntill the said Court should take
further order therein And it was vpon further
ordred that the said Humfry Browne on the
twenty seaventh daie of November then next
Comming and now last past should likewise shew
cause why the Iniunccon should not bee awarded
for staie of his Suite of the said Replevyn And
in the meane tyme the deliu[ery] of the said goode
was staied and the possession thereof quieted
for yo[r] ma[tie] as by the said Order likewise
appeareth. And further vpon Hearing of Mr
Sergeant Bromiston Mr Sergeant Hynden
Mr Noy and Mr Hollbourne beinge of Counsell
wth the said Marchante And vpon Hearing of
yo[r] ma[tie] said Attorney Generall on yo[r] ma[tie]
behalfe the said seaven and twentie daie of
November last past aforesaid as it then
appeared to the said Court of Exchequer that
the said Generall writt of Replevin had been
brought to Enie deliuerie of the goode wch
the said goode thereon vsed to bee deliuered
vnto yo[r] ma[tie] officers and Servante of the
Custome Howse had taken and detained into yo[r]
ma[tie] possession, and layd into yo[r] ma[tie]
Store house for dutie due and payable
to yo[r] ma[tie] and not paid for wch non payment
coulde be sued by Lawe to take them out of yo[r]

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mate owne possession, as it might bee is they
remayned in the hands of yo mate Officers
And for that the Constant Course of that
Court then was and ever had bene in all
Causes wch concerned yo mate Revenewe upon
Complaint made in that Court in that behalfe
to staie all suites brought in any other Court
agt yo mate Officers for the learying of any
duties belonging to yo mate Revenew that Court
being the pper Court for the hearing and determy
ning of all thinge concerning yo mate Revenew
therefore the said Court was clearely of opin
that the said severall writts of Replevyn were
not mayntaynable by lawe nor to bee allow
to take goode out of yo mate owne possession
and ought not to bee proceeded in, but
the pties if they so thought fitt take theire leg
Course in that Court And therefore it was
that present daie ordered by the said Court of
Exchequer that an Inimicon should forthwith
bee awarded under the Seale of that Court to
staie all further proceedinge upon the said
severall writts of Replevyn sued forth by the
said marchante as aforesaid, and the Sheriffe
of the Citie of London were thereby to take
notice, that they were neither to proceede
in the Execucon of those writts sued forth
nor

nor of any other writte of Replevyn wch should
at any tyme then after be sued forth for the
delivery of any goode being in the Kinge
Storehouse wch the said Court held to bee for
yo mate owne Actuall possion And if any
attempt or endeavor should bee made to the
Contrary yo mate said Officers were ordered
to acquaint the Right Honorable the Lord Treasr
or Barons of the said Court of Exchequer
therewith who would thereupon take such order
therein as the Cause should require, as by
the said last mencioned Order it likewise
appeareth According to wch order an Inimicon
did issue forth of the said Court of Exchequer
under the Seale of the said Court directed to
the said John Rolles ~~[illegible]~~ George Moore, William Woodhouse
Symon Whetcombe, and Humfry Browne
requiring them to staie all suites accons and
Replevyns by them or any of them had or
moved, or to be had or moved against the said
Sr John Woolstenholme Abraham Jawes
Richard Carmarthen Richard Andrewes Allen
Carys Thomas Halford Robert Percey
and John Collop for the foresaid goode, in any
other of yo mate whatsoever other then the
said Court of Exchequer as by the said Inimicon
bearing teste on or about the seaven & twentieth

daie of November last past may better appeare
And whereas Richard Phillips one of the
one of the Officers of Rowland Backhouse
one of the Sheriffe of the Cittie of London
did receaue divers Commandes, both from the
Sheriffe of yor Cittie of London and the Officers
of yor Customs house that hee should obey and
observe the foresaid Orders and Inimicon Yet
so it is may it please yor most excellent Matie
that Bartholomew Gillman ~~Richard~~ John Howke
Richard Chambers and the said John Rolles, all
of London Marchants and divers others yet unk
to yor ma^tie said Attorney but hee humbly pray
theire names may be heerein also inserted and
they made defend^ts hereunto when they shalbe
discovered, who did well knowe of all the fore
matters orders proceedings and Inimicon, did in
about the moneth of December now last pa
most unlawfully and seditiously agree plott
practice confederate and Combyne to geath
amongst themselves and to and wth the said
Richard Phillips and divers other Officers &
Servants of the Sheriffe of the Cittie of Lond
and divers others to disturbe yor ma^tie peaceable
and iust Government in this kingdome of Eng
and to hinder and disturbe yor ma^tie officers in
the

the taking and receaving of yor foresaid
Customs and duties wch haue so longe tyme bene
duly paid and answered to yor ma^tie and yor
noble Progenitors Kings and Queenes of this
Realme and without wch yor ma^tie cannot support
those ordinary charges wch are necessarie for
the defence of this Realme and yor ma^tie hono^r
and to cause the goods and marchantdizes of them=
selves and other Marchants to bee carried away
from the keyes harbours and places where they
should be landed or unladen w^thout paym^t
or answearing to yor ma^ty any Customs or
other duties whatsoever for the same and to
rayse tumults and seditions in and about the
payment and right of payment of Customs
and other duties for the said goods & marchant=
dizes and to assault beate hurt and wound all
such Officers and other persons as should hinder
or gainesay them or any other about the doeing
of any thing therein And in performance and
pursuance of the foresaid agreem^t plott
practices Combynacons and confederacyes the said Bartho=
lomew Gillman John Howke Richard Chambers
and the said John Rolles and the said other
Confederates did in a most rude and unlawfull
manner in or about the beginning of the
moneth of January now last past in this
present fourth yeare of yor ma^tie most happie

Raigne of this ye Realme of Englande and
unto ye said Richard Phillipp being then and yet
one of ye Under Officers of Howland Bar-
house, one of ye Serjeants of ye said Cittie of
London, and upon sundry false Billes to ye said
Richard Phillipp, and for ye some of fforty
Shillinge given to ye said Richard Phillipp
by ye said Bartholomew Gillman and other
ye forsaid Confederates wherevpon suit duely
was two Shillinge fower pound or thereabouts, and
for and upon promise made unto him by ye
said Bartholomew Gillman, and other ye forsaid
Confederates of ye some of ten pounde more
and diverse other bribes, guifte gratuities and
rewards, how ye said Richard Phillipp and
said other Confederates did on or about ye third
day of January last past gyve and make diverse
and sundry untrue and false Informations unto
ye Clarke of ye Compters of London and did by
meanes thereof enter or cause to bee entered
and barred diverse plaints of Replevyn, one in
ye name of ye said Richarde Spaunbery, and
other in ye name of ye said John Holler
of one Wyrlod ffitzpiars, and other in ye name
of ye said ~~John ffowler~~ Bartholomew Gillman
and one other in ye name of ye said John
ffowler against Jasper Dartnall a wharfinger

in ye Lower warde London, for ye shipping
of diverse goods and marchandize by them imported
into ye Port of London, and by them intended
to bee landed at that tyme where the said
Dartnall was ye wharfinger, but ye said
Dartnall had at that tyme none of ye said
goods in his custody, nor had hee the said
Jasper Dartnall any charge or power to take
any goods into his custody wch ought
to paide unto ye mate any custome or duties
but ye same was vsed only as a colour and
power to worke and devise further purpose
and then ye said Bartholomew Gillman
John ffowler Richard Spaunbery and John Holler
and ye said other Confederates being thus
provided of a colour and pretence for ingressing
their former intencons, being armed wth swords
daggers staves bildrolls and other weapons offen-
sive as defensive in a most riotous routous
and unlawfull manner on or about ye said
third day of January last past did assemble
themselves in ye ffyld of All Saints Barking
in ye lower ward of London and repayred to ye
wharfe vsually kept by ye said Jasper
Dartnall wherin ye Ward aforesaid and did
attempt to take and carrie away ye fore-goode
aforesaid wthout payinge any duty at all to ye

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ma^tie for the same, and to effect the same they
did assault, beate, wounde and hurt, one of the
Officers attending at the said wharfe to the
great effusion of his blouds and pill of his life
and in a most furious violent riotous routous
and unlawfull manner, wth force and violence
did then endeavor to gett into theire possession the
same goods and marchandizes, wch were in yor
ma^tie possession and in the Custodie of yor
Officers, and for wch noe Customes or duties
were paid unto yor ma^tie And further may it
please yor most excellent ma^tie the said ~~[illegible]~~
Bartholomew Gillman John Howke Richard
Chambers John Rolles and the said other Confe-
rates, the more to manifest theire said riotous
routous and seditious purposes did in a most
unlawfull manner assemble themselves on the fi-
daie of January now last past about twelve
of the Clocke of the same daie calling into
theire Company theire Servants Saylors Porters
Carmen and others to a very great number
upon the Custome house key in London aforesaid
at wch tyme yor ma^tie Officers were for the
most pte absent and then and there the said
riotous and disordered persons aforesaid with the
said Confederates whose names yor said Attorney
yet knoweth not, but he humbly prayeth they

may

may bee herein incerted and made defendtl
to this Informacion when they shalbe discovered
did attempt to land and carrie away by violence
divers goods unaustomed notwthstanding yor ma^tie
Officers then present did to the uttermost of theire
powers wthstand the same, and also then and there
used all the best perswasions they they said &c
Officers could to the said Rioters to desist from
theire said unlawfull and disordered course, yet
the said Confederates being many in number
did by the said force and violence lade three
Cartes wth diverse goods and marchandizes, and
did likewise then and there hall kicke and spurne
yor ma^tie Officers in a most rude riotous
and violent manner, and having not a
sufficient guard to wthstand the said Rioters
yor ma^tie said Officers were then and there
enforced to shutt up the Gates of the said
Custome house key, whereat the said Bartholomew
Gillman John Howke Richard Chambers John
Rolles and theire said Confederates being very
much enraged did then and there presently to goe
about to make a fire against the warehouses
of the said Custome house, but being admonished
or tould by some persons then present that there
was Gunpowder in the said warehouses
and that the said fire might endanger
the said Citty of London they desisted ~~[illegible]~~

therefrom And then the said Bartholomew Eillman
John Howke Richard Chambers and John Rolles said
it was best to make a fire against the said
Customs house Eates and burne them downe, and
they the said Confederators said they hoped to see the
heavie Curse of God fall upon them and
theires that were occasion of the staying of
theire goods, and the said Bartholomew Eillman
and the said other Confederators used also then
there many other outragious seditious and
reproachfull wordes, concerning yor ma^tie Customs
and yor Officers and Shearmo^rs of yor Customs
and Customs house aforesaid In Consideracion
whereof And forasmuch as all the said pra[illegible]
Combinacions Confederacyes riotts routs unlawfull
assemblies, beatings woundings factions and
seditious words and other the foresaid misdem[illegible]
and offences are of high nature and daungerous
Consequence, and if they should escape unpunis[illegible]
might incourage other like ill affected people to
Committ the like offences And for that the
same offences are Committed and done ag[illegible]
the wholesome lawes of this yor kingdome
and are not pardoned by a generall or spe[illegible]
Pardon but remayne unpardoned May it
therefore please yor most excellent ma^tie to gra[illegible]

unto yor ma^tie said Attorney yor ma^tie most
gratious writts of Sp^na to bee directed to the
said Bartholomew Eillman John Howke
Richard Chambers John Rolles Richard Phillips
and the said other unknowne persons when they
shalbe discovered Commanding them and every
of them at a certayne daie and under a certen
payne therein to bee limitted personally to bee
and appeare before yor ma^tie and the Right
hono^ble the Lords and others of his ma^tie most
Hono^ble Privy Counsell in yor high Court of
Starr-Chamber then and there upon
theire Corporall oathes to answeare the
premisses and to stand to and abide such order
direccion sentence and decree therein as to yor
ma^ty and the said Lords and others shall seeme
fitt And yor highnes said Attorney shall ever
pray for yor ma^tie

The iuynt & Sowrall Demurrer of Sir
and answeare of Richard Chumber & John
ffowke & Bartholomew Gillman Gent.
of the defendte to the Informacon of
Sr Robert Heath Knight his matie
Attorney Generall.

The said defendte by protestacon not acknowl
or confessing any the matters or thinge wherewith
they are chargede in and by the said Informacon be
true in such sort manner and forme as the same
are alledged vpon and every of them Joyntly
Themselves and so much as concernethe himselfe sa
that the said Informacon as to so much thereof a
Concernethe the not payment of Custome or du
or any Combinacon not to pay the same, and
bringing of Replevyns out of the Comon Lawe suppo
to be contrary to the ordere & Comaundm
of the Court of Exchequer vpon wch matters
or most pte of the supposed misdemeanr & offe
wherewithe they stand chargede by the said Info
con doe depend, it (as they conceave and ar
informed by their Counsell) very materiall a
insufficient in lawe to bee answeared vnto
first concerninge the said Custome and duti
that by the said Informacon it is alledged
that by the marchante of their Realme doe and by
all the Iuynt of Hir matie Raigne and by the
of the Raignes of his most noble Progenitors
and Quenes of this Realme allwayes and

tyme to tyme they have paid and ought to pay
certen moderate Custome and duties vpon and
for goodes & marchandizes exported and imported by
them out of and into this Realme discharging them
selves defendte that they plotted and Combyned to
Hinder and disturbe his matie officers in takinge &
receavinge the aforesaid Custome and duties
to vnlade their goodes and marchandizes to bee
Carryed away from the Key harbowre and
place where they Coulde be Cauded without paymt
or answearinge to his matie any Custome or other
duties for the same not alledginge or settinge forthe
by the said Informacon of what nature or kinde
the said marchandizes were for wch these defendte
refused or sought to avoyde paymt of Custome and
duties, as it ought to have bene. And as it is not
alledged what the said goodes are, so it is not
sett forthe what the Custome & other duties
supposed to bee due are as it ought to have bene
for vnles it bee a Constant certayne duty the
Charge ought to have bene certayne, settinge
forthe how many in certainty were due for
Custome and duties and how it growes due
wether by consent and agreement of these
defendte or howe otherwaies and for what goodes
that so the defendte might have pleaded & put
to issue or to the Iudgemt of the Court wether
soe much or any thinge had bene due or not, or

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might haue pleaded payment or a lawfull tender and
refusall or other matter of Justification as they
required or at least (it being alledged to be vnlaw
moderate Customes and other duties) it ought to haue been
expressed in certenty what they are and for what
to the end, if they bee arbitrarily to bee moderated
Court might iudge, whether the Customes and duties
demaunded were (in respect of the prizes paid for the
goods, charge of bringing home and value of them
to bee soulde and other necessary circumstances
ted or not. And as to the orders of Guinnard and
proceedinge of the Court of Exchequr and the
sueing of Replevyne out of the Comptrs supp
to bee contrary heerevnto, it appeareth by the
Informacon it selfe that the said orders Guinnard
and proceedinge of the said Court extendes only to
that were plaid heerevnto, and to the goods for
Replevyne were then brought and not to any o
ysonne or for any other goodes, and therefore ought
not by lawe or the Justice of that or any other
to binde these defendts, they these defendts and
said goods by the said Informacon it selfe appear
to bee other ysonne and other goods then were in qu
in the said Court of Exchequr the rather for
the whole scope of the said orders in the
Informacon mencioned and the opinion of the
Court declared in them to be in no wise agt the
defendts (as their case is alledged to bee) but
wholly for them, the opinion of the Court bein

alledged to be to this effect That noe Replevyn could be
sued by lawe to take goods delivered by his mats officers
in his mats Store house (wch they hold to bee his mats
owne actuall possession) as it might bee they remayned
in the hands of his mats Officers, so as the opinion
of the said Court is expressly declared that goods wch
were not in his mats store house might be replevyed out
of the hands of his mats officers, and is so then more
more out of the hands of Sr Dartmouth a wittesinger
from his wharfe as by the Informacon is alledged, those
defendts endeavoured to doe, and therefore, as also for
that it appeareth by the said Informacon that they
these defendts are marchants of London and the goods
in question their owne proper goods, and for that the
Statute of Parliament made in the eighteenth
yeare of King Edw the third are and ought to be free
and open for all marchants to passe wth their c
marchandize at their pleasure, where pleaseth
them, and for that it appeareth not in the Informacon
that any Customes or duties are due to his mat
for their said goods and marchandize either by the
lawes of this kingdome or by any Act of Parliam.
or otherwise and for that it appeareth the said goods
being acknowledged to bee the defendts proper goods
as aforesaid, were not in his mats Storehouse but
on the said Dartmouths wharfe, and it appeareth
not that the said Dartmouth or any other so much
as pretendes any lawfull cause to detayne them for
that Replevyn are the only ordinary meanes

the Lawes of this Kingdome affords for the Subiect to
gayne the p̄sent possession of his goods wch the Defendt
Sueth for that the Court of Exchequr refuseth not to graunt
Repleyns, nor the Court of Chamber any Replevyn
returnable into the Exchequer, therefore as also
for diverse other defects and imperfections in the said
Informacon as aforesaid doe with the leave of this
most hon^ble Court demurre in Lawe and humbly
demaunde the Iudgement of this most hon^ble Court, whether they
shalbe compelled to make any further or other answere
hereunto: And as to the repayring of those defendts
to the wharfe of the said Dartmoll supposed to be
the xxvth day of January last, and attempting to
carry away their goods without paying any
duties and the assaulting beating wounding
hurting one of the Officers attending at the
wharfe, and their men and there endeavouring
gett into their possession the said goods in his
ma^tie possession, and in the custody of his ma^ties
Officers and for wch non Customes or duties
ought, and they assembling themselves on the fifth
of January vpon the Customes house key, and
with their Company, their Servants Porters
Carrmen, and the forcible attempting to land and
carry away diverse goods unCustomed, and forcibly
lading of three Barkes with diverse goods and
Merchandizes, and vsing of any outrageous seditious
reproachfull words other then those in the said

Informacon plenarily mencioned, they the defendts
therefore say that the said Charges untrue and
vntruely and Contrarily, vizt, vntruely in that
it is not alledged what duty of were due for
the said goode as it ought to have been, as before
therein is alledged, nor what the said goods were,
nor who were assaulted beaten wounded or hurt
(if any were) that it might appeare whether hee
were an Officer or not, that they might direct
ly traverse or deny or confesse and avoyde as the
Case should require And Contrarily, in that it
is alledged by the said Informacon that the
taking of the said goods out of the custody of
his ma^tie officers at the wharfe of the said Dartmoll
is the taking thereof out of his ma^tie possession, where
by the Informacon it selfe it appeareth by the orders
of the Exchequer therein mencioned that out of the
Officers custody, if they were not delivered by the
Officers into his ma^tie Storehouse (wch was held to
bee his ma^tie actuall possession) they might lawfully
bee replevyed And for further Plea hereunto they
say that the said goods wch they attempted
and endeavoured to land and carry away were
their owne proper goods & the said goods being at
the wharfe of the said Dartmoll (called Customs house
key) in his possession were the said fifth day of
January wch they conceived to bee the time meant
by the said Informacon for endeavouring to take the
said goods away replevyed out of the hands of the

said Dartnoll, and afterwards the same day the said
goods were stayed by mr Dawes and others and
after seyzed and carryed away from the Sheriffe
of London his Officer, as by the returnes of the
said Replevyns remayning upon Record in the
Courts of Huistings London, whereunto these defendts
for more certenty referre themselves may more fully
appeare And if these defendts did use any force or
violence (wch they nevertheless doe not acknowledge)
it was in defence of the possion of theire said
Goods by opposing those that withstood the course of
lawe and so without lawefull warrant (as they
conceyved) would have taken them from the said Sheriffe
Officers and these defendts, wherein with the favour
of this most honorable Court, these defendts conceyve
they did not more then they might lawfully and
iustifiably doe by the lawes of this kingdome
for all wch Causes as also for divers others these defendts
humbly demaund Judgemt of this most honorable Court
whether they shalbe questioned for the same or
make further answeare thereunto in this most honorable
Court And as to all and every other the unlawfull
practises, Confederacyes, Combinacons, riotts, routs, unlawfull
assemblies wherewith they these defendts are charged
by the said Informacon examynable in this most honorable
Court and not herein before demurred or pleaded unto
they these defendts say that they nor any of them
are not of them or any of them guilty in such

manner and forme as in and by the said
Informacon is alleadged All wch matters and
things these defendts are and ever wilbe ready
to averre and prove, iustifie and mayntayne as this
most honorable Court shall awards and most humbly
pray to be hence dismissed wth theire reasonable
Costs and Charges in this behalfe wrongefully sustayned.

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The Atturneyes Bill in the Star Chamber
agaynst mr Chambers, and other
Marchants for refusing to pay
Tunnage and Pondage: wth
ther Aunsweare.
1629.

To the Kinges most excellent Matie

In all humblenes shewth and informeth yor
most excellent Matie Sr Robert Heath knight
yor Maties Atturney generall That whereas
the Church of England and the true Religion
of Almightie god hath prospered and flourished
wth great happines under the religions and
gracious goverm^t of yor sacred Matie and of
yor royall ffather of blessed memorie Kinge
James and of the late Queene Elizabeth
by the space of above seaventie yeares nowe
last past and the discipline of the Church
of England by the reverend Bpp^es the ffathers
of the Church under yor Matie the supreame
Governor on earth wthin yor Maties owne
dominions hath bine continewed wth happie
sucesse that discipline beinge consonant both
to the word of god and practise of the primitive
Church, and best agreeable to the Estate of
a Monarchie under wth yor Maties sub^ts doe
and in all peace and happines And your
Matie by yor great wisdome Instice and
moderation ever since yor happie accesse to
this Crowne hath soe governed yor people
that they doe as they have greate Cause
daylie praise god for his goodnes towards
them and this land for placeinge yor Matie

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theire Kinge and Leidge Lord over them
And whereas it is boundnes and an insolence
of an high nature and offence of a dangerous
Consequence for ame to vent theire owne
seditions and malicious humors by contrive=
=inge, dispersinge and publishinge of false
infamous and libellous bookes and pamphlets
under colour of representinge inst Complaints
to the high Court of Parliam^t whereby
distencon may arise betweene yor Prelates
Peeres and other sub^ts of this yor Realme
and to bringe the reverend Bpp^s and Fathers
of the Church into the hatred and contempt
of the people, and soe to subvert and confound
all Ecclesiasticall goverm^t wth in this Realme,
yet soe it is may it please yor most excellent
Matie that one Alexander Leighton somtymes
minister, and nowe beinge or pretendinge
himselfe to bee a Doctor in phisick by
Combinacon and Confederacon betweene
him and divers other persons yet unknowne
to yor said Attorney whose names when they
shalbee discovered hee humblie prayeth
may bee inserted into this Information
and they likewise made parties thereunto,
intendinge to rayse slaunder upon the
reverend Bpp^s of this yor Realme and

the discipline of the Church of England and
to drawe these reverend Bpp^s into the hatred
and contempt of the rest of yor loveinge sub^ts
to ruyne and destroye them and theire suc=
=cession for ever, and to introduce utter Con=
=fusion unto and upon this Church of England
and to bringe dishonor upon the person of yor
most sacred Matie and yor goverm^t, and to
stirr upp as much as in them lay yor high
Court of Parliam^t there assembled to bee the
Instrum^ts thereof since the beginninge of
yor Maties raigne falcelie wickedlie mali=
=cionslie and seditionslie devised framed
and contrived a libellous and malicious
booke heerevnto annexed conteyninge three
hundred fortie fower pages besides one
Epistle to the Reader, and another to the
high Court of Parliam^t intituled An
appeale to the Parliament or Syons Plea
aga^t the Prelates, before wth booke the said
Alexander Leighton and other the Confederates
aforsaid have contrived devised and set a
Preface or an Epistle to the Reader begin=
=ninge thus Well affectioned Reader, and
endinge thus. Wee shalbee readie at all
times by gods assistance further to make
it good. In wth Epistle to the Reader

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amongst divers other things they have
inserted this falce seditions and malicious
clause in these words following, Wee doe not
read of a greater persecution or higher in
dignitie done upon Gods people in anie
Nation professinge the Gospell then in
this our Island, meaninge thereby this yor
Maties Kingdome of England especially since
the death of Queene Elizabeth And in
that p^r face or Epistle and booke doe terme
the reverend Prelates and Bpp^s of this land
men of blood, enemies to God and the Estate,
and the Prelacie they call Antichristian
and Satannicall Prelacie, and thereby
endeavour to stirr upp the Readers yor Maties
loveinge sub^ts especiallie the house of
Parliam^t, to whom the same was cheiflie
dedicated to hate the Prelacie, and by all
meanes to destroye and roote them out
and the booke it selfe is intituled thus
A Decade of grievances p^r sented and proved
to the right hono^ble and right Court of
Parliam^t and beginneth thus Right hono^ble
and high Senators yo^u are not unacquainted,
And endeth thus high must yo^u soare but
glorie gives the wings nor lower attempt
a starr-like glorie brings the bodie of

wth booke is stuffed wth manie falce
malicious and insufferable slaunders of and
aga^t the reverend Bpp^s and the Prelacie,
and namlie and particulerlie in the third page
of that booke the said Alexander Leighton
and his Confederates the authors thereof
affirme positivelie that this is the mayne
and Master sinne of this land wth is esta=
=blished by a lawe to maintaine and continewe
the Bpp^s and doe thereby endeavour to intro=
=duce and stirr upp a paritie and by necessary
consequence a suddaine Confusion in this
flourishinge Church In the seaventh page
of that booke they affirme that all Ministers
should have voyces in Councell both deliberative
and decisive and to bringe a severe contempt
and hatred upon these grave learned and
reverend Prelates In the thirtie fift
page of the booke they terme the Bpp^s
of this land Ravens and Dye=maggotts w^th
prey upon the Estate And the said Alexander
Leighton and other the Confederates afore=
=said to shewe theire pride and obstinacie
aga^t the disciplinge of the Church of England
In the threescore and tenth page of that
booke they have inserted these unreverend

and irreligious words Theire suggestion
of falce feares to the Kinge and the
seekinge of theire owne unlawfull standinge
brought forth that revived spawne of the
beast, by kneelinge in receiveinge of the
sacram^t for the greater reverence thereto
whereby the papists had contentm^t And
the said Alexander Leighton and other
the Confederates aforsaid doe not onlie
in and by the same booke endeavour to slaunde^r
and deprave the Prelatie and Prelates
of this Kingdome but most malicionslie
falcelie and seditionslie they endeavour
to drawe into question yor Maties power
and authoritie in Causes Ecclesiasticall
established in yor royall p^rson by Parliam^t
by the lawes of this land boldlie and
falcelie affirminge in the fortie second
and fortie three pages of that booke in
these words The statute of Elizabeth
Chap: 1: giveinge power to the Queene
to constitute and make a Commission in
Causes Ecclesiasticall is found inconveni=
=ent, because abuseinge that power given
to one or more, they wronge the subiect
Whereas by vertue of the statute power

onlie ecclesiasticall is granted yet by
letters Patents from the Kinge unsoundlie
grounded on the words of the statute they
maie fyne imprison zu wth is a great
greife and wronge to the sub^t And in the
threescore and third page of that booke
they the said Confederates scornefullie
terme the Canons established by yor Matie
for the discipline and goverm^t of the Church
non sence Canons And the said Alexander
Leighton and other the Confederates afore=
=said stopp not there but in the said libellous
and seditious booke they spare not your
Maties sacred and royall p^rson but wickedlie
seditionslie and malicionslie endeavor to
rayse and spread scandalls, falce rumors
and reports of yor Matie, of whom they ought
not to thinke anie evill thought, for in
the hundreth and sixteenth page of that
booke they the said Confederates speake=
=inge or writinge of the Prelats affirme
that they (meaninge the Prelats) corrupt
the Kinge (meaninge yor sacred Matie) forestal=
=linge his Judgem^t aga^t the good and
goodnes And in the one hundred and seaventy
second page of the said libellous booke
they the said Confederates speakeinge

ofs yor Maties person and ofs the breakinge off ofs the
Spanish match, and ofs yor Maties safe returne
from Spaine, when yo^u were Prince, they in a
scorne ofs yor Matie and ofs the person ofs yor dearest
Consort the Queene, said that God suffered yor
Matie to one heavie woe to match wth the daughter
ofs Keth though yo^u mist an Egiptian And in
the one hundred seaventie first page they
the said Alexander Leighton and other the
Confederates aforsaid use these words followinge
Consider what a pittie it is to all and an indelible
dishonour it will bee to yo^u, the Estate representative
that soe ingenious and tractable a Kinge should
bee soe monstrouslie abused by the bane ofs Princes
to the undoeinge ofs himselfs and his subiects
And the said Alexander Leighton and other
the Confederates aforsaid in some passages
ofs the said booke glanceinge at the untymelie
death ofs the Duke ofs Buckingham by the
bloody hand ofs that wicked murtherer w^th
killed the said Duke, and they seeminge to
approve thereofs verie wickedly and seditiously
intendinge to animate and stirr vpp some
others to some acts ofs violence aga^t the
reverend Bpps ofs this land, and offeringe
divers reasons to perswade thereunto In the
one hundred seaventie and six page ofs the

said booke they use one reason amongst many
others ofs theire wicked and pnicious intention
in these words followinge. A fowerth reason
from gods offeringe to guide yo^u by the hand
as wee have shewed, who by gweinge ofs the
first blowe hath in mercie removed the greatest
nayle in all theire Tent, and will not yo^u
followe it home? And the said Alexander
Leighton and other the said Confederates
intendinge and endeavoringe not onlie to
slaunder yor Maties sacred person and your
goverm^t but also to detract from yor royall
power in makeinge lawes and Cannons for
Ecclesiasticall goverm^t and in matters concer=
=ninge the Church In the one hundred nyntie
first page ofs the said booke they use those
words But the Church hath her lawes from
the scripture, neither maie anie Kinge
make lawes in the howse ofs god, for yfs
they might the scripture should bee imperfect
And the said Alexander Leighton and others
the wicked Confederates aforsaid in the
said malicious and libellous booke doe not
onlie endeavour to publish false wicked
and seditious tales and rumors ofs and
aga^t yor Matie amongst yor Maties owne sub^ts
in such manner as aforsaid, but also to

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dishonour yor Matie and this Nation wth and
amongst strangers of forraigne Nations
who professe the same true Religion wth us
doe wickedlie suggest that yor Matie did not
reallie and hartilie assist them as yo^u p^rtended
yo^u would; for they the said Confederates,
speakeinge of Rochellers and of yor Maties helpe
and succour latelie intended and sent forth
for theire releife, and the successe thereof
In the two hundred sixtie ninth page of
the said booke they have these words followinge
All that passe by us spoyle us and wee spoyle
all that relye upon us, to omitt many instances
wch beinge too well knowne make us odious
to the world. Let us touch upon the last
namelie the black pyneinge death of the
famished Rochellers to the number of fifteene
thousand in fower monethes besides those that
had formerlie perished p^rclaymeth to the
world the vanitie yf not the falcehood of
our helpe And generallie in and throughout
the whole booke the said Alexander Leighton
and other the Confederates aforsaid have
malicionslie falcelie and libellonslie slaundered
the said reverend Ld^pps and the whole p^rlacie
and have wickedlie and seditionslie slaundered
yor Matie and yor gracious goverm^t And the said

booke this wickedlie falcelie seditionslie and
malicionslie contrived and composed the said
Leighton and other his said Confederates
either wth in this Realme or in some forraigne
parts caused to bee printed and did print
or cause to bee printed a thousand severall
Coppies or bookes thereof, wch bookes or the
greatest number of them under a colour of
p^rsentinge inst grewances to the howse of
Parliam^t they the said Alexander Leighton
and other the Confederates aforsaid in the
Cities of London and Westminster and else=
=where both in this Realme and in forraigne
parts did libellonslie and seditionslie publish
and divulge contrarie to yor Maties lawes,
and contrarie to the statute in that Case
p^rvided, to the dishonour of yor most excellent
Matie and of yor most religious and gracious
goverm^t to the greate and insufferable abuse
and slaunder of the reverend Ld^pps of this
yor Realme and the whole p^rlacie to the
scandall of all good men, and to the evill
and p^rnicious example of all wicked and
ungodlie people yf such and soe intollerable
offences should escape unpunished In Consi=
=deracon whereof and for that the said

offences are of soe high a nature and
dangerous consequence and remayne unpdoned
by anie gracious or speciall pardon, and
to the end that the offendors herein maie
receive such condigne punishm^t as shalbee
fittinge May it please yor most excellent
Matie to graunt unto yor said Atturney yor
Maties most gracious writt of subp^a to bee
directed to the said Alexander Leighton
and to the said other unknowne persons
when they shalbee discovered Comanndinge
them thereby at a certaine daie and under
a certaine paine therein to bee lymitted &c

The Answere of Alexander
Leighton unto a Bill in the
Starrchamber preferred by his
Maties Atturney Generall aga^t
the said Defend^t

All advantages of exception to all and everie
the uncertainties and insufficiencies of the
Informacon nowe and alwaies saved and
reserved to him this defendant This dest
humblie Confesseth the composinge and
writinge of the booke mencioned in the
Informacon But this defend^t saith that
hee did write and compose the said booke
beyond seas out of his Maties dominions
onlie the drangt or lyneaments excepted,
And this hee did not out of anie malicious
or seditious humor as is alleadged in the
Informacon, but beinge perswaded in Judgem^t
and fearinge in his hart that some greate
and ~~inestimable~~ inevitable evill was towards the State
except by reformacon it were prevented,
as the booke at large specifieth This
defend^t was moved in Conscience wth the
poore man in Ecclesiastes to set all his
thoughts on worke how under Correction
hee might cast in a voyce for the safegard
of our Syon not beinge moved thereunto

by ame ſiniſter reſpect ab ꝑtrad distentm
noglott oſ ame or ſelfe reflectinge onely for
ꝯo ꝑtette ꝯe vaine ſtrengthe oſ malice or
ſedition, but ꝯo intended onlie ꝯe glorie
oſ god, ꝯe honor oſ yͤe ſoveraigne, ꝯe
ſtandinge oſ ꝯe Nobilitie, and ꝯe good oſ
all yͤe Ma[tie] people and Dominions; for all
wch ꝯo ꝯis Defendant vs not onlie readie
to noglect emſelfe and yͤs (ab eitrouto ꝯo
ꝑtte done) but alſo yſe neede be to ſacrifice
emſelfe upon ꝯeire ſervice. ffurther this
Defendt ſaithe, ꝑat ꝯo intended ꝯe ſaid booke
onlie for ꝯe ffarliam[t], and ꝯerefore omitted
not ſoe mane thinges ab are laid downe in
ꝯe ꝓformacon almoſt by ꝑalfe ꝯe
number namlie betweene five and ſixe
emered, wch member ab ꝯis defendant
conceived was not ſufficient to ſerve ꝯe
ſeverall membres oſ ꝑat eighe Comon
oſ ffarliam[t] bringe a bodie politigne
ab ꝯis Defendt conceived, to wch ꝯe
meanſt membres oſ ꝯe Comon wealthe
might intymate ꝯeire Dutie and feare
reverencinge ꝯe dangers and deliverances
oſ ꝯe Comon wealthe bringe ꝯe Mother
oſ vs all And ꝯeirin vsinge ende and
intencon ꝯis Defendt oppoſeth in

eith ꝑamble to ꝯe eighe Comt oſ ffarliament
and in ſundry other paſſages oſ ꝯe ſaid booke
leavinge ꝯe ſentence unto god ꝯe Author
and moderator oſ all good intents and attemb
ſubmittinge alſo both emſelfe and ꝯe ſaid
booke to ꝯe approbacon or Cenſure oſ ꝑat
honable and eighe Comt, Neither did ꝯis
ꝯe Defendant bringe or cauſe to be brought
ame oſ ꝯe ſaid booke or Copies into ꝯe
land, but it was ꝯeir Defendts ſpeciall care
watcher to ſuppreſſe them ꝯen divulge them
And ꝯis Defendt further ſaithe, ꝑat ꝯo
willinglie and emblie confeſſed ꝯe compoſinge
oſ ꝯe ſaid booke Sub ſigillo mandati Regis
at ꝯe foote and under ꝯe favour oſ yͤe
Ma[tie] ſpeciall Domaine from wch ab
an Angell oſ god ꝯo could conceal notwinge
notwthſtandinge ꝑat ꝯe Defendant was
Confident at ꝑat tyme noe Creature
could cauſe em oſ compoſinge ꝯe ſaid
booke, at wch tyme ꝯis Defendant alſo
ꝓteſted ꝑat it would not ſtand wth ꝯe
honor oſ yͤe Ma[tie] ꝑat an emble and
voluntarie Confeſſion made under ꝯe
favour oſ yͤe graciouſe remonſtrance ſhould
cauſe or condemne ſtrange ſeine new delin=
=quentie, but ꝑat it ſhould rather graciouſlie

ptect or pardon and this defendt conceaveth
to bee true from principles of divinitie,
maximes of the lawes, rules of reason,
and instances from our owne and forraigne
histories, especiallie from the practise of
the Kinges of England and Scotland
his Maties Ancestors ~~to~~ touchth whereof
this defendt humblie intreateth leave
to deliver to this honoble Court, that wch
Jeremie confessed to the Kinge, the Kinge
would not reveale, but had a greate care
that it should not come agat him before
the Princes Preisth and Prophets; for yf
it had, though it were the truth, yet hee
might have suffered for it Chapter
the thirtie eight verse the Twentie
seaven &c More instances might bee
given in Henrie the fowerth and seaventh
of England and Malcolme the first of
Scotland. It is also a royall truth that
Gratia Principis est accumulativa non
privativa but by sufferinge this Confession
to accuse this defendt hee is there by
deprived of a maine benefitt of his
owne defence amisso clippeo vulneratus
est haveinge lost his buckler hee is undone,

Wherefore this defendt humblie entreateth
that his Maties royall favour maie deliver
him, neither doth this defendt wave the
said Confession anie waies to reflect upon
his gracious Matie, but since hee is inferior
to noe earthlie power in all royall graces
whereof mercie is the Crowne per moderatam
et inculpatam tutelam hee hath recourse
to the sanctuarie of his Maties royall favour
This defendt further saith that hee neither
delivered the thinges conteyned in the booke
nor undertaketh the answere of the particulers
laid downe in the Information by waie of
peremptorie assercon, but this qualificacon
is still to bee understood expressed in the
preface of the said booke, page the third
as hee conceaveth further this defendt
saith that hee is constrayned to this
defence or qualificacon of thinges laied
downe in the Informacon by reason of
his aforsaid Confession made under his
Maties speciall Domanud, and taken by
his Maties Attorney Generall; for as
this defendt conceaveth that where
there is Confessio facti there must
either bee defensio iuris or agnitio culpae

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ꝛee vᵇ in all ꝭmilitie and dutie to ꝭe
trvthe, put vpon ꝭe best defence or ꝙalifi-
-cation of ꝭe said ꝛtinlorb ꝭat ee can
possiblie make, but yᵗ ꝭis defendᵗ cate
ched in indgemᵗ, ab wee maie not due a
vpon ꝭe discoverie of it by rheto and some
reason, ee shalbe readie bothe earthlie to
retract and ꝭmblie to begg pardon, for
ab ꝭe ingemious and free sprit contodg
noe trvthe, se weakilie ꝭat anie feare or
affliccon can force it, se it colodg notwᵗ-
se confidentlie but some reason maie ouer-
-rule it Ab for ꝭe integritie of ꝭis
defendᵗs affection vnto all from ꝭe biggest
to ꝭe lowest, yᵗ is ee cant deserue ꝭm not,
ee maie take heaven and earth to witnesse
of it sinister ends defendᵗ saith, by reason
of ꝭe distraction of ꝭis Comrell assigned,
ee could not have seem to mette or agree
in pntmyd in his Answere, wherefore
according to an order of ꝭis honorable
Court ꝭis defendᵗ adventured to ꝛsent
ꝭis weake and informall answere, and
ꝭat by reason ꝭis defendᵗ is not versed
in ꝭis element ee ꝭmblie intreatg

ꝭat all his faylings ꝭerein may bee vayled
from ꝭe eye of ꝭe Court Censure All wch
tendg ꝭis defendᵗ ꝭmblie offereth to
ꝭe favorable Consideracon of ꝭis honᵇˡᵉ
Court, and soe vnder favour ee remᵈᵉ
to ꝭe ꝛtinlorb Mꝛgnab in ꝭe peare
to ꝭe ꝛnformacon rendrg ꝭanks and
given to God for his Maᵗⁱᵉˢ ꝓtexion
and ꝭe gꝛospell vnder them, but especiallie
for his royall Maᵗⁱᵉ and ꝭe gꝛospell of
peace vnder his royall govᵐᵗ, ꝭis
defendᵗ ꝭmblie and earthlie ꝭanketh
god ab ee is bound professg always
vpon evrie occasion ꝭe loyaltie and love
of his poore part towards his Maᵗⁱᵉ, and
ꝭat more ꝛtinlonlie in sundrie passages
of ꝭe said booke (ab page one hundred
seventie five &c) were ꝭis defendᵗ
somwᵗ to want words to expresse his
loyall affections, yet ee humblymoste to
ꝭe world his tongue wᵗout flatterie
ꝭat all knowe cate, not sneg a kingo
for kinglie endowments and royall
rongnes ouer ꝭe ꝛsonall faults of
ꝛnitie ab our Soveraigne and Spouse

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Governor, but as for the disciplinæ exercised
by the Hyerarchie whether it bee consonant
to the word of god, the practise of the pri=
=mitive Church and best agreeable to the
State of a Monarchie or noe this defendt
referreth all these particulers to the second
position of the booke (page nynteene
twentie also page one hundred and tenn
one hundred and eleaven one hundred and
twelve one hundred and thirteene) And
whereas the said defendt is charged in
the Informacon to hate the Prelates persons
and to set them at variance wth the Preeres
and people, in theise this defendt pleadeth
his innocencie, it beinge rather a maine
part of his intent to have them the
Preeres ministrie and people all at unitie
in Christ Jesus by vertue of due
reformacon And this defendt maketh
manifest in sundrie passages of the
said booke (as page one hundred and
fiftie three, two hundred sixtie five
three hundred fortie three, three hundred
fortie fower) soe that it appeareth that

this defendt aymeth at theire good and
the good of all, not the hurt of any, neithe
doth this defendt scandall theise Prelatz
as is informed But what hee affirmeth
as hee conceiveth is proved either by Godz
word, his Maties lawes, the writth of the learned,
or by good relacon; As for bringinge Confusion
to the Church, dishonor to his Maties sacred
person or governmt, or stirringe upp aine there=
=unto as is informed this defendt answereth
that as there is nothinge in all the said
booke to evince it, soe hee had rather dye
then entertaine the least thought of aine
of these, yea hee pleadeth for nothinge
soe much as for the glorie of God, the
honor of his Maties person and the happines
of his Maties governmt. As for the words
in the Epistle to the Reader. Wee doe not
read of greater persecucon higher indignitie
and indempnitie done upon Godz people
in any Nation professinge the Ghospell,
then in this our Island, especiallie since
the death of Queene Elizabeth, and
that the Prelates are men of blood
To all these this defendt answereth
that the phrase is an Hebraisme not

onlie imꝑtinẽt actuallie violent deprive-
-inge of ꝑr life, but also ꝑr affliccinge or
wrongeinge of men by indirect contrib, ad
pernicinge them in ꝑrson, deprivinge them
and ꝑire families of libertie, wch was
too many in ꝑis Nation ꝑat too much
woefull oꝑꝑtunitie, besids ꝑe blood of
sondrie indaungered by ꝑe removall of
faithfull Ꝛeꝑpaired from ꝑire flockes,
quite contrarie to ꝑe mynde and scꝑipt
of ꝑis Ma[tie] late royall Father wch
ꝑis Defendant cate observeth ment
ꝑis Defendant cate observeth in ꝑis
wch was contrib of ꝑe Hystoriche
with ꝑe Epistle to ꝑe Reader, also
page one hundred twentie three, seaventie
foure, seaventie one hundred twentie two.
And ꝑis Defendant for further explayninge
of ymselfe referreth ymselfe to ꝑe
fifteenthe, nyntie seaven, eightie, one
hundred twentie six, one hundred twentie
two, one hundred twentie three pages
of ꝑe said booke, with or date ꝑis
Defendt contrave ꝑis dealinge to proove
so muche from ꝑe disposicion of ꝑe men
as from ꝑe evill of ꝑeire places; for

good men have proved evill Prelates.
Hunting Nemroad ꝑis Defendt is charged
with naminge ꝑe Prelatie Patriarch
and Antichristian, ꝑis Defendt referreth
ymselfe in ꝑis cirnlor to ꝑe eleaventh,
twelvthe, thirteenthe, fowrteenthe, fifteenthe,
sixteenthe, seaventeenthe, eightenthe and nyntenthe
pages of ꝑe said booke And further ꝑis
Defendt saith, ꝑat ꝑe termes are not ꝑis
owne, but ꝑe termes of ꝑe learned speak-
-inge of divers kindes of Prayer page
eightie eight, eightie nyne And wch
it is informed aga[inst] ꝑis Defendant ꝑat
ꝑe talketh of ꝑe Hystoriche ꝑe mayne and
master parte of ꝑe land established by
a lawe, page ꝑe third ꝑis Defendant
answereth ad ꝑe contrarie and further
it bee a parte or not ꝑe referreth ymselfe
to ꝑe said booke from ꝑe first page
to ꝑe twentieth And ꝑat it is established
by a lawe ꝑe statute speaketh expresslie
And wch ꝑis Defendt sayeth
ꝑat Ministers sholde have power
deliberative and decisive in Councells
page ꝑe seaventh ꝑis Defendt answereth
ꝑat it is ꝑe determination of Councells

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from the word of truth witnessed also by
the learned as appeares in the aforecoated
page. And whereas this defendt is charged
wth terminge the Prelates Ravens and
Niemaggotts page the thirtie five hee answereth
that by a number of learned both ancient
and moderne they are termed as much in
effect witnes Mr Bullinger page the thirteenth
Mr Wickliffe page the twelveth and thus
they are termed rather from that malignitie
inherent in the callinge then anie waies to
wronge or asperse theire persons. And whereas
it is informed that this defendant should
charge the Prelates wth suggestion of falce
feares to the Ringe for reviveinge that
spawne of the beast, kneelinge at the
sacramt for the greater reverence thereto
page the seaventeith. This defendt answereth
that hee speaketh of the tyme of Ringe
Edward the sixth, of whom the Papists
desired it tumultuonslie, and to whose content=
=ment by much importunitie wth the Ringe
it was granted, soe that it appeareth it
had the beinge from the beast, whereas
it is informed agat this defendt that hee
affirmeth the statute of primo Elizabethae

doth seeme inconvenient zu page the fortie
two and fortie three. This defendt answereth
that there hee onlie relateth what positions
were agitated and brought to a faire
height of beinge in the Parliamt in anno
one thousand six hundred and ten of good
intentions had not they miscarried. And
where the said defendant is charged wth
derogatinge from his Matties royall power
and lawes, This defendt answereth that
hee is soe farr from that, that wth all his
best endeavors hee pleadeth for the establishmt
of his Matties lawes and power royall
witnesse page fortie one, one hundred
twentie eight zu of the said booke.
And where it is informed agat this
defendt that hee termeth the Cannons
non sence Cannons. This defendt humblie
entreateth that they may bee reviewed
and it shall appeare that it is agat sence
and reason, that for sayinge there is
anie thinge in the booke of comon prayer
repugnant to the scriptures a man shalbee
excommunicated ipso facto. Cannon: 4: since
themselves confesse that all thinge therein
conteyned are not warranted by the scriptures
Also by the nynteenth Cannon there must

bee noe diminishinge of ame part of the
service in regard of preachinge or ame
other respect, and yet preachinge maie
bee omitted. It seemes also non sence as
the defendt conceaveth that Ministers are
forbidden by fastinge and prayer to exercise
or conjure ont the divell wthont lycence
obteyned from the Qpp, and that on paine
of deposition, but soe it is ordayned by
the Cannon 72: the passages of which
seeme verie strange These Cannons also
as this defendt conceaveth crosse his Maties
lawes, by deprivinge of his Maties subt^s
of the benefit of appeale in Causes
before the Hyerarchie dependinge, Temp=
=torilie decreeinge that noe Indge ad quem
shall admitt or allowe of ame appeale
except the appellant will doe all that
they require in matter and manner of
conformitie witnesse Cannon nyntie
eight Other instances maie bee given
agat them, neither were they consented
unto or approved by some of the best of
the Synod; for doctor Rudd opposed them
by an oration And whereas this defendt
is charged to affirme that the Prelates

corrupt the Kinge, forestallinge his Indgemt
agat the good and goodnes page one hundred
eighteene This defendant answereth that
concerninge the danger of his Matie through
the corruption of the callinge rather then
the men, yf god preserved him not, the defendt
citeth onlie the Indgemt of the learned
upon the Prophet Hosea quod peccata Prela=
=torum &c that the sinnes of Prelates corruptinge
Princes hinderth all goodnes, wch floweth
rather from theire callinge, then theire
disposition as this defendt often expresseth
himselfe; soe that heere is neither evill
speeche, nor evill thought of his Matie
nor ame other, as is informed; for yf this
defendt should speake evill of his Sove=
=raigne it were pittie hee should live And
whereas this defendt seemeth to regreate
the error of his Maties royall marriage
rather then the marriage it selfe under
these words The daughter of Heth page
one hundred seaventie and two. This
defendt answereth that it is not out of
neglect of bounden dutie to his Maties
royall Consort and our Queene, but that
shee lookeinge to the rock from whence shee

is hewen, may reioyce to bee the daughter
of Abraham, for wth as wee praie, soe
noe doubt soe noe doubt it wilbee the ioye
of his Maties hart. Secondlie in the place
forecoated the defendt chargeth himselfe
and others wth unthankfullnes and unwatch=
=fullnes over his Matie rather then any thinge
else, soe that the passage falls out inter
vota et preces. Thirdlie the phrase is a
scripture phrase by allusion, and hath bine
used by divers divines whose sermons are extant,
and is as litle as this defendt conceiveth
as could bee said yf anie thinge were said
in that particular; for the Hittites were the
kindest and the trustiest Neighbours that
Abraham had. Fowerthlie and lastlie,
thoughe his Maties royall and beautifull
Rachell have an Image in the stuffe, yet
princelie prevayhinge Jacob to his ever=
=lastinge honor may reforme it. And
whereas this defendt saith Consider what
a pittie it is to all and indelible dishonour
to the State representative that soe ingenious
and tractable a Kinge should bee soe
monstruouslie abused by the bane of Princes,

to the undeeinge of himselfe and his subtes
page the seaventie five. This deft answereth
that it is cleere as the light, from the proofe
of the fowerth position that the Hyerarchie
hath bine the bane of Princes. And whereas
his most excellent Matie is the verie breath
of our nostrells, and more then wee all. This
defendt conceaveth that yf his layall and
loveinge subtes were tongue tyed, yet they
could not but cry out, since wee see the hand
of god soe manie waies agat us, and the
destroyer alreadie mounted on the winges
of all our synnes, wth as this defendant
conceaveth springe from some corrupted
fountaine. And whereas this defendt is
charged wth some sinister thoughts concerninge
the untymelie death of the late duke of
Buckingham, as thoughe hee should seeme
to approve of ffeltons murderous act &c.
This defendt answereth that in the said
booke hee rather regretteth it, wishinge
that the Parliamt had restrayned the current
of the late dukes courses, whereby his
untymelie death and the others desperate
act might have bine prevented witnes page
one hundred sixtie three. As for the words
alleadged agat the defendt page one hundred

ſeavontie ſhp from godſ offrmige to ymde
tem to reformatow by gwemige oſ̄ tẽat
blowē tẽyꝛ defendt answerdte tẽat tẽynge
tẽ anamie or ſmme oſ̄ tẽ action wab from
tẽ hand oſ̄ a dessate man, yt tẽ action
it ſelfe, and ab it wab a finfym wab
from God; for tẽan ꝛb not evill in tẽ
ditie wtꝭ tẽ lord eatꝭ not dond. And
wedroab from tẽ ꝑliamt followige oſ̄
godſ hand tẽꝛ finformaton ꝛeargetꝭ tẽyꝛ
defendt wtꝭ stirrige upp or animatige
oſ̄ others to tẽꝛ offrdmige oſ̄ tẽ like violnd
aga tẽ ꝑlate. tẽyꝛ defendt answerdte
tẽat beraufe tẽ ꝑliament may followē
godſ hand in finstird, it dotꝭ not followd
tẽat others may or ſhuld followe godſ hand
wtꝭ dessperate violence And fmtẽꝛ tẽyꝛ
defendt saithꝭ tẽat tẽynge tẽ ꝑliam
bee desired to followe god wtꝭ tẽ reformige
oſ̄ tẽ Hyerarchie and others reformatwnb
yet will it not followe tẽat tẽyꝛ defendt
desiretꝭ tẽ ꝛsons oſ̄ tẽ Hyerarchie to
ſuffer tẽ least wronge or violnd witnes
page ſeavontie eight an fmtẽꝛ tẽyꝛ
defendt protestꝭ tẽat god ꝛb ſo farr from
any mmorions tẽonget towardſ tem tẽat

god wiſeth ab will to them in bodie, ſoule,
and ſtate ab to emſelfe. And wedroab
tẽyꝛ defendt ꝛb reargēd wtꝭ tẽſe wordſ
tẽ Demꝭ eatꝭ, for lawds wtꝭ tẽ reſt oſ̄
tẽ wordſ followige and by ꝛonſequend tẽyꝛ
defendt ꝛb reargēd to detract from eꝛs ma
royall powꝛ an page one emꝛed myntid
one tẽyꝛ defendt answerdte tẽat tẽyꝛ and
tẽ wordſ oſ̄ reverend diwnes neither doth
tẽyꝛ defendt detract from eꝛs Maᵗⁱᵉ to
weoſe graciond royaltie tẽyꝛ defendant
attributtꝭ ab mꝛꝭ powꝛ ab to tẽ
kingꝭ oſ̄ ſtraell and finda in tẽire
plaꝛes, and tẽyꝛ appearantꝭ by eꝛs examina-
tion And wedroab tẽyꝛ defendt ꝛb reargd
to ſlander eꝛs Maᵗⁱᵉ in tẽſe wordſ We
are ſpoyled oſ̄ all tẽat paſſe by ꝛb, and
all are ſpoyled tẽat relye upon ꝛb, gwemige
fur inſtame tẽ foregoeng page two emꝛed
patie nyne tẽyꝛ defendt answerdte tẽat
woefull experience verifyetꝭ our ſpoylinge,
and beinge ſpoyled to tẽ worlde, wedroaſ̄
all eꝛs Maᵗⁱᵉ loyall and lovinge ſubꝭ
are bottedinge ſenſible, and laid it more
to hart; beſide it ꝛb tẽ ſubiect oſ̄ ſtrange
diſcourſe, wtꝭ wꝛom indeed eꝛs Maᵗⁱᵉ not tẽ
are unacquaint oſ̄ tẽat antient eſtemd

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that formerlie attended them, yet notwthstandinge
oss all this, what face soe shameles or hart
soe faithles as to tape his Matie wth the least
spot oss dissimulation, wth all knowe his
Matie doth vtterlie detest and abhorr; for
what can his Matie doe more then affoard the
meanes; but yss the sinnes oss vs all, and
securitie in sinne turne godd hand agat vs,
yss the skill and sedulitie oss the enemie
forraigne and domestick bee a snare to
intrapp vs, lastlie yss his Maties eyes and
hands should deceave vs, wee can neither doe
good nor receive good, yea wee cannot subsist
at all. And therefore this defendt presumed
to intreate the Senate, beinge his Maties right
eye and right hand to looke to it. And
whereas in the closure oss the booke this
defendt is charged wth these words

High must yee soare, but glory gives the winges
Noe lowe attempt a starrlike glorie bringes

This defendt answereth that hee intimateth
nothinge in these words but this, that high
and inveterate evills, such as wee labour oss
require much paines wisdome and skill in the
curenige oss them. And whereas this defendt
is charged in and throughout the Informacion

wth combinacion and Confederacie. This
defendt answereth, that in composinge or
frameinge oss the said booke hee had neither
direction advise or Counsell for lineament
or supplement from anie mortall man, but
that all and everie part and passage oss the
said booke both for matter and forme was
wholie and solelie oss this defendts doeinge
and collectinge. As for Confederacie and
combinacion this defendt hateth in his hart
both such practise and practiconers. Lastlie
this defendt humblie sheweth that hee was
taken by a warrant from the high Commission
and carried wth much violence to the Qpp
oss Londons howse and there deteyned from
eleaven oss the Clock untill seaven at night,
whence hee was carried to Newgate wthout
examinacion, and there shut vpp close
prisoner in a straight smoakie roome, where
hee laie, beinge wthout meate or drinke
from Twesdaie at night untill Thursdaie
at noone, and soe still hee continued close
prisoner for the space oss nyne weekes, beinge
denyed all the tyme the Copie oss his committmt
to the vtter vndoeinge oss his health both
oss body and mynde, and desolatinge oss his

familie And further this defendt humblie
sheweth that the Prelates Pursevants fower
dayes after this defendts imprisonmt entred
this defendants howse as hee is informed,
wth a multitude of staves and Bills beinge
suggested that this defendt was a Jesuite
and then and there the said Pursevants
by theire cruell and barbarous dealeinge
exceedinglie affrighted this defendts wife
and Children, breakeinge vpp also lockt
fast thinges, as presses and Chests, notwthstandinge
that all diligence was vsed for openinge
of them, yea they toare vpp the boards of
the howse, and broake downe the dore
from the leads, yea and one of them threatned
a younge Child by holdinge a charged pistoll
to his brest, since wth tyme the child hath
never liked, and thus they spoyled and
carried awaie what they listed. After
all this this defendant was served wth
a subpa and Informacion laid agat him
in his Maties high Court of Starrchamber
where this defendt appeared wth his keeper
desiringe accordinge to lawe as hee conceaved
to have libertie vpon puttinge in of suerties
to bee at the hearinge, but hee was, and

is still denyed it, by all wth extreame courses
this defendant and his greate charge is
like to bee vtterlie vndone, haveinge noe
meanes nor imploymt whereby to maintaine
them, wherefore this defendant humblie
intreateth this honoble Court to take into
favorable Consideracion his distressed Case,
and extreame vsage, wth together wth his
good intentions maie happilie move this
honoble Court to comiseration and to
thinke the punishmt alreadie inflicted to
bee sufficient vs hee have erred, and also
to dismisse the said defendant to the
safegard of his familie from vtter ruyne

Camera stellata 4°: die Junij
anno sexto Caroli Regis

Coram Concilio

Lo: Keeper	E: Danby
Lo: Treer	E: Carliel
Lo: Privie seale	E: Holland
Lo: President	Lo: Vist: Wimbleton
Lo: Marshall	Lo: Vist: Dorchester
Lo: Chamberlaine	Lo: Vist: Wentworth
E: Suffolk	Lo: Newburgh
E: Dorset	Sr Tho: Edmunds
E: Salisburie	Secre: Cooke
E: Northton	Sr Hen: Ffane
E: Bridgwater	

Mr Attorney read the Informacon agat Alexander Layton, by birth a Scot, bredd as a scholler, by wch he tooke a degree in the ministrie, whither seduced or by his owne ill affected disposicon, wch conveyed out of wholsome lres corrupt nutriment by wch his understandinge growinge sick his noblest parts soone grewe diseased, Soe much learninge hee had to vent erronious opinions or rather damnable heresies agat our Church conceived longe a goe, and as longe since brought forth but secretlie, wch Kinge James hearinge of endeavored to strangle before they grew too stronge, to wch intent hee made a vowe yf ever hee could light on him his punishmt should equall his offence. ffor this cause this Layton gets to Amsterdam the Divells sanctuarie (yf I maie

[illegible] be call it) after at Sayton, for wch cotton stone
wch taken & digged in peistrk. Whereupon wch contin
beyond Sea Emtringe for Prostlitor till Kinge Jamb
dyed, wch we taken for wch grand tryngt wch
might now safelie bringe wch monstrous bistr into
wch Comtrie again. Kinge arrived wch shone
sendes it abroad amongs wch softer fathr, wch
nourisht it and made it bold that now it durst
out flate antcritie. But the Kinge beinge inform
of the danger given the Lord Maior of London a
strict charge for the speedy apprehension of thes
Sayton and wch sentions yssue, a booke sbd
Sayings and Contoyninge in it sbe many untrue
reasons, that yss embrac'd the Quene and
state yea Christendome it sbes must nor sbe
suffer, ab there was nor page but gild some
pestilent assertion, scilicet partially in the title
wch was An appeale to the Parliam or Sion
plea agt Prelacie. Wheringe wch the sub
of yor shifforid wch dyd affirme that there
was never in the Quene of yor a gradation
[illegible] nor more dignitie and
to the true possest therof, then Eate
to wch Island specially sinc the tyme of
Queene Elizabete (so that wch publomist wri
suppos not wch pom) and that knealinge at the
sacram & other drent Ceremonies was the
tarde of the Dragon, and that the surplis

was a rage of the Comist wore. Takinge boside
occasion to speake of the death of the Duke of Burb.
wch applaudes the fact and after and preside to
blaspheme, viz That godes arme strooke em and
that wch was the cause of dooinge it. He encourages
likewise all sute Assistantes to goe on and to
strike at the Popp, and strike cume. Epes
bloody and more then execrable speeches, wch
many more like these wch used for wch upon
Information wch was to appeare and answere in
the Starrchamber, but wch peistion upon wch
oathe taken in that Comt affirmed that yss wch
were removed from Newgate, wherin wch very
daungerously sick (as some saie through wch
badd vsage) it would endamger wch life,
therefore becaus wch would not come wch Cad Craum
wch answere wch the advise of Mr Hyll
assigned to bee of wch Comtell; for unlesse
they would write as wch would have them
they should not bee of wch Comtell, wch indeed
was as badd or rather worse then the other
wch Popp of London wch speedinglie answ
for Cambridge em in sure sort as that wch
was laden with wch, sent in the dungeon
Cad neither victualls nor company to come
neare em for the first two dayes. Wch
answeres the Popp with wch great detestacons in
wch Conscience of em conceived.

The Bpp did for the space of two howres lear-
nedlie refell all Laytons argum^ts and from
the same proofes that Layton urged aga^t our
Church hee tooke argum^ts that Spiritnonslie
appeared, namlie to prove for our Church, soe
that each Lord gave the Bpp a thankefull
testimonie of his learninge, all sayinge
they never rose from the table better satisfied
in any point, soe that each man aswell English
as Scottish concurred in giveinge Layton the
greatest and severest punishm^t that ever was
given in that Court for any offence.

His Censure was first to bee degraded from his
ministerie

Secondlie to bee degraded from his degree
in phisick, because that as hee had kilde soules
already by his heresie hee should bee hindered
to kill theire bodies by his art they fearinge
the later from the former

Thirdlie to pay 10000 lb fyne to the Kinge

Flowerthlie to have perpetuall imprisonm^t for feare
of infection

Fistly to bee whipt unlesse hee could prove himselfe agent

Lastly to loose one eare and have one nostrill slit and
to have one Cheeke branded wth the lre S: at West
and to loose the other eare in the pillorie the other
nostrill slit and the other Cheeke branded wth the
lre S: for a sewer of sedition, in Cheape side,

Censure: wch re
Attorneys Charge
against him.

4to Junij 6to Caroli Regis

This day came to bee heard upon the desst^s
owne Confession the matters of complaint
exhibited by Information into this Court
by Sr Robert Heath, knight his Maties Attorney
generall plaintife aga^t Alexander Leighton
Doctor of phisick defendt for framinge
and contrivinge a libellous and seditious
booke aga^t his Matie the Peeres Bpp^s and
Prelate of this Kingdome entituled (An
Appeale to the Parliament, or Syons Plea
aga^t the Prelacie) and for causeinge
a great number of the said bookes to bee
printed and publishinge and dispersinge
them to and amongst divers persons upon a
pretence of presentinge inst Complaints to the
Commons howse of Parliam^t, the substance
of wth Information beinge nowe opened
to the Court by his Maties said Attorney
generall, and the Answere of the
defendt put in under his owne hand
beinge read, and the particuler libellous
seditions and traytorous scandalls of
the said booke beinge openlie read in
Court It evidentlie appeared to this
honoble Court that the said defendt
Leighton did make and contrive the said

booke, and caused about five or six hundred
of them to bee printed, and that in and by
the said booke, and the epistle thereof to
the Reader, hee did most wickedly trayterously
and seditionslie set forth these libellous
false and seditious Assertions followinge
viz

1 That wee doe not read of greater persecucion
or higher indignitie done vpon godes people
in any Nation professinge the Gospell then
in this our Island, especiallie since the death
of Queene Elizabeth

2 That hee termes the Prelates of this Realme
men of blond and enemies to God and the
State

3 That hee saith this is the mayne and
Maister sinne wth is established by a lawe,
the establishinge and maintayninge of Bpps
wth in this Realme, And that Ministers
should have voyces in Councells both delibe=
=rative and decisive

4 That hee avowes the prelacie of our Church
to bee Antichristian and Satanicall, and
termes the Bpps Ravens and Sye=maggotts
that they prey vpon the State.

5 That hee termes the Canons of our Church
made in anno 1603 Non sence Cannons

6 And in another place most impionslie and
blasphemonslie disallowes, and condemnes that
devont and reverend worthilie observed Cere=
=monie of kneelinge in receiveinge the sacramt
alleadginge that the suggestion of false feares
to the Kinge by the Prelacie, and the seekinge
of theire owne vnlawfull standinge brought
forth that revived spawne of the beast,
Kneelinge in receiveinge of the sacrament.

7 And in another place of the said booke
hee affirmes that the Prelates corrupt the
Kinge, forestallinge his Indgemt agat the
good and goodnesse.

8 And in another place of the said booke most
audacionslie and wickedlie calleth his Ma tiesd
royall Consort our gracious Queene the
daughter of Heth

9 And in another place of the said booke
most impionslie seemes to comend him that
committed the barbarous and blonddie act
of murtheringe the late Duke of Buckingham,
and to aggrevate and encourage others to
second him in like wicked and desperate attempts
to the destruction of others.

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10 And that in another place of the said booke
hee layes a most seditious scandall upon the
Kinge, State, and Kingdome, wickedly affirminge
that all that passe by us spoyle us, and wee
spoyle all that relye upon us, and (as hee
there saies) to omitt manie instances wth
beinge too well knowne make us odious to the
world, instanceth the black pyneinge death
of the famished Rochellers to the number
of fysteene thousand in fower monethes, and
by these and many other like divellish and
wicked positions and Assertions conteyned
in the said booke did as much as in him
laie scandalize and traduce his Maties royall
and sacred person, and his religions, wise,
and iust goverm^t, and the person of his royall
consort the Queene, the honour of the State,
the persons of the Lords and Seeres of this
Realme, and especiallie the reverend Bpps

11 And in another place of the said booke
hee endeavoringe and intendinge not onlie
to slaunder his Maties sacred person and
goverm^t, but also to detract from his royall
power in makeinge lawes and Canons
for Ecclesiasticall goverm^t, and in matters
concerninge the Church, hee saith, that the

Church hath her lawes from the scriptures,
and that noe Kinge may make lawes in the
house of God, for yf they might, then the
scriptures should bee imperfect

12 And in another place of the said booke, hee
hath theise words followinge vizt Consider
then what a pittie it is, and an indelible
dishonour it wilbee to you the State representative
that soe ingenious and tractable a Kinge
should bee soe monstruouslie abused by the
bane of Princes to the undoeinge of himselfe
and his subt^s

Upon readinge and Consideracion had of all
wth matters, the Court did declare and
pronunce the said defendt to have committed
a most odious and heynous offence, deservinge
the sharpest and the severest punishments
this Court can inflict, for frameinge publi=
=shinge and printinge the said bookes, wth
are full of most pestilent, divellish and
dangerous Assertions, positions, and scandalls
of his Matie, the Queene and Seeres, and
especiallie the Bpps and Prelates of this
Kingdome And the two Lord Theife Justices
nowe present did freelie and fullie deliver
theire opinions, that they would wthout any

scruple have proceeded agat the defendt, as
for treason committed by him, yf it had come
before them or either of them in that waie.
And the said two Theife Justices, and all
the Lords did expreslie affirme and declare
theire opinions to bee that the same were
of such an high nature, that it was his
Maties exceedinge great goodnesse and mercie,
that the said defendt is brought to receive
the Censure of this Court for his said seditions
and treasonable offences, and is not questioned
at another Tribunall as a Traytor and to
receive an higher and severer Judgemt by
death for the same, But seeinge the desst
is thus brought into this Court to undergoe
the Justice thereof (wth the Kinge maie
doe at his good pleasure by qualifyinge
the offence) to the end the said defendant
Leighton maie receive condigne punishmt
for his soe heynous offence, wth is of
such dangerous Consequence to the peace
established both in the Church and Comon
wealth through the great wisdome and
pietie of his Matie Theire Loppes have
wth one unanimous Consent ordered
adiudged and decreed that the said Leighton

shall stand and bee committed to the prison
of the ffleete there to remaine dureinge
his life, unlesse his Matie shalbee gracionslie
pleased to enlardge him, And shall paie
a fyne of tenn thousand pounds to his
Maties use And in respect the defendant
hath heeretofore entered into the Ministerie,
and this Court for the reverence of that
callinge doth not use to inflict any Corporall
or ignominious punishmt upon anie Persons
soe longe as they continewe in orders, this
Court doth referre him the said Leighton
to the high Comission Court there to bee
degraded of his Ministrie, and that done,
the said defendt shall then also for further
punishmt and example to others bee brought
unto the Pillorie heere at Westminster, the
Court sittinge, and bee there whipt, and
after his whippinge bee set upon the pillorie
some convenient space, and have one of his
eares cut off, his nose slit and bee branded
in the face wth a double :S: for a sower of
sedition, and shall then bee carried back
to the prison of the ffleete, and at some
other convenient tyme after shalbee carried
unto the pillorie in Cheapeside upon a
market day, and bee there likewise whipt

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and then bee set upon the pillorie, and have
his other eare cut off, and from thence bee
carried back to the prison of the fleete
there to remaine durenge his life as afore=
=said unlesse his Matie shalbee gracionslie
pleased to enlardge him ~

Termino Michis anno quinto
Caroli Regis

Middx

Memorandum quod Robertus Heath miles
Attornatus domini Regis nunc generalis
qui pro eodem domino Rege in hac parte
sequitur in propria persona sua venit hic
in Curia dicti domini Regis coram ipso Rege
apud Westmonasterium die Mercurij proxime
post crastinum animarum isto eodem termino
Et pro eodem domino Rege dat Curie hic
intelligi et informari quod cum dictus dominus
Rex pro diversis arduis et urgentibus negotijs
ipsum Regem et statum et defensionem huius
Regni Anglie et ecclesie Anglicane concernen
quoddam Parliamentum suum apud Civitatem
Westmonasterij predicti teneri ordinavit Cumque
supinde quoddam Parliamentum debito modo
inchoatum et tentum fuit apud Civitatem
Westmonasterij predicti decimo septimo die Marcij
anno regni dicti dni Regis tercio, et ibidem
per diversas prorogationes continuat usque ~~dicum~~ decimum
diem Marcij Anno regni dicti domini Regis
quarto quo quidem decimo die Marcij idem
Parliamentum dissolutum fuit Cumque ante
predictum decimum septimum diem Marcij

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anno tertio supradicto scilicet decimo sexto die
eiusdem mensis Marcij anno tertio supradicto
Johannes Elliot nuper de London miles debito
modo electus et returnatus fuit vnus militum
pro Civitate Cornubie in eodem Parliamento
deservitur Cumque etiam Beniaminus Valentine
nuper de London predictus armiger eodem decimo
sexto die Marcij anno tertio supradicto debito
modo electus et returnatus fuit vnus Burgensis
pro Burgo de Sancto Germano in predicto Comitatu
Cornubie in eodem Parliamento deservitur
Cumque etiam Denzell Holles nuper de London
predictus Armiger eodem decimo sexto die Marcij
anno tertio supradicto debito modo electus
et returnatus fuit vnus Burgensis pro Burgo
de Dorchester in Comitatu Dorsetti in eodem
Parliamento deservitur Cumque etiam Johannes
Finch miles eodem decimo sexto die Marcij
anno tertio supradicto debito modo electus et
returnatus fuit vnus Civium pro Civitate
Cantuariensis in eodem Parliamento deservitur
Cumque predicto decimo septimo die Marcij anno
tertio supradicto prefatus Johannes Finch apud
Westmonasterium predictus debito modo electus et
constitutus fuit prolocutor pro Communitate
in eodem Parliamento Et sic prolocutor pro
Communitate continuavit usque dissolucionem

eiusdem Parliamenti Quodque prefatus Johannes
Elliot machinans et intendens omnibus viis
et modis quibus poterit discordiam malevolencie
murmuraciones et seditiones tam inter predictum
dominum Regem Magnatus Prelatus Proceres et
Justiciarios suos huius Regni Anglie quam
inter predictos Magnatus Prelatos Proceres et
Justiciarios dicti domini Regis et reliquos subditos
suos seminare et excitare et regimen et
gubernacionem huius regni Anglie tam in
predicto domino Rege quam in Consiliarios et Ministris
suis cuiuscunque generis totaliter depravare
et enervare et tumultum et confusionem in omnibus
statibus et partibus huius Regni Anglie
introducere Et ad intencionem quod veri et ligei
subditi dicti domini Regis cordialem suum amorem
ab ipso Rege retraherent in et durante
Parliamento predicto scilicet vicesimo tertio die
Februarij anno quarto supradicto apud Westmonasterium
predictum in domo communi Parliamenti ibidem
et sedente eadem domo militibus Civibus
et Burgensibus adtunc et ibidem assemblatis
et in eorum presencia et auditu falso maliciose
et sediciose hec falsa ficta maliciosa et scandalosa
verba anglicana sequentia alta voce dixit
et propalavit videlicet (The Kings privie Councell

Sr John Elliotts first speech

all eyb Iudges and ers Counsell learned exo conspired together to trample under theire feete the liberties of the subt of this Realme and the priviledges of this Comon priviledg pdte domus Comm Parliament innuendo Enmqs potestat sumonendi Parliam eademqs tohtmandi adiornandi prorogandi et dissolvendi dno nro Regi spectat et de mre xtiet ad libitum et beneplacitum suum Enmqs dnus dnus Rex pro diversis urgentibus transire ipum ad eor sporialitr movntibus sermoe die Martij anno quarto supradicto Parliamentum pdtm adiornari ordinavit ab eodem sermdo die Martij usqs decimum diem dmsdem mensis Martij adtunc exmo fntur et dnus dnus Rex pdto sermdo die Martij anno quarto supradicto apud Westm pdit mandavit pfato Foqi ffitz adtunc ploruntori pdto quod ipse eodem sermdo die Martij militibus Civibus et Burgensibus in domo Comm Parliamenti adtunc et ibm assemblatis bonoplitum dni dni Regis significaret et notum faceret quod immediate post significacoem illam factam pdcis domus tommis per ipos milites Civos et Burgenses adiornatum usqs tm pdm decimum diem Martij

adtunc proxime futur et ibidem exptando exitum pcessus pdci ffitz eodem sermdo die Martij apud Westm pdcis militibus Civibus et Burgensibus in domo tommi Parliamenti adtunc et ibidem assemblatis subdito eadem domo publice significavit et notum fecit pdcm honorabilem dni dnm Regem quod pdcis domus immediate post significacoem illam factam usqs ad pdm decimum diem Martij per discretos adiornatur et prodictus Foqus Elliot Beniamin Valentine et Denzell Hollis tempore significacois pdict bonoplitum dni dni Regis per profatum ploruntorem in forma pdta factum pcontorum in scriptis in domo tommi pdcis et adtunc et ibidem audiverunt eandem significacoem et illam bene intellexerunt pdcm tamen Foqm Elliot Beniamin Valentine et Denzell Hollis eodem sermdo die Martij anno quarto supradicto apud Westmonasterium pdcm maliciose aggravarunt et inter eos conspiraverunt ad disturbandu et distraegndu milites Civos et Burgenses de pdcis domo tommi Parliamenti eadem domo apud Westmonasterium pdcis adtunc et ibidem assemblat ne illi intendu bonoplitum dni dni Regis eis et pcertum significat discessus adiornaxent pdcis Foqus Elliot

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secundum
agreament et conspiracoem predc et ad
maliciosa proposita et intentiones predc
postea scilt predc scdo die Marcij anno
quarto sup dco apud Westmonasterium pdc
in eadem domo comuni Parliamenti in
psencia et auditu pdcorum militum Civium
et Burgensis adtunc et ibidem assemblat
alta voce falso maliciose et sediciose dixit
et ppalavit hac falsa ficta scandalosa
maliciosa et sediciosa Anglicana verba
sequencia videlt. The miserable condition
wee are in both in matters of Religion and
policie makes me looke wth a tender eye both
to the person of the Kinge and the subt. You
knowe how Arminianisme doth undermyne us
and how poperie comes upon us soe open=
=faced as it gives a terror to the lawe, that
particular concerninge the plantation of Jesuits
amongst us and other things incident thereunto
doe manifestlie shewe it. And not onlie those
men who are actors themselves (I meane
the Jesuits) but those that are theire Masters
and fawtors they have the power of the
lawe and dare check Magistrates in the
execution of theire duties, from them it

Sr John Elliotts second speeche.

comes that wee suffer theire guilt, and the feare
of punishmt that may befall them bringe us
upon these Rocks. There are amongst them some
Prelats of the Church the greate Bpp of Winchester
and his fellowes. It is apparent what they
have done to cast an aspersion upon the honor
and pietie and goodnes of the Kinge. These
are not all but it is extended to some others
who. I feare in guilt and conscience of theire
owne ill deserts doe ioyne theire power wth
that Bpp and the rest to drawe his Matie into
a ialousie of the Parliament, amongst them
I shall not feare to name the greate Lord
Treasuror, in whose person I feare is contracted
all that wch wee suffer. If wee looke into
Religion and policie I finde him buildinge
upon the grounds layd by the Duke of Buckingham
his greate Master, from him I feare came
these ill Councells wch contracted that
unhappie conclusion of the last Session
of Parliament, and whosoever shall goe
about to breake Parliaments Parliaments
will breake him. I finde that not onlie in
the affections of his hart, but also in relation
to him hee is the head of Papists, they and
theire Preists and Jesuits have all relation

vnto ẽm and ꝯ doubt not to fix it indubitablie
vpon ẽm, and soe from the power and greatnes
of ẽm tomes the danger of our Religion, for
politie in that great question of trumage and
pondage the interest that is pretended to bee
the Kinges, is but the interest of that p̄son to
undermyne the politie of their government and
thereby to weaken the Kingdome. ffor was
the Comfell of Hospitall Chamberlor to
Charles the wyfe Kinge of ffrance that he
waie to weaken their Kingdome, was to impeach
the trade of it, and soe to lay our walls wast
and open. And ꝯ doubt not but by the dismission
of a fewe dayes to prove that eirs labors are
to undermyne so that eche moves strangers
to come in to drive our trade or at the least
our Marchants to trade in strangers bottomes,
wch is as dangerous, and their is that w^ch
imprints their feare in eirs p̄son and makes
eim misinterpret our proceedings to eirs Matie.
Now therefore it wilbee fit for true English
men to p̄forme their duties, and to shewe
their desire of the saftie both of Kinge
and Kingdome hand to resolve to defende
ffaithfully our Religion and to shew our

resolutions also for defence of the right of
the subiect, whereby we may declare our selves
to bee freemen, and soe the more wealthie and
able to supply eirs Matie vpon all occasions and
that wee shall declare all wch wee suffered
to bee the effect of newe Councells to ter myne
of the goverment of this State, and to make
a protestation aga^t all those men whether greater
or subordinate that they shall all be declared
ab Capitall enemies to the Kinge and Kingdome
that will p̄swade the Kinge to take trumage
and pondage w^thout graunt of ffarliam^t
And that yf any Marchants shall willinglie
pay those duties w^thout consent of ffarliam^t
they shalbee declared ab accessaries to the
first Knowes p̄cedents Denzell Hyllobe from
aquietamentum et conspiratoem inde inter
ipsum et p̄fatum ffoecom Elliot et Reniamin
Valentine et p̄sentur p̄cabit̄ postea scilt
eodem tempore die Martij anno quarto supra
apud Westmonasterium p̄d̄s in eadem domo
comun ffarliamenti milit̄ Dicit et Bmgoss
dotnur et ibidem assemblat et in eorum
p̄sentia et audit alta voce falso malitiose
et seditiose dixit et p̄palavit q̄d falsa

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fitta malitiosa ꝛmitiosa et seditiosa verba
anglicana sognantia videlt (wgesoever
Denzell Holles pronounced this speeche
shall tomsell the takinge upp of tunnage
and pomdage wthout an act of Parliament
let eim bee anompted a Capitall enomie to the
Kinge and Kingdome And that Marteant
sever shall pay tunnage and pomdage wthout
an act of Parliament let eim bee anompted
a betrayer of the liberties of the sub and
a Capitall enomie to the Kinge and Kingdome
Knodge pfatus Beniamin Valentine et
Denzell Hollis sotmodum agreamentum et
conspiracoem pdi inde inter eos et pfatum
Joem Elliot peabit ad intencion et exposit
predi et ad intencon quod pfatus Jacob
Elliot et Denzell Hollis pdi falsa malitiosa
scandalosa et seditiosa verba pdta in
forma pdta et ad intencoem et exposit
pdta / et eos pdto sotmodo die Martij anno
quarto supradicto dict et opalat ut pfertur
dicerent et opalarent eodem sotmodo die
Martij post significacoem pdtam pdti
benopliti dni dni Regis pro apiornamento
dcti domus communis Parliamenti ut pfertur

fiendi et pfatum ploratorem fact et ante
dictionem et opalacoem aliorum verborum
et pdtos Joem Elliot et Denzell Hollis
eodem sotmodo die Martij ut pfertur dict
et opalat pfat Joes Hinge ploratore pdo
dctum et ibidem in quadam Cathedra
anglice vocata the Speakers Chaire in
domo pdta existen / et extra Cathedram pdam
sotmodum mandatum dci dni Regis / ei
in cat pto principi dat ire renand ni et
super pfatum Joem Hinge dctum et ibm
ni pcto doi et dci dni Regis coistion
hi et armis et mamforti et illicite insultu
fecerunt et eundem Joem Hinge maletractaver
et eundem Joem Hinge in Cathedra pdta
contra voluntatem suam mamforti et
illicite detinuerunt Knodge postea scilt
eodem sotmodo die Martij et ante dictionem
et opalacoem aliorum verborum pdorum
et pdtos Joem Elliot et Denzell Hollis
dict et opalat sotmodo die Martij anno
quarto supradicto pfato Joe Hinge
ploratore pdo apud Westmonasterium pdm in
domo pdta extra Cathedram pdam dctum
existen in et super pfatum Joem Hinge

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adtunc et ibidem in pace dei et dcti dni
Regis existen insult fecerunt et pfatum
Johem Fiuche maletractaverunt et violenter
manuforti et illicite et contra volentatem
suam in Cathedram pdcam traxerunt
trusserunt et impulerunt per quod magnum
tumultum et periculosa Comotio et confusio
in domo communi predi et maximus terror
pfatis militibus Civibus et Burgensibus
adtunc et ibidem assemblatis adtunc et
ibidem mot et excitat fuer contra ligeanc
suam debitam in maximum contemptum et
manifestam exheredationem dcti dni
Regis et derogacoem psone regiminis et
prerogative sue regie et in legum et statut
huius regni Anglie subvercoem et in
maximum scandalum et ignominiam
Conciliariorum de privato Concilio dcti
dni Regis et aliorum magnatum Prelat
et Procerum huius regni Anglie ac
Justiciariorum et Judicum dcti dni Regis
ac in disturbacoem et terrorem Communitat
in Parliamento sic ut pmittitur assemblat
necnon ad pessimum exemplum omnium
aliorum in huiusmodi casu delinquentium

et contra pacem eiusdem dni Regis Coron
et dignitat suas &c, necnon contra formam
statuti &c

Copia pliti in dorsa
Holles ad sectam dni Regis

Et modo scilt die Martis pxime post Octabis
sci Martini isto eodem Termino coram dno
Rege apud Westmonasterium venit predctus
Denzell Holles in propria psona sua et
habuit auditum Informacois pdce Idem
Denzell qui quoad supposit transgress offens
et contempt pdcta in Informacone pdca
mencionat in dicendi et ppalandi anglicana
verba pdca in Informacone predi superius
recitat ac eidem Denzell per Informacoem
predcam in forma predi imposit dicit quod
ipse not intendit quod dctus dnus Rex nunc
de aut pro supposit offens transgress
et contempt illi eidem Denzell sic imposit
in Cur dcti dni Regis nunc hic responderi
velit aut debeat quia dicit quod pdict
supposit transgress offens et contempt
in dicendi et propalandi predcta anglicana

verba in Informacione predicta mencionat
eidem Denzell in forma predicta imposit
in Parliamento et non in Curia domini Regis
nunc hic audiri et terminari debent etc.
Et ulterius idem Denzell dicit quod ipse
predicto decimo sexto die Marcij anno tercio
supradicto in Informacione predicta mencionat
debito modo electus et returnatus fuit vn
Burgensium pro predicto Burgo de Dorchester
in predicto Comitatu Dorsetti in Parliamento
predicto deservitur prout in Informacione predicta
mencionat Quodque idem Denzell tempore
supposit offensus transgressus et contempt
predicta in dicendo et propalando anglicana verba
predicta eidem Denzell in forma predicta ~~supr~~
imposit ac durante toto tempore Parliamenti
predicti apud Westmonasterium predicta fuit
et remansit vn Burgensis pro predicto
Burgo de Dorchester in eodem Parliamento
Et hoc paratus est verificare unde ex
quo in Informacione predicta evidenter apparet
et plane liquet quod supposit offensus
transgressus et contempt predicta in dicendo
et propalando anglicana verba predicta eidem

Denzell in forma predicta imposit per Informacionem
predictam supposit fore commissus in predicto
domo communi Parliamenti predicti in
Parliamento predicto Idem Denzell petit iudicium
si dictus dominus Rex nunc de offensis transgr
et contempt predicta quoad anglicana
verba predicta per ipsum Denzell in Parliamento
predicto in forma predicta dici et propalari
supposit in Curia domini Regis nunc hic
responderi velit aut debeat etc.

Simile plitum verbatim per eundem
Denzell ad residuum offensus transgr
et contempt in Informacione predicta
mencionat vizt ad insultum contra
Prolocutorem etc.

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Informacion in the Kings bench.
agaynst Sr John Elliott: &c.

The resolution of the Judges of the Kinges Bench vpon the plee of Sr John Elliott and others, to the Jurisdiction of that Court

After longe debate of the question by Counsell at barr, It was resolved by the Judges, that an offence (beinge neither felonie nor treason) committed in Parliamt by a member of Parliament is punishable out of Parliamt

And first it was begunn by Justice Jones, who said that hee would not argue the Case, but would breiflie deliver the reasons of his opinion, who said, that part this was noe newe question in his thought, haveinge had it in his mynde above twentie yeares agoe.

Hee did observe that 3 thinges might come to question vpon this Informacion, before Judgemt were given agat the defendants therein

1 Either by issue taken by them, that they are not guiltie of the offence layed to theire charge in the Informacion

2 Or by demurrer that both to the forme or matter of the Informacion, or to both; and that is to bee tryed by the Court

3 Or by plee to the Jurisdiction of the Court

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ab tyꝭ Cast is, wℓtℓꝛ tyꝭ Conꝛt (admittinge tyꝭ offenꝛe true as it is layd in tyꝭ Information) gate power and iurisdittion to punish tyꝭ same, w^tℓ is tyꝭ verie question of our Case.

Now tyꝭ latter dote branty it selfe into 2 questions

1 wℓtℓꝛ generallie tyꝭ offenꝛe may bee punished out of Parliam^t

2 If it may, tyen by, wℓat Conꝛt and consequentlie wℓtℓꝛ by tyis

As some place to tyꝭ iurisdittion of a Conꝛt, tyꝭ tryall may bee by verdict, and in tyat Cast, it is peremptorie to tyꝭ ptie, aga wℓom it is admaged. But in tyis Cast it is otℓerwise, and tyerefore but a respondeꝛ ouster, as if tyꝭ defendant in an appeale did rlead to tyꝭ Iurisdiction of tyꝭ Conꝛt in tyꝭ Comon place.

Tyen to come to tyꝭ first question (1) wℓtℓꝛ tyis offenꝛe may bee tryed out of Parliament. And if first doe could tyat tyere maie bee an offenꝛe comitted in Parliam^t by a member of tyꝭ same Parliam^t w^tℓ is neitℓꝛ felonie nor treason punishable out of Parliam^t

And by tyꝭ waie I will avoyde tyꝭ questions, wℓtℓꝛ tyey may bee punished during tyꝭ continuance of tyꝭ Parliament, and otℓꝛ sure questions w^tℓ

might arise, and applie my selfe to tyꝭ Case in hand, and tyat p̄cedinge briefliē

My reasons bee tyese, for my opinion is in tyis point.

It is good for tyꝭ Comon wealth, tyat offenꝛes shoulde not remaine unpunished, and tyat tye punishm^t shoulde bee w^tℓ expedition.

And if eveꝛie offenꝛe comitted in Parliament must of neℓessitie bee punished in Parliam^t, tyen a greate delay shoulde ensue, nay greatꝛe it might bee a meanes, to save tyem remaine unpunished at all

For tyꝭ Kinge, tyee gate tyꝭ onlie power of callinge and of dissolvinge of Parliam^t, and it maie bee longe before tyꝭ Kinge gate occasion to call a Parliament, and tyen duringe all tyat tyme of intermission betweene Parliam^t and Parliam^t tyꝭ offenꝛe must remaine unpunished.

Tyen by tyis delay tyꝭ ptie delinquent ẽmies may dye, and tyen an offenꝛe of soꝛte cannot punishm^t, or else tyꝭ witnesses may all dye, wℓo are to prove tyꝭ offenꝛe, and tyen tyꝭ life miscarrie followeth

Also it maie bee fall out, tyat tyꝭ proceedinge Parliam^t may consist of soꝛte tyen

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those of the precedent Parliament; and for an offence committed in Parliament, the Parliament indgeth of theire owne knowledge, wch the succeedinge Parliament cannot doe

Then the Parliament cannot send out any processe to convent a delinquent, before they bee assembled and meete in Parliament, and it is a longe tyme after the summons, for a Parliament doth goe fourth, before they assemble, and in the meane tyme the offendor may convey himselfe awaie out of theire iurisdiction and prevent his iust punishment

Then admitt a member of the lower howse of Parliament committe an offence in the howse, and then hee is called to bee a member of the upper howse, how shall hee bee punished? In the lower howse hee cannot bee, for they have noe power, and in the upper howse hee cannot, for they have noe knowledge of the offence.

It is true that the Parliament is the superiour Court of the Kingdome, Soe is the Kings bench out of Parliament, And therefore wee knowe that where the Court of Kings Bench is, there all Commissions of oyer and terminer, and other pleas cease

But put the case that dureinge the tyme that the Kings Bench continueth in a place, an offence bee committed, and then the Kings Bench is removed to another place, shall not other Courts have iurisdiction of this offence? wthout question they shall.

Nowe, as to the obiection that the Parliament is the superior Court, I answere, that the Kings Bench is soe, as to the Common place, and therefore the Common place cannot controule a iudgement given in the Kings Bench, but that is as to the generall act of the Court, but as to the particular act of anie one person it is otherwise.

Then to answere the obiection that hath bine much pressed, that this should trench much upon the priviledge of Parliament, I would aske, what is a priviledge? everie priviledge is either by grant, or by prescripcion, or by act of Parliament, ~~whereof the Indges are bound to take notice~~, And when a priviledge is pleaded, it must bee claymed by one of theise three waies, and a priviledge must bee pleaded, unlesse it bee by a generall act of Parliament, whereof the Indges

are bound to take notice. And soe yß any priviledge bee claymed in this Case, then it ought to have bine pleaded, and a man must plead a priviledge oß Parliam^t before hee can take advantage thereoß, as in the Case oß Crewiniard in my Lord Dyer And priviledge oß Parliam^t is by prescription, and tryable by a Jurie oß the Countrie in a lower Court, as appeareth by the Case oß :12: E:4: where yssue was taken upon the priviledge oß Parliam^t. Soe yo^u see that the priviledge oß Parliam^t is tryable in inferiour Courts. And why yo^u should not trust us wth yor priviledge I knowe not; I am sure yo^u trust us wth yor lifes

And I hould the Case oß :3: E:3: to bee good lawe. And in :8: Eliz: It was accordinglie resolved by 5 Judges, and then yß an offence committed in Parliam^t bee punishable out oß Parliam^t in another Court, then surelie, it willbee punishable in this Court, wth next the Parliam^t is the greatest

And there hath bine a writt oß error brought in this Court to reverse a Judgem^t given in Ireland.

The Cheife Justice spoke not much, but tooke the difference betweene a indiciall act in Parliam^t, and an act done by anie particuler person, the one was not questionable out oß Parliam^t, the other was. As yß a man stroke one oß the Judges sittinge in this Court, this may bee questioned by an inferior Court, for the partie may bee indicted for the offence in Newgate. But otherwise it is for any indiciall act oß this Court.

And the p^r^sident oß 1° oß Queene Marie rules our Case, where divers Parliament men were indiciallie questioned in this Court for an offence committed in Parliament, and there the defendants did not plead to the jurisdiction oß the Court, but pleaded over. And surelie yß it had bine a good plea Slowden, beinge one oß the delinquents, and learned in the lawe oß the land, would not have omitted it

Justice Whitlock said, that hee was likewise willinge to deliver his opinion in this question, for that, that what hee should said, was noe other then what had bine latelie upon Conference and debate agreed upon, and resolved by all the Judges oß England.

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And hee did observe that they were but
upon the brinck of the Danse, for that
afterwards there were two things to come
in question ffirst whether an offence, secondly
whether the defendants were guiltie.

And hee observed that the question at this
tyme was not betweene the Parliam^t and
the Kinge, but betweene private and particular
persons and the Kinge, and whether the Kinge
bee a fit Judge to determine the same is
the doubt. And hee said that noe particular
man was exempted from haveinge his
actions examined, but onlie the Kinge.
And hee conceived that the Kinge, who is
the Chiefe, and the head of the Parliam^t,
is a person most fit to examine these offences
And hee said, that though the acts of
Parliam^t themselves are not examinable, yet
the acts of the particular members of the
Parliam^t are

And hee said that noe man had a greater
priviledge then a Minister in the pulpit,
yet yf hee traduce the Kinge and his

govern^t, hee is punishable for the same,
for then hee exceeds the lymitts of his function.

And for his pt, hee said, hee never heard
the person of any man traduced in Parliam^t

And as to the obiection of superioritie of
Courts, hee said, it would hould in point
of Judgem^t. But yet the Case that a
Judge of the Kings Bench doth in his argum^t
there scandall the state and govern^t, thereof
surelie hee is punishable for the same by
Commission of oyer and terminer, for then
hee hath relinquished the person of a Judge
and assumed the person of a detrudor

And soe hee said that the act of the Parliam^t
was not nowe questioned, but the act of
particular men, over whom hee conceived the
Court had iurisdiction. And hee cited a
president in 2: R: 2: where the upper house,
sent the Earle Talbot, and the Prior of
Rochester to the Kinges Bench to bee punished
accordinge to the verdict of theire offence
(they haveinge fallen out in the upper house
of Parliam^t, and the one was bound to the peace,
and the other &c

And vsq the vpper howse had not thought the Kings Bench had iurisdiction over the Cause, surelie they would never have transmitted them there, and they could not give them power of theire owne accord.

And hee said that it was granted that the Kings Bench had iurisdiction in three things, 1: in treason, 2: in felonie, 3: in matter that concerneth the breach of the peace.

Justice Crooke spoke much to the same effect wth the rest, and hee observed, that for any legall proceedinge in Parliam^t, other Courts could not question the same, but the offence layd in the Informacon was illicite &c.

Soe the whole Court wth one Consent did over rule the plea to the Iurisdiction.

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Martis xx° die Octobr
anno 5° Caroli Regis:

Rob: Heath
Rob: Barkeley
Humfray Dauenport
Heneage ffinch
Hudson

m: Gaud:

To the Kings most excellent Matie:

De Consilio

Humbly sheweth and informeth yor most excellent Matie Sr Robert Heath kn^t yor ma^tie Attorney Generall That whereas amongst other officers and Ministers attending the service of yor Crowne and the execucon of the lawes of this Realme the office of high Sheriffe of the severall Counties of this Realme is a place of greatest trust and Confidence and of daily and Contynuall use in that Countie whereof hee is Sheriffe into whose Custodie the Charge of the whole Countie whereof hee is made Sheriffe is Committed And therefore yor ma^tie like as yor most noble Progenitors and predecessors have formerly done, doth allwayes out of yor Royall Care and especiall providence in that behalfe take the Counsell and advice aswell of sundry of the right Eg^ble the Lords principall officers of yor Crowne as of yor graue and reverend Judges in the elecon of the Sheriffe of the severall Counties of this Realme of England, and to the intent that they should behaue themselues the more Circumspectly and honestly in theire severall places and offices of Sheriffewicke during the contynuance of theire severall and respective Sheriffewicke: It is by the lawe provided that a strict oath concerning the due execucon of the said office should be administred to every high Sheriffe before he take vpon him the Execucon of the said office And whereas one Walter Longe of Wh[illegible]n in the Countie of Wiltes esq^r on or about the

Whaddon

last day of November in the third yeare of yor
ma^tie said Raigne was by yor Highnes letters Pattent
under yor great Seale duely constituted by yor
Matie high Sheriffe of yor Countie of Wiltess And
either in the said month of November or in the
month of December following in the said third
yeare, the said Walter Longe according to the usual
Course of other Sheriffe in the like cases did take the
Corporall oath upon the holy Evangelist for
the true Execucion of his said Office in such
sorte as Sheriffe of Counties ought to take the
same, In wch oath amongst many other things wch did
require his present ayde and attendance in the said
County during his said Office, the said Walter
Longe did expresly sweare that hee would bee
dwelling in his owne prop person in his Bayliwicke
for the tyme he should be in the same Office, except
he should be otherwise lycensed by the King, by
vertue of wch oath and by the duty of his place of
high Sheriffe of the said Countie of Wiltess
he the said Walter Longe ought in his owne
person to have resided and made his aboade wch
the said County of Wiltess during the whole
tyme of his Sheriffaltie except he had first
obtayned yor ma^tie lycense to the contrary. Yet so
it is may it please yor most excellent Matie
that the said Walter Longe notwithstanding the
taking of the said oath upon the holy Evan-
gelist as aforesaid and notwithstanding the trust
reposed in the said Walter Longe concerning the
Office aforesaid hath contrary to the said oath
and trust aforesaid and in Contempt of yor ma^tie
said lawes wilfully and perjuriously violated
and broken the said oath and that great Trust

committed

committed to him as aforesaid in this, that
the said Walter Longe being by his said
oath and by the lawes of this Realme &
trust aforesaid to be dwelling in his owne
proper person, whin his Bayliwicke for the
tyme hee should serve in the same Office
of Sherriffe, except hee should be otherwise
lycensed as aforesaid, yetnotwithstanding hee
the said Walter Longe in manifest Contempt
of the said lawes and in violacion of his said
oath and in breach of the said Trust the
month of ffebruary in the third yeare of
yor ma^tie Raigne yor ma^tie Writte of Summons
of a Parliam^t being then issued and directed
to the severall Counties of this yor kingdome
for Choyce of Knights of the Shires Cittizens
and Burgesses whin the severall Counties
Cittie and Burroughes whin the said
kingdome) cause and procure himselfe to be
Chosen one of the Cittizens of the Cittie
of Bath in yor ma^tie County of Somerset
to serve for the said Cittie of Bath in
the Parliament then summoned to be houlden, and
to commence upon the seaventeenth day of March
then next ensuing And the said Walter
Longe being at an election houlden
at the said Cittie of Bath on or about
the third day of March in the said third
yeare of yor ma^tie Raigne so chosen and

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elected a Sittizen for that Sittie was
retorned by the Sheriffe of that County
and did accordingly contrary to his said
oath and dutie on or about the said seaven-
teenth day of March in the said third year
of yor Ma^te Raigne over this Realme repaire
and make his personall appearance in the
Comons House of Parliament at yor
Ma^te Sittie of Westm^d in the Countie of
Midd and did there daily attend and sitt
as one of the members of that House from
the said seaventeenth day of March untill
the six and twentith day of June in the
fourth year of yor ma^te Raigne, wch was
untill the Prorogacon of that Parliam^t
Houlden by yor ma^tie as aforesaid, during
all wch tyme hee was and contynued high
Sheriffe of the County of Wiltes and
was not at all dwelling or resident in
his owne person wch in the said County
of Wiltes during that tyme, whereby the
said Walter Longe did altogether neglect the
duty of his place in his office of Highe
Sheriffewicke for the said County of Wiltes
wch was done contrary to his said oath
and in manifest Contempt and scorne of
the said lawes and Statute of this yor

said Realme and of yor Ma^te Regall authoritie
therein, whereby the said Walter Longe hath
Committed most wicked wilfull and corrupt periury
In Consideracon whereof and forasmuch as the
said wilfull Contempts in neglecting his duty
and trust and service aforesaid, and in regard
the said periury and other the offences and
misdemeanors aforesaid are directly contrary
to the good and wholesome lawes of this yor
Realme, and doe trench deepely to the Subversion
of yor ma^te governem^t therein, and are offences
of most high and dangerous consequence and
remayne unpardoned by any yor ma^te gratious
generall or spetiall pardon, and if the same shouldn
escape unpunished might incourage other like
evill disposed persons to perpetrate and Committ
the like offences May it therefore please yor most
excellent Matie the premisses considered to graunt
unto yor said Attorney yor ma^te most gratious
writt of Spna to be directed to the said Walter
Longe Commanding him thereby at a Certayne
day and under a Certayne payne therein to be
limitted personally to be and appeare before
yor ma^tie and the right Hono^ble the Lords and
others of yor ma^te most Hono^ble Privy Counsell
in yor Highnes Court of Starrchamber then
and there to answeare the premisses upon his
Corporall oath and to stand to and abide such
further order and direccon therein as to yor ma^tie
and the said Hono^ble Court shall seeme fitt and

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agreeable to Justice And yor said Attorney will dayly pray &c

M Goad

Jur Lune 23° die Novembr A^o 5° Car

M. Goad

The demurrer and Plea of Walter Long Esqr to the Informacon of Sr Robert Yeath knight his ma^ts Attorney Generall.

The said defendant for demurrer to the said Informacon saith, that there is not any matter or thing in or by the said Informacon sett forth, wch as he conceaveth under the favor of this Honble Court is examynable or punishable therein, or whereunto hee this desste is bound by the lawe to make any answeare, as in and by the said Informacon is required, and for Causes thereof hee saith That hee this desste being by the said Informacon supposed and charged to have wilfully & puriously violated & broken his oath and the Trust Committed to him, menconed in the said Informacon, and to have Committed wicked wilfull and Corrupt puriys, Thereunto this desst saith that the effect and intent of the said oath in the said Informacon menconed was never as hee conceaveth other or taken to be other, then that Sheriffes of Counties during theire Sheriffalties might notwithstanding the same oath by them taken appeare personally in, and personally attend any of his Ma^ts Courts usually held at Westm^d, according as by the writt or proces of any of the same Courts respectively they are or were Commaunded, and that such personall appearance and personall attendance, neither was, nor was

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ever in lawe reputed or taken to bee, nor
ought to be reputed or taken by lawe to
bee agt any of the lawes or Statute
of this Realme, or contrary to the oath
taken by Sherriffe, for or concerning theire
dwelling in theire owne proper person in theire
Countyes or Bayliwicke or contrary to any
Trust Committed to them, as is supposed by
the said Informacon Neither is it averred
in the said Informacon that his this desst
appearance attendance and service in the said
house of Comons layd thereby to his Charge
as an offence breach of the said oath, was
whout his matl lycence, the said oath being
and being acknowledged by the said Informacon
to be Condicionall in that respect, And this
desst further saith, that any writt of Summons
of Parliamt directed to the Sheriffe of any
County of this Realme is in it selfe as this
desst Conceaveth a lycence and also an
expresse Comanded by his maty under the
Great Seale of England to all and any
person and persons chosen member of the house
of Comons of Parliamt to appeare attend
and serve in the same house of Comons
whereof they shalbe by vertue of the said
writt chosen members, during all the time
of the sitting in the same Parliament

and

8.

and therefore it being in and by the said
Informacon acknowledged and sett forth that
by vertue of his Matl Writt of Summons
of Parliamt directed to the said Sheriffe,
of the said County of Somerst this desst
was chosen elected and returned a Cittizen
for the Cittie of Bath to serve in the
Parliamt mencioned in the said Infor-
macon as a Cittizen for the said Cittie
of Bath, as by the said Informacon is sett forth
hee this desst saith that by the same Informa-
con it appeareth that hee this desst was in
lawe both lycensed and Comanded by his
most excellent Matie to appeare attend
and serve in the said house of Comons of
Parliamt in the said Informacon mencioned
in such manner as this desst is by the
said Informacon alledged to have done
And this desst also saith, that forasmuch as
it appeareth, that hee this desst was by
vertue of the said writt of Summons of
Parliament, directed to the said Sheriffe
of the said Comitie of Somerst chosen and
returned a Cittizen of and for the said Cittie
of Bath, whin the same Comitie of Somerst
to attend and serve in the said Parliamt
in the said Informacon mencioned, as a
Cittizen of the said Cittie of Bath

And

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this defft saith that by the lawes and Statute
of this Realme, Eue this deffte was according
to the lawe of Eeuye and Returne bound
ought to appeare, attend & serue as a Member
of the same House of Comons in such maner
as this deffte is alledged and charged by the
said Informacon to haue appeared attended and
served there under the paynes ordayned in that
behalfe, & soe Eue this deffte confesseth that he
hath bene the tyme & Comaund of his ma.
to appeare serue and attend as aforesaid for
all wch Causes and for diuers other Causes
impertinent & inconvenient in the said Informacon
appearing Eue this deffte doth demurre in law
vpon the said Informacon and humbly demaunds
the Judgem.t of this Hble Court, whether he shalbe
compelled to make any answeare thereunto &c
Eue this deffte further for Plea to the said
Informacon saith, that it is ordayned by Act
of Parliam.t made in the fifte yeare of the
Raigne of the late king Henry the Eight th
no knight Citizen Burgesse or Baron that
after the said Act be elected to come or be
in any Parliament, nor any of them shall
depart from the same Parliament nor absent
themselues from the same Parliam.t till the Parl
liam.t be fully finished ended and proroged
except hee or they so departing haue lycence

of the Speaker and Comons in the same Parliam.t
assembled, and the same lycence be entred of
Record in the Rooles of the Clerke of the
Parliamt appointed appoynted or to be
appoynted by the Comons House as appeareth
by the same Act, wch Act of Parliam.t being
of late tyme ordayned vpon the said oath to
be taken by Sheriffe for theire dwelling in theire
Baylywicke during the tyme of theire Office of
Sheriffalty in as Eue this deffte confesseth
an expresse and absolute Statute and lawe
and a lycense and Comaund in lawe for the
Attendance and service of him this deffte in
the House of Comons mencioned in the said
Informacon and thereby layd to his this deffte
Charge for an offence this deffte saying no
such lycense by the Speaker and Comons to the
Contrary as is contayned in the said Act and
the same last mencioned Act of Parliam.t is and
ought to be as Eue this deffte confesseth a lymita
con or interpretacon of the Extent purport and true
meaning also of the said Clause of the said
oath touching the dwelling of Sheriffe in theire
Baylywicke sett forth by the said Informacon,
And Eue this deffte doth further also for
plea say, that after such tyme as the tyme
most excellent ma.tie that now is Ends sent
forth his said writt of Comons directed to
the said Sheriffe of the County of Somerset.

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bearing Teste upon or about the last day
of January in the said third yeare of his
Ma.tie Raigne to somon the said pliam.t in the
said Informacon mencioned to be holden at
Westm.r in the County of Middx on the seaven-
teenth day of March in the said third yeare
his most excellent ma.tie did by his highnes
Royall proclamacon given at the Court att
Whitehall before the same seaventeenth day of
March, that is to say upon the sixteenth day
of ffebruary in the same third yeare, publish
the same pliam.t to be held on the said seaventeenth
day of March, and did by the same his highnes
Royall Proclamacon require all the members
of both the Houses of the said Parliam.t wh
are thereby called the great Counsell of his
Ma.tie and of this kingdome not to fayle of their
attendance, on the said seaventeenth day of March
as by the same Royall Proclamacon under the
great Seale of England, and remayning of
Record whereunto this defendt herein referreth
himselfe may appeare, wch Royall Proclama-
con, being by warrant under the great Seale
proclaymed and being the immediate Royall
Comannd of his most excellent Ma.tie hee
this defendt humbly conceaveth was a lycense
and an expresse Comannd of and by his ma.tie
to him this defdt as a member of the Comon
House of the said Parliam.t to be and appeare
personally

personally at Westm.r on the seaventeenth day of
March then next following and to attend and serve
there as a member of the same Parliam.t —
during the contynuance thereof And was as
hee conceaveth a sufficient lycense of his ma.tie
for this defendt to be absent out of the County
of Wiltes, where this defendt then dwelled
although hee were then Sheriffe of the said County
of Wiltes As by the said Informacon is sett
forth, And hee this defendt doth further for
Plea say, that during all the tyme of his
this defdt service and attendance in the said
pliament, the wife children and family of him
this defdt were dwelling and abiding at
defdt dwelling house at Whaddon in the
said County of Wiltes All wch matters
hee this defendt is and shalbe ready to
mayntayne averre and prove as this Hono.ble
Court shall awarde, and for all the Causes
aforesaid doth humbly demaind the Judgm.t
of the same Court, whether hee shalbe compelled
or ordered to make any answeare to the said
Informacon And humbly prayeth to be hence
dismissed

Ex.r et Concordat cum originali
Hooker /

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Fur Sabti decimo sexto die Januarij Anno 5to Caroli Regis

Humfry May.

Bramston
W: Holte
Edw: Littleton
Henr Rolle
Tho: Gardiner.

The answere of Walter Longe esqr defendte to the Informacon of Sr Robert Heath knight his matt Attorney Generall.

The said defendte saving to himselfe the benefitt and advantage allowed to him by an order of this honorable Courte of the xxvijth of November last past and all advantages of exception to the incertenty and insufficiency of the said Informacon and saving likewise to this defendt all other matters mencioned and contayned in his Plea and demurrer formerly made to the said Informacon and all other advantages whatsoever, for answere to the said Informacon according to the said Order hee saith, that this defendt is informed by his Counsell, and conceaveth it to be true that by the lawes and Statutes of this Realme any person that is high Sheriffe of any Countie of this Kingdome may be elected a knight a Cittizen or a Burgesse to serve in Parliament and that such a person being a Sheriffe and so elected may lawfully attend serve and sitt and ought to attend serve and sitt in Parliamt notwthstanding his office of Sheriffalty or the oath wch is ordinarily taken by Sheriffe touching theire dwelling in theire proper person wthin theire Bayliwicke for they tyme they shalbe in the same Office whout any breach or violacon of the same oath or of any duties

of

of his said Office of Sheriffe or trust Committed to him touching the same And hee saith that hee is also informed by his Counsell and also conceaveth it to be true that divers persons having bene Sheriffe of Counties of this kingdome have in the tyme of theire being Sheriffes both in auncyent and latter tymes attended and served in the Parliamt of this kingdome during theire Sheriffewicke as members of the house of Comons of Parliamt for the tyme being, as having bene chosen elected and retorned knights of Shires Cittizens and Burgesses to serve in the same Parliamt and have had theire wages paid unto them for such theire attendance & service as other knights Cittizens and Burgesses attending in Parliamt have used to have and for an answere to the particular Charge of the said Informacon of his this defendte attendance and service in the Parliamt during the tyme of his Sheriffewicke of the County of Wiltes, hee this defte saith that he was made highe Sheriffe by the kings most excellent Matie that now is, of the County of Wiltes in the third yeare of his Matt Raigne and that being so hee was as hee conceaveth duely elected and chosen to serve and attending the Parliament in the said Informacon mencioned as a Cittizen of the Cittie of Bath in the

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the Countie of Somerset in the said
Informacion also mencioned, and that being soe
chosen and elected hee was retorned accordingly
by the Sheriffe of the said County of
Somerset according to the ordinary and usuall
manner of electing and returning of Cittizens
of such Cittie for the service of Parliament of
this kingdome, as it was lawfull for him to be
as hee conceaueth And touching his this defendt
attendance, and service in the said Parliament layd
to his charge as an offence by the said
Informacion hee saith That as hee this defendt
conceaued, and for any thing he yet knoweth
to the contrary, hee did not at all offend
therein, and thinketh hee was bounden soe to
doe by the lawes and Statute of this kingdome
and that he had offended if hee had not so done
and that the same attendance could not or ought
not to bee iudged an offence in him this defendt
by this honorable Court, nor to have bene done
by him against the lawes of this kingdome And
this defendt further saith that the said house of
Comons to whome as this defendt conceaues the
examynacion and tryall of the lawfullnes or
unlawfullnes of such elecciones and of that atten-
dance in Parliament of persons so elected doth
belonge did at this defendt owne mocion in
the

Comons house out of the Care, he this defendt
had to knowe whether he ought ~~or ought~~ or
ought not to attend the said Parliament, appoint
some day to take this very Case of this defte
into theire Consideracion and to determyne the
same as they had done in other Cases of
like nature and neither did nor would giue
this defendt lycense to depart in the meane
tyme And hee further sayth that he having
served in the Parliament held next before
the Parliament in the said Informacion mencioned
as one of the knights of the Sheire for the
said County of Wiltes, and having heard the
same poynt questioned in the same Parliament
touching a member of the house of Comons of the
same former Parliament, who being Highe
Sheriffe of one County of this kingdome was
then chosen to serue in the same Parliament
during his said Sheriffewicke as a knight of a
Sheire of this Kingdome, and having observed
that the Priviledge of that Parliament was
then allowed to him, as a member of the said
house of Comons touching a suite then in one of
his Mtes Courts of Justice, And hee this defte
being afterwards duely chosen and retorned
to serue in the said Parliament mencioned in
the said Informacion as a Cittizen for the
said Cittie of Bathe, hee this defendt

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Conceaved that he ought to appeare herue and
attend in the same Parliam.t in the said Infor-
macon mencoed accordingly, and observing that
before the seaventeenth day of March in the
said Informacon mencoed, on wch the said
Parliament mencoed in the said Informacon
was appointed to begyn, his most excellent
Ma.tie did publish his royall Proclamacon
geven at the Court at Whitehall the
sixteenth day of February in the said third yere
of his Ma.tie Raigne, whereby his Ma.tie required
the Members of both the houses of the said
Parliament in the said Informacon mencoed
not to faile of theire attendance on the said
seaventeenth day of March in the said Infor-
macon mencoed enforcing the same upon great
and waightie reasons by the same Proclamacon
whereunto this defendt referreth himselfe may
appeare, he this defendt being chosen as aforesaid
a Cittizen for the said Cittie of Bath was the
more carefull to attend at or neare the beginning
of the said Parliam.t accordingly, and hee this def.t
being as the Sheriffe of the said County of
Wiltes to make returne of his Ma.tie writt of
Summons of the said Parliament directed to
him and of the Indentures of the elecons of
the knights of the Sheire of the said Countie
of Wiltes and of the Cittizens of Cities
and

Burgesses of Boroughes of the same Countie and
thinking his personall attendance to such purpose at the
same Parliament not only lawfull and noe-
breach of his said oath but also very requisitt
hee this defendt did repaire to the Cittie of
Westm.r where the said Parliament was to be
held and dauhed his said Retornes to bee accor-
dingly made and after did take the oathes
appoynted to be taken by the members of the
said house of Commons before they sett in the
same house of Commons as a member thereof as
hee conceaveth his dutie to his most excellent
Ma.tie and the service for wch hee was so chosen
required him And as hee thinketh & for any
thing hee then did or yet doth knowe to the
contrary was lawfull for him to doe the rather
for that as hee conceaveth his ma.tie writt of
Summons directed to the Sheriffe of the said
Countie of Somerset menconed in the said
Informacon, and this defendt said elecon to
serue as a Cittizen for the said Cittie of
Bath in that Countie and the due retorne
thereof by the said Sheriffe of the Countie
of Somerset menconed and sett forth by the said
Informacon, and also the Act of Parliament
made in the sixt yeare of the Raigne of the
late King Henrie the Eight menconed and

sett

sett forth by this defendt in his said Plea to the
said Enformacon, and likewise his mate said Roy-
all Proclamacon sowre all and every of them bee-
ing sufficient a Lycense and Comaundemt of his ma-
jesties excellent Matie for Eny this defendt to absent
Emselfe out of the said Countie of Wilts
to attend at and in the said Parliament mencon-
ed in the said Enformacon, and this defendt saithe
that notwthstanding his said Attendance and
service in the said Parliament the wife Childr
and family of Eny this defendt sowre during
all the same tyme of this defendts said
attendance and service in the same Parliament
dwelling and abiding at this defendts dwelling
House at Wkaddon in the said County of Wilts
And this defendt was also during all the same
tyme and all the tyme of his said Office of
Shriffe of the said County of Wilts dwelling
to his understanding at his said Howse at Wkad
in the said County of Wilts and was not
dwelling out of the said County of Wilts dur
all or any part of the same tyme nor during
said Shroffalty, nor was during all the same
tyme any dwelling house out of the said Co
of Wilts And touching the residue of the
said Enformacon that he this defendt for or by reason of his
said Enformacon sett forth he did alwayes du
ringly exercise the duty of his place in his Office

of

of High Shriffe for the said County of Wilts
and the truste reposed in him by his Matie touching
the same, He this defendt saithe that high
Shriffes of Countyes of this Realme ought not
to remayne allwayes in proper psons the County
wherein they are high Shriffes during the tyme
of their Shreffalties, for Eny saithe as Eny proces
saithe they are to appeare in person upon lawfull
Writts served on them out of any of his Matie
Courtes and to give their attendance in the
same Courtes thereupon as other his Matie Subie
are bounde to doe, although the said Courtes be
out of the County wherein such pson ser-
vedes is for the same tyme Shriffe, And also to
appeare in his Matie Court of Exchequer, although
the same be also out of the County wherein
is Shriffe for the making and passing his
Accompt of his Office to his Matie and such
Lord appearance and attendance Eathendor
as He tourneth bene nor bene taken or
accomptes to be a breache of their oath, wch
they take for the execucon of their said Office
Neither Eyther high Shriffes of Counties of this
Realme used at their tournes nor by the Lawe
are bounde to execute all the thinge belonging
to their office of High Shriffe by themselves
in their owne proper pson but by deputies

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sworne who are theire Underscheriffes Dounty Clarkes
and other deputies, who doe respectively undertake
to execute all the ordinary duties belonging to theire
Office of high Sheriffe. And this defendt saith
that hee this defendt shortly after hee was
made Sheriffe of the said Dounty of Wiltes (2)
before the beginning of the said Parliament
in the said Informacon mencioned did depute and
appointe one Giles Birch gent to be his Under-
scheriffe of the said Dounty of Wiltes and one
other person to be his Dounty Clarke and other
persons were also appointed to be deputies and
Bayliffes for the better executing of this defdt
said Office of Sheriffewicke, who were as this
defendt thinketh sworne to execute theire said places
according to the lawe and did in theire persons as
hee thinketh and beleeveth as also hee this defendt
respectively did in his owne attend the execucon
of this defendt said Office of Sheriffewicke at all
such tymes as was requisit and did well and
truly execute the same as this defendt thinketh
wch hee is induced so to thinke, for that this
defendt hath not as yet bene questioned otherwise
then by the said Informacon for any neglect
either by them or by himselfe of his said Office
or dutie or trust belonging to the same, nor for
any undue execucon of the same And as to
the supposed wicked wilfull and Corrupt periury
and

22

and wilfull and periurious violacon and breaking
of the oath mencioned in the said Informacon
and of the trust Committed to him this defdt and
of the duty of his this defdt place and
Office of Sheriffe and the supposed Contempt
of the lawes of this Realme therein and the
defendt Causing and procuring himselfe to bee
Chosen a Citizen for the said Cittie of Bath
to serve in the Parliament mencioned in the
said Informacon and all other the offences (2)
misdemeanors layd to this defendt Charge
in and by the said Informacon wch are examy-
nable or punishable in this honorable Court
Thereunto hee this defendt answeareth and
saieth That hee is not of the same nor of
any of them guilty in such manner and forme
as in and by the said Informacon is pretended
All wch hee this defendt is and wilbe ready
to mayntayne (3) prove as this honorable Court
shall award And humbly praieth to bee hence
dismissed wch his reasonable Costs and Charges
in this behalfe wrongefully sustayned

Ex. et Concordat cum originali
Hooker

23.

44 fol:

Capt: 21: die Januarij anno 5to Caroli Regis

Interrogatories to bee administred to Walter Longe esquier defendant to the Information of Sr Robert Heath knight his Maties Atturney generall

1 Inprimis whither were you chosen and made high Sheriffe of the countie of Wiltes in or about the moneth of November in the third yeare of his Maties raigne; and when or at what tyme as neere as you can remember did you receive the patent of Sheriffwick for that Countie.

2 Item whither did you take an oath for the due execucon of the office of Sheriffe of the said Countie; when did you take that oath? and by whom was that oath administred unto you?

3 Item whither did not you as Sheriffe of the said Countie of Wiltes receive his Maties writt to you directed for the election of Kts ~~Burgesses~~ Citizens and Burgesses to serve in the Parliament then intended to bee held, and after began to bee holden in the third yeare of his Maties raigne.

4 Item whither did not you, either by yo selfe, or by some others in yo behalfe move or Pswade the Citizens of the Citie of Bath, or some of them to elect you to bee one of the Citizens to serve for that Citie in the said

Parliament, what meanes and to whom did you use to that purpose, and when did you use those meanes, or anie other in your behalfe, and who and in what manner.

5 Item whither were you at the Citie of Bath in your owne person at the tyme when you were soe chosen one of the Citizens of the Citie to serve in for the said Parliament, how longe before the tyme of the said election were you there, and how longe after, and how maine daies staid you there at or about that tyme, or what person or persons to your knowledge, or at your desire or with your privitie did sollicite your said election, and how longe before your said election.

6 Item when did you come first to London or Westminster after your said election, and how longe did you staie in London or Westminster after your cominge thither, before you returned into the said Countie of Wiltes, or yf you did at any tyme or tymes repaire into the said Countie of Wiltes, or yf you did at anie tyme or tymes repaire into the said Countie of Wiltes dureinge the first Session of that Parliament, how longe did you stay or abide there at that tyme, or at those tymes

7 Item whither were not the said Assizes

held for the said Countie in or about Lent in that yeare, when you were Sheriffe of that Countie, and whither did you in your owne person attend the Kings service at those assizes or not.

Examinat: 21: Januarij anno Regis Caroli: 3°: Jur: Addi Atturn Regis general quer ministrat:

The answere of walter Longe Esquire of Whaddon to the aforesaid Interrogatories sworne &c

1 To the first Interr this defendt saith. That in or about the moneth of November in the third yeare of his nowe Maties raigne hee this defendant was chosen, and made high Sheriffe for the Countie of Wiltes, and that hee received the Patent of Sheriffwick for the said Countie, but the certaine tyme of the receweinge thereof hee doth not remember; onlie hee thinketh, that hee received the same within tenn dayes or thereabouth next after his election to the said office.

2 Item hee saith, That hee did ~~not~~ take an oath for the due execucion of the said office of Sheriffe of the said Countie before one of the Masters of the high Court of Chauncery, and hee thinketh Sr John Mitchell knight

was tęe Master wᵗᵉ administred emi tęe said oathe, but ween it was administred, eee dothe not remember, onlie eee remembre, that it was in tęe monthe of November in tęe third yeare of eyr Maᵗⁱᵉᵗ raigne before mencioned, and further eee ramot depose to tęe Interrogatorie.

3 Item eee saithe that eee dothe not certainlie certainlie remember, weither eee did ab Sheriffe of tęe said Countie of Wiltes receive eyr Maᵗⁱᵉᵗ writt to emi directed for tęe election of knightes Citizens and Burgesses to serve in tęe Parliamᵗ tęen intended to bee holden, and after began to bee holden in tęe said third yeare of eyr Maᵗⁱᵉᵗ raigne or not, for that eee left tęe returne of writtes for tęe most pt to tęe care of eyr Undersheriffe; And saithe that tęe said writt was returned by tęe Defendᵗ or by eyr Undersheriffe, and eee remembrethe that eyr tęe Defendᵗ was made arrainted, wᵗᵉ tęe said writt. And further eee ramot depose to tęe said Interrogatorie.

4 Eee saithe that eee gathe by way of answere to tęe Informacon as eee touchethe answered tęe matters in and by tęe Interrogatorie questioned unto wᵗᵉ answere tęe Defendᵗ

under tęe favour of tęe right honᵇˡᵉ Count referrethe emselfe, and otęer answere eee refuseth to make to tęe Interrogatorie, unlesse eee shalbee further ordered by tęe right honᵇˡᵉ Count in that behalfe, unto wᵗᵉ eee wilbe all emblemes submitt emselfe.

5 Eee saithe that eee was ab eee yeares believethe, at tęe Citie of Bathe in eyr owne pson, at tęe tyme ween eee was chosen one of tęe Citizens of tęe said Citie to serve in and for tęe said Parliamᵗ before mencioned, and saithe that eee was soe present upon diers occasions of busines, that how longe tęe Defendant stoode tęere, either before, or after, or about tęe tyme of tęe said election, eee dothe not remember, neither dothe eee remembre that anie pson or psons to tęe Defendants knowledge, or at eyr desire, or wᵗᵉ eyr privitie did solicite tęe Defendᵗˢ said election, neither was tęe Defendᵗ present tęereat, and more or further eee ramot depose to tęe said Interrogatorie.

6 Eee saithe that eee dothe not remember weither eee did first come to London or Westminster after eyr said election, but saithe that eee did after eyr said election repaire to tęe Citie of Westminster about tęe tyme ween tęe said Parliament began.

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and did at that tyme continue in or about the Cities of London and Westminster for some tyme or space or tyme, but howe longe hee did continewe or stay in London or Westm^r at that tyme before hee returned into the Countie of Wiltes, hee cannot certainlie remember, onlie hee saith that dureinge the first Sessions of that Parliam^t, hee did once repaire into the said Countie of Wiltes to attend the Justices of Assize for that Countie, and then stayed there as longe as that assizes lasted and p^r sentlie after returned to Westminster, where the said Parliam^t was holden. But the certaintie of his said stay in the said Countie of Wiltes at the tyme lastlie mencioned hee doth not p^r ciselie remember And further hee cannot depose to the said Interrogatorie

7 Hee saith, the Assises held for the said Countie of Wiltes were as hee remembreth held in or about Lent in the Yeare when this defendant was Sheriffe of the said Countie. And hee saith that hee this defend^t did in his owne p^r son attend the Kings services at those assizes

Walter Longe

Reexam capt. 25° die Januar: vt sup Interr: secdm ordin Cur geren dat. 25° die instan Januar vt supradict &c

Walter Longe of Whaddon in the Countie of Wiltes Esquire sworne and reexamined.

4 Hee saith, That hee did not by himselfe or any other on his behalfe to his best remembrance move or p^r swade the Citizens of the said Citie of Bath, or any of them to elect this defend^t to bee one of the Citizens to serve for that Citie, in the said Parliam^t, as is interrogated, but saith, That hee this defend^t did a litle before the said election write his l^r es unto one Mr William Chapman this defend^t kinsman, and to one Mr Guye whose Christen-name hee doth not knowe, beinge Citizens of the Citie of Bath, wherein hee did write somthinge tonchinge his election. And hee saith, That hee this defend^t beinge at Bath about the tyme of this defendants said election, had a litle before the same some speeche or discourse wth one Mr Richard Chapman one other of this defend^t kinsmen, where hee Inned or hosted at that tyme, and wth one Mr Robt Chivers and Mr Sturrach, whom hee casuallie mett there, and also w^th, the said Mr William Chapman and one Mr Randall

(whose other name hee doth not knowe) all
of them Citizens of the Citie of Bath touchinge
or concerninge this defendts said election, but
what were the particulers of the letters or
speeches (it beinge soe longe since) hee doth
not remember, neither can hee call to mynde
anie thinge done by himselfe, or any other to
his knowledge to the purposes or intents in
the Interrogatorie questioned, otherwise
then as aforsaid. And further hee cannot
depose to the Interrogatorie, and other
Answere hee maketh not thereunto

Walter Longe

Reexam capt: 28: die Januar: a°: 5°: Caroli Regis sup Interr sedm ordin Cur: geren dat. instan Januar:

Walter Longe of Whaddon in the Countie of Wiltes Esquire sworne and reexamined.

4 To soe much of the fowerth Interrogatorie
as hee is required by the order of this honorable
Court to make answere unto, saith, That hee
is willinge to give satisfaccon to this honorable
Court, but cannot call to mynde or remember
anie thinge more touchinge those letters and
speeches mencioned in his former reexaminacon
taken in this cause, then hee hath alreadie

therein set downe, and therefore cannot
make any other answere thereunto, then hee
hath done in and by his said Reexaminacon

Walter Longe

In Camera stellata: 5°: die Februar-
anno 5° Caroli Regis

This day as also the last sittinge day were
wholie spent in hearinge and debatinge the
matters of complaint exhibited into this
Court by Cor Robert Heath knight his Maties
Attorney generall Complaynant agat Walter
Longe esquire defendt for a greate and
presumptions contempt agat his Matie and
breach of dutie and trust towards his Matie
and for manifest and wilfull breach of
Juris in his oath taken as high Cor Heriffe
of the Countie of Wiltes, in not residinge
and dwellinge in his owne person in the said
Countie, but beinge chosen one of the Citizens
for the Citie of Bath in the Countie of
Somerset to serve for the said Citie in the
last Parliamt; by colour thereof hee remayned
in London or Westminster dureinge the tyme
of that Parliamt by the space of 3 monethes
and above, contrarie to his said oath in
neglect of his dutie, and in manifest

contempt of the lawes of this Kingdome,
as by the said plaintifes Informacon more
at large appeareth. Wth cause was nowe
by his Maties said Attorney generall brought
to hearinge upon the defendts owne confession,
And upon openinge the Answere, and readinge
the examinacons of the said defendant, it
appeared to this honoble Court that the said
Defendt Longe was by his nowe Matie made
high Sheriffe of the Countie of Wiltes in
or about November in the third yeare of
his Maties raigne, and received his patent
of Sheriffwick for the said Countie about
tenn dayes after, And that hee tooke an
oath before one of the Mrs of the Chamberie
for the due execucon of the said office of
Sheriffe of the said Countie, In wth oath
as appeareth by the same nowe read in
Court, hee did sweare that hee would in his
owne person remayne wthin his Baylywick
dureinge all the tyme of the said Sheriffwick
unlesse hee had the Kings lycence to the
contrarie. And that at an election of
Citizens for the said Citie of Bath, the
said defendt Longe was chosen one of the
said Citizens, to serve for the said Citie
of Bath in the Parliamt then summoned

to bee holden, and to commence upon the 17th
day of March in the said third yeare of his
Maties raigne, and beinge soe chosen and
returned by the Sheriffe of the Countie of
Somerset, notwthstandinge his said oath taken
to remaine in his proper person wthin his
Bayliewick unlesse hee were lycenced by his
Matie, hee the said defendant did make his
personall appearance in the Commons howse
of Parliamt at the Citie of Westminster in
the Countie of Middlesex, and did dureinge
the most pt of the said Parliamt continue
in or about the Cities of London or Westm,
and did attend in the said Parliamt as a
Citizen of the said Citie of Bath, dureinge
all wth tyme hee likewise was and continued
high Sheriffe for the said Countie of Wiltes
and had noe particuler lycence to the contrarie.
Upon consideracon whereof, as also of the
particuler causes and reasons of the defendts
demurrer and plea formerlie exhibited
unto the said Informacon, the benefit whereof
was by order of the Court reserved unto
the said defendt to bee abated and
considered of at the hearinge of the
cause, and of divers other matters newe

urged for the defendt both to have instified
his the said defendts attendance in Parliamt,
and his not residence in person wthin the
Countie whereoss hee was then Cheriffe,
And amongst other thinges that it properlie
belonges to the howse oss Parliamt to indge
oss the instnes or uninstnes oss the said eleccon,
And upon grave and mature consideracon
thereoss had and taken by the Court, theire
Lopps did not onlie conceive the said demurrer
and plea and other the argumenth and
reasons used by the defendt and his
Counsell to bee oss noe waight or strength,
but also to bee in opposition and derogation
oss the Jurisdiction oss this Court. These
reasons moved and urged for the defendts
excuse or instificacon beinge cleerely answered,
and the charges oss the Informacon ~~beinge~~
made good by Mr Attorney generall and
others oss his Maties Counsell learned, And
therefore the whole Court were cleere oss
opinion, and did soe declare, that the said
defendt who at that tyme as high Cheriffe
had the custodie and charge oss the Countie
oss Wiltes committed unto him by his Matie
and had taken his oath accordinge to the
lawe to abide in his proper person wthin

his Bayliwick dureinge all the tyme oss his
Cheriffaltie as aforsaid, and whose trust
and imployment did require his personall
attendance in the said Countie had not onlie
committed a greate offence in violatinge the
said oath soe by him taken but also a greate
misdeamenor in breach oss the trust committed
unto him by his Matie, and in contempt oss his
Maties pleasure signified and expressed unto
him by and under his highnes greate seale,
when hee graunted unto him his said office
oss Cheriffwick as aforsaid. For wth said
severall and greate offences in breach oss
his said oath and neglect oss the trust and
dutie oss his said office, and the greate and
high contempt to his Matie, theire Lopps
did honly the said defendt worthie the
sentence oss this Court, the rather to the
end that by his example the Cheriffes
oss all other Counties may bee deterred
from Committinge the like offences hereafter,
and may take notice, that theire personall
residence and attendance is required wthin
theire Bayliwick dureinge the tyme oss
theire Cheriffwick. The Court therefore
hath thought fit and ordered, adiudged,

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and decreed, that the said defendt should stand and bee committed to the prison of the Tower there to remaine durenge his Maties pleasure, and shall pay a fyne of 2000 markes to his Maties use, and shall make his humble submission and acknowledgem^t of his offence, both in this Court, and to his Matie before his thence inlardgem^t.

To the right hono^ble Thomas Lord Keeper of the greate seale of England and to the Right hono^ble the Lords and others of his Maties most hono^ble privie Councell in the Court of Starrchamber.

Right hono^ble

Yo^r Petitioner haveinge vnie latelie censured by yor Lopp in his Maties said Court, doth in obedience to his Maties lawes in all humblenes submitt himselfe thereunto, and doth acknowledge yor Justice therein, and yet soe that his case is rare and of such nature that yor Petitioner doth and ever must protest that untill yor Lopps censure was pronounced, hee did not knowe nor could beleive that hee had offended therein. Hee doth nowe humblie pray yor Lopps

that as hee hath submitted to yor indiciall soe hee may make his humble resort to yor favorable consideracon, and that the same in respect of yor Petitioners longe and straight imprisonm^t past, may move yor to mittigate the greatnes of his fyne, and to suspend the execucon of his censure.

And because hee is most sensible of, and most sorrowfull for his Soveraignes high displeasure (wch of all the calamities of this life hee accomptethe the greatest) hee humblie prayeth yor Lopps to bee pleased to bee his favorable interressors to his most excellent Matie, that hee will gracionslie vouchsafe out of his abundant goodnes to passe by yor Petitioners offence, and to restore him to his Princelie favour.

And yor Petitioner shall durenge his life serve his Matie (as his dutie requireth) in all faithfull and loyall obedience, and yor honors in true thankfullnes

Walter Longe

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Camera stellata 4° die Junij
6to Caroli Regis Coram Concilio

Lo: Keeper	E: Denbigh
Lo: Treasuror	E: Carliel
Lo: privie seale	E: Holland
Lo: President	Lo: vi: Wimbleton
Lo: Marshall	Lo: vi: Dorchester
Lo: Chamberlaine	Lo: vi: Wentworth
E: Suffolk	Lo: Newburgh
E: Dorset	Sr Tho: Edmunds
E: Salusburie	Secretarie Cooke
E: Northampton	Sr Henry Fane
E: Bridgewater	

The Kinges Attorney in his Information agaᵗ
Francis Earle of Bedford Joyn Earle of Clare
Robert Earle of Somerset Sr Robert Cotton
Kt Baronett Joyn Selden esquire William
James Clerke Gilbert Barrell gentleman
and Oliver St Johns beinge in this left
out, concerninge the receiveinge and pub=
=lishinge a scandalous libell and discourse
much prejudiciall to the nowe happie governᵗ
of his Maᵗⁱᵉ nowe raigninge began wᵗʰ the
specions tytle of the said libell, vizt That
it shewed to his Maᵗⁱᵉ (1) how to bridle
the impertinencies of Parliamᵗʰ (2) to increase
his Maᵗⁱᵉˢ revenewes The ground wᵗʰ the
first is raysed upon, is the buildinge of
fortresses in the principall parts of the

Kingdome (2) To disarme all but those that shalbee tollerated, the pictor meeth wth the obiection of the expence of time and charge, and takes that of. But all this is secured by a firmer way, viz.

A generall oath must bee, that his Matie hath absolute power to make anie lawes hee please wthout consent of Parliamt.

The 2d part of his discourse begins wth a plausible and gentle usage of the people, for hee will content them too. Next hee proceeds wth the particulars of his Maties profit they are 16.

First a decima (as they call it in Italie) of all subts estates to bee payd as yearlie rent wth will amount to 500000 lb p ann

Secondly to buy out all estates and leases upon his owne lands, and to rent them out wth will amount to 200000 lb p ann

Thirdlie to take the comoditie of salt into his owne hands worth 150000 lb p ann

Fowerthlie sealinge of waights worth 60000 lb p ann

Fifthlie a Gabella upon wooles and transportation of Cloaths worth 150000 lb

Sixtly to pay 5 lb p centum upon all

Indgemts, the recompence whereof shalbee the limitation of excessive lawiers fees, worth 50000 lb p ann

Seaventhly an imposition upon Innes worth 100000 lb p ann

Eightlie upon fish and Cattell in market wth is to bee sold by waight, the recompence is the people shall not bee cozoned

Ninthlie (a thinge hee had not heard) An imposition upon all bargaines and dowries, wth (hee saies) is fetcht from Tuscanie worth 100000 lb p ann

Tenthlie that all these bee put in execution both in Scotland and Ireland wth will amount to 200000 lb p ann

Eleaventhly to have out of all offices an annuall rent worth 100000 lb p ann

Twelvethly, for a matter of thrift to make the Kinge a good husband, his servants must needs bee put to board wages, wth will save 60000 lb p ann

Thirteenthly, hee has somthinge to say of the Navy but that is referred to a further opportunitie it will save 40000 lb p ann

Fowerteenthly (this is somewhat obscure) his Matie shall have a benefit out of the observacon of fish dayes, none to eate eggs or white

meates but shall pay for it, this will yeild 100000 lb p anu

Fifteenthlie That wee may see for his Religion hee is indifferent Catholiques must pay for theire Conscience too worth 200000 lb p anu

Sixteenthlie (that his Maties servants shall not forget to bee honest) It must bee in paine of death to all that cozen the Kinge

The totall of these somes soe raysed will amount to a small matter, some 2 millions and 200000 lb p anu

And that the Kinge may bee dealinge the whilest It is not unfit that hee have some money in hand by sellinge honors yf anie will goe to the cost, this will yeild 500000 lb Beside a devise to make rich men nobiles titulati, this will raise high

The Atturney did belewe that theire Lordshipps would rather conceive these to bee a madd mans frenzie, then a statists policie, And it was some abatem^t to a strangers asperson upon our Nation, that the Sproiecto^r was an Englishman, yet Italienated, beinge verie well knowne to bee the Author; for hee confest that the defendants were not taxed to bee the Authors but maintaynors thereof, in the doppyinge and communicatinge. Theire fault hee aggravated from theire worthines of theire psons, hight of wit and indgem^t

because the multitude is easilie ledd by the opinion of those, of whom they have a good opinion. Next from the unseasonable=nes of the tyme, whose itch desires often bee scratcht. And hee did appeale to all theire Lopps, whether or noe, they did not then comonlie heare a runninge noise of rumors, the unquiet daughters of discontent, The defendants excuse it for an old proiect, not begot, noe nor borne in these tymes; but when the old one revives, and raysed from the silent grave, growes fresh by ppagation, is not this dangerous? may not this old one beget newe consequences of perill? newe divells? for soe they may bee called, when one of the defendants themselves in the front of his Answere calls them dam devellisu

The Atturney beinge silent the defendants Counsell was called for upon a demurr.

The Lord Keeper breakes the matter thus. That in Michaelmas last a gentleman of good qualitie and well affectioned to the State came to him, to knowe whither his Matie and the Counsell had an intent to alter the govern^t and make an innovasion. A strange question, but the ysue thereof is observable. W^th in two dayes after comes forth a rumor of this glorious pageant,

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ẏe said Lord Keeper deliuered ẏmselfe of ẏat wch ẏe knewe touchinge ẏe proceedings of ẏese fowle papers.

Hee proceeded to giue ẏe Lordes notice, ẏat whereas ẏe Matie findes amongst ẏe defendantes ẏose wᵗ whom ẏe hath a desire to oblige, as temperinge ẏem wᵗ ẏe iust of ẏat desire, hath pleased out of ẏe admirable clemencie to take a faire interpretation of ẏeire intentions, wᵗ ẏe beleiued were sincere, and unspotted, ẏerefore ill guided. Hee findes them likewise a fit obiect of ẏe mercie, and temper ẏe a seasonable time for mercie, ẏat in ẏe ioy ẏat should be publique, ẏose Lordes and ẏe gentlemen defendantes may haue a liberall share ẏerein. Hath Matie was graciously pleased ẏerefore to prompt ẏe Noblemen and gentlemen fullie from ẏe Censure of ẏe Table, and commaunded ẏe Lord Keeper to take not but prognosticate a happie successe raigne of ẏis yonge Prince, when but newlie come out of ẏe Mothers wombe betymes to be happie prudent a moderator betweene ẏe Nation and ẏe Peeres.

Hath further hee deliuered ẏe Matie mynde hee desired ẏat hee might somewhat speake ẏe owne.

proiect, ẏe author not yeen knowne. At last ẏe papers found, and shewen to ẏe Matie, hee not onlie contemned it, but was tainted wᵗ an admiration, a rare admiration of ẏe strangeness of it. And although ẏis pestilent libell was deliuered to ẏe kinge diuers, yet noe man had ẏe knowledge of it (till of late) but ẏey, ẏat brought it to him, nor not ẏe Matie yeer selfe himself (as ẏe Matie protested) wᵗ till ẏey kinge had done, hee was sure ẏat none of ẏey Lordes present, when it came to ẏeire examination was able to looke upon it. But one ẏinge hee obserued ẏat Sr Robert Cotton made himselfe be greate a stranger to ẏis pamphlet, ẏat Sr Robert protested if it could be proued ẏat euer it was in his studie, hee would confesse himself to be ẏe Author. And to increase ẏe said Sr Robertes offence, hee himself had prepared notes (as it well appeared) for an Answere; wᵗ how ofte soeuer ẏe point was, would haue bine newe, and to ẏose tymes Sr Robert affirmed ẏat ẏis Booke should be found harboured in ẏe Duke of Buckinghams pocket. Vpon ẏis ẏe Lord Keeper directlie asswaged ẏat hee were it a gentleman (& thinke belonginge to ẏe said Duke) maintained ẏat it never went out of his hands

The admonitions (said hee) of this Court
I have alwaies found as usefull as the
Censures thereof; And though his Matie
this day of mercie has freed these Lords
and gentlemen, yet let others take notice
how in the like manner to demeane them=
=selves, and that they maie see, although
the Author were found, there had not bine
an end of punishm^t. I ame sure the opinions
of the grave Judges goe wth me, that the
Comon lawe can take hold of such offences,
though there were not statuts in that
Case provided; ffor if the meanest man
can have an action of Case for defamacon,
shall not the Kinge? There is a statute
runnes thus That if any newes rumors &c
bee spread (the statute saies not whereby
a mutinie may arise to the overthrowe
of the Estate) but whereby discord or
occasion of discord may arise to ~~the~~ a
disturbance. Now if this paper that
carries in the bosome of it, not sparkes
of light disagreeinges, but flames of
darcinge sedition, if this bee received
and divulged, and that by copies and
communication, who confesseth not but
that the reward of punishment should bee

proportionable both to the nature of the
offence, and the ruyne wth it would
necessarilie unlesse prevented, bringe wth is
verie greate. Twere somthinge had it bine
reiected or discovered, but it was soe farr
from beinge disclaymed, as it was tooke upp
and nurst. And then stronge enough to goe
(almost w^thout hands) beinge gott a broad,
and is left to the free interpretation of
all that shall receive it; I confesse they may
thinke well themselves, but they binde not
others to thinke soe wth them. Besides if
these Lords received this paper onlie as a
matter of noveltie, yet doe wee not knowe
what consequences maie prove dangerous
from curiositie though not accompayned
wth malice

The Lord Richardson thought in like manner
wth the Lord Keeper and indeed only repeated
what the former had spoken vizt that had
not his Matie bine pleased to prevent theire
Censure wth a pardon the defendants had
bine deeplie adindged and that the Comon
lawe w^thout the statute could have punished.

Whereupon the Attorney craved leave of
theire Lo^pps to move one thinge vizt that
they would bee pleased to imipe some Justice
wth mercie; for hee freelie could them,

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That whereas Sr Robert Cotton was found more deepelie engaged in the fact then all the rest, in that it was tooke out of his studdy and brought back, and would also seeme as yf hee had never seene it, That they would bee pleased to grant two thinges.

Ffirst for the destroyinge of the pieces.

Secondlie that Sr Robert Cottons papers might bee sorted, soe that yf there bee found those wth are onlie fitt for the Kinges paper howse, they maie bee there kept, where it is most convenient they should bee, ffor said the Attorney there are found in Sr Roberts studdie not copies or transcripts, but the verie originalls of Records lres and treaties, wth in deed are not fit for a subt to keepe. And besides as it plainlie appeares Sr Robert Cotton hath not discretion to keepe them secrett; ffor as hee remembred the said Sr Robert Cotton had a pardon in the 14o Jacobi for unlawfull papers.

The Lord Keeper presentlie asked the Attorney whither or noe hee meant not by those originalls his Maties goods? who answered hee did. Thereupon the Lord

Keeper thought fittinge that a Commission should bee made for the findinge out of those originalls of Records, lres, treaties, and evidences, not lettinge him thereby to keepe those papers wth bee unfittinge for a subt to possesse, Soe hee concluded that the Kings Records must bee kept where the Kinge will have them.

The Lord Richardon went further, besides his assent to what the Lord Keeper had spoaken. Nay said hee, I beleive there are papers that are not fit at all to bee kept.

Arundell instantlie replyed. My Lords I have knowne Sr Robert Cotton, and have knowne him longe, and to my knowledge hee hath made a Callender of all his papers and presented them to Kinge James to yvse. Yet has my Lords in my presence brought dangerous pamphletts to bee sacrificed to the Kings wrath and fyre, and this Lord who sits neere me meaninge Montagne (who testified as much afterwards for his Dozen) can witnes wth mee, therefore my Lords seeinge it is a day of mercie, rather let Sr Robt (as I knowe hee will present these papers to his Maties pleasure

that soe the gentleman who hath taken all
these costs and troubles (wth sith somthinge
neere his estate now) may not receive too
greate damages, as hee maie under the
pretence of this Commission.

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