The Relations of Charles I and Parliament, 1625-1629

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THE RELATIONS OF CHARLES I AND PARLIAMENT, 1625-1629

by

Patricia Honora Connor

A Thesis Submitted in Partial Fulfillment of the Requirements for the Degree of Master of Arts In Loyola University

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VITA

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The Introduction

Charles I of England remains a tragic figure in history, for his total reign was one of continual failures, ending in a bitter civil war and his death at the hands of the victorious parliamentary party. Yet he took over the reins of government in 1625 with many indications pointing to a popular rule. England was pleased that Henrietta Maria of France, rather than the Spanish Infanta, had become Charles' bride. The failure of the negotiations for the Spanish marriage had restored to parliamentary favor the Duke of Buckingham, who has been generally acknowledged as the power behind the English throne from 1618 to 1628. Prince Charles, as a member of the House of Lords in 1624, must have been familiar with proceedings in Parliament, and conscious of the importance of parliamentary precedents and privileges in the sight of Commons and Lords. The Parliament of 1624 had favored war against Austria and Spain, and indicated a willingness to support such a venture financially. To counterbalance these signs of good will, however, there were factors weighing against a cordial relationship between king and parliament. Prince Charles in 1621 had revealed his attitude toward the House of Commons. In a letter to Buckingham he had written:

Stenie, the lower house this day has been a little unruly, but I hope it will turn to the best, for before they rose they began to be ashamed of it; yet I could wish the King would send down a commission that if need were such seditious fellows might be made an example of to others .... It will be seen whether they mean to do good or to persist in their
follies, so that the King needs to be patient but a little while .... 1

Even as Prince he was imbued with the doctrine of the divine right of kings. He was to cling to that theory in the face of parliamentary opposition throughout his life. Parliament, on the other hand, had its peculiar and strongly held belief in the values of precedents. Every act was based on precedent, and if any action of king or council went contrary to precedent, real or imaginary, Parliament, particularly the House of Commons, rebelled against it. Moreover, parliamentary privilege, granting immunity from arrest or detention during each session and for twenty days before and after the session, was sacred to both Houses. Any violation of privilege was immediately challenged by Parliament. Perhaps the greatest factor against a happy relationship between the new king and his legislature was that the House of Commons represented the wealthy merchants and landowners, and pushed forward the interests of that class against those of the king. They had voted for the entrance of England into the Thirty Years' War, yet failed to support it financially once the war had begun. They were to withhold the granting of tonnage and poundage to the king, which had been the traditional revenue of English monarchs for centuries preceding.

The period treated in this thesis forms a distinct portion of the reign of Charles I. During those four years Charles called Parliament three

1 Viscount Mersey (Honorable Clive Bigham), The Kings of England, 1066-1901, London, 1929, 336-337. Charles ends his letter with a closing typical of the correspondence between him and Buckingham: "... I defy thee in being more mine than I am thy constant loving friend Charles P."
times, the first and third Parliaments consisting of two sessions each.
The king summoned Parliament each time to have funds voted to carry out the
war. Each time Parliament was more interested in the expression of griev-
ances and the reformation of abuses in civil and religious affairs, than in
the financing of a war in which they had little or no interest. Charles
was no man of compromise at any time. His persistence in clinging to his
convictions, and his consistency in the expression of them, are evident in
the early years of his reign. But he was to suffer for this quality of
faithfulness to a traditional theory, as well as for his fidelity to his
ministers, Buckingham in particular. In these four years he laid the
groundwork for his later difficulties with Parliament. His imprisonmen-
of the leaders of the House of Commons following the close of the 1629
session accounts largely for the outbreak of bitterness evident soon after
Parliament reconvened in 1640.

It is the purpose of this thesis to present a study of the major
problems which arose between Charles I and Parliament from 1625 to 1629.
Two problems - finance and religion - are outstanding throughout the period.
Although there is necessarily some over-lapping in treating the two large
problems, each is given a separate chapter, because each was distinct in
the minds of king and parliament. Problems which arose within a session,
e.g., the impeachment of Buckingham in 1626, and the Petition of Right in
1628, also are developed separately, although they should not be severed
altogether from the financial or religious phases of the period.

The material for this study has been gathered mainly from the
sources of the period. The writer has attempted to narrate as complete a story of the relations of Charles I and parliament from 1625 to 1629 as the evidence permits.
CHAPTER I

MONEY PROBLEMS, 1625-1628

The first of the Stuart monarchs of England, James I, departed this life on March 27, 1625, and was succeeded by his son, Charles. Not only did Charles I inherit the throne from his father, but many of the complex problems, foreign and domestic, which had plagued James during his reign. To one who has read the parliamentary records of the first years of Charles' rule, there is no doubt that the most persistent cause of friction between king and parliament was the subject of money. Certainly money was a matter of the utmost importance to Charles, who called a session of parliament soon after his accession.

Parliament met in joint session to hear the first address of the new king on June 18. Charles declared that the business of the meeting had begun in his father's time. He reviewed James' work in allying England with the Protestant nations of Europe against Catholic Austria. It was upon the advice of Parliament that he and his father had acted. Parliament had asked him to advise James to break the treaties with Spain. "... it would be a

1 Parliament would have met even sooner, had Charles his wish. He wanted to call the same Parliament as had met in 1624, but his council advised him that, since his was a new reign, an election was necessary for a new Parliament.

2 Parliament met on May 17, was prorogued to May 31, then again to June 13. Lords Journals, vol. 3, 436. To be cited hereafter as L.J. The Parliament of 1624 had voted the entrance of England into the 30 Years' War, and had approved the breaking of the marriage treaties with Spain, made in anticipation of a marriage between Charles and the Spanish Infanta.
dishonor to him and to us not to perfect it [the war policy of James], by yielding such supply as the greatness of the work and variety of provision did require; this he spoke not out of diffidence, but to shew his sense of the publick interest ... and that hee for his part would be as forward to dispose all his means to the common good and defence of the realme, as he doubted not wee would be forward to ayde him." At the close of his brief speech Charles asked the Lord Keeper, who was generally the intermediary between king and parliament, to speak to parliament in his name. The Lord Keeper declared that the war was laid on James and Charles on the advice given them by Parliament for recovering the Palatinate and breaking of the Spanish marriage treaties. Charles had for his object the recovery of the Palatinate, and for this purpose had supplied the Low Countries, had raised an army for Mansfeld, and was preparing a navy. The earlier subsidies, granted by parliament to James in 1624, had been spent. Besides the subsidies "... as much more of the Revenues of the Crown ...." had been used in the war. The Lord Keeper added three arguments for the granting of early

4 Ibid., 436.
5 Parliament had so long been afflicted with the lengthy speeches of James I that when Charles spoke on this occasion "...there was enormous relief expressed from 'those then wearied from the long orations of King James that did inherit but the wind!'". Mary Breese Fuller, In the Time of Sir John Eliot, three studies in English history of the seventeenth century, Smith College studies in history, vol. IV, no. 2, January, 1919, 104.
6 James' daughter, Elizabeth, was wife of Frederick of the Palatine, who lost his throne and land to Austria early in the war.
7 Mansfeld was given command of any army by Charles to work in league with the Protestant princes of the Netherlands and Germany for the purpose of recovering the Palatine.
8 L.J., 456.
subsidies: (1) that time was an important factor, money voted too late would be useless; (2) that if the usual methods of contribution were not speedy enough, then Parliament was to devise other and better means; (3) that the reputation of the new king was the end of the action, for "... As Princes sow their actions in the beginning, soe shall they raise glorye afterward ... Assoone as hee shalbe knowen for a valiant Prince, you shalbe esteemed a faithfull people".  

Two days later the House of Commons presented their Speaker, Sir Thomas Crewe, to Charles. In the name of the Commons Crewe addressed the king, expressing joy that Charles had begun his reign by calling parliament. He asked Charles "... that now God had put the Sword into his Hand, he would extend it for Recovery of the Palatinate, so dishonourably gott and kept by Hostile Arms, which was ancietly a Refuge for Religion; and not to suffer those Locusts the Jesuits to eat up the good Fruits of this Land". Crewe concluded with the customary petition of the Commons "... for Freedom from Arrests during the Parliament..., for Freedom of Speech in their Consultations, not doubting but to confine themselves within the Limits of Duty and Modesty; Access to His Majesty upon all needful Occasions; and a benign In-

10 Crewe had served in that capacity in the Parliament of 1624.
11 L.J., 438. This is an early indication of the tendency on the part of the Commons to bring religion into prominence in their relations with the king. The matter will be thoroughly treated in the next chapter. Note the particular dislike of the Jesuits.
terpretation of all their Actions, and of this his Speech".

The Lord Keeper conferred with the king, and then spoke in answer to Crewe. He said that in the last parliament Charles, "... being a principal Actor, He can never forget the Desires of the Commons, nor the wishes of the Lords." As for the Palatinate, no one can doubt his concern in that matter. "He now hopes that ye, who first drew him into this Action, will give Him such Supplies as shall enable him to perform it." To the petition of the Commons the Lord Keeper responded, "And as touching Mr. Speaker's Petitions, for your privileges, His Majesty grants them all, without any Limits, knowing well that yourselves will punish the Abusers thereof."

The first sign of trouble appeared the following day, June 21, when Mr. Mallory of the Commons moved to petition the king to adjourn parliament until Michaelmas "... in respect of the Plague". Sir Robert Philipps seconded the motion, declaring that the sickness so prevalent in England made all other business unimportant. "A supplye was propounded; but wee ought rather to consider how wee may supplye the commonwealth.... Before wee thinke upon givinge nowe wee oughte likewise to take an accompt of that which was last given," Philipps said, "and because our tyme cannot possiblye extend to all, wee should rather desire his Majestie to be referd to some other tyme." It was further suggested to petition the king "... to defer the Parliament to some other Time or Place," but, "Upon Question, the Proposition made concern-

12 Ibid., 438.
13 Prince Charles was a member of the House of Lords in 1624.
14 L.J., 438.
15 The Journal of the House of Commons (1547-1629), 800. To be cited hereafter as C.J.
16 Gardiner, Commons Debates, 7. This is the first mention of what was to become a troublesome question, the account of the supply of 1624.
ing a Petition for Adjournment of the Parliament, not now to be put to the
17
Question." So the matter rested temporarily.

On the 22nd the Commons appeared to be concerned with religion more
than supply, and suggestions for supply were merely tacked on to the question
of religion. Sir Francis Seymour moved to petition the king to execute more
strenuously the penal laws, for duty, he declared, is first to God, secondly
to king and kingdom. It was fit to supply the king, and he moved: "To have
18
a Committee, to consider of Religion, and of this Supply". Mr. Bulstrode
moved: "To supply the King amply, and quickly, for the Wars. [To]
petition
19
the King for Execution of the Laws against Jesuits". Several members
voiced agreement, and Sir Edward Coke, a leader of the House, moved for a
committee of the whole House to meet the next morning. The committee was
"To begin with God; 2ly, Tonage and Poundage; not now meddling with other
20
Impositions. - To establish a settled Book of Rates." It was so resolved.

The matter of subsidies was not considered again until June 30 when
"... Sir Francis Seymour (the business of religion being settled) mov'd that
wee might goe to the next poynt of supply and propounded a subsidy and on
21
fifteene." Sir Benjamin Rudyard was of the opinion that the necessity of
the king's estate, as well as the expenses of domestic affairs, of James'

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17 C.J., 800.
18 Ibid., 800.
19 Ibid., 800.
20 Ibid., 800-801.
21 A subsidy was equivalent to 70,000 pounds, a fifteen to 30,000, according
to John Forster, Sir John Eliot, 80. The manner of assessment differed,
evidently the fifteen took a heavier toll on the poor than did the
subsidy. "A subsidy was really a Property Tax, being levied on urgent
occasions upon everyone according to the value of his land or goods",
states George W. Johnson, ed., The Fairfax Correspondence, Memoirs of the
funeral, of court functions, the preparations for the navy, and the supply of the Low Countries, Mansfeld, and Denmark were such that a supply of one subsidy and one fifteen was too small. Sir Robert Philipps retorted that the gift of money was now being made the first, rather than the last work of the parliament, that not four kings of England were given so great a supply. The State was out of order, the privileges of the kingdom and of the house were broken, there were heavy burdens on the people. "There is no engagement; the promises and declaracions of the last Parliament were in respect of a warr; we know yet of noe warr nor of any enemy," he declared. Moreover, there was still no account made of the money already given, nor of the 20,000 men and great treasure expended thus far without success. He would therefore recommend only two subsidies. Sir Thomas Wentworth declared also for two subsidies, to be given cheerfully as a token of the love of the subjects for their king. "Hee added by waye of motion that at our next meetinge wee should remember to goe soundly on so to regulate the revenews of the Crowne, that they might hereafter beare some parte of the publicke charge." Sir Edward Coke joined in the debate, stating that the ordinary charges of the kingdom should be borne by the king alone. For extraordinary burdens he may require relief. Coke cited examples from earlier kings and parliaments when kings often had no need to ask Parliament for funds, and when parliaments sometimes limited grants in order to meet again. He reminded Parliament not to

22 Gardiner, Commons Debates, 30. On June 22 Rudyard had spoken at length, declaring the solution of the ills of state would come from accord between king and parliament. He praised Charles' record as Prince, his fine character and excellent moral life. C.J., 800.
23 Gardiner, Commons Debates, 31.
24 Ibid., 52.
forget that tonnage and poundage yielded 160,000 pounds yearly, and subsidies of the clergy 20,000, and that both were the gift of parliament to the king.

The debate wavered between one and two subsidies, with the addition of one, two, and even four fifteens. Most members, however, were inclined to no fifteens at all, since such were a burden on the poor. The House finally voted for two subsidies as the debate ended on June 30. The "Act for Grant of Two intire Subsidies" was read to the House on July 4th and 5th, and was presented in its final form on the 6th. It was passed on July 8, and sent up to the Treasurer.

On July 4 Charles sent a message to the House of Lords that because of the plague and the danger of infection he would put an end to the session as soon as he was informed that Parliament was ready. The message was given to members of the House of Commons at a conference with the Lords, and Sir Ed-

  "... apart from the religious issues involved, it is clear that neither Charles nor his opponents fully grasped what was the real cause of their difference. The value of money was steadily falling, and the price of wheat (a sure index) rose 250 per cent between 1570 and 1648. It had become impossible for the King to live on his own resources. Parliament could not understand what was taking place, and it became increasingly suspicious of the Crown when it found that the money it voted was never enough to carry on the administration of the country. This, however, was not all, for the rich landowners and burghers who filled the House of Commons wanted glory without having to pay for it, and Hampden was soon to achieve immortality for his championship of this point of view." Petrie alone has brought out the point that the change in the value of money was an important factor in the money troubles of Charles I. vii-viii.

26 Gardiner declares that the sum proposed was at most 85,000 pounds, and the two subsidies actually voted amounted to 140,000 pounds. "Such a proposal could mean nothing else than a polite refusal to take any further responsibility for the war...." Commons Debates, viii.

27 C.J., 806.
ward Coke reported back to the Commons: "That the King had taken into his consideration our Safety, yea, more than his own. That the Sickness strongly increased: That therefore, when we should hear the Commons were ready... he would put an end to this Sitting - " The House resolved to agree on a time of recess and to inform the king, "... and for the Manner of it; whether by Adjournment, or with a Session, and a Bill, to continue all things in statis quo."

On the 5th of July began the discussion of "An Act of a Subsidy of Tonage and Poundage", which act was ordinarily of custom passed by the House of Commons for the entire reign of the monarch. In the debate Philipps proposed a temporary grant until the payment of the last subsidy. Other members agreed with Philipps. The bill was referred to a committee of the whole House. The next day Sir Edward Sands reported an account given by the Treasurers and the Council of War on the expenditures of the 1624 subsidy. The House resolved to examine the account at its next meeting, and ordered the Council of War and the treasurers to attend. Moreover, the House declared upon Question, "That the Intention and Resolution of the House was, in the Act of Subsidy 21 Jac. [1624] that all Charges, disbursed for the Uses mentioned in that Act, are to be disbursed out of the Subsidies, and Fifteens, and to be paid according to the Act." They declared further that the money disbursed by the country and which should have been paid out of subsidies and fifteens was to be repaid out of the subsidies by warrants to the Treasurers from the Council of War. It was resolved, too, "That his

28 Ibid., 802-803.
29 Ibid., 803.
Majesty's Remembrancer, and other Officers of the Exchequer, shall... prepare an Account of the Subsidies and Fifteens; and that all Parties, who have received Monies from the Treasurers by Warrants from the Council of War, shall attend with their Accounts ready, the Beginning of next Session." As for the Bill of Tonnage and Poundage, it was to be considered by the House the next morning, and a committee of three was appointed to draw up a preamble to the bill.

The morning of July 7, 1625, witnessed the passage of the Act of Tonnage and Poundage, granted for the year of March 27, 1625, to March 27, 1626. The comment of one writer merits quoting:

For two hundred years it had been the rule for Parliament to grant each successive king a Tonnage and Poundage Bill which empowered him to collect the customs during his lifetime... It was probably without disloyal or obstructionist motive that the House voted a Bill, not for the King's lifetime, but for one year only - until all disputed points had been discussed. But the foundation had been laid for one of the major quarrels of the reign.

The subsidy bill, passed on July 8, was presented to the king that day by Mr. Treasurer. Sir John Coke, Secretary to the king, reported to the House that Charles graciously accepted the grant of two subsidies, and "Is very well pleased with our pressing of the Accounts of the last Subsidies -". Coke gave the king's report on the cost of the war, declaring that the two subsidies now being granted were already spent; the cost of the navy was 200,000 pounds and was not taken from the last three subsidies, 46,000 pounds went for the army of Denmark, and 20,000 per month to maintain Mansfeld.

30 Ibid., 804.
31 Ibid., 805.
32 Gardiner, Commons Debates, 47.
33 Evan John, King Charles I, 83.
Through the Duke of Buckingham and others Charles, when Prince, had raised 90,000 pounds.

The Tonnage and Poundage Bill was sent to the Lords on July 9. Actually the bill never went into effect, for Charles refused to sign it, maintaining that he was entitled to it for his lifetime, and assuming that it was his right to collect the customs until the House of Commons saw fit to pass the proper bill for Tonnage and Poundage.

The House of Commons on Saturday, July 9, ordered that no new business be taken up, "]... and to send to the Lords to knowe when they would be ready to adjorne, and so upon notice from them to send to the Kinge". Both Houses met in conference on the matter of adjournment, and agreed to be ready for a recess on Monday. On the 11th Charles informed parliament that because of the prevailing sickness he was willing to grant a recess, but that he must soon call Parliament again. In the House of Lords Conway reported that "]... His Majesty takes knowledge of Two Subsidies now granted unto Him, which He doth most graciously accept of ...." But, the king had stated, the necessity of the present situation demanded their further counsels. King James had been urged into war by the breaking of the two treaties with Spain. It was estimated at that time that the war would cost 700,000 pounds per year. But the necessity of supporting the Netherlands, and of preventing a union of the German princes against Count Palatine, his son-in-law, had forced James to levy an army under Mansfeld, in which France, Savoy, and Venice joined "... for a war of diversion". Mansfeld had brought about the formation of an army

34 C.J., 806. Charles credited the Duke with 40,000, the others with 50,000.
35 L.J., 462-463.
36 Gardiner, Commons Debates, 61.
by the kings of Denmark and Sweden, and the Princes of Germany. In support
of Mansfeld and in the preparation of the fleet money had been spent far
beyond the sums voted in former grants and in the present subsidies.

The Commons came up to the House of Lords, and the Speaker presented
to the Lords the bill of subsidy and other bills passed during the session,
"... unto which they desire His Majesty's Royal Assent". They returned to
their own chamber and requested the Lords to send them the king's commission
dissolving Parliament, "... to the end we might adjourn our own House here".
And the Speaker "Adjourned the House unto Oxford, the First Day of August
next."

Parliament reconvened, as was ordered by the commission of the king,
on August 1, at Oxford. Routine work occupied both Houses until Thursday,
the 4th, when Charles called them to attend him at Christ's Church Hall. He
reviewed the background to England's entrance into the war, and declared he
called Parliament not out of formality, but to aid him to carry out the task
parliament had given his father. The two subsidies now granted were already
consumed by credit. The plague had caused an adjournment before he could
acquaint parliament with the great necessity of further aid. He had adjourn-
ed them to Oxford, "... a Place then free of that Infection, which since it
hath pleased God to visit also....": he would not hold or adjourn parliament,
leaving the matter to them. He declared his opinion "... that better far it
were both for your Honours and Mine, that, with Hazard of Half the Fleet, it
were set forth, than that assured Loss of so much Provision stayed at Home."

37 L.J. 464.
38 Ibid., 465.
39 C.J., 809.
Whenever parliament wished to know the particulars of expenses in preparing the fleet, the Lord Treasurer and others would acquaint them.

Following the address of the king, Lord Conway and Sir John Coke urged parliament to vote further supply to prosecute the war. Conway stated that Charles' support had bolstered the Protestant cause against Spain and Austria. That cause would be lost should England's support be withdrawn. The German princes would become divided, and France would go over to Spain if England dropped out of the war. It was of greatest importance to the safety and honor of England and of religion to continue that support.

Coke declared that Charles had acted just in time to avert catastrophe to the Protestant forces. He had united the rulers of Protestant Europe. The Mansfeld enterprise, he said, had put off the Diet of Ulm, caused the King of Denmark to take the field, and scattered the Hapsburg forces in the Low Countries. "It is fit you should consider what to do, so as it may be put into the ballance whither it be better to suffer this action to fall, or to stay a while together, that you may resolve to yield him convenient help".

The debate on the question of supply began the next day in the Commons. Weston wanted to know why the supply was desired, wanted to know the enemy, and suggested that the estates of papists who contributed to the enemies be used to supply the king. Seymour, Mr. Chancellor Duchy, and Mr. Treasurer moved for two subsidies and two fifteens. Mr. Chan-

40 L.J., 470-471.
41 Gardiner, Commons Debates, 74.
42 Ibid., 75-77.
43 Weston is rather inconsistent in regard to the "enemy".
44 According to Gardiner, Commons Debates, 78, Seymour had expressed dissatisfaction in the way former subsidies had been used, and declared the mon-
cellor of the Exchequer supported the motion, "For that less will not serve for the present." Sir Edward Coke spoke at length, declaring that if the necessity came from improvidence, there was no reason to give. He listed the causes of the 'leak' in the king's funds: fraud in customs, the Spanish treaty, newly invented offices, old "unprofitable" offices, "Multiplicity of Offices in One Man, - Every Officer to live on his own Office", "The King's Household out of Order". He moved to petition the king to declare the king of Spain as the enemy, to secure them against the papists at home "... whose Hearts are with the Spaniards". He favored two subsidies, two fifteens, "... payable in October, and April come-twelve-month". Alford, More, and Strode all declared themselves opposed "... to grant Subsidy upon Subsidy, in One Parliament."

Continuing the debate on August 6, Sir Henry Mildmay moved to know what amount of money would serve the fleet and suggested raising the funds by some means other than subsidy. Mr. Strode moved for a committee to consider the supply, "... and that all, that speak, may apply themselves to this, how the Two Subsidies, and Fifteens, payable more than One Year hence, can supply the Navy, to go out within Fourteen Days". Sir Nathaniel Rich asked the House not to refuse to give, but to present the king with their wants: an answer to problems in religion, to know the enemy against whom the war was being fought, to inform him of the need for an advisory council for affairs

arch who had worthy advisers a happy king. But how unhappy "... hee who resteth upon one or two, and they such as knowe better how to flatter and to begg of him then how to give him good counsell." 45 Coke was referring to the Duke of Buckingham, as had Seymour before him. 46 C.J., 810-811.
of government, and of the need to investigate the king's estate, and to ask
the king for an answer on the question of impositions. There was not time
enough for a decision on all these matters, Rich admitted, but he asked the
House to set down their wants and ask Charles for an answer. This was not
giving way to the king, he said "...but an ordinary Parliamentary course...."
Rich's attitude is typical of the House of Commons under the first two
Stuarts. The power of the Commons to vote revenue was its greatest weapon
against the monarch. Both James I and his son were continually in financial
difficulties. The House of Commons frequently took advantage of this state
of affairs, as we shall see, by refusing to grant funds until "grievances"
were redressed. By this means were extended gradually the powers and the
scope of the Commons' control of affairs.

The proceedings of that day were enlivened by Mr. Edward Clarke, who,
according to the Journals, declared "That there had been Speeches here, with
invective Bitterness, unseasonable for the Time; there was thereupon a gen-
el Acclamation, 'To the Bar'. At last he was heard to explain himself; which
doing, he gave greater Offence. Whereupon he was ordered to withdraw himself
out of the House, till the same might be debated there." Clarke was put
in the Sergeant's care, and on Monday, August 8, was made to kneel at the
Bar, and protest that "... hee had rather dye a thousande deathes than dis-
50
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47 Ibid., 811. Before the adjournment of July 11, the Commons had received
petitions from wine merchants protesting against an added imposition lately
placed on their imports.
48 Ibid., 811.
49 Ibid., 811-812.
50 Gardiner, Commons Debates, 92.
House, who would dare to censure what was spoken there!

The House had resumed the debate on supply on the 8th, but was interrupted by a message from the House of Lords, informing the Commons that the king had commissioned the Duke of Buckingham to deliver a message from Charles to both Houses. It also asked leave for Sir John Coke to speak there, which leave was granted with the stipulation that he speak "... as the King's Servant, and not as a Member of the House of Commons." The Commons rose to join the Lords. The Duke of Buckingham gave a long explanation intended to satisfy the many questions which had arisen in the House of Commons regarding the war and supply. The breach of the treaties with Spain had been done by the counsel of parliament and the Act of both Houses of March 23, 1623, he stated. James himself could support most of the provisions of the act, but not the equipment of the navy for battle. For the solution of this problem James had appealed to Buckingham. The Duke and his friends had contributed as much as they could financially. Buckingham had acted always with the advice of Lords Conway, Chichester, Grandison, Carewe, Brooke, Harvey, and Sirs Robert Mansfield, and John Coke. He went on to explain that the king had not declared the enemy because of the danger of the time to Christendom. The money spent on the war could be viewed by the House of Commons in the accounts of Sir John Coke. He confessed that the need for more money had been foreseen, but that the death and funeral of James and the journey of Charles to France had caused a delay in the request for funds. Charles conceived the two subsidies just granted "... to be but a Matter of Custom, to welcome Him to the Crown." The king had given all he could from his own
estate before asking parliament for aid. Buckingham declared that the time of the year was advanced, but, as Charles had said, the fleet should be sent out even if one-half of it were lost, lest England herself lose prestige and honor in the sight of her allies and the enemy. The Duke then proceeded to question himself. Had the eight ships been loaned to the French at the cost of subsidy funds? They were employed at the charge of the French king, he replied. Or were they to be used against the Rochellers? He answered, "It is not always fit for Kings to give Account of their Counsels. Judge the King by the Event." He challenged the charge that he had broken the Spanish treaties out of malice to Count Olivares, the Spanish minister. Olivares had actually been the means of making Buckingham happy by producing the papers which made it possible for the Duke to break the treaties and thereby gain "... the Love of a Nation which before thought not so well of him."

Buckingham begged that parliament make the king "... Chief of the War ... and He will give a greater advantage to all His Allies, than by allowing them Fifty Thousand Pounds, nay a Hundred Thousand Pounds a Month." For the king of Spain was so strong on land that none of the allies were able to conquer him. But if the king of England could "make a Diversion" and cause Spain to divide her forces and spend more money, the cause of the allies would be strengthened. Buckingham ended on a strong plea that parliament furnish the fleet, and then proceed to name the enemy themselves. "Put the Sword into His Majesty's Hands, and He will employ it to your Honor, and the Good of the True Religion," he concluded.

52 The Commons was not to judge the king, but Buckingham himself, on this question, in their impeachment charges of 1626 against the Duke.
53 L.J., 482-484.
The Lord Treasurer's report followed that of Buckingham. He divided it into three parts: (1) the state of Charles' revenue as left by James, (2) its present state, (3) its probable future state. As to the first, James had been in debt to the City of London and others amounting to about 100,000 pounds besides interest; he owed at least 40,000 to wardrobe and other men; 75,000 to the King of Denmark; a goodly sum to the household; and arrears in pensions and other payments too great to mention. James had anticipated at least 50,000 pounds from customs, but he had pledged himself to the maintenance of 6,000 foot-soldiers in the Low Countries, to maintain 10,000 men in the army of Mansfeld, and to rig, feed, man, and furnish a navy larger than any in England's history. All these engagements had been undertaken for the defense and safety of England and for the common cause of religion, the Lord Treasurer stated.

While Prince, Charles had borrowed upon the security of his council 20,000 pounds for the navy, the same amount for Mansfeld, and 30,000 for other public services. He had incurred more obligations since becoming king, borrowing 60,000 from the City of London to pay the king of Denmark and other services. The account of Charles' disbursements as given by the Lord Treasurer follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>King of Denmark for one month</td>
<td>30,000</td>
</tr>
<tr>
<td>Arms for Companies</td>
<td>16,000</td>
</tr>
<tr>
<td>Soldiers of Plymouth and Hull</td>
<td>16,000</td>
</tr>
<tr>
<td>Funeral expenses and mourning clothes</td>
<td>12,000</td>
</tr>
</tbody>
</table>

Of these expenditures 16,000 pounds were still to be paid. In addition to

54 The Commons Journals merely mention the report. It is given in full in L.J., 484-485, and in Gardiner, Commons Debates, 102-104. Gardiner's report is slightly more detailed but tallies with the figures given in the Lords Journals.
the above, 40,000 pounds had been the cost of the marriage of Charles and Henrietta Maria, 5,000 had been given to the queen for expenses, 10,000 to the king and queen of Bohemia, and 300,000 had been expended on the navy. And of the 300,000 for the navy, 100,000 was still needed - 40,000 immediately, and 60,000 at its return from the campaign.

The state of the king's finances for the future was visualized by the Lord Treasurer. Charles was charged with the old and new debts just enumerated, plus full interest for them since his reign began. He had anticipated upon the customs and revenue due for the year 1625 the sum of 200,000 pounds, "... so as we are in question how to mayntayne him with bread and meate." He had monthly obligations for the following: the king of Denmark, 30,000 pounds; Count Mansfeld, 20,000; supply of Ireland, 2,600; army in the Low Countries, 8,500. The queen's yearly allowance totaled 37,000 pounds, that of the king and queen of Bohemia 20,000. The Lord Treasurer declared that some sums had been omitted since they were before his term of office, and he was uncertain about them. He would not total the sums because no auditor was present, but promised that he or his assistants would give satisfaction concerning any or all particulars.

The House of Commons on August 9, after the reports of the speeches at the conference of the previous day, resolved to consider the question of supply the following morning. As the session of the 10th day of August began, a message arrived from the king declaring that he was pleased with the good intention of the House. However, there was a great necessity for quick action

55 Gardiner, Commons Debates, 104-105.
56 L.J., 484-485.
because of the plague. If the House would give, Charles promised to call parliament again in winter at whatever time they chose. Debate immediately followed the reading of the message. Maynard proposed one subsidy, two fifteens; Weston advised the repeal of the two subsidies, and voting a new supply as large as the House desired, in order to have no subsidy "in reversion". Philipps argued that the present need could be supplied by means other than this "dangerous" one, and moved to have a committee send an answer to Charles "... why we cannot now give; and yet to give him Assurance, we will, in due Time, supply all his honourable and well-grounded Designs." Some members favored giving because the king had gracious answered the petition on religion. Others were opposed to it "... in respect of the Precedent". Sir Thomas Wentworth declared that the engagements of former parliaments did not bind the present one, and was against giving. Rolles was of the opinion that "If the necessity of Money now so great, this our Time to press for Redress our Grievances." The powerful leader of the House, Sir Edward Coke, was opposed to a subsidy, stating that he would prefer to give 1,000 pounds from his own estate. The House closed the Debate with the resolution: "A Committee of the Whole House, at Eight of the Clock to-morrow Morning, to consider what return to make to his Majesty's Message delivered this Day.

The Commons was distracted from this purpose the morning of August 11

57 C.J., 818.
58 Ibid., 813-814.
59 Ibid., 814. Apparently parliamentary precedent was in question. Never before had the Commons voted two supplies in one session. It was probably the strongest factor in the withholding of the second supply. Precedent appeared to be more sacred to the House of Commons than the preservation of England's honor on the field of battle.
60 Ibid., 814.
when Mr. Whitson delivered to the House three letters describing the attacks of Turkish pirates on English coastal shipping. The effect of these letters was immediate. It brought a violent attack on the fleet and the Council of War. "... the Kinge's shippes doe nothinge, going up and downe feastinge in every good porte....", Sir Robert Maunsell exclaimed. Seymour proposed that the House "... lay the fault where it is; the Duke of Buckingham is trusted, and it must needs be either in him or his agents." Maunsell advised to petition the king, and to send to the Council of War. If the Council fails to reform this evil, "... they will answer it with their Lives."

Seymour brought up the topic of supply. He questioned the need of 40,000 pounds to set out the fleet, and asked how Charles could be certain of 60,000 pounds to pay the sailors' wages upon the fleet's return. "Now, the returne being liker to bee sooner than it can possibly bee receaved by waye of subsidies, and therefore hee thinketh it fitt to make an humble remonstrance unto his Majestie of the causes and reasons that wee doe not now, with our dutifull affections uppon good cause to give hereafter."

The remainder of the day's debate on supply showed the majority of the articulate members opposed to voting more funds.

Charles apparently had meant his threat of August 10, and two days later the House of Commons knew that the king had made out a commission to dissolve Parliament. A protestation was agreed upon by a committee of the

61 Ibid., 815.
62 Gardiner, Commons Debates, 117-118.
63 C.J., 815.
64 Gardiner, Commons Debates, 145-146. /Harl. MSS. 5007, fol. 75f
65 Ibid., 120-122.
66 Ibid., 124.
whole House, and the Commons voted unanimously that it be entered. It was to be presented to the king by the Privy Council and two members of the House "... with all convenient Speed...." and in writing.

The usher of the House of Lords, Mr. Maxwell, "... came to call the House, and Speaker, to come up to the Lords, to hear a Commission from his Majesty, read to both Houses. Which was accordingly done." So records the Journal of the House of Commons the dissolution of parliament by Charles on August 12, 1625. This move was an admission on the part of Charles I that he had failed to gain parliament's financial support to carry on the war. Among the acts passed during this session only two were money grants: "An Act for the Grant of Two Entire Subsidies, granted by the Temporality", July 8, 1625, and "An Act of a Subsidy of Tonnage and Poundage", July 9, 1625. The former grant was miserably inadequate to finance the war, the latter was an affront to the prerogatives of the king, and was never to receive his signature.

If they had wished his reign to begin in spectacular failure, they could hardly have done otherwise.... It is more likely that the majority were mainly influenced by a not unnatural desire to spare their own pockets and those of the taxpayer.... The main trouble was that the Commons wanted a war, but not too much of it. They contemplated no alliance except with their friends the Dutch. They had the vaguest ideas about recovering the Palatinate. Their idea of war was circumscribed to the destruction of Spanish influence in England and the plundering of Spanish ports, treasure-ships, and colonies.

In spite of parliament's non-support of his war policies, Charles was
determined to continue the war. He sent an expedition to attack the Spanish fortress of Cadiz with the intent also of way-laying a Spanish treasure flotilla soon due to arrive at that port from the New World. The fleet landed an army at Fort Puntal. The troops discovered a wine store, drank its supply of liquor, and had to be put back on board ship. The hope of intercepting the treasure ships had also to be abandoned when, a month later, bad supplies and food forced the fleet to return to England. Meanwhile, Charles had devised taxes in an attempt to raise funds. His agents were unable to collect such taxes except by force, and so great was public opposition to this practice that Charles was compelled to call parliament as a last resort.

Parliament opened on February 6, 1626, and Charles spoke only briefly, declaring he did not like long speeches and meant to speak by action. The Lord Keeper, as was the custom, delivered the king's message that he called them out of affection, and meant to keep them for only a short session "... to consult and advise of provident and good Laws... for upon such depends the Assurance of Religion and Justice, which are the surest Pillars and Buttresses of all good Government in a Kingdom...."

Sir John Eliot opened the attack on the financial and military policies of Charles on February 10, listing the grievances most in need of relief: (1) a consideration of the king's estate; (2) an account of the subsidies and fifteens granted to James in 1624 and also an examination of "... the Carriage and Miscarriage of the last Fleet"; (3) "Misgovernement, Mis-employment of the King's Revenues, Mis counselling, etc. - Moveth, a special Com-

72 Ibid., 97-98.
73 Johnson, Fairfax Correspondence, 23.
74 L.J., 493.
Ten days later there was an act proposed "... for the better Preserving of his Majesty's Revenue", and on the 24th a committee of the whole house was held "... to consider the State of the King and Kingdom. The King's settled Revenue to be looked into; and to see how any the defects therein may be supplied, to support the King, as fit."

By order of the House the king was afterwards informed of the debate on the proposition of investigating his revenue. The matter was put in the hands of a committee on March 7.

On February 20 arose a problem which had reared its head briefly in 1625. Whitby reported from the Committee for Grievances the petition of wine merchants concerning the impositions of 20 shillings in the port of London, and 13 shillings in other ports, on every ton of wine. The Committee was unanimous in the belief that this imposition constituted a grievance "... both in the Creation and Execution", Whitby stated. He warned the House not to concede the right of imposition, and to disavow the assent of merchants who had yielded to it. He reported the precedent "...That 51 Edw. III (which was the last Imposition set till 4° Mariae) Latymer and Lyons sentenced, for imposing without Assent in Parliament." A committee was appointed to consider the imposition on wines, to have power to send for all Books of Rates since 1° Elizabeth, and to send for the merchants for information. Mr. Noy reported from the committee on February 25, "... and tendereth to the House the

75 C.J., 817.
76 This device permitted freer debate.
77 C.J., 824.
78 Ibid., 831.
79 Ibid., 822.
mittee, to take a consideration hereof." Ten days later there was an act proposed "... for the better Preserving of his Majesty's Revenue", and on the 76 24th a committee of the whole house was held "... to consider the State of the King and Kingdom. The King's settled Revenue to be looked into; and to see how any the defects therein may be supplied, to support the King, as fit." By order of the House the king was afterwards informed of the debate on the proposition of investigating his revenue. The matter was put in the hands of a committee on March 7.

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76 This device permitted freer debate.
77 C.J., 824.
78 Ibid., 831.
79 Ibid., 822.
On March 8 he submitted to the House the draft of a petition to the king, which course the committee had determined best for the relief of the grievance. By the 11th the draft had been "written fair" and attached to the former petition, and was given to Charles. There is no evidence that the king answered the petition.

On February 21 a petition was submitted to the House of Commons from the Treasurers of the subsidy of 1624 requesting to be freed from their duties as treasurers of that fund. It was resolved to hold a committee of the whole House to consider the petition "... and of all Things concerning the Account of the Three Subsidies, and Fifteens; with Power to make a Sub-Committee, for auditing the Accounts, and preparing it for the grand Committee." After a report from the grand committee February 28 the House ordered a warrant from Mr. Speaker to the Council of War to appear before the House on Friday, March 3, to answer questions on the matter of the 1624 subsidy grant. The Lords of the Council of War on March 2 asked permission from the House of Lords to appear before the Commons, and were given leave. The question, determined by the House, was put to the members of the Council on March 3: "Whether their Advice followed, which they gave for the Four Ends, mentioned in the Act of Parliament, for which the Monies, given by the Act 21 Jac.

80 Ibid., 825.
81 Ibid., 832-834.
82 Ibid., 822.
83 Sir Heneage Finch.
84 C.J., 826.
85 L.J., 512.
86 The members of the Council who appeared this day were the Earl of Totnesse, Lord Brook, Lord Vere, Lord Viscount Grandison, Sir Robert Maunsell, Sir John Ogle, and Sir Thomas Button. C.J., 829.
Totnesse and Brooke excused themselves from answering on
the plea of old age; Lord Vere had been in the Low Countries when the funds
were being spent; Lord Grandison excused the whole Council because they had
seldom met since the previous July, and asked that time be given for the
Council to confer upon their answer. The request was granted and the Council
ordered to report their answer on Tuesday next. The Council submitted a
written answer to the House on Tuesday, which answer the House deemed "insuf-
cient", and requested "... a full and particular Answer unto it." Thursday,
March 9, the members were called in and asked the question individually. The
Council asked to be allowed to confer further on the answer already made, and
if they found cause, they would reform it. The House allowed them until Sat-
urday to return a full reply in writing. The Council then delivered their
individual answers to the House. A motion was proposed to confer with the
Lords on the matter, but the House believed it too important for immediate
consideration, and put it off "... for some time". The Council of War was to
be informed that it need attend no longer, until further word from the House.

87 On March 20, 1624, the House of Commons had passed the following resolu-
tion:
"That, after his Majesty shall have been pleased to declare himself for the
utter Dissolution and Discharge of the Two Treaties for the Marriage, and
the Palatinate, the House, in Pursuit of their Advice given to his Majesty,
and towards Support of the War, which is likely to ensue, and more particu-
larly for those Four Points proposed by His Majesty; namely, the Defence of
this Realm, the Securing of Ireland, the Assistance of our Neighbours, the
States of the United Provinces, and other his Majesty's Friends and Allies,and
the setting out of his Majesty's Royal Navy; will grant, for the pre-
 sent, Three Subsidies and Three Fifteens, to be levied in such Time, and
Manner, as they shall be pleased afterwards to appoint...." C.J., 744.
James had asked for six subsidies and twelve fifteens. Ibid., 744.
88 Ibid., 829-830.
89 Ibid., 832-835.
Except for the weekly meetings of the Committee for an Account of the Subsidies, there was no further action taken on the matter by the House. Its importance lies in the fact that the House of Commons was refusing to consider a further vote of supply until a thorough account of the 1624 subsidy was presented to them or made by them. It reveals, too, the boldness of the House in calling to account the Council of War, whose members were considered the servants of the king.

Charles sent an urgent appeal to the House on March 10 for quick action on the matter of supply. The fleet would soon be returning, and "... the men must be paid, else Fear of a Mutiny." The House on Tuesday, the 14th, had ready an answer to the king's message which was presented to Charles on the next day. On the 14th, too, the House learned that the king's council was to bring in a bill of tonnage and poundage on the following Tuesday. The reaction of the House was typical: "... the Farmers to be sent for, to give Account, by what Authority they receive it." Again on the 20th in a letter to the Speaker Charles asked the House "... to hasten the present Resolution of a certain Supply." Sir Richard Weston, Chancellor of the Exchequer, re-

90 Ibid., 834. It should be noted that the major business of the Commons during this session was the impeachment proceedings against Buckingham, and that the time given to the questions of supply and tonnage and poundage was almost negligible.

91 Ibid., 836. The farmers were collectors of tonnage and poundage. On March 27 the Act for Tonnage and Poundage was given to a committee of the whole House.

92 The state of mind of the Commons on the question of supply at this time is revealed in a letter of a member, Ferdinado Fairfax, to his father. Fairfax complained that the Council of War had given no account of the money already issued. Moreover -

"The King hath writ the Speaker to put us in mind of our promise to relieve him in so ample a manner, as to make him secure at home and feared abroad; indeed, our hopes of ease in grievances drew from the Commons this large promise.... If we give nothing, we not only incense the King, who is in his
ported three days later that Charles was pleased by the House's concern in examining his estate, and thanked the House for it. He promised that when the emergency was past, the Chancellor of the Exchequer would give the House a particular account of the estate.

The House resolved itself into a committee to consider the king's supply on Monday, March 27. Digges reported from the committee: "Upon Question, Three Subsidies, and Three Fifteens, to be granted to his Majesty, during this Session of Parliament; and the Bill to be brought in, as soon as we have presented our Grievances, and received his Answer to them: The first payable ultimo Junii next; the second ultimo Octobris next; the third, ultimo Aprilis next." The clause "... as soon as we have presented our Grievances ...," was evidently fatal to the king's wish for a quick vote on supply. On April 18th he sent a message to revive his appeal of the previous week and to inform the House that he was still considering a remonstrance which they had sent to him before Easter but was not ready to answer it. Rudyard brought up the question of supply on the 25th of April, moving for an increase in subsidy rates on lands and in the number of subsidies. He urged the erection of forts and the maintenance of ships for the defense of the nation at the nation's expense. Sir George More proposed the House give one

own nature extremely stiff, but endanger a ruin of the common-weal, as things now stand; and if we do give, it may perhaps not be employed the right-way .... If we give nothing, we must expect to be dissolved, and live in apparent danger from abroad; and if we give little, we must expect little from his Majesty in ease of our requests, and not be secure from our enemies." Ferdinando Fairfax to his father, Sir Thomas, March 24, 1626, in Johnson, Fairfax Correspondence, I, 24-28.

93 C.J., 840.
94 Ibid., 842.
95 Ibid., 846.
subsidy and one fifteen more, to be payable after the payment of the three already agreed upon. These matters were referred to the grand committee for consideration.

By May 3 the House Committee had resolved to add a fourth subsidy to the grant, to be paid on the last day of July of the following year. The bill of subsidies was presented in the House two days later, and a committee named to prepare a preamble to the bill. The Commons on May 23 resolved to adjourn for the week of May 25 to June 1, and had determined to present their grievances to Charles before the adjournment. Whitby reported the grievances to the House on Wednesday, May 24. There were seventeen listed: only those which concern taxation are of importance here. These were: (1) "By Imposition, without Common Assent in Parliament", considered a great grievance "... under which the Subject suffereth"; (2) the license to dispense with the retailing of wines, which James had promised would last only during the pleasure of the late Lord Admiral; (7) Impositions by merchant adventurers among themselves; (8) Merchant adventurers wronged by the United Provinces by "consumption money" and "taxing", which grievance the king had promised to alleviate; (9) the undue exactions of fees by the officers of the customs house; (11) pretermitted customs. The House here resolved that the taking of tonnage and poundage without parliament's consent was to be pre-

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96 Ibid., 849. Tonnage and Poundage came under fire on April 27, when Spencer moved to send a remonstrance to Charles for the taking of Tonnage and Poundage "... without Grant in Parliament". A committee was appointed to prepare the remonstrance, and was to consider the book of rates as well. Ibid., 850.
97 Ibid., 854.
98 Ibid., 856.
99 Ibid., 862.
sent to the king as a grievance; (12) the particular imposition on cur-
rents.

Since the matter of subsidy was not of primary importance to the
House of Commons in 1626, its members failed to bring up that topic after re-
convening on June 1. In a letter to the Speaker dated June 9 Charles asked
the House to speed the bill of subsidy. On the previous day the Commons
had been in committee on the question of tonnage and poundage. Noy reported
that the committee was of the opinion a remonstrance should be made to the
king. It was so resolved by the House. The remonstrance was ready for
presentation to Charles when he prorogued Parliament on June 15. The sudden
dissolution brought to a halt the proceedings against Buckingham. The House
of Commons, although contemplating a bill for four subsidies, and a bill for
tonnage and poundage, had failed to bring either to a vote. In their "in-
tended" remonstrance to the king, the Commons had asked Charles to continue
parliament, and had declared that until Buckingham was removed from office
there could be little hope of success. The Commons

... do fear that any money as we shall and can give,
will, through his mis-employment, be turned rather to
the hurt and prejudice of this your Kingdom, than other-
wise, as by lamentable experience we have found, in those
large Supplies we have formerly and lately given. But no
sooner shall we receive redress and relief in this (which,
of all others, is our most insupportable grievance) but we
shall forthwith proceed to accomplish your Majesty's own
desire, for Supply.... 103

100 Ibid., 863-865.
101 Ibid., 869.
102 Ibid., 867-868.
103 Thomas Frankland, Annals of King James I and King Charles I, London, 1681,
199-203. The "intended remonstrance" was not recorded in the Commons
Journal.
Charles determined now to manage finances without Parliament, since Parliament had not voted him a supply. In a letter on July 7, 1626, he described the pressing need of money upon which the safety of all England depended, and declared:

And therefore we do desire all our loving subjects, in a case of this unavoidable necessity, to be a law unto themselves and lovingly, freely, and voluntarily to perform that which by law, if it had passed formally by an act, as was intended, they had been compelled unto; and so in a timely way to provide not only for our but their own defence; and for the common safety of all our friends and allies... the performance of which request... will give just encouragement the more speedily to meet in Parliament. 104

With the letter were instructions from the king to the Justices of the Counties urging them: (1) to meet in a group to consider the matter; (2) to recall the resolutions in Parliament on the subsidies and the dates of payment; (3) to inform the people of the importance of attacking the enemy on their coasts, and of the need of money to do so; (4) that a nation distracted invites invasion; (5) to instruct the troops of each county to be trained and supplied and to be ready for the order to march; (6) to decide how to collect the supply in each region; (8) the justices were to nominate collectors; (9) to assure the people on the royal word that all the money would be used for the common good of the kingdom; (10) to send with the money collected a list of all who contributed and one of all who refused; (11) to be done immediately since delay meant defeat.

On July 26 Charles issued a commission to the Lord Treasurer and the

105 Ibid., 48-49; also in Tracts(1618-1664).
Commissioners of the Treasury declaring that the Privy Council had considered the present state of the royal revenue from the customs subsidy. The matter had been debated in the last two parliaments but remained unsettled. Because Parliament had been dissolved before the question of tonnage and poundage was perfected, the Council

... have therefore ... specially ordered, that all those duties upon goods and merchandizes, called by the several names of customs subsidy and imposts, should be levied... in such manner as the same were levied in the time of our late dear father King James... all which our will and pleasure is shall continue until such time as by Parliament (as in former times) it may receive an absolute setting.

And if any person whatsoever shall refuse or neglect to pay the duties... aforesaid... then our will and pleasure is, and we do further grant by these presents unto the Lords and others of our Privy Council for the time being, or unto the Lord Treasurer of England... full power to commit every such person to prison, who shall disobey our order and declaration.... 106

Charles sent instructions to the bishops of England, urging them to appeal to their flocks for national unity against the enemy. It was probably an attempt on the part of the king to have the royal cause presented directly to the people. The State was ever ready to work for the good of the interests of the Church, Charles wrote, "And now the State looks for the like assistance from the Church, that She, and all her Ministers, may serve God and Us, by preaching peace and unity at home, that it may bee the better able to resist forraine force... uniting and multiplying against it." At the close of Charles' appeal is a brief note from the Archbishop of Canterbury exhorting the bishops "... to stirre up all sorts of people to expresse their zeale to God, their dutie to the King, and their love unto their Countrey, and one to another,

106 Gardiner, Constitutional Documents of the Puritan Revolution, 50-51.
that all good and Christian courses may be taken, for the preservation of the true Religion, both in this Land, and throughout all Christendome. Thus did Charles endeavor to enlist the forces of religion to aid in the cause of his foreign policy.

Besides the forced loan in place of the subsidy which parliament had not voted, and the order of the Privy Council for the collection of tonnage and poundage, Charles devised other means of raising ready money between the parliaments of 1626 and 1628. He sent special word to the nobles for "loans", declaring that "... he doth now expect from them such a large and cheerful testimony of their Loyalty, as may be acceptable to himself, and exemplary to his People." He requested from the city of London a loan of 100,000 pounds. The magistrates of the city brought forward the people's excuses for not wishing to subscribe to the loan. The Council sent a strict command to the Lord Mayer and the Aldermen "... wherein they set forth the Enemies... preparations... for an Invasion, and the King's great necessities... and the frivolous pretences upon which they excuse themselves...." They were ordered to reconsider the matter and send a "speedy" answer to the king. In addition a charge was put upon the coastal cities and London to furnish ships for the emergency. Each port was to be assisted by the adjoining counties in filling its quota. The cities protested vigorously, declaring such procedure to be against precedent, and too great a burden upon them, but the Council order overruled their protests.

The reaction to these methods was decidedly unfavorable to the king's

107 Tracts, I, (1618-1664).
108 Rushworth, Historical Collections, 415-416.
policy. Many merchants refused to pay tonnage and poundage, and had their goods seized by the customs officers. A great many of the poor were unable to pay the "loan" and were forced into the army. An order of Council had to be issued to release the many prisoners jailed because of failure to subscribe to the loan, and on the list are names of the nobility and the gentry. The Lord Mayor of London was ordered to use moderation in demanding loan-money.

Charles meanwhile had tried to set an example for the nation by curtailing his own expenses, selling his treasures, and mortgaging some of his lands. But this failed to placate his people, or to move them to generosity in behalf of the war. The king, desperate because of the continued defeats of his allies and the failure of his own endeavors to raise money, was obliged to call parliament in March of 1628. His opening address to both Houses on March 17 stressed the need for action "... for tedious Consultations ... is as hurtful as ill Resolutions." Moreover, "... common danger is the Cause of this Parliament, and ... Supply at this Time is the Chief End of it...." He described the desperate need of supply, and declared that if parliament failed in its duty to vote funds, he would use "... those other Means which God hath put in My Hands ...." to save the situation. He ended on a conciliatory note, stating that he was willing to forget and forgive the past "... so that you will ... leave the former Ways of Distractions...." The Lord Keeper gave a summary of the events on the continent, where France was surrounded by the

109 Ibid., 641-642.
110 Johnson, Fairfax Correspondence, 74.
111 Frankland, Annals of King James and King Charles I, 231.
112 Johnson, Fairfax Correspondence, 75.
ever-increasing power of the House of Austria, which House was a threat even to England on the sea, hampering her Baltic trade, and her commerce with the Hansa towns. He said that the only remedy was in an adequate supply which parliament should provide out of duty to Charles and in memory of James, in Christian charity and in honor toward their allies.

Again the House of Commons was absorbed throughout the session in one problem to the exclusion of almost everything else. This session was to consist primarily of the defense of the "liberty of the subject" which liberty the Commons held was grossly violated by king and council during the previous two years. The tactics of Charles in the matter of loans and taking of tonnage and poundage brought about the formation of the Petition of Right, which is treated separately in this paper. Indeed there is little evidence that the House had considered supply at all when the king had to remind them of it in a message on April 12. The matter was referred to a committee which reported on May 3 that they had resolved on five subsidies. Five days later Charles informed the Commons that this day had been selected for the end of the session, but he was extending its length for various reasons. "... his Majesty yet lets us know, that if we do not speedily proceed with the Subsidy, we shall hear from him shortly." The bill of subsidy was not passed by the House of Commons until June 12, the House having determined to hold out on its passage until Charles had satisfactorily answered the Petition of

113 L.J., 687-688.
114 C.J., 832.
115 Ibid., 894. Dates for the subsidies were proposed as follows: the 2nd on July 10, 1628; 3rd on October 20, 1628; 4th on December 20, 1628; 5th on March 1, 1629. The committee had also resolved that popish recusants were to pay a subsidy as well.
116 Ibid., 897. Secretary Coke relayed the king’s message.
Right. The mood of the Commons at this time is expressed in a letter of a member on June 6:

Yesterday was a Day of Desolation among us in Parliament, and this Day we fear will be the day of our Dissolution; Upon Tuesday, Sir John Elliot moved, That as we intended to furnish his Majesty with Money, we should also supply him with Counsel, which was one part of the Occasion why we were sent by the Countrey.... So he desired there might be a Declaration made to the King, of the Danger wherein the Kingdom stood....

On Wednesday, June 4, after the Speaker had delivered the king's message urging haste, many members spoke and wept, the writer continues. Sir Edward Coke "... he not knowing whether ever he should speak in this house again, would now do it freely, and there protested, that the Author and Cause of all those Miseries was the Duke of Buckingham...." Coke was acclaimed by the House, and his suggestion for a remonstrance against Buckingham was taken up. 117

The Speaker returned with an order from Charles for the House to rise until the next morning, and no committees were to meet. As the 6th of June dawned Allured wrote, "... what we shall expect this morning, God of Heaven knows." The House settled down to the business of the bill of subsidy, however, and passed it on June 12. The House of Lords approved it on June 18, after a conference with the Commons over the wording of the preamble to the bill.

Two other money problems occupied the parliament before the end of the session. The House of Commons on June 13 was made aware of a "Commission for Consultation about raising Money by Impositions ... dated ultimo Febr. last, 118 He had been ordered to leave the House.

118 Letter of Thomas Allured to Mr. Chamberlain of the Court of Wards, June 6, 1628, in Rushworth, Historical Collections, 609-610.
119 C.J., 914-915. The Lords were not mentioned in the preamble, "... contrary to ancient Precedents", but passed the bill without amendment.
which was after the Summons of Parliament - "A conference with the Lords on this matter took place three days later, and the Commons' committee declared that such a commission was contrary to the king's answer to the Petition of Right. They demanded a cancelation of the patent and warrant, and that "... the Projectors and Procurers of this Commission might be discovered, and proceeded against." The Lords determined to send a message to the king requesting him to cancel the Commission. Their message was worded tactfully, stating that the Commission was one merely for advice from 33 counselors on means of raising funds, but to do way with "all jealousies" the Lords asked Charles to cancel it. The following day the king sent word that because of the new supply voted by parliament there was no need for the Commission. It was cancelled officially before the Lords on June 19, and the cancellation was sent down to the Commons who returned thanks to the Lords.

Also on June 13 the discussion of the bill for tonnage and poundage was revived. The House was discussing not so much the bill itself, but the fact that tonnage and poundage was still being collected without the consent of parliament. During the days following the House of Commons requested the officers of the customs and some merchants to attend the meetings of the Committee for Tonnage and Poundage. The committee on June 25 presented to the House the draft of a remonstrance to the king. The statement declared that probably unwittingly, but none the less harmfully, Charles was breaking his answer to the Petition of Right in collecting tonnage and poundage without a vote in parliament. The Commons were considering a grant for this purpose, but could not now "... accomplish this their desire...." They could only make 120 L.J., 857-867.
this humble declaration: "That the receiving of Tonnage and Poundage, and other impositions not granted by Parliament, is a breach of the fundamental liberties of this Kingdom, and contrary to your Majesty's royal answer to the said Petition of Right." The House ordered that the first business of the day following was to be a consideration of the remonstrance by a committee of the whole House. The news of these proceedings evidently reached the king. The morning of June 26 the House of Commons was called up to the Lords and the king's commission for the dissolution of parliament was read. The Speaker of the Commons presented the bill of subsidy to Charles, which he declared "... was the greatest Testimony of their Love unto His Majesty, their own Necessities, and the Time and Manner of Payment considered, that ever was granted in any one Parliament...."

Parliament had been promised another session to begin in October of 1628. The date was postponed until January 20, 1629. The session following was a stormy one for the House of Commons. Its debates centered about the question of tonnage and poundage. Some merchants, members of the House, had brought complaints to the Commons that their goods had been seized when they refused to pay the impositions demanded of them. The narrative of the proceedings of the session will be given fully in Chapter V. It is sufficient for our purpose to note here that Charles' financial policy was again under fire in 1629. The session ended with much heat on both sides, Charles ordering to prison the leaders of the revolt of March 2, 1629, in the House of Commons. The king determined henceforth to rule without parliament, and suc-

121 Gardiner, Constitutional Documents of the Puritan Revolution, 72-73.
122 L.J., 879.
ceed in that purpose for eleven years. But the damage had been done. With the outbreak of Civil War in 1642, the House of Commons was to seize most of the powers of government from the king. Through its privilege of voting appropriations of much of the royal revenue, the Commons was becoming to all practical purposes both the legislative and executive branches of the government of England. No king since Charles I has been much more than a figurehead in the political life of England.
CHAPTER II

PROBLEMS OF RELIGION, 1625-1629

If money was of primary importance to Charles I during this period, the state of religion was foremost in the mind of the House of Commons. The religious problems which brought clashes between king and parliament, and held up action on the king's requests for funds, were nearly all carry-overs from the reign of James I. James was negotiating a treaty of marriage with Spain in 1621 when the House of Commons presented a petition against recusants requesting: (1) war against Spain; (2) the enforcement of recusancy laws; (3) the seizure of the lands of professed Catholics; and (4) "... a Protestant bride for the Prince", instead of the daughter of his Most Catholic Majesty. By these means the Commons believed the evil of illegal freedom given to English Catholics would end. Gondomar, the Spanish ambassador, protested to James against the petition. James rebuked the Commons for encroaching upon the royal prerogative and dissolved parliament. Parliament was cognizant of the fact that the king had long been seeking the Spanish princess as his son's bride. In April of 1620 James had told Gondomar that he doubted if parliament would ever repeal the penal laws, but that he hoped to ameliorate the

2 Jordan states that the negotiations had begun as early as 1614.
condition of Catholics by a mitigation of the laws. Following the end of the
Parliament of 1621 there was a relaxation of the penal laws. Most of the im-
prisoned recusants were released. The weakness of James' policy was in its
entire lack of parliamentary sanction. It led to a strong reaction especially
among the Puritan group.

By the time parliament was called again in February 1624, the Spanish
marriage negotiations had been broken off after the return from Spain of
Prince Charles and Buckingham. James went before a parliament made happy by
this failure. But his pleas of leniency toward Catholics went unheeded, for
again "... Roman Catholicism had become synonomous with treason." Meanwhile,
egotiations were being carried on for a marriage treaty with France. Parlia-
ment was prorogued to February 26, 1625. On December 12, 1624, a public mar-
riage treaty and a private agreement regarding religion was signed by
Charles and James. The marriage was solemnized at Paris May 11, 1625, the
Duke de Chevreux standing proxy for Charles.

James' policy in religion had a serious political effect. It had
raised Puritanism to leadership in the war between Protestantism and Roman
Catholicism in England. It was the misfortune of the Stuarts, and Charles

3 Jordan, 94.
4 Ibid., 99-100.
5 Ibid., 109.
6 Ibid., 112-113. The marriage contract provided for the rearing of the
children in the Catholic faith, and none but Catholics were to attend them.
It guaranteed privileges and exemptions to English Catholics. However, as
the French ambassador, Bassompierre, admitted, the clause which promised
immunities to Catholics "... was agreed to by our Commissioners, and accept-
ed by theirs, simply as a matter of form, to satisfy the Roman Catholic
Party of France and the Pope." Ambassades de M. Bassompierre, III, 312;
Harl. MSS., 1323, cited by Johnson, Fairfax Correspondence, 126.
7 Johnson, Fairfax Correspondence, 113.
especially, that "... the fears of men for their religion became fused with their fears for their political liberties." James had betrayed the Protestant cause by granting religious concessions to Catholics in the French marriage treaty. By this course he was to weaken Charles' prestige and to arouse suspicion of Charles' devotion to the Church of England.

So matters stood when the first parliament of Charles I assembled on June 18, 1625, to hear the new king. Charles attempted to dispel the suspicions against his religious beliefs. In answer to those who had already and would continue to claim that he was not a true "... Keeper and Maintainer of the true Religion that I profess....", Charles declared that no one had seen or ever would see a man more desirous of maintaining his religion than he was. "And as touching the Banishment of those Locusts (the Priests and Jesuits), his Majesty commends that of St. Ambrose, That the poorest Man hath Interest in Religion. Yet He desires you to trust Him with the Manner thereof; and He will ... give you good satisfaction of His Zeal therein." So spoke the Lord Keeper in the name of the king.

The House of Commons on June 21 moved that on the Sunday following there be a communion for the members of the House, and then, on Pym's suggestion, determined to petition the king for a general public fast. This became the ordinary procedure for each succeeding parliament to petition for a fast upon the opening of a session. A good portion of the first ten days of the 1625

8 Jordan, 104.
9 Ibid., 114.
10 L.J., 436.
11 Ibid., 436. The Speaker of the Commons that day requested Charles "... not to suffer those locusts the Jesuits to eat up the good Fruits of this Land."
12 C.J., 799.
parliament was devoted to this business, and the matter of subsidies was
scarcely mentioned.

Sir Francis Seymour on the 22nd declared that parliament had a duty
first to God and secondly to king and kingdom. He moved to petition Charles
that the laws against Jesuits and priests be put in execution, and to re-
strain the easy access to Mass in the houses of ambassadors and other places.
Mr. Bulstrode expressed a fear more of the plague of souls than of bodies
[referring to the prevalent sickness], and held that the best cure was in the
execution of the laws against the Jesuits.

The matter of religion was referred to a sub-committee which submitted
a report to the House on June 25. It proposed that Charles be informed of
the recent great increase of papists in England, "... of the dangerous conse-
quence therof, unless tymely remedy be provided." The papists aimed at the
"utter extermination" of the English religion and at the possession of all the
powers of state. First they would press for toleration, then for equality,
and lastly for a superiority such as "... may worke the extermination both of
us and our religion...." Their means of accomplishing these ends was
through the power of foreign princes. The causes for the increase of papists,
the report continued, were six in number: (1) the suspension of the execution
of the laws against Jesuits, seminary priests, and recusants; (2) the inter-
vention of foreign powers through ambassadors and agents in favor of Catholics;

13 The Jesuits were always recognized individually as a class in themselves
by the members of parliament.
14 C.J., 800.
15 Ibid., 800.
16 Gardiner, Commons Debates, 18. The C.J. fails to record the period June
17 Ibid., 19. 22-July 4.
(3) papists had resort to London and the houses and chapels of foreign ambassadors; (4) the education of children in seminaries and religious schools in foreign lands; (5) the printing and circulation of "Popish and seditious books"; (6) foreign Protestant princes were distressed by the confederation of Catholic powers against them.

The committee then listed a series of means by which the increase of papists might be ended. There were two remedies: to strengthen the English religion and to weaken the papist. The means to accomplish these ends were many: care in the selection of schoolmasters (some were discovered to be papists), restoration of the discipline of the Universities, no private teachers for recusants, prevention of foreign education, banishment of recusants from Court and from the service of the Queen, banishment of all priests from England, courts and judges to be ordered to exercise the laws against recusants, all suspected of popery to be taken from office, all papists to be disarmed, to be confined to a five-mile radius about their homes, to be barred from hearing Mass at homes of ambassadors, the law of Elizabeth taxing all who fail to attend Anglican services to be revived. All these recommendations, the committee proposed, were to be used as well by Charles in regard to Ireland, "... for the restoring [1] and establishing of true religion."

The Commons had ready a petition for the abolition of popery which they gave to the House of Lords for consideration at a conference July 1. The Lords were willing to join with the Commons in the petition to the king, and

18 Ibid., 19-20.
19 Already parliament was complaining against the Catholic servants in the household of Henrietta Maria.
20 Gardiner, Commons Debates, 20-25.
21 Ibid., 25.
after a series of conferences between the houses, the petition was presented to Charles on July 8. Its terms were very similar to the June 25 report of the Commons' committee. On the last day of the first session, Monday, July 11, the Lord Keeper delivered a message from the king, "An Assurance of His Majesty's real Performance of every Part of that Petition."

On the previous Thursday a committee report was given on Montague, an Essex clergyman, whose book, *The New Gag for an Old Goose*, had been a source of irritation to the parliament of 1624. That body had recommended the matter to the Archbishop of Canterbury who consulted with Montague and admonished him for his seemingly pro-popish views. Montague replied in 1625 with his second book, *Appello Caesarem*. The Commons appointed a special "Committee for Mr. Montague". The matter absorbed much of the time of the House, and was of great concern to it during this entire period. The report of July 7, 1625, declared the *Appello Caesarem* an insult to the king, an encouragement to popery, and an injury to the House of Commons. It was resolved that Montague had committed contempt against the House, and was to be put under the surveillance of the Sergeant of the House. Charles replied in a message two days later that since Montague was his own servant he would take up his cause and would give satisfaction to the House.

Montague failed to appear before the Commons on August 2 as requested. His letter to the Sergeant pleading illness was read. Some members reminded

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22 L.J., 454-461, records the development of the petition.
23 Ibid., 465.
24 Gardiner, Commons Debates, 33-35.
25 C.J., 806.
26 Ibid., 806.
27 Ibid., 807. Charles had made Montague his chaplain.
the Commons that Charles had asked them to leave the matter to him. Others declared that Montague was accused of contempt of the House, and the House would examine him only on that charge. Sir Edward Coke agreed with this, stating that the bishops, not the House of Commons, had jurisdiction to judge Montague's tenets. The Sergeant was commanded "... at his Peril, to bring Mr. Mountagew to the House with all convenient Speed; and he to stand committed, until he be discharged by the House." Montague managed to avoid the summons and parliament was dissolved before the Commons had an opportunity to examine him.

Parliament had reassembled at Oxford on August 1. Sir Edward Giles reported the pardon of some recusants since the House had last met. Mr. Treasurer stated that the pardons had been granted at the suit of the ambassador of France. In the debate following Philippa declared, "No other King will at the Persuasion of any our Ambassadors, release any out of the Inquisition, or other Restraint for Religion." The House was to meet in committee to consider the matter that afternoon.

The Commons conferred with the Lords on problems of religion August 8, and on the following day a report of the conference was made to the Lords by Archbishop of Canterbury. The Commons proposed a petition of both Houses to the king to the effect: that whereas at the last meeting of the session they had petitioned the king for the advance of the Church of England, and had the promise of the king on July 11 to return a satisfactory answer, yet they had discovered that on July 12 Charles had granted a pardon to Alexander Baker, a

28 Ibid., 809-810.
29 Ibid., 809.
Jesuit, and ten other papists on the plea of a foreign ambassador. Moreover, when popish articles were found in the house of one Mary Eastmond, who refused the oath of allegiance, she had appealed to the king. Charles' secretary, Lord Conway, had written to the Justices in her favor.

Lord Conway rose in his own defense to explain that the pardon was no breach of the king's promise of July 11. It was dated July 12, but had actually been granted long before. On the previous Christmas Charles had promised to the French ambassador "... certain Graces and Privileges to the Papists ... to the End that the Queen might come the more easily hither." All the circumstances of the Eastmond arrest were not known when the letter was requested of the king, Conway confessed. The Lord Keeper also came to the defense of Charles and his secretary, explaining that the pardon was dated "... with the Time of the Seal and not of the Grant...." He added that the French ambassador had requested a general dispensation to the papists but Charles had refused. The Lord Keeper expressed his wish that a petition be presented to the king to prevent such pardons in the future.

The answer of the king to the petition on religion was sent to both Houses also on August 9. The petition was read, and then Charles' answers to the remedies suggested in the petition. He promised: (1) to send letters to the two archbishops to instruct the whole kingdom for the better education of the youth in the true religion and for care in the choice of schoolmasters; (2) the restoration of the ancient discipline of the universities to be ordered by the Chancellors; (3) such able ministers who had been silenced were
to be restored and pluralities of office and the evil of non-residence were
to be checked (Charles asserted that the abuse of pluralities was already
being abolished); (4) the law to prevent the sending of children abroad to
seminaries to be executed; the Lord Admiral was to instruct all ports to keep
a close watch; a proclamation was to be made to recall children from abroad,
and all who aided in the maintenance of seminaries or scholars were to be pun-
ished by law; (5) to the request that no papist be admitted in Court, and none
but Protestants were to be in the Queen's service, Charles answered eloquently,
"Amen"; (6) the laws against Jesuits and all others who took Orders by author-
ity of the See of Rome were to be executed; (7) by proclamation Charles would
order that no popish bishop was to confer Orders or exercise any ecclesiasti-
cal function on any English subject. To the other requests regarding property
of recusants, confinement within a five-mile radius, etc., Charles responded
"... that the like Courses may be there taken for restoring and establishing
31
of true Religion."

The Lords and Commons met in conference on August 10. The Archbishop
of Canterbury reported to the Lords the following day that he had explained
fully the matter of the pardon. The Commons appeared to be satisfied with
the explanation, the Archbishop believed. Both houses agreed to join in
giving "... humble Thanks to his Majesty for His Gracious Answer to their
former Petition and to beseech His Majesty not to be importuned hereafter, by
any Foreign Ambassadors, to grant any Thing contrary to the said Answers."

31 Ibid., 479-481.
32 Ibid., 487. The C.J. records the explanation that Charles "... could have
no peace after his Marriage, till he granted it [the pardon]." It notes
also that an order from Rome requested that no ambassador was to go to
England without a Jesuit to attend him continually. C.J., 815.
On Friday, August 12, the Commons were called up to the House of Lords where the king's commission for the dissolution of parliament was read. Some months later Charles attempted to carry out his answer to the petition of religion, for on November 11 the judges of England were commissioned to execute the laws against recusants. Proclamations to that effect were published in the churches, and letters sent to the archbishops with instructions to seek out Jesuits, seminary priests, and other recusants.

The parliament of 1626 had no serious conflict with the king on matters of religion. Early in the session the Commons had introduced an act "... for Explanation of the Statute, made 3 Jac. 1606, intituled, An Act for the better Discovering and Repressing of Popish Recusants." The House on February 21 ordered that every knight and burgess of every region of England confer and present the names "... of all such, remaining in Commission, or Place of Government, or Command for the Service for the Wars, or Trust, contrary to the King's Answer to the Petition for Religion, that either are convicted, or justly suspected, for Popery." The names were to be given in writing to the Committee for Religion by the following Monday. On March 2 Mr. Pym

33 L.J., 488-489.
34 Sanderson, History and Life of King Charles, 21.
35 The act was passed on March 7. C.J., 831.
36 Ibid., 822.
37 An explanation of the origin of the Committee for Religion is given in Sanderson, 15, "The next Assembly met the first day of August at Oxford; The Divinity School for the Commons, and the Gallery above for the Lords. Hence is observed a pretty Note. To give up the Divinity-School to the Commons; and that Chair to their Speaker, put them into a usurpation of Determinism of Divinity; and hence-forward no Parliaments without a Committee of Religion of Lay-Persons, not only to manage controversies of Divinity, but to ruin the old, and to establish a New." Whether this is the true origin of the committee, this writer could not determine. But with the parliaments of Charles I the House of Commons assumed greater control of religious matters.
reported from the committee on the presentment of recusants. The eldest son of Sir Thomas Fairfax was a recusant, he declared, "... yet Sir Tho. cleared." The committee held that a House member, Sir W. Alford, "... hath a Wife not coming to Church, and a Non-Communicant. - That he undertaketh, she shall, within 14 ... , receive the Communion; and sent down about it." So the Commons were determined to regulate the religious habits of fellow members and their wives and children! The Committee for Religion reported periodically to the House during the latter part of March, submitting names to be presented to the king as recusants, and presenting evidence against various schoolmasters suspected of popery.

On April 17 Pym, chairman of the Committee for Religion, gave a report on Montague. The clergyman was charged by the committee: (1) with disturbing the Church, "... contrary to the Doctrine thereof, published in 39 Articles, 1562"; (2) his books contained matter of sedition; (3) the whole scope of his works were to discredit the established religion and to draw the people to popery and reconcile them with the Church of Rome. The Committee was of the opinion that Montague was guilty on all three heads, and as a public offender against the peace of the Church "... he should, by this House, be presented to the Lords, there to receive Punishment according to his demerits." A committee was appointed to prepare questions should Montague choose to be heard before the House. On the 19th the questions were ready, and a petition proposed to request the king to prevent the further printing of Montague's books until parliament had settled the matter. The following day Mr. Vice Cham-

38 C.J., 828.
39 Ibid., 838-841.
40 Ibid., 845.
41 Ibid., 846.
berlain reported to the House that he and other members of the committee had delivered the petition to Charles. The king asked if they had examined the doctrines contained in Montague's books. "Wherein being satisfied, his Majesty, upon Deliberation, signified his Dislike of Mr. Mountagew his Writings ...." He would refer the doctrine of the books to the Convocation House, and would henceforth take special care to examine all books to be printed "... for avoiding any Matter of Sedition." The formal charges against Montague were approved by the House on April 29. Pym said that the committee wished to present the case against Montague in a conference with the Lords. Both houses were so absorbed in their respective problems, however, that we find no further record of proceedings against Montague by either house during the remainder of the session of 1626.

The Committee for Religion proceeded with the business of presenting recusants to the king. All the lawyers of the House were added to the committee on May 23 "... to discover popishly affected Persons, living in Inns of Court, and Chancery, or that are lawyers...." On June 6 the Petition against Recusants in Authority was given to a committee to deliver to the king. Charles did not answer the petition.

As late as June 9 the Commons presented a petition to Charles for a fast, and on the following day reported the examination of a schoolmaster suspected of recusancy. Despite the engrossment of the House in the

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42 Ibid., 847.
43 Ibid., 851.
44 The Commons were taken up with proceedings against Buckingham, the Lords absorbed in the Arundel and Bristol cases.
45 Ibid., 863.
46 Ibid., 867.
47 Parliament was dissolved on June 15, further evidence that the Commons was not aware of the impending dissolution.
peachment proceedings against Buckingham, and the urgent requests of Charles for funds, the Committee for Religion met and reported regularly throughout the entire 1626 session.

The House of Commons began the session of 1628 with an order that all members receive Communion at St. Mary's Church in Westminster, Sunday, April 6, "...and... whosoever shall not then and there receive the Communion, shall not, after that Day, come into the House, until he shall have received the Communion in the Presence of some, or One, of the Persons hereafter appointed to that Purpose...." Six persons were named as a committee. That day, March 20, the House prepared to petition the king for a day of general fast. In conjunction with the Lords the petition was sent to Charles and its request granted.

The Lords took the initiative in affairs of religion on March 24, resolving:

That, now a Fast is Appointed, our Sin might first be removed, which keeps God's Mercies from us... videlicet, that great Sin of Idolatry, which is not too much suffered in this Kingdom. And that this House would therefore be Petitioners unto His Majesty, that all the Laws against Seminary Priests, Jesuits, and Recusants, might be put in full Execution, without any Composition or Connivancy; and also that those Religious Orders made by His Majesty for Restraint of His own Subjects from the Queen's Chapel and Denmarke House, to hear Mass, may be strictly observed; and that this Petition might now first begin in this House, wherein (no Doubt) the Commons will join. 50

The motion approved, a committee was appointed to draw up the petition.

Commons and Lords conferred on the petition, and on March 28 Secretary Coke

48 C.J., 873.
49 March 24. Ibid., 875.
50 L.J., 689.
declared he was sent "... to make known unto you the approbation of our House of that Petition to His Majesty .... the House hath taken it into serious consideration, and, from the Beginning to the End, approve of every Word, and much commend your happy Pen." It was presented to Charles on March 31, who sent word to the Lords the following day that he needed time to answer but approved well the proceedings of the parliament. "He well liked the general Scope of this Petition," the message read, "for that it was for the Maintenance of true Religion, whereof none should be more zealous than He; that He had ever lived in it, and would die in it."

Charles' formal answer to the Petition against Recusants was read, article by article with the petition itself, to the House of Lords on April 7. The first article asked the king to put in execution the laws against priests and other recusants. It named as especially guilty and deserving of punishment all who had returned to England after banishment, and all subjects who "... do receive, harbour, or conceal any of that viperous Generation...." Charles answered that he would give a strict order to his ministers to discover and apprehend such persons and leave them to the law. Article two requested a strict surveillance of ports and searching of the ships to discover Jesuits and priests as well as "... children and young Students sent over beyond the Seas to suck in the Poison of Rebellion and Superstition...." Charles agreed to give the order to the Lord Treasurer, Lord Admiral, and the Lord Warden of Cinque Ports to put the article into execution. Because of

51 Ibid., 704.
52 Ibid., 707. Incidentally, he reminded both Houses "... that the Time of Year slips away; and if their Supply be not Speedy, he shall not be able to put a Ship to Sea."
the danger to king and parliament the petition urged the enforcement of laws prohibiting popish recusants from the Court, and from a ten-mile area around London, and to confine them to a five-mile radius about their homes. The king assented to this request. The fourth point declared that a great amount of money was being extracted from recusants but only a small proportion went into the coffers of the king, "... not only to the sudden enriching of private Persons, but to the emboldening of Romish Recusants to entertain Massing Priests into their Private Houses, and to exercise all the mimic Rites of their gross Superstition without Fear of Controll, amounting ... to the Nature of a concealed Toleration...." The petition asked the king to "... dissolve this Mystery of Iniquity." Charles said he was willing to punish all such offenders, and requested that information leading to the discovery of such persons be reported to him or to his ministers. Article five urged that since ambassadors from foreign lands had free exercise of their religions, that their houses not be used as "... Free Chapels and Sanctuaries unto Your Majestie's Subjects Popishly affected....", and that recourse to such places be restrained. Charles replied that he was pleased to prohibit that practice, and to punish all who offended. The next request of the petition asked that no offices of command or authority in the kingdom or on ships be given to popish recusants, or to any non-communicants of the previous year, and that any who had attained those offices "by Connivance" be discharged. Charles answered that to his knowledge the above "... is already observed with good Care....", but he would inquire among the judges as to conditions in their circuits, and of the Lord Admiral in regard to the navy. Article seven requested that the laws against priests and recusants be put into execution quickly by the
judges and other ministers of justice, whose duty it would be to give an accurate account of their proceedings to the Lord Keeper. Charles fully granted the demand. The final request was

... for a fair and clear Eradication of all Popery for the future, and for the breeding and nursing up of a holy Generation, and a peculiar People sanctified unto the True Worship of Almighty God, That, until a Provisional Law may be made for the training and educating of the Children of Popish Recusants in the Grounds and Principles of our Holy Religion, which we conceive will be of more Power and Force to unite Your People unto You in Fastness of Love, Religion, and Loyal Obedience, than all Pecuniary Mulcts and Penalties that can possibly be devised, Your Majesty will be pleased to take it into Your own Princely Consideration.

Charles recommended to parliament the preparation of a law to carry out the eighth article. He declared moreover, "... That the Mildness that hath been used towards those of the Popish Religion, hath been upon the Hope that Foreign Princes thereby might be induced to use Moderation towards their Subjects of the Reformed Religion: But, not finding that good Effect ... His Majesty resolveth, unless He shall very speedily see better Fruit, to add a further Degree of Severity to that which in this Petition is desired."

With that satisfactory answer to their petition, Lords and Commons went back to their conferences on the Petition of Right. The Committee for Religion of the lower house made a report on its chronic irritant, Montague, on April 28. Pym directed the Sergeant to inform Montague that the committee would hear his answer to their charges the next week, if he were willing to attend the committee. Montague evidently did not answer the notice. There is no record of further general discussion of Montague in the House until

53 Ibid., 713-714.
June 11 when Pym reported the articles against the clergyman. The House ap-
proved them and resolved to send them to the Lords. On the 14th Mr. Wans-
ford "... reporteth Mountagew his Carriage about the Bonfires, and Ringing,
at Windsor." It is the last entry on Montague for 1628.

From June fourth to the twenty-first both Houses were occupied by the
case of Dr. Manwaring, a minister who had preached several sermons which sup-
ported the absolutist policies of the monarchy. On June 9 the Lord Keeper
delivered to the Lords the declaration of the Commons against Manwaring. In
it Manwaring was accused of citing authorities in sermons to bolster his argu-
ments. He had given only partial citations, the declaration charged, thereby
destroying the full meaning of the authorities quoted. In a sermon given on
May 4 he had held "... That the King hath supremam proprietatem in every Man's
Goods and Estates; and the King may require Aid of His Subjects, in Time of
Necessity; and if they supply not His Majesty, He might justly revenge it."
The Commons were ready to send names of witnesses present at the sermon,
should the Lords wish it. On the 10th of June witnesses were examined by
a committee of the Lords and found unable to prove the charges against Man-
waring. Members of the Commons who had heard the sermon volunteered to testi-
fy, and did so before the committee. Manwaring was charged at the Bar the
next day with preaching three sermons in which he held: (1) that in times of
necessity the king could order supplies without the consent of the people;
(2) that he could require loans and punish those who would not pay; (3) that

54 C.J., 911.
55 Ibid., 913.
56 L.J., 845.
57 Ibid., 846-847.
ordinarily the subject has the property of his goods, but in extraordinary cases the property was in the king. Manwaring denied the charges and asked time to prepare his defense. Meanwhile both houses investigated the warrant of the king for the printing of Manwaring's book. Manwaring appeared before the Lords on June 13, to declare that the Commons had drawn inferences from his sermons which he had not intended. He tried to explain his assertions that the king partakes of God's omnipotency and that there was no require of justice between king and people, declaring he had no thought of undermining the laws of the land. The Archbishop of Canterbury admonished Manwaring for his defense, and ordered his withdrawal. The Lords then considered the punishment, determining to make it less severe because of the king's intercession, and because the Petition of Right had taken away grievances.

The following day the Lords pronounced judgment against Manwaring: (1) he was to be imprisoned during the pleasure of the House, (2) to be fined 1000 pounds to the king, (3) to make acknowledgment of his offences in writing and before the House of Commons, (4) to be suspended for three years from his ministry, (5) never to preach again before the Court, (6) never to have any ecclesiastical dignity or secular office, (7) his book to be burnt publicly in London and at the universities. The same day the Lords were informed that the command to print Manwaring's book came directly from Charles. On the 21st of June Manwaring, kneeling at the Bar, read his submission to 'the

58 Ibid., 848. He declared his only end was to do service to the king, "... and to persuade a Supply in Cases of extreme Necessity."
59 Ibid., 850-851.
60 Ibid., 853-854.
61 Ibid., 855.
62 Ibid., 856.
Before the end of the session parliament had passed two bills pertaining to religion: (1) "An Act for the Explanation of a Branch of the Statute, made in the Third Year of the Reign of our late ... king James, intituled, An Act for the better discovering and repressing of Popish Recusants"; and (2) "An Act to restrain the passing or sending of any to be Popishly bred beyond the Seas." The House of Commons had worked throughout the session on the presentment of recusants, and on June 19 had completed a list of names to be given to the king.

Charles dissolved parliament on June 26, and very soon went about undoing much of the work of the Committee for Religion. About July 15, 1628, Montague was made Bishop of Chichester upon the decease of Bishop Carlton. Perhaps to mollify parliament Charles declared the Appello Caesarem a cause of dispute and religious differences. All such works were to be brought to the Bishop of each diocese, or to the Chancellors of the universities, and were to be suppressed. Both Montague and Manwaring received the royal pardon for all past "errors". Manwaring was given a dispensation by the king, and presented with two rectories, although his sermons were suppressed by proclamation.

Meanwhile the king issued orders and proclamations in keeping with his answer to the petition against recusants. He commanded a diligent search to

63 C.J., 916. The submission was evidently written by a committee of the Commons. It is an abject apology, far different from Manwaring's defense.
64 L.J., 881.
65 C.J., 915.
66 Rashworth, Historical Collections, 634-635.
67 Ibid., 635.
68 Ibid., 633.
be made for all priests and Jesuits, especially the Bishop of Calcedon, to be apprehended and imprisoned wherever found. After trial, if not executed, they were to be placed in a prison such as the Castle of Wisbich to be under close guard.

In November, 1628, Charles prefixed a declaration to the Articles of Religion. He declared that these articles contained the true doctrine of the Church of England. The king was supreme governor of the Church, and any difference as to external policy was to be settled by a Convocation of the Clergy with the king's consent. There was to be a continuance of the doctrine and discipline as now established. The king would not endure "... any varying or departing in the least degree." Moreover, "... no man hereafter shall either print, or preach, to draw the Article aside in any way ... and shall not put his own sense or comment to be the meaning of the Article, but shall take it in the literal and grammatical sense." If any one in authority in the universities put any new sense on any article or held or permitted public disputations of such, or if any university divine preached or printed a divergent view, he should be subject to the king's displeasure and to the censure of the Church.

The second session of the third parliament of Charles I opened on January 20, 1629. The records available for this session are undoubtedly the most complete for the whole of Charles' reign. In far greater detail than

69 Ibid., 633-639.
70 Gardiner, Constitutional Documents of the Puritan Revolution, 75-76.
71 These sources have been gathered in a fine work, Commons Debates for 1629, critically edited and with an Introduction dealing with Parliamentary Sources for the Early Stuarts, by Wallace Notestein and Frances Helen Relf, University of Minnesota, June, 1921. Hereafter to be cited as Relf and Notestein, followed by the source referred to, e.g., The True Relation, etc.
in the Journals is given the work of the Committee for Religion. The time consumed by this committee in the brief 1629 session reveals its importance in the eyes of the House of Commons. As early as Monday, January 26, the House sat in debate on religion. Mr. Rouse asked the House to consider the increase in Arminianism, declaring it was opening the gates "... to Romish tyranny and Spanish Monarchy... And if you mark it well, you shall see an Arminian reaching out his hand to a Papist, a Papist to a Jesuit, a Jesuit giving one hand to the Pope and the other to the King of Spain...."

Sir Francis Seymour advanced the belief that religion must be the rule to all actions. The causes of national defects in England were "idolatry and popery". Papists were on the increase, and the king's name was being used to stop proceedings against them since parliament last met, contrary to the public profession of the king. Kirton held that the new opinions in religion were introduced by the clergy, some of whom were close to the king. The greater part of the clergy and people were still firm in religion, Sherland believed, but some few had the ear of the sovereign and persuaded him that all who oppose them, oppose him. Sir Robert Philips declared that two sects were undermining the king and kingdom - Popery and Armenianism. God appeared to be sitting in the council of England's enemies, for there were enemies abroad

72 Jordan, 115-117, declares Arminianism a misnomer. A more accurate term, he believes, would be the Anglo-Catholic party, since it leaned toward Rome in doctrine and rituals. "The alliance of the Crown with the Anglo-Catholic party laid the certain basis of revolution. The increasing tendency of the party to force the Church into channels which seemed to lead to Rome and their attempts to modify an ecclesiastical and doctrinal structure which was now two generations old drove pious and thoughtful Englishmen into the camp of Puritan extremists. The Anglo-Catholic party destroyed the moderates in England. And their support of political absolutism resulted in a fusion of political and religious discontent which was to sweep away at once their religious pretensions and the crown which they had striven to exalt."

73 Relf and Notestein, The True Relation, 13.
and distractions at home. "I desire therefore that we may humble ourselves before God by fasting and prayer, that we may bring him again into England into our actions, to go before our armies, that God may crown our actions and bless our counsels."

The following day the House had ready a petition to the king for a fast in order that their meeting might be blessed with success in affairs of Church and State, for a happy union between the king and the estates of the realm, and for reparation for sins. After a conference with the Lords, the Commons sent the petition to Charles on January 30. Charles answered it immediately, declaring the chief motive to be the "... deplorable estate of the reformed Churches abroad ... and our duties are ... to give them all possible help; but certainly fighting will do them much more good than fasting." He would not disallow the fast, but asserted that the custom of fasts for each session was a very recent innovation, "... and I confess I am not fully satisfied with the necessity of it at this time...." In order that business might proceed smoothly, however, he granted parliament's request. But he expected "... this shall not hereafter be brought into precedent for frequent Fasts, except upon great occasions." He would confer with the Bishops for the form and time of the Fast, and would notify parliament.

Meanwhile, the House was seriously discussing the problems of religion. Pym on January 27 had spoken to the House on the two diseases, Popery and Arminianism. He asked three questions: (1) why the execution of the laws against
papists had ceased; (2) how papists had been employed and countenanced; (3) what brought about the new innovations and the growth of "superstitious rites and ceremonies" in the Church of England. He asked the House to consider the written testimonies of the new beliefs, the preachings heard by the king, the suppression of books written against popish doctrines, and the permissions granted for the printing of books upholding those doctrines. Parliament's duty was to remedy this condition, to set forth the truth of the English religion as contained in the articles of 1552, the catechism of Edward VI, the writings of Peter Martyr, Bucer, and Wycliffe, and the 39 Articles of Elizabeth, and to use all the means possible to redress the wrongs done to that faith. The House then resolved "... that Religion should have the precedence and that the particulars before named should be taken into consideration by a Committee of the whole House." 76

Sir John Eliot spoke to the House two days later. He declared the most necessary thing was to "... lay down what is the truth." Expressing a belief in the piety and goodness of Charles I, Eliot hoped that if there were any error it was by the ministers about Charles "... which not only he but all Princes are subject unto." The doctrine of the Church of England could be changed by the bishops and clergy in convocation, but some of the clergy had popish leanings, and since the "... Truth what we profess is not mans but Gods, ... God forbid that man should be made a judge of that Truth." Eliot concluded with the practical suggestion "... to the end we may avoid confusion and distractions, that we go presently to the ground of our Religion, and lay

76 Ibid., 20-21.
down a rule on which all may rest. Then, when that is done, it will be time
to take into consideration the breakers and offenders against this rule."  

Earlier that afternoon the committee for religion had sat, and after long 
debate, had resolved: "That we the Commons now in Parliament assembled do 
claim, profess, and avow for truth, the sense of the Articles of Religion, 
which were established in Parliament in the 13th year of Queen Elizabeth, 
which by the public Acts of the Church of England, and by the general and 
current exposition of the writers of our Church, hath been delivered unto 
us; and we reject the sense of the Jesuits and Arminians wherein they do 
78
differ from us."

The Commons sent a declaration to Charles on February 2 in answer to 
two messages concerning tonnage and poundage. In it they declared they were 
unable to proceed with tonnage and poundage immediately, and expressed sorrow 
that in the king's name they should be pressed to that task. Because of the 
many dangers threatening religion the House believed it could not "... with- 
out impiety to God, disloyalty to your Majesty, and unfaithfulness to those 
by whom we are put in sacred trust, retard our proceedings, until something 
be done to secure us in this main point, which we prefer even above our lives, 
and all earthly things...." They gave thanks to Charles for his intentions to 
suppress the abuses of popery and Arminianism, and prayed that their resolu-
tion to proceed with religion might be acceptable to him. Charles' answer

77 Ibid., 25-28. Eliot held that "... the strength of all government is reli-
gion.... Religion it is that keeps the subject in obedience, as being 
taught by God to honour his viceregents.... For where there is division in 
religion, there are distractions among men." Forster, John Eliot, 146-147.
78 Relf and Notestein, The True Relation, 23.
79 Ibid., 29-30.
came to the House the next day. In it he explained that the bill for tonnage and poundage was not to have been offered in his own name, and that the House therefore should not have taken offence at it. He went on: "And I cannot imagine your coming together only by my power and to treat of things that I propound unto you, can deny me that prerogative to commend and offer any bill unto you...." As for the business of religion, which was delaying tonnage and poundage, none had greater care in the preservation of religion than himself, the king asserted. The House would seem to question the power of the king and to imply ill-counselling, but he would still hear them on matters of religion. However, the House hindered the king's affairs by persisting in discussions on religion. Charles urged them to proceed with the business of tonnage and poundage, "And you must not think it strange if I find you slack, I give you such further quickening as I shall find cause."

In the ensuing debate Eliot struck at Secretary Coke for asserting the tonnage and poundage bill to be in the king's name. The remonstrance of the last parliament concerning Arminianism was read to the House, as well as the king's declaration which had been added to the articles. The proclamation against Montague was also read, and gave rise to an attack on the appointment of Montague as Bishop of Chichester. Seymour declared "... That the proclamation against Montagues booke is esteemed by his friends not to be against his booke ... and he doth not believe that his booke is condemned when the partie that wrought it is advanced: he will not believe the booke is condemned till it be burnt by publique war[rant]." It was resolved that

80 Ibid., 31-32.
81 Ibid., 33-35.
the House consider the answer and the proceedings against Montague." A sub-
committeee was appointed to investigate the pardons granted to Montague and
others. They were to get authorized copies from the high commission, "The
reason that we may see whether M. Montague be not made by a commission Judge
of those points of religion against which he wrought." One of the judges
of Montague's confirmation as bishop, Dr. Reeves, was called before the
Commons on February 4. That day began the inquiry into the royal pardons
granted to Montague, Sibthorpe, Cosin, and Manwaring, which had absolved them
from punishment for crimes of treasons, praemunires, errors, wrong opinions,
false doctrines, scandalous speeches or books - excepting only treasons to
the king and witchcraft. A committee was named to investigate the persons
behind the granting of the pardons. Sir Robert Philips of that committee
reported from the king's Attorney that the Lord of Dorset had urged the par-
don for Montague, the warrant for which came from the king. The rough draft
of the pardon had been sent to the Bishop of Winchester for correction and
that prelate had added the names of Cosin, Manwaring, and Sibthorpe.

The investigation was taken up with even greater vigor on February 6.
The committee report was given by Philips and Selden, the latter submitting
the warrant for the pardons and a copy of the pardon "... interlined and
razed by the Lord Bishop of Winchester." Eliot declared it was a matter of
high treason upon oath. He demanded that the parties who made the affidavits
and Mr. Attorney himself be examined. "I am much grieved," he said, "to see
His Majesties mercy run so readily to those kind of persons and his justice

82 Relf and Notestein, Nicholas's Notes, 122-123.
83 Relf and Notestein, The True Relation, 36-38.
84 Ibid., 39-40.
so readily upon others, trifling occasions, may upon no occasions, only the misinformation of some Minister." Mr. Attorney was by writ attending the House of Lords and could not be forced to attend the Commons, but Littleton and Selden were to give notice to him "... that there being an accusation against him, he may here answer and satisfy the House on Monday next."

The House on February 7 attacked the Bishop of Winchester for his part in obtaining the pardons, and Eliot proposed that the House would find the Bishop "... fitt to be presented to the Lords as a great cause of all our religious misery." He was accused also of ordering a divine, Dr. Moore, not to preach against popery, as he had heard him speak before King James. The doctor had answered that if occasion served, he would do so again. And the Bishop had replied, "... then the times were not the same, and therefore now you must not." Dr. Moore was to appear before the House to verify the accusation against the Bishop of Winchester.

The House on February 9 discussed the validity of Montague's appointment as Bishop, asking advice from various doctors of the Church. They concluded that if the exceptions made against Montague were true, his confirmation would be void. Sir Henry Martin declared in conclusion, "There is noe great harme done, but what may be reformed: for the King hath power to thrust a Bishop that is erroneous in opinion out of his Bishoprick; and if

85 Ibid., 45-47. Debates for the day are given also by Nicholas' Notes, 129-130, and Grosvenor's Diary, 175-177, in Relf and Notestein.
86 Relf and Notestein, Grosvenor's Diary, 179-180. The Bishop (Neile) worded the pardon, according to the report of Selden, and portions of it were given: "et melage ... opiniones habitas ab ullis et erronis, vel minus orthodoxas earumque publications et omne doctrinas falsas scandale dictas, etc."
87 Relf and Notestein, The True Relation, 51.
88 He reported to the House on February 13.
two Exceptions bee proved they be sufficient to thrust him out of it."

Two days later the Committee for Religion received a petition from the printers declaring that the Bishop of London had licensed books tending to popery and Arminianism and had denied a license to books against those doctrines. All who print without a license were subject to punishment. The printers were called in, and three of them testified to the truth of the petition. To Pym's inquiry concerning the books restrained, one printer named several, stating that for printing two books, his books were taken, and he was forced to flee after printing Henry Burton's The Baytinge of the Popes Bull. After naming a sub-committee to consider the petition of the printers, Pym turned to the business of the pardons. Sherville reported the findings of the investigations to be that the Bishop of Winchester had solicited and procured the king's signature to the pardons.

Sir Miles Fleetwood delivered a tirade against Montague, naming him the chief cause of the disturbances in the Church. A schism in the Church was caused by the books of Montague, which contained doctrines repugnant to the articles of the English Church and introduced doctrines and superstitions of the Roman Church. Montague had moreover derogated the Church of England by "scandalous" speeches against some of her ministers. "He hath cast puritan upon the Kings best subjects to bring them into jelasies with the King ....", thereby bringing division among the people and aiding the growth of popery and Arminianism, Fleetwood concluded.

89 Relf and Notestein, Grosvenor's Diary, 182-185.  
90 Ibid., 191-193; The True Relation, 55-60.  
In session again on Friday, February 13, the Committee for Religion heard the complaints of its members against abuses in religion. Sir William Bulstrode declared that besides a Mass for the Queen, there were two others daily in the Queen's Court. It was the ordinary procedure, he reported, and large numbers of persons attended. He also inquired about the release of the Jesuits from Newgate prison. Grosvenor reviewed the events since the last session: the House's attempts to stop the rise of popery by (1) the petition on religion, (2) the bill against recusants, (3) by informing the king concerning numbers of papists in office, (4) by framing charges against Montague. In spite of their efforts the same evils existed at this time even to a greater extent than before, Grosvenor maintained. The favors shown to Arminians and to Montague were undermining the Church. He compared the present situation with the time of King James "... for then we had the like gracious answers to Petitions of Religion, the like Proclamations ... the like Commands to put laws in execution against Recusants, and yet little done, being prevented by secret direction and command of some eminent Ministers of State, which I am able to justify by a letter under their hands, which I have now about me." Philips lamented that England was almost another Spain or France, so freely admitted were the Jesuits. This increase was due to the "connivance" of persons in authority. He was willing to give particulars on the houses of religion maintained by papists in England so that the committee might frame a remonstrance to the king.

92 Reil and Notestein, The True Relation, 84-69.
Selden introduced the topic of the Jesuits released from Newgate prison. Secretary Coke informed the House that a minister of state had noticed that ten men had begun a college at Clerkenwell. This fact Coke had reported to the king who referred the matter to the Lords of Council. The Justice of the Peace, Mr. Long, admitted he had apprehended the ten persons and examined them. He learned that they had since been released from Newgate by order of Mr. Attorney. Sir Francis Darcy reported the following: that the priests were brought into the prison before five judges, and the oath presented to them. They refused to take the oath. By the next session they were bailed "... but by whose means he knew not."

The topic was resumed the next day, Sir Thomas Hobby reporting from the committee. Mr. James, keeper of Newgate, had told him that on December 1 he had received ten prisoners suspected of being priests. At the next Sessions three were indicted as priests. One was condemned and later reprieved, when a warrant to stay the sentence came the night before the date of execution. The warrant was seconded by one from the Lord Chief Justice, Hyde. The remaining prisoners who had refused the oath of allegiance were to be imprisoned until the next Sessions of the Court. A few days after the close of the Sessions the Earl of Dorset sent word to the keeper that the king wished the prisoners to be delivered. The keeper was shown warrants from Mr. Attorney to bring the prisoners before him to appear at the Council-board twenty days after the notice. And so the prisoners were discharged. The

93 Ibid., 70-72.
94 Relf and Notestein, Grosvenor's Diary, 206.
95 Relf and Notestein, The True Relation, 75; Grosvenor's Diary, 207.
warrants were read to the committee.

Secretary Coke presented papers found with the priests at Clerkenwell which proved, he maintained, that the ten were both priests and Jesuits by (1) an inventory of their rooms, (2) by accounts of receipts, (3) by orders of government. Eliot thanked Coke for his discovery, declaring: "Here is a groundworke to a new religion and for such as acknowledge a foreign power ... what cold be the purpose of those who interposed thus for them; but to give them power to execute their purpose in some other place." Eliot accused two, Mr. Attorney and the Earl of Dorset. The House resolved to send to Mr. Attorney to answer to questions concerning the release of the priests.

Reports were returned to the House on Monday, February 16. Sir Henry Martin had investigated the Recorder of London to see by what warrant he had stayed the execution. The Recorder denied that he had given the order. James, the clerk at Newgate, said the warrant was from Hyde, who had reported to the committee that the warrant had come from the king. Seymour and his committee had gone to Attorney Heath and received answers to their questions in writing. Mr. Attorney declared he had received orders from the council to proceed against the priests. He knew nothing of lands conveyed to the college. He understood that an indictment was preferred against three of the ten for treason, against the others for praemunire. He had received a command from the king "... for their bailment, I conceived them to be bailable." The House then ordered that those who had been convicted and condemned should be

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96 Ibid., 207.
97 Ibid., 208.
98 Ibid., 210-211.
99 Reif and Notestein, The True Relation, 79.
proceeded against. Selden declared that the Lords of Justice had refused to listen to all the evidence against the priests, which led Philips to assert, "Never was there the like example or precedent; if the judges give us no better satisfaction, they themselves will also be parties." It was ordered that two House members be sent to each judge present at the Sessions at Newgate.

The reports from the judges were given to the committee on the following day, February 17. The judges testified that Mr. Long, who was prosecuting the priests, had merely pressed the charges and had not presented evidence to prove them. He had held papers in his hand, but had not read them, they asserted. Eliot moved that "... Mr. Long shold be examined whom he thought most fitt to give testimony to justify his informacion." Several motions were proposed to have keepers of prisons and others testify to the numbers of papists in the courts and prisons. A keeper of a new prison appeared before the committee and told of the many liberties granted to some who even acknowledged they were priests.

Not until February 23 do we find further report from the Committee for Religion. On that day were presented by a sub-committee certain religious articles to be offered to the king. In these resolutions the House of Commons declared that in the previous session they had made an humble declaration to the king on the danger to Church and State by tendencies toward

100 Ibid., 79-81; Grosvenor's Diary, 213-217. The Justices were said to be Hyde, Richardson, Whitelocke, Jones, and Croke. The True Relation, 81.
101 Relf and Notestein, Grosvenor's Diary, 218-220.
change in religion. They now renewed their complaints, yet were thankful that God had given them a king "... of whose constancy in the profession and practice of the true religion here established, we rest full assured...."

Religion was in a bad state in the Dominions, the resolutions continued. The popish party was disturbing the Church in Scotland, and Ireland was "... swarming with friars, priests, and Jesuits, and other superstitious persons of all sorts...." In England there was an alarming growth of popery. The exercise of popery in the Queen's Court was a scandal to the king's government. The greatest cause of these conditions was the suspension or neglect of the enforcement of the penal laws, the publication of books and sermons supporting popery, and the new use of Roman practices in the English Church. The remedy lay in the due execution of the laws against papists, the punishment of teachers, publishers, and other maintainers of popish opinions, the burning of popish books, and a more careful selection of men for bishoprics and parishes.

The House on February 23 was adjourned to the following Wednesday.

On that memorable March 2, which will be treated in detail in Chapter V, over the protests of Mr. Speaker and other supporters of the king, was read to the House a startling and daring remonstrance, the first of its three articles declaring:

Whosoever shall go about to innovate any Thing in Religion, to bring in either Popery or Arminianism, or any new doctrine contrary to that which hath generally bene taught and received by the unanimous consent

103 The Resolutions are given in Gardiner, Constitutional Documents of the Puritan Revolution, 77-82, as well as in Reif and Notestein, The True Relation, 95-101.
of the Divines of our Church, let him be accounted a capitall enemye of the King and Kingdome. 104

In a declaration published March 10, 1629, Charles I gave answer to the charges of the Commons of 1629. In regard to religion he defended his actions, declaring that he had abolished Montague's book, had reprinted the Articles of Religion, had commanded the enforcement of laws against papists, priests, and recusants. If the penal laws had not been enforced, it was the fault of local administrators. He was not unconscious of the attempts of the Commons to extend its privileges by setting up committees on religion, etc., but the Commons of 1629 was even more extreme. It had sent messengers to examine the Attorney-General, the Treasurer, and the two Chief Justices and three judges "... touching on their judicial proceedings at the Gaol Delivery at Newgate, of which they are not accountable to the House of Commons."

There were arguments to support both sides of the religious controversy as it was fought between king and parliament during the first years of Charles' reign. The king was surrounded by leaders of the Arminian, or Anglo-Catholic, group - who in ritual, more than in doctrine, leaned toward Roman Catholicism. His Catholic wife, Henrietta Maria, was permitted free exercise of her religion, and apparently many in the Court attended these services. The terms of the marriage treaty made it necessary for Charles to grant some concessions to Catholics, particularly when the French ambassador requested the concessions. The penal laws were not enforced any more rigidly by King

104 Relf and Notestein, March 2nd Account, 267.  
105 Gardiner, Constitutional Documents of the Puritan Revolution, 89.  
106 Ibid., 93.
Charles than they had been "in King James his tyme". Thus the House of Commons had reason enough to complain to Charles on religious problems.

On the other hand, the Church of England was theoretically under the direction of the English sovereign and the Council of Bishops. The House of Commons undoubtedly exceeded its authority on matters of religion during this period. Moreover, its members frequently used these problems as excuses for delaying votes of supply to the king.

From our present-day viewpoint it is easy to see that King Charles I was not wise in his selection of religious counsel. He was not sensible of the fact that he was inviting political ruin by his selection. His religious policies were instrumental in the formation of a powerful Puritan group in parliament, as we have seen. They were to be a contributing cause to the outbreak of actual war between the forces of parliament and those of the Crown later in the reign of Charles I.
CHAPTER III

THE IMPEACHMENT OF BUCKINGHAM, 1626

George Villiers, Duke of Buckingham, was the acknowledged favorite of James I from about 1617 to the death of that sovereign. He was the confidante of James, the recipient of many honors from the royal hand, and a member of power in the House of Lords. In the negotiations of the marriage treaty Buckingham had accompanied Prince Charles on the gay journey to Spain. The letters between James and the Duke during this mission reveal the deep affection the king had for his most trusted servant. Buckingham's part in the breaking of the two treaties with Spain had earned for him the gratitude of the parliaments of 1624 and 1625. At his accession Charles retained Buckingham in the capacities he had served under James. His many high offices were subject to occasional attack in the House of Commons in 1625, but not until the opening of the session of 1626 was his record, particularly as Lord Admiral, seriously questioned by parliament.

There appears to be little evidence that the House of Commons set out deliberately in 1626 to impeach the Duke of Buckingham. The process was a gradual one, the charges growing from one initial grievance, the seizure of a French ship, the St. Peter of Havre de Grace (Peter of Newhaven). On

February 18 a report from the committee of grievances described the arrest of English and Scottish goods and ships in various ports of France. The House appointed a special committee to investigate the matter. Eliot reported from the committee four days later, giving the basic cause of the French action as the taking of the Peter of Newhaven by the English fleet at Plymouth on the previous Michaelmas. In retaliation the French, on December 7, arrested two English ships. The English merchants petitioned the Council Table twice. The king finally ordered the release of the Peter. Before the ship had left England, Eliot declared, it was taken again by command of the Lord Admiral on the claim that the cargo was Spanish. The committee had quizzed the officials who had claimed the ship carried Spanish goods, and found their answers "... so dark, and uncertain, as the Committee much dislike them." On March 1, after further questioning of the officials in the House, it was resolved the Duke of Buckingham be informed that the Commons "... desireth to be satisfied from him, why, after a legal Discharge of the St. Peter, the same was again stayed." That day Mr. March, the admiralty marshal, was questioned at the bar concerning a bag of pistols and gold and jewels taken from the Peter, which had been delivered to him. He declared he gave the pistols to the Duke, but still had some pearls in his possession.

The request of the Commons to Buckingham to appear before them to give

2 C.J., 821.
3 Ibid., 823.
4 Ibid., 827-828.
5 Ibid., 829.
"satisfaction" on the matter of the French ship caused a furor in the House of Lords. It was felt that such a request "... might be derogatory to their privileges...", and the topic was in debate for the next two days. On the 4th the Lords, after a conference with the Commons, declared there was no breach of privilege. Buckingham was informed that he could do as he chose. He chose to have Mr. Attorney give his report on the stay of the Peter to the Commons on Monday, March 6. In this report Buckingham declared the second detention of the ship was at the king's direction. A claim had been made that the ship was carrying Spanish goods under a French guise. It was because of this charge that the Peter was detained a second time. Its re-seizure, however, was no cause for the arrest of English goods and ships in France. "Our prejudicating this Cause here may do us Hurt abroad...", Buckingham warned the Commons. The House deferred debate until Thursday, but it was Saturday before the Duke's answer was considered. Eliot reported that there were two reasons for the second stay of the Peter: (1) the information given to Buckingham concerning Spanish goods, and (2) the command of the king to hold the ship. Yet the committee was of the opinion that the manner of the detention was a grievance, as was the seizure of goods, silver, gold, and jewels at Plymouth. These treasures were committed to a servant of Buckingham and were not restored at the discharge of the ship, the committee maintained.

Mr. Chancellor of the Exchequer on Tuesday, March 14, delivered a

6 L.J., 513-514.
7 Ibid., 515-516.
8 C.J., 831.
9 Ibid., 835.
message from the king to the Commons in which Charles took to task Sir Edward Coke "... for some seditious Words used by him in the House; against Dr. Turnor, for his Propositions of the Six Articles against the Duke."

Coke rose to declare his "... Protestation of his Freedom from any Intention to speak anything tending to Sedition." And the House was told "That Mr. Coke's Words, reported to his Majesty, were 'That it is better to die by an Enemy, than suffer at home'; or to that Effect." The following day another message came to the House from Charles in reply to the Common's criticisms of Buckingham. Charles declared that when Buckingham had broken the treaties with Spain in 1624 the Commons had considered him worthy of all the honors conferred on him by King James. Since that time he had done nothing but work in the service of Charles. "... certain it is that I did command him to do what he hath done therein," the king stated. "I would not have the House question my servants, much less one that is so near me."

The king's wishes in this regard went unheeded in the House of Commons. On March 25 a report from the committee on "Evils, Causes, and Remedies", was given to the House by Wandsford. There were two evils: (1) "Diminution of the Kingdom, in Strength and Honour....", and (2) "... the stoppage of Trade, at home and abroad...." Ten causes for these evils were given: (1) the increase of papists; (2) the insufficient guarding of the English channel; (3) the plurality of offices in one man; (4) the sales of honor; (5) the conferring of honors on such "... for maintenance of whom the King's Revenue exhausted...."; (6) "... the intercepting and unnecessary

10 Ibid., 835-386.
11 Gardiner, Constitutional Documents of the Puritan Revolution, 3.
exhausting and mis-employing of the king's revenue; (7) the selling of offices and places of judicature; (8) the delivery of English ships to the French for use against Rochelle; (9) the impositions on commodities, domestic and foreign; (10) the misemployment of the subsidy of 1624. The first nine were voted to be causes of evil, the tenth was to be considered further. Those which referred to the Lord Admiral were to be considered on March 29.

Buckingham told the House of Lords on Tuesday, March 28, that he had received a message from the Commons "... that they had voted divers particulars against his Grace; but deferred to proceed further against him for some time, in which he might, if he would, send his Answer." The Lords determined that Buckingham should not answer since he was not informed of the charges until after they were voted in the Commons.

On the following day Charles spoke to parliament. He opened with the declaration that he called them to him for several reasons. "And you, Gentlemen of the House of Commons ... I must tell you that I am come to show you your errors and, as I may term them, unparliamentary proceedings in this Parliament...." He loved his people and the right use of parliament, Charles stated, and when great affairs of state were settled, then he would hear and answer all their just grievances. As for the Duke of Buckingham, he knew best of all how the Duke had served faithfully. He had forfeited his estate for his king, had made enemies and ran peril of his life for his king. "... and therefore His Majesty cannot believe that the aim is at the Duke of Buckingham, but findeth that these proceedings do directly wound the

12 C.J., 841-842.
13 L.J., 543.
honour and judgment of himself and his father." Charles commanded the Commons to cease their "unparliamentary" inquisition of Buckingham. He concluded:

Remember that Parliaments are altogether in my power for their calling, sitting, and dissolution; therefore as I find the fruits of them good or evil, they are to continue or not to be; And remember, that if in this time, instead of mending your errors, by delay you persist in your errors, you make them greater and irreconciliable. Whereas ... if you go cheerfully on to mend them, and look to the distressed state of Christendom, and the affairs of the Kingdom as it lyeth now by this great engagement; you will do yourselves honour, you shall encourage me to go on with Parliaments.... 14

The House of Commons on April 5 sent a remonstrance to the king. They explained their grounds for proceeding against the Duke of Buckingham in this manner:

Most Gracious Sovereign ... Concerning your Majesty's servants and namely, the Duke of Buckingham, we humbly beseech your Majesty to be informed ... that it hath been the ancient, constant and undoubted right and usage of Parliaments, to question and complain of all persons ... found grievous to the commonwealth, in abusing the power and trust committed to them by their sovereign ... without which liberty in Parliament no private man ... without exposing himself to ... great enmity and prejudice, can be a means to call great officers into question for their misdemeanours .... and whatsoever we shall do accordingly in this Parliament, we doubt not but it shall redound to the honour of the Crown, and welfare of your subjects.... 15

Wandesford reported April 20 from the "Committee for the Cause of Causes" that the East India Company had returned from an eastern journey and presented the Duchess of Buckingham with two thousand pounds: as the

14 Gardiner, Constitutional Documents of the Puritan Revolution, 4-6.
15 Ibid., 6-7.
16 This committee was formed to seek the cause of the causes of evils in the kingdom. Buckingham, of course, was found to be the "cause of causes".
Duke's share in the profits. The Duke was then in Spain, and on his return demanded ten thousand pounds for his share. He had ordered the company's ships held in port until payment was made. The company was forced to submit to Buckingham's demands. The committee had resolved that "... the Money taken by the Lord Admiral in this manner, was an undue Exaction and Extortion from the Merchants of the East India Company." It was so resolved by question in the House. A message from Charles interrupted the proceedings. Mr. Chancellor delivered the declaration of the king that he had called parliament to assist him financially. The House resolved: "That we should proceed in the Business in hand, concerning the Duke of Buckingham, ... setting all other Businesses aside, till that be done; to the Intent we may, upon Tuesday next, proceed to the consideration of his Majesty's Message for Supply." It was determined that the four privy counsellors of the House and Sir. J. Fullerton were to inform Charles of the day's proceedings.

On April 22 the House was in debate on the grounds for proceeding against Buckingham. Glanville on the previous day had reported a special committee's suggestion that "Common Fame" be used as the basis for the charges. The lawyers of the House were of the opinion that common fame was a good basis for accusation, citing precedents from earlier parliaments. Wentworth declared: "This the only Safety for Accusation of Great Men; where else no Man dare accuse a great Man, for fear of Danger." Rolles held that the Commons might present a Peer of the House of Lords on the charge of common fame, for he need not answer in the Commons, and unless presented to

17 C.J., 846-847.
18 Ebid., 847.
the Lords he "... shall never be drawn to answer." And so, upon question, it was resolved: "Common Fame a good Ground of Proceeding of this House, either to enquire of here, or transmit the Complaint, if the House find Cause, to the King, or Lords."

On April 21 Wandesford had reported a resolution of his committee that Buckingham was responsible for the delivery of some English ships to the French which were used against Rochelle. On the following day Wandesford added to the charges. Under the charge of the buying and selling of places of judicature were listed the Wardenship of Cinque Ports, the Mastership of Wards, and the Lord Treasurership. He reported further "... the Intercepting, unnecessary Exhausting, and Misemploying of the King's Treasure", listing the funds from customs and subsidies and from the sale of the king's lands. The House then agreed that Buckingham be notified of the charges against him. On Monday next he might answer in his defense "... if he shall please to make any."

A sub-committee of twelve had been appointed on Friday of the previous week at Digges' suggestion "... to consider of the State of the great Business now in hand; and to reduce it into Form; and to search for, and make use of ... Precedents for it; and to present those Things to the House, with their Opinions." By Monday, April 24, the committee had ready its resolutions against Buckingham. These charges were eight in number: (1) the Lord Admiral

19 Ibid., 847-848.
20 La Rochelle was the fortified city of the French Huguenots.
21 C.J., 849.
22 Ibid., 847. Wandesford, Whitby, Eliot, Herberte, Pym, Hobby, Digges, Selden, Sherland, Earle, Glanville, and Thomas Lake were the twelve.
was the cause of the Narrow Seas not being sufficiently guarded since the breaking of the treaties with Spain; (2) the plurality of offices in the Duke's person was a cause of the "diminution" of the honor and strength of England; (3) Lord Roberte's purchase of an honor was traced to Buckingham; (4) the Duke was the cause of conferring of honors on people for whose upkeep the king's revenue was depleted; (5) he was the cause of the delivery to France of the English ships which were employed against Rochelle; (6) he extorted money from the East India Company; (7) he purchased the Wardenship of the Five Ports and sold the Treasureship to Lord Manchester; (8) he was a cause of the "... intercepting, unnecessary Exhausting, and Misemployment of the King's Revenue." Buckingham was informed by the Commons that the charges were to be voted against him that day. He requested leave from the House of Lords to answer before the Commons voted upon the charges. The Lords declared it was not fit that Buckingham send an answer to the Commons "... upon the same respects in their former Order contained, dated 28 Martie."

Glanville reported on the 27th from the committee of twelve that their investigation had uncovered a further charge against Buckingham. The physicians who had attended James I in his last illness had been examined and had testified that Buckingham had administered a plaster and drink to James against their orders. The committee was of the opinion that this should be annexed to the charges "... as a transcendent Presumption of dangerous Consequence." The matter was left to the consideration of the House. Two

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23 Ibid., 849.
24 L.J., 570-571.
25 C.J., 850.
days later a message was received by the Commons from Charles, that he "... having given way to the Enquiry about the Duke of Buckingham...", and learning that new matters were being considered, asked the House to lose no time. He left them "to their own Way", however, and the House returned him thanks.

On May 2 Digges told the House that two causes had been added to the eight already voted. These were the second stay of the ship, Peter of Newhaven, and the plaster and drink given to King James in his last illness. The whole procedure of the impeachment was worked out and reported to the House on May 6. Various members of the committee of twelve were to take part in the report to the Lords. The preamble and the charges were read to the House, and voted upon. Some few were recommitted, but the House sat until late in the day, and upon question the total charges were passed.

This action occurred on Saturday, and on Monday the Commons informed the House of Lords that they wished a conference "... concerning the Impeachment and Accusation of a great Peer of that House...." The Lords answered that they would accept a conference that afternoon in the Painted Chamber, by committees of both Houses. The Commons ordered Digges to thank the Lords and to indicate to them "... that nothing reflecteth upon the late, or now, King." It was further moved that the Lords commit to confinement the Duke of Buckingham, not upon the articles against him, but upon Digby's petition of high treason. "That, upon this Affirmation from the Earl of Bristow, we
may pray, he may be committed." The conference met Monday afternoon, and was continued on Wednesday, May 10. The Commons' committee presented formally the articles against Buckingham on the 10th. The charges had grown now to thirteen, and are here given in summary: (1) Buckingham's offices would be better administered by separate persons more capable than he; (2) he had purchased the office of Lord Admiral from the Earl of Nottingham and (3) the office of Lord Warden of Cinque Ports from the late Lord Zouch; (4) as Admiral and Warden Buckingham should have guarded the seas about England - but the seas were not safe, the trade of England was harmed, her waters infested with pirates; (5) Buckingham took the ship St. Peter of Newhaven as a prize, took its money and jewels and released the ship, then had it arrested again; (6) he had oppressed the East Indian merchants, extorting 10,000 pounds from them; (7) he had "connived" to get one naval vessel, the Vanguard and six merchant ships to a French port for the use of the French king; (8) these ships were for use against French Protestants to the prejudice of the Protestant religion; (9) the Duke had forced some rich Englishmen to purchase titles of honor - Lord Robertes had paid 10,000 pounds for a title of baron; (10) the Lord Viscount Mandeville paid 20,000 pounds to the Duke for the office of High Treasurer; (11) the Duke had procured titles of honor for

29 Ibid., 857. In the House of Lords the Earl of Bristol had charged Buckingham with treason, in retaliation to charges made against him by Charles and the Duke. Bristol had been kept from sitting in the House, and had petitioned the Lords that he be permitted his right as a Peer. Charles then accused Bristol of treason in his dealings with Spain during the negotiations for the marriage treaty (Bristol was the English envoy to Spain during the period of negotiations). Bristol then made counter-charges against Buckingham on the Spanish business. The House of Lords was mainly occupied with this case, and that of the Earl of Arundel, who had also petitioned the House for his right to sit there, during the 1626 session.
his "... mother, brothers, kindred, and allies ...." as well as annuities, pensions, and grants of crown land; (12) Buckingham had been given grants of land and manors and had exchanged them for other grants from Charles; had sold and contracted lands, had used funds of James I, had used the privy seal for his own ends, had obtained great sums intended for the use of the navy, and had brought about great confusion between his estate and that of the king; (13) it was a great offense to the realm to offer advice on administration of medicine without the consent of sworn physicians, and the physicians of James had declared against a physic or diet for James. The Duke "... did nevertheless ... unduly cause and procure certain plaisters and a certain drink or potion, to be provided for the use of his said Majesty ... which he the said Duke ... did ... cause and procure the said plaister to be applied to the breast and wrists of his said late Majesty ...." Buckingham had caused James to drink the potion and "... great distempers and divine ill symptoms appeared upon his said Majesty...." The Duke's act was deemed by the Commons "... an act of transcendent presumption and of dangerous consequence.

Eliot spoke to the Lords after the charges had been made. His dramatic presentation against Buckingham is worthy of quotation:

What he is to the king, you have heard; a canker in his treasures, and one that restlessly consumes and will devour him. What he is to the State, you have seen; a moth to goodness, not only perishing in all ill ways but preventing better.... My Lords, I have done. YOU SEE THE MAN! What have been his actions, whom he is like, YOU KNOW. I leave him to your judgments. This only is conceived by us, the knights, citizens, and burgesses of the commons house of parliament, that by him come all our evils,

30 Gardiner, Constitutional Documents of the Puritan Revolution, 8-22.
Charles was not unaware of the events of May 10. He appeared before the House of Lords the next morning to deliver personally his message regarding the impeachment proceedings. He declared that the cause of his coming before them was to inform them that when their honor was touched, his also was touched "... in a very great measure." He was of a mind to punish some "insolent" speeches delivered to the Lords on the previous day. He had not done so on earlier occasions "... not that I was greedy of their Monies; but for that Buckingham, through his Importunity, would not suffer Me to take Notice of them, lest he might be thought to have set Me on; and he might come on the forwarder to his Trial, to approve his Innocency. For as touching the Occasions against him, I Myself can be a Witness to clear him in every one of them." Charles said he spoke not to take the matter out of the Lords' hands, but to explain why he had allowed such "insolency" to pass unpunished. "... and now I hope ye will be as tender of Mine Honour, when Time shall serve, as I have been sensible of yours." The king then departed from the House.

32 L.J., 592. Digges of the Commons was arrested for his speech of May 10. The House protested vigorously to Charles against this breach of their liberties, and refused to go on with other business until the matter was settled. Their "solemn protestation" was signed by every member of the House, and "solemnly entered" in the Journal. C.J., 859-861. Buckingham declared to the Lords that the speech of Digges at the conference of May 10 had reflected on the honor of the king. He asked the eight Lords who reported on the conference to produce their notes. The Lords protested
The Lords soon afterwards received a message from the House of Commons. It was a request that the Lords commit to prison the Duke of Buckingham since he was the principal cause of the evils under which England was suffering. They declared it a tremendous danger that "... a man of so great Eminency, Power, and Authority, being impeached and accused of such high Crimes ... should yet enjoy his liberty, hold so great a Part of the Strength of the Kingdom in his Hands, sit as a Peer in Parliament, and be acquainted with the Counsel thereof ... wherefore they ... recommend this their unanimous Desire to your Lordships, as agreeable to Law and Reason, that you would be pleased forthwith to commit the Person of the said Duke to safe Custody."

The Lords answered that they would consider the message and send an answer "in due Time". Buckingham arose to speak. The Lords knew the complaints made against him by the Commons, he said, and how well he had previously stood in their opinions. "... and what I have done since, to lose their good Opinions, I know not." He would not decline any course of justice, but he deemed it a favor from the Commons "... to deliver me out of their Hands into your Lordships.... And now, my Lords, while I protest mine Innocency,

"... upon their Honour, that the said Sir Dudley Digges did not speak any Thing ... which did or might trench on the King's Honour...." L.J., 627. Digges was back in the House by May 16 and "... Giveth great Thanks to the House, for their Respect of him; and he hath received a most gracious Testimony from his Majesty, of his Satisfaction...." C.J., 860. That day the king charged Eliot for his speech of May 10. Again the House refused to proceed with business. By May 20 Eliot was released and asked permission to return to the House. It was granted, and he spoke in his defense to the Commons that day. He declared that if he had exceeded the commission of the House in his speech of May 10, he desired to know how, so he might answer. The Commons voted "Upon Question, Sir Jo. Ellyot hath not exceeded the Commission given him by the House, in anything passed from him in the late Conference with the Lords." Ibid., 861-862.

33 L.J., 592.
I do not justify myself from all Errors, as if I were an Angel amongst Men
... but this I shall say confidently, for such Crimes as truly deserve pub-
ic Punishment from the State, I hope I shall ever prove myself free, either
in Intention or Act." He urged the Lords to hasten in this work that he
might not suffer too long under the dark clouds of accusation. He declared
he had purposed to withdraw voluntarily from the House during the proceedings
against him, "But, now that my Accusers are not only content to make my Pro-
cess, but to prescribe your Lordships the Manner of my Judgment, and to
purge me before I am heard, I shall not give Way in my own Particular to any
their unjust Demands; but yet submit myself in this and all Things to your
Lordships Consideration."

The report of the conference of May 10 was given to the House of Lords
on Saturday, May 13, and continued on the Monday following. After this
summary of the conference, the thirteen charges against Buckingham were
read. The charges concluded with the reservation that the House of Commons
was to have the liberty of later adding "... any other Accusation or Impeach-
ment against the said Duke, and also of replying to the Answers the said
Duke shall make unto the said Articles....", and of adding proofs. And they
"... do pray that the said Duke may be put to answer to all and every the
Premises; and that such Proceeding, Examination, Trial, and Judgment, may be
upon every of them had and used, as is agreeable to Law and Justice." The
Commons had attached to the charges a list of grants and gifts which Bucking-

34 Ibid., 693.
35 Ibid., 695-609, and 610-619. The report is very complete in its explana-
tion of the charges and the backgrounds of them.
36 Ibid., 619-624.
37 Ibid., 624.
ham had received since he was in office. The list included lands, rents, gifts, pensions, sales of offices, and grants given to his brothers "... and others of his Kindred."

Buckingham on May 17 asked the Lords whether he was to answer the whole charge of the Commons against him. The Lords directed him to answer "... to the ingrossed Articles of the Charge sent up by the Commons, but not to the Aggravations; unless, upon Perusal thereof, he shall find any Thing fit to be answered."

On May 24 the House of Lords ordered the Duke to have ready his answer on the first day's session after Whitsuntide. That day the committee for privileges granted Buckingham's request of May 22 for members of the king's counsel to act as his counsel. Richardson, Crewe, and Damporte were named, provided Charles was willing to grant them leave.

The House of Commons met in committee on Saturday, June 3, and Monday, June 5, to consider the recent election of the Duke of Buckingham as the vice-chancellor of Cambridge University. The committee resolved that the Commons had a just cause for offence at the choice of Buckingham for the position. It was determined to send a letter to the corporation of the university "... to signify this Dislike. . . . to signify unto them, that this House hath taken just Offence at their Election of the Duke to be their Chancellor; and to require them to send some instructed, and authorized, to inform, and give account to, this House, of the Manner of their Proceedings in the said Election. . . ." The letter was read to the House on Tuesday. Mr. Chancellor

38 Ibid., 625-626.
39 Ibid., 630.
40 Ibid., 650.
of the Exchequer delivered a message from Charles "... that the King, having taken Knowledge thereof, hath commanded him to signify his Pleasure, that the House forbear to send this Letter." Such was not the pleasure of the House, and messages were exchanged between king and Commons during the week. The House deferred consideration until Friday. The Journal records no further action on the matter during the last week of the session.

The Duke of Buckingham presented his answer to the charges of the Commons on Thursday, June 8, before the House of Lords. His defense follows in brief, article for article: (1) Plurality of offices: of his many offices only three, Admiral, Warden of Cinque Ports, and Mastership of the Horse, were real offices. The others were mere titles, for which he acknowledged the bounty of King James; (2) Purchase of the Admiral's office: Nottingham had asked to resign because of old age and suggested Buckingham as his successor. James had urged the Duke to take the office. Of his own will James had given Nottingham a 10,000 pound annual pension, and Buckingham had sent him 3,000 pounds. The Duke defended his work as Lord Admiral, and declared he worked always in conjunction with the Council; (3) Purchase of office of

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41 C.J., 867.

42 A letter of Ferdinand Fairfax to his father dated June 9, 1626, comments: "I can give you no good account of our proceedings: we do nothing of what the Common-weal may require benefit.... We have sat now four months, and the Parliament seemed to end with the first of them. Then we had some good bills ready, and were resolved to give subsidies - now we know not where we are. And certainly his Majesty will refuse his moneys rather than to satisfy our expectations in the Duke, whose greatness, power, and courses make us still conceive no safety so long as he continues at this height .... The Duke's late election in Cambridge to be their Chancellor gave a great distaste to the House of Commons, who took it as an affront ... to have one chosen whom they had impeached...." Johnson, Fairfax Correspondence, 28-29.

43 The answers are recorded in L.J., 655-663, and in Gardiner, Constitutional Documents of the Puritan Revolution, 24-43.
Warden of Cinque Ports: Zouch, the previous Warden, was aged. He offered to resign the office but not without compensation. Buckingham believed the offices of Admiral and Warden would be more efficiently administered if combined, since their jurisdictions frequently conflicted, to the detriment of the navy and shipping. For these reasons he gave Zouch 1000 pounds as an initial payment, and 5000 pounds per year thereafter; (4) The guarding of the Narrow Seas: five or six ships were now employed in that task, Buckingham declared, where before there had been but four; (5) The re-taking of the Peter of Newhaven: the ship was taken legally. It was re-taken when the admiralty was informed that the Peter was in the service of Spain. Not one cent came to the Duke, and the lawful owners were repaid, he claimed; (6) The extortion of money from the East India Company: this money was lawfully due the king and the admiral. The company paid willingly enough when the issue was pressed. All but 200 pounds of that sum was borrowed from Buckingham by James; (7) The lending of English ships to France: the ships were promised to France without the Duke's knowledge. Charles had given Buckingham leave to tell the whole story of the transaction, which he would do soon; (8) The ships used against Rochelle: Buckingham declared that when he learned the purpose of the French king he had protested. His endeavors to divert such an end had in great part preserved the town of Rochelle, as he intended to prove; (9) Lord Robert's purchase of a title: Lord Roberts had earlier solicited the office of Treasurer, and had offered a larger sum for it, but was refused. He obtained it finally by the solicitation of his own agents; (10) The sale of places of judicature: Buckingham declared he never sold places of judicature, never received a penny from such a source.
James had requested a loan of 20,000 from Mandeville for one year, the Duke explained. Buckingham's word was the security, and his servants delivered the sum to James. When Mandeville left office, and his money had not been returned to him, "... he urged the Duke upon his Promise; whereupon the Duke, being jealous of his Honour, and to keep his Word, not having money to pay him, he assured lands of his own to the Lord Maundevill for his Security." Upon his return from Spain, Buckingham received back his lands from Mandeville, who had meanwhile been paid by James. Buckingham denied that he had received 6000 pounds from the Earl of Middlesex for the Mastership of Wards; (11) Procuring of honors for his "poor Kindred": a title was given to his mother, and died with her, Buckingham stated. The others had served the king and had received titles from him for their services; (12) The "exhausting, intercepting, and mis-employing the King's Revenue": the Duke acknowledged the bounty of James and Charles to him, but declared he had never received the immense sums which the Commons claimed he had. Those gifts which came to him did not exceed the precedents of former times. By direction of James and Charles he had disposed of "divers Sums", he admitted; (13) "his transcendent Presumption, in giving Physick to the King": Buckingham said he never administered a potion or plasters upon James. The king had asked him how he had recovered from an ague, and the Duke had told him. James desired to try this method, but the Duke had delayed this action by suggesting that others experiment with it first. In Buckingham's absence the plaster and potion were given to James, whose illness became somewhat more aggravated. The Duke told James of the rumor that he had administered the medicine to him without advice, "To whom the King, with much
Discontent, answered thus: 'They are worse than devils that say it'.

Buckingham requested the Lords to consider the truth of his answer, and "... to commiserate the sad Thoughts, which this Article hath revived in him."

He concluded his defense with the promise of proof for all his answers and he "... referreth it to the Judgement of your Lordships, how full of Danger and Prejudice it is to give too ready an Ear, and too easy a Belief, unto Reports or Testimony without Oath, which are not of Weight enough to condemn any." He acknowledged that in his ten years of service to James it was easy for him

... in his young Years, and unexperienced, to fall into Thousands of Errors... but the Fear of Almighty God, his Sincerity to true Religion established in the Church of England... his Awfulness not willing to offend so good and gracious a Master, and his Love and Duty to his Country, have restrained him, and preserved him (he hopeth) from running into heinous and high Misdemeanors and Crimes.

He prayed that whatever their decision, the Lords would grant him the benefit of the pardon given him by James, and that of Charles dated February 10, 1626, which he then exhibited to the House. "And yet he hopeth your Lordships, in your Justice and Honour, upon which with Confidence he puts himself, will acquit him of and from those Misdemeanors, Offences, Misprisions, and Crimes, wherewith he hath been charged. And he hopeth, and will pray daily, that, for the future, he shall, by God's Grace, so watch over his Actions, both public and private, that he shall not give just Offence to

45 Gardiner, Constitutional Documents of the Puritan Revolution, 42-43; L.J., 662.
46 Gardiner, Constitutional Documents of the Puritan Revolution, 43; L.J., 662-663.
The following day the Commons requested from the Lords a copy of Buckingham's answer. The matter was referred to the committee for privileges which reported a day later that such a request was customary. Meanwhile, Buckingham asked the House to send his answer to the Commons, but he wished first to add to the matter on Rochelle. The copy was given to Buckingham's counsel for marginal notes on that answer, and was delivered afterwards to the House of Commons. The Lord's messengers relayed Buckingham's desire that the Commons proceed with "expedition" in their reply, so that the House of Lords might continue with the business. The Commons ordered all members who took part in delivering the charges against the Duke to bring in "... all their Parts in writing."

The House of Commons was occupied June 12 and June 13 with the formation of a declaration to Charles in answer to his request for haste on the subsidy bill. On the 13th the House resolved, in regard to the declaration, that "... the Petition, for the Removal of the Duke from the King's Presence, to stand." The entire declaration was allowed by the House and ordered to be ingrossed. The next day the Commons sent word to Charles that they wished "accession" to him. Charles replied through the messenger of the House "... That we shall have Answer to our Message To-morrow Morning." From the recorded proceedings of the House of Commons for June 14 and the morning of

47 L.J., 663.
48 Ibid., 670-672.
49 C.J., 870.
50 Ibid., 870.
51 Ibid., 870.
June 15, it appears that the Commons did not know what the king's answer was to be. Occupied with diverse matters the House was amazed when

Mr. Maxwell came to let the House know, the Lords desire the House to come up thither, to hear the Commission read, for Dissolution of this Parliament. Whereupon, after some speeches made, Mr. Speaker, with the House, went up accordingly. 52

The Commons published soon after the end of the session its "intended" remonstrance to Charles, in which they recited at length their grievances. In it the blame for all existing evils of state are laid upon Buckingham. It ends in a dramatic petition that to remedy these evils Charles must "... remove this Person from access to your Sacred presence....", and from his position of authority in matters of state. Once this request was heeded, the Commons would vote him an adequate supply. Charles answered the remonstrance, declaring that it contained "... many things ... to the dishonour of himself, and his Royal Father of blessed memory, and whereby, through the sides of a Peer of this Realm, they wound their Sovereign's honour...." Some members of the Commons, Charles claimed, were so swayed by hatred for Buckingham that they had circulated copies of the Declaration. He ordered all copies of the paper to be burned.

Two days after the dissolution of parliament a letter went out to each member of the Commons' committee of twelve which had managed the im-

52 Ibid., 871. Italics not in the original. I was unable to find any record of who spoke, or what was said, between the announcement by Mr. Maxwell, and the procession of the Commons to the Lords' House. This is a typical example of the manner in which the Journals frequently records even the most exciting moments of debate.

53 Rushworth, Historical Collections, 400-406.

54 Ibid., 411-412. Charles' Declaration of the True Causes which moved his Majesty to assemble, and after inforced him to dissolve the two last Meetings in Parliament, was published on June 30, 1626.
peachment charges. It was from the Attorney-General, Sir Robert Heath. The letter follows:

Gentlemen [capo] his Matie hath given me speciall commandmt from his owne mouth that I should signifie his pleasure unto yu, that ye should not goe out of towne till ye have first beene wth me & given me some instructions in a business concerning his service. & that ye may not misconter the errand or conceive it to be other then it is I lett you know thus much that I shall not deteyne yu long & for your better dispatch I wishe ye would agree to come all togeather unto me to my chamber in the Inner Temple, on muneday morninge by seven a clocke; when I shall acquaint yu wth his Matie's further pleasure;

Yr verie loy frinide
Ro: Heath.

17 Junij. 1626.

The twelve appeared before Heath, who told them that Charles proposed to proceed in the Star Chamber against Buckingham upon the charges made against him in the Commons. Heath asked them for the proofs they had to maintain their charges. The twelve replied through Eliot that "... what soever was done by us in that business was done by the command of the house of Commons ... & by their directions some proofes were delivered to the Lords wth the charges but what other proofes the house would have used ... we neither know, nor can undertake to informe." Eliot was examined separately, but gave no fuller answer. His attitude was, app arently, that he merely did as he was commissioned by the House of Commons, and that out of parliament he was under no obligation to account for business transacted in parliament.

56 Ibid., 8-9.
57 Ibid., 8-9. Grosart quotes liberally here from Forster's Eliot, and bases his observations upon that work.
The charges against Buckingham in the Star Chamber were similar to those of the Commons. The last article concerning the medicine administered to King James, was answered by Buckingham, and witnesses were examined, "But the cause came not to a Judicial hearing in the Court, as it is afterwards expressed." The proceedings in the Court of Star Chamber were probably intended to appear as a final legal settlement of the impeachment, but no decision was handed down by the court.

Whatever the guilt of the Duke of Buckingham, it is evident that King Charles feared his servant would not fare well in the trial. To avoid the declaration of the Commons for the removal of Buckingham from office, Charles dissolved parliament before the Commons had voted the supply of five subsidies upon which they had determined. The king realized fully that, in criticizing Buckingham, the Commons were also attacking Buckingham's master, Charles himself. It is not the purpose of this study to determine the extent of Buckingham's guilt, but it is only fair to observe that the Duke played the part of buffer between king and Commons in 1626. It is suggested that the impeachment proceedings against the chief minister of the king, coming as they did in time of war, appeared to be treasonous to the sovereign.

It was all the worse because it proceeded from a House of Commons that knew little - and appeared to care less.

58 Rushworth, Historical Collections, 413.
59 The collection by Samuel Rawson Gardiner, Documents Illustrating the Impeachment of the Duke of Buckingham in 1626, Printed for the Camden Society, 1889, presents evidence on five of the charges: (1) purchase of Wardenship of Cinque Ports; (2) Guarding of seas; (3) Seizure of St. Peter of Havre de Grace; (4) East India Company; (5) English ships to France for use against Rochelle. The documents appear to support the answers of Buckingham to the charges. It is evident that Buckingham gave most of the funds received from his offices and the sales of offices, as well as from the East India Company, to the two kings under whom he served.
about the state of Europe, and seemed principally concerned with evading any but the most meagre taxation. 60

To assume that parliament objected to Buckingham's schemes because of the ineffective conduct of them, rather than to the expense of the schemes "... is to read history backwards. Buckingham's spectacular failures were in the future, and they were in no small degree due to the withdrawal of Parliamentary support."

60 Evan John, King Charles I, 93.
61 Ibid., 93.
CHAPTER IV

THE PETITION OF RIGHT, 1628

The struggle between Charles I and parliament assumed a new aspect in 1628. It had been characterized in 1625 by a refusal on the part of the Commons to vote an adequate supply to the king, in 1626 by the prolonged attack on the Duke of Buckingham. By 1628 the House of Commons had determined "... to fight principles rather than men." To comprehend the struggle for "the liberty of the subject" which occupied the parliament in 1628 we must seek its explanation in the period between the second and third parliaments of Charles I. It has been noted in Chapter I that Charles had sought to raise funds by various means during this period. His commission for a forced loan had been published throughout England in September 1626. Many had refused to contribute to the loan even in the beginning, but not until Hyde became Chief Justice of the King's Bench did imprisonment for refusal begin. Many were committed after February 1627. When no release appeared, some of the prisoners determined to bring the case before the King's Bench, and applied for a writ of habeas corpus. The writ was granted only because of the wide public interest in the case. Charles was opposed to a test of the legality of the "loans", but after a conference with the judges he re-

1 Frances Helen Relf, The Petition of Right, University of Minnesota, Studies in the Social Sciences, Number 8, December 1917, 1.
2 Ibid., 2.
lent. The character of the writ was such that "... By simply stating ... the parties were committed by the special command of the King, the judges could prevent any discussing of the question whether refusing the loan was a legal cause for commitment." Darnal, one of the prisoners, gave up at that, but the others, counselled by the finest lawyers of the day, made plain the issue that by law any person committed by king or council "... without cause shown should be bailed." Justice Hyde made the award in the case: "We cannot deliver you, but you must be remanded." This was then assumed to be the final judgment, although later investigations were to reveal that no final judgment had been made or entered in the record.

The Case of the Five Knights had been before the King's Bench from November fifteenth to November twenty-eighth, 1627. Parliament assembled for its third session on March 17, 1628. One week later the House of Commons resolved to sit in committee to consider all things "... which concern the Liberty of the Subjects, in their Persons and Goods, and all Things Incident thereunto." On Wednesday, March 26, a great complaint was made "... of the Insolencies of divers Soldiers in Surrey", and the constable in charge of the troops was to be sent for. Constable Moulden appeared before the House on Friday and admitted that he had conducted the soldiers from

3 Relf defines habeas corpus: "The writ of habeas corpus was the King's order to the keeper of the prison to bring the prisoner into the Court together with the cause of his commitment or detention, whichever it might be. Upon this return the Court judged the efficiency of the cause." The usual procedure was to petition the king rather than to use the writ of habeas corpus. None but these five had sued for the writ. Ibid., 24.
4 State Trials 3:59, cited by Relf, Petition of Right, 4. The narrative of the Five Knights' Case given here is taken from Relf, 1-4.
5 Ibid., 5.
6 C.J., 875.
Kingston to Rygate on a warrant that permitted him to billet soldiers among those who refused to pay billeting-money. The soldiers had extorted money on the threat of burning the houses of those who would not contribute. A committee was appointed with power to send for prisoners and records, "To examine the Misdemeanor of this Constable, and the Warrants, either for the Billetting of Soldiers, or for the Rating or Levying of Money for them, within the County of Surrey...."

The Committee for Grievances reported on March 31 on the grievance of imposition on wines. A new tax of 20 shillings per ton had been exacted last December, Coke reported. The committee recommended that the king be petitioned to free all wine-merchants imprisoned for refusal to pay the new imposition, and that the tax "... may be absolutely taken off."

Secretary John Coke delivered a message from Charles on Thursday, April 3. The king declared that word had come to him that the Commons had heard he had spoken sharp words against them on the preceding day, and that Buckingham had said malicious things concerning the Commons before the Council Board. Charles denied both, asserting he would be contradicting himself, since he was the "first Mover" of this parliament. "Besides his Majesty hath taken Notice of our Purpose To-morrow to take Consideration of his Supply.... He hoped the House would do so, that all the world might see "... that we are as far from encroaching on his Prerogative, as he from encroaching into our Liberties. - Will esteem it his chiefest Glory to command free Subjects. - "

The king promised that if the House would proceed "... modestly in the Terms

7 Ibid., 876.
8 Ibid., 877.
of our Grievances, ... he will enlarge himself to give us Satisfaction."
The Commons returned a message of thanks to the king with the entreaty "... to look upon the Actions and Resolutions of this House, and not to give Ear to any Rumours."

The grand committee for the liberty of the subject reported to the House that day its resolutions: (1) that no free man ought to be committed or imprisoned by command of the king or Privy Council unless the cause of the commitment or restraint be expressed, for which by law he ought to be committed or restrained; (2) that the writ of habeas corpus may not be denied to any man who is committed or restrained "... though it be by the Command of the King, the Privy Council, or any other, he praying the same...."; (3) if a free man be committed by command of the king, etc., and no cause for commitment is expressed; and if the prisoner be returned upon habeas corpus, "... then he ought to be delivered, or bailed...."; (4) "That the ancient and undoubted right of every free Man is, that he hath a full and absolute Property in his Goods and Estate; and that no Tax, Tallage, Loan, Benevolence, or other like Charge, ought to be commanded or levied by the King, or any of his Ministers, without common Assent by Act of Parliament."

The grand committee made another report on the afternoon of April 3. They advised a special committee to frame a bill "... concerning pressing Soldiers, employing Men as Ambassadors, fit for the Service of King and Subject." On Phillips suggestion it was resolved to name a committee to consider "... what is next fit to be done for the Service of the House in these

9 Ibid., 878.
10 Ibid., 878-879.
Businesses concerning the personal Liberty of the Subjects, and the Propriety of their Goods."

The next day the Commons determined to confer with the House of Lords "... concerning certain ancient and fundamental Liberties of England." Digges was to give the introduction; Coke, Selden, and Littleton were to aid in the conference. The meeting was held on Monday, April 7, and reported in full in the House of Lords on April 9. The Lord President reported Digges' introduction. Digges had declared it a fundamental point of the ancient law of England

... That the Subjects have a True Property in their Goods, Lands, and Possessions.... It is this that hath been lately not a little prejudiced by some Pressures, the now Grievances, because they have been pursued by Imprisonments, contrary to the Laws, and the general Franchise of the Land; which hath been the more heavy, in that when Liberty and Redress thereof was sought in a legal Way, Success failed, which enforced the Commons to inquire into the Acts of Parliament. 13

The Earl of Herford reported to the Lords on Littleton, who had read to the conference the first of the three resolutions of April 3. He was to prove the grounds of the resolution. The first basis for it was Magna Charta - "That no Freeman shall be taken or imprisoned but by the lawful judgment of his Peers, or by the Law of the Land [by due process of law]...." Littleton had given many examples of restatements of that fundamental right made by various parliaments since 1215, "... renewed in the Ninth Year of King Henry

11 Ibid., 879.
12 Charles sent a message to the Lords on April 8 declaring he could tolerate no delay in parliament. "... He takes Notice of the Conference Yester­day by the Commons, concerning the Liberty of the Subject: He desires the Lords to speed the Report thereof, and to sit Forenoon and Afternoon till it come to a Conclusion." L.J., 715.
13 The reports on the conference are in L.J., 717-731; the report on Digges, Ibid., 717-718.
the Third, and since confirmed in Parliament above Thirty Times."

Selden's part in the conference, reported to the Lords by the Earl of Devon, carried the bulk of the Commons' argument. His job, he declared, was to give precedents in cases resembling that of the Five Knights. He argued that since the writ of habeas corpus was the chief remedy in law for any man who is imprisoned, and the only remedy for any imprisoned by special command of the king, the writ should not be denied him. He reported to the Lords that this was a resolution of the Commons, as was the belief that any man who is committed by command of the king without cause shown "... and the same be returned upon an Habeas Corpus ... that then he ought to be delivered or bailed." He cited precedents to show that persons committed by the king without cause shown had been bailed when they requested it. He answered those who maintained that such prisoners cannot be bailed by court. In the case of the Five Knights, he said, "... if that Court, which is the highest for Ordinary Justice, cannot deliver him secundum Legem; what Law is there (I beseech you, my Lords) that can be sought for in any Inferior Court for his Delivery? Therefore, what can the Judgment ... mean, but plainly a perpetual Imprisonment awarded by the Court...." Selden then presented to the Lords the draft of the judgment of the Five Knights' Case, declaring it contrary to the Acts of Parliament cited, and to all precedents; and subversive to the "... chiefest Liberty and Right belonging to every Freeman of the Kingdom...." He declared it especially vicious because it was supposed that it was based upon former judgments "... whereas, in Truth, there is not one

14 Ibid., 718.
Record at all extant that, with any Colour, not so much indeed as with any Colour, warrants the Judgement...." The judgment had returned the men to prison "... because as it was expressly said, they could not in Justice deliver them though they prayed to be bailed. The Case is famous and well known to your Lordships; ... and as yet indeed there is no Judgement entered upon the Roll, but there is Room enough for any Kind of Judgement to be entered." The judgment was most unusual, he stated, the reason for returning to prison "... is expressed in such Sort, as if it should be declared upon Record for ever, That the Laws were, that no Man could ever be enlarged from Imprisonment that stood committed by any such absolute Command." He concluded by citing the precedent of an opinion delivered by judges in 34 Elizabeth 1592 on the enlargement of prisoners committed by the Privy Council. They had declared against the commitment of any subjects contrary to English law. The Queen's writs often were employed to release prisoners who had been committed without cause being given. Selden ended his argument with the declaration:

If this Resolution of the Elizabethan Judges do resolve any Thing, it doth indeed, upon the Matter, resolve fully the contrary to that which was pretended in that late Judgement, and enough for the Maintenance of this ancient and fundamental Point of Liberty of the Person to be regained by Habeas Corpus, when any Man is imprisoned. 15

The Lord Bishop of Lincoln concluded the reports on the conference with the arguments presented by Sir Edward Coke. Coke's address was comparatively informal, but the most impressive. He was an old man of great legal experience whose word was highly respected in and out of parliament.

15 Ibid., 722-728, for Selden's arguments.
He stated flatly that a freeman imprisoned without cause was no freeman, but a bondman. In law imprisonment is accounted "a Civil Death." Imprisonment without reason is against reason, Coke held. Such a power could mean perpetual imprisonment, "... for a Prison without any prefixed Time is a Kind of Hell." Coke asserted that the House of Commons had made their great manifesto unanimously. They had desired this conference "... to the End your Lordships might make the like Declaration as they had done .... and thereupon take such further Course, as may secure your Lordships, and them, and all your Posterity, in the enjoying of your ancient undoubted and fundamental Liberties."

The House of Lords ordered the reports of the conference to be entered. That afternoon they considered how to proceed "... in the Business sent up by the Commons, touching their ancient Liberties....", resolving into a committee for freer debate. They determined to hear the King's Council on the following day, but the Attorney on Thursday asked and was granted a deferment until Saturday so that he might produce the original records from the King's Bench. Heath, the Attorney, was heard on Saturday, April 12, "... what he could say on the Behalf of the King, touching the Liberties and Freedoms claimed by the Commons." He answered the statutes and acts of parliament cited by the Commons to uphold their claim. He concluded his arguments in the afternoon. The Lords debated the matter in

16 Ibid., 730-731.
17 Ibid., 731-732.
18 Ibid., 732.
19 Ibid., 734. Meanwhile the House of Commons had drafted a petition to Charles against billeting soldiers, had considered a remonstrance to the king on tonnage and poundage, had asked for a recess and had been refused, and presented to Charles the petition of the wine-merchants. C.J., 881-882.
committee and resumed to order that "... on Monday morning next (14 Apr.), the Judges of the King's Bench to declare severally what their Judgement was ... and upon what Ground, which is mentioned by the Commons...."

Justice Whitlocke began the report on Monday. He declared "... That they gave no Judgement at all, but only remitted the Party to Prison ..., until the Court might be better advised." The others testified on Tuesday. Justices Jones, Dodderidge, and Chief Justice Hyde all agreed with Whitlocke.

The Lords Journal summarizes their defense:

The Effect of all their Declarations was briefly this: videlicet, The Judges of the King's Bench did, with one Resolution, all agree, That the Great Charter of England and the Six subsequent Statutes mentioned by the Commons, do stand still in Force.

And for the Way of their Proceedings in the Cast of the Habeas Corpus, etc. they the said Judges affirmed, That they have given no Judgement at all, nor done any Thing to the Prejudice of the Subject, or in Diminution of the Power of the King, or against those Laws, so as therein no Jealousy or Fear need arise; for it was but a Rule or Award of the Court, and no Judgement ..., and (notwithstanding any Thing done by them) they all agreed, That the next Day, or the next Term, a new Habeas Corpus might have been demanded by the Parties, and they must have done Justice. 21

On Wednesday the House of Lords was ready for a further conference, 22 with the Commons, and signified their desire to that House. The confer-

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20 Ibid., 735-737. Heath gave a long report of precedents to demonstrate the power of commitment without expression of cause. Relf, Notes of Debates in the House of Lords, 91-95. Members of the Lords requested the testimony of the judges before proceeding further with the Commons. Ibid., 95-98.

21 C.J., 739-740. The reports are also in Relf, Notes of Debates, in the House of Lords, 98-100.

22 C.J., 741. So important was this meeting considered to be that the Lords ordered: "If any presume to come to this Conference who are not of the House of Commons, they are to stand committed to the Fleet." The judges had delivered to the Lords their opinion that (1) Magna Charta and the six statutes were still in force; (2) they gave no judgment in the Five Knights'
ence met on Thursday and Friday, and a report of this meeting was given to the House of Lords on Saturday, April 19. The Lord Keeper reported on the first portion of the conference, in which Mr. Attorney maintained that Magna Charta and its subsequent statutes were still in force, but the words of Magna Charta, "Legem Terrae", were general. Heath asserted that in some of the cases cited as precedents by the Commons cause for the commitment had been given. Heath was answered by Coke who declared that the House of Commons had acted fairly and with respect to the Lords. "My Lords, we will break Order rather than defer the Business: This Conference is between the two Houses. Mr. Attorney is no Member of your House.... Yet we are so willing to proceed, as we will take no Hold of Threads; let him say what he can, we will allow him a Voice where he ought not to speak.... For the Resolutions of the Judges, we are of them; and we are confident never a Judge in England will be against what we have resolved.... Methinks Mr. Attorney ... hath slighted the Acts of Parliament." The conference from that point on was a debate between the Commons' members and Heath over precedents of the case. "And so the Gentlemen of the Commons House concluded, That they had a great Number of Precedents, besides the Acts of Parliament, agreeable to their Resolution. And there was not One at all that made against them."

Heath

The conference was resumed on Friday. Attorney/continued his arguments. He held that no freeman should be committed without cause, but that

Case; (3) there was no difference between Remittitur and remittitur quousque, etc. This was to be communicated to the Commons at the conference on the following day. Reif, Notes of Debates in the House of Lords, 114.

The report is in L.J., 746-762.

Ibid., 749-752.
cause need not always be expressed upon commitment. For matters of state concern it was sometimes necessary to withhold the expression of a cause "... which if it should be expressed might discover the Secret of the State in that Point...." It was ridiculous to assume that the king would commit anyone unjustly and for life, he continued. "To this I answer, That it cannot be imagined of the King, that He will, at any Time, or in any Case, do Injustice to his Subject. It is a Maxim in our Law, That the King can do no Wrong.... The Reason, is, as the King is the Supreme Governor of His People, so He is Pater Patriae, therefore He cannot want the Affections of a Father towards His Children." Before the laws against Jesuits, seminary priests, and recusants were in effect during the reign of Elizabeth, many were confined to prison. "... had it been fit to have delivered or bailed these upon a Habeas Corpus?", Heath queried. He would not grant that the king could do "... what He list. No, God forbid. He is set over His People for their Good; and, if He do transgress, and do unjustly, there is greater than He, the King of Kings: Respondit Superiori." He concluded:

... that these Gentlemen of the Commons House have done like true Englishmen, to maintain their Liberties by all the good and fit Means they may.... But I fear also they have done like right Englishmen; that is, as we usually say in our Proverb, They have overdone; they have made their Proposition so unlimited, and so large, that it cannot possible stand, but is incompatible with that Form of Government, which is a Monarchy, under which we happily live. 26

25 Ibid., 754.
26 Ibid., 757-758. Sergeant Ashley of the Lords then spoke in support of Heath. He declared that "... for Offences against the State, in Cases of State Government, the King or His Council hath lawful Power to punish by Imprisonment without shewing particular Cause, where it may tend to the disclosing of the Secrets of State Government." Ibid., 759. Afterwards the Lord Keeper told the Commons' members that Ashley had not been authorized by the Lords to speak. On April 19 the House of Lords reprimanded
Littleton answered the Attorney on the matter of secrets of state. He declared: "They do not require a particular, a general Cause will serve the Turn; Treason, Suspicion of Treason, Felony.... Every Species hath a proper Name, and what Inconvenience to express one of these?" As for releasing of prisoners, the judges may use their own discretion whether to deliver or merely to bail. Coke expressed his amazement "... to hear that the Liberty of the Subject should be thought incompatible with the Regality of the King." Noye and Glanville concluded the arguments for the Commons against those of Attorney Heath.

The House of Lords on Monday, April 21, resolved into a committee, and after resuming its regular sitting, announced: "Agreed as a General Conclusion by the whole House, That a Commitment by the King, or by His Council, is good for Point of Authority; And, if the Cause of the Commitment be just, then the Commitment is good for the Matter. But these two Concessions shall no Way prejudice the King's Authority, nor yet the Propositions of the House of Commons." The House was in committee the following day to consider the propositions of the Commons but came to no resolution.

Ashley for his conduct at the conference. He had offended King, Lords, and Commonwealth, the Lords declared, and he must acknowledge his offence at the Bar. Two days later Ashley made his submission to the House and was allowed to resume his place there. Relf, Notes of Debates in the House of Lords, 118-119.

27 L.J., 759-762.

28 Ibid., 764. At the committee the Lords had debated the power of the king to commit. All agreed that he had this power, but most held that the cause of commitment must be just, and many believed that the cause should be expressed. Relf, Notes of Debates in the House of Lords, 119-123.

29 L.J., 765. During the debate Buckingham urged the Lords to vote on the Commons' propositions, although he did not favor them himself. He wanted the vote before a further conference with the Commons, so that both Houses might agree to an "accommodation." Relf, Notes of Debates in the House of Lords, 124-135.
On Wednesday it was resolved to inform the Commons at a conference "That the Lords do concur with them in their Desire of the just Liberties of the Subject; and they do find it fit and necessary to preserve the just Prerogatives of the King, and the due Freedoms of the Subject may be both jointly preserved." This resolution was relayed to the Commons at a conference that afternoon. The two Houses conferred again on Friday, April 25, at which meeting the Archbishop of Canterbury delivered five propositions of the Lords for consideration by the Commons. These resolutions proposed that the king declare: (1) that Magna Charta and the Six Statutes in explanation of it "... do stand still in Force, to all Intents and Purposes", (2) that in accordance with these laws and with the ancient customs "... every Free Subject of this Realm hath a Fundamental Propriety in his Goods, and a Fundamental Liberty of his Person", (3) that he is pleased "... to ratify and confirm, unto all and every His Loving and faithful Subjects, all their ancient several just Liberties, Privileges, and Rights, in as ample and beneficial Manner ... as their Ancestors did enjoy the same....", (4) that "... for the good Contentment of His Loyal Subjects, as for the securing of them from future Fears, That, in all Cases within the cognizance of the Common Law, and concerning the Liberty of His Subjects, His Majesty will proceed according to the Common Law of the Land....", (5) "And as touching His Majesty's Royal Prerogative, intrinsical to His Sovereignty, and entrusted Him from God ... His Majesty would resolve not to use or divert the same to the Prejudice of any His Loyal People, in Propriety of their Goods or

30 L.J., 766-767.
Liberty of their Persons; and in case ... for the Security of His Majesty's
Royal Person, the Common Safety of His People, or the Peaceable Government
of His Kingdom, His Majesty shall find just Cause, for Reason of State, to
imprison or restrain any Man's Person, His Majesty would graciously declare,
That, within a convenient Time, He shall and will express a Cause of his
Commitment or Restraint, either general or special; and, upon a Cause so ex-
pressed, will leave him immediately to be tried, according to the common
Justice of the Kingdom."

The Commons did not receive the resolutions of
the Lords too graciously. The first four, they held, were meaningless.
There was positive opposition to the fifth. "'Reasons of State,' said Coke,
'Iames Magna Carta.'"

A select committee of lawyers and other members of the House was
appointed by the Commons on April 28 to frame a bill "... therein expressing
the Substance of the Statutes of Magna Charta, and the other Statutes, and
of the Resolutions made in this House, concerning the Liberty of the Sub-
jects, in their Persons and Estates...."

Later in the day the Commons were called up to the House of Lords.
King Charles was present, and a message from him was delivered to both
Houses by the Lord Keeper. The parliament knew why Charles had summoned it.
Much time had passed and the danger was increasing. To put an end to the
debate on the Liberty of the Subject, which was causing this delay, Charles declared:

... the Clearness of His own Heart and Intention. And

31 Ibid., 769-770.
32 Relf, Petition of Right, 28.
33 C.J., 890. The committee was large and on it were the foremost members
of the Commons.
therefore He hath commanded me to let you know, that He holds the Statute of Magna Charta, and the other Six Statutes insisted on for the Subjects Liberty, to be all in Force; and assures you that He will maintain all His Subjects in the just Freedom of their Persons, and Safety of their Estates; and that He will govern according to the Laws and Statutes of the Realm; and that you shall find as much Security in His Majesty's Royal "ord and Promise as in the Strength of any Law you can make; so that hereafter you shall never have cause to complain. 34

He asked God to continue to bless the kingdom and pleaded that "... no Doubt or Distrust may possess any Man, but that you all will proceed speedily and unanimously in the Business."

Secretary Coke asked the Commons to accept the king's message in lieu of the proposed bill. Rudyard seconded Coke. But the Commons were determined to go on with the bill. Sir Edward Coke presented the proposed bill to the House the following day, April 29. The bill follows:

An Act for the better securing of every freeman touching the propriety of his goods and liberty of his person -

Whereas it is enacted and declared by Magna Carta that no man is to be convicted, destroyed, etc. ... and by a statute made in E. 7, ... and ... by the Parliament, 5 E.3 and 29 E.3, etc. ...

Be it enacted that Magna Carta and these Acts be put in due execution and that all ... rules given or to be given to the contrary shall be void; and whereas by the common law and statute it appeareth that no freeman ought to be committed by command of the King ... and if any free man be so committed and the same returned upon a habeas corpus, he ought to be delivered or bailed, and whereas by the common law ... every freeman hath a propriety of his goods and estate ... be it enacted that no tax, tallage, or loan shall be levied etc., by the King or any minister by Act of Parliament, and that

34 L.J., 772.
35 Ibid., 772.
36 Relf, Petition of Right, 28-29.
none shall be compelled to receive soldiers into his house against his will. 37

The bill covered imprisonment, taxation, and billetting. Its preamble recited the statutes which the Commons considered had been violated. The resolutions followed. At the close was to be placed the penalty for violation, not yet resolved upon.

The House split over the bill. On one side were those who wished to abandon whatever could not be enforced (opportunists), opposed to those (the Reformers) who would hold to the resolutions "... regardless of any practical end." They were divided because there was no way of enforcing the first resolution. The reformers determined that the

... really practical thing was a declaratory law. This in its nature was like a judicial decision; not a law to be put into operation against individuals, but a law which the judges must recognize in making decisions. In this kind of a law the explicit explanation was the important thing. 40

This marked the first step in the change of the bill of April 29 to the petition of right. This first change was due to the debate in the House. 41

The second was brought on by pressure from the king. On May 1 a message from Charles interrupted the debate. In it he asked if the Commons would accept his promise of April 28. Another message arrived the following day, renewing the promise, but declaring that the laws were not to be enlarged

38 Relf, Petition of Right, 29.
39 Ibid., 29.
40 Ibid., 33-34.
41 For this part, the change of the bill to a petition, I rely upon Relf who had access to many sources of the debates of the House of Commons for 1628. The C.J. does no more than mention the messages exchanged by king and Commons in the days following the April 28 message.
"... by newe explainacions, interpretacions, exposicions, or addicions in any sorte, which hee telleth us hee will not give way unto or endure." The Commons returned a "conciliatory remonstrance" to the king in which they maintained they merely wished to explain and provide for the execution of the laws, not to enlarge upon them. Charles answered that any explanation would "... hazard an Incroachment." Because these messages forbade any bill that was more than a mere confirmation of the laws, the Commons abandoned the bill "... and sought for some other means of getting their explanation on record. This they found in a petition of right." Petitions of right, asking judicial remedy, were sent directly to the courts having jurisdiction. They usually were submitted by individuals. It was an extraordinary procedure for parliament to use this means. According to the statements of the members of the House of Commons

... for the Houses of Parliament to present a petition of right to the King was for them to act in their judicial capacity as the High Court of Parliament, was for them in that capacity to declare what the law was. The King's assent would have the same effect as his assent to a private petition of right; it would assure its enforcement in the courts. It would confirm the declaration of the Houses; it would make it an interpretation of the law on which the judges must act.

The petition of right would differ from the bill only by having the particular grievances substituted for the general statements of the resolution. On May 6 Sir Edward Coke voiced the argument for a petition:

42 The Borlase Manuscript, 129, cited by Relf, Petition of Right, 34.
43 The Old Parliamentary History, 8:102, cited by Relf, Petition of Right, 34.
44 Relf, Petition of Right, 35.
45 Ibid., 36.
'I putt noe diffidenoe in his Majestie; the King must speake by record, and in particulars not in generall. Lett us have a conference with the Lords and joyne in a petition of right to the King for our particular grievance.... Messages alone never came into a Parliament. Lett us putt upp our petition; not that I distrust the Kinge, but because wee cannot take his trust but in a parliamentary way.' 46

Two days later Herberte reported the draft of the petition. The House resolved that it be "fair written" and that the petition be the subject of a conference with the Lords. The Lord Keeper gave a report of the conference to the House of Lords the following day. Sir Edward Coke had delivered the Commons' message. He summed up previous action and explained the delay since the last conference. After debating the five propositions of the Lords, they had received a message from the king. Because Charles' messages were "categorical" and the propositions of the Lords "hypothetical", the House of Commons had laid them aside, and proceeded in a parliamentary way in accord with the king's message. Coke declared to the Lords, "That they have drawn up a Petition of Right, according to ancient Precedents, and have left a Space for the Lords to join therein with them. And he affirmed that this manner of proceeding by Petition was the ancient Way, until the unhappy Division between the two Houses of Yorke and Lancaster." At the close of the report the petition was read to the Lords and was referred to a committee of ten. The committee reported on May 10 its recommendations for

46 Ibid., 41. Relf notes that, according to McIlwain, The High Court of Parliament, (1910), 42-46, the idea of making laws, as we know it, "...was entirely foreign to 17th century thought." Parliament was primarily a "law-declaring" machine. Its main function was enforcing and applying the fundamental law. Ibid., 39.
47 C.J., 894.
48 L.J., 786-787.
some changes in the wording of the petition, but the clause "... touching Commitment by the King or Council, without Cause expressed, is left to the House entirely." The following Monday, May 12, Buckingham delivered to the House of Lords a letter from King Charles. In it the king declared that for the good and peace of his people he had allowed free debate on matters of royal prerogative which his predecessors had restrained. He maintained the right to imprison without cause shown in some cases. He had thought "good" to let the Lords know "... That, without Overthrow of Sovereignty, We cannot suffer this Power to be impeached." He declared it was not his intention to go beyond the rule of moderation, and resolved,

... That neither We nor Our Privy Council shall or will, at any Time hereafter, commit or command to Prison, or otherwise restrain, the Person of any, for the not lending of Money unto Us, or for any Cause which in Our Conscience doth not concern the State, the Public Good, and Safety of us and our People.

In cases of commitment, moreover, upon petition of the party and the address of the judges, he shall express the true cause of commitment. In all cases of ordinary jurisdiction the judges would then proceed to deliver or bail the prisoners, according to the laws of the land, to Magna Charta and the six statutes. Charles explained the purpose of his letter was to shorten the debate on this question, "... the Season of the Year so far advanced, and Our great Occasions of State, not lending Us many Days for longer Continuance of this Session of Parliament."

At a conference later in the day the Lords proposed to the Commons

49 Ibid., 788.
50 Ibid., 790.
some alterations in the wording of the petition, and reported that the clause concerning commitment was still to be debated by the House of Lords. They submitted to the Commons the king's letter "... which offers Satisfac-
tion to both Houses therein." The Lords went into committee after the conference and resolved

... neither to conclude themselves thereby, nor yet to exclude the Propositions of the Commons, nor the Petition of Right presented by them;

It was put to the Question, and Agreed, That, touching the Point of Imprisonment in the Petition, this House should move the House of Commons, That the Petition may be reduced, so far as concerns that Point ... within the compass of that which His Majesty hath offered by His Gracious Letter.  52

The two Houses conferred again on Wednesday, at which meeting the Lords delivered their resolution. In answer to it Sir Edward Coke declared for the Commons: "... they had voted their Petition, and expected Reasons from the Lords for those Alterations; and that the Letter is no Answer in a Parliamentary Way to their Petition...." The Commons gave two reasons for not accepting the letter: (1) it was not a parliamentary way, (2) it would lose time in dispute. The Lords replied that they did not intend the king's letter to be an answer to the petition, but asked the Commons so to frame the petition as to make it conform to that letter. Their alterations were proposed merely to change some phrases "... which may haply be

51 Ibid., 790.
52 Ibid., 792.
53 Ibid., 795.
54 C.J., 897.
displeasing unto His Majesty..."

The House of Lords debated the "point of imprisonment" on Thursday, and Friday. At a conference with the Commons on Saturday, May 17, they proposed, rather than an alteration of the petition, an addition to it. The addition read:

"We humbly present this Petition to Your Majesty, not only with a Care of preserving our own Liberties, but with due Regard to leave entire that Sovereign Power wherewith Your Majesty is trusted, for the Protection, Safety, and Happiness of Your People."

The conference ended, the Commons sent word that the matter proposed was of such significance that consideration of it by the Commons was postponed until Monday. On Monday the Commons had a message from the king requesting that they bring the "great business" to a speedy conclusion. They asked a conference with the Lords. At the meeting they informed the Lords that the Commons were opposed to all the alterations to the petition except the first, because the changes in words altered the meaning and gave tacit consent to forced loans. After another conference the next day, at which the Lords waived all but two alterations, the Commons debated the alterations and the addition to the petition. They agreed to the two changes, but appointed Noye to report to the Lords the reasons for the Commons' refusal to accept the alteration. At the conference on Tuesday afternoon Noye concluded:

"That they proceed in a legal Course. Their Petition was

55 L.J., 796.
56 Ibid., 801.
57 C.J., 899.
58 L.J., 802-803.
59 C.J., 901."
their own Act. They petitioned only for their own Rights; and had no Ground ... to meddle with the King's Sovereignty; and therefore this Saving is not necessary. The Desire of their whole House was, That your Lordships would let this Petition pass, and to resolve hereon with all Expedition, that the great Business of the King might go on.

The Lords went into debate but reached no agreement. The Lord Keeper relayed to them a message from Charles the following day: "... that He discerns that all His Business depends upon the Resolution of this House touching the Petition." Charles declared that affairs were urgent, he himself was leaving for Portsmouth, and he wished the business of supply to begin before his departure. He asked the Lords to determine this day "... whether you will join with the House of Commons in the Petition or not." The Lords asked for a conference with the Commons, but the latter House was not ready until Friday, May 23.

The Friday conference consumed most of the day. Glanville and Martin gave the Commons' arguments against the addition proposed by the Lords. Glanville maintained that the clause admitted "... a Sovereign Power in the King above the Laws and Statutes of the Kingdom", and inferred "That the Free Subjects of the Realm ought not by Law to be imprisoned without Cause shewed, unless it be by Sovereign Power." He applied the clause to each part of the petition, demonstrating that it took away the effect from each and destroyed the entire petition. He declared that the Commons "... hold it contrary to all Course of Parliament, and absolutely repugnant to the very Nature of a Petition of Right, consisting of Particulars ... to clog it with a General

60 L.J., 807.
61 Ibid., 807.
62 Ibid., 808.
Saving, or Declaration, to the weakening of the Right demanded...." Maintaining that there was no need to assert the king's sovereign power when no encroachment had been made upon it, Glanville concluded:

This is the Thing we hope for, and this Thing only will settle such an Unity and Confidence betwixt His Majesty and us, and raise such a Cheerfulness in the dejected Hearts of all His Loving Subjects, as will make us to proceed unanimously and with all Expedition, to supply Him, and assist Him, for His great Occasions ... as to make Him safe at Home, and Feared abroad. 63

Sir Henry Martin gave further arguments for the opposition of the Commons to the "saving" clause, and ended with a prayer to the Lords to join with them in presenting the petition to Charles "... as it is by them conceived, without the Addition."

The Lords were not ready to relent, and, after further debate, called a conference on Saturday. They asked for a joint committee to "accommodate" the argument. The Commons refused on three grounds: (1) the business was of great importance and the strength of the Commons "... consists in their whole Body, as a Sheaf of Arrows"; (2) the Commons held that the petition needed no "accommodation"; (3) they desired to give satisfaction to the king in the matter of supply and the arguments would defer such action.

63 Glanville's report was given by the Lord Keeper. L.J., 813-818.
64 Ibid., 818-820. The Lord President reported Martin's arguments. The Commons report from the conference declares that the two members who spoke "... have deserved especial Thanks from this House, for performing the Service enjoined them by the House, to the great Honour thereof. Whereupon a general Expression of Thanks to them, with Acclamation and putting off Hats." C.J., 903.
65 L.J., 822; C.J., 904. On Saturday the Lords debated after hearing a report of the conference. Bristol urged the acceptance of the Petition as it stood. (Bristol, incidentally, had been outstanding among the Lords as an advocate of accepting the petition as it came from the Commons, and had opposed the alterations and "saving" clause.) Dorsett was strongly against Bristol's stand, declaring that the Petition "... dothe touo the Preroga-
On Monday, May 26, the House of Lords passed unanimously a declaration to the king:

May it please Your most Excellent Majesty, we the Lords Spiritual and Temporal, in Your High Court of Parliament assembled, do humbly and unanimously declare unto Your Majesty, That our Intention is not to lessen or impeach any Thing, which, by the Oath of Supremacy, we have sworn to assist and defend.

Immediately after this declaration was agreed upon, the Lords passed without a dissenting vote, the Petition of Right.

The House of Commons on May 27 resurrected the problem of whether to proceed finally by petition or bill. Most of the House leaders held that to return to a bill would break their promise to the king. This debate makes evident that those who advocated going by petition on May 6 knew that it would not be equivalent to law. Pelham gave the obvious reason for not returning to a bill: "The King declared', he reminded the House, 'that if wee went by Act of Parliament, he would not assent.'" The petition was read and engrossed, and ordered to be sent to the Lords. The Lords returned answer that they had received the petition and "... have read it thrice, and, with one unanimous Consent, voted it, though they had voted it before."

The Commons sent a message of thanks to the Lords...

... for their noble and happy Concurrence with them.
all this Parliament ... That this Petition which they are now to deliver contains the true Liberties of the Subjects of England, and a true Exposition of the Great Charter, not great for Words thereof, but in respect of the Weight of the Matter contained therein, the Liberties of the People; That their Lordships, concurring with the Commons, have crowned their Work.... And concluded, That the humble Desire of the Commons is, that the Lords would join with the Commons, to beseech His Majesty, for the more strength of this Petition, and the Comfort of His Loving Subjects, to give a gracious Answer to the same in full Parliament. 70

Charles agreed to receive the petition the afternoon of May 28. The following day he promised a prompt answer to the petition, and requested both Houses to forego the Whitsundtide recess in order to speed the end of the session.

Lords and Commons were present to hear Charles' answer on June 2. It was delivered by the Lord Keeper after a short speech by the king. Charles was pleased that parliament had no intention to lessen the royal prerogative. He wished to strike a happy balance in which "... their Liberties are an Ornament and Strengthening of His Majesty's Prerogative, and His Prerogative the Defence of their Liberties ... and for His Part, He will give the Example, and so use His Power, that hereafter they shall have no Cause to complain."

The Petition of Right was read then by the Clerk, followed by a reading of Charles' answer:

The King willet, That Right be done, according to the Laws and Customs of the Realm. And that the Statutes be put in due Execution, that His Subjects may have no Cause to complain of any Wrongs or Oppressions contrary to their just Rights and Liberties; to the Preservation whereof he holds himself in Conscience as well obliged as of His Prerogatives. 73
Two days later Charles sent word to the Lords that he intended to end the session on June 11 and prorogue parliament to a later date. Both Houses were to be informed so that important business might be concluded. The Lords on the following day, Thursday, June 5, discussed the need for supply to withstand the threats of Austria and Spain, and named a committee to ask the king to extend the session. Charles learned of this reaction and replied "... that Nothing hath been more acceptable to Him all the Time of this Parliament, then this dutiful and discreet Proceeding of your Lordships...." and that he would prolong the parliament.

The House of Lords on June 7 resolved that the answer to the Petition of Right "... was not clear and satisfactory...." They asked a conference with the Commons in which they proposed that "... humble suit should be made unto His Majesty...." for a better answer. The Commons agreed. Charles answered the joint plea, stating he would appear before parliament at 4 p.m. to receive the request and return an answer. The king declared to both Houses that he had considered his first answer very full, but that he was willing to satisfy their request. The Clerk read the Petition of Right. The new answer followed: "Soit Droit fait come est désiré." Charles informed the parliament that he had acquiesced to their demands, "... wherefore, if the Parliament have not a happy conclusion, the Sin is yours; I am free of it." The Lords Journal records that "... the Commons gave a great and a joyful Applause."
On June 10 the king signified his pleasure that the Petition of Right with his answer to it be enrolled in the Roll of Parliament and in the Courts of Westminster, and be printed. The Commons returned thanks to Charles for his message. Charles that day granted the request of the Lords for an extension of the session in order that "... the Petition of Right, and the Subsidy, may go hand in hand together."

The business of entering and enrolling the petition and answer occupied both Houses from June 12 to June 18. On the latter date Commons and Lords conferred on the title to the petition. The Commons proposed: "The Petition exhibited to his Majesty by the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, concerning divers of the ancient Rights and Liberties of the Subjects, with the Royal Answer and Assent of the King's Majesty thereunto in full Parliament." Two days later Charles submitted a title similar to that proposed by the Commons. He would make only this change: "... concerning divers Rights and Liberties of the Subjects, with the King's Majesty Royal Answer thereunto in full Parliament." A conference on the matter brought the approval of both Houses to the title proposed by the king. The Commons asked that the answer to the petition might be printed in English as well as French, "... for the better satisfaction of the Vulgar."

Some misinterpretations have been made concerning the second answer.

78 By these means the Petition would receive publicity throughout England, which was the end desired by the Commons. Relf, Petition of Right, 54-56.
79 C.J., 910.
80 Ibid., 911; L.J., 847.
81 Ibid., 863.
82 Ibid., 869.
to the Petition of Right. Many historians of the period have concluded that by this answer the Petition of Right became a bill, for the words of the king were the usual assent to a bill. The answer to the petition is the determining factor, Relf maintains, because neither House had definitely committed itself for bill or petition. If the petition were in the form of a bill, it would not have been answered, according to custom, until the end of the session. "That the Petition received the King's assent in the midst of the Session is indeed, to me, the strongest evidence that it was granted as a petition and not as a bill," that historian concludes. A common belief, too, is that the Commons forced the second answer by beginning an attack on Buckingham. This attack began on June 3, and was thought to be an expression of dissatisfaction with the answer, but the evidence shows that the Commons leaders had been planning the attack even before the session opened. Eliot had desired to revive the impeachment against Buckingham. He was overruled, "... and it was decided to proceed by bill as the better method of putting an end to the abuses." Eliot, according to Relf, had evidently been promised that once the business of the Petition of Right was concluded, he could begin the attack. "One cannot but think that for many days Eliot had had his speech of June 3 prepared. Without waiting even for a discussion of the King's first answer, he sprang it upon the House." His action came as a surprise and most the the House concluded it was occasioned by the "... scantiness of the King's answer to the petition."

83 Relf, Petition of Right, 47-48. Relf quotes the views of Gardiner, Forster, Taswell, and Gneist, who hold that the second answer of the king made the petition a law. Ibid., 48.
84 Ibid., 51.
The Commons proceeded with a remonstrance to the king, naming Buckingham the "grievance of grievances", despite messages from Charles ordering them to forbear any business "which may lay scandal or aspersion upon the state, government, or ministers thereof". The action of the House of Lords in seeking a conference with the Commons concerning a more satisfactory answer was motivated by a desire to stop the remonstrance proceedings. Only when Eliot assured the Commons that the conference had nothing to do with the remonstrance did they accept the proposal of the Lords.

The session ended abruptly on June 26. The Commons had been considering the question of tonnage and poundage from time to time during the previous two weeks, and on June 25 the committee on Tonnage and Poundage had reported the draft of a remonstrance. Charles called up the Commons to the House of Lords the following day. He declared:

It may seem strange, that I come so suddenly to end this Session; ... I will tell you the cause, though I must avow, that I owe an account of my actions to none but God alone ....

Now since I am certainly informed, that a second Remonstrance is preparing for me to take away my

85 Grosvenor, 5:26, cited by Relf, Petition of Right, 52.
86 Relf, Petition of Right, 53. The progress of the remonstrance is recorded sketchily in C.J., 905-914. On June 9 (two days after Charles' second answer) the heads of the remonstrance were reported to the Commons. They were eight in number: (1) "... fear of Alteration and Innovation of Religion"; (2) "Fear of Innovation of Government"; (3) "The Disasters, in our Designs and Actions"; (4) "The Weakness and Decay of our Forts"; (5) "Want of Ammunition, and ill Ordering of it"; (6) and (7) "Decay of Trade, and Loss of Shipping and Mariners"; (8) "The not Guarding of the Seas". After the report the House voted "... the excessive Power of the Duke of Buckingham, and the Abuse of that Power, are the Chief Cause of these Evils and Dangers to the King and Kingdom." This was to be added to the Remonstrance. C.J., 911. Charles on June 16 promised to receive the Remonstrance the following day. Ibid., 914.
87 Ibid., 919.
profit of Tonnage and Poundage, one of the chief main-
tenances of my Crown, by alleging I have given away my
right thereof by my answer to your Petition; this is so
prejudicial to me, that I am forced to end this Session
some few hours before I meant it....

Charles stated that since even the House of Commons was misinterpreting his
answer to the Petition of Right, he would now give the real meaning. Neither
or both Houses could entrench on the king's prerogative:

Therefore it must needs be conceived that I have granted
no new, but only confirmed the ancient liberties of my
subjects.... I do here declare, that those things which
have been done, whereby men had some cause to suspect the
liberties of the subjects to be trenched upon, - which
indeed was the first and true ground of the Petition, -
shall not hereafter be drawn into example for your pre-
judice; and in time to come ... you shall not have the
like cause to complain. But for Tonnage and Poundage,
it is a thing I cannot want, and was never intended by
you to ask, nor meant - I am sure - by me to grant.

Turning to the Lords, Charles spoke directly to them: "... for you only
under me belongs the interpretation of laws; for none of the House of Commons
... (what new doctrine soever may be raised) have any power either to make
or declare a law without my consent."

Thus ended the Parliament of 1628, which stands out as a milestone in
the constitutional history of England. The principles stated in the Petition
of Right could not, and were not enforced. But the Commons of 1628 had
placed on record "... 'the existence of a right to personal liberty.'"

For this is their great work, that they succeeded in
making the Petition a permanent record, that they suc-
cceeded in having that record spread broadcast over the

88 Gardiner, Constitutional Documents of the Puritan Revolution, 73-74.
country. It performed its mission by educating public opinion, by keeping the issue clear as between King and Parliament. Could the enforcing laws have followed if it had not paved the way? 89

89 Relf, Petition of Right, 58.
CHAPTER V

THIRD PARLIAMENT, SECOND SESSION, 1629

The parliament of 1628 had voted a supply of five subsidies to the king, and Charles had made plans to prosecute the war against France soon after the end of the session. To carry out a second expedition against 1 Rochelle, the fortified city of the French Huguenots, Charles sent Buckingham to Portsmouth to prepare a fleet. While on this mission the Duke of 2 Buckingham was assassinated. His death brought joy to the nation. The 3

1 The first expedition had been led by Buckingham in the summer of 1627 to aid Rochelle against Louis XIII. The expedition failed and the fleet returned in November. English opinion against the Duke was high. Actually, he had shown great personal courage in an attack on the island of Rhé, but lacked the military ability necessary to gain a victory. The outbreak of this war was caused by Charles' sending back to France the French servants of the Queen, in contradiction to the marriage treaty, by the French refusal to allow Mansfeld's army on French soil, by the embargo of English ships in French ports, and by English sympathy for the French Huguenots. Whitelock, Letters of the Kings of England, 276.

2 He was stabbed by a Frenchman, John Felton, in Portsmouth on the morning of August 23, 1628. Felton claimed to have been influenced by the remonstrance of the Commons against Buckingham in 1628. He was hanged for the murder. Frankland, Annals of King James and King Charles I, 337-338.

3 English sentiment on the Duke's death is expressed in many poems. The following is typical:

On the Duke and Felton
Awake, sad Britaine, and advance at last
Thy drooping head: let all thy sorrowes past
Bee drown'd, and sunke with their owne teares; and now
"grievance of grievances", the "cause of causes", was dead - king and parliament should now be at peace. Parliament was to have opened on October 20, but on October 1 it was prorogued by proclamation until January 20. In the interim "... several Merchants of London were committed for Non-Payment of Customs, which the King in open Council demands as a duty paid both in Queen Elizabeths and his Fathers times, and that there was in the Exchequer a solemn and legal judgement for the King for the payment of such Customs...."

Buckingham was gone, indeed, but the abuses for which he had been blamed lingered on. Tonnage and poundage was being collected without parliament's approval, "innovations" in religion continued despite the many protests of earlier parliaments. King Charles was to stand alone, without his "buffer", to meet the parliament of 1629. In anticipation of this session Charles met his Privy Council, members of which sat in parliament, and prepared a Bill of Tonnage and Poundage. This bill followed the form of that granted to James "... adding Words to give it from the First Day of the King's Reign...."

Parliament opened on Tuesday, January 20, 1629. On that day the House of Commons set up its standing committees. An immediate attack was

O're-looke thy foes with a triumphant brow.
Thy foe, Spaine's agent, Holland's bane, Rome's friend,
By one victorious hand receiv'd his end.
Live ever, Felton: thou hast turn'd to dust,
Treason, ambition, murder, pride and lust.


4 Rushworth, Historical Collections, 638.
5 Frankland, Annals of King James and King Charles I, 338.
6 Rushworth, Historical Collections, 642.
7 Relf and Notestein, The True Relation, 4.
launched the following day to examine "... what innovation hath been made upon the liberty of the subject against the Petition of Right since the end of the last Session of Parliament." A committee was appointed for this purpose and ordered to discover if the Petition of Right and the king's answer had been enrolled in the Parliamentary Rolls and in the Courts at Westminster. Eliot advised the House to be ready for debate on the matter, since it concerned the honor of the House and the liberty of the kingdom. He declared that the Petition had been printed, with an unsatisfactory answer, and asked that the printer be called before the House "... to declare by what warrant it was printed...." Selden said it was common knowledge that the Petition of Right had been violated since the last meeting of parliament. He cited cases to demonstrate that men's goods had been taken from them and had not been restored. One man had even lost his ears, Selden declared. "Next they will take our arms, and then our legs, and so our lives. Let all see that we are sensible of these customs creeping upon us. Let us make a just representation hereof to his Majesty."

The printer to the king, Norton, was called to the Bar and asked by what warrant the additions to the Petition of Right had been printed. Norton testified to a belief that the warrant was from the king himself. Some copies had been printed without the additions, he admitted, but had been suppressed by "some warrant". Norton was sent from the House and then called back to hear Eliot's demand for a more direct answer on the warrant. The printer said he did not recall "... the particular warrant, but sure he was that there

8 Ibid., 4-5.
9 Ibid., 5.
The debate rose to a higher pitch on Thursday, after a report by Rolles, a merchant and member of the House, "... that his goods were seized by the customers for refusing to pay the custom by them demanded, although he told them, what was adjudged to be due by law he would pay." Philips declared that violations of liberty were evident on every side, that the customers knew Rolles was a member of Parliament "... nay, they said, if all the Parliament were in you, this we would do and justify...." Secretary Coke spoke for moderation, and was answered sharply by Littleton: "We have moderation preached unto us in Parliament. I would others did the like out of Parliament. Let the parties be sent for that violated the liberties of Parliament to have their doom." Eliot, too, proposed that the customs officers account to the House for their action, and it was so ordered by the House.

Secretary Coke delivered a message from the king to the House of Commons on Friday, January 23. Charles asked that further debate on the seizure of the merchants' goods by his officers cease until the next afternoon. He would then speak to both Houses at Whitehall. In his address to Parliament on Saturday Charles attempted to explain his stand on tonnage and poundage. If his words and actions be understood, all would go well. No difficulty would have resulted

... if men had not imagined that I have taken these duties as appertaining to my hereditary prerogative, in which they

10 Ibid., 5-6. The next day Selden reported from the committee that 500 copies of the Petition of Right were printed without the addition. They were suppressed after the later copies which had the addition were printed. The warrant had come from Mr. Attorney on the king's command. Ibid., 9.
11 Ibid., 7-8.
12 Ibid., 10.
are much deceived; for it ever was and still is my meaning, by the gift of my people to enjoy it; and my intention in my speech at the ending of the last Session concerning this point was not to challenge Tonnage and Poundage as of right, but de bene esse; showing you the necessity, not the right, by which I was to take it, until you granted it to me; assuring myself according to your general professions, that you wanted time not will to give it to me....

He declared his expectation that at this opportunity parliament would make good its professions, and end all questions arising on that subject. He spoke to show "... how slow I am to believe harshly of your proceedings of Wednesday, January 21...." Moreover, it was by the resolutions of the House rather than by men's speeches, that he would judge them. He was confident that they would be "... deaf to ill reports concerning me, till my words and actions speak for themselves; so that this Session beginning with confidence one towards another, it may end with a perfect, good understanding between us; which God grant. Amen."

The bill for tonnage and poundage was brought into the Commons on Monday, January 26, by Secretary Coke. He "... recommends it to us in his Majesty's name and desires that his Majestie and the World may see our affection by the speedy passage of it." But the House turned its debate to religion. The king sent a message through Coke the next day, expressing his hope that the House was proceeding with the bill and giving precedence to it. Sir Walter Erle was indignant that such business should come before the matter of liberties, especially of religion. He urged at the close of a dramatic expression of religious zeal, that "... of all the businesses that are now

13 Ibid., 10-11.
14 Relf and Notestein, Nicholas' Notes, 108.
before you ... let Religion take the precedency." The Commons, as was noted in Chapter II, resolved that day the Committee for Religion was to have precedency over all others.

Early in the debate of January 28 Sir John Eliot declared that the judges, council, sheriffs, customs officials, and the Attorney "... all conspire to trample on the spoiles of the liberties of the sub jects." He would have those whose goods were seized take legal action for release of the goods "... that we may see what Ministers will refuse to do their duty therein." Secretary Coke asked that the words against the officers of the state "... may be forborne." Coke then delivered a further message from Charles recommending the passage of the tonnage and poundage bill, and, touching the point of religion, requesting the House to proceed with moderation "... and meddle not with what belongs to his Majesty." Mr. Treasurer expressed regret that the House had occasioned so many requests from the king on tonnage and poundage. He asked the House not to neglect the cause of the king by delaying action on the bill. Eliot retorted, "Would have the King acquainted that such Messages as we received from his Majestie have hindered his owne businesses." The debate closed with the appointment of a committee to answer the king's messages. The answer was to demonstrate the dangers threatening the nation, and to declare "... that Tonnage is our own gift, and that it is to arise from our selves, and that we intend not to enter into any

15 Relf and Notestein, The True Relation, 19.
16 Relf and Notestein, Nicholas' Notes, 112.
17 Ibid., 112. The editors note that these proceedings appear in no other account for the day. Ibid., 112.
18 Ibid., 112-113.
19 Ibid., 113.
thing that belongs not to us."

The declaration to the king was ready on Monday, February 2. In it the Commons maintained they were unable to proceed immediately with tonnage and poundage, and regretted that they were pressed to it in the king's name. With all the dangers threatening religion the House could not "... without impiety to God, disloyalty to your Majesty, and unfaithfulness to those by whom we are put in trust...." delay proceedings on the question of religion.

They prayed that this preference would be acceptable to the king. On February 3 Coke reported the delivery of the declaration to Charles. Coke apologized to the House for "... some words by me used when I delivered the Bill of Tonnage and Poundage.... I said it much concerned his Majesty, and that his Majesty much desired it; but this was mistaken, as if his Majesty had commanded it...." He read the answer of Charles to the declaration. The king said he had not intended the bill to be offered in his name, but expressed astonishment that the House should deny him the prerogative "... to command and offer any bill unto you...." He asked tonnage and poundage to "... put an end to those questions that arise between me and some of my subjects...."

The House went on with its debates on religious matters until Saturday February 7. Kirton moved that a time be appointed to consider tonnage and poundage. The House resolved to consider the bill on the following Thurs-

20 Relf and Notestein, The True Relation, 23.
21 Ibid., 29-30.
22 Ibid., 31-32. Eliot moved that since Coke had presented the bill in the name of the king, "... contrary to his Majesties intencion [he is unworthy to sitt amongst us.]" But the motion was dropped after "a little dispute." Relf and Notestein, Nicholas' Notes, 121.
day. The House member, Rolles, entered a further complaint on Tuesday, that since his last complaint his warehouse had been locked, and that on the previous day [February 9] he had been served with a subpoena to appear in Star Chamber. He had since received a letter from Mr. Attorney that the subpoena was a mistake. Philips voiced the anger of a portion of the House, declaring, "... we are made the subjects of scorn and contempt.... I desire the messenger may be sent for, and examined by what procurement this subpoena was taken forth; for if we find not out those that throw these scorns upon us, it is in vain to sit here." Sir Humphrey May asserted that the subpoena proceeded from a grave error, and desired that the matter be searched thoroughly, for he was "... confident that neither King nor Council have cast in this as a bone." Selden held it was no error but a deliberate affront to the House. A committee of six was appointed to investigate the matter, to seek information in the Star Chamber and examine by whom it was entered. The committee was to have power to send for persons or records, and to require persons to attend the House. The next day Selden reported that the privilege of the House had been broken in Rolles' case. In his discharge by Mr. Attorney, Rolles had been told that he was not to appear during the parliament or the days of privilege, since he was a parliament man. Selden reported

23 Relf and Notestein, Grosvenor's Diary, 177. Grosvenor begins his account of the session on February 6. According to the editors, his is "... the best narrative of events ... from this date to March second." Ibid., 130.
24 Relf and Notestein, The True Relation, 55. The subpoena had been read to the House "... but the letter was not suffered to be read." Ibid., 55.
25 Ibid., 55-56.
26 Relf and Notestein, Grosvenor's Diary, 190. In other words, Rolles would not be prosecuted during the session or time of privilege, but afterwards, so that parliament could not claim a breach of privilege.
also on a bill from the Exchequer in which was narrated the right of the king to take tonnage and poundage. The House was to consider the matter the next day at the committee for tonnage and poundage.

Before the committee met on Thursday Eliot summarized the attempts of the monarch since 1625 to collect tonnage and poundage without act of parliament, and the unsuccessful efforts for court hearings of those whose goods were seized for non-payment of the customs. "... soe they could have no justice and now they come to this house for Justice", he declared. The House ordered that the commissions, orders, and all other proceedings in the Exchequer be read in the committee for tonnage and poundage, and be considered.

As the committee meeting began, Waller delivered a petition from three merchants - Chambers, Fawkes, and Gilbourne. These men had complained to the customs officers on the seizure of their goods. On February 9 they were served to appear in Star Chamber within a short time. They asked speedy action by the House because "... by restraint of their goods they are like to be undone." Selden, Eliot, Strode, Coryton and others demanded that action be taken to restore the goods to the merchants. Coryton had declared: "Kings ought not by the law of God thus to oppress their subjects. I know we have a good King and this is the advice of his wicked ministers; but there is nothing that can be more dishonourable to him. May answered in be-

27 Ibid., 190. The House determined to send for Sir Edward Coke. Because of his age (76) he had not taken his place this session. As the editors note, "Now as their difficulties increased the members realized their need of his leadership." Ibid., 191.
28 Ibid., 196.
29 Ibid., 196.
30 Relf and Notestein, The True Relation, 60.
31 Ibid., 60-61; Relf and Notestein, Grosvenor's Diary, 196.
half of the Crown maintaining that the king and his ministers had acted "... to keep the question safe, until this House should meet, and you shall find the proceedings of the Exchequer were legal." Sir Thomas Edmondes favored immediate settling of tonnage and poundage, asking why a few violent men should upset a peaceful settlement of the question. Noye declared that the House could not vote tonnage and poundage until the proceedings in the Exchequer, the informations in Star Chamber, the addition to the Petition of Right, and other records were all nullified. He went on:

I will not give my voice to this until these things be made void; for it will not be a gift but a forced confirmation; neither will I give it unless these interruptions be declared, and a declaration in the Bill, that the King hath no right but by our free gift. If it will not be accepted, as it is fit for us to give it, we cannot help it. If it be the Kings already, as by these new records it seemeth to be, we need not give it. 33

Selden, Littleton, Glanville, and Noye were appointed to draw up a message to the Court of Exchequer. The message read:

That whereas certain goods of the merchants have been stayed by injunction from that Court by a false affidavit, and that, upon examination, the customers that made the affidavit have confessed the goods were stayed only for duties contained in the book of rates; that therefore that Court would make void the orders and affidavits in this business. 35

The following day Eliot appealed on behalf of the merchants Rolles, Fawkes, Chambers, and Gilbourne, who were to appear in Star Chamber that day, that they be given privilege and "... that there may be an intimacion to the

32 Relf and Notestein, The True Relation, 61.
33 Ibid., 61-62.
34 Relf and Notestein, Grosvenor's Diary, 200.
offices of Starchamber that they incur no danger of attachment for not appearance." The House ordered that Rolles was to have privilege of parliament, the others privilege of their persons. The Lord Keeper was to be notified that this privilege made all four immune to attachment.

The Court of the Exchequer sent an answer to the Commons on February 14. It was a declaration that the Court by its orders and injunctions did not entrench upon the right of tonnage and poundage, nor bar the owners of the goods to sue for them in a lawful course. But the owners attempted to take the goods out of the king's possession by writs or plaints of replevin. This action, the Court declared, was against the law in the king's case and against the royal prerogative. As a result

... the said Court of Exchequer, being the Court for ordering of the Kings revenue, did by those orders and injunctions stay these suits, and did fully declare by the said orders, that the owners, if they conceived themselves wronged, might take such remedy as the law alloweth. 37

Kirton declared that the House had looked for satisfaction and received instead merely a justification of the Court's actions. He and Selden urged that a committee examine the proceedings of the Court.

A petition from Chambers, the merchant, was read to the House on Tuesday, February 17. He had imported some goods since his complaint to the Commons, "... and can not get the possession of them by reason of a warrant from the Counsell dated 15 Feb. to stay all goods till customs be payd." All

36 Relf and Notestein, Grosvenor's Diary, 202-203. Grosvenor gives the name Gelman, rather than Gilbourne.
37 Relf and Notestein, The True Relation, 73-74.
38 Ibid., 74; Relf and Notestein, Grosvenor's Diary, 207.
committees had been adjourned until Thursday, because of the general Fast on 
Wednesday, and Eliot moved that the matter be taken up at "... the report of 
the whole merchants busines. But that the Customers who are the occasion of 
all this, who are offenders in poynt of priviledge, may be commanded to wayte 
on this house on Thursday: and to receive the censure of the house." It was 
so ordered and Chamber's petition was referred to the "committee for the 
merchants' goods."

The customs officers, Dawes and Carmarthen, appeared before the House on Thursday. Dawes was examined first. When asked by what authority he 
seized Rolles' goods, he replied, by a warrant from the king. He knew Rolles 
was a parliament, man, but believed he had privilege for his person, not his 
goods. He said he had not informed the Lords of the Council that Rolles had 
demanded privilege of parliament. Dawes was withdrawn while the House debated. 
May held that both king and council knew Rolles to be a member of parliament, 
but the money demanded was for the king's revenue, "... and for such duties -
Parliament privileges never held." Heyman declared: "Our mouths are stopped 
if this be the Kings revenue." Dawes was called in and asked for what duties 
he had taken the goods. He answered, the same duties as in King James' time. 
Dawes stated he did not knew that parliamentary privilege extended to goods, 
else he would not have violated the privilege.

Carmarthen testified that he took Rolles' goods for the duties paid 
in James' reign. He had told Rolles he had "... no commission to spare him.

39 Ibid., 217. Eliot was chairman of this committee.
And if the whole body of the House were contained in him, I said, I "could not do otherwise; and if I said I could not, it was because I could not." The interest of the entire House was at stake, Eliot maintained. The House must decide whether the customers were delinquents or not, and whether they had violated parliamentary privilege. If they were delinquent, the House should determine the punishment. Wandesford advised proceeding by remonstrance to the king, and dropping delinquency for the moment. The House resolved to consider the matter and went into committee for freer debate.

The examination of the customers continued on Friday. A third official, Wolstenholme, was called before the House. Upon questioning, Wolstenholme testified he was commissioned by the king to stay goods taken in place of duties. He conceived a parliament man was not privileged in goods against the king. He was a "patentee" in the lease for customers, and he delivered the lease to the House. After the examination the House resolved itself into a grand committee. Selden asked the House to consider the facts. All three customers were involved in Rolles' case, but the case for each differed. Wolstenholme had the commission to take and levy, but not to seize, yet he seized goods during the privilege period. He had the lease, but declared

40 Relf and Notestein, The True Relation, 83-85; Grosvenor's Diary, 221-224. Eliot and May had an argument during the debate. Eliot felt himself wronged when May declared he hoped wisdom would govern liberty, not vice versa. At Eliot's censure May replied: "Far from my meaninge to wrong the gentleman: I told you that, if you questioned these who justified there Act by the Kings Command: the King wold think his Command were questioned." Ibid., 224.

41 Apparently the king had leased the customs to Wolstenholme and others for some 150,000 pounds. "That he was a patentee in the lease for Customers: that they were sent for by the King and intreated to take the customes: which we did with this we were to pay 150000l certayne, if we lost by it, the King was to leave it...." Ibid., 225.
he had taken the goods for the king and not in his own interest. Dawes had no lease, had merely contracted with the lessees for a 32nd part. He had power only to levy. Carmarthen's case differed from the other two on these points: (1) he had no interest in the lease, (2) his words concerning parliament.

Wolstenholme's case was to be decided first. The question was whether by the lease he had interest in the goods seized. Glanville said that according to an affidavit made by the customers in the Exchequer, the goods were seized only for duties to the king mentioned in the king's commission, and that they, the customers, had no interest in the goods. The commission was read to the House, and a debate followed concerning the lease.

The discussion was resumed the following day as the House again went into committee. Littleton spoke at length citing previous cases to prove that a parliament man had privilege of his person and goods. Philips added to the precedents given by Littleton, and declared that since Elizabeth's time the period of privilege allowed twenty days before and twenty days after a session. May declared that "In all Courts of revenue, Westminster was ever granted extents against Parliament men for levying the Kings debts." Seymour, Coke, Glanville, and Selden denied that the matter concerned the king. Glanville said it was "... a mere cunning project ... to shelter their projects under the Command of the Crown." Noye maintained that the customers had neither commission nor command from the king to seize goods, and therefore the privilege was broken by the customers. Secretary Coke declared:

42 Ibid., 225-226.
43 Relf and Notestein, The True Relation, 87.
44 Relf and Notestein, Grosvenor's Diary, 226-227.
"It is in the commission to seize." The commission was read, "... and there was no such thing found therein, but only to levy." May said that Dawes based his claim to seizure on the commission and warrants held now by Eliot. He asked to see if such a command were in the warrants. The warrants were read "... and it is plain there is no warrant to seize," the House concluded.

May and Coke agreed then to proceed to the question, and "It was decided by question, that Mr. Rolles ought to have privilege of Parliament for his goods seized 30 October, 5 January, and all times since." The committee adjourned until Monday when the customs officers were to attend.

On Monday Philips divided the business into five parts. Two were already determined: (1) privilege in general, (2) Rolles' privilege in particular. Three remained: (1) debate on delinquency, (2) the punishment to be inflicted, (3) how to restore Rolles' goods. The House debated these matters.

Secretary Coke told the House that the ground upon which they proceeded was that the customers had no command from the king. He declared:

I must speak plain English; his Majesty took notice of our labour last Saturday, and that we endeavoured to sever the act of the customers from his Majesty's command. His Majesty commanded me to tell you, that it concerns him in an high degree of justice and honour; that the truth be not concealed, which is that what they did was either by his own direct order and command, or by order of the council-board, himself being present and assisting, and therefore he will not have it divided from his act.

The committee was evidently startled and chagrined by these words. Eliot

46 Relf and Notestein, The True Relation, 91-93; Grosvenor's Diary, 233-234.
47 Ibid., 234-235.
48 Relf and Notestein, The True Relation, 94.
moved an adjournment. Pym declared the message should have been delivered
to the House rather than to the committee. The House resumed its session,
and the committee reported a resolution that (1) a member of the House ought
to have privilege of his goods and estate, (2) that the 30th of October, the
5th of January, and all time since were within the privilege of parliament,
and (3) Mr. Rolles should have privilege. However, "... the command of his
Majesty is so great that they leave it to the House." Coke maintained that
no matter how the House labored to sever the interest of the king from that
of the customs officers, they could not do it. Philips cried:

I had rather pray to God to direct us than to take upon
me to give any direction now. The Kings honour, justice,
and government are now presented unto us, and also the
essential liberty of this House, and are we now fit for
debate or counsel? In the greatest retirement our best
thoughts are summoned to resolve what to do. 50

All debate ended. The House adjourned until Wednesday and all committees
save that for religion ceased. On Wednesday the House met only to receive
a further message from the king requesting an adjournment to the following
Monday, March 2. No committees were to function during that time.

From the events of March 2, 1629, it is evident that the leaders of
the House of Commons were not inactive from Wednesday to Monday. The day
opened with prayers. The Speaker announced to the House that he had a

49 Relf and Notestein, Grosvenor's Diary, 237.
50 Relf and Notestein, The True Relation, 95.
51 Relf and Notestein, Grosvenor's Diary, 238-239.
52 Ibid., 239; The True Relation, 101.
53 The March 2 entry in C.J. is: "Mr. Speaker delivereth a Message from his
   Majesty. Mr. Speaker, in the Name of the House, adjorneth it till To-
   morrow sevennight, Nine Clock", 932. Apparently the day's events were not
to be entered in the official records of the House. This example is ex-
treme, but it demonstrates how little the C.J. reveals of controversial
message from the king. His Majesty desired an adjournment of the House until Tuesday, March 10. Meanwhile all proceedings in the House and in all committees were to cease. The Speaker asked

... if it were their pleasures, he should accordingly adjourn the House. Whereupon there being a great Cry Noe Noe, Sir John Elliott standing up to speake, and many in the House calling upon him to speake, and the Speaker still standing, signified agayn unto the House, that his Majestie had layd an absolute Command upon him, that the House should be presently adjourned... and that if any in the House did offer to speake after the message delivered, he should instantly leave the Chair, and weight upon his Majestie. 54

Still the House demanded to hear Eliot. The Speaker attempted to leave the chair, but his arms were held by Hollis and Valentine. He finally made a great effort and "... at length gott out of the Chayre, and (divers of the House flocking up towards the table) hee was agayne with a strong hand by them two put into the Chayre." Eliot began to speak. He declared the king's command to be against the liberty of the House to adjourn itself. The king had been misinformed about the House proceedings, being told that the House had infringed on his sovereignty. But, Eliot maintained, "... wee have professed in all things to obey him as the highest under God.... We have for the present onely prepared a short declarcion of our intentions, which I hope shall agree with the honour of the House, and the justice of his Majestie."

occurrences in the House. The account of March 2nd given here is that in Relf and Notestein, 252-267. It is taken from two copies of the account found in St. P. Dom. 1628-29, vol. 138, numbers 6 and 7. It is fuller than any one other copy. The True Relation and Nicholas' Notes give shorter versions of the day's events.

54 Relf and Notestein, March 2nd Account, 252-253.
55 Ibid., 253.
And Eliot threw down to the floor a paper, asking that it be read. The Speaker again declared he could permit no such proceeding. He made another attempt to adjourn the House, but the cry continued, demanding that the paper be read. One member questioned by what warrant the Speaker delivered the message. Another declared it very irregular for the Speaker to attempt to leave the chair against the command of the House. Many spoke favorably for a reading of the declaration. Eliot told the Speaker that to ignore the will of the House was a great "... contempt and affront in Parliament", that his actions put him in danger of being tried as a delinquent by the House. "To avoyd that putt it to the question, and if you do it by the command of the House no doubt but it will satisfye his Majestie." Before the Speaker could answer, many cries arose to shut the door to the House and bring up the key, "... which the Serjeant being loth to do, Sir Mi[les] Hulbert sayd, If the House would trust him, he would keepe the key of the doore, and see that no man should goe out. To which mocion many agreed, and he according tooke the key."

Speaker Finch asked permission of the House to go to Charles and explain the situation. "... if I do not returne", he said, "and that speedily, teare me in peices...." Strode reminded him that as Speaker he was the servant of the House and should obey his master. The Speaker retorted: "I am not lesse the Kings servant for being yours: I will not say I will not put

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56 Ibid., 253-254.
57 Ibid., 254-255.
58 Ibid., 257.
59 Ibid., 257.
it to the question, but I must say I dare not." Eliot requested his paper so that he might read it. Many objected, but he continued to speak. He described the conditions in England as terrible. Popery and Arminianism were growing steadily. Plantations of Jesuits dotted the land. Leaders of the government were in league with Popery and Arminianism. He named the Lord Treasurer as the one in whom was contained all these evils. "If we looke either into religion, or policye, I finde him building upon the grounds layd by the Duke of Buckingham his great Master." He ended his tirade declaring that the evils which England was suffering came from new counsels. To make a protest against these persons, to declare them capital enemies to king and kingdom, "... that will persuade his Majestie to take Tonnage and Poundage without graunt of Parliament....", was the purpose of the declaration. Some members rose to the defense of the Lord Treasurer. No action was taken upon Eliot's accusation for lack of proof.

Eliot reported that he had burnt his paper. Hollis reproved him for the action, but "... Since that paper is burnt, I conceive, I cannot doe my King and Country better service, then to deliver to this House what was contain'd in it...." The protestation follows:

1. Whosoever shall goe about to innovate any thing in Religion, to bring in either Popery or Arminianism, or any new doctrine contrary to that which hath generally bene taught and received by the unanimous consent of the Divines of our Church, let him be accounted a capitall enemye of the King and Kingdome.

60 Ibid., 258.
61 Ibid., 258-261.
62 Ibid., 262-265.
2. Whosoever shall Counsell the taking of Tonnage and Poundage without act of Parliament let him be accounted a capitall enemye to the King and Kingdome.

3. What merchant soever shall pay Tonnage and Poundage without Act of Parliament, let him be accounted a betrayer of the libertie of the Subject, and a capitall enemye both to King and Kingdome. 63

The House received notice that Mr. Maxwell, the messenger of the House of Lords, was at the door with a message from the king. The House refused him entrance. And "... after some confused noyse and stirre in the House for a while, Sir John Eliot moved that the House might for the present adjourne it selfe; and so by the mouth of the Speaker it did adjourne it selfe till tomorrow sevenight."

Charles appeared in the House of Lords on March 10. The House of Commons had not been called, but some members were present. The king addressed the Lords, declaring that he had never come there upon so unpleasant an occasion. He was not dissolving parliament by commission, as was the usual course, because he felt it necessary to declare to all the world "... that it was merely the undutiful and seditious Carriage in the Lower House that hath caused the Dissolution of the Parliament...." He took much comfort in the "dutiful Demeanors" of the upper House. He did not judge all of the Commons harshly, for many of them were dutiful subjects, "... it being some few vipers amongst them that did cast this Mist of Undutifulness over most of their Eyes...." Those "vipers"would be punished, while the Lords would

63 Ibid., 267; the declaration is given also in Gardiner, Constitutional Documents of the Puritan Revolution, 82-83, the wording of which differs slightly from that given in the March 2nd Account.
64 According to Relf and Notestein, the messenger had been waiting for some time to gain entrance to the House. March 2nd Account, 266.
65 Ibid., 267. "The House rose up after they had sitten down for two hours", Relf and Notestein, The True Relation, 105.
receive his favor and protection, Charles concluded. The Lord Keeper thereupon pronounced the official dissolution of parliament.

Charles had worked evidently during the eight days from March 2 to March 10. For on the latter date was published an official paper stating the causes for the abrupt ending of the session. In the declaration Charles maintained that as king he owed an account only to God, but for the satisfaction of his "loving subjects" he would set down an explanation of his actions. He reviewed the session of 1628, his patience in waiting for a supply until the parliament had finished the Petition of Right. The Commons, after his acceptance of the petition, spread the belief "... that by the answer to the Petition we had given away, not only our impositions upon goods exported and imported, but the Tonnage and Poundage..." which had not been mentioned in the debates on the petition. The Commons were preparing to vote a remonstrance against his receiving of tonnage and poundage when Charles dissolved the session on June 26, 1628. He justified his collection of duties by citing precedents since the time of Edward IV. "... the subsidy of Tonnage and Poundage was not only enjoyed by every of those Kings and Queens, from the death of each of them deceasing until it was granted by Parliament unto the successor; but in all those times (being for the most part peaceable, and not burdened with like charges and necessities, as these modern times) the Parliament did most readily ... grant the same, as a thing most necessary.

66 L.J., vol. 4, 43. The records for the House of Lords for this session are very brief, and indicate the House was mainly concerned with its little problems. There was practically no "correspondence" between the Houses, and the Lords discussed none of the problems which so concerned the Commons.

67 Petrie states that Charles' "... justification for the dissolution of Parliament in 1629 is a masterpiece of close reasoning." The Letters, Speeches, and Proclamations of King Charles I, vii-viii.
for the guarding of the seas, safety and defence of the realm, and supporta-
tion of the royal dignity...." Charles had waited for the parliamentary grant of tonnage and poundage, meanwhile collecting it as his predecessors had done. Some merchants, influenced by the remonstrance prepared by the Commons in 1628, had rebelled against the duties. Charles had directed the customs officers to continue collections and had "... caused them that re-
 fused to be warned to attend at the Council Board...." The merchants had acted with "... such boldness and insolency of speech, as was not to be en-
dured by a far meaner assembly...." Parliament had reassembled on January 20. The merchants petitioned the Commons when the suits against them began in the Court of Star Chamber. In that House grave charges were pronounced against the council and judges, and passed without censure by the Commons. "By which it may appear, how far the members of that House have of late swoln beyond the rules of moderation and the modesty of former times; and this under pretence of privilege and freedom of speech...." The House had dared to censure the officers of the customs for collecting tonnage and poundage, and had asserted that a member of parliament had privilege for his merchandise against the king, "... the consequence whereof would be, that he may not be constrained to pay any duties to the King during the time of privilege of Parliament." Charles described the reaction of the Commons to his request on March 2 for an adjournment. He declared that while Buck-
ingham lived he was the target of parliament for all evils,

So that now it is manifest, the Duke was not alone the mark these men shot, at, but was only as a near minister of ours, taken up, on the by, and in their passage to their more secret designs; which were only to cast our
affairs into a desperate condition to abate the powers of our Crown, and to bring our government into obloquy, that in the end all things may be overwhelmed with anarchy and confusion.

Although the entire House of Commons was not to blame, the majority had been overruled by the efforts of the few. In due time the guilty would be punished, Charles promised. He declared himself the defender of the faith against Popery and Arminianism. He would maintain the rights of all subjects. But liberty was not to be confused with license, and the Petition of Right was not to be interpreted as conceding "lawless liberty". He as king would maintain liberty, but expected submission to the royal prerogatives. He assured his ministers that they had performed their duty to him and would receive his protection. To the merchants he promised to endeavor to increase trade without burdening them. But a duty of five pounds in one hundred for guarding of the seas and defending the realm was not too great, he held. If such payment be refused, he would support his right against the merchants. Now that the truth was told, Charles concluded, all wise men would judge correctly the rumors spread by the House of Commons.

The king carried out his threat against the members of the Commons involved in the March 2nd proceedings. Sir John Eliot, Denzil Holles, Benjamin Valentine, Walter Long, William Coriton, William Stroud, John Selden, Sir Miles Hobart, and Sir Peter Hayman were imprisoned in the Tower. On May 7, 1629, the charges against the nine were preferred in the Court of Star Chamber. Attorney-General Heath accused them of attempting to de-

fame the king, his ministers, and his counsellors before the dissolution of
the parliament. They had worked to this end from February 25 to March 2,
the charge continued. Eliot was charged with preparing a paper containing
"divers false and scandalous assertions" concerning the government and some
of the privy council for public reading before the House of Commons. Heath
reviewed the events of March 2. The judges gave an unanimous opinion that,
since this was an attempt to slander the state, to raise discord between king
and people "... therefore the matter contained within the Information is a
great offence, and punishable in this Court." The defendants refused to
plead the case further, once the decision had been made. The sentence
against the nine followed: (1) all were to be imprisoned during the king's
pleasure - Eliot in the Tower, the others in other prisons; (2) none was to
be freed until he gave security to the Court for his good behavior, and made
his submission and acknowledgment of his offence; (3) "Sir John Eliot, in-
asmuch as we think him the greatest Offender, and Ringleader, shall pay to
the King a fine of Two thousand pounds; and Mr. Holles, a Fine of One thou-
sand Marks; and Mr. Valentine, because he is of less ability than the rest,
shall pay a Fine of Five hundred pounds."

69 Rushworth, Historical Collections, 665-666.
70 Reif and Notestein, 239, has the statement of Heath at the trial (Harl.
2217, ff. 89-90.)
71 Rushworth, Historical Collections, 690.
72 Frankland, Annals of King James and King Charles I, 352. Eliot died in the
Tower prison on November 27, 1632. Grosart, Sir John Eliot, 231. The
Parliament of 1640-1641 voted on July 6, 1641, on these proceedings of the
Star Chamber (1629), resolving that the issuing of warrants from the Privy
Council to members of the House of Commons was a breach of parliamentary
privilege. On July 8 further resolutions were made, and a committee ap-
pointed to consider ways and means of raising funds to pay the damages
suffered by the convicted members. Rushworth, Historical Collections, 57.
CONCLUSION

In the reign of Charles I came the death struggle between the two theories of government - absolute monarchy and representative government.

Not that Charles had all the powers of absolutism, nor that parliament was by any means a truly representative body - but each possessed some characteristics of its type. Charles was determined to cling to what powers he had, parliament evidently was bent on enlarging its powers. The king's greatest weapon was the right to call and to dissolve parliaments; parliament's was the privilege of voting funds to supply the monarch. Were it not for Charles' obligations to the Protestant Powers in the Thirty Years' War, it is probable that he could have steered through fairly calm waters in his dealings with parliament. His desperate need of money, however, necessitated calling parliament. The House of Commons knew its power, and held it as a wedge through which reforms of grievances might be driven. The act of voting tonnage and poundage in 1625 for only one year, rather than the cus-

1 Relf and Notestein believe that the constitutional significance of the Stuart period cannot be evaluated until earlier English history, especially the 14th and 15th centuries, is studied. They hold that the precedents to which the Commons' leaders referred to justify their actions should be "... looked up and evaluated." Such a study, they suspect, would show that these men "... were really driving parliament forward to new positions, that they were overvaluing much of Lancastrian precedent, honestly enough; no doubt", vi-vii. According to Bello: "The House of Commons became in the first generation of the seventeenth century something hitherto quite unknown in English history. It became - as the mouthpiece of the big merchants, of the towns and of the new big land-
Tumary term of the life of the monarch, was a poor beginning in the relationship between parliament and king. The succeeding parliaments reveal the clashes between the two forces - each highly sensitive - the monarch of his honor and prerogatives - the parliament of its precedents and privileges. Neither would concede an inch in the struggle, unfortunately, and compromise was not effected. With the dissolution of parliament on March 10, 1629, Charles began a rule without parliament which lasted eleven years. This was perhaps the last manifestation of true absolutism in English history. Charles I was to lose his control over parliament in the early 1640's, and his head in 1649. With him died the powers of the English monarchy.

owners of the country - a power which challenged the King; by its now consolidated rules, by its new organic continuity and strength, by its regular debates, and its immixture in foreign and domestic policy, its claims to all revenue - by these novelties, the House of Commons became an increasing hourly necessity without which the State could not proceed. Hilaire Belloc, The House of Commons and Monarchy, London, 1920, 35-36.
APPENDIX A

The Petition of Right

(June 7, 1628. 3 Car. I, Cap. 1. Statutes of the Realm, v. 23. In Gardiner, Constitutional Documents of the Puritan Revolution, 66-70.)

To the King's Most Excellent Majesty.

Humbly show unto our Sovereign Lord the King, the Lords Spiritual and Temporal, and Commons in Parliament assembled, that whereas it is declared and enacted by a statute made in the time of the reign of King Edward the First, commonly called Statutum de Tallagionon concedendo, that no tallage or aid shall be laid or levied by the King or his heirs in this realm, without the goodwill and assent of the Archbishops, Bishops, Earls, Barons, Knights, Burgesses, and other freemen of the commonalty of this realm: and by authority of Parliament holden in the five and twentieth year of the reign of King Edward the Third, it is declared and enacted, that from thenceforth no person shall be compelled to make any loans to the King against his will, because such loans were against reason and the franchise of the land; and by other laws of this realm it is provided, that none should be charged by any charge or imposition, called a Benevolence, or by such like charge, by which the statutes before-mentioned, and other the good laws and statutes of this realm, your subjects have inherited this freedom, that they should not be compelled to contribute to any tax, tallage, aid, or other like charge, not set by commons consent in Parliament:

Yet nevertheless, of late divers commissions directed to sundry Commissioners in several counties with instructions have issued, by means whereof your people have been in divers places assembled, and required to lend certain sums of money unto your Majesty, and many of them upon their refusal so to do, have had an oath administered unto them, not warrantable by the laws or statutes of this realm, and have been constrained to become bound to make appearance and give attendance before your Privy Council, and in other places, and others of them have been therefore imprisoned, confined, and sundry other ways molested and disquieted: and divers other charges have been laid and levied upon your people in several counties, by Lords Lieutenants, Deputy Lieutenants, Commissioners for Musters, Justices of Peace and others, by command or direction from your Majesty or your Privy Council, against the laws and free customs of this realm:

And where also by the statute called, 'The Great Charter of the Liberties of England', it is declared and enacted, that no freeman may be taken or imprisoned or be disseised of his freeholds or liberties, or his free customs, or be outlawed or exiled; or in any manner destroyed, but by the
lawful judgment of his peers, or by the law of the land:

And in the eight and twentieth year of the reign of King Edward the Third, it was declared and enacted by authority of Parliament, that no man of what estate or condition that he be, should be put out of his lands or tenements, nor taken, nor imprisoned, nor disherited, nor put to death, without being brought to answer by due process of law:

Nevertheless, against the tenor of the said statutes, and other the good laws and statutes of your realm, to that end provided, divers of your subjects have of late been imprisoned without any cause showed, and when for their deliverance they were brought before your Justices, by your Majesty's writs of Habeas Corpus, there to undergo and receive as the Court should order, and their keepers commanded to certify the causes of their detainer; no cause was certified, but that they were detained by your Majesty's special command, signified by the Lords of your Privy Council, yet were returned back to several prisons, without being charged with anything to which they might make answer according to the law:

And whereas of late great companies of soldiers and mariners have been dispersed into divers counties of the realm and the inhabitants against their wills have been compelled to receive them into their houses, and there to suffer them to sojourn, against the laws and customs of this realm, and to the great grievance and vexation of the people:

And whereas also by authority of Parliament, in the 25th year of the reign of King Edward the Third, it is declared and enacted, that no man shall be forejudged of life or limb against the form of the Great Charter, and the law of the land: and by the said Great Charter, and other the laws and statutes of this your realm, no man ought to be adjudged to death; but by the laws established in this your realm, either by the customs of the same realm or by Acts of Parliament: and whereas no offender of what kind soever is exempted from the proceedings to be used, and punishments to be inflicted by the laws and statutes of this your realm: nevertheless of late divers commissions under your Majesty's Great Seal have issued forth, by which certain persons have been assigned and appointed Commissioners with power and authority to proceed within the land, according to the justice of martial law against such soldiers and mariners, or other dissolute persons joining with them, as should commit any murder, robbery, felony, mutiny, or other outrage or misdeameanour whatsoever, and by such summary course and order, as is agreeable to martial law, and is used in armies in time of war, to proceed with the trial and condemnation of such offenders, and them to cause to be executed and put to death, according to the law martial:

By pretext whereof, some of your Majesty's subjects have been by some of the said Commissioners put to death, when and where, if by the laws and statutes of the land they had deserved death, by the same laws and statutes
also they might, and by no other ought to have been adjudged and executed:

And also sundry grievous offenders by colour therof, claiming an exemption, have escaped the punishments due to them by the laws and statutes of this your realm, by reason that divers of your officers and ministers of justice have unjustly refused, or forborne to proceed against such offenders according to the same laws and statutes, upon pretence that the said offenders were punishable only by martial law, and by authority of such commissions as aforesaid, which commissions, and all other of like nature, are wholly and directly contrary to the said laws and statutes of this your realm:

They do therefore humbly pray your Most Excellent Majesty, that no man hereafter be compelled to make or yield any gift, loan, beneficence, tax, or such like charge, without common consent by act of Parliament; and that none be called to make answer, or take such oath, or to give attendance, or be confined, or otherwise molested or disquieted concerning the same, or for refusal thereof; and that no freeman, in any such manner as is before-mentioned, be imprisoned or detained; and that your Majesty will be pleased to remove the said soldiers and mariners, and that your people may not be so burdened in time to come; and that the foresaid commissions for proceeding by martial law, may be revoked and annulled; and that hereafter no commissions of like nature may issue forth to any person or persons whatsoever, to be executed as aforesaid, lest by colour of them any of your Majesty's subjects be destroyed or put to death, contrary to the laws and franchise of the land.

All which they most humbly pray of your Most Excellent Majesty, as their rights and liberties according to the laws and statutes of this realm; and that your Majesty would also vouchsafe to declare, that the awards, doings, and proceedings to the prejudice of your people, in any of the premises, shall not be drawn hereafter into consequence or example: and that your Majesty would be also graciously pleased, for the further comfort and safety of your people, to declare your royal will and pleasure, that in the things aforesaid all your officers and ministers shall serve you, according to the laws and statutes of this realm, as they tender the honour of your Majesty, and the prosperity of this kingdom.

Which Petition being read the 2nd of June 1628, the King's answer was thus delivered unto it.

The King willeth that right be done according to the laws and customs of the realm; and that the statutes be put in due execution, that his subjects may have no cause to complain of any wrong or oppressions, contrary to their just rights and liberties, to the preservation whereof he holds himself as well obliged as of his prerogative.

On June 7 the answer was given in the accustomed form, Soit droit fait comme il est désiré.
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