

of one Master Wierlay, that broke prison here, and in the letters that divers others put out in print,^a and a little more of which you will heare in the relation of one Mr Chilenden, who, with eighteen more, broke prison here foure nights ago; for I believe that he will make a declaration to the world. We have from time to time complained to our friends at London, which have hitherto hoped that letters from the gentlemen to the court, of the good usuage of the prisoners with them, would have prevailed with his majesty, and the generall here, to purchase the like for us; but, alas! it is in vain. We have petitioned his majestie and the generall, and articted against Smith, for transcendent cruelties, but we never could have hearing, by reason of the potency of his friends, and those damnable oaths that he has sworn against us, to which there is no more credit to be given then to the divill, and those wicked lies that he hath told, and those false reports that he hath raised on us, and filled the court full of strange and unheard-of matters, that never entred into our hearts to thinke of, much lesse to plot; and those be his usual practices and evasions when we complaine of him; so that our struggling and complaining hath done us rather more hurt then good, because our friends in parliament hath not taken the right course to deal with their prisoners, as we have been dealt with; which if they had, they themselves, I am confident, would, long ere this, by their importunate desires and informations to his majestie, have eased us of Smith, and purchased more liberty for us; so that this is our last refuge that we have to betake us to,—to presse our friends immediately to get all their prisoners of quality clapt up close prisoners, as we are, and used in some reasonable proportion to what we are here; and if this be not speedily done, I doe verily believe, they will scarce see the face of one man in ten of us; for, so neare as I can judge, Smith, with more than pagan-like cruelty, hath already murdered above forty men, yea, above sixty men, in this house, the blood of all which he is guilty of; for his starving, beating, fettering, clapping head and heels together, close imprisoning, and other bad usuage, hath already brought the plague amongst us; and two poore men in the tower lie sick of the plague sores, as the chyrurgeon avers: yet, in this great extremity, will not let the heavy-hearted wife come relieve and nourish her sick and distressed husband; yea, he hath clapt a chyrurgeon in prison, for comming to dresse the stinking putrified sores of the wounded and diseased: yea, and the poor people that dressed our diet, and washed our linnen, are not permitted to come unto us; yea, and though Captaine Scroope, a gentleman of quality, be very sicke, yet will he not suffer his apothecary to come to administer any thing to him.

But the saddest story, of all the rest in this house, might bee made of one Mr Edward Bradneys sufferings, who was an honest Warwickshire man, who hath laid a long time in languishing death, first in this castle, then at Bridewell, and almost ever since they broke prison there, in fetters of iron, who died yesterday, whom all the gentlemen in the house, neither for love nor money, could not intreat Smith nor his lieutenant (who is growne as bad as himselfe) to let us have, for our money, any poore woman to looke unto him; so that he was forced, for three weeks together, to lye in his own dung and pisse, and never was made cleane all that time but once, as those that were neereest unto him have for certainty informed me; so that they that lay in the roome with him, and next unto him, have beene almost poisoned with stincke by him: yea, though the poore prisoners, many of them, be almost spent in watching with their fellow dying prisoners, yet the inhumane lieutenant, the other night, threw stones in at the windowes, in a roome where foure lay sick, because the poore watching men had but a faggot burning, to refresh them, and a candle burning, to see to give them drinke, and such things as they had for them.

I rest your servant.

Oxon Castle, May 26, 1643.

^a The prisoners report, in a letter, intituled, A true Relation of the Usage of the Prisoners at Oxon.
VOL. IV.

The true Copie of a Petition and Articles, which the Captaines and Gentlemen in Prison preferred to his Majesties Privie Counsell, Commissioners, and Counsell of Warre, against Smith.

To the Right Honourable the Lords of his Majesties most Honourable Privy Counsell, the Commissioners, and the Counsell of Warre assembled in Oxon, the most humble Petition of some Prisoners in the Castle at Oxon, whose Names are hereunto subscribed.

Sheweth,

That we presume, not from any forgetfullness of our sad condition, being prisoners under his majesties high displeasure, and the inseparable consequents therewith, which, in all humility and sense of sorrow, we both apprehend and submit unto, or out of any unquietnesse of disposition, to encrease trouble to your lordships, to interrupt your great affairs, which we most humbly crave pardon for; but the long and still daily ill intreaty we all receive under our keeper, the provost-marshal-general, Captaine Smith, is so exorbitant and intolerable, as, upon the reputation of gentlemen, we professe, that a faire passage out of this world will be farre more welcome unto us then such a life. A particular of some of his actions, we, in all humbleness, (as your lordships shall vouchsafe to signifie your pleasures,) desire to present unto your lordships, beseeching your lordships to take them and us unto your grave consideration, and to shew your petitioners such favour and relief therein, as your lordships shall thinke meet.

And we shall daily pray, &c.

Some Particulars of Captaine Smith, his Cariage towards his Prisoners.

1. That we are, many of us, close prisoners, and some in irons, and other gentlemen in the tower, amongst the common prisoners, and have been stricke by Captaine Smith.
2. That we are by him lock't up into our chambers, and debarred the use of pen, inke, and paper, and the converse with any, having sentinels set at our chamber-doores, some of us denyed the comfort of speaking with such as come from, and returne unto our wives and dearest friends.
3. That we have suffered much for necessaries; and many of us are lousie.
4. That he doth frequently reproach and provoke us with very base language, calling Sir William Essex old doting foole and asse, and swore that he would lay him head and heeles together: that he hath suddenly, in great rage, come unto the captaines and officers, in the presence of divers strangers, and his owne servants, no offence that we know being given, or by him expressed, and swore that he would lay the proudest of us neck and heeles, and that hee spake it to them all in generall, or to any of them in particular; and challenged them now, or at any time hereafter, if they were at liberty, to justifie it upon them, that he has called some of the captaines boyes, and other gentlemen jackanapes, rascalls, and fooles, and that he would whip their arses, and lay them in irons, in the tower.
5. That when his prisoners have had no relief in 24 houres, and have earnestly begged for water, and hath, with all possible respect, been desired thereunto, he hath violently fallen upon them, knocking of them downe, and beating of them, in as much as some of their limbs are likely to be lost thereby; calling them curs, and protesting that he respected dogs more than they, some of them being officers; and after such beating, being cast into irons, head and heeles, all night, for no other cause then for asking a little water in such extremitie, for want whereof they have beene in such necessitie, that they have beene constrained to drinke their owne urine.

6. That he, (as we humbly conceive,) for his owne private respects, most injuriously cha ges his prisoners with plots and conspiracies, and bath taken great summes of mo-ney of them for fees, and detained some of them in great extremity, even to the prejudice of their lives, onely for unlimited fees, unto their utter undoing.

7. That whereas his majestie, out of his great mercie, is most graciously pleased to allow his poore prisoners sixpence a man *per diem*, yet they received hereof but five farthings a-day, whereby many of them had been starved, had it not bin for the reliefe of some other prisoners, who made collection for them : and that Captaine Smith his servant Rich hath gained two shillings out of every five thus collected for the relief of the poore prisoners ; and the said Rich, by the allowance of his master, selleth beere at an excessive rate, to wit, that in a kilderkin of five shillings, he hath gained six or seven shillings.

8. That Captaine Smith, as he said, came with an expresse command from the king to some of his prisoners, and told that his majestie himselfe commanded him that the gentlemen should have onely bread and water, untill they had paid Mr Fisher's bill, of one hundred and fifty pounds, or there about,—a bill that hath caused much difference betweene Mr Fisher and Captaine Smith ; consisting of Captaine Smith his servants ; of seven pounds spent by him in wine ; a bill of the diet of the servants and prisoners, when sometimes they were in number sixty, seventy, or eighty, one day more, another lesse, which made it a confused bill and reckoning ; and did not at all, as we humbly conceive, concern any of us ; wee having agreed, and Captaine Smith promised that we should have a twelve penny ordinary ; which we never refused, but was alwayes ready to pay, those that had money, and the rest to give the best assurance they could for it. And because this one hundred and fifty pounds was not presently paid by some few of them, they were locked up close prisoners, and sentinels set on their chamber-doores, to see that they received nothing but bread and water, which Captaine Smith swore was the king's expresse command ; but he said, he would allow them bread and beere.

This petition was exhibited about Allhollantide, 1642 ; but, by reason of the potency of his friends, we could never have any hearing, though, since that time, wee have preferred many other petitions.

HERE you have seene a glimpse of Smith's tyranny, but to repeate all his cruelties, with his cozenings and cheatings, and the circumstances about him, would make a volume of many sheets of paper ; but by this all the world may see how the king is wounded in his honour by such base Egyptians, that care for nothing but their own base and by-ends ; therefore those great friends of Smith, that have borne him up, and stayed the prisoners off from being heard in their just and lawful requests, whereby they might have been righted, and Smith have received justice, according to his demerits, may be ashamed to possesse the king, and say they are his friends, when, indeed, they are his utter and onely enemies, that doe all they can to staine him in his justice and honours ; therefore, I hope that now they will see their error, and the king and lord-generall of that army will vindicate their honours, by doing justice on Smith ; which if they doe not, it will lye as a blot on them to all posterity : and if his majestie please to grant to mee, and other witnesses against Smith, his safe conduct and protection, I will prove it to him, as I have already here, all these particulars upon oath, *viva voce*, and many others.

For since Captaine Wingates, that honourable and faithful gentlemen escape, a but it Smith was in trouble ; but was no sooner restored again to his place, but he againe begins to play the tyrant : Hee and his lieutenant falls upon some of the gentlemen, and wounds them, likely to kill one Lieutenant Fuller, and after that layes him, necke and heeles, in irons ; and another captaine hee wounds him sorely, and puts him into the tower, and lockes all the rest close prisoners ; and sweares that he would lay Cap-

taine Lillburne in irons, because he did looke out of his chamber window, he having beene sick, to take the aire ; because hee saw him play thus the tyrant : and thus bee his usuall practices, that men were better be out of their lives, then come to be under his custody : therefore I hope all the men of our army will fight it out to the last, and not suffer themselves to be taken, but die rather, like men and brave souldiers, then to be by him starved, and stuncke to death.

It will now bee looked for, that I should relate the manner of Captaine Wingates and my owne escape. Thus much in brefe :—that God, in his due time, was good to him and me, and to many more, all the while hee and I was under this misery, to support us by his strength, and also, by his wisdom and power, at last perfectly to deliver us. But to relate the full particular remarkable providences of God to Captaine Wingate and to my selfe, and the rest that did escape, would be too tedious ; but this we say, and wee speak the truth, God also bearing us witnesse that we do not lie, that by many hard and difficult waies we escaped, God going along with us apparently ; which Captaine Wingate desires, and my selfe also, and all the rest that did escape, that the sole and onely honour, glory, and praise, may be given to God.

And so desires your friends and poore brethren, in the defence of the house, to the last drop of their bloods,

EDMUND CHILLENDEEN.

Thomas Cheny.
Edward Leader.
William Gough.
William Whitlow.
Thomas Chamberlaine.
William Briant.

All sworne before the lords assembled
in parliament.

Joseph Bliset.
Daniel Ashton.
Christopher Weekes.
John Allen.

Witnesses not sworne.

To the Honourable William Lenthall, Speaker of the Honourable House of Commons.

Noble Sir,

THE grievous burthen of miserable thraldome which we in captivity now groane under, presents itselfe to your selfe, to your serious consideration, relying on your favour and compassion for speedie redresse. We had not thought that ever we, who have adventured our lives and fortunes to maintaine and preserve the true protestant religion, his majesties person and just prerogative, the lawfull liberty of the subject, and the just priviledges of parliament, should be so soone obliterated out of your memory, and left to the more than pagan usage of tyrannicall and mercilesse men. We are not onely deprived of the society of our friends, of pen, inke, and paper, but what we have by stealth, whereby we might acquaint some of our charitable friends of our languishing condition, but we have no allowance from his majesty, ever since we came in, and but small allowance from the members of the house of parliament here with us, because they cannot get money in the towne, nor, if they could get it, will Smith, the marshall-generall, suffer it to be brought into them ; so that we are bereaved of almost all the meanes of livelihood ; for when we have been ready to faint for want of water, to satisfie our languishing thirst, having not a penny to buy us beere, the said Smith hath taken the keyes from his man, who was about to fetch us the water, layde him in irons, vexing him very much, for that he assayed to doe us that curtesie, afterwards tooke off his cloathes, and turn'd him out of doores. And when some have asked him whether his majesty allowed us any thing as prisoners, hee hath after a most ignominious manner reviled us, giving us no better termes than rebels, traytours, and parlia-

mentary rogues; saying, eat stones, yee round-head rogues, and bee hanged; in like manner threatning all of us that will not take their soule-condemning protestation, to take up armes, and joyne with them against the most honourable court of parliament, and my loving generall, his excellency; and likewise goe to erect their bulwarkes; which if any refuse to doe, he is immediately cast into the dungeon, laid neck and heeles together, with bolts of five-and-thirty pound, permitting none to administer him any comfort; which cruelty, with abundance of menacing words, having no hope of intermission of this insupportable burden of misery, hath struck such terrour in the hearts of many of the prisoners, that they have taken their protestation, and engaged themselves to serve as afore; which hath cost many poore prisoners their lives; whose blood will one day be enquired after, at the hands of those who were the efficient causers thereof: yea, even the parliament-men themselves, here with us, have been so restrained of their liberties, that they have been lockt up, and confined to stay in their chambers for three or four days together, and not suffered to have any communication with the other captaines, their fellow-prisoners; neither have had meat, drinke, or water, but what hath been conveyed to them by stealth; and have been enforced to ease nature, and throw it out of their windowes;—and all this because they have endeavoured for reliefe; by meanes whereof, Master Franklyn, a parliament-man, now lies a-dying. And that which more augments our grievances is, that we are not onely confined to lye on the bare boards, on the tables, under the tables, on the chymneyes hearth, nay, on the very stayres, and sometimes on the top one of another; whereby is bred such a noysome stinke, that it infecteth very many with the pestilent feavour, and other very dangerous diseases; there being, at this instant of time, about twenty persons infected amongst us, and, in our judgment past recovery; the disease being so violent, that it quite bereaveth them of their senses. In this deplorable condition, we beseech you, thinke on some meanes to revive our dying, nay, almost dead spirits, that wee may once againe enjoy our freedome, which we have been so long time bereaved of, or take such course with the best of them which you have prisoners with you, to keep them short, and barre them of their liberty, as we are, to the end that they may with more earnestnesse sollicite their friends, and negotiate to procure their enlargements, by exchanging of us; for we are credibly informed, and do believe it to be true, that they have so much libertie and favour in London, and elsewhere, that they need not care much for their imprisonment. In a word, if we are not speedily exchanged, or some course taken for our better usage, which now is insufferable, many amongst us, we feare, will change themselves from being our friends, and become our enemies, and be as active in tyrannizing over us as any that have been forced to apostatize from us. Wee beseech God so to direct the powers of your minde, that you may, with all sedulity, importune and direct in our behalfe to the most honourable court of parliament, and then we doubt not but God will blesse your and our endeavours, to whose protection we commend you, and remaine,

Your humble servants, though distressed captives.

*From our extraordinary cruell bondage in
Oxford Castle, this 19th of July, 1643.*

The Names of the Prisoners.

Humphrey Morgon.
William Andrewet.
Thomas Fipps.
Timothy Code.

Foulke Greffes.
Robert Grage.
Jo. Geuton.
John Gleed.

Si. Richards.
 John Burkhill.
 James Clerring.
 Richard Bradshaw.
 Edward Parricke.
 Thomas Wells.
 Jo. Williams.
 Humphrey Lebbes.
 Thomas Dungeon.
 Thomas Gibbs.
 William King.
 John Gell.
 Maurice Moeor.
 William Wood.
 Richard Symons.
 Joseph Ratclyffe.
 John Walter.
 Joseph Amye.
 Joseph Rushaley.
 John Alder.
 John Gelcot.
 Christopher Fowler.
 Richard Mixon.
 Nathaniel Smith.
 Richard Frith.
 John Overton.
 Richard Weauright.
 William Baenes.
 Thomas Hartwell.
 Edward Keepe.

William Elkoanley.
 William Ashley.
 Robert Childe.
 Jo. Reade.
 Clement Prat.
 John Shaw.
 George Sharpe.
 Cha. Smith.
 Richard Smith.
 William Croley.
 Edward Huggens.
 Richard Whitehead, lieutenant.
 Roger Cotrill, lieutenant.
 Jo. Reeve, serg. to the earl of Stamford.
 Henry Fitzherbert.
 Edward Fitzherbert.
 James Cragford.
 Andrew Pest, quarter-master.
 Maurice James.
 Arthur Rose.
 Scapcot Perdee.
 George Rose.
 Robert Holly.
 John Wilye.
 Nathaniel Cambridge
 William Hawkes.
 John Butchins.
 John Grage.
 Jenkyn Price.
 William Hughes.

With many others, that are so sicke that they are not able to subscribe.
 Mr Francklyn is, since the penning of this, dead, by Smith's cruelty.

A POSTSCRIPT.

Some things more which I here adde; as, his seizing one Mr Fishers house, claping him prisoner in the tower, almost starving him, seizing on his goods, turning him, his wife and family out of doores; and also his seizing one Doctor Gardens house, and turning Mistris Garden into the street, after he had beat and pinched her, and most basely abused her: neither have I set forth his pedigree, and what hath been his manner of life, which hath always been base enough, as appears by the testimony of one Mrs House of Chichester, where this Smith, with his family, did lye about a yeare; who, to get into favour, dissembled himselfe a puritan, and must needs have a minister sent for, to satisfie his troubled conscience: and when his dissemblednesse could no longer be hid, he abused them, and railed on them, and went away, not paying them a farthing: this hath been his continuall course, to live by cheating and cozning:—therefore I desire the state would be pleased to take into their consideration the misery that poore honest men are like to suffer under-hand, and to keep al the common prisoners they take, to exchange them for our common men, which they never let free, but alwayes keep, yea, and do much abuse them. These things I have written to let all the

world see and know the truth, which, if they will not believe, I wist they had seen and felt it as much as I. And whereas some men say their prisoners here suffer as much, I deny it; because I have been in the prisons, both here, in London, and at Windsor, and finde it is altogether false, whatsoever malignants report.

The Remonstrance of the Commons of England to the House of Commons, assembled in Parliament: Preferred to them by the hands of the Speaker.

This is the argument of some royalist, intended to throw upon the parliament the unpopularity of continuing the war. It was doubtless sent to the speaker, but, as the reader will readily imagine, not communicated to the house.

Master Speaker,

PREJUDGE us not, we pray you, because the title of this paper is a remonstrance, not a petition: the cause is, for that petitions have had ill successe of late; yet the matter will be the same, though the forme differ.

We send this (whatsoever ye will call it) to the honourable house of commons, who are the representative body of the whole commons of England, and we desire to present it by you, who are the speaker of that house.

The end of our desire is peace, and we hope we shall not erre in the way, when we intreat you to be our mediatour. Master Speaker, all that we desire of you is, to deliver this to the house, to procure it to be read, and to obtain as good an answer unto us as you may.

And now we addresse ourselves to the honourable house itselfe.

WHEN this parliament was called, (after several unhappy breaches of some former,) we comforted ourselves with a hope of a redresse of all our grievances, and we made choice of you for our knights, citizens, and burgesses, to serve for us there, and we did put our confidence in you, and beleevd that you, according to our trust, without any by respects, would have studied onely the peace and good of the kingdom; and we cannot be yet out of hope, but that ye will performe in the end.

But you must not take it amisse, if, as persons grieved, we tell you where our griefes lie. And to prepare our cure the better, we must desire you to call to your remembrances,

1. That we are still the true body of the commons of England, you but the representatives.

2. That wee have not so delegated the power to you, as to make you the governors of us and of our estates: you are, in truth, but our procurators, to speak for us in the great councill.

3. That in right we ought to have accesse to those whom we have thus chosen, and to the whole house, as there shall be cause to impart our desires unto you, and you ought not to refuse us.

4. That by involving our votes in yours, we had no purpose to make you perpetuall dictators.

5. That we never intended that you should have that latitude of power, as to imbarke us all in a civill war, to the destruction of us and our posterities.

6. Much lesse had we a thought, that, by any of your votes, ye would or could draw us into any acts of disloyalty or disobedience against our naturall leige lord, to whom, by the lawes of God and man, we doe owe, and will pay all allegiance and fidelity.

Wherefore, we must claim this freedome which belongs unto us, as freeborne subjects, and as persons interested in the good and safety of this kingdome, as well as yourselves, that ye will speedily take those things into your wise and religious considerations, which belong to our peace, and which we, out of the deep sense of our present miseries, and of the apparent ruine of us all, (if not timely prevented,) do now offer unto you.

None of which shall be any new fancies, or dreames of distempered braines, but shall be such as have their grounds upon apparent truth and a cleere evidence.

For, first, we doe professe to all the world, that we are resolved, with our lives and fortunes, to maintaine the true protestant religion established by the laws in this church of England : to maintaine our well settled government under a monarchie, according to the knowne lawes of this land : to maintaine the just liberty of our persons, and property of our estates, according to the rule of those laws : to maintaine the just priviledges of parliament, without which our laws can hardly be continued.

And in the asserting of these, we beleeve we have the concurrence of both the houses of parliament ; for such have been their daily protestations from time to time.

And for the kings majesties opinion herein, he hath, by many declarations, solemne protestations, and religious vows, before God and man, declared himselfe so fully and so freely, that it is his unchangeable resolution to live and die in the maintenance of all these, that we hold ourselves bounden, in reverence to his person, and in Christianity, to beleeve that he will faithfully perform his word with his people.

And we have this further assurance thereof, in that he hath descended so low from his throne, as to acknowledge some errorrs which have slipt him in his by-past government, and to undertake not to give way to the like hereafter.

We wish, with all our hearts, that you would, with the same ingenuity, acknowledge your errors also, and amend them ; so might we soone (by Gods blessing) have our peace restored again, and, by your industries, made a happy nation.

Let us then cleerely and freely expresse in what things we find ourselves grieved, which have beene voted, ordered, and acted by you during this parliament ; whereby the cure intended is become worse than the disease under which we formerly languished : and we must, with as much clearnesse and freedome, protest against them, if they be not speedily reformed and remedied.

The particulars are these :—

1. That, under the colour of advancing the true protestant religion, encouragement is given to anabaptists, brownists, and all manuer of sectaries, which multiply in every corner ; which must be reformed, or our true religion is lost.

2. Under the pretence of hatred of popery, (which we also detest, as far as their superstitions and idolatrous tenets are inconsistent with the true reformed protestant religion,) the book of common prayer (which is established by law) is cryed down by many, and all decent orders in Gods outward worship ; and every man left to the dictate of his private spirit : but let the laws against papists and sectaries (the two extreame) be put in due execution ; we shall thank you for it.

3. Under the colour of regulating the ecclesiastical courts, and taking away the high commission court, all spirituall jurisdiction (for the coercive part thereof, which is the life of the law) is taken away, so that now no heinous crimes, inquirable by those courts, as adultery, incest, &c., can be punished ; no heresie or schisme reformed ; no church can be inforced to be repaired ; no church-officers, as church-wardens, &c., are compellable to take upon them their offices, or performe their duties, no, not to provide bread

and wine for the communion ; no parsons or vicars can be inforced to attend their cures, or to give satisfaction for the paines of them who doe ; no tithes can be recovered by their law, nor other church duties. We beseech you, think what will be the end of these things at the last.

4. Under the name of reforming the church government, ye endeavour to take away the function and very being of church governours, as bishops, and their assistants, the deans and chapters, so to take away the preferments of learned men, and the encouragements of learning. In the name of God, let the abuses be taken away, but not the good uses also.

5. For the rectifying of matters amisse in church discipline, and some things in doctrine also, (as is pretended,) an assembly of divines is propounded to be convoca- ted, and consulted with. The matter is right, but the manner is surely amisse ; and so wee are likely to lose the benefit of the substance for the errors in the circumstance ; which is, that, in this intended convocation, the divines are not nominated by divines, who can best judge of their abilities, (which is the legall way.) The greatest part of those who are named are knowne, or justly suspected to be persons ill disposed to the peace of the church, and addicted too much to innovation. You yourselves (being all laymen) are to be the only judges of what shall be propounded and what determined ; the divines but your assistants ; and the king is totally to be excluded from having any voice or hand in it : and (as it is propounded) this is to be a perpetuall convocation, if the houses of parliament so please.

6. Under the colour of freedome of preaching, seditious sermons are preached daily, even in the hearing of many of yourselves, who traduce the kings sacred person, slan- der his government, and, in expresse termes, encourage the maintaining and continuing of this unnaturall and unchristian civill warre, and yet none are punished for it ; which makes us feare that this is, and long hath been made by some to be the principal en- gine to kindle this fire of hell, to the just scandall of all good men, and slander of our religion ; this doctrine coming so close to that of the jesuites.

7. And divers worthy, learned, and painful preachers have been committed to pri- son by you, for delivering their consciences freely and religiously, and preaching obe- dience to their soveraigne. These things we observe unto you, as tending mainly a- gainst the maintaining and propagation of the true protestant religion.

Touching that part which concerneth the maintaining of the laws, we shall observe also some things unto you, wherein your own practice differs much from your profes- sions : a preposterous way to perswade us, or any other by-standers.

1. Ye assume that power to yourselves, that ye, by a bare vote, without an act of parliament, may expound or alter a known law ; whereas the commons house former- ly assumed to themselves no such power, but in order towards the making of a new law ; nor did the house of peeres challenge any such thing ; but they having the power of judicature, as judges, they proceed according to the rules of the known lawes, and upon their honours are answerable for the justnesse of their judgements, as other courts are upon their oathes.

2. You make your own orders and ordinances to be as laws, and compell them to be observed, and with a stricter hand ; which may binde the members of your house in their priviledges, but have not, nor ever had the force of laws, untill, by both houses, and the kings consent, they were confirmed.

3. And for your own observation of the laws of the land, ye take yourselves to be so far above the reach of them, that, by your orders and ordinances, ye enjoin the judges and ministers of justice to forbear (contrary to their oaths) to proceed in their ordinary courses, where ye please.

4. Ye make an ordinance to put the militia of the kingdome into such hands as ye

please, and shall confide in, and this without the king, and expressly against his command.

5. Ye possesse yourselves of the navy-royall, and appoint admiralls, and other officers of sea, without the king, and use those ships against the king himselfe.

6. Ye take the kings castles, forts, and ports, the places of greatest strength in the kingdome, and keep them against the king himselfe; as Hull, and Portsmouth, and Windsor Castle: and these three last actions appeare to us to have beene done by design; for,

7. The pretence at first was for the preservation of the kingdome against some forreigne enemy; but when none appeared in many moneths, (and we now believe none such, in truth, ever were,) a warre for the parliament, against the king himself, was raised, for the preservation of the king.

8. And those who refuse to joyne in this warre with you, or to contribute unto it, with giving or lending of money, horse, armes, &c., ye proscribe, as malignants, and persons ill affected to the common-wealth; although we see not how it can be lesse than treason against the king, to joyne with you therein.

9. But to all those who are your commanders, or officers of your army, ye give large, and even profuse entertainments and rewards, but out of our purses, who give you little thanks for it. Thus much may suffice to give a taste how the laws are, and are likely to be maintained, in the course we are now in.

And for the liberty of our persons, and property of our estates, we shall say a little in the next place, and, by a few particulars, judge what we may hope for therein.

1. Ye take the kings treasure, ye intercept his revenue, possesse his houses of acceſſe; and all these for his owne service; and if any attend him or assist him, they are condemned, as malignants, popish, evil counsellors, and enemies to the state.

2. Ye have, by messages, endeavoured to perswade our brethren of Scotland to joyne with you in your rebellion against your soveraigne; and this was not done by some private men alone, but ordered by the votes of your house.

3. Ye condemne the rebels in Ireland, (and that very justly,) for their horrid rebellion there, and yet your selves doe greater and more horrid acts of barbarous hostility against your king, even in his own person, in England; and when yee have been charged with it, ye would excuse it, by saying, that it was not your fault, but the fault of the king himselfe, and of the counsellors and cavaliers about him; that he went himselfe, in person, into the battel; which he did with that magnanimity and kingly courage, as will adde to his honour, and your shame, whilst the world endureth. Thus your action is become odious to God and man, and your excuse for it ridiculous.

4. And, as if ye had shaken off all subjection, and yourselves become a state independant, ye have treated, by your agents, with forraigne states: such an usurpation upon soverieignty, as was never yet attempted in this kingdome.

5. Ye command your owne orders, ordinances, and declarations to be printed and published, *cum privilegio*; but if any thing come from the king, which may truly informe and disabuse the people, ye forbid those to be published, and commit them to prison who do it.

6. That monies advanced by gift or adventure, or act of parliament, and souldiers prepared for Ireland, to reduce the rebels there, ye have from time to time diverted to maintaine this unnaturall warre in England; so ye doe visibly loose the kingdome of Ireland, that ye may be the better enabled to loose the kingdome of England also.

7. Ye have shewed your selves so adverse from peace, that ye have voted there shall be no cessation of armes, lest, by a free treaty, a peace might ensue. This is your carriage towards the king himselfe.

And lest ye might be accused to be juster to the subject than ye are towards your soveraigne, these things ye have done to the subject also.

1. Ye have made an ordinance, that the twentieth part of mens estates must be payd towards the maintenance of this rebellion, and ye appoint those who shall value that twentieth part; and why, by the same reason, ye take not the tenth part, or the one halfe, we see not: and for the levying of it, ye ordain your collectors shall destraine for the summe assessed, and sell the distresse; and if no distresse can be found, the persons of these notable offendours are to be imprisoned, and they and their families banished from their habitations.

2. But lest this should not have the colour of law sufficient to blind the world, ye have lately made an ordinance for the inhabitants of the counties of Northampton, Rutland, Derby, &c., to pay, and be assessed, (by assessors named in your act,) in imitation of the statute lately made for the 400,000*l.*; and this, as is probable, shall, in convenient time, be extended to the whole kingdome: so ye first cast yourselves into a necessity to get money, by making an impious war upon your sovereigne, and then, out of that necessity, ye compel your fellow-subjects (who abominate the war) to maintain it.

3. And yee have yet a shorter and a surer way: Where yee understand there is any money, or plate, or goods to bee had, ye send a party of horse or dragooners, or other strength, to fetch it, as out of an enemies countrey, because the owners are good subjects to the king, or you suspect them to be so; and that alone is crime sufficient to apprehend them, to judge them, and take execution upon them; and all this without the ceremony of law, by your absolute and omnipotent power, which cannot erre.

4. You discharge apprentices and servants from their masters services, without consent of their masters and dames, and either perswade them or compell them to serve you, in your army, against the king. This is, indeed, the liberty of the subject.

5. Ye have imprisoned many for petitioning unto you, (as if that alone were a crime,) if the matter of the petition do not flatter you in your present courses.

6. And others ye have imprisoned, some for petitioning, and some for intending to petition to the king, (as those gentlemen of Hertfordshire and Westminster;) and yet, God be praised, the way is open to petition to him in heaven, and he will heare us in his good time.

Lastly, for your priviledges of parliament.

1. First, ye forbid us to dispute them; ye alone are (as ye say) the judges of them; but, in former ages, those also might be, and have been judged by the lawes of the kingdome. Onely of offences committed by your own members against your house, of these ye are the proper judges, and of the elections of your members.

2. Yet these, we conceive, under your good favours, are to be thus confined, that every member of your house hath, and ought to have as free liberty as any of them, to deliver his opinion upon any emergent occasion, and not to be committed, as some have beene, or put out of the house, as others have beene, for speaking freely against the sence of the house, or rather of some members thereof.

3. The priviledges of your house were never challenged till now, to extend to any member which should commit treason or felony; but ye have now declared that no member of the house, nor any others imployed by you in this horrid rebellion, should be questioned for treason, but in parliament, or at least by leave of the house.

4. Ye have made a close committee, (as you call it,) wherein a very few members of your house onely are privy to your counsels; and what those few conclude upon is summarily reported to the house, and that taken upon trust, by an implicit faith of all the rest.

5. Many of the present members of your house have had their elections questioned; but if they incline to those positions which ye lay downe to yourselves, to uphold your tyrannical and usurped government, ye are so busied in the great affaires of state, that, in two yeeres space, (for so long, and longer, yee have continued this parliament al-

ready,) yee have no leisure to determine those questions, lest you should lose such a one from your party.

6. Sometimes, when a matter of importance hath been in debate, ye have put it to the question, and upon the question it hath been determined, and the same question again resumed at another time, better prepared for the purpose, and determined quite contrary. This, we are well assured, was not the priviledge of former parliaments, when many of us were members thereof.

We do believe ye have many just priviledges for the freedome of your persons, for freedome of speech; but we never did believe that ye had a priviledge to take the scepter into your hands, to levy a warre against your king, and to compell others to joyne with you in so execrable an act. We wish from our hearts that all these observations were but fables and fictions, (as we have met with many from you, to amuse us;) but they are all undeniably true. Our conditions, therefore, are most miserable, when thus, instead of maintaining the true protestant religion, the lawes of the land, the just liberty and property of the subject, and just priviledges of parliament, they are all of them radically and fundamentally destroyed, and that by you, whose duties and professions are daily to the contrary: and if any thing can be added to our misery, it is this, that we cannot see through the time when this intolerable yoke of slavery which ye put upon your fellow-subjects shall have an end; seeing, by the art of a few, yee have contrived an act, whereby ye have perfidiously over-reached both the king and people, to make this present parliament to be perpetuall, at your pleasures, that so your arbitrary power and tyranny over the kingdome might be perpetuated.

Yet one thing more may be added to our unhappinesse.

Fuisse felices, we were lately a happy people, and are now, on a sudden, reduced to such a depth of unhappinesse, that we are made a spectacle to the whole world, and the very object of their scorn; for,

We are (before we were aware of it) cast in a warre, a civill warre, an irreligious and barbarous warre, against our soveraigne, our natural liege lord.

We are put into an inevitable way of poverty,

By being wasted in all quarters and corners of the kingdome one by another:

By loosing our commerce at home, it being intercepted by the armies, and almost no debts paid, occasioned specially by the priviledges of your members, and such as ye priviledge:

By loosing our trade abroad, it being cast into the hands of strangers.

We loose our season for tillage and husbandry, which must of necessity introduce a famine; and famine doth but usher in a pestilence: and warre, famine, and pestilence, are the three great and fearful judgments of God upon a nation.

Nothing can redeeme us out of these calamities but a speedy peace, and, to prepare it, a cessation of arms; and then, by good lawes, as ye have already happily begun, to amend what is, or hath been amisse, without plucking up the foundations of government.

We beseech you, therefore, at the last, to lay aside your affections, and in your judgments to provide for us, and for yourselves, and for the honour of our religion, the peace of our consciences, the preservation of our lives and estates, and for the salvation of our poor soules; to have pity upon us, bind up our bleeding wounds, cure the distractions of the time, and make up the breaches betweene the king and people, occasioned onely by a misunderstanding.

And if these our petitions, or complaints, or remonstrances, (call them what ye will,) may prevaile with you, we doubt not but that the king, of his grace and goodnesse, will be intreated to bury all your by-past actions in an act of oblivion, that neither the present age, nor the ages to come, may, to the shame of this nation, have cause to remember what hath happened here, in this last and worst age of this world.

But if all this, and all which, in your great judgments, yee can adde unto it, shall not move you, we doe, and shall protest to all the world, (that, with the hazard of our lives and fortunes, and of all we can call ours,) we shall endeavour to vindicate ourselves from these inhumane courses. *Sed meliora speramus.* We hope for better things. And we shall incessantly pray to God to perfect our hopes, by blessing your counsels.

An Ordinance of the Lords and Commons, assembled in Parliament; with Instructions for the taking of the League and Covenant in the Kingdom of England, and Dominion of Wales: with an Exhortation for the taking of the Covenant, and for satisfying such Scruples as may arise thereupon: together with the League and Covenant, subscribed with the Names of so many of the Members of the House of Commons as have taken it. All which are to be read in all Churches and Chappels within the Kingdom of England, and Dominion of Wales.

The various defeats which the parliament had sustained in the west, and elsewhere, reduced them to apply for the assistance of the sister kingdom; and a deputation was headed by Sir Henry Vane, to whose address they chiefly trusted for success. But nothing was to be done with the Scottish nation at that time, unless by affording them hope that England would adopt their beloved church government by presbytery. With this view, the Scottish insisted upon the necessity of an intimate alliance and uniformity between the two countries in matters whether sacred or civil.

"For such an expedient, therefore, they proposed that a covenant might be agreed upon between the two kingdoms, for the utter extirpation of prelacy, which that kingdom was satisfied to be a great obstruction to the reformation of religion; and the two houses of parliament had discovered a sufficient aversion from that government, by having passed a bill for their utter abolition, and, in the place thereof, to erect such a government as should be most agreeable to God's word, which they doubted not would be their own presbytery; and that the people being cemented together by such an obligation, would never be severed and disjoyned by any temptation."—CLARENDRON, II. 284.

The house of commons, before adopting this covenant, remitted it to the consideration of their godly assembly of divines at Westminster, who very readily gave it their approbation. In the house it was less popular; but, in language which a member actually used on a like occasion, "They could not yet do without the Scots; the sons of Zeruiah were too strong for them." It was therefore adopted.

"Sept. 25th. Both houses, with the assembly of divines and Scots commissioners, met in St Margaret's Church, Westminster, where Mr White, one of the assembly, prayed an hour, to prepare them for taking the covenant; then Mr Nye, in the pulpit, made some observations touching the covenant, shewing the warrant of it from Scripture, the examples of it since the creation, and the benefit to the church.

"Mr Henderson, one of the Scots commissioners, concluded in a declaration of what the Scots had done, and the good they had received by such covenants, and then he showed the prevalence of ill counsel about the king, the resolutions of the states of Scotland to assist the parliament of England.

"Then Mr Nye, in the pulpit, read the covenant, and all present held up their hands, in testimony of their assent to it, and afterwards, in the several houses, subscribed their names in a parchment roll, where the covenant was written. The divines of the assembly and the Scots commissioners likewise subscribed the covenant, and then Doctor Gouge prayed for a blessing upon it.

"The house ordered the covenant to be taken, the next Lord's day, by all persons in their respective parishes, and the ministers to exhort them to it."—WHITLOCKE'S *Memorials*, p. 70.

5th February, 1643.

Ordered, by the commons in parliament, that the ordinance, with instructions for the taking of the league and covenant, together with the exhortation, and the league and covenant, be forthwith printed and published.

H. ELSYNGE, Cler. Parl. D. Com.

An Ordinance of the Lords and Commons, enjoyning the taking of the late solemn League and Covenant throughout the Kingdom of England, and Dominion of Wales.

WHEREAS a covenant, for the preservation and reformation of religion, the maintenance and defence of laws and liberties, hath been thought a fit and excellent meanes to acquire the favour of Almighty God towards the three kingdoms of England, Scotland, and Ireland, and likewise to unite them, and, by uniting, to strengthen and fortifie them against the common enemy of the true reformed religion, peace and prosperity of these kingdomes; and whereas both houses of parliament in England, the cities of London and Westminster, and the kingdome of Scotland have already taken the same,—it is now ordered and ordained, by the lords and commons in parliament, that the same covenant be solemnly taken in all places throughout the kingdome of England, and dominion of Wales. And for the better and more orderly taking thereof, these directions ensuing are appointed and enjoined strictly to be followed.

Instructions for the taking of the solemne League and Covenant throughout the Kingdom.

I.

THAT the speakers of both houses of parliament doe speedily send (to the lord-general, and all other commanders-in-chiefe, and governours of townes, forts, castles, and garrisons, as also to the earle of Warwick, lord-high-admirall of England) true copies of the said solemn league and covenant, to the end it may be taken by all officers and souldiers under their severall commands.

II.

That all the knights and burgesses now in parliament doe take speciall care speedily to send down into their severall counties (which are, or shall hereafter be under the power of the parliament) a competent number of true copies of the said league and covenant, unto the committees of parliament, in their severall counties; and that the said committees doe, within six dayes, at the most, disperse the said copies to every parish church or chappell in their severall counties, to be delivered unto the ministers, churchwardens, or constables of the severall parishes.

III.

That the said committees be required to returne a certificate of the day when they received the said copies, as also the day they sent them forth, and to what parishes they have sent them, which certificate they are to return to the clerke of the parliament appointed for the commons house, that so an account may be given of it, as there shall be occasion.

IV.

That the severall ministers be required to reade the said covenant publicly unto their

people, the next Lords day after they receive it, and prepare their people for it, against the time that they shall be called to take it.

V.

That the said league and covenant bee taken by the committees of parliament in the place where they reside, and tendered also to the inhabitants of the towne, within seven dayes after it comes to the said committees hands.

VI.

That the said committees, after they have taken it themselves, doe speedily disperse themselves through the said counties, so as three or foure of them be together, on dayes appointed, at the chiefe places of meeting for the severall divisions of the said counties, and summon all the ministers, church-wardens, constables, and other officers unto that place, where, after a sermon, preached by one appointed by the committee for that purpose, they cause the same minister to tender the league and covenant unto all such ministers and other officers, to be taken and subscribed by them in the presence of the said committees.

VII.

That the said committees do withall give the said ministers in charge, to tender it unto all the rest of their parishioners, the next Lords day, making then unto their said parishioners some solemn exhortation concerning the taking and observing thereof: and that the said committees do also return to the severall parishes the names of all such as have taken the covenant before them, who yet shall also subscribe their names in the book or roll, with their neighbours in their severall parishes; and if any minister refuse or neglect to appear at the said summons, or refuse to take the said covenant before the committee, or to tender it to his parish, that then the committees be carefull to appoint another minister to do it in his place.

VIII.

That this league and covenant be tendered to all men within the severall parishes, above the age of eightene, as well lodgers as inhabitants.

IX.

That it be recommended to the earl of Manchester to take speciall care that it bee tendered and taken in the universitie of Cambridge.

X.

That, for the better encouragement of all sorts of persons to take it, it be recommended to the assembly of divines to make a brief declaration, by way of exhortation, to all sorts of persons to take it, as that which they judge not onely lawfull, but (all things considered) exceeding expedient and necessary, for all that wish well to religion, the king and kingdom to joyn in, and to be a singular pledge of Gods gracious goodnesse to all the three kingdomes.

XI.

That if any minister do refuse to take or to tender the covenant, or any other person or persons do not take it the Lords day that it is tendred, that then it be tendred to them again the Lords day following, and if they still continue to refuse it, that then their names be returned by the minister that tenders it, and by the church-wardens, or constables, unto the committees, and by them to the house of commons, that such further course may be taken with them as the houses of parliament shall see cause.

XII.

That all such persons as are within the several parishes when notice is given of the taking of it, and do absent themselves from the church at the time of taking it, and come not in afterwards to the minister and church-wardens, or other officers, to take it in their presence, before the returne be made, be returned as refusers.

XIII.

The manner of the taking it to be thus:—The minister to read the whole covenant, distinctly and audibly, in the pulpit, and, during the time of the reading thereof, the whole congregation to be uncovered, and, at the end of his reading thereof, all to take it standing, lifting up their right hands bare, and then afterwards to subscribe it severally, by writing their names, (or their marks, to which their names are to be added,) in a parchment roll, or a book, whereinto the covenant is to be inserted, purposely provided for that end, and kept as a record in the parish.

XIV.

That the assembly of divines do prepare an exhortation for the better taking of the covenant; and that the said exhortation, and the declaration of the kingdoms of England and Scotland, joyned in the armies, for the vindication and defence of their religion, liberties, and lawes, against the popish, prelatieall, and malignant partie, and passed the 30th of January last, be publickly read, when the covenant is read, according to the fourth and sixth articles: And that a sufficient number of the copies of the said declaration be sent, by the persons appointed to send the true copies of the said covenant, in the first and second articles.

An Exhortation to the taking of the Solemne League and Covenant, for Reformation and Defence of Religion, the Honour and Happinesse of the King, and the Peace and Safety of the three Kingdomes of England, Scotland, and Ireland.

If the power of religion or solid reason, if loyalty to the king, and piety to their native country, or love to themselves, and naturall affection to their posterity, if the example of men touched with a deep sense of all these, or extraordinary successes from God thereupon, can awaken an embroyled, bleeding remnant to embrace the soveraigne and onely meanes of their recovery, there can be no doubt but this solemne league and covenant will find, wheresoever it shall bee tendered, a people ready to entertaine it with all cheerefulnesse and duty.

And were it not commended to the kingdom by the concurrent encouragement of the honourable houses of parliament, the assembly of divines, the renowned city of London, multitudes of other persons, of eminent rank and quality, in this nation, and the whole body of Scotland, who have all willingly sworn and subscribed it, with rejoycing at the oath, so graciously seconded from heaven already, by blasting the counsels, and breaking the power of the enemy more than ever; yet it goeth forth in its own strength, with such convincing evidence of equity, truth, and righteousness, as may raise in all (not wilfully ignorant, or miserably seduced) inflamed affections, to joyne with their brethren in this happy bond, for putting an end to the present miseries, and for saving both of king and kingdom from utter ruine, now so strongly and openly laboured by the popish faction, and such as have been bewitched and besotted by that viperous and bloody generation.

For what is there almost in this covenant which was not, for substance, either expressed, or manifestly included in that solemne protestation of May 5, 1641, wherein the whole kingdome stands ingaged untill this day? The sinfull neglect whereof doth (as we may

justly feare) open one floodgate, the more to let in all these calamities upon the kingdome, and cast upon it a necessity of renewing covenant, and of entring into this.

If it be said, the extirpation of prelacy, to wit, the whole hierarchicall government, (standing, as yet, by the knowne lawes of the kingdome,) is new and unwarrantable; this will appeare, to all impartiall understandings, (though new,) to be not onely warrantable, but necessary; if they consider (to omit what some say, that this government was never formally established by any lawes of this kingdome at all) that the very life and soule thereof is already taken from it, by an act passed this present parliament, so as (like Jezabels carcassee, of which no more was left but the skull, the feete, and the palmes of her hands,) nothing of jurisdiction remaines, but what is precarious in them, and voluntary in those who submit unto them: that their whole government is at best but a humane constitution, and such as is found and adjudged, by both houses of parliament, (in which the judgement of the whole kingdom is involved and declared,) not onely very prejudiciall to the civill state, but a great hinderance also to the perfect reformation of religion; yea, who knoweth it not to bee too much an enemy thereunto, and destructive to the power of godlinesse, and pure administration of the ordinances of Christ? Which moved the well-affected, almost throughout this kingdom, long since, to petition this parliament (as hath been desired before, even in the reigne of Queen Elizabeth and of King James) for a totall abolition of the same. Nor is any man hereby bound to offer any violence to their persons, but only, in his place and calling, to indeavour their extirpation in a lawful way.

And as for those clergymen who pretend that they (above all others) cannot covenant to extirpate that government, because they have (as they say) taken a solemn oath to obey the bishops, *in licitis et honestis*; they can tell, if they please, that they that have sworn obedience to the lawes of the land are not thereby prohibited from indeavouring, by all lawful means, the abolition of those lawes, when they prove inconvenient or mischievous. And if yet there should any oath be found into which any ministers or others have entered, not warranted by the lawes of God and the land, in this case, they must teach themselves and others that such oaths call for repentance, not pertinacy in them.

If it be pleaded that this covenant crosseth the oaths of supremacy and allegiance, there can be nothing further from truth; for this covenant binds all, and more strongly engageth them to preserve and defend the kings majesties person and authority, in the preservation and defence of the true religion and liberties of the kingdomes.

That scruple, that this is done without the kings consent, will soon be removed, if it be remembred that the protestation of the 5th of May, before-mentioned, was in the same manner voted and executed by both houses, and after (by order of one house alone) sent abroad to all the kingdome, his majesty not excepting against it, or giving any stop to the taking of it, albeit he was then resident, in person, at Whitehall.

Thus Ezra and Nehemiah drew all the people into a covenant, without any special commission from the Persian monarchs (then their sovereigns) so to doe, albeit they were not free subjects, but vassals, and one of them the meniall servant of Artaxerxes, then, by conquest, king of Judah also.

Nor hath this doctrine or practise beene deemed seditious or unwarrantable by the princes that have sate upon the English throne, but justified and defended by Queene Elizabeth, of blessed memory, with the expence of much treasure and noble blood, in the united provinces of the Netherlands, combined, not only without, but against the unjust violence of Philip of Spaine. King James followed her steps, so farre as to approve their union, and to enter into league with them as free states; which is continued, by his majestie now reigning, unto this day; who, both by his expedition for reliefe of Rochel, in France, and his strict confederacy with the Prince of Orange and the states-general, notwithstanding all the importunitie of Spaine to the contrary, hath

set to his scale, that all that had beene done by his royall ancestors, in maintenance of those who had so engaged and combined themselves, was just and warrantable.

And what had become of the religion, lawes, and liberties of our sister nation of Scotland, had they not entered into such a solemne league and covenant at the beginning of the late troubles there? Which course, however it was, at first, by the popish and prelatick projectors, represented to his majestie as an offence of the highest nature, justly deserving chastisement, by the fury of a puissant army; yet, when the matter came afterwards, in coole blood, to be debated, first, by commissioners of both kingdomes, and then in open parliament here, (when all those, of either house, who are now engaged at Oxford, were present in parliament, and gave their votes therein,) it was found, adjudged, and declared, by the king in parliament, that our deare brethren of Scotland had done nothing but what became loyall and obedient subjects; and were thereupon, by act of parliament, publicly righted, in all the churches of this kingdome, where they had beene defamed.

Therefore, however some men, hoodwinkt and blinded by the artifices of those jesuitical engineers, who have long conspired to sacrifice our religion to the idolatry of Rome, our lawes, liberties, and persons to arbitrary slavery, and our estates to their insatiable avarice, may possibly be deterred and amused with high threats and declarations, flying up and downe on the wings of the royall name and countenance, (now captivated and prostituted to serve all their lusts,) to proclaime all rebels and traitors who take this covenant; yet let no faithfull English heart be afraid to joine with our brethren of all the three kingdomes in this solemne league, as sometimes the men of Isreal (although under another king) did with the men of Judah, at the invitation of Hezekiah.

What though those tongues, set on fire by hell, doe raile and threaten? That God who was pleased to cleare up the innocency of Mordecai and the Jews, against all the malicious aspersions of wicked Haman, to his and their soveraigne, so as all his plotting produced but this effect, that when the kings commandement and decree drew neare to be put in execution, and the enemies of the Jewes hoped to have power over them, it was turned to the contrary, and the Jews had rule over them that hated them, and laid hands on such as sought their hurt, so as no man could withstand them; and that same God who, but even as yesterday, vouchsafed to disperse and scatter those dark clouds and fogs which over-shadowed that loyall and religious kingdome of Scotland, and to make their righteousness to shine as cleare as the sunne at noone-day, in the very eyes of their greatest enemies, will doubtlessly stand by all those who, with singlenesse of heart, and a due sense of their owne sinnes, and a necessitie of reformation, shall now enter into an everlasting covenant with the Lord, never to be forgotten, to put an end to all those unhappy and unnatural breaches betweene the king and such as are faithful in the land; causing their righteousness and praise to spring forth before all the nations, to the terror and confusion of those men of blood, the confederate enemies of God and the king, who have long combined, and have now raked together the dregs and scumme of many kingdomes, to bury all the glory, honour, and liberty of this nation in the eternal grave of dishonour and destruction.

Die Veneris, 9th February, 1643.

An exhortation touching the taking of the solemne league and covenant, and for satisfying of such scruples as may arise in the taking of it, was this day read the first and second time, and, by vote upon the question, assented unto, and ordered to be forthwith printed.

H. ELSYNGE, *Cler. Par. D. Com.*

A Solemn League and Covenant for Reformation and Defence of Religion, the Honour and Happinesse of the King, and the Peace and Safety of the three Kingdoms of England, Scotland, and Ireland.

We, noblemen, barons, knights, gentlemen, citizens, burgesses, ministers of the gospel, and commons of all sorts, in the kingdoms of England, Scotland, and Ireland, by the providence of God living under one king, and being of one reformed religion, having before our eyes the glory of God, and the advancement of the kingdome of our Lord and Saviour Jesus Christ, the honour and happiness of the kings majestie and his posteritie, and the true publike liberty, safety, and peace of the kingdoms, wherein every ones private condition is included, and calling to minde the treacherous and bloody plots, conspiracies, attempts, and practices of the enemies of God against the true religion, and professors thereof, in all places, especially in these three kingdoms, ever since the reformation of religion, and how much their rage, power, and presumption are, of late, and at this time increased and exercised; whereof the deplorable estate of the church and kingdom of Ireland, the distressed estate of the church and kingdom of England, and the dangerous estate of the church and kingdom of Scotland, are present and publike testimonies,—we have now, at last, (after other means of supplication, remonstrance, protestations, and sufferings,) for the preservation of ourselves and our religion from utter ruine and destruction, according to the commendable practice of these kingdoms in former times, and the example of Gods people in other nations, after mature deliberation, resolved and determined to enter into a mutual and solempne league and covenant, wherein we all subscribe; and each one of us, for himself, with our hands lifted up to the most high God, do swear—

I.

That we shall sincerely, really, and constantly, through the grace of God, endeavour, in our several places and callings, the preservation of the reformed religion in the church of Scotland, in doctrine, worship, discipline, and government, against our common enemies; the reformation of religion in the kingdoms of England and Ireland, in doctrine, worship, discipline, and government, according to the word of God, and the example of the best reformed churches; and shall endeavour to bring the churches of God, in the three kingdoms, to the neerest conjunction and uniformity in religion, confession of faith, form of church government, directory for worship and catechizing; that we, and our posterity after us, may, as brethren, live in faith and love, and the Lord may delight to dwell in the midst of us.

II.

That we shall, in like manner, without respect of persons, endeavour the extirpation of popery, prelacy, (that is, church government, by arch-bishops, bishops, their chancellours and commissaries, deanes and chapters, archdeacons, and all other ecclesiasticall officers depending on that hierarchy,) superstition, heresie, schisme, prophanesse, and whatsoever shall be found to be contrary to sound doctrine, and the power of godliness; lest we partake in other mens sins, and thereby be in danger to receive o their plagues; and that the Lord may be one, and his name one, in the three kingdoms.

* *Hinc illæ lachrymæ!* It was under the ambiguity of this clause that Vane, who, as an independent, was an equal enemy to presbytery and episcopacy, preserved an opening for disappointing the expectations of the Scottish nation, whose zeal for establishing presbytery in England was, beyond all proportion, stronger than their anxiety to maintain the rights and privileges of the house of commons. It had never occurred to them to suspect, that any religion but presbytery could be designed under the clause in the text.

III.

We shall, with the same sincerity, reality, and constancy, in our severall vocations, endeavour, with our estates and lives, mutually to preserve the rights and priviledges of the parliaments, and the liberties of the kingdoms, and to preserve and defend the kings majesties person and authority, in the preservation and defence of the true religion and liberties of the kingdoms, that the world may bear witnesse, with our consciences, of our loyaltie, and that we have no thoughts or intentions to diminish his majesties just greatnesse.

IIII.

We shall also, with all faithfulnessse, endeavour the discovery of all such as have been, or shall be incendiaries, malignants, or evill instruments, by hindering the reformation of religion, dividing the king from his people, or one of the kingdomes from another, or making any faction or parties amongst the people, contrary to this league and covenant, that they may be brought to publicke triall, and receive condigne punishment, as the degree of their offences shall require or deserve, or the supreme judicatures of both kingdomes respectively, or others having power from them for that effect, shall judge convenient.

V.

And whereas the happinesse of a blessed peace between these kingdoms, denyed in former times to our progenitors, is, by the good providence of God, granted unto us, and hath been lately concluded and settled by both parliaments, we shall, each one of us, according to our place and interest, endeavour that they may remain conjoynd in a firme peace and union to all posterity, and that justice may be done upon the wilfull opposers thereof, in manner expressed in the precedent articles.

VI.

We shall also, according to our places and callings, in this common cause of religion, liberty, and peace of the kingdomes, assist and defend all those that enter into this league and covenant, in the maintaining and pursuing thereof, and shall not suffer ourselves, directly or indirectly, by whatsoever combination, perswasion, or terrour, to be divided, and withdrawn from this blessed union and conjunction, whether to make defection to the contrary part, or to give ourselves to a detestible indifferency or neutrality in this cause, which so much concerneth the glory of God, the good of the kingdoms, and the honour of the king; but shall, all the days of our lives, zealously and constantly continue therein, against all opposition, and promote the same, according to our power, against all lets and impediments whatsoever; and what we are not able ourselves to suppress or overcome, we shall reveal and make known, that it may be timely prevented or removed:—All which we shall do as in the sight of God.

And because these kingdoms are guilty of many sins and provocations against God, and his son Jesus Christ, as is too manifest, by our present distresses and dangers, the fruits thereof, we professe and declare, before God and the world, our unfayned desire to be humbled for our own sins, and for the sins of these kingdoms; especially, that we have not as we ought valued the inestimable benefit of the gospel, that we have not laboured for the purity and power thereof, and that we have not endeavoured to receive Christ in our hearts, nor to walk worthy of him in our lives, which are the causes of other sins and transgressions so much abounding amongst us; and our true and unfained purpose, desire, and endeavour, for ourselves, and all others under our power and charge, both in publike and in private, in all duties we owe to God and man, to amend our lives, and each one to go before another in the example of a real reformation, that the Lord may turn away his wrath and heavy indignation, and establish these churches and kingdoms in trueth and peace. And this covenant we make in the presence of Almighty God, the searcher of all hearts, with a true intention to

performe the same, as we shall answer at that great day when the secrets of all hearts shall be disclosed; most humbly beseeching the Lord to strengthen us by his holy spirit for this end, and to blesse our desires and proceedings with such successe as may be deliverance and safety to his people, and encouragement to other Christian churches, groaning under, or in danger of the yoke of anti-christian tyranny, to joine in the same, or like association and covenant, to the glory of God, the enlargement of the kingdome of Jesus Christ, and the peace and tranquility of Christian kingdomes and commonwealths.

Wil. Lenthall, speaker.

Beuchamp St John.

Gilbert Gerrard.

Walter Erle.

James Cambell.

Tho. Cheeke.

Robert Nicholas.

Benjamin Rudyard.

John Gur'cn.

Robert Herley.

Francis Knollys.

Edward Master.

John White.

Anthony Stapeley.

Dennis Bond.

Laurence Whitaker.

Michael Noble.

Pere. Hoby.

Richard Barwis.

Edward Baynton.

William Cawley.

John Moyle.

John Pyne.

George Searle.

Henry Vane, senior.

Nevill Poole.

John Yonge.

Henry Herbert.

Thomas Sandis.

Oliver Saint John.

Thomas Grantham.

Francis Barneham.

William, lord Fitzwilliams.

Edmund Dunch.

Henry Mildmay.

Hugh Rogers.

Thomas Hatcher.

John Wray.

Simonds D'Ewes.

Anthony Bedingfield.

John Ashe.

William, lord Munson.

Martyn Lister.

William Jesson.

Philip, lord Herbert.

Thomas Barrington.

Martin Lumley.

John Trevor.

Francis Godolphin.

Thomas Arundell.

Edward Stephens.

Gilbert Pykering.

John Creue.

Oliver Cromwell.

Henry Vane, junior.

William Cage.

Richard Erisey.

Philip, lord Lisle.

William Haveningham.

Isaac Penington.

Richard Cresheld.

Thomas Pelham.

Thomas Parker.

John Leigh.

John Harris.

Augustine Skinner.

John Venn.

William Strickland.

John Franklin.

Samuel Browne.

Robert Scawen.

Roger Hill.

Humphrey Tufton.

Thomas Dacres.

Thomas Erle.

John Downes.

John Goodwyn.

Francis Drake.

William Waller.

Samuel Luke.

Francis Buller.

Richard Harman.

George Buller.

Arthur Onslowe.

Richard Wynwood.

Robert Pye.

John Button.

John Meyrick.

Ambrosse Browne.

Richard Wynn.

Edward Owner.

Charles Pym.

Charles, lord Cranborne.

Ben Weston.

Dudley North.

John Nutt.

Jo. Corlet.

Roger Burgoyne.

Peter Temple.

Benjamin Valentyne.

Thomas Walsingham.

Oliver Luke.

William Alenson.

Humphery Salwey.

Richard More.

William Ashurst.

Thomas Moore.

Thomas Fountayne.

William Ellys.

Henry Shelley.

Richard Shuttleworth.

Henry Ludlow.

George Gallopp.

Robert Wallopp.

Arthur Hesilrige.

Richard Brown.

William Playters.

Nathaniel Stephens.

Richard Rose.

Francis Rous.

Gilbert Millington.

Walter Young.

John Brown.

John Hippesley.

Edward Poole.

Henry Pelham.

William Hay.

John Driden.

Nathaniel Fyennes.

Robert Goodwyn.	Hen. lord Grey, of Ruthin.	William Lewis.
Edward Thomas.	Richard Knightley.	Giles Grene.
Henry Lucas.	John Pym.	William Lytton.
Miles Corbett.	Christopher Yelverton.	John Hervey.
Philip Smith.	Anthony Nicoll.	Edward Dowce.
Cornelius Holland.	Peter Wroth.	William Strode.
William Spurstowe.	Robert Reynolds.	Edmond Prideaux.
John Lowry.	Nathaniel Barnardiston.	Thomas Hoyle.
Peter Wentworth.	Henry Heyman.	Edward Exton.
Henry Cholmely.	William Purefoy.	Francis Popham.
Philip Stapleton.	Valentine Walton.	Zouch Tate.
William Pierrepont.	Michael Oldesworth.	John Curson.
Roger North.	William Wheler.	Alexander Bence.
Alexander Popham.	Hall Ravenscroft.	Squire Bence.
Thomas Hodges.	Tho. lord Grey, of Groby.	John Selden.
John Maynard.	Thomas Middleton.	John Glynn.
Samuel Vassal.	Edward Hungerford.	Richard Onslow.
Anthony Irby.	Christopher Wrey.	John Cocke.
John Clotworthy.	Richard Lee.	Thomas, lord Wenman.
John Broxolme.	Herbert Morley.	Bulstrode Whitelocke.
Richard Jervoyse.	Thomas Lane.	George Montague.
John Blakiston.	Robert Cecill.	Edward Partheriche.
Walter Longe.	William Bell.	Henry Champion.
John Rolle.	Thomas Some.	William Whitaker.
Robert Jennor.	Herbottle Grimstone.	Denzell Holles.
John Waddon.	Symon Snowe.	Edward Wingate.
William Masham.	John Nash.	James Fenys.
John Lisle.	Herbottle Grimstone.	Poynings Moore.
Edmund Fowell.	Ralph Asheton.	Edward Bisse, junior.
Edward Ashe.	Edward Aysheoghe.	William Jephson.
Thomas Pury.	John Wylde.	Edward Montagu.
Richard Whithead.	John Trenchard.	Norton Knatchboll.
Richard Jenyns.	Thomas Jervoyse.	Thomas Eden.

The present Surveigh of London and Englands State ; containing a Typographicall Description of all the particular Forts, Redoubts, Breast-works, and Trenches newly erected round about the Citie, on both sides of the River, with the severci Fortifications thereof: And a perfect Relation of some fatall Accidents, and other Disasters, which fell out in the City and Countrey, during the Authors abode there: Intermingled also with certaine severall Observations, worthie of Light and Memorie. By William Lithgow.

London, Printed by J. O., 1643.

The parliament did not confide so implicitly in their army under Essex as to neglect measures for defending London. Lines and redoubts were raised, at constructing which, the inhabitants, both men and women, laboured with the most unremitting zeal. Of these defensive preparations a minute and curious account will be found in the following tract. William Lith-

gow, the author, was born in Lanerk, in Scotland, and bred a tailor, but having a large infusion of the wandering spirit common to his countrymen, he travelled through great part of the countries surrounding the Mediterranean, and was thrown into the inquisition at Malaga. Of his travels and sufferings he published an account in most inflated language, which can only be compared to Coriat's Cruelties. On his return, he petitioned the king for redress against the Spaniards, and was charged, by Gondamer, in the presence-chamber, with having invented his whole legend; on which the high-souled traveller struck him, or, in his own phrase, "contrabanded his fistula with a fist;" for which he lay in prison till the ambassador's departure. This circumstance did not increase Lithgow's reverence for the house of Stuart, which was, moreover, diminished by his zeal for presbytery. It grieves me to say, that his countrymen adopted the opinion of the Spaniard; and the lower rank, with whom, notwithstanding, his book was long a favourite, distinguished him by the epithet of Lying Lithgow.

The account which the pamphlet gives of the state of London is very interesting.

The present Surveigh of London and Englands State.

AFTER long fourtie yeares wandring, since my first launching abroad to surveigh the spacious bounds and tertiat face of the ancient world, besides my daily fastidious, and now frequent predestriat progresses at home, and in neighbour regions about, and being fallen in the rotten bosome of declyning age, the sun being set on the winter day of mine elabourat time, and that time past threescore years; yet now, I say, for diverse serious respects, in this instant year, 1643, April 24th, it was my resolution to imbarke at Preston Pannes, with sundrie passengers bound for London; where, weighing ankers, and hoysing saile, with roome winds and fair weather, we coasted along the Brittannian shoare. In all which deserted way, betweene Forth and Gravesend, wee found onely three ships, two Scotsmen and a Noruegian, and one of the royall whelps lying at anker in Aermouth road, which made the sea resemble a wilderness, and the devastated shoare the comfortlesse sight of a desolate land; where never heretofore (winter excepted) these Tritonian bounds were seen (reciprocally taken) without 2000 saile recourising that sandie and shelfy marine.

But the estate and affaires of this world are ever ranging, ever changing, never constant; which made Solon tell Cræsus, that man should never reckon on the felicity of this life, because there might be a mutability of fortune ere death. The like may I now say of deplorable Germanie, lately the mother soyle of Europe, yea, and the glorie of the whole universe, that never, in these dayes of antiquitie, could Chaldea, Chelfania, Assyria, and Mesopotamia, the foure principall pastures for the first creation, compare with that almost invincible empyre, for princes, potentates, nobilitie, imperiall cities, gentrie, merchants, and rich bowres; no, no; for it was the superabounding fullnesse of men, money, and might, and, indeed, nothing inferior (the fall of Adam reserved) to the first orientall paradise. And yet, when the fullnesse of their pride, luxurie, gluttonie, and libidinous lusts were sprung on high, and crying for Heavens all-commanding judgments, how soon, with the sword, plague, and famine, were they thrown down upon the desperat rocks of grievous desolation. And who can tell (it is now begun) how soon the like punishment may fall upon this isle; the south part whereof, being loaden with self-love, vain glory, the fatnesse of vices, ambitious pride, and a contemptible disdain of all nations, themselves excepted; so that their backs and bellies, like unto Castor and Pollux, are become the loadstone of their flattering follies and pampering pleasures; that, without some condigne correction, they might easily (in a manner) forget the Creatour, and so the creature. Spain, in this chastisement, may second Germany; France may resemble Spaine; and, I fear, ere long, (which God evert) England shall be left the last mourner of all; bearing now (as it were) almost the very

effigie of the distracted and combustible kingdomes in this European tierce upon the shoulders of her declining fortune.

But now, reverting to my purpose, the first news I heard at my disembarking was, the down-casting of the golden crosse in Cheap-side, to the which, with speed, I approached, where I saw divers imagious relicts tumbling down in the bottomlesse pit of oblivion. Upon the sequell day, May 4th, it was razed to the ground, and the foundation thereof made level with the street, which was not done by tumult, but by order of parliament. And now I will neither commend nor condemne the fact, but this far I dare say,—whilst it stood, it was a monumentall ornament worthy of a royall citie, and the beautifull object of admiration to all spectatours and strangers. But, indeed, some idolatrous papists made it (in going by) the sanctuarie of their superstition, making homage to it, and, crossing their now crossed breasts, have left the golden crosse, to fall down, like Dagon, at the feet of a happie begun reformation. So, the third day thereafter, they caused take downe all the new and old crosses standing on churches and steeple-tops; and notwithstanding whereof, I still carry six crosses on my arme, and the seventh crosse still followeth me, against my will, which the world may help, and I cannot prevent. Next, upon Weddinsday ensuing, May 10th, by order of parliament, I saw, at noone day, two great heaps of books burned, both where the golden crosse formerly stood, and before the Royall Exchange; which books had been compyled by the popish prelaticall faction, for tollerating, on the Sabboth-day, sportings, pastimes, prophane playes, and so, consequently, all sorts of labour, (as the papists do, at this day, in the popes own patrimoniall lands,) prohibiting afternoone sermons, and commanding the erection of altars and homages thereto; which was done for the introduction of the masse, and other infinite pendicles of poperie.

And now, truely, I never saw London, these fourtie yeares past, so populous as now it is; only there is a general muttering that money is hard to come by, and that is, because all kinde of trades and trading begin to decay, and they who have money keep it close; for common employments are lately metamorphosed in flying colours, toucking of drummes, enveloping scarffs, and Pandedalian feathers, wherein they have more pleasure than profite: and yet it best agrees with the peoples nature, who delight mainly in publick shoves and frivole ostentations. Indeed, for victuals they have abundance, and plenty of all things, and at an easie rate, and want for nothing as yet, save onely peace.

But it may truly be feared, that if these their generall combustions draw to a winter leaguer, that both the city and kingdome shall smart for it: And why? Because both the great armies, and also the pettie armies in every county, do so sack and spoil the grounds, of horses, bestiall, grasse, corne, and haye, and also pitifully plunder the people of moneys, victuals, and domestick furniture, that the continuing of it in a short time shall ruine all.

And now to begin with the cities insides, before I come to its outsides and fortifications:—I found the river, from Ratcliffe upwards, full of merchant ships, and they lying two and two, and side to side, with a pretty distance from couple to couple, resembled as though they had been to make a sea fight; but indeed they ly at their guard, and are well provided. The first lamentation their tongues offered me here was, the dearth and scarcity of coals; and notwithstanding of the daily relief they get from Scotland, yet they are loath to part with money, and, in a wringing way, and grudging at their infranchized lot, heavily bewaile the losse of their advantageous Tyne. I confesse their weekly taxes are great, levyed to maintaine the parliaments armie, besides many other burthens that daily depend upon their purses; and for all this (besides the monthly contributions of the nine circumjacent countes) the armies pay fals daily short, and they can neither march nor fight for lack of moneyes, the want whereof being the main and chiefest cause of their slow proceedings: Which weekly collections, according to

that multipotent place, and the country about, is truly supposed to amount (per annum) to three millions of money. But how it is disposed, either by the hands of corruption, or if reserved policy, for future respects, bee the maine restraint, I cease to discern it, though many thousands daily gape for it. Which makes me call to minde, that, when the last Constantine lost Constantinople, Mahomet the Second, the great Turke, found such store of gold and silver amongst the inhabitants, that he, sighing, said, O! if the Christians had been as bountifull for their own defensive safety as they had substance to do it, all the power of the Scythian Ottomans had never been able to have danton'd their might. So, peradventure, the like (as God forbid) may be said of London, if it should fall out so: then would these rotten money-mongers, lurking within her bowels, bee left the miserable and mourning spectators (as the Greeks were) upon their own idolatrized coyne; for the long delicacie of doting peace and pleasure so effeminates the world, that they beginne to spurne at trouble before distresse appear, which sensualitie begets, and disdainfull pride would contemne, and yet cannot prevent what the heavens determine.

Now for a general view:—The citie hath many courts du guard, with new barrocaded posts, and they strongly girded with great chaines of yron; and all the opening passages at street ends, for the fields and road wayes, are in like manner made defensive, and strictly watched. The sides of the river, as at Billinsgate, and other places, have also courts du guard, and they nightly guarded with companies of the train-bands; which number being of six old regiments, and they six thousand men, are now doubled with six new regiments, which maketh up twelve thousands in all. Beyond the river, in the borrough of Southwark, is the self same discipline observed, and all under the command of the citie. So is Westminster, the Strand, and all the liberties thereof, now taken in under the custodie of London; and their train-bands there, I mean, of Westminster, are not betrusted with neither parliament nor citie; so that the quotidian guard of the parliament come daily out of London, where they are placed in two courts of guard, the one before the hall in the palace court, near to the water staires; the other court du guard standeth in the parliament yard, where the peers ascend and descend from the upper house. Both houses of peeres and commons having double centinels, with picke and musquet, at the entrie of their sitting places, remaine there ay as long as the parliamentariat bodies remaine: the number of the upper house amounteth to twenty-six noblemen, besides eight others at sea and land service; the lower house, by a just computation of the clark, and given to me in print, amount to two hundred and twelve knights and commissioners, besides the deserted persons of both houses, and some of them lately returned. And what shall I say?—I found the street-enravelld court, before White-hall gate, guarded also with a court du guard, a noveltie beyond novelties; and what was more rarer, I found the grasse growing deep in the royall courts of the kings house, which indeed was a lamentable sight: and in that sight I rancountered thereabouts with George Withers, my fellow-poet, and once my fellow-prisoner; where, digesting some discourses, (for he is now a captain of a horse troupe,) he told me that he had beene plundered at Michalmes last by some of the kings forces in Surray; for there he hath a wife and residence; where, being civilized, his poetick mansion met with uncivill fellowes, I would say malignants.

And here I may not forget the false and lying aspersions laid upon Scotland lately by two English authors; the one work named, "*The Plain English*," where his perjurat falshood averres, that we hold and enjoy our present peace and safety of some of their peeres in England; when, contrariwise, they hold their parliament and present libertie of Scotland, and our invincible armie, which procured it. The other worke, intituled, "*The Subjects Liberty*," will have Scotland at the first but a dukedome, and in subjection to England. See how these damnable villaines can come and invent (as they please) such base absurdities, and yet go free unpunished. And why? Because they

have, from ancient and preteriat times, a generall and natural malignitie against our nation, which neither can, nor will be extermined till the day of doome; for it runneth in a successive line, as the conduit from the fountaine ingorgeth the pond. I would speake more freely here, and that justly, but that I do not love to be accounted for a malignant, whilst there are too many already of that sycophantick kinde in both kingdoms; and so I proceed in a fair way.

The daily musters and shoves of all sorts of Londoners here were wondrous commendable, in marching to the fields and out works (as merchants, silk-men, macers, shop-keepers, &c.) with great alacritie, carrying on their shoulders yron mattocks and wooden shovels; with roaring drummes, flying colours, and girded swords; most companies being also interlarded with ladies, women, and girles; two and two carrying baskets, for to advance the labour, where divers wrought till they fell sick of their pains. All the trades, and whole inhabitants (the insey courts excepted) within the citie, liberties, suburbs, and circumjacent dependencies, went, day about, to all quarters, for the erection of their forts and trenches; and this hath continued these foure months past; the half of which time I was a spectator to their laborious toyle, as after you shall hear. The greatest company which I observed to march out, according to their turnes, were the taylours, carrying fourtie-six collours, and seconded with eight thousand lusty men. The next in greatnesse of number were the watermen, amounting to seven thousand tuggers, carrying thirty-seven collours: the shoe-makers were five thousand and oddes, carrying twenty-nine collors; and indeed the gentle craft could never heretofore have mustered so many here, since Crispus and Crispianus, the two supposed princes, their patrones, forsook the trade. Neither in this catalogue dare I forget the porters, that marched forth one day toward Tayburne fields, carrying twentie-three collours, being three thousand white shirts: and (*verbi gratia*) upon that same day, a thousand oyster wives advanced from Billingsgate, through Cheapside, to Crabtree field, all alone, with drummes and flying collours, and in a civil manner, their goddess Bellona leading them in a martiall way. The next day following, May 17th, the felt-makers, fishmongers, and coupers marched three several wayes to three sundrie fields, carrying twenty-four collours, had their number amounted to three thousand and odds.

And now, to shun prolixitie, let the ingenious reader judge what number of numbers would these sequel trades be; as goldsmiths, ferriers, bakers, bruers, butchers, cooks, candle-makers, smiths, cutlers, carpenters, shipwrights, joyners, box-makers, wheelewrights, turners, carmers, and foure thousand weavers, braziers, dyers, imbrouderers, horologiers, watch-makers, engravers, tinkers, haberdashers, feather-makers, clothiers, tanners, curriers, glovers, spurriers, painters, printers, stationers, bookbinders, gun-makers, glaziers, masons, tecturers, brick-makers, plumbers, upholsterers, combe-makers, girdlers, coblers, chimney-sweepers, jack-farmers, with many more, that I cannot recollect. Which, indeed, (as they are of a marvellous great number,) so it was a delicat observation, to consider and remarke the indefatigable multitude and strength of the city, never heretofore practised nor exercised; the computation whereof may facitly amount to an hundred thousand able men, not reckoning any above fifty years of age, although the latter number would far exceed the former.

And now, closing this preceeding passage, behold the superstitious holy dayes in the city and countrey are not as hitherto abolished, neither have they a seeming purpose to abandon them, because they are the baites of prophane pleasures and vitious wantonnesse, which their gadding inclinations love rather to follow than forsake. Neither is their service-book exterminated, but, in an ambiguous way, some churches professing it, and other some disallowing it. I will not here expostulate between the mean and the manner, but surely there is a great wisdome visibly seene in the generall councell, that will not enforce a sudden alteration upon the people, till weightier matters be first settled, lest the one half should devoure the other, and the common estate of the com-

mon-weal be miserably ramversed; for as the Italian saith, *chiua pianouasano*, so say we, that soft fire makes sweet malt: even so, the prudent proceeding of provident policie must with a multitude dallie, as the fisherman doth with a hooked salmond, lets him strugle in the streame a while, and then softly steales him to the land, where he is caught, and dispatched. And now, the nature of man would ever either hear or see novelties; and here a speciall one:—The Tower of London, from long antiquitie, wont ever to guard the city, as the eagle keeps her young ones from the griffon; but now the citie guards day and night the Tower, lest Bishop Laud and Bishop Wren should leap out through the iron windowes, to swim on Thames, and that Euripus to swallow them down, which should be a great pitie, if the popes indulgences could prevent it. And now I recall, at my first coming here, it was agitate in parliament to send these two ghostly fathers to New England, that the great ocean, before their arrivall there, might purge them (like to purgatory) of all the corruptions and perfidious knaveries they had done in England, with many others, these twenty-five yeares: This resolution was relented, which many a heart lamented; but it may be, against the next spring, they will either make saile or hing. The citie now hath fourteen horse troupes, that scout the high-ways both day and night, and ride the round nightly, twice about the foot squadrons, where so their centinels are set at watch, and themselves to stand on guard; for this is the militarie way of Mars.

And now, coming to my maine purpose, I wish the reader should but conceive, as my pen shal let him see, the fairest encompassed city in all Europe, which my pedestriall march in twelve hours time painfully performed. And thus, three dayes before my departure thence, I approached, to make the toure round about, and descending to the lower end of Wappine, there I beganne my circuit. Then here, close by the houses and the river Thames, I found a seven-angled fort, erected of turffe, sand, watles, and earthen worke, (as all the rest are composed of the like,) having nine port-holes, and as many cannons; and, near the top, round about pallosaded with sharpe wooden stakes, fixt in the bulwarkes, right out, and a foot distant from another, which are defensive for sudden scalets, and single ditched below, with a court du guard within. Advancing thence along the trench dyke (for all the trenches are deep ditched about) which runneth through Wappine fields to the further end of White-chappell, a great way without Aldgate, and on the road-way to Essex, I saw a nine-angled fort, only pallosaded and single ditched, and planted with seven pieces of brazen ordonance, and a court du guard, composed of timber, and thatched with tyle-stone, as all the rest are: where, towards Myle-end Green, I beheld there two pettie forts, or redoubts, each of them with three ports, and they cannoned, stand within an intrenched closure, having five courts du guard, that secure the passage-way. From White-chappell Fort, north-westward, I trenched along the trenches to Shoarditch Fort, standing mainly quadrangled, single pallosaded, and single ditched, carrying, on three corners of the four, eight demi-cannons, and a royall court du guard within: and without which, and at Kingsland, (being the old post way for Scotland,) there stands two earthen rampires, with two courts du guard. Thence return'd, I followed along the champaine breast-workes to Hogston, where I found a quadrat fort, well pallosaded, and planted with five cannons at the two field corners; the strength is double ditched, and, betweene the two, it is strongly barrocaded with wooden stakes, everie stake, neare the top, being fenced with three iron hookes of a span long. Thence I marched through Fineberry fields along the trench, (enclosing there Moorefields,) and came to Mount Mil-hill Fort, (for all the forts about are blank and blank in sight of other,) where being arryved, I found it standing on the high-way, near to the Red Bull: This is a large and singular fortification, having a fort above, and within a fort, the lowest consisting of five angles; two whereof, towards the fields, are each of them thrice ported, having as many great cannon, with a flanking piece from a hid corner: the upper fort, standing circular, is furnished with eleven pieces of can-

non reall, which command all the rest; and upon the bosome top of all standeth a windmill: the lower bulwarks are first pallosaded round about, and near their tops, and then in the middle flank, between the two ditches, strongly barrocaded; beside two countercarps, and three redoubts of lesser importance; yet all defensive: this is one of the chief forts about the city, and first erected. Thence footing along the trench dyke, (which is three yards thick, and on the ditch side twice as high,) I courted Islington, at the lower end whereof I found a strong and large strength, called Waterfield Fort, having, within two utter workes, a circularie mount, stored with nine great pieces of artillerie, and on the point of a countercarp, three pieces more: there I saw the longest court du guard (being longer then two ordinarie churches) that I have seen as yet. A little further (about ten paire buts) I approached to Islington hill, where there is erected a most rare and admirable fortification, called Strawes Fort, but now Fort Royall. It hath eight angles, and a specious interlarding distance between each of the cornerd bulwarks. This fort is marvellous perspicuous and prospective, both for city and countrey, commanding all the other inferiour fortifications near and about that part of the enclining grounds. The north-east corner bulwark is double altified above the rest of the worke, carrying, on the two sides thereof, six cannon royall; and the two south and west corners are mutually charged, on each of them, with two half culverins of brasse; and the east promontoriat corner adorned with three whole cannon. The altified bulwark is twice pallosaded; and, at the root of the work, answerable to the top of the inmost ditch, it is strongly barrocaded: the middle place, between the two ditches, is en-ravelled all about with low wooden stakes, and long pikes of throwne pointed iron: and without all which works there is a breastwork cast up, and made defensive, either for the first assault or for the second invasion.

Descending thence to Holburne fields, I accoasted a strength, named Pinder of Wakefields Fort, being onely quadrangled, pallosaded, and single ditched, and enstalled with five great ordonance, and a court du guard. Abandoning the place, and shoaring along the trench a little further, to Longfield, I presently rancountred with Northampton Fort, consisting of two divided quadrangled bulwarks, and each of them garnished with foure demi-culverins of brasse; the interveening distance fortified: the two former bodies are pallosaded, double ditched, and the middle division whereof barrocaded with stakes a yard high, and each of them hooked with three counter-thwarting pikes of iron: Whence, conducted along with the trenches through S. Geilles fields, I arrived at Crabtree Fort, in Crabtree fields, standing in a quadrangle, and loaded with six culverines of brasse, placed on the two field corners, defying the malignants, or what assailants may there encroach: the fort is pallosaded above, double ditched below, and barrocaded, in the middle division, with thick standing stakes, and they conterbanded with thwarting iron pyks; and a stately court du guard within.

Leaving this, and marching along the circulary line, it grieved me to see so many rich grounds of grasse utterly spoyled with the erection of these works, insomuch, that horse and cattell certaynells will come short of their food there for seven years, and the owners thereof must fall pittifully short of their yearly profits; for where trouble is, then cometh misery. Having left the aforesaid fort, I saluted the Banqueting-house fortresse, composed of two forts upon Tayburne way and Maribone fields: here I found both the forts answerable to other, the way only divyding them; and they both pallosaded, double ditched, and barrocaded with iron pyks; the one cled with eight demi-cannon, and the other fenced with foure semi-culverines of iron; both wondrous defensible. A little advanced from this Tayburnian passage, I insulted upon Serjeants Fort, composed mainly of foure angles, a court du guard, five piece of ordonance, and fortified, in all things, just like to the former. Departing thence, I shortly encroached upon Head Park Corner Fort, which is a maine great strength, having one fort above, and within another; and the third fort, closing the road-way, standeth breasting the other two:

the utmost inveloped fort, overtopping the other two, is garnished with eight cannon reall; and on the inferiour bulwark, northward, being a second part of the forts maine body, there bee intrusted there five brazen half-cannons more; and before it, towards the fields, a breasting countercarp: the third dependant fort standeth enstald with six demi-culverines; amounting to nineteen of all. This great fortification is but only pallosaded and single ditched, yet wonderfull strong, and of great bounds; all the three having seventeen angles. And this is the westmost fortification, enclosing the park, the fields, the large mansion, and other enlargements belonging to S. James his liberty. Thence draying along a devalling trench, through Milk-field, toward Tuttle-fields, I rancountred with two half-moon workes, some ten paire buttes distant, both of them pallosaded, barrocaded with irae picks, and each of them planted with three demie-cannon of brasse: both these workes stand sighting Chelsay. Whence, breasting along the breastworkes, I happily imbraced Tuttlefield Fort, my familiar ground, of old acquaintance. This fortresse is composed of nyne angles, being pallosaded, and only double ditched, and surcharged, at the south and west corners, with six pieces of ordinance, and a court du guard. Here is an end of Midlesex labour; from which posternall place, I courted the river syde, and crossed over to Lambeth, in Surray: In the head of which town, westward, and close by the river, I visited the Nyne-Elmes Fort, composed of foure angles, five ports, and five demi-culverines, being slenderly pallosaded, and single ditched; for this fort and Tuttle Fort stand opposite to other, the river only dividing them. Whence, following my circulary progresse, I enhanced my desired view of Fauxhall Fort, which, indeed, is a delicate, large, and defensive work, being twice pallosaded, once ditched, and bearing the burthen of fourteen culverines. And hence, transported amaine, with a greedy desire to surveigh S. Georges Field, I found, half way hither, a singular countercarp, and fortified, besides workmanship, with three half culverines: and then I arryved at the Fort Royall, in Georges Field; which, indeed, of all the workes I have as yet made mention of, this is the only rarest and fairest, and contrived and reared after the moderne modell of an impregnant citadale, having foure large bulwarks, every one counterbanding another, from flank to flank; and the foure interveining quarters are also interlaced with spacious and defensib^l midworkes: the maine bosome of which, with the incumbent insides of the foure promontories, may easily containe three thousand men; the foure corners being destinated for twenty-foure cannon reall. The exterior workes are not as yet accomplished, (although fast advancing,) but certainly they will bee perfyted after the Londonian forts, as I have newly rehearsed; neither are the trenches done, which are drawn along thence to the top of Southwark, called Nevington Fort; the which is composed of two flanking redoubts, divyding nine pieces of ordonance between them, having two courts du guard, and backed with two countercarps, infringing the roadway passenger, till a condigne tryall of what are you, what carry you, and from whence came you, bee demanded. Hence I continued my purpose to the top of Kent Street, and found there only a circulary rampire of smal importance, fensed with a single ditch, between two ditches, and enstald with five piece of ordonance; and so is the other, at the back of Redreiff, but more defensib^l than the other; yet they are both to be interlarded with redoubts and countercarps in the intrrenched grounds. So here, at Redreiff Fort, just opposite to Wapine Fort, I finished the pilgrimagious toyle of a wearisome dayes journey, the circuit whereof, on both sides the river, amounteth to eighteen Kentish myles. From which I may say, that London was never truly London till now; for now she sits like a noble lady upon a royall thron, securing all her encroaching pendicles under the wings of a motherly protection: yet these limites were never heretofore granted, till the parliament, for their better safety, confirmed this construction, that (Grand Cayro excepted) I have not seen a larger inveloped compasse within the whole universe. By which computation, I apprehend that this circuit comprehends above five hundred thousand dwelling houses, and in them large three millions of soules;

that, me thinkes, he were a happy prince that could be but only king of such a city as London now sits intrenched, though he had no more provinces besides. And now the maine number of all these circulating fortresses (besides redoubtes, countercarps, and half-moon workes, along the trenches) amount to twenty-foure forts in all; and upon them planted and resettled two hundred and twelve pieces of canuon; which, indeed, is a mighty and tremendous sight; where Vulcan and Bellona mean to make a bloody match, if the esurious assailants should come, in a tragically, inconsiderable way, to surpryse the virginities of these new and now almost finished fortifications, which, indeed, have been very chargeable to the city, and daily will bee more; for all the port-holes are soled and syded with timber; the platformes where the canons ly are laid with strong oaken planks; all the ordonance are mounted upon new wheelles; besides the pallosading and barrocading of them without, with yron workes and other engynes.

And now sorest, in the daily maintaining of commanders and forces into them, with ammunition, and all things necessarie, both for the forts and souldiers. But it is no matter; let Guildhall pay for all; for there lyeth the treasure and weekly collections of the citie, which amounteth to twelve thousand pound starling, a-week besides the countrey about: and, moreover, the customes, the royall rents, the episcopall revenues, the plundering of malignants, and all lye there; where there are sitting a daily committee, appointed by the parliament and city, who have the disposing of all, as they think fitting: notwithstanding, they must returne their accounts to both the houses.

And now, in discoursing of these forts, I have beene somewhat prolixious, not usuall in my former styles, but done of purpose, that the reader may conceive by paper which I have known by ocular experience; and so I proceed.

Now, to observe in these following consequences my former condition, I will bee as indifferent as these relenting times may suffer me; and thus I begin:—The chiefest conflicts and accidents, which actually fell out in my being here, were onely three. The first was the intaking of Redding, by Generall Essex, and that repulsing skirmish fought at Cussan-bridge, the royall patriot of the countrey being there in person; for surrendering of which towne, Colonell Fielding, then governour thereof, was lately condemned, by a councill of war held at Oxford, to bee shot dead at a post.

The second accidental blow, May 12th, was that conflict in Cornwall, where Sir Ralph Hapton prevailed against some of the earle of Stamfords forces; he being for the time in Exceter, and had left five traينه bands of that county to second his intrenched brigad; which, when Hapton fell on, they fled, and left Stamfords forces to finde the sweet and smart of life and death from the adversarie; some taken, and some dispatc'd: and yet Stamford was equall with that defeat the day following. Hapton was and is for his majestie, and Lord Stamford for the parliament.

The third, and most remarkable of all, was that prevalent victorie, May 20th, which the lord Fairfax son obtained at Wakfield, in Yorkshyre, against Colonell Gowing and his forces, being a part of the queenes armie, led under Generall King, a conjunct with the Lord Newcastle; where Fairfax put to flight and rout the whole brigad, taking Colonell Gowing prisoner, with twenty-five pryime officers, and fiftene hundred common souldiers; so that none escaped save some few horse troupes, and a few of them slain; for the which auspicious happinesse, there was solemn thanks given to God through all the churches in London, May 28th, being Sunday; and this gratefull celebration was ordered by the parliament to be done. Colonell Gowing and a lieutenant-colonell, with some sergeant-majors and speciall captaines, were sent to Sir John Hottam, governour of Hull, to be entertained there as captives, because they love powder so well: there is a great magazin standing there; where I leave them to smart, till they find a better heart. But, by your leave, Gowing was once taken afore, by the parliaments forces, and thereafter swore, at his enlargement, never to carry armes any more against them: but now what the councill of war will modifie I know not: let

mercy or the martiall law decyde it. Neither will I meddle here with that promiscuous battel fought at Edgehill, or Keynton, where both the armies left other, without either flight or following; nor will I report of that unhappy busines of Brandford, (though in the end it proved happie for London;) because they do carry reflection to a greater eminency than my pen dare to contend with.

And, indeed, all the counties of England (except the five confederat counties, and Kent, that are (and many more) for the great councell) are in a combustion, some for the papists, some for the parliament, and all for the king. But understand me better, and be not misled:—Take not this generall uproare (as I may say) to bee between our gracious king and his loving subjects; no, no; the quarrel dependeth only and absolutely betweene the papists and protestants; for either must the Gospel prevail with us, else their idolatrie shall overtrample all; and therefore looke to it who may, for here is the main matter. And yet observe more:—Policie was wont to depend upon prudence and providence, vertue being the sole foundation of both; but now it dependeth upon perjury and falshood, perfidious dissimulation being the ground-worke of its deceitfulness, and a sophisticall habit the sycophantick boldnesse of its brazen face. Great God amend it; else speedilie mend it; for this distracted isle is over-burdened with the filthie contagion of its forsworne falsities, and honesty and honour miserably misregarded.

Neither may I forget that hard and unkindly usage that some of my country gallants have got there, being about an hundred and fifty of them, all officers and souldiers of fortune, and all and most of them being enroll'd: some have attended ten months, some longer, some lesser time, and yet can neither get employment, pay, nor passe from the parliament, to their great undoing, and losse of time. But, indeed, at their first going to the field, (not they,) but some other speciall commanders, were held in great estimation; but as soone as the English begun to learn the militarie art of discipline from our Scots cavaliers, they begun to contemne them, and wring them out, piece and piece, from their employments and charge. I will not herein particularize any more, (although duety commandeth me,) least I be found refractary to that quiet and happy looked-for association. But, indeed, their contemptible ambition cannot away with our generous countreymen any longer than they have reacquisted their owne ends.

And now, some of their flattering ruffians begin to direct their soldiers with lectionall lessons, as doting Phormio would have taught Hannibal to fight; and, forgetting the true discipline, would put all upon ignorant practise. So, now I call to minde, about Whitsontide last, there was such an exclamation against the Scots, for a weeks time, as was pittypfull to hear; terming us (commonly and disdainfully) false Scots, with many other incompatible execrations: and those their calumnies and despight arose from an employment sent from Chester to York. The effect wee know; the event is not finished: but this I may say, since that imploring missive was published here in print, the name of a Scot is growne so odious amongst Londoners, as the name of Satan is to the soule of a saint: Yet they are still longing and praying for our help. But wishing and wouling (we say) makes poore householding: nay, their tongues challenge our assistance by way of obligation, affirming that we first begun it, and therefore should help to end it: to whom I often answered, that this combustion came first from them, and now it is returned again in their own bosome. And Scotland hath done for them (said I) which they could not do for themselves, which you all acknowledge, and yet are ungratefull. And besides the great summes of moneys resting indebted by their publick faith to our nation, for that friendly aide, yet our kingdome keeps now an army in Ireland, to danton these bloody rebels, set against your peace and our profession; and as yet they have received no acknowledgement from your parliament therefore. And, said I, cast away your ceremonies, your holy daies, superstitious rites, your Romish letanie, your dregs of popery, and upbraiding of

our cavaliers, and then will Scotland prove a true sister to England; which if not, why should they go fight to maintaine your fopperies? Many such expostulations had I with hundreds of them; the recitation whereof, to avoide prolixitie, I purposely omit. And notwithstanding whereof, yet the groaning and mourning people crave commisseration; for even now they are begun to collect a severall domestick contribution through London, and the now enclosed circumjacent parts thereof, for the regaining of coale again winter; and thus every house, according to the chaulders they spend, lesse or more, yearly, shall presently advance as much money, (to set forth a present navy and forces, for recovering of Newcastle,) viz. twenty shillings sterling for the chaulder; and are to receive the coales (when they get them) at the same rate; which will draw to a marvellous masse of money, since the meanest house will spend three or foure chaulder a year. So is there amongst the adventurers here, for the relief of Ireland, another collection presently in hand, and for defraying the charges of the Scottish army there. And many like burthens have the people lying upon their necks, besides the hebdomadall and domesticall pay of Essex army; the continuance of which will utterly undo the poorer sort, and make the rich to grumble.

And I may not thrust in oblivion here the great sea navy, weekly maintained, by the parliament and people, round about the coasts of England and Ireland, though to small purpose, yet to an infinite deale of charges; which, indeed, the commons must bear: the parliament command, and the shoare-loytering lubbards consume. But now to returne to both armies:—At this instant, June 28th, they are lying within foure miles of other, and near to Oxford, where selected troupe parties, on both sides, now and then are snarling at other, like unto Hircanian wolves, but seldome byte, unles it be with a flying farewell. The parliaments army is thirty thousand strong, and daily grow stronger and stronger, both out of Kent, the city, and the confederat countyes. The kings army, but rather the papists and malignants forces, are no wayes answerable to their adversaries number, neither for pay nor power.

But, I must confesse, they are both grievous plunderers of the commons, wheresoever they come; although the parliaments army be daily and orderly payed, which the other is not. And it is daily expected they shall shortly either fight or flee, or else do both; where, after which, wee hope the papists shall seize upon the mountains of Wales for their refuge; for if it draw (as it is very likely) to a locall and lingering war, the whole kingdome shall be utterly spoyled and undone before the next approaching yeare. As for their captives;—on both sides they are many, and left misregarded; neither will they interchange quality for quality with other; and our countrey-men, Sir William Ballantine and Colonell Cocheran, with divers others, ly incarcerated in Windsore Castle, under the parliaments reverence: so are also Colonell Connesby, Sir William Crofts, Englishmen, and many other cavaliers, enthralld at Bristoll, under the same reverence and condition; besides Canterburryes house, in Lambeth, now filld full of the like stuffe, and honest Doctor Lichon appointed for their keeper: which country-man of ours was pittifully disfigured and demayned by the villanous tyrannicall despiight of William Laud, who shortly is to undergo his tryals for his former treason, as the parliament have newly declared. Observe here Gods providence, how Lichon, being but lately released from long imprisonment, is now put in Lauds house, and cruell Laud, expuls'd from his princely mansion, is now lying fast prisoner in the Tower. Being both physicians, Lauds charge should have been for the soule; but, indeed, Lichon is a honester physitian for the body, and a better Christian, which crowneth all.

And to engrosse here further discourse:—Colonell Bruce is newly committed to prison by the parliament, and his goods, that were imbarcked for Scotland, are disbarked again, and retained for the parliaments use, till further tryall be had of his negotiating in Ireland, these certain yeares past, with the meer and barbarous Irish, and upon what authority he went there so often.

About this time, June 23d, Colonell Hurry made a start to Oxford, having just reason, considering diverse affronts he had received, and could not be righted, neither by committees nor martiall law, which here I forbear to particularize. But we expect, ere long, he shall deservingly repay all. And why? Because there is nought can kill merit sooner than ingratitude, nor enforce a noble disposition to be longer indebted to a misregarding friend, than a just revenge commands expedition. And let me tell you, that now, presently, the sea here and there is spotted with Dunkirker frigots, under the collour of Irish rogues; and Fammouth, in Cornewall, is become the mother harlot of these bastard-begotten brigants, being the chief place of their receptance and refuge. I will not touch here the condition, nor manner how, because understanding may conceive it. And now the convention of some sound and learned divines is presently in hand, who were summoned hither by parliamentall power, to sit and meet in Westminster palace, for reforming of religion, and in abolishing the former fopperies thereof; and they are to continue there during the indurance of parliament, being to be assisted with some nobles and members of the house of commons, for the better performance of their burdenable taske, where I leave them to a happy conclusion.

Neither may I here obumbrate the memorie of this late designe framed for the overthrow of parliament and London, the discoverie and deliverie whereof was wonderfull, and yet the purpose far more cruel, if it had taken effect: I will not further insist herein, since the oracle of the lower house hath twice already most largely manifested the same, both under print and power. But this much I may avouch, that if that unnatural attempt had prevailed, then and there had I doubtless suffered with the rest; for now as I live to Malaga a living martyre, so then they had sacrificed me with London, a dying martyre. Yea, and the like designe, and that same time, was contrived against Bristol, whereupon there were two of the villaines hanged for their paines. There was a solemne thanksgiving to God through London, June 15th, and the countrey about, for that happie day of their deliverance, and fourty-six of their adversaries taken, and under tryall of the martiall law. And although every man wisheth and speaketh as he affects, yet have I indifferently (like to the passenger sayling betweene Saylla and Charibdis) carryed my selfe to neither hand, but in a just way keeping a right course, least I should have offended the truth, and so have slaine the honesty of my good intention; for although it is impossible to give all parties content, yet I had rather please many as to offend any. And now to close: Almighty God preserve aright and sanctifie the royall heart of our dread liege and governour. And now, good Lord, either in thy mercy convert the papists, else in thy furie confound them, and turne their bloody swords back in their own bosomes, that their devilish designs may never henceforth prevaile any more against thy saints and choicelings; and send us, and all true beleivers, the life and light of peace and truth. Amen.

FINIS.

King Charles his Defence against some trayterous Observations upon King James his Judgment of a King and of a Tyrant; with a necessary Preamble against evill Counsellors of Princes. 1642.

ECCLESIASTES, viii. 4.

Where the word of a king is, there is power; and who may say unto him, what doest thou?

James I. had used his pen against papal supremacy, in his "Defence of the Rights of Kings, and the Independence of their Crowns." From passages in this book, and in his speeches, a violent adherent of parliament had drawn up the tract to which this is a reply, proving that Charles I. fell under his father's description of a tyrant. But respect for the king's person, especially among the presbyterian party, long survived even the exasperation of the civil war; and the following answer seems to have flowed rather from that source than from political attachment to the royal cause.

THAT sentence which Lampridius reciteth out of Marius Maximus is most true, that the commonwealth is better and safer where an evil prince doth govern, than where the princes familiar friends are evill.

For one evill man may be corrected by many that are good; but never many evill men by one, how good soever, can by any reason be convinced and reformed; nay, rather, wicked counsellors make a wicked king, as we read of Ahaziah, 2 Chron. xxii. 3, 4, 5. But, O happy kingdome and commonwealth, whose prince, being very good, doth admit into his familiarity none but those who are very like himselfe. Looke into the 101st Psalm, wherein the economie, or ordering of things appertaining to King David's household, and so the whole government of the kingdome, is excellently described.

Saul was wicked, yet, using the counsell of Samuel, he did many things which otherwise he had not done; contrariwise, no prince is so good that may not be seduced, having evill counsellors.

So long as Joaz, king of Judah, had with him Jehoiada, the priest, a man indued with singular piety and solid erudition, all things well succeeded, both unto him and his whole kingdome; but when (Jehoiada being dead) the king was destitute of men fearing God, and expert in his laws, all things tended unto ruine.

Princes, therefore, ought to spare no expences to acquire and gaine unto themselves new Jehoiadaes. And surely there is no greater instrument or means of a happy kingdome then good counsellors: to be environed with a ring or company of ancient, pious, and prudent counsellors, is a great ornament to a prince, and not only an ornament, but it gives to his actions a happy successe, strikes a terrour into the hearts of his enemies, and induceth his subjects to yeeld him the more willing and faithful obedience; where, on the contrary part, there is no greater plague to a prince than evill counsellors, who are not only a blemish and great dishonour unto him, but cause his actions and enterprizes to have ill event, adds courage to his adversaries, and excites his subjects, not only to the neglect of their due obedience, but to disobedience of his injunctions and commands. Evill counsellors (as we read, 2 Sam. x. 3.) purchase hatred to their prince where good might happen.

This kingdom, that so many years hath flourished in a most tranquil and peaceable estate, like the land promised to flow with milk and hony, (by woful experience, to the untimely losse of so many thousand precious lives,) hath found how our gracious soveraigne lord King Charles hath been, and still is seduced by evill counsellors, moving and animating his majesty to those actions which have heaped on his sacred person, not only the hate of many of his loving subjects, but their bitter exclamations, condemning him as one unworthy to reign over them, and as a king that hath forfeited his crown by acts of tyranny: amongst which sort of clamorous people, or rather barking dogs, one subtle Machiavillian, (who would seem, by some few words, to be a Scot, but, by most of his language, as by common fame, appeareth English bred, and who, I am well assured, is either brownist, anabaptist, or separatist,) this rascall, or (to use the common invented appellation) this round-head (being possest with an evil spirit, far worse then that which brought the ironmonger to his publique ignominy, and meriting ten times worse infliction) hath published, in print, a sheet of paper, intituled, King James his Judgement of a King and of a Tyrant; wherein he labours to prove King Charles (by part of a speech which his royall majesty, of famous memory, once uttered) to be a tyrant, and that the people are no longer his subjects, to obey him in his government, because he hath ceased to govern them according to his lawes, and inclineth to papistrie, &c.

Now, albeit I am one least able to answer this so shameless, unjust, and trayterous impeachment, I (being no papist, but a true protestant) will adventure, (not confiding in my own ability,) but in God's assistance, (in whom only, and not in any mortall man, or worldly means, we are to confide,) to vindicate the right, title, and honour of my most dread soveraigne lord King Charles, with such reasons and arguments as shall not only disanimate that rayling villain to make any reply, but dam up the mouths of many, if not most others of his trayterous brood and faction.

First, therefore, I hold it necessary to define a tyrant. A tyrant is he that hath none other aime but his own private profit, without caring for that of his subjects, and, for his greatness, revenge, or avarice, violates all divine and humane laws; so as he lives in continual distrust, of his subjects, and intreats them with all rigour and severitie, against justice.

Now, whether his majesty be such a person, I leave to the judgement of impartial understanding men.

Secondly, his majesty hath not ceased to govern according to his lawes; for his lawes he hath been always forward to maintain; and whatsoever act unlawful, or to the subject distasteful, hath been commanded to be done in his majesties name, before this present parliament, he himself only did it not, but his most honourable privy-counsell, or other eminent officers, by whose eyes and eares his majesty (as all other princes use to do) saw and heard those things which conduced to his benefit, without any intention of oppression, on his majesties part, to the commonwealth, or otherwise his highness, by some eminent persons about him, was thereunto perswaded. And since this parliament began, his majesty hath done all things, during his abode at Whitehall, which both the honourable houses of parliament first approving, have presented to his royall hand; as that act for suppressing of monopolies, which he had been induced to grant, being presented by others, who much abused and deluded his majesty thereby, for their own private profit; also the several acts for the reducing of the rebels in Ireland to their due obedience, and for raising of money to that purpose; besides divers others extant; which do evidently expresse his majesties proclivitie and forwardnesse, not only to govern according to his lawes, but to maintain the true protestant religion, by subverting and extirping the rebellious papists in Ireland: only, since his departure from Whitehall, to avoid the danger of schismatical tumults, his majesty did set up his standard, to raise an army for his own safeguard, (as he hath at large declared,) and not

against his parliament; his commission of array being maintained to be lawful by learned counsell about him: where, on the other side, the parliament have raised forces, to defend both the king and kingdome, and either to confound, or to captivate, and bring to a fair tryall, his majesties evil counsellors and malignant parties; where I am of opinion, that if his majesty could safely quit himself of those malignant parties and his cavaliers, he would soon and gladly return to his parliament, and that he wisheth he had never been absent.

In the mean time, it cannot be said he governs like a tyrant, for he governs not at all, but his parliament, who no sooner command, but are, in all things, obeyed, and whose intentions, I am confident, are sincere and just, and consequently not to be questioned.

To conclude this point, give me leave, I pray you, to recite a short story, which is this:—Archidamus, king of the Lacedemonians, seeing two of his dearest friends at variance, brought them into the temple of Minerva, (the Lacedemonians holding it a most heinous offence not to perform whatsoever was there promised,) and demanded, whether they would have any judge or umpire between them? To which they answered, that they wished Archidamus. Whereupon, he caused either of them to swear that they would do what he should command. They having so sworn, Now, quoth Archidamus, I command you not to depart from hence, until, among yourselves, you be faithfully reconciled; and so left them, who were forced to be soon reconciled accordingly. This prudent prince found by what means he might neither offend both of them by refusing the arbitrement, nor alienate the love of the one from him, if he had given sentence for the other; and I could wish, if wishing might prevail, that the differences between our sovereign lord the king's majesty and his high court of parliament might be in as faire a manner, by some protestant prince, fully determined.

For my part, I cannot rightly declare (neither would I, nor durst I presume, if I could) which side hath greatest cause to complaine, lest, in such case, I should be like one that inhabites the middle roomes of a house, who fears either to be washed with water spilt above him, or to be annoyed with smoke from the rooms below; yet I dare say and swear, for the reasons before alledged, King Charles is no tyrant, neither doth the high and honourable court of parliament, in any one of their declarations, term him a tyrant. Neverthesse, this reviling traytor, like one presuming or boasting himself to be of greater understanding than any of his superiors, would not only prove his majesty to be a tyrant, but that his subjects owe him no more duty; yea, more, that all his solemn protestations, declarations, and calling God and the world to witnesse, should be examined, what truth is in them, by comparing them with his ordinary and daily practices, and that even from the first entrance of his reign, ever since he wrote that letter of his to the pope, lately published in English, with the pope's letter to him.

Now, for answer hereunto, in the first place, I am confident that his majesty did never write any such letter, nor received any such answer as this most calumnious traytor doth recite; but if any such letter and answer be printed, or divulged in manuscript, they are merely invented by him, or some such other; like the royall letter named to have been sent by the king of France to the king of England, and the king of England's answer to the same, which were all compact (for the most part) of inkhorne fustain, or affected words, beneath a king's dialect or manner of writing.

Secondly, suppose it were granted that King Charles wrote such a letter to the pope, and that his majesty, at that time in the beginning of his reigne, in his unexperienced youth, being newly out of his minority, and married with the daughter of France, did incline unto the Romish religion, as one seduced by some of the pope's faction, *Pape*,—is it therefore consequent, or must it be for a truth concluded, that he is still of the same condition or inclination? Have we not had sufficient experience, for the space of many years, to the contrarie; that his highnes never attempted once to alter the true protestant religion;

only giving way, through the counsell of one or more popish prelates, for the removing of our communion-table, to stand in manner of an altar; which, in my understanding, was a way to increase popery or superstitious adoration in this kingdome, and therefore by the Scottish nation so detested and abhorred. Howbeit, under favour, may I relate what an English papist once to me uttered? It is more fit (quoth he) that your communion-table should stand like an altar, which is more decent and religious, being adorned with those things which the Scripture doth allow, then as formerly, in the reignes of Queen Elizabeth and King James, and for many years of King Charles his reigne it hath stood; being, on those dominicall dayes when the blessed sacrament of the Lords Supper is not appointed to be ministred, a common receptacle (in most of your churches) not only of boys and servants hats, but oftentimes of themselves, who unreverently make it their bench or seat, to ease their leithier limbs, during your lecture time; or as, about the beginning of Queen Elizabeths reign, stage-players were permitted to act their enterludes in country churches, on the Lords day, immediately after divine service, turning Gods temple into the devells chappell, according to Christs saying, Matth. xxi. 13, "It is written, my house shall be called the house of prayer, but ye have made it a den of theeves;" or as that lighter, which, being trimly painted, furnished, and adorned with sayles and masts, tackling and streamers, to entertaine and attend on the river of Thames the new lord-mayor, in his passage to take oath at Westminster, being then a goodly gally-foist, is, the next day, if not that night, depriv'd and stript of all her ornaments, and converted to a dung-boat, or some other inferior use. To which profane comparisons I answered, that the sacrament of the Lords Supper was instituted in a large upper roome of a house, called the guest-chamber, where Christ and his disciples did eat the passover; the tables at which they sate being, at other times, (both before and after,) used, by those that came thither as guests, to eate and drinke for the susteyning of nature, and some, perhaps, to feast in a gluttonous way; neither is the sacrament confined onely to the board whereon the bread and wine are placed in the church, or to the materiall church itselfe, but allowed to be administred (as commonly it is) to sicke persons in their private chambers; it being not necessary to salvation, though comely in shew, (as the surplice is,) to cover the table with any cloth, which is not suffered to remain there, either in church or chamber, when the communion is accomplished. At which words, the papist, in a fume, departed, leaving me alone, who had much more matter to alleadge in confutation of his erroneous invective, which, in this place, I will forbear to inferre, lest this digression may seeme a plaine aberration from my principall intention and the matter in hand. Thus, therefore, I returne into the way, affirming that the kings majesties dayly practises have been, from time to time, answerable to his protestations, from any thing that I could ever learn or hear to the contrary, from impartiall, understanding protestants, or by any declaration of the lords and commons, assembled in parliament. As for those quæries of things done since King Charles began his reigne, I do accompt them altogether so scandalous, and devellishly invented, that they are not worthy to be answered, but the writer and publisher of them ten times more worthy to dye a cruell death then Shimei, that cursed and threw stones at King David, 2 Sam. xvi. 5 to 14; who, though he escaped punishment in the days of that kingly prophet, had his due reward under Solomon the son.

There is almost no evil so great, for which nature hath not prepared a remedy, at least an avoydance. But calumny or slander doth not onely bite privately, but killeth before it can be perceived. The porcupine darts out his priccles when he is provoked, but the slanderer casts his darts or evill words against every one without any cause; so this unparalleled reviler, without any cause, but onely out of his inveterate malice, being an evident enemy to the true protestant religion, (which our gracious king professeth, and hath so solemnly professed and proclaimed to maintaine,) hath assaulted his

majestie, attempting thereby to kill him in his honour and royal estate, in maliciously, advisedly, and directly publishing in print, that our sovereign lord King Charles is a tyrant; which offence is declared, by the statute of 13 Eliz., to be high treason.

But put the case, our king were a tyrant, and guilty of all whatsoever this traytor doth lay to his charge,—Comines, lib. 10. *Comment.*, makes this quære: When princes doe in any thing offend, who shall call the same in question, and when the same is questioned, who shall complaine thereof to the judge? Who shall take upon him the person of such a judge? Who shall appoint their punishment? He answereth, surely the complaints and tears of men in miserie whom they have cruelly tormented, also the waylings of widows and orphans, whom they have inhumanely bereft of their husbands and fathers; in a word, the lamentations of those whom they have afflicted and stripped of all their fortunes shall be instead of an accusation, when they shall come before the high tribunall of God, who, being offended with the greatness of their iniquities, doth not alwaies grant them a longer impunitie, but sometimes doth scourge them with present punishments, and that so evidently and cleerely, that it cannot be doubted but he is a most upright avenger of iniquitie.

The magistrate, (saith an ancient counsellor of state,) much more (I say) every meaner subject, ought to obey the will of his prince, although it were unjust, and not to bandy himselfe against his prince, what error soever he commits; for this were a rebellion in the state, to bandy the feet against the head: it were much better to yeeld under the soveraigne majestie with obedience, then, in refusing his commandements, to give an example of rebellion in the subjects.

Of evill princes we ought to say nothing, for to speake ill of them it is very dangerous, as well as a heynous crime: it is not, therefore, safe to write against those that can right themselves upon us, *in tales nominatim scribere qui possunt proscribere*, as saith Assinius Pollio, jeasting upon Augustus Cæsar. And Solomon saith, Prov. xx. 2, "The fear of a king is as the roaring of a lion; whoso provoketh him to anger sinneth against his owne soule." Againe, Prov. xvi. 14, "The wrath of a king is as messengers of death, but a wise man will pacifie it." Erasmus of Rotterdam, in one of his *Coloquies*, intituled, *Convivium religiosum*, sheweth, that, where other men may, by faire admonitions, lawes, rebukes, or menaces, be bent into goodnesse, restreyned, and reformed, a kings minde being resisted, groweth more austere, or more inflexible; and that princes, therefore, when they be earnestly inclined to any action, must be thereunto left; not in respect they would alwaies effect what is best, but for that Almighty God sometimes useth and disposeth of them and their follies as his instruments to amend or punish others: as he forbad his people to withstand Nebuchadnezzar, through whose crueltie he had determined to make them see and forsake their wickednesse. So Job, xxxiv. 30, saith, "He makes the hypocrite to reigne, for the sinnes of the people:" and further sheweth, that the wrath of a king is compairing it to the sea, whose streames are not to be diverted or resisted; and that a king is not to be curb'd or censured by any human lawes, but left unto the King of Kings; and if he do amisse, or go astray in any thing, we ought to say, with Paul, "The Lord hath taken him to himselfe; to his Lord, therefore, he doth sink or swim." So Solomon, Prov. xxi. 1., saith, "The kings heart is in the hands of the Lord, who can turne the same which way soever it pleaseth him:" as is more at large exprest in that part of the *Coloquie*, whereunto I refer the reader, or (if he be no Latine scholler) unto a sheet, intituled, "The Definition of a King, &c.," which conteynes a perfect translation thereof.

I will now conclude with three parts of Scripture, pertinent to this my purpose. 1 Pet. ii. 13, 14, "Submit yourselves to every ordinance of man, for the Lords sake, whether it be to the king, as supream, or unto governours, as unto them that are sent by him, for

the punishment of evill-doers, and for the praise of them that doe well." Prov. xiv. 32, "The wicked is driven away in his wickedness; but the righteous hath hope in his death." 1 Cor. vi. 10, "Revilers shall not inherite the kingdome of Heaven."

*Cum Angelis beate vivit Rex JACOBUS.
Cum Anglis prospere vivat Rex CAROLUS.*

The Opening of the Great Seal of England; containing certain brief, historical, and legal Observations, touching the original Antiquity, Progress, Use, Necessity of the Great Seal of the Kings and Kingdom of England, in respect of Charters, Patents, Writs, Commissions, and other Process; together with the Kings, Kingdoms, Parliaments severall Interests in, and Power over the same, and over the Lord-Chancellor, and the Lords and Keepers of it, both in regard of its New-making, Custody, Administration for the better Execution of Publick Justice, the Republicks necessary Safety and Utility. Occasioned by the over-rash Censures of such who enveigh against the Parliament, for ordering a new Great Seal to be Engraven, to supply the wilful absence, defects, abuses of the old, unduly withdrawn and detained from them.

By William Prynne, Utter Barrister of Lincolns-Inn.

ESTHER, viii. 1.

Write ye also for the Jews, as liketh you, in the king's name, and seal it with the king's ring; for the writing which is written in the king's name, and sealed with the king's ring, may no man reverse.

It is, this fifteenth day of September, anno Domini 1643, ordered, by the committee of the house of commons concerning printing, that this treatise, intituled, "The Opening of the Great Seal of England," be forthwith printed by Michael Sparke, senior.

JOHN WHITE.

London, printed for Michael Sparke, senior, 1643.

At the breaking out of the civil war, the lord Littleton, keeper of the great seal, went off with it to the king. Clarendon, who had a great hand in determining him to this step, has detailed the measure at great length, and, with a lawyer's predilection for forms, obviously sets greater store by the advantage thus procured for his master, than it in fact deserved. It was not to be supposed that those who had drawn their sword against Charles would be much embarrassed for want of a silver stamp bearing the royal arms. Yet so long did the inveterate attachment of Englishmen to their laws and customs continue, even in the midst of civil dissension, that the remedy, though obvious, was not immediately resorted to. Two great seals seemed, to the lawyers of the house, like two suns in the firmament; nor was it easy to divest themselves of their respect for the ancient and original implement of royal sanction. Necessity, however, had no law; and the following is Clarendon's account of the transaction, which the indefatigable Prynne has undertaken, in the tract, to make good in law.

"The commons had often pressed the house of peers to concur with them in the making a new great seal, as a proper remedy against the mischiefs which, by the absence of it, had befallen the commonwealth; declaring that the great seal of England, of right, ought to attend upon the parliament; in which the peers as often refused to joyn with them, being startled at the statute of the 25th of Edward the III., by which the counterfeiting the great seal of England is, in ex-

press terms, declared to be high treason; and it had been, in all times before, understood to be the sole property of the king, and not of the kingdom, and absolutely in the king's own disposal, where it should be kept, or where it should attend.

"This dissent of the lords hindered not the business: the commons frankly voted that a seal should be provided, and accordingly took order that one should be engraven, and brought into their house, according to the same size and effigies, and nothing differing from that which the king used at Oxford. Being in this readiness, and observing the lords to be less scrupulous than they had been, about the middle of November, they sent again to them, to let them know they had a great seal ready, which should be put into the custody of such persons as the two houses should appoint; and if they would name some peers, a proportionable number of the other body should join in the executing that trust. All objections were now passed over, and, without any hesitation, their lordships not only concurr'd with them to have a seal in their own disposal, but, in a declaration and ordinance, by which they declared all letters, patents, and grants made by the king, and passed the great seal of England, after the 22d of May, in the year 1642, (which was the day the lord-keeper left the house, and went with the great seal to York to the king,) to be invalid, and void in law; and henceforward that their own great seal should be of the like force, power, and validity, to all intents and purposes, as any great seal of England had been, or ought to be; and that whosoever, after the publication of that ordinance, should pass any thing under any other seal, or should claim any thing thereby, should be held and adjudged a public enemy of the state.

"At the same time, the earls of Rutland and Bullingbroke, of the peers, Mr Saint Johns, (whom they still entitled the king's solicitor-general, though his majesty had revoked his patent, and conferred that office upon Sir Thomas Gardner, who had served him faithfully, and had been put out of his recorder's place of London, for having so done,) Serjeant Wild, (who, being a serjeant-at-law, had, with most confidence, averr'd their legal power to make a seal,) Mr Brown and Mr Prideaux, two private practisers of the law, were nominated to have the keeping, ordering, and disposing of it, and all such, and the like power and authority as any lord-chancellor, or lord-keeper, or commissioner of the great seal for the time being, had had, used, or ought to have. The earl of Rutland was so modest, as to think himself not sufficiently qualified for such a trust, and therefore excused himself in point of conscience; whereupon they nominated, in his room, the earl of Kent, a man of far meaner parts, who readily accepted the place.

"The seal then was delivered, in the house of commons, to their speaker, and by him, with much solemnity, the house attending him, to the speaker of the peers, at the bar in that house. The six commissioners were then, in the presence of both houses, solemnly sworn to execute the office of keepers of the great seal of England, in all things according to the orders and directions of both houses of parliament. And thereupon the seal was delivered by the two speakers to them, who carried it, according to order, to the house of the clerk of the parliament, in the old palace, where it was kept locked up in a chest, which could not be opened but in the presence of three of them, and with three several keys."—CLARENDON, II. 312.

To the Reader.

COURTEOUS READER, having copiously answered, refuted all royalists, malignants, papists clamorous objections and primitive exceptions against the proceeding of this present parliament, in four several treatises, lately published, concerning the sovereign power of parliaments and kingdoms, which have given good satisfaction to many, and silenced the pens, the tongues of anti-parliamenters, who have been so ingenuous as seriously to peruse them,—I yet find a new grand objection lately started up, and much insisted on among these opposites, by reason of the commons late order for making a new great seal, (now almost finished,) to supply the wilful absence, defects, abuses of the old, to the extraordinary prejudice, damage, danger of the houses, kingdom, and delay of publick justice; which, though sufficiently answered, in the general, by sundry passages and histories scattered in the former treatises, yet, because not so particularly or fully debated as the consequence of this extraordinary weighty act, and the querelousness of the clamorous opposites require, I have therefore (upon the

motion of some friends,) to stop up this new breach and clamour, speedily collected, and published, by authority, these ensuing historical and legal observations, concerning the original antiquity, progress, use, necessity of the great seal of the kings and kingdom of England, with reference to sealing of charters, patents, writs, commissions, other process; and given thee a summary account of the kings, kingdoms several interests in, and power over the great seal, (and the lords-keepers of it too,) both in respect of its new-making, custody, administration for the better execution of publick justice, the republick's necessary safety and utility, clearing all contrary objections of moment; which I here submit to thy charitable censure and acceptation; imploring thy pardon and direction, in case I have casually erred, out of ignorance or humane frailty, in tracing this untrodden dangerous narrow path, wherein I find no footsteps, or only very obscure ones, to direct my course. Farwell.

Nor to enter into any impertinent tedious discourse of the antiquity or use of seals in general, which were very antiently used, both by the nations and kings of the Jews, Persians, Medes, Babylonians, and others, (as is manifested by sundry texts of Scripture, * to omit prophane stories,) it is a question much debated among antiquaries, historians, lawyers, how ancient the use of seals hath been among the kings of England, and in what age, upon what occasion, by what degrees they grew to be absolutely requisite for the ratification of charters, patents, writs, commissions, and other processes?

The first original antiquity of seals among our kings is very uncertain; for it is apparent, past all contradiction, ² that our ancientest kings charters, patents, had no seals at all annexed to them, being ratified only with the sign of the cross, (oft-time in golden characters,) the subscription of our kings name, with the names of divers bishops, abbots, nobles, clerks, and others under them, as witnesses; who all made the sign of the cross before or after their subscriptions; as is most evident by sundry ancient charters of our English Saxon kings, yet extant in old leger books of abbeys, in Sir Robert Cotton's library, and by the printed copies of them in the histories of Ingulphus, Malmsbury, Hoveden, Matthew Paris, Matth. Westminster, Holinshed, Mr Fox, Mr Camden's Britannia, Mr Selden's Titles of Honour, History of Tythes, Notes to Eadmerus, Sir Henry Spelman's Councils and Glossary, Sir Edward Cook's Preface to his 4th and 6th Reports, his Institutions on Littleton and Magna Charta, *Joannis Pitseus, Relatio. Histor. de Rebus Angl. Cl. Reynerus Apostolatus Benedictinorum in Anglia*, M. Lambard his Perambulation of Kent and Archaion, Bishop Usher's *Britannicarum Ecclesiarum Antiquitates*, with others; which charters, though without a seal, have ³ ever been reputed as valid, firm, in point of law, from time to time, and so admitted by our judges, kings, parliaments, as any punier charters, sealed with our kings great seals. To give you some few instances of the ancientest charters of our kings before the conquest, which I find not sealed, but thus subscribed;—King ⁴ Ethelbert, anno 605, made two charters; the first to the church of St Pancras; the other to the monastery of Peter and Paul, to be erected at Canterbury; which are thus confirmed with the sign of the cross, not sealed:

* Gen. 38. 18, 25. Exod. 28. 21. c. 39. 6. Deut. 32. 34. Job, 14. 17. c. 33. 16. c. 37. 7. c. 38. 14. c. 41. 15. 1 Kings, 21. 8. Neh. 9. 38. c. 10. 1. Esther, 3. 12. c. 8. 10. Jer. 22. 24. c. 32. 10, 11, 14. Cant. 8. 6. Isa. 8. 16. Dan. 6. 17. c. 9. 24. c. 12. 4, 9. Ezek. 28. 12. Matth. 27. 66. John, 3. 33. Rom. 4. 11. 1 Cor. 9. 2. 2 Tim. 2. 19. Revel. 5. 1, 5, 9. c. 6. 1, 3, 12. c. 7. 2, 3. c. 8. 1. c. 9. 4. c. 10. 2. c. 20. 3. c. 22. 10. Polyd. Virgil. de Invent. l. 8. c. 2.

² See Ingulph. Hist. p. 910. Terms of the Law, tit. Faits, r. 94. Cook's institutes on Littleton, f. 7. a.

³ See 3 Hen. VII. 25, 26. Cook's Preface to the 4th Report. Terms of the Law, title Faits.

⁴ Spelman, Concil. tom. 1. p. 118, 119, to 126.

+ *Ego Æthelredus Rex Anglorum, hanc donationem meam signo sancte Crucis propria manu confirmavi.*

After which follow divers other witnesses, who confirm it with the same sign. There is extant a bull of Augustine, the first bishop of Canterbury, of an exemption granted by him to this monastery, with a leaden seal annexed to it, the form whereof you may view in¹ Sir Henry Spelman, who suspects both these charters, with Augustine's bull and seal, (the sealing of bulls being not so ancient, and leaden bulls being first brought in by Pope Adrian, about the year of our Lord 774, as Polydore and others observe,) to be mere counterfeits, upon good grounds. There is another charter of the same king, of lands given to the same monastery, dated *an.* 610, subscribed as the former. The next ancient charter I find is that of² Withred, king of Kent, dated *an.* Dom. 695, who, the same year, confirmed the great council of Becancelden with the sign of the cross, and such subscriptions as are aforesaid. To these I shall add the (suspected) charter of³ King Kenred and Offa, *an.* 709, with the charters of Egwin, bishop of Worcester, *an.* 709; the charter of⁴ King Ethelbald, *an.* 718, made to St Guthlac and the abbey of Croyland; with his general charter of privileges granted to all churches and monasteries, dated *an.* 742; the charter of⁵ King Ina, granted to the abbey of Glastenbury, (supposed to be spurious,) *an.* 725; of⁶ King Offa to the abbey of Croyland, *an.* 793; the⁷ decree of Ailardus, archbishop of Canterbury, and the council of Clovesho, *an.* 803; the charter of⁸ King Kenulphus to the abbey of Croyland, *an.* 806; the⁹ decrees of the synod of Clovesho, under King Beornwulfe, *an.* 824; and of the council of London, under King Egbert, *an.* 833; the charter of¹⁰ Witaslaus, king of Mercia, to the abbey of Croyland, *an.* 833; the charter of King Bertulphus to the same abbey, *an.* 851; with the¹¹ canons of the council of Kingesbury, confirmed and subscribed by this king and others, the same year, with the sign of the cross; the charters of¹² Ethelwulphus to the abbey of Croyland, *an.* 855, and to all churches and monasteries, which he offered up to God upon the altar of St Peter, at Winchester, where the bishop received it, and sent it to all churches, to be published; the charter of¹³ Beorredus, king of Mercia, to the abbey of Croyland, *an.* 860; of¹⁴ Queen Æthelswith to Cuthwulfe, *an.* 860; of King¹⁵ Edmund to the abbey of Glastenbury, *an.* 944; of¹⁶ King Edred to the abbey of Croyland, *an.* 948; the charters of¹⁷ King Edgar to the abbey of Croyland, *an.* 966, 970, 974; to the¹⁸ abbey of Glastenbury, *an.* 965, 971; and to the abbey of Malmsbury, *an.* 974; his charter of Oswald's laws, *an.* 964; his charter to his new monastery of Winchester, *an.* 966, and another charter, *an.* 964; the charter of¹⁹ King Ethelred, *an.* 955, to Ulfric; with²⁰ his charter of privileges granted to the church of Canterbury, *an.* 1006; the²¹ charter of King Knute, or Canutus, to the church of our Saviour at Canterbury, *an.* 1018, and to the abbey²² of Croyland, *an.* 1032; of Thorold to the abbey of Croyland, *an.* 1051; and of King Edward the Confessor, to the same abbey, about the year 1050. All these ancient charters of our kings before the conquest had no seals at all annexed to them, but

¹ Spel. Gloss. tit. Bull, p. 108. Pol. Virg. De Juven. Rerum, l. 8. c. 1. ² Spelman, Concil. tom. I. p. 189 to 194. ³ Spel. ib. p. 207, 208, 209, 210. ⁴ Ingulph. Hist. p. 151, 852. Spelm. Concil. p. 256, 257. ⁵ Spelm. ib. p. 227 to 231. ⁶ Ingulph. Hist. p. 853, 854. ⁷ Spel. Concil. p. 324, 325. ⁸ Ingulph. Hist. p. 154, 855. ⁹ Spel. Concil. p. 335, 338, 339. ¹⁰ Ingulph. Hist. p. 855 to 857, 858 to 862. ¹¹ Spel. Concil. p. 346, 347. ¹² Ingulph. Hist. p. 862. Matth. Westm. *an.* 854, 834. Spel. Conc. p. 350 to 354. Malmbsuriensis De Gest. Reg. Angl. l. 1. c. 2. p. 41. ¹³ Ingulph. Hist. p. 863, 864. ¹⁴ Cook's Ep. to the 6th Report. Malmesb. de Gestis Regum Ang. l. 2. c. 7. p. 53, 54. ¹⁵ Ingulph. Hist. p. 874 to 877. Spelm. Concil. p. 428. ¹⁶ Ingulph. Hist. p. 880 to 885. ¹⁷ Malmesb. de Gestis Regum, l. 2. c. 8. p. 56, 57. Spelman, Concil. p. 485, 486, 488, 489, 432 to 435. J. Seldeni ad Eadmerum notæ, p. 159, 160. Cook's Preface to the 4th Report. ¹⁸ Cook's Preface to the 6th Report. ¹⁹ Spelman, Concil. p. 504 to 510. ²⁰ Spelman, p. 533. ²¹ Spelman, Concil. p. 504 to 510. ²² Spelman, p. 533.

were only ratified with the sign of the cross, subscribed by the kings themselves, and those who made them, together with their names, and crosses of the witnesses. And it is observable, that all, or most of these ancient charters of our kings, which granted any lands or privileges to abbeys or churches, were made in full councils and parliaments, with the unanimous consent and approbation of the bishops, prelates, abbots, dukes, earls, lords, and great men therein present, who commonly subscribed them. The reason was, because none of our ancient kings (as I have proved) had any power to grant or alien the lands of the crown (which they enjoyed only in the kingdom's right, and for its use) to any, without the consent of their nobles and people, in full parliament: and, in most of these charters, abbeys and church-lands were exempted from all taxes, tallages, and temporal services whatsoever, except the repairing of high-ways, bridges, and castles, for the common good, and¹ thereby were anciently exempted from danegeld, as I have elsewhere manifested.

Which of our kings first used a seal is not certainly determined. Sir Edward Cook, in his Institutes on Littleton, fol. 7. a., records, that the charter of King Offa, whereby he granted Peter-pence, doth yet remain under his seal. Now this charter, as² Sir Henry Spelman, and our³ historians generally in his life accord, was dated in the year of our Lord 793, or 794, and is the first charter sealed (if true) by any of our kings. There is another⁴ charter of King Edwin, of certain land, called Iecklea, in the isle of Ely, bearing date *anno* 956, sealed with his own seal, and with the seal of Elfwin, bishop of Winchester. I read in Francis Thinne his Catalogue of Chancellors, and in Sir Henry Spelman his Glossary, fol. 126, 132, that our Saxon kings, Æthelstand, Edmund, Edred, Edgar, and Æthelred, had their several chancellors; but whether they had any seals or not, is uncertain: if they had any, "it is certain (writes⁵ Sir Henry Spelman) that they scarce used them at all, or very rarely, most of their charters having no seals at all, but only crosses, or subscriptions of these kings names, and witnesses." The very⁶ first of all our kings who used a large broad seal was Edward the Confessor, who, being brought up in Normandy, introduced that, with some other of the Normans guises, with him, and had three chancellors. Under this⁷ seal he granted a charter of sundry liberties and privileges to the church of Saint Peters, in Westminster, *anno Dom.* 1066, which was sealed by his chancellor, Reynbaldus, as is evident by this his subscription to that deed:—*Ego Reynbaldus Regis Cancellarius relegi et sigillavi.* This is the first charter, for ought appears, that ever was sealed with a royall broad seal, or by a chancellor. But that all this good king's charters, or any of his writs or commissions were thus sealed by this great seal, or that the chancellor had then the custody of the seal, (which the chancellors, in the reign of Charles the Great and Ludovicus Pius, had not in France, as Sir Henry Spelman proves in his Glossary, p. 127, out of *Capit.* l. 2, c. 24, and *Egolismensis in vita Caroli*, p. 15, and the passage of Ingulphus, concerning the office of the chancellor in his time, cited in Spelman, seems to disprove,) is a *non liquet* unto me. The exact form of this kings great seal you may behold in⁸ John Speed, together with the various effigies of all our succeeding kings broad seals, prefixed by him before their several lives.

Two things there are, which, in this enquiry after the original use of our kings great seals, seem somewhat dubious unto me. First, when, how, and by what law or means it came to pass that our kings charters and patents ought, of necessity, to be sealed with the great seal, contrary to the primitive usages in former ages, or else to be reputed invalid, and meere nullities in law? Secondly, when, and by what law or grounds, and in what king's reign, writs, commissions, and other processes of law, began to be

¹ Remonstrance against Ship-Money.

² Concil. tom. 1. p. 308, 310, 311, 312.

³ Huntindon, Antiquitates Ecclesiae Brit. Fox Polychronicon, Holinsh. Grafton, Speed, and others.

⁴ Cook's Instit. on Lit. f. 7. a.

⁵ Glossar. p. 127.

⁶ See Terms of the Law, title Faits.

⁷ Speed, Hist. p. 415. Terms of the Law, f. 94.

⁸ Spelman, Glossar. p. 1260. ⁹ Hist. of Eng. p. 409.

issued out under the great seal, or else to be disallowed, as illegal? it being evident unto me, that charters and patents were usually sealed by some of our kings, before any of their writs, commissions, or legall process issued under their seals.

These two doubts, I confesse, are beyond my skill exactly to assoile; yet this I conjecture, as most consonant to truth, that' Edward the Confessor, being trained up in Normandy, and addicted to the customs of the French, which he introduced with him, did first of all bring in the sealing of deeds; which I gather from the words of² Ingulphus, abbot of Croyland, who flourished in his reign, and writes thus of him: *Cæpit ergo tota terra sub Rege, et sub aliis Normannis introductis, Anglicos ritus dimittere, et Francorum mores in multis imitare: Gallicum idioma omnes Magnates in suis Curis tanquam magnum gentilitium loqui; Chartas et Chirographa sua More Francorum conficere, et propriam consuetudinem in his, et in aliis erubescere.* Now, the French kings, long before his days, used to seal their charters with golden bulls, as³ Francisus Rosierius and Sir⁴ Henry Spelman testifie; there being divers charters of King Dagobert, Sigebert, and Pipin yet extant under golden bulls, as they record: and Charles the Great, descended of Pipin, was the first emperor of the Romans which sealed charters with a golden bull, as⁵ Polydor Virgil attests; Flodoardus also recording, that Charles the Bald, *an. Dom. 867*, sealed with a bull of his name,—*Bulla sui nominis sigillavit*: In imitation of whom,⁶ Edward the Confessor, as it is probable, caused a great seal to charters of privileges and donations granted to the abbey of Westminster, (to which he was a special benefactor,) the copies of which you may read in⁷ Sir Henry Spelman: witnesse this close of his second:—*Chartam istam conscribi, et sigillari jussi, et ipsam manu mea signo sanctæ Crucis impressi, et idoneos testes annotari præcepi ad corroborandam*: After which his own subscription, with the sign of the cross, follows, and the subscriptions and crosses of sundry bishops and abbots; after them, *Ego Raynaldus Cancellarius, +*; then follow the subscriptions of dukes and other the king's officers, with this conclusion:—*Acta apud Westmonaster, quinto kal. Januarii, die sanctorum Innocentium, anno Dominicæ Incarnationis 1066. Indictione tertia. Anno Regni serenissimi Edwardi Regis 24. Swoygerius Notarius ad vicem Reynaldi Regiæ dignitatis Cancellarii, hanc Chartam scripsi et subscripsi, in Dei nomine feliciter. Amen.* With this close of his charter, dated the same year and day:—*Ut ergo hæc auctoritas nostris et futuris temporibus, circa ipsum sanctum locum perenniter firma et inviolata permaneat, per omnia tempora illæsa custodiatur atque conservetur et omnibus optimatibus nostris, et iudicibus publicis et privatis, melius ac certius credatur, manus nostræ subscriptione subter eam decennius roborare, et idoneos testes annotare, at que sigillo nostro jussimus sigillari, +.*

Ego Edwardus Dei gratia Anglorum Rex, hoc privilegium jussi componere, et compositum, cum signo Dominicæ Crucis confirmando impressi, +: then follow the subscriptions of divers bishops and abbots, with crosses: next to them, *Ego Reynaldus Regis Cancellarius relegi et sigillavi, +*: next ensue the subscriptions of some dukes, officers, and knights, with crosses: next, the date of the place, day, year of Christ, and the king's reign, with *Ego Alfgeatus Notarius, ad vicem Reynaldi Regiæ dignitatis Cancellarius, hoc privilegium scripsi et subscripsi, In Dei nomine feliciter. Amen.*

From which charters and subscriptions we may observe,

First, that this King Edward, though he added his great seal to his charters, yet he retained the ancient form of confirming them with the sign of the crosse, and the subscription of his own name, and the names of witnesses; which continued long after, till Edward the First his reign, if not longer, though since discontinued.

¹ Terms of the Law, tit. Faits, f. 94. Speed, Hist. p. 415.

² Hist. p. 695.

³ In Apparatu a

Stemmata Lintharogiae.

⁴ Glossar. tit. Bulla aurea, p. 106, 107.

⁵ De Invent. Rerum, l. 1. c. 2.

See Joan. Zonara, An. tom. 3. f. 147. c.

⁶ Hist. Rhem. Eccl. l. 3. c. 17.

⁷ Speed's Hist. p. 415.

Terms of the Law, f. 94.

⁸ Concil. tom. 1. p. 60 to 637.

Secondly, that the chancellor, in his days, though he subscribed his name after prelates and bishops, yet he did it before dukes, earls, and all other temporal lords; therefore he was then, no doubt, the chief temporal officer, and hath so continued ever since. What the dignity and office of the chancellor was, in this king's reign and before, appears by Ingulphus his History of Turketulus,¹ (chancellor both to King Ethelstan, Edmund, and Edred, successively, and the second chancellor we read in our realme,) who was then *primum, præcipuum et à secretis familiarissimum*. "This Turketulus," (writes he,) descended of the blood-royal, being nephew to King Edward the Elder, who, for his merits, would have matched him to divers rich noblemen's daughters, but he refused them, leading a single life: After which, he would have promoted him to a bishoprick, for his learning and holiness, proffering him first the bishoprick of Winchester, and afterwards the archbishoprick of Canterbury, very often, and to prefer him before all his other clerks; but he rejected those dignities with various excuses, and utterly abhorred them all his life, *tantum tendiculas Sathanæ ad subvertendas animas*, as the snares of Satan to subvert souls." Such were lordly bishopricks esteemed, even in that blind age; which may be further ratified by this monkish story, related out of the Promptuary of the Disciple, and Arnoldus, in² the Flower of the Commandments of God. "That a monk of Clervaulx was chosen to be bishop, the which refused it, against the will of his abbot and of the bishop, and soon after died: who appearing after his death to his familiar, he demanded of him, if the disobedience before-said had noyed him? He answered that, nay; and afterward said, if I had taken the bishoprick, I had been damned; and said, moreover, an horrible word,—The state of the church is come unto this, that she is not digne to be governed but of ill bishops, &c." But to return to our story:—Turketulus refusing the glory of this terrene dignity and transitory honour of a bishoprick, the king at last made him chancellor. *Ut quæcunque negotia temporalia vel spiritualia Regis judicium expectabant, illius consilio et decreto (tam sanctæ fidei, et tam profundi ingenii tenebatur) omnia tractarentur, et tractata irrefragabilem sententiam sortirentur. Consilio ergo illius, multa bona opera, &c. effecit*: After which, he adds, "he was a man of greatest power and authority with these three kings, both for his incomparable wisdom and valour: He had sixty manors of his own, (six whereof he gave to God and the abbey of Croyland, where he became abbot, and the residue to the king,) and vast treasures of jewels and money;" yet, in all this greatness, his title of chancellor was his highest dignity, as Ingulphus manifests; therefore, it was then, no doubt, the most eminent office.

Thirdly, that, in those times,³ it was one chief part of the chancellor's office, by himself or his notaries and substitutes, to dictate and write all the king's charters, patents, writs, and to subscribe them as a witness: Whence Turketulus, when he was chancellor, writ or dictated most of the king's charters made to the abbey of Croyland. *Rex Edredus dedit Monasterium Croyland per Chartam suam, dictatam ab eodem Turketulo*, writes Ingulphus, p. 874.

Fourthly, That the chancellor, in his reign, sealed the king's charters with his seal; yet⁴ whether he only did it, or had the sole custody of the seal, is uncertain.

But though King Edward the Confessor⁵ first brought in the great seal, yet the custom of sealing charters, patents therewith, with other mens sealing deeds, grew not common, universal, or necessary,⁶ till the latter end of the Conqueror's reign; as Ingulphus,⁷ in these direct terms, avers, from his own experimental knowledge: *Et non tantum hunc morem* (of making knights) *sed alias etiam consuetudines* (William the Conqueror

¹ Thinn, Catalog. of Chancellors in Holinshed, vol. 3. col. 1260, &c. Spelman, Gloss. p. 132.

² Ingulph. Hist. p. 872 to 892. Spelman, Gloss. p. 126.

³ Fol. 227, printed by Winkin de Word, at

London, an. 1521.

⁴ See Spelmanni, Glossar. tit. Cancellarius p. 125 to 128.

⁵ Spelmanni, Gloss.

p. 127, 128.

⁶ Speed's Hist. p. 415.

⁷ See Rastal's Terms of the Law, tit. Faits.

⁸ History, p. 901.

and his Normans, of whom he writes) *immutabant ; nam chirographorum confectionem Anglicanam, quæ antea usque ad Edwardi Regis tempora, fidelium præsentium subscriptionibus cum Crucibus Aureis, aliisque sacris signaculis firma fuerint, Normanni condempnantes, chirographa chartas vocabant ; et chartarum firmitatem cum cerea impressione per uniuscujusque speciale sigillum, sub instillatione trium vel quatuor testium astantium* (whereas antient charters had twenty or more witnesses) *conficere constituebant. Conferebantur etiam, primo, multa prædia nudo verbo, absque scripto, vel charta, tantum cum Domini gladio, vel galea, vel cornu, vel cratera ; et plurima tenementa cum calcari, cum strigili, cum arcu, et nonnulla cum sagitta. Sed hæc initio Regni sui ; posterioribus annis immutatus est iste modus. Tantum tunc Anglicanos abominati sunt, &c.* So that, by this historian's express testimony, (a man of great eminency in that age, being abbot of Croyland, and much frequenting the court, yea, taking more pains to search out and preserve antient charters than any in that age,) William the Conqueror and his Normans (especially in all matters of government, law, and justice, his charters being of far other tenour, form, and brevity, than those before or since in use) were the first who introduced it, by insensible degrees, the French custom of sealing charters and deeds with seals ; and this the king, with his officers, (as all our historians complain,) being extraordinary covetous and oppressive, using sundry new devises to fill their own purses, by exhausting the peoples, it is very likely (as Ingulphus's words import, and others insinuate) that he and his chancellors, (of which I find³ nine in his reign,) to make a benefit and project of his great seal, did, in his latter days, ordain, that all charters, patents, should be thenceforth sealed with his royal seal, or else be reputed invalid in law. Three charters of his I find recorded in our writers : The first made to the abbey of Croyland, at the suit of ⁴ Ingulphus, who registers it, subscribed by some witnesses, without mentioning any seal of his thereto annexed ; the second to the abbey of Battle, sealed with his great seal, and subscribed by four or five bishops, which patent and seal too you may view in ⁵ Mr Selden's Notes on Eadmerus ; the third to the city of London, granted at the suit of William their bishop, written in the Saxon tongue, confirmed with green wax, whereas the Saxons before used only to sign with gilt crosses ; the copy whereof you may read in Lambert's Perambulation of Kent, Holingshead, and ⁶ Speed. As for that charter of his, recorded by John Stow, and Speed, in his Life, out of the Book of Richmond :—

I, William, king, the third yeare of my reigne,
Give to thee, Norman Hunter, to mee that are both leefe and deare,
The Hop and the ⁷ Hopton, and all the bounds up and downe,
Under the earth to hell, above the earth to heaven,
From me and mine, to thee and to thine,
As good and as faire as they mine were.
To witnesse that this is sooth, I bite the white wax with my tooth,
Before Jugge, Maud, and Margery, and my youngest sonne Henry,
For a bow and a broad arrow, when I come to hunt upon Yarrow.⁸

³ Malmesbury, Matthew Paris, Eadmerus, Huntingdon, Hoveden, Polychron, Holingshead, Speed, Daniel, and others in his life. ⁴ Speed's Hist. p. 440, 450. ⁵ In Thinn's Catalogue, and Spelman, Gloss. p. 132. ⁶ History, p. 912. ⁷ Page 165, 166. See the form of his seal in Speed's Hist. p. 435.

⁸ History, p. 450, 451. ⁹ "I doubt hop-lands, hops, and hop-yards were not then in use." Thus Prynn, who seems not to have known that *hop*, in Celtic, means a hill. His conclusion is good, but his argument naught.

¹⁰ There can be no doubt that this metrical charter is a gross and impudent forgery, since it represents the Norman Conqueror granting a charter in English before the language existed. The ground of the fiction may perhaps be found in Bowyer's Continuation of Fordun's Scottish History. That chronicle mentions a *raid* made into Westmoreland, by Robert Earl of Fife, afterwards Governor of Scotland, and the Earl of Douglas, about 1486.

¹¹ "Ubi, inter alia deprædata, ad manus dicti Roberti capitanei exercitus, oblata est quedam cartia antiquissima, magno sigillo cereo consignata, continens tenorem subsequentem. 'I, Kyng Adelstane, gifys here to Paulan, Oddam and Roddam, als gude and als fair as ever thai myn war: and tharto witnes Mald, my wyf.' Unde et ipse postmodum, quando dux erat Albanie et gubernator Scotie, dum coram eo a contententibus in judicio prolixiores obligationes, vel cartæ, legerentur, dicere sic solitus erat: Credo quod major fides et fidelitas illis diebus servabatur, quan-

I deem it either a forgery or a charter granted only in merriment, which Rastall, in his Terms of the Law, f. 80, attributes rather to King Edward the Third, than to the Conqueror; concluding, that sealing was not commonly used till the reign of Edward III.; which, if true, perchance, of deeds between private persons, yet not of royal charters. King William Rufus, Henry I., Stephen, and Henry II., had all their several great seals (the portraitures whereof you may behold in John Speed's History, before every of their lives) and their several chancellors too, whose names you may read in Francis Thinn's Catalogue, and * Spelman; which chancellors, as is most likely, kept their seals, sealing both patents and charters with them.

I read that³ King Henry I., in the first year of his reign, granted a charter of liberties to his subjects, (according to his promise and oath, before and at his coronation,) much like to Magna Charta, subscribed with witnesses: *Et sigilli sui testimonio roboratum*, as Eadmerus and others write. To this charter he set both his hand and seal, commanding as many copies as there were counties in England to be transcribed, and kept in the monasteries of every province. He was made a king by right of election, not of succession, his brother Robert being right heir. In this king's reign, I find one writ to Anselme, archbishop of Canterbury, (who used⁴ a seal wherewith he sealed his letters written to this king,) with⁵ *Teste Walricho Cancellario apud Merlebergam*: and another⁶ writ, directed to him, to respite the consecration of Thomas, archbishop of York, till Easter, *Sigillo Regis inclusas*; the first writ I, to my remembrance, find sealed with any king's seal, though patents were commonly sealed before this time.⁷ King Stephen coming to the crown by the nobles election, not by right of inheritance as next heir, vowed to confirm their liberties by his charter and seal; which he did, at Oxford, in the first year of his reign: this charter you may read in the marginal authors, being like to Magna Charta in substance. That King Henry II. used to seal his charters and patents, I find apparent testimonies in our historians; for his oath of purgation, which he made concerning the death of Thomas Becket, (registred at large by⁸ Roger de Hoveden) was put into writing, in form of a charter, and then sealed with his seal, and the seals of the cardinals, as this author attests. *Et ut hæc in memoria Romanæ Ecclesiæ haberentur, Rex Pater fecit apponi sigillum suum scripto illi, in quo superdicta capitula continebantur, una cum sigillis prædictorum Cardinalium* (Thodine and Albert.) *Atque ut in memoria Romanæ Ecclesiæ firmiter habeatur, sigillum vestrum præcipistis apponi.*⁹ an. Dom. 1177. Sancho, king of Navarre, and Alphonso, king of Castile, being at variance, about breaches of articles in a former truce, referred their differences to the determination of King Henry II., who, calling his nobles and parliament together, made these kings ambassadors to put their differences in writing, and then to swear to stand to his and his council's arbitrement; which done, he made a charter of his award, subscribed with the names of many bishops, nobles, clerks, and laymen, as you may read at large in Hoveden; which charter, questionless, was sealed with his seal, though it be not expressed.¹⁰ The same year, on the 7th day of October, King Lewis of France and King Henry II. made a final concord and league for mutual offence and defence, which was put in writing, sworn to, subscribed by many

ad tam compendiosa scripta fiebant: (allegatâ per eundem literâ regis Adelstani permissâ;) quam nunc, quando, per tam longa scripta, frivolis exceptionibus ac protelatis ambagibus per novos nostros causidicos, literæ cancellatæ sunt."

—Fordun, Scotichronicon, curâ Goodall, Edin. 1759. fol. II. p. 403.

³ Holingshed, vol. col. 1260, to 1280.

⁴ Glossarium, p. 132, 133.

⁵ Matth. Paris, p. 53, 54.

Eadmerus, l. 3. p. 55. Malmesb. de Gest. Reg. l. 5. Hoveden, Holinshead, Matth. West., Fabian, Polychron, Caxton, Grafton, Stow, Daniel in 1 Hen. I. Speed, p. 407.

⁶ Delatæ literæ repositæ in tuo sigillo, Eadmer. l. 4. p. 86.

⁷ Eadmerus, ibid. and p. 101.

⁸ Eadmer. Nov. l. 4. p. 101.

⁹ Malmesb.

Novel. l. 1. p. 179. Huntind., Matt. Paris, Hoveden, Matt. West., Speed, Holingsh., Daniel, in his life, An. l.

¹⁰ Annal. pars post. p. 529, 530. See Matthew Paris, p. 120, 121, 122, 124, 125.

¹¹ Hoveden, An. pars post.

post. p. 560 to 566. Matt. Par. p. 121. See Holinshead and Speed in his life.

¹² Hoveden, An. pars post. p. 570, 571. Matt. Paris, p. 121. See Holinshead, Grafton, Speed, Daniel, Fabian.

witnesses of note, and sealed: witness the words of Hoveden, (who records it at large.) *Et ut hoc statutum firmiter teneatur, et ratum permaneat, scripto, commendari, et sigilli sui auctoritate confirmari fecit.* And, the same year, Audebert, Earl of March, selling his earldom to King Henry, made a charter thereof, registered in ¹ Hoveden, which concludes thus: *Ne autem hæc mea venditio solemniter celebrata aliqua posset in posterum malignitate divelli, eam sigillo meo munivi:* After which, many bishops and other witnesses subscribed. In this king's reign, it is apparent that the great seal remained in the custody of the chancellor; for I read ² that this king making his chancellor, Thomas Becket, archbishop of Canterbury, he thereupon, *an. Dom. 1162*, (contrary to the king's good liking and expectation, who was then in Normandy,) sent messengers over with the seal, *Cancellaria renuntians, et sigillum resignans*, renouncing the chancellorship, and resigning up the seal unto him, because he could not attend the court and church at once, so as the chancellor then kept the seal of England with him here, when the king was absent in Normandy, for the better execution of publicke justice. This will yet more plainly appear, by the ensuing passage of ³ Hoveden, and writ of King Richard the First:—*Richardus Dei gratia Rex Angliæ, &c. Willicmo de Sanctæ Mariæ Ecclesia, Hugoni Bardulpho salutem, sciatis quod didicimus, quod in morte Patris nostri sine præcepto suo, et conscientia, habuerunt literas de sigillo suo Gaufridus de Muscamp de habendo Archidiaconatu de Cliveland, et Willicmus de Stigandebi, et Magister Erradus de præbendis in Ecclesia Eboracensi, quæ tum vacabat, et erat in manu nostra: Et ideo præcipimus, quod præfatos ab Archidiaconatu et Præbendis dictis sine mora disaisietis, repentes ab eis quicquid ex inde perceperunt, postquam illos redditus ita frudulenter et per surreptionem sunt adepti. Teste meipso tertio die Novembris apud Mamerz. Proh pudor!*

Turpe est doctori cum culpa redarguit ipsum.

Idem enim ⁴ *archiepiscopus dum adhuc esset cancellarius regis patris sui, sigillum illud in custodia habuit, per quod præfatus archidiaconatus, et præbendæ illæ datæ fuerant præ-nominatis personis.*

By which passage and writ it is apparent, first, that the chancellor, in Henry the Second's reign, had the custody of the great seal; secondly, that presentations to churches, arch-deaconries, and prebendaries, were then granted under the great seal; thirdly, that chancellors did sometimes fraudulently grant and seal patents without the king's privity; and that these patents, when discovered, were reputed fraudulent and voyd; fourthly, that writs at common law were usual in Henry the Second his reign; which appears most plentifully and irrefragably by Ranulphus de Glanvilla, chief justiciar under this king, his *Tractus de legibus et consuetudinibus Regni Angliæ*. The common law, and the proceedings upon them, yet in use, are collected and registred, for the benefit of posterity. In this king's time, I conceive our writs of law were reduced, by this Ralph Glanvill and his fellow-justices, into a set form, and began to issue forth under the king's seal, to avoyd forgery; but whether under the great seal, or special seal of every court, (as Sir Edward Cook, in his *Institutes on Magna Charta*, p. 554, 555, 556, conjectures,) I cannot certainly define. In his reign I first find that the counterfeiting of the king's charter was reputed treason, as Glanvill expressly declares it, lib. 1. cap. 2. and lib. 14. cap. 7. *Illud tamen notandum, quod si quis convictus fuerit de charta falsa, distinguendum est, verum fuerit charta regis, an privata. Quod si charta regis, tunc is qui super hoc con-*

¹ Annal. pars post. p. 527.

² Matth. Paris, Hist. p. 94. Antiquitates Eccles. Brit. p. 122. Godwin's Catalogue of Bishops in the Life of Becket. Thinn's Catalogue of Chancellors. Holinshed, in Hen. II.

³ Annal. pars post. p. 748.

⁴ Geoffry.

vincitur, condemnandus est, tanquam de crimine lesæ majestatis. Si vero fuerit charta privata, tunc cum convicto mitius agendum est. Now, that which he terms counterfeiting the king's charter, ¹ Bracton, ² Britton, and the statute of 25 Ed. 3., of treasons, stile counterfeiting the great seal, or privy seal of the king's, and therefore this of Glanvill relates principally to the counterfeiting of the king's seal annexed to his charter. I find, in ⁴ Roger Hoveden, a charter of William, king of Sicily, which he made to Joan, daughter of King Henry, touching her dower, dated *anno Domini 1177, mense Februarii indicti, decima*, subscribed with the names of witnesses, subjects to King William, and, among others, *ego Matheus, domini regis vice-cancellarius*; which charter concludes thus: *Ad hujus autem donationis et concessionis nostræ memoriam, et inviolabile firmentum; privilegium præsens per manus Alexandri, notarii nostri scribi, et bulla aurea nostro typario impressa, roboratum nostro sigillo, jussimus decorari. In quo familiares nostri, et aliæ personæ præcepto nostro se scripserunt hoc modo.* The form of which king's great seal you may behold engraven in Hoveden, p. 553.

In fine, this Henry the Second being ⁵ chosen king of Hierusalem, (which kingdom was wholly elective,) and earnestly importuned, by Heraclius, patriarch of that city, the Christians there, and by Pope Lucius his letters, to accept that honour, *an. 1185*,⁶ he thereupon summoned a parliament at London, on 10. of April, wherein he charged all his subjects, with many adjurations, to advise and resolve him what was best to be done in this case for the salvation of his soul; and that he was resolved by all means to follow their advice herein: Whereupon the parliament, conferring on the premises, resolved, that it was much more wholesome for the king's soul that he should govern his own kingdom with due moderation, and defend it from the eruptions of the barbarous French, than to provide for the safety of those in the east in proper person. Which I only note in the by, (having omitted it in its due place,) first, to manifest what high esteem our kings have had of the resolutions and advice of their parliaments, to which they wholly submitted their own judgments, acquiescing in their resolves; secondly, to evidence the sovereign power of parliaments over our kings then, who might not desert the realm, nor take any new honour or dominion upon them, without their previous consent and advice; thirdly, to shew the dutie of kings to their subjects and kingdoms.

King Richard the First, succeeding his father, Henry Second, rather by election than succession, (and ⁷ not stiled a king by our ancient writers, before his coronation,) was the first of all our kings, (as our ⁸ writers accord) who sealed with a seal of arms; all our former kings seals being but the picture of the king sitting in a throne, on the one side of the seal, and on horse-back on the other side, in divers forms, with various inscriptions of their name and stiles, which you may view in Speed. But the king bare two lions rampant combatant in a shield in his first, and three lions passant in his latter seal; borne ever after by our kings, as the royal arms of England. His first ⁹ chancellor was William Longchamp, bishop of Ely, legate to the pope, whom he made his viceroy and justiciar of England, when he went to the Holy Land against the Saracens, committing the kingdom to his government chiefly, who infinitely oppressed and tyrannized over it, as all our historians evidence. ¹⁰ Matthew Paris gives this character of

¹ Lib. 2. tit. de Crimine lesæ Majest. ² Lib. 1. c. 8. f. 16. Stanfords Pleas, lib. 1. c. 1. ³ Annal. pars poster. p. 551, 552, 553. ⁴ Mat. Paris his Angl. p. 1, 7. Hoveden, p. 358. Fabian, par. 7. p. 353, 354. Polychron. l. 7. c. 24. Speed, 522. ⁵ Mat. Paris, p. 47, 64, 69. Hoveden, Annal. pars poster. with others.

⁶ Speed, Hist. p. 530. ⁷ Speed, Hist. p. 541. Daniels Hist. p. 125. Cook lustrat. on Littleton, f. 7. a. ⁸ See Hoveden, Mat. Paris, Nubrigen, Mat. Westm., Holinsh., Speed, Grafton. ⁹ Hist. Angl. p. 155, 156. ¹⁰ Eadernus Hist. p. 12, 36, 201. Hoveden, Annal. p. 450, 498, 504, 505, 509, 512, 513, 523, 524, 530, 538, 575, 644, 611, 670, 677, 707, 712, 718, 721, 741, 763, 766, 782. Matth. Paris, p. 106. Spelmanii, Concil. p. 142, 395. Mr Seldens Titles of Honour, p. 123, 128. Register, pars 1. f. 286, 392, to 398, pars 2. f. 3. p. 22, 30, 33, 35, 38, 44, 54, 55, 60, 62, part 35, 22, 26, 29, 31, 35, 42, 47. Fitz. Nat. Brief. 132.

him: *Erat idem cancellarius Maximus inter omnes occidentales, rex et sacerdos in Anglia, qui omnia pro nihilo ducebat, cum episcopali tantum dignitate non contentus nimis alta se sperare denotavit. In prima namque literarum suarum fronte, vanitatem et elationem expressit, cum dixit, Willielmus, Dei gratia, (commonly used before, in, and since that age, by and to bishops, popes, abbots, in publique writs, as well as kings, as the marginall authors manifest,) Eliensis episcopus domini regis cancellarius, totius Angliæ justitiarius, &c. Apostolicæ sedi, legatus, &c. Has autem dignitates, quas pretio obtinuerat, immoderato excessu exercuit volens locellos, quas in earum impetratione evacuerat, reficere, &c.* This chancellor (as is probable) had the custody of one part of the seal in this kings absence, for the better administration of justice, though the king carried the other part of the great seal with him into the wars, pretended to be there lost, as you shall presently hear. I find divers of this king's charters, letters, writs, before and after his voyage to the Holy Land, recited in Hoveden.² These charters, which, questionlesse, were sealed with his seal, were subscribed by sundry witnesses; the writs and charters concluding with a *teste meipso apud Chinonem, &c.* The charter of the manor of Sadburgh to Hugh, bishop of Durham, is thus dated: *Datum anno primo regni nostri 18 die Septembris apud Eatingat, per manum Willielmi de Longocampo, cancellarii nostri.* During this King Richard's imprisonment in Germany, Henry the emperor sent letters to the nobles of England for this king, by William Longchamp, his chancellor, *aurea bulla imbullatis in hac forma*, sealed with a golden bull, in this form. And, soon after this³ chancellor, William Briwere and others concluding a peace between this king and Philip, king of France, authorized thereto by the king's letters patents, these commissioners not onely sware to, but sealed the article of this truce, as this close of it manifests: *Quæ omnia prædicta, ut rata permaneant et inconcussa, ego Willielmus de Rupibus, et ego Joannes de Pratellis, et ego Willielmus Briwere, per præceptum regis Angliæ Domini nostri, sigillorum nostrorum attestacione roboravimus. Actum Medunæ anno ab incarnatione Domini 1193, octavo idus Julii.* And, the very next year, the⁴ letters and instrument of the truce made between those two kings, by Drogo and Anselme, and sworn by them in the French kings behalf, have this conclusion: *Et nos ut omnia prædicta sigillis nostris roboravimus. Actum inter Vernelium et Thilers, anno incarnati verbi 1194, 23 die Julii.*

King Richard being released this very year (which was the sixt of his reign) out of prison, and new crowned, among other oppressive projects to raise money to maintain his wars, (which made him an extraordinary oppressour of his people,) ⁵ caused a new broad seal to be made, (the portrayture whereof you may view in Speed,) pretending that the old was lost, when Roger, his vice-chancellor, was drowned before Cyprus, and that his chancellor, during his imprisonment, had abused this seal, whereupon he took it from him: requiring and commanding that all persons, as well clergymen as laymen, who had charters or confirmations under his old seal, should bring them in to be renewed under his new seal; and unless they did so, that nothing which had been passed by his old seal should be ratified, or held good in law. By which device he drew a great masse of money to his treasury; subscribing his new-sealed charters thus: This was the tenor of our charter under our first seal, which, because it was lost, and, at the time of our being captive in Almayne, in the power of another, we caused to be changed, &c.; which⁶ Hoveden thus relates: *Et imputans cancellario suo hoc per ipsum fuisse factum, abstulit ab eo sigillum suum et fecit sibi novum sigillum fieri; tum quia cancellarius ille operatus fuerit inde minus discrete, quam esset necesse, tum quia sigillum illud*

² Annal. pars post. p. 658, 662, 667, 676, 698, 700, 726, 730, 732, 734, 743, 748.

Annal. pars post. p. 741, 742, 743.

³ Hoveden, Annal. pars post. p. 741, 749, 743.

⁴ Hoveden, Annal. pars post. p. 746, 785. Speeds Hist. p. 541. Daniel, p. 125. See Holinshed, Grafton, and others.

⁵ Annal. pars post. 746, 765.

⁶ Hoveden,

perditui erat, quando Rogerus malus catulus, vice-cancellarius suus submersus erat, in mari ante insulam de Cypro : et præcepit rex : quod omnes tam clerici quam laici, qui chartas habebant, venirent ad novum sigillum suum ad chartas suas renovandas : et nisi fecerint ; nihil quod actum fuerat per sigillum suum vetus, ratum haberetur. Præterea rex statuit, torniamenta fieri in Anglia, et charta sua confirmavit, &c., (making them also a money matter.)

By which passages it is apparent, first, that all these kings patents, charters were sealed with his great seal ; secondly, that the abuse, loss, or absence of the great seal is a sufficient cause to make a new one ; thirdly, that the profit made by the great seal, and project of raising money by new charters sealed with it, was the true original cause of all sealing of charters and writs with this seal, and making it simply necessary in law ; there being no publique resolution or declaration declaring charters of writs not sealed with the great seal to be void in law, (for ought I find,) before this project, unless that for-mentioned, touching the Conqueror, pass for a law, and judgment in this particular ; fourthly, that the chancellor, in this king's reign, had the custody of the great seal ; the indiscreet use and abuse whereof was good ground in law to deprive him of its custody.

What the office and dignity of the chancellor really was in that age appears by this description of it, written in, or near that time : *' Cancellarii dignitas est, ut secundus a rege in regno habeatur ; ut altera parte sigilli regii (quod et ad ejus pertinet custodiam) propria signet mandata. Ut capella regia in illius sit dispositione et cura. Ut vacantes archiepiscopatus, episcopatus, abbatis et baronias cadentes in manum regis ipse suscipiat et conservet. Ut omnibus regiis assit consiliis, etiam non vocatus accedat. Ut omni sigilliferi clerici regii sua manu signentur. Item, ut (suffragantibus ex Dei gratia vitæ meritis) non moriatur nisi archiepiscopus, vel episcopus si voluerit. And by the Black Book of the Exchequer, attributed to Gervasius Tilburiensis, par. 1. c. 5. Cancellarius sicut in curia, sic ad Scaccarium magnus est : adeo ut sine ejus consensu vel consilio, nihil magnum fiat, vel fieri debeat. Verum hoc habet officium dum residet ad Scaccarium. Ad ipsum pertinet custodia sigilli regii, quod est in thesauro ; sed inde non recedit nisi cum præcepto * justiciæ ; ab inferiori adsuperius Scaccarium, a thesaurario vel Camerario deferitur, ad explenda solum negotia Scaccarii. Quibus peractis in loculum mittitur ; et loculus a cancellario consignatur, et sic thesaurario traditur custodiendus, &c.* The custody, therefore, of the great seal was then reputed an unseparable part of the chancellor's office and honour.

King John succeeding his brother Richard by the nobles and peoples election, rather than by descent, as¹ Matthew Paris, with divers others, observe, had both a great seal and² chancellors who kept it, with which he sealed divers charters ; among others, one letters patents *sigillo nostro munitas* to the archbishop of Canterbury, monks, and other prelates persecuted by him, restoring them to their liberties and possessions, which was dated the 13th day of May, in the 14th year of his reign : Another, dated the 15th of the same month, at the house of the Templars, near Dover, (*chartam sigillo nostro munitam,*) of his most detestable resignation of the kingdom and crown of England to the pope, delivered to Pandulph, the pope's legate, (to whom he did homage for England and Ireland after this surrender ;) which charter, first sealed with wax, and after delivered to Pandulph, was, the same year, afterwards in the cathedral church of St Paul, before the high altar, in the presence of the clergy and people, *auro bullata est*, sealed with gold, and delivered to Nicholas, bishop of Tusculan, the pope's legate, to the use of the pope and church of Rome, to whom he then did homage, to his eternal infamy ; which so much discontented his nobles, prelates, and people, that they took

¹ Spelmanni, Glossarium, p. 128.

² Id est Capitalis Justiciarii Angliæ.

³ Hist. Angl. p. 189, 190.

⁴ See Spelman and Thinne, Matthew Paris, Hist. Angl. p. 225, 227, 237, 246 to 254, Matthew Westm., Holinshed, Speed, and others.

up arms against him, and inforced him, in an assembly and treaty at Running-mead, to grant them the great charter of their liberties, and charter of the forest, ratified with his seal, oath, witnesses subscriptions, the bishop's excommunications, and pope's bull; and then sent his letters patents to all the counties of England, commanding the sheriffs to swear all the men within their bailiwicks to observe the said laws and liberties, thus granted and ratified in the 17th year of his reign. In brief, the charter of the truce between King John and King Philip of France, registred in^a Hoveden, was sealed with his seal; concluding thus: *Quæ ut perpetuum robur obtineant, præsentem chartam auctoritate sigilli nostri corroboramus, anno 1200, mense Maii.*

In this king's reign, the chancellor's place (through the benefit of the seal) became so gainfull, that Walter de Gray (afterward archbishop of York) proffered the king 5000 marks, *pro habenda cancellaria* (which was then no court, but the office of making and sealing royall writs and charters) *Domini regis tota vita sua, et pro habenda inde charta Dom. regis*; which great place he then obtained, or rather purchased by his money, not merits.

King Henry III. coming to the crown (by the lords and commons' election, rather than by descent) when he was but nine years and some odd months old, in the ninth year of his reign, ratified⁴ Magna Charta and the charter of the forest in parliament, under his hand and seal, with witnesses thereunto subscribed; and, commanding as many charters to be engrossed as there were counties in England, *et regio sigillo munitis*, and ratified with the royal seal, he sent one of the great charters into every shire, and one charter of the forest into every county where there were forests, to be there reserved. But this unconstant king coming to age within two years after,⁵ in a parliament at Oxford, (a fatal place for ill advice to our kings,) through ill counsel, to the great discontent of his nobles and commons, annulled the charter of the forest, declaring it void, as granted in his non-age, when he had no power of himself, nor of his seal, and so of no validity; and causing proclamation to be made, that both the clergy, and all others, if they would enjoy these liberties, should renew their charters, and have them confirmed under his new seal, (which he had then caused to be made, only by way of project to raise money, as Richard the First had done;) for which they were constrained to pay, not according to their ability, but the will of the chief justice, Hugh de Burgh, to whom was laid the charge of this mischief; which procured him the general hate of the kingdom, and begat a new insurrection of the lords and commons, who, taking up arms hereupon, enforced the king to call a parliament, and therein to new ratify these charters at his full age. In this king's reign, all patents, if not writs and commissions too, usually issued under the great or lesser seal, of which there are divers precedents extant in Matthew Paris, and in the clause and patent rolls of this king, to which I shall refer you. And such notice was then taken of the dignity and necessity of the king's seal to charters and writs, that Henry de Bracton, a famous lawyer in those days, writes expressly, "That it was no less than treason to counterfeit the king's seal."⁶ *Est et aliud genus criminis læsæ majestatis, quod inter graviora numeratur, quia ultimum inducit supplicium et mortis occasionem; scil. crimen falsi, quod in quadam sui specie, tangit coronam Domini regis. Ut si quis accusatus fuerit vel convictus falsificationis sigilli Domini regis, consignando inde chartas vel brevia (writs then were sealed with the king's seal, as well as patents) et apponendo signa adulterina; quo casu, si in-*

^a Annal. p. 814, 815.

^b In dorso Rot. finium hujus anni; et Spelmani, Glossarium, p. 131, 132. Thin's Catalogue of Chancellors.

^c Fox, Acts and Monuments, edit. ult. vol. I. p. 1334. Speed, p. 591.

^d Matth. Paris, Hist. p. 311. Speed, p. 599. See Polychronicon, Fabian, Holingshed, Magna Charta itself.

^e Matth Paris, p. 324, 325. Daniel, p. 151, 152. Holinshead, Speed, Grafton.

^f Bracton, l. 2. de crimine læsæ Majestatis. See Stamford's Pleas, fol. 2.

veniat inde culpabilis vel seisitus si warrantum non habuerit, pro voluntate regis iudicium sustinebit. How the lord chancellors were elected, and the great seal disposed of by parliament, in this king's reign, I have¹ elsewhere related, and shall touch again anon.

King Edward I. coming to the crown, and proclaimed king during his absence in the Holy Land, his² "lords and states, without his privy, made both a new great seal and chancellor to keep it; with which, in the 25th year of his reign, he³ confirmed the great charter and charter of the forest in parliament. And in another parliament, in the 28th year of his reign, it was enacted,⁴ that the great charter of the liberties of England, and charter of the forest, shall be delivered to every sheriff of England, under the king's great seal, to be read four several times in the year before the people, in the full county. And for these two charters to be firmly observed in every point and article, (wherein no remedy was before at common law,) there shall be chosen in every shire court, by the⁵ commonalty of the said shire, three substantial knights, or other lawful, wise, and well disposed persons, to be justices; which shall be assigned, by the king's letters patents, under the great seal, to hear and determine (without any other writ but only their commission) such complaints as shall be made against all those as commit or offend against any point contained in the foresaid articles, in the shires where they be assigned, as well within franchises as without, &c. Also,⁶ that all the king's takers, purveyors, or ratours, from henceforth shall have their warrant with them, under the king's great or petty seal, declaring their authority, and the things whereof they have power to make price or purveyance, the which warrants they shall shew to them whose goods they take, before that they take any thing: And, chap. 6, There shall no writ from henceforth, that toucheth the common law, go forth under any of the petty seals."

These are the statute laws extant, prescribing that the king's charters, patents, commissions, warrants, writs, should issue forth under the great or petty seals, though they did so usually before his reign, rather through custom, which crept in by little and little, by degrees, from Edward the Confessor's daies unto this very parliament, as the premises evidence, till it got the reputation of a received common law and usage, and at last was thus established, as simply necessary, by these present acts; which settled the law in point of necessity of sealing all writs, charters, patents with the great seal, and added such majesty to the seal itself, that Britton, an eminent judge and lawyer, flourishing in this king's reign, (writing his book, as in this king's name,) resolves expressly, c. 3. f. 10, &c., 8. f. 16., that the⁷ counterfeiting of the king's seal is high treason; and the justice ought to enquire concerning the falsifiers of the seal; not only whether any have actually counterfeited it, but, also, whether any have hanged any seal by an engyn to any charters without license; or, having stollen or taken away any seal, or otherwise finding it, have sealed writs, without other authority. And, chap. 48. *Exceptions aux Breve*, p. 122, he writes, it is a good exception to abate a writ, *si le Breve ne fuit unques enseale de nostre seal; ou si li ordinance et le seal de nostre chauncery ne fort point contenu.* And Andrew Horne, another great lawyer, living in, or near this time, in his *Myrour of Justices*, cap. 3. sect. 6. p. 191, among exceptions to the power of the judge, enumerates this for one:—if the commission be not sealed with the king's great seal of the chancery: *Car al privy seal el roy, on al seal d'eschequer, ou autre seal, forsque solement al seal que est assigne dee conu de le cominalty del people et nosmement en jurisdiction,*

¹ See the Second Part of the Sovereign Power of Parliaments, p. 48 to 93.

² Matth. West. et Daniel, in 1 Edw. 1.

³ Confirmatio Chartarum, 25 Edw. 1. and Cook's Institutes on it. Walsingham, Hist. Ang. p. 35 to 48.

⁴ Articuli super Chartas, ch. 2. See Cook's Institutes on these Acts.

⁵ The people then had power to elect these their judges and justices, even by act of parliament.

⁶ Chap. 2.

⁷ See 3 Ed. 1. cap. 15.

et bres originals, ne estoit a nul obeyer des leies et usages del royaume, si non seulement pur le roy. Du elle putra ce viciouse pur le seal counterfeit, ou auterment fausse. This falsifying of the king's seal to writs, cap. 1. sect. 6, *De Fausonniers*, p. 28, 29, he makes a crime next to high treason; which forging, he saith, "may be in divers manners: as where a writ is sealed, whereof the grosse and matter, or the form is not avowable by the king, nor by the law, nor by the rights and customs of the realm; if a man seal after that the chancellor or other keeper knoweth that he hath lost his warrants, by death, or any other manner; when a writ or letter passeth the seal against the king's defence; when men seal with counterfeit seals, or seal by ill art, or warrants not avowable; and so it is falsehood in those who seal and have no authority." And chap. 4. sect. 2. p. 233: Thus¹ our ancients ordained a seal, and a chancellor for to keep it, and to give remediable writs to all persons without delay. Then, describing what manner of writs must issue, he concludes thus: "And now may justices, sheriffs, and their clerks, withdraw, rase, amend, and impair them, without discerning or pain, for the writs that are made close to the abuse of right." Wherefore, the seal only is the jurisdiction assignable to all plaintiffs without difficulty. And to do this, the chancellor is chargeable, by oath in allegiance of the charge of the king, that he shall² neither deny nor delay to render right remediable to any one.

Thus have I given you a brief historical and legal narration of the original, growth, progress, use, and necessity of the great seal of England, and of the manner of making, subscribing, and sealing charters, patents, writs, with other instruments, in our realm, from Æthelbert's first charter, anno 605, till the end of King Edward the First his reign, when seals and³ sealing grew more common, and our ordinary law books (which recite few or none of the premises) began to make mention of seals and sealing; of whose antiquity, kinds, and present use, in point of law, if any desire further satisfaction, let them consult with Polydor Virgil, *De Inventoribus Rerum*, lib. 8. cap. 2. *Henrici Spelmani Glossarium*, title *Bulla*, Rastal's Exposition of the Terms of the Law, title *Faits*, Sir Edward Cooke's Institutes on Magna Charta, page 554, 555, 556, his 11th Report, 1. 92, and Ashe's Tables, title *Seals*; it being not my intention to trouble the reader here with trivial common things concerning seals or sealing, but only with such antiquities and rarities as are not commonly known, nor mentioned in our law books.

The Kings and Parliaments several and joint Interests in, and Power over the New-Making, Keeping, Ordering of the Great Seal of England.

Having thus traced out the original, progress, use, and necessity of the great seal, through the obscure paths of abstruse antiquity, with as much variety, perspicuity, brevity as possible, I shall, in the next place, summarily examine what several or joint interests the king, kingdom, and parliament have in, what power or jurisdiction over the great seal of England, both in respect of the new-making, keeping, or using thereof.

For the better assoiling of which grand question, now in publick agitation, I shall premise these three propositions and distinctions, which will much conduce to the clearing and resolution of this doubt.

First, that our kings great and petty seals, when originally invented, and whiles the

¹ To wit, in 1 Edw. I. or when the great seal was first introduced, in Edward the Confessors days.

² Magna Chart. cap. 29.

³ See 9 Edw. I.; the correction of the twelfth chap. of the Statute of Gloucester; 20 Edw. I.; *De non ponendo in Assissis*; 34 Edw. I. cap. 6.

use of them was only private, or merely arbitrary, not simply necessary in point of law, in the administration of justice, or transactions of the publick affairs of the realm, were proper and peculiar to themselves alone, and in their own disposing power only, as every private man's seal now is, they using them only as private, not as publicke persons, in their natural, not politick capacities. But after that these seals, by use and custom, became simply necessary for the publick execution of justice and affairs of the realm, and our kings made use of them in their politique capacities, as heads or supreme governours of the realm, and publick ministers thereof, the whole kingdome and parliament, by this occasion, and upon this reason, came to gain a publick interest in, and jurisdiction over these seals, as well as our kings; (even as in all other inferior corporations; the commonalty as well as the mayors in cities and buroughs; the chapters as well as bishops or deans; the convents as well as the abbots or priors; the wardens, assistants, and the whole company, as well as the masters; the fellows of colleges as well as the presidents, have a publick interest in, and power over their severall corporation-seals, made only for their common good and affairs,) as I shall manifest in the sequell. And in this respect the great seal came to be commonly called 'the great seal of England in our acts, as in 14 and 15 Hen. VIII. c. 4, 34 and 35 Hen. VIII. c. 26, 1 Ed. VI. c. 44, 3 and 4 Ed. VI. c. 12, 2 and 4 Phil. and Mar. cap. 20, 1, 5 Eliz. cap. 1, 8, Eliz. cap. 1, 13 Eliz. cap. 6, 7, 9, 18 Eliz. cap. 2, 23 Eliz. cap. 14, 39 Eliz. cap. 6, 43 Eliz. cap. 4, 5 Eliz. cap. 18; an act declaring the authority of the lord-keeper of the great seal of England (frequently thus stiled in this act) and the lord-chancellor to be one; 1 Jac. c. 28, 1 Car. c. 2. 16 Car. c. 1, with sundry other acts, to omit law books and histories. And being thus become the great seal of England, the parliament (the representative body of the whole realm of England) must necessarily have an interest in, and jurisdiction over it in all publick respects, even so far as to new-make it when there is need, and to dispose it for necessary affairs of parliament and the realm, when the old seal (the proper seal of the parliament) is purposely substracted, yea, denied them, for necessary and publick uses.

Secondly, that after the great seal became common and necessary to most publick affairs, in which regard the whole kingdom and parliament came to have a right in, and power over it, so, in other respects, the king still retained a peculiar interest and prerogative in it, in all arbitrary matters of royall grace and favour, to which he is no ways obliged in point of law; in which respect it is called the king's great seal: as, first, in cases of general or particular charters of pardon; secondly, of indenization or enfranchisement; thirdly, of erecting new corporations, or confirming old; fourthly, of dispensing with some kind of laws, penalties, and forfeitures; fifthly, of conferring some kind of less publick offices, and annuities for services performed, or to be executed; sixthly, of granting new liberties or franchises of grace to corporations or private subjects; seventhly, of creating or conferring new honours on deserving men; eighthly, of licences for mort-mains, impropriations, alienations, consecrations of new churches or chappels, &c.; ninthly, of publick collections for persons or towns distressed through fire, shipwreck, or other casualties; tenthly, of private negotiations with foreign princes, states, or subjects, and some kind of protections, commissions of grace, rather than right or justice. In all these, and such like particulars of meer grace, or less publick concernment, the kingdom and parliament neither properly have, nor pretended to have any publick right or jurisdiction over the great or petty seals, but leave them absolutely free to the king, as if they were his own private seals alone; so far forth as his charters, pardons, grants, licences, dispensations, protections, com-

* Our ancientest statutes call it indefinitely the great seal, as 2 Edw. III. stat. 3. c. 8, with others.

missions of this kind are consonant to the laws and statutes of the realm, and not repugnant to them.

Thirdly, the parliament and whole kingdom, as to all publick affairs of state, and the administration of justice to all the subjects, hath committed the making lawfull use, power, and disposal of the great seal of England in trust to the king, as to the supreme magistrate and justiciar. over which they never claim a constituting or disposing jurisdiction, whiles it is rightly managed according to law. But if this seal be either wilfully abused or subtracted, contrary to law or trust, to the prejudice of the kingdom, the obstruction of publick justice, or violation of the privileges of parliament, and not redressed, after several complaints and petitions of the houses to the king for reformation of this grievance; whether the whole kingdom, or parliament, in such a case as this, who have authority to remedy the grievances, the abuses, or wilfull absence of the great seal, and appoint a keeper of it, for supplying the absence, regulating the abuses of the old, removing obstructions of publick justice, filling up the common's house, by issuing writs to elect knights and burgesses, in the places of such as are dead or justly expelled, (now denied,) sealing of writs of error in parliament, and other such publick parliamentary affairs, necessarily requiring the presence of the great seal (the proper seal of the high court of parliament, which hath no other seal but it) and the lord-chancellor, (the ordinary speaker of the lords house, by virtue of his very office in all ages,) and so his and the great seals presence absolutely necessary, unless dispensed with by the house, upon inevitable occasions of absence, is the sole question now in debate, and under correction in this case: and, for these publick ends alone, I humbly conceive the parliament both lawfully may cause a new great seal of England to be engraven, constitute a chancellor to keep it, and seal writs for new elections, writs of error in parliament, with other necessary writs and commissions with it, for the publick administration, expedition of justice, the better transaction of all parliamentary state affairs, now obstructed, to which the great seal is requisite.

This I shall endeavour to make good by precedents, by reason of law and state-policy, beginning with the new making, and then proceeding to the keeping and ordering of the seal, during the present differences and necessity.

First, there are two memorable precedents in our histories and records, of making a new great seal by the commons in parliament, without the king's actual assent, which will over-rule our present case: I shall begin with the ancientest of them.* King Henry the Third departing this life while his son, Prince Edward, was militating in the Holy Land against Christ's enemies, hereupon the nobles and states assembled at the new Temple, in London, the day after the king's funeral, proclaimed Prince Edward his son king, ordained him successor of his father's honours, though they knew not whether he were living; *et facto sigillo novo*, writes Matthew Westminster: And causing a new seal to be made, (so Daniel,) they appointed faithful ministers and keepers, for the faithful custody both of the seal, king's treasure, and kingdom's peace. Lo, here a new great seal made by the lords and states in the king's absence, without his privity, for necessary execution of justice, either in an assembly out of parliament, (as some suppose this meeting was,) or at least-wise in a parliament, assembled, held: yea, ordaining a new great seal, new officers of king and state, without the king's presence or privity. and then it is our present case in effect; for if this assembly of the states, even out of, or in parliament, in this case of necessity, during the king's inevitable absence, might lawfully make both a new great seal, chancellor, treasurer, judges, justices of peace, and other officers of king and state, (as they did, and conceived they might justly do, none then, or since, disavowing or censuring this act of theirs, for ought I read, but

* Matth. West. An. 1272, page 352. Hornes Myr. p. 233. Hore, p. 15. Daniel's Hist. p. 185. See Walsing. Hist. Ang. p. 1, 2. Speeds Hist. p. 640. Walsing. Ypod. Neuster. p. 67.

all applauding it as legal,) then certainly this parliament, assembled and ratified by the king himself, being the greatest sovereign power, and having far more jurisdiction than any council or assembly of lords out of parliament, may much more justly and loyally cause a new great seal to be engraven, and appoint a keeper of it, during the wilful absence of the king and old great seal, for parliament, (contrary to all law and former precedents,) for the better expedition of justice, and transaction of the affairs of the parliament, being the parliament's proper seal, and anciently appointed by it, as Horne's preceding words import.'

The second precedent is that of King Henry the Sixth his reign, who, being but an infant of nine months age when the crown descended to him, there issued forth a commission, in this babes name, to Humphry, duke of Gloucester, his uncle, then protector, to summon and hold a parliament in his name; which being assembled, Num. 14, the bishop of Durham, lord-chancellor to Henry the Fifth, resigned up the old seal of England to King Henry the Sixth, in the presence of divers credible witnesses; and the bishop of London, chancellor of the dutchy of Normandy, resigned up also the seal of that dukedom to him: After which, Num. 15, it was enacted and provided, by the lord-protector, lords and commons in that parliament, that, for as much as the inheritance of the kingdoms and crowns of France, England, and Ireland are now lawfully descended to the king, which title was not expressed in the king's seal, whereby great peril might accrue to the king, if the said inscriptions were not reformed, according to his title of inheritance,—that therefore, in all the king's seals, as well in England as in Ireland, Guyen, and Wales, this new stile should be engraven,—*Henricus Dei gratia, Rex Franciæ, et Angliæ, et Dominus Hiberniæ*, according to the effect of his inheritances; blotting out whatsoever was formerly in them superfluous, or contrary to the said stile: and that command should be given to all keepers of the said seals of the king, to reform them without delay, according to the form and effect of the new seal aforesaid. Numb. 16, The lords and commons in this parliament constitute and ordain a new lord-chancellor of England, lord-treasurer, and keeper of the privy-seal, granting them several letters patents of these offices in parliament, in the king's name. And, Num. 17, the liberties, annuities, and offices granted by King Henry the Fifth, and his ancestors, to souldiers in foreign parts were confirmed in parliament, and their patents ordered to be sealed with the king's new seals, without paying any fee.

Here we have not only the great, but privy seal, yea, all the king's seals in England, Ireland, France, Wales, resigned, altered, ordered to be new made, and the chancellors and keepers of them expressly created by lords and commons in parliament, without any personal actual consent of the king, (then an infant,) for the necessary administration of justice, and great affairs of the realm; no man ever questioning, much less censuring this act of theirs, as illegal or treasonable, within the statute of 25 E. 3., of counterfeiting the king's seal, but all approving it as just and necessary. Therefore, doubtless, the present parliament may doe the like in this unparallel'd case, both of the king's lord-keepers, the great and privy seals wilfull absence and substruction from the parliament, of purpose to obstruct all proceedings in parliament, and the course of common justice.

These two famous precedents are not singular, but backed with the authority of Judge Horne, fore-cited, p. 15, and many other of like nature and reason, even in printed statutes.

The statute of Acton Burnel, made in the 13th year of King Edward the First, for "the more speedy recovery of the merchants debts, gives the mayors of London, York, and Bristol, authority to take recognisances of debts before them, to be made by the

¹ Page 15.

² Hall, Stow, Speed, Holinsh. Grafton.

³ 1 Hen. VI. p. Rot. Parl. 1 Hen. VI. Num. 1. &c. The Second Part of the Sovereign Power of Parliaments and Kingdoms, (where I have transcribed these records at large,) p. 65 to 70.

clerk appointed for that purpose ; whereunto the seal of the debtor shall be put, with the kings seal, that shall be provided for that purpose : the which seal shall remain in the keeping of the mayor and clerk aforesaid. And the kings seal shall be put unto the sale and delivery of the goods devisable for a perpetual witness." We have here a new seal of the king's, with special keepers of it, appointed for recognisances, and the uses thereof limited, by a special act of parliament, confirmed in another parliament, touching statute merchants, made the same year, 13 E. 1., which further enacts, "that another shall be provided, that shall serve for fairs ; and that the same shall be sent unto every fair, under the kings seal, by a clerk sworn, or by the keeper of the fair. And of the commonalty of London two merchants shall be chosen, that shall swear, and the seal shall be open before them ; and one piece shall be delivered unto the foresaid merchants, and the other shall remain with the clerk." 13 H. 8. c. 6. 2. & 3 E. 6. c. 31. Second, those acts, 27 E. 3. parl. 2. c. 1, 9, enact, "that the mayor of the staple shall have power to take recognisances of debts, which a man will make before him, in the presence of the constables of the staple, or one of them : And that in every the said staples be a seal ordained, remaining in the custody of the said mayor of the staple, under the seals of the same constables ;" which is again enacted, 15 R. 2. c. 9. & 8 H. 6. c. 18.

The acts of 12 R. 2. c. 3 & 7. ordain, "That a seal of the kings shall be made, assigned, and delivered to the keeping of some good man of the hundred, rape, or wapentake, city, or burrough, after the discretion of the justices of peace, to be kept to this intent, to make letters patent to servants, labourers, vagabonds, pilgrims, who shall have occasion to depart out of the hundred, rape, or wapentake where they live, to serve or dwell elsewhere," &c : and that "About the same shall be written the name of the county, and, overthwart the said seal, the name of the hundred, rape, or wapentake, city, or burrough." And 14 R. 2. c. 21. enacts, "That seals be made for the servants, and delivered unto the keeping of some good men of the county, after the purport of the said statutes." Here the king's new seal, form of it, and keepers too, are ordered by parliament.

The statutes of 27 E. 3. c. 4. 3 R. 2. c. 2. 15 R. 2. c. 10. 17 R. 2. c. 2. prescribe "A new seal to the king's aulnegeors and collectors of subsidies, wherewith all cloaths shall be sealed before they be sold, under pain of forfeiture." 1 H. 4. c. 19. and 9 H. 4. c. 2. it was enacted, That "certain cloaths should not be sealed by them for three years." 4. H. 4. c. 6. enacts, "That one sufficient man should be assigned by our sovereign lord the king to seal the clothes that shall be wrought and fulled in London, and the suburbs of the same, with a seal of lead, as of old time was used in the said city and suburbs." 11 H. 4. c. 6. ordains, "That a new seal, having a sign and mark differing from the old seal of the office of the king's aulnegeor, shall be made and delivered to the aulnegeors : And that after the same so newly made and delivered, proclamation shall be made in the west, and in other places through the realm, that no cloaths shall be sold, (of such sorts mentioned in the act,) before the aulnegeor hath searched and measured them, and set the new seal of his office to them ;" which is confirmed by 13 H. 4. c. 4. This seal, by 11 H. 6. c. 9, is stiled, "The kings seal, thereunto ordained and prescribed to be put to cloaths : so, 18 H. 6. c. 16, a line is prescribed to be sealed for the measuring of cloth." 8 E. 4. c. 1. enacts, "That broad cloaths shall be sealed by the king's aulnegeor, or sealed with the seals of the subsidy and aulnegeor therefore ordained, and in wax." And 4 E. 4. c. 1, That for "kersies and short cloths a seal of lead shall be ordained, and, by the treasurer of England for the time being, provided, and hanged at the lower part of the edge of the said cloth : and that the treasurer of England for the time being shall have power and authority to make such and so many keepers of the said seals as he shall think necessary ; so that no stranger born be made

any of the said keepers." 17 E. 4. c. 1. 1 R. 3. c. 8, and other statutes enact the like. 25 H. 8. c. 8. 27 H. 8. c. 3. and 4 E. 6. c. 2. 5 E. 6. and 6. 2 and 3 Phil. and Mary, 12. 4 and 5 Phil. and Mary, c. 5. 8 Eliz. c. 12. 23 Eliz. c. 9, with other acts, prescribe "divers sorts of seals of lead, to seal cloaths withal, containing the length, or length and breadth of the said cloaths. some of the seals for ill clothes to have *faulcie* engraven in them; others, that are dyed and madered, the letter M, and the like; some to be kept and affixed by the aulnegeors, others by the searchers appointed in every county, town, or burrough." Such variety of seals, and keepers of them, have these several parliaments prescribed, only for cloth, which yet they stile the kings seal, though neither made, kept, disposed of, nor the form prescribed by him, but the parliament. See the like for leather, 5 Eliz. c. 8.

The statute of 11 H. 6. c. 6. makes mention of seals assigned to the customers office, and punisheth the abuses of them, set to blank scrowls, with forfeiture of goods, as in case of felony.

12. Ed. 4. c. 3, the statute of tunnage and poundage, for guarding the seas, enacts, "Cloath of gold, silver, baudkin, velvet, damask, satyn, chamlets, silks, &c., brought from beyond the sea, shall be sealed in one end thereof, before it be sold, with the seal or mark especially to be ordained for the same, whereof the collectors of that subsidy shall have the one part, and the comptroller the other part, severally, in their custody;" which is confirmed by 4 H. 8. 6. and 21 H. 8. c. 21.

14 and 15 H. 8. c. 3. appoints a several "warden of the worsted-makers, in the towns of Yarmouth and Lynne, to be annually chosen, and serve to surveigh and search the worsted there made; and that the warden of Yarmouth, so elect and sworn, shall ordain and appoint a seal, with the letter Y, and the warden of Lynne a seal, with the letter L, to be engraven in the same seal; and to seal in lead, with the same seals, so to be appointed and engraven, and none other, all worsteds and flannins within these towns and their suburbs." 14 and 15 H. 8. c. 5. ordains a special common seal for the corporation and college of physicians in London.

27 H. 8. c. 27, which establishes the court of augmentation, and prescribes the several officers in it, with the oaths they shall take, enacts likewise, "That this court shall have one great seal, and one privy seal, to be engraven and made after such form, fashion, and manner as shall be appointed by the king's highness; that the chancellor of this court shall have the keeping of these seals, which shall remain and be ordered as in that act is at large declared." The statute of 33 H. 8. c. 39, which erects the court of surveyors, prescribes a particular seal for that court, the person by whom it shall be kept, and how it shall be used, together with all the officers of that court, their oaths and fees. So 34 H. 8. c. 26, enacts, "That there shall be several original and judicial seals made for the several counties and circuits of Wales; prescribes the several parties that shall keep these seals, what writs and processes they shall seal with them, and what fees they shall take for them," as you may read at large in the act. In like manner, the statutes of 32 H. 8. c. 46. and 33 H. 8. c. 22. enact "The court of wards and liveries to be a court of record; and that they shall have one seal, to be engraven and made after such form, fashion, and manner as shall be appointed by the king's highness, which shall remain and be ordered as is afterward declared in those acts;" prescribing who shall keep it, how it shall be used, and what fees shall be paid for it. And 32 H. 8. c. 45. ordains "a particular seal for the court of first-fruits and tenths, which it erects, with the officers that shall keep it, their oaths, and fees for sealing with it." True it is, these statutes leave the form and fashion of these seals last mentioned to the king's appointment, (which they might have likewise prescribed, as in the former acts,) being a matter of no great moment; but the keepers, use, ordering, and fees of all these seals are punctually limited by the parliament, and not left arbitrary with the king.

And, to trouble you with no more acts of this nature, the statute of 1 E. 6. c. 2. en-

acts, That "all archbishops and spiritual persons, under the pain of a premunire, even in the king's ecclesiastical courts, shall make out all their processes in the king's name, with the king's stile, as it is in writs, original and judicial, at the common law, and shall, from the first day of July, have in their seals of office the king's highnesses armes, decently set, with certain charect under the armes, for the knowledge of the diocese, and shall use no other seal of jurisdiction, but wherein his majesties arms be engraven." Here the express form, as well as use of these seals is prescribed by parliament, and not left arbitrary to the king or bishops.

If, then, our parliaments, in all these cases, have thus prescribed new seals of the king's, for his courts and officers, together with the form, custody, use, and fees of them, in these several acts, why they may not likewise enjoy the making of a new broad seal, to supply the absence of the old, in the cases fore-mentioned, I cannot yet discover, it being the parliament's seal, and great seal of England, and so commonly stiled in sundry printed statutes, as well as the king's, in respect of the publick justice and affairs of the realm of England, and parliament which represent it. If the mayor, bayliffs, bishop, dean, president of a college, master of a company, abbot or prior, or chief justice, shall detain or withdraw the common seals of their several corporations or courts, the common-council, aldermen, chapter, fellows, liverymen, and courts, may, doubtless, make new seals, without, yea, against their consents, and use them too for their common affairs, without injury or forgery. And why the parliament then may not, in such cases, make a new great seal of England, by like reason without the kings consent, when the old (their only seal) is purposely withdrawn, and kept from them, to hinder their proceedings, I cannot yet discern.

If any here object, first, That it is high treason, both by the common and statute law, to counterfeit or make the king's great seal without his privity or consent, as is evident by Glanvil, Bracton, Britton, here fore-cited, 3 E. 1. c. 15. 25 E. 3. stat. 5. c. 2. of treasons, 5 H. 4. c. 15. 27 H. 8. c. 2. 1 E. 6. c. 12. 1 Mar. Parl. 1. c. 6. Stamford, l. 1. c. 1. Brooke, 3, 13, 17, Crompton's Jurisdiction of Courts, 69, and, generally, all our law-books; therefore for the parliament, or any else, by their command, to make and use a new broad seal;—

I answer, 1. That this is true only of private men, who make a broad seal by their own particular authority, in deceit of the king and kingdom, not of the parliament, or any employed to make or use it by their authority; the parliament, the supreamest power of all others, being incapable of treason, and out of the words and intention of these and all acts concerning treason, as I have¹ elsewhere proved at large, to which I shall refer you. 2. The king hath his great seal of England, not in his own particular, but the kingdom's and people's right alone, as their publick minister and servant, for their use and benefit; the kingdom, and parliament which represent it, being the² proprietors of this seal, which, upon the king's decease, is ever surrendered to the successor king, as belonging to the kingdom, as the seals of other corporations go to the mayors, bishops, deans, abbots, presidents, successors, not their heirs, executors, or administrators, as other mens seals do. The kingdom and parliament, therefore, being the true proprietors of it, as it is the publick seal of the kingdom, not the king, may lawfully give order for the new-making of it, even without the king, in case of necessity, when it is unduly withdrawn, with-held. 3. The forging of the seal is high treason, only as it is the³ kingdom's common seal, not the king's private and particular seal, and an offence against the kingdom, and king himself, only in his politic publick capacity, as head of the kingdom, not in his private: whence counterfeiting of the king's sign-manual, privy-signet, or privy-seals were no high treason at common law, (being no publick, but ra-

¹ Sovereign Power of Parliaments, part 1, p. 107 to 112, part 2. p. 25, 26. Appendix, p. 163 to 171.

³ Ibid, part 3. p. 7, 8, part 2. p. 25, 26.

² Ibid, part 2. p. 3 to 20.