This put their ladyships into more disorder and confusion than if they had been taken with their gallants by each of their husbands; which is the cause we hear no more of this parliament.

The ladies well-affected (being, as you heard, at their house in Spring Garden) also spent much time in the chusing of their speaker; and the major part having pitched the Lady Holland, she desired to excuse herself, alledging her husband's desertion, and intreated that all her right might be conferred on the Lady Carlisle. But the said lady not being thought fit to be trusted, the Lady Exeter was named; but it was objected by the Lady Hypsley, that the said countess was a delinquent, and formerly carried supplies to the king; pretending likewise that her husband, Sir John Hypsley, was much damnified in estate and office by the said supplies; but the Lady Salisbury coming in, this dispute soon ended, and the chair was conferred on her, *nem. con.*, who immediately named Mrs Peele messenger to attend the house; and the Lady Norton, together with Lady Stapleton, to be door-keepers, with order to keep out all but members. This was by all assented unto, notwithstanding some exceptions were taken at the slowness of Mrs Peele's pace, it being aggravated by one that she went slower than the masters of the Chancery when they go on messages.

Then their ladyships taking into consideration in the first place, the difficult cases that might fall out in the business of the house, ordered Mr Doctor Wederborne be sent from Holland,[1] Mr Doctor Davison from Paris, to be assistants to this house; ordered likewise, that Mr Doctor Hinton and Mr Doctor Chamberlaine be assistants, that so, with great secrecy and ease, their ladyships might be helped out with their most troublesome and pressing affairs.

The house then adjourned till the day following; and being met accordingly, their first business was to send the aforesaid messengers to the unlawful assembly at Kate's; and then falling upon their votes in parliament, they declared that part of their order to be an absolute breach of privilege, which forbids cavaliers to enter into the roundheads quarters; and ordered that the said she-cavaliers, shall within two days depart this city, and come not within twenty miles of the line of communication: as also, that no malignant lady presume to walk in Spring-garden after twelve o'clock at night, upon any pretence whatsoever.

Next their ladyships took into consideration the great number of malignants and delinquents, and ordered, that there be a committee for composition, to meet at the lady Kent's for protestants, and at the lady Lake's for papists.

This day complaint was brought in against sir Henry Blunt, knight, for publishing an heretical and dangerous doctrine, viz. That it is better to converse with, and resort to common women than ladies of honour: upon mature deliberation thereof, the ladies with much indignation sent for him, who being come, and having heard his accusation read, was commanded to withdraw during the debate; upon which, up starts the lady Foster, and offers to the consideration of the house the dangerous effects of this opinion which it might produce if it be suffered to spread among the people to the utter decay of trade; as also of the particular commerce of Rhenish wine,[2] chees-cakes, and sillibubs, whereby the profit of this house will be greatly diminished.

The speech was received with great applause of the whole house, and the said sir Henry Blunt was called in the second time, who being commanded to kneel, refused,[3] but appealed to all the commons of England and Wales; which suspended all proceedings therein for a time.

The house considered, in the next place, that diverse weak persons have crept into

[1] "Holdenby."—MS.

[2] "In the must, taffata-tarts, cheese-cakes," &c—M.

[3] "Alledging that that house was no lawful judicatory and appealed to, &c."—MS.

places beyond their abilities, and to the end that men of greater parts[1] might be put into their rooms, they appointed the lady Middlesex, Mrs Dunch, the lady Foster, and the lady Anne Waller, by reason of their great experience in the soldiery of this kingdom, to be a committee of tryers for that business.

The house being then ready to adjourn, there came news of a quarrel between two notorious members of this house, viz. Mrs Harris and Mrs Dunch; much good counsel was given them to agree and unite against the common enemy, their husbands; and it was at length ordered that these should be reconci'ed, and that Tom Temple should put up his blade.

The morning following they took into consideration all the secret garrisons of the kingdom, what were to be kept, and what not: And ordered;

First, that Northampton be continued a garrison, and that the lady Sunderland be requested to take the command of it on her; notwithstanding the self-denying ordinance.

Secondly, ordered that an English garrison be put in Carlisle, to prevent a foreign enemy getting into possession thereof; as was to be feared, by reason of some secret intelligence had with the French ambassador in that place.

Thirdly, that Leicester, Newport, and Marlborough, and all other that are either old fortifications, or otherwise useless, be forthwith slighted.

After this they took into consideration[2] *the standing forces in this kingdom, with their severall entertainments, and ordered,*

First, that the lord Francis Villars, Mr Slingsby, Mr Read, and Mr Tufton, have pay allowed them conditionally, that they shall be provided to draw forth upon service at the first warning.

Secondly, that colonel Cooke, Mr Henry Howard, of Berks, and Mr Nevill, have free quarter only.

Thirdly, that the prince Elector, prince Rupert, and Mr Glascock, henceforth pay their quarters.

Ordered, by addition to the first vote, that sir John Morley be forthwith paid for his service to the house, notwithstanding his delinquency; but so that if he shall break out any more, he shall be irrecoverably put into the exceptions.

Ordered, that all such forces as shall be disbanded shall be sent for Ireland, or otherwise disposed of out of this kingdom.

Their ladyships were then informed that a message waited at the door from the House of Commons; and sir Peter Wentworth and Mr Bainton, who brought it, being let in, they found it was for the relief of maimed soldiers; upon which their ladyships referred them to the lady Peterborough, to consider what relief was fit to be given them, to whom they joined Mrs Howard, sometimes a maid of honour, she having purged herself of her malignacy.

This day the house received divers reports from the committee of complaints; and, first, against the prince Elector, who was accused that he was not secret in his trust to this house, but betrayed their favours; and instead of doing them service, did his own. The consideration of this business was put off till another time, and also another accusation against the said prince, that he had deserted his employment; both which were brought in by the lady Barrington.

[1] "And larger reaches."—MS.

[2] "And that with much advisednesse."—MS

The next item was some articles[1] against Mrs Wheeler, who was charged with holding intelligence with the enemy; and the said charge being found true, she was voted to be laundress to the prince his highness.

Thirdly, an accusation against the right honourable the lord Rich, by the lady Mary Cockain, who pretended that she had been plundered by the said lord of a jewel, and other commodities, to the value of two thousand pounds; but the lady Warwick urging, that it was done to one that had been a commander against the parliament, the accusation was cast out.

Then the house adjourned till the next day.

The first business this day was from the committee of tryers, who named, in the first place, the right honourable the earl of Denbigh, to be a man of extraordinary abilities and parts, whereupon it was ordered, that his lordship be commander in chief of all the standing forces of the kingdom, and that his head-quarters be in Andover, until the house have some other need of his forces.

Ordered,[2] that the said commander, in regard of his great talent, have a favourable composition at the lady Kent's.

Ordered, that senior Ambrose, a politic Italian, be had in remembrance, for his extraordinary pains[3] to content this house; and that, when the affairs of this kingdom be settled, he be put into the duchy-office; and in the mean time, because what he had before did not content him, that he be satisfied out of Mrs Whitby's,[4] commonly calling herself Miss Hill, arrears, which are forfeited to the state for some petty larcenies of her's.

This business being over, up stands the zealous and well-affected lady Mildmay, and moved, that a public fast might be appointed, for imploring a blessing on men's constant affections towards the house; and also to stop the contagious infection and itching humours that are now crept in among them, and likely to overspread them all, if not timely stopped; the motion was embraced, and Mr Lambert Osbaldiston, some time a prebend of St Peter's, Westminster, together with Dr Sibbald, pastor of St James's, Clerkenwell, were mentioned to pray before the house; but one Cornelius brought in an accusation against the doctor aforesaid, for one ill-affected to the present government, he having preached lately in his house in a tub; whereupon he was rejected, and the lady Kensington desired[5] that Mr Saltmarsh might be substituted in his room, of whose great parts and able performances she had long experience, which presently was assented to by all.

Their ladyships, in the next place, taking into consideration the great decay of beasts[6] in the kingdom, during this unnatural war, thought the fittest means for a remedy to be, their ladyships sending (as they did) to the commons, to intreat them, that some of their members might join their ladyships, to consider of the said business; they presently named lady Grey, and the house of commons the lord Grey, her husband, to be a committee, to debate the fittest means to recruit the said beasts, to whom they gave these instructions:—

That they should intreat all, or most of the Morleys of England, or other men of their make, to marry.

[1] "That were brought in by Britannicus against, &c."—MS.

[2] "That the right honourable the lord Cambden, in regard of his great talents, shall have a favourable composition at the lady Kents."—MS.

[3] "And unwearied endeavours."—MS.

[4] "Commonly so calling herselfe, and out of Mrs Hill's arrears."—MS.

[5] "That one tried and approved, to wit, Mr Saltmarsh."—MS.

[6] "Cattle and other beasts."—MS.

That all such men as have vowed (whether prisoners or freemen) never to cut their beards till his majesty return to London, be encouraged therein.

That monsieur Sabrin be intreated in the name of this house, therein used, to return to his concubine here, notwithstanding his wife be alive at Geneva, because Geneva hath not that urgent necessity of multiplying beasts as this kingdom hath.[1]

The house then taking into consideration the sale of delinquents estates, ordered, that Mr Harrington, for his good services, have the earl of Newcastle's baggage; and also that the lady Devonshire have Worcester-house, notwithstanding the votes of the houses at Westminster, in favour of the earl of Salisbury, that her ladyship may be present with less trouble at her many and serious negotiations with the Scotch commissioners.

This day came a petition from the lady Stanhope, humbly desiring that she might be received into the house, pretending that she was well-affected; but it was urged to the contrary, that she affected, it was true; but a Scottish affection mixed with a French, could never make her a well-affected lady; it was farther alledged, that the said lady had been in arms under[2] Mr Slingsby, which Mr Slingsby was ordered to be kept for the house, and so the debate was put off till another time.

A motion was then made for putting down of plays, whereupon the lady Monmouth desired it might be explained what plays were meant; forasmuch, if they should put down the game of In and In, it would prove much to the prejudice of the house, as also to Mr Young, who had deserved well of their ladyships; answer being made, stage-plays were only understood, she declared she would concur with the house in that, now sir John Suckling was dead; but truly she liked his play well.

After this it was moved by the lady Crumpton, that thanksgiving might be appointed for the recovery of the right honourable the earl of Pembroke, which was consented unto, and that master Caldicot be desired to preach, and to sing the psalm in English, and not in Hebrew.

Ordered, that thanks be given Mr Robinson for his devout prayer, that the said lord might once more climb up May Hill.

The house then appointed commissioners to go to his majesty, viz. The ladies Oxford and Stamford, together with the lady May, to move his majesty to give his royall assent, that a happy union may follow.

This day they passed an act of oblivion to the lady Dalkeith, the lady Katharine Scot, the lady Aubigney, and Mrs Roper, for their delinquency in the enemy's quarters.

Soon after the lady Norton, door-keeper of the house, complained of sir Robert Harley, a member of the house of commons, for attempting to deface her, which happen'd thus: The said lady being a zealous independent and so one of the saints, and sir Robert, having found out that she was likewise painted, pretended that he came with his ordinance of idolatry, of saints and painted crosses; but some friends of the lady door-keeper, urging on her behalf, that none did ever yet attempt to adore or worship her, she was justified; and the ladies then declared, that if any person, by virtue of any power whatsoever, pretended to be derived from the house of commons, or any other court, shall go about to impeach, hinder, or disturb any lady from painting, washing, or adorning herself to the best advantage, as also from plaiting her hair,

[1] "That all such men as have vowed (whether they be prisoners or freemen) never to cut their hayre on their face untill his majestie comes to London, be encouraged herein."—MS.

[2] "Under colonel Slingsbie; but some freindes answered that allegation, and said, that it was under Mr Slingsbie, who was ordered, &c."—MS.

or washing her teeth, that act shall be held a great breach of the privilege of the house, and that the offenders shall be proceeded against accordingly.

In the last place, their ladyships being to adjourn for some weeks, desired first, that a main point in divinity might be decided, viz. What is meant by the word Due Benevolence (in the New Testament;[1]) and in order thereunto, they sent to the ministers of the assembly,[2] intreating them to make some declaration concerning the same; the messengers found the assembly busy about their own affairs, endeavouring to bring that text, "kiss the son lest he be angry," to prove presbytery; but, understanding their ladyships request, they left it, and fell presently upon the debate of the said Due Benevolence, which I do not intend to set down particularly, it being not to be found in the ladies journal; only I hear, that Mr Obadiah Sedgwick's opinion was, that if a man had been absent from his spouse any time, that then the conjugal tye obliged him to solace her now, and anon too, and that twice in the compass of a natural day: but it being alledged, that no rule could be made for it, it depending on men's several constitutions and health, it was declared, that all and every man, employed in the bed of matrimony and wedlock, is engaged to content his mate and fellow-feeler,[3] as often as the strength of his body will permit.

Their ladyships having received this distinction,[4] desired them to make it (*Jure Divino*) and to publish it, that so no husband in the country[5] might pretend ignorance, whereupon their holinesses made this ensuing canon.

Die Jovis Mar. 1647.

It is by these presents decreed and declared to all the world, by the counsel called, and met at Westminster, in the kingdom of Great Britain, that all men who have, or shall take upon them the state of matrimony, are by their vows, and by the sense of holy writ, obliged to cohabit with their wives as oft as their strength of body will permit and give them leave; and though they should pretend that it stood not with their affairs, that they be obliged thereunto notwithstanding: This we enjoin and command in the said kingdom,[6] penalty of being debarred the sacrament, of which we hope to have the monopoly.

ADONIRAM BYEFIELD, Scribe.[7]

The day following in the evening, this doctrine being brought to their ladyships, they ordered that the speaker of their house should give thanks to the members of the assembly of divines, for their great care and pains in reforming of the kingdom, and in particular for this present declaration, and ordered these their votes should be printed, and so they adjourned till farther time.

[1] "Which the apostle speaks of in an epistle of his."—MS.
[2] "Sitting at Westminster."—MS.
[3] "As often as his vigour, strength, and constitution would possibly permit."—MS.
[4] "This learned decision of this point."—MS.
[5] "No husband whatsoever, either in the citie, suburbs, or country."—MS.
[6] "To be obedient hereunto, under the penalties, &c."—MS.
[7] "Instead of this in the MS.

"Signed

W. T. *Pr.*
O. S. *As.*
A. B. *Sc.*"

Wit and Loyalty revived, in a Collection of some smart Satyrs, in Verse and Prose, on the late Times, by Mr Abraham Cowley, Sir J. Berke head, and the ingenious Author of Hudibras, &c.

Victrix causa Deis placuit sed victa Poetis.

London, Printed for W. Davis, 1682.

The Publisher to the Reader.

I have been often tempted to admire, since the publishing Mr Cowley's papers, by what fate so excellent a satyr upon the times, and so worthy the author, as the Puritan and Papist, should escape the ingenious publisher; when, at the same time, his copy upon Brutus, and that upon the Bishop of Lincoln's enlargement from the Tower, have met with the good fortune to have place there, although they are in some sort satyrs upon himself, and so unworthy his name and the good company they appear in, that, considering the loyalty of their arguments, we might, it may be, have expected them in Mr Waller's works rather than Mr Cowley's, and from thence to have been purged by the wisdom of later and more correct editions of his book, together with the Panegyrick to Oliver, and the elegy on his death called The Storm; both which seem, in a manner, to have inherited the lot, no less than the guilt of the usurper upon whom they were made; the former claiming the laurel, but that it wanted a better title to the crown; and the latter, to have so insensibly disappeared on a sudden, as if, by a resembling fate, it had been snatcht away in the same storm in which the tyrant himself was lost.

Whether it were an excess of modesty in Mr Cowley that condemned it as an abortive; and so, though it had appeared formerly in print, to have no place in his collection, but to take its fortune with the blossoms and unripe follies of his youth; or whether it were an excess of good nature in him that sentenced it to suffer merely as it was a satyr, and so lookt upon as a piece of persecution; and, like Draco's laws, written in blood, as we find the best natures inclined to check and be angry at themselves when once the fit of choler is over; I say whether of these were the cause of it I shall not presume to examine.

But because, under the colour of doing justice to the satyre, I may be thought to have done wrong to Mr Cowley, and only to have borrowed his name to enhance the value of what comes with it, its own recommendation; to remove such doubts, I shall observe in its justification, that it first came out in the year 1643, what time he lay at St John's College, in Oxford, signed with A. C.; though to make the cypher plainer yet, I doubt not when the satyr is duely considered, to those that can judge aright, it will spell his entire name at length. For as the proportions, the posture, or design, serve as never-failing marks to such as are curious to discern the masterly hand of the inimitable Titian or Vandike, so, in the admired pieces of our great masters of writing, there want not the like bold strokes and life-touches in the style that evidently betray whose originals they are, in so much as to convince any who are their authors, when they discover themselves by their own light, is altogether as needless as to hold a candle to the sunne. If we believe Horace, in his Art of Poetry, (surely in his own

art Horace is as much to be believed as Aristotle in philosophy,) he reckons it amongst the felicities of a good style, that it cannot be imitated, when he says,

Ex noto fictum carmen sequar, ut sibi quivis
Sperat idem, sudat multum, frustraque laboret.
Ausus idem———

Which is finely rendered by the E. of Roscommon :—

Begin with truth, then give invention scope,
And if your style be natural and smooth,
All men will try, and hope to write as well,
And (not without much pains) be undeceiv'd.

Now, if this be justly esteemed a master-piece of poetry, that what it delivers comes the nearest to our understandinge, at the same time as it is removed the farthest from our imitation, I am very well assured I shall be acquitted from all suspicion of cheating the world with any thing under Mr Cowley's name which hath no title to it, since his style is no lesse difficult to counterfeit than it is easie to conceive.

I cannot think it any reproach to Mr Cowley for him to walk abroad into the world in good company, the other two gentlemen being both of them celebrated wits and of the loyal party, engaged in the same interest, and active in the same cause with himself. And it is no new thing for wits and cavaliers to find out one another and associate together; indeed they were men whose mirth was so innocent, whose wit so regular, and whose conversation so entertaining and agreeable, as I cannot but persuade myself that they themselves would have made choise of no other company when they were living, as the reader can embrace no better amongst the dead.

The Puritan and the Papist, a Satyr, first published in the year 1643, by Mr Cowley.

The Character of the Assembly-man, first printed in the year 1648, by Sir J. Berkenhead.

Proposals for farming out Liberty of Conscience, first published in the year 1663, by the ingenious author of Hudibras.

The Puritan and Papist, a Satyr, by Mr Abraham Cowley.

London, Printed for W. Davis, 168½.

So two rude waves, by storms together thrown,
Roar at each other, fight, and then grow one.
Religion is a circle, men contend,
And run the round in dispute without end.
Now in a circle who go contrary,
Must, at the last, meet of necessity.
The Roman cath'lique, to advance the cause,
Allows a lye, and calls it *pia fraus.*
The puritan approves, and does the same,
Dislikes nought in it but the Latin name.

He flows with his devises, and dares lye
In very deed, in truth, in verity.
He whines, and sighs out lies, with so much ruth,
As if he griev'd 'cause he could ne'er speak truth.
Lies have possest the press so, as their due,
'Twill scarce, I fear, henceforth print Bibles true.
Lies, for their next strong fort, ha' th' pulpit chose,
There they throng out at th' preachers mouth and nose;
And how e'er gross, are certain to beguile
The poor book-turners of the middle isle.
Nay, to th' Almightie's self they have been bold
To lye, and their blasphemous minister told,
They might say false to God; for if they were
Beaten, he knew't not, for he was not there.
But God, who their great thankfulness did see,
Rewards them straight with another vict'rie,
Just such an one as Brainford, and sans doubt
Will weary er't be long their gratitude out.
Not all the legends of the saints of old,
Not vast Baronius, nor sly Surius, hold
Such plenty of apparent lies as are
In your own author, Jo. Browne, Cleric. Par.
Besides what your small poets said or writ,
Brookes, Strode, and the Baron of the Saw-pit;
With many a mental reservation,
You'll maintain liberty, reserv'd (your owne.)
For th' publique good the sums rais'd you'll disburse;
Reserv'd, (the greater part for your owne purse.)
You'll root the cavaliers out, every man;
Faith, let it be reserv'd here, (if ye can.)
You'l make our gracious Charles a glorious king;
Reserv'd (in Heav'n,) for thither ye would bring
His royal head; the only secure roome
For kings, where such as you will never come.
To keep th' estates o' th' subjects you pretend;
Reserv'd (in your own trunkes) you will defend
The church of England, 'tis your protestation;
But that's New-England, by a small reservation.
Pow'r of dispensing oaths the papists claime;
Case hath got leave of God to do the same.
For you do hate all swearing so, that when
You've sworn an oath ye break it straight agen.
A curse upon you! which hurts most these nations,
Cavaliers swearing or your protestations?
Nay, though oaths be by you so much abhorr'd,
Y'allow God damn me in the puritan Lord.
They keep the Bible from laymen, but ye
Avoid this, for ye have no layety.
They, in a forraign and unknown tongue pray,
You in an unknown sence your prayers say:

Paralleled in holy cheats.

In publishing false news as legends.

In mental reservations.

In allowing perjuries.

In an unintelligible worship.

So that this difference 'twixt ye does ensue,
Fools understand not them, nor wise men you.
They an unprofitable zeal have got,
Of invocating saints that hear them not.
'Twere well you did so, nought may more be fear'd
In your fond prayers, than that they should be heard.
To them your nonsence well enough might pass,
They'd ne'er see that i' th' divine looking-glass.
Nay, whether you'd worship saints is not known,
For y'have as yet of your religion none.

Both hold justification by works, the one by good, the other by ill works.

They by good works think to be justifi'd,
You into the same error deeper slide;
You think by works too justifi'd to be,
And those ill works, lies, treason, perjurie.
But oh! your faith is mighty, that hath been,
As true faith ought to be, of things unseen.
At Wor'ster, Brainford, and Edge-hill, we see,
Only by faith y'have got the victory.
Such is your faith, and some such unseen way
The publique faith at last your debts will pay.

Free-will one holds belongs to all men, the other only to parliament-men.

They hold free-will (that nought their souls may bind)
As the great privilege of all mankind.
You're here more mod'rate, for 'tis your intent,
To make't a priv'ledg but of parliament.
They forbid priests to marry; you worse do,
Their marriage you allow, yet punish too,
For you'd make priests so poor, that upon all
Who marry scorn and beggery must fall.

They agree in interlining scriptures and creeds.

They a bold pow'r o'er sacred scriptures take,
Blot out some clauses, and some new ones make.
Your great Lord Jesuite Brookes publiquely said,
(Brookes whom too little learning hath made mad)
That to correct the creed ye should do well,
And blot out Christ's descending into Hell.
Repent, wild man, or you'll ne'er change, I fear,
The sentence of your own descending there.

In implicit faith.

Yet modestly they use the creed, for they
Would take the Lord's Pray'r root and branch away.
And wisely said a Levite of our nation,
The Lord's Pray'r was a popish innovation.
Take heed, you'll grant ere long it should be said,
An't be but to desire your daily bread.

They keep the people ignorant, and you
Keep both the people and yourselves so too.
They blind obedience and blind duty teach;
You blind rebellion and blind faction preach.
Nor can I blame you much that ye advance
That which can only save you, ignorance;
Though, Heaven be praised, t'has oft been proved well
Your ignorance is not invincible.
Nay such bold lies to God himself ye vaunt,
As if you'd fain keep him too ignorant.

Limbus and purgatory they believe,
For lesser sinners, that is, I conceive.
Malignants only; you this trick does please,
For the same cause ye've made new Limbuses,
Where we may lye imprison'd long ere we
A day of judgment in your courts shall see.
But Pym can, like the pope, with this dispence,
And for a bribe deliver souls from thence.

One believes purgatory herenfter, and the other erects a purgatory here.

Their councils claim infallibility,
Such must your conventicle synod be:
And teachers from all parts of th' earth ye call,
To make't a council, oecumenical.

The assembly of divines as infallible as a general council.

They sev'ral times appoint from meats t' abstain;
You now for the Irish wars a fast ordain:
And that that kingdom might be sure to fast,
Ye take a course to starve them all at last.
Nay, though you keep no eves, Fridays, nor Lent,
Not to dress meat on Sundays you're content;
Then you repeat, repeat, and pray, and pray;
Your teeth keep Sabbath, and tongues working-day.

One fasts Fridays and eves, the other all Sundays.

They preserve reliques, you have few or none,
Unless the clout sent to John Pym be one,[1]
Or Holleses rich widow, she who carry'd
A relique in her wombe before she marry'd.

Both have their reliques.

They in succeeding Peter take a pride;
So do you, for your master ye've deny'd.
But chiefly Peter's priviledge ye choose,
At your own wills to bind and to unloose.
He was a fisherman; you'll be so too,
When nothing but your ships are left to you.
He went to Rome, to Rome you backward ride,
(Though both your goings are by some denyed.)
Nor is't a contradiction if we say,
You go to Rome the quite contrary way.
He dy'd o' th' cross, that death's unusual now;
The gallows is most lik't, and that's for you.

Both claim to succeed St Peter.

They love church-musick; it offends your sence,
And therefore ye have sung it out from thence,
Which shews, if right your mind be understood,
You hate it not as musick but as good.
Your madness makes you sing as much as they
Dance, who are bit with a tarantula.
But do not to yourselves, alas, appear
The most religious traytors that e'er were;
Because your troopes singing of psalms do go;
There's many a traytor has marcht Holborn so:
Nor was't your wit this holy project bore,
Tweed and the Tyne have seen those tricks before.

The one for church musick, the other for singing without musick.

They of strange miracles and wonders tell,
You are yourselves a kind of miracle;

Both boast their miracles.

[1] Supposed to be intended to infect him with the plague.

Even such a miracle as in writ divine
We read o' th' devils hurrying down the swine.
They have made images to speak, 'tis said,
You a dull image have your speaker made;
And that your bounty in offerings might abound,
Y' have to that idol giv'n six thousand pound.
They drive out devils they say; here ye begin
To differ, I confess,—you let them in.

Each hath a several transubstantiation.

They maintain transubstantiation;
You by a contrary philos'phers stone,
To transubstantiate metalls have the skill,
And turn the kingdoms gold to iron and steel.
I' th' sacrament ye differ, but 'tis noted,
Bread must be flesh, wine blood, if e'rt be voted.

Both infallible in cathedra.

They make the pope their head, ye exalt for him
Primate and metropolitane, master Pym:
Nay White, who sits i' th' infallible chaire,
And most infallibly speaks nonsence there:
Nay Cromwel, Pury, Whistler, sir John Wray,
He who does say, and say, and say, and say:
Nay Lowry, who does new church-gover'ment wish,
And prophesies, like Jonas, 'midst the fish,
Who can such various business wisely sway,
Handling both herrings and bishops in one day:
Nay all your preachers, women, boys, and men,
From master Calamy to mistress Ven,
Are perfect popes in their own parish grown;
For to outdoe the story of pope Jone:
Your women preach too, and are like to be
The whores of Babylon, as much as she.

Both for deposing kings; the one by fair means, the other by foul.

They depose kings by force; by force you'd do it,
But first use fair means to persuade them to it.
They dare kill kings; and 'twixt ye here's the strife,
That you dare shoot at kings, to save their life.
And what's the diff'rence, pray, whether he fall
By the pope's bull, or your Oxe General?
Three kingdoms thus ye strive to make your own,
And, like the pope, usurp a triple crown.

Their avarice.

Such is your faith, such your religion;
Let's view your manners now, and then I've done.
Your cov'teousness let gasping Ireland tell,
Where first the Irish lands, and next ye sell
The English blood; and raise rebellion here
With that which should suppress and quench it there.
What mighty summs have ye squeez'd out o' th' city?
Enough to make 'em poor, and something witty.
Excise, loans, contributions, pole-moneys,
Bribes, plunder, and such parl'ament priv'ledges,
Are words which you ne'er learnt in holy writ,
'Till th' spirit and your synod mended it.
Where's all the twentieth part now which hath been
Paid you by some, to forfeit the nineteen?

Where's all the goods distrain'd and plunders past?
For you're grown wretched, pilfring knaves at last;
Descend to brass and pewter; till of late,
Like Midas, all ye toucht must needs be plate.
By what vast hopes is your ambition fed? — Their ambition
'Tis writ in blood, and may be plainly read.
You must have places and the kingdom sway;
The king must be a ward to your Lord Say.
Your inn'cent Speaker to the Rolles must rise,
Six thousand pound hath made him proud and wise. — Lord Privy Seal.
Kimbolton for his father's place doth call;
Would be like him; would he were, Face and all.
Isaac would always be lord mayer, and so — Pennington.
May always be, as much as he is now.
For the five members they so richly thrive,
That they would always be, but members five.
Only Pym doth his natural right enforce,
By th' mother's side he's master of the horse.
Most shall have places by these pop'lar tricks,
The rest must be content with bishopricks.
For 'tis against superstition your intent,
First to root out that great church ornament,
Money and lands; your swords, alas, are drawn
Against the bishop, not his cap or lawn.
O let not such lewd sacriledge begin,
Tempted by Henrie's rich succesful sin:
Henry the monster king of all that age,
Wild in his lust, but wilder in his rage.
Expect not you his fate, though Hotham thrives
In imitating Henrie's tricks for wives;
Nor fewer churches hopes than wives to see
Buried, and then their lands his own to be.
Ye boundless tyrants, how do you outvy — Their tirany.
Th' Athenians thirty, Rome's decemviry?
In rage, injustice, cruelty as far
Above those men as you in number are.
What mist'ries of iniquity doe we see?
New prisons made to defend libertie:
Our goods forc'd from us for propri'ti's sake,
And all the real nonscence which ye make.
Ship-money was unjustly ta'en, ye say; — The counterfiet grivances of the king's reign compared with the reyal ones of their usurpation.
Unjustlier far, you take the ships away.
The high commission you call'd tyranny,
Ye did; good God! what is the high-committy?
Ye said that gifts and bribes preferments bought,
By money and blood too they now are sought.
To the kings will the law's men strove to draw,
The subjects will is now become the law.
'Twas fear'd a new religion would begin;
All new religions now are entred in.
The king delinquents to protect did strive;
What clubs, pikes, halberts, lighters, saved the five?

You think the parl'ment, like your state of grace,
Whatever sins men do they keep their place.
Invasions then were fear'd against the state,
viz. 1642. And Strode swore last year would be eighty-eight.
You bring in forraign aid to your designs,
First those great forraign forces of divines,
With which ships from America were fraught:
Rather may stinking tobacco still be brought
From thence, I say. Next ye the Scots invite,
Which ye term brotherly assistance right;
For England you intend with them to share:
They who, alas! but younger brothers are,
Must have the moneis for their portion;
The houses and the lands will be your owne.
We thank ye for the wounds which we endure,
Whilst scratches and slight pricks ye seek to cure.
We thank ye for true real fears at last,
Which free us from so many false ones past.
We thank ye for the blood which fats our coast,
As a just debt paid to great Strafford's ghoast.
We thank ye for the ills receiv'd, and all
Which yet by your good care in time we shall.
We thank ye, and our gratitude's as great
As yours, when you thankt God for being beat.

The Character of an Holy-Sister.

She that can sit three sermons in a day,
And of those three scarce bear three words away.
She that can rob her husband, to repair
A budget priest that noses a long prayer.
She that with lamb-black purifies her shoes,
And with half eyes and bible softly goes.
She that her pockets with lay-gospel stuffs,
And edifies her looks with little ruffs.
She that loves sermons as she does the rest,
Still standing stiff, that longest are the best.
She that will ly, yet swear she hates a lyer,
Except it be the man that will lye by her.
She that at christenings thirsteth for more sack,
And draws the broadest handkerchief for cake.
She that sings psalms devoutly next the street,
And beats her maid, i' th' kitching where none see't.
She that will sit in shop for five hours space,
And register the sins of all that pass:
Damn at first sight, and proudly dares to say,
That none can possibly be saved, but they:
That hangs religion in a naked ear,
And judge mens heart according to their hair:
That could afford to doubt who wrote best sence,
Moses or Dod on the commandments.

She that can sigh and cry, queen Elizabeth;
Rail at the pope, and scratch out sudden death.
And for all this can give no reason why:
This is an holy sister, verily.

The Assembly-Man, written by Sir John Birkenhead, in the Year 1647.

ΘΕΟΦΡΑΣΤ. Χαρακτ. ιγ'. περὶ ΠΕΡΙΕΡΓΙΑΣ.

Διεγείρειν τοὺς μαχομενύους, καὶ ἧς οὐ γινώσκει ἀτραποῦ ἡγήσασθαι καὶ ὀμνύναι μέλλων, εἰπεῖν πρὸς τοὺς πεπιστηκότας· ὅτι τὸν πρότερον πολλάκις ὀμώμοκα.

He seditiously stirs up men to fight; he'll teach others the way whereof himself is most ignorant; and persuades men to take an oath, because himself had sworn it before.

London, Printed for W. Davis, Anno Dom. 168½.

Sir John Birkenhead was born about the year 1615, at Northwich, in Cheshire, where his father was a saddler. He was sent to Oxford, and having been recommended by Dr Lloyd, afterwards Bishop of Bangor, to the celebrated Archbishop Laud, became the amanuensis of the latter. During the residence of King Charles at Oxford, he was employed to write the *Mercurius Aulicus*, a kind of political journal, in support of the royal cause. He was subsequently chosen reader of moral philosophy in the university, but was expelled by the parliamentary visitors in 1648; upon which he retired to London, and aided the royal cause by several ingenious pamphlets. After the restoration, he served in parliament for the borough of Wilton. He was knighted in 1662, and succeeded sir Richard Fanshaw in his office of Master of Requests. He died December 4, 1679, leaving a large and curious collection of pamphlets behind him. Besides "The Assembly-Man," which was written in 1647, though not printed till 1662-3, he wrote "News from Pembroke and Montgomery," 1648. 4, being a humorous speech, which he put into the mouth of the earl of Pembroke; "Paul's Church-Yard," 1649. 4; a catalogue of books with feigned titles, and several other pamphlets and ballads.

This character of an Assembly-Man, meant to be the representative of that celebrated body of divines who met at Westminster for the establishment of church discipline upon the presbyterian plan, was much admired at the time; and contains that profusion of quips and cranks, and forced strains of wit, which was then thought essential to satirical composition.

Reader,

This pamphlet was torn from me by those who say they cannot rob, because all is theirs. They found it where it slept many years forgotten; but they wakened it, and made false transcripts. They excized what they liked not; so mangled and reformed, that it was no character of an assembler, but of themselves. A copy of that reformling had crept to the press; I seized and stopt it, unwilling to father other mens sins. Here therefore you haye it (as it was first scribled) without addition of a syllable; I wish I durst say, here is nothing lopt off. But men and manners are

changed, at least they say so. If yet this trifle seem born with teeth, you know whose hands were knucle-deep in the blood of that renouned chancellor of Oxon (Arch-bishop Laud); though when they cut up that great martyr, his two greatest crimes were the two greatest glories Great Britain can boast of, St Paul's Church, and the Oxford Library. Where you find no coherence, remember this paper hath suffered decimation: Better times have made it worse, and that's no fault of

J. Berkenhead.

The Assembly-Man.

An Assembler is part of the states chattels; nor priest, nor burgess, but a participle that sharks upon both. He was chosen as sir Nathaniel, because he knew least of all his profession; not by the votes of a whole diocese, but by one whole parliament-man. He has sate four years towards a new religion, but in the interim left none at all: As his masters, the commons, had a long debate whether candles or no candles, but all the mean while sate still in the dark; and therefore, when the moon quits her old light, and has acquired no new, astronomeres say she is in her synodes. Shew me such a picture of Judas as the assembler, (a griping, false, reforming brother; rails at waste spent upon the anointed, persecutes most those hands which ordained him, brings in men with swords and staves; and all for money from the honourable Scribes and Pharisees.) One touch more (a line tyed to his name-sake elder-tree) had made him Judas, root and branch. This assembly at first was a full century, which should be reckoned, as the scholiast's hecatomb, by their feet, not heads; or count them by scores, for in things without heads six score go to an hundred. They would be a new Septuagint; the old translated Scripture out of Hebrew into Greek, these turn into four shillings a day. And these assemblers were begot in one day, as Hercules's fifty bastards all in one night. Their first list was sprinkled with some names of honour, (Dr Sanderson, Dr Morley, Dr Hammond, &c.,) but these were divines too worthy to mix with such scandalous ministers, and would not assemble without the royall call: Nay, the first list had one archbishop, one bishop and an half, (for bishop Brownrigg was then but elect;) but now their assembly (as philosophers think the world) consists of atoms, petty small Levites, whose parts are not perceptible. And yet these inferior postern teachers have intoxicated England, (for a man sometimes grows drunk by a glister.) When they all meet, they shew beasts in Africk by promiscuous coupling engender monsters. Mr Selden visits them (as Persians use) to see wild asses fight: when the commons have tyred him with their new law, these bretheren refresh him with their mad gospel. They lately were gravelled betwixt Jerusalem and Jericho; they knew not the distance betwixt those two places*; one cried twenty miles, another ten, it was concluded seven, for this reason, that fish was brought from Jericho to Jerusalem market. Mr Selden smiled, and said, Perhaps the fish was salt fish; and so stopt their mouths. Earl Philip* goes thither to hear them spend; when he heard them toss their national, provincial, classical, congregational, he swore damnably, that a pack of good dogs made better musick. His allusion was proper, since the elder's maid had a four legged husband. To speak truth, this assembly is the two houses tiring-room, where the lords and the commons put on their visards and masques of religion. And their honors have so sifted the church, that at last they have found the bran of the clergy. Yet such poor church-menders must reform and shuffle, though they find church-government may a thousand wayes be changed

* Philip, earl of Pembroke and Montgomery, whom we have had repeated occasion to notice. His peculiarities afforded a great fund of satire to the royalists. There is a ballad by sir John Birkenhead, on the disgusting story next alluded to, which may be found in the collection entitled *Rump Songs*.

for the worse, but not one way for the better. These have lately published Annotations on the Bible, when their first note (on the word *Create*) is a libel against kings for creating of honors. Their annotation on Jacob's two kids, is, that two kids are too much for one man's supper; but he had (say they) but one kid, and the other made sauce. They observe upon Herod, what a tyrant he was, to kill infants under two years old, without giving them legal trial, that they might speake for themselves. Commonly they follow the Geneva margin, as those sea-men who understood not the compass crept along the shore. But I hear they threaten a second edition, and in the interim thrust forth a paultry catechism, which expounds nine commandments and eleven articles of the creed. Of late they are much in love with chronograms, because (if possible) they are duller than anagrams: O how they have torn the poor bishops names, to pick out the number 666! little dreaming that a whole baker's dozen of their own assembly have that beastly number in each of their names, and that as exactly as their Solemn League and Covenant consists of 666 words. But though the assembler's brains are lead, his countenance is brass; for he damned such as held two benefices, while himself has four or five, besides his concubine lecture. He is not against pluralities, but dualities: He says it is unlawful to have two of his own, though four of other mens; and observes how the Hebrew word for *life* has no singular number. Yet it is some relief to a sequestred person to see two assemblers snarl for his tithes; for of all kind of beasts none can match an assembler but an assembler. He never enters a church by the door, but clambers up through a window of sequestration, or steals in through vaults and cellars by clandestine contracts with an expecting patron. He is most sure no law can hurt him, for laws died in England the year before the Assembler was born. The best way to hold him, is (as our King Richard bound the king of Cyprus) in silver chains. He loves to discourse of the New Jerusalem, because her streets are of fine gold; and yet could like London as well, were Cheapside paved with the philosopher's stone: Nay, he would say his prayers with beads, if he might have a set made of all diamonds. This, this is it which tempts him to such mad articles against the loyal clergy, whom he dresses as he would have them appear; just as the ballad of Dr Faustus brings forth the devil in a frairs weed. He accused one minister for saying the blessed Virgin was the mother of God, (Θεοτοκος, as the ancients call her.) Another he charged for a common drunkard, whom all the country knows has drunk nothing but water these twenty-six years. But the Assembler himself can drink widows tears, though their husbands are not dead. Sure, if Paracelsus's doctrine were true, (that to eat creatures alive will perpetuate man's life,) the Assembler were immortal; for he swallows quick men, wives, and children, and devours lives as well as livings; as if he were born in that pagan province where none might marry till he had killed twelve Christians. This makes him kneel to lieutenant-general Cromwel, (as Indians to the devil;) for he saw how Oliver first threw——, then—— and can with a wink do as much for——:* Like Milo in the olympicks, by practising on a calf, grew strong enough for a bull, and could with ease give a lift to an asse. The great Turk was sending his ambassador, to congratulate the assemblies proceedings against the Christians: he ordered them thanks for licencing his Alcorn to be printed in English; but hearing Ottoman Cromwel had talked of marching to the walls of Constantinople, that embassy was stopt. The only difference 'twixt the Assembler and a Turk is, that one plants religion by the power of the sword, and the other by the power of the cymeter. Nay, the greatest strife in their whole conventicle is, who shall do worst; for they all intend to make the church but a sepulchre, having not only plundered, but anatomized all the true clergy, whose torment is hightened in being destroyed by such dull instruments; as the prophet Isaiah was sawn to pieces

* These blanks may perhaps be filled up—Essex, Manchester, Fairfax.

with a wooden saw. The Assembler wonders that the king and his friends live still in hope; he thinks them all in St Clement's case, drowned with an anchor tyed about his neck. He has now got power to visit the universities, where these blinking visitors look on eminent scholars (as the blind man who saw men like trees) as timber growing within the root-and-branch ordinance. The Assembler has now left scholars so poor, they have scarce rags wherewith to make paper. A man would think the two houses intend to transport the universities, since they load asses with colledge revenues. For though these assemblers made themselves heads, they are rather hands of colledges, for they all are takers, and take all. And yet they are such creeping tyrants, that scholars are expelled the two universities, as the old Thracians, forced from their country, by rats and mice. So that learning now is so much advanced, as Arrowsmith's glass eye sees more then his natural. They never admit a good scholar to a benefice, for the assemblies balance is the Lake of Sodom, where iron swims and feathers sink. Their divinity disputations are with women or laymen; and 'tis only on one question (episcopacy) where the Assembler talks all that he and his friends can say, (though his best medium to prove presbyters more antient than bishops, is, that scribes, pharisees, priests, and elders were before the apostles:) Yet, if a scholar or good argument come, he flies them as much as if they were his text. This made him curse Dr Steward, Dr Laney, and Dr Hommond, and had he not had more brass in his face than in his kitchen, he had hanged himself at Uxbridge, and ended with that treaty; for he has naught of logick but her clutched fist, and rails at philosophy as beggars do at gentlemen. He has very bad luck when he deals in philologie, as one of them (and that no mean man) who in his preface to the reader sayes, that St Paul had read Eustathius upon Homer, though the apostle dyed a thousand years before Eustathius was born. The Assembler's dyet is strangely different, for he dines wretchedly on dry bread at Westminster, four assemblers for 13 pence: But this sharpens and whets him for supper, where he feeds gratis with his city landlord, to whom he brings a huge stomach and news; for which cramm'd capons cram him. He screws into families where is some rich daughter or heir; but whoever takes him into their bosom will dye like Cleopatra. When it rains he is coached, (a classis of them together,) rouling his eyes to mark who beholds him. His shortest things are his hair and his cloak. His hair is cut to the figure of 3; two high cliffs run up his temples, whose cap of shorn hair shoots down his forehead, with creeks indented, where his ears ride at anchor. Had this false prophet been carryed with Habbakuk, the angel had caught fast hold of his ears, and led him as he leads his auditory. His eyes are part of his tithe at Easther, which he boyles at each sermon. He has two mouths, his nose is one, for he speaks through both. His hands are not in his gloves, but his gloves in his hands, for 'twixt sweatings, that is, sermons, he handles little else, except his dear mammon. His gown (I mean his cloak) reaches but his pockets; when he rides in that mantle, with a hood on his shoulders, and a hat above both, is he not then his own man of sin with the triple crown? You would swear some honest carpenter dressed him, and made him the tunnel of a country chimney. His doublet and hose are of dark blew, a grain deeper than pure Coventry: but of late he's in black, since the loyal clergy were persecuted into colors. His two longest things are his nails and his prayer. But the cleanest thing about him is his pulpit cushion, for he still beats the dust out of it. To do him right, commonly he wears a pair of good lungs, whereby he turns the church into a belfry; for his clapper makes such a din you cannot hear the cymball for the tinkling. If his pulpit be large, he walks his round, and speaks as from a garrison, (his own neck is palizadoed with a ruff.) When he first enters his prayer before sermon, he winks and gasps, and gasps and winks, as if he prepared to preach in another world. He seems in a slumber, then in a dream, then rumbles a while, at last sounds forth, and then throws so much dirt and nonsence

towards heaven, as he durst not offer to a member of parliament. Now, because Scripture bids him not curse the king in his thought, he does it in his pulpit by word of mouth, though heaven strike him dumb in the very act, as it did Hill at Cambridge, who while he prayed, Depose him, O Lord, who would depose us, was made the dumb devil. This (one would think) should gargle his foul mouth. For his only hope why God should hear him against the king is, the devil himself (that great Assembler) was heard against Job. His whole prayer is such an irrational bleating, that (without a metaphor) 'tis the calves of his lips; and commonly 'tis larded with fine new words, as savingable, muchly, Christ-Jesusnes, &c., and yet he has the face to preach against prayer in an unknown tongue. Sometimes he is foundered, and then there is such hideous coughing; but that is very seldom, for he can glibly run over nonsence, as an empty cart trundles down a hill. When the king girt round the earl of Essex at Lestythiell, an Assembler complained that God had drawn his people into the wilderness, and told him, he was bound in honour to feed them; for, Lord, said he, since thou givest them no meat, we pray thee, O Lord, to give them no stomachs. He tore the liturgie, because, forsooth, it shackled his spirit, (he would be a devil without a circle;) and now if he see the book of Common-Prayer, the fire sees it next, as sure as the bishops were burned who compiled it. Yet he has mercy on Hopkins and Sternhold, because their meeters are sung without authority, (no statute, canon, or injunction at all,) only like himself, first crept into private houses, and then into churches. Mr Rous moved those meeters might be sequestred, and his own new rithmes to enjoy the sequestration, but was refused, because John Hopkins was as ancient as John Calvin. Besides, when Rous stood forth for his trial, Robin Wisdom was found the better poet. 'Tis true they have a directory, but 'tis good for nothing but Adoniram, who sold the original for 400*l.* And the book must serve both England and Scotland, as the directory needle points north and south. The Assembler's only ingenuity is, that he prays for an *extempore* spirit, since his conscience tells him he has no learning. His prayer thus ended, he then looks round to observe the sex of his congregation, and accordingly turns the apostle's men, fathers, and brethren, into dear brethren and sisters; for his usual auditory is most part female; and as many sisters flock to him as at Paris on Saint Margaret's day, when all come to church that are, or hope to be, with child that year. He divides his text as he did the kingdom, makes one part fight against another; or as Burges divides the Dean of Paul's House, not into parts, but tenements, that is, so as 'twill yield most money. And properly they are tenements, for each part must be dwelt upon, though himself comes near it but once a quarter; and so his text is rather let out than divided. Yet sometimes (to shew his skill in Keckerman) he butchers a text, cuts it (just as the Levite did his concubine) into many dead parts, breaking the sence and words all to pieces, and then they are not divided, but shattered like the splinters of Don Quixote's lance. If his text be to the occasion, his first dish is apples of gold, in pictures of silver; yet tells not the people what pictures those were. His sermon and prayer grin at each other, the one is presbyterian, the other independent; for he preaches up the classes, yet prays for the army. Let his doctrine and reason be what they will, his use is still to save his benefice and augment his lecture. He talks much of truth, but abhors peace, lest it strip him as naked as truth; and therefore hates a personal treaty, unless with a sister. He has a rare simpering way of expressions; he calls a marryed couple saints that enjoy the mistery; and a man drunk is a brother full of the creature. Yet at wedding sermons he is very familiar, and (like that picture in the church at Leyden) shews Adam and Eve without fig leaves. At funerals he gives infallible signs that the party is gone to heaven; but his chief mark of a child of God is, to be good to God's ministers. And hence it is he calls his preachment manna, fitted not to his

hearers necessity, but their palat; for 'tis to feed himself, not them. If he chance to tire, he refreshes himself with the peoples hum,[x] as a collar of bells to chear up a pack-horse. 'Tis no wonder he'll preach, but that any will hear him, (and his constant auditors do but shew the length of their ears;) for he is such an Ἀβελτεροκόκκυξ, that to hear him makes good scholars sick, but to read him is death. Yet though you heard him three hours he'll ask a fourth, as the beggar at Delph craves your charity because he eats four pound of bread at a meal. 'Twas from his larum the watch-makers learned their infinite skrew. His glass and text are equally handled, that is, once an hour. Nay, sometimes he sallies and never returns, and then we should leave him to the company of Lorimers, for he must be held with bit and bridle. Whoever once has been at his church can never doubt the history of Balaam. If he have got any new tale or expression, 'tis easier to make stones speak than him to hold his peace. He hates a church where there is an eccho, for it robs him of his dear repetition, and confounds the auditory as well as he. But of all mortals I admire the short-hand-men, who have the patience to write from his mouth; had they the art to shorten it into sense, they might write his whole sermon on the back of their nail; for his invention consists in finding a way to speak nothing upon any thing; and were he in the Grand Seignior's power, he would lodge him with his mutes, for nothing and nothing to purpose are all one. I wonder in conscience he can preach against sleeping at his opium-sermons. He preaches indeed both in season and out of season; for he rayls at popery, when the land is almost lost in presbytery; and would cry out fire, fire, in Noah's flood. Yet all this he so acts with his hands, that in this sence too his preaching is an handicraft. Nor can we complain that plays are put down while he can preach; save only, his sermons have worse sence and less truth. But he blew down the stage, and preached up the scaffold; and very wisely, lest men should track him, and find where he pilfers all his best similes, (the only thing wherein he is commendable, St Paul himself having culled sentences from Meander's Thais, though it was his worst, that is, unchast, comedy.) Sometimes the Assembler will venture at the original, and then (with the translator of Don Quixote,) he mistakes sobs and sighs for eggs and collops.[y] But commonly, for want of Greek and Latin, he learns Hebrew, and straight is illuminated, that is, mad; his brain is broke by a brick-bat cast from the Tower of Babel. And yet this empty, windy teacher has lectured a war quite round the kingdom; he has found a circulation of blood for destruction (as famous Harvey for preservation,) of mankind. It was easie to foresee a great mortality when ravens were heard in all corporations; for, as multitude of froggs presage a pestilence, so croaking lecturers foretold an assembly; men come to church, as the great Alexander went to sacrifice, led by crows. You have seen a small elder-tree grow in chinks and clefts of church walls; it seems rather a weed than a tree, which, lend it growth, makes a rent in the wall, and throws down the church. Is not this the Assembler? grown from schisms, which himself begot; and, if permitted, will make the church but a floor or church-yard. Yet, for all this, he will be called Christ's minister and saint, as the rebels against King John were the army of God. Sure when they meet they cannot but smile, for the dullest amongst them needs must know that they all cheat the people; such gross low impostors, that we die the death of the Emperor Claudius, poysoned with mushromes. The old hereticks had skill and

[x] There was a sort of reverential *hum* of applause, by which the congregations of that period were wont to express their approbation of particular passages in a sermon.

[y] "*Duelos y quebrantos*, (the Saturday's supper of the Knights of La Mancha,) is literally in English, griefs and groans. Cæsar Audin, the famous French translator, will have it to be eggs and bacon, as above. Signor Sobrino says it is pease-soup. Mr Jarvis will have it to be brains fried with eggs."—OZELL's *Don Quixote*, Edinburgh, 1766, 8. vol. I. p. 1.

learning, some excuse for a seduced church; those were scholars, but these assemblers, whose very brains (as Manichæus's skin,) are stuffed with chaff; for they study little and preach much, ever sick of a diabetes. Nor do they read but weed authors, picking up cheap and refuse notes, that with Galigula they gather cockle-shells, and with Domitian retire into their studie to catch flies. At fasts and thanksgivings the Assembler is the state's trumpet; for then he doth not preach but is blown, proclaims news very loud, the trumpet and his forehead being both of one metal, (and yet, good man, he still prays for boldness.) He hackneys out his voice like a cryer, and is a kind of spiritual agitant, receives orders and spreads them. In earnest, the states can't want this tool, for without him the saints would scarce assemble; and if the zealots chance to fly out, they are charmed home by this sounding brass. There is not on earth a baser sycophant; for he ever is chewing some vote or ordinance, and tells the people how savory it is, like him who licked up the emperor's spittle, and swore it was sweet. Would the two houses give him cathedral lands, he would prove lords and commons to be *jure divino*; but should they offer him the self-denying ordinance, he would justifie the devil and curse them to their faces: his brother kirk-man did it in Scotland. It is pleasant to observe how finely they play into each others hands; Marshall procures thanks to be given to Sedgwick (for his great pains,) Sedgwick obtains as much for Marshall, and so they all pimp for one another. But yet, to their great comfort be it spoken, their whole seven years sermons at Westminster are now to be sold in Fetter-lane and Pye-corner. Before a battail the Assembler ever speaks to the souldiers, and the holding up of his hands must be as necessary as Moses's against the Amalekites. For he pricks them on, tells them that God loves none but the valiant; but when bullets flye, himself runs first, and then crys, all the sons of Adam are cowards! Were there any metempsychosis, his soul would want a lodging; no single beast could fit him, being wise as a sheep and innocent as a wolf. His sole comfort is, he cannot out-sin Hugh Peters; sure as Satan hath possessed the Assembler, so Hugh Peters hath possessed Satan, and is the devil's devil. He alone would fill a whole herd of Gadarens; he has sucked blood ever since he lay in the butcher's sheets, and now (like his sultan) has a shambles in his countenance, so crimson and torrid you my there read how St Laurence dyed, and think the three children were delivered from his face. This is St Hugh, who will level the Assembler, or the devil's an asse. Yoke these brethren, and they two couple like a Sadducee and a Pharisee, or a Turk and a Persian, both Mahumetans. But the Assembler's deepest, highest abomination, is his solemn league and covenant; whereby he strives to damn or beggar the whole kingdom, out-doing the devil, who onely persuades, but the Assembler forces to perjury and starving. And this (whoever lives to observe it) will one day sink both him and his faction; for he and his oath are so much one, that, were he half-hanged, and let down again, his first word would be, Covenant! covenant!

But I forget, a character should be brief (though tedious length be his best character;) therefore, I'll give ye (what he denyes the sequesterd clergy) but a fifth part; for weigh him single, and he has the pride of three tyrants, the forehead of six gaolers, and the fraud of twelve brokers. Or take him in the bunch, and their whole assembly is a club of hypocrites, where six dozen of schismatik spends two hours for four shillings apiece.

FINIS.

A Proposal humbly offered for the Farming of Liberty of Conscience.

This tract is said to have been composed by the celebrated author of Hudibras, with whose fate Dryden upbraids the church of England :—

> Unpitied Hudibras, your champion friend,
> Has shewn how far your characters extend ;
> This lasting verse shall on his tomb be read,
> He shamed you living, and upbraids you dead.
>
> HIND AND PANTHER.

The proposal seems to have been written at that ominous juncture, when the sect of presbyterians wished to extend their church-government over their allies the independents. The royalists saw, with all the pleasure of gratified revenge, an approaching quarrel between these two powerful divisions of their enemies; and such a satire as the following was not unlikely to spur on their mutual jealousy and hatred.

SINCE nothing can be dearer unto poor Christians than liberty, or the free exercise of their judgments and conscience, which hath kindled that fire in the bowels of the three kingdoms which all the precious blood that hath been shed, during those late troubles, hath not been able totally to extinguish. And since many of us, whose names are affixed, were so profitably instrumental in those late combustions, as appears all along in our sermons before the honourable house of parliament, in the years 1642, 43, 44, 45, 46, in exciting the good people of this nation to seek and maintain their Christian liberty against all prelatical and antichristian imposition whatsoever. And considering that the little finger of apostasie from our first love would be a greater burden upon our tender consciences than the loyns of episcopacy ; we, being more bound in honour than conscience, cannot totally desist. Neither need any man fear, or so much as suspect, least any inconvenience or alteration should happen in religion by the great diversity of opinions, tongues, and languages, tolerated amongst us, unless in the great Babel of episcopacy, that may possibly be pulled down and destroyed by this our notable confusion ; for, if the gospel was wonderfully spread abroad by every mans speaking in his own language, and the very enemies thereof astonished, and miraculously wrought into a belief of it, how is it likely to be now obstructed in the free exercise of our spiritual gifts with these our cloven and divided tongues. And since many worthy persons, from whom we might little expect it, but far less deserve it, out of their goodness and clemency are pleased to incline to some liberty, did not some persons, aliens and strangers to the commonwealth of Israel, take up a reproach against us, as persons reprobated into an unpossibility of submission to principles of concord, peace, and order in church and state, never being able hitherto to come to any consistency amongst ourselves ; the ark of God having, for twenty years toge-

ther, been exposed to by-ways, streets, and worse places, for want of an agreement amongst our own brethren where to rest it, or how to entertain it. If this be our case, and could we be sure of so much favour as Saul once desired of Samuel, that the bishops would but honour us before the people, we would, in a private Christian way, lay our hands upon our hearts and acknowledge the hand of God, and the justice thereof, in turning us out of his vineyard as wicked and unprofitable servants, and to suffer the iniquity of our heels to overtake us, crying out with the Reverend Mr Calamy, "The ark of God is justly departed from us." But being not yet thus assured, do hope the people will yet believe these to be only bears-skins lap'd about us by episcopal hands; and, therefore, to the end that a consistency and oneness of judgment of the whole separating brethren, and their moderation, may be known unto all men, and that the world may know that there is a spirit of rule and government resting in us:

It is humbly proposed that the sole power of granting licences and indulgences for liberty of conscience, within the kingdom of England, dominion of Wales, and town of Berwick, may be vested in the persons under named for the term of seven years, under the farm-rent of an hundred thousand pounds per annum, to commence from the twenty-fifth day of March next, under such rates and qualifications as are hereafter specified.

The Names of the Grand Commissioners and Farmers of Liberty of Conscience; proposed on Monday, March 2d, 1662, being the Day of a private Fast kept by Mr Calamy, Mr Baxter, and others, at Mr Beal's House, near my Lord of Ely's Chappel in Holborn.

Mr Edmund Calamy.
Mr Tilham, late of Colchester.
Mr Philip Nye.
Mr Feak.
Mr Stanley of Dorchester.
George Fox, executor of the last will and testament of James Nailer, deceased.
Doctor Lazarus Seaman.
Mr Dell, late of Cambridge.
Doctor Owen.
Mr Bryan, late of Coventry.
Mr Mathew Mead.
Mr John Coppin.
Dr Manton.
Mr Kiffen.
The executor of Mr Venner, lately executed.
Mr Thomas Case.
Mr Reynor, late of Lincoln.
Mr Ralph Venning.
Mr Rogers.
Mr Benn, late of Dorchester.
Mr George Griffith, late of Charterhouse.
The executor of Hugh Peters, lately executed.
Mr George Newton, late of Taunton.
Mr Dan. Dyke, late of Hertfordshire.
Mr William Jenkins.
Mr Fisher, late of Kent.
Dr Thomas Goodwin.
Mr Hamond, late of Newcastle.
Mr Peter Sterry.
Mr Bridges, late of Yarmouth.
Mr Joseph Carryll.
Mr Tombes, late of Lemster.
Mr Leegh, late of Lombard-street.
Mr Mayo, late of Kingston.
Mr Joshua Sprigg.
Mr Henry Jessey.
Mr Newcomen of Dedham, in Essex.
Doctor Tuckney of Cambridge.
Doctor Cornelius Burges.
Mr Zachary Crofton.
Doctor Holmes.
Mr John Cann.
Mr Thomas Brooks.

That the persons aforesaid may be constituted grand commissioners and farmers of liberty of conscience, within the kingdom of England, dominion of Wales, and town of Berwick; and may be impowered to set up one publick office within the city of London, and to nominate and elect a convenient number of registers, clerks, and other officers. And, for the more certainty of all certificates to be granted as is hereafter appointed, the said grand commissioners and farmers may form a common seal, to be known and called by the common name of The publick Seal of the Grand Commissioners and Farmers of Liberty of Conscience; engraven, an ass without ears, braying; with this motto encircled, *stat pro ratione libertas.* And the said grand commissioners and farmers, or any twenty-four of them in the said office assembled, may, from time to time, compound and agree for liberty of conscience, with any person or persons, under such rates and qualifications as are hereafter specified.

That the said grand commissioners and farmers, or any twenty-four of them, may constitute and appoint, under the publick seal of the office, sub-commissioners and other officers for every county within the said kingdom, not exceeding the number of twelve for each county, whereof seven to be a quorum, who may compound and agree for liberty of conscience with any person or persons, select congregations, cities, towns corporate, parishes, hamlets, and villages, by the great or otherwise, within their respective counties, not exceeding the rates hereafter mentioned.

Rates to be observed in all Compositions for Liberty of Conscience.

	Per Annum.
A presbyterian minister,	£5 0 0
A ruling elder,	4 0 0
A deacon,	3 0 0
A hearer, male or female, in fellowship to all ordinances,	2 0 0
A common hearer only	1 0 0
An independant pastor	5 0 0
A teaching elder	4 0 0
A helper in government	3 0 0
A deacon	3 0 0
A hearer male or female fellowship to all ordinances	2 0 0
A common hearer only	1 0 0
A baptist admitted to to the administration of all ordinances	5 0 0
A preaching assistant	4 0 0
An elder in office	3 0 0
A deacon	2 0 0
A hearer in fellowship male or female to all ordinances	2 0 0
A common hearer only	1 0 0
A fifth monarcher admitted to hold forth	5 0 0
An elder under the same administration	3 0 0
A deacon under the same administration	3 0 0
A hearer male or female in fellowship according to the value of his or her estate, 2*s.* per *l.* per annum.	
A common hearer male or female according to the value of his or her estate, 12*d.* per *l.* per annum.	
A speaking male quaker	4 0 0
A speaking female quaker	3 0 0
A common quaker male or female	2 0 0

A confessor	6	0	0
A seminary of mass-priest at large	5	0	0
A private mass-priest	4	0	0
A Roman catholick in any other order	3	0	0
A Roman catholic not in order male or female	1	0	0
An officer under any administration not mentioned in the rates aforesaid, being a native of England, such only excepted as stand conformable to the church of England,	5	0	0
A common person under any administration not mentioned in the rates aforesaid, being a native of England, such only excepted as stand conformable to the church of England,	2	0	0
An officer under any administration whatsoever, not a native of England, except conformable to the church of England,	10	0	0
A private person under any administration whatsoever, not a native of England, except conformable to the church of England,	5	0	0

Rates to be observed in compounding for Liberty of Conscience in the Particulars following, viz.

For liberty to assert the pope's supremacy	10	0	0
For liberty to write, speak, or preach against the government, as they shall be inwardly moved	5	0	0
For liberty to keep on their hats before magistrates, or in courts of judicature	2	0	0
For liberty to rail publicly against the bishops and common-prayer	1	0	0
For liberty to refuse all manner of oaths, of allegiance and supremacy, or in cases civil or criminal	2	0	0
For liberty to deny tithes and other church duties	1	0	0
For liberty to expound the Revelations and the book of Daniel	1	0	0
For liberty to disturb any congregation after sermon	0	10	0
For liberty to assert the solemn league and covenant	1	5	0
For liberty to instruct youth in the short catechism, set forth by the assembly of divines	0	10	0

That any person or persons gifted for any the particulars abovesaid, may have liberty therein, either as an itinerate, in private or publick, at the rates abovesaid.

That no person or persons be admitted to compound for liberty of conscience, untill he or they have first taken, and subscribed to the solemn protestation following, before the said grand commissioners and farmers, or their sub-commissioners respectively:

I A. B. do here solemnly protest, That I judge myself still bound by the solemn league and covenant, by the engagement, by private church government, or by any other oath which I have taken ever since the year 1641. And that so far as with safety to my person and estate I may, I will endeavour the utter extirpation of episcopacy, and to the utmost of my power, will abett and promote all schism, faction, and discord, both in church and state, according to the best form and manner, prescribed and laid open in the sermons of many of the grand commissioners and farmers, before the parliament, appointed to be printed, and now called the homilies of the separated churches. And that I will never by what conviction of authority soever, whether legal or episcopal, ever consent to the establish'd doctrine and discipline of the church of England.

And I do likewise believe, That liberty of conscience was a mysterious, yet profitable talent committed to the churches, and that it may be lawfully farmed out for advantage and improvement.

That no person within the kingdom of England, dominion of Wales, or town of Barwick, may, from and after the twenty-fifth day of March next, use or exercise any manner of liberty of conscience, except persons standing conformable to the church of England; untill such person or persons shall first take the solemn protestation, and shall compound with the said grand commissioners and farmers for liberty of conscience; nor shall he be admitted or permitted to be a speaker or hearer, in any meeting or assemblies whatsoever.

That the said grand commissioners and farmers of liberty of conscience may have power to constitute, under the publick seal of the said office, a convenient number of spiritual gagers, who may have and exercise all such powers, priviledges, and authorities, as the gagers for excise of beer and ale have, or ought to have and enjoy, and may, at any time, in case of suspition, enter into any house or place, publick or private, to gage, and try the spirits and affections of any person or persons; and by praying, preaching, or other good exhortation, dissuade from episcopacy, and the common prayer, the better to fit and prepare them to compound for liberty of conscience.

That the said grand commissioners and farmers of liberty of conscience may have power to fine any person or persons (not exceeding the sum of twenty pounds for every offence,) who shall, after composition for liberty of conscience, and subscribing the solemn protestation, be present in any church or chappell, within the kingdom of England, dominion of Wales, and town of Barwick, in the time of any part of divine service, unless at the funeral of his father, or some other like occasion, he shall either respond, be uncovered, or carry himself reverently, in the time of divine service aforesaid.

That the said grand commissioners and farmers of liberty of conscience, or any twenty four of them assembled at the office aforesaid, may have and exercise a jurisdiction of appeal in all matters relating to liberty of conscience, within the said kingdom of England, and shall have a conclusive power in all matters brought before them, by way of appeal as aforesaid.

That for the better management of all such matters as shall be brought judicially before the said grand commissioners and farmers of liberty of conscience, by way of appeal, the said grand commissioners and farmers shall have power to constitute and appoint Mr Oliver St Johns, and such others as they judge fit for their said service, to be of standing-councel with the said grand commissioners and farmers: And the said Mr Oliver St Johns, being so constituted and appointed under the publick seal of the said office, shall, and may be exempted and discharged from being in any public office, or place of trust or profit, for the said term of seven years, any thing to the contrary notwithstanding.

That if any person or persons shall happen to be proceeded against in any of the ecclesiastical courts of the bishops of this kingdom, for contumacy, for non-conformity, for non-payment of tythes, and other church-duties, for publick rayling against the bishops, the common prayer, or the government of the church of England, or shall speak opprobriously or scandalously against the doctrine or discipline thereof, as antichristian, or shall maintain any positions or doctrines contrary thereunto; every such person, producing a certificate from the said grand commissioners and farmers under the publick seal of the said office, that such person or persons are under composition for liberty of conscience, shall actually be discharged, and all farther proceedings stayed, any thing to the contrary notwithstanding.

That if any persons shall happen to be indicted, or criminally proceeded against in any of his majesties courts at Westminster, or elsewhere within the kingdom of England, either for treasonable speeches, or practices, for publick railing at the government, or for scandalous words against either or both houses of parliament, or for transgressing any of the penal laws and statutes of this kingdom, every such person or persons producing a certificate from the said grand commissioners and farmers under the publick seal of the said office, that such person or persons are under composition for liberty of conscience, and that such words or practices were not spoken or acted *malitiosè*, but were only the natural and proper effects and product of liberty of conscience, shall be discharged, and all further proceedings stayed; any thing to the contrary notwithstanding.

That the said grand commissioners and farmers of liberty of conscience may have power from time to time, to ordain pastors, elders, and deacons, or any other officers under any administration whatsoever, by the laying on of the public seal of the office: which said imposition of the said publick seal being received with a certificate, shall be as lawfull an ordination as if every such person had received imposition from the hands of the presbytery; any late usage or custom to the contrary notwithstanding.

That the said grand commissioners and farmers may have power from time to time, to set apart days of public fastings, and humiliation, and thanksgiving; on which days it may be lawful for any person or persons appointed, to officiate before the said grand commissioners and farmers, to stir up the people to a holy indignation against themselves, for having, by their want of zeal and brotherly kindness one towards another, lost many precious enjoyments; and above all, the never-to-be-forgotten loss of the late power and dominion, which, with the expence of so much blood and rapine, was put into the hands of the saints. And to take up for a lamentation, and great thoughts of heart, the divisions of Reuben, that having our sacks full, such an evil spirit should be found in the midst of us, as to fall out by the way; might it have been with those that abode by the stuff, as with those that went out to the battel, it had not been with us at this day. Some starting aside like a broken bow, in the year 48, others continue to bear the burden and heat of the day until 60, being harness'd, did then turn their backs in the day of battel: as was most sweetly handled at the fast kept yesterday, at Mr Beale's, by Mr Calamy, Mr Baxter, and others.

That the twentieth day of April next, commonly called Easter Monday, be kept as a day of solemn fasting and humiliation, for a blessing upon these gospel undertakings; and that Mr Edmund Calamy, Mr Peter Sterry, Dr Lazarus Seamon, and Mr Feake, be desired to carry on the work of the day in prayer and preaching, before the said grand farmers; and that the particulars following be recommended to their consideration in the work of the day.

1. To Bewail,
   1. All our court sins.
   2. Our bishops sins.
   3. Our monks sins.
   4. Our common prayer sins.

2. To Divert,
   1. Westminster hall judgments.
   2. Our Old-Baily judgments.
   3. Our Tower-Hill judgments.
   4. Our Charing-Cross judgments.
   5. Our Tyburn judgments.

Lastly, for deliverance from the hand of Dun, that uncircumcised Philistine.

That the said grand commissioners and farmers of liberty of conscience may have power to build churches and chappels in any place or places, except upon such ground

where churches or chappels do already stand, in regard of the inconvenience of setting up altar against altar: and forasmuch as the custom of reading some part of the holy Bible before sermon, commonly called First and Second Lessons, hath been found fruitless, that therefore the said grand commissioners and farmers may have power to appoint, instead thereof, the annual reading of those sermons preached by many of the said grand commissioners and farmers, before the parliament, upon special occasions of thanksgiving and humiliation, from the year 1641, to the year 1648, which said sermon may be called the homilies of the separating churches.

That the said grand commissioners and farmers may have power to require Mr Gilbert Millington, and Mr Luke Robinson, the lame evangelist, to deliver up all such articles, orders, books, papers, and other writings, as were transacted before the late committee for plundered ministers; and likewise all such as were passed and transacted before Mr Philip Ney and some others of the now grand commissioners and farmers, and heretofore called commissioners, or spiritual tryers, to the end the said articles, orders, books, and other papers, may be printed and published, and may be kept at the said office upon record for ever, and appointed to be the book of canons of the separated churches.

All this being done, we may, upon Scripture grounds, expect that the door of hope may yet be open to us, and our children after us, to see the travel of our souls, and to set us into the promised land, and to reap some of those clusters of the grapes of Canaan, which with so much labour and toyl of body and mind, were planted, especially in the years 1641, 42, 43, 44, 45, by many of us and other precious saints and ministers of the gospel, who are since fallen asleep, and have, we hope, reaped the fruits of those labours; the Lord having in that day put a mighty spirit into us, and set us as watchmen upon the towers of Israel, to cry mightily, Curse ye Meroz, curse ye bitterly. Grant that those heart-breaking labours of ours, those king-destroying labours, those kingdom-ruining labours, those gospel-scandalizing labours, those church-subverting labours, those soul-confounding labours of ours may never be forgotten, but may be written, as with the point of a diamond, upon the heart of the king, upon the hearts of the bishops, upon the heart of the parliament, and upon the hearts of all the people from Dan to Beersheba, that so, in God's good time, we may receive our reward seven-fold into our own bosoms; and that the generations to come may hear and fear, and do no more so wickedly.

So prays

S. Butler.

The Roundheads Resolution.

Whereas we are, through our great ignorance and obstinacy, grown to a most seditious and malignant head, and the horns of that head, (though of a main length,) not able to support our arrogant faction, as appears by our last being soundly slashed and bastinadoed by a mad crew called the cavaliers. And whereas a great part of us have shut up our shops, because we could no longer keep them open, which kind of shutting up proceedeth commonly from our vast expence in white-broths, custards, and other luxurious dishes provided for the edification one of another. And whereas the multitude, called true protestants, endeavour to hold up bishops to maintain good order, discipline, and orthodox preaching in the church, learning and arts in the universities, and peace in the commonwealth; all which is nothing but idolatry, superstition, profaneness, and plain popery. And further, whereas we (who are nothing properly but roundheads and fanaticks) are in most scandalous manner termed holy brethren, the zealots of the land; and which, in sincerity, we never were or ever will be.

And forasmuch, likewise, as the prophane world of true protestants are a stiff-necked generation, and will not yield unto us the preheminence of doctrine and religion, notwithstanding the many senceless two hours of those spiritual trumpets of our faction, the sanctified clergy-lecturers, or of our more divine lectures of our supreme shee-lecturers, whose bowels do even yearn for the getting in of the saints unto us, and have, as it were, even a zealous lusting after us.

And forasmuch as the religion professed by us in the purest and most decent, as appears by the great love and community betwixt the brethren and the sisters, the conveniency of the woods, saw-pits, and dark places, the putting out lights, and defying those tapers of iniquity, which cause us to behold our own wicked deeds, the goodly bigness of the ear, with the shortness of the hair, which hindereth not the sound of the shepheards voice, but easily heareth him call to a great feast, amongst the rich saints, the length and sharpness of the nose, which not only smelleth the sweet savors of the holy plum-broth, but also promiseth an eager appetite to some good work towards the younger sisters, the roundness of the band, the length of the dublet, and the shortness of the breeches, being a habit correspondent to the pictures of the apostles in the Geneva print, the mightiness of our faith, which is able to remôve a church into a wood, the transparency of our charity, that is so invisible, that neither the right hand nor the left ever knew it, the multitude of our good works, which no man living can number, the goodly works of our tautological prayers, and the zeal thereof, which brings us even to divine consumption; whereby we look like the prodigal son at his return home, or the priests in the arras, the defying of all fathers, bishops, and doctors, conformable persons, canonical robes, ecclesiastical gestures, and utensils, all learning, liberal arts and degrees, as the raggs of superstition, the dreggs of popery are abominable in the goggle eyes of a right round-head; and yet this simple innocent profession is scorned and baffled, and by whom? But by scholars, and such as profess learning, which is no more necessary to religion than a publick church, which verily is but a den of thieves when we are absent.

All which grievances do stand with much reason, and therefore are utterly against our tender consciences, and never were allowed by any synod of More-fields or Westminster.

That therefore which we do now resolve to maintain, and desire have confirmed, and never to be alter'd (till some new toy tickle us in the *pericranium*, which will be very shortly) is,

1. That our religion, tenants, and mannors, before-mentioned, be established and maintained against all reason, learning, divinity, order, discipline, morality, piety, or humanity whatsoever.

2. That the very name of bishops shall be a sufficient jury and judge to condemn any of them, without any further evidence or circumstance.

3. That if any man whatsoever, having knowledge in the Latin tongue (being a popish language) shall presume to think he can save a soul by preaching, he be excommunicated both in this world and in the world to come; unless it be some certain lecturers, of whose approved rayling and ignorance we are well assured, and have known to stand six hours on a fasting day.

4. That the felt-maker and the cobler, two innocent cuckolds, may be instituted primates and metropolitans of the two arch-provinces, and the rest of the sect preferred, according to their imbecillities of spirit, to such bishopricks and other livings, as will competently serve to procure fat poultry, for the filling of their insatiate stomachs, in which regard, church-livings had more need to be increased, than diminished.

5. That no man whatsoever, who bears the name of cavalier, may be capable of making any of the brethren a cuckold, unless he cut his hair, and alter his profession; but be excluded from the conventicles, as the king's friend and a reprobate.

6. Lastly, That there be two whole days set apart to fast and pray for the confusion of all that are not thus resolved.

A Caveat to the Round-Heads.

I come to charge yee
That slight the clergy,
And pull the miter from the prelat's head,
That you will be wary,
Least you miscarry
In all these factious humours you have bred;
But as for Brownists we'll have none,
But take them all, and hang them one by one.

Your wicked actions,
Joyn'd in factions,
Are all but aims to rob the king of his due.
Then give this reason
For your treason,
That you'll be rul'd, if he'll be rul'd by you;
Then leave these factions, zealous brother,
Least you be hanged one against another.

Your wit abounded,
Gentle round-head,
When you abus'd the bishops in a ditty,
When as you sanged,
You must be hanged,
A timpinee of malice made you witty,
And though your hot zeal made you bold,
When you are hang'd, your arse will be a cold.

Then leave confounding,
And expounding
The doctrine that you preach in tubbs,
You raise this warring,
And private jarring,
I doubt, in time, will prove the knave of clubbs.
It's for your lying, and not for your oaths,
You shall be hang'd, and Ketch shall have your cloaths.

FINIS.

To the Honourable the Lords and Commons now assembled in the High Court of Parliament.

The Humble Petition of the University of Cambridge,

Humbly presenteth to your honourable consideration the sad dejected estate of the said university; how our schools daily grow desolate, mourning the absence of their professors and the wonted authorities. How in our colleges our numbers grow thin and our revenue short; and that subsistence we have abroad is for the most part involved in the common miseries. How frighted by the neighbour noise of war, our students either quit their gowns, or abandon their studies. How our degrees lie disesteemed, and all hopes of our public commencement are blasted in the bud; besides sundry other pressing inconveniencies, which we forbear to mention.

We cannot but conceive your honourable piety (out of a noble zeal to learning) will cordially pity our said condition, and (as the present general calamities give way) afford us some succour and encouragement. Your wisdoms best know what privileges and immunities have been in all good times afforded to the seats of learning and the professors of it; and even in the fury and heat of war, places of religion and devotion have usually not only (on both sides) been spared from ruin, but supported, and esteemed as sanctuaries. Hence it is that the members of our university (by charter confirmed by act of parliament) stand expressly freed from all preparations and contributions to war. Hence it is, that in neighbour territories, where the excise is most in use, the universities, with all their students, are exempt.

May it not therefore be displeasing to your pious wisdoms, if in all humility we crave at your hands a tender commiseration of our case, that you will be pleased to exempt our poor estates from all such rates and impositions; to vouchsafe such freedom to our persons (not giving just offence) as may enable us the better to keep together, and daily to offer up our joint prayers to God for a blessed union betwixt our gracious sovereign and you, and the blessing of peace upon the land.

Rustica Academiæ Oxoniensis Nuper Reformatæ Descriptio, In Visitatione Fanatica Octobris sexto, &c. Anno Domini 1648, *cum Comitis ibidem Anno sequente: Et aliis notatu non Indignis.*

" John Allibond, of Magdalen College, was created the same day, Oct. 17, [1643]. This worthy doctor, who was a Buckinghamshire-man born, and lately the chief master of the free-school joyning to Magdalen College, was a most excellent Latin poet and philologist, and hath published, *Rustica Academiæ Oxoniensis Nuper Reformatæ Descriptio: una cum comitiis ibidem,* 1648. *habitis.* 'Tis a Latin poem, and was twice printed in 1648. He died at Bradwell in Glocestershire, of which place he was rector, *an.* 1658.—Wood's *Fasti,* II. 40.

We have subjoined a translation of this lamentation over the ruined state of the university, by Edward Ward, who, though celebrated for dulness in the *Dunciad,* possessed some coarse talent for writing Hudibrastic verse.

1 Rumore nuper est delatum,
Dum agebamus ruri,
Oxonium iri reformatum
Ab iis qui dicti puri.

2 Decrevi itaque confestim,
(Obstaculis sublatis)
Me Oculatum dare testem
Hujusce novitatis.

3 Ingressus Urbem juxta morem,
Scrutandi desiderio:
Nil præter maciem, et squalorem
Fœdissimum comperio.

4 A Decio in specum jacti,
Qui tantum dormierunt,
Post seculum expergefacti
Tot mira non viderunt.

5 Erectas illi crebras cruces,
Et templa conspexere,
Quæ prisci pietatis duces
Tunc primum construxere.

6 Nos autem sanctiora nuper
Incidimus in secula,
Qui tollunt ista tanquam super-
stitionis symbola.

7 Ad Scholas primum me trahebat
Comitiorum norma,
Queis olim quisque peragebat,
Solenniter pro forma.

8 Expecto Regios professores,
Comparuere nulli:
Nec illic adsunt Inceptores,
Nec Togæ, nec Cuculli.

9 Calcavi Atrium Quadratum,
Quo juvenum examen
Confluxit olim; video pratum,
Quod densum tegit gramen.

10 Adibam lubens Scholam Musices,
Quam Fæminæ et joci
Ornassent pridem, sed Tibicinis
Jam nusquam erant loci.

11 Conscendo orbis illud decus,
Bodleio fundatore;
Sed intus erat nullum pecus,
Excepto Janitore.

12 Neglectos vidi libros multos,
Quod minime mirandum;
Nam inter Bardos tot et Stultos
There's few cou'd understand 'em.

13 Dominico sequente die,
Ad sacra celebranda,
Ad ædes propero Mariæ:
Nam Divæ vox nefanda.

14 Tenebar mox intrandi metu,
Sollicitus ut ante;
Sed frustra prorsus, nullo cœtu
Introitum negante.

15 Ingressus sedes senioribus
Togatos destinatas:
Videbam Cocis, et Sartoribus,
Et Lixis, usurpatas.

16 Procancellarius,[1] recens prodit,
Cui satis literarum;
Quod vero quisque probus odit,
Est conscientiæ parum.

17 Procuratores sine clavibus,
Quærentibus ostendas:
Bedellos novos sine Stavibus;
Res protinus ridendas.

18 Suggestum conscendebat fungus[2]
Insulsa quæque fundens;
So dull a fool was ne'er among us,
Pulvinar si contundens.

19 Quicquidin buccam evenivit,
Minaci utens dextra,
Boatu magno effutivit,
Et nunquam fuit extra.

20 Defessus hac Dulmanitate,
Decrevi venerandos,
Non adhuc pulsos civitate,
Amicos visitandos.

[1] Dr Reynolds.

[2] Dr Stanton.

21 Collegium petii Animarum,
Nunc proprie sic dictum.
Nam rerum hic corporearum
Vix quicquam est relictum.

22 Hic quæro [1] virum suavitate
Omnimoda politum ;
Responsum alibi ingrate,
Custodem Custoditum.

23 Ad Corpus Christi flecto gressum,
Qua brevitate possum ;
Jurares novis probris pressum,
Et furibus confossum.

24 Ecclesiam Christi susque deque
Jactatam, mox et versam ;
Et sobolem heu ! longe lateque
Percipimus dispersam.

25 Rogavi ubi fit [2] Orator,
Divinæ plane mentis :
Proh facinus ! incarceratur
Facundæ decus gentis.

26 Hinc domum peto Præcursoris,
Quem triste passum fatum,
Recenti narrant Vi Tortoris
Secundo Decollatum.

27 Tam sancto [3] Præside cadente,
Discipuli recedunt ;
Et [4] Cacodœmone regente,
Nec bibunt jam, nec edunt.

28 Heu ! pulchra domus, nuper læta
Dulcissimis fluentis,
Nunc cœno penitus oppleta
Canalis putrescentis.

29 Adire nolui Trinitatem,
Quam nostis, prope stare ;
Hæreticam societatem
Ne videar damnare :

30 Nam tanta desolatione,
Quam quis nefandam dicet,
Occurrunt nusquam tres personæ,
Scruteris usque licet.

31 Reverso tristis fertur casus,
Et miserandum omen
Collegii cui Rubens Nasus
Præ foribus dat nomen.

32 Dederunt [5] illi Principalem
Rectore hi severi
Distortis Oculis, et qualem
Natura vult caveri.

33 Mox Ædes ingredi conatus
Non unquam Senescentes,
Stupescens audio ejulatus
Horrenda [6] sustinentis.

34 Quod dulce nuper domicilium
Ingenuis alendis ;
Nunc merum est ergastulum
Innocuis torquendis.

35 Ad flentem me recipio tandem
Flens ipse Magdalenam ;
Et gemens video Eandem
Vacuitate plenam :

36 Quæ felix dudum ornabatur
Frequentibus alumnis ;
Quæ suaviter innitebatur
Doctissimis columnis :

37 Nunc lapsis fulcris, queis vigebat,
Videres humi stratam :
Et prole densa, qua gaudebat,
En misere orbatam.

38 Hæ sedes, comptiores Musæ
Quas habuere sibi ;
Nunc densis tenebris offusæ
Et [7] Zim, et Ozim ibi.

39 Pro [8] Præside (cui quenquam parem
Vix ætas nostra dedit)
En vobis [9] stultum Capularem,
Ad clavum jam qui sedet

[1] Dr Sheldon postea Cant. Archiepisc. [2] Dr Hammond. [3] Dr Bayly. [4] Mr Channel.
[5] Dr Greenwood Lippus. [6] Mr Collier, postea Bedellus qui tortus fuerat per Chiliarch. Kelly.
[7] Isai. xiii. v. 21. [8] Dr Oliver. [9] Dr Goodwin, vulgo vocatus Dr Nine Caps.

40 Quam vereor! ne diro omine
Septem regrediantur
Dæmonia, divino numine
Quæ quondam pellebantur.

41 Quocunque breviter flectebam,
Aut dirigebam visum;
Id totum induit, quod videbam,
Aut lacrimas, aut risum.

42 Ingemui, dum viros video
Doctissimos, ejectos:
Et contra, alternatim rideo,
Stolidulos suffectos.

43 O probam reformandi Artem!
Quæ medicina datur?
Quæ curat, ut curamus partem,
Cum Totum exscindatur;

44 Quadratos homines quæ jubet
Et doctos extirpandos;
Et nebulones, prout lubet,
Retundos surrogandos.

45 Collegia petis? Leges duras
Habes; nil fas videre,
Præter ædes et structuras:
Scholares abiere.

46 Culinas illic frigescentes,
Capellas sine precibus,
In cellis cernas sitientes,
Et aulas sine Messibus.

47 In templis quæres conciones,
Aut quicquid est decorum?
Habebis hæsitationes
Extemporaneorum.

48 Interea quid Oppidani,
With all their quaint devices,
Qui novas hasce (mali sani)
Exoptavere vices?

49 Erecta cornua gerebant,
Dum montes hi parturiunt:
Et nunc fastidiunt, quæ volebant,
Et fortiter Esuriunt.

50 Heu! ingens rerum ornamentum,
Et ævi decus pridem:
Quo tandem pacto hoc perventum,
Ut Idem, non sit Idem.

51 Nam viâ quoquam, quod narratur
Obventum olim somnio,
Compertum erit, si quæratur
Oxonium in Oxonio.

A Rustical Description of the University of Oxford, lately reformed, in a fantastical Visitation upon the 6th of October, &c. in the Year of our Lord 1648, *with the same Committees in the following Year; and other Things not unworthy to be noted.*

Printed in the Year 1717.

This translation of the preceding verses was made by the facetious Edmund Ward, one of the poets satirized in the *Dunciad*.

---

1 Whilst out of town strange news alarm'd
My ears, which sounded odly,
That Oxford was to be reform'd
By dunces call'd the godly.

2 I soon resolv'd, if no ill-chance
Should cross my inclination,
To make my eyes the evidence
Of this new reformation.

3 Ent'ring the city to inspect
These blessed regulators,
There only found a meagre sect
Of formal ugly creatures.

4 Those who had slept in Decius' den
An age, and then awaking,
Sure never found such ill-look'd men,
Or monsters of God's making.

5 Crosses and temples they[1] beheld
In early days erected,
Which pious guides took care to build
When virtue was respected.

6 But in these holier times, our saints
Hold temples in derision,
And pull down crosses with pretence
They're signs of superstition.

7 First drawn to th' schools b' assemblies rules,
I found 'em much polluted,
Where scholars once, instead of fools,
In solemn form disputed.

8 I king's professors did expect,
As usual, but I found none,
Nor young inceptors, but the elect,
With neither hood nor gown on.

9 Then cross the quadrangle I pass,
Where youth were wont to prattle;
But found the same o'errun with grass,
Enough to feed lean cattle.

10 To th' music-school I next repair'd,
By ladies once frequented;
But saw no sport, no music heard,
The place seem'd quite absented.

11 Mounting the Bodleian pile, I step'd
To view the kingdom's glory,
There only found the knave that kept
That fam'd repository,

12 Where piles of books, in woful case,
Neglected lay at random,
Because the saints had not the grace
Or wit to understand 'em.

13 Next Sunday I to Mary's went,
To hear the text expounded;
Plain Mary's, for the style of saint,
Was plunder'd by the roundhead.

14 Being over-careful, first I fear'd
A dangerous introduction,
But finding no great flock appear'd
I pass'd without obstruction.

15 And ent'ring where the seniors us'd
To loll and hear the sermon,
Saw cooks and scullions sit confus'd,
With botchers and such vermin.

16 In pomp appear'd the new morose
Book-learn'd *Procancellarius*,[2]
Hated by all good men, because
His conscience was nefarious.

17 Next, what I ne'er observ'd before,
Saw proctors *sine clavibus*,
And that which made me laugh the more,
New beadles *sine stavibus*.

18 At length, a little mushroom,[3] stuff'd
With nonsense, climb'd the pulpit,
Sure cushion ne'er before was cuff'd
By such an empty dull-pate;

19 Who bawl'd aloud whate'er came next
'Thout rub or hesitation,
With *dexter* fist drove on his text,
And threaten'd his congregation.

20 Tir'd with dull cant, much tongue, no brains,
And looks enough to fright ye,
I mov'd to see my rev'rend friends,
Not yet expell'd the city.

21 To All-Souls' college first I steer'd,
Whose name was well adapted,
For few corporeal things appeared,
The house itself excepted.

22 I sought the warden[4] that sweet man,
Polite in every knowledge,
But heard with grief my friend was ta'en
To prison from the college.

23 I then to Corpus-Christi went,
S' oppress'd with malediction,
That you'd have sworn, 'twixt thieves they meant,
The second crucifixion.

24 Christ's-church was tumbled up and down,
By sanctified ill nature,

[1] The sleepers. [2] Dr Reynolds. [3] Dr Stanton. [4] Dr Sheldon, afterwards archbishop of Canterbury.

And all her children of the gown
Were forc'd abroad to scatter.

25 I Hammond sought, divine his sense,
But found incarceration
Eclips'd that son of eloquence
And glory of the nation.

26 Hence to St John's, who'd undergone
One sad decapitation,
There found tormentors carrying on
A second decollation.

27 Their holy president[1] being lost,
The schollars quit their college,
And, whilst a hell-born[2] rul'd the roast,
Were barr'd of food and knowledge.

28 Alas! fair house, delightful once,
Where pleasant streams abounded,
Now poyson'd by a dirty dunce,
Foul Channel,[3] and a roundhead.

29 Old Trinity, tho' near I came,
I pass'd for her impiety,
Because 'twas dang'rous to condemn
That heretick society.

30 For in these wicked times, so blind
Were youth, and those that taught 'em,
That no where could a churchman find
Three persons, had he sought 'em.

31 Then musing on the wretched case,
And miserable omen
O' th' college, from whose nose of brass,
The house derives its *nomen*.

32 Here their harsh rulers plac'd a dull
Damn'd principal,[4] t' enslave 'em,
Whose eyes distorted in his skull,
Made nature start that gave 'em.

33 Entring New College, by and by,
Whose age can find no quarter,
Amaz'd! I heard the horrid cry
Of one that suffer'd torture.[5]

34 A pleasant house, built with intent
Our free-born youth to cherish,
But now a bridewel to torment
The loyal till they perish.

35 To weeping Magdalen I stole,
Myself a weeping brother,
There sighing find that college full
As empty as each other.

36 Which happy place was once adorn'd
With young attentive scholars,
And well supported by a learn'd
Supply of worthy pillars.

37 But those fair props are tumbled down,
In which her strength consisted,
Herself a-ground, her offspring flown,
Of all her joys divested.

38 These walls, where once the muses smil'd,
And us'd to dwell and thrive there,
Are now with dolesome dulness fill'd,
And bats and howlets live there.

39 In room o' th' president,[6] a man,
No age produc'd a greater,
A hum-drum dotard leads the van,[7]
And reigns a *gubernator*.

40 These direful omens made me ev'n
Dread all those devils together,
Driven out by heaven, in number sev'n,
Were now returning hither.

41 Where'er I stroll'd, or whatsoe'r
I thought worth looking after,
Induc'd me still to shed a tear,
Or else provok'd my laughter.

42 I wept to see the learn'd deny'd
Th' enjoyment of their places,
But smil'd to see the same supply'd
By dull unthinking asses.

43 O rare! O fine reforming art!
Whose med'cines are so fatal,
They cure, as emp'ricks cure, a part,
When they destroy the total.

[1] Dr Bayly. [2] Mr Channel. [3] The name of the new master. [4] Dr Greenwood Lippus.
[5] Mr Collier, afterwards beadle, who was tortured by Chiliarch Kelley.
[6] Dr Oliver. [7] Dr Goodwin, vulgarly called Dr Nine-caps.

44 Square heads they plague and persecute,
Till learning's quite confounded,
And in their places constitute
Each canting rebel roundhead.

45 Survey the colleges, you'll find
Hard laws, but nothing rightful,
Except the buildings now resign'd
By th' scholars to the spightful.

46 Cold kitchens, where no meat they dress,
Chapels without devotion,
Dry cellars, halls without a mess
To keep their jaws in motion.

47 No sermons in their churches heard,
From decent rites they vary,
For hums and haws of picked beard,
And pray'rs extemporary.

48 Meanwhile, what is't the townsmen do,
Amidst these reformations?
But madly with the saints pursue
Their sanctified mutations.

49 Thus whilst the mountain's bringing forth,
Th' exalt their horns with gladness,
But soon disdain the foolish birth,
And bite their thumbs for madness.

50 The world's great ornament, alas!
The age's pride and honour:
O tell me how it comes to pass,
The same's the same no longer.

51 For, as 'tis said, 'twas once made known,
By some old dreaming author,
Oxford should not in Oxford town,
Be found by those that sought her.

FINIS.

Certain Observations touching the two great Offices of the Seneschalsey or High-Stewardship, and High-Constableship of England.

The probable reason of publishing, in 1641, this account of the nature and privileges of the Lord High Stewards of England, seems to have been the attention with which the public regarded the state trials, in which that officer presided. The trial of Strafford had already taken place, that of Laud was expected; and if, as remained probable until the king's departure from Hampton-Court, a civil war could be avoided, the parliamentary proceedings made it obvious that others among the king's ministers and advisers were to experience prosecution. It was therefore very natural that such a tract as the following, which explains the powers and privileges of the presiding judge in the house of peers, should be judged seasonable by the writer and publisher.

THE seneschalsey or high-stewardship of England is known to be the greatest office in England, by reason of the authority it hath over all other offices; which, since the Norman conquest, hath long continued by descent inheritably in the family of the ancient Earles of Leicester, was after translated to the house of Lancaster, and by King Henry the Fourth, of that stock, when he had obtained the crown, was incor-

[1] Grant of this office, Harleian MS. No. 433, article 88, 186.

porate into the same, as all other the honours, lands, and hereditaments of that house were. For the plainer manifestation thereof, it will serve wel to the purpose, before the office itselfe be described, to shew the first institution thereof, and to recount in order the succession of the officers whilst it passed inheritably.

It is, therefore, to be understood, that amongst the persons of chiefest account which entered this kingdome with Duke William of Normandie, and were assistant unto him in the conquest thereof, one Hugh Grauntmesuell,[1] a baron of Normandy, was of special reckoning, whose father, Robert of Grauntmesuell, one of the chiefest noblemen of all Normandy, reteined at home with him, for his own comfort, and for the preservation of this stock, the elder of them named Robert, who succeeded him in all the inheritance of Normandy; but sent with the duke his second son, called Sir Hugh of Grauntmesuell, who so demeaned himselfe in the enterprise, that, when by conquest and strong hand the whole kingdome was subdued by the Normans, their duke regarding the good service of those that adventured and laboured with him, forgot not the praise-worthy deserts of this nobleman, whom therefore he rewarded liberally with sundry great territories and portions of land in many shires of the realm; as, namely, with those great lordships, Peberworth, Merestone, Quenington, Weston and Wilcot, in Gloucestershire; with divers lands in Ferendow, Meristow, Thorp, Welington, Staverton, Mereford, Newbottle, Middleton, Sutton, Biveld, Wodeford, Edgdow, and Ceroilton, in Northamptonshire; with Wichingston and Hinkley, in Leicestershire; with divers lands in Edwolton and Sandyacre, in Nottinghamshire; and with Ley in Suffolk, as appeareth by the record in the Exchequer, commonly called Domesday. Moreover, he made him high seneschal or steward of the whole kingdom, according to the Norman usage, a dignity never heard of in this land before; did further advance him in marriage with a great lady, inheretrix of sundry possessions, named Adalisa, or Alice, on whom he gat two daughters, his heirs; the elder of them, called Petronelle, or Pernal, was married unto Robert Earle of Leicester, surnamed *auec les blanches maines*, that is, Robert with the white hands, that was the son of Robert le Rossa, Earle of Leicester, who was the son of Robert of Beaumont, Lord of Pont Adomare and Earle of Mellent in Normandy, brother to Sir Henry of Newburgh, the first Earle of Warwicke after the conquest, unto whom the said Parnell brought the one moyity of her fathers possessions; and withall, for increase. because she was the eldest daughter, together with the honours of Hinkley, the office of seneschalsie or high-stewardship of England, which were not partable as the other inheritances were.

The younger of the said Sir Hugh Grauntmessuels daughters, called after her mother Adalisa, was given in marriage unto one Roger Bygot, a Norman, with the other moyity of her fathers possessions, unto whom she bare divers sons and daughters, from the eldest whereof, named Hugh Bygot, that was the first earle of the East-Angles of this family, containing Norfolk and Suffolk, the other Bygots, that were after Earls of Norfolk, are lineally descended; between which two families contention had often been about the office of stewardship, whereof in this place to note what is set down in the record of the exchequer, called the Red Booke, is not impertinent to this purpose; where it is said, that on the Sunday before Candlemas day, in the 20th yeere of the raigne of King Henry, the son of King John, commonly called King Henry the Third, at the coronation of his wife Queen Elenor, that was the Earle of Provinces daughter, Simon of Montford, then Earle of Leicester and high steward of England, lineally descended of the before-named Parnell, being ready the day of the coronation to execute his office of high steward, which by right apertained unto him, was forbidden and gainsaid by Roger Bygot, then Earle of Norfolk, who, being descended from the before-named Adalisa, the yonger of Sir Hugh Grantmesuels daughters, alleaged

[1] Or Grantmesnil.

that it was his right to exercise that office; which controversie (as also divers others then moved) was heard judicially before the king, unto whom Earl Simon replying, answered, that it was true that contention had been heretofore moved between their ancestors for the same matters, in the daies of King John, the kings father, which was compounded and pacified for the service of ten knights, or rather ten knights fees, given by the Earle of Leicester unto the Earle of Norfolk, who therefore releas-ed all his title and right to the high stewardship.

Whereunto, because Earle Roger of Norfolk alleadged that there rested of these knights fees two and a halfe to be assigned unto him, Earl Simon made answer, that he might well recover them with the arrearages by the laws of the land, in the kings court, and ought not therefore to hinder him in the execution of his office, seeing he acknow-ledged the former accord; and, by virtue of the same, was already in quiet possession of seven knights fees and a half. And so was Earl Simon, by the kings own doom and sentence, admitted to the quiet exercise of the seneschalsie at the same coro-nation.[1]

And now to return where we left, Robert Earle of Leicester, that wedded Dame Parnell, was high seneschall or steward of England, and was the man for whose great-nesse of stomacke the wals of the town of Leicester were rased to the ground, be-cause he took part with the young King Henry against his father King Henry the Second, as histories make mention, begat on her sons and daughters; and after, in King Richards daies the First, warring in the Holy Land, was slain at the siege of Acon, in the yeere of our Lord God 1190; whose eldest son Robert, sirnamed after his mother Fitz Parnell, was after his death Earle of Leicester and high steward of Eng-land, of whom many worthy acts are by history remembered, both of his prowesse in the field and fidelity to King Richard the First, with whom he continued as a most faithfull companion during the Palestine wars, was partaker of his evill fortune by being taken there prisoner, compelled to pay for his redemption 2000 marks of silver, and therefore constrained to sell his castell of Palsey in Normandy.

But to be briefe, and not to stay upon the narration of these things, it serveth only to the purpose to note, that he was one of the high seneschals; and dying without issue of his body, in the yeere of our Lord God 1204, was buried in the Abbey of Preux neere Leicester, leaving his two sisters to be his heires, between whom the whole in-heritance was divided, in the daies of King John. Amicitia, the eldest sister, was married to Simon of Mountfort, younger brother to Almalrick, Earle of Eureux, in Normandy. And Margaret, the yongest, was wife unto Saher of Quencie, whom King John made Earle of Winchester, unto whom she brought the one-halfe of the earledome of Leicester, and of the honour of Hinckley; and among other lands, the mannor of Grobye, Quitwicke, Shepeshend, Hales, Brackly, South Keston, Timis-bury, and Chimnomere. Simon of Mountford, according to the law and custom of the land, was in the right of his wife, being the elder sister, made Earle of Leices-ter, and high seneschall of England, in the daies of King John; but he enjoyed not long those honours, being for his contumacy and disobedience, both he and his chil-dren, shortly after banished the land, and his honours and possessions bestowed on

[1] An old ballad of the period states the Earle of Leicester's hatred to the Earl of Norfolk, which it places very civilly to the account of Montfort's patriotism.

Sir Simon de Montfort hath swore by his cop,
Hevede hi nou here Sire Hue de Bigot
Al he shulde grante here twelvemenethe scot,
Shulde he never more with his sot pot
To help Wyndesore.

PERCY'S *Reliques*, vol. I, p. 5.

Earle Randolph of Chester, who held them a great time, except onely the patronage of the Abbey of Preux neere Leicester, and the office of the stewardship of England, which the king kept in his own hands.

This Earle Simon, a great warriour, was head and leader of the yong French King Lodowicks forces, fighting against the Albigenses about the city of Tholosa, where he was after slaine. These Albigenses, because they began to smell the popes treachery, and to controle the inordinate proceedings and discipline of the see of Rome, the pope therefore accounting them as people hereticall, excited the French king to lay siege against the said city of Tholosa to expugne those Albigenses his enemies. But such was the mighty protection of God, fighting for his people against the might of man, that the French could doe no good with all their engines and artilleries against the city, but were forced to retire with great losse of people; among whom this Earle Simon of Mountfort, general of the army, to whom the pope had given, a little before, the Earle of Tholosas land, was slaine with a stone before the gate of the city, in the yeere of our Lord God 1219: as likewise was a brother of his besieging of a castle neere unto Tholosa, at the same time. He left two sons of great fame, Earle Almarick of Mountfort, constable of France, that was taken prisoner in the Holy Land, and, after his redemption, in returning homewards dyed at Idruntum in Italy, anno 1241. And Simon, the younger, that after obtaining the good grace and favour of King Henry the Third, whose sister he married, was restored to the earledom of Leicester, and to the integrity of his fathers lost honours and patrimonies in England: a man was he of great courage and renown, well experienced in the wars and in matters of government; for a long time had he been seneschall and governour of the country of Gascoigne, for the King of England his brother in-law, which of his own accord he resigned, contrary to the kings mind, that greatly desired to retaine him in good affection towards him, both because he was a man of great power, wise and valiant, and for that the French laboured to make him their seneschall; but such was the earles hap, that in the new begun varience between King Henry and his nobles, for not observing the laws of the land, especially such new decrees as had been made at Oxford for the expelling of strangers out of the realm, he was chosen chiefe captaine and leader of the nobility, and for the time so much prevailed in the interprize, that the king was by them taken in the battaile neere Lewes in Sussex, together with his eldest son, and the king of the Romans his brother; howbeit, Edward, the kings eldest son, escaping out of their hands, renewed the war, and at Evesham in battell slew this Earle Simon, and delivered his father from the hands of his enemies in anno 1265, which was the 48 yeere of the raigne of King Henry Third.

Those that tooke part with Earle Simon were disinherited, and their lands given to such as stood with the king; divers fled the realme, and amongst them Simon and Guy, and the other sonnes of this earle, which escaped into France, leaving no posterity in this land.

The king afterward gave the earledome of Leicester to his younger son Edmond, that was the first of Lancaster, and to his heirs, which ever afterward continued in the house of Lancaster, who beare the title of Leicesters earldome, and withall held and enjoyed the office of high stewardship of England, untill the same, with all other the honours, lands, and hereditaments thereunto belonging, was united to the crowne in the daies of King Henry the Fourth, being of that stock, till that now of late it pleased the most noble and vertuous princesse Queene Elisabeth, our gratious soveraigne, to revive the honour and title of Leicesters earldom, in the person of the right noble Lord Robert of Dudley, younger brother and heire to the right noble Lord Ambrose, Earle of Warwick and viscount Lisle, both sonnes to the high and mightie Prince John, late Duke of Northumberland, lineally descended and heire in bloud of the bodies of Robert of Beaumont, Earle of Mellent, auncestour to the before-mentioned Earles of Leicester and

of Hen. of Newborough, Earle of Warwick, ancestour to the earles sonne, both brethren, as before hath been declared, and living in the time of the Norman conquest, as more plainly is shewed by pedegrees deduced.

Thus much declared by way of preface or ingression to the matter in hand, and to shew that the office of high stewardship of England hath heretofore passed inheritably in diverse families, as other great offices have done.

It remaineth now to declare what these stewardships are, with the authorities and prerogations to them belonging, and to produce such notes and observations as are extant touching the same.

And to begin with the chiefest, the seneschalsey, or stewardship of England, as it is not to be doubted of, but that it took beginning from the Normans, and was by them first established in this land after their great conquest and victory over the English Saxons in the yeare of our Lord God 1066, by their example of their home government in Normandy, where the duke had under him, for his chiefest officer, a seneschall or steward, so cannot the right of this office be better or in briefer sort described then by setting down of the dukes steward faithfully in such sort, as it is to be seene written in the old customary booke of the duchie of Normandy, in these words following: Seneschall.

In times past there was to wander throughout Normandy a certaine justicier greater then these before mentioned, who was called the princes seneschall or steward: he was wont to perfect and amend that which the other justiciers had left undone; he kept the prince, his land; the lawes and rights of Normandy he caused to be observed and amended; all that was not right done by the bailiffes, whom he removed from the prince his service, if he saw it expedient so to doe.

He was once to visit the prince his forrests and inclosures, to keepe courts of the forrests, to enquire how they were used, their customes he commanded to be observed, delivering right to everie one as the same by antiquity grew due, or by charter had been confirmed unto them, so discreetly conserving the prince his rights, that in the observation of them he notwithstanding hurt none of his subjects. Such as upon diligent enquirie he found faulty and to forfeit, within the forrest, either in trees, or in wilde beasts, or in free fowle, he was wont to punish by the purse, or for want of ability that way, by long imprisonment. He chiefly gave his minde to keep the countrey in peace, and so wandring hither and thither throughout Normandy once every three yeares, did visit all the parts and bailiages thereof. To him it belonged to make inquiry in every bailiage of the excesse and wrongs done by the under justiciers, and likewise of common robbers, of violent deflowerers of virgins, of murthers, of burnings, and of all those things which belong to the pleas of the sword, whereof peace and reformation had not been had in courts. Of all other criminall facts he likewise diligently searched, and upon enquiry caused justice to be done throughout. He caused enquiry to be made of treasure digged under ground, of wrekes cast upon sand, and other the prince his rights; the removing of waters, and the stopping and hindering of their courses did he reduce into their old forme, so as their passage might be hurtfull to nobody: if any man were minded to turn the course of any water running through his own grounds, the banks whereof, on either side, were situated within his own fee, he might lawfully doe it, so as the said water when it passed out of his ground might be conveyed into his old channel without any mans hurt or hinderance. It is to be understood notwithstanding, that none may stop the course of any ordinary running streames within his banks or ditches longer then from the rising to the going down of the sunne. Neither may any one stay the course of waters with any new ponds, ditches, or sluces, but shall permit them to run their course, lest the mills standing upon their streams, or men in their affairs, tanners, diers, and such like, should thereby suffer losse and detriment. If any shall stay them for the filling up of pools, or ponds, they shall be bound to restore such losses as the milners, or others living by the passage of those

waters, shall have sustained by the with-holding of them, and waters shall be suffered to run their accustomed course. No man may erect a fishing, or build a mill, unlesse the water-banks on either side be within his own fee, wherein he hath liberties, weares, or other such like things: for fishings may not be made in running streames, because by them oftentimes the waters are corrupted; yet notwithstanding they may bring the waters by ditches and trenches out of the running river into their grounds, so as the same return not back into the running stream.

It belongeth also unto the steward to cause the bounds and limits of towns and villages, the streets and paths to be revoked to their antient state, and to see that old accustomed highways be opened; for no man may in these cases alledge for excuse any lett or hinderance, wherefore he ought not to make amends unto the prince. As for towne ditches and common streets, which serve to no private persons possessions, but are common unto all; if they be by any usurped or incroached upon, they ought to be restored to the common benefit, and they that doe occupie them ought not to escape punishment.

All these things appertaine unto the office and charge of the seneschall, for the due execution whereof there needeth not plea nor assise, but wheresoever he found cause, and he did therein, and provided as he saw needful and expedient.

This farre forth is the high stewards office described in the old customarie booke of the duchie of Normandy, from whence came the first institution of the same with us in this kingdome, established no doubt with no lesse authoritie and priviledge here under the kings of this land, then the same was then practised under the dukes of that duchy, whereof there is an especiall title written, though nothing clerk-like, among other matter in an old booke of parchmine belonging, as it is said, unto the learned lawyer and skilful antiquarie, master William Fleetwood, Esquire, one of the serjeants at the law, and recorder of the citie of London, which word for word followeth.

Here is shewed who is to be High Steward of England, and what his Office is.

The seneschallie, or high stewardship of England, belongeth to the earldome of Leicester, and of old time did thereunto appertaine; and it is to be understood, that it is his office, and immediately after the king to oversee and governe the whole kingdome of England, and all the offices of the justice within the same kingdome, in all times both of peace and warre, in manner following.

The Manner how and when the Lord High Steward ought to exercise his Office by Duty and Oath of Fealty is such.

Whensoever any man or woman shall come into the kings court, in whatsoever court it be, and possibly unto the king himselfe, to seeke for redresse against injurie done unto them, and he or she be not able in due season to obtaine remedie, then the high steward of England ought and is bound to receive their petitions and complaints, and to keepe them untill the next parliament then after to be holden, and to assigne unto such complainants, if he thinke good, a day wherein they may exhibite and prosecute their petitions, and in full parliament, in the presence of the king, to reprehend and blame that officer, or those officers, whoever they be, that so have failed in doing of justice, and those thereof call to accompt, unto whom in such cases every one throughout the kingdome is bound to answer, the king only excepted.

If the chancellour of England have failed of making originall remedy and amends,

and the justices, treasurers, barons, and chamberlain of the exchequer, steward of the kings house, escheators, coroners, sheriffs, clerks, bayliffs, and other officers of what places and respects soever they be in their processes, judgements, executions of judgements, and justice to be made to the favour of the one and losse of the other party, for gifts, bribes, or other procurements, shall fail or give over at the least-wise if any justicier, when as both parties pleading before them shall stand in judgement, shall by such false procurements deferre judgement, contrary to justice, and the lawes and customes of the land: If then the chancellour of England, or any other of the kings officers, in such case shall alledge in parliament, and say for their excuse, that in that case such hardnesse and doubtfulnesse of the law and rights did arise, when the same was heard and propounded before them, that neither he nor the court of chancerie, or any other court wherein he is an officer, were able or knew to attaine unto the safe determination of the right, then shall he open and declare the same ambiguitie and doubt in parliament; then if it bee found that the law was doubtfull in that case, the chancellour or other officer shall be held excused, and then shall the high steward of England, together with the constable of England, in the presence of the king and other of the parliament, make choice of twentie-five persons, more or lesse, according as the case shall require, together with such other cases in that parliament rehearsed, amongst whom shall bee earles, barons, knights of the shire, citizens and burgesses, who there shall ordaine, agree upon, and establish remedy by law in all such cases, for ever after to endure; and those lawes shall be recited, written, and allowed in full parliament, and sealed with the great seale, and delivered forth to all places of law and justice, from thence forward to be holden for lawes, and in publick places, where it shall be thought expedient, they shall be proclaimed and divulged; whereas all other common lawes, and chiefly statute lawes, throughout all the whole kingdome, ought to be publickly proclaimed.

If so it happen that there was in such like case either common law or statute law, so that the kings steward, and other of the parliament, may understand and perceive that such default and delayes in processes and judgement doe happen by such officers, when as the deceipt and malice of such officer hath openly and often before beene apparent, then shall he be removed out of his office, and some other fit officer shall be put in his place; if they shall presume against the justices and such other officers, as by excusing themselves shall say, that they have not heretofore known themselves and the courts, whereby they are in such cases to deliberate and take advisement; then shall they be admonished by the steward, on the behalfe of the king and the parliament, to studie and search better the common law, that no such ignorance or negligence bee found in them in the like cases afterward.

If they shall happen to offend in the like againe, they then to be put out of their offices, and other discreeter and more diligent persons shall by the king and his counsell be assigned to their roomes.

Likewise it is the stewards office, if the king have evill counsellours about him, that advise him to doe things tending openly and publickly to his dishonour, or to the disinheritance or publicke hurt and destruction of his people, then the steward of England, taking with him the constable and other great estates, and other of the commonaltie, shall send to such a counsellour, forbidding him in such sort to lead and counsell the king, and of such his evill counsell shall make rehearsall, enjoyning him to depart from the kings presence, and longer not to abide with him to his dishonour and the publick hurt, as is aforesaid, which, if he shall not doe, they shall send unto the king to remove him from him, and to give no more eare unto his counsell, for that amongst the people he is esteemed to bee an evill counsellour to the king against his subjects.

If hereupon the king do not put him away, again and often shall they send aswell unto the king as unto him.

If, at the last, neither the king, nor such counsellor of his, have regard unto the messages and requests made unto them, but shall refuse to doe thereafter, then, for the weale publick, it is lawfull for the steward, constable of England, noble men, and other of the commonaltie of the realme, with banner in the king's name displayed to apprehend such counsellour as common enemie to the king and the realme, to commit his body to ward untill the next parliament, and in the mean time to seize upon all his goods, lands, and possessions, till judgement be pronounced of him, by the advise of the whole kingdome in parliament, as it happened unto Godwine, Earle of Kent, in the dayes of King Edward the Confessour, next predecessour to William, Duke of Normandie, conquerour of England, who, for such ill acts and counsels of his, was deprived of his earledome, escheted to the aforesaid king; nothwithstanding, at the king's and noble mens permission, Godwine came againe into England, and did after forfeit as before.

And as it happened likewise to Hubert of Burgh, Earle of Kent, in the time of King Henry, that was sonne of King John, who for his evill deeds and bad counsell was apprehended, and by the high seneschall and other peers deprived of his earldome, by the allowance and consent of the whole parliament.

And likewise did it befall unto Pierce of Gavestone, who in the dayes of King Edward, the sonne of King Henry, for such his evill acts and councells was banished out of all the king of England's dominions, as well on this side as beyond the seas; which Pierce of Gavestone afterwards, by the king's means, and by the favour and permission of the nobilitie, returned into England, and had of the king's gift the earledome of Cornwall; yet was he after that for his evill deeds and councells banished the realme again by the nobles and commons, and his aforesaid earledom escheated to the king; but returned afterwards without the noblemens leave and consent, and did resort and associate himselfe unto the king as before he had done; which when the high-steward, constable, and others of the nobilitie understood, he was by them apprehended, and beheaded at Blacklow in Warwick-shire, as a publicke enemy to the king and to the realme.

So have you as much as in the said old booke is to be seene touching the office of the high-steward of England.

After the death of any king or queen absolute of this land the high-steward of England, by vertue of his office, sitteth judicially, and keepeth his court in the Whitehall of the kings palace at Westminster, neere unto the kings chappell, and there receiveth the bills and petitions of all such of the nobilitie and others, as by reason of their tenure or otherwise claime to doe services at the new kings coronation, and to receive the fees and allowances therefore due and accustomed. As did John Duke of Lancaster, Earle of Leicester, high-steward of England, &c. at the coronation of King Richard the Second, and Tho. Pierce, Earle of Worcester, who exercised the same office of the coronation of King Henry the Fourth, as substitute and deputie to Thomas, the sonne of the said King Henry, then being very young, unto whom his father had assigned that office, being parcell of his owne inheritance, who before hee had obtained the crowne, was not only duke of Lancaster, as his father John of Gaunt had, but also was Earle of Darbey, Lincolne, Leicester, Hereford, and Northampton, and, by the earldome of Leicester, inheritably also lord high steward of England.

And since the time that the said office hath beene extinct in the crowne by the descent of the same unto King Henry the Fourth, as heire to dame Blanch his mother, daughter and heire to Henry Duke of Lancaster, Earle of Leicester, and high steward of England: experience sheweth that, upon the arraignment and tryall of any peer of the

realm, that is to say, duke, marquesse, earle, viscount, or baron, or any of their wives or widdows upon indictment of treason or felony, then to grant the office of the high stewardship of England (*pro illa vice tantum*) to some peer of the realm by letters patents, the tenour whereof hereafter ensueth, who, instead of the lord high steward, that by ancient law hath been holden for a competent and indifferent judge betweene the king and such peers, ought and always hath used to be judge and give sentence of acquittall or condemnation upon the peere arraigned.

The Tenor of the Patent.

Regina, &c. præclarissimo consanguineo et consiliario suo A. B. &c. saltem sciatis quod cum G. D. marchio E. indictat. existit, &c. ac pro eo quod officium seneschall. Angliæ cujus præsentia pro administratione justitiæ et executionis ejusdem in hac parte facienda requirit, ut accepimus jam vacat : de strenuitate, fidelitate, provida circumspectione et industria vestris plurimum confidentes, ordinavimus, et constituimus vos ex hac causa seneschallum Angliæ, ad officium illud cum omnibus eidem officio in hac parte debitis sive pertinend hac vice gerendis, occupandis, et exercendis. Dantes et concedentes vobis tenore præsentium plenam potestatem indictamentum prædictum cum omnibus idem tangendis a præfat. justitia nostris recipiendis et inspiciend, ac ad certos diem et locum quos ad hoc provideritis ipsum marchionem, &c coram vobis evocandum et ipsum superinde audiendum, examinandum et respondere compellendum ac fine debito terminandum, nec non tot et tales dominos, proceres, et magnetes hujus regni nostri Angliæ ; ejusdem marchionem. &c. et alios pares per quos rei veritas in hac parte melius scire poterit, ad diem et locum prædictum ex causa prædict. coram vobis comparere astringendum, &c.

Thereupon the lord high steward directeth forth a precept to the justices before whom the indictment is taken, willing them to certifie the same indictment at a day and place by him assigned.

And doth likewise direct another precept to one of the serjeants at arms, for the summonition of the peeres against the day of tryall in these words:

A. B. comes, *&c. I. N. servienti domini regis ad arma salutem : tibi præcipio quod summon. tot et tales dominos, proceres, et magnetes, hujus regni Angliæ predict. C. D. marchionis : E. &c. et aliorum pares, per quos rei veritas melius scire poterit, quod ipsi personaliter compareant coram me apud Westmon.* 1. *die Junii, &c. ad faciend. ea quæ ex parte domini regis, tunc ibidem in præmissis injungent, &c.*

The like precept doth he also send to the lieutenant of the Tower of London, for bringing forth the peere, being prisoner, to his tryall and judgment.

It appeareth that at the common law, before the twentieth yeere of King Henry the Third, a subjects having title to lands, which are in the kings possession, might have a writt to the sheriff of the county, where the land doth lie, against the king, after this manner :

Præcipe H. regi Angliæ quod reddat S. L. centum acras ter. in D. &c.

But whether the writt should be a ward under the teste of the high steward or constable of England, that is to be doubted of.

Touching the Office of the Lord Steward of the Queens House.

Of the lord steward his office of the queens house, being thorowly well known to the chiefe officers of the houshold, it seemeth needlesse to set down any notes, or observations at all, by reason of the daily and continual execution thereof still in prac-

tice, howbeit, because there is left unto us, from elder age, a forme thereof, is greatly to be regarded in these our days, this place serveth fitly for the exemplification of the same, so in such sort as it is set down in an old book of record, called *Domus Regis Angliæ*, preserved in the counting-house of the houshold, wherein the whole state of the kings house is orderly described. And this office among the rest, after this manner ensuing.

The Steward of the Kings Houshold.

The steward of the kings houshold receiveth his charge of the kings high and proper person, and the houshold staffe in those words following :—Seneschall *venetz le baston de nostre maison*, by which forthwith he is also steward of the marshalsey, that is, the court of houshold, of which he is a judge of life and limbe; and, except those cases, the treasurer, comptroller, cofferer, two clerks of the Green-cloth, and the chiefe clerk of controllment, for any matters else done within the houshold, or appertaining thereto, they sit with him at the board of Doome, that is, at the Green-cloth in the compting-house, as recorders and witnesses of the truth.

The state of all this excellent houshold is wholly committed to be ruled and guided by his discretion, and all his commandements in court to be obeyed and observed.

Also within the houshold, except the kings chamber, alway to be observed, covered out of the kings presence, what great estate else that be present, as for a cup, a cup-board, and dishes, but none assay.

Also, while he is present in court, there ought no new commandement, charges of officers, or any other person, be made without commandement first of his person, for the offices more sure discharge.

Also, in the houshold rules and judgments, hee representeth the kings estate, his staffe is taken as for a commission.

Also he may in houshold, of his power adnull any custome not medled with worship and profit, or change it, and erect a new, such as shall seem to his wisdom, by advise taken at Compting-board, for the better, and to the king and his houshold of more honour and profit.

And in that he is head officer; he giveth example to all others to be of governance with inordinate rule, to be contented with moderate costages within the court in liveries and services, taking dinners and suppers in the hall and in his chamber, or in any other office, as often as it pleaseth him to search and see the good said rules, and the directions in them.

He hath daily in the hall eating, one chaplain, two esquires, foure yeomen; and in his chamber daily for his breakfasts, and his chamberlains meat at supper and livery for all night, eight loaves, foure messes of great meat, two rewards of roast, two pitchers of wine, six gallons of ale from Hollandtide till Easter, one torch to attend upon himselfe, one tortays to fetch his livery by three perches of wax, six candles of wax, eight candles per 5. viij tallow, foure faggots, litter and rushes all the yeer: of the serjeant usher of the hall and chamber, and after winter season, foure shyddes, two faggots; and, when him liketh to have more largely in any thing, then his chamberlain that doth fetch it, or receive it, must record thereof by taile or bill into the compting-house.

Also the steward taketh of the compting-house, for his fee at Easter and Michaelmasse, twenty marks, and for his robes for winter and summer, at the feasts of Christmas and Whitsontide, sixteen marks, and for his napery, at the foure feasts of the yeere by even portions, three pieces of linnen cloth in the great spicery, or in money therefore of the compting-house, in all 13l. 1s. 4d.

And he hath one yeoman of his chamber still abiding, whilst himself is out of court to keep his staffe, taking for his livery daily one cast of bread, two messes of great meat for noon and night, one gallon of ale.

The steward and treasurer of this honourable houshold represent within it the state of an earle.

Item, The steward or treasurer, or one of them, is bound to be at the compting-house, at the awayt of the daily attempts of houshold; and by the writing of noble King Edward the Thirds statutes, in case it passe for lack of them three days unaccompted, that then they two shall acquite the costages of the kings houshold for one day of their own proper costs.

The steward and treasurer make a warrant yeerly at Michaelmas to the chiefe butler of England, assigning him for how much wine, and in what places of the kings house, he shall lodge the same for the yeer following, for the daily expence of his houshold, which hath and must with good oversight be sure of three hundred tuns: and for other things look the statute of noble Edward, *anno* 15. Edw. 3. *cap.* 21.

Thus much out of the book called *Domus Regis Angliæ.* Sir William Stamford the judge, in his book of the pleas of the crowne, under the title of *Qui Judgera Treason, &c.* who shall judge of treason and felony, by reason of their offices without commission, and who not, mentioneth the statute made *anno* 33. 44. 8. *cap.* 12.; whereby it is ordained that the great master or lord steward of the kings house only, and in his absence, the treasurer and controller of the houshold, with the steward of the Marshalsey, or two of them, whereof the steward of the Marshalsey to be one, may without commission heare and determine of treasons, of misprision of treasons, of murders, manslaughters, and bloudsheds perpetrated within the kings house; for these, saith hee, are great and chief personages, in whom the king reposeth such trust, that hee hath ordained them especially, for the safety and good government of his realm and houshold.

More hereof is to be read in the volumes of the statutes, 25 of Edw. 3. *cap.* 21. 3. H. 7. *cap.* 14. 33 H. 8. *cap.* 12.; wherein the preheminences of the lord steward of the kings houshold are rehearsed, needlesse therefore in this place to be recited.

The Liberties, Usages, and Customes of the City of London, confirmed by especiall Acts of Parliament, with the Time of their Confirmation. Also, divers ample and most beneficiall Charters, granted by King Henry VI. King Edward IV. and King Henry VII. and not confirmed by Parliament as the other Charters were, and where to find every particular Grant and Confirmation at large. Collected by Sir Henry Colthrop, Kt. sometime Recorder of London, for his private Use, and now published for the Good and Benefit of this Honourable City.

London: Printed by B. Alsop, for Nicholas Vavasour, 1642.

It is easy to conceive the purpose for which this tract was published at the commencement of the great civil war, when the parliament party, leaning so much weight upon the power and influence which they possessed in the city, spared no pains to inculcate into their partizans in common council a sufficient idea of their own privileges and importance.

All the Liberties, Usages, and Customes hereafter following, are confirmed by an especiall Act of Parliament at Westminster, Anno Septimo Regni Regis, R. 2. albo libro, 43, a.

Abrokers.

That the abrokers of any merchandize of this city shall not be, except the same be chosen by merchants of the mistery, in which the same abrokers shall have their exercise of their office, and the same abrokers also to be sworn before the lord mayor of the city of London, *libro albo*, 38, *a.* 12 *H.* 3.

Abrokecators, or Brokers.

Brokers are to be chosen by merchants of their own misteries, and they shall take their oath before the mayor of London, *lib. albo fol.* 57. *b.* 3. *E.* 3. per Charter and Parliament.

Acquittances of Murder.

The citizens are acquitted as well for any murder committed within the city, as within the portsoken, viz. they shall not be amerced as they have been in old time, if the murderer did escape, *fol.* 35. *albo lib.* 11. *H.* 3. so that the statutes of Englishshere, *Anno* 14. *E.* 3. *cap.* 4.

Acquittances.

That the citizens of London shall be for ever acquitted of pavage, portage, and murrage, through all the kings dominions, *lib. albo fol.* 36. *b, c. Anno* 12. *H.* 3.

Aldermen and their Election.

Upon the feast-day of St Gregory, yearly shall every alderman be removed from their place, and new in their place shall be chosen, *lib. alb. fol.* 42. *a, b.* 50. *E.* 3. Note, that this is changed since by act of parliament.

Aldermens Goods.

That aldermens goods shall be taxed in aids, tallages, or other contributions amongst other mens goods, *lib. alb. f.* 36, *b.*

Allowances of Liberties.

It shall suffice that one writ in one kings time shall serve in the kings exchequer, and in all other places for the allowance of the liberties, *lib. alb. f.* 4. *b.* 1. *E.* 1. Learn for what cause at every change the city is put to so great charges, as to procure a new confirmation. I think it be only for the profit of chancery-men.

Amerciaments.

The sheriff shall not be amerced for any offence above 20*l. lib. alb. f.* 34. *anno* 11. *H.* 3.

That the sheriffs of London shall not be charged or amerced for escape of any fellon, but as other sheriffs have used on this side Trent, *lib. alb. f.* 39. *b.* 1. *E.* 1.

None shall be otherwise amerced, but according to law used in the time of *H.* 1. *lib. al. f.* 35. 11. *H.* 3.

Aids and Contributions.

That the citizens of London in all aids, grants, and contributions to the kings use, shall be taxed and contribute with the commonalty of England, as men of the counties, and not as men of cities and burrows, and that they shall be free from all other tallages, and therefore clearly acquitted, *lib. al. f.* 40. 1. *E.* 1.

Bakers and Millers.

There is a statute in French granted by the king for the punishment of bakers and millers, and tryed by weight, whether the millers do deceive the owners of the corn, and that *ob.* to be yielded for every quarter of corn that is ground, *lib. al. f.* 42. *b. c.* 1. *E.* 1.

Battaile.

A citizen shall not be enforced to wage battaile, nor shall in the pleas of crown be tryed by any other order, but only according to the ancient custome of the city, *lib. al. fol.* 35. *anno* 11. *H.* 3.

Bean-pleader.

None shall be amerced for mispleading, the which the book calleth miskenning, *li. al. f.* 35. 11. *H.* 3.

Bridge-masters.

The bridge-masters shall be chosen by the commons: there must be put two, and they must be approved sufficient men of the city, being no aldermen, *lib. al. fol.* 38. 12. *Hen.* 3.

Butlerage.

And of the wines of the citizens, no prizes or takings shall be had or made by any

of the kings ministers of their heirs, or of any other against their will, that is to wit, of one tun before the mast, and of another tun behind the mast, nor in any other manner, but they shall be thereof acquitted for ever, *br. al. fol.* 40. *lib.* 1. *E.* 3.

Certionary, or Writ of Priviledge.

Note, That the king chargeth his treasurer, and the barons of the Exchequer, and other his ministers of the same court, that from henceforth the kings writ shall not be granted to remove the body of any imprisoned in the gaol of Newgate, or elsewhere within the liberties of the city of London, for debts or damages in any action adjudged to any citizen to answer to the king, or other in the said court of Exchequer, for the kings debt, or for the debt of any of the ministers of the said Exchequer, except the said barons do first find the said action to be feigned or untrue, *lib. alb. fol.* 44. *anno* 1. *R.* 2.

Chamberlain, Town-clerk, and common Serjeant.

That these three officers are eligible and removeable by the commons, and at the will of the commons, *lib. albo, fol.* 38. *b.* 12. *Hen.* 3.

Colouring of Strangers Goods.

That citizen which coloureth strangers goods, shall lose his freedom, *lib. albo, fol.* 37. *b. c.* 12. *Hen.* 3.

Confirmation.

All the aforesaid liberties are confirmed by act of parliament, and by charter, *lib. alb. fol.* 36. *anno* 5. *E.* 3.

Corporation of London.

In the 11th year of King Henry III. he granted unto the citizens of London, the counties of London and Middlesex in fee farm. Note, that the grant was made unto the citizens only, and not to the mayor and citizens and commonalty of London, as the usage is at this day; but this maketh no doubt, because the charter is confirmed by parliament the 21st of November, in the 5th year of the king, *N.* 2. *lib. albo* 34. *a, b. & fol.* 45. *a.*

Custome paid.

If any sell his ware before the custome paid, it shall be forfeited, *lib. albo fol.* 36. *b.* 50. *Hen.* 3.

Customs expo nded, and new Laws made.

That it shall be lawful for the mayor and aldermen, with the assent of the commons, to expound obscure customes, and when need requireth, to make new laws, the which shall be consonant to reason, *lib. albo fol.* 39. 15. *E.* 3.

Debts.

All manner of debts lent in London shall be sued for in London, *lib. alb. fol.* 35. *b.* 11. *Hen.* 3.

Elections.

That the mayor of London and the sheriffs shall be chosen and elected in such sort, as they were appointed by the ancient charter, and in no otherwise.

Escheator.

That no escheater or other minister of the king, shall exercise their offices within the city, but that the mayor for the time being shall be escheator, and he shall yield unto the king his oath, that he shall duly exercise and make a true accompt for the same office, *lib. alb. fol.* 4. *a.* 1. *E.* 1.

Exposition.

If any difficulty or ambiguity do arise upon any article, within any of the kings charters, granted unto this city, so that the same article may be taken to divers meanings, the king granteth that he, by the advisement of his council, may make thereof such interpretation as shall be best with equity and reason, *lib. alb.* 44. *a. b.* 1. *R.* 2.

Felons Goods.

That the citizens shall have infangtheff and outfangtheff, and the goods of all fellons that shall be adjudged before them, within their liberties there, *lib. alb. fol.* 39. *b.* 1. *E.* 3.

Fee Farm.

Where the counties of London and Middlesex were let to farm for 300*l.* and yet notwithstanding the office of the exchequer, by encroachment, compelled them to pay 400*l.*; now it is granted by parliament that the city shall pay no more than 300*l.* according to their former charters, *lib. albo, fol.* 39. *b.* 1. *E.* 1.

Fee Farm apportioned.

If the king do grant to any other any thing that belongeth to the fee farm, then shall the fee farm, for so much yearly, be apportioned and abated at the Exchequer, *fol.* 34, *lib. albo* 11. *Hen.* 3.

Fee Farm of London and Middlesex.

The fee farm of London and Middlesex, that is to say, for 300*l.* by the year, is granted to the citizens of London by 11. *Hen.* 3., and confirmed by parliament in the 7th of *R.* 2. *lib. albo fol.* 34, *a. b.* and *fol.* 45. *a. lib.* 4.

Farm bought and Farm sold.

The statute of *anno* 9. *E.* 3. *cap.* 1. Rastall tile-merchants, No. 2. is, forasmuch as concerneth London, expounded and repealed, and the liberties of *Magna Charta*, as touching London, are revived; and the intent of the law-makers was not to touch London, nor yet infringe the liberties of the great charter, *lib. alb.* 41. *a. b.* the aforesaid statute, *anno* 9. *E.* 3, hath been very often objected against the city of London in parliaments by such as are ignorant of our charters and statutes, *vide alibi lib. alb. fol.* 43. *a. b.* a notable grant by parliament for the same matter.

Foren bought and Foren sold.

No stranger shall foren buy and foren sell within this city, any statute to the contrary notwithstanding, *lib. alb. fol.* 57. *b.* and *per parliament.*

Foren bought and Foren sold.

Both by charter and parliament it is granted, that from henceforth no merchant, being a stranger to the liberties of this city, shall buy or sell any merchandize within the liberties of this city, to any like stranger merchant, upon the pain of forfeitures of such merchandizes so bought or sold, *lib. alb. f.* 43, *a. b.* 1. *R.* 2.

Forest of Middlesex disaforested.

King Henry 3, *anno* 11. *Regni sui*, did by his charter disaforest the warren of Stanes, and the forest of Middlesex, the which was a singular benefit both to the country, and also for the city. Note, also in the same place, a man may gather some notable points touching the forrest law, *lib. alb. fol.* 35. *b. c.*

Forfeiture or Seizure of the Liberties of the City.

That the liberty of the city shall not be seized in the king's hands for any personal trespasse, or judgment personal of any minister of the city, or for any such cause any warden called *Custos* shall be by the king deputed to rule the city; but every minister shall answer for his own fault, and shall, according to the quantity and quality of the same fault, receive condigne punishment, *lib. albo. fol.* 40. *b.* 1. *E.* 3.

Form of Justice.

That the citizens of London, in the eyres before the justices of the Tower, shall be measured, guided, and governed by the laws and customes, by the which they were guided in the eyres holden in the times of King John and King Henry III. *lib. alb. f.* 40. *b.* 1. *E.* 3.

Forestallers.

Forestallers and forestallments made by the merchants, for or concerning merchandize or victuals, either by land or by water, shall be punished by forfeiture or imprisonment, *lib. alb.* 36. *b.* 50. *H.* 3.

Freemen, and making Freemen.

No stranger born shall be made free of this city but in the court of hustings, *lib. alb. fol.* 37. *b.* 12. *H.* 3. How free denizens, and Englishmen that never were apprentices, shall be made free; and how every one ought to put in for himself sufficient sureties to be true to the conservation of the city; but this order is not used at this day, therefore I omit to speak any more of it in this place, and yet is this form of making freemen by redemption appointed by parliament, *lib. al. fol.* 37. *b.* 12. *Hen.* 3.

Hunting.

The citizens of London may have their fugations, viz. their hunting, in all such places as they had the same in the time of King Henry I. *lib. alb. fol.* 35. *b.* 11. *Hen.* 2.

Hustings.

That as well foreigners as others, being either plantiffs or defendants, may make their attorneys in the hustings in London, *lib. alb. f.* 36. *b.* 60. *Hen.* 3.

The hustings shall be holden but once in a week, *lib. alb.* 35. 11. *Hen.* 3.

Inquisitions.

All inquisitions to be taken before the king's ministers by men of this city, shall be taken at St Martin's Le Grand, and not elsewhere, except the inquisitions of the yeres of the Tower and gaol-delivery of Newgate, *lib. alb.* 41. *a.* 1. *E.* 3.

All inquisitions of the customable payments, customes, impositions and purprestures within the city, shall be inquired of by citizens and not by others. See the words of record more at large, *lib. alb.* 45. *b. c.* 7. *R.* 2. See the statute of 28. *E.* 3. *cap.* 10.

Jurisdiction of Pleas.

No citizen shall be impleaded out of the walls of the city of London, but for pleas of the land being without the city, always excepted the moniers and the king's ministers, *lib. al. f.* 35. *a.* 11. *H.* 3.

Inquisitions of the Gaol of Newgate.

That the mayor of London for the time being, shall, in every commission for the gaol delivery of Newgate, be named one of the justices, *lib. al. f.* 39. *b.* 1. *E.* 1.

Justices in London.

The king is restrained by his charter, confirmed by parliament, to assign any justices in London, except the justices of eyre at the Tower of London, and justices of gaol delivery of Newgate, and for errors at St Martins to be corrected; except any thing do chance within the same city that do touch the king or his heirs, *lib. al.* 37. *a.* 12. *Hen.* 3.

Kiddles, viz. Weares.

It is granted that all the weares of the Thames and Medway shall be put down; and he that setteth up any hereafter shall forfeit 10*l.* *libro al. fol.* 35. *a.*

That the citizens shall remove and take away all keddles, stops, and wears in the waters of Thames and Medway; and that they shall have all such punishments in that behalf to the king, *lib. al. fol.* 39, *b.* 1. *H.* 1.

Liberties and Free Customes.

Free liberties and free customes used in the time of King Henry I. are by charter, and after by parliament, ratified and granted to the city, *lib. al. fol.* 35. *b. c.* 11. *Hen.* 3. and 37. *Hen.* 3.

Liberties and Franchises.

The king granteth and doth allow that the citizens of London, their heirs and successors, shall have their liberties and free customes, and may use and enjoy the same as they have done in ancient time. And also that they may record the same before the king's justices and ministers, as they have been wont to do, any statutes or judgments to the contrary notwithstanding, *lib. al.* 40. *a. b.* 1. *E.* 1.

Liberties confirmed.

All manner of liberties granted by King Henry III. are confirmed by *E.* 1. *anno* 12. *lib. albo fol.* 31. *a.*

Liberties confirmed.

First, Whereas in the great charter of the liberties of England, amongst other things it was ordained, that the city of London should have all their ancient liberties and customes; and that the same citizens, at the time of the making of the same charter, and in the time of St Edmond the king and confessor, and William the Conqueror, and of other the progenitors of King Edward III., had and used divers liberties and customes, as well by charters as without charters, of ancient custome. Of which liberties in divers eyres, and in other courts of the realm, the same citizens have been impeached, and sundry of them fore-judged, King Edward I., by charter, *confirmat. anno Regni sui primi,* hath granted that the citizens shall have their liberties according to the form of the great charter, and that all impediments and usurpations to them, in that behalf made, shall be revoked and disanulled, *lib. albo fol.* 39. *a. b. anno primo H.* 1.

Mayor to be presented.

The lord mayor being chosen must be presented unto the court of Exchequer, and after to the king himself, *lib. albo f.* 36. *a.* 37. *Hen.* 3.

Mayor.

That the mayor of London, during his mayorality, shall have no more offices belonging to the city, but only the office of the mayorality, nor hold any plea vicouncil within the chamber of the city, nor any other but such as by the ancient custom of the city he as mayor ought to hold plea of. Fleetwood, recorder, doth expound these words, vicounty pleas, to be such pleas as the sheriffs, by the common laws of this realm, may hold pleas of in his hundred, the which be actions of debt under 40*l.* and of such like causes, *lib. alb. f.* 37. *b.* 12. *H.* 3.

Marshal.

The marshal shall not within the city nor the portsoken, by force nor otherwise, take up any man's house, *lib. alb. f.* 35. *a.* 11. *Henry* 3.

Markets.

No market from henceforth shall be granted by the king, to be kept within seven miles of this city, *lib. alb. f.* 41. *a.* 1. *E.* 3.

Marshalsee and Clerk of the Houshould.

The steward of the Marshalsee, and the clerk of the market of the king's house, shall not sit nor execute their office within the liberties of this city, nor shall draw into plea any citizen of the city, for any cause arising or growing within the liberties of the same city, *lib. albo. folio* 40. *a* 1. *E.* 1.

Merchants Strangers free Hosts.

It is commanded by charter, and parliament, that all merchants strangers coming into England, shall make sale of their merchandizes within forty days after their arrivall; and that they shall abide and be at the table of free hosts of this city of London, and of all other cities and towns of England, without keeping of houses of societies by themselves, *lib. albo. fol.* 39. *b. c.* 1. *E.* 1.

Mortmain.

That the city, and their heirs and successors, may devise their lands as of ancient time they were accustomed, *lib. albo folio* 30. *b.* 1. *E.* 1.

Non-User.

Although before this time any of the ancient liberties have not bin put in ure, yet from henceforth it shall be lawfull to put them in execution, *lib. albo. fol.* 39. *a.* 15. *E.* 3.

Officers of the City.

All lands or tenements without the freedom of the city, whereof any citizen is or shall be owner, now or hereafter, which are, or shall be ministers of the city, shall be obliged to the conservation or saving harmlesse, the same city against the king and his heirs, for matters concerning their offices in like manner, as their tenements within the same city were wont to be, *lib. al. folio.* 40. *b. c.* 1. *E.* 1.

Note, by this article, that all the ministers of this city ought to be freemen.

Oasts.

No stranger shall be an oast, or keep oasterie for strangers, *lib. al. fol.* 57. *a. b. per Charter*, 38. *E.* 3. *and per Parliament.*

Oasts and Oasts.

That all that keep common oastery in the city or suburbs, although they be not free, yet shall they be at all manner of charges for the maintenance of the city, as ample as any other that be free oasts, *lib. al. folio.* 31. *a. b.* 12. *Henry* 3.

Oath.

The mayor of London shall not be compelled to take any other oath at the Exchequer than hath bin used in the time of King Edward the Third, any law, statute, or ordinance notwithstanding, *lib. al. folio* 44. *b. c.* 7. *R.* 2.

Parliament.

All the aforesaid articles, charters, grants, and ordinances, are to this place confirmed by act of parliament, in manner and form as they be before expressed, *anno* 7. *R.* 2.

Pleas in Fairs and Markets.

Because the citizens of London in all good and great fairs of England were wont to have wardens of themselves, to hold pleas concerning such citizens as shall have conference to the said fairs, it is granted by charter, that the same citizens shall have their wardens of their citizens for the holding of such pleas as of ancient they have had, excepting pleas of the land, and of the crown, *lib. al.* 40. 1. *E.* 1.

Precepts to the Citizens.

By parliament that is allowed to the citizens of London, not to be subject to the precepts or commandements of the constable of England, steward, marshall, admirall, clerk of the market, or of any other officer or minister of the king, but onely to the king's commandements or precepts, which shall be made in the king's name still, and under the king's seals, and liberty is allowed by act of parliament, *soit use come ad estre devant tempes, lib. albo f.* 43. *b.* 1. *R.* 2.

Presenting of the Sheriffes.

Such sheriffes as the citizens shall make choice of, shall be presented to the king's justices. And the said sheriffe shall answer to the king, or to his justices, or his Exchequer, of such things as to his sheriffedome do appertain, *lib. al. fol.* 34. *a. b.* 11. *Henry* 3.

Processe and serving of Processe.

That no summons, attachment, or execution, by any of the king's ministers, by writ or without writ, within the libertie of the city aforesaid, shall be made but by the only ministers of the city, *lib. albo.* 40. *b.* 1. *E.* 1.

Protections.

The king granteth that all the protections of him and his heirs, given to and for the service of the king, either to go forth, or to abide in any places of the king's service from henceforth, shall take no place in any plea or debt for any victuals taken or brought from the voyage or service; whereof any mention is made in any such protection, nor any such protection shall be allowed for any pleas or trespasses, or con-

tracts, made and done after the date of such protection, in such cases as the plaintiffe is or shall be a freeman of this city, *lib. albo. f.* 44. *anno primo. R.* 2.

Purveyors.

That no purveyor-taker, officers, or other ministers, shall make or take any prises or takings in the city of London, or without. of the goods of any citizen of the same city, against their wills; except immediately their indelayed payment be made, or else that respect of payment be therefore taken with the good will of the party, *lib. albo* 40. *b.* 1. *E.* 3.

Purveyors or Officers of the King.

It is prohibited that no officer or purveyor of the king shall merchandize by himself, or by other within the said city or without, of any thing touching or concerning his office, *lib. albo. fol.* 43. *b.* 1. *E.* 3. Remember how the purveyors of poultry to keep shops in London, and nothing is said against them.

Restitution.

There is a free restitution granted, as well by charter as by parliament, unto the citizens of London, of all and singular their liberties and franchises, as ever any of their predecessors enjoyed the same, any non-user, or absurer, or statute-judgment, or charter to the contrary notwithstanding. And that the same citizens may enjoy the same without impeachment of the king his justices or ministers whatsoever, *lib. albo* 40. 7. *R.* 2.

Right.

That equal right be done both for lands and leases, that be within the city, viz. *infra urbem,* according to the ancient custome of the city, *lib. albo* 85. 1. *Henry* 3.

Right Owner.

Every rightfull owner of lands, leases, gages, pledges, and debts, shall enjoy the same lawfully, *lib. albo* 35. *a.* 11. *H.* 3.

Sanctuaries.

That the citizens shall not be otherwise charged then they have bin accustomed, touching the scapes of such as have taken sanctuary in the church or churchyards, *lib. alb. f.* 39. *b.*

St Pauls.

There is 8. l. parcell of the fee-farm abated to the city, for the liberty of St Pauls in London, *lib. albo f.* 36. *a.* 37. *H.* 3.

Scot and Lot.

That freemen within the city, and such as dwell without the city, and occupie merchandize within the city, shall be subject to scot and lot with the commons of the same city, for and touching, &c. *lib. alb. fol.* 38. *a.* 11. *Henrie the Third.*

Seals of the King.

There doth appear 11. *Hen.* 3., that in a charter made for the putting down of kiddles or weares, that the king did set his hand to the charter, and also his seal, the which I did never hear nor read of in any book before this time: the words are these, *Quod ut firmum et stabile perseveret imperpuum putis pagine inscriptio Commun,* &c. *lib. albo fol.* 35. *a,* 11. *H.* 3.

Seal of the City.

The common seal of this city shall remain in the custody of two aldermen and two commoners, and the same seal shall not be denyed neither to the poor nor to the rich commoner, when need shall require; provided that such request shall be upon reasonable causes, and that nothing shall be taken for the setting of the same seal thereto, *lib. alb. f.* 38. *a.* 12. *H.* 3.

Sergeants at the Chamber.

That no sergeant of the chamber of Guildhall shall have any fee of the commonalty of the city, nor shall make any execution but only by the commons of the city for that purpose to be chosen, *lib. alb. fol. b.* 12. *H.* 7.

Sergeants at the Mace.

For the augmentation of the name and honour of the city, it is granted that our sergeants shall, and may bear and carry maces of gold, of silver, with the king's arms upon the same, within the city and Middlesex, and all other places belonging to the same city; and also when they be sent to the king, his mother or children, *lib. alb. fol.* 42. *a.* 28. *E.* 3.

Sheriffes.

The sheriffes of London shall not be destreined to make an oath at the Exchequer, but only upon the yielding up their accompt, *lib. alb. fol.* 40. *a.* 1. *E.* 1.

That none of the sheriffes shall have but seven clerks and two sergeants, by reason of his office.

Sheriffes and their Elections.

It is granted to the citizens of London to make elections of their sheriffes, and after to remove them at their pleasures, *anno* 11. *Hen.* 3. *lib. alb. fol.* 34. *a. b.*

Sheriffe.

That the sheriffe of London shall be amerced in the king's court according to the quantity of their offence, like as all other sheriffes of England have bin, *lib. alb. fol.* 31. *a. lib.* 1. 12. *Edw.* 3.

Sheriffe.

That the sheriffe for the time being shall commit the collection of tolls and customes belonging to the fee farm, and all publique offices to them belonging, and by them to be exercised, unto sufficient persons, for whom they will answer; and that such officers as they shall appoint shall be removed upon their misbehaviour, *lib. alb. fol.* 38. *anno* 12. *Hen.* 3.

Sheriffes.

That the sheriffes of this city for the time being shall have, towards the farm of the same city, the full forfeiture of victuals and other things. And also of merchandizes after the tenor of the charters to the citizens granted and made. And that from henceforth the sheriffes shall not be hindred or molested for the same, against the tenor of the same charters, *lib. alb. fol.* 40. 1. *E.* 1.

Southwarke.

The town of Southwark is granted for a fee farm unto the city, to the intent to

conserve the peace of the same town, and to suppresse felons in that place. And this is by act of parliament and charter, *lib. alb.* 41. *a.* 1. *E.* 3.

Subsidies, Tallages, or Aids.

That those be assessed according to the custome of the city, by men of their wards appointed to be sessors by the mayor and aldermen, or by others, to pay any tallage or aid to the king, shall not be set higher but by the mayor or commons, *lib. alb. fol.* 37. *b.* 12. *Hen.* 3.

Successors in London.

The habend of the fee farm of London and Middlesex is to the citizens and their heirs, do signifie their successors, *lib. alb. fol.* 34. *a. b.* 11. *Hen.* 3.

Sureties for the Sheriffes.

The whole citizens of London must answer to the king, and satisfy both the fee farm and also the amerciaments, if the sheriffes do make default, *lib. al. f.* 34. *a. b.* 11. *Henry* 3.

Suites against Citizens.

None of the liberty of this city shall be impleaded or occasioned at the king's exchequer nor elsewhere by bill, except it be for matter which belongs to the king or his heires, *fol.* 41. *anno* 1. *E.* 3.

At this day all our citizens do implead one another out of the city, the which is against our liberties, being confirmed by parliament.

Taxes and Tallages.

That the taxes and tallages for the necessity of the city, by common consent or common-counsell, may be assessed and levied as well upon rents as other things, and as well upon misteries as by any other means, *lib. alb. folio* 38. *b.* 12. *H.* 3.

Toll.

The citizens of London are discharged of toll and lastage, and of all other customes, as well by land as by seas, within the kings dominions, *lib. alb. fol.* 35. *u.* 37. *Hen.* 3.

Tower of London.

That the constable of the Tower for the time being, shall not, either by land or water, take or make any prisages of any victuals, or other things whatsoever, of the people of the same city; nor of any others coming or going towards or from the said city, nor by any manner of means shall arrest or cause to be arrested any ships, vessels, or boats bringing to the said city any victuals or any other such goods, *lib. alb. fol.* 40. *a.* 1. *E.* 1.

The constable of the Tower of London shall not take any thing for the suffering of warres in the Thames or Medway, *lib. albo fol.* 35. 11. *H.* 3.

The constable of the Tower of London, in the default of the barons of the Exchequer being absent from Westminster, and also of the king at such time as the mayor ought to be polluted, must take the oaths of the mayor and the sheriffes without the Tower gates, *lib. albo f.* 36. *b. anno* 12. *H.* 3.

Warres.

That the citizens from henceforth shall not be compelled to go or send to the warres out of the city, *lib. alb. f.* 40. *a.* 1. *H.* 1.

Weights and Measures.

That the weights and balances amongst merchants, by the which any profit doth grow, and the correction of the same doth belong to the commonality of this city, and that they shall be in the custody of approved and sufficient men, expert in the same office, being chosen by the commons.

Whitherman.

If any toll or custome be taken from any citizen of the kings dominions, the sheriffes of London shall, at London, take pledge or Whitherman, *lib. alb. f.* 35. *b.* 11. *Henry* the Third.

Wines sold by Retail.

That no merchant that is not free of this city shall sell any wines by retail within the same city, *lib. alb. fol.* 38. *a.* 12. *Henry* 3.

Wines and Victuals.

By charter and by parliament is granted, that the lord mayor and aldermen for the time being, shall have the rule and government of the vintners, viz. of all manner of wines which shall be sold within the same city, and of all manner of victuals, as well sellers of fish as of all other dwelling within the same city, and to the same bringing any victuals there to be sold, *lib. alb. fol.* 44. *b.* 7. *R.* 2.

Note, how that the vintners of this city did exhibit a bill to the counsell at Greenwich, *termino pasche, an.* 18 *Eliz. Regni*, affirming that they were not under the government of the mayor and aldermen; the which I learn to be drawn by one Land, an attorney of the Guild-Hall.

Hereafter do ensue divers ample and most beneficial Charters, granted by King Henry IV., Edward IV., and King Henry VII.; but these Charters are not confirmed by Parliament as the other Charters were. Note, that the Charters of Henry VI. and Edward IV. are all one, with little alteration.

Beer-brewers.

The correction of the beer-brewers, and of the measurages likewise, is granted to the city, *lib. albo. f.* 50. *b. c.* 23. *Hen.* 6. Note, at this time there was beer-brewers in England.

Certioraries for Recognisances.

It is granted, that when a certiorary is sent for any indictment of fellony, tresspasse, extortion, or any other offence, or for any recognisance for the peace broken, that we shall not send the record itself, but onely the tenors of the same, and that shall suffice, *lib. albo.* 49. *b.* 23. *Henry* 6.

Commission of the Peace.

The commission of the peace is at large set down, with all the articles that are to be inquired, *lib. albo.* 47. 23. *H.* 6.

Confirmation.

King Henry VII. *Anno* 20. did grant unto the city of London most large and ample ratification of all and singular their liberties, franchises, and customes, and all such like things expressed in any of their charters whatsoever they were, *lib. albo* 58. *a.*

Confirmation.

King Henry V. by act of parliament, and a special charter, dated the 7 *ber anno* 7 hath also confirmed the liberties aforesaid, *lib. albo folio* 47. *a.*

Confirmation of all and singular.

All and singular the aforesaid liberties are most amply confirmed by a great charter, made by King Henry IV. in the first year of his reign; but they are not by him confirmed by parliament, but by charter; and this is the charter that the commons of this city do use to call the great charter of London, *lib. alb. fol.* 46. *a. b.* 1. *primo H.* 4.

Elections of Officers.

That the citizens shall have the choice of all under-sheriffes, clerks, bayliffes of sheriffes, for whom they will answer for, as well in the county of Middlesex as within the city of London; in which grant there is a saving or proviso for the sheriffes of London for the right, &c. *lib. alb.* 49. *b. c.* 23. *H.* 6.

Exemption for the Aldermen.

It is granted that the aldermen of this city shall not be put in assizes, juries, attaints, recognitions, or inquisitions, although the king himself be party; nor they shall be without the liberties of the city, collectors, or assessors of tenths and fifteens, *lib. alb. f.* 54. *a. b.*

Fines and Amerciaments.

All fines, amerciaments, issues forfeited, redemptions, forfeitures, penalties of all offences inquirable by the commissions of the peace, are granted to the citizens of London, *lib. alb. f.* 49. *a.* 23. *H.* 6. And in the same place the premises are also granted, if they be forfeited before the justices in the pleas of the crown, or before any other justices, or minister whatsoever. *Ibid.*

Foren bought and Foren sold.

That the forfeiture of foren bought and foren sold shall belong to the mayor and commons of this city, without any accompt to be therefore yielded, *lib. alb. f.* 59. *b. c.* This article is most largely and beneficially set forth in the book.

Gates and Posterns.

All the gates and posterns of this city, and the custody of the same, are granted unto the city, *lib. alb. f.* 46. *fol.* 8. 1. *H.* 4.

Ganger.

The office of the gangership is granted to the city of London, with all the fees, profits, and enrolements to the same belonging, *lib. alb. f.* 60. *b.* 20. *H.* 7.

Justices of Peace.

That the mayor for the time being may nominate to the chancellor of England the names of two aldermen, the one to be a justice of peace in Surrey, and the other in Middlesex, *lib. alb. f.* 60. *b.* 20. *H.* 7.

Justices of the Peace.

That the mayor, and the recorder, and all the aldermen that have been mayors,

shall be justices of peace in London; and that the mayor and the recorder shall be two of the quorum, *lib. al.* 47. *b. c. H.* 6.

Mortmain.

The king granteth license to the commonalty to purchase lands and tenements to the value of 200 merks by the year, the statute of mortmain, or any other thing to the contrary, notwithstanding, *lib. alb. f.* 59. *a. b. c.* 18. *E.* 4.

Non-user and Abuser.

Non-user and abuser of the liberties are by the king pardoned, *lib. alb.* 50. *anno* 25. *H.* 6.

Notanda.

All the aforesaid matters expressed in the aforesaid charter, 23. *H.* 6. *lib. alb.* 47, 48, 49, 50, 51, and 52, are by like charter granted again by 2. *E.* 4. *lib. alb. fol.* 52, 53, 54, 55.

Packer.

The offices and guift of the same, viz. of the packer and surveyor, ships of all measures, weights, and of merchandizes, and of the garblers office, and wine-drawers, and the collection of all manner of victuals, and all such like offices, do belong to the lord mayor and his disposing, *lib. alb. f.* 50. *a. b.* 23. *H.* 6.

Recordator.

That the recorder shall or may *ore-tenus*, that is to say, by open speech, record and certifie, the customs, being traversed; and his certificate shall be as strong in the law as the verdict of twenty-two men, *lib. alb. f.* 49. *a.* 23. *H.* 6.

Recognizances.

The forfeiture of recognizances for the breach of peace or good abearing, is also granted to the city, *lib. al. f.* 49. 23. *H.* 6.

Seizure of the Liberties.

I find that King Richard II. *anno* 16 *regni sui*, did by vertue of a statute, 28. *E.* 3. *cap.* 10, the which statute in King Richard's days, was by a bye-word, *flagellum comit.* London, that is, the whip and scourge of the city of London: the statute shall be hereafter set down at large.

I say, by this statute the king very easily found a quarrel against the city, and did by commission seize the liberties of the said city. The fault was, for that the mayor and aldermen of the city did not correct nor punish, and this was all. But after, in *anno* 16 and 20, the same king restored the liberties again to the said city, *lib. alb. f.* 45. *a. b. c.*

Search.

The general search of survey government, correction and permission of all people, within this city, as well denizens and strangers in their sellings, cuttings, workings, measurings, weighings, and in all and singular their other doings, done not only by custome, but also by charter, belonging to the mayor of London for the time being, *lib. alb. f.* 58. *a. b. c. d.* 20. *H.* 7.

This matter especially is most excellently well set down in the said book. And King Henry VII. hath granted for him, his heirs and successors, that neither the kings

of this realm, nor any other person, shall interrupt the mayor of London in the due execution and exercising of the premises: if this charter were well looked unto, then enquire of what force all and singular these charters are, to whom the king hath granted to be searcher, not only over their own companies but also over others; as the girdlers do attempt to search the haberdashers and clothworkers, the blacksmiths do attempt to search the ironmongers, and such like others.

Southwark.

A large charter is granted for the liberties of Southwark, and for correction of offences there, and a view of franck-pledge with arrests, and to bring the offenders to Newgate, and to have as ample liberties in Southwark as the king had, *lib. alb. f.* 41. *b. c. d. e.* 23. *H.* 6.

Toll.

The offices of the gathering of the toll, and of the custome in Cheap, Billingsgate, and Smithfield, is granted to the city, *lib. alb.* 46. *b.* 1. *H.* 4.

Treasure-trove.

Treasure-trove, wair and fellons goods, and for-stallers of victuals, and regrators, both in London and upon the Thames, are granted to the city, *lib. alb. f.* 49. *a.* 23. *H.* 6.

Tronage.

Tronage, that is to say, the weighing of lead, waxe, pepper, allom, madder, and of such like merchandize, are granted to the city, *lib. albo f.* 46. *b.*

Waste-grounds.

All the waste ground, or common grounds, pur-prestures, and approvements, and the rents reserved of the same, are granted to the city, as well in the land as in the Thames, *lib. alb. fol.* 49. 23. *H.* 6.

Wools. Leaden-hall.

The tronage or weighing of wools shall be at Leaden-hall, which was wont to be at Westminster, *lib. alb. fol.* 55. 3. *E.* 4.

Certain Proposals for regulating the Law, to make the same more plain and easy to be understood, and lesse chargeable and expensive than heretofore.

First, I take for an undeniable principle, that the law which so much concerns every man, ought not to be a mystery, but as much as possible be made most perspicuous and evident to the meanest capacity, nothing being more unjust than for a man to be judged by a law of which he was unavoidably ignorant: For, if we consider the rise and originall of all laws, because men knew not when they did well, when they did evil: what was theirs, what not theirs; they instituted laws, to the end every man might know his duty, and the penalty of transgressing. Moreover, it is a maxim in

our own law, that ignorance thereof excuseth no man, but every man is presumed to be connusant thereof; and it is a true saying, *misera est servitus ubi jus est vagum aut incognitum*, it is a miserable slavery where the law is uncertain or unknown; a wonder it was to all wise men, even to the ingenuous of the professors of the law themselves, that the law should be so close lockt up in an unknown tongue, when the reason why the laws were first written in that brackish French, was because that language was then best understood of those whom those laws most concern'd, (viz.) the Normans.

Therefore, blessed be God, it hath been and still is the wisdom and integrity of the parliament, to make the laws so plain and obvious to every understanding, that every man might know his duty and his property.

The laws of this land are either criminal or civil; as for the criminal laws, they are not so many or mysterious, but with a little study a man may attain to a competent knowledge thereof; but for the civil laws, especially those which concern lands, they are infinitely intricate, mystical, and expensive. Now, because when a disease is known it is half cured, that which I conceive is the cause thereof, is multiplicity and diversity of tenures and conveyances, together with the secret and clandestine making of conveyances. There are not so little as ten several ways whereby men may convey estates of inheritance, upon every of which depends such innumerable quirks and intricacies, all of them having several operations, that men, which make it their whole studies all their lives long, can hardly, if at all, come to some reasonable knowledge thereof.

Now that which I propose for the remedy of this evill is,

That all estates of inheritance, as well freehold as copyhold, might be but of one tenure, to wit, fee-simple. Entails, my lord Cooke being judge, having so fettered and intangled mens estates, that infinite are the controversies which do arise thereupon; and to the end no man might be a loser hereby, nor any man's property destroyed, certain commissioners, not of the same county, might be authorised to assign and apportion to every lord of a manor, some part of the tenancy in lieu of his chief rents, heriots, and perquisites of courts, &c. in case the lord and tenant did not agree between themselves.

2. That there might be but one kind of conveyance for all estates of inheritance (viz.) a feofment in fee executed with livery and seisin, or atturnment and inrollment in the proper county.

3. That every lease longer than for seven years, and all wills that concern lands, should be by writing, to be inrolled likewise, as aforesaid.

If this were done, I am persuaded the Law——

1. Would be reduced into one considerable volume, which now a small library doth not contain; and there being but one tenure and one kind of conveyance, every man almost, without Herculæan labour, might attain to some competent knowledge thereof. And I would gladly know why there should be so many sorts of conveyances when one will serve the turn, unless it be to make the law more mystical.

Frustra fit per plura quod fieri possit per pauciora.

2. The excessive expence and chargeable ceremonies of fines and recoveries would be saved.

If in like manner all conveyances were inrolled, then would there be plain-dealing above-board, the commonwealth (1) should be sure of their escheats and forfeitures upon any treason committed or otherwise.

2. Purchasers should deal upon sure grounds, and not purchase a multitude of suits and troubles instead of an estate.

3. Farmers should be sure of their bargains, when they are sure their landlords have good estates.

4. Creditors should be sure of their debts, whereas now men of very great estates in lands, so convey and intangle them, that a creditor can take no advantage against them.

5. Men, upon marriages of their daughters, shall be much more sure of jointures; and in general, in all contracts and bargains, there would be much more certainty, which is the mother of quiet and repose; whereas now who sees not the innumerable controversies do arise upon secret and clandestine conveyances: also what abundance of suits are commenced upon supposition that they have right, but cannot come to know the certainty, because they cannot come to sight of evidence. How many poor widows, orphans, and others lose their right, by reason their evidences are imbezzled. These and many more mischiefs would be remedied by inrollment of conveyances in the county.

Now next of all, let us consider what may be the inconveniences which may arise hereupon.

And first it may be objected, that for copyholds the alteration would be very great; and that all copyholds pass by surrender, which do amount to as much as the inrollment mentioned.

For answer thereunto, it is confessed that copyhold estates, by reason thereof, are not liable to fraudulent conveyances, and therefore there do not so many suits arise concerning copyholds as of freehold. Yet notwithstanding, they being not extendible for debts (which is a thing very unreasonable in my judgment, that a man should have any estate not liable to the payment of his debts,) but chiefly, because they retain in them as yet more of villenage and slavery, by reason of the arbitrary fines, herriots, oaths, and suits of court due to the lord, than is well consistent with the freedom and liberty of Englishmen. And to the end the law might be the more easy and plain to be understood, and all occasions of controversies as much as possible might be removed, I suppose it best that, as aforesaid, all estates of inheritance of copyhold might be made free, and all lesser estates made only liable to certain rents, as of freehold lands.

2. It may be objected, that it would be inconvenient to take away entails, whereby some would lose the benefit of reversions after those estates ended. As to that, we know every tenant in-tail at this day, may at his pleasure make it fee-simple. And for any thing else may be said therein, my lord Cooke, in his first Institutes, *fol.* 19. *b.* shall answer for me in these words: "When all estates were fee-simple, then were purchasers sure of their purchases, farmers of their leases, creditors of their debts, the king and lords had their escheats, forfeitures, wardships, and other profits of their seigniories; and for these and for other like causes, by the wisdom of the common-law, all estates of inheritance were fee-simple; and what contentions and mischiefes have crept into the quiet of the law by these fettered inheritances, daily experience teacheth us." So that for this change there is a sufficient precedent, the ancient common-law of this land, and the advice of him who knew the laws of this land as well as most that ever studied the same, (*viz.*) the Lord Cooke.

Then also concerning the inrolments aforesaid,—

1. It may be objected, That a man cannot borrow money upon a mortgage without letting the country know thereof; now as for that I conceive it no great matter, if he that is rich be so esteemed, and he that is poor be so reputed.

2. But then the main objection will be, There be many conveyances, which, if examined, would be found defective; whereby estates which have long continued in

a family might be carried away to others; which, instead of ending controversies, would beget new.

For answer to which, that, admit it were so, yet they would be but only for the present, and after the first suit, it would be settled for posterity. Moreover, it would but help those to possession to whom the law had given most right.

But for remedy of such like inconveniences was a profitable statute made in the 21st year of King James, *viz.* That after twenty years quiet possession no action should be commenced, unless in case of infancy, coverture, or the like; which statute, if it were inlarged and put in execution, would salve that sore sufficiently.

The next proposal for to remedy delays in suits, and to take away excessive charge, is to take away arrests in the beginning of suits. It would require a volume of itselfe to shew the excessive expence, the great delays of justice, the briberies and extortion by sheriffs and bayliffs, the batteries, barbarous cruelties, and many times murthers, and many other inconveniences which doe flow from this wicked fountain of arrests.

As, for example, a nobleman or great man owes me 10 or 20*l.*, perhaps for wages or some other thing; for twice, it may be, ten times my debt, I cannot get him arrested, and until he be arrested, I can never so much as proceed in my suit; and if after disbursement of a great sum I get him apprehended, I shall have some five shillings allowed towards it by the court; so if a man live in some priviledged places, or rather which usurp such priviledges, there they secure themselves, and be their estates never so great, can by no means be laid hold on to pay their just debts. It would be too tedious to give instances of sculking, wandring persons, and of some that secure themselves by the company of lewd and desperate fellows, that they cannot be apprehended without abundance of charge, and oftentimes danger of life: these mischiefs are so well known that I need not further set them forth. I appeal to many mens experience, whether if the arrest of divers persons would not cost them more than all the charges of suit besides, nay, and their proper debts to boot; and how many years men may wait through the corruption of under-sheriffes and their bayliffs, before they can get a debtor arrested, when, if they were once taken, the suit would come to execution in three quarters of a year at most, without much charge.

Now for a remedy hereof: I suppose a sufficient summons might serve turn well enough, and so in default of not answering, the plaintiff, upon proof and evidence given, might proceed to judgment and execution. For my own part, I confess I see no reason but that every man, as well as tradesmen, might be brought within the statute of bankrupts. All that ever a tradesman hath must be sold to pay his his debts; and why other mens estates, who are as justly indebted as they, should not, in true reason I doe not understand. The law seems to me too mild and remiss against the estates of debtors, and against their persons as much too rigid and severe.

Another proposal is, that experience doth shew what very great delays and intolerable charges arise from being tossed from court to court, *viz.* from Chancery to common-law, and so back again: nay, I am persuaded that not one cause of ten, especially if of any consequence, but first or last comes into Chancery meerly for delays; by which means peaceable-minded men will rather give away half their right than be troubled to sue for it.

Now the remedy hereof I suppose might be to impower the common-law court with equitable jurisdiction, that the same court might as well determine the equity as the law of every case.

Another thing very necessary would be, that the act for the relief of debtors might extend to persons which now are, or hereafter shall be, imprisoned.

Lastly, it were to be wished that the committee for the regulating of the law would procure some learned in the laws, who might be well fee'd for their pains, to argue and set forth before them the inconveniences on the one side, with the profit and

commodity on the other which may arise on these or the like alterations, their work would be much more easy, and they themselves the better able to ponder and judge what is fit to be done; it would not be time, labour, or money ill spent, to procure good and wholesome laws for ourselves and posterity.

A Synopsis, or Contract View of the Life of John Armand, Cardinal of Richlieu, great Favourite and Minister of State to Lewis the 13th, King of France. To be engraven on his Tombe.

First written in Latin, and now *verbatim* rendered English.

Quis leget hæc?——————
Vel duo, vel nemo. PERSIUS.

Printed in the Year 1643.

The severity of the following satire is certainly beyond all bounds. Cardinal Richlieu was one of the most profound statesmen whom the world ever saw. He completely broke the aristocracy of France, which had been only shaken by Mazarine, and raised her influence in the councils of Europe to a degree hitherto unknown in her history. Yet it may be justly questioned whether, while he gratified the ambition and flattered the vain-glory of the French nation, his administration really contributed to the increase of internal concord and domestic happiness through her empire. It is seldom that the talents of a politician or of a conqueror are directed towards the real furthering of national happiness.

THE first thing requested of thee, O passenger! is, that thou wouldest blesse Almighty God, that in France thou maist now read these lines securely.

Next, wonder, that he whom the earth was too angust for when he was alive, should be imprisoned in so small a space of ground, now he is dead.

When he had commoved earth, he aspired to rule even heaven itself; as appeares by his arrogating to himself this symbolum or motto, *Mens Sidera volvit.*

And that thou maist understand what kind of intelligence this was, know that he was of a sagatious industry, but unquiet; an enemy both of the publike and of his private tranquillity.

In a great wit, by many revered, not a few that knew him found a great mixture of madnesse.

He had a mind that was made worse by every thing, bettered by nothing.

He stood thus long, not so much through favour as his power with a mighty king; and was happy in the event of things, rather than in a prudent manage of them.