

corded in both houses of parliament, but also in all the courts of Westminster; and that his pleasure is, it be put in print for his honour, and the content and the satisfaction of his people, and that you proceed cheerfully to settle businesses for the good and reformation of the commonwealth.

June 26. The Speaker being sent for to the King at Whitehall, came not into the house till about nine o'clock. And after prayers, the Remonstrance concerning Tunnage and Poundage being suggested, was a reading in the house; and while it was a reading, the king sent for the Speaker and the whole house, and the king made a speech as followeth:

"It may seem strange, that I came so suddenly to end this session; before I give my assent to the bills. I will tell you the cause, though I must avow, that I owe the account of my actions to God alone. It is known to every one, that a while ago the house of commons gave me a Remonstrance; how acceptable, every man may judge; and for the merit of it, I will not call that in question, for I am sure no wise man can justify it.—Now, since I am truly informed that a second Remonstrance is preparing for me to take away the profit of my Tunnage and Poundage, one of the chief maintenances of my crown, by alledging I have given away my right thereto by my Answer to your Petition:—This is so prejudicial unto me, that I am forced to end this session some few hours before I meant, being not willing to receive any more Remonstrances, to which I must give a harsh Answer. And since I see, that even the house of commons begins already to make false constructions of what I granted in your Petition, lest it be worse interpreted in the country, I will now make a Declaration concerning the true intent thereof:—The profession of both houses in the time of hammering this Petition, was no way to trench upon my Prerogative, saying, they had neither intention or power to hurt it. Therefore it must needs be conceived, that I have granted no new, but only confirmed the ancient Liberties of my Subjects. Yet to shew the cleanness of my intentions, that I neither repent nor mean to recede from any thing I have promised you, I do here declare myself, That those things which have been done, whereby many have had some cause to suspect the Liberties of the Subjects to be trespassed upon, which indeed was the first and true ground of the Petition, shall not hereafter be drawn into example for your prejudice; and from time to time, in the word of a king, ye shall not have the like cause to complain. But as for Tunnage and Poundage, it is a thing I cannot want, and was never intended by you to ask, nor meant by me, I am sure, to grant.—To conclude, I command you all that are here to take notice of what I have spoken at this time, to be the true intent and meaning of what I granted you in your Petition; but especially you, my Judges, for to you

laws: for none of the houses of parliament, either joint or separate, (what new doctrine soever may be raised) have any power either to make or declare a law without my consent."

Then the Lord Keeper said, It is his majesty's pleasure that this session now end, and that the parliament be prorogued till the 20th of October next.

In the following sessions, viz. Wednesday, January 21st, it was ordered that Mr. Selden and others should see if the Petition of Right and his majesty's Answer thereunto were enrolled in the Parliament Rolls, and the Courts at Westminster, as his majesty sent them word the last session they should be; and also in what manner they were entered; which was done accordingly, and Mr. Selden made report to the house, that his majesty's Speech made the last day of the session in the upper house is also entered by his majesty's command.—Hereupon Mr. Pym moved, that the debate hereof should be deferred till Tuesday next, by reason of the fewness of the house.

Sir John Elliot. This which is now mentioned, concerns the honour of the house, and the liberty of the kingdom; it is true, it deserves to be deferred till there be a full house, but it is good to prepare things. I find it is a great point; I desire a select Committee may enter into consideration thereof, and also how other Liberties of the kingdom be invaded. I find in the country the Petition of Right printed indeed, but with an Answer that never gave any satisfaction: I desire a committee may consider thereof, and present it to the house, and that the printer be sent for to give satisfaction to the house, by what warrant it was printed. Which was ordered.

Mr. Selden. For this Petition of Right, it is known how lately it hath been violated since our last meeting: the Liberties for life, person and freehold, how they have been invaded; and have not some been committed, contrary to that? Now we, knowing these invasions, must take notice of it. For Liberties, for State, we know of an order made in the Exchequer, that a sheriff was commanded not to execute a replevin, and men's goods are taken and must not be restored. Whereas no man ought to lose life, or limb, but by law; hath not one lately lost his ears (meaning Savage) that was censured in the Star-Chamber by an arbitrary sentence and judgment? Next, they will take away our arms, and then our lives. Let all see we are sensible of these customs creeping upon us: let us make a just presentation hereof to his majesty.

Norton the King's Printer was brought to the bar, and asked by what warrant the Additions to the Petition were printed? He answered, that there was a warrant (as he thought) from the king himself. And being asked whether there were not some copies printed without additions, he answered, there were some, but they

Sir John Elliot desired some clearer satisfaction might be made, and that he might answer directly by what warrant.—Whereupon he was called in again: who said, he did not remember the particular, but sure he was there was a warrant.

Mr. Selden reported from the Committee concerning the printing of the Petition of Right, that there were printed 1500 without any Addition at all, which were published in the time of the last parliament: but since the parlia-

ment, other copies have been printed, and these suppress and made waste paper; which the Printer did, as he said, by command from Mr. Attorney, which he received from his majesty. And the Printer further said, That the Attorney was with the Lord Privy-Seal at Whitehall, and there delivered unto the Printer sundry papers, with divers hands to them, and on the backside was endorsed thus, 'We will' and command you, that these Copies be 'printed.'

Which put an end to this Grand Affair.

128. Case of WALTER LONG, esq. Sheriff of Wilts, and one of the Burgesses for Bath, for absenting himself from his Bailiwick to attend his duty in Parliament: 4 CHARLES I. A. D. 1629. [1 Rushworth, 684. 2 Cobb. Parl. Hist. 518.]

IN Hilary Term, 1629, the Case of Walter Long, esq. one of the imprisoned Gentlemen, came to hearing in the Star-Chamber, which was as followeth:

An Information was exhibited into the Star-Chamber, by sir Robert Heath, knight, his majesty's Attorney-General, plaintiff, against the said Walter Long, defendant, for a great and presumptuous Contempt against his majesty, for breach of duty and trust of his office, and for manifest and wilful breach of his oath taken as High Sheriff of the county of Wilts, and not residing and dwelling in his own person in the said county, according to the said oath; but being chosen one of the citizens for the city of Bath, in the county of Somerset, to serve for the said city in the last parliament, by colour thereof he remained at London or Westminster, during the time of that parliament by the space of three months and above, in neglect of his duty, and in manifest contempt of the laws of this kingdom: which cause was now, by his majesty's said Attorney-General, brought to hearing upon the defendant's own confession.

And upon opening the Answer, and reading the Examination of the said defendant, it appeared to this Court, 'That the said defendant Long was by his now majesty made High Sheriff of the county of Wilts in or about November, in the third year of his majesty's reign, and received his patent of sheriffdom for the said county about ten days after; and that he took an oath before one of the masters of the Chancery, for the due execution of the said office of Sheriff of the said county.' In which oath, as appeared by the same there read in court, he did swear, 'That he would in his own person remain within his Bailiwick during all the time of his Sheriffdom, unless he had the king's license to the contrary; and that at an election of citizens for the said city of Bath, the said defendant Long was chosen one of the citizens to serve for the said city of Bath in the parliament then summoned, to be

March in the said 3d year of his majesty's reign; and being so chosen, and returned by the Sheriff of the county of Somerset, notwithstanding his said oath taken to remain in his proper person, within his bailiwick, unless he were licensed by his majesty, he the said defendant did make his personal appearance in the commons house of parliament, at the city of Westminster, in the county of Middlesex, and did, during the most part of the said parliament, continue in and about the city of London and Westminster, and did attend in the parliament as a citizen for the said city of Bath: during all which time he likewise was and continued High Sheriff for the said county of Wilts, and had no particular license from his majesty to the contrary. Upon consideration whereof, as also of the particular causes and reasons of the defendant's demurrer and plea formerly exhibited unto the said Information, the benefit whereof was by order of the court reserved unto the defendant to be debated and considered of at the hearing of this cause, and of divers other matters now urged for the defendant, both to have justified his the said defendant's attendance in parliament, and his not residence in person in the county whereof he was then Sheriff; and amongst other things, that it properly belonged to the house of parliament to judge of the justice or unjustness of the said election; and upon grace and mercy could not, thereof, had and taken by the court, their lordships did not only conceive the said demurrer and plea, and other the arguments and reasons used by the defendant and his counsel to be of a weight or strength, but also to be in opposition, and derogation of the jurisdiction of the court, the reasons moved and urged for the defendant's excuse or justification being clearly answered, and the charges of the Information were paid by Mr. Attorney-General, and others of his majesty's counsel learned. And therefore the whole court were clear of opinion, and did so declare, 'That the said defendant, at that