

tropolis of the seventeenth century was very different from the metropolis of the nineteenth. It was a city whose most crowded thoroughfares were in the neighbourhood of pleasant fields. The same writer says, "Go and walk in her fields, you shall see some shooting at long marks, some at butts; some bowling upon dainty pleasant greens." The citizens had only to step out of Moorgate into Finsbury fields, to pursue their archery. The rural occupiers of the "town of St. Giles' in the Fields" were sometimes visited by the urban dwellers of Holborn and the Strand, who went thither to take the air; but the road which led to that village into Holborn, and by Drury Lane, through the growing traffic had become "foul and dangerous to all that pass that way."* The growth of London had been attempted to be repressed by statutory enactments under Elizabeth. James thought to accomplish the same end by proclamations. He said that the new buildings were "but a shelter for those who, when they had spent their estates in coaches, lacqueys, and fine clothes, like Frenchmen, lived miserably in their houses, like Italians." He commanded all noblemen and gentlemen who had mansions in the country, to return to them, and there abide, till the end of the summer season. He commanded them to go home to celebrate the feast of Christmas and to keep hospitality. The great people little heeded these proclamations; and the House of Commons told him they were illegal. London, from the happy circumstances of her position, was sure to increase with the increase of commerce. The presence of the courts of law at Westminster, the circumstance of the capital being the seat of government, favoured this increase. But one great natural cause was far more important to its prosperity than these incidental advantages. James, having been refused a benevolence by the City, sent for the Corporation; and vowed that he would remove his own court and the courts of Westminster Hall—he would send the Records in the Tower to a more loyal place—he would bring ruin upon the disobedient Londoners. The Lord Mayor replied, "Your majesty hath power to do what you please, and your City of London will obey accordingly; but she humbly desires that when your majesty shall remove your courts you would please to leave the Thames behind you." †

* Statute, Jac. 3, c. 18.

† "Londinopolis," p. 19.

CHAPTER XVI.

Arabella Stuart.—Death of Salisbury.—Robert Carr, king's favourite.—Death of Prince Henry.—Marriage of the Princess Elizabeth.—The addled Parliament.—George Villiers, the new favourite.—Murder of Overbury.—Trials for the murder.—Somerset and his countess convicted.—Conduct of the King.—Sir Edward Coke dismissed.—Proclamation for Sports. Note on the Secret Communications between the King and Sir George More.

ONE of the overt acts of treason with which sir Walter Raleigh was charged upon his trial, was that he had conferred with lord Cobham for the support of Arabella Stuart's claim to the crown of England.* The lady herself was present at this trial. It is not at all clear that this design had been seriously entertained; and certainly Arabella herself had given no sanction to it. She was the cousin of king James; being the only child of Charles, earl of Lennox, the grandson of Margaret Tudor. Her parents died young; and she was brought up by her maternal grandmother, the countess of Shrewsbury. If James had died childless, Arabella Stuart would have been the lineal heir to the crown. During the reign of Elizabeth she was occasionally at court; and the queen pointed her out to the wife of the French ambassador, when she was about twelve years old, as a girl of talent, who would one day be a great lady. After the accession of James she appears to have been in much favour. In 1604 she received the grant of an annual pension for life of 1000*l*. † In 1609 she had the profits of a monopoly, in the privilege of nominating the sellers of wines and spirits in Ireland. ‡ In that year she appears to have given offence by listening to some overtures for marriage. In 1610 it was discovered that William Seymour, the second son of lord Beauchamp, was endeavouring to gain the lady Arabella as his wife. They were brought before the Council, and protested that they never intended marrying without the king's consent. In a few months they were privately married. The husband was sent to the Tower; the wife was placed in official custody. On the 3rd of June, 1611,

* Ante, p. 242. † "Calendar of State Papers," p. 121. ‡ *Ibid.*, p. 555.

she escaped from Highgate, disguised as a man; having drawn "a pair of great French fashioned hose over her petticoats, putting on a man's doublet, a manlike perruque with long locks over her hair, a black hat, black cloak, russet boots with red tips, and a rapier by her side." Seymour meanwhile had escaped from the Tower, also in disguise. Arabella rode to Blackwall; and then crossed to Lee. A French bark, hired for the occasion, was there lying at anchor, and when she went on board, the captain stood out to sea, without waiting for Seymour, who was expected to join his wife. They never saw each other again. Arabella was captured in the French bark by an English pinnace that had been sent in chase of the fugitives; and she was carried to the Tower. Seymour escaped to Ostend. The jealousy of king James would never permit him to show any mercy to his unhappy cousin. She died in the fourth year of her imprisonment, worn out with grief which ended in mental derangement. Of the cruelty of the king to his kinswoman there can be no doubt. The illegality of her imprisonment is equally clear. It could not be justified by the very distant possibility that any issue of a marriage between two persons who each were of the blood royal might be dangerous to the succession. * Arabella was treated by James with far greater harshness than was used to Catherine Grey by Elizabeth; nor was there the apology in James's case, as in that of the queen, that the title of the reigning sovereign was open to dispute. Arabella was the victim of a causeless injustice, "through the oppression of a kinsman whose advocates are always vaunting his good nature." †

In May, 1612, died Robert Cecil, earl of Salisbury. "He was a good statesman, and no ill member of the Commonwealth," says sir Simonds D'Ewes; but he died amidst "a general hate, almost of all sorts." ‡ Bacon has described him as "a more fit man to keep things from growing worse, but no very fit man to reduce things to be much better." When he was gone, things did grow much worse. He had left an empty treasury, which he had vainly attempted to fill by his scheme for a permanent revenue. The constant manifestation of an arbitrary temper on the part of the king, "willing to wound, but yet afraid to strike," made the Commons cling with great tenacity to their undoubted power of refusing supplies. Robert Carr succeeded Cecil, not as prime minister,

* Seymour was grandson of the earl of Hertford who married Catherine Grey. See ante, p. 79.

† Hallam, vol. i. p. 351.

‡ "Autobiography," vol. i. p. 50.

ter; but he was all-powerful as prime favourite. Before the death of Cecil, the king's minions had not ostensibly influenced public affairs. James gormandised with Heliogabalus Hay; and when Carr, a raw Scotch lad, had broken his leg in the tilting-yard, the king watched over his recovery, placed him about his person, pinched his cheek, taught him Latin, * bestowed on him forfeited lands, created him baron Branspath and then viscount Rochester, and made him a knight of the garter. But neither Hay nor Carr appear to have meddled with the functions of a Treasurer or Secretary of State while Cecil lived. For four years after that minister's death Carr ruled supreme, till another favourite came to eject him. The history of this period is disgusting to trace in contemporary memoirs and documents, and much of it is unfit to be related in a modern narrative. Justly does Mr. Carlyle say, "Somerset Ker, king's favourite, son of the Laird of Fernieherst, he and his extremely unedifying affairs—except as they might transiently affect the nostrils of some Cromwell of importance—do not much belong to the History of England. Carrion ought at length to be buried." † Yet they cannot be wholly passed over. The "extremely unedifying affairs" of the court of James had a great deal to do with the momentous events of the next reign. The disgust of the sober and religious part of the community drove vast numbers into the opposite extreme of religious aceticism. In proportion as the Puritans were hated by the courtiers, denounced in the high-church pulpits, ridiculed upon the stage, they grew in the real strength of their earnest principles; and they gained an enormous accession of strength in town and country, of those who, "out of mere morality and civil honesty, discountenanced the abominations of those days." Their religion "was fenced with the liberty of the people, and so linked together, that it was impossible to make them slaves till they were brought to be idolaters of royalty and glorious lust, and as impossible to make them adore these gods while they continued loyal to the government of Jesus Christ." ‡ So writes Lucy Hutchinson, one in whom the beauty of holiness is presented under its noblest aspects of manly courage and feminine tenderness.

In 1606, on Twelfth Night, a masque was performed at court, of which Jonson wrote the verses, and Inigo Jones superintended

* "Nugæ Antiquæ," vol. i. p. 390.

† "Cromwell's Letters," Introduction, p. 32.

‡ "Memoirs of Colonel Hutchinson, vol. i. p. 121, ed. 1822.

the decorations and machinery. This "Masque of Hymen" was to celebrate the marriage of the earl of Essex, a boy of fourteen years, with lady Frances Howard, a girl of thirteen. In 1613, there was another masque in honour of the marriage of this lady with Robert Carr, then created earl of Somerset. The young Essex had gone abroad after his marriage; and his child-bride had lived amongst the seductions of the court—"incomparably the most disgraceful scene of profligacy which this country has ever witnessed."* The odious circumstances which attended the divorce of lady Essex, that she might be bestowed upon her paramour, Somerset, brought equal disgrace, in the eyes of the people, upon the king who urged the divorce in the most unkingly manner, and upon the Ecclesiastical Court which decreed it. The king, in pandering to an adulterous connexion, dared to tell archbishop Abbot, who opposed the disgraceful proceeding, "the best thankfulness that you, that are so far my creature, can use towards me, is to reverence and follow my judgment, and not to contradict it." † This profligate man was now freed from the observation of his two elder children, whose lives and opinions were not in exact agreement with his own. Prince Henry was in his nineteenth year, when, on the 6th of November, 1612, he died, after a short illness. The prince, although there was no public difference between them, had probably as little respect for the king as the king had affection for the prince. Between Henry and Somerset there was decided enmity. The popularity of the prince, who was an especial hope of the strict religious section of the nation, was offensive to the king; so that when the son's court was frequented by a very different class of men from those who thronged round the court of the king, James was heard to exclaim, "will he bury me alive?" Henry was attached to Raleigh, whom he often visited in prison; and he loved to hear, as he might have heard from him, stories of the martial princes of our Plantagenet race, and of the later period when the support of the Protestantism of Europe was the great policy of England. He has been reported to have said, with regard to the imprisoned Raleigh, that only such a king as his father would keep such a bird in such a cage. When Henry died, there was an outcry that he had been poisoned. D'Ewes says, "It is not improbable but that he might overheat and distemper himself in some of those sports and recreations he used in his company; but the strength of his constitution, and the vigour of his youth

* Hallam, i. p. 342. † Amos, "The great Oyer of Poisoning," p. 6.

might have overcome that, had he not tasted of some grapes as he played at tennis, supposed to have been poisoned."* Some circumstances which were disclosed a few years later favoured this suspicion. But whatever might be the cause of prince Henry's death, his father exhibited some strange feelings which strongly contrast with the national grief, when "the lamentation made for him was so general as even women and children partook of it." † There had been a negotiation for marrying Henry to a princess of France; and within three days of his death Rochester directed our ambassador, who had the decency not then to propound the matter, to make overtures for the marriage of the same princess to the king's remaining son, Charles. Henry was buried at Westminster on the 7th of December. There was no time lost in grief; for on the 14th of February following the princess Elizabeth was married at Whitehall to Frederick, the elector palatine. The king again demanded a feudal aid on this occasion, as he had demanded one when his eldest son was created prince of Wales. It defrayed only a portion of the enormous expenses of the marriage festivities. The union was a happy one in the mutual affection of the prince and princess. It was doomed to be unfortunate in the loss which the elector sustained of his hereditary dominions, when he consented to be chosen king of Bohemia. The demeanour of a light-hearted girl of sixteen at her bridal ceremony was held to be prophetic of evil:—"While the archbishop of Canterbury was solemnizing the marriage, some eruptions and lightnings of joy appeared in her countenance, that expressed more than an ordinary smile, being almost elated to a laughter, which could not clear the air of her fate, but was rather a forerunner of more sad and dire events." ‡ From the twelfth child of the princess Elizabeth the House of Brunswick inherits the crown of this kingdom.

Hume has said, with some truth, "except during sessions of parliament, the history of this reign may more properly be called the history of the court than that of the nation." But the exception is a very considerable one. During sessions of parliament we clearly trace how the nation was growing into a power truly formidable to the arbitrary disposition of the king and the selfish indulgences of the court. We see in these sessions of parliament of what materials the English nation was composed. When we open the parliamentary debates of this period, we find abundant evidence that

* "Autobiography," vol. i. p. 47.

† Wilson, "Life of James I."

‡ "Autobiography," vol. i. p. 46.

such of the gentlemen of England as remained uncorrupted by court favours, and had not "learnt the court fashion," * were not only a spirited race but were highly intelligent. They were perfectly acquainted with the laws of their country and the history of its constitution. They had not only solid arguments, but carefully sought precedents, to shape their resistance to impositions and benevolences, to monopolies and purveyance, to proclamations which claimed to have the force of statutes, but which were only legal if they prescribed obedience to some established principle of constitutional government. They were practically familiar with the laws of property, and with the administration of justice in their several localities. A writer whose learning and industry, if his life had been longer spared, would have no doubt added many more able contributions to our history, says of the country gentlemen, "undoubtedly, in the earlier half of the seventeenth century a great amount of solid and polite learning distinguished them; and to this must be attributed the energetic resistance which the king and his corrupt courtiers met with in their insane crusade against the liberties of England."† The parliament which, after an interval of four years, met on the 6th of April, 1614, was called, not for any purpose of general legislation, but in the expectation that by proper management it might relieve the king's necessities. Bacon, then attorney-general, sir Henry Neville, and some others, undertook to bring the Commons into a gracious frame of mind, by inducing the king to relax some of his claims of prerogative, which were called grievances, and thus to obtain a liberal supply. The scheme could not be concealed; and hence these politicians obtained the name of "undertakers." The king in his opening speech protested that it was as false as it would have been unworthy of himself, that he should employ "private undertakers" who "would do great matters." Bacon laughed at the notion that private men should undertake for all the Commons of England. In 1621 James openly acknowledged what he had before denied. Mr. Hallam points to this circumstance as showing "the rise of a systematic parliamentary influence, which was one day to become the mainspring of government." Hume says, "so ignorant were the Commons, that they knew not this incident to be the first infallible symptom of any regular or established liberty." The Commons knew better than the

* Mrs. Hutchinson.

† J. M. Kemble, Introduction to Twysden on "the Government of England," Camden Society, p. xix.

historian, that, whatever might have been attempted under despotic princes, there was an ancient system of "regular or established liberty," which did not require any symptoms for its manifestation. They did not acknowledge what the historian has constantly inferred, that the notion of liberty was a sudden growth of the seventeenth century; "that the constitution of England was, at that time, an inconsistent fabric, whose jarring and discordant parts would soon destroy each other."* They opposed the parliamentary influence because they dreaded corruption as much as they hated tyranny. The scheme of the undertakers was entirely unsuccessful. James uttered smooth words and made specious promises; but the Commons, with one voice, passed a vote against the king's right of imposing customs at the outports, without the consent of parliament. A supply was demanded, under a threat that if it were not given the parliament should be dissolved. The house passed to the question of impositions. There were various bills in progress. After a session of two months of stormy debate, the parliament was dissolved, without a single bill being passed. It was named "the addled parliament." No other parliament was called till 1621. For eleven years the Statute book is a blank. The king was not satisfied with the perilous measure of attempting to govern without a parliament, but he committed to the Tower five of the members of the House of Commons who had been most strenuous in their opposition. He had to supply his necessities by fines in the star-chamber, and by exercises of the prerogative which were galling and oppressive. His first great resource was a Benevolence. Mr. Oliver St. John declined to contribute, and wrote a letter setting forth his reasons for refusal. He was brought into the star-chamber, and was fined in the sum of £5000. The courtiers would think this a mild punishment for one who had presumed to doubt the right to put his hands into the pockets of his subjects of a king who had just told his disobedient parliament, "my integrity is like the whiteness of my robe, my purity like the metal of gold in my crown, my firmness and clearness like the precious stones I wear, and my affections natural like the redness of my heart."† Such was the gabble of this ridiculous pedant upon solemn occasions. When he sat at table, with a crowd of listeners, he discoursed largely of his divine right to implicit obedience, and of the superiority of his prerogative over the laws and customs of

* "History of England," chap. xlvi.

† "Parliamentary History," vol. i. p. 1150.

England. There is "a specimen of his usual liberty of talk," as Hume terms a story which Mr. Hallam deems "too trite for repetition," but which we venture to repeat. Waller, the poet, when young, stood among the spectators who were allowed to see the king dine. James, with his loud sputtering voice, asked the opinions of bishop Neile and bishop Andrews, whether he might not take his subjects' money, when he needed it, without all the fuss of parliament? Neile replied, 'God forbid you should not, for you are the breath of our nostrils.' Andrews hesitated; but the king insisting upon an answer, he said, 'Why, then, I think your majesty may lawfully take my brother Neile's money, for he offers it.'

By the death of the earl of Northampton, within a week of the dissolution of parliament, the king and his courtiers had an opportunity for a scramble to recruit their finances. The office of Lord Privy Seal having become vacant, the occasion was embraced to effect what we should now call a partial change of ministry. But this change was accomplished in a way that would be rather startling in modern times. Some of the high offices were sold. Sir Fulk Greville paid £4000 for the Chancellorship of the Exchequer. Inferior places went to the highest bidder. When Somerset sold the office of cup-bearer to George Villiers, one of the sons of a Leicestershire knight, he appears to have forgotten that another might supplant him in the favour of a king who dwelt on "good looks and handsome accoutrements."* The cup-bearer was a dangerous rival. "His first introduction into favour," says Clarendon, "was purely from the handsomeness of his person." The history of the country, to the end of this reign, is in great part the personal history of George Villiers,—the adventurer, who had in his capacity of the king's cup-bearer been "admitted to that conversation and discourse with which that prince always abounded at his meals." In a few weeks, continues Clarendon, he mounted higher; "and, being knighted, without any other qualification, he was at the same time made gentleman of the bedchamber and knight of the order of the garter; and in a short time (very short for such a prodigious ascent) he was made a baron, a viscount, an earl, a marquis, and became lord high admiral of England, lord warden of the cinque-ports, master of the horse, and entirely disposed of all the graces of the king, in conferring all the honours and all the offices of three kingdoms without a rival."†

The marriage of the earl of Somerset with the divorced lady

* "Nugæ Antiquæ," p. 392.

† History of the Rebellion, book i.

Essex, on St. Stephen's day, 1613, had been preceded by the death in the Tower of Somerset's friend, sir Thomas Overbury. The incense that was offered to the royal favourite on the occasion of his marriage is almost as revolting as the marriage itself. Bacon spent £2000 upon "The Masque of Flowers," in which grave lawyers spoke the flattering words which were put into the mouths of hyacinths and jonquils. Donne wrote an eclogue, in which he describes the eyes of the bride as sowing the court with stars. The Corporation of London gave the earl and countess a magnificent banquet at Guildhall; and when the lady, to go to the festival, borrowed the four superb horses in which sir Ralph Winwood, the Secretary of State, took pride, he begged her to accept them, as so great a lady should not use anything borrowed. In less than two years the same sir Ralph Winwood was labouring to discover the suspected murderers of sir Thomas Overbury. According to one account, an apothecary's boy, falling sick at Flushing, confessed that he had administered a poison to Overbury, who was then a prisoner in the Tower. According to another account, the discovery was as follows:—"It came first to light by a strange accident of sir Ralph Winwood, knt., one of the Secretaries of State, his dining with sir Jervis Elvis, lieutenant of the said Tower, at a great man's table, not far from Whitehall. For that great man, commending the same sir Jervis to sir Ralph Winwood as a person in respect of his many good qualities very worthy of his acquaintance, sir Ralph answered him, that he should willingly embrace his acquaintance, but that he could first wish he had cleared himself of a foul suspicion the world generally conceived of him, touching the death of sir Thomas Overbury. As soon as sir Jervis heard that, being very ambitious of the Secretary's friendship, he took occasion to enter into private conference with him, and therein to excuse himself to have been enforced to connive at the said murder, with much abhorring of it. He confessed the whole circumstance of the execution of it in general, and the instruments to have been set on work by Robert, Earl of Somerset, and his wife."*

The confession of Elvis, or Helwys, as thus related by D'Ewes, is not very probable. But suspicion being roused, and that suspicion pointing to the once favourite of the king—of whom, according to Clarendon, his majesty "began to be weary,"—all the state machinery was put in action to bring the murder home to the in-

* D'Ewes, "Autobiography," vol. i. p. 68.

stigators and the perpetrators. Coke, the lord chief justice, is stated by Bacon to have taken three hundred examinations. The king, according to the narrative of Roger Coke, the grandson of the great judge, was at Royston, and Somerset with him, when Winwood came to tell him what had been discovered. James immediately sent a messenger to Coke to apprehend the earl. Coke prepared a warrant, and despatched it to Royston: "The messenger went back post to Royston, and arrived there about ten in the morning. The king had a loathsome way of lolling his arms about his favourites' necks, and kissing them; and in this posture the messenger found the king with Somerset, saying, 'When shall I see thee again?' Somerset then designing for London, when he was arrested by sir Edward's warrant. Somerset exclaimed, that never such an affront was offered to a peer of England in presence of the King. 'Nay, man,' said the king, 'if Coke sends for me, I must go;' and when he was gone, 'Now the Deel go with thee,' said the king, 'for I will never see thy face any more.'" In the afternoon, according to the same account, the chief justice arrived, and then the king commanded him to search into the bottom of the conspiracy, and to spare no man, however great; concluding with an awful appeal to God to curse Coke if he spared any of them, and invoking the same curse upon himself if he pardoned any.

On the 19th of October, on the 9th of November, and on the 16th of November, 1615, Richard Weston, James Franklin, Anne Turner, and sir Jervis Elvis, were arraigned and condemned at Guildhall, and were executed. The countess of Somerset was committed to the Tower, where she gave birth to a daughter; and her husband was also committed. On the 24th of May, 1616, the countess was arraigned before the peers. She pleaded guilty, and was sentenced to death. The motive which induced her to be accessory to this crime was set forth by the chief justice in a report to the king. The examinations, he said, disclosed that lady Frances, countess of Essex, had employed sorcery for the double purpose of estranging the affections of her husband and winning those of Rochester; that Overbury, who had exhorted Somerset not to think of a divorce for the wife of Essex, to be followed by his own marriage, was, through the management of the deceased earl of Northampton, committed to the Tower; that Wade, the lieutenant of the Tower, was removed to make room for Elvis; that Weston was recommended as warder of the prisoner; that the countess, by the aid of Mrs. Turner, procured poisons from

Franklin; and that by Weston they were administered, with the connivance of Elvis. The earl of Somerset was put upon his trial on the day after his countess had confessed her guilt. It is one of the disgraces of Bacon that, in managing this trial, he had tampered with the due course of justice, so as to preconcert with the king that Somerset should be convicted, but, as he says under his own hand, "It shall be my care so to moderate the manner of charging him, as it might make him not odious beyond the extent of mercy."* Somerset was convicted; and was sentenced to die. In a few days his wife received a free pardon, which was afterwards extended to himself. He obtained a large pension; and only lost his great offices. The mysterious circumstances which led to such a flagrant defiance of public opinion may be explained by a remarkable account given by sir A. Weldon. His little book, "The Court and Character of King James," was long held to be a libel upon the Stuart family; but in the words of the most temperate of historians, his statement with regard to Somerset has "received the most entire confirmation by some letters from More, lieutenant of the Tower, published in *Archæologia*, vol. xviii." Somerset's trial was undoubtedly so managed by Bacon "as to prevent him making any imprudent disclosure, or the judges from getting any insight into that which it was not meant to reveal."† The following is the narrative of Weldon, of which he says, "this is the very relation from More's own mouth":—

"And now for the last act, enters Somerset himself on the stage, who, being told, as the manner is, by the lieutenant, that he must provide to go next day to his trial, did absolutely refuse it, and said they should carry him in his bed; that the king had assured him he should not come to any trial, neither durst the king to bring him to trial; this was in a high strain, and in a language not well understood by George More (lieutenant in Eiwaies his room), that made More quiver and shake, and however he was accounted a wise man, yet was he near at his wits' end.

"Yet away goes More to Greenwich, as late as it was (being twelve at night), bounceth at the back stairs, as if mad, to whom came Jo. Leveston, one of the grooms, out of his bed, enquires the reason of that distemper at so late a season; More tells him he must speak with the king; Leveston replies, he is quiet (which in

* Amos, "Great Oyer," p. 459.

† "Constitutional History," vol. i, p. 353, note.

the Scottish dialect is fast asleep); More says, you must awake him; More was called in; the chamber left to the king and More, he tells the king those passages, and desired to be directed by the king, for he was gone beyond his own reason to hear such bold and undutiful expressions, from a faulty subject, against a just sovereign. The king falls into a passion of tears, On my soul, More, I wot not what to do; thou art a wise man, help me in this great strait, and thou shalt find thou dost it for a thankful master; with other sad expressions. More leaves the king in that passion, but assures him he will prove the utmost of his wit, to serve his majesty, and was really rewarded with a suit worth to him £1500 (although Annandale, his great friend, did cheat him of one half), so was there falsehood in friendship.

"Sir George More returns to Somerset about three next morning, of that day he was to come to trial; enters Somerset's chamber, tells him he had been with the king, found him a most affectionate master unto him, and full of grace in his intentions towards him, but (said he) to satisfy justice, you must appear, although return instantly again, without any further proceeding, only you shall know your enemies and their malice, though they shall have no power over you. With this trick of wit, he allayed his fury, and got him quietly, about eight in the morning to the Hall, yet feared his former bold language might revert again, and being brought by this trick into the toil, might have more enraged him to fly out into some strange discovery, that he had two servants placed on each side of him, with a cloak on their arms, giving them a peremptory order, if that Somerset did any way fly out on the king, they should instantly hood-wink him with that cloak, take him violently from the Bar, and carry him away; for which, he would secure them from any danger, and they should not want also a bountiful reward. But the earl finding himself over-reached, recollected a better temper, and went on calmly in his trial, where he held the company until seven at night. But who had seen the king's restless motion all that day, sending to every boat he see landing at the bridge, cursing all that came without tidings, would have easily judged all was not right, and there had been some grounds for his fears of Somerset's boldness; but at the last one bringing him word he was condemned, and the passages, all was quiet."*

The mysteries which were involved in the death of Overbury, whose murder can scarcely be attributed solely to the revenge of

* "The Court of King James," 1650, p. 115. See Note, p. 306.

lady Somerset; the fearful secrets which Somerset might have revealed had he not been assured of the king's pardon, and of the rewards which he afterwards received—are conjectured to be of a nature that had better be buried with the "carrion" to which they belong. That Somerset was guilty of being accessory to the murder of Overbury is very little to be doubted. That the murder was for the concealment of some terrible secret can as little be questioned. How far James was implicated in these dark affairs may be better judged from a careful perusal of the great body of evidence collected by Mr. Amos, than by any brief mention in this, or any other historical abstract.

The conduct of sir Edward Coke upon these Somerset trials was probably not such as won the favour of the king, especially if an expression which he is said to have used during the proceedings be authentically stated. It was: "God knows what became of that sweet babe prince Henry, but I know somewhat." This has been disputed; but it appears in a sentence from a report of Bacon to the king, that Coke was not so discreet as the courtiers could have wished. "My lord Coke," he says, "hath filled this part with many frivolous things." The chief justice was not so inclined to sustain the prerogative as some of his brother judges. At an earlier period of his career, he had given umbrage to the king, in saying that "his highness was defended by his laws;" James told him "he spake foolishly;" that "he was not defended by his laws, but by God;" and Coke went upon his knees, and begged pardon. In 1610, Coke had been consulted by the council, whether the king, by his proclamations, might limit the increase of buildings in London, and forbid the making of starch from wheat. Parliament was then sitting, and the Commons were then expected to remonstrate against this exercise of the prerogative. The chief justice and three judges decided that the king by his proclamations could not create any offence which was not one before; that the king, by his proclamations, may admonish his subjects that they keep the laws, and do not offend against them. The same sound doctrine was held even in the reign of Mary, when the judges laid down, that no proclamation can make a law, but only confirm and ratify an ancient one.* In 1615, Coke opposed his legal knowledge to the preliminary proceedings in a detestable act of tyranny. Edmund Peachum, a clergyman in Somersetshire, had his study broken open; and a manuscript sermon being there found,

* Hallam, vol. i. p. 337.

in which there was strong censure of the extravagances of the king and the oppressions of his officers, the preacher was put to the rack, and interrogated "before torture, in torture, between torture, and after torture." He was suspected of treason; but this horrible severity could wring no confession from him. It was doubted whether the sermon itself could be received as an overt act of treason. Bacon was directed by the king to confer with the judges of the King's Bench separately; to which Coke objected, as "not according to the custom of this realm." The other judges were tampered with. Coke at length gave an opinion, which evaded the question, and did not confirm the king's arguments and that of the other unscrupulous judges, that the sermon itself was treasonable. The unhappy man was, however, tried and condemned; but he died in gaol. The chief justice again offended by contending that the equitable jurisdiction of the Court of Chancery ought not to be exercised after a judgment obtained at law. But his greatest offence was in demurring to the authority of a letter which Bacon had written at the king's desire, to direct that the Court of King's Bench should not proceed to judgment in a case which concerned the validity of the grant of a benefice to a bishop, in connexion with his bishopric. Coke said that such a letter should be written to the judges of all the courts; and that being done, he induced them to take the honourable course of certifying to the king that they were bound by their oaths not to regard any such letters, which were contrary to law. The king went into one of his usual fits of rage when his prerogative was questioned, and called the twelve judges before him to answer for their disobedience. They all tamely yielded, with the exception of Coke. He was very shortly after first suspended from his office, and then dismissed.

It is not difficult to imagine, whilst such scandalous revelations and suspicions were rife as those of the Overbury case; whilst the majority of the judges were slavish; whilst the Court of High Commission was proceeding in its arbitrary course in matters of religion—a Court which, according to an unheeded remonstrance of the Commons, took upon itself to fine and imprison, and pass sentences without appeal; whilst the Star Chamber was trampling upon every personal right,—that the nation was growing universally disgusted with the government under which it lived. The people had no constitutional organ to proclaim their grievances. Parliaments had been laid aside. The great religious body

termed Puritans were offended, in 1618, by a proclamation that all lawful recreations, such as dancing, archery, leaping, May-games, might be used on Sundays after divine service. They associated this injudicious measure—which had a tendency to make the disputes between the two parties in the Church more rancorous—with the king's visit to Scotland to enforce episcopacy upon a reluctant people. After that visit a better provision was made for the parochial clergy, by the passing of an Act in the Scottish Parliament, which compelled the impropiators of tithes to allow a stipend to the resident minister. But the ecclesiastical policy of James in Scotland was not successful; and in 1620 the preachers were inveighing against episcopal rule, and that general discontent was growing which, in a few years, broke out in bitter hostility. In neither of the kingdoms could the people be deemed happy, or the government paternal.

VOL. III.—20

NOTE ON THE SECRET COMMUNICATIONS BETWEEN THE KING AND SIR GEORGE MORE.

THE letters to which Mr. Hallam refers as giving the most entire confirmation to the passage in Weldon's Memoirs, are in the handwriting of king James; and were published in 1835, the originals being then in the possession of James More Molyneux, Esq., of Losely. They had been carefully preserved in sir G. More's family; and were enclosed in an envelope, on which was an inscription in handwriting of the early part of the seventeenth century. It thus commences: "These four letters were all in King James his own hand-writing, sent to Sir George More, Lieut. of the Tower (being put into that place by his own appointment, without the privity of any man), concerning my Lord Somerset, who being in the Tower and hearing that he should come to his arraignment, began to speak big words touching on the King's reputation and honour. The King therefore desired, as much as he could, to make him confess the poisoning of Sir Thomas Overbury, and so not to come to his arraign, but to cast himself on his mercy. But being a Courtier and beaten to these courses, would not; fully imagining, that the King durst not or would not bring him to his trial.

1616. May 9th.

"GOOD SIR GEORGE,

"As the only confidence I had in your honesty made me, without the knowledge of any, put you in that place of trust, which you now possess, so must I now use your trust and secrecy in a thing greatly concerning my honour and service. You know Somerset's day of trial is at hand, and you know also what fair means I have used to move him by confessing the truth, to honour God and me, and leave some place for my mercy to work upon. I have now at last sent the bearer hereof, an honest Gentleman, and who once followed him, with such directions unto him, as, if there be a sponke of grace left in him, I hope they shall work a good effect. My only desire is, that you would make his convey unto him in such secrecy, as none living may know of it, and that, after his speaking with him in private, he may be returned back again as secretly. So, reposing myself upon your faithful and secret handling of this business, I bid you heartily farewell.

"JAMES R."

1616. May 13th.

"GOOD SIR GEORGE,

"Although I fear that the last message I sent to your unfortunate Prisoner shall not take the effect that I wish it should, yet, I cannot leave off to use all means possible to move him to do that which is both most honorable for me, and his own best. You shall therefore give him assurance in my name, that if he will yet before his trial confess clearly unto the Commissioners his guiltiness of this fact, I will not only perform what I promised by my last Messenger, both towards him and his wife, but I will enlarge it, according to the phrase of the civil law, quod gratia sunt amplianda. I mean not that he shall confess if he be innocent, know evil likely is, and of yourself you may dispute

with him what should mean his confidence now to endure a trial, when as he remembers, that this last winter he confessed to the Chief Justice that his cause was so evil likely, as he knew no jury could acquit him. Assure him that I protest upon my honor, my end in this is for his and his wife's good; you will do well, likewise, of yourself to cast out unto him, that you fear his wife shall plead weakly for his innocency, and that you find the Commissioners have, you know not how, some secret assurance that in the end she will confess of him: but this must only be as from yourself; and therefore you must not let him know that I have written unto you, but only that I sent you private word to deliver him this message. Let none living know of this, and if it take good effect, move him to send in haste for the Commissioners to give them satisfaction, but if he remain obstinate, I desire not that you should trouble me with an answer, for it is to no end, and no news is better than evil news; and so farewell, and God bless your labours.

"JAMES R."

Without date.

"GOOD SIR GEORGE,

"I am extremely sorry that your unfortunate prisoner turns all the great care I have of him, not only against himself, but against me also, as far as he can. I cannot blame you, that you cannot conjecture what this may be, for God knows it is only a trick of his idle brain, hoping thereby to shift his trial; but it is easy to be seen that he would threaten me with laying an aspersion upon me of being in some sort accessory to his crime. I can do no more (since God so abstracts his grace from him), than repeat the substance of that letter which the Lord Hay sent you yesternight, which is this: if he would write and send me any message concerning this poisoning it needs not be private; if it be of any other business, that which I cannot now with honour receive privately, I may do it after his trial, and serve the turn as well; for except either his trial or confession precede, I cannot hear a private message from him, without laying an aspersion upon myself of being accessory to his crime, and I pray you to urge him by reason, that I refuse him no favor which I can grant him, without taking upon me the suspicion of being guilty of that crime whereof he is accused; and so farewell.

"JAMES R."

Without date.

"GOOD SIR GEORGE,

"For answer to your strange news, I am first to tell you, that I expect the Lord Hay and Sir Robert Carr have been with you before this time, which if they have not yet been, do you send for them in haste, that they may first hear him, before you say any thing unto him, and when that is done, if he shall still refuse to go, you must do your office, except he be either apparently sick or distracted of his wits, in any of which cases, you may acquaint the Chancellor with it, that he may adjourn the day till Monday next, between and which time, if his sickness or madness be counterfeited, it will manifestly appear. In the mean time, I doubt not but you have acquainted the Chancellor with this strange fit of his, and if upon these occasions you bring him a little later than the hour appointed, the Chancellor may in the mean time protract the time best he may, whom I pray you to acquaint likewise with this my answer, as well as with the accident. If he have said any thing of moment to the Lord Hay, I expect to hear of it with all speed; if otherways, let me not be troubled with it till the trial be past. Farewell.

"JAMES R."