

TRIAL OF THE EARL OF STRAFFORD

Sir John Coke (1607–1650), Member of Parliament for Derbyshire (1640–1650)

to Sir John Coke (1563–1644), his father

Sir John Coke the Elder served as one of Charles I's primary Parliamentary spokesmen throughout the 1620s, and served as a Secretary of State from 1625 until the 1639 peace with the Scots. He then retired from royal service and political life, removing to his estate at Melbourne Hall (Derbyshire).

Sir John Coke the Younger entered national politics in 1640, and faithfully reported to his father the proceedings in Parliament. Coke disguised his handwriting in this letter, and did not sign it, in case it fell into the hands of his enemies.

London, 13 March ^{1640/1641}

We have been this week exercised in conferences with the Lords concerning the Earl of Strafford's¹ trial. Now the Lords resolve that the place shall be Westminster Hall; that the House of Commons shall be present as a Committee of the whole House; that the evidence shall be managed by members of the lower House; and that the Earl's counsel shall not stand at the bar, but in some convenient place where they may hear, without permission to speak until the whole evidence be concluded; then they may speak to matter of law, but not to matter of mere fact; and the Lords reserve to themselves the judgment what shall be accounted matter of law and what matter of fact.

But this does not as yet give us satisfaction, because the admission of us as a committee is exclusive of our being there in the capacity of a House and, secondly, we like not the distinction the Lords make of law and mere fact. We have added a saving of our rights, and so have the Lords also, with profession that this shall not be drawn into precedent hereafter. These answers of the Lords are still under commitment with us.

In the committee of the Lords it was carried by 26 voices against 14 that the Lieutenant should be admitted no counsel at his trial, but when that vote was reported to their House, it was over-ruled in the whole House by 20 voices that he should be admitted his counsel, *ut supra*.

The Lord Brooke² was called to the bar yesterday by the Earl of Bath,³ but excused by the Earl of Essex.⁴ The exception that Bath took was that in a speech he mentioned these heads—viz., God, the Parliament, and the King, putting the King after the Parliament. There is no good blood amongst them. The Earl of Bath is a very good friend to the bishops. The bishops are caused to withdraw when the Earl of Strafford's cause comes into any agitation amongst the Lords.

A cessation of arms is concluded for a month longer, to end 16 April. The Scots have delivered in diverse demands, as heads of the 8th Article, concerning the establishment of a sure peace. So many and of such nature that I doubt the treaty will not end before Mid-summer, and they must be maintained as long as they stay. But we begin to talk of lessening both armies, to lessen thereby the charge. Sir John Strangeways⁵ opposes the disbanding of the Irish army until we see what will become of the treaty; but that is over-ruled by the other side, who labour to get all the strength of the Kingdom into the hands of that party. But without question we cannot reap any benefit from that popish army. God cannot be with them for our good, however affairs are shaped.

¹ Thomas Wentworth (1593–1641), Earl of Strafford, Lord Lieutenant of Ireland (1632–1639)

² Robert Greville (1607–1643), Baron Brooke

³ Henry Bourchier (1587–1654), Earl of Bath and a staunch supporter of Charles I

⁴ Robert Devereux (1591–1646), Earl of Essex

⁵ Sir John Strangeways (1585–1666), supporter of Charles I

Generally through the town it is now voted that the Lieutenant shall suffer and his trial suddenly expected, a week it will be ere the scaffold can be made ready in Westminster Hall. Some of the Lieutenant's enemies say that he is led in a string by the Lords and fed with hopes of life, thereby to prevent his impeachment of others, but I do not think he will die a fool. And those Lords that hope to settle themselves in place by making of shows on his behalf with design that the rigour against him shall be the work of the House of Commons may perchance miss of some of their ends.

The Treasurer, Vane,¹ is quite out of power both with the Queen and the King, who have chidden him bitterly the last week as one that have betrayed him, and joins with a faction against him. Since that time he has been but once for an hour at the House of Commons. His friends pretend that the treaty with the Dutch Ambassadors takes up all his time.

The committee for the ministers' remonstrance has presented these three heads to the House to be considered. (1) That secular employment, by which is intended their legislative and judicial power in Parliament, their judicial power in the Star Chamber, and their commissions for the peace and their employments as Privy Councillors at the council table, and in temporal offices. (2) Sole power in ecclesiastical things, by which is intended ordination and censures. (3) The greatness of the revenues of deans and chapters, the little use of them, and the greatness of the inconveniences that come by them.

Dr. Bromriche and others offered themselves to the House by Mr. Bridgeman,² the bishop's son, to defend the right and cause of bishops, but the House was not willing to hear them, especially concerning the first head, for which it is conceived that nothing could be argued. Whether they will admit them to defend power of bishops in the second head, concerning ordination and censures, I cannot tell.

Upon the two first branches of the first head these two votes are already passed. (1) The legislative and judicial power of bishops in the House of Peers in Parliament is a hindrance to the discharge of their spiritual function, prejudicial to the commonwealth, and fit to be taken away by bill, and that a bill be drawn to that purpose. (2) That the bishops, or any clergymen whatever, to be in commission for the peace, or to have any judicial power in the Star Chamber, or any other civil courts is a hindrance to their spiritual function, prejudicial to the commonwealth, and fit to be taken away by bill, and a bill to be drawn to that purpose.

In debate of the first vote, Mr. Selden³ puzzled all the House with a dispute of the right by which bishops sit in Parliament, and convinced most that they do not sit there in respect of their temporal baronies, which was the received opinion. But this diverted nothing of the vote. The second vote followed with little ado.

I hear this night that there is a fellow sent to Newgate for publishing prophecies that 1 April there shall be snow a yard deep, and the 1 May next shall be more bloodshed than ever was in England.

The Lord Cottington⁴ is said to have most privacy with the King, other counsel proceeding from the Queen's side.

God bless us all and send us peace without factious, violent, and unjust proceedings. *Quis talia fando temporet a lacrymis?* Where should men hope for equal and impartial justice but in Parliament? It is a good rule to trust in God, and not in man; He is the shield to those that trust in Him.

The Manuscripts of the Earl Cowper Preserved at Melbourne Hall, Derbyshire (London: HMSO, 1888), II:273–275 [modernized]

¹ Henry Vane the Elder (1589–1655), Treasurer of the Royal Navy (1639–1642). In February 1640, Charles I appointed him Secretary of State over Stafford's objections, which many observers attributed to the Queen's influence.

² son of the Bishop of Chester

³ John Selden (1584–1654), a prominent legal historian and Member of Parliament for Lancaster (1623–1625), Great Bedwyn (1626–1628), Ludgershall (1628–1629), and Oxford University (1640–1648). Selden played a prominent role in Parliament's opposition to Charles I.

⁴ Francis (c. 1579–1652), Baron Cottington, served several times as English Ambassador to Spain, Privy Councillor (1628–1652), and Chancellor of the Exchequer (1629–1642). He converted to Catholicism in 1623, returned to Anglicanism, then converted a second time in 1636.