Thomas L. Wentworth as lord president of the Council of the North, 1629-1633

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THOMAS L. WENTWORTH AS LORD PRESIDENT OF THE
COUNCIL OF THE NORTH, 1629-1633

by

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B. A., Montana State University
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CHAPTER I
WENTWORTH, THE MAN

Thomas L. Wentworth, later Sir Thomas, then Viscount Wentworth and finally the Earl of Strafford, was born on Good Friday, April 13, 1593, at a house in Chancery Lane, London, while his father was on a business trip to the capital. This was a year of plague in London, and when the epidemic crept west into the suburbs to threaten the houses of gentlemen, the Wentworths fled to the family estate in southern Yorkshire. Thomas was the third of twelve children, but the death of his elder brother in infancy left him with only an older sister and therefore the unquestioned leader of the family.

In the autumn of 1607 Thomas Wentworth left Yorkshire for London to study law, and spent the next four years between the Inner Temple and St. John's College, Cambridge. As a student he was a grave young man, not a serious student except in lines of special interest to him, particularly the law which he studied with tremendous enthusiasm. In this environment he listened to and took part in the heated political and religious arguments of the day. His student

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days revealed that he possessed a good memory and a
great power of logical thought. He listened attentively
to great lawyers pleading their cases, and learned the
value of words used correctly. Often moody, he showed a
violent temper which he found difficult to control.
Always active and impatient, he hated sloth, indifference
and hesitation. His sensitive nature was fostered by an
indulgent father. His own driving energy and his
impatience with it in others he probably owed to the influence
of his Puritan mother.

In appearance Wentworth was tall and strong-limbed, yet
spare and sallow, with the cultivated dignity of one much
older. Short black hair and pale complexion emphasized the
irregularity of his features. Beneath a high, broad
forehead his black brows heavily overshadowed piercing dark
eyes. With an overly prominent and irregularly shaped nose,
puffed cheeks, wide mouth and prominent jaw, he was
considerably less than handsome. His hands alone were
beautiful, strong and shapely, with the fingers of an artist.

In 1611 he married Lady Margaret, eldest daughter of
Francis, Earl of Cumberland. Soon thereafter he was
knighted and then, after the custom of the day, travelled on
the continent to complete his education. In February, 1614,
he returned and entered political life as a Knight of the
shire for Yorkshire in the Addled parliament. He sat for his county also in the parliaments of 1621, 1624 and 1625. In the first parliament of Charles I Wentworth took a prominent part in leading the opposition to the King's favorite, the Duke of Buckingham, and to the foreign policy which Buckingham directed. Before calling his second parliament, Charles named the opposition leaders to be sheriffs in various counties, a position which made it impossible for them to run for election to the House of Commons. Wentworth was among those so honored, but the appointment was for only a year. He and the others were back in the parliament of 1628, where Sir Thomas was influential in putting through the Petition of Right. With that slight check upon the royal power Wentworth was satisfied, and in the closing days of the session he sought to curb the radical tendencies of other opposition leaders who would be satisfied only with the destruction of royal authority and the supremacy of parliament over the Crown.

These were the highlights of Wentworth's career down to the time of his appointment as Lord President of the Council of the North.

This study will examine Wentworth's early years as Lord President, and his efforts to deal with such problems as recusancy, Poor Law administration and distraint of knighthood. In dealing with these problems Sir Thomas soon antagonized a number of individuals who banded together to form a determined opposition to his presidency, an opposition which remained to play a leading part in Wentworth's trial in 1640 for alleged treason to the State. The Puritans in the Long Parliament were bent on destroying the prerogative of the Crown. To accomplish this destruction they realized that they must first do away with the king's most able administrator, Wentworth, now the Earl of Strafford. The impeachment and trial brought up evidence from his administration of the North, chiefly during the years 1629 to 1633. But, as will be shown, Wentworth always stayed within the strict limits of the law, and the charges against him could not be proved. Not to be thwarted in their aim to remove the king's chief servant, the Puritans in Parliament forced through a Bill of Attainder, by which Strafford's guilt would not need to be proved, and the Earl was sent to the block, the first victim of the movement which was to end in temporary abolition of the monarchy.

CHAPTER II
WENTWORTH'S APPOINTMENT AND EARLY PROBLEMS

For many years historians held to the view that the government of England in the reign of Charles I was a tyrannical one. Perhaps it is nearer the truth to consider the reign as an experiment in benevolent despotism. Certainly after 1625 there was a steadily increasing efficiency of administration. While surely no statesman, the Duke of Buckingham was an efficient administrator of the navy, and his career as Lord High Admiral was marked by reforms in naval management. Ship-money collections after 1634 were applied to a naval building program and to clearing pirate-infested home waters. Strict enforcement of the poor laws aimed at reducing want and vagrancy.

William Laud, first as Bishop of London and then as Archbishop of Canterbury, forced a more rigid conformity to Anglican principles in the state church. One of the reforms

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3. E. Leonard, The Early History of Poor Relief (Cambridge, 1900), Chaps. I-XII.

deemed most necessary by Charles and his advisers was to restore the efficiency of the Council of the North.

Strictly speaking, the history of the Court at York begins in 1484, when Richard III made his Council at Middleham a permanent court of justice and equity for Yorkshire. Richard III granted a commission for the peace and for hearing and determining causes between party and party. It became unpopular and was abolished early in the reign of Henry VIII, only to be re-established in 1525. At that time the commissioners were given power "to enquire by the oath of true and lawful men, or otherwise, of offences against the peace, and to hear and determine the same according to the laws and customs of the realm or according to their discretion." This made the Council of the North, like the Star Chamber in London, both prosecutor and judge in cases that came before it. There was no jury in any of its trials.

The Council of the North's chief officers were a Lord President, a varying number of Councillors, and a Secretary. The Council was summoned four times a year for general sessions, each lasting for one month to administer justice.

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Rachel Reid, The King's Council in the North, (London, 1921), pp. 242, 262, citing Commission to Tunstall, President of the King's Council in the North, June, 1520, Privy Seals, Series II, 630.
For many years the principal duties consisted of examining persons accused of crimes, felonies or breaches of the peace; issuing process for execution of decrees made at the last session, or for attachment on refusal of execution by the party against whom it had been awarded; taking and cancelling recognizances for the peace or for justice at the suit of any person upon cause shewn. 6

Another important duty was to relieve the poor who were unable to pursue the common course of legal proceedings. 7

The Council in the North was established to maintain order and keep the peace. In order to do this it assumed the functions of a court of justice, both criminal and civil. The extent of the Council's judicial authority was clearly stated in 1537 in the Commission and Instructions to the then Lord President, the Duke of Norfolk. The Council was empowered:

to order and direct punishment for all riots, forcible entries, distress takings, variances, debates and other misbehaviours against our laws and peace; to hear, examine and order all bills of complaints; to enquire and cause inquiry to be made by the oath of worthy and lawful men as by any other means that they might be better informed concerning all unlawful assemblies and conventicles, meetings, Lollards, confederations, misprisions, false accusations, trespasses, riots routes,

6 Ibid., p. 277.
7 Ibid., pp. 245-46.
retainings, contempts, frauds, maintenance, oppressions, violence, extortions, and other misdemeanours, offences and injuries whatsoever, whereby the peace and quietness of our subjects in the aforesaid counties, cities and towns is disturbed, etc.; and to hear and determine the same according to the laws and customs of our Realm of England, or otherwise according to your sound discretion, and also all actions real and personal, save concerning freehold, and all causes of debts and demands whatsoever in the aforesaid counties, etc., when both parties or either party is so burdened by poverty that he cannot conveniently pursue his right according to the common law of our Realm of England; to hear, discuss, decide and determine, likewise according to the laws and customs of our Realm of England, or otherwise according to your wise discretions.

Frequently relations between local courts and the Council of the North were strained. The danger that the Council would deprive all other courts of freedom of action was reduced in part when the Privy Council in London directed the Lord President to use moderation in issuing writs of supersedeas.

In the late Tudor period the Council's jurisdiction was often challenged by the common law courts in London. But James I upheld the independence of the Council of the North when by proclamation in 1609 he ordered the Sheriffs and other officers in the northern counties to execute the Council's decrees and forbade the subject to seek prohibitions and writs of habeas corpus in such matters as would call

8 Ibid., pp. 280-82.
9 Ibid., Chap. V.
into question the Council's jurisdiction.

Wentworth realized that the Council of the North would have to be strengthened if his administration were to be effective. Under the weak presidency of his predecessor, Lord Scrope, many of the powers of the Council had fallen into disuse. As though they suspected that Wentworth would prove a much more forceful leader, his enemies moved soon after his inaugural speech to the Council to hinder his administration. The most effective way to hamstring the Council of the North would be to obtain prohibitions and writs of habeas corpus from common law courts to prevent cases from coming to judgment before the Council. Such a course of action could only be successful if the common law courts cooperated, but the justices of the common law had long been jealous of the growing power of prerogative courts in Tudor and Stuart times. If such a course should prove successful, Wentworth's position would be effectively undermined and the purpose for which he had been appointed would be defeated. Hardly had Wentworth taken his place as Lord President of the Council of the North before the common law courts began to issue prohibitions and writs of supersedes and habeas corpus.

Ibid., pp. 358-64.
The privy Council in London, aware of the danger that Wentworth's good intentions might be defeated, ordered the Attorney General "to make certain alterations in the Instructions to the Council of the North, defining its judicial authority more exactly, and to consider the means by which the common law courts at Westminster could be prevented from interfering with the administration of justice before the Council of the North by issuing writs of habeas corpus, prohibitions and rules to stay proceedings." As a consequence, Wentworth's Instructions were amended to include a new article which, "after reciting how some persons, who had admitted the jurisdiction of the Court at York by their answers, often sought for a prohibition out of one of the Courts at Westminster and, if imprisoned for refusal to obey a decree, would sometimes procure discharge by writ of habeas corpus," forbade any common law court to grant such a prohibition, "save when the Council exceeded the limits of its Instructions." The new article also forbade the common law justices to discharge any person committed for not performing a decree of the Council at York issued in accordance with its Instructions. Along with the amended Instructions went a covering letter, urging the Council of the North to use extreme caution not to

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The King to the Lord president and Council of the North, June 22, 1629; Cal. S. P. Dom. 1628-1629, pp. 585; Conway to Heath, March 18, 1629, Cal. S. P. Dom. 1628-1629, p. 496; Heath to the King, March 28, 1629, Cal. S. P. Dom. 1628-1629, p. 504; Reid, p. 411.
exceed the Instructions in any way. The new Lord President could now be sure of prosecuting cases rightfully belonging under his jurisdiction to their conclusion.

During the closing years of the reign of Elizabeth and through the reign of James the Council of the North had declined in popularity and strength. Many of the administrative duties formerly handled by the Council were turned over to the justices of the peace by Elizabeth's Secretary of State, Sir Robert Cecil. The justices gave Cecil their support in return for the fees which such administrative duties provided them. Several of the monopolies granted by James I infringed upon northern interests, but the monopolies nevertheless had to be protected by the Council of the North. Finally, the administration of Lord Sheffield, as Lord President of the Council in the reign of James, was marked by so much favoritism, peculation and disregard for justice that the Council of the North came to lose the respect of northerners and to be thoroughly detested. The situation did not

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12 Reid, pp. 411-12.
13 Reid, Part IV, Chap. I.
14 The Alum (1607), the Cloth-finishing (1615), and the Wool-staple (1614) Monopolies. Ibid., p. 272.
15 Ibid., pp. 373-74.
improve under Sheffield's successor, Lord Emmanuel Scrope, who retained the office after the accession of Charles I.

In 1628 Charles moved to correct the situation. Lord Scrope, President of the Council of the North, and Sir John Savile, Vice-President, were ousted from their positions and the King looked about for someone to head the Council of the North and to enforce the laws in that area without stint or favor. The choice fell upon Sir Thomas Wentworth, who on December 15, 1628, was appointed Lord President of the Council of the North having already been raised to the peerage in July of the same year and later created Viscount Wentworth on Dec. 10, 1628. The King expressed himself as satisfied that he had selected an honest man. Not only was Wentworth honest, but he had had legal training and had served as a justice of the peace and as sheriff. King Charles hoped for better enforcement of the poor laws in the northern country, and

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17 Ingram to Wentworth, Nov., 1625, Strafford, Letters, I, p. 29; Reid, p. 405; Lady Burghclere, Strafford, (London, 1931) I, p. 65; Wedgwood, p. 57. Wentworth had been a member of the opposition in the Parliament of 1625;
Wentworth as former justice of the peace had had considerable experience with the poor. His management of his own great estates had shown Sir Thomas to be a careful and efficient administrator. Finally, Wentworth was on friendly terms with the landed gentry of the North, a strong point in his favor since his duty would require him at times to oppose private interests. If these gentlemen were favorably disposed to him from the beginning, his administration might open at least without enemies.

Many have wondered why Wentworth was offered and accepted the presidency of the Council of the North. Some have insisted that Charles preferred the post to his most dangerous opponent in the House of Commons, with a view to depriving the opposition of leadership. This stand is negated by the fact that leadership of the opposition in Commons passed to Sir John Eliot several weeks before the end of the session and some time before Wentworth's appointment to royal office. Others have held that Sir Thomas

as another Parliament was planned for the spring of 1626, the Duke of Buckingham decided to ask the King to appoint the leaders of the opposition sheriffs for the year, in this way excluding them from Parliament. Wentworth was among those pricked for Sheriff.

18 Reid, p. 405.
19 Wentworth to Pie, Nov. 13, 1625, Strafford, Letters, I, 29.
20 Reid, p. 405.
21 Treill, p. 32; Reid, p. 406.
22 Gardiner, VI, p. 270; Wedgwood, p. 70.
succumbed to the King's promises, that he was simply
bribed by the prospect of power in this and future
governmental appointments. It is known that he had a
consuming passion for power and that up to 1628 that
passion had not been satisfied. That a man of
Wentworth's integrity should accept a bribe seems unlikely.
Certainly his refusal to subscribe to the Forced Loan in
1627 and his willingness to endure a prison sentence rather
than to submit indicate that he could take a strong stand on
principle. Those who point to Wentworth's philosophy of
government to account for his willingness to accept royal
appointment seem to make the most plausible case.
Wentworth sympathized with absolutist principles in government.
Time and again he argued that if England and settled govern-
ment were to survive there must be a supreme authority, and
he reasoned that the power of such a supreme authority must
reside in the King, particularly in time of stress. Wentworth
never criticized the King, but rather held his advisers to
blame for faults of administration. He accepted the King and
the royal power as institutions of stable government. Bad
government was better than no government as he understood the

23 Truill, p. 33.
24 Gardiner, VI, p. 126; John Eliot, Negotium Postercorum,
25 Strafford, Letters, App. II, p. 430; John Rushworth,
Historical Collections, (London 1721) I, p. 432;
Gardiner, VI, pp. 157-8.
problem, and Wentworth feared that anarchy or no government would result if Parliament's bid for supremacy were successful. When there seemed no possibility of compromise between Parliament and King, Wentworth threw his strength to the side of the Crown. He ignored the charge of apostacy hurled at him by his former colleagues in the House of Commons. "All that mattered to him now was the good government of the Commonwealth of England."

Wentworth understood that his first problem was to re-assert the power of the Crown in his administration of the North. He was willing to enforce the law without fear or favor, without regard for any slur or question of his own motives. To bring effective government to the North might cost personal sacrifice, but he was prepared to do his best regardless of the consequences and in spite of possible loss of popularity among members of his own class. He accepted the duty to administer the law as it existed, even to the extent of executing it against the landed gentry of his home county who up to this point had been his friends.

Fifteen days after his appointment as Lord President

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26 Traill, p. 59-60; Gardiner, VI, p. 338; VII, p. 187.
27 Wedgwood, pp. 72-73.
of the Council of the North, Wentworth addressed the Council at York in a speech that revealed his own attitude toward government and laid down the policy he intended to follow:

Princes are to be indulgent, nursing fathers to their people, their modest liberties, their sober rights ought to be precious in their eyes...

Subjects on the other side ought with solicitous eyes of jealousy to watch over the prerogatives of the Crown, The authority of a king is the keystone which closeth up the arch of order and government, which contains each part in due relation to the whole.

The faithful servants of king and people must look equally on both, weave, twist these two together in all their counsels, study, labour to preserve each without diminishing or enlarging either, and by running in the worn wonted channels, treading the ancient bounds, cut off early all disputes from betwixt them.

Observe some rules which concern the place; a distinction by which I shall futurely govern myself, for in relation to my own person never President expected so little; in relation to the place, never any more jealous of the honour of his master, never any that looked for more.

Unity inwards amongst ourselves; uniform justice outwards to such as come before us, the bleeding evil which, unless it be stanch'd, closed by a ready, a skilful hand, will quickly let out the very vitals of this Court, I mean prohibitions; the necessity whereof cries not alone to us that are judges to attend the cure, but as you have heard his Majesty himself requires it of us. Well, the disease is
irrecoverable. The remedies I propound are two; the first, to assume nothing to ourselves but what is our own, being ever mindful that the voice which speaks here is *vox ad lictum*, we can go no farther than our instructions lead us, move only within their circle ... Assure yourselves, the way to lose what we have is to embrace more than belongs to us. You that are of the fee must guide us herein, you are answerable for it, it is expected from your learning and experience, and therefore I am confident you will carefully intend it. Secondly, we must apply a square courage to our proceedings, not fall away as water spilt upon the ground, from that which is once justly, warrantably done, nor yet give off upon prohibitions till the suitor hath the fruit of his plaints; for the Commonwealth hath no more interest herein than that justice be done, whether with us or elsewhere it skills not; the inherent rights of a subject are no ways touched upon here; these are only disputes between courts, actuated many times out of heat, nay, out of wantonness. And thus the seats of justice, which should nourish, establish a perfect harmony betwixt the head, the members and amongst themselves, degenerate, become instruments of strife, of separation, whiles these furies, like that enraged Turnus in the poet, catch what comes first to hand, tear up the very bounderstones set by the sobriety of former times and hurl them at their fellows in government, and therefore I will declare this point clearly that albeit none before me reverenced the law and the Professors of it more, having the honour to be descended from a Chief Justice myself, yet if we here take ourselves to be within, they there conceive us to be out of our Instructions, I shall no more acknowledge them to be our judges than they us to be theirs, but with all due respect to their persons, must on these questions of jurisdiction appeal to his Majesty, the sovereign judge of us all. Neither do I this barely in relation to my master's command, but to retain in ourselves a capacity, 1st to serve
you, for if we yield up our arms, how shall we exercise our virtues among you. 2ly, in consideration of the good and benefit of these parts for surely, however some may desire a dissolution of this court, yet I persuade myself as soon as the number, the heat of small suits carried far remote at great charges were multiplied amongst them they could confess their ancestors to have been much wiser who petitioned, gave a subsidy for erecting the Provincial Courts than themselves, who are now so much for the taking them away. May the tent of this Court then be enlarged, the curtains drawn out, the stakes strengthened, yet no farther than shall be for a covering to the common tranquillity, a shelter to the poor and innocent from the rich and insolvent. 28

In his speech Wentworth indicated his conviction that the King was the essence of central power, and his belief that if the powers of the King were lessened or hindered the whole structure of good government would be endangered. He called for unity among the people in order to carry out the tasks of government. He promised that the powers of the Council would not be used arbitrarily and unjustly and vowed that the Council would stay within the bounds of the law in all cases. Justice would be carried out regardless of the persons involved, for the sake of justice and for nothing else. This, then, was Wentworth's attitude and program as he faced his new duties. He would act upon his own judgment in the future.

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28 Reid, pp. 408-10.
He still felt his sense of duty toward the people, "and he was anxious to initiate a benevolent autocracy unhindered by the prejudice and private interests of Parliaments." As for his thoughts on the Crown's power, Wentworth believed that the King should be able to exercise emergency power because the Parliament had been so divided that governmental affairs were not carried out. Monarchy, he felt, was on trial, and the King's servants must take bold steps in order to save the King and his government. Wentworth wanted a re-organization of the State but realized that this could be done only by the local administrators. This he believed to be one of his primary duties. Lastly, "Wentworth's attitude toward his problems, and his manner of administration, developed into a conviction, doubtless an entirely patriotic one, that the King must be assisted to uphold the Monarchy and the Church against a democratic faction, bent upon the overthrow of both.

On the matter of religion Wentworth pursued almost a negative policy. He had no religious objective other

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29 Wedgwood, p. 81.
30 Ibid., p. 86.
31 Traill, p. 46.
than the enforcement of the laws as they stood in 1629. Wentworth was not in sympathy with the religious beliefs of Bishop Laud, but he had asserted in his speech at York that the civil state can not flourish without "a sound, a close conjunction with the reverend clergy, that they to us, we to them, may as twins administer help to each other."

In later dealing with the Irish Parliament, Wentworth actually selected a Catholic, Nathaniel Catelin, as his speaker, in order to gain points in his favour. Wentworth never took a positive stand on religion, and switched from one side to the other when it was to his advantage to do so.

Recesancy was a major problem during Wentworth's administration of the North. As has been noted, Sir Thomas looked upon a strong state church as a desirable and necessary pillar of monarchy. The political importance of the Church of England made a strong impression upon him.

I not only profess my entire filial obedience to the Church, but also covet a sound, a close conjunction with the grave, the reverend clergy, that they to us, we to them, may as twins administer help to each other; that ecclesiastical and civil institutions, the two sides of every State, may not stand alone by themselves upon their own single walls, subject to cleave and fall in sunder; but joined strongly together in the angle, where his Majesty, under God, is the Mistress

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32 Academy June, 1875, cited in Wedgwood, p. 79.
33 Ibid., p. 140.
of the corner, the whole frame may rise up \textit{unitate ordinate} both in the spirituals and the temporals. \textsuperscript{34}

Wentworth and Laud were good friends, not so much because they held identical views on religion as because the strong state church which they supported was a necessary part of the system called "Thorough." "They wished by economy, by administrative reform, by the severe repression of all criticism or censure, however respectful, to render the sovereign independent of all control." \textsuperscript{35}

This "disinterested passion for order and good government was a more powerful motive than any other in the determination of his policy." As the King's first servant in the North and as a zealous prosecutor of the law of the land, Wentworth accepted the challenge to enforce the laws against recusants. Catholics were numerous in the northern counties, and many of them were of the powerful landed gentry class.

During Lord Sheffield's Presidency of the Council of the North, 1603-1619, the laws dealing with recusants were enforced. However, due to the pro-Spanish sentiment of the King's favorite, the Duke of Buckingham, Sheffield was forced to resign and Lord Emmanuel Scrope was appointed.

\textsuperscript{24} The Academy, June 5, 1875, cited in Gardiner, VII, p. 27.
\textsuperscript{25} Montague, p. 177.
\textsuperscript{36} Traill, p. 100.
President. Scrope was a suspected Catholic, himself, and so was lenient toward recusants, this being the chief reason for his appointment. It was this leniency toward Catholics which prepared the ground for the opposition of the recusants to Wentworth, whose appointment to the Presidency indicated a governmental swing away from Spain and from a soft dealing with Catholics. The first indication that the recusancy laws were again to be enforced came in 1629. The government was in need of money and so it was decided to enforce the penal laws against Catholics. At the same time Wentworth was named to the office of "Receiver of Fines and Forfeitures of Popish Recusants in cos. Stafford, Derby, Chester and other northern counties, with the like fees as other receivers of the King's revenue."

His enemies set to work to undermine the Lord President's effectiveness. On August 12, 1629, Wentworth wrote to Attorney-General Heath, complained that a paper was being circulated in the North, which affirmed that the Northern Commission for recusants was only a sub-commission

37 Reid, p. 387-90.
38 See the Order reviving the Commission to Compound with Recusants in Rushworth, Vol. II, pp. 12, 247.
39 Grant to Thomas Viscount Wentworth, June 8, 1629, Calendar of State Papers, Domestic, 1628-1629, p. 570.
of the Southern Commission. Wentworth feared that his prestige and authority would suffer for the Catholics would take their cases to the South where their estates would not be well known and where they might hope to be let off with lighter compositions than to compound with the Northern Commission. Wentworth cited several examples: Mr. Gascoigne of Barnabow, a man of £1,000 a year, had compounded for only £100 a year; Philip Anne, with an income of £500, had compounded for £20 a year, whereas his father had always paid £80.

The Lord President then asked Heath to confirm the authority of the Council of the North with a definite statement refuting the contents of the paper that had been circulated by his enemies.

Wentworth now moved to enforce the laws against recusants with all the strictness and severity possible. Known Catholics were brought before the Council of the North, acting in its capacity as the Commission to Compound with Recusants, and forced to compound at rates ranging from £50 to £100 a year. Heretofore such violators of the law had had to pay only a shilling a Sunday for non-attendance at Anglican service. Those who refused to take

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the oath of allegiance to the King were committed to prison. The most glaring act of opposition to Wentworth's enforcement of the recusancy laws occurred in 1632. On March 21st of that year a new Commission and Instructions were issued to strengthen the Council of the North. Article 47 directed that "depositions and examinations of witnesses, answers upon oath, and decrees and proceedings in the Court at York should be allowed as evidence in other courts." At the Lemmas Assizes a judge of the northern circuit, Justice Vernon, not only disregarded the new instructions but also completely ignored the Commission for Compounding with Recusants, headed by Wentworth. Vernon, on the bench at Durham, when presented with some depositions taken before the resident and Council, rejected them. When told of the new Instructions, he stated that he did not know anything of the matter and that the instructions meant nothing to him. Vernon also ignored the collections already made from recusants, and ordered the Justices of peace to fine them a shilling a Sunday instead of forcing them to compound, a major punishment, as the law provided. Wentworth, in order to stop this practice, asked and obtained Vernon's removal.

Reid, p. 424.
from the northern circuit in October, 1633. With Wentworth's authority upheld, recusancy soon ceased to be a problem. The Lord President noted that men had come to recognize "that there is neither Wisdom nor Profit to be got by any, living under that Jurisdiction, by contending and opposing the Proceedings of the President and Council at York."

Another problem facing Wentworth in his new post was the effective administration of the poor Laws. The Laws contained provision for relief of the aged and the disabled, and provided that if there was no employment for the able-bodied, work must be provided for them. In times of poverty, bread and corn were to be provided and the prices of grain, wool and other staples were to be regulated. The burden and responsibility for carrying out the laws fell upon the local parishes, the justices of the peace, town rulers, and the judges and the "overseer of the poor." In years of great stress the entire community, especially the wealthy, was called upon to aid the needy. In 1621-2, a period of unemployment and rioting, the Justices of Peace required the clothiers to go on manufacturing to keep up

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employment and they watched the price of wool. A Royal Commission, consisting of members of the Privy Council, was appointed at the time to investigate and suggest a solution to the problem of maintaining employment. It found that the landowners and the clothiers had the same interest in maintaining the prosperity of the cloth-trade. But it opposed the Council of the North, and upheld the monopolies which protected the position of the clothiers. A conflict soon rose between the landed and manufacturing interests. This is the basis of the feud between John Savile, leader of the manufacturing interests, and Wentworth, a leader of the landed gentry.

For administration purposes, a new Commission was appointed for the whole of England in 1631 to strengthen poor law administration. The Commissioners arranged themselves in groups of six or seven each, and one of these groups or sub-committees was attached to the counties of each circuit. Wentworth was one of those especially responsible for the northern circuit.


47 Reid, pp. 392-95.

Laud and Wentworth as members of the Privy Council were most enthusiastic in Council meetings to improve the administration of the Poor Law. Gardiner credits Wentworth with promoting a policy of relieving the underprivileged, and insists that it can hardly be by accident that his accession to the Privy Council was followed by a series of measures aiming at the benefit of the people in general, and especially at the protection of the helpless against the pressure caused by the self-interest of particular classes. The Privy Council under Wentworth's leadership moved to strengthen the effectiveness of the Poor Law: education and homes for destitute children were ordered to be provided, jobless men were to be employed and the penal laws were not to be enforced unless a man had twice deserted the work found for him. Beggars were to be segregated from ruined tradesmen or unemployed journeymen. Soldiers returning from foreign wars were to be specially provided for. The debt laws were clearly defined and commissioners appointed to re-examine debtor's cases so that innocent people would not be imprisoned without hope of release. Able-bodied prisoners were taken from jail and put to public works, drafted into the Navy, or sent on exploratory voyages. New industries were encouraged and

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50 Gardiner, VII, p. 160.
protected. "It can hardly be doubted that Wentworth was the originator of this active policy; the very points on which it most insisted, the protection of the poor, the improvement of trade, the creation of a popular base for the monarchy, were those dearest to him. In the north he made a sustained effort to carry out those reforms which in the south too quickly fell into neglect.

In the North Wentworth put to work his ideas on poor relief and regulation. The capitalists of Yorkshire were organizing the cloth industry and they objected to the restraining laws governing wages and apprenticeship, which limited their freedom of operation and cut down their profits. The Lord President's policy of enforcement of the Poor Laws consequently drew forth opposition from the leader of the manufacturing class, Sir John Savile. On the other hand, in administering the Poor Laws which could only be made effective by a financial demand upon the wealthy and powerful gentry of the North, Wentworth incurred the resentment of his own class.

As Lord President of the Council of the North, Wentworth conscientiously enforced the newly-strengthened Poor Law.

52 Wedgwood, pp. 97-98.
53 Reid, p. 412; Wedgwood, pp. 106-7.
He made provision for the erection of workhouses, found
work or made it for the unemployed, and saw that all
relief measures were dutifully carried out. In the
seventeenth century there was no established method of
tax collection to accomplish this purpose. The Poor Law
could only have been applied effectively by public money,
which the North did not have as there was no regular tax
source of public funds. Therefore the cost of administra-
tion of the law was placed on the parish, the parochial
officials and the administrators. It was a drain upon the
landed gentry even when the law was not strictly enforced,
and when Wentworth began to enforce it to the letter of the
law it became a serious burden. Wentworth's conscientious
enforcement of the Poor Law cost him his popularity, but it
has been estimated that the administration of the Poor Law
was "never so efficient before the nineteenth century as
between 1629 and 1644."

Another problem which Wentworth was forced to meet as
Lord president of the Council of the North had to do with
distraint of knighthood. According to a mediaeval law
which had never been repealed but which had long been
unenforced, every man with an annual income of £40 from land
was required to present himself at court to be knighted. The

54 Leonard, pp. 150 ff.; Reid, pp. 412-12;
Wedgwood, p. 107.
purpose of the law was to provide the nation with an army available when needed, but the army of knights had fallen into disuse long before Stuart times. Now Charles I revived the practice and demanded that every man whose income from lands was £40 a year, a very small sum in the seventeenth century and one earned by most landowners, must be knighted and pay the usual fees involved in the ceremony, and that each man eligible for the honor must pay a fine for not having taken up knighthood at the time of the King's coronation. Those who had not paid the fines and been knighted could be held as delinquents and forced to compound for a much greater sum than merely the amount of the tax.

As Lord President of the Council of the North Wentworth was granted a commission to compound with persons living within his jurisdiction who had not "fined for knighthood." This commission enraged the landed gentry and one or two, when summoned before the Council at York, refused to pay unless compelled to do so by common law process; but when one of them, James Maleverer, was tried in the Exchequer in May, 1631, the Court refused to fine him, saying that he must compound, and issued writs of distress against him to the amount of £2000, most of which he had


56 Commission to Wentworth and others, Jan. 28, 1620, Cal. S. P. Lom. 1629-1631, pp. 175-76.
Recusancy, Poor Law administration and distress of knighthood were the principal problems Wentworth faced in the early years of his presidency of the Council of the North. In meeting and dealing with these problems, Wentworth faced a developing opposition to his administration.

57 Reid, p. 418. See pp. 49, 55 below for the Maleverer case.
CHAPTER III

FRIENDS AND ENEMIES

Wentworth's duties as President of the Council of the North were both lightened by valuable friendships and complicated by violent opposition. A number of friends, official and personal, stand out among the many men with whom he came in contact. There were also bitter enemies. He was well liked in Yorkshire until he was appointed Lord President; then the landed gentry turned against him.

Wentworth after entering the government was strongly attracted to Laud, who was named Bishop of London in 1628 and Archbishop of Canterbury in 1633. Age, rank and education differences were forgotten and a strong friendship developed. They differed on matters of religion, for Wentworth was brought up in a near Puritan atmosphere and Laud in Catholic surroundings. However, they agreed in regarding a strong state church as a necessary pillar of vigorous and effective monarchy. Wentworth's respect for the church as a bulwark of the Crown was unqualified.

I not only profess my entire filial obedience to the Church, but also covet a sound, a close conjunction with the grave, the reverend clergy,

Wedgwood, p. 82.
that they to us, we to them, may as twins administer help to each other; that ecclesiastical and civil institutions, the two sides of every State, may not stand alone by themselves upon their own single walls, subject to cleave and fall in sunder; but joined strongly together in the angle, where his Majesty, under God, is the Mistress of the corner, the whole frame may rise

\textit{unitate ordinata} both in the spirituals and the temporals.\textsuperscript{2}

The two carried on a voluminous correspondence in which they discussed matters of state as well as trivia. Laud supported Wentworth in his strict and stern administration of the North. The churchman was himself a careful administrator, methodical, industrious, persevering, with an instinct for order and a passion for detail. He was a little, lean, red-faced man, intolerant, severe, and with a choleric disposition especially toward nonconformists. Ruthless in church administration, he had no patience with sectarian opinions.\textsuperscript{3}

Francis Cotton, Chancellor of the Exchequer, was another with whom Wentworth became friendly. Wentworth's young wife enjoyed Cotton's clever conversation and persuaded her husband to cultivate a friendship with this minister which he never regretted.\textsuperscript{4} Cotton, pro-Spanish

\textsuperscript{2} The Academy, June 5, 1865, cited in Gardiner, VII, p. 27. I have used this quotation earlier (p. 20), but it so clearly expresses Wentworth's attitude toward the church as to merit repeating here.

\textsuperscript{3} Symonds D'Ewes, \textit{Autobiography and Correspondence} (London, 1845), I, p. 100; Montague, p. 171.

\textsuperscript{4} Wedgwood, p. 84.
and a Catholic at heart, was often at odds with Laud, who considered Cottington his most dangerous opponent in the Privy Council. Cottington possessed much wisdom and gave good advice if matters went his way, but he showed a strong desire for the Treasurership which Laud opposed.

Another important adviser to the King with whom Wentworth was friendly was Richard Weston. Many hated Weston and he was often bitterly attacked in Parliament. He was mean and ambitious, yet timid and suspicious, sometimes overbearing, sometimes humble. He could be jovial and warm when things went his way but was irritable when things went against him. Like Cottington a friend of Spain, he too was accused of popish sympathies. With all his faults, he was loyal to the King and perhaps was Charles's most trusted admirer. He was an able financier and a genius at finding expedients to piece out the revenues of the Crown. It was he who discovered that every freeholder worth £40 a year in lands could be compelled to take knighthood and pay fees to the King. He hated extravagance and so effectively argued against war that the King was persuaded to sign peace with France and Spain.

5 L. Wingfield-Stratford, King Charles and the Conspirators, (London, 1937) pp. 70, 357-58.
6 Montague, p. 165; Wedgwood, pp. 81-82.
7 Dietz, p. 248, ftn; Wedgwood, pp. 81-82; Gardiner, VI, p. 382.
He safeguarded the riches of the Treasury from those who sought to raid it for their own gain, but was not above enriching himself. Weston warmly supported Wentworth’s policies in the North. Of Sir Thomas’s moves against recusants, he wrote:

Your Proceedings with the Recusants is here, where it is well understood, well taken, tho’ there be different Rumours. For, it is said, that you proceed with extreme Vigour, valuing the Goods and Lands of the Poorest at the Highest Rates or rather above the Value, without which you are not content to make any Composition. This is not believed, especially by me, who know your Wisdom and Moderation: and your last too gave much Satisfaction even to those, who informed me, when they saw thereby, that you had compounded with none but to their own Contentment. 8

Wentworth in turn wrote affectionately to Weston:

So, my Lord once for all, let me find Belief with you: if I obtain it not from you, with the greatest Sereneness possible (pardon me for saying so) you do that Friendship and Confidence, which ought to pass betwixt Men of Honour, infinite wrong, and render yourself the most inexcusable Man towards me that lives. 9

On another occasion Sir Thomas was even more cordial:

In a few words, I am to return your Lordship infinite Thanks, and the more to shorten your Trouble, am to acknowledge the infinite Satisfaction I have receiv'd

in your Lordship's noble affections, and great Care of me in all Things; believe me, my Lord, they fall not into a Churlish or Barren Soil, but where they shall be cherished, and kept warm, till they may shoot forth again with that Strength and Life, which in their due season, I trust, Faithfulness and Truth shall give unto them; and that, not for a Month or two, but in a full and lasting Growth as long as I live.

These three - Laud, Cottington and Weston - were close to Wentworth, if not personally, at least on an official basis. Of the three, Wentworth became most closely attached to Laud. Both were restless and impatient as long as a single abuse continued or any possible reform remained to be undertaken. Within the Council, Wentworth had small influence, except over Laud and Cottington.

Wentworth's other friends at Whitehall were among the less influential frequenters at court, such as the Earl of Cleveland with whom he was on very good terms, and Lord Clifford, who had retired from politics several years earlier. Sir Thomas also enjoyed the friendship of the Earl of Carlisle, whose wife, the Queen's dearest friend, was rumored to have been enamored of Wentworth.

One of the closest friends and supporters of Wentworth was his cousin, Christopher Wandesford. During his entire political career, Wentworth shared his views, his hopes and his troubles with Wandesford, and later selected him to be chief assistant in Ireland. Wandesford was a tolerant, unassuming individual who could not speak badly of anyone. He was a poor man but a great thinker with a store of practical knowledge and experience in law. His hope was to see a code of law in England which would bring justice to the poor man. When Wentworth entered the King's service and his former associates hurled charges of apostasy upon him, Wandesford warned him of the bitterness of his enemies in Yorkshire. In time of stress or anxiety Wentworth shared his thoughts with this warm friend. Only to one so near did Wentworth confess that he stood much lower in the King's favor than was commonly supposed.

"Such hath been his Majesty's usage of me as I am believed to be of more credit and far more consideration than I take myself to be; yet do I not endeavor much to undeceive them, in regard that the nourishing this opinion makes well for my present purpose and future quiet; for as long as men judge me to be in this condition, they will be less apt to undertake or trouble me, and to say truth, howbeit I do not take myself to be in that degree of favour, yet I do believe it to be such, as will bring me a great deal of peace in my future employment on that side." 12

With one exception Wandesford was Wentworth's closest friend and most trusted servant. Wandesford never wavered in his friendship and support of Strafford, even during the period of his trial and execution.

Sir George Calvert, former Secretary of State, was also Wentworth's close friend. Throughout the hectic years of Wentworth's administration of the North he received encouraging letters from this colonial adventurer. The two, before Wentworth's appointment as President of the Council of the North, had served Yorkshire as Members of Parliament and this brought them together in understanding their interests in the county. When Wentworth refused to pay a Forced Loan in 1686 he ran the risk of jeopardizing his whole political career. His friend, Calvert, about to sale for America warned him:

> Your too much fortitude will draw upon you suddenly a misfortune which your heart may, perhaps, endure, but the rest of your body will ill suffer...The conquering way sometimes is yielding; and so it is as I conceive in this particular of yours, wherein you shall both conquer your own passions, and vex your enemies who desire nothing more than your resistance. 14

Calvert was not a first-hand source of support during Wentworth's administration of the North, but sympathized with Wentworth and encouraged him morally and spiritually.

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13 Wedgwood, pp. 47, 92, 190.
14 Calvert to Wentworth, May 21, 1687, Strafford, Letters, I, p. 29.
No friendship was warmer, firmer or more devoted than that of Sir George Radcliffe, his cousin, who served as king's Attorney in the Council of the North during Wentworth's presidency. Both men had been imprisoned for refusing to pay the Forced Loan. Radcliffe was a level-headed individual, skilled in law, a man of simple tastes and manners. He was courageous, honest, and fearless, but also was irritable, intolerant, rather meddling and indiscreet. Wentworth and Radcliffe shared the same religious views, but beyond this there was a strong intellectual attachment between the two men. Wentworth, after the loss of his second wife sought solace with his friend, as Radcliffe later recalled:

I had Occasion of some Speech with him about the State of his Soul several times, but twice especially, when I verily believe he did lay open unto me the very Bottom of his Heart: Once was, when he was in a very great Affliction upon the Death of his second Wife; and then for some Days and Nights I was very few Minutes out of his Company. 17

After Strafford's execution Radcliffe reflected:

I lost in his Death a Treasure, which no earthly Thing can countervail; such a Friend, as never Man within the Compass of my knowledge had; so excellent a Friend, and so much mine. 18

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15 Reid, p. 416.
16 Wedgwood, p. 47.
Wentworth's administration of the North had hardly begun before a bitter opposition rose against him. His uncompromising insistence on justice, regardless of whom it might hurt or what it might cost incensed many of the well-born. His strong policy on the enforcement of the Poor Law and his insistence upon effective relief measures was not popular among those who had to bear the burden.

Several of his own class were politically jealous of his rise in government circles and of his newly-found favor with the King. Such an individual was his neighbor, Sir John Savile, the ambitious and scheming head of an illegitimate branch of the Savile family. Sir John controlled the busy weaving town of Leeds, and exercised considerable influence over the entire Yorkshire weaving industry. Savile early showed a hatred of the Wentworths, perhaps a result of sensitiveness of his own illegitimate origin.

When King Charles decided to restore the efficiency of the Council of the North he began by ousting the President, Lord Scrope, and the Vice-President, Sir John

19 Reid, p. 395.
20 Wedgwood, p. 21.
Savile. To the very time of his death in 1620, Savile carried a grudge against Wentworth over his dismissal. Wentworth disclosed Savile's secret dealings with recusants and this added to the latter's bitterness. He was the chief instigator of the opposition to Wentworth, for Lord Fauconberg took up Savile's quarrel after the latter's death.

If Lord Fauconberg took over the animosities of his friend, Savile, he soon found his own reasons for hating the new Lord President of the Council. Lord Fauconberg sought the appointment of his son, Henry Bellasis, as bailiff of the royal manor of Richmond in Yorkshire. As keeper of the royal forests and castle on the estate, the job paid £50 a year. However, Bellasis was passed over and Wentworth, himself, received the appointment. Disappointed in his hope to get the bailiffwick of Richmond for his son, Fauconberg and his supporters grew openly insulting to Wentworth.

I writ formerly unto you to desire a copy of a petition lately preferred to His Majesty against me by the Lord Falconbridge; secret as it is made to me, that Lord and

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22 Reid, p. 414.
his agents make it no secret to others. They publish it amongst their confidants how it contains a direct charge of injustice upon myself in sundry particulars, brag of the advantages which are against me; carry themselves with personal neglect and disregard towards me, nay towards the Government. These are cases of much consequence to the State, much tenderness towards me, and therefore it is my comfort I fall into the hands of so wise a man and so good a friend as yourself. I shall be sure to demand publicoyer of the handwriting against me. I most earnestly again desire a copy may be sent me down; be pleased to move His Majesty in my behalf for it. I am able to bear any reproof better than to be accused as a faithless minister in those trusts which His Majesty shall vouchsafe betwixt him and his people. 24

During a session of the Council of the North, Henry Bellasis refused to remove his hat while in the presence of the Lord President, although everyone else present dutifully uncovered. Wentworth realized that the young man's haughty attitude must not go unpunished, and summoned Fauconberg's son to appear before the Privy Council in London. There Bellasis refused to apologize unless he was allowed to draw a distinction between "my Lord President" and "my Lord President's office." He was imprisoned in the Gatehouse at Westminster. Brought to his senses by a month's imprisonment he apologized to the Privy Council. He would not apologize personally to

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24 Wentworth to (?), Dec. 23, 1630, Coke Ms.
(Historical Manuscripts Commission Reports, hereafter referred to as H. M. C.), I, p. 420.
Wentworth, however, but only to Wentworth as the
King's representative in the North.

Later in the same year Lord Fauconberg preferred
a petition to the King charging Wentworth with injustice.
Behind that charge there seems to have been a plot of
Fauconberg and a Sir Conyers Darcy to besmirch the Lord
President's good name. Wentworth heard of the design
and moved to get evidence against the men. He called
before him one George Hall and demanded that the latter
produce a letter written by Fauconberg in a case involving
an entirely different matter. When Hall was found not
to have a copy of the letter he was committed to prison,
even though he later claimed that he could accurately
repeat its contents. During his thirty-three week stay in
prison he was often examined for what he might know about
the scheme of Fauconberg and Darcy to sully Wentworth's
good name. Finally, after repeated protestations that
he knew nothing of the affair, and after giving surety
for his appearance and paying a fine, he was released. It
was on the grounds that Hall was unlawfully kept in prison
that Fauconberg now charged Wentworth with injustice.
Darcy stood trial and was convicted and fined. Fauconberg,

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Rushworth, II, p. 88; Gardiner, VII, p. 230;
Reid, pp. 414-15; Traill, p. 54-55; Elizabeth Cooper,
however, when ordered by the King to appear before the Council of the North, hurried to London, probably hoping to be tried before the Privy Council with more chance of acquittal.

Darcy's being convicted and fined was brought forward in 1640 to support one of the charges against Strafford at his trial for treason. The first article of the impeachment argued:

that the said Thomas, Earl of Strafford, traiterously endeavoured to subvert the Fundamental Laws and Government of the Realms of England and Ireland and instead thereof, to introduce an arbitrary and Tyrannical Government against Law, which he hath declared by traiterous words, Counsels, and actions and by giving His Majesty advice, by force of arms, to compel his Loyal Subjects to submit thereunto.

At about the same time that Lord Fauconberg fled to London a similar case of attempting to escape the jurisdiction of the Council of the North occurred, involving Sir Thomas Gower. Gower was ordered to appear before the Court at York to answer to a charge that he had spoken scandalous words against the King's Attorney. He had complained that no man could obtain counsel because lawyers feared the King's Attorney who

26 Wentworth to ( ), Dec. 22, 1630, Coke MSS (H. M. C.), I, p. 420; to Wentworth, Oct. 1, 1632, Coke MSS (H. M. C.), I, p. 475; Petition of George Hall, Apr. 24, 1641, House of Lords MSS (H. M. C.), p. 61; Rushworth, II, p. 161; VIII, p. 22; Reid, pp. 415-16.

27 Rushworth, VIII, p. 8.
was Wentworth's friend, George Radcliffe. Power's flight to London to escape from the Council at York was a case of contempt of court. Wentworth issued a commission of rebellion, relying on precedents, and sent the sergeant-at-arms to arrest Power without asking leave of any. He was arrested in Holborn in November, 1632.

Upon his arrest he asked the Lord Keeper to release him and moved that bail should be taken for his appearance during the last week of the sitting at York. Wentworth ignored the offer of bail, and Power petitioned the Privy Council for release, claiming that the Council of the North had no authority to send their own officer to arrest him in London. The matter was referred by the Privy Council to the Attorney-General who had to inquire

30 Reid, p. 416.
of Radcliffe, the King's Attorney for the Council of the North, what articles of the instructions to the President and Council in the North were referred to in authorizing the arrest. Noy then submitted the case to the judgment of the Council, which finally reported in favor of the Council in the North. In February, 1633, both Gower and Fauconberg were returned to York in the custody of the sergeant-at-arms, there to submit to the Lord President. Gower's arrest was brought up in Strafford's trial in support of the charge that Wentworth had exceeded his authority in arresting Gower while outside the jurisdiction of the Council of the North.

Actually Wentworth's actions were based upon precedent. In 1609, Sheffield, then Lord President of the Council of the North, insisted that "there will be no  __

33 Order of the Court of Star Chamber, Nov. 23, 1632, Privy Council Register, XLII, p. 291.

34 Report of Attorney-General Noy to the Council, Dec., 1632, Cal. P. 2. Dom. 1631-1633, p. 469; Order of the Privy Council, Feb. 15, 1623, Privy Council Register, XLII, pp. 452-53. During Strafford's trial in 1641 Gower's son testified that, during this session of the Privy Council at which the King was present, "my Lord of Strafford fell on his knees and besought the King, that if his Instructions might not be so good as to bring in a delinquent that had affronted the Court, ... he might leave that Service and lay his Bones in his own cottage." Bushworth, VIII, pp. 138-39.

35 Orders of the Privy Council, Mar. 13, 20, 1623, Privy Council Register, XLII, pp. 508-9, 520.
means to compel any person to perform any order or decree to be made by the President and Council but by attaching the body of him against whom such order or decree shall be, which many wilful persons will easily avoid by withdrawing and keeping themselves out of limits of that jurisdiction." Sheffield went on to ask that an article should be added to the Instructions providing "that the Lord Chancellor should be commanded to award attachment against such an offender on exhibition of a certificate under the signet of the Council in the North that such order or decree had been made, and execution refused and avoided by flight." Sheffield's request was granted, and the Council of the North was authorized to send a messenger for anyone who sought to escape punishment by flight, and to bring him before the Council. Because the jealousy between the Court of Chancery and the Council of the North prevented this arrangement from working well, the Council resorted to the practice of sending its own sergeant-at-arms to arrest offenders, no matter where they might find refuge.

36 Reid, pp. 272-73.
37 Commission and Instructions to Lord Sheffield, President of the Council in the North, July 17, 1616, Cal. S. P. Com. 1611-1618, p. 382.
No objection to this practice had been raised through the years until Wentworth's action in arresting Gower. Attorney-General Noy was referred to; the Privy Council received his report and decided that precedent justified the action taken by the Council of the North. In March, 1633, the Instructions to the Lord President were revised, "the clause requiring the Chancellor's intervention to give effect to the Council's decree being omitted and another inserted in its place to the effect that if any against whom one or more commissions of rebellion had been issued, fled out of the Council's jurisdiction, the Lord-President, or Vice-President, or three of the Council, might by commission of rebellion send the Sergeant-at-arms to attach the offender wherever he might be found." Wentworth's actions, then, were thoroughly justified and perfectly legal. There was no basis for the charge levelled against him in 1640 that he had exceeded his authority in arresting Gower.

The second charge made against Strafford in his trial in 1640 also had its origin in his administration of the North. It issued from the refusal or neglect of many to accept knighthood. In January, 1630, Wentworth was granted

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38 Reid, p. 273.
a commission to compound with those who held land
worth £40 a year but who had not taken up knighthood at the king's coronation. Some refused to apply for knighthood unless compelled to do so by common law process. One of them, James Maleverer, was tried in the Court of Exchequer in May, 1621, but the Court refused to fine him. Taking the position that a fine would be too mild a punishment, the Court ordered him to compound, and issued writs of distress against him to the amount of £2000.

At an Assize Court later, where the distress against Maleverer was being argued, Wentworth was said to have remarked that "some of the justices of the court were all for the Law, and nothing would please them but Law, but they should find that the king's little finger should be heavier than the loins of the Law." So it was held in 1640 when Strafford was under trial in Parliament for treason, and a number of his avowed enemies testified to having heard him make the statement, in order, it was charged, "to bring His Majesty's liege people into a dislike of His Majesty and of His Government, and to

40 Bushworth, II, pp. 135-36, 147.
terry the Justices of the Peace from executing of the laws," that is, the common law, by which distraint of knighthood could not be enforced. Wentworth, however, insisted that he was in Ireland at the time he was supposed to have made the damaging statement, which he denied ever having made.

Sir David Foulis, disgruntled because he was excluded from the Commission for Compounding with Recusants when it was renewed in 1680, joined the faction against Wentworth and urged men to oppose the Council of the North and its President. After the Maleverer incident Foulis praised him as a brave man. At one of the public meetings held to discuss fines for distraint of knighthood, Foulis stated that the people of Yorkshire were no longer stout-hearted men but had grown cowardly and would bow to any of Wentworth's charges rather than offend him. He then, without evidence, accused Wentworth of having taken in much money on knighthood fines and with not having paid it into the Exchequer. In charging the Lord President with misappropriating public funds, Foulis was simply trying to divert attention from

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41 Rushworth, VIII, pp. 149-54; Reid, pp. 418-19; Cooper, p. 94; Traill, p. 56.
42 Traill, p. 56; Reid, p. 419; Cooper, p. 74; Wedgwood, p. 108.
similar acts of his own. In April, 1621, he was called to explain his accounts for money he had received while acting as Cofferer to the King when the latter was Prince of Wales. He delayed an answer and the King sent down auditors in August, 1622, who found his books £5000 in arrears for the period from 1613 to 1616. His motive, now, was to divert attention from his own earlier embezzlement by stirring up resistance to the Lord President. Wentworth, now thoroughly aroused against Foulis for slander against himself and inciting rebellion against the King, wrote to Lord Cottington:

This Term my Cause comes to an Hearing with Foulis.... I must wholly recommend myself to your Care of me in this, which I take to concern me as much, and to have therein as much the better as I ever had in any other Cause all the Days of my Life.... The Bearer hath a short Brief of the Cause, which, on my Word you will find Truth, for I have examined it myself; you will find that I suffer meerly in this for doing the King's Service; and that in Truth, the Arrow was shot at him, albeit they contented themselves to call upon me by the Way; that the sentencing of this Man settles the Right of knighting Business bravely for the Crown, for in your sentence you will certainly declare the undoubted Right and Prerogative the King hath therein.... I desire you to remember how Greenfield was fined for calling my Lord of Suffolk only base Lord; how a Jury gave three thousand Pounds Damages to my Lord Say for the same Words: and then balance the Slander most ignominiously and maliciously put upon me, by Sir David and his Son, and let not me be less valued than other Men, when I conceive that I merit to be more regarded than they: For, first I suffer meerly for my Zeal in his Majesty's Service, never having given him /Foula/ the least personal Offence in all my Life.
Secondly, I was then in the Heat of his Majesty's Business, which might (by this Means taking away my Credit) have been destroyed. I was (albeit unworthy) in that Place chief Governor under his Majesty, his Lieutenant, and president of his Council there, which makes this a direct Mutiny, and stirring up a Sedition against the Regal Authority as well as me. Thirdly, It is the most untrue as well as the most malicious Calumny that ever was set upon Man, there not being so much as the least Shadow for any thing they charge me with; so as the former Benefits they have received from the Crown, and the continued Courtesies I had upon all Occasions afforded them, make them to stand, I dare say, the most inexcusable Men you ever sat upon in Judgment. Remember how Sir Arthur Savage was sentenced in that Cause of the Lord Falkland, yet there was private Grudgings between them; that was but only advising to petition his Majesty in a very foul Cause, thereby to bring it to Justice; and such a Ground for it, as surely there was a bloody Oppression in the Business, if they could have light of the right Way. This, much worse in Sir David's Case, no Endeavour to bring any thing into a way of Justice, but libellously to take away my good Name by openly slandering me in a Way without all Form or Pretence of Justice, no Crime at all committed, the Rights of the Crown only called for, and taken of the Subject with good Contentment to all but himself; and for the Person equally considerable, the President there, being in Effect, the same thing the Deputy is here [in Ireland]. Much more I could say, if I were in the Star Chamber to speak in such a Cause for my Lord Cottington. But I will conclude with this, that I protest to God, if it were in the Person of another, I should in a Cause so foul, the Proof so clear, fine the Father and the Son, Sir David and Henry Foulis, in two thousand Pounds apiece to his Majesty, and in two thousand Pounds apiece Damages to myself for their Scandal; and they both to be sent down to York, and there publickly at York-Assizes next, to acknowledge in the Face of the whole Country, the Right his Majesty hath to that Duty of Knightings; as also the Wrong he hath done me, humbly craving pardon of his Majesty, and expressing his Sorrow so to have
misrepresented his Majesty's most gracious Proceedings, even in that Course of compounding, where the Law would have given him much more; as also for so falsely slandering and belying me without a Cause. 43

Sir David Foulis, his son Henry, and Sir Thomas Leyton, the Sheriff of Yorkshire who also was implicated, were arrested and in November, 1635, were tried by the Court of Star Chamber on three charges; (1) opposition to the king's service; (2) slanderous words about the Lord President; (3) contempt of the Court at York. The full charge against Sir David read:

That whereas several Commissions had issued lately out of His Majesties Court of Exchequer in the 8th, 7th, and 8th Year of His Majesties Reign, directed to the Lord Viscount Wentworth, and to divers other Lords, knights, and gentlemen of the best and principal Rank and Quality in those Northern parts, who were thereby Authoriz'd for the more ease of the Country, to Treat, Commune, and Compound with all and singular his Highness's Subjects of the City and County of York, and other Northern Counties therein particularly expressed, as would make Fine with His Majesty for their Contempts in not attending His Majesties Coronation, to have taken the Order of Knighthood, as they ought to have done; and the said Lord Viscount Wentworth was by express Letters from His Majesty in that behalf specially appointed to be Collector. And albeit the said Sir David Fowlis had received many Gracious Favours both in Honour and profit, as well from King James, as His now Majesty, which might justly have incited and stirred him up to all dutiful and grateful Thankfulness for the same; nevertheless the said Sir David Fowlis most undutifully, and ingrately, did not regard the same, but harbored some secret discontentment,

and ill affection in his Heart; for whereas
the said Lord Viscount Wentworth, and other
His Majesties Commissioners, carefully and
dutifully intended the due execution of His
Highness’s said Commissions, and had by
virtue thereof summoned, and given notice to
Ralph Whe, James Penniman Esquires, and
sundry others dwelling and inhabiting near
unto the said Sir David Fowlis, to attend the
said Commissioners at the said City of York,
for their Compounding for their said Fines of
Knighthood; the said Sir David Fowlis most
undutifully endeavoured and practised what he
possibly could to oppose His Majesties
Service therein, and to dissuade and divert
persons from Compounding with the said
Commissioners, and many times publicly
declared his dislike and disaffection of, and
to the said Service, which was generally observ’d
and noted throughout the Country where he dwelt;
which was by him so spoken of intent and purpose,
to cause Men to forbear and refrain from
Compounding, or resorting to the said Commissioners,
to make any Composition for their aforesaid
Contempts; and thereby animated and encouraged
sundry persons to stand out, and refuse to make any
Composition at all, who otherwise would have
compounded with the said Commissioners for their
said Fines of Contempt, in not attending at his
Majesties Coronation to take the Order of Knighthood,
as aforesaid. And in farther prosecution of his
ill affection, and to shew his dislike of the said
Service, and the more fully to express and manifest
himself, and his desire for the hindrance thereof;
he the said Sir David Fowlis, at a Publick Meeting,
at the House of the said Sir Thomas Layton, in the
beginning of the Month of July 1622, did, in divers
of his Conferences concerning the compounding with
the said Lord Viscount, and the other commissioners
for their fines and contempts of knighthood,
publicly affirm and say; that Yorkshire Gentlemen
had been in time past accounted and held stout-
spirited Men, and would have stood for their Rights
and Liberties, and were wont to be the worthiest
of all other Shires in the Kingdom. And that in
former times all other Shires did depend, and
would direct all their great Actions by that
Country. And that other Counties, for the most part, followed and imitated Yorkshire: but now in these days Yorkshire-Men were become degenerate, more dastardly and more cowardly than the Men of other Counties, wanting their wonted Courage and Spirit, which they formerly used to have. Which said Words and Speeches the said Sir David Fowlis then used and uttered purposely to dissuade and discourage persons from compounding for the said contempts and Fines for Knighthood, as aforesaid. And the more to encourage those that stood out, and refus'd to compound, the said Sir David Fowlis, at the same time and place, extoll'd and highly commended one James Maleverer Esq; for denying and refusing to compound with the said Commissioners for his Fines of Knighthood, and said: That the said James Maleverer was the wisest and worthiest Man in the Country; and that he was a brave Spirit, and a true Yorkshireman; and that none durst shew himself stoutly for the Good of the Country, but the said Mr. Maleverer, and was to be Honoured therefore. And did very much commend him, both there, and at other places and times, for not compounding. And the said Sir David Fowlis being then told, it might perhaps prove more chargeable to the said Mr. Maleverer, for his wilful standing-out in that manner; the said Sir David replied, That the said Mr. Maleverer had put in his plea thereunto, and would easily procure his Discharge, both of the Fines and Issues. And in truth he had Pleading in His Majesty's Exchequer an insufficient Plea, and after such time as he had paid £156 for Issues, at last he compounded for his Contempt. And farther to discourage and hinder Men from Compounding; The said Sir David Fowlis then also alleged; That in other Counties and Shires they had not advanced their Fines of Knighthood so high, as was done by the Commissioners in Yorkshire, saying, that there were many in Buckinghamshire and Oxfordshire, who did utterly refuse to compound; and thereupon shewed forth a List or paper of the Names of sundry Persons of those Two Counties, that so refused to Compound. And the said Sir David Fowlis taking notice of Mr. Ewre's, and Mr. Pennyman's compounding with the Commissioners, blam'd and reprov'd them for so doing, saying,
That they had by Compounding done themselves some wrong, and that the Country hereafter would be much troubled with such Impositions. And the said Sir David Fowlis farther, to beget and draw a general disobedience in the Hearts of His Highness's people, and to cause them to deny and refuse to compound for their Knighthood-Fines with the said Commissioners, and to draw a scandal upon the said Lord Viscount Wentworth, and to bring him into disesteem in the Hearts and Minds of the Gentlemen of that Country, publickly said and pretended: That the People of Yorkshire did adore him the said Lord Viscount Wentworth, and were so timourous and fearful to offend his Lordship, that they would undergo any Charge, rather than displease him; and that his Lordship was much respected in Yorkshire, but at Court he was no more respected than an ordinary Man; and that as soon as his back was turn'd for Ireland, his place of Presidentship of the Council would be bestowed on another Man. And the said Sir David Fowlis, and the Defendant Henry Fowlis did, about the beginning of July 1632, and at other times publickly, in the hearing of sundry Knights and Gentlemen, to the end to hinder his Majesties Service, and to render the said Lord Viscount Wentworth odious to the Inhabitants of Yorkshire, and the places and Countries where he was employed as a Commissioner, most falsely and untruly scandalize and wrong the said Lord Viscount Wentworth, to have received much Money of the Country for Knighthood-Fines, by vertue of the aforesaid Commission; and that his Lordship had not paid the same, either to His Majesty, or the Exchequer. The contrary whereof did plainly, clearly, and evidently appear by the several Tallies and Constats, which were produced and shewed in open Court, testifying that the Lord Viscount Wentworth had, a year before the speaking of those words by the said Sir David, and his Son, paid unto His Majesties Receipts for Knighthood-Fines the Sum of £24500 besides other Assignments by his Lordship disbursed about the said Service amounting to about £700 of his own Money, and more than he had at that time received for His Majesty. And the said Sir David Fowlis,
and Henry Fowlis, most falsely and maliciously, not only to the scandal of His Majesty and His Justice, but chiefly to wrong and slander the said Lord Viscount Wentworth, reported, gave out and affirmed in the Presence of divers Knights, Gentlemen and others, that when the said Lord Viscount Wentworth was gone into Ireland, all such as had paid their Fines to his Lordship, although they had his Lordships Acquittance for the same, yet they would and should be forced to pay the same over again to his Lordship's use. And the Defendant, Thomas Layton, caused his Officer and Bailiff to levy about £29 Issues upon the Goods of one Mr. Wivel, who formerly compounded and paid his Fine for Knighthood, and had his Lordship's Acquittance for the same; and that Complaint had been made to the Council at York, in the absence of the said Lord President, that the said Sir Thomas Layton's Officers or Bailiffs had by his privity exacted and taken 40s. worth of the said Wivel's Tenants Goods, by colour of the said Levy, for so levying of the said Issues, whereby the said Council conceived, that the same would much cross and oppose His Majesties said Service, and the Execution was meet to be punished: and therefore did award, and send the King's Letter to the said Sir Thomas Layton (being then High-Sheriff for the County of York) for to appear, and answer an Information Exhibited against him, and his Servants, for the said Council to do, and caused the said Sir Thomas Layton to be served therewith, who immediately shewed it to the said Sir David Fowlis: Then the said Sir David Fowlis thereon took upon him in a great Presence and Assembly of divers Knights and Gentlemen of the County (himself being then one of His Majesties sworn Council in the said Northern Parts, one of the Deputy Lieutenants there, and a Justice of Peace in the North-Riding, where he then dwelt) to advise and dissuade Sir Thomas Layton to yield obedience to His Majesties Letter, which this Court held to be a great Contempt, and Offence; for that he said, that he held it not fit, that the said Sir Thomas Layton, being High-Sheriff, should appear and answer the said
Letter, before he had acquainted His Majesty first therewith, and known the King's Pleasure. The said Sir David saying farther, (in scorn and contempt of the said Court and Council, whereof himself was a Member, and by his Oath bound to maintain and uphold the Rights and Liberties thereof to his uttermost) That the said Court was a Paper Court, and the said Lord President, and Council, had done more than they could justify, by sending for the said High-Sheriff; and that, if he were in the Sheriffs case, he would not care a Dog's Turd for them. And the more to draw the Council into disesteem and disrespect in those Parts, he the said Sir David then also said, That the said Council had nothing to do with a Justice of Peace; speaking withall comparatively, That the Office of a Justice was above the Council at York; the one (meaning the Court at York) was made but by Commission. And also the said Sir David being reprov'd by some Gentlemen there present, who much disliked his Discourse, yet he answer'd, He car'd not who heard it, nor if it were proclaim'd at the Cross.

Foulis and his son pleaded not guilty, but the evidence against him and the testimony of witnesses were overwhelming. The Court of Star Chamber ordered:

That the said Sir David Fowlis, being a principal Offender, shall stand, and be committed to the Fleet, there to remain during His Majesties Pleasure; and that he shall pay a Fine of £5,000 to His Majesties use; and shall also publickly acknowledge his great and several Offences, both to His Majesty, and the said Lord Viscount Wentworth; not only in this Court, but in the Court of York, and likewise at the open Assizes in the same County, where this Decree shall be publickly read. And farther: That the said Sir David Fowlis is a person altogether unworthy of the Places he holds, as one of the Council of York, Deputy-Lieutenant, and Justice of Peace, who hath breathed out so much Faction and Disobedience; and for that he sought and endeavoured
to draw disesteem and scandal upon that Court, whereof he himself was a Member, and upon the principal Officer and Member of the said Court, the Lord Wentworth, a Noble Person of singular worth and merit, and worthily employ'd in a matter of greatest Trust and Importance. The Court hath therefore ordered and adjudged, That the said Sir David Fowlis shall, from henceforth, be held, and made incapable to have, or execute any of the said Places, and that he shall pay good Damage to the said Lord Wentworth [to the extent of £3,000], whom this Court highly commended for vindicating His Majesties Honour, in such a service of so undoubted Right, justly appertaining to the Crown, and which hath been heretofore taken by many Kings, His Majesties Predecessors, constantly and successively.44

The sentence meted out to Fowlis—loss of office, £5,000 fine, £3,000 damages to Wentworth and imprisonment—was severe, but in Wentworth's eyes it was necessary in order to discourage his enemies in their determined effort to defeat and undermine his administration and the authority of the Crown. He preferred an occasional terrifying example to weak and piecemeal efforts to meet each of his many enemies one at a time.45

44 Rushworth, II., pp. 215-20; Heid, pp. 420-21; Traill, p. 65; Wedgwood, p. 110; Gardiner, VII, p. 237; Cooper, pp. 177-78.
45 Heid, p. 421; Wedgwood, p. 110.
Wentworth could be severe when it seemed advisable to maintain the royal authority, but he could be mild and forgiving when circumstances justified it. Sir John Bourchier, who himself had been a member of the Council of the North during the reign of James, had used his position and influence to secure control of alum deposits located on lands belonging to Lord Sheffield, King James' Lord President of the Council of the North. Later, at Wentworth's request, King Charles obtained a grant of the land in question and turned it into a park for Wentworth's use. Feeling himself a victim of Wentworth's favoritism from the King, Bourchier, in May, 1633, when Charles I was visiting York, broke down the enclosure surrounding the park. He had pestered Wentworth about it for two years and heaped verbal abuse upon him. Driven to desperation in his hope to recover control of the park, Sir John resorted to violence in order to call the King's attention to his grievance. The Council of the North, under the leadership of its Vice-President after Wentworth left for Ireland, found Bourchier guilty of riotous entry upon the King's lands, fined him £1,300 and imprisoned him during
pleasure. Wentworth urged the privy Council in London to reconsider the case and remit the fine.

Concerning Sir John Bourchier, who for his unadvised and riotous Entry into his Majesty's Park at York, now at the King's being there, is, together with his Servant, fined at eighteen hundred Pounds by the Vice-President and Council, and has been there imprisoned these six Months. I know right well the Poor Man did it rather out of animosity towards me (albeit causeless God wot) rather than with the least insolent Thought towards his Majesty: Besides, he comes of a mad Kindred, his Father having many Years lived and died a Lunatick; this Gentleman is generally observed to inherit a frantic Constitution from his Parent, and to be more than half mad already; out of which Reason I confess I do not desire to see his Ruin, and that which is more, the overthrow of his Lady with a great Number of Children which God hath blessed them withal. I understand Mr. John Wood makes Suit for to have the Fine granted, which should he obtain, then were Bourchier quite destroyed.

After Bourchier had served six months in prison, his friends asked Wentworth to intercede for him with the King. Wentworth agreed, because of Bourchier's family History of insanity and because he had no desire to work hardship upon the wife and children. Bourchier still regarded Wentworth as an enemy,

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46 Wentworth to Coke, May 13, 1634, Strafford, Letters, I, p. 249.
however, for the Lord president managed to secure a lease of the contested alum works for Sir John Gibson as trustee for himself.

The Gower-Fauconberg incident had already vindicated the magisterial authority of the Council of the North. Its authority as a court of equity was now questioned. On March 3, 1622, a petition of Frances Musgrave was laid before the Privy Council. She had brought suit at York against her mother and step-father, John Vaux, for a large sum of money due to her under a trust. This was a case of equity, not of common law, but Vaux obtained a prohibition out of the Court of Common Pleas to stay proceedings before the Lord President and Council of the North. The plaintiff, Frances Musgrave, then begged the Privy Council to consider whether, according to the Instructions guiding the Council of the North, the case should not remain

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47 Weston to the Attorney General, June 26, 1630, Cal. Pet. Dom. 1629-1631, p. 291; Melton to Coke, June 23, 1633, Coke MSS. (H.M.C.), II, p. 22. Bourchier had been seeking the lease for himself and Mulgrave, whose daughter Elizabeth he had married, as her sister Mary had married Ferdinand, Lord Fairfax. (Grant to Sir John Bourchier, Dec., 1614; Recapitulation of the proceedings in the alum business, March 9, 1616, Cal. Pet. Dom. 1611-1618, pp. 264, 259; Hunter, South Yorkshire, I, p. 205, cited in Reid, p. 422n). Lord Fairfax and his son Sir Thomas, the latter a general in the Parliamentary forces during the Civil War, ranged themselves with Bourchier and Mulgrave against Wentworth.

48 See pp. 44 ff for the Gower-Fauconberg incident.
with Wentworth. At this time the Secretaryship of the Council at York changed hands. Since this forced a renewal of the commission of authority to the Council of the North, the opportunity to revise the Instructions was taken in the hope of settling the relations between the Court at York and the common law courts once and for all.

Article 23 of the new Instructions was aimed at just such cases as that of Frances Musgrave. By it the Council of the North was empowered to hear and determine cases between party and party according to the course of proceedings in the Court of Chancery, and was empowered to give relief by way of recovery or demand in debts, demands and securities, in all cases in which there was no remedy at common law.

The procurement of the new Instructions in 1633 was held against Strafford at his trial seven years later, on the ground that they contained new and illegal powers. That there was Elizabethan precedent for Article 23 of the 1633 Instructions the trial managers in 1640

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49 Rushworth, II, p. 160; Reid, pp. 422-23. It was the custom to renew the Commission and Instructions on the appointment of the president, the Secretary or one of the legal members.

50 Reid, pp. 423-25.
chose to ignore. In the opinion of a leading student of the period, the few changes made in the Instructions in 1633 "were all justifiable and calculated to increase the usefulness of the Court at York without unduly extending its authority."

Even after the issuance of the new Commission and Instructions in March, 1633, there was opposition to the Council of the North. One of the justices of the northern circuit disregarded the Instructions and Commission. This was the case of Justice Vernon, who was removed from the northern circuit in October, 1633, at Wentworth's insistence. But for some time the judges of King's Bench and Common Pleas continued to issue writs of habeas corpus and prohibitions and to refuse to treat proceedings in the Court at York as evidence.

Wentworth had been made President of the Council of the North in order to restore order and to re-establish control of this area by the central government. In this

51 Ibid., p. 424.
53 Rushworth, II, pp. 158-60; Reid, p. 426.
he was successful, although he raised many enemies who were to testify against him in 1640. By the end of the year 1631 the King had come to regard Wentworth so highly that it was decided to send him to Ireland to establish peace and prosperity in that troubled kingdom. Wentworth was appointed Lord Deputy in June, 1632, but because of the opposition of his enemies in the North he remained in Yorkshire until the beginning of July, 1633. Ordinarily a new president would have been chosen, but for some reason which is not clear he retained the presidency and left his Vice-President to administer the North in his absence.

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55 There was an Elizabethan precedent for this; Sir Henry Sidney, Lord President of the Council in Wales and the Marches from 1559 to 1586, also held the office of Lord Deputy of Ireland, 1565-67, 1568-71, and 1575-79, leaving the duties of the former office to be fulfilled by a Vice-President. (Reid, p. 427.)
CHAPTER IV

REVIEW

In 1628, after opposing the Crown through the first five parliamentary sessions in the reign of Charles I, Sir Thomas Wentworth accepted appointment to the Presidency of the Council of the North. Whether he was guilty of the apostacy with which he was charged, or whether he sincerely believed that Parliament in attacking the prerogative powers of the Crown was threatening to destroy stable government in England, is not important here. What is important is that, once he had accepted the responsibility of serving the King, he threw the full weight of his energy and ability into the task of restoring royal prestige and royal power in the northern counties which were placed under his jurisdiction.

Throughout the early years, when he was charged with revitalizing the Council of the North, Sir Thomas strove continuously to improve the administration of the northern counties and to provide the land beyond the Trent with a government that would be fair and just to all without bias. From the moment of his entry upon his new duties, he was faced with the bitter opposition of the great landowners, an opposition that stopped at
nothing to prevent his carrying out his determination to restore the royal authority. But Wentworth always fought his opponents with legal weapons, relying always upon precedent to restore to the Council powers once conceded to it but which had fallen into disuse under his predecessors. Whenever he was in doubt of his authority or needed support to strengthen his position, he appealed to the Privy Council and the King in London, and invariably he was upheld. But those who were forced to bow before this vigorous administrator, backed up by King in Council, harbored their grudges and nursed their grievances until 1640, when they came forward to testify against Wentworth when he was charged with the Long Parliament of treason against the state.

In 1633 Sir Thomas was named Lord Deputy of Ireland. No successor was named to the Presidency of the Council of the North, however, and he continued to hold the title of Lord President of the Council of the North, even though his new appointment required his presence in Ireland. So firmly had he re-established the authority of the King in the northern counties that the Council of the North could carry on in his absence under the leadership of a Vice-President.

From 1629 to 1640 King Charles ruled without recourse
to Parliament. During those years the leaders of the opposition in the early parliaments of the reign kept alive their hope that the King's authority might someday and somehow be curbed. Their opportunity to move once more against the power of the Crown came in 1640 when Charles was forced once again to call a Parliament to meet a financial crisis and to deal with the Scots, who had attacked and invaded England rather than submit to the King's effort to impose his will, religiously and politically, upon the northern kingdom. The Long Parliament which met in that year sought first to undermine the King's position by attacking his chief advisers, of whom Wentworth, now the Earl of Strafford, was the foremost. The Earl was accused of treason to the State, and his leadership of the Council of the North and administration of the northern counties were brought forward to substantiate the charge. The enemies which he had made between 1629 and 1633 came forward to testify against him, and the bitterness of the attack revealed that the Earl, in his anxiety to discharge his

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1 See Wingfield-Stratford, King Charles and the Conspirators, for the most enthusiastic modern presentation of the view that the King's enemies, between 1629 and 1640, deliberately plotted to destroy the monarchy.
responsibilities faithfully and sternly, had succeeded only in raising the hatred and spite which eventually would bring about his own ruin.

In spite of the enthusiasm with which it was pressed, the charge of treason could not be proved against Wentworth, and it became apparent that the House of Lords must in all fairness pronounce for acquittal. When the King's enemies in the House of Commons saw this danger that their first prey might escape, they brought in a Bill of Attainder, which needed only a simple majority in both houses and the King's signature to deprive the Earl of his title and estates and condemn him to death. Even here there was a possibility that the "plot" against Strafford might miscarry by failure of the House of Lords to pass the Bill of Attainder. To insure against such a possibility a mob of Londoners was brought together to stand outside the House of Lords on the day when the vote was to be taken. Those lords known to favor Wentworth's acquittal were threatened and forcibly turned away, and the small minority who were allowed to pass through the crowd obediently voted to destroy Strafford. After passing both houses the bill was presented to King Charles, and along with it the implicit
threat of the howling mob that the Queen would be
attacked unless the King affixed his signature to the
bill. Charles bowed to this popular pressure and
signed the bill into law, condemning Wentworth to death
on the scaffold. It was a moment of weakness which the
King never forgave himself, but his later regrets, how-
ever sincere, were of no benefit to the Earl. As he
was taken from his cell and marched to the scaffold,
Sir Thomas Wentworth was heard to say: "Put not your
trust in Princes, nor in the sons of men, for in them
there is no salvation."  


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