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DATED *22 April* ..... 1971

THE UNIVERSITY OF ALBERTA

THE POLITICAL CAREER OF SIR FRANCIS WINDEBANK,

SECRETARY OF STATE,

1632-1640

by



PATRICIA G. SKIDMORE

A THESIS

SUBMITTED TO THE FACULTY OF GRADUATE STUDIES  
IN PARTIAL FULFILMENT OF THE REQUIREMENTS FOR THE DEGREE  
OF DOCTOR OF PHILOSOPHY

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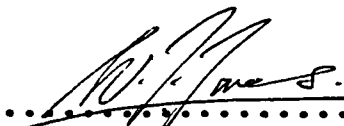


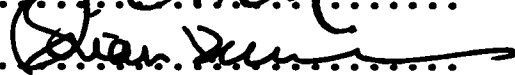
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## ABSTRACT

An examination of Secretary of State Sir Francis Windebank's activities from 1632 until his fall from power in 1640 furnishes several pieces of evidence from which a fuller picture of seventeenth century England can be sketched.

The secretaryship under Charles I was largely undefined. On one level, the Secretary was both a personal servant of the Crown and a minister of State. On a different level, Parliament held royal ministers accountable for their actions. This point of dispute caused Windebank to end his career in a hasty flight to exile in France, rather than defend his actions to an angry Parliament which rejected the King's claim to exclusive control of the secretaryship.

Windebank's activities as Secretary of State illustrate a second area of contention in Caroline England. The prerogatives of office were interpreted one way by Laud and his party and in a different way by the faction around Richard Weston, Earl of Portland and, subsequent to his death, Francis Lord Cottington. When Windebank sided with the latter at the expense of efficiency and rigour in government, Laud abruptly ended their thirty-five year friendship with one another. Windebank con-



tinued to represent the view that offices were personal prizes to be exploited when possible, and his own wealth reflected this conviction. A considerable portion of his income came very directly from the perquisites of office.

In a third respect Windebank's actions help to explain the worsening situation in the 1630's. The government's policies were often at odds with popular wishes. At the King's command, Windebank assisted in implementing abrasive fiscal policies, and negotiated with the hated Spanish and Papal representatives. He further alienated the opposition by his leniency toward Roman Catholics, his suppression of Puritanism, and his contempt for Parliament--all of which reflected the government's policies.

Thus, Windebank's career becomes a study in miniature of some of the problems which led to the Civil War in England. It is relevant to understanding both administrative and political history.

## ACKNOWLEDGMENTS

A project of this sort puts its author into the debt of many persons and organizations. In this instance, Dr. W. J. Jones of the University of Alberta leads the list of those whose criticisms and suggestions have been beneficial. His professional competence and personal kindness are deeply appreciated.

During the earlier stages of the work, I received many fruitful suggestions from Drs. G. L. Owens and Danila Spielman, whose work on the 1630's has enabled them to appreciate its problems and provide some solutions. Earlier still, my research and understanding were expedited and deepened by the assistance of Drs. G. E. Aylmer and M. J. Havran; the Reverend P. W. Trutwein of Hurst Parish, Berkshire, Captain Alan Godsall of Haines Hill, Berkshire; and Graham and Judith Bedwell of Reading, Berkshire.

In England, my work was made more pleasant by the helpful staff at the Sheffield Library who preside over the Wentworth Woodhouse MSS, by Miss A. Green, County Archivist of the Berkshire Record Office, by Mrs. Patricia Basing of the Department of MSS of the British Museum, and by the cooperative staff of the Public Record Office. On this side of the Atlantic,

I am obligated to Laetitia Yeandle of the Folger Shakespeare Library, Washington, D. C., and to the Reference Librarians of Lawson Memorial Library, the University of Western Ontario, for their interest and effort on my behalf. I am equally obligated to the patient staff of Lawson Library's Interlibrary Loan Department whose determination and persistence enabled me to overcome obstacles of distance.

Throughout the research, I have been the recipient of a doctoral fellowship from the Canada Council, to whom I express thanks. Finally, I have been sustained in every way by my husband, William, from the outset of this work to its conclusion. His criticisms and suggestions have been most useful throughout. For his patience, endurance, and concern I am truly grateful.

If there are passages in the following work which force me to say, with Windebank, that "there can nothing fall from my pen but will be subject to misconstruction," then the fault is entirely my own.<sup>1</sup>

---

<sup>1</sup>Historical Manuscripts Commission, Fourth Report, Part I, Appendix (1874), 77.

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# ABBREVIATIONS USED IN THE FOOTNOTES

|                      |                                                                                                  |
|----------------------|--------------------------------------------------------------------------------------------------|
| <u>BIHR</u>          | <u>Bulletin of the Institute of Historical Research</u>                                          |
| BM                   | British Museum                                                                                   |
| <u>CJ</u>            | <u>Journals of the House of Commons, Vol. II.</u>                                                |
| <u>Clar. S. P.</u>   | <u>State Papers Collected by Edward Hyde, Earl of Clarendon</u>                                  |
| <u>CSP Dom.</u>      | <u>Calendar of State Papers, Domestic</u>                                                        |
| <u>CSP Ven.</u>      | <u>Calendar of State Papers . . . Venice</u>                                                     |
| <u>DNB</u>           | <u>Dictionary of National Biography</u>                                                          |
| HMC                  | Historical Manuscripts Commission                                                                |
| <u>HMC Salisbury</u> | <u>Historical Manuscripts Commission, Salisbury MSS, Hatfield House</u>                          |
| Mf.                  | Microfilm                                                                                        |
| <u>N &amp; Q</u>     | <u>Notes and Queries</u>                                                                         |
| <u>PCR</u>           | <u>Privy Council Registers.</u> See Bibliography for volume numbers and dates.                   |
| PRO                  | Public Record Office                                                                             |
| C193                 | Chancery, Miscellaneous Books, (Crown Office)                                                    |
| E215                 | Exchequer, King's Remembrancer, Commission on Fees                                               |
| Prob. 11             | Probate Registry. Prerogative Court of Canterbury documents 1383-1857 in the custody of the PRO. |
| S.O. 3               | Signet Office Docquet Books                                                                      |
| S.P. 14              | State Papers, Domestic, James I                                                                  |
| S.P. 16              | State Papers, Domestic, Charles I                                                                |
| S.P. 20              | State Papers, Domestic, Committee for the Sequestration of Delinquents' Estates                  |
| S.P. 28              | State Papers Domestic, Commonwealth Exchequer Papers                                             |
| S.P. 77-99           | State Papers, Foreign. See Bibliography for listing by country.                                  |
| T56                  | Treasury Warrants, Various                                                                       |
| <u>VCH</u>           | <u>Victoria County History</u>                                                                   |

## INTRODUCTION

When dealing with the activities of a seventeenth century political figure, it is impossible to obtain information sufficient for a "biography" in the usual sense of the term. Personal data are scant; and reliable material on the ideas, opinions, and beliefs of the subject prove equally elusive. Even the record of experiences, acquaintance, and physical characteristics will leave a great many questions unanswered. Hence the necessity of qualifying the undertaking. Rather than fail at a task impossible of success, the objective should be a "political biography," since the available material is usually relevant to the political career, and the omissions necessitated by historical chance are at least expected by the reader.

In recent years, administrative history has come into its own as a major area of Tudor-Stuart research work. Especially relevant to the period during which Sir Francis Windebank was Secretary of State (1632-1640) is the study of the civil service of King Charles I done by Professor Aylmer.<sup>1</sup> An older work of importance traces the evolution of the office of Secretary from 1558 to 1680.<sup>2</sup>

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<sup>1</sup>G. E. Aylmer, The King's Servants (New York, 1961).

<sup>2</sup>F. M. G. Evans, The Principal Secretary of State (Manchester, 1923).

Building upon the administrative history found in these two volumes and the biographical material scattered throughout the State Papers, Domestic, and other sources, printed and in manuscript, it is possible to ascertain a clear picture of the political career of Sir Francis Windebank. In the process, a narrative of the political events of the 1630's is developed which encompasses several significant issues.

Windebank's career illustrates the way in which factions at Court hampered efficiency in government and aroused distrust among the politically conscious gentry. Windebank was not without merit or ability, but he achieved office through the influence of William Laud, Bishop of London in 1632. When in office, Windebank tried to accumulate a greater share of the secretarial duties in competition with his colleague, Secretary John Coke. The rivalry between them contributed nothing to good government. As Windebank gained experience, his ideas about the fruits of office changed, and a breach occurred between him and Laud. After 1635, he often sided with Francis Lord Cottington, Chancellor of the Exchequer, Laud's chief rival. However, he maintained his independence, and did not hesitate to involve himself in many of the frays which arose.

A second issue, in addition to rivalries at Court, receives illumination as Windebank's career is traced. The religious policy, if it may be called such, of Charles I brought Windebank into contact with both Roman Catholics and radical Protestants. With the former, at the request

of the King and Queen, Windebank exercised leniency, freeing many recusants from prison. In three instances, he engaged in long discussions with Papal emissaries in an effort to bring the Church of England and the Church of Rome into some sort of agreement. These discussions, although ostensibly secret, roused a great deal of opposition among the Protestants at Court--Windebank's fellow Secretary numbered among them--and a wave of rumour and fear among Protestants at large. As for radical Protestants, to whom the epithet "Puritans" has been given here with as much unconcern as Windebank himself employed in using the term, the Secretary's responsibility for internal intelligence and his personal antipathy for extremists combined to make him one of their worst persecutors. In countless instances he signed warrants for the arrest or search of suspected Puritans; in Star Chamber cases he is counted among the judges who condemned their excesses; frequently enough his own secretary, Robert Reade, was employed in tracing their activities or seizing their papers.

King Charles I devised other orders and political policies which were as unpopular as his religious machinations. In the course of Windebank's secretarial career, he was required to implement impossible projects stemming from the King's foreign policy. If his master's fiscal policies were no wiser, at least Windebank's efforts to forward them enabled him to accumulate some personal profit.



The significant factor about the policies of the Personal Rule vis-a-vis Windebank, however, was that in the course of helping to administer the collection of ship money, arrange monopolies, and implement other fiscal expediciencies, he became identified in the public eye with all that was objectionable at Whitehall.

If rivalry, religious matters, and policies of the Personal Rule receive illumination from a study of Windebank's career, another important consideration to be derived concerns administrative history. Several studies of other Secretaries of State have shown the value of tracing activities and duties in order to achieve a clear picture of the office at a given moment.<sup>1</sup> Important as such a description of the secretaryship during Windebank's tenure is, an even more useful product results from examination of his career. Change in institutions is a slippery and baffling process to trace; Windebank's career occurred in a period when issues crystallized and effects became apparent, even on a point so elusive as accountability. The nature of the secretaryship, from the fourteenth century to the late seventeenth, was evolving from a personal household servant post into an institution, an office of State. By the

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<sup>1</sup>Dorothea Coke, The Last Elizabethan: Sir John Coke, 1563-1644 (London, 1937); G. R. Elton, The Tudor Revolution in Government (Cambridge, 1953); F. G. Emmison, Tudor Secretary (London, 1961); D. Nicholas, Mr. Secretary Nicholas, 1593-1669 (London, 1955); J. Otway-Ruthven, The King's Secretary and the Signet Office in the Fifteenth Century (Cambridge, 1939); Conyers Read, Mr. Secretary Cecil and Queen Elizabeth (London, 1955) and Mr. Secretary Walsingham and the Policy of Queen Elizabeth, 3 vols., (Oxford, 1925); M. A. Thomson, The Secretaries of State, 1681-1782 (London, 1932).

end of the seventeenth century, Secretaries of State were theoretically the King's private servants. From the time of Robert Cecil's secretaryship (1596-1612), the office had been reasonably well-defined in terms of its administrative functions, but the Secretary's power and authority in matters we would call "executive" were exceedingly ill-defined. To what degree the Secretary could act as the King wished when that action contradicted the popular interpretation of legality or justice was an open question, and an explosive one. Windebank, although he never understood the depth of the quarrel which caused his fall from office, was nevertheless its victim. The warring parties were Parliament and the Crown; the prize was control of the Secretary. Windebank, serving at a time when personal government was especially to the fore, considered himself to be a tool of the King. Charles I, of course, maintained a like opinion, and assigned to Windebank any duty which it seemed he could handle well. Hence, Windebank was chosen to carry on the secret negotiations with Catholic powers and told to release priests from prison or restrain pursuivants from their attacks upon recusants.

It was because of such activities, especially those involving leniency toward Roman Catholic Englishmen, that Parliament turned on Windebank in November, 1640. Windebank was accused of acting without authority; when he produced warrants to justify his proceedings, he was told that they were not sufficient. When Charles I himself spoke out in

Windebank's defense, he too was told that this was not sufficient. Parliament, by its proceedings against Windebank, raised the question of secretarial responsibility. Windebank pleaded that he had merely done as he was told and was therefore guiltless. Parliament's leaders, especially John Pym and John Glyn, insisted that a warrant, verbal or written, from the King could not prevent their investigation and punishment of the Secretary's actions. Clearly, the root of the disagreement lay in the nebulous and conflicting interpretations of the office. It seems that in the long run, Windebank's fate, coupled with Parliament's demand for responsible ministers, is an important step in the development of a regularized secretaryship.

Windebank, then, was at the center of several issues which became involved in the English Civil War. His political allegiance, his religious preference, and the very nature of his office combined to project him into Parliament's attention at the outset of the Long Parliament. Being a man of less than crusading spirit, with a large vulnerable family and estate, Windebank chose to flee rather than to attempt a direct confrontation with Commons. Once settled safely at Paris with his nephew-secretary (and later with his family), Windebank pleaded with the King to speak on his behalf to Parliament. Charles I, however, apparently realized the futility of such a procedure. He waited a decent interval, gathered in Windebank's papers, and appointed his successor. Until his death at

Paris in 1646, Windebank believed himself an innocent victim of Puritan passion. He was undoubtedly an earnest man and an obedient servant of the King. He was not a man, however, who could survive amid the strong wills and violent passions arising in an England where religion and responsible government had become issues to be resolved on the battlefield.

A word should be said about the sources from which material about Windebank has been gathered. The most important of these were the thousands of items among the State Papers, Domestic. Whenever possible, the policy has been to cite the printed Calendar rather than the MSS themselves. However, where phraseology or fact demanded careful interpretation, the author has compared the Calendar version with the MSS at the Public Record Office. A similar policy of citing printed works wherever possible has been followed throughout. This seemed wisest in the light of practical considerations of geography and accessibility. One might remark on the boon to North American researchers afforded by the growing practice of microfilming or photographically reproducing MSS material: in such form the author was able to consult the Cecil Papers at the Folger Shakespeare Library in Washington, D. C.; the Privy Council Registers for the relevant period; the pamphlets and tracts among the English Books series published by University Microfilms; the Wentworth-Laud correspondence; the Clarendon Papers held at the Bodleian; and many infrequently used individual MSS deposited in the Public Record Office, Somerset House,

the British Museum, and elsewhere.

Windebank's career has not remained entirely unexamined until the present. Dr. Danila Spielman has explored his dealings with European countries at length in a work soon to be published; therefore, this aspect will receive only cursory attention here. Another study has revealed Windebank's authorship of the Declaration which so angered Scotland in 1640. Finally, incidental to a description of Newcastle Puritanism was an account of Windebank's involvement in the campaign against it. The results of these studies have been incorporated hereafter with some necessary alterations.

To conclude with a note relative to mechanical matters, it was decided to modernize spelling in every instance. The truth preserved by reproducing the exuberant versions of seventeenth century spellings is overshadowed by the difficulty and inconsistency it presents to the modern reader. Similarly, punctuation has been left in the original state only when this did not sacrifice clarity or meaning. In the matter of dates, it was thought best to reproduce Windebank's contemporary dating system. That is, the Julian calendar prevails, but I have begun the year from January first. During his last six years on the Continent, a dual format has been devised in order to avoid any misconception; as Windebank himself usually did, the date is given in the following system: January 11/21, and the year, which for Windebank did not change until

March 25, has been given a similar dual presentation in  
overlapping periods: 1640/41.

## CHAPTER I

### WINDEBANK'S LIFE AND CAREER TO 1632

At the outset of a political biography, it is normal to emphasize the biographical rather than the political. Hence this first chapter will trace the lineage of Sir Francis Windebank. A brief overview of relevant developments until 1632 will precede a detailed treatment of the major points of interest during the period.

Windebank's family came from substantial country gentry who had long been in the royal service. His father's career brought this tradition to a new height when, after several years in the Cecil household, he became one of the Clerks of the Signet Office. Windebank himself began by emulating his father, travelling on the Continent and then settling down to work in the Signet Office. He soon became one of the Clerks. In that capacity in 1626 Windebank had his first encounter with a Parliament seeking to assert authority in administrative matters, and the incident suggests later events in Windebank's career. As time passed, Windebank's fortune, in both senses, improved. The income he derived from his clerkship plus his land holdings went toward the support of his growing family and many relatives. The friendship which he carried on with William Laud from

the early 1600's eventually brought him the office of Secretary of State. The final portion of Chapter One surveys that office, its history, its significance at the point in time when Windebank assumed its duties, and its monetary value to him.

The family's history can be traced as far back as 1332, when one Adam de Windybank was a freeholder of Walton Manor in northern England.<sup>1</sup> The family was still in that area in 1531, when Richard Windebank of Staunton, Nottinghamshire, leased the manor of Haverholme from the Prior of the convent of Haverholme, for seventy-four years at £4/6/8d. yearly.<sup>2</sup> This Richard, Francis' grandfather, was knighted by King Henry VIII at Bologne, after the conquest of that city in 1544.<sup>3</sup> His coat of arms, green and black with three falcons and three trifolys,<sup>4</sup> was incorporated into the family arms thereafter. During the middle decade of the sixteenth century, Sir Richard Windebank was deputy at Guisnes.<sup>5</sup> His actions as a military commander occasionally brought him to England, and his reports were sent to William Cecil.<sup>6</sup> Windebank received some recognition in 1556, obtaining in that year an

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<sup>1</sup>VCH Lancashire, Edited by W. Farrer and J. Brownbill (London, 1906-14), VI, 291n. See Appendix III for a diagram of the family.

<sup>2</sup>HMC Various, VII (London, 1914), 371.

<sup>3</sup>W. A. Shaw, The Knights of England, II (London, 1906), 56.

<sup>4</sup>BM, Harleian MS, 1551, fol. 87v.; Additional MS, 4964, fol. 86v., which is a later incomplete copy. See Appendix II for Windebank Coat of Arms.

<sup>5</sup>DNB, XXI, 633. <sup>6</sup>CSP Dom., 1547-80, p. 207. Sept., 1552.



annuity from the Queen of one hundred marks for life, "in respect of his age and long service."<sup>1</sup> In 1558, both Richard and his wife, Margaret, a daughter of Griffith ap Henry, dictated their wills. In this case, it was done none too soon. After the usual charitable bequests, Richard, "sick and weak of body," willed all his possessions to his wife.<sup>2</sup> She in turn, identifying herself in her will as "widow, late the wife of Sir Richard," left everything to her son Thomas, sole executor of the will.<sup>3</sup>

In 1559, Thomas Windebank, now without parental guidance, took the first step in his career. A stall in Worcester Cathedral worth approximately £300 per annum<sup>4</sup> was bestowed upon him through the intercession of William Cecil.<sup>5</sup> This ascending statesman further assisted his young neighbor by employing him as a travelling companion cum tutor for his eldest son, Thomas Cecil. Beginning with

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<sup>1</sup>Great Britain, Privy Council, Acts of the Privy Council, V, New Series, 1554-56 (London, 1892), 383.

<sup>2</sup>PRO, Prob. 11/40/37.

<sup>3</sup>PRO, Prob. 11/42A/16. However, G. J. Armytage (ed.), Middlesex Pedigrees (London, 1914), p. 123, indicates that Thomas and Margaret had now or earlier another son, Richard. Since this person does not appear in any other source, we may reasonably write off the Armytage entry as an error. However, later on one Aaron Windebank definitely did exist; and it is just possible that he was the son of the "missing" Richard. For particulars of Aaron Windebank, see below.

<sup>4</sup>Letter from E. Kemp, The Deanery, Worcester Cathedral, dated October 29, 1970.

<sup>5</sup>DNB, XXI, 634.

the first reports by Thomas Windebank in May, 1561, there emerges a conscientious, capable young man trying to subdue the lively spirits of his charge, instill a grasp of French grammar, enhance the benefits of Continental travel, and carry out minor unspecified duties and particular services required by Sir William. Windebank was able to send his employer specific publications and unusual trees (pomegranate, lemon and myrtle); but he found it difficult to restrain young Cecil. Eventually, illness, warfare, and removal from Parisian temptations dampened the enthusiasm of both travellers. For several months they accompanied Henry Knolles as he served Queen Elizabeth on a diplomatic mission to German Protestants.<sup>1</sup> By the end of 1562, Windebank sought recall to England.<sup>2</sup>

Very soon after his return, Windebank married a Lincolnshire lady, Frances Dymoke, the daughter of Sir Edward Dymoke of Scrivelsby, a knight banneret.<sup>3</sup> For a year, Thomas Windebank, a well-travelled and respectably educated man, gained experience in the administration of Cecil's household and undoubtedly received valuable training and favours at his hands. His father had now been dead for more than four years, making it appropriate for the son to embark on a career in earnest. In 1563, the year

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<sup>1</sup>DNB, XI, 275; CSP Dom., 1547-80, pp. 205, 209.

<sup>2</sup>CSP Dom., 1547-80, pp. 176, 185, 188, 193-99, 217.

<sup>3</sup>Edward Peacock (trans.), Lincolnshire Visitation 1562 (London, 1865), n.p.; Inner Temple MSS 538.17, fol. 359, Funeral Certificate of Thomas Windebank.

after his marriage, Thomas Windebank left the Cecil household.<sup>1</sup> With Cecil's help, he probably went directly to work in the Signet Office as an underclerk.<sup>2</sup>

A few years later, in January, 1569, there was written a note from Thomas Windebank to Cecil, in which the writer reports some "transactions respecting certain letters."<sup>3</sup> This may indicate that Thomas was now a Clerk of her Majesty's Signet; it is certain that he held such a post by 1575.<sup>4</sup>

The four Clerks of the Signet Office<sup>5</sup> were appointed by the Crown and performed their duties under the direction of the Secretaries of State. Since the time of Henry VI, the signet seal had been necessary at an early stage in the process of authorizing royal grants.<sup>6</sup> Upon receipt of a warrant for a grant under the Great Seal signed by the King and countersigned by a Secretary or the Treasurer, the Clerk of the Signet attendant supervised the writing

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<sup>1</sup>Hatfield House, Cecil Papers, CXL, fol. 13. Mf. at the Folger Shakespeare Library, Washington, D.C., U.S.A.

<sup>2</sup>Godfrey Goodman, The Court of King James I, ed. J.S. Brewer, I (London, 1839), 175.

<sup>3</sup>CSP Dom., 1547-80, p. 327.

<sup>4</sup>HMC Salisbury, II, passim. It should be noted that Windebank was thought by Evans not to have become a Clerk until 1577 (p. 54). No notice of appointment has been found.

<sup>5</sup>Activities of the Signet Office are described in Evans, pp. 194-205; Aylmer, pp. 14-18; and Great Britain, Stationary Office, Guide to the Contents of the Public Record Office, II (London, 1963), 258-59. Cf. Elton, p. 15.

<sup>6</sup>H. C. Maxwell-Lyte, Historical Notes on the Use of the Great Seal of England (London, 1926, pp. 94-96 describes the course of passing the seals.)

of the "King's Bill" on parchment in proper form.<sup>1</sup> When the King's Bill had received the Sign Manual, according to a statute of 1535 and earlier habit,<sup>2</sup> it returned to the Signet Office. There a transcript was made of it, known as the "Signet Bill," to which the signet was affixed. The Signet Bill was sent to the Privy Seal and from there to the Great Seal. At each stage, fees were paid to the office involved. If for some reason a warrant did not need all the seals, all the fees had to be paid notwithstanding.

In addition to this primary duty of getting grants started on their route to the Great Seal, the Signet Office Clerks prepared formal correspondence, particularly to the Lord Lieutenant of Ireland and his government. Finally, it is important to note that although the signet was used on private royal correspondence, the Signet Office and its Clerks were not necessarily involved. The reason for this is that the seal was kept not in the Signet Office, but "ever in the custody of the Principal Secretary."<sup>3</sup>

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<sup>1</sup>These King's Bills were kept in the Signet Office. For 1608-43 they are now in the PRO, Warrants (S.P. 39) and described in CSP Dom. The PRO Docquet Books (S.O. 3) contain brief summaries of King's Bills entered by the month, beginning in 1584. Some kinds of grants, such as creations of nobility, charters, patents for invention, were prepared not by the Signet Office but by the Attorney General or Solicitor General.

<sup>2</sup>Stat. Henry VIII, c. 11. T. E. Tomlins et al. (eds.), Statutes of the Realm (London, 1810-28), III, 542.

<sup>3</sup>Sir Edward Coke quoted by Evans, p. 197 n1. Aylmer cautions that "Signet Clerks could still be called on by the King to deal with less formal correspondence" (p.18).

There are extant many warrants under the Signet, countersigned by Windebank, which involved normal and routine measures.<sup>1</sup> His income as Clerk would have been around £200 per annum,<sup>2</sup> a sum sufficient to place the family in a comfortable position.

Thomas Windebank was now one of the large group whose proximity to the Crown proved of personal benefit. The manor of Downe Barton in Kent was granted to him in 1568,<sup>3</sup> and he obtained the right to receive "all forfeitures and penalties for burning of timber trees to make iron, contrary to the statute of I Elizabeth."<sup>4</sup> Thomas continued to reside mainly in London. It was here that Francis Windebank was born in 1582. The usual statement is that Francis was born at his father's Berkshire home, Haines Hill.<sup>5</sup> However, Thomas and Frances Windebank were living in London at the time their son was born. He was baptized at St. Martin-in-the-Fields on August 21, 1582.<sup>6</sup>

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<sup>1</sup>HMC Salisbury, II, *passim*. The fire which burned the Signet Office in 1619 probably destroyed many records of Windebank's work and that of his son.

<sup>2</sup>Aylmer, pp. 204-05. <sup>3</sup>*N & Q*, 4th Ser., IX (1872), 454.

<sup>4</sup>William H. Price, The English Patents of Monopoly (Boston, 1906), p. 146.

<sup>5</sup>For instance, *N & Q*, 8th Ser., I (1892), 23; and Samuel and Daniel Lysons, *Magna Britannia*, I (London, 1806), 301. Haines Hill is in an area of Berkshire which belonged to Wiltshire until 1844 (*VCH Berkshire*, edited by P. H. Ditchfield, III [London, 1923], 248n).

<sup>6</sup>Thomas Mason (ed.), A Register of Baptisms, Marriages, and Burials in the Parish of St. Martin in the Fields 1550-1619, Vol. XXV of the *Harleian Society Registers* (85 vols.; London, 1877-1955), (London, 1898), p. 15. Hereafter cited as Mason.

Later, when Francis entered St. John's College, Oxford, in the register his county of birth was recorded as "London."<sup>1</sup> It is possible that Francis' birth occurred during a period when his father was residing near the Signet Office to be available during his term on duty. The family's next child, Margaret, born in 1584, was also baptised at St. Martin-in-the-Fields.<sup>2</sup>

Gradually, Thomas Windebank's income as Clerk and the profits from his land holdings accumulated until he was able to move his family "onto the land." By 1593, the Windebanks resided in the parish of Hurst, near Reading. Another daughter, Ellen, was baptized in the Hurst Parish Church in that year.<sup>3</sup>

It may be that the Windebanks also had a fourth child of whom scant record remains. There is mention of one Thomas Windebank who died "beyond seas" in 1599.<sup>4</sup> Although it is impossible to be certain, one suspects that this was the first son of Thomas and Frances. The fact that in 1605 their son Francis signed a letter as "Sir Thomas Windebank's eldest son" suggests there was a need for such a designation.<sup>5</sup> Francis may have been a mere

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<sup>1</sup>Andrew Clark (ed.), Register of the University of Oxford, II (Oxford, 1887), 234. Hereafter cited as Clark.

<sup>2</sup>Mason, p. 17.

<sup>3</sup>Hurst Parish Register, Vol. I (1585-1607), n.p. This MSS Register is deposited in the Berkshire Record Office, Reading.

<sup>4</sup>Index of Wills Proved in the Prerogative Court of Canterbury 1584-1604, IV, (London, 1901), 459.

<sup>5</sup>Hatfield House, Cecil Papers, CX, fol. 137. Emphasis added.

younger son until he was seventeen. Then, at the death of Thomas "beyond seas," he became his father's heir.

Besides his son Francis and daughters Ellen and Margaret, Thomas Windebank had two other daughters: Anne married Henry Reade in 1592<sup>1</sup> and Mildred married his brother Robert in 1600.<sup>2</sup> That these two marriages occurred at St. Martin-in-the-Fields testifies to the likelihood of the family maintaining two homes after 1593, one in Hurst and the other in London.

Although the family lived part of the time in Hurst parish, their exact residence in Berkshire is not known until the earliest mention of Haines Hill as their abode. This occurs in a letter of 1596.<sup>3</sup> Two years later, it was a thriving, productive estate.<sup>4</sup> Located in the liberty of Broad Hinton near the modern town of Wokingham and ancient Twyford, some four miles southeast of Reading, Haines Hill was probably built by one William Hyde, who died in 1589.<sup>5</sup> Thomas Windebank bought the house and lands from Oliver Coxhead, who also sold him the manors of Mordells and Odes.<sup>6</sup> Thereafter, he added lands in

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<sup>1</sup>Mason, p. 78. Henry was from Fachombe, Southampton (Armytage, p. 123).

<sup>2</sup>Mason, p. 84. Mildred and Robert settled at his home in Linkenholt, Hampshire (DNB, XXI, 634).

<sup>3</sup>Hatfield House, Cecil Papers, CLXXIII, fol. 132.

<sup>4</sup>Ibid., CLXXVII, fol. 73.

<sup>5</sup>Hurst Parish Register, I, n.p.; VCH Berkshire, III, 255.

<sup>6</sup>Deeds at Haines Hill now owned by Mr. Alan Godsall.

Hurst purchased from one Ralph Hyde in 1599, forming in total a large and comfortable estate.<sup>1</sup>

Five years before the latter purchase, Windebank had sought the assistance of his old patron's son, Robert Cecil, who was rising fast in the Queen's service. Pleading great want, Windebank begged Cecil to aid in getting a gift of some kind from the Queen to relieve his "poor estate." "Except it shall please her Majesty to have me in her gracious memory, bestowing some meet thing upon me [I] shall leave the world for some relief."<sup>2</sup> It may be that Thomas had overreached himself by purchasing Haines Hill; or he may have sought assistance in order to buy property. In either event, he was doing well by the end of the century. He leased the manor of Clewer near Windsor in that year from the Crown,<sup>3</sup> and continued to hold the manor of Downe Barton and various other leases.

By this time, Thomas Windebank's work as a Signet Clerk had brought him into such a secure relationship with Robert Cecil that an attempt to discredit him through scandal was given no heed. It seems that Windebank had lost his first wife and remarried sometime before 1596.<sup>4</sup> Mary, his second wife, found it impossible to tolerate living with her stepdaughter Anne and her husband Henry Reade.

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<sup>1</sup>Berkshire Record Office, Reading, MSS D/EZ 20 T 5.

<sup>2</sup>Hatfield House, Cecil Papers, CLXX, fol. 144.

<sup>3</sup>VCH Berkshire, III, 73.

<sup>4</sup>No documentation has come to light for this surmise beyond the letters cited immediately below.



She pleaded with Windebank to send the offenders home, but Windebank found Henry Reade quite useful and refused. He left his wife at their London house, nearly penniless and without servants. Such treatment Mary would not allow. In the autumn of 1596, she wrote to Cecil asking him to command her husband to send the Reades home or else give back her dowry, that she might depart from him. Mary indicated that Thomas was belligerent and boastful, insisting he would not be compelled nor allow friends to referee.<sup>1</sup> Friends, in particular the Countess of Cumberland and Thomas Fowler of Islington, had taken up Mrs. Windebank's petition.<sup>2</sup> Even though Cecil was told that Windebank had lied to him about the matter, he preferred in the end to accept Windebank's version, which was that he had "not committed any matter or fact wherewith I may be justly charged to have dealt with any person dishonestly or unfaithfully (though perhaps not wisely)."<sup>3</sup> Windebank asked Cecil to encourage the Countess to refer these matters to the kinsfolk involved, and trouble himself no further.

Perhaps Cecil did require that Windebank appease his wife. But even though the Reades were sent away, it

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<sup>1</sup>Hatfield House, Cecil Papers, XLV, fol. 11.

<sup>2</sup>Ibid., CLXXIII, fol. 132 and XLV, fol. 43.

<sup>3</sup>Ibid., CLXXIII, fol. 132.

was only a temporary measure. In 1600, the marriage of Mildred to Robert Reade reopened the problem. This time Mary wrote not to Cecil but to her husband, insisting that he allow her to visit friends during the Reade clan's stay at Haines Hill or else "it shall be the last breach between us, for my patience has been so much tried I can endure it no longer."<sup>1</sup> We know that the daughter's marriage went forward the following month. Since there is no mention of Mary in his will written in 1605, Thomas may have arranged to part company with his ill-content wife.

However the quarrel turned out between Windebank and his wife, it did not put him out of favour with Cecil. In spite of Mary Windebank's efforts, Thomas continued to prosper. In the same year as he bought Hyde's land near Haines Hill, 1599, he enrolled his son Francis in St. John's College, Oxford.<sup>2</sup> Probably the college was encouraged to admit young Windebank by Robert Cecil's recommendation. Cecil was now struggling with the Earl of Essex for supremacy at Court, and he appreciated the long friendship and service of the Signet Clerk.

Occasionally Windebank's duties put him in an awkward position vis-a-vis Cecil and the Queen, whose progresses and movements he accompanied for several months each year. How very delicately Windebank conveyed the

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<sup>1</sup>CSP Dom., 1598-1601, p. 440.

<sup>2</sup>Clark, II, 234.

Queen's insult to Cecil on one occasion! Apologetically, "knowing myself how careful your Honour is for not emptying her purse," Windebank passed along the Queen's message to Cecil that "there should not be too much taken out of an emptied purse, for therein was no charity."<sup>1</sup> The Queen's remark may have been intended to rebuke Cecil for some recent display of fiscal generosity, but Windebank managed to assuage the hurt by prefacing the message with the assertion that Cecil's care of monies deserved praise, not blame.

In addition to Thomas, another Windebank served the Cecil household at this time. Aaron Windebank, a Captain of the soldiers at Sandown Castle,<sup>2</sup> frequently carried Cecil's letters across the Channel<sup>3</sup> and had reported from Calais during the tense spring of 1596.<sup>4</sup> Aaron and Thomas Windebank visited and corresponded, although little record of their encounters remains.<sup>5</sup> It is nearly certain that Captain Aaron had a son also named Aaron, who was later a part of the family group.<sup>6</sup>

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<sup>1</sup>Hatfield House, Cecil Papers, LXXII, fol. 69.

<sup>2</sup>Ibid., CI, fol. 149. Muster Roll of Sept. 29, 1603.

<sup>3</sup>Ibid., XXXIX, fol. 87; C, fol. 147; CI, fol. 32.

<sup>4</sup>CSP Dom., 1595-97, p. 197.

<sup>5</sup>Hatfield House, Cecil Papers, C, CI, passim.

<sup>6</sup>One Thomas Hutton later referred to Captain Aaron Windebank as young Francis' uncle (CSP Dom., 1634-35, pp. 6, 7). However, family relationships were designated broadly in this age, and a "nephew" or an "uncle" might not be one by

During the years 1590-96 when Queen Elizabeth equivocated about appointing a Secretary to replace Walsingham, Thomas Windebank's post as Signet Clerk caused him to work closely with John Wolley, Secretary for the Latin Tongue, Lord Burghley, and Robert Cecil. These four were largely responsible for unassigned or routine secretarial work.<sup>1</sup>

After Robert Cecil obtained the appointment as Secretary (1596), Thomas' role became one of keeping the secretariat running smoothly while his master carried on the business of policy and politics. Cecil's heavy work load forced him to give scant attention to the purely administrative aspects of the secretaryship. As a consequence, these became increasingly routinized and were carried out by the Signet Clerks.<sup>2</sup> A commentator indicated Thomas Windebank fared rather badly in one respect as a result of Cecil's enforced use of deputies for

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modern definition. The funeral certificate which designated Aaron Windebank as the nephew of Thomas (making him Francis' cousin) may have been similarly imprecise (Inner Temple MSS 538.17, fol. 359). Perhaps the soundest explanation is this: Aaron Windebank was the son of Captain Aaron, a relative of Thomas whose existence is otherwise obscure. The younger Aaron married in 1619 at age 24, both parents then being dead; there is no further record of him (John Foster [ed.], London Marriage Licenses 1521-1869 [London, 1887], column 1487).

<sup>1</sup>Evans, p. 54.

<sup>2</sup>Ibid., p. 63.

secretarial duties:<sup>1</sup>

It belongs to the Secretary's office to present to the King all the bills that are to be signed . . . . It was necessary that some other should present the King with the bills, and this falling out in Lake's [Signet Clerk Sir Thomas Lake] month, . . . applying himself wholly to the Scotsmen and taking no fees of them, they gave him that commendation to the King that the King would have only Lake, and here he grew to be full of employment.

Although Lake thus monopolized the work which brought Signet Clerks into the royal presence, Thomas shared with Lake a joint patentship for writing letters patent.<sup>2</sup> Windebank found his post sufficiently demanding, and rewarding as well. His role in the administration gave him increased influence in the world at large. Many persons now sought his help in expediting petitions or obtaining favours,<sup>3</sup> asking his assistance on a variety of matters. A sampling of those making requests includes the future diplomat and Secretary of State Dudley Carleton,<sup>4</sup> Windebank's neighbor Sir Edwin Sandys,<sup>5</sup> and Sir Thomas Egerton, Solicitor General.<sup>6</sup> Considering the usual gratuities for services

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<sup>1</sup>Goodman, I, 176. Thomas Lake secured a share of the secretarial duties when they were divided after Cecil's death in 1612. In 1614, he became Secretary for the Latin Tongue. Finally, he was appointed Secretary of State in 1616.

<sup>2</sup>Price, p. 144.

<sup>3</sup>HMC Salisbury, XIV, 201 et passim.

<sup>4</sup>CSP Dom., 1603-10, p. 271.

<sup>5</sup>HMC Salisbury, XIV, 259.

<sup>6</sup>J. P. Collier (ed.), The Egerton Papers (London, 1840), pp. 134-35. Letter of April 30, 1590.

of this kind, it is to be expected that the Windebanks soon became financially secure. Thomas became a knight of the realm on July 23, 1603, as a result of the general summons to persons having £40 worth in lands.<sup>1</sup> By 1604, he had added some land in Lincolnshire to his estate.<sup>2</sup> That land he let, together with two manors in Northumberland.<sup>3</sup>

Windebank's family was now reaching maturity. Daughters Anne and Mildred were both married by 1600, as noted above. In the year before that, Francis had begun at St. John's College, Oxford. After receiving the Bachelor of Arts degree in January, 1602,<sup>4</sup> he enrolled for the usual exposure to the ways of litigation at the Middle Temple.<sup>5</sup> Thomas was able to secure for his son a reversion of the clerkship of the Signet in February, 1605; but this was only a minimal achievement, since it put Francis third in line after Levinus Munck and Francis

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<sup>1</sup>Shaw, II, 113, 115.

<sup>2</sup>CSP Dom., 1603-10, p. 155.

<sup>3</sup>Ibid., p. 146.

<sup>4</sup>Clark, II, Part III, "Degrees," n.p.

<sup>5</sup>H. A. C. Sturgess (ed.), Register of Admissions to the Honorable Society of the Middle Temple, I (London, 1949), 80. Hereafter cited as Sturgess. Admission dated February 4, 1603, of Francis Windebank, "son and heir of Thomas Windebank of St. Martin-in-the-Fields, Middlesex, Esquire."

Gale.<sup>1</sup>

Next, Francis Windebank's education received another addition typical of his era. His father sent him on a tour of the Continent which included visits to Paris, Bourges, Germany and Italy. One of Francis' letters written during this tour supplies a glimpse of the future Secretary's personality. In the spring of 1605, young Windebank sent a letter of thanks to Robert Cecil for his many favours, including his assistance in obtaining the reversion of the Signet clerkship. Excusing his lack of news by explaining that he was living one hundred miles away from Paris, Windebank ended his letter with some wit. He suggested that, "if all went well," England would be spared any discomfort from the new Pope because some Cardinal attending the Pope's health would poison him, if old age didn't get him first.<sup>2</sup>

Windebank's disrespectful attitude toward Pope Paul V must have elicited at least a smile from Cecil.

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<sup>1</sup>CSP. Dom., 1604-10, p. 198. Levinus Munck was Salisbury's private secretary and did become one of the Clerks (Evans, p. 156). Gale apparently found other employ. Francis Windebank was already a Clerk when Munck died in May of 1623, at which time his clerkship reverted to John More. Sir Humphrey May, Chancellor of the Duchy of Lancaster, also a reversioner, protested; but the King insisted the clerkship was not fitting for an official of May's stature (CSP Dom., 1619-23, p. 591). Cf. Aylmer, p. 130.

<sup>2</sup>Hatfield House, Cecil Papers, CX, fol. 137. April 26/May 6, 1605.

He was among the many Protestant Englishmen of the day who found King James' flirtation with the Papacy both dangerous and inconvenient. By early 1605, the King had convinced himself that there was hope for a union of the Catholic and Protestant churches, and, unintentionally, had convinced Pope Clement VIII that his conversion to Catholicism was likely. Both these fatuous hopes were exploded by the Gunpowder Plot exposed in November of 1605, but not before James I's machinations had inconvenienced his Protestant servants, and even alarmed some of them.<sup>1</sup>

Windebank's comments in the same letter concerning foreign affairs are in a more serious vein, although they reveal considerable naivete. France will probably experience "combustions" because taxation has become unbearably heavy, he informed Cecil, and the ensuing chaos may give the English King a chance to "recover his ancient rights in France." With an apology for repeating news which must already be known in England, Windebank added that the French disapproved of the peace made between England and Spain in 1604, and they "expect England to become busied by dissension between Scots and Englishmen." God will surely prevent that, he concluded.<sup>2</sup> Such a simplistic solution to the situation of bitter jealousy at Court coming so immediately after the vision of James I as a

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<sup>1</sup>D. H. Willson, King James VI and I (London, 1963), pp. 222-25.

<sup>2</sup>Hatfield House, Cecil Papers, CX, 137.



latter-day Edward III probably provided Cecil with a moment of amusement unintended by Windebank.

Francis continued to enjoy himself, and managed to learn German and Italian as well.<sup>1</sup> He wrote seeking permission to remain on the Continent until early in 1608, but fate interceded and ended this carefree period.

Young Windebank's father had been in poor health almost continually since April, 1606.<sup>2</sup> His "burning fevers" would subside only temporarily, and he travelled to Haines Hill to rest whenever business allowed it. In June of 1607, he seemed to be doing well,<sup>3</sup> but on October 23 of that year, he died.<sup>4</sup> Thomas Windebank's will, which he composed during a severe attack of illness in April, 1605, indicates how prosperous the family had become and how much of their wealth was inherited by Francis. Although the family was by no means on a footing with the great officials and aristocrats, they had accumulated enough property and leases to provide the sole male heir with a respectable station in life. Young Francis inherited Thomas' house in the parish of St. Martin-in-the-Fields and its contents; another house in the same parish which was used as income property; the house and lands

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<sup>1</sup>CSP Dom., 1603-10, pp. 285, 366. Windebank knew Spanish by 1618 (*Ibid.*, 1611-18, p. 569).

<sup>2</sup>Hatfield House, Cecil Papers, CXVI, 162; CXVII, 95; CXCII, 89.

<sup>3</sup>HMC Salisbury, XIX, 150-51.

<sup>4</sup>Inner Temple MSS 538.17, fol. 359.

at Haines Hill; Odes Grove adjoining the same; the remainder of a forty-year lease in reversion of the manors of Clare and Dorset Ferry near Windsor, given Thomas Windebank by Queen Elizabeth; the manor, lordship, and farm of Lynton Pippard; the farm of Stanlakes; and all of Thomas' goods and chattels not required for funeral expenses or payment of outstanding debts. There were, in addition, several bequests of money for servants and friends, and each of the three daughters received a house in St. Martin-in-the-Fields parish.<sup>1</sup>

Francis Windebank, now head of the family at twenty-six, returned from the Continental tour after his father's funeral and was attending to family affairs by February, 1608.<sup>2</sup> He began working in the Signet Office immediately,<sup>3</sup> although he did not become one of the Clerks until circa 1611 when his reversion became effective.<sup>4</sup> In the Signet Office, Windebank carried out the routine tasks associated

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<sup>1</sup>PRO, Prob. 11/94ff/65.

<sup>2</sup>Inner Temple MSS 538.17, fol. 359; CSP Dom., 1603-10, p. 403.

<sup>3</sup>CSP Dom., 1628-29, p. 252.

<sup>4</sup>DNB, XXI, 634; CSP Dom., 1623-25, p. 413. On December 20, 1624, Windebank was referred to as a Clerk of the Signet for the first time in administrative records extant. However, the Signet Office accounts for 1611 were written by Windebank (CSP Dom., Elizabeth & James I, Addenda, p. 8). In 1612, he was referred to as "a Clerk of the Signet" in a deed which is now among the papers at Haines Hill library. As in the case of his father, no entry among the MSS records gives the date of his installation as Signet Clerk.

with the preparation of letters and documents for the use of the Secretaries of State. Evidence of Windebank in these years from 1608 to 1632 is meagre, but that is to be expected from the nature of Windebank's activities. Working under the Secretaries of State,<sup>1</sup> he kept several underclerks at their tasks, supervised the preparation of documents as required by the Secretaries, maintained records of the Signet Office's fiscal transactions, and, on occasion, took advantage of his position to try to climb to a better.

Even before he became one of the Clerks of the Signet, Windebank's clerical duties afforded him such opportunities. He was sufficiently elated by one incident to record it. The Dutch theologian Conrad Vorstius, a disciple of Arminius, had become famous as a spokesman for Arminianism, insisting upon free will as opposed to Calvinist predestination and exploring rigourously the "mysteries" of the nature of God. Scandalized by Vorstius' intrepid manner and his claim that his and the Church of England's doctrines were alike, James I engaged in a long effort to destroy Vorstius by countering his theological arguments and excluding him from all positions of importance in orthodox Christendom.<sup>2</sup> Dismayed that Vorstius

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<sup>1</sup>Secretaries of State for the period of Windebank's Clerkship and to 1640: Robert Cecil (1596-1612); Ralph Winwood (1614-17); Thomas Lake (1616-19); Robert Naunton (1618-23); George Calvert (1619-25); Edward Conway (1623-30); Albertus Morton (1625); John Coke (1625-40); Dudley Carleton (1628-32).

<sup>2</sup>Willson, p. 240. Cf. G. P. V. Akrigg, Jacobean Pageant (Cambridge, Mass., 1963), p. 311.

might be elected Divinity Professor at the University of Leyden, James I used Windebank to write to inform Salisbury of his objections. The draft of this letter contains Windebank's notation that "this was the first occasion that ever gave me access to his Majesty."<sup>1</sup>

Following the usual practice for Signet Clerks since an arrangement made in 1577,<sup>2</sup> Windebank worked in one-month rotating periods. Thus, he would work one month and be free of attendance during the following three months. During his term on duty, he lived near the Court in London (his house was in Drury Lane<sup>3</sup>) or followed the King. When he could, he lived at Haines Hill and enjoyed a lively social calendar.<sup>4</sup> He was appointed a Justice of the Peace for both Wiltshire and Berkshire.<sup>5</sup> In 1631, he and five others investigated the use of a legacy by the town of Reading.<sup>6</sup> Windebank gathered reports from the Mayor and several Reading citizens concerning the disposal of John

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<sup>1</sup>CSP Dom., 1611-18, p. 71. Letter of August 13, 1611 and erroneously ascribed to Sir Thomas Windebank.

<sup>2</sup>Evans, pp. 198, 353-54.

<sup>3</sup>CSP Dom., 1631-33, p. 134.

<sup>4</sup>Ibid., 1603-10, p. 456.

<sup>5</sup>The following references were supplied by M. Tatchell: PRO, C193/13/1, fols. 8, 107 (1621); C193/13/2, fols. 4, 72v (1634); C193/12/2, fol. 64v (1626).

<sup>6</sup>CSP Dom., 1631-33, pp. 44-45, 62, 239, 263.

Kendrick's legacy, and with the assistance of Mayor William Kendrick, wrote a recommendation that the legacy be applied to the benefit of Reading's poor.

By 1628, Windebank was using an assistant or substitute to perform many of his duties, a normal enough practice, but a potential source of friction. When one such deputy, a Mr. Piers, did not satisfy Secretary Conway, there was a pointed exchange of letters between the Secretary and Windebank. Conway regretted having to "complain or punish," he said, but "necessity requires" it. In two instances of "extraordinary neglect" from Windebank's servant, Piers, business had been delayed. What is more, the fault "was originally in your failing to your duty to give your attendance here . . . where you had warning to attend."<sup>1</sup> Windebank bristled at the accusation. He had been so busy with the concerns of the Office that it was impossible to attend Conway, he wrote. Besides, "I who have served now near the time of three apprenticeships in the place, and have passed over those active and strict times of my late Lord of Salisbury without check," surely could not deserve such harshness. He would, of course, dismiss his servant if he were guilty of disrespect to Lord Conway.<sup>2</sup> Conway apparently thought it best to conciliate the injured pride of his Clerk. He

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<sup>1</sup>PRO, S.P. 16/112/11.

<sup>2</sup>PRO, S.P. 16/112/60.

assured Windebank that "whatever the omissions were, I do easily forget and pass by them, without laying any tax upon you that have given good proof of your diligence and abilities in his Majesty's service."<sup>1</sup>

Even though it might bring reproof, Windebank found it necessary to divide his work load among assistants, and he found his best aide in a relative. Now, as later when he was Principal Secretary, Windebank employed his nephew, Robert Reade, as his personal and clerical man-of-all-trades.<sup>2</sup>

Besides Reade, Windebank's patronage extended to Rowland Woodward, a Deputy Clerk in the Signet Office. Woodward was a member of Windebank's extended family<sup>3</sup> and had been brought into the Signet Office by Windebank in February of 1628.<sup>4</sup> Woodward kept his patron well informed of the news at Westminster, but somehow, by an indiscretion or misdemeanour,<sup>5</sup> he managed to alienate someone in

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<sup>1</sup>PRO, S.P. 16/113/5.

<sup>2</sup>For a description of the duties of a personal secretary in a post comparable to Reade's, see Coke, pp. 178-79.

<sup>3</sup>Woodward's sister was married to a Grymsdyche, who was in turn related by marriage to Windebank (CSP Dom., 1628-29, p. 134; 1629-31, p. 492; 1638-39, p. 548). Woodward was associated with the King's service as early as 1608, when he received a free gift of £60 for unspecified services (John Nichols, The Progresses . . . of King James the First, II [London, 1828], 247). In 1612, he (or his brother Thomas) was put in charge of the messengers of the Chamber (Norman McClure [ed.], The Letters of John Chamberlain, I [Philadelphia, 1939], 372).

<sup>4</sup>CSP Dom., 1627-28, p. 548.

<sup>5</sup>Aylmer, p. 83.

authority. He was expelled from the Signet Office with no warning in June, 1630. Woodward could find no new post, despite the mediation of Secretary Dorchester and the Bishop of London.<sup>1</sup> Windebank acted quickly to assist him. He supplied the money necessary for Woodward to continue his stay in London, the fount of patronage.<sup>2</sup> In July, he secured a proclamation entitling Woodward to "attend ambassadors and strangers coming into the realm," in the absence of Sir John Finet, Master of the Ceremonies.<sup>3</sup> In addition to the income this post would provide, Windebank proposed that Woodward and his wife lodge with Lady Beauchamp and manage her household for a wage of £100 per year.<sup>4</sup> This episode illustrates both that Windebank could achieve reasonable success in the labyrinth of patronage at Westminster, and that as a Clerk of the Signet, he was of a stature still small enough to be ignored if it suited the purpose of more influential courtiers.

During the period when Windebank was Clerk of the Signet, one occurrence foreshadowed the disastrous attack upon him which was to cause his fall from office in 1640. In February of 1626, on a motion by John Pym, Parliament

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<sup>1</sup>CSP Dom., 1629-31, p. 285; Aylmer, pp. 83-84.

<sup>2</sup>Aylmer, p. 84.

<sup>3</sup>CSP Dom., 1629-31, p. 555.

<sup>4</sup>Ibid., p. 504.

appointed a large committee "to consider of all points concerning religion."<sup>1</sup> As happened again in 1640, this committee grew over-zealous in its pursuit of suspected leniency toward Roman Catholics. In fact, Lord Keeper Coventry reprimanded it by the King's command on March 28, 1626. The King had noticed with disapproval, said the Lord Keeper to the Commons,

that your committees have presumed to examine the letters of Secretaries of State, nay, his own; and sent a general warrant to his Signet Office, and commanded his officers, not only to produce and show the records, but their books and private notes, which they made for his Majesty's service. This his Majesty holds as unsufferable, as it was in former times unusual.<sup>2</sup>

It is entirely possible that Windebank was the Clerk on duty when the Commons committee attempted their search of Signet Office records.<sup>3</sup> At any rate, he would certainly learn of the event and feel its threat to his security and routine. The Lord Keeper's reprimand did not cause Parliament to reconsider its actions. On the contrary, the House of Commons included a justification of the committee's activities in a speech of April 5:

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<sup>1</sup>William Cobbett (ed.), Parliamentary History of England . . ., II (London, 1806), 45. See also Evans, pp. 189, 203.

<sup>2</sup>Ibid., p. 58.

<sup>3</sup>CSP Dom., 1631-33, pp. 291, 300, indicate that Windebank was in attendance during the month of March at the Signet Office.



Touching the letter of your Majesty's Secretary, it was first alleged by your advocate for his own justification and after, by the direction of the committee, produced to make good his allegation. And for the search of the Signet Office: the copy of a letter being divulged, as in your Majesty's name, with pregnant cause of suspicion, both in the body and direction thereof, to be suppositions, the committee, out of a desire to be cleared therein, did, by their order, send some of themselves to the Signet Office, to search whether there were any records of letters of that nature, without warrant to the officer for any, much less for a general search.

But touching the public records, we have not forborn, as often as our business have required, to make search into them, wherein we have done nothing unwarranted by the laws of your realm and the constant usage of parliaments.... We conceive it is no more than any subject in his own affairs might have obtained for ordinary fees.<sup>1</sup>

The implications of this move were twofold. Not only was Parliament seeking to detect laxity in the enforcement of anti-Catholic regulations, a search repeated during the accusation of Windebank in 1640; but Parliament was also demanding that an administrative office, its records, and officials be available and thus in a sense accountable to Parliament.

There were in fact here ... the two conflicting theories--the idea of the Secretary as a private and personal servant, whose staff, records and methods of procedure were his own concern, or a matter between him and the sovereign who employed him; and the newer idea that was slowly establishing itself that the principal Secretary to the Crown was also Secretary [to the] state, the head of a department responsible for many of the most

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<sup>1</sup>Cobbett, II, 69.

difficult and delicate questions of administration, and in the service of the public as well as of the Court.<sup>1</sup>

In addition to its implications for the secretaryship, this move was a challenge to the "private" nature of the Signet Office. It was influential in moving that office toward a more formal administrative role, while the Secretaries moved into the position of the Crown's personal administrative agents.<sup>2</sup> Windebank, of course, was Secretary during the years when this shift had taken effect. As will be shown, a large part of his responsibility lay in carrying out the King's wishes in a personal or informal manner. Those wishes often involved lenient treatment of Roman Catholics. It is interesting to note that there were at least six members of the 1626 House of Commons who sat on the Long Parliament committee assigned to investigate Windebank's secretarial activities.<sup>3</sup> These men would recall that Windebank had been a Clerk of the Signet when that office was suspected of pro-Catholic activities in 1626.

The Parliament's attention to the Signet Office in 1626 did not deter Windebank in his steady climb toward greater prosperity. By 1611, he was prosperous enough to be required to contribute to the forced loan.<sup>4</sup> A rough outline

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<sup>1</sup>Evans, p. 189.

<sup>2</sup>Ibid., p. 203.

<sup>3</sup>See p. 245 for the names of the committee members.

<sup>4</sup>Berkshire Archeological Journal, XIX (1913), 122 cited by M. F. Keeler, The Long Parliament (Philadelphia, 1954), p. 395.

of his income appears in the Signet Office accounts extant from 1611 and 1613,<sup>1</sup> affording an opportunity to study Windebank's financial situation. In these monthly accounts, prepared and presented by the Clerk on duty when they fell due, we see that the four Clerks' income derived from two kinds of fees: the writing fees charged at the Signet Office, which were divided equally among them, plus their share of the fees paid to the Signet by those whose bills passed under its seal (i. e., charges made "at the seals").<sup>2</sup>

Most bills passing the seal were warrants which brought seven shillings into the Signet Office treasury. Each month, the receipts from warrants were totalled and ten shillings deducted for equipment costs ("to the book and chamber"). The remainder was divided into five equal parts, one going to each of the four Clerks and the last being divided by the two Secretaries. The account for May, 1611, shows fifty-eight warrants passing the seal, for a total of £20/6/8d. (sic; the source of the 8d. is the Clerk's hasty arithmetic). After deductions for office costs, Windebank and the other Clerks each received £4/1/4d. from warrants.

The more important bills which passed the seal were designated in the Clerk's accounts as "perpetuities." There were usually fewer perpetuities than warrants, but since

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<sup>1</sup>CSP Dom., Elizabeth & James I, Addenda, pp. 528, 539. Evans, pp. 207-08 and 356, prints and discusses the account of May 1611.

<sup>2</sup>See pp. 14-15 above.

each cost the beneficiary three pounds, the Office derived substantial income from them. In the case of perpetuities, the profits were divided three ways: each Secretary received one third of the total, and the four Clerks divided the remainder among themselves. From the account under examination, it appears that Windebank received £1/15/0d. out of the total £21 received for seven perpetuities passing through the Office in May, 1611.

Added to the £4/1/4d. from warrants and the £1/15/0d. from perpetuities collected "at the seals" was another £3/03/4d. per Clerk in writing fees collected during the month in question. Windebank's total income from the Signet Office was £8/19/8d. in May, 1611.<sup>1</sup> Although fluctuations in the number of bills passing the seal in any given month were great and thereby the Clerks' income varied considerably, it is reasonable to assume the Signet Office writing fees and the fees "at the seals" brought approximately £100 per annum to each of the Clerks.<sup>2</sup> In addition to this money, the Clerks each received board wages of £50 per annum.<sup>3</sup> Still another source of income was the share each

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<sup>1</sup>The Clerk's addition failed again, resulting in his total to each Clerk being £9/8/8d. Such lapses are ubiquitous (Evans, p. 208 n2).

<sup>2</sup>Signet Office accounts for 1613 and 1632 reinforce this interpolation. Cf. Evans, pp. 357-58. By 1632, the senior Clerk was receiving more than his colleagues (Aylmer, p. 204).

<sup>3</sup>Aylmer, pp. 204-05. The Clerks received no salary or stipend until during the Protectorate, when payment of £150 per annum was instituted (Aylmer, pp. 161, 435).

Clerk had in the profits from the Hanaper and Petty Bag<sup>1</sup> offices in Chancery. These profits were recorded periodically at the end of term. The 1611 account did not fall at such a period, so no profits from Hanaper and Petty Bag appear there. A 1632 account included sums turned over to Windebank as one of the Signet Clerks after Michaelmas and Hillary terms: £7/14/7d. and £4/16/11d. respectively. Although a regular dividend came from these offices, it is not clear what proportion went to each of the Clerks and to the Secretaries.<sup>2</sup> Adding to these incomes the usual grants, patents, and favours common among officials, we may assume Windebank was receiving something like £200 per annum from his Court post.<sup>3</sup>

Certainly Windebank was receiving financial returns from his properties. Furthermore, it is probable that he was given sums of varying size by persons seeking to expedite their business at the seals. Considering all of his sources of income, it is apparent that he was doing at least as well as his father had done, and probably better, during his more than twenty years in the Signet Office.

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<sup>1</sup>The Petty Bag office drafted writs of summons to Parliament, conges d'elire (royal writs dictating episcopal election results), and letters patent for some offices and legal proceedings; the Hanaper collected fees for documents passing under the Great Seal such as leases, custodies, and perpetuities. Cf. W. J. Jones, "An Introduction to Petty Bag Proceedings in the Reign of Elizabeth I," California Law Review, LI (1963), pp. 882-905.

<sup>2</sup>Evans, pp. 208, 357.

<sup>3</sup>Windebank does not appear to have received grants or patents during his term in the Signet Office. However, his relatives were recipients of financial favours (see pp. 33-34 above).

And well he might, for there were more demands on his fortune than his father had encountered. Instead of only one son, for instance, Windebank had four, and four daughters. The eldest, Margaret, was born in 1609,<sup>1</sup> and by 1630 the children were costing Windebank considerable sums. His eldest son, Thomas, was admitted to St. John's College, Oxford (his father's alma mater) at age seventeen in 1629.<sup>2</sup> The following year, his son Christopher began his studies at Magdalen College, Oxford, where his "habits of idleness" elicited complaints from his tutor for the next five years.<sup>3</sup> Windebank's other two sons were also provided with an education during Windebank's period as Signet Clerk. John, age twelve in 1630, was sent to Winchester. Francis began at Lincoln's Inn in 1633, as did Thomas.<sup>4</sup> Besides caring for his sons' educations, Windebank also managed to enroll his nephew Thomas Reade in New College, Oxford, where, after getting off to a bad start which angered his uncle,<sup>5</sup> he was to continue and

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<sup>1</sup>Hurst Parish Register, II, 1607-20, n. p.

<sup>2</sup>Joseph Foster (ed.), Alumni Oxonienses, III (Oxford, 1891), 1650.

<sup>3</sup>CSP Dom., 1631-33, p. 467.

<sup>4</sup>The Records of . . . Lincoln's Inn: Admissions, 1420-1893, I (London, 1896), 220.

<sup>5</sup>CSP Dom., 1633-34, pp. 227, 336, 466.

become "Dr. Reade" by 1640.<sup>1</sup> It was Thomas Reade, in fact, who supervised John Windebank's studies which began at New College in 1634.<sup>2</sup>

The education of his sons was followed by Windebank's efforts to place them in administrative posts. He secured a reversion of one of the Signet clerkships for his son Thomas in 1631,<sup>3</sup> and placed Francis in the household of Thomas Wentworth, Lord Deputy of Ireland, so that, as Windebank himself hoped, the youth might "be enabled to serve his Majesty the Prince, or any of the Royal branches."<sup>4</sup> For Robert Reade, Windebank's nephew and personal secretary, Windebank secured a reversion to a Signet clerkship as trustee for Thomas Windebank in September of 1631.<sup>5</sup>

One other instance of Windebank's care for his dependants illustrates again the practice of defining the "family" very broadly. Instead of limiting his expenditures

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<sup>1</sup>CSP Dom., 1636-37, p. 117; 1640-41, p. 197. He became a D. C. L. in 1638. This nephew was the son of Windebank's sister Mildred. He later became a well-known Royalist (DNB, XVI, 796ff). To set the record straight, this seems not to be the Thomas Reade who was Secretary for the Latin Tongue 1619-23, contrary to the DNB. That Reade was a Scot, put in office by Secretary Lake, and he died in 1623 (Evans, pp. 96, 170-71, and CSP Dom., 1619-23, p. 8).

<sup>2</sup>CSP Dom., 1634-35, p. 209.

<sup>3</sup>PRO, S.O. 3/10, Signet Office Docquet Book entry dated November, 1631, renewed in April 1633.

<sup>4</sup>William Knowler (ed.), The Earl of Strafford's Letters and Dispatches . . ., I (London, 1739), 162. Hereafter cited as Knowler.

<sup>5</sup>CSP Dom., 1631-33, p. 155.

to his wife and children, a man in his position was expected to include his aunts, uncles, cousins, and so forth, in his care. We have seen that Windebank employed Robert Reade and helped to obtain an education for his brother Thomas. What else he may have done for his sister's children is unrecorded, but in his accounts of early 1632, the largest item of Windebank's personal disbursements was £25 paid to his aunt.<sup>1</sup> A few years earlier, Windebank's sister Margaret had married John Grymesdyche of Knottingley; Windebank undoubtedly helped pay for the wedding and subsequently he extended frequent aid to the children of this marriage.<sup>2</sup>

Windebank, while a Clerk of the Signet, promoted his daughters' interests as well as those of his sons and nephews. In 1631, William Laud, Bishop of London, officiated at the marriage of Margaret Windebank. The bridegroom was one of Laud's chaplains, Thomas Turner. Laud's participation may have resulted from more than mere friendship, although this was certainly a motive. According to one account, Laud had been accused of favouring celibacy of the clergy, and he officiated at this marriage expressly to dispel such rumours.<sup>3</sup> Regardless of Laud's motivation, it was a good match, for Margaret and Thomas became the

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<sup>1</sup>PRO, S.P. 16/214/96.

<sup>2</sup>CSP Dom., 1638-39, p. 548; 1639, pp. 36-37; 1640, pp. 341-510, 516; 1640-41, p. 98.

<sup>3</sup>Peter Heylyn, Cyprianus Anglicus . . ., (London, 1668), p. 224.



parents of Thomas Turner, President of Corpus Christi College, Oxford, and Francis Turner, Bishop of Ely.<sup>1</sup>

Laud was a close acquaintance of the family, and he was later to become the crucial link between Windebank and the Court of King Charles I. Because of its wide repercussions, the friendship deserves close study. Windebank and Laud first met at Oxford University, although there is no evidence of their friendship while at St. John's.<sup>2</sup> Laud was admitted B.A. in 1594, five years before Windebank. By the time Windebank began his studies as a commoner, Laud was a Fellow and an M.A. Somehow, despite the disparity in their status and Laud's nine years' seniority, the two became fast friends. It is tempting to suppose that they were brought together by Launcelot Andrewes, for Windebank mentioned Laud in a greeting to Andrewes written early in 1608; Windebank called Laud "my dear friend" and remarked upon "his friendly reply" to a previous letter.<sup>3</sup> Considering Laud's unaffectionate disposition and usual reserve, it is remarkable, and instructive, to find that the friendship continued for some

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<sup>1</sup>CSP Dom., 1638-39, p. 164; DNB, XXI, 637.

<sup>2</sup>Letter of July 17, 1970, from W. C. Costin of St. John's College, Oxford.

<sup>3</sup>PRO, S.P. 14/31/25. Andrewes, however, was not at Oxford frequently and therefore may not deserve credit for initiating the friendship.

thirty-five years. Windebank must have been an accommodating fellow indeed!

We hear nothing of their contacts during Windebank's early years in the Signet Office when Laud became President of St. John's (1611) and the Dean of Gloucester (1615). But while Laud was Bishop of St. David's (1621 to 1627), he visited Windebank several times at Haines Hill. During one such visit, in the autumn of 1624, Laud's company experienced some excitement:

In the evening at Mr. Windebank's, my ancient servant Adam Torless fell into a swoon; and we had much ado to recover him, but I thank God, we did.<sup>1</sup>

Throughout Laud's diary, Windebank appears repeatedly as Laud's "good friend," "old friend," and the like.

In the year following the nearly fatal swoon described above, Laud came to Haines Hill to escape the plague rampant in London.<sup>2</sup> While visiting, he suddenly became lame in his left leg; but the affliction passed in a short time. Only four days from its onset, he preached in the small parish church of Hurst called St. Nicholas.<sup>3</sup> His text, it is recorded, celebrated a nationwide public feast. The next day, Laud paid a visit to Windebank's

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<sup>1</sup>An Introduction to the Following History Containing the Diary of the Most Reverend Father in God William Laud, Lord Archbishop of Canterbury (London, 1694), p. 13. Hereafter cited as Laud, Diary.

<sup>2</sup>Ibid., p. 21.

<sup>3</sup>St. Nicholas Church now contains a picture of Windebank in its vestry. See Appendix I.

neighbor, Sir Richard Harrison, and then returned to Haines Hill.<sup>1</sup> He was still with the Windebank family on July 24, when he preached in the Sunday service at Hurst Parish church.

This week-long visit must have been the occasion for much political talk between the two men. Laud had at last come into good prospects with the accession of Charles, whose doctrinal ideas and policies were considerably nearer Laud's than James I's had been. Laud and Windebank similarly shared some religious ideas, particularly an antipathy toward Puritans.<sup>2</sup> For Laud's religious position there is little direct evidence, undoubtedly because to him, religion was more a matter of discipline and politics than of personal theological conviction. Windebank was of a similar opinion. However, it is probable that both agreed upon the principles of the "Arminian" movement led by their mutual friend Andrewes: the apostolic nature of the English Church, the importance of bishops as ecclesiastical rulers, and the necessity of good works for salvation.<sup>3</sup>

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<sup>1</sup>J. C. F. Wimberley, A History of the Parish of Hurst (Reading, Berkshire, 1937), p. 56.

<sup>2</sup>The term "Puritan" has now been invested with a wide variety of meanings. It shall be used here, in a guise of innocence, just as Windebank used it: broadly, and to mean any religious position more pietistic than his own.

<sup>3</sup>H. R. Trevor-Roper, Archbishop Laud (2nd ed., New York, 1965), pp. 29-31.

It may be that Windebank and Laud absorbed these attitudes during their affiliation with St. John's College. They may have developed their dislike of Puritans as a part of the distaste for "trouble-makers" common to men whose aspirations lie within the existing system. At any rate, it was on the basis of these shared opinions and this long friendship that a rise in Laud's fortunes at Court would bring benefit to Windebank.

Sometime in 1625, Laud introduced Windebank to the Duke of Buckingham, through whom Laud had obtained St. David's in 1621.<sup>1</sup> In late 1625, Laud wrote to Buckingham and took some pains to mention Windebank, not once but twice, as though he hoped to impress his friend's name on the Duke's mind:

When I had rested myself a little at my friend's house in the forest (Mr. Windebank, a servant of your grace's, whom I made bold to make known to your Honour), I came to Windsor. . . . I made bold to trouble your Grace with a letter or two out of Wales, which I hope Mr. Windebank took the best care he could to see delivered.<sup>2</sup>

Laud's attempt to assist Windebank was apparently not successful. There is no evidence that Buckingham promoted Windebank's interests, despite the fact that Windebank had been following Buckingham's career closely. In February of

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<sup>1</sup>Heylyn, p. 225; Trevor-Roper, pp. 56-57.

<sup>2</sup>Cabala Sive Scrinia Sacra . . ., (London, 1654), p. 114. Laud to Buckingham, Dec. 13, 1625.

1624, he made a study of the Duke's speech to both houses of Parliament.<sup>1</sup> The next year, Windebank's wife was the first to inform Laud, when he arrived for another visit with Windebank's while the Signet Clerk was away at Court, that the Duke had had a son.<sup>2</sup>

The visit to Windebank's home mentioned by Laud in the letter above lasted the full month of December, 1625, except for three brief expeditions to Hampton Court, Sir Richard Harrison's home, and Windsor.<sup>3</sup> During the visit, Laud probably used Windebank's quiet country residence as a place in which to revise the service for the King's coronation, scheduled for February 2. In addition, he preached twice more in Windebank's parish church, the second sermon being given on Christmas Day.<sup>4</sup>

One incident now has interest for our age of psychoanalysis. In the course of Laud and Windebank's friendship, Laud told his diary:

I dreamed that the King went out to hunt, and that when he was hungry, I brought him on the sudden into the house of my friend Francis Windebank.<sup>5</sup>

Then, no matter what Laud offered the King to drink, he could not please Charles I.<sup>6</sup> Whatever the implication of

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<sup>1</sup>CSP Dom., 1623-25, p. 169. The speech concerned the Duke's recent trip to Spain. An abstract in Windebank's hand is cited here. The speech appears in John Rushworth, Historical Collections . . . I, (London, 1721), 119-24. Hereafter cited as Rushworth.

<sup>2</sup>Laud, Diary, pp. 24-25.

<sup>3</sup>Ibid., p. 25.

<sup>4</sup>Wimberley, p. 57.

<sup>5</sup>Laud, Diary, p. 38.

<sup>6</sup>Ibid.

Laud's discomfort in this dream, it is certain that Laud felt Windebank's home represented a place where one could expect refreshment and was welcome at any time.

One more long visit to Haines Hill was recorded by Laud, this one born of necessity. As he travelled toward the Court at Woodstock in August, 1629, Laud, now Bishop of London, was stricken by a "fever" so severe it forced him to stop at Windebank's estate. There his illness continued for three weeks, notwithstanding the efforts of his friend and doctors to assuage it. Even after the worst had passed, there was a long period of convalescence before Laud could leave Haines Hill; this sojourn eventually ran to over two months.<sup>1</sup>

Laud was properly grateful for the care he had received. In 1630, he related the news that he had procured a scholarship which would enable John Windebank to attend grammar school at Winchester, saying that he owed the favour to Windebank in return for his "great love and care in the time of [my] extremity."<sup>2</sup> Very soon after, Laud obtained for Thomas Windebank the grant of a reversion of the office of Clerk of the Signet.<sup>3</sup> His efforts included Windebank himself, of course, and it is undoubtedly due to Laud that Windebank was appointed to the Commission for the repair of St. Paul's Cathedral in London. The other members of the

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<sup>1</sup>August 14 to October 29, 1629. Laud, Diary, pp. 44-45; Heylyn, p. 198.

<sup>2</sup>CSP Dom., 1629-31, p. 297.

<sup>3</sup>Ibid., 1631-33, p. 155.

Commission were significant courtiers or officials, much more prominent than Windebank.. In fact, Windebank was so little known that the clerk who listed the Commission membership placed a phrase after his name to identify him: "one of the Clerks of the Signet."<sup>1</sup> Laud had just begun his long campaign to restore St. Paul's; apart from the aspect of rewarding Windebank's attentions, apparently he wanted his long-time friend to be introduced to the influential government leaders as he joined in the task.

One of the last favours Laud bestowed on Windebank as Clerk of the Signet was to officiate at Margaret's marriage ceremony early in 1632. This was not because their friendship then ended, but because Windebank then ceased to be Clerk. This change, the most momentous of Windebank's career, was in some measure Laud's doing.

In February, 1632, Dudley Carleton, Viscount Dorchester, died. The remaining Secretary, Sir John Coke (installed since September, 1625) was assisted temporarily by Sir Kenelm Digby in the care of foreign affairs. For several months, King Charles I abstained from appointing another Secretary. Windebank was known to be a candidate, but most observers felt that the likely man was Sir Thomas Roe.<sup>2</sup> Finally, on June 13, Laud wrote to inform his friend of his triumph:

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<sup>1</sup>CSP Dom., 1631-33, p. 7.

<sup>2</sup>Ibid., pp. viii.

Mr. Secretary!

For though you think, perchance, that I am apt enough to jest, yet I know you will believe these enclosed [notice of appointment]. And this present day, in the afternoon at Council, Secretary Coke is by his Majesty's special command to declare it to the Lords. So now you have a second cure to attend, as well as your son-in-law. The name of the parish is St. Troubles. And now I return you your prayers for me. God send you as much health as you may have business. . . .

I pray you make haste up, and follow the directions of this enclosed. And, among other benefits, I doubt not but the very naming of you to this place will make them at Oxford look well to your son. So in great haste I leave you to the grace of God, and rest

Your very loving friend,  
Guil. London

Fulham House  
June 13, 1632<sup>1</sup>

The enclosures referred to in Laud's letter were from Secretary Coke to Windebank:

The King has taken notice of your worth and long service, and has made choice of you to be one of his Principal Secretaries. [You] will attend on the morrow in the inner Star Chamber in the afternoon, when the Council sits, and [Coke] will then make known his Majesty's pleasure and give order to take . . . the oath.<sup>2</sup>

Coke assured Windebank, perhaps with more diplomacy than honesty, that he was "glad of so good a brother in office."<sup>3</sup>

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<sup>1</sup>PRO, S.P. 16/218/46.

<sup>2</sup>CSP Dom., 1631-33, p. 352. A second enclosure explained that the negligence of the messenger had made a later appointment necessary, and set it for Friday, June 15.

<sup>3</sup>Ibid. Cf. Coke, p. 184.



Windebank's position as "one of his Majesty's Principal Secretaries of State" was duly warranted, along with the customary emoluments of £100 salary per annum and an allowance of £700 per annum "for intelligence and other secret service" dating from the death of Dorchester.<sup>1</sup> On June 15, 1632, he was sworn into office and took his place on the Council as Secretary.<sup>2</sup>

It was necessary for Windebank to become a knight of the realm, now that he held high office. He had not done so in 1626 at the coronation of Charles I. In 1630, the King created a commission to compound with those who had failed to answer a summons requiring all prominent men--those with land valued at or above forty pounds--to receive the "honour."<sup>3</sup> To avoid both knighthood and composition indefinitely was impossible. Three days after Windebank was sworn Secretary, he became a Knight Bachelor along with several others. The ceremony at Greenwich must

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<sup>1</sup>PRO, S.O. 3/10, Signet Office Docquet Book, entry dated June, 1632. It is interesting to note that Coke tried to obtain all of the money for intelligence, cutting Windebank out of his half of the funds for use in maintaining foreign correspondence (HMC Twelfth Report, Appendix, I, 463). In 1640, Windebank tried to do the same to the new Secretary, Sir Henry Vane the elder.

<sup>2</sup>CSP Dom., 1631-33, p. 354. The text of the Secretary's oath in 1662 is printed in Evans, pp. 365-66.

<sup>3</sup>For the history of distraint of knighthood and Charles' use of this "politically . . . disastrous expedient," see Lawrence Stone, The Crisis of the Aristocracy 1558-1641 (Oxford, 1965), pp. 71-82.

have been impressive: fees paid for the occasion amounted to £56/18/8d. and were distributed to the Earl Marshal, heralds, trumpeters and several others.<sup>1</sup> In view of this cost and the questionable benefit, it is not surprising that Windebank had avoided joining the order of knighthood when it was technically proper to do so. Yet his failure laid him open to penalty. Once he assumed a politically important post such as that of Secretary, there would be many eager to resurrect his omission. During a period when Court rivalry became particularly threatening,<sup>2</sup> a warrant was procured to exonerate Windebank from all claims against him for not having been a knight from 1626 to 1632.<sup>3</sup>

Naturally, Windebank's appointment to the secretaryship created some consternation at Court, both among those who had themselves vied for the post<sup>4</sup> and those whose careers depended upon the achievements of a faction different from the one which Windebank represented. Everyone knew Windebank had gained his position because of William Laud, whose power was now on the rise and who needed every possible ally at Court. Bishop Montagu's letter of congratulation

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<sup>1</sup>Shaw, II, 200 (June 18, 1632); CSP Dom., 1631-33, p. 357.

<sup>2</sup>Discussion of the dissension in early 1635 follows on pp. 142-44.

<sup>3</sup>PRO, S.O. 3/11, Signet Office Docquet Book, Feb. 1635.

<sup>4</sup>Competitors included Francis Cottington, Chancellor of the Exchequer; courtiers Lucius Cary, second Viscount Falkland; Henry Rich, Earl of Holland; Sir Kenelm Digby; and, as mentioned above, Sir Thomas Roe.

on his appointment told Windebank, in effect, that the "high church" party was depending upon him. He was glad of Windebank's appointment for his sake, his friends' sake, and the Church's sake, "which now has two good arches to rely upon."<sup>1</sup>

Windebank would be close to the King, perhaps in regular contact with him more than any other member of the government. In 1632 when he was appointed, this proximity to the throne and the fluidity of his position were advantages for Windebank and his friends, for they offered opportunities to obtain greater power and status; but eventually, they were to bring Windebank to a point of grave danger.

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<sup>1</sup>CSP Dom., 1631-33, p. 363. Letter of June 26, 1632.

## CHAPTER II

### WINDEBANK AS SECRETARY

Qualitative changes in the responsibilities of the Principal Secretary had been occurring for more than two centuries when Windebank assumed the office. In 1400, the Secretary was simply a personal servant acting as clerk and mouthpiece for the King.<sup>1</sup> He was keeper of the King's signet (then the most significant seal<sup>2</sup>) and he often went abroad on diplomatic missions. Not until Thomas Cromwell became Secretary (1534-40) did the Household character of the office diminish. Elton has argued that Cromwell made the secretaryship the "center and driving force of the administration."<sup>3</sup> Even if Elton's description tends toward overstatement, by expanding its functions and sharpening its procedures, Cromwell developed the secretaryship into a ministerial office.

While Cromwell held the secretaryship, it was politically important; but the ministerial and administrative

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<sup>1</sup>Otway-Ruthven, p. 30.

<sup>2</sup>T. F. Tout, Chapters in Mediaeval Administrative History (Manchester, 1920-33), V, 205-25. Cf. L. B. Dibben, "Secretaries in the Thirteenth and Fourteenth Centuries," English Historical Review, XXV (1910), 430ff.

<sup>3</sup>Elton, p. 299.

development of the office under Cromwell was more significant, since the political potential depended on the man, not the office, for realization.<sup>1</sup> A hundred years later, the same situation prevailed. Evans characterized the political significance of the secretaryship in 1625 by describing the Secretaries as "stage-managers rather than leading actors in the drama of politics."<sup>2</sup>

Cromwell's assistants had been performing the Secretary's administrative tasks, while Cromwell's activities verged more toward politics. In 1540, probably for administrative convenience,<sup>3</sup> Cromwell decided to give up the secretaryship. In April the office was divided for the first time,<sup>4</sup> an equal share of its duties and income going to Thomas Wriothesley and Ralph Sadler, who had long been handling the work as members of Cromwell's own staff. The stable nature of the work taken over by these two men caused the secretaryship to become primarily an administrative office. However, it continued to be possible for a Secretary to use his post to become an "executive

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<sup>1</sup>Elton, p. 303. Similarly, Evans said that the importance of the Secretary in the seventeenth century varied with the character of the man and the sovereign (p. 1).

<sup>2</sup>p. 85.

<sup>3</sup>Elton, pp. 314-15.

<sup>4</sup>BM, Stowe MS, 163, fol. 170, printed verbatim in Evans, pp. 360-61.

mainstay" of the government<sup>1</sup> and a politically significant figure if he chose to do so. The secretarial careers of William Cecil (1558-72), Francis Walsingham (1573-90) and Robert Cecil (1596-1612) give ample proof of this.

The office remained basically the same after its division in 1540. Minor changes did occur, however. In 1577, letters patent were issued for the position for the first time. By the beginning of the seventeenth century, Secretaries were no longer sent on foreign missions. In 1600, Secretary John Herbert was referred to as "second Secretary" in the patent granting him the office.<sup>2</sup> This violation of the 1540 arrangement of equality between the Secretaries was a recognition of the seniority generally allowed to the Secretary of longer standing.<sup>3</sup> There was a difference in the amount paid to the Secretaries, and the senior Secretary might feel himself entitled to the whole of the money designated for "intelligence."<sup>4</sup> Finally, in 1640, a semi-official division of responsibility was made between the two Secretaries.<sup>5</sup>

The undefined nature of the Secretary of State's powers and duties caused extended controversy, eventually precipitating Windebank's fall from office. In order to

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<sup>1</sup>Elton, England under the Tudors (London, 1955), p.183.

<sup>2</sup>Evans, p. 57 citing Acts of the Privy Council of England (N.S.) XXX, 314.

<sup>3</sup>Evans, p. 57.

<sup>4</sup>See p. 52 above.

<sup>5</sup>For the effect of this division on Windebank, see p. 199 below. As a matter of convenience, the Secretaries concentrated on different spheres in their correspondence well before the King formalized the arrangement. See pp. 82-85.

understand the arguments of 1640 and the fundamental divergence in the points of view of Charles I and the Long Parliament concerning ministerial accountability, it is necessary to acquire an over-all picture of the secretaryship during the crucial third decade of the seventeenth century. The duties of a secretary were varied, but fall generally into four categories: (1) formal activities done as a secretary; (2) Privy Council responsibilities such as judicial activities, interest in internal security, committee work, and naval and military correspondence; (3) tasks done as the King's personal executive agent, including representing the King in Parliament and various negotiations with foreign agents; (4) general administration. A brief description of each category follows. Thereafter, Windebank's performance will be examined in regard to each.

Perhaps the most time-consuming as well as the most significant duty was the writing of royal commands and letters, which originally fell to the Secretary because he was keeper of the King's private seal. This drafting allowed the Secretary's opinions and prejudices to influence the King and Council. In any given matter, the Secretary's work might only mirror the opinion of the initiators, but it could substantially affect their intent. The commands and letters which Windebank composed were sent to officials and subjects, petitioners and disputants, corporate bodies and individuals. Their content included the full range of matters with which any government of the

day was expected to deal, from domestic disputes to international relations. The Secretary, on his own initiative, corresponded on a regular, often weekly basis with all ambassadors and diplomats assigned to him. Special agents abroad also kept in touch with him, sending news and analyses of Continental developments.

A duty similar to letter writing, but more formal in nature, was the initiation of grants and petitions. As described above, after receiving the King's approval in the form of the Sign Manual, the Secretary sent the documents to the Signet Office, the Privy Seal, and the Chancery. In the initial stages of this sequence, the Secretary was responsible for drafting, procuring the royal assent, and affixing the seal of the signet. Letters patent and close comprised a large part of the "paper work" which occupied the Secretary's time.

As an ex officio member of the Privy Council, the Secretary's fundamental task was to keep notes and maintain communications between Council and King. Because he was a Privy Councillor, the Secretary also sat on the Court of Star Chamber, where he kept notes of the proceedings and participated in them. To acquire information concerning domestic problems and internal security, the Secretary in his capacity as Councillor examined suspected persons ranging from apprentices caught inciting riot to innkeepers accused of sedition. The results of these examinations were presented to the courts, and the accused were sometimes



imprisoned by the Secretary's warrant until their case could be tried properly.<sup>1</sup>

As Secretary of State, as a Privy Councillor, or merely as the man in closest proximity to the King, the Secretary served on many committees, commissions, and special boards. Some of these were formal administrative units, such as the Lords of the Admiralty or the Treasury Commission of 1635-36, and some were simply ad hoc committees, such as the commissions appointed to negotiate with foreign envoys or the Council of Eight created to deal with the vexing problem of relations with Scotland.

Besides these duties common to early Stuart Secretaries, Windebank had two further responsibilities. In June, 1637, the Principal Secretaries were put in charge of the post in England.<sup>2</sup> In July of the same year, a Star Chamber decree on printing made it obligatory that "all books of history belonging to this State and present times or any other book of State affairs, shall be licensed by the Principal Secretaries of State, or one of them, or by their appointment."<sup>3</sup> This authorization may explain

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<sup>1</sup>CSP Dom., 1636-37, pp. 23, 24; 1637-38, p. 122; 1639-40, p. 525; 1640-41, p. 26. Cf. Evans, pp. 252-62.

<sup>2</sup>Ibid., 1637, p. 255.

<sup>3</sup>Rushworth, III, 307. The Decree of July 11, 1637 of the Star Chamber concerning printing is summarized by W. M. Clyde, The Struggle for Freedom of the Press from Caxton to Cromwell (London, 1934), pp. 40-47 and its text is given in his Appendix A, pp. 295-97. Cf. CSP Dom., 1637, p. 287.

the dedication of a translation of Christian Offices Crystal Glass to Windebank in 1637.<sup>1</sup> At any rate, control of the mails and censorship of printed material related to state affairs brought Windebank into conflict with factions whose discontent resulted in their use of the press as an aid in mustering public opinion. These included both radical Protestants and Scot sympathizers.<sup>2</sup>

During Windebank's tenure as Secretary of State, a responsibility evolved which earned him a share of the public's enmity. Negotiation with foreign envoys was a normal secretarial duty, but due to Windebank's availability and his particular biases, he personally negotiated with several very unpopular diplomats at the English Court. Beginning in his first year as Secretary, Windebank treated with Papal emissaries, as well as with Spanish agents. To avoid popular protest on political or religious grounds, these negotiations remained secret from all but a few courtiers.

An overview of such responsibilities makes it apparent that there were few established and defined powers or privileges attached to the office itself. The Secretary often acted either by virtue of his position as a Privy Councillor or by special command of the King. As will be shown below, during Windebank's tenure, King Charles I commanded him to

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<sup>1</sup>Franklin Williams, Index of Dedications and Commendatory Verses Before 1641 (London, 1962), p. 201.

<sup>2</sup>For particular instances, see pp. 75, 101.

pardon offenders, interfere in cases in various courts,<sup>1</sup> and arrange for the defense of the kingdom against internal subversives, pirates, or even Scotsmen. He was the most readily available executive agent of both King and Council, and an instrument for the protection of the King's prerogative.

Thus employed, the Secretary was "one of the most important figures in the second ranks."<sup>2</sup> Windebank had neither the desire nor the ability to become a policy maker such as Laud was. His personality was more suited to bureaucratic activities, while his political "weight" was not comparable to that of Cottington, Holland, or Algernon Percy, the Earl of Northumberland, for instance. Nor was his office of sufficient traditional importance to rank with the Lord Privy Seal, the Lord Treasurer, or the Lord Keeper. His status as an official is revealed by an episode of 1639. When Charles I named a commission to govern in his absence during the first campaign against the Scots, Windebank was a member. The Secretaryship, however, was not of the first rank, and Windebank's assent was not required to make any action of the commission valid.<sup>3</sup> The comparative stature of the office is shown in the King's refusal to bestow the secretaryship on the Earl of Leicester

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<sup>1</sup>CSP Dom., 1634-35, pp. 136, 194, 420; 1638-39, p. 348; 1635-36, p. 422.

<sup>2</sup>Evans, p. 98.

<sup>3</sup>CSP Dom., 1638-39, p. 607.

in 1641. Leicester, the King said, "was too great for that place."<sup>1</sup> Instead, Leicester was appointed Lord Lieutenant of Ireland, a more important post.

The secretaryship was not among the most important offices nor was it necessarily a secure position. In the early seventeenth century, the office of Secretary was held for life, or "during the pleasure of the King." In one thirty-nine year period (1603-42), the King dismissed or forced the resignations of six Secretaries: Lake, Calvert, Conway, Coke, Windebank, and Vane. To the early Stuarts, the Principal Secretaries were personal servants who, if their performance in office fell short of expectations or caused undue disturbance, might be readily replaced.

One aspect of Windebank's office remains to be examined before his career is traced. In the seventeenth century, the capital value of the office of Secretary of State was £6,000. That is, offices were usually purchased, and to buy the secretaryship required approximately £6,000.<sup>2</sup> For an idea of Windebank's income as Secretary, it is helpful to turn to Evans' particularly detailed study of the emoluments of Principal Secretaries. In 1618-28, the annual net income of the office was £2,000 (or £4,000-6,000 gross). Although each Secretary earned an annual

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<sup>1</sup>Arthur Collins (transcriber), Letters and Memorials of State . . . [Sydney Papers], II (London, 1746), 664. Hereafter cited as Collins.

<sup>2</sup>Aylmer, pp. 221-31. Windebank did not purchase his office.

salary of only £100 plus £700 expenses for intelligence, he also received a dietary allowance of £1,095 as senior Secretary or £390 for the junior Secretary and the assistants. In addition, the Secretary's fees ordinarily amounted to between £2,800 and £4,000 annually. Most of this came from the £5 frequently paid to the Secretary for the first two steps in the course of a grant, i. e., petitioning the Crown through a Secretary, and obtaining a reference by him.<sup>1</sup> Out of the gross income, the Secretary paid office expenses and the salaries of some of his subordinates.<sup>2</sup>

Besides the formalized sources of income--salary, expenses for intelligence, diet, "bouche"<sup>3</sup> and writing and sealing fees--significant amounts were paid to the Secretaries of State by persons seeking or receiving their good offices. As we have seen in examining Windebank's income as a Clerk of the Signet, gratuities of this sort were common in the period. They were, in fact, a necessity due to the low salaries, inflation, and high expenses of officials.

Because his will and some of his personal papers have been lost, no thorough picture of Windebank's financial situation can be compiled. His grave concern over a lack

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<sup>1</sup>Maxwell-Lyte, p. 94.

<sup>2</sup>Evans, pp. 210-21.

<sup>3</sup>The "bouche of court" was the allowances of bread and wine and for heat and lighting. It amounted to £22/7/11d. per annum for each Secretary (Evans, p. 218).

of money in the early months of his exile indicates that he was not a man of boundless resources. It may be that he was almost truthful when he wrote to the Lord Chamberlain in December, 1640:

It is notorious to all the world that having now served his Majesty in the place of a Secretary above eight years, I have not added one foot of land to the inheritance left me by my father, which in land and lease was not above £500 per annum, and a poor and inconsiderable estate for a Secretary. . . . For my manner of living, it hath been much under the[significance] of a Secretary.<sup>1</sup>

Windebank's fortune was commensurate with his political importance--significant, but not overwhelming.

In addition to his income as Postmaster (£262 per annum from 1637), Windebank received the usual tokens of gratitude. For the seven months ending in November, 1637, he received a total of £648/15/9d. for obtaining grants, licenses, or other considerations.<sup>2</sup> As he gained prominence, more people sought his assistance. From May 1, 1638, to January 5, 1639, his accounts showed more than a thousand pounds in gratuities.<sup>3</sup>

Besides these sources, Windebank derived money from several pieces of land which he leased. It is difficult to ascertain the details of his holdings, but one can find references to the income derived from the several manors

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<sup>1</sup>John Nalson (ed.), An Impartial Collection . . ., I (London, 1682-83), 652-53. Windebank's letter from Calais, January (sic) 11, 1640. Hereafter cited as Nalson. The proper date for the letter is December 11, 1640.

<sup>2</sup>CSP Dom., 1637, p. 529.

<sup>3</sup>PRO, S.P. 16/409/29.

Thomas Windebank had left to his son in 1607.<sup>1</sup> In addition to these, Windebank took part in a scheme for drainage of the Lincolnshire fens and in 1639 was hoping his pastures there would bring increased rent.<sup>2</sup> Even after he had fled from England, Windebank's son Thomas collected rents from the family's several holdings.<sup>3</sup>

Besides his rental properties, Windebank maintained two residences. When off duty he would stay at Haines Hill; we also find him writing official letters from there. When attending to business he and his family moved to the Drury Lane home he inherited from his father. There was a close adjoining the London residence which he rented out continually.<sup>4</sup> The maintenance of two houses indicates that Windebank was financially comfortable enough in normal times; certain of the expenses mentioned in Reade's accounts reinforce this surmise:<sup>5</sup>

. . . two picture frames<sup>6</sup>  
given my cousin for postmoney  
to the Bath

£ 1/15/0d.

10/00/0

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<sup>1</sup>CSP Dom., 1633, p. 379; 1635-36, p. 440; 1640-41, p. 546.

<sup>2</sup>Ibid., 1639-40, pp. 35, 36. Letter of George Little, estate manager, to Windebank.

<sup>3</sup>Ibid., 1640-41, pp. 556, 584.

<sup>4</sup>Ibid., 1639, p. 402.

<sup>5</sup>PRO, S.P. 16/409/29.

<sup>6</sup>Another picture frame appears further down the list at a cost of £4/15/0d.

|                                                   |            |
|---------------------------------------------------|------------|
| for a coach horse                                 | £13/00/0d. |
| to my Aunt <sup>1</sup>                           | 100/00/0   |
| to my cousin Thomas for<br>midsummer <sup>2</sup> | 25/00/0    |
| the brickmaker at Haines Hill                     | 20/00/0    |
| for fur                                           | 27/00/0    |
| for a pair of silk stockings <sup>3</sup>         | 1/14/0     |
| to the cook, pastry men, etc., in<br>reward       | 6/05/0     |
| to the tailor in full of his bills                | 283/00/0   |
| to my cousin Frank for Christmas                  | 20/00/0    |
| to my cousin Thomas for Christmas                 | 50/00/0    |
| to Mr. Lawrence the carpenter                     | 100/00/0   |
| for New Years gifts                               | 33/01/6    |

Having examined Windebank's financial status, it remains to trace his activity in detail. Such an account can profitably begin with his role during times of stress. In those periods, Windebank's duties increased in the areas of military preparations and security precautions. His actions earned him the enmity of Covenanters and their allies on two counts, a legacy which would add to his later troubles.

Especially in national emergencies, Windebank's role as "communications officer" was crucial. The King went North in April, 1639, to lead his army in the First Bishop's War. As usual, Coke accompanied the King while Windebank remained at Whitehall handling the secretarial tasks and co-ordinating government activities. Windebank's work increased daily as he received detailed accounts of troop movements as well as reports of business transacted by

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<sup>1</sup>Windebank's wife, probably for household management.

<sup>2</sup>Each son received an allowance, and bills of exchange were bought to furnish expense money for Christopher abroad.

<sup>3</sup>This item is repeated several times later in the account.



the Councillors with the King at Newcastle.<sup>1</sup> Again in the Second Bishops' War (August, 1640), when the King was at York, Windebank's communication tasks grew more difficult. He kept notes of the public business handled at London and wrote daily to the King or to Secretary Vane, who had accompanied Charles I. The matters which occupied Windebank ranged from issuing orders for securing the Tower<sup>2</sup> to informing the King about the minting of new money.<sup>3</sup>

Under the early Stuarts, military affairs had become an increasing part of the Secretary's concerns. The Secretary exercised a "general supervision in military affairs of an haphazard character."<sup>4</sup> In large measure this supervision fell to him by virtue of his communication functions. During periods of crisis, Windebank received increased correspondence not only from Coke or Vane and the King, but also from various commanders in the field. All high ranking officers were expected to send weekly reports to the Secretary at Whitehall, outlining progress in building northern fortifications. Windebank conveyed the information to the King and sent back the King's answers to the commanders. In June, 1640, for example, such correspondence was carried on between Windebank and Sir Michael Ernle,

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<sup>1</sup>CSP Dom., 1639, p. 172.

<sup>2</sup>Ibid., 1640-41, p. 1.

<sup>3</sup>Ibid., 1640, p. 465.

<sup>4</sup>Evans, pp. 322-23.

Sir James Douglas, and Captain Charles Lloyd, all officers stationed at Berwick.<sup>1</sup>

Matters of detail comprised a major part of the correspondence handled by Windebank during wartime. Late in the summer of 1640, before the calling of the Long Parliament, Windebank was instructed to compile a list of all acts of State concerning the Scots in the recent past; he quickly complied.<sup>2</sup> The Paymaster at Berwick kept in regular contact with him concerning various supply requirements.<sup>3</sup> At one point, the King in the North needed to print his daily commands for the Court and the army, as well as his proclamations for pardon which the Scottish leaders had refused to circulate. Windebank arranged that a printer and a press be sent north, pondered whether the press should be sent by ship or overland, and saw that it arrived promptly and that the printer was paid.<sup>4</sup>

Windebank's activities in the military sphere went beyond the routine correspondence cited above. He became a member of the King's Council of War in June, 1637, instructed along with his co-Councillors to "consider . . . the security of [the King's] realms, the assisting of his allies, and all other matters concerning war."<sup>5</sup> After

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<sup>1</sup>CSP Dom., 1640, pp. 311-12 et passim.

<sup>2</sup>Ibid., 1640-41, p. 96.      <sup>3</sup>Ibid., p. 176.

<sup>4</sup>Ibid., 1639, p. 65.

<sup>5</sup>Ibid., 1637, p. 224. Serving with Windebank were the major figures in government: the Earls of Northumberland, Dorset, Holland, Denbigh, Newport, and Lindsey; Lords Wimbledon, Wilmot, Conway, and Cottington; Treasurer Juxon; the

joining that Council, Windebank's duties respecting the military increased appreciably. He took notes, informed the King of the Council's proceedings, and handled its communications. One officer asked pardon for not having reported to Windebank for an entire week, indicating the frequency of this military correspondence.<sup>1</sup>

In December, 1639, Windebank was appointed to a new Council of War.<sup>2</sup> This time, neither Windebank nor Secretary Coke had to be in constant attendance, since Edward Nicholas had been put on the Council of War expressly to keep notes.<sup>3</sup> It met three mornings each week, with the King frequently participating in person.<sup>4</sup> Thus in the winter of 1639-40, Windebank was active on the committee in charge during the King's absence as well as on the Council of War. In one or the other of these capacities, he carried out many military duties: he compiled lists of arms requirements, notified the Earl Marshal that he had been replaced,<sup>5</sup> and arranged a secret deployment of troops to

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Earl Marshal, Thomas Earl of Arundel and Surrey; Sirs Henry Vane, Robert Mansell, William Monson, Henry Mervin, William Balfour, John Heydon, and John Pennington; and Secretary Coke (CSP Dom., 1637, pp. 86, 224). Cf. E. I. H. Carlyle, "Committees of Council under the Earlier Stuarts," English Historical Review, XXI (1906), pp. 679-81.

<sup>1</sup>CSP Dom., 1639-40, p. 489.      <sup>2</sup>Ibid., p. 188.

<sup>3</sup>Ibid.

<sup>4</sup>Ibid., p. 332.

<sup>5</sup>Ibid., pp. 193-94.

# Edinburgh Castle.<sup>1</sup>

Similar to his army duties were Windebank's responsibilities concerning the fleet. After Buckingham's death in 1628, the management of naval affairs was conducted by a board under the chairmanship of Richard Weston, the Lord Treasurer. From November, 1632, Windebank was routinely included in the patents of appointment to the Admiralty Commission.<sup>2</sup> This body, which met twice weekly, was comprised of the two Secretaries; the Lord Treasurer; Robert Bertie, Earl of Lindsey; Edward Sackville, Earl of Dorset; Francis Cottington; and Sir Henry Vane. It issued warrants to authorize repair of ships, letters of marque and reprisal (authorizing the seizure of ships of foreign countries which had refused to compensate English victims of sea crimes), heard appeals from the Court of Admiralty, superintended the civil administration and management of the fleet, and advised the King on matters of strategy.<sup>3</sup> Windebank took notes at the Admiralty Commission meetings

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<sup>1</sup>CSP Dom., 1639-40, pp. 109, 377, 390, 450. Several of the Rawlinson MSS in the Bodleian contain Windebank's regulation of military affairs during this period. Cf. Rawlinson, A148, fol. 17.

<sup>2</sup>CSP Dom., 1632, p. 440; 1633-34, p. 216; 1636, p. 161.

<sup>3</sup>G. F. James and J. F. S. Shaw, "Admiralty Administration and Personnel 1619-1714," BIHR, XIV (June, 1936; cont. Feb., 1937), 10-24; 166-83; CSP Dom., 1636-37, pp. 161, 465; 1641-43, p. 243.

until June, 1633, when Nicholas assumed this duty.<sup>1</sup> Nicholas, who was the sole Clerk or Secretary to the Admiralty from 1628 to 1638, handled the civil administration with a competence that made one analyst describe him as "the real power behind the Commission."<sup>2</sup>

Windebank continued to play an important part on the Admiralty Board throughout his secretaryship. He frequently corresponded with the Admiral, Northumberland, or Vice Admiral, Pennington, to relay instructions or to receive reports. Windebank handled a great share of the Admiralty correspondence, simply because he was readily accessible whereas many other members were present at central government offices and at Court less steadily.<sup>3</sup> It was easiest to correspond with Windebank, for example, when detailed reports of an instance of piracy were required,<sup>4</sup> or when regular reports of a ship's movements were expected at Whitehall.<sup>5</sup>

Among the more typical examples of Windebank's routine correspondence with ship captains are the several letters

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<sup>1</sup>CSP Dom., 1633-34, p. 90. Windebank's notes: 1631-33, pp. 459, 463, 509, 515, 545.

<sup>2</sup>James and Shaw, p. 167.

<sup>3</sup>For example, this was the reason given by a writer for addressing Windebank rather than someone else in CSP Dom., 1635, p. 365 and Ibid., 1636-37, p. 87.

<sup>4</sup>HMC Ninth Report, Part I, (London, 1883), 307.

<sup>5</sup>CSP Dom., 1639, pp. 228-29, 233.

arranging crossings for courtiers or servants of the King.<sup>1</sup> Sometimes these travellers were particularly important or significant, as when the Queen's friend, the Duchess of Chevreuse was to come from France by a ship with a French-speaking captain and under conditions of "the utmost secrecy by the King's order."<sup>2</sup>

In 1638, Charles I suspended the activities of the Admiralty Commission and appointed the Earl of Northumberland as Lord High Admiral. This appointment did not change the fact that management of the navy had become a task too complex for one man. By 1639, Windebank had become an important advisor on naval affairs, able to influence the King's decisions as to the location of the fleet. In July of that year, he mentioned to Vice Admiral Pennington that he was of the opinion the fleet should be ordered to move westward.<sup>3</sup> Five days after this letter was written, Windebank sent the King's formal command to proceed just as Windebank had suggested.<sup>4</sup> In the interim,

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<sup>1</sup>CSP Dom., 1637-38, pp. 604, 608.

<sup>2</sup>Ibid., 1637, p. 562. Charles I probably wished to avoid an outcry at the arrival of this Roman Catholic courtisan recently expelled from France for intrigues and reputed to be in the pay of Spain (C. V. Wedgwood, The King's Peace 1637-1641 [2nd ed., London, 1966], pp. 225-26).

<sup>3</sup>CSP Dom., 1639, p. 382.

<sup>4</sup>Ibid., p. 393.

Windebank had convinced the King to accept his plan.

Related to Windebank's naval and military responsibilities was his concern with the activities of those who sympathized with the Scottish Covenanters.<sup>1</sup> Constant effort was required to keep watch over Puritans who were known to be in contact with Covenanters. A case in point concerned the Puritans of Newcastle-upon-Tyne.<sup>2</sup> One of Windebank's correspondents, Sir John Marley, was an alderman in that city. Learning of contact between Covenanters and a Newcastle merchant, John Fenwick, and a tanner, Giles Bittleston, Marley sent his news to London and Windebank began an investigation. In January 1639, Windebank wrote to Sir Jacob Astley, governor of Newcastle, requiring that Fenwick and Bittleston be apprehended and questioned about their alleged trip to Scotland to subscribe to the Covenant.<sup>3</sup> Astley notified the officials of Newcastle. By the end of the month, Mayor Alexander Davison, Sir William Balasys and Marley wrote to Windebank that they had taken Bittleston into custody.<sup>4</sup> The next week, Astley forwarded Bittleston's testimony and explained that John Fenwick had

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<sup>1</sup>In February of 1638, the leaders of Presbyterian Scotland drew up the National Covenant to resist Charles I's attempts to Anglicanize the Scottish church. Those who subscribed to it were called Covenanters.

<sup>2</sup>R. Howell, Newcastle upon Tyne and the Puritan Revolution (Oxford, 1967), pp. 100ff. includes a thorough treatment of this topic. Windebank's actions against Puritans as such, unconnected with Covenanters, are discussed on p. 190.

<sup>3</sup>CSP Dom., 1638-39, p. 337.

<sup>4</sup>Ibid., p. 358.

not yet been found.<sup>1</sup> By February 6, the Mayor was able to inform Windebank that Fenwick was in Scotland, Bittleston still in custody, and Fenwick's faction fled to the south.<sup>2</sup>

John Fenwick was not caught by Windebank's agents at this time. In fact, in November following the investigation described above, Fenwick wrote an account of his troubles at Windebank's hands.<sup>3</sup> His trip to Scotland was strictly to pursue business debts; both he and his wife had been unjustly harassed, he argued. An excursion several years forward in time brings us to the culmination of the episode, for in 1643 Fenwick had his account published. His purpose in writing and presenting the account, which incorporated some of Windebank's letters, was to make known his case as one who had suffered unjustly. He presented his grievances to a Commons Committee in May of 1642, hoping to receive compensation as a good man who had endured hardship while "Christ's Enemies" had held sway. By this time, reference to Windebank as a persecutor was sufficient alone to elicit sympathy for those who had been affected by his pursuit of Covenanters and their allies.

It is reasonable to assume that Windebank's son had an opinion of Covenanters not unlike his father's; therefore it is of interest to find Thomas describing Covenanters in June, 1639, as:

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<sup>1</sup>CSP Dom., 1639, p. 417.      <sup>2</sup>Ibid., p. 432.

<sup>3</sup>John Fenwick, Christ Ruling in the Midst of His Enemies (London, 1643). Reel 240 of University Microfilms English Books 1641-1700.



those scurvy, filthy, dirty, nasty, lousy, itchy, scabby, . . . , stinking, slovenly, snotty-nosed, logger-headed, foolish, insolent, proud, beggarly, impertinent, absurd, grout-headed, villainous, barbarous, bestial, false, lying, roguish, devilish, long-eared, short-haired, damnable, atheistical, puritanical crew of the Scotch Covenant.<sup>1</sup>

As Windebank's concern with Covenanters increased after 1638, so too did the King and his courtiers quicken their preparations for a Scottish war. Had the Earl of Antrim had his way, he would have raised an Irish army and crossed the border at once. Charles I had granted this Roman Catholic favourite some lands in Scotland which were occupied by the Protestant Campbell clan. Rash and incompetent, Antrim boasted that he and his Macdonnells would annihilate the Campbells led by Archibald Campbell, Lord Lorne, the Earl of Argyle. But Wentworth ordered Antrim in March, 1638, to await further instructions. Meanwhile Wentworth wrote to Windebank, suggesting that Antrim's plan was not feasible on the grounds that he was inexperienced, that it would be nearly impossible to sustain or pay a large Irish army, that it was too late in the year to launch an invasion.<sup>2</sup> Windebank consulted the King, confirmed Wentworth's judgment, and thanked him for allaying Antrim.<sup>3</sup> On the same day, Windebank also wrote to Antrim, ordering him to cooperate with Wentworth in pre-

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<sup>1</sup>CSP Dom., 1639, pp. 341-42.

<sup>2</sup>Knowler, II, 300. Cf. Wedgwood, pp. 205-08.

<sup>3</sup>Knowler, II, 322.

paring a campaign set for the following spring. Antrim was further instructed to feign preparation for an immediate assault on an area of the Lowlands controlled by the Earl of Argyle.<sup>1</sup>

Windebank was included on the Committee of Eight to deal with the Scots Covenanters' rebellion of 1639.<sup>2</sup> When the war began, Windebank attended to the details involved in stopping all Scottish ships, goods, and letters. He arranged that travellers be intercepted at the Scottish border and that all northbound trade cease.<sup>3</sup> Then, when the Anglo-Scottish commissioners agreed to a truce in June, 1639, Coke wrote Windebank, saying that he should make speedy arrangements to release all Scottish prisoners, renew the northern trade, and attempt the restoration of normal relations.<sup>4</sup> Subsequently, because it was generally feared that the Scots had not been completely pacified, Windebank helped to arrange the renewal of fortifications and the movement of reinforcements northward.<sup>5</sup>

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<sup>1</sup>Knowler, II, 323. Argyle, although a member of the King's Privy Council in Scotland, was fortifying his area and Charles I suspected him of sympathizing with Covenanters (Wedgwood, p. 210). Cf. H. F. Kearney, Strafford in Ireland (Manchester, 1959), p. 188.

<sup>2</sup>This group was established by the King in October, 1639, and included Laud, Juxon, Hamilton, Strafford, Cottington, Vane, Windebank and Northumberland. It resolved that a Parliament should be summoned (Clar. S. P., II, 81) and subsequent to its dissolution, this committee heard Strafford urge the use of the Irish army "to reduce this kingdom" (Carlyle, p. 683).

<sup>3</sup>CSP Dom., 1639-40, p. 636. <sup>4</sup>Ibid., 1639, p. 340.

<sup>5</sup>Ibid., p. 506; 1639-40, pp. 114-15, 177.

In a way, Windebank unknowingly helped to ensure the renewal of hostilities after the first Bishops War. The treaty ending that war, known as the Pacification of Berwick and agreed upon in June, 1639, had declared that the Scots were to disband their army, all ecclesiastical matters were to be settled by the General Assembly and civil matters by a parliament at Edinburgh. Charles I had no intention of abiding by these terms, and as time passed with no favourable implementation of the treaty, the Scots grew more irritated. They published the Information from the Estates of the Kingdom of Scotland to the Kingdom of England early in 1640.<sup>1</sup> This appeal to Englishmen summarized, from the Scotsman's point of view, all the events and "treacherous slanders" since the Pacification.<sup>2</sup> Such a pamphlet called for a reply, and on April 11, 1640, one was in the press. Windebank wrote in a newsletter of that date:

His Majesty [has] commanded my pen (though most unable for such a work) in the composing of a Declaration now in the press, concerning his proceedings with his rebellious subjects of Scotland since the last year's pacification in the camp near Berwick.<sup>3</sup>

In this essay, called in brief A Large Declaration and authored nominally by the King, the events of the period in question were related from the royal point of view. Papers were quoted or misquoted to reveal the indefensible

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<sup>1</sup>Published at Edinburgh by J. Bryson.

<sup>2</sup>James D. Ogilvie, "A Bibliography of the Bishops Wars," Glasgow Bibliographical Society Records, XII (1936), 21-40.

<sup>3</sup>CSP Dom., 1640, pp. 20-21.

conduct of the Covenanters. Those who had behaved thus were labelled "rebels," and the King's loss of patience with the Scots was made to appear quite just. Calling for another expedition into Scotland, the Large Declaration ended with an appeal to the Parliament to support this righteous campaign.<sup>1</sup>

The effect of Windebank's pamphlet was not what had been intended. The Short Parliament failed to respond to its call to support the King. However, it was entirely effective in further angering the Scots. William Kew, the Marquis of Lothian, replied in A True Representation of the Proceedings of the Kingdom of Scotland Since the Late Pacification by the Estates of the Kingdom, Against Mistakings in the Late Declaration.<sup>2</sup> Among the many charges in the True Representation was one that Windebank had taken part in the humiliation of the Scots commissioners who had met with Charles I in the spring of 1640.<sup>3</sup>

The contentious men of this era felt compelled to

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<sup>1</sup>This Large Declaration, as it is known, is reprinted fully in Rushworth, III, 1018-39. It is among the State Papers, Domestic, in several copies, rests also in the British Museum MSS collection, and is calendared in CSP Dom., 1639, pp. 263-64 (first half) and 1639-40, p. 609 (latter half). It has been wrongly attributed to Walter Balcanquhall, Dean of Durham. Windebank's responsibility for the Declaration was first established by Ogilvie.

<sup>2</sup>Ogilvie, "A Bibliography," Glasgow Bibliographical Society Records, XXI, 34.

<sup>3</sup>Cf. Wedgwood, pp. 283-84, 293. See p. 201 below for Windebank's role in the arrest of Lord Loudoun, a signatory to the "Au Roi" letter.

justify their side's actions in print, although the persuasive effect of these efforts at times appears to us negligible. It is certain, however, that Windebank's Declaration, if it did not convert his opponents, was remembered long enough for them to employ it against him. As in the case of his investigation of Newcastle's Covenant sympathizers,<sup>1</sup> Windebank's pamphleteering was brought up against him in the Long Parliament. Robert Young, the printer of Windebank's pamphlet, was called to give evidence in 1641 to a committee of the House of Lords which was investigating the conduct of the Earl of Traquair, James Stewart. Traquair had been ultimately responsible for publishing the Declaration, Young testified, but it had been sent to the printer's place in Robert Reade's hand, and the command to print it came from Windebank.<sup>2</sup> When all the testimony had been given, it was concluded that Windebank had done the most toward producing the piece.<sup>3</sup> In the process, he had widened the breach between Scotland and the King, and furnished rope for the noose with which Parliament would soon attempt to hang him.

One of the duties performed by Windebank during the

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<sup>1</sup>See pp. 74-75.

<sup>2</sup>Maurice F. Bond (ed.), MSS of the House of Lords, Addenda, 1514-1714, House of Lords Papers, New Series, XI (London, 1962), p. 285. Hereafter cited as MSS H of L.

<sup>3</sup>HMC Twelfth Report, Appendix, II, 290. Letter of Edward Reed to Sir John Coke dated September 5, 1641.

Scottish war is of interest because it illustrates the nebulous character of his office. In May, 1639, Charles I desperately needed more troops but was without the money to support them. He ordered a levy of 4,000 infantrymen and 300 cavalrymen. Then he directed Windebank to "terrify the Scots by spreading rumours that this levy would consist of no less than 14,000 men."<sup>1</sup> Thus, a version of propaganda minister became a part of the Secretary's role.

But all of the activity and responsibility concerning the war did not make the Secretary one whit less accountable to the King. Charles I, who had entrusted Windebank with eight signed papers to be used to authorize urgent business, in August, 1639, required Windebank to report the use made of the warrants to date and to return the remaining four.<sup>2</sup>

Although times of crisis brought forth matters both urgent and unusually abundant, communications responsibilities did not dwindle much during peace time. Instead of involving military decisions or naval manoeuvres, the communication which Windebank handled in relatively calm periods served to link the King and his servants, be they Councillors, agents, or "loving subjects." At one point, Windebank promised the King, "I shall not fail to keep my Lords to their meetings, as well those of the Council as

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<sup>1</sup>Clar. S. P., II, 42.

<sup>2</sup>CSP Dom., 1639, p. 447.

of the committees, nor to give your Majesty just account of all that shall pass."<sup>1</sup> When the King left Court on pleasure trips, he made Windebank responsible for drawing up an agenda for the Council's consideration. One note in Windebank's hand concerns "the business his Majesty left with me in charge, to be proposed to the Lords [of the Council]."<sup>2</sup> The note listed eighteen items ranging from election irregularities in London to the manufacture of shoddy white cloth. Windebank brought these matters before the Lords in Council, recorded their considerations, and reported to the King in due course. Even when the King was in London, Windebank's responsibility for communications remained paramount. The great variety of his correspondence reflected in part the variety of his responsibilities as Secretary, Postmaster, Councillor, censor, and negotiator.

English diplomats and agents were stationed throughout Europe, and it was Windebank's duty to maintain regular correspondence with many of them. He usually wrote to the ambassadors in the south of Europe, while Secretary Coke exchanged letters with those stationed in northern European cities.<sup>3</sup> A cursory examination of the State Papers of the

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<sup>1</sup>Clar. S. P., II, 91. <sup>2</sup>CSP Dom., 1631-33, p. 428.

<sup>3</sup>Ogle, W. H. Bliss, and W. D. Macray (eds.), Calendar of the Clarendon State Papers, I (Oxford, 1872), 60, 209. Hereafter cited as Ogle and Bliss. By mutual agreement, this essay will leave Windebank's role in corresponding with Catholic Europe to the earlier researches of Dr. D. Spielman. Cf. Charles R. Ritcheson and O. T. Hargrave (eds.), Current Research in British Studies, Conference on British Studies (Dallas, 1969), p. 36, wherein Dr. Spielman's proposed research is delineated.

Foreign Series in the Public Record Office gives an indication of the extent, frequency, and pattern of his correspondence.<sup>1</sup> From 1632 to 1640, Windebank gradually came to receive more letters from English agents in foreign cities. This trend shows clearly in the record of routine letters from Spain,<sup>2</sup> where in the earliest years Windebank received only occasional word, but by 1638, he was sent a weekly report by Sir Ralph Hopton, Ambassador. The last of these is dated December 26, 1640, more than three weeks after Windebank had fled from England!

An identical pattern occurs in the letters from Flanders, where Balthazer Gerbier, King's Resident, wrote more frequently to Secretary Coke than to Windebank in the early years; by 1638, the frequency distribution was reversed.<sup>3</sup> One may speculate that the cause of this shift was Windebank's success in the running rivalry between the two Secretaries. That rivalry explains the note of triumph with which Windebank instructed one English agent to write regularly to Coke, but "the most secret [matters] you are still only to impart to me."<sup>4</sup>

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<sup>1</sup>It should be noted that many items among the State Papers of the Domestic Series are letters between Windebank and English agents abroad, and the Clar. S.P. contains similar material.

<sup>2</sup>PRO, S.P. 94/37-40/passim. In 1633-34, Windebank conducted secret correspondence with the Ambassador to Spain concerning the negotiations in London. Coke was excluded from any knowledge of the matter (Clar. S.P., I, 77, 101).

<sup>3</sup>PRO, S.P. 77/24/passim.

<sup>4</sup>Clar. S.P., I, 431. Jan. 16, 1636 to John Taylor at Vienna.



Rather different is the pattern of correspondence from Holland, written mostly by Sir William Boswell, Ambassador, and Sir Dudley Carleton. Windebank received several letters as early as the spring of 1633, and their frequency was monthly by 1635.<sup>1</sup> However, it was the practice of these agents, as of most, to send duplicate letters to the two Secretaries. The letters Windebank received from Holland were nearly always identical with those received by Secretary Coke or, in 1640, Secretary Vane.

The letters to Windebank from representatives in the German States<sup>2</sup> and the Empire<sup>3</sup> show a similar increasing frequency, although neither Sir Thomas Roe nor the Earl of Arundel wrote to Windebank personally with any great regularity. In both cases, reports and letters were addressed to the "Secretary of State" and the appropriate Secretary handled the matters contained therein.

The English Ambassador in Paris, Robert Sidney, Earl of Leicester, and Sir John Scudamore wrote frequently to Secretary Coke<sup>4</sup> but Windebank's name does not appear until November, 1639, when he wrote regularly to Leicester and to Cardinal Richelieu.<sup>5</sup> The record of correspondence from Venice, Tuscany, Genoa, Rome and the Italian States shows relatively few letters to or from Windebank.<sup>6</sup> Here again,

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<sup>1</sup>S.P. 84, passim.

<sup>2</sup>S.P. 81.      <sup>3</sup>S. P. 80.

<sup>4</sup>S.P. 78.

<sup>5</sup>S.P.78/108/156, 158.

<sup>6</sup>Respectively, S.P. 99, 98, 79, and 85.

many dispatches from abroad are addressed to "the Secretary of State" and Windebank was probably included, at least to the extent of receiving a copy of formal reports.

Not all of Windebank's foreign information or "intelligence" came through formal agencies such as these. Travellers on the Continent who considered Windebank their patron or hoped to win his favour were sure to send news, accurate or otherwise, which might be useful to him. He also had three rather unusual informants whose letters came to him amid the dispatches from the English agents in Italy,<sup>1</sup> Holland,<sup>2</sup> and Spain<sup>3</sup> from 1635 to 1637: his sons Thomas, Christopher, and Francis were sending what news they could in their frequent accounts of their travels. Francis, who travelled with the Earl of Arundel's company for a period in 1636, as it attempted to negotiate for the return of the Palatinate, sent accounts of the ravaged countryside along the Rhine, and the progress of the war.<sup>4</sup> News of this sort was not especially significant, but it helped Windebank to form a current picture of foreign affairs, a crucial need. The diplomats kept the Secretaries informed of any changes which carried import for England, and depended on the Secretaries' intervention to gain their pay,

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<sup>1</sup>S.P. 85/7/147; S.P. 98/3/160, 162, 164, 177, 179, 181, 192; S.P. 79/1/90; S.P. 99/38/passim.

<sup>2</sup>S.P. 84/146/46.      <sup>3</sup>S.P. 94/39/56, 77.

<sup>4</sup>CSP Dom., 1635-36, pp. 366, 383.

often scandalously in arrears.

Because he was close to the King, Windebank was the recipient of many letters of a "miscellaneous" nature in the early months of 1640. When the Earl of Bridgewater, John Egerton, had difficulty raising the expected sum for a loan to the King, Windebank received nearly a dozen letters offering excuses.<sup>1</sup> Examples of such correspondence, not associated with any routine duty, are endless. Windebank's personal interests and connections, his proximity to the King, and his obedience to the Queen<sup>2</sup> accounted for this kind of communication.

Moving from the consideration of Windebank's varied communication duties to an examination of another of his responsibilities, one finds a convenient summary of his handling of petitions to the Crown in his manuscript "Book of Petitions."<sup>3</sup> Windebank informed Charles I of various petitions seeking land, office, permission to remain in London or to leave England on a journey, and the like; the King often indicated his pleasure on the margin

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<sup>1</sup>CSP Dom., 1639-40, pp. 301, 309, 391, 400, 416, 433.

<sup>2</sup>Windebank often wrote to, or on behalf of, Roman Catholic subjects at the Queen's request.

<sup>3</sup>S.P. 16/323. This book was certainly Windebank's own, for the comments following entries refer to "myself" and mean Windebank (cf. fol. 27). The Calendar fails to identify its owner, however (CSP Dom., 1635-36, p. 468), and reports its contents under the dates appropriate to each entry. The entries run from May 10, 1636 to November 28, 1638. The financial implications of Windebank's handling of petitions were treated on pp. 64-65.

of the petition. Windebank himself was sometimes responsible for determining the disposition of petitions. In one instance, the King commented that Windebank should further the acceptance of a petitioner's scheme "if ye find that it suit with my service."<sup>1</sup>

It was customary for the Privy Council to appoint an ad hoc committee to consider petitions when the King referred them to it. Windebank was a member of many such committees. In May, 1636, for instance, the tanners of Cornwall petitioned to be allowed to charge a higher price for tin. They argued that efforts to reach the less available deposits of tin involved delay and small yields, and these hardships should be offset by an increase in price.<sup>2</sup> The petition was referred to a committee which included Secretary Windebank with instructions to "consider and report" to the Privy Council. Soon, Windebank received a long letter from the tanners explaining their plight and repeating their request.<sup>3</sup> The final decision is not recorded, but in the light of the falling demand for tin at that time,<sup>4</sup> an increase in its price would have been ill-advised.

Besides the tanners of Cornwall, Windebank attended to petitions from the pinners of London, the makers of beaver hats, and many such bodies. Among the petitions

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<sup>1</sup>CSP Dom., 1635-36, p. 181.    <sup>2</sup>Ibid., p. 451.

<sup>3</sup>Ibid., p. 550.

<sup>4</sup>Charles Wilson, England's Apprenticeship (London, 1964), p. 85. Cf. G. R. Lewis, The Stannaries (Boston, 1908).

Windebank handled, some involved offenses against the state,<sup>1</sup> some sought to settle grievances between persons and corporations,<sup>2</sup> and some were the result of individuals' disagreements.<sup>3</sup> Once a favorable decision had been made as to the acceptability of a petition, Windebank's secretarial tasks included overseeing the creation of the King's Bill in the Signet Office, obtaining the royal signature to it, and moving it from the Signet to the Privy Seal.<sup>4</sup>

Secretary Windebank was by virtue of his office a member of the Privy Council whose business was to advise, to administer, and to adjudicate. Its membership usually numbered in the thirties during Windebank's tenure, and included all the men who carried weight in government matters.<sup>5</sup> However, it was a few men of the Council who actually attended most sessions and carried out its regular work. During Windebank's years in office, there were usually only eight to twelve members present at Privy

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<sup>1</sup>CSP Dom., 1635-36, p. 522. A petition to stop exportation of butter without payment of duty. The petitioners, of course, hoped to be entrusted with policing the matter and to garner the profits.

<sup>2</sup>CSP Dom., 1638-39, p. 145. Coachmen petition against the town of Hull.

<sup>3</sup>Ibid., 1637-38, p. 435.

<sup>4</sup>See p. 15 above.

<sup>5</sup>Members are listed at the front of each volume of the Privy Council Registers. Cf. E. R. Turner, The Privy Council of England in the Seventeenth and Eighteenth Centuries, I (Baltimore, 1927), 73-82.

Council meetings. A typical list of those in attendance reads:<sup>1</sup>

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|--------------------------------------------|------------------------------|
| Lord Archbishop of Canterbury <sup>2</sup> | Earl of Dorset <sup>3</sup>  |
| Lord Keeper <sup>4</sup>                   | Lord Cottington <sup>5</sup> |
| Lord Treasurer <sup>6</sup>                | Lord Newburgh <sup>7</sup>   |
| Lord Privy Seal <sup>8</sup>               | Mr. Comptroller <sup>9</sup> |
| Mr. Secretary Windebank                    |                              |

Where his duty as a Privy Councillor to advise was concerned, Windebank was most influential in the realms of foreign policy and religion.<sup>10</sup> In his administrative function, he was chiefly concerned with the compilation and dissemination of information.<sup>11</sup> In the Privy Council's adjudication, Windebank was involved in the use of orders, arbitration, and investigation. Two such cases which occurred in 1638 brought Windebank into rather "touchy" situations.

In the first, an old dispute between the Earl of Middlesex, Lionel Cranfield, and the Earl of Desmond, Richard

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<sup>1</sup>PCR, VI (London, 1968; reproduced in facsimile), 217v/444. Note: first number refers to contemporary folio number, while the second is the page number, a Victorian addition. See Bibliography for the correspondence between facsimile vols. and MS Register vols.

<sup>2</sup>Laud      <sup>3</sup>Edward Sackville, Lord Chamberlain (Queen's)

<sup>4</sup>Coventry

<sup>5</sup>Chancellor of the Exchequer, Master of the Court of Wards from 1635.

<sup>6</sup>Juxon from March, 1636.

<sup>7</sup>Edward Barret, Chancellor of the Duchy of Lancaster

<sup>8</sup>Henry Montagu, Earl of Manchester      <sup>9</sup>Thomas Jermyn

<sup>10</sup>For Windebank's negotiations with Spain, see pp.105-110; for his dealings with papal representatives, see pp. 164-85. His services on behalf of Catholics or at the expense of radical Protestants are discussed intermittently.

<sup>11</sup>See discussion beginning on p. 98.

Preston, was revived by James Butler, Earl of Ormond, who had married Desmond's heir.<sup>1</sup> After investigation, Windebank concluded that the matter had been justly arranged by the King in 1627, and the Council decided this order should be observed.<sup>2</sup> The second instance of arbitration was similar in that it involved a dispute between aristocrats, but it was not as simply resolved. The Countess Dowager of Clare and her son refused to answer the charges made by Lady Ashley before Windebank's commission of investigation. After a month of maneuvering, it was thought necessary for Lady Ashley to "exhibit a Bill in a court of Equity" and thus force the Countess to answer. Thereupon, a commission could be established to examine witnesses and make a complete report.<sup>3</sup> It must have required determination, tact, and security of position for Windebank to become involved in these kinds of disputes, but his position on the Privy Council both justified and required it of him.

As a Privy Councillor, Windebank did more than arbitrate, report and record. He also served as a fund raiser of sorts. One of Charles I's many expedients for raising money as the Scots grew restless was to levy yet another

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<sup>1</sup>CSP Dom., 1637-38, p. 435.

<sup>2</sup>PCR, III, 94/191. The history of this debt is told by Menna Prestwich, Cranfield: Politics and Profits under the Early Stuarts (Oxford, 1966), pp. 490-92.

<sup>3</sup>PCR, III, 106/215.

loan on the city of London.<sup>1</sup> Since the Crown's record for repayment was anything but good, and circumstances offered no ground for optimism, the request was met with temporization. At one Council meeting, the Aldermen and Lord Mayor of London were ordered to raise a loan of £30,000 in a month. When they refused, Windebank angrily ordered the Lord Mayor to send the refusal in writing to the King.<sup>2</sup> The money was desperately needed for troops in the North, and Windebank had no patience with London merchants who hesitated to contribute because the security offered was inadequate.

As a member of the Council, Windebank was himself expected to contribute to the support of the King's forces. The calling of a Parliament was to be avoided if possible. Therefore, in the absence of subsidies, there must be other sources of income. In December, 1639, the King told his Councillors to furnish him with a loan from their own capital. It would be secured by various royal prerogatives and would be repaid within two years.<sup>3</sup> Windebank promptly contributed £3,000. He was to be repaid out of impositions

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<sup>1</sup>Robert Ashton, The Crown and the Money Market 1603-1640 (Oxford, 1960), pp. 26-27, 180-81 et passim.

<sup>2</sup>Valerie Pearl, London and the Outbreak of the Puritan Revolution (London, 1961), p. 97.

<sup>3</sup>CSP Dom., 1639-40, p. 148.



on goods for Merchant Strangers, at eight per cent interest.<sup>1</sup> The size of Windebank's contribution is remarkably small compared with such sums as £30,000 loaned by the Duke of Lennox, or £20,000 by Strafford.<sup>2</sup> It is noticeably less than the £5,000 loaned by Laud--and that was interest-free.<sup>3</sup> Perhaps the low figure can be taken as evidence of the status of a Secretary at this time. Windebank had not become wealthy by any definition.

One further item is of interest in considering Windebank as a Councillor vis-à-vis the Crown's financial situation. It is possible, although not certain, that Windebank was the inventor of a scheme to raise funds for the government by a system of "loans" to be required of many officials. This anonymous plan, ascribed to Windebank<sup>4</sup> and written up in 1638, would have brought in £1,150,000 from more than five thousand officers.<sup>5</sup> Although it was never put into operation, the idea would surely have appealed to Windebank, even if he did not formulate it. His own contribution under the plan would have been only £1,000 as compared to the £3,000 he did contribute to the cause a year later. Windebank's fortune was not so large as to sustain such loyalty unscathed.

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<sup>1</sup>CSP Dom., 1639-40, p. 337. This money was still due Windebank when he fled to France. His son undertook to pry it out of the Exchequer for him (S.P. 16/473/59 calendared in CSP Dom., 1640-41, p. 315).

<sup>2</sup>Ashton, p. 177.

<sup>3</sup>Aylmer, p. 201.

<sup>4</sup>Ibid., pp. 200-01.

<sup>5</sup>CSP Dom., 1638-39, p. 259.

Windebank was included on the Privy Council's several standing committees: the Committee for Foreign Plantations, the Committee for the Ordnance, the Committee for Trade, the Committee for Foreign Affairs, and the Committee for Ireland.<sup>1</sup> He sat with the Commissioners for the Treasury after the death of the Lord Treasurer Richard Weston, Earl of Portland, in 1635, until Juxon's appointment a year later. Joined with him on these committees was a constant select group which included Laud, Cottington, Manchester, and his fellow Secretary, Coke. Whether Turner was correct in his interpretation of this concentration as leading to the committee of the whole Council and eventually to the Cabinet,<sup>2</sup> Windebank's place on the standing committees involved him in some of the period's most significant activities.

Beginning with the creation of the New England Committee in December, 1632,<sup>3</sup> Windebank worked on the chief colonial governing boards throughout his career. The New England Committee was replaced by the Committee for Foreign Plantations in April, 1634,<sup>4</sup> of which both Secretaries were

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<sup>1</sup>PCR, III, 1/5; Turner, II, 368; Carlyle, passim.

<sup>2</sup>Turner, II, 226-27.

<sup>3</sup>W. L. Grant and J. Munro (eds.), Acts of the Privy Council, Colonial Series 1613-1783 (London, 1908-12), I, 183, 187, 201. Hereafter cited as Grant. See also W. N. Sainsbury et al. (eds.), Calendars of State Papers, Colonial Series: American and the West Indies, I (London, 1860), 158.

<sup>4</sup>Grant, I, 214. Carlyle mistakenly says this committee first came into existence in 1635 (p. 678).

again members, along with the Archbishop of Canterbury and of York (Richard Neile), the Lord Keeper, the Lord Treasurer, the Lord Privy Seal, the Earl Marshal (Thomas Howard, Earl of Arundel), the Earl of Dorset, Cottington, Vane, and Jermyn. Later the Secretary of State for Scotland, William Alexander, the Earl of Stirling, joined the Committee for Foreign Plantations. This committee governed the English colonies until 1641; it wrote their laws, struggled to enforce them with inadequate machinery, and heard appeals.

The notes taken by Windebank at meetings of another Privy Council standing committee, the Committee on Trade, form a body of material potentially very useful for understanding economic history after 1634, the year of Windebank's appointment.<sup>1</sup> It would be possible, using Windebank's notes, to trace adequately the full range of activity of this important committee.

The menace of piracy became a concern of Windebank as a result of his work on the Committee on Trade. According to the official record, "the King desires to relieve his subjects" and therefore he called upon Windebank, Coke, Cottington, and Thomas Jermyn to meet and advise him on the best way to reduce the menace of pirates.<sup>2</sup> This was

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<sup>1</sup>CSP Dom., 1634-35, pp. 500, 521; 1635, pp. 11, 29, 502, 536, 598; 1635-36, pp. 429, 551; 1637, p. 47.

<sup>2</sup>PCR, II, 225/447.

one of the continuing problems encountered by Charles I's government. Windebank was hearing of pirate attacks as early in his career as 1634,<sup>1</sup> and although Charles I was unable to realize his claim to sovereignty of the seas in this respect or any other, he used his Privy Councillors to study the problem continually.

The Committee on Trade brought Windebank into contact with many kinds of problems. He helped to process the requests of the East India Company,<sup>2</sup> sought the elimination of interlopers in areas where trade was given exclusively to the Company of Merchant Adventurers,<sup>3</sup> and generally worked toward regulating and furthering the activities of England's commercial interests. In an age when more than fifty per cent of the government's income was derived from customs duties, trade was a major concern of those responsible for maintaining a viable government.

Another strategic committee of the Privy Council on which Windebank served, a temporary body in this instance, was the Treasury Commission. After Lord Treasurer Portland's death in March, 1635, his office was administered jointly by Laud, Cottington, Manchester, and both Secretaries.<sup>4</sup>

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<sup>1</sup>HMC Ninth Report, Part I, 307.

<sup>2</sup>PCR, III, 105/213.

<sup>3</sup>CSP Dom., 1634-35, p. 9.

<sup>4</sup>Ibid., p. 583.

This Commission provided many opportunities for Laud and Cottington to display their animosity<sup>1</sup> at its regular meetings every Tuesday, Thursday, and Saturday afternoons. Windebank or Coke recorded the deliberations until the Commission was dissolved when Juxon became Lord Treasurer in March, 1636.<sup>2</sup>

Windebank's position on the Treasury Commission points up an interesting development in the office of Secretary of State. In 1635, the Secretaries were expected to be involved in financial matters and were appointed to the Commission as a matter of course. Yet in 1667, when the Treasury was again put into commission, the two Secretaries were excluded.<sup>3</sup> In the interim, their right to speak on financial questions had been limited and regularized by Orders in Council.<sup>4</sup> By the reign of Charles II, the secretaryship had ceased to be an office concerned ipso facto with financial matters and concentrated more exclusively on other aspects of administration.

When Windebank was not attending one or another of the standing committee meetings, his position as a Privy Councillor made him into a kind of judge. The Council, sitting as a court, had evolved at least by 1530 into the

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<sup>1</sup>Heylyn, p. 303.

<sup>2</sup>CSP Dom., 1634-35, pp. 583, 586, 592; 1635, p. 20.

<sup>3</sup>Ibid., 1667-68, p. 1.

<sup>4</sup>Evans, p. 331.

formal Court of Star Chamber.<sup>1</sup> Windebank's responsibilities in that Court absorbed much of his attention. He kept lengthy lists of the cases to be heard on each sitting, and added marginal notes or additional papers recording the details of the cases and the judgments rendered.<sup>2</sup> Windebank was present at most sessions of the Court, making notes for at least four in June, 1634,<sup>3</sup> two in late January, 1637,<sup>4</sup> and three in the following month<sup>5</sup> to cite only a few. The impact and reputation of Star Chamber have been considered elsewhere.<sup>6</sup> For present purposes, the activity of Star Chamber is of interest because it occupied so much of Windebank's attention during its sittings,<sup>7</sup> few though they were.<sup>8</sup>

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<sup>1</sup>Cf. G. R. Elton, The Tudor Constitution (Cambridge, 1965), pp. 158-84; T. G. Barnes, "Due Process and Slow Process in the Late Elizabethan-Early Stuart Star Chamber," American Journal of Legal History, VI (1962), 221-49. Hereafter cited as Barnes, "Due Process."

<sup>2</sup>Barnes, "Due Process," p. 334. In fact, Windebank's notes are among the important sources for studying the Star Chamber cases of 1632-40 according to H. E. I. Philips, "The Last Years of the Court of Star Chamber," Transactions of the Royal Historical Society, 4th Ser., XXI (1939), 108.

<sup>3</sup>CSP Dom., 1634-35, p. 72. <sup>4</sup>Ibid., 1636-37, p. 398.

<sup>5</sup>Ibid., pp. 416, 450.

<sup>6</sup>T. G. Barnes, "Star Chamber Mythology," American Journal of Legal History, V (1961), 1-11.

<sup>7</sup>For his role in Star Chamber, Windebank was censured by sympathizers of Burton, Bastwick and Prynne, by men who had suffered from Star Chamber's fiscal judgments, and by his erstwhile friend Laud. Each of these matters is dealt with hereafter.

<sup>8</sup>The Star Chamber court normally sat thirty-four days annually during regular terms with one day at the outset of each vacation (Barnes, "Due Process," p. 335).

Windebank spent a great amount of time on Privy Council business involving the collection of information. This conciliar work was similar to his secretarial duty of maintaining foreign "intelligence" agents; but on internal matters he occasionally examined personally those involved in disturbances, in addition to handling correspondence about them, and shepherded their cases to a final disposition. In 1633, for example, the Mayor of Reading enlisted Windebank's help in the examination and prosecution of Lodowick Bowyer. Windebank learned that Bowyer had implicated Laud in the writing of letters allegedly carried by Sir Toby Mathew to the Pope. Mathew, Bowyer had claimed, died en route, and the letters were discovered and taken to the King, who promptly confined Laud in punishment for "some matters that were discovered in the said letters written to the Pope."<sup>1</sup> Carrying the matter further, Windebank uncovered a trail of irresponsible wandering abroad and reprehensible mischief-making at home.<sup>2</sup> Bowyer was dealt with by Star Chamber, put in the pillory, and imprisoned in the Fleet.<sup>3</sup>

Another instructive incidence of Windebank's information gathering occurred in April, 1637. Windebank, at

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<sup>1</sup>HMC Eleventh Report, Appendix, VII (London, 1888), 185.

<sup>2</sup>CSP Dom., 1633-34, p. 215. Notes by Windebank of Council proceedings.

<sup>3</sup>HMC Eleventh Report, Appendix, VII, 185. This episode is mentioned in David Mathew, The Age of Charles I (London, 1951), p. 179.

the request of the Privy Council, personally examined the parties involved in a slander dispute, noting the charges, testimony, and outcome of the case. Like many of the arbitrations in Star Chamber, the outstanding quality of these proceedings is their triviality. In this typical case, a Clerk of the Guard, Mr. Rives, had called a Clerk of the Robes, Hugh Aston, "dishonest." It must have required several hours of the busy Secretary's time to bring about the eventual detente.<sup>1</sup> But such a process was necessary in an age when so much depended upon reputation and patronage.

More serious matters were referred by the Privy Council for Windebank's investigation often enough. With Lord Newburgh and Clerk of the Council Lawrence Whitaker, Windebank examined apprentices arrested for rioting in London in May, 1640. Perhaps sensing the need to quell growing disobedience, Windebank recommended especially severe sentences, but he was overruled.<sup>2</sup> When one of the rioters later petitioned the Council for release from prison, the petition was referred to Windebank.<sup>3</sup> Several weeks afterward, Windebank's continuing investigation bore fruit and he issued warrants for the arrest of several more persons involved in the riots.<sup>4</sup>

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<sup>1</sup>CSP Dom., 1637, pp. 22-23.    <sup>2</sup>Ibid., 1640, p. 174.

<sup>3</sup>Ibid., p. 188.

<sup>4</sup>Ibid., p. 221. This matter receives attention from Pearl, p. 109.



Windebank's information gathering was sometimes assisted by paid informers. This occasionally caused mild problems. One Nicholas Kendall complained repeatedly to Windebank that he had not been sufficiently rewarded for the information he had furnished.<sup>1</sup> As we have seen, the Secretary received an allowance of £700 per year especially for intelligence. Apparently he could have used even more! Other news came to Windebank through well-meaning amateurs such as Thomas Harrison who insisted in July, 1639, that he knew something so important that he would communicate it only to the King. Harrison displayed great determination and grew quite indignant as time passed without an audience with Charles I. In his final letter to Windebank, Harrison asserted that he was certain the King and kingdom would suffer because he had not been heard.<sup>2</sup>

Although Windebank received some domestic information for the Privy Council from paid informers and other items from alarmed subjects, most came to him in the course of performing routine duties. Three such occurrences may be taken at random as illustrations of this source of intelligence. George Bagg reported from a fort near Plymouth that fishermen were being attacked by Turkish pirates.<sup>3</sup> Cottington sent Windebank a paper found in Lincoln's Inn which

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<sup>1</sup>CSP Dom., 1634-35, p. 195.

<sup>2</sup>Ibid., 1639, p. 388.

<sup>3</sup>Ibid., 1636-37, p. 4.

contained strong criticism of the King's treatment of the Scots.<sup>1</sup> Finally, in the regular reports from Sir James Douglas at Berwick in 1638, Windebank received news of Puritan recalcitrance and Scottish agitation.<sup>2</sup>

One of Windebank's tools for gathering information was his right to issue search and seizure warrants. The frequency and result of these is typified by four occasions in September, 1639, when Windebank's personal secretary was given warrants to seize books and papers for use as evidence against suspected enemies of the government. Two of the men in question were students of Gray's Inn; another was of the Inner Temple; and the fourth, Vassal, had papers which contained news of the Scottish assembly, a treatise on Roman Catholic contributions to suspect funds, a censure of the Bishop of Lincoln, and the like.<sup>3</sup>

In 1634, when Charles I heard that his longtime opponent in Parliament, Sir Edward Coke, was dying, he ordered Windebank to seize all his papers and manuscripts.<sup>4</sup> This assignment, so like the seizures performed routinely by Windebank to gather information about malcontents for the use of the Privy Council, was the occasion of an

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<sup>1</sup>CSP Dom., 1638-39, p. 89.    <sup>2</sup>Ibid., pp. 31, 181, 303.

<sup>3</sup>Ibid., 1639, pp. 517, 523, 525, 526.

<sup>4</sup>Ibid., 1634-35, p. 165. For Coke's opposition to Charles I in 1625 and 1628 see C. D. Bowen, The Lion and the Throne (Boston, 1956), pp. 469-70, 482-504.

incident which was to be held against Windebank in the Parliamentary attack of 1640. According to Roger Coke, Sir Edward's grandson, Windebank invaded the famous lawyer's home while he was yet on his deathbed to search for seditious and dangerous papers. He rudely made off with the manuscripts of "the Commentary on Littleton, . . . comment upon the Magna Carta, the Pleas of the Crown, Jurisdiction of the Courts, Eleventh and Twelfth Reports, and some fifty-one other manuscripts, including Sir Edward's will."<sup>1</sup> However, it seems Roger Coke exaggerated Windebank's callousness, perhaps to strengthen his portrait of Windebank as a Papist demon. Evidence suggests perhaps Windebank waited until after Coke's death in September, 1634, to execute Charles I's order. In early December, he instructed Edward Nicholas, Clerk of the Council, to peruse Coke's books and papers, select the useful or calumnious ones, and lock them in a trunk until the King called for them.<sup>2</sup> Edward Coke's son Robert was to be given the nonessential papers.<sup>3</sup> Nicholas carried out these instructions within a week.<sup>4</sup> Windebank thereafter gave some of the papers to the Lord Keeper and some to

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<sup>1</sup>Roger Coke, Detection . . . (3rd ed., London, 1697), p. 253. References to Coke hereafter refer not to this volume but to Dorothea Coke's The Last Elizabethan.

<sup>2</sup>CSP Dom., 1634-35, pp. 340-41.

<sup>3</sup>Ibid., p. 348.

<sup>4</sup>Ibid., p. 351.

Attorney General Bankes, at the King's command.<sup>1</sup>

Six years later, Parliament reopened the matter. On the morning of December 5, (one day after Parliament discovered that Windebank had fled), the Commons heard a report concerning the seizure of Coke's papers and appointed a commission to uncover by what authority and by whom the seizure had been carried out.<sup>2</sup> Since some of the manuscripts had disappeared, they sent an inquiry to the King after them. On December 7, Charles informed the Commons that Windebank had had the papers and that it would require a few days to locate them.<sup>3</sup> Three weeks later, the King promised to deliver Sir Edward Coke's papers "soon" to Sir Randolph Crew, one of Coke's executors.<sup>4</sup> With this, the Commons was satisfied. From Paris, Windebank instructed his son Thomas, a Gentleman of the Chamber, to find the warrants on which Windebank acted in 1634.<sup>5</sup> This precaution proved to be unnecessary, however,

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<sup>1</sup>CSP Dom., 1640-41, pp. 420-21; HMC Eleventh Report Appendix, VII, 241.

<sup>2</sup>CJ, pp. 45-46.

<sup>3</sup>Wallace Notestein (ed.), The Journal of Sir Simonds D'Ewes (New Haven, Conn., 1923), p. 118. Hereafter cited as Notestein.

<sup>4</sup>Ibid., p. 175.

<sup>5</sup>CSP Dom., 1640-41, p. 420.

since Parliament did not choose to carry to a conclusion the investigation of Windebank's responsibility for the original seizure. If they had, they would have found he acted in his capacity as King's personal executive agent, using the powers he held by virtue of his office and his place on the Privy Council.<sup>1</sup>

Probably because Windebank's estate of Haines Hill was so near Reading, there were several instances of Windebank's committee work in connection with the town. Already we have seen his activity in the case against Reading's culprit, Lodowick Bowyer,<sup>2</sup> and his efforts to determine the use of a legacy to the town.<sup>3</sup> When Andrew Byrd, the Reading grammar school master, died, Windebank stepped in to claim the vacancy for his nominee. It is not surprising that the appointment went to a person recommended by St. John's College, Oxford, Windebank's alma mater.<sup>4</sup> Windebank's close connection with Reading was a normal arrangement for any official of his era. Reading was glad to have a patron at Court, and endeavored to ensure his continued good offices by presenting a gift of "two good sugar loaves" while he was at Haines Hill for Christmas.<sup>5</sup>

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<sup>1</sup>It is interesting to learn that Secretary Coke was a party to this seizure, although Parliament seems not to have known or cared about his role (HMC Twelfth Report, Appendix, II, 266, 268).

<sup>2</sup>See p. 98 above.      <sup>3</sup>See pp. 31-32 above.

<sup>4</sup>HMC Eleventh Report, Appendix, VII, 225.

<sup>5</sup>Ibid., p. 186.

Important as Windebank's miscellaneous committee work eventually became, it was not so significant as another of his activities which arose from the same source-- Windebank's role as aide-de-camp cum administrator. This more crucial duty involved foreign affairs, and it eventually caused those who disliked Charles I's policies to denounce Windebank as a dangerous agent who had willingly undertaken business injurious to England.<sup>1</sup> Because he was not vehemently opposed to Charles I's views about foreign affairs (as was Secretary Coke), Windebank was chosen for extensive participation in negotiations with the diplomats and agents from Spain.<sup>2</sup> In 1633, 1635, 1637, and 1639, Windebank carried on conversations with Spanish representatives in London. His dealings were secret, known only to Charles I and the few who worked with Windebank. These negotiations will receive full treatment soon in a study of Windebank's role in the foreign policy of the period.<sup>3</sup> Nevertheless, they must be related here in sufficient measure to make comprehensible their influence on the 1640 crisis in Windebank's career.

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<sup>1</sup>These denunciations will appear in the course of describing Windebank's flight and exile period.

<sup>2</sup>Originally, this duty had resulted from the Secretary's responsibility as scribe to the King and keeper of his private seal. Cf. Evans, p. 298.

<sup>3</sup>Dr. Danila Spielman's forthcoming essay, "England's Relations with Catholic Europe (Spain and Austria), 1628-1642," is an extended account of what is here necessarily abbreviated.

In November of 1633, Charles I realized that France would not secure the restoration of the Palatinate to his sister, Queen Elizabeth, and her son, Prince Rupert. Charles I then sought to achieve better results with Spain as his ally. He therefore appointed Cottington, Portland, and Windebank to deal with Nicolalde, the Spanish ambassador in London. Although Windebank has been depicted as at one time associated with the Francophile group around the Queen,<sup>1</sup> no evidence for this statement has been found.<sup>2</sup> He was certainly pro-Spanish by the time he was appointed to negotiate with Nicolalde. Windebank, Cottington, and Portland had previously arranged for Spanish protection of Portland's fishing company, and it was rumoured that Windebank was bribed by Spain.<sup>3</sup> Here again, no evidence has appeared.

The negotiations with Nicolalde went badly, and Windebank's hope for success gradually waned. In May, 1633, he wrote to Portland complaining that Spain's distrust of England was blocking the progress of the talks.<sup>4</sup> Thereafter, because France and the Dutch seemed on the verge of an alliance, negotiations took a different turn. On December 16, 1634, secret articles of agreement were signed

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<sup>1</sup>Aylmer, p. 201.

<sup>2</sup>Professor Aylmer is himself unable to recall the documentation in support of his assertion (conversation of May, 1970, at York University, England).

<sup>3</sup>Sir Thomas Roe probably originated this tale. Cf. Collins, II, 609 and Gordon Albion, Charles I and the Court of Rome (London, 1935), p. 181.

<sup>4</sup>CSP Dom., 1633-34, pp. 76-77.

by the negotiators. Charles I was to set forth "a fleet of twenty sail . . . with the assistance and supply of money from the King of Spain,"<sup>1</sup> to intimidate the newly-allied Dutch and French. The fleet was accordingly equipped; but Spain failed to furnish the money and England had to pay for the ships. Windebank's secret negotiations and the resultant articles thus became the background to the controversy over the payment of ship money, the government's invention to solve the financial distress caused in part by Spain's default.<sup>2</sup>

Because Spain had not honoured the 1634 agreement, Charles I sought an alliance with France in 1635. Windebank was strongly opposed to this and spoke out against it. He argued that France was an aggressor, an opportunist, and a dangerous nation--by nature one of England's worst enemies. He was opposed even to a declaration of neutrality, which he felt would cause future inconvenience.<sup>3</sup> As one would expect, Windebank was anxious to prevent the formation of an alliance with France. The Venetian ambassador reported that the men chosen to treat with France, Windebank, Coke, Portland, and the Earls of Arundel and Carlisle, would probably try to postpone the conclusion as long as possible, so that the whole business might

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<sup>1</sup>Clar. S. P., I, 214-15.

<sup>2</sup>Trevor-Roper, p. 301.

<sup>3</sup>CSP Dom., 1635, p. 402.



"vanish away."<sup>1</sup>

During the next five years in office, Windebank was involved in Spanish negotiations thrice more.<sup>2</sup> In May, 1635, with an unhappy eye on the simultaneous approach being made to France, Windebank predicted failure for his own efforts to create a Spanish alliance. The negotiations were as difficult as the previous ones had been, and for similar reasons:

The King is not likely to close with Spain. The minister here is so peevish, and represents us all so ill to his master that I am now in despair of any good from that party [Spain], which must thrust us on a far worse.<sup>3</sup>

In the course of Windebank's dealings with Nicolalde, he also met with the representative sent to England by the Cardinal Infant. Their three-way talks in 1635 were centered on the dangers of France and the Dutch uniting to attack Flanders. That, Windebank assured the others, would be prevented by Charles I's fleet.<sup>4</sup> Undoubtedly he suggested that such cooperative policing of the "mare clausum" on Spain's behalf merited financial reward.

Rumour was fed by Windebank's secretive association with the Spanish representative. The nervous Venetian

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<sup>1</sup>CSP Ven., 1632-36, p. 331.

<sup>2</sup>The particulars are given in S. R. Gardiner, History of England (London, 1883-84), VII, 210-14, 349, 351-52; and VIII, 83, 217. Cf. CSP Ven., 1632-36, pp. 115, 331, 394, 489.

<sup>3</sup>Knowler, I, 416.

<sup>4</sup>CSP Ven., 1632-36, pp. 407, 411.

Ambassador wrote that Nicolalde pretended to be out of favour with the English government, but this was only a ruse. "After it has grown dark, he goes almost every evening incognito to the house of the Secretary Vindebanch [sic] and has been observed to hold lengthy conferences with him."<sup>1</sup>

These conferences, necessarily private and ultimately fruitless, produced at least one moment of excitement worthy of attention. It affords a vivid picture of the delicacies of diplomacy at the Court of Charles I. In a letter of December 21, 1635, the following incident was related:

To the surprise of everybody, except perhaps the Secretary Windebank, who is supposed to have suggested the step to him, the Spanish Resident Nicolalde appeared at Court last Sunday where, being introduced to audience of the Prince Palatine, he uttered with resounding tones the title of "Electoral Highness." He said he was glad to see him come from a country in rebellion against his master and to assure him his interests were not of such little account in Spain as he had been led to believe.<sup>2</sup>

Thus Windebank, if the inspiration for the staged scene was his, caused a flurry of speculation that the Spanish would soon warm toward the plight of Charles I's nephew. The reason for planting such an idea, of course, was to discredit the scheme of allying with France and promote

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<sup>1</sup>CSP Ven., 1632-36, p. 394.

<sup>2</sup>Ibid., p. 489. Emphasis mine. Gardiner mentions the incident (VIII, 100).

cooperation with Spain. Windebank and Nicolalde could buy time with this volte face and hope that Charles I would fail to align with France while there seemed such good hope of achieving his ends through Spain, suddenly appreciative of the Prince Palatine.

Again in 1637 Windebank negotiated with a Spanish ambassador, the Count of Onate y Villa Mediana. The object of these sessions was once again a treaty concerning restoration of the Palatinate and a war on the Dutch. Because of mutual distrust, no treaty materialized. Finally, in 1639, Windebank was put in charge of another attempt to form a Spanish alliance.<sup>1</sup> Despite the efforts of Windebank, Northumberland, Cottington, Wentworth, Vane, and secretly, Laud, it proved impossible to make the desired arrangements, including a £300,000 credit from Spain for use against the Scots.<sup>2</sup>

The significance to Windebank's career of these abortive negotiations becomes clear when it is remembered that throughout the period, Englishmen in general were strongly anti-Spain. This was vividly illustrated to Windebank in October, 1639, when he attempted to billet stranded Spanish sailors at Dover. The Earl of Suffolk,

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<sup>1</sup>Letter of August 28, 1639, Registro di Lettere scritti da diversi Nuntii and Ministri Apostolici a Mons Achivesc d'Alene par Card Matter . . . , Strozzi Transcripts, Vol. CIII, The Folger Shakespeare Library, Washington, D. C., n. p.

<sup>2</sup>Trevor-Roper, p. 389.

Warden of the Cinque Ports, wrote in alarm that the general hatred for Spain made it nearly impossible to enforce the order.<sup>1</sup> But Windebank was unaffected by popular opinion and promptly notified Spain of England's sympathy.<sup>2</sup> As the King's agent, he had little choice but to do so; but the association in the public mind of Windebank and pro-Spanish activities was among the things that arose to cause him difficulty in 1640.

In view of the Secretaries' voluminous correspondence, it is not surprising to find Windebank and Coke gradually assuming yet another kind of responsibility, that of the postal system. From the outset of his work as Secretary, Windebank added continually to the stock of complaints about mail arrangements in England. Endymion Porter, Deputy Postmaster under Lord Stanhope, drew £5,000 yearly but put little work into his office.<sup>3</sup> A reform effort was under way from 1632 to 1637, and finally, in June, 1637, Lord Stanhope was pressured into giving up his patent and the two Secretaries of State were jointly appointed to the office of Postmaster.<sup>4</sup> Their salary<sup>5</sup> was to be paid

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<sup>1</sup>CSP Dom., 1639-40, p. 34.

<sup>2</sup>Ibid., p. 43.

<sup>3</sup>Dorothea Townshend, Life and Letters of Mr. Endymion Porter (London, 1897), p. 156; Gervas Huxley, Endymion Porter (London, 1949), pp. 215-16; CSP Dom., 1635-36, pp. 355-56.

<sup>4</sup>Aylmer, pp. 62, 369; CSP Dom., 1637, pp. 255, 287.

<sup>5</sup>£262 per annum paid in quarterly installments.

out of the Exchequer and their duties included appointing local postmasters, supervising the flow of official mail, and dealing with administrative problems.

One of the most vexing of those problems involved the chronically overdue pay for local postal officials. During the winter of 1637-38, petitions seeking back pay arrived from the postmasters of Northop, London-to-Barnet, and Stilton,<sup>1</sup> and similar petitions appeared throughout Windebank's tenure. Another problem arose whenever local postmasters misinterpreted orders. In August, 1638, Windebank apologized to the Marquis of Hamilton, explaining that a border postmaster had simply stopped all letters including those of the Marquis, instead of halting only particularly suspicious pieces of mail.<sup>2</sup> Perhaps the most frequent disturbance was the report of local postal officials' malpractices. Instead of furnishing post carriers with horses and guides as their office required, postmasters were wont to use their position as a source of revenue. They might, for example, employ the Secretary's warrant to get horses from local owners and then refuse to discharge the horses until the owners paid what amounted to a ransom!<sup>3</sup> A slightly different ruse was to appropriate

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<sup>1</sup>CSP Dom., 1637-38, pp. 52-53.

<sup>2</sup>Ibid., p. 593.

<sup>3</sup>PCR, IV, 214v/434.

official horses for private use.<sup>1</sup> Finally, there were numerous instances of infringements on the patent granted for the arranging of the foreign post, and Windebank and Coke were delegated by the Privy Council to investigate all complaints of this nature.<sup>2</sup>

Windebank wanted to extend his control over all foreign mailing as well as domestic. He was motivated not simply by pecuniary desires or a wish to promote administrative efficiency, but a need to protect his "sphere of influence." Windebank's patronage had been adversely affected by the maneuvering of the Postmaster for Foreign Parts, Thomas Witherings.<sup>3</sup> Beginning as an equal partner in that post with William Frizell in July, 1632, Witherings had put forward reform schemes which succeeded well enough to bring him under Secretary Coke's approving eyes and relegate Frizell to the background. By 1635, Witherings was in sole charge of the foreign posts.<sup>4</sup> Windebank, trying to build up his own position in competition with the other Secretary, became Frizell's patron. He had a second reason for putting his weight against Witherings: part of Witherings' plan to save £1,500 yearly in post

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<sup>1</sup>PCR, IV, 218/441.

<sup>2</sup>Ibid., II, 228/454 and 230/457; III, 14v/32.

<sup>3</sup>Witherings' program of reform and its effects are discussed by Aylmer, pp. 369-70.

<sup>4</sup>A proclamation of Feb. 11, 1638, concerning Witherings' exclusive right to handle letters to and from France is summarized in Robert Steele (ed.), Bibliography of Royal Proclamations . . ., I (New York, 1967), 213.

costs had involved removing fees and establishing salaries, or replacing several inefficient postal officials; some of those affected were Windebank's men.<sup>1</sup>

It was most likely in 1637 that Windebank prepared the paper entitled, "Observations by Secretary Windebank for recalling the patent formerly granted to Mr. Witherings to be Postmaster for foreign parts." In this paper, Witherings was accused of having obtained his patent in an irregular manner, enriched himself from the office, and hindered effective foreign communication by his low social status. Other nations' postmasters disdained to communicate with a man of such mean condition! If Witherings refused to give up the patent for fair pension or compensation of another kind, Windebank argued, the place should be sequestered. Of course, "the office of Postmaster General being now vested in the Secretaries, the carrying of letters is a business of state" and the Secretaries should have charge of the foreign posts, Windebank concluded.<sup>2</sup>

Witherings could retain his patent only so long as Coke stood between Windebank and himself. Soon after Coke's resignation in January, 1640, Witherings was found guilty of extortion and corruption and was replaced by Windebank's

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<sup>1</sup>HMC Twelfth Report, Appendix, I, 478.

<sup>2</sup>CSP Dom., 1637-38, pp. 51-52.

old acquaintance, Philip Burlamachi, a London financier. Ironically, Burlamachi had endorsed Witherings' efficient reforms seven years before.<sup>1</sup>

Windebank's contest with Witherings continued in the years when Windebank was an exile in France. While a Parliamentary committee of 1641 investigated the grievances presented by Witherings,<sup>2</sup> Windebank urged Lord Treasurer Juxon to take up Frizell's old complaint against Witherings.<sup>3</sup> Now, Windebank himself had a complaint, for he suspected Witherings of intercepting the letters he wrote to his son Thomas in London.<sup>4</sup>

In the end, Windebank lost the entire battle. Parliament ordered him to pay reparations and damages to several men who had suffered by his disciplinary measures while he was in charge of the posts,<sup>5</sup> and he was deprived of the office of Postmaster in December of 1642.<sup>6</sup> Perhaps he derived some consolation from the fact that Witherings was declared equally culpable, and so was Coke.<sup>7</sup>

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<sup>1</sup>HMC Twelfth Report, Appendix, I, 478. Burlamachi's important role in the 1620's as a lender to the Crown had led to his bankruptcy, and he may have received this office as a token of the King's desire to assist an old servant. For Burlamachi's career see Ashton, pp. 20-21 *et passim*, and Robert Ashton, "The Disbursing Official under the Early Stuarts," *BIHR*, XXX (1957), 162-74.

<sup>2</sup>*CJ*, p. 81; Aylmer, p. 371.

<sup>3</sup>*CSP Dom.*, 1640-41, p. 536. <sup>4</sup>*Ibid.*, p. 556.

<sup>5</sup>*CJ*, p. 722. Decision of August 16, 1642.

<sup>6</sup>*CSP Dom.*, 1641-43, p. 415. Robert Rich, the Earl of Warwick, was given the post.

<sup>7</sup>*CJ*, p. 722.



There were occasions when Windebank's position required less energy and application than was demanded by many of the functions described to this point. As a personal servant to the King, he distributed Charles I's traditional New Year's Day gifts to Household officials. An account by him for January 1, 1637, showed £33/5/6d. given "in sums proportioned to their rank."<sup>1</sup> Another of Windebank's lighter duties arose when repairs were begun on the east end of St. Paul's Cathedral. The first four stones were ceremonially laid by Windebank, Laud, Sir Henry Marten, and Inigo Jones.<sup>2</sup> One such occasional task may have caused Windebank to pause and reflect upon his own career. When Edward Norgate was sworn in as a Clerk of the Signet in 1638, it was Windebank, just six years removed from that office himself, who administered the oath of office.<sup>3</sup>

Windebank's responsibilities, both light and heavy, made him noticeably mobile. He returned to Haines Hill regularly in August, but this was his only 'holiday.' He accompanied the King on countless journeys to Oatlands and Windsor, and in 1639, to the north of England. Many of Windebank's letters were written from Whitehall, many from his Drury Lane house, and others from Haines Hill, where

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<sup>1</sup>CSP Dom., 1636-37, p. 335.

<sup>2</sup>Trevor-Roper, p. 125.

<sup>3</sup>CSP Dom., 1637-38, p. 603.

he spent a few days whenever he could, taking his work along with him.

Like the other officers of Charles I, Windebank was an extremely busy man. His full schedule sometimes forced him to work far into the night, so that a letter might be hand-written at one o'clock in the morning.<sup>1</sup> One season, he was so fully occupied that he had no time for Easter devotions.<sup>2</sup> Perhaps finding himself an exile in Paris in 1641 was in many ways a relief!

In this chapter, attention has been turned to the Secretary as a scribe who personally wrote the King's letters (or supervised his Clerks in doing so) and the letters of other agents of the Crown. He kept up communications with military, naval, and diplomatic appointees, and with anyone who could supply the intelligence information he was expected to obtain. Eventually, he assumed direction of the postal system within England and sought to do the same for the foreign post.

Attention has been focused similarly on Secretary Windebank as a recorder, who made and maintained the records of many government bodies, from the Privy Council to the committee for Makers of Beaver Hats. His notes of Star Chamber cases and meetings of the Committee on Trade form an important account of the activities of these executive agents.

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<sup>1</sup>CSP Dom., 1639-40, p. 7.      <sup>2</sup>Ibid., p. 21.

Windebank's myriad activities as a Privy Councillor, as we have seen, placed him in a position of importance among the various Court factions. After 1635, he found himself more dependent on his own ability to stay ahead in the competition at Court. His inclusion on all of the Privy Council's standing committees, his important foreign correspondence, and his continual services to Charles I indicate that he was able to recommend himself reasonably well and maintain a position as "one of the most important figures in the second rank."

Aside from the secretarial duties of a scribe and a recorder and the tasks Windebank assumed as a Privy Councillor, it has been shown that Windebank served as a personal executive agent for Charles I. It was in this area that his career had most significance for himself and for the development of his office. By carrying on ostensibly secret negotiations with Spain, pursuing Puritans and Covenanters, seizing the papers of a popular figure, and composing the "Declaration" of 1639 so offensive to Scotland, Windebank unknowingly demonstrated to his enemies that a Secretary of State could do whatever his master bade him and account to no one else. As an unquestioning civil servant, Windebank would undoubtedly have replied to a Parliament-man's challenge by saying (with one who was confronted in 1640), "being the King's servant doth not make me not yours."<sup>1</sup> But as the events

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<sup>1</sup>CJ, p. 7. These were the words of John Finch, Speaker of the 1628 House of Commons, concerning his

of November, 1640, show, such an attitude belonged only to one side in the struggle for ministerial accountability.

The duties performed by the Secretary of State ultimately had a threefold effect upon Windebank's career. He was at the center of administration; he served Charles I in several significant episodes; and he became one of the ministers most hated by Parliament. It is appropriate to focus on Windebank's role in implementing the policies of Charles I which determined the character of English government during the Personal Rule. In doing so, Windebank's career will be displayed in the light of his own era, and it will become apparent that his success rested necessarily on that of his master.

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unsuccessful effort to obey the King by proroguing that assembly. Finch made the statement to the Short Parliament's investigatory committee.

### CHAPTER III

#### WINDEBANK AND GOVERNMENT POLICY AND PRACTICE DURING THE PERSONAL RULE

The period from 1628 to 1640 has been called the era of Personal Rule. Although research into the administration and finance of these twelve years has shown England to be anything but personally governed by the King at every turn, there is a sense in which Charles I determined the tone of the age. His financial policies, his Court's factionalism, and his foreign policy were the three streams which most affected the course of Windebank's career.<sup>1</sup>

The King's conviction that Parliaments were to be avoided led him to use highly unpopular financial policies of dubious legality in order to obtain the funds necessary for governing the realm. These fiscal policies affected Windebank's work in various ways, and each will be examined for its relevance to his career. The collection of ship

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<sup>1</sup>As Professor Aylmer has said, "policy" is not to be taken in the modern sense when dealing with the seventeenth century (p. 10). It is used here to denote an idea or general attitude held by the King or some of his important officers. One might paraphrase Christopher Hill and say the matters about to be discussed are elements of foreign, fiscal, and governing policy "in so far as Stuart governments had anything which could be described as . . . policy." Century of Revolution (London, 1961), p. 29.

money occupied many hours at the Council table; the use of the Court of Star Chamber as a source of revenue brought additional cases before it; loans demanded by the King affected Windebank's personal resources and prompted several requests for his mediation. Money-raising schemes, such as drainage of the fens and farming of the customs, gave Windebank additional work, as did the commissions on exacted fees and enquiries into prison conditions. Finally, King Charles I's use of monopolies brought Windebank some personal benefits and was a decisive factor in the ending of his friendship with Archbishop Laud.

The destruction of this friendship was only partially caused by divergent opinions about financial methods. It was due in greater measure to the stresses of factionalism, a quality as characteristic of the Personal Rule as fiscal expediency, with causes much more subtle. The factions have been variously defined by historians, but there is general agreement that Richard Weston, Earl of Portland, Lord Treasurer until 1635, and Archbishop Laud were bitter enemies. Francis Lord Cottington assumed Portland's role in the Court rivalries upon the death of the latter in 1635. After 1636, Lord Treasurer Juxon strengthened Laud's position. Wentworth was a consistent supporter of Laud, and caused the formation of several factions by giving men reason to unite against him. In addition to finding his place amid the conflicts of these courtiers, Windebank carried on a rivalry of his own with Secretary Coke that

eventually involved not only the Post, but matters of interest to other high officials as well.

It is in the realm of foreign policy that Windebank's career touched a few of the less significant issues of the day.<sup>1</sup> One aspect of Charles I's policy toward Spain caused personal discomfort to Windebank for several months; it will be discussed below. If Windebank was only tangentially involved with the King's preoccupation, the restoration of the Palatinate to his sister's family, he did become deeply involved in the King's efforts to assert English sovereignty of the seas. The embarrassing results of his attempted sale of licenses to Dutch fishermen combined with the spectacular Battle of the Downs to demonstrate to Windebank and all observers that a foreign policy based on bravado and implemented by a fleet too costly to risk was bound to fail.

The financial policies of the Personal Rule which affected Windebank's career stemmed from both domestic and foreign causes. It was indicated in the previous chapter that Windebank's failure to secure an effective treaty with Spain in 1634 was partially responsible for Charles' decision to levy ship money.<sup>2</sup> A fleet was prepared so that England's part of the treaty might be kept. When

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<sup>1</sup>Of course, Windebank's activities also brought him into the center of some crucial matters of foreign policy; these were treated above, pp. 105-11.

<sup>2</sup>Pp. 106-07. For a detailed treatment of ship money see M. D. Gordon, "The Collection of Ship Money in the Reign of Charles I," Transactions of the Royal Historical Society, 3rd Ser., IV (1910), 141-62.

Spain defaulted on the money she had promised, Charles was unable to pay the bills incurred in assembling the fleet. Therefore, in October, 1634, a writ was sent to maritime parts of the counties and the coast towns requiring them to supply specified naval equipment or the funds to pay for their quota of maritime supplies. The writs asserted that "piratical" attacks, incursions on England's traditional mastery of the surrounding seas, and the dangers which "in these times of war do hang over our heads"<sup>1</sup> justified the demand for contributions.

The money raised by the writs of ship money was consistently used for the fleet, but the extension of the demand to inland areas in 1635 met with implacable opposition from several quarters. Despite the judges' opinion of November, 1635, that

when the good and safety of the kingdom in general is concerned, and the whole kingdom in danger (of which His Majesty is the only judge), then the charge of the defence ought to be borne by all the realm in general,<sup>2</sup>

opposition peers insisted that Parliament should have been consulted. The resistance to ship money grew with the help of the Earl of Warwick, Lord Saye and Sele, and others; as it grew, Windebank and the Privy Councillors attempted to quell it. Simultaneously, they sought to make the levy both efficient and just.

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<sup>1</sup>S. R. Gardiner, Constitutional Documents of the Puritan Revolution 1625-60 (Oxford, 1906), p. 105. Hereafter cited as Gardiner, Constitutional Documents.

<sup>2</sup>Ibid., p. 108, citing Rushworth, III, 249.



The Privy Council Registers record repeatedly the concern with adjusting assessments, collecting arrears, and keeping watch over the activities of those who collected ship money or paid it over to the Admiralty. Indicative of this activity is the fact that in the Victorian index for the Register of January 4 to October 30, 1639, the entries under the heading "ship money" extend over more than six pages. Windebank was relieved of much of the secretarial or administrative work involved in this project because, from its inception, Edward Nicholas was in charge of sending out writs, compiling information about the fleet's needs, and reporting to the Council every Sunday afternoon how receipts were going and what difficulties had arisen.<sup>1</sup> But Windebank did not escape the endless council sessions in which recalcitrants were examined, sheriffs prodded, or complaints attended to.

In another way, Charles I's inventiveness in the matter of funds affected the work of Windebank. Between 1631 and 1641, the Court of Star Chamber became increasingly concerned with fiscal actions.<sup>2</sup> As a judge of that court, Windebank helped to force offenders to compound, or imposed fines for offenses such as failing to collect ship money, creating depopulating enclosures, extorting fees, remaining in London contrary to the King's proclamation, building tenements in London without a license,

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<sup>1</sup>Nicholas, pp. 86, 91, 100.

<sup>2</sup>Barnes, "Due Process," p. 335.

manufacturing improperly, infringing on monopolies, and the like. The revenue from Star Chamber in this period in fact declined,<sup>1</sup> since few of the "extravagant censures" or "grievous fines"<sup>2</sup> were levied in full. Nevertheless, the ultimate objective of these fiscal cases was to obtain judgments which could be used as a threat to force men to compound, and in this aim they were successful.<sup>3</sup>

Besides levying ship money and collecting revenue from Star Chamber, Charles I made a practice of tapping the resources of his wealthier subjects through loans.<sup>4</sup> It has been noted above that Windebank may have been the author of a scheme for loans from officers and made a loan of £3,000 himself. It is of interest that another financier for the Crown was the source of Windebank's loan; Sir Paul Pindar, London customs farmer and high finance man, loaned Windebank £1,000 of the £3,000 Windebank contributed to the King in late 1639.<sup>5</sup>

Making use of men of Pindar's calibre, King Charles raised loans from foreign financiers. One of these loans caused Windebank considerable trouble. His services were needed to expedite negotiations to bring home the King's

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<sup>1</sup>Aylmer, p. 64.

<sup>2</sup>The "Grand Remonstrance" of December, 1641, printed in Gardiner, Constitutional Documents, pp. 212-13.

<sup>3</sup>Barnes, "Due Process," p. 336.

<sup>4</sup>Ashton, Money Market, pp. 173-74 et passim; Aylmer, p. 201; Huxley, p. 225.

<sup>5</sup>PRO, S.P. 16/473/59.

jewels pawned in the Low Countries.<sup>1</sup> Financier Philip Calandrini had helped to obtain the loan in 1626 by offering his own bonds as additional security, along with the Crown jewels. Thereafter, he felt he was entitled to more repayment than the King intended to give. He would not accept payment of £11,000 but, in addition, required interest in the amount of £5,000. His justification was that he had loaned his funds for ten years instead of the expected three. Philip Burlamachi, the financier representing Charles I in this matter, asked Windebank's assistance in persuading Calandrini to get on with the redemption of the jewels, and Windebank accordingly wrote several letters about the matter.<sup>2</sup>

Charles I's financial policy involved him in projects ostensibly for the good of his kingdom, but in fact for the good of his treasury. Drainage of the fens was perhaps the most traditional of these, for it had been attempted piecemeal by local inhabitants throughout the Middle Ages, and in 1601 a general draining Act was passed to enable concerted effort and large scale schemes.<sup>3</sup> In 1630, an agreement was made (the Lynn Law) between the Crown and the Earl of Bedford: within six years, Bedford would drain the area later known as the Bedford Level in the southern fens. He

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<sup>1</sup>Cf. Ashton, Money Market, pp. 58-59, 64-65.

<sup>2</sup>CSP Dom., 1635, p. 117; 1635-36, pp. 167, 214, 228.

<sup>3</sup>H. C. Darby, The Draining of the Fens (Cambridge, 1956), pp. 1-29, referring to the Act of 43 Elizabeth, cap. II.

would receive in return for his expense 95,000 acres, of which 40,000 would be used to maintain the drainage system and 12,000 would go to the Crown. Bedford soon had co-adventurers, and in 1634, they obtained a charter of incorporation.<sup>1</sup>

The project did not proceed to the King's liking, however. Upon complaints from local men who felt threatened by the drainage project, the Attorney General launched an investigation. Throughout 1637 and early 1638, Windebank was handling reports of poor work or complaints of hardship.<sup>2</sup> Although the Commissioners of Sewers found Bedford's project satisfactory at a session in 1637,<sup>3</sup> their decision was eventually overturned. In April, 1638, Bedford's undertaking was judged defective, and in July, the King took over.<sup>4</sup> Charles I's motives were "obscure and probably not unmixed," according to the historian of the fens drainage.<sup>5</sup> The King was to receive 57,000 acres of drained land, a considerable improvement over the 12,000 acres assigned to him by the Lynn Law. Bedford's group received a compensation of 40,000 acres.<sup>6</sup> It was intended that the

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<sup>1</sup>Darby, p. 40.

<sup>2</sup>CSP Dom., 1637-38, pp. 5, 471, 571, et passim. Prof. W. J. Jones supplied the following references concerning Windebank and Bedford's undertaking: PRO, T56/14/75-77, 82-88, 129-31.

<sup>3</sup>Darby, p. 58 citing S. Wells, Bedford Level, II (London, 1830), 236-339.

<sup>4</sup>Darby, p. 59.

<sup>5</sup>Ibid., n 5.

<sup>6</sup>Gardiner, VIII, 298.

King's works would proceed apace, but a stream of complaints from the fenland continued to pour in to Windebank and other officials. These necessitated frequent delays for hearings. Intervention was sometimes necessary to restore order after local rebels destroyed ditches, invaded lands assigned to undertakers, cut banks, and the like. Enough of the work was maintained to enable the King to use the land for rewards to his servants. In 1639, Windebank learned from his estate manager that:

Your grounds in the Great Level in Lincolnshire can be let at good rates comparable to the Lord Keeper and Lord Cottington's in the same fens where your ground lies.<sup>1</sup>

In addition to Windebank's role in the drainage of the Great Level, his position brought him into touch with another of the major drainage projects, the Eight Hundred Fen.<sup>2</sup> King Charles began this venture, but soon parted with his interest to Sir William Killigrew and the Great Chamberlain, the Earl of Lindsey.<sup>3</sup> Apparently Killigrew thought Windebank could help him to wrest a large "compensation and reward" for draining the fen. He promised Windebank one hundred acres out of whatever portion was allotted to him.<sup>4</sup> In 1637, Killigrew again appealed to Windebank. This time, he wrote "to complain of yourself

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<sup>1</sup>CSP Dom., 1639-40, p. 35.

<sup>2</sup>In Lincolnshire, near Boston.

<sup>3</sup>Darby, p. 48; CSP Dom., 1633-34, p. 459.

<sup>4</sup>CSP Dom., 1633-34, p. 468. Letter of Feb. 21, 1634.

to yourself," for Windebank had forsaken a petition.<sup>1</sup>

Killigrew was a suitor to the King for 600 acres of fen land. Reporting on his application, Cottington and Juxon wrote:

He pretends that his father, searching into the records about William Lockton's title, found the King's title thereto, whereupon his father . . . became [a suitor] for the King's interest therein. But the King having resumed the lands into his own hands, he is now a suitor for 600 acres in fee-farm at £50 rent.<sup>2</sup>

This claim, if true, indicates the kind of maneuver on the King's part which might well alienate his subjects. Killigrew's father, who died in 1633, invested in draining the Eight Hundred Fen, searched out the King's title to some land, and received no reward. The tone of Cottington's report indicates that Killigrew stood little chance of success in his appeal. The disappointment he suffered was all the greater, he told Windebank the following month, because "my hopes were built on the favour I expected from you, who delivered my first petition, and procured me a favourable reference, and at that time thought me the first speaker."<sup>3</sup> But then, Windebank had grown cold toward Killigrew and favoured the petition of Sir William Becher, Clerk of the Council, for the same land. It is not known which of the two men eventually obtained the land, but we

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<sup>1</sup>CSP Dom., 1637, p. 347.

<sup>2</sup>Ibid., p. 323. Report of July 23, 1637.

<sup>3</sup>Ibid., p. 347. Letter of August 1, 1637.

may assume Windebank lost Killigrew as a "client."

If enemies were made in the competition for benefits from the King's fiscal schemes, profit was made also. It has been noticed above that Windebank held land in the Great Level which he had obtained from the King or some of his undertakers. In addition, by 1639 he held pastures in Pointon fen and Quadring fen which would rent at nine shillings per acre, and land in Bicker fen and Howell fen which would bring ten shillings per acre.<sup>1</sup>

Windebank's gains in land illustrate only one of many kinds of profiteering in which the King's officers engaged. Because the Crown had to contend with the traditional lack of funds, made worse by the absence of Parliamentary grants, it continued the traditional system of "payment by plum." Aylmer lists the many modes of remuneration: "fees, annuities, pensions, wages, diet or board wages, livery, and perquisites in kind from the Crown, and fees, gratuities, and presents from the subject (or from other officials.)"<sup>2</sup> Knowing that it was necessary for his servants to receive these "extras," but intending to prevent hardship for his subjects, Charles I developed a policy to check rising fees and incidentally turn them to his advantage. Beginning in 1622, the King had encouraged

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<sup>1</sup>CSP Dom., 1639-40, pp. 35-36.

<sup>2</sup>Aylmer, p. 160.

investigation of abuses in fees.<sup>1</sup> In 1627, a Commission on Exacted Fees was created which Windebank joined in 1634.<sup>2</sup> The Commission was to redress grievances against exactions, and, as time went on, it raised money for the Crown by fining or compounding with offenders. It examined the records and employees of Chancery, Common Pleas, Exchequer, and all courts, and eventually turned to prisons, parishes, and corporations.<sup>3</sup>

A full account of the Commission's activities is not appropriate here, but its actions were relevant to Windebank's career in several ways. His correspondence as the King's secretary included letters to the Commission urging them to expedite proceedings.<sup>4</sup> In June, 1638, Windebank was among the men charged by a commission under the Great Seal with inquiring:

concerning the exaction of fees or other unlawful acts committed and done by Robert Henley and Samuel Wightwick and their deputies and servants . . . in the execution of their office in the King's Bench. Also their attempt to get a new grant of the said office and schedule of fees.<sup>5</sup>

Henley was Chief Clerk of King's Bench from 1629 to 1632,

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<sup>1</sup>Jean Wilson, "Sir Henry Spelman and the Royal Commission on Fees," in J. Conway Davies (ed.), Essays Presented to Sir Hilary Jenkinson (London, 1957), pp. 456-70.

<sup>2</sup>G. E. Aylmer, "Charles I's Commission on Fees, 1627-40," BIHR, XXXI (1958), 58-67.

<sup>3</sup>Aylmer, King's Servants, pp. 193-94, 200, 234.

<sup>4</sup>PRO, E215/2/163, 165. These references were supplied by Prof. W. J. Jones.

<sup>5</sup>PCR, III, 149/302.



and Wightwick his clerk.<sup>1</sup> The King's Bench office had been investigated in 1637-38 by the regular Commission on Fees, but "it was apparently reckoned to be beyond the powers of the Commissioners on Fees to cleanse so Augean a stable. A special commission was appointed."<sup>2</sup> Windebank's commission was not more successful in bringing Henley to compound, perhaps because he was willing and able to secure a pardon from the King by a more direct route than composition.<sup>3</sup>

Among the "victims" of the Commission on Exacted Fees were keepers of the London prisons. An additional special commission was created by the King in January, 1635, on which sat Windebank, Cottington, Clerk of the Privy Seal John Packer, and Nicholas Pay.<sup>4</sup> These men were commanded to inquire about alleged escapes from the Fleet, but more significantly, about the activities of Keeper Edward Hopkins and his deputies--"their alleged extortions, frauds, etc."<sup>5</sup> Windebank interviewed several prisoners during the following months, of whom implica-

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<sup>1</sup>Aylmer details Henley's career in King's Servants, pp. 305-08.

<sup>2</sup>Ibid., p. 307.

<sup>3</sup>Henley had secured such a pardon for his years as a Six Clerk in Chancery (Ibid.).

<sup>4</sup>CSP Dom., 1635, p. 80.

<sup>5</sup>Ibid., 1634-35, p. 465.

tions were heard concerning the Keeper.<sup>1</sup> It is therefore rather surprising to find Windebank and the other commissioners reporting to the King in May, 1635, that none of the alleged abuses by the Keeper had been substantiated by the testimony gathered at hearings.<sup>2</sup> The explanation may be, of course, that Hopkins procured this benevolent report by substantial gifts carefully placed; but there is no evidence.

The main Commission on Exacted Fees had lost much of its effectiveness by 1638.<sup>3</sup> In October, the King adopted a plan suggested by Windebank to supplement its operations. Special juries would certify on oath what fees had been taken over the previous thirty years, and thereafter a just schedule would be determined.<sup>4</sup> The Commissioners on Exacted Fees objected, but Charles I assured them the juries would not supplant them.<sup>5</sup>

The Secretary served on another commission whose fiscal purpose was similar to those mentioned above. The King's financial schemes required maintaining a watchful surveillance of the landed classes in search of ways to tap their wealth. This policy is evident in distraint of

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<sup>1</sup>CSP Dom., 1634-35, pp. 567, 588.

<sup>2</sup>Ibid., 1635, pp. 80-81.

<sup>3</sup>Aylmer, "Commission on Fees," p. 65.

<sup>4</sup>CSP Dom., 1638-39, p. 49.

<sup>5</sup>Aylmer, "Commission on Fees," p. 66.

knighthood, the levying of ship money, and the fiscal use of Star Chamber. This opportunism led the King to create a Commission for Defective Land Titles in 1628, despite the bill passed in 1624 to protect landowners harassed by earlier commissions.<sup>1</sup> The King's grace was extended by Charles I to those outside the terms of the 1624 Act<sup>2</sup> and to any who had unwittingly encroached on Crown land; he would allow the offenders to compound. Two such commissions proved profitable enough for the King to appoint a third, of which Windebank was a member.<sup>3</sup> Although we know of his appointment, the details of his participation are obscure. Little has been written about the work of the various commissions for defective titles during the Personal Rule; the records await their historian.<sup>4</sup>

Two of Charles I's financial policies which affected Windebank remain to be discussed: the farming of the customs and monopolies. Since Windebank's modest wealth did

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<sup>1</sup>J. P. Kenyon, The Stuart Constitution (Cambridge, 1966), p. 87, citing Foedera, XIX, 406.

<sup>2</sup>The Act protected those who had been in possession of their land for the last sixty years (Ibid.)

<sup>3</sup>CSP Dom., 1635, p. 491; Kenyon, p. 87 n 6 citing Foedera, XIX, 167-68, 670-71.

<sup>4</sup>Particulars for the amendment of defective titles, 1600 to 1638, are to be found in the records of the Augmentations Office of the Exchequer (PRO, E315/87A-90). Cf. Guide to the Public Record Office, I (London, 1963), 84.

not allow him to be active as a customs farmer, his personal involvement in the great farm would seem to be slight. However, on the basis of Ashton's discussion of political intrigues surrounding the lease of the great farm in 1637 and 1638, it is highly likely that Windebank was drawn into the controversy about the best men and methods for handling the collection of customs.<sup>1</sup> Windebank had little cause to like George Lord Goring,<sup>2</sup> so he probably did what he could to promote the interests of Goring's rival, Paul Pindar, who was the chief man in the great farm syndicate from 1625 to 1638. Then Goring had his way, ousting Pindar from the syndicate.<sup>3</sup>

Whatever may have been Windebank's role in the settling of the great farm, his activities in the dispute over the farm of Irish customs are clear.<sup>4</sup> Beginning in 1635, Wentworth conducted a campaign to rid himself of Lord Mountnorris, the Vice Treasurer of Ireland.<sup>5</sup> Not only was Mountnorris dishonest and incompetent, but his office brought him too close to Wentworth's financial

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<sup>1</sup>Ashton, Money Market, pp. 100-02.

<sup>2</sup>Goring was Secretary Coke's good friend. Pindar, on the other hand, was Portland's--a fact which would recommend him to Windebank after 1635.

<sup>3</sup>Ashton, Money Market, p. 102.

<sup>4</sup>C. V. Wedgwood, Thomas Wentworth (London, 1961), pp. 196-203, 212.

<sup>5</sup>Kearney, pp. 71-72.

doings for the Lord Deputy's comfort.<sup>1</sup> In addition, Mountnorris was the leader of the Irish customs farm syndicate, and Wentworth had his eye on the profits that could be made from customs, both for himself and for the King. Knowing Wentworth intended to oust him from the customs farm and become sole farmer himself if he could manage it, Mountnorris devised a counter proposal for the King's consideration. He would pay an annual rent of £20,000 and give the King half of the profits. (Wentworth was offering £15,500 rent but five-eighths of the profits.) To put this proposal before the King, Mountnorris sent his friend, lawyer Patrick Darcy, to England.

At first Darcy advocated that the King assume the customs collection himself. Except for being a way to imply that Wentworth was unlikely to deal honestly with the King if he were given control of the farm, this was probably a ruse rather than an earnest suggestion.<sup>2</sup> By January, 1636, however, Darcy had obtained Windebank's favour and his real proposal was revealed. The matter was taken up thus:

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<sup>1</sup>Cf. J. P. Cooper, "The Fortune of Thomas Wentworth, Earl of Strafford," Economic History Review, 2nd Ser., XI (1958), 227-48.

<sup>2</sup>Darcy dissembled the fact that he was Mountnorris' man for several weeks. His errand could be accomplished more easily if he was not known as Mountnorris' spokesman, for he was in disgrace due to another matter. Wentworth had had Mountnorris court martialled in Dec., 1635, for treasonous insults offered the Lord Deputy. Under sentence of death, Mountnorris was removed from the post of Vice Treasurer and confined until he admitted his fault. Cf. Wedgwood, Wentworth, p. 200.

Darcy, one of the three that came out of Ireland, [Windebank informed the King], has been with Windebank, and upon his intimation that his Majesty liked not his proposition of his Majesty taking the customs into his own hands, he has since made offer to procure persons of worth to farm them at an increase of £11,000 by the year above that which is now given. And he offers further that a just account shall be made upon oath of the uttermost farthing received by the customs, to the end that his Majesty may know the true value of them . . . 1

Darcy, unable to return to Ireland because of his earlier clashes with Wentworth and his present effort to thwart him,<sup>2</sup> asked the King's permission to live in London and practice his profession there.

The King was inclined to consider the offer further, a result for which Windebank had worked.<sup>3</sup> Next, Darcy urged Windebank to pave the way for his visit to the King. He would show the King his dedication by presenting his idea in detail.<sup>4</sup> Darcy's mission and hopes foundered, however. Wentworth triumphed in the business, perhaps because Laud's party had finally obtained the Lord Treasurership, enabling it to exert more pressure in Wentworth's favour.

In connection with the last of Charles I's financial policies to be discussed here, grants of monopoly,

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<sup>1</sup>CSP Dom., 1635-36, pp. 179-80.

<sup>2</sup>For opposing the Lord Deputy in the matter of defective land titles in Galway, Darcy had been debarred from practice. He also offended Wentworth by defending the Earl of Cork (Wedgwood, Wentworth, pp. 173, 200). In 1641, Darcy wrote the constitution for the Irish rebels.

<sup>3</sup>CSP Dom., 1635-36, pp. 180, 405. <sup>4</sup>Ibid., p. 405.

Windebank's name appears often enough to prove that he benefitted, but the extent of his good fortune can not be ascertained precisely.<sup>1</sup> The Stuart Kings continued the Elizabethan practice of granting patents of monopoly for the manufacture of gunpowder.<sup>2</sup> Beginning in 1630, the Lords of the Admiralty were authorized, with their deputies, to search for saltpeter, a component of gunpowder. Windebank was included in the successive committees charged with managing "the making of saltpeter and gunpowder and the sale of gunpowder."<sup>3</sup> They supervised the collection of saltpeter by the hated "saltpeter-men," and on many occasions the Secretary made notes concerning the scarcity of saltpeter and the means for getting it gathered in.<sup>4</sup> It is not difficult to understand the objection some of these efforts raised among the populace. In 1637, the King granted a commission to Windebank and others authorizing them or their deputies to "enter, break open, and work for saltpeter all houses and lands of the King or any other person, and there to take

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<sup>1</sup>The effects of Stuart policy relative to monopolies is discussed by Christopher Hill, pp. 29-35; by Charles Wilson, pp. 100-03; and by Price, pp. 129-32.

<sup>2</sup>Until 1636, the Evelyn family carried on the manufacture of gunpowder. Then, a client of Vane's, Sam Cordwell, replaced the Evelyns (Aylmer, King's Servants, p. 351). See also Peter Ramsey, Tudor Economic Problems (London, 1966), pp. 155-56, 172-73.

<sup>3</sup>CSP Dom., 1633-34, p. 286.

<sup>4</sup>Ibid., pp. 286, 433; 1635, p. 422; 1636-37, pp. 242-43; 1637, p. 202; PCR, VII, 254v/518.

all such . . . as shall be thought good for making saltpeter."<sup>1</sup> It was activities such as these that had prompted Parliament's objection to the saltpeter commissioners in 1606<sup>2</sup> and provoked the continuous stream of complaints with which the commissioners and Windebank had to deal.<sup>3</sup>

Other monopolies brought Windebank less trouble and more reward. Henry Grey, Earl of Stamford, suggested to Windebank that they share the profits of a monopoly on hemp dressing and selling. Since he had not yet obtained the patent, perhaps Stamford's offer was a bid for Windebank's expedition of his request.<sup>4</sup> Thomas Windebank, the Secretary's eldest son, was included among many courtiers authorized to control the brewing industry,<sup>5</sup> and others of Windebank's relatives were given the patent of monopoly to manufacture white writing paper in 1640.<sup>6</sup>

Charles I's financial policy of granting monopolies affected Windebank's career in a way more decisive than indicated by the monopolies mentioned thus far. His original and longstanding patron, Laud, ceased to be his friend

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<sup>1</sup>CSP Dom., 1637, p. 202. Emphasis mine.

<sup>2</sup>Kenyon, pp. 55, 69.      <sup>3</sup>Coke, pp. 180-81.

<sup>4</sup>CSP Dom., 1635-36, p. 203.

<sup>5</sup>Ibid., 1636-37, p. 404. This was not the first time Thomas had received a royal favour. In 1637, Charles urged the father of an heiress to accept Thomas as his son-in-law (CSP Dom., 1638-39, p. 139). This illustrates the King's use of royal letters to reward his servants (Stone, pp. 607-08); but in Thomas' case, it failed (CSP Dom., 1639, p. 324).

<sup>6</sup>CSP Dom., 1640, p. 226.



because of a difference of opinion about a soap company, as Juxon expressed it.<sup>1</sup> Actually, although the soap monopoly served as the final divisive issue, the falling out of the two officials was rooted in several causes and requires careful analysis.

By early 1635, differences of opinion between the Laud and the Cottington factions had affected Windebank. The latter shared Cottington's opinion that offices were to be exploited with vigour when it was possible to do so and that favours for friends were a rightful prerogative of government officials. Laud, advocating a policy known as "Thorough," held that offices should not be exploited to the King's disadvantage and efficiency was more important than rights or precedents detrimental to the Crown. Laud and Wentworth "were quite explicit in their letters to each other" as to what Thorough stood for:

They meant more efficient government, and more effective central authority in church and state, alike in England, Ireland, and Scotland, even at the cost of trampling on men's customary and legal rights where these impeded the execution of their grand design.<sup>2</sup>

Gaining experience as Secretary, Windebank moved toward Cottington's position.

Windebank's affection for Laud had begun to wane well before their estrangement became public. In the correspondence between Windebank and Wentworth, a definite

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<sup>1</sup>CSP Dom., 1636-37, pp. 92-93.

<sup>2</sup>Aylmer, King's Servants, p. 11.

lack of rapport between the Archbishop and the Secretary is noticeable as early as May, 1634. Windebank probably hoped to win Wentworth's sympathy and turn him into a regular correspondent (Wentworth preferred Secretary Coke<sup>1</sup>) by complaints such as the following:

I know not how my Lord of Canterbury hath abused the poor puisne Secretary to the Lord Deputy of Ireland. But I am sure his Grace is very merry with him in England at the receipt of every dispatch from your Lordship.<sup>2</sup>

Wentworth, it seems, preferred to maintain good terms with both sides in the developing rift. He replied to Windebank that he would carry on correspondence with both Lambeth and Whitehall, and rely on Cottington and Windebank to protect themselves and himself if need be, from Canterbury's wit. "He is already since he came to be his Grace of Canterbury gotten forth of our reach," Wentworth conceded.<sup>3</sup> Windebank continued to complain of Laud throughout the summer of 1634, saying that although Laud bemoaned his want of wit and leisure, yet "he hath abundantly enough of both, to abuse the Chancellor of the Exchequer [Cottington] and the poor Secretary."<sup>4</sup> These certainly are not the

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<sup>1</sup>Windebank knew this, and warned Wentworth against putting all his trust in Coke, lest he "bemoan yourself to one that pities you not," (Sheffield City Library, Wentworth Woodhouse MSS, Strafford Letter Book 5/222-23, letter of Jan. 17, 1634.

<sup>2</sup>Ibid., fol. 237 and Knowler, I, 256.

<sup>3</sup>Wentworth Woodhouse MSS, Strafford Letter Book 5/88, June 5, 1634.

<sup>4</sup>Ibid., fol. 248.

words of a man content with his colleague!

In addition to their divergent interpretations of office holding, two other matters contributed to the estrangement. At the King's direction, Windebank began to negotiate with representatives of the Papacy in December of 1634.<sup>1</sup> Laud, regardless of his enemies' descriptions, was a confirmed Anglican. He held matters of doctrine and fine points of theology to be relatively unimportant and concentrated on reviving and strengthening the Church of England. Windebank, on the other hand, while equally unconcerned with theological nuances, felt deep regret at the animosity existing between Rome and England. He would have been happy to effect a reunion. His negotiations to this end were kept as quiet as possible, but it is certain that Laud knew of them and found the proceedings both politically explosive and religiously questionable.

Another situation placed strain on Laud and Windebank's friendship, beginning in March, 1635. At that time, the Treasury was put into the hands of a commission, as noted above.<sup>2</sup> Here, the conflict between Laud and Cottington found regular expression,<sup>3</sup> and it must be assumed

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<sup>1</sup>Details of the negotiations follow in Chapter IV.

<sup>2</sup>See pp. 95-96.

<sup>3</sup>James Bliss (ed.), The Works of . . . William Laud, III (Oxford, 1853), 223. Hereafter cited as Bliss. See also Gardiner, VIII, 87-88 and Edward Hyde, History of the Rebellion . . ., I (Oxford, 1849), 145. Hereafter cited as Clarendon, History.

that such airing of different philosophies made it all the more clear to Windebank where his own sympathies lay. It was only a matter of time until he would no longer be a willing ally of Laud.

The public break occurred in the summer of 1635. It arose from a divergence over which of two companies would be given a royal monopoly to manufacture soap for London.<sup>1</sup> In 1632, Charles I had established a company to acquire the rights of those currently making soap by earlier license. The Company guaranteed the King £20,000 and made him several loans.<sup>2</sup> Independent soap manufacturers objected strenuously to the monopoly. Their petitions insisted that the monopolists' company was charging excessive prices, making inferior soap, and paying the King less than he would receive if the business were run properly.

Laud championed the independent manufacturers, largely because they promised the King increased revenue; but Cottington and Portland, who headed the monopoly, stood to profit from the new arrangement and led the opposition to Thorough. The rivalry continued for several years, with Cottington assuming leadership of the anti-Laud, pro-monopoly faction after Portland's death.

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<sup>1</sup>Gardiner, VIII, 71-76 contains a narrative of the soap monopoly business. The details and developments are best given by Price, pp. 119-28.

<sup>2</sup>Ashton, Money Market, p. 72.

The court monopoly eventually out-maneuvered the independents by offering Charles I more money than the independents could pay. They agreed to advance £10,000 to the Crown as well.<sup>1</sup> The matter was settled by the Council after several hearings, and in the final vote taken in late July, 1635, Windebank sided with Cottington's group. Laud never forgave him this disloyalty, about which he wrote in his diary, "my old friend, Sir F. W., forsook me, and joined with the Lord Cottington: which put me to the exercise of a great deal of patience."<sup>2</sup> Laud felt he had lost not only a personal friend, but an ally at the Council table as well.

Windebank's shift of allegiance was natural under the circumstances, for he had long shared Cottington's pro-Spanish bias and sympathy for Roman Catholicism as well as his interpretation of the prerogatives of office. His independence from Laud was demonstrated during the hearings in Star Chamber concerning Pell vs. Bagg in October and November, 1635.<sup>3</sup> Thorough again clashed with Lady Moira, as Cottington and his faction were known. Sir Anthony Pell, Keeper of the King's hawks, charged that he had paid one of Lord Treasurer Portland's followers,

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<sup>1</sup>Ashton, Money Market, p. 72.

<sup>2</sup>Bliss, p. 224.

<sup>3</sup>CSP Dom., 1635, pp. 444-45, 451, 474. Cf. Barnes, "Due Process," p. 326 n 83; and Rushworth, II, 303.

Sir James Bagg, £3,260 with which to bribe the Lord Treasurer. Pell hoped the result of this would be that Portland would see that Pell was paid the £6,000 owed him by the King. But, Pell charged, Bagg never carried out the bargain, pocketing Pell's money himself. Bagg insisted he had turned over the bribe to the Lord Treasurer, who accepted it but did not pay the King's debt to Pell. When these circumstances were explained to the Court of Star Chamber, Laud and his friends sided with Pell, feeling that Bagg, as the broker of a bribe, should be punished. But Cottington warmly supported Bagg because he had done nothing abnormal, bribery not being the offense in 1635 that it has become since; instead, it was regarded by most men in office as a matter of course.

Windebank prepared a speech for delivery in Star Chamber, probably on the day the decision was made, which revealed that his attitude was closely akin to Cottington's. Of the bill accusing Bagg of promising to bribe Lord Treasurer Portland and failing, Windebank wrote:

I do hold the main intent and scope of the [bill] was most maliciously to defame the Lord Treasurer [and] to bring into public agitation and question his Majesty's affairs. . . . I find no contract made at all, nor no corrupt bargain, and if there had, it was not Bagg's fault but Pell's. . . . In conclusion, I hold Sir Anthony Pell had done much more discreetly to have let this suit alone.<sup>1</sup>

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<sup>1</sup>PRO, S.P. 16/301/59. Notes in Windebank's hand dated Nov. 11, 1635.

When the final vote was taken, Windebank sided with Cottington and the court divided evenly.<sup>1</sup> Lord Keeper Coventry broke the tie by voting with Laud in favour of Pell, thus condemning the practice of broking bribes.

Windebank did not feel he had betrayed Laud and was undoubtedly dismayed that the Archbishop interpreted his vote as a personal affront. After a time, Windebank sought to renew the friendship. In August, 1636, using Lord Treasurer Juxon as an intermediary, Windebank sought to invite Laud to visit Haines Hill on his way from Croydon to Oxford, as he had done so often in the past.<sup>2</sup> Abruptly Laud refused. Although he conceded to his friend Juxon that there ought to be allowances made for a difference of opinion between friends, he would not forgive Windebank's manner during the dispute. Apparently, Windebank did not inform Laud of his decision to support Cottington's faction, but simply voted thus when the moment arrived. This lack of consideration, Laud held to be inexcusable. Juxon was unable to soften Laud's resentment and advised Windebank to let time heal the breach.<sup>3</sup>

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<sup>1</sup>Cottington's faction included the Earls of Carlisle, Dorset, and Arundel, the Duke of Lennox, the Earl of Manchester, and Archbishop Neile. Opposed to them were Laud, the Earls of Holland, Newburgh and Lindsey, Secretary Coke, Chief Justice Finch, Coventry and Vane. Gardiner, VIII, 89-90; CSP Dom., 1635, p. 474.

<sup>2</sup>Windebank may have had an ulterior motive for seeking Laud's forgiveness at this time. He had recently displeased the King. See pp. 156-59 below.

<sup>3</sup>CSP Dom., 1636-37, pp. 92-93.

In fact, it may have done so, at least superficially. Although there is no mention of renewed visits to Haines Hill by Laud, it is evident that the two officials continued to communicate on a variety of matters. Correspondents expected them to acquaint one another with matters of mutual interest.<sup>1</sup> Some distant officers were unaware of any breach.<sup>2</sup>

Perhaps as a result of necessary meetings at sessions of the Star Chamber or Privy Council or to handle matters concerning St. Paul's and other committee work, the two men had established a comfortable familiarity by 1638. In that year, their correspondence contained proof of a mutual approval, as well as a touch of wit; such is the evidence in the following exchange. Seeking to go abroad, Bishop Goodman of Gloucester complained to Windebank of being mistreated at Laud's hands. Windebank, relaying the interview to Laud, reported that:

Having no handkerchief, it seems, to wipe his eyes and nose, his Lordship did it with his fingers and then wiped them upon his velvet coat (for by reason of the scantiness of it, it cannot be called a divine's cassock) which I confess did take off much of my compassion and I could not cry with him for company.<sup>3</sup>

Laud replied to this report from Windebank in a similar style. After thanking the Secretary for his report of

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<sup>1</sup>CSP Dom., 1636-37, p. 60.    <sup>2</sup>Ibid., 1635-36, p. 251.

<sup>3</sup>From Baker's MSS at Trinity College, XXXIII, 66ff., quoted in J. E. B. Mayor, "Materials for a Life of Bishop Goodman," Proceedings: Cambridge Antiquarian Society, II, (1864), 130.



the interview with Bishop Goodman, he chastised:

Yet I see you are not merciful enough to weep for a man's sorrow that cries downright for a mother of fourscore years old, and wipes his nose in velvet.<sup>1</sup>

There was at least no permanent and open hostility between Laud and Windebank after 1635, as some discussions have suggested.<sup>2</sup> That idea may have been inspired by Laud's statement during his trial in 1643 that Windebank had "left me and found other acquaintance."<sup>3</sup> At another point in his trial, Laud is recorded as arguing:

It is very true, I was the means of advancing him to the Secretary's place . . . but not with any intent to advance Popery. . . . If he prove so ill an instrument, . . . it was beyond my expectation. [As to his dealings with Roman Catholics,] they concern not me, who was not privy to them. . . . It is well known that he and I were at variance and distance of later times, he deserting me in the business of the late Lord Treasurer Weston.<sup>4</sup>

But that testimony came in reply to accusations more appropriately directed toward Windebank than Laud. Therefore the latter was undoubtedly trying to dissociate himself from Windebank. One way to do this was by exaggerating the differences between them.

In fact, the men patched over their quarrel and resumed a working relationship, a fact which Laud's accusers

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<sup>1</sup>Clar. S. P., II, 17.

<sup>2</sup>That is the impression given by Trevor-Roper in Laud, and by Gardiner in History of England.

<sup>3</sup>MSS H of L, p. 449.

<sup>4</sup>William Prynne, Canterbury's Doom (London, 1646), pp. 554-55. Reel 288 of University Microfilms English Books 1641-1700.

asserted.<sup>1</sup> Yet it is unlikely that Laud renewed his political faith in Windebank, for their differences were fundamental and deeply rooted. For example, in 1639, at the very time when Windebank and the Pope's agent, Father George Con, were attempting to ease the legal persecution of English Catholics, Laud pushed through the "Proceedings against the Papists."<sup>2</sup> In matters sacred and secular, the predispositions of the two men ensured disagreement. In the troubled spring of 1640, an acute observer informed the Earl of Leicester at Paris that those who believed Windebank to be the ally of Laud and Juxon on the Privy Council were "little acquainted" in the matter.<sup>3</sup>

The entire business of the quarrel between Windebank and Laud, its causes and consequences, is illustrative of a quality of the period of Personal Rule which permeates all records of the period--factionalism. If the rivalry of groups about the throne was not universally recognized as a severe handicap to good government in Windebank's day, it is apparent to historians that, once such rivalry got beyond the control of the monarch,<sup>4</sup> it impeded efficiency, justice, and achievement as well. Some ways in which Windebank was involved in the disputes

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<sup>1</sup>Prynne, Canterbury's Doom, p. 555.

<sup>2</sup>Albion, p. 190.

<sup>3</sup>Collins, II, 654.

<sup>4</sup>Cf. J. Hurstfield, "The Succession Struggle in Late Elizabethan England," Elizabethan Government and Society, ed. S. T. Bindoff et al., (London, 1961), pp.369-97.

of Portland, Cottington, Laud, Wentworth and others have been shown above. Windebank's continuing contest with his fellow-Secretary has been noticed in connection with the Post and with England's agents abroad, and will be apparent again in the discussion of Windebank's negotiations with Papal representatives.

Windebank's contact with Ulick Bourke, the Earl of St. Albans and Clanricarde, in 1637 and again three years later serves to illustrate the ways faction fighting made it necessary to proceed defensively at every point. In a letter of 1637 the tone of which can best be described as aggressive, Coke demanded an explanation of a grant gotten by Windebank for St. Albans,<sup>1</sup> a payment of £1,500 from Irish revenue. Wentworth complained to the King, Coke said, and the King did not recall seeing the letter Wentworth wrote to argue against the grant. Windebank must produce that letter, and "specify the motive upon which the Privy Seal was granted."<sup>2</sup> Coke's irritation at Windebank's interference in Irish matters is obvious in this letter, and it suggests the Lord Deputy's dissatisfaction with Windebank. The latter was indeed the case, for after Windebank's alignment with Cottington, Wentworth relied more and more upon the older Secretary's conscien-

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<sup>1</sup>St. Albans was already Wentworth's enemy because he had resisted the Irish Commission on Defective Titles' attempt to obtain his land (Wedgwood, Wentworth, pp.172-73).

<sup>2</sup>CSP Dom., 1637, p. 374. Letter of August 16, 1637.

tious attention to Irish affairs.<sup>1</sup> Coke's accusatory tone was not justified in this instance. Windebank replied immediately, explaining that Wentworth's letter of objection had arrived only recently and was enclosed. Windebank went on to explain that the King had found the petition of St. Albans "reasonable," and:

gave me order to prepare a letter to the Lord Deputy to warrant the allowance of £1,500 to the Earl, which letter was signed by his Majesty, and is that which you conceive to have been a Privy Seal. There was no other order nor anything passed but by the Lord Deputy.<sup>2</sup>

Apparently the Earl of St. Albans remained Windebank's friend. Two letters written in October, 1640, reveal the mutual alliance of St. Albans, Windebank, and Cottington against the Lord Deputy. The humour with which Wentworth's discomfiture is related fails to mask the fierceness that characterized factionalism:

The strangest news I can give you is that my Lord Lieutenant did invite me to dinner last Wednesday, but I was so modest as to refuse that honour, and to forbear to trouble his Lordship until I find more reality and better grounds to profess myself his servant by any attendance upon him.<sup>3</sup>

Shortly thereafter, St. Albans reported to Windebank that he had had "a very sharp encounter" in the King's presence with Wentworth. The "debate had this conclusion: I have

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<sup>1</sup>Evans, pp. 97-98. Cf. p. 141 above and Coke, p. 198. Evidence abounds in the papers of Wentworth, Laud and Coke.

<sup>2</sup>CSP Dom., 1637, pp. 379-80.

<sup>3</sup>Ibid., 1640-41, p. 152.

recovered all my tenures and chiefries."<sup>1</sup> A condition was attached to this resolution, however, and St. Albans refused it because it might undermine the whole arrangement. He intended to continue the conference soon, and in the meantime asked Windebank to:

present my service to Lord Cottington and impart to him this encounter of mine with his especial friend; and if he will not easily pardon this offence, I may grow desperate and be apt to commit the same fault often.<sup>2</sup>

Factions did not always remain as fixed in their membership as the correspondence between St. Albans and Windebank in 1637 and 1640 would suggest. Often enough, the pursuit of personal advantage produced a shift of affection such as occurred between Algernon Percy, the Earl of Northumberland, and Windebank between 1636 and 1639.<sup>3</sup> In the former year, Northumberland listened sympathetically to Windebank's complaints that Coke was "not leaving me so much as a younger brother's portion" of the business which concerned the Earl.<sup>4</sup> Despite Coke's interference, Windebank managed to serve Northumberland well. In the following year, Northumberland made a point of expressing his thanks, adding, "If my friends did not

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<sup>1</sup>CSP Dom., 1640-41, p. 197. Letter of Oct. 26, 1640.

<sup>2</sup>Ibid.

<sup>3</sup>Northumberland felt "warm friendship" for Windebank as early as June, 1633, according to the Earl's biographer (M. F. S. Hervey, Thomas Howard, Earl of Arundel (Cambridge, 1921), p. 341).

<sup>4</sup>HMC Third Report, Appendix (London, 1872), p. 72.

give me a little light, I should, for him [Coke], live in great blindness."<sup>1</sup> There was more to Northumberland's comment than simple distress at being neglected. Coke was undoubtedly reserved in his letters to the Earl at this time; but he had reason to be. Northumberland's brother-in-law, Robert Sidney, Earl of Leicester, had been intriguing at Court to obtain Coke's office for Northumberland.<sup>2</sup> The latter was not above contributing to the effort by hinting that Coke was inefficient. Of some letters he awaited, he told Windebank, "If they were directed to your elder brother, I will not wonder at their slow passage."<sup>3</sup> It is likely, in view of Windebank's feelings toward Coke, that Leicester found him an ally in the project of securing Coke's dismissal.

Coke was not displaced by Northumberland, however. The Earl and Windebank continued to be friends until 1639. In that year, Windebank failed in an attempt to persuade the King to send money to Leicester who, as ambassador to France, requested funds to rent and furnish a house at Paris. Northumberland called on Windebank to pursue Leicester's request, but eventually Windebank reported that the King would not grant the money.<sup>4</sup> In December, the month following this disappointment, Northumberland referred slightly

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<sup>1</sup>CSP Dom., 1637, p. 216.      <sup>2</sup>Coke, p. 197.

<sup>3</sup>CSP Dom., 1637, p. 283.

<sup>4</sup>Collins, I, 606, 611, 618.

to Windebank as "the little Secretary" in a letter to Leicester.<sup>1</sup> What was once a mutually beneficial and amiable relationship had become one of a different tone. Northumberland's complaints about Windebank became numerous--he was now no better than Coke: "It is a shame [the Secretaries] are so negligent in advertising [Leicester] of all that passeth. . . ." <sup>2</sup> More able men as Secretaries of State was one of the many reforms needed now in England, he concluded.<sup>3</sup> In retrospect, it is obvious that Northumberland was growing dissatisfied with Charles I's government,<sup>4</sup> but a more immediate cause for his changed attitude toward Windebank was a desire to protect his brother-in-law. Northumberland believed Windebank was urging the King to recall Leicester.<sup>5</sup> Windebank insisted that he had not betrayed Leicester's interests,<sup>6</sup> but the suspicion remained and was strong enough to preclude any further amity.

The dissension caused by the factionalism of the Court of Charles I and the seaminess of his financial policies contributed nothing to the Secretary's ease. But a third aspect of the Personal Rule, Charles I's foreign policy, not only discomfited the Secretary, but brought disgrace to the state as well.

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<sup>1</sup>Collins, I, 623.

<sup>2</sup>Ibid., p. 620.

<sup>3</sup>Ibid.

<sup>4</sup>Wedgwood, King's Peace, p. 399.

<sup>5</sup>The long term consequences of Northumberland's belief are presented on p. 248.

<sup>6</sup>CSP Dom., 1640, pp. 534-35.

In 1633, just a year after Windebank became Secretary, Sir Francis Nethersole accused George Lord Goring, Master of the Queen's Horse, of "forgetting his duty" to the King and his friendship to the Queen of Bohemia, the distressed sister of Charles I. Nethersole, a longstanding servant to Queen Elizabeth, was in England to seek a loan for her use in recovery of the Palatinate and had taken issue with Goring's response. When Goring turned to his friend Secretary Coke for the restoration of his good name,<sup>1</sup> Nethersole appealed to Windebank.<sup>2</sup> Subsequently, Goring informed the Queen of Nethersole's accusation, whereupon she asked Windebank to examine the business. Nethersole would tell him nothing.<sup>3</sup> There followed much scurrying about, with Nethersole demanding that the Council await Charles I's return from Edinburgh to decide where truth lay and Charles I delegating the matter to the Council.<sup>4</sup> Eventually, the Council deliberated on the accusation and found Goring blameless,<sup>5</sup> a verdict Windebank supported.<sup>6</sup> "That business of Sir Francis Nethersole being come to nothing," Windebank reported in July, Nethersole had been confined to his home by the

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<sup>1</sup>HMC Twelfth Report, Appendix, II, 16-17.

<sup>2</sup>CSP Dom., 1633-34, p. 93.    <sup>3</sup>Ibid., p. 91.

<sup>4</sup>HMC Twelfth Report, Appendix, II, 18, 20.

<sup>5</sup>Ibid., pp. 22-24 and CSP Dom., 1633-34, p. 411.

<sup>6</sup>CSP Dom., 1633-34, p. 116.



King's order.<sup>1</sup> The group with Charles I in the North praised Windebank's handling of the matter.<sup>2</sup> Apparently Nethersole still entertained hopes of assistance from Windebank, for he wrote seeking various favours and asked him to intercede with the King, tell the Council that he was ready to acknowledge his error, assure Goring of his honest intentions, and suggest how he might regain the King's favour.<sup>3</sup> In reply to all these requests, Windebank did nothing.<sup>4</sup> Nethersole was replaced as the Queen's representative in England by her secretary, John Dineley. Windebank's last connection with the affair was to write to Coke of the King's command to keep watch at all ports for Nethersole. He had escaped from confinement.<sup>5</sup>

In 1636, an incident stemming from a misunderstanding of one aspect of Charles I's foreign policy caused Windebank to realize how tight a rope he walked as Secretary of State.<sup>6</sup> The King had ordered that bullion on

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<sup>1</sup>HMC Twelfth Report, Appendix, II, 23, 26.

<sup>2</sup>CSP Dom., 1633-34, p. 128.

<sup>3</sup>Ibid., pp. 139-40. Letter of July 13, 1633. Nethersole had offended the King by a remark which suggested Charles I was neglecting his sister (Gardiner, VII, 350).

<sup>4</sup>CSP Dom., 1633-34, p. 139.

<sup>5</sup>HMC Twelfth Report, Appendix, II, 43. Jan. 5, 1634.

<sup>6</sup>Gardiner devotes only a few sentences to the incident (VIII, 161-62), and Evans quotes contemporary commentators without elaboration (pp. 98-99).

Spanish ships calling at English ports be converted to bills of exchange. The specie would then be put in the Tower or made into coins. Such a ship put in at Dover in May, 1636, laden with silver. Worried by Charles I's order, the Spanish resident ambassador called on Windebank to object to it and ask for a delay until he could get instructions from his King.<sup>1</sup> After a month of waiting, Windebank instructed the Lord Admiral to take out the amount of duty required by the Crown and send the remainder on its way.<sup>2</sup> However, in an age of mercantilism when the possession of specie was considered the true gauge of state wealth, merely deducting a sum as taxation was not equivalent to obeying Charles I's order to appropriate two-thirds of the bullion so that it could be kept and issue bills of exchange in its stead. Charles I had intended to enrich his treasury significantly.

Windebank's error was brought to his attention quickly, for five days after he had released the ship, he sent a sequel order in which he relayed the King's command to "suffer no part of it to be transported until further command."<sup>3</sup> He added in a footnote that he would be at Haines Hill until the King came to Woodstock--Windebank had been "grounded." His last minute attempt to recall

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<sup>1</sup>CSP Dom., 1635-36, p. 413.

<sup>2</sup>HMC Third Report, Appendix, pp. 72-73.

<sup>3</sup>Ibid., p. 73. July 17, 1636.

the ship resulted from a stormy session at Court, described by Sir Thomas Roe as follows:

His Majesty being advertised that the money was gone, I saw him call Windebank to a sharp account, with more passion and anger than ever I observed in a King that hath so much power over all his affections.<sup>1</sup>

Whether Roe exaggerated the plight of his old rival or not, by July 29 Windebank was posting official letters from Haines Hill. It is quite likely that the King requested him to remain there; Roe stated later that the King was punishing Windebank.<sup>2</sup> In any event, when the Council met at Woodstock on August 27, Windebank was present.<sup>3</sup> Observers expected a crisis at this meeting when Windebank would be made to answer for the release of the Spanish money.<sup>4</sup> There were rumours that Windebank and Cottington had been bribed to release the bullion; as one commentator put it, they were suspected to have "had ventures of merchandise in company with Nicolalde [the Spanish ambassador]."<sup>5</sup> Yet, after the Council discussed the incident at length, it ended by acquitting Windebank and Cottington. The captain of the ship was confined for eight days as punishment.<sup>6</sup>

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<sup>1</sup>CSP Dom., 1636-37, pp. 70, 79. July 20, 1636.

<sup>2</sup>Ibid., p. 99. Cf. Ogle and Bliss, I, 106.

<sup>3</sup>CSP Dom., 1636-37, p. 96.      <sup>4</sup>Ibid., p. 99.

<sup>5</sup>Ogle and Bliss, I, 106.

<sup>6</sup>HMC Third Report, Appendix, p. 73.

Evans suggests that Windebank's reprimand would probably have been more severe if his action had aided France; but since Spain, more popular with the King at that moment, was the beneficiary (the bullion supplied the Netherlands army), it was easier for Windebank to redeem himself.<sup>1</sup> On September 2, Windebank wrote to the King from Haines Hill apologizing for having caused some displeasure. He denied that he had been bribed; he insisted that he had intended no disobedience, but had acted in ignorance of the King's wishes.<sup>2</sup> A newsletter written in late September reported that Windebank and Cottington were still confined to their homes because of their error,<sup>3</sup> but in a short time, Windebank was back in the King's favour<sup>4</sup>--only to find himself embroiled in the difficult business of promoting England's sovereignty over the Narrow Seas.

King Charles was fond of asserting this traditional sovereignty, but implementing it proved difficult, especially since the French and Dutch navies were superior to the English, and piracy was much beyond anyone's control. In 1637, to raise funds and employ the fleet built from ship money, Charles I attempted to force Dutch fishermen working in England's fishing grounds to

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<sup>1</sup>Evans, p. 99.

<sup>2</sup>Clar. S. P., I, 634-36.

<sup>3</sup>HMC Tenth Report, Appendix, II (London, 1885), p. 160.

<sup>4</sup>HMC Fourth Report, Appendix, (London, 1874), p. 291.

buy licenses.<sup>1</sup> Windebank wrote to the Admiral instructing him to send a merchant ship to the fishermen and sell them licenses and protection from Dunkirk privateers.<sup>2</sup> The Admiral, more practical than Charles I, asked for instructions in the event that the Dutch refused the offer.<sup>3</sup> The King replied through Windebank that the attempt should be made, and, if it misfired, the fleet should pull back and inform Whitehall.<sup>4</sup> On July 24, Admiral Northumberland's agent, Captain Richard Fielding, reported to Windebank that he had approached the Dutch. The fishermen were eager to buy the licenses, but their guard of Dutch men-of-war refused to allow Fielding's ship to proceed until permission came from their commander. Encountering this opposition, Fielding turned back.<sup>5</sup> News of the alleged affront to the English navy spread rapidly. It became necessary for Windebank to instruct the officers to deny that Fielding was offering licenses and protection at all, and claim he was merely warning of an impending attack by Dunkirkers.<sup>6</sup>

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<sup>1</sup>He had had reasonable success in a similar effort the previous year. The record of the 1637 attempt is in CSP Dom. and HMC Third Report, Appendix, pp. 71-75. It is discussed by Gardiner, VIII, 218-21. For the 1636 attempt, see H. Richmond, The Navy as an Instrument of Policy 1558-1727 (Cambridge, 1953), p. 87.

<sup>2</sup>CSP Dom., 1637, p. 281.

<sup>3</sup>Ibid., p. 283.

<sup>4</sup>Ibid., p. 286.

<sup>5</sup>Ibid., p. 326.

<sup>6</sup>Ibid., p. 366. Windebank to Captain Richard Fogg at Plymouth.

Two years later, Windebank was again absorbed in a naval crisis which revealed the untenable nature of King Charles' claim to sovereignty over the seas around England. This time the action was initiated not by England but by the Dutch. The Spanish fleet of Admiral Oquendo, carrying an army to the shores of Holland, was attacked by the Dutch fleet under Admiral Tromp and sought refuge in the Downs in neutral waters. The Dutch followed the Spanish fleet into the harbour at Dover. Windebank informed the Spanish that Charles I would protect their fleet while it was in the harbour and would assign it a departure date. The Hollanders were told not to attack while the fleets were in the harbour for fear a sunken ship might henceforth impair its facilities. Vice Admiral Pennington, watching the scene with the ship money fleet, ordered the two combatants to opposite sides of the harbour. Then, Charles I initiated "an auction, the strangest in the annals of diplomacy, in which Charles' protection was offered as a prize to the highest bidder."<sup>1</sup>

Windebank relayed to the King the complaint of the Spanish resident that Charles I was not giving the fleet sufficient protection from Tromp. The King's reply, coming to Windebank through Endymion Porter who was with the Court at Windsor, was more concerned with the possibility of using this crisis to get the Palatine restored to

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<sup>1</sup>Gardiner, IX, 61.

Queen Elizabeth than with reassuring the Spanish resident that England would maintain her rights over her waters.<sup>1</sup> Actually, the King's fleet was in no position to protect the Spanish, even if there was a theoretical obligation. Pennington had only twenty ships compared to nearly ninety of the Dutch. The Dutch were known to be the best fighters at sea. Charles I recognized these facts; he issued orders to Pennington to be ready to "make as handsome a retreat as you can in so unlucky a business."<sup>2</sup>

The King's orders were appropriate, for on October 11 at ten o'clock in the morning, the Spanish and the Dutch clashed in a fiery battle in Dover harbour.<sup>3</sup> Windebank had previously instructed the Earl of Suffolk, Lord Warden of the Cinque Ports, to prepare to billet Spanish seamen in case an attack occurred.<sup>4</sup> This foresight was not misspent, for by nightfall many Spaniards were stranded at Dover. Tromp, when the remains of the Spanish fleet had limped away,<sup>5</sup> "returned to the Downs and expressed his justifiable contempt for the pretended English sovereignty with an ironical show of respect by a salute of its dishonoured flag."<sup>6</sup> All that remained for Windebank to do

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<sup>1</sup>Townshend, pp. 110-11.

<sup>2</sup>CSP Dom., 1639-40, p. 19.      <sup>3</sup>Ibid., p. 24.

<sup>4</sup>Ibid., p. 23.

<sup>5</sup>Of a Spanish fleet of fifty-three sail that engaged with Tromp, thirteen survived the battle.

<sup>6</sup>Richmond, p. 90.

was to send instructions to Balthazar Gerbier, England's agent to the Cardinal Infante, resident governor of Flanders. Gerbier was told to inform the Cardinal that Charles I was angry with the Dutch for the attack made in the English harbour and assure him of his Majesty's good intentions to the stranded Spanish sailors and soldiers.<sup>1</sup>

The wisdom of Charles I's policies concerning the seas around England and the bullion in its ports appears questionable. But his foreign policy was less detrimental in the long run than his domestic policies of financial extraction and government by factions. All of these involved Secretary Windebank. Their impact upon the culmination of his career was slight, however, when compared to the three tasks which fell to him because the secretaryship was so vaguely defined. These will be examined in the next chapter as a prerequisite for understanding Windebank's fall from power.

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<sup>1</sup>CSP Dom., 1639-40, pp. 43-44.



## CHAPTER IV

### THE POPE, PURITANS, AND PARLIAMENTS

Windebank's public career stopped short on December 4, 1640, the day on which he fled England from enemies who were determined to destroy him. What had he done? Windebank's activities in three areas led most directly to his fall from office: his negotiations with Papal representatives; his suppression of Puritans; and his role in Parliament. The negotiations roused the anger of many. Some of these angry men had experienced Windebank's heavy hand, and some were members of Parliament as well. In 1640, they sought to remove Windebank, "a most pestilent, treacherous instrument."<sup>1</sup>

An activity partially responsible for Windebank's later troubles was his negotiation with Papal representatives from 1634 to 1640.<sup>2</sup> The earliest instance of such

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<sup>1</sup>Prynne, p. 448.

<sup>2</sup>MSS sources for these negotiations are: PRO, Roman Transcripts (PRO 31/9 and 31/10); The Folger Shakespeare Library, Rossetti Transcripts, Strozzi Collection. Printed sources include Clar. S. P., I; Joseph Berington (ed.), The Memoirs of Gregorio Panzani (London, 1793), hereafter cited as Berington. Two secondary works are especially relevant: Gordon Albion's Charles I and the Court of Rome cited above (p. 106) and M. J. Havran, The Catholics in Caroline England (Stanford, 1962).

negotiation was unofficial. With the King's permission, Father Leander Jones arrived in England in 1634, ostensibly to visit old friends. He was the President General of the English Benedictines, and he had come to settle differences between secular and regular clergy. He also intended to confer with Cottington, Weston, Windebank and other courtiers who seemed personally receptive to the Roman Catholic Church. Jones became too enthusiastic about the possibility of reuniting the Anglican and Roman Catholic churches. His activities brought him into the notice of pursuivants, and Jones sought protection from Windebank.<sup>1</sup> After angering his superiors at Rome by urging them incessantly to revoke the Papal decrees against England's Oath of Allegiance (1606), Jones stood in danger of being recalled in disgrace. Windebank wrote to Rome in February, 1635, to secure permission for Jones to remain temporarily in England.<sup>2</sup> Jones, in fact, never left England again.<sup>3</sup>

In December, 1634, Gregorio Panzani arrived in London as the first semi-official emissary from the Pope. His work in England was recorded thoroughly in memoirs sometimes attributed to Windebank. Before examining the

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<sup>1</sup>Clar. S. P., I, 106.

<sup>2</sup>Albion, p. 147, citing PRO Roman Transcripts, Panzani to Cardinal Barberini, Feb. 9, 1635.

<sup>3</sup>Albion, p. 147.

mission itself, it will be well to establish the true authorship of these memoirs and account for the controversy which once surrounded them. Charles Plowden, in a work published at Liege called Some Remarks on a Book Entitled Memoirs of Gregorio Panzani, was in 1794 the first to suggest the memoirs were falsely attributed to Panzani. He declared that Panzani never wrote the account and referred to a comment of 1742 by Charles Dodd in The Church History of England to reinforce his interpretation.<sup>1</sup> Dodd had once intended to publish these under the title, "Memoirs of Windebank."<sup>2</sup>

Plowden's protest was a response to the publication in the previous year of the memoirs under the title, The Memoirs of Gregorio Panzani. Joseph Berington's introductory comments serve to explain his attribution of the memoirs to Panzani. He relates that Dodd, residing in Rome, had the memoirs translated from Italian manuscripts, intending to publish them. However, he hesitated to do so, for fear of stirring up a reaction against the memory of

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<sup>1</sup>Plowden, pp. 175, 189. Dodd had said he hesitated to publish the memoirs out of a "tender regard to the regulars [Jesuits]" (Charles Dodd [Hugh Tootell], The Church of England [3 vols.; Brussels, 1737-42], III, Part VI, 76). But arguing from the fact that Dodd had been quite willing to impune Jesuits in others of his works, Plowden insisted that the real reason for Dodd's reticence was his knowledge that the memoirs were not authentic (Plowden, p. 174).

<sup>2</sup>Berington, vii.

Charles I and against English Catholics and Jesuits. The memoirs, in fact, revealed a series of clandestine talks aimed toward promoting a reunion with Rome, much dreaded by militant Protestants. The King, furthermore, had often denied any such aspirations. Dodd was somewhat hesitant to attribute these damaging memoirs to Panzani. Dodd prepared some "Remarks" while readying the memoirs for publication, in which he wrote:

If the author was not Panzani himself, he certainly was some other who had his memoirs and private notes in keeping. The original is in Italian.<sup>1</sup>

Dodd brought the principal materials together under a new title, meaning to publish them as the Memoirs of Windebank. Before he could publish them in either form, he died.

Berington was in possession of Dodd's manuscripts in both forms: Memoirs of Windebank and Memoirs of Gregorio Panzani.<sup>2</sup> Taking up Dodd's work and examining all of the materials, Berington came to the conclusion that Panzani was indisputably the author: "I am myself so satisfied of the authenticity of the memoirs that I was not inclined to make any further inquiries. . . ."<sup>3</sup>

A reading of these memoirs is sufficient to establish that, whoever wrote them, it was not Windebank. Sev-

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<sup>1</sup>Dodd's "Remarks" in Berington, p. 258.

<sup>2</sup>Berington, pp. vii-viii.

<sup>3</sup>Ibid., p. viii. It was this satisfaction which Plowden attacked, albeit not very convincingly (cf. Plowden, pp. 189, 191, 200, 205).

eral references are made to "Secretary" Cottington,<sup>1</sup> an error Windebank would never have made. Furthermore, Windebank is portrayed as a rather gullible person, easily manipulated by Panzani and overly concerned with trifles. This is hardly a description Windebank would have written, whatever its validity. Finally, many of Cardinal Barberini's letters from Rome to Panzani are quoted or given lengthy summary in the memoirs. It is unlikely that Windebank had such material in his hands.

The Memoirs are extremely useful, in that they contain a careful description of the negotiations carried on by Windebank beginning December, 1634. At their first meeting, Panzani told Windebank he had come to pay a compliment to the Queen from the Roman See, and to inform himself of the situation of English Catholics. He might also negotiate differences between England and Rome concerning the Oath of Allegiance if the King and the Pope should desire him to do so. He insisted that the Pope and Cardinal Barberini, the Prefect of Propaganda, wanted King Charles' Catholic subjects to "behave themselves with the utmost respect to his Majesty in all civil matters," and that Rome intended to "give his Majesty all the content imaginable."<sup>2</sup>

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<sup>1</sup>Berington, p. 179.

<sup>2</sup>Ibid., p. 143.

Not to be outdone, Windebank assured Panzani that his King had always had the greatest respect for Urban VIII, and suggested that the Pope write an obliging letter to the King to help warm the climate for negotiations. Charles I had seldom pressed the execution of the laws against Catholics to extremity, Windebank told Panzani truthfully. Perhaps, as a reciprocal gesture of good will, the Pope would recall or moderate the Briefs of 1606 which condemned the Oath of Allegiance. After Windebank's assurance to Panzani that there was no foundation to rumours that he would be ordered to leave England, the first meeting ended in an atmosphere of mutual approval.<sup>1</sup>

That mutual approval did not extend to Panzani's superiors. Cardinal Barberini wrote that he should not have mentioned the Oath at all. Let Father Leander Jones' fall from favour be a warning and an example to him. The Briefs similarly were matters to be avoided. Finally, the Pope never wrote first to a King and could, in any event, write only an exhortation on religion which Charles I would hardly appreciate.<sup>2</sup>

Very soon after Panzani's arrival, Windebank brought up a matter for discussion which he felt would affect the outcome of the negotiations.<sup>3</sup> Some time before, Christopher

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<sup>1</sup>Berington, pp. 143-46.

<sup>2</sup>Ibid., pp. 157-59.

<sup>3</sup>Discussion of the matter appears fully in J. B. Dockery, Christopher Davenport (London, 1960), pp. 68ff.

Davenport, also known as Sancta Clara, the Queen's Roman Catholic Chaplain at Somerset House, had written a book entitled Deus, Natura, Gratia. Charles I was pleased by its mild treatment of Protestantism and its lack of the polemic tone common to religious works by both Protestants and Catholics of the age. These same qualities, however, were met by predictable hostility in Rome, where the Jesuits urged the Pope to denounce Davenport's book. The book was unofficially condemned. Windebank knew of this, and when a second edition of Deus, Natura, Gratia appeared in 1634, he grew fearful that the favoured piece would be denounced publicly by the Pope. "It would certainly ruin all . . . projects," Windebank told Panzani, "if a work of that pacific tendency were condemned."<sup>1</sup> It is impossible to discover Panzani's response to Windebank's concern, for there are two letters reporting their discussion, both by Panzani and both contradictory. In one addressed to Cardinal Barberini, Panzani reported he had assured Windebank that he had heard nothing from Rome about censuring the book and would do all in his power to see that the King received justice from Rome.<sup>2</sup> However, Panzani reported this same conference directly to the Pope and related that he had told Windebank the book had been banned, causing the Secretary to become very angry and say there was no

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<sup>1</sup>Berington, p. 167.

<sup>2</sup>PRO, Roman Transcripts 31/9/17, letter of Jan. 16, 1635, translated from Italian and quoted by Dockery, p. 68.

respect for the King.<sup>1</sup> Since it could not have happened both ways, one must assume Panzani was using political license to elicit the desired responses from his directors. At any rate, Windebank's concern had little effect on Rome, where the book was inevitably censured.

England was only one of many interests and few in Rome expected the negotiations to bear fruit. Rome's attitude toward Panzani's talks with Windebank showed clearly in the letter of instruction sent by Cardinal Barberini to Panzani on March 13, 1635.<sup>2</sup> It described a considerable number of impediments and hazards which Panzani was to keep in mind. Foremost, the conferences with Windebank were to be kept a secret from the Roman Catholics, who would be likely to grow overconfident upon hearing of a union between the two churches, and so "break out in impertinences, which, afterwards, if the design missed, would have a contrary effect and draw a persecution on them."<sup>3</sup> A similar caution was to avoid all contact with Archbishop Laud in order that the regulars, especially Jesuits, might not grow discontented, suspecting the Pope intended to revoke his decrees against the Oath. Concerning the Oath, Barberini warned Panzani to engage no further in the matter except upon the advice of Father Philip, the

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<sup>1</sup>Dockery, p. 68.

<sup>2</sup>Berington, p. 171.

<sup>3</sup>Ibid.



Queen's Confessor. Panzani was similarly restricted in the matter of talks with Windebank about reunion of the two churches. Rome was not sure England was ready for union, and Panzani was not to suggest false promises of compromise. Not only was Deus, Natura, Gratia condemned, despite Windebank's pleas, but Davenport should disclaim his bold assertions and leave England. Finally, a small beam of hope was included by Barberini's assurance that Rome favoured, albeit somewhat mildly, Charles I's project of marrying the daughter of the Elector Palatine to the King of Poland. Little wonder that the summer of 1635 saw no real progress in the talks.

In October, 1635, Windebank secured the King's warrant to confer officially with Panzani about specific matters and discussions began in earnest.<sup>1</sup> Although Charles I would not receive Panzani openly, he was vitally interested in achieving accommodation with the Roman Catholic Church and suggested issues to be discussed. For his part, Windebank desired quiet times and was hopeful of effecting a reunion of the churches. There is evident both enthusiasm and determination in Windebank's code of conduct during the negotiations.

Among the first items on the agenda was an exchange of agents between the Pope and Queen Henrietta Maria. This scheme was apparently Windebank's idea. Both Panzani and

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<sup>1</sup>Clar. S. P., I, 352-53.

the Queen's Confessor referred to it as such in their accounts to Rome.<sup>1</sup> Since an agent in Rome would keep Charles I in touch with the Holy See and give England another instrument for diplomatic interchanges, Charles was quite willing to send a representative; but fearing Puritan reaction, the agent was to appear as the Queen's agent only and the King would not welcome a Papal agent to London. Rome required guarantees that a Papal agent would enjoy the privileges of other royal ambassadors and be allowed to maintain a public chapel. While Windebank assured Panzani this would be the case, he had to acknowledge that he was unable to speak for the King on this point. In fact, he could not allow Panzani to relay his assurance to Rome, for fear it would become known in England. Panzani would have to receive the command to write of the matter from the Queen, Windebank concluded.<sup>2</sup>

Although Windebank, Cottington, and Portland ultimately convinced Charles I that a two-way arrangement was desirable, they were unable to influence his choice of the man for the mission to Rome. When Charles I chose Sir Arthur Brett, they were extremely dissatisfied. Windebank complained to Panzani that the nomination of a

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<sup>1</sup>Berinton, pp. 187, 190. The letter from Father Philip to Barberini is printed on p. 187 with comments by Berington.

<sup>2</sup>Albion, pp. 150-51, quoting from Archives, Vatican Library, Codices Barberini Latini 8632, no. 2.

person so remarkably unqualified would reflect upon the wisdom of those who had managed the project.<sup>1</sup> Not only did Windebank lack confidence in Brett, but he feared the entire mission was doomed to failure. Brett was to seek the restitution of the Palatinate; a new Oath for English Roman Catholics; and the marriage of the King of Poland to a daughter of the Elector of the Palatine. The first two objectives seemed too grand for Brett's abilities, and the third was a plan favoured neither in France, Spain, Poland, nor Rome itself.<sup>2</sup> Panzani's statement that Windebank went about promoting the mission cheerfully once Brett was finally named is not especially convincing. The Secretary was to be Brett's only link with the King, in order to maintain secrecy.<sup>3</sup> Perhaps because of this, Windebank requested a warrant from the King to absolve himself from any responsibility for the mission.<sup>4</sup> As fate would have it, however, Brett became ill, returned before reaching Rome, and died in England in March, 1636.<sup>5</sup>

While Brett's mission was being prepared, Windebank and Panzani continued to meet frequently. The King was inclined to think well of the discussion. He talked with Panzani personally on an occasion arranged by Windebank and the Queen.<sup>6</sup> With royal approval encouraging him,

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<sup>1</sup>Berington, p. 199.      <sup>2</sup>Ibid., p. 210.

<sup>3</sup>Clar. S. P., I, 355.      <sup>4</sup>Ibid., p. 353.

<sup>5</sup>Albion, p. 157.      <sup>6</sup>Berington, pp. 161-62.

Windebank pressed Panzani to revise the Oath, while Panzani urged the appointment of a Roman bishop in England.

The project of a bishop for England had grown out of Rome's desire to reestablish the Roman Catholic Bishop of Chalcedon in his English jurisdiction.<sup>1</sup> When Charles rejected this proposal, the plan shifted to one whereby an Englishman would be appointed Bishop of England. Windebank thought well of this idea, but he knew that it was not likely to win the approval of the English Protestant hierarchy, who were averse to all Roman supervision.<sup>2</sup> Archbishop Laud, we may be sure, could not have favoured the project and may have been angry with Windebank for his part in it. Lord Cottington, similarly, was against having a bishop sent by the Pope to England. He was a friend of the Jesuits and probably reflected or echoed their reasons for opposing the scheme.<sup>3</sup>

The Jesuits had long been competing with the secular Roman Catholic clergy in England.<sup>4</sup> They resented Gregario Panzani, who had been sent to England without their approval or foreknowledge, and they wanted no bishop in England representing Papal authority and rallying the secular

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<sup>1</sup> Richard Smith was the incumbent; Laud as Archbishop had been approached by the Bishop of Chalcedon but refused to consider permitting his return (Dockery, p.44, citing Archives of the Congregatio de Propaganda Fide, *Anglia*, 347, fol. 516, n.d.).

<sup>2</sup> Berington, p. 146.

<sup>3</sup> *Ibid.*, p. 180.

<sup>4</sup> This dissension was one of the matters which prompted the visits of Father Leander Jones and Panzani.

clergy.<sup>1</sup> The Jesuits had presented to Panzani a forged petition, supposedly signed by many Roman Catholic laymen, protesting the government of bishops in England.<sup>2</sup> Instead of a bishop, the regular clergy urged the appointment of an "archpriest" who would have no authority over regulars or laity.<sup>3</sup> In order to discredit Panzani, the Jesuits suggested that he was an agent of France.<sup>4</sup> Therefore Panzani carefully avoided intimate contact with either the French or, for good measure, the Spanish.<sup>5</sup> The Jesuits then created a rumour that Panzani had been ordered to cease talking with the Queen or Windebank and talk only with Cottington. This move, Panzani felt, was intended to set him at odds with Windebank and Laud too.<sup>6</sup> Finally, it was noised about that Roman Catholics should be wary of visiting Panzani because a persecution of Catholics was soon to occur.<sup>7</sup> Panzani and Windebank did their best to ignore or counteract the Jesuit maneuvering.

Panzani told Windebank that Rome had made no decisions on the matter of a bishop, but that if one were sent to England, his authority would not in the least clash or interfere with the Pope's claim of jurisdiction; he would not challenge established power in secular matters regarding tithes, wills, or tribunals. His authority

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<sup>1</sup>Berington, pp. 174, 180, 181.

<sup>2</sup>Dodd's narration included in Berington, pp. 178-82.

<sup>3</sup>Berington, p. 183.      <sup>4</sup>Ibid., p. 179.      <sup>5</sup>Ibid., p. 157.

<sup>6</sup>Ibid., p. 179.      <sup>7</sup>Ibid., p. 183.

would be confined to purely spiritual matters such as confession, confirmation, and "other things belonging to discipline and morals." A person would be chosen who was able to please the King and all concerned.<sup>1</sup>

In addition to their talks concerning a Roman Catholic bishop for England, Windebank and Panzani considered the matter of a reunion of the Church of England and the Roman Catholic Church. Windebank approached this issue with surprising directness when he informed Panzani that the Church of England would require three adjustments: there must be Communion in one<sup>2</sup> kind; the Mass and Liturgy must be performed in English; and priests and bishops must be permitted to marry.<sup>3</sup> Not all of these requirements appealed to Windebank personally. He did like the idea of using English in the service, but he felt no sympathy with the argument that the clergy should be allowed to marry. The current Roman Catholic manner of Communion he viewed as "a scandalous practice."<sup>4</sup> If only the Roman Catholics would subscribe to the Oath, Windebank continually reminded Panzani, the project of reunion would be much benefitted.

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<sup>1</sup>Berington, pp. 146-47.

<sup>2</sup>This is probably an editorial error on Berington's part. Communion in both kinds is undoubtedly what Windebank was instructed to demand. That is, both bread and wine should be used. Cf. C. B. Pallen and J. J. Wynne (eds.), New Catholic Dictionary (New York, 1929), p. 238.

<sup>3</sup>Berington, pp. 162-64.

<sup>4</sup>Ibid., p. 162. Most Protestants preferred Communion in both kinds.

Despite Windebank's urgings, Panzani avoided committing himself on the several issues. Rome had maintained its attitude of skepticism, and was not about to promise such vast concessions when the project was fraught with hazards. "I am afraid you aim at too much," Panzani's superior had scolded.<sup>1</sup> The specific proposals made by Windebank would never be acceptable to Rome.<sup>2</sup>

In addition to the opposition of the Jesuits, the Roman Curia, the Protestant hierarchy, the Archbishop, and Cottington, Windebank's discussions with Panzani aroused the Puritans' anger as well. Panzani delighted in making sport of Secretary Coke, whose staunch Protestant principles led him into an amusing faux pas. Panzani reported that while discussions were going forward, Secretary Coke requested an audience with the King on a matter of great urgency. Hoping to bring royal disapproval on the project and his rival, Windebank, Coke revealed to Charles that:

there was a certain Italian priest named Panzani, sent secretly by the Pope . . . who might be of dangerous consequence to the state, as well as to his Majesty's private affairs.<sup>3</sup>

The King smiled, and then told Coke that "he was no stranger to Panzani's arrival . . . and that he needed give himself no further trouble on that head."<sup>4</sup>

Windebank, long fearing the consequences of a discovery of his discussions with Panzani, had continually

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<sup>1</sup>Berington, p. 157.      <sup>2</sup>Ibid., p. 174.

<sup>3</sup>Ibid., pp. 153-54.      <sup>4</sup>Ibid.

admonished the priest and cautioned Barberini never to even mention his name.<sup>1</sup> In the short run, Coke's discovery, which he undoubtedly made known to those who shared his religious views, merely alarmed the more nervous Protestants. A rumour arose that Windebank and Panzani had agreed to send Puritans to the war in Flanders in order to be rid of them. Supposedly, Panzani would secure Rome's aid in the form of captains, soldiers, and money.<sup>2</sup> There is no evidence available to substantiate this tale, but little was needed to set off the sensitive dissidents. Despite their fear, they were powerless in the face of Charles I's determination to at least explore reconciliation with Rome. In the days ahead, however, Windebank's role in the discussions would increase his vulnerability.

Panzani's tendency to "aim at too much" in the view of his superiors led to his revocation. His replacement was reported in a letter from the Queen's confessor to Windebank. Signor Gregory Con would come from the Pope, he said, to represent Rome to the Queen as Brett (and subsequently Sir William Hamilton) had represented the Queen at Rome.<sup>3</sup>

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<sup>1</sup>Berington, pp. 237, 244, et passim.

<sup>2</sup>Gardiner, VIII, 135.

<sup>3</sup>CSP Dom., 1635-36, p. 548.



George Con was the first official Papal representative to negotiate with Windebank. Although he pleased Charles I, being an art connoisseur and a Scot, his reserved personality and attitude were markedly different from Panzani's, who had been cheerfully accommodating and quite optimistic about the prospects of a reunion. Like Panzani, Con spoke with Windebank about important and difficult issues: the loyalty of English Catholics; Papal jurisdiction in England; and the possibility of altering the Oath; the return to England of a Roman bishop; and the matter of Jesuit activity in England.<sup>1</sup>

With Panzani, Windebank had talked freely about the problems to be faced before a reunion could be effected. In his negotiations with Con, Windebank found the matter of reunion far more difficult than it had seemed with Panzani. Con would tolerate no compromises where Roman Catholic doctrine was concerned and maintained a skeptical and more realistic outlook concerning the feasibility of reunion.<sup>2</sup> During their first discussions of this issue, Con formed the opinion that Windebank was unrealistic. According to one analyst, Windebank envisioned "a chimerical kind of reunion with the English and Roman churches enjoying a certain parity of rights."<sup>3</sup> This approach eventually provoked Con to strong language: the Anglicans

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<sup>1</sup>Havran, pp. 140-41.      <sup>2</sup>Albion, pp. 188-90.

<sup>3</sup>Ibid., p. 188.

were making a grave mistake in thinking they could effect union with Rome through the medium of "liberal-minded priests and semi-schismatics," he said bluntly.<sup>1</sup> This was, undoubtedly, a reference to Windebank's continued friendship with Christopher Davenport, author of the condemned Deus, Natura, Gratia,<sup>2</sup> and to Panzani's ill-advised encouragements.

It appears Windebank was either unable or unwilling (or both) to consider reunion on Con's terms. One particular incident reveals his attitude clearly. Charles I and Con were considering the religious ideas upon which both churches agreed. They found the first four Councils and the three Creeds (Apostolic, Athanasian, Nicene) satisfactory, but identified differences concerning the evaluation of the Council of Trent (1545-63). Thereupon, Charles I called Windebank into the discussion. But, Con related, Windebank "evading the question, began to recount the intrigues of Trent . . . so all three began to argue" and no progress was made.<sup>3</sup> It is certain that Windebank hoped reunion could be achieved, but his ability to deal with Con was insufficient to move the matter forward.

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<sup>1</sup>Albion, p. 189, quoting Codices Barberini Latini 8642, fol. 203.

<sup>2</sup>Dockery, p. 38, quoting PRO, Roman Transcripts, 31/9/126.

<sup>3</sup>Albion, p. 239, citing Codices Barberini Latini 8642, fol. 59. Among the books in Windebank's library was one on the Council of Trent (PRO, S. P. 20/7/17).

Concerning the Oath, more progress was made with Con. All along, Windebank had been urging the Pope's agents to secure a new version of the Oath from Rome. Barberini, politically acute as he was, insisted that this would be a damaging way to go about the matter. "Should we form an oath here, and send it to the King," he explained, "they would examine it, and censure it in England."<sup>1</sup> Rather, it should be the business of the Papacy to act as judge when the faith was attacked or endangered.<sup>2</sup>

Windebank composed a reformed Oath late in 1636. When Con rejected it, Windebank accused him of failing to negotiate in good faith. The matter had been nearing a solution when Con arrived, Windebank complained, and now Con was holding things at bay. Con gave a pointed reply: no one before himself had had any commission to treat of the Oath, so there never could have been any question of a settlement.<sup>3</sup> Once again, Windebank revealed a lack of understanding of theological matters and their political repercussions. He asked Con why he had made such a point of the word "priest" in the Oath Windebank had composed--why it had to be changed to "ecclesiastic."<sup>4</sup> Apparently Windebank failed to see that Roman

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<sup>1</sup>Berington, p. 159.

<sup>2</sup>Ibid., p. 155.

<sup>3</sup>Albion, p. 268, quoting Codices Barberini Latini 8640, fols. 89-90. Con to Barberini, January 19, 1637.

<sup>4</sup>Albion, p. 269.

Catholicism's doctrine that ordination is a sacrament, and the consequent divinity of the priest, made it impossible to admit any other faith's clergymen to that name.<sup>1</sup>

Another attempt was made to formulate a mutually acceptable version of the Oath. Charles I and Con began it, and Windebank joined them after a few months had passed. The three men composed a revised Oath which they felt required civil allegiance without denying the Pope's spiritual authority and supremacy. Yet, this phase of the negotiation was also fruitless, for Rome rejected the new Oath and Con could not win its reconsideration.<sup>2</sup>

While Con and Windebank discussed the Oath and other matters, an old idea arose again that an Englishman should be made a Cardinal. Although the project was coolly regarded in Rome and had as little hope of realization as had the scheme for appointing an English Bishop, those Englishmen who favoured accommodation with Rome continued to give thought to it. Windebank received a letter and memorandum entitled "Reasons for Creating an English Cardinal," drawn up by William Price, Leander Jones' man.<sup>3</sup> There was, for a time, a rumour that Con would be appointed, but by the end of 1638, Windebank and others had abandoned that particular candidate.<sup>4</sup> The entire matter was then relegated to the sidelines, a relief to Rome.

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<sup>1</sup>Pallen, p. 786.

<sup>2</sup>Albion, pp. 277-79.

<sup>3</sup>Clar. S.P., I, 133-38.

<sup>4</sup>Albion, p. 312.

In the summer of 1639, Con and Windebank found themselves again at cross purposes as they discussed the possibility of a loan from Rome for the desperate King. Windebank wanted Con to arrange for £100,000 for general use in England, but the latter insisted that any loan must be used solely to maintain a company of troops in the Queen's service. As might be expected in such circumstances, no loan was arranged.<sup>1</sup>

In early autumn, 1639, Con was replaced by Count Carlo Rossetti, who received a warm welcome from the monarch as well as offers of assistance from Windebank.<sup>2</sup> Rossetti was enthusiastic about reunion and was favorably impressed by England's lenient treatment of Roman Catholics.<sup>3</sup> He set about gathering information to forward to the Pope concerning the several candidates for the now-revived project of a Cardinalate. Windebank favoured the consideration of the King's cousin, Ludovic Stuart, a man who had converted to Catholicism five years earlier. The Queen was intent upon having her favourite and chaplain, Walter Montague, appointed. Rossetti indicated to Windebank that Rome would be inclined to prefer Stuart.

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<sup>1</sup>Albion, p. 359. Con did arrange a collection from English Catholics, however, in which the Queen participated (CSP Dom., 1639, p. 74; Albion, pp. 334-35).

<sup>2</sup>Gardiner, IX, 87, citing PRO, Roman Transcripts, letter from Rossetti to Barberini of Sept. 6/16, 1639.

Albion, p. 317.

Taking up the hint, Windebank suggested to the King that he urge the Queen to change her preference, in the hope that a united effort could bring about an appointment. By this time, however, more urgent, essential problems had come to the fore, and the matter made little headway after June, 1640.<sup>1</sup>

As Charles I's finances grew desperate after the failure of the Short Parliament to grant him support, discussion between Rossetti and Windebank centered on another attempt to obtain a loan from the Papacy. Hoping to find the Pope ready to aid a monarch presumably so near returning to the fold, Windebank made an appeal to Rome, through Rossetti, for money and men. Once again, he achieved no success.<sup>2</sup>

Because of Windebank's association with Papal agents and the numerous ways in which he had assisted English Catholics (or hindered their persecutors), he was suspected of being a Catholic himself. The most significant instance of Windebank's being so labeled during his lifetime was in William Prynne's Rome's Masterpiece, printed in London in August, 1643. The content of this piece had been circulated as early as October, 1640; and at this early date, Sir William Boswell sent Archbishop Laud a long exposition by an anonymous informer entitled, "The

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<sup>1</sup>Albion, pp. 321, 327.

<sup>2</sup>Gardiner, IX, 134-35, citing Rossetti to Barberini, August 20, 1640.

Grand Design."<sup>1</sup> According to this exposé, Windebank had taken part in a scheme headed by Con designed to induce Laud to become a Cardinal. Windebank, the writer alleged, met at least three times weekly with the "conspirators" to give them information. He rented a house near the Legate's in order to facilitate these meetings; there was even a secret garden passageway between the other houses. Windebank was being bribed with lavish gifts, and his complicity was confirmed by the assertion that "he sent his son expressly to Rome . . . to insinuate himself into the Roman pontiff."<sup>2</sup>

There was enough truth in these allegations to make them at least plausible. Windebank's son had been in Rome, and had been well treated there by Barberini. In June, 1638, during a long tour of the Continent, Christopher was received twice by Barberini.<sup>3</sup> In August, 1636, Thomas also visited the Cardinal.<sup>4</sup> But neither of Windebank's sons had been sent "expressly to Rome to insinuate" himself with the Papacy. They stayed with the Queen's agent there, Sir William Hamilton, and were very careful to observe proper practices.<sup>5</sup>

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<sup>1</sup>The Harlaian Miscellany, VIII (London, 1810), 198-205.

<sup>2</sup>Ibid., p. 205.

<sup>3</sup>CSP Dom., 1637-38, p. 467.

<sup>4</sup>Ibid., 1636-37, p. 108.

<sup>5</sup>Nevertheless, in 1646, the letters written by Windebank's sons while in Rome were published along with a letter by Panzani and correspondence between Windebank and

Windebank insisted repeatedly that he was not a Roman Catholic. When taxed by Panzani with not being Catholic, Windebank answered, "I tell you, if I did not believe I was a Catholic, I would not stay in the country . . . . I am a Catholic, though not a Roman Catholic."<sup>1</sup> In a letter to the Lord Chamberlain written immediately after he fled to France, Windebank explained:

For myself I received my baptism in the Church of England, and I know nothing in the Church of Rome that can win me from that Church wherein I was made a Christian.<sup>2</sup>

In spite of Windebank's own denials, and other evidence supporting them, historians have often included Windebank among the Catholics or crypto-Catholics at the Court of Charles I.<sup>3</sup>

The most convincing evidence of the truth of Windebank's denials is his deathbed conversion in 1646.<sup>4</sup> Father Cyprien de Gamaches, a Capuchin in Queen Henrietta

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Catholics to "prove" Windebank was "the very broker and pander to the Whore of Babylon" (Prynne, Canterbury's Doom, pp. 21, 443-53).

<sup>1</sup>Albion, p. 202, quoting a letter from Panzani to Barberini which reported Windebank's comment (Roman Transcripts 9/139/133, Aug. 5, 1635). See also Berington, p. 162, for a paraphrase.

<sup>2</sup>Nalson, I, 653. See Appendix VI below.

<sup>3</sup>Two typical instances: Roger Lockyer, Tudor and Stuart Britain (London, 1964), p. 256; Dockery, p. 38.

<sup>4</sup>It should be noted that there remain no official records of Windebank in the French archives (Letter of F. Doussot, Adjoint au Directeur General des Archives de France, dated Nov. 17, 1970).



Maria's retinue, recorded the event in a diary.<sup>1</sup> First came the conversion of Windebank's daughters. When they told Windebank of their entry into the Roman Catholic faith, he was not pleased. One might enter Paradise in the Protestant as well as the Catholic religion, he insisted. His daughters asked a priest to talk with Windebank and they "prayed for his conversion, which they at length obtained." Windebank died a happy Roman Catholic, the missionary records, "full of thanksgiving for the blessing which he had received, particularly for his vocation to the Catholic, Apostolic, and Roman Church, in which, provided with all the sacraments, he passed happily from this life to a better."<sup>2</sup> In view of this conversion to Roman Catholicism during the last days of his life plus his earlier denials, it seems probable that he was not a Roman Catholic in 1640 when the accusations were made. Rather, Windebank was an Anglican who believed that the fundamental differences between the two "Catholic" churches were insignificant. He was not one to champion any cause to the bitter end or to maintain a rigid posture, and his religious attitudes reflected these traits.<sup>3</sup>

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<sup>1</sup>Printed in R. F. Williams (ed.), The Court and Times of Charles I, II (London, 1848), passim. Hereafter cited as Court and Times.

<sup>2</sup>Ibid., p. 401. One of his daughters stayed in France and became a nun (HMC Downshire, I, Pt. I (London, 1924), 465, 485). Another married Edward Hales, a follower of James II who came to France in 1689 (Edward Hasted, History and Topography of Kent (Canterbury, 1778-99) II, 577).

<sup>3</sup>Havran, p. 136, calls him a "staunch Anglican of Laudian principles."

Predictably, Windebank disliked religious extremists whose adamant and loud cries threatened to drown out the voices of men engaged in calm discussion. During his negotiations with Papal representatives, Windebank once said, "If we had neither the Jesuits nor the Puritans in England, . . . I am confident an union might easily be effected."<sup>1</sup> The Jesuits were, in fact, a constant irritation to Windebank as much as to Panzani. While Windebank was trying to bring about a compromise on the matter of the Oath of Allegiance, the Jesuits renewed their vociferous protests against it. Windebank complained to Panzani, who was himself no admirer of the order, and Panzani tried to prevent all Roman Catholics from angering the King by their fresh arguments against the Oath.<sup>2</sup> Windebank railed against the Jesuits on several occasions, claiming they stirred up controversy in order to increase their own following and fortune. He thought it would be a good idea for Charles I to banish them altogether.<sup>3</sup> It is little wonder that Windebank maintained this antipathy toward Jesuits, for they opposed the appointment of an English bishop and spoke clandestinely against reunion--two of Windebank's special projects--and they stirred the smoldering coals of Puritan suspicion.<sup>4</sup> Eventually, Panzani went so far as to suggest that the Papacy might score a

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<sup>1</sup>Berington, p. 163.      <sup>2</sup>Ibid., pp. 244-45.

<sup>3</sup>Ibid., pp. 168-69.      <sup>4</sup>Ibid., p. 153.

great victory if it sacrificed the English Jesuits in order to facilitate reunion.<sup>1</sup>

Windebank resented the extremists on both ends of the religious spectrum, as his activities against the Puritans showed. In order to understand the implacable hatred of Windebank by English Puritans in 1640, it is necessary to examine in some detail the occasions which had given rise to their feeling. Even while associating freely with Roman Catholic subjects and agents, Windebank had been active in the government's efforts to quiet Puritan opposition since 1632. Four months after he took office as Secretary, he was investigating the dissenting views and practices among English merchants in the Low Countries.<sup>2</sup> In February of 1633, he was among the officials who signed the warrant for imprisonment in the Tower of William Prynne. Prynne's offense was his penning of Histrion-Mastix, construed by Windebank and others as an attack upon the Queen's frequent dabling in acting. Although a title such as "Women Actors Whores" seems to support the Court's construction, Prynne felt he had been unjustly persecuted, and made his grudge against Windebank and the others public by publishing an account of the episode in A New Discovery of the Prelates Tyranny.<sup>3</sup>

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<sup>1</sup>Berington, p. 163.

<sup>2</sup>CSP Dom., 1631-33, p. 432. Cf. Trevor-Roper, pp. 244-54.

<sup>3</sup>Printed in 1641, Prynne's New Discovery is on reel 254 of University Microfilms English Books, 1641-1700.

Windebank had been Laud's disciple when Prynne was given such short shrift by him; but his antipathy toward extremists, especially of the Puritan variety, did not diminish after he became more independent of Laud in 1635. He was present and taking notes in the Star Chamber when Attorney General Bankes presented his case against John Bastwick, Henry Burton, and William Prynne (again) in June, 1637.<sup>1</sup> These three Puritan spokesmen were severely punished as examples to their followers and Windebank earned a share of their resentment.<sup>2</sup> In fact, his presence during the hearing and again at the sentencing was pointed out to Parliament in February, 1642.<sup>3</sup>

By the spring of 1639, Windebank's secretary and nephew, Robert Reade, was complaining of the many anti-Puritan activities that demanded his effort:

I am in such continual employment in examining these Puritan rogues, in searching their seditious papers, and discovering their plots and villanies, that I am weary of life.<sup>4</sup>

Windebank himself was no less busy. For a full month he received pleas for help from Sir James Douglas, governor at Berwick, who wanted Laud or Charles I to forbid the Company of Mercers at London from salarizing a Puritan minister for the church at Berwick.<sup>5</sup> Windebank

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<sup>1</sup>PRO, S.P. 16/361/77.      <sup>2</sup>Keeler, p. 395.

<sup>3</sup>CJ, p. 92.      <sup>4</sup>CSP Dom., 1639, p. 96.

<sup>5</sup>Ibid., 1636-37, pp. 547, 555; 1637, p. 18; Christopher Hill, Society and Puritanism (London, 1964), p. 108.

was finally able to effect this, but such success was somewhat exceptional. Throughout the 1630's, as before, the central Church and the central government struggled against the "ratsbane of lecturing,"<sup>1</sup> one of many centrifugal forces.

Newcastle-upon-Tyne became a continual trouble spot for Windebank as its Puritan movement, although remaining a minority, gained strength and began to sympathize with the Scottish Covenanters.<sup>2</sup> While Windebank was corresponding with the officials of Newcastle in an attempt to trace reported Covenanters,<sup>3</sup> he also spurred the Mayor and Aldermen to investigate William Morton, an unofficial lecturer there whose regular sermons attracted many non-conformists.<sup>4</sup> No sooner had this pressure caused Morton to leave Newcastle than Archbishop Neile wrote Windebank to alert the King that an official lecturer, Dr. Jenison, was suspected of nonconformity.<sup>5</sup> After examining Jenison and concluding that he was indeed a Puritan, several letters were exchanged by Neile and Windebank while they considered what was to be done about him. In October, Windebank informed the town government of Charles I's pleasure: Jenison was to be suspended and tried, while Dr. George Wishart was to be appointed lecturer to replace

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<sup>1</sup>Hill, Society and Puritanism, pp. 79-123. The phrase is the title of Hill's Chapter III.

<sup>2</sup>Howell, pp. 92-118.      <sup>3</sup>See pp. 74-75 above.

<sup>4</sup>CSP Dom., 1638-39, pp. 358, 432.      <sup>5</sup>Ibid., p. 593.

Jenison.<sup>1</sup> It was more easily ordered than accomplished. In January, 1640, Jenison was still in Newcastle, insisting upon his innocence.<sup>2</sup> He eventually left England for Danzig, but Windebank's concern over Puritans in Newcastle did not subside.

The Vicar of Newcastle, Yeldard Alvey, sent a report to Archbishop Laud in December, 1639, which was passed on to Windebank for action.<sup>3</sup> In the report, Alvey decried the harassment given to a Newcastle lecturer, Thomas Stephenson, by the town's "zealots." It had forced Stephenson to resign shortly after Dr. Jenison had been dismissed. Then, without consulting either Alvey or Bishop Morton of Durham, the Mayor and Common Council had elected a new lecturer, John Bewick, who was in close contact with the Puritan leaders. This was too impudent to be born. Windebank sent a stinging order to the Mayor ordering him to make no excuses but repair immediately to himself to answer for this extraordinary proceeding.<sup>4</sup> Archbishop Neile and Bishop Morton both took a hand in rectifying this development, and eventually Windebank learned that Alvey was lecturer, to the satisfaction of the Church and the chagrin of the Newcastle Puritans.<sup>5</sup>

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<sup>1</sup>CSP Dom., 1639-40, p. 21.    <sup>2</sup>Ibid., p. 321.

<sup>3</sup>Ibid., pp. 169-70. See Howell, pp. 111-13.

<sup>4</sup>CSP Dom., 1639-40, p. 347.

<sup>5</sup>Ibid., pp. 345, 372, 384, 429, 436. See p. 278 for Alvey's plight in 1641.

In one matter, however, the Newcastle Puritans got the upper hand. Windebank's informant, Newcastle Alderman Sir John Marley, had told him that the Puritan group would promote one of their own in the upcoming mayoralty election. To head off trouble, Windebank wrote to warn the town officials that they would do well to see that a person worthy of the King's trust was elected.<sup>1</sup> Nevertheless, the new Mayor was the Puritan Robert Bewick, half brother of Dr. Jenison. This development helps to account for both the highhanded appointment of a lecturer to replace Stephenson (John Bewick was the new Mayor's brother) and Windebank's angry summons thereafter. It also explains in part the last problem Windebank dealt with concerning Newcastle's Puritans. When the city had elected its representatives to the Short Parliament, the town's Puritans drew up a list of grievances for the representatives to present to the House of Commons.<sup>2</sup> The activity involved in preparing and circulating this petition apparently caused officials to notice the project, and it was stopped short. It now rests among the State Papers where it was placed, no doubt, after Windebank had inspected it.

In addition to his efforts against Puritans and his negotiations with Papal emissaries, an important cause

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<sup>1</sup>CSP Dom., 1639, p. 480.

<sup>2</sup>Ibid., 1639-40, pp. 600-604.

of Windebank's downfall was his relationship with Parliament. As Secretary of State, Windebank was expected to be a member of Parliament. He transmitted royal messages to the House of Commons and represented the King there. Like most of Charles I's officers, Windebank never liked Parliament. He reflected with disgust upon the lack of order (and of subsidies) in the Parliaments called by King Charles in 1625, 1626, and 1628. When Strafford was considering calling an Irish Parliament into session, Windebank offered his advice: don't bother. "Of latter years, government hath not been much bettered by Parliaments,"<sup>1</sup> he felt. Those who favoured the idea of having a Parliament in England, Windebank ridiculed as "Sir Politic-wouldbees" who fooled only themselves by predicting a "Parliamentary paradise."<sup>2</sup> He insisted that Parliament was full of "the King's greatest enemies."<sup>3</sup>

During a controversy about the value of summoning a Parliament in late 1639 and early 1640, Windebank agreed with Strafford, Laud and Hamilton, when they suggested that a Parliament should be summoned in order to prove that the King wished to govern through Parliament. If his subjects would not do their utmost duty (i. e., furnish funds), the

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<sup>1</sup>Wentworth Woodhouse MSS, Strafford Letter Book, 5/231.

<sup>2</sup>Ibid., fol. 248.

<sup>3</sup>Gardiner, VIII, 137, quoting Windebank's speech to Panzani. Although I found no document with the exact phrase, it was a likely remark.



King would be justified in using extraordinary means, due to the "peevishness of some few factious spirits."<sup>1</sup>

Whether Windebank approved or not, Charles I decided in late 1639 that a Parliament must be summoned. Windebank began preparing for his election in December, 1639, by seeking the advice of his Berkshire neighbor, Sir Richard Harrison, who had sat in the 1628 Parliament for his county.<sup>2</sup> Harrison promised to ascertain likely competition for the shire seats and evaluate the strength Windebank might expect to have. A similar solicitation of support was sent by Windebank to Sir Edmund Sawyer through Lord Cottington. Sawyer replied to Windebank directly, assuring him that he would gladly lend him his assistance, even without Cottington's mediation.<sup>3</sup> A third Berkshire gentleman who could be relied upon was Henry Pratt. Although a London Alderman since 1633, Pratt had retained property in Berkshire and was a close friend of Windebank.<sup>4</sup>

Despite his initial intent, Windebank, for reasons unclear to us, decided to stand for election from Oxford

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<sup>1</sup>Clar. S. P., II, 81.

<sup>2</sup>Great Britain, Parliamentary Papers, Vol. LXII, (Accounts and Papers, Vol. XVII) Cmd. 112, 1878, "Return of the Names of Every Member Returned to Serve in Each Parliament," p. 474; hereafter cited as "Return of Every Member;" CSP Dom., 1639-40, p. 153.

<sup>3</sup>CSP Dom., 1639-40, pp. 161-62.

<sup>4</sup>Clar. S. P., II, 46; cf. Pearl, pp. 97, 304.

University. Willson speculates that Windebank may have been discouraged by Harrison's estimate of support in Berkshire.<sup>1</sup> Oxford, however, was Windebank's old school and had often sent Councillors to Parliament under the Stuarts.<sup>2</sup> Perhaps Chancellor Laud procured Windebank's seat.

In Windebank's case, the usual election "instructions" were given at Oxford. His son John, a pupil of New College, reported the election almost before it was finalized:

This afternoon the whole university are assembled to elect our burgesses. I intend on Wednesday to acquaint my father with the proceedings. I hear already that the Vice Chancellor has given order to the Masters of Arts to name my father burgess in the first place. . .<sup>3</sup>

Windebank's secretary-nephew Reade also sought election to the Parliament. His method differed from Windebank's and nearly cost him his seat. After successfully bribing the Mayor and officials of Hastings, Reade was

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<sup>1</sup>D. H. Willson, Privy Councillors in the House of Commons (Minneapolis, 1940), p. 74n. In the previous Parliament, Henry Marten sat for Oxford University, and in April, 1640, he sat for Berks. Perhaps Windebank's change of plans was somehow inspired by Marten--an agreement to trade, even ("Return of Every Member," pp. 477, 480). Keeler suggests he was too unpopular to be elected by Berks. because of his leniency to Catholics and strictness with Puritans (p. 395).

<sup>2</sup>Cf. M. B. Rex, University Representation in England 1604-1690 (London, 1954).

<sup>3</sup>CSP Dom., 1639-40, p. 531. Letter dated March 9, 1640, from John Windebank at New College to his cousin, Robert Reade.

notified of his election.<sup>1</sup> Within three days, several freemen of Hastings made a formal declaration that Reade had tried to secure the same seat by offering the town fathers an initial £20 plus £10 and two barrels of powder yearly for the remainder of Reade's life. When the freemen had refused to accept Reade, the Mayor had procured letters from nobles recommending him. The unsuspecting freemen had voted thereafter an approval of these letters, probably as a vote of thanks or respect to the authors. The Mayor called that vote an approval of Reade and declared him duly elected!<sup>2</sup> It required some quick maneuvering to quiet the protestors, but the Mayor and Jurats of Hastings managed to do it.<sup>3</sup>

Although we do not know the details of the election, Robert Reade and Secretary Windebank were joined in the Short Parliament by Francis Windebank's eldest son, Thomas, who was elected for Wotton Bassett.<sup>4</sup> These three directly represented the King's wishes in the House of Commons, joined also by Privy Councillors Thomas Jermyn, Vice cham-

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<sup>1</sup>CSP Dom., 1639-40, p. 556.

<sup>2</sup>Ibid., p. 565.

<sup>3</sup>Ibid., 1640, pp. 3, 12. When Reade applied to Hastings for election in October, 1640, the protest leader renewed his clamour. See below, pp. 211-12.

<sup>4</sup>"Return of Every Member," p. 84. It is interesting to notice that, although there is a great deal of correspondence concerning the elections of Reade and Sir Francis Windebank among the State Papers, there is no mention there of young Thomas' efforts to obtain a seat in the Short Parliament.

berlain, and Windebank's new brother Secretary, Henry Vane.

The Treasurer of the Household, Vane had become a Secretary of State in early February, 1640, and Windebank probably was pleased by the change of association. For the previous eight years, Windebank had competed continually with Secretary Coke. The inefficiency caused by this rivalry, plus Coke's old age, brought about his forced retirement. After two months of rumours,<sup>1</sup> Vane obtained the office through the Queen's sponsorship with no help from Windebank, Strafford, Laud, or any other minister.<sup>2</sup> Windebank soon found he had exchanged a senile competitor for a vigorous one; twice, he nearly lost the diet,<sup>3</sup> northern correspondence was put in Vane's hands,<sup>4</sup> and Windebank found it necessary to reassure his own well-wishers that "I neither have quitted nor will ever quit anything to him. . . ."<sup>5</sup>

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<sup>1</sup>CSP Dom., 1639-40, pp. 158, 371.

<sup>2</sup>HMC Third Report, Appendix, p. 80.

<sup>3</sup>PRO, S. P. 16/476/90, 91, 92, 93. Calendared in CSP Dom., 1640-41, pp. 435-37; see also CSP Dom., 1639-40, pp. 332, 341, 401.

<sup>4</sup>CSP Dom., 1639-40, pp. 433-35. This division of correspondence gave Secretary Vane France, Holland, Baltic princes, Germany and Turkey; while Windebank was to correspond with Spain, Flanders, Italy and Ireland (CSP Dom., 1639-40, pp. 433-35). Eventually, the arrangement became the Northern and Southern departments.

<sup>5</sup>Ibid., 1640, p. 218.

However, at the time when preparations were under way for a Parliament, Windebank undoubtedly rejoiced that he would have Vane rather than Coke working alongside. Even taking it into account that several additional Court nominees and supporters would be present in the House of Commons, it was a meager number to represent royal policy amid men who had been waiting so long for an opportunity to redress their many grievances. The leadership of the Parliamentary veteran John Pym, and the boldness born of long frustration, gave the Commons sufficient strength to justify Windebank's opinion. He had warned that a meeting of Parliament would do little to satisfy the government's needs.

Windebank maintained a busy pace in the Short Parliament from its outset to its dissolution; yet the role he played kept him active without giving him influence in the Commons. Along with the Earl Marshal and Secretary Vane, Windebank assisted in the swearing in of members of Parliament on the morning of April 13, 1640.<sup>1</sup> When it was time for the customary "struggle" to seat the newly-elected Speaker, Serjeant Glanville, it fell to Windebank and Vane to bring him to the Chair.<sup>2</sup> Parliament spent its first meeting hearing the policy of the King. Then, on April 16, it listened as Secretary Windebank unfolded a tale of dark treachery intended to rally the Commons to

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<sup>1</sup>CJ, p. 1.

<sup>2</sup>Ibid.

the King.

At the King's command, Windebank gave an account of what has become known as the "Au Roi" letter.<sup>1</sup> This letter was written by Scottish Covenanters to King Louis XIII of France, requesting his benevolent attention to their claims of injustice. It had been intercepted and brought to the King's attention by the Earl of Traquair. The address, "Au Roi," seemed to Charles I to be evidence that its signatories considered themselves subjects of the French king and thus, they were traitors. Windebank related to the Commons the content of the letter, reading it first in French and explaining that such an address "can properly proceed from none but natural subjects to their Prince." After reading the letter's English translation, Windebank gave a full report on the examination of one of the "traitors." Lord Loudoun (John Campbell), a signatory, had been confined to the Tower and questioned on April 14 by Windebank, Attorney General Bankes, and Lord Cottington.<sup>2</sup> He had acknowledged the letter and verified the authenticity of the signatures. Although

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<sup>1</sup>CJ, p. 3. CSP Dom., 1639-40, p. 610, a translation of the letter itself. Its date is uncertain, but most likely it was written in March, 1640. Cf. Wedgwood, King's Peace, pp. 284-85, 460. Wedgwood seems to overlook the stir caused by the words "au roi" among the King's advisors.

<sup>2</sup>CSP Dom., 1640, p. 29. Loudon was arrested while in London representing the Covenanters. This insult to their spokesman was decried by the Scots in a pamphlet which named Windebank as one of those responsible. See p. 79 above.

Charles I had considered this letter the final damning evidence needed to ply cooperation out of Parliament for the Scots War, the effect of Windebank's presentation was negligible.<sup>1</sup> Someone asked the date of the letter, was told there was none, and the Commons turned abruptly to a report by Speaker Glanville of the King's address given the previous day.<sup>2</sup>

During the afternoon which followed Windebank's unsuccessful attempt to rouse the Commons' patriotic allegiance, two committees were established of which he was a member. The first, the committee to investigate election returns and other privileges of the House, included some sixty members. It was to meet every Tuesday, Thursday and Saturday at two o'clock in the Court of Star Chamber.<sup>3</sup> Windebank's name does not appear in connection with this committee's reports, but it can be assumed that he attended some or all of its meetings.

The second committee of which Windebank became a member on April 16 involved him in an amazing series of errands, all requiring considerable time and bearing little import for the crucial issues before Parliament.<sup>4</sup> A Fast of both Houses was to be arranged, and Windebank's

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<sup>1</sup>C. V. Wedgwood described the reaction thus: "Windebank's report . . . was treated by the Commons with as much indifference as if they were events in the moon" (King's Peace, p. 293).

<sup>2</sup>CJ, p. 5.

<sup>3</sup>Ibid., p. 4.

<sup>4</sup>Ibid., pp. 4, 6-7, 8, 9, 10.

committee of eighteen met first on Saturday, April 18, at seven o'clock in the morning. That afternoon, Windebank reported to the Commons that the committee felt it would be wise, in view of the great affairs now under consideration, to move the King to designate a Fasting and Prayer Day.<sup>1</sup> The Commons decided to send a message to the Lords on the matter. This task was conferred on Windebank formally on April 20, and performed by him the following day. The Lords agreed to seek the King's pleasure and then requested a conference concerning the proper time for the Fast Day. Windebank and several others comprised the requested delegation on the twenty-second of April. Windebank reported to the Commons the next morning that the Lords had suggested a particular day. Thereupon the Commons sent Windebank to convey their agreement to the Lords. He was further instructed to aid in arranging for preachers and administering the Sacrament.

In all, the business of arranging this Fast Day must have occupied Windebank's time for a full week. During that week, John Pym had taken charge.<sup>2</sup> The House of Commons was beginning its investigations of ship money, the imprisonment of members by the King after the last Parliament, Bate's case concerning the King's right

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<sup>1</sup>CSP Dom., 1640, p. 48. Report of Windebank.

<sup>2</sup>Cf. J. H. Hexter, The Reign of King Pym (Cambridge, Mass., 1941).



to charge impositions, the actions of the Commons' Speaker at the dissolution of the last Parliament, and the power given Convocation to make religious changes.<sup>1</sup> The fact that the Secretary was occupied by a matter as unimportant as the Fast Day suggests a great lack of foresight, coordination, and strength on the part of the King's party.<sup>2</sup>

On another committee, Windebank was employed again in work peripheral to the Commons' central thrust, although he was addressing a problem which had irritated the politically articulate for many years. This committee was to compose an Act concerning apparel in an effort to abolish the bold habits of the lower classes who dared to dress above their station.<sup>3</sup>

A fourth committee on which Windebank sat began its work innocently enough, but it was to be revived at the outset of the Long Parliament and thereafter delve into a knotty issue. During the Short Parliament, Windebank and nine others (including Prynne and Hampden) began inquiry into the allegations brought in a petition by Peter Smart.<sup>4</sup> This Puritan prebendary of Durham

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<sup>1</sup>Kenyon, pp. 197-203, Pym's speech on grievances, April 17, 1640.

<sup>2</sup>Cf. the analysis of similar situations 1604-21 in Willson, Privy Councillors, passim.

<sup>3</sup>CJ, p. 8.

<sup>4</sup>Ibid., pp. 8, 9, 14.

Cathedral had been fined and imprisoned because of his opposition to Dr. John Cosin, the man responsible for introducing elaborate altar decoration and other Laudian practices in the Cathedral. By April 28, the committee had uncovered enough information to inspire the House to move its continuance "until the business be dispatched." We can be certain that Windebank's voice in the committee's sessions was a weak and ineffectual one.<sup>1</sup>

Windebank came closer to the crucial interests of this Parliament when he joined the select committee appointed to deal with the grievances in several petitions from the counties.<sup>2</sup> This committee may have become, at a later date, the Grievance Committee. Windebank and many others were ordered to prepare for a conference with the Lords concerning three heads: innovation in religion; the "propriety of goods" (ship money, military charges and such matters); liberties and privileges of Parliament.<sup>3</sup> This committee met at least three times (April 24, 27, and 29), but Windebank's role in it was inconspicuous.

Windebank has been credited with making a speech to Parliament on April 23, which embodied the very

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<sup>1</sup>This matter was taken up by the Long Parliament, to Windebank's disadvantage (see p. 216). Cf. P. H. Osmond, A Life of John Cosin, Bishop of Durham (London, 1913), pp. 93-102, and DNB, XII, 264.

<sup>2</sup>CJ, p. 7.

<sup>3</sup>Ibid., p. 12.

purpose for which the session had been called.<sup>1</sup> However, only his notes prepared for the occasion remain. According to these, Windebank eloquently urged the Commons to contribute £600,000 to the King now, plus an amount equivalent to the receipts of ship money hereafter, and thus to "make this nation the most happy that ever was and to make this day, being St. George's, the most glorious that ever this kingdom saw."<sup>2</sup> If the speech actually was made (and there is no record of it in the various session diaries or the Journal), the Commons was unmoved by Windebank's plea. They continued to demand redress of grievances before they would consider the King's financial needs. The King subsequently tried to force haste upon the Commons by a direct message concerning supply. The House responded to the King, through Windebank and a small committee, with a suggestion that the King's Council debate the matter of ship money with them! Otherwise, they declared, the matter of supply was of such difficulty it would require further study.<sup>3</sup> This was too much procrastination for Charles I.

On May 5, 1640, Windebank came to the Speaker's house and went with him to the Court, from whence they proceeded to the Upper House, where the King dissolved

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<sup>1</sup>Wedgwood, King's Peace, p. 294.

<sup>2</sup>CSP Dom., 1640, p. 64. "Notes by Windebank of points to be urged in the Lower House . . . ."

<sup>3</sup>CJ, p. 19. Also, CSP Dom., 1640, p. 39.

Parliament. Even after its dissolution, Windebank's concern with the Short Parliament continued. It seems someone had warned the Commons of the Privy Council's intent to dissolve Parliament, including the details of who had voted for or against the breach. Windebank and several others were delegated to ascertain who was responsible for this breach in secrecy. He composed an oath to be administered to all who could have conveyed the information to the Commons. It asked "whether, before his Majesty's coming into the House of Parliament, did you discover or report to any, directly or indirectly, that the breach of the Parliament was voted by the Council, or that there were different votes, or who voted differently."<sup>1</sup> Unfortunately, no record exists of the effect of this oath.

Although the Short Parliament had been uncooperative, Windebank felt that the Councillors' purpose in calling it was fulfilled. He explained that

the King's offer . . . to abolish the shipping business and to give them time . . . for their grievances, has left them inexcusable, and will justify his Majesty to God and the world that he omitted nothing on his part . . . . As the case now is, his Majesty must resort to other counsels and ways for the preservation of the monarchy.<sup>2</sup>

After the dissolution of the Short Parliament,

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<sup>1</sup>CSP Dom., 1640, p. 223.

<sup>2</sup>Ibid., p. 127.

it seemed as though the King's problems would be lessened in at least one respect. No longer would he have to contend with disrespect from those whose proper station was to support the monarch, not question his ministers or his policies. Yet there was no respite. The absence of a Parliament augmented the problems faced by the Council and worsened the hardship caused by a scarcity of funds for the army's northern expedition.

By July, 1640, there was increasing evidence of discontent in the kingdom. In Berkshire as elsewhere, troops had deserted, calling their officers Papists and threatening to take vengeance against them for subverting the nation. Protestant sympathies were strong even among those who stayed in their regiments. Windebank's son, Francis, had become a captain and was taking a company north when he began to suspect them of disloyalty. Other officers had been attacked and maligned, and Francis set out to insure that he would not receive similar treatment. He feigned Puritan persuasion, and wrote a boisterous account to his father of the deceptive way he won over his troops:<sup>1</sup> ordering them to kneel down and sing psalms, he told one of his subordinates to read prayers, and ended the evening's pretences by a magnanimous distribution of cheap tobacco and beer. Secretary Windebank was thoroughly delighted at his son's clever ruse and reported to a friend, "My son the captain

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<sup>1</sup>CSP Dom, 1640, p. 492.

has found a means to charm his unruly company with singing of psalms and stinking tobacco."<sup>1</sup>

To Windebank, the disorder in the army was not due to the discontent of the troops themselves. He insisted that there were malcontents in the higher ranks of society who agitated among the people.<sup>2</sup> Furthermore, Windebank believed that the difficulty in raising troops was caused by negligent leadership: "When the Lords Lieutenants are well-affected and diligent, the service succeeds without difficulty."<sup>3</sup>

Although Windebank might dismiss the lack of order in the countryside with an accusation of officials, dissension at Court was discounted less easily. During the summer of 1640, the Council was increasingly hampered by fear. Even Laud was showing signs of loss of nerve, Vane was sulky, Windebank rather frightened, and Hamilton obstinate.<sup>4</sup>

The activities of the Council of War were feverish, and Windebank had the additional responsibilities of his position and his various commissions. To keep the King informed, he wrote daily summaries of his proceedings.<sup>5</sup> We have seen that he was appointed along

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<sup>1</sup>CSP Dom., 1640, p. 513.

<sup>2</sup>Ibid., p. 453.

<sup>3</sup>Ibid.

<sup>4</sup>Wedgwood, Wentworth, p. 289.

<sup>5</sup>CSP Dom., 1640-41, pp. 1, 86, are typical examples.

with other Privy Councillors to provide for the safety of the kingdom while Charles I went northward.<sup>1</sup> When the King sent word to Windebank from York, Windebank informed the Lords of the King's decision to assemble the Peers at York on September 24, 1640. He used one of the blank warrants left with him by the King to authorize the summons under the Privy Seal.<sup>2</sup> Secretary Vane, with the King in the North, reported events and instructions to Windebank constantly. The commanders sent regular news from the garrison. Progress reports concerning the commissioners treating with the Scots at Ripon poured in to Windebank in October.<sup>3</sup> Tension mounted, alternatives narrowed, and finally the fateful decision was made to call another Parliament into session.

In September, after the writs calling for an election had been issued, it became apparent that several of the King's men might lose their seats in the House of Commons. Even traditionally royalist Oxford was affected, rejecting its own alumnus, Windebank. Many of the Doctors and principal University men favoured Windebank, or at least gave that impression to his nephew, Dr. Thomas Reade, a fellow of New College. Yet, "some higher power" had secured the election of two other men. Reade was glad that at least the Puritan faction had not

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<sup>1</sup>CSP Dom., 1640-41, p. 3. See pp. 67-70 above.

<sup>2</sup>Ibid., p. 15.

<sup>3</sup>Ibid., pp. 140-200, passim.

won the election.<sup>1</sup>

Sir Thomas Roe was one of Oxford's choices; one wonders why Reade did not consider him a Puritan. However, with the epithet "Puritan" as freely used then as today, perhaps Roe was of a Low Church party and convictions which were acceptable to Reade. Willson suggests that Roe was favoured by important people whose letters carried more weight at Oxford than Windebank's previous election and longstanding connection.<sup>2</sup> At any rate, Roe was a Privy Councillor and likely to be on the King's side in the House of Commons.

Windebank had written to the King that he would probably lose his seat,<sup>3</sup> and the Queen afterwards arranged for courtier Henry Jermyn to relinquish his seat for the borough of Corfe Castle in Dorset, in favour of Windebank.<sup>4</sup> Windebank's nephew met similar resistance in his bid for a Parliament seat. He sent letters of recommendation from the Lords of the Council to the Mayor of Hastings.<sup>5</sup> Apparently the earlier scandal arising from his election to the Short Parliament for

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<sup>1</sup>CSP Dom., 1640-41, p. 197. Thomas Reade to Robert Reade, Oct. 26, 1640. Oxford was represented by Sir Thomas Roe and John Selden. "Return of Every Member," p. 492.

<sup>2</sup>Willson, Privy Councillors, pp. 75-76.

<sup>3</sup>CSP Dom., 1640-41, p. 151.

<sup>4</sup>Clar. S. P., II, 131. The other M.P. for Corfe Castle was Giles Greene.

<sup>5</sup>CSP Dom., 1640-41, p. 172.



Hastings had not yet subsided.<sup>1</sup> Townsman renewed their gossiping about Reade, claiming he was a known Papist. Their leader was the same Robert Underwood who had protested Reade's manner of campaigning seven months earlier.<sup>2</sup> This time the opposition was more successful; Reade did not get elected to the Long Parliament.<sup>3</sup>

It was an angry body that met at Westminster in November, 1640. Windebank, along with Laud and Strafford, had aroused an opposition which assumed control, determining the future for them and for non-parliamentary government in England. By his contacts with Catholics and with Puritans, by his negotiations, and in Parliament, Windebank had ensured that he would be the first to feel their wrath.

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<sup>1</sup>See p. 198 above.

<sup>2</sup>CSP Dom., 1640-41, p. 172.

<sup>3</sup>Keeler argues that Reade's defeat illustrates a current trend: "the attempt of the commonality to override the decisions of their magistrates regarding elections" (p. 76).

## CHAPTER V

### WINDEBANK'S FALL FROM POWER

With the convening of the Long Parliament on November 3, 1640, events began to close in upon Windebank's future. In this Parliament, as in the one recently ended, there was a lack of Privy Councillors in the House of Commons. Of the four who did sit there (Windebank, Sir Thomas Roe, Thomas Jermyn and Secretary Vane), three were to prove broken reeds.<sup>1</sup> The fourth, Roe, was later sent as an agent to the Diet of Ratisbon. However, it is difficult to imagine a way in which Charles I's officials could have controlled this Commons, even if they had been more numerous and more forceful.

Evidence of the anti-Court bias of Parliament men can be detected as early as the first session. The Journal writer recorded that members were sworn in by the Earl Marshal, accompanied not by Secretary Windebank whose name had been recorded in this connection the previous April, and who almost certainly was present again,

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<sup>1</sup>Willson, Privy Councillors, p. 67. Vane and his son helped Parliament to attack Strafford; Jermyn withdrew, discredited by his sons' involvement in the army plot; and Windebank fled.

but by Sir Thomas Roe, a person much more palatable to Parliament men.<sup>1</sup> Similarly, Windebank was not included on the committee to arrange a Fast, nor on the Privileges Committee, as he had been in the Short Parliament. The two Secretaries did perform the ritual of leading Speaker Lenthall to the Chair, but Windebank is not heard of again until the first move against him is made. By then, the tone of anger had been thoroughly established.

On the day of Parliament's fourth meeting, November 7, Sir Benjamin Rudyard's speech decried the Roman Catholic tendencies of the Court and prelates, and their contempt for Puritans.<sup>2</sup> Rudyard concluded his address with a plea: "Mr. Speaker, let it be our primary care that these ways neither continue nor return upon us."<sup>3</sup> On November 9, John Pym denounced the "dangerous presence of Papists in London," and suggested that the Commons create a committee to drive them away.<sup>4</sup> Because of such pressure, the King commanded Catholic recusants to repair to their own homes and not come within ten miles of London.<sup>5</sup>

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<sup>1</sup>CJ, p. 20.

<sup>2</sup>Rushworth, III, 1355.

<sup>3</sup>CSP Dom., 1640-41, p. 251. Rushworth included all but the final paragraph of the speech, which is given here with an explanatory note by the editor.

<sup>4</sup>Notestein, p. 16; CJ, p. 24.

<sup>5</sup>CSP Dom., 1640-41, p. 255.

Exactly one week from the opening of the Long Parliament, Windebank's name came up in connection with a breach of the privileges of the House of Lords.<sup>1</sup> Lord Digby reported to a conference of both Houses that "members of the House of Commons" had occasioned that breach. He produced the warrants given by Windebank and Vane to Sir William Becher, a Clerk of the Council. By these warrants, the Secretaries had authorized Becher to seize the persons and search the papers of the Earl of Warwick and Lord Brooke after the last Parliament.<sup>2</sup> The House of Lords and the House of Commons agreed to give the matter further consideration. Clarendon believed that the House of Lords' surprising subsequent decision to drop the charge against the Secretaries, of breach of privilege, should be attributed in a roundabout manner to Secretary Vane. Vane was as deeply implicated as Windebank, and Parliament needed Vane's assistance in their attack on Strafford.<sup>3</sup> This seems a satisfactory explanation. Although we hear no more of the subject, we can assume the revelation that seven members of the Commons had received similar treatment forged a strong bond of sympathy between the two Houses of Parliament. The

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<sup>1</sup>CJ, p. 25.

<sup>2</sup>Lord Saye and Sele (William Fiennes) was similarly arrested, on suspicion of correspondence with Covenanters. After their release, all of the victims remained in London and met frequently (Notestein, p. 22n, quoting Manchester Memoir, BM, Additional MSS 15567, fol. 30).

<sup>3</sup>Clarendon, History, I, 252.

investigation of that treatment, cursory as it was, had revealed Windebank as executor of a policy aimed at the destruction of one of Parliament's privileges.

Windebank was first called to account on November 10, the day following Pym's speech. The issue, however, was not directly concerned with Catholics. Instead, the complaint raised was that Windebank had taken the books of a schoolmaster, who petitioned the Commons for redress through Sir Gilbert Pickering. Windebank defended his action of the previous summer by explaining that the schoolmaster had taught "strange doctrines." Pickering's reply indicated that a religious issue lay beneath the surface: Windebank was intending "only to put down good schoolmasters and bring poisoned schoolmasters in."<sup>1</sup> In Pickering's view, "poisoned" meant Roman Catholic. Windebank's problems were not yet over for the day. As we have seen, Windebank had been included on the Short Parliament committee to investigate the petition submitted by Peter Smart, a former prebendary of Durham Cathedral.<sup>2</sup> Apparently that committee had not been able to attend to Smart before the dissolution of the Parliament, for he sent a new petition from his prison quarters. Upon hearing this petition read, the Commons ordered him released and referred his cause

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<sup>1</sup>Notestein, p. 22.

<sup>2</sup>See pp. 204-205 above.

to a committee.<sup>1</sup> Windebank had been involved in the imprisoning of this libeller of Dr. John Cosin, at an earlier trial. Although the committee surely learned of Windebank's involvement, it is possible that his role in the affair did not become publicly known until March of the following year. At that time, he was named as the one responsible, and the Commons committee expressed stern disapproval.<sup>2</sup>

The Commons heard more damaging reports about Windebank on November 11, the day Strafford was accused of high treason. The examination of witnesses against Windebank was interspersed with speeches against Strafford. One Captain Price claimed Windebank had once said that all who did not contribute to the King's cause were traitors. Then, someone brought up an effort by Windebank to silence rumours about a "Popish plot." Most damaging of all, Windebank was accused of having released several convicted Roman Catholic recusants and priests without authorization. Each of these accusations embodied an issue which would ruin Windebank's career. The attitudes they reveal, fear and suspicion, lay behind each of Parliament's subsequent attacks on the Secretary.<sup>3</sup>

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<sup>1</sup>CJ, p. 25; CSP Dom., 1640, p. 39.

<sup>2</sup>Notestein, p. 437. Cosin was deprived of his benefices, but was rewarded for his loyalty to the King at the Restoration. See DNB, XII, 264ff.

<sup>3</sup>Cf. Clayton Roberts, The Growth of Responsible

Windebank was present during enough of the testimony to know that the Commons' leaders would not be long put off. The accusation by Captain Price misfired.<sup>1</sup> Although Windebank was excluded during the debate of this charge, he was exonerated quickly by the testimony of Sir Simon Baskerville, Charles I's physician, and Sir Thomas Cademan, a London physician. They both had been present on the occasion in question and testified that Windebank had not made the statement. When pressed, Price confessed that what Windebank had actually said was, "All which paid not shipmoney were Traitors."<sup>2</sup> This fine distinction was sufficient to cause an end to the discussion, for Parliament was not yet ready to undertake the ship money issue. Windebank was allowed to re-enter the House.<sup>3</sup>

As the next accusation was debated, Windebank found himself in more serious difficulty. His alleged neglect of a warning of a Catholic plot was not taken lightly. It is impossible to be certain who brought up the matter,<sup>4</sup> although Pym has generally received credit.

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Government in Stuart England (Cambridge, 1966), p. 80.

<sup>1</sup>Notestein, pp. 26-30.

<sup>2</sup>Ibid., p. 26.

<sup>3</sup>Ibid., p. 30; Geoffrey Palmer, *Diary*, fol. 40, from the archives of University of Minnesota.

<sup>4</sup>D'Ewes recorded the speaker as one Sir Francis Seymour (p. 25); the *Journal* names Sir John Clatworthy (p. 26); Notestein, on the basis of the Palmer and Peyton *Journals*, asserted that Pym was the speaker (p. 25).

At any rate, the Commons was disturbed to learn that Windebank had been extremely negligent in investigating a rumour of a Catholic plot, even after it was brought to his attention. Earlier that summer, one Anne Hussey had come to Windebank highly excited about a plot of which she had learned through an Irish priest, William O'Connor. O'Connor had told Anne Hussey that there were some seven thousand Papists lying in wait around London; at the right moment, they would cut all Protestant throats, while O'Connor himself killed the King. To the men of the Commons who had listened approvingly to warnings of the presence of Catholics in London, Anne Hussey's story was indeed alarming. To Windebank, the story had not been worth serious consideration, for he felt the Roman Catholics in London were grateful to the King who had afforded them protection. Thus, Anne Hussey had come to a disinterested Windebank, who dismissed her story out of hand. His secretary, Reade, apparently carried the matter no further. Or perhaps Anne Hussey had turned to the group of the Commons men staying in London after she was so lightly dismissed by Windebank. In any case, O'Connor's trial was under way when the matter came to the attention of the Commons. They requested the Court of King's Bench to stay his trial until further order while they looked into the matter, and were obliged.<sup>1</sup> Further investigation into his

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<sup>1</sup>CJ, p. 27.



"negligence" would undoubtedly have ensured further trouble for Windebank on this day, but the Commons' attention was diverted by the first speech against Strafford.<sup>1</sup>

Seriously damaging to Windebank as the matter concerning Anne Hussey had been, there was yet another charge laid against him on November 11, 1640. Upon a suggestion by Thomas Coke, the ex-Secretary's son,<sup>2</sup> two messengers of the King's Chamber, the pursuivants John Grey and Francis Newton, were summoned, and testified that Windebank had released imprisoned priests and Jesuits.<sup>3</sup> Grey produced a list of several priests whom he had apprehended. After Grey was sent out again, the House ordered the keepers of the prisons to which Grey had taken the priests to appear the following day. They further required certification of the causes of imprisonment, and the name of the party responsible for discharges.<sup>4</sup>

It was not spontaneous concern for the welfare of Protestant England that inspired Grey and Newton to come forward at this time. Windebank had caused them both a

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<sup>1</sup>CJ, p. 26. Anne Hussey appeared in the House of Commons two months later. See p. 246.

<sup>2</sup>Coke, p. 281, quotes a letter of Nov. 16 from Coke's other son, John, in which he proudly reported Thomas' action to their father.

<sup>3</sup>Nalson, I, 521; CJ, p. 26.

<sup>4</sup>CJ, p. 27.

great deal of trouble four years previous. At that time, he headed a commission to investigate the practices of pursuivants.<sup>1</sup> Both Grey and Newton were heavily implicated by testimony of Catholics who had felt their pressure. John Grey admitted to extortion and bribery, excusing his action as the only way he could make enough money to live.<sup>2</sup> Although there is no evidence that Windebank carried the matter to the courts, one must assume that his role as head of the investigation had earned him no love from the pursuivants. Parliament offered an opportunity for revenge.

Against these accusations, Windebank defended himself by insisting that he "had done nothing [in the business of recusants] but what was ministerial."<sup>3</sup> Surely, Windebank felt such a statement should be sufficient. In his view, the Secretary did whatever was requested of him by his sovereign, or whatever was appropriate to the attitudes and policies of the government. Sharing none of the determination and hysteria felt by anti-Catholic zealots, he could easily dismiss a Puritan schoolmaster, ignore a raving lady, or arrange for the release of "acceptable" priests. As we have seen, he could go much further in his activities concerning the Catholic Church

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<sup>1</sup>CSP Dom., 1635-36, pp. 326-29; 1637, p. 261.

<sup>2</sup>Ibid., 1635-36, p. 329.

<sup>3</sup>Thomas Peyton, Journal of a Parliament Holden at Westminster, fol. 11, from the archives of University of Minnesota.

and the Puritan faction than the Commons had yet discovered.

On November 12, the House of Commons began where it had stopped the previous day. Aquila Weeks, Keeper of the Gatehouse prison, was called to testify against Windebank.<sup>1</sup> He told the Commons that Windebank had issued warrants for the release of three imprisoned Catholics, producing the signed warrants as evidence. One warrant had discharged the priest Fisher, a Jesuit committed by the Lords in Council;<sup>2</sup> another warrant was for the release of John Goodman,<sup>3</sup> a priest committed by Windebank;<sup>4</sup> the third released Thomas Reynolds, a convicted Jesuit.<sup>5</sup>

After this, Richard Johnson, the keeper of Newgate prison, was called to testify.<sup>6</sup> He protested that he was not in possession of all the prison's records, being but two years in his post. Nevertheless, he furnished upon command a book containing records of several warrants from Windebank upon which priests or Papists had been released. Apparently Johnson was a friend to Winde-

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<sup>1</sup>Rushworth, IV, 44; CJ, p. 27.

<sup>2</sup>The warrants produced by Weeks are among the State Papers; CSP Dom., 1635, p. 332.

<sup>3</sup>CSP Dom., 1639, p. 505.

<sup>4</sup>Ibid., 1637, p. 572.

<sup>5</sup>Ibid., 1635, p. 30.

<sup>6</sup>Rushworth, IV, p. 44; CJ, p. 27.

bank, for he sent the Secretary a detailed account of his answers to the Commons. From this, it would appear that Johnson attempted to protect Windebank; he had deliberately not mentioned men whose release had been solely Windebank's doing, and had given an elaborate account of several releases which had occurred either after punishment was fulfilled, or else at the King's request and not Windebank's.<sup>1</sup>

After both of the keepers had been heard, the House asked Windebank to withdraw to the committee chamber at the rear so that he would be unable to hear the discussion.<sup>2</sup> At this point, the Lords sent a message to the Commons requesting a conference,<sup>3</sup> and there was no further discussion concerning Windebank that day.

Windebank had been seriously alarmed by Parliaments' actions of November 11 and 12. Probably at his urging, the King sent a message to the House through Sir Thomas Jermyn. Jermyn explained that he had been sent to "signify to the House that he [the King] had commanded his Secretary to give warrants in releasements for sundry Jesuits and Priests."<sup>4</sup> This avowal by the King did no good, for the leaders of the Commons continued their pursuit of Windebank. In fact, the defiant Pym rose to tell the Commons

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<sup>1</sup>CSP Dom., 1640-41, pp. 291-92.

<sup>2</sup>CJ, p. 27.

<sup>3</sup>Ibid. The conference concerned proceedings against Strafford.

<sup>4</sup>Notestein, p. 32.

that a verbal warrant, or even a written one, was not enough to excuse Windebank's actions.<sup>1</sup>

The accusations in the Commons against Windebank were not overlooked by the Court. His enemies saw opportunities, and those who depended on him for support were alarmed. The Earl of Northumberland kept Ambassador Leicester at Paris informed of the prosecution of Strafford and Windebank, and predicted of Parliament: "If their designed reformation do succeed, we shall suddenly see many changes in this Court."<sup>2</sup> The Venetian Ambassador reported Parliament's proceedings against Windebank with equal interest and some alarm.<sup>3</sup>

One week after the King's message to Parliament, Windebank was again called to account. On November 20, one Robert Horwood, undersheriff of Hampshire in 1638, offered evidence to complicate Windebank's predicament.<sup>4</sup> He informed the Commons that when he had become undersheriff, he had received the King's writ to seize the lands and goods of convicted recusants; but that two years later, Windebank had told him to stop prosecuting them. He did cease this activity, he testified, but Windebank had him arrested anyway, and Robert Reade forced him to

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<sup>1</sup>Notestein, p. 32. See Chapter VI for an analysis of the implications of the Commons' attitude.

<sup>2</sup>Collins, II, 663.

<sup>3</sup>CSP Ven., 1640-42, pp. 80n, 96, 98, 117.

<sup>4</sup>Rushworth, IV, 52; CJ, pp. 32-33; Notestein, p. 47.

enter into a bond of £100 to Henry (or Robert<sup>1</sup>) Lord, a recusant. Later, after Horwood made it known that he intended to testify against Windebank, one Leonard Dare advised him to remain silent and offered him £30 to do so. The Commons ordered that Dare, Lord, and other involved persons attend an inquiry conducted by the Committee for Papists, to which the matter was referred.<sup>2</sup>

The initial phase of Horwood's accusation can be substantiated to a reasonable degree from evidence among the State Papers. There are letters sent by Windebank to various county officials requiring them to cease persecution of recusants. These letters carefully explain that recusants are not by law to be arbitrarily seized; they must first be convicted of recusancy, and they are to be allowed three months in which to compound.<sup>3</sup> One of these letters instructed the sheriff of Hampshire to restore any goods seized from recusants without the proper procedure.<sup>4</sup> This order may well figure into Horwood's testimony December 1 before the Commons; during that testimony, he produced a letter from Windebank. Its contents were not detailed.<sup>5</sup> Leniency to Catholics was

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<sup>1</sup>Nalson, I, 563.      <sup>2</sup>Notestein, pp. 47, 48.

<sup>3</sup>CSP Dom., 1639-40, pp. 2, 12, 13.

<sup>4</sup>Ibid., p. 13. Letter of Oct. 5, 1639.

<sup>5</sup>CJ, p. 42.

a part of the Crown's plan to raise revenue. That is, allowing Catholics to compound for recusancy rather than carrying out the letter of the law against them was the government's deliberate programme. Horwood and his audience were mistaken in their opinion that Windebank's letters were merely products of his personal sympathy to Roman Catholics.

Everyone involved knew that the referral on November 20 to a committee of the Commons did not mean a dismissal for Windebank. Northumberland wrote that Windebank, along with Wentworth, Laud, and Cottington, was "in a very great deal of danger of ever being ruined."<sup>1</sup> Even Windebank's family feared for him by now. His nephew, Thomas Reade, a student at the Inner Temple, wrote to Windebank on November 23 commending his fortitude and deploring his possible imprisonment and execution.<sup>2</sup> When one recalls that Strafford was now in the Tower, these premonitions of disaster only seem slightly exaggerated in Windebank's case.

Robert Reade tried to keep abreast of Parliament's inquiry. He requested the prison keepers to inform him of the evidence and testimony they presented to the Committee for Recusants.<sup>3</sup> He compiled his own record of

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<sup>1</sup>Collins, II, 664. Letter of Nov. 26, 1640.

<sup>2</sup>HMC Eleventh Report, Appendix, VII, p. 243, citing Inner Temple MSS, 538.17, fol. 475.

<sup>3</sup>CSP Dom., 1640-41, pp. 291, 292, 294.

Windebank's warrants to release prisoners from the Clink, New Prison, and Newgate. Yet in essence there was little Windebank or his group could do beyond hope that the King's protection would suffice. Windebank carried on secretarial correspondence as usual in the time left over from Parliament's sessions. There was, in fact, little time left.

On December 1, John Glyn reported to the Commons the conclusions of his committee's investigation into Windebank's activities.<sup>1</sup> It had found that Windebank was at least partially responsible for the discharge of sixty-four imprisoned priests in the last year, twenty-nine of whom were released solely by Windebank's order. In addition, Windebank had signed many of the seventy-four letters of grace issued during the preceding seven years. Glyn explained that such letters were directed to officers of the King to stay proceedings against the person named in the letter. He charged that Windebank's actions had been illegal and had cheated the poor of the kingdom, who should have received benefit from the fines paid by recusants. Because of the letters of grace and numerous special exemptions, only £4,080 in recusant fines had been collected since 1627. Windebank had, in fact, Glyn said,

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<sup>1</sup>CJ, p. 41; also printed in Rushworth, IV, 68-70; Nalson, I, 571-651 [sic; the proper pagination should be 573]; Notestein, pp. 89-91. This committee was variously called the Committee for Inquiry after Papists, the Committee for Recusants, and several versions of these names. For the text of Glyn's report, see Appendix V.



frequently intimidated men who should have executed the laws against recusants. The information already offered by Grey and Newton, Weeks and Johnson was summarized by Glyn. Additional names of priests discharged by Windebank were reported, along with a reading of many of the offending warrants: Carrell, Thomas Holme, a Smith called "Gunpowder Smith," a Dominican friar named Thomas Gray,<sup>1</sup> Popham, Perrot,<sup>2</sup> and so on,<sup>3</sup> had all been freed on Windebank's order.

Although the list must have seemed impressive to the men in the House of Commons, it is remarkably incomplete. The State Papers contain scores of Windebank's warrants discharging priests or staying prosecution of recusants. Besides the many warrants issued by Windebank in response to requests from the Queen,<sup>4</sup> Windebank had often implemented the King's pleasure and had probably responded also to petitions from personal acquaintances.<sup>5</sup> He realized that such activity might one day be held against him and in 1635, requested a retroactive written

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<sup>1</sup>Thomas Gage, Some Remarkable Passages relating to Archbishop Laud (London, 1712), n. p., gives details of the friar's capture and subsequent release.

<sup>2</sup>CSP Dom., 1634-35, p. 160.

<sup>3</sup>The remainder of these particular warrants have not been found.

<sup>4</sup>Typical of these is CSP Dom., 1633-34, p. 66.

<sup>5</sup>Ibid., 1638-39, pp. 150-51, Lady Sandys, an old bedridden recusant and long Windebank's Berkshire neighbor, sent a petition to Windebank seeking relief from recusancy laws.

warrant to authorize these many occasions.<sup>1</sup>

Glyn's report included clear indications of Parliament's position on the fundamental question of responsibility of ministers. In an effort to maintain the fiction that the King was innocent of all wrongdoing and evil advisers were willfully misleading him, Glyn was careful to point out that very few Roman Catholics had been discharged by the King's own hand. Rather, the Queen, foreign ambassadors, or Secretary Windebank had done the evil. In the few cases where Charles I had signed the warrants, Glyn told his audience, the instructions were for immediate deportation.

It was simply not true that Charles I was overreached in this matter of leniency toward Roman Catholics; his frequent orders to Windebank, now in Parliament's hands, and the reputation of the Court as a whole made Glyn's attempt to exonerate the King an obvious invention. Why, then, did Glyn make such an effort?

The answer to this question is to be sought in examination of Glyn's method of attempting to prove that Windebank should be punished. By insisting upon a technical distinction, Glyn could argue that Windebank had gone beyond what was legal. Glyn told Commons that convicted recusants could be lawfully discharged by the King only "by Record"--that is, by the use of the Privy, Signet or

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<sup>1</sup>Clar. S. P., I, 353.

Great Seal--and not "by Pleasure." In addition, "for a minister either verbally or by warrant under his own hand not only to discharge men condemned but to command no further persecution is against the law."<sup>1</sup>

Glyn and his audience knew Charles I was tolerant toward his Roman Catholic subjects' faith and easy about recusancy laws. They must have known, also, that he was the author, at least in spirit, of the warrants in question and many others. They had heard his direct avowal of Windebank's actions on November 12. Yet they were not willing to challenge his position directly. Instead, by making this technical distinction about the necessity of seals, they attempted to establish that the Secretary of State was a minister accountable not to the King but to "the law" (and thereby to Parliament, guardians of that law).<sup>2</sup>

After Glyn had completed his committee's report, the House immediately called upon Robert Horwood to produce the letter he had claimed Windebank sent him to order an end to the pursuit of Roman Catholics.<sup>3</sup> The Commons was about to draw up a formal charge when Sir John Clotworthy reminded them that Windebank was a Member of Parliament and therefore was entitled to a hearing.<sup>4</sup> As they were preparing questions to be put to Windebank,

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<sup>1</sup>Rushworth, IV, 70.

<sup>2</sup>See Chapter VI for further discussion.

<sup>3</sup>CJ, p. 42.

<sup>4</sup>Notestein, p. 91.

a message came from the Lords desiring a conference; consequently, the matter was tabled as the Commons joined the Upper House to discuss procedure for Strafford's examination.<sup>1</sup>

Thus again as on November 12, Windebank was saved by a timely call from the House of Lords. Had not Strafford's trial been impending, Windebank's fate might have been more sudden and drastic. Windebank was able to repay Strafford's unintended kindness later when, in April of 1641, he was asked to testify from abroad on Strafford's behalf.<sup>2</sup>

Because Windebank's actions had involved leniency toward Roman Catholics, they were all the more offensive to the Commons. Glyn had mentioned that Windebank's London house was a "place of resort for priests and Jesuits"<sup>3</sup>--hardly likely in view of Windebank's antipathy to Jesuits--and general opinion was quite ready to be persuaded Windebank was himself a Roman Catholic. The King's message on Windebank's behalf had been his best hope of defense, but it had been virtually ignored. The Commons was insistent that the responsibility for his actions rested upon him alone.

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<sup>1</sup>Rushworth, IV, 67, 70. The pattern of Windebank being saved by a summons from the House of Lords appears to be coincidental rather than "engineered."

<sup>2</sup>See p. 259.

<sup>3</sup>Notestein, p. 90.

Before leaving the matter of Windebank's actions, the House ordered that he should appear the following morning (December 2) for the hearing to which he was entitled. He would be expected, the message said, "to give answer to such questions as shall be propounded to him upon several informations delivered in here against him."<sup>1</sup> The House referred the business back to the committee and turned to the case against Strafford.<sup>2</sup>

The situation was too fragile to remain unaltered. On December 3, Pym moved that Windebank be summoned to undergo examination. The message sent to Windebank was worded politely, even respectfully:<sup>3</sup> "he might come hither presently, if it might stand with his Majesty's occasions." A messenger returned with Windebank's excuse. "Upon his Majesty's occasions he had sat up all last night, and was newly gone to bed. Yet if the House would command him, he would presently come."<sup>4</sup> The Commons decided that he might

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<sup>1</sup>CJ, p. 42. Quotation from Rushworth, IV, 70.

<sup>2</sup>Clarendon's History, I, p. 249 contains an error in stating that Windebank was present in the Commons on Dec. 1 during Glyn's report. Sources cited above indicate that he was not: 1) He was sent a message to request his attendance on the morrow; 2) He later showed himself to be ignorant of the particulars in Glyn's report (see p. 234).

<sup>3</sup>CJ, p. 44. Identical material in Rushworth, IV, 74.

<sup>4</sup>Ibid. Northcote's journal records Windebank's excuse as being: "He had gone sick to bed" (Notestein, p. 101n). Wedgwood's idea is that "hearing of these accusations, he hurried home and hid under the bedclothes (Wedgwood, King's Peace, p. 340).

remain at home, but requested that he appear the next morning, December 4, at eight o'clock.

When the appointed time passed and Windebank did not appear, Sir Walter Earle moved that the Commons order him to come at once.<sup>1</sup> If the messenger could not find Windebank, he was to require Robert Reade to attend. It seems Commons had grown suspicious; the messenger was further instructed to inquire where Windebank was and when he was last at home.<sup>2</sup> Someone suggested the messenger also search Windebank's study, but D'Ewes discouraged this idea. If Windebank had gone, he had taken his papers with him, or, as D'Ewes rather flippantly put it, "If the bird were fled, the eggs were broken."<sup>3</sup>

Answer was returned that Windebank was gone.<sup>4</sup> It may be that Robert Reade came in his stead. His address to the Commons, of which notes in his hand remain,<sup>5</sup> attempted to clear Windebank:

Part of the charge is merely fantastic, part most maliciously scandalous. The offer of composition [Horwood had alleged a bribery attempt by Windebank] is that which most nearly touches Mr. Secretary and myself . . . no such offer was made by us.<sup>6</sup>

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<sup>1</sup>Notestein, p. 103.

<sup>2</sup>CJ, p. 45.

<sup>3</sup>Notestein, p. 103.

<sup>4</sup>Peyton, fol. 35.

<sup>5</sup>CSP Dom., 1640-41, p. 297.

<sup>6</sup>PRO, S.P. 16/473/19.

Reade's speech denied that he was acquainted with Dare, the broker of the alleged bribe. He asked Commons to suspend judgment until they had heard a fuller answer.

This speech has been dated December 4 by the editors of the Calendar of State Papers. However, this must be considered erroneous. A more likely date for the draft would be sometime after November 20 when Horwood made his first allegations, and before December 1. None of the matters presented in Glyn's report on the latter day receive any attention from the speech writer. It is highly unlikely the speech was ever delivered. No record of the House mentions it, and on December 3, rather late in the evening, Reade slipped aboard a ship which left Queenborough the following morning.<sup>1</sup>

Windebank had begun his traumatic flight to France on the very day that the Commons abandoned their politeness and sent an order that he "come at once." Preparations for escape were undoubtedly already under way when he replied to the polite message requesting his presence, if convenient, sent by the House of Commons on December 3. His reply to that request, that he was willing but would appreciate being allowed to rest, was surely a ruse for his fervent and hasty activity. That night, he and Reade slept on board a ship at Queenborough. Equipped with the

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<sup>1</sup>CSP Dom., 1640-41, pp. 299-300.

King's special warrant to prohibit anyone searching him, Windebank must have felt reasonably hopeful of making good his escape.<sup>1</sup>

Due to a calm the next day, December 4, they had sailed no farther than Margate Roads by nightfall. On the morning of December 5, they went to Deal, where they hired a small boat--Read called it "a little cockboat,"<sup>2</sup> which might have designated an open rowing boat!--to carry them to Calais. The last part of their journey was extremely distressing. With the onset of night they had difficulty locating Calais, and the fog was so thick next morning that they nearly missed the landing.

To take such risks, Windebank must have been highly motivated. There has been speculation that he fled because of what Parliament did not yet know (and never discovered) rather than what they did know. Windebank's negotiations with Rossetti in the summer of 1640 had been an attempt to bring Papal troops and money to subdue the English.<sup>3</sup> Godfrey Davies thought perhaps the fear that Parliament would discover Windebank's role in that episode was what prompted him to flee.<sup>4</sup>

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<sup>1</sup>CSP Dom., 1641-43, p. 414. Obtaining this warrant undoubtedly accounts for some of the time used in preparing for escape December 3.

<sup>2</sup>Ibid., 1640-41, p. 299. Windebank referred to the boat as a "shallop," (Ibid., p. 313).

<sup>3</sup>See p. 185 above.

<sup>4</sup>Godfrey Davies, The Early Stuarts 1603-1660 (Oxford, 1937), p. 98.



One need not look so far for an explanation of Windebank's decision to flee. He was certain that Parliament intended to eliminate the Earl of Strafford from power, and he could see that he might become a similar, if more vulnerable, target. Those who would most abhor his actions on behalf of Roman Catholics were also those who had felt the effects of his anti-Puritan activities. Those who would shield him, could not. Windebank said of his leaving England, "I expect little good but to be kept from extremities."<sup>1</sup> Surely he was remembering the fact that Laud, his first patron, and Strafford, his son's mentor, were both in prison as he wrote.

Windebank's situation at this point in time was adequately described in a report sent to Venice by Ambassador Giustinian:

The Secretary Windebank, after a thorough examination of his conscience, and certain that in the present state of affairs the protection of his Majesty was not sufficient to get him out of danger, has fled from the country, preferring to experience the rigours of justice from a distance rather than implore in vain the clemency of his judges as a prisoner. To tell the truth, these judges are guided by . . . passion to remove from the King all his most confidential ministers. This flight took place with his Majesty's express consent, and the minister took letters in the Queen's own hand. So far the King has not wished to dispose of his office, and seems disinclined to do so in the future, possibly with the intention, when Parliament is over, of recalling him to favour if the state of affairs permits.<sup>2</sup>

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<sup>1</sup>CSP Dom., 1640-41, p. 313, dated Dec. 13, 1640.

<sup>2</sup>CSP Ven., 1640-42, p. 105, dated Dec. 21, 1640.

A different aspect of Windebank's flight requires attention. The Earl of Clarendon was unable to understand why Parliament allowed Windebank to escape.<sup>1</sup> He speculated that perhaps they wanted the office he held vacated quickly; or else they hesitated to hear detailed testimony which might implicate Secretary Vane as it condemned Windebank. Vane, according to Clarendon, was one "whom they were to protect."<sup>2</sup> It does seem that Parliament could have prevented Windebank's flight by moving against him as rapidly as they had Strafford. Why did the leaders fail to do so?

The nature of Windebank's offenses differed from that of Strafford's. Commons leaders were men of insight and political skill--Pym, Glyn, St. John. They knew that in the course of a trial of the Secretary, it would be impossible to avoid a direct confrontation with the King. Charles I considered Windebank a personal servant (unlike Strafford or Laud) and had already assumed responsibility for Windebank's acts. Thus, to try Windebank for those acts would be to try the King, albeit vicariously. This, Parliament was not yet willing to consider. It was probably with a "careful neglect" that they adjourned without insisting Windebank appear on December 3.

The explanation of Windebank's escape rests on the nature of the secretaryship at this stage of its evolution;

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<sup>1</sup>Clarendon, History, I, 239.

<sup>2</sup>Ibid. Vane's testimony was necessary to the case against Strafford.

neither the Crown nor Parliament was certain that they could claim control of the office. Commons' uncertainty was revealed by their "careful neglect" of Windebank at a crucial moment. If he had come as ordered, Commons would have faced a disturbing dilemma.

On December 14, Reade wrote from Calais, urging that the King defend Windebank's acts fully. If he did so only in part, Reade warned, Windebank "must suffer as much as if none were avowed."<sup>1</sup> Reade felt that Windebank would be in no further danger if the King endorsed him fully. This naive belief reveals that Reade, and undoubtedly Windebank with him, failed to realize the real nature of the contest in which Windebank had become the prize. We have seen that the leaders of the House of Commons chose to depict Charles I as an unsuspecting victim of his Secretary's connivance to release Roman Catholics. In this way, they could pursue his minister in their role of guardian of the Law. Their failure to take heed of the King's avowal of Windebank's deeds on November 12 indicated that they meant to insist on Windebank's accountability to the House. The complete avowal sought by Reade would have done nothing for Windebank, because Parliament would refuse to hear it. Once Windebank's flight made a trial impossible, Parliament could

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<sup>1</sup>CSP Dom., 1640-41, p. 314. Letter to Thomas Windebank. Reade mentioned this point again in Jan. (p. 427) and Feb. (p. 466).

maintain its insistence that Windebank should answer for himself and to itself.

At the same time, the avowal Reade sought from Charles I might well have damaged the King's chances of reconciliation with Parliament. Commons' official "deafness" to such an avowal would not prevent its realistic interpretation: the King was willing to admit publically that he had favoured Roman Catholics. Furthermore, it would hardly do to endorse a man widely believed to be involved in some Popish plot. The gossip on this subject was vague but ominous, probably based on the tale Prynne later published under the title, A New Discovery of the Prelates' Tyranny.<sup>1</sup> Officials were not above repeating damaging rumours; Northumberland informed a friend that Windebank "has a good interest in Cardinal Richelieu."<sup>2</sup> Under these circumstances, when the King ought not to avow him and Parliament would not recognize it if he did, Windebank could expect to visit France indefinitely.

Windebank knew he would be the subject of rumours because of his sudden adventure. Rather than let the Parliament members speculate to his disadvantage, he wrote a long letter in his own defense.<sup>3</sup> This he sent to

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<sup>1</sup>See p. 190 above.

<sup>2</sup>HMC Third Report, Appendix, p. 83.

<sup>3</sup>Printed at length in Nalson, I, 652-53 and dated erroneously Jan. 11: the correct date was Dec. 11, 1640.

his son Thomas, who was now to attempt whatever lobbying seemed effective at Court. Thomas was to show the letter to the King, and if he approved, deliver it to the Lord Chamberlain, Philip Herbert, Earl of Pembroke. He in turn would make the truth known at Court.<sup>1</sup> As Windebank should have anticipated, the letter found its way to the House of Commons.<sup>2</sup> In it, he depicted himself as a mournful victim of injustice, and begged the Lord Chamberlain to have pity on his wife and children and receive his son Thomas cordially. He protested that he had not schemed to bring Roman Catholicism into England, nor had he enriched himself through bribes and gifts from Catholics. No increase in his estate, no ostentation in his manner of living, and no amassing of treasure could be proven against him. As to the charge that he had favoured Roman Catholics, Windebank claimed he had acted ministerially. He added that policy must suit existing circumstances; since the Queen had caused Roman Catholics to become good subjects, it was appropriate to relax the enforcement of the penal laws. Of course, Windebank's letter made scant impression on his enemies.<sup>3</sup>

In Calais, the Governor, le Comte de Charost, was extremely accommodating. There was a delay of a few

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<sup>1</sup>CSP Dom., 1640-41, p. 313.

<sup>2</sup>Rushworth, IV, 91-92. Abbreviated version.

<sup>3</sup>The letter appears in full in Appendix VI.

days while he sent notice to Paris of Windebank's arrival, but word came back on December 13 that Windebank was to be treated with the utmost civility. The Governor immediately entertained Windebank to dinner and put a coach at his disposal. Windebank credited his good relationship to Queen Henrietta with producing this happy reception.<sup>1</sup> She had given him letters of introduction in her own hand as he prepared to leave England.<sup>2</sup>

In late December, the two fugitives went to Paris, where they were joined by Reade's servant Pharamond.<sup>3</sup> Parliament knew of this, for it had received from the Mayor of Gravesend two letters confiscated there. One was to Thomas Windebank, the other to Burlamachi, from whom Windebank hoped to secure a loan. Although neither letter was signed, both were written from Queensborough and dated December 7. From this and other evidence it is clear that Pharamond wrote the letters as he lay waiting to start for Paris.<sup>4</sup> He took with him letters and some funds, and was to lighten Reade's work load considerably.<sup>5</sup>

Windebank made his first social appearance after his arrival in France on January 8, 1641, visiting the

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<sup>1</sup>CSP Dom., 1640-41, p. 312.

<sup>2</sup>CSP Ven., 1640-42, p. 105.

<sup>3</sup>CSP Dom., 1640-41, p. 415.

<sup>4</sup>Notestein, p. 125; Peyton, fol. 41.

<sup>5</sup>CSP Dom., 1640-41, pp. 314, 315.

English ambassador, the Earl of Leicester.<sup>1</sup> Windebank's conduct at that time was described by William Aylesbury, Secretary to Leicester. "That which I find most strange is Secretary Windebank's carriage--he is as merry as if he were the contentedest man living."<sup>2</sup> Although Aylesbury found him excellent company, he concluded that Windebank could never again be a good Privy Councillor, "for he tells all that he ever knew or did." Aylesbury had been sympathetic with Windebank's plight and was glad when the "poor creature" arrived safely in France,<sup>3</sup> but after meeting him, Aylesbury concluded that he was a rather foolish fellow.

The picture of Windebank derived from Reade's letters differs from the jolly, gossipy man Aylesbury described. "My uncle is very much dejected," he wrote, "still making account that he and his family are utterly ruined."<sup>4</sup> Windebank was encouraged by Leicester's civil reception, however, and may have seemed overly cheerful due to an effort to mask his fearfulness. He was far from being content, as his letters continually testified. Three months after he had arrived in France, Reade reported:

We live a very solitary life, and you know my uncle is not easily comforted, but rather gives himself over to his

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<sup>1</sup>CSP Dom., 1640-41, p. 415.      <sup>2</sup>Clar. S. P., II, 134.

<sup>3</sup>Clar. S. P., II, 133.

<sup>4</sup>CSP Dom., 1640-41, p. 314.

melancholy contemplations.<sup>1</sup>

Parliament, unlike Leicester's secretary Aylesbury, took Windebank quite seriously. They were not about to forget the accusations made against him, and on December 5 had heard of yet another misdeed. Edward Hyde informed the Commons on that date of Windebank's seizure of Sir Edward Coke's books and papers in 1634.<sup>2</sup> The subsequent inquiry continued for more than a month. Meanwhile, in an effort to force Windebank's hand, a notice was sent to his house requiring him to appear on December 11. If he failed to do so, the Commons would seek a royal proclamation against him "to bring him in."<sup>3</sup> Before another week had passed, they were satisfied that Windebank had left permanently. An order went out to Corfe Castle to elect another man to take Windebank's seat in the House of Commons,<sup>4</sup> and John Burlace was returned on January 2.<sup>5</sup>

On the day Corfe Castle was sent instructions, December 17, yet another accusation was made against Windebank. Parliament received a petition from George Grey and Anthony Allen on behalf of the tenants to the

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<sup>1</sup>CSP Dom., 1640-41, p. 490.

<sup>2</sup>See pp. 101-04 above. Notestein, p. 110; Rushworth, IV, 84.

<sup>3</sup>CJ, p. 48; Rushworth, IV, 91.

<sup>4</sup>CJ, p. 53. Dec. 17, 1640.

<sup>5</sup>"Return of Every Member," p. 488.



Dean and Chapter of Durham Cathedral.<sup>1</sup> This petition, which claimed Windebank had imprisoned Grey, Allen and one Anthony Smith unjustly, was referred to the committee appointed to draw up the charge against the Secretary.<sup>2</sup> Although the details of the complex maneuvers which gave rise to this petition are unimportant, it is interesting to find that Windebank's role was once again that of a functionary. A few years before, the Privy Council had taken a hand in a dispute concerning lands claimed by Durham Cathedral and the petitioners.<sup>3</sup> The petitioners subsequently had refused to conform to a local assize court verdict, and were imprisoned by Windebank in February, 1640. They petitioned the Short Parliament with no success. Their plea to the Long Parliament, however, was addressed to sympathetic listeners. The episode was included among the events in Windebank's career which would be interpreted as transgressions of the law.<sup>4</sup>

By this time, both Strafford and Laud had been brought down by Parliament. These two, and particularly the former, were of greater interest to the leaders of the Commons than was Windebank. This is shown by a decision to continue the work on Strafford's trial and on Laud's during the Christmas recess, while the committee compiling information on Windebank was to suspend its

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<sup>1</sup>CJ, p. 53.      <sup>2</sup>Ibid.      <sup>3</sup>PCR, II, 122v/248.

<sup>4</sup>The details of this episode are printed in HMC Fourth Report, Part I, Appendix, p. 26.

meetings during the holiday period.<sup>1</sup>

The pursuit of Windebank was allowed to proceed at a convenient pace for several reasons. Firstly, he had left the country and could pose no threat in exile. Secondly, as noted above, the King's early avowal of Windebank's actions had made it awkward to press this business. Finally, if Strafford could be defeated by Parliament, and thus the King's most important and dreaded minister be called to account, it would not be necessary to use Windebank to establish the desired principle. It had been convenient to begin the attack on Charles I's ministers with Windebank, but that move had served its purpose, and the matter could now be allowed to subside somewhat.

On several occasions, men had been added to the committee dealing with Windebank.<sup>2</sup> As nearly as one can

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<sup>1</sup>CJ, p. 56.

<sup>2</sup>In Nov., 1640, committee members were: John Glyn, John Maynard, Oliver St. John, Edward Hyde, John Whistler, Geoffrey Palmer (Rushworth, IV, 65). Added Dec. 1 were: Edmond Prideaux, John White, John Seldon, Thomas Lane, Bulstrode Whitlocke, George Peard, Alexander Rigby, Edward Bagshaw, Thomas Widdrington, Robert Harley, and a Pelham, probably Henry rather than Peregrine, according to Keeler, p. 300 (CJ, p. 42). In a further enlargement of the committee, the Commons added Thomas Coke, Alderman Pennington, Henry Anderson and Nathan Hopton. On Jan. 23, 1641 were added Nathaniel Fiennes, Christopher Wray, Henry Mildmay, Anthony Irby, Robert Pye, Richard Boyle, Arthur Ingram, Arthur Jones, John Clotworthy, Edward Dering, and William Wheeler (CJ, p. 72). In July, 1641: Thomas Barrington, Arthur Hesilrige, Athony Nicoll, John Evelyn, Richard Shuttleworth, John Bodeville, Robert Goodwin, John Bampffield, Walter Yonge, and Henry Marten (CJ, p. 205). Over half of these men chose Parliament over the King (Keeler, passim).

tell, it consisted overwhelmingly of men whose sympathies were with Parliament and decidedly not favourable to the King's erstwhile minister. These men, in a body or in groups, heard further testimony from Anne Hussey about the "plot" Windebank had ignored.<sup>1</sup> Their records were borrowed by the committee drawing up the charge against Strafford, and then returned to be used against Windebank as well.<sup>2</sup>

The full House of Commons was reminded of Windebank's behavior by Anne Hussey's testimony in late January, 1641.<sup>3</sup> This came just after they had learned that Windebank released a Father Goodman, not just once, but twice. Goodman, a convicted priest whose reprieve on January 22, 1641, precipitated more than a week of protests to the King, was eventually allowed to live.<sup>4</sup> Parliament had not forgiven him his religion, however, and it had not forgotten Windebank's favours to him.

On January 25, the House of Commons ordered the "Committee for Mr. Secretary Windebank"<sup>5</sup> to meet three days hence "to prepare the articles against Mr. Secretary." It would be more than a year until these Articles were

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<sup>1</sup>CJ, p. 61. Jan. 1, 1641.      <sup>2</sup>Ibid., p. 73.

<sup>3</sup>Notestein, p. 287.

<sup>4</sup>See Wedgwood, King's Peace, pp. 355-57; CJ, pp. 72-74; Notestein, p. 286.

<sup>5</sup>CJ, p. 73. This may have been a subcommittee of the Committee on Recusants. There are no other references to a "Committee for Mr. Secretary Windebank."

complete, but Parliament felt it had enough evidence to justify a move toward formal charges.

Parliament was concerned with Windebank's current activities as well as his past career. His conduct in Paris was brought to the Commons' attention when London Alderman Pennington told the House that a loan of £60,000 promised by the City to the King would be withheld. One of the reasons for denying the money was that the King's ambassador to France, Leicester, had befriended Windebank in Paris.<sup>1</sup> Immediately Leicester's son, Lord Lisle, testified that his father had not welcomed Windebank with any unnecessary warmth.<sup>2</sup> Pennington refused to believe the denial; for this and other reasons, the loan was refused.

Alderman Pennington's move may not have come as a surprise to Charles I's ministers. Both Vane and Northumberland had explained to Ambassador Leicester that the King's opposition would disapprove of courtesies to a fugitive whom they had charged with serious crimes.<sup>3</sup> Such suggestions from London put Leicester in no comfortable position, for Windebank had a letter of endorsement from the Queen and was, as yet, still the Secretary of State. Nevertheless, Leicester accepted the advice of Northumberland and Vane, and wrote that he had never had

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<sup>1</sup>Pearl, pp. 198-200.

<sup>2</sup>Notestein, p. 278.

<sup>3</sup>Collins, II, 666.

any contact with Windebank beyond that which his office required.<sup>1</sup> In recounting his behavior toward Windebank, Leicester admitted that Windebank came to his chapel frequently, but insisted that the two men felt no personal affection. This can be readily believed, for Leicester referred in a veiled manner to "what had passed between us" and one recalls an exchange of letters of the previous July. At that time, Leicester's brother in law, Northumberland, discovered that Windebank had been intriguing for Leicester's recall while blaming the move on Vane.<sup>2</sup> Windebank was described to Leicester as "the basest and falsest creature that lives,"<sup>3</sup> and Leicester accused Windebank of playing him false.<sup>4</sup> They managed to smooth the surface and carry on their official relationship, but one can well believe Leicester's reluctance to have Parliament consider him Windebank's friend.

Nevertheless, Windebank was apparently wasting no time over past quarrels and was well satisfied with Leicester's hospitality. He was full of praise for the ambassador's courtesy in allowing him the use of official mailing routines.<sup>5</sup> They exchanged visits in early April,

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<sup>1</sup>HMC Eighth Report, Part II, (London, 1881), p. 57. The letter is printed in William Montagu, Duke of Manchester, Court and Society from Elizabeth to Anne, I, (London, 1864), 362, and continued II, 17.

<sup>2</sup>Collins, II, 655, 657. See p. 154 above.

<sup>3</sup>Ibid., 655, July 10, 1640 from Northumberland.

<sup>4</sup>CSP Dom., 1640, p. 534. <sup>5</sup>Ibid., 1640-41, p. 562.

and when Leicester returned to England at the end of that month, Windebank asked the Queen to thank Leicester for the fair and noble treatment he had given the exile.<sup>1</sup> Leicester, sensing he was caught between the Commons and the Court, had managed to walk a middle line. He had satisfied Windebank and avoided Parliament's censure.

Although Leicester may have remained carefully uncommitted, Windebank could hope for the Queen's active support. He received a letter from Henrietta Maria in her own hand which was full of gracious promises of protection.<sup>2</sup> He quickly accepted her offer of aid, asking that she admit his son, Thomas, to her special care.<sup>3</sup>

Thomas Windebank had already gained some experience of Court life and delicate negotiations which his father hoped would recommend him to the Queen. Almost exactly one year before Windebank's flight, his son had been employed on an official mission by King Charles. He was sent late in November, 1639, to France to deliver the King's letters to Leicester and the French King.<sup>4</sup> Those letters and the discussions they were to spark aimed at achieving the release of Charles I's nephew, the Prince Elector of Bohemia, whom Louis XIII was detaining.<sup>5</sup>

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<sup>1</sup>CSP Dom., 1640-41, p. 536.

<sup>2</sup>Ibid., p. 426.

<sup>3</sup>Ibid.

<sup>4</sup>Ibid., 1639-40, p. 147.

<sup>5</sup>Ibid., p. 158; Collins, II, 618, 622-25.

Thomas was admitted to audiences with Richelieu and then with the French King, and his ability and language skills were quite promising as matters moved forward during December, 1639. But the Most Christian King was adept at procrastination. In exasperation, Charles I told Thomas Windebank in March, 1640, to return without further delay if he could not obtain "final and categorical answers about the release of the Prince . . ."<sup>1</sup> Then, to the chagrin of Leicester and the English Court, the Prince obtained his own release without telling anyone from his uncle's side what he was about. To add to the consternation, this release was hedged with conditions Charles I considered insulting.<sup>2</sup> Somehow, Thomas Windebank lost his footing in the slippery negotiations procedure during March or early April. He said something which the Prince Elector took as an insult, and it required all of Leicester's tact to sooth Rupert. Thomas was of necessity recalled from the mission. His father excused him as best he could, asking those involved to "consider him as an inexperienced young man, who I believe has not erred maliciously."<sup>3</sup> The King apparently chose to do so, and Thomas was liberally reimbursed for his work.<sup>4</sup>

Very soon after Windebank recommended his son to the

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<sup>1</sup>CSP Ven., 1640-42, p. 26.      <sup>2</sup>Ibid., pp. 29, 41.

<sup>3</sup>CSP Dom., 1640, p. 21. April 11, 1640.

<sup>4</sup>Ibid., p. 80. Thomas received £600.

Queen's care, he wrote to enlist her support for his bid to retain the board wages due the Secretary. Secretary Vane had tried to get these wages paid to himself. Windebank told the Queen that if they were taken from him, he and his dependents would be exposed to want.<sup>1</sup> Ever since Coke had retired late in 1639 from active work, Windebank, as the senior Secretary, had enjoyed the diet.<sup>2</sup> The loss of this money would undoubtedly have upset Windebank at this time of high expenses and uncertain income. However, he retained the diet until September, 1641, when Vane finally obtained it.<sup>3</sup>

In part because of his good standing with the Queen, sister of Louis XIII, and in part because he was, after all, an officer of state driven to flight by unruly subjects, Windebank was readily received at the French Court. When he had been in France only a month, he was invited to attend a gala affair of state, the marriage of Cardinal Richelieu's niece. After returning from the festivities held in honour of the marriage, Windebank wrote a description of it to his son: "There was the utmost variety of scenes with dancing, singing, and exquisite music; also of rich apparel fitted to the persons

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<sup>1</sup>CSP Dom., 1640-41, p. 435.

<sup>2</sup>Ibid., 1639-40, pp. 332, 341.

<sup>3</sup>Ibid., 1641-43, p. 116. "Warrant for settling on Sec. Vane the diet of ten dishes of meat a meal with the bouche of Court and all prerequisites thereto belonging."



and acts."<sup>1</sup> A short time later, Windebank met the Cardinal himself.<sup>2</sup>

Despite his occasional diversions, Windebank was plagued by several worries. There had been serious threats against his life by Englishmen in Paris and by French Protestants, who held him responsible for the "Catholic menace" in England. Intimidated easily, Windebank felt he must discontinue his daily exercise walk.<sup>3</sup> The hostility against him in Paris made it all the more urgent to secure the King's protection and return to England.

Besides the personal danger, Windebank faced continual financial crises after his flight.<sup>4</sup> It was extremely difficult for him to obtain the moneys due him at such a distance. Repeatedly Reade prompted Thomas to seek officials who could help to prod the Exchequer into paying out the interest on Windebank's loan to the King or the moneys due as a consequence of Windebank's

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<sup>1</sup>CSP Dom., 1640-41, p. 437, letter of Jan. 28/ Feb. 7, 1641.

<sup>2</sup>Ibid., p. 487, letter of March 2/12, 1641.

<sup>3</sup>Ibid., p. 466.

<sup>4</sup>Keeler emphasizes the desperateness of Windebank's financial situation 1638-1640 (p. 395), but his correspondence and life style do not bear this out. A letter cited by Keeler to substantiate her claim proves to be about young Thomas Windebank, whose fortune "will daily improve" as he serves as an officer in the King's army (CSP Dom., 1638-39, p. 139). Windebank did not suffer from straitened finances until after his flight.

patent for the Post,<sup>1</sup> or to collect debts owed to Windebank by individuals,<sup>2</sup> or to secure Windebank's share in seizures and profits of office.<sup>3</sup>

If these concerns for money and safety left any time for further worry, Windebank turned to tedious efforts to disprove the accusations made against him in Parliament. Reade sent several letters of instruction or directions where to find warrants or other pieces of evidence to silence accusers.<sup>4</sup>

Windebank was generally miserable, and in the hope of effecting some improvement, Reade periodically urged Thomas Windebank to seek aid from Charles I. Reade even went to the point of suggesting that the King take the initiative and mediate with Parliament on Windebank's behalf.<sup>5</sup> This idea appealed to Reade in the last days of February, 1641, when King and Parliament appeared to be on rather good terms. But if the King would not do this, then Thomas should seek only to prevent a royal proclamation

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<sup>1</sup>CSP Dom., 1640-41, pp. 465, 315.    <sup>2</sup>Ibid., p. 420.

<sup>3</sup>Ibid., pp. 313, 415.

<sup>4</sup>Ibid., pp. 420, 421, pertaining to the warrant authorizing seizure of Edward Coke's papers, and a proof that Windebank had prevented the sending of children abroad for monastic education.

<sup>5</sup>Ibid., p. 465. It will be remembered that the Commons considered asking for such a proclamation if Windebank did not appear upon their final summons. The threat continued to hang over Windebank and was trotted out periodically before the Commons by the committee preparing the charges against Windebank. No proclamation was made.

against Windebank.<sup>1</sup> Meanwhile, the King temporized. Windebank's erstwhile friends hesitated to correspond with him, and he grew alarmed by their silence. Reade reported that, "It is a great addition to his troubles that none of them write, . . . and it gives him the worst apprehensions of his unhappy business."<sup>2</sup>

Windebank knew that the Commons was rapidly growing more powerful. He devised several pieces of strategy in the hope of strengthening his own position. Thinking that he could protect himself from at least one charge, he drafted a pass authorizing his withdrawal from England, backdated it, and sent it to Thomas, who was to request that the Queen present it to Charles I for his signature. With this in hand, Thomas could defend his father if the Commons questioned Windebank's coming away without a license.<sup>3</sup>

Windebank did not want to wait for Parliament to draw up the charges against him. He preferred that the King take up his cause, perhaps arranging a mild fine so that he could return home.<sup>4</sup> Closer to the scene of political action, Thomas Windebank believed that his father should remain quiet until Parliament acted,<sup>5</sup> but Reade

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<sup>1</sup>CSP Dom., 1640-41, pp. 476-77.

<sup>2</sup>Ibid., p. 476.

<sup>3</sup>Ibid., p. 475.

<sup>4</sup>Ibid., p. 465.

<sup>5</sup>Ibid.

presented arguments against this plan:<sup>1</sup> if the King opened negotiations in the Commons, there would be a better chance for accommodation of a satisfactory type; this was a good time to ask cooperation from the House, for it had recently been pleased by Charles I's treatment of Roman Catholics and had seen for themselves that priests might be justly reprieved;<sup>2</sup> Windebank's life was in danger while he sat waiting in Paris; if the Queen left the Court, as was planned, Windebank's cause might suffer; and finally, the cost of living in Paris was prohibitive. For all these reasons, it was urgent that Charles I speak out immediately.

Pointing out the political implications of Windebank's plight, Reade insisted that the questioning of the King's Secretary by the Commons was an affront to the King. Such an affront, he said,

concerns the King in his honour more nearly than the questioning of any other . . . and he having done nothing but by his Majesty's order, or in necessary consequence therefore, the King is obliged in his own honour and in right to Mr. Secretary to save him harmless; and the Queen likewise to avow that all those things were originally moved by her.<sup>3</sup>

Reade intimated that he was not the only one to notice this affront. He probably intended that Charles I should

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<sup>1</sup>CSP Dom., 1640-41, pp. 465-66.

<sup>2</sup>Presumably a reference to Goodman.

<sup>3</sup>CSP Dom., 1640-41, p. 466.

hear of his comment, "if the King knew how much dishonour he has abroad by this question of his Secretary," being harassed, he would surely take action.<sup>1</sup> But Reade's prompting and Thomas' urging had no effect. Charles I undoubtedly realized that an avowal of Windebank would carry no weight with Commons; but he would not admit he had lost the contest over ministerial accountability in the case of his Secretary. The King temporized.

In early March, 1641, Windebank was offered a house in the French countryside.<sup>2</sup> At the end of the month, he seriously considered moving there. However, by early April he had decided that it was too dangerous to live away from the source of information and letters. Instead of retiring to a country estate, Windebank took a different lodging in Paris.<sup>3</sup> He was still not content, and complained of its inadequacies until he found another Paris home in early May, 1641.<sup>4</sup>

Although he disliked his solitary life in Paris, Windebank had to remain there in order to keep in touch with his eldest son, without whose presence at Court all hope of avowal or good fortune would certainly be lost. Even from Paris, Windebank found it difficult to send

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<sup>1</sup>CSP Dom., 1640-41, p. 477.

<sup>2</sup>Ibid., p. 491.

<sup>3</sup>Ibid., pp. 511, 537.

<sup>4</sup>Ibid., pp. 556, 557.

and receive information smoothly, for ill feeling toward him among some officials hindered his use of the mails. Frequently, a letter from Windebank or Reade to Thomas would be delayed or damaged. In April, 1641, several letters from Paris to Thomas simply disappeared. As usual, these letters had been sent with the French ambassador's packet and were to go to Secretary Vane. Reade felt the trouble stemmed from Vane's unwillingness to assist them,<sup>1</sup> while Windebank believed the letters were intercepted at Vane's office by his old enemy, Thomas Witherings.<sup>2</sup> The letters eventually reappeared with no explanation of the delay. It is reasonable to believe that Windebank's enemies were keeping watch for material of interest to Parliament. Although no other letters actually displaced themselves, many were opened and inspected before they reached Thomas. Windebank professed not to care, however; they were plotting nothing except how to get home.<sup>3</sup>

This protestation of innocence was not strictly true. Even in his straitened circumstances, Windebank managed to indulge in some faction fighting. He sent a letter to Vane to be used against Witherings. It was written by Witherings' disgruntled colleague of 1632, Frizell, and contained an account of Witherings' miscon-

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<sup>1</sup>CSP Dom., 1640-41, p. 562.

<sup>2</sup>Ibid., p. 556. See pp. 113-15 above.

<sup>3</sup>Ibid., p. 588.

duct as Postmaster.<sup>1</sup> Windebank's reason for sending Vane this letter may have been twofold. Revenge was perhaps a partial cause, for Witherings had applied recently to Parliament for compensation for grievances suffered at Windebank's hands.<sup>2</sup> A more practical motive might have been to discredit Witherings as a part of Windebank's plan to secure the return of money he had lent to the King "for the post business."<sup>3</sup> If Witherings could be shown to be a bumbling profiteer, Windebank's virtue in contributing to the posts would appear all the more white, and he, the more deserving of repayment. In fact, however, Windebank was probably simply continuing the quarrel with Secretary Coke's protege which he had carried on for nearly nine years!<sup>4</sup>

Windebank began to realize the full impact of his plight during the summer of 1641. In April, he had paid the taxes on his Berkshire land holdings assessed for the first two subsidies granted to the Long Parliament. Perhaps this was an indication that he hoped to return.<sup>5</sup> He was optimistic enough in early May to hope his influence

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<sup>1</sup>CSP Dom., 1640-41, p. 536.      <sup>2</sup>CJ, p. 81.

<sup>3</sup>CSP Dom., 1640-41, p. 563.

<sup>4</sup>See discussion of Posts, pp. 111-15; and 152-53, 178, etc.

<sup>5</sup>CSP Dom., 1640 -41, p. 546.

might be of service in obtaining a promotion in the Church for his son in law Turner.<sup>1</sup> But just at this time, Parliament summoned several courtiers, who decided Windebank's example was a good one. They soon arrived in France and Holland, accompanied by rumours of Parliament's increasing ferocity.<sup>2</sup> Windebank well understood the real menace of Parliament, for he had been drawn into the proceedings against Strafford:

I have received a signification of your Majesty's pleasure to declare, upon my allegiance to your Majesty, whether, in a debate in Council at a Committee about a defensive and offensive war with the Scots, I remember that the Lord Lieutenant of Ireland did say, that having tried the affections of your people, you were absolved from all rules of government, and were to do everything that power would admit, since your subjects had denied to supply you; and that in so doing you should be acquitted both of God and man; and that your Majesty had an army in Ireland that you might employ to reduce this kingdom to obedience. To which, upon my allegiance to your Majesty, I do most humbly make this clear and true answer, that having been no indiligent observer . . . of what passed from time to time in Council . . . I do not remember that my Lord Lieutenant of Ireland did say the words above mentioned, or any other to that purpose, being confident that in a business so remarkable and of so great moment, I could not but have remembered them if they had been spoken.<sup>3</sup>

By mid-July, Windebank had decided to settle in

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<sup>1</sup>CSP Dom., 1640-41, p. 546.

<sup>2</sup>Ibid., p. 563.

<sup>3</sup>Ibid., 1640-41, pp. 547-48, April 16/26, 1641. For an analysis of the deeper causes of Strafford's fall, see Terence Ranger, "Strafford in Ireland," Past and Present, No. 19 (April, 1961), pp. 26-45.



France, and instructed Thomas to collect several items at his London home, sell them, and send him the money.<sup>1</sup> In August, he begged Charles I to order that the money due him be paid.<sup>2</sup> He also began to arrange for his wife and children to join him in France. On August 6, the King ordered Admiral Pennington to transport Lady Windebank and several of her children and servants to join her husband.<sup>3</sup> On her arrival, Windebank's financial distress was somewhat alleviated, for she brought with her the money raised from the sale of Windebank's plate.<sup>4</sup> The family moved into a house at Dieppe to lessen their expenses.

Having his family with him undoubtedly lightened Windebank's mood, but there were many difficulties still upon him. The Commons had instructed a committee to prepare the charge against him, and then moved to request the King to withhold Windebank's pension.<sup>5</sup> Windebank was most concerned upon learning of this renewed interest in himself. Uncertain how to respond, he drafted a petition to the Commons and instructed Thomas to confer with friends about the advisability of presenting it. It was his idea that the House expected some such submission and

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<sup>1</sup>CSP Dom., 1641-43, p. 39.      <sup>2</sup>Ibid., p. 112.

<sup>3</sup>Ibid., p. 74.      <sup>4</sup>Ibid., p. 111.

<sup>5</sup>CJ, pp. 197, 201, July 3 and 7, 1641.

would be mollified by it.<sup>1</sup> In his petition he asked the Commons to make the most favourable interpretation of his services to the King, pardon his offenses, and permit him to return to England.<sup>2</sup> Parliament, just now learning that Windebank had been the author of the King's Declaration after the Treaty of Berwick,<sup>3</sup> was hardly in a forgiving mood. On the King's advice, Windebank instructed Thomas to keep the petition, rather than present it, in order to "stir the business as little perhaps as possible if you may."<sup>4</sup> Windebank resigned himself to living in France.

On October 29, 1641, the Commons set aside a day for fugitives to render themselves up or suffer confiscation of their estates, probably mentioning Windebank specifically.<sup>5</sup> Although Windebank did not return, he somehow

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<sup>1</sup>CSP Dom., 1641-43, p. 58.      <sup>2</sup>Ibid., pp. 87-88.

<sup>3</sup>MSS H of L, p. 285; HMC Twelfth Report, Appendix, II, 90; see pp. 78-80 above.

<sup>4</sup>CSP Dom., 1641-43, p. 87.

<sup>5</sup>W. H. Coates (ed.), The Journal of Sir Simonds D'Ewes (New Haven, Conn., 1942), p. 52; CJ, p. 298. Among those who had fled by now were: Henry Percy, Master of the Horse to Prince Charles; Henry Jermyn, of a similar post for the Queen; Sir John Suckling; William Davenant the poet; and the Earl of Carnarvon (Robert Dormer). For a description of the life style of these men and others, and their impact on post-Restoration England, see P. H. Hardacre, "The Royalists in Exile During the Puritan Revolution 1642-1660," Huntington Library Quarterly, XVI (1953), 353-70. Hardacre does not treat Windebank, either because he feels he was not really a Royalist or because he died so early.

managed to retain his English estates until 1645. In the interim, King Louis XIII granted him permission, as Windebank joyfully told his son, "to enjoy our estates here and dispose of them even if we should die" in France.<sup>1</sup> Until the English exiles obtained this dispensation, they had been plagued by a "law of confiscation of their estates in case they die here, which [Windebank] and other strangers [were] liable to."<sup>2</sup> The license to enjoy his estates while in France and dispose of them at death brought Windebank considerable relief in November, 1641.

Apart from the security thus obtained, that month must have been an unpleasant one for Windebank. His wife was severely ill with gout,<sup>3</sup> and his own eyes required a doctor's care.<sup>4</sup> In addition, Windebank was called an "evil councillor" in this month's Remonstrance written by Commons, and a clause was included wherein the "Popish Party" was said to have had "a Secretary of State, Sir Francis Windebank, a powerful agent for speeding all their desires."<sup>5</sup>

The final and worst blow of the month of November was the necessity of resigning his office. In a document drafted by Windebank, the King consented to his resignation

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<sup>1</sup>CSP Dom., 1641-43, p. 171.      <sup>2</sup>Ibid., p. 149.

<sup>3</sup>Ibid., p. 160.

<sup>4</sup>Ibid., p. 165.

<sup>5</sup>Rushworth, IV, 445.

"for reasons of health and other circumstances."<sup>1</sup> After nearly a year of temporizing, Charles I had taken a definite position on the matter of Windebank's plight. By this time, he could achieve nothing by an avowal, not even the semblance of honour. Strafford was too blatant an example of the King's failure to stand behind his ministers. He had at least condemned Vane for his role in the fall of Strafford;<sup>2</sup> with Vane in disgrace, Charles I badly needed another Secretary of State. Under Pym's leadership, the Commons was pushing hard for the appointment of "such councillors and officers as . . . Parliament may have just cause to confide in."<sup>3</sup> On November 26, Edward Nicholas was knighted and sworn in as Secretary of State.<sup>4</sup> Windebank's political career was at an end.

Parliament continued to move against Windebank. It ordered a report of his offences so that a bill could be prepared against him. On December 17, 1641, it was decided that those who had fled, including Windebank, would be proceeded against by a Bill of Attainder. In

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<sup>1</sup>CSP Dom., 1641-43, p. 185.

<sup>2</sup>Vane was dismissed from all his offices in Nov., 1641.

<sup>3</sup>Gardiner, Constitutional Documents, p. 164. Cf. Roberts, pp. 105-19.

<sup>4</sup>Nicholas, p. 147. Here was one who represented the idea of "a King acting on the advice of sworn councillors whom he chose but in whom the nation could confide," (Roberts, p. 137). In January, 1642, Lucius Cary, Viscount Falkland, became Nicholas' colleague in office.

this way, Parliament would have power to confiscate the estates of the exiles without royal assent.<sup>1</sup> In February, 1642, a committee of Commons heard evidence of Windebank's involvement with the Pope's representative, Panzani.<sup>2</sup>

The following month, Glyn brought in the Articles against Windebank which he had begun to compose in January, 1641.<sup>3</sup> Since the previous July, Glyn's committee had received the assistance of several lawyers.<sup>4</sup> They had produced a succinct statement which summarized Windebank's letters of grace, discharges, warrants, and releases issued on behalf of Roman Catholics.<sup>5</sup> One item clearly stated Windebank's sole responsibility for a discharge by the use of the phrase, "without the signification of the King's pleasure." But the remainder of the Articles were less definite on the point of authorization. Commons had taken the position that Windebank's verbal warrant or signature was evidence of his responsibility. He had done the deeds, and he must answer to Parliament for them.

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<sup>1</sup>Coates (ed.), D'Ewes, p. 221.

<sup>2</sup>CSP Dom., 1641-43, p. 287.

<sup>3</sup>CJ, p. 499. March 26, 1642.

<sup>4</sup>Ibid., p. 197. See p. 245 above.

<sup>5</sup>Articles are included in Appendix VII.

Another effort against Windebank occurred in 1642, when Parliament published New Treason Plotted in France, an account of a plot by Windebank and Lord Keeper Finch (who had also fled from Parliament's anger) against Louis XIII and Cardinal Richelieu.<sup>1</sup> The pamphlet alleged that the two exiles were angry because the French government refused "to comply with their conspiracies and treacheries," presumably aimed against England and Parliament. In revenge for this lack of sympathy, Richelieu and the French King were to be killed. Then, any available French Protestants would be similarly dispatched. After that, the villains would bring to pass their designs and schemes against England. Fortunately, the plot was discovered and the plotters forced to leave France. They remained now in Denmark, "Condemned and Scorned." There is no truth whatever in the supposed revelation; but it made exciting reading and "proved" that Parliament had been correct in driving out these "wicked-minded persons." Furthermore, it might cause Windebank discomfort at Paris: the populace already suspected him, as we have seen;<sup>2</sup> and perhaps the authors hoped to sow a seed of suspicion in the minds of French officials.

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<sup>1</sup>New Treason Plotted in France (London, 1642). Reel 252 of University Microfilms Early English Books 1641-1700.

<sup>2</sup>See p. 252 above.

In May, 1643, the London Committee for Sequestration seized Windebank's library from his London home and carted it and his pictures away to a storeroom in Camden House.<sup>1</sup> Like the twenty-six other libraries seized by this committee in 1643, Windebank's was evaluated and put up for sale. His pictures, assessed by an expert, have disappeared from record,<sup>2</sup> but thanks to the clerks of the committee, there is a long inventory of the contents of Windebank's library.<sup>3</sup> This inventory leaves many questions unanswered, for it lists each book by a brief notation, sometimes omitting author, sometimes giving no significant information, and never including full particulars. Nevertheless, one can gain a general impression of what was among the 425 titles Windebank owned: the usual array of sermons, atlases, dictionaries, histories, chronologies, literature, and etiquette guides,<sup>4</sup>

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<sup>1</sup>Ian Roy, "Libraries of Edward, 2nd Viscount Conway, and Others: an Inventory and Valuation of 1643," BIHR, XLI (Nov., 1968), 35-47, gives an account of the records and activities of the London Committee.

<sup>2</sup>Ibid., pp. 38n, 47.

<sup>3</sup>PRO, S. P. 20/7/16-26.

<sup>4</sup>The library contained sermons by Bishops Andrewes and Laud, Dr. Featley, Shelford, Lawrence, and others; Atlas Nova in 3 vols. with color; Atlas Minor of England; etc.; Rider's Dictionary; Minshawe's Dictionary; Ortelly's Thesaurus; and several foreign language dictionaries: Latin, French, Italian, and Spanish. Histories included Queen of Scots' history; French history; Historia Augustae; and Brookes' Heraldry. Windebank's stock of literature included poems by Taylor, Drayton, Quarles, and Innus and

plus some particular items which gain significance in the light of events in Windebank's career. Among the latter are entries of "Bishop Laud's Controversies," "Sancta Clara," "Davenport's Reply," "Romish Fisher," and many of Montague's controversial religious pieces. The total was valued at £44/19/7d. and sold for 11d. more than the assessment.<sup>1</sup>

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literary standards such as Virgil, Petrarch, Plutarch, Don Quixote, Chaucer's Works, Spenser's Works, and El Cid. Of course, he owned a volume called The Complete Gentleman.

<sup>1</sup>PRO, S. P. 28/217A.



## CHAPTER VI

### CONCLUSION

Little is known of the remainder of Windebank's life. Few letters to or from him appear among the State Papers after 1643. In that year, he was apparently interested in the effects of the Civil War and attempted to keep track of its progress. He obtained and translated an edict of the French king which spelled out the rights of the belligerents to sail into French ports.<sup>1</sup> If Windebank's situation was altered by the accession of Louis XIV in 1643, no evidence remains.

It has been alleged that Windebank returned to England after the Battle of Edgehill (October, 1642) to ask for an audience with Charles I at Oxford, but was unsuccessful and returned to France.<sup>2</sup> There seems to be no record extant to substantiate this statement. Dodd in Church History mentions a return, but gives no date.<sup>3</sup> There is evidence, however, that Windebank was in England in May, 1644. On the twenty-sixth of that month, he

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<sup>1</sup>Ogle and Bliss, I, 243.

<sup>2</sup>Collins, II, 609. The DNB also states that Windebank returned to England in 1642.

<sup>3</sup>p. 59.

dated a letter from Exeter.<sup>1</sup> This letter, moreover, was addressed to Robert Reade, who was also in England--at Oxford.<sup>2</sup> The content of these letters does not explain Windebank's presence. It is possible, and the surmise is reinforced by vague hints in the letters, that Reade at Oxford was trying to persuade Charles I to receive Windebank back into service. At any rate, the situation remained unchanged for Windebank and Reade, who soon were back in France.

Windebank settled in Evreux at least temporarily. He wrote from there to Paris to tell Sir Richard Brown, Charles I's representative, what a relief it was to be far from "the envy de quel goffo dottore," meaning Dr. Stephen Goffe.<sup>3</sup> Goffe, who had become notorious as one of Laud's agents among English merchant communities on the continent,<sup>4</sup> was serving as Henrietta Maria's Anglican chaplain. Windebank had no use for him, and confided to Brown that,

I wish him more wit and less malice, and if he have an ambition to be Archbishop of Canterbury, I would he were even now in his place.<sup>5</sup>

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<sup>1</sup>CSP Dom., 1644, p. 171. PRO, S.P. 16/501/142.

<sup>2</sup>Ibid., p. 167. PRO, S.P. 16/501/141. Letter from Exeter by Thomas Windebank dated May 26, 1644, and addressed to "Robert Reade, at Oxford."

<sup>3</sup>HMC Pepys MSS (London, 1911), p. 202. Letter of December 16/26, 1644.

<sup>4</sup>Trevor-Roper, p. 246. Cf. DNB, VIII, 69.

<sup>5</sup>HMC Pepys MSS, p. 202. Laud's trial was essen-

During the last year of his life, Windebank must have felt great bitterness. Not only had he lost his position at Court, his home, his friends, and his health, but he now lost a son as well. Young Francis Windebank had continued soldiering for the King. By 1645, he was a Colonel in charge of the garrison stationed at Bletchington house in Oxfordshire. The years Francis had spent under Wentworth's tutelage had failed to instill courage and loyalty. Although the house was strong and well manned, upon Oliver Cromwell's first summons, Colonel Windebank surrendered.<sup>1</sup> For this, he was tried at Oxford, condemned, and executed in the Castle garden on May 3, 1645, nine days after his offense.<sup>2</sup> The King is said to have regretted that the execution actually was carried out, but many courtiers seemed to see it as true justice --perhaps a case of the sins of the father being visited upon the son.<sup>3</sup>

Windebank's eldest son, Thomas, who had been so busy at Court in the early months of Windebank's exile, was made a gentleman of the Privy Chamber and in November,

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tially finished, and he awaited sentence when this letter was written.

<sup>1</sup>Rushworth, VI, 24, the Articles of Agreement between Windebank and Cromwell.

<sup>2</sup>Ibid., 25; Dodd, III, 59; Wood, Fasti Oxon., I (1692), 784, cited in N & Q, 4th Ser. (1872), IX, 394.

<sup>3</sup>M. Ashley, Greatness of Oliver Cromwell (London, 1957), p. 159.

1645, was created a baronet at Oxford.<sup>1</sup> Thomas apparently was at Oxford on June 24, 1646, when it surrendered.<sup>2</sup> He may have been with Windebank when he died at Paris on September 1, 1646; he was listed by the Parliament as "beyond seas" in December of that year.<sup>3</sup> However, it was not long until he returned to England. After a series of dealings with Parliamentary commissions, he compounded as a delinquent, paying a fine of £810.<sup>4</sup>

Thomas was not able to hold onto his father's property, however. Windebank's estates were sequestered in October, 1645, before Francis' death.<sup>5</sup> Thomas was able to prevent their loss for a time by paying a fine,<sup>6</sup> but eventually one of Cromwell's followers, Richard Bigg, acquired Haines Hill and the Manors of Mordells and Odes, and the Bigg family retained them for several generations.<sup>7</sup>

Windebank's youngest son, John, managed to carry

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<sup>1</sup>N & Q, 8th Ser. (1892), I, 23.

<sup>2</sup>M. A. E. Green (ed.), Calendar of the Committee for Compounding, 1643-60, Part II (London, 1891), p. 1465. Hereafter cited as Green, Compounding.

<sup>3</sup>CSP Dom., 1645-47, p. 500.

<sup>4</sup>Green, Compounding, p. 1465; HMC Sixth Report, Part I, Appendix (London, 1877), p. 166; N & Q, 8th Ser. (1892), I, 23; HMC Seventh Report, Part I, Appendix, 17, 20.

<sup>5</sup>M. A. E. Green (ed.), Calendar of the Proceedings of the Committee for Advance of Money, 1642-56, Part II (London, 1888), p. 614.

<sup>6</sup>Green, Compounding, p. 1466.

<sup>7</sup>VHC Berkshire, III, 255-56.

on his studies during the war years (being once imprisoned by Parliament for bearing arms at Oxford<sup>1</sup>) and became a medical doctor. In the post-Restoration period he became a member of the Royal College of Physicians, and was buried in Westminster Abbey in 1704.<sup>2</sup> The fourth son, Christopher, took the opportunity of Windebank's distress to return to his wife and child in Spain, whom Windebank had insisted he put aside for want of status in 1637.<sup>3</sup> Christopher became an assistant for Englishmen in Spain on political business.<sup>4</sup>

During his exile in France, Windebank was an object of interest for many gossips and satirists. His escape in December, 1640, was, of course, newsworthy. Northumberland mentioned he "had heard" of it, but was not assured of its truth, on December 10.<sup>5</sup> The Venetian Ambassador reported Windebank's flight to the Doge at length.<sup>6</sup> Rossetti informed the Papacy on December 21,

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<sup>1</sup>CJ, pp. 767, 779; CSP Dom., 1641-43, p. 387. John compounded in July, 1649 (Green, Compounding, p. 2119).

<sup>2</sup>DNB, XXI, 637.

<sup>3</sup>Details of Christopher's unauthorized marriage to a Spanish girl and his consequent punishment and pardon by his father are found in CSP Dom., 1637, p. 568; 1638-39, p. 13; 1640, p. 22.

<sup>4</sup>CSP Dom., 1639, p. 291; Clarendon, History, V, 91; Clar. S. P., II, 114.

<sup>5</sup>Collins, II, 665.

<sup>6</sup>CSP Ven., 1640-42, p. 105.

saying "the King made him flee because Parliament intended to kill him."<sup>1</sup> Ten days later, Northumberland was certifying the event amid the rest of London's gossip,<sup>2</sup> and D'Ewes mentioned it casually in one of his letters to his wife.<sup>3</sup>

The news that he had fled was given rapid enough circulation on its own merit; then, when the content of Windebank's letter of explanation to the Lord Chamberlain became known to Parliament, the additional stimulus provided even more reason to discuss him. Windebank knew this, and was chagrined:

I am sorry to understand that the letter I wrote to the Lord Chamberlain from Calais is become public, assuring you that nothing was more contrary to my intention when I wrote it; and besides, there can nothing fall from my pen but will be subject to misconstruction.<sup>4</sup>

A factual account such as D'Ewes and other news-writers composed was relatively rare; most of the material written concerning Windebank was derogatory. An anonymous poem, circulated after 1641, reads:

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<sup>1</sup>Registro di lettere. . . ., Strozzi Transcripts, Vol. CIII. The Folger Shakespeare Library, Washington, D.C., n.p.

<sup>2</sup>HMC Third Report, Appendix, p. 83.

<sup>3</sup>James Orchard Halliwell (ed.), The Autobiography and Correspondence of Sir Simonds D'Ewes (London, 1845), II, 251.

<sup>4</sup>HMC Fourth Report, Part I, Appendix, p. 77.

Since that Finch and Windback  
 First crossed the seas  
 To shun some great danger  
 It's thought they foresee,  
 There's many hath caught  
 The running disease.  
 But what is all this to thee or to me?  
 Then merrily and cheerily  
 Let's drink off our beer,  
 Let who as will run for it,  
 We will stay here.<sup>1</sup>

Pamphlet writers, as one might expect, had a field day with Windebank's ignominious flight. A pamphlet of 1641 entitled The Hour of Retribution began with an illustration of Windebank and others on horseback making haste towards the sea.<sup>2</sup> Another illustration appeared by itself<sup>3</sup> and again in a pamphlet entitled Time's Alteration, or a Dialogue between my Lord Finch and Secretary Windebank.<sup>4</sup> In the illustration, Windebank's head and shoulders appear in an oval, with a pen behind his ear. Above his head is, "To but a Windy-bank, and thou art out of their reach."<sup>5</sup> As it appears on the front of

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<sup>1</sup>Robert Coffin, Laud: Storm Center of Stuart England (New York, 1930), p. 276. No source cited. Similarly quoted without citation in N & Q, 4th Ser., III (1869), 135.

<sup>2</sup>Illustration printed in Aylmer, King's Servants, p. 385.

<sup>3</sup>British Museum, Catalog of Prints and Drawings (London, 1870-83), I, 119.

<sup>4</sup>Anonymous pamphlet of Jan. 8, 1641, printed at London. Engraving is reproduced in Christopher Hibbert, Charles I (London, 1968), p. 74.

<sup>5</sup>British Museum, Catalog of Prints and Drawings, I, 119.





Windebank's "high and mighty state" would not have made him safe, had he stayed in England. With this Windebank agrees;<sup>1</sup> he was well aware of the general attitude towards him. The attitude was expressed succinctly in a pamphlet called A Good Wish for England . . .:

If any here our Libera nos do pinch,  
Were he as great as Windebank or Finch,  
Our Author bids me, let the gall'd jade winch,  
Libera nos Domine.<sup>2</sup>

One more pamphlet, sometimes mistaken for a stage play,<sup>3</sup> mentioned Windebank in 1641. The Stage-Players' Complaint dwells on the current lack of theatrical activity. The two speakers recall their earlier good days as follows:

Quick: Oh, the times my tongue has ran as  
fast upon the scene, as a Windebank's  
pen over the Ocean.

Light: Oh, the times when my heels have  
capered over the stage as light as a  
Finch's feather.<sup>4</sup>

These brief allusions to "Windebank's pen" and "Finch's feather" indicate that those phrases had come to repre-

<sup>1</sup>Four Fugitives Meeting (London, 1641), p. 4.

<sup>2</sup>A Good Wish for England, or England's Lord Deliver Us (London, 1641).

<sup>3</sup>G. E. Bentley, The Jacobean and Caroline Stage, II (Oxford, 1941), 541, clarifies that this is a "dialogue between two famous comedians concerning theatrical and political affairs." It was published as a pamphlet during the closing of the theaters because of plague (Aug.-Nov., 1641) and became well known (Ibid., p. 317).

<sup>4</sup>The Stage-Players' Complaint (London, 1641). Reprinted in E. W. Ashbee, Occasional Facsimile Reprints, III (London, 1868), 3.

sent the two fugitives. Perhaps this was a result of the popularity of the 1641 print and Time's Alteration, in which these symbols serve to identify the men. At any rate, it is obvious that Windebank's story was well known, if it could be called into service by such a brief reference.

It has been noted that a pamphlet of 1642 featured an account of Windebank plotting to destroy the French King and Protestants and then, after discovery, seeking refuge in Denmark.<sup>1</sup> A plot of another type was alleged against him in William Prynne's Rome's Masterpiece published in 1643 by order of the Commons. The purpose of the book was to explain the charge against Laud of encouraging "Popery." Part of the evidence offered was Laud's effort to silence news of the discovery of a plot contrived by Jesuits and other Catholics. The Habernfeld Plot--Prynne named it for the man who revealed it--had been ignored by Windebank and Reade despite warnings.<sup>2</sup>

In the same year as Rome's Masterpiece was presented to the public, Newcastle Puritan John Fenwick published an account of Christ Ruling in the Midst of His Enemies, in which Windebank was portrayed as being responsible for much that the author had suffered.<sup>3</sup> In

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<sup>1</sup>See p. 265 concerning New Treason Plotted.

<sup>2</sup>Cf. William Lamont, Marginal Prynne (London, 1963), p. 124.

<sup>3</sup>See pp. 74-75.

passing, Fenwick ridiculed Windebank while jeering at a Newcastle vicar hateful to non-Royalists. Of the Reverend Alvey, Fenwick hoped:

If the Scots come again, he may perhaps  
learn to foot it, (after my friend Windebank)  
into France, and learn to dance and sing  
"Alas poor Vicar, whither wilt thou go?"<sup>1</sup>

In 1645, as a "necessary introduction to the history of the Archbishop of Canterbury's trial," Prynne prepared Hidden Works of Darkness. This purported to be based in part upon papers found among Secretary Windebank's writings. Working from letters, warrants, and other items written by or for Windebank, Prynne delineated the Pope's attempts to bring England into his fold, and then explained the "true" causes of the Scottish troubles, the Irish rebellion, and the English Civil War. In every case, of course, Laud and Windebank were revealed as villains.

One of the last pamphlets to mention Windebank at length was Prynne's Canterbury's Doom, published in 1646 to argue that Laud had deserved his condemnation and execution. Prynne related how Laud had put Windebank into office and watched approvingly as the Secretary embarked on a satanic career:

No sooner was he settled in this place of honour and trust, but he presently falls to his designed work: he protects, releases Popish Priests, Jesuits, friars, and holds familiar correspondence with them. . . .

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<sup>1</sup>Fenwick, p. 11.

He imprisons, molests, reviles the messengers who by office, duty were bound to apprehend them; suspends the execution of all penal laws against them; and Popish Recusants, by his letters and warrants of protection under the Privy Signet, held familiar intelligence with Cardinal Barbarino [sic] and Panzani, Con, Rossetti. . . .<sup>1</sup>

If one makes allowances for Prynne's exaggerations, his description is not a bad summary of the significant aspects of Windebank's career, at least in the eyes of those who crushed that career. To the historian who seeks both an overview and an explanation of events, it seems an error to concentrate exclusively on the religious involvements of Windebank. His career, studied in all its phases and explored for its ramifications, furnishes evidence from which a fuller picture of seventeenth-century England on the eve of the Revolution can be sketched.

The secretaryship under Charles I, like many other offices, was largely undefined. The Secretary was both a personal servant of the King and a minister of State. At the same time, Parliament had long been building a case for its right to call errant ministers to account. It had revived impeachment and perfected techniques to make grievances heard. In 1626, the Commons had demanded the right to examine secretarial and Signet Office records.<sup>2</sup> By 1640, it was ready to assert

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<sup>1</sup>p. 443.

<sup>2</sup>The relationship of this encroachment on the

its guardianship of the general welfare, and in the name of Law to ignore the King's avowal and the Secretary's protest of deeds done only "ministerially."

Members of the Commons carefully planned to attack evil councillors rather than the King.<sup>1</sup> They had adopted the idea from the Crown's ministers that certain things could be justified by "necessity on behalf of the general welfare." But they made Parliament, not the King alone, responsible for that welfare.<sup>2</sup> It was but a short step to the conclusion that acts of ministers which threatened the general welfare were answerable to Parliament. One constitutional historian described it thus:

They believed that servants of the Crown should answer to Parliament for any illegal or unjust actions they had done. [To secure] responsible government . . . they impeached not only the great statesman, Strafford, but also the great churchman, Laud, the great judge, Sir John Finch, and the Principal Secretary, Sir Francis Windebank.<sup>3</sup>

Windebank was known to have released Catholics convicted under the recusancy laws; Catholics were felt to be a danger to the commonweal; therefore, Windebank's acts

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King's prerogative to the growth of ministerial responsibility is dealt with briefly by Clifford B. Anderson, "Ministerial Responsibility in the 1620's," Journal of Modern History, XXXIV (1962), 385.

<sup>1</sup>Notestein, p. 22n citing Manchester Memoir, BM, Additional MSS 15567.

<sup>2</sup>M. A. Judson, The Crisis of the Constitution (New York, 1964), p. 364.

<sup>3</sup>Roberts, p. 77.

threatened the general welfare--Parliament, its guardian, must punish him.

Parliament held that the law was "the binding cohesive force in government and society," and expected it to be able to provide a remedy for all their complaints against the government.<sup>1</sup> Windebank, like most men of his era, shared the preoccupation with legal propriety. He requested the King's warrant to discharge him from responsibility for Brett's mission to Rome and for the release of Catholics from prison.<sup>2</sup> But he did not anticipate that Parliament would assume responsibility for the general welfare and call him to account for the actions they felt contravened the law in either its "rule" or its "being."<sup>3</sup> Pym said of the King's avowal of Windebank on November 12, 1640, "a verbal warrant or in writing was no discharge to Mr. Secretary" because his actions did not conform to law.<sup>4</sup> Glyn condemned the lack of proper authorization when he reported on the warrants by which Windebank had released Catholics.

Where his own functions as Secretary of State were concerned, Windebank expressed the opposite conviction:

Kings and their ministers of State have ever had and might ever have a latitude according to time and occasion, and can not be tied according to strictness of law as others are, without peril to the government.<sup>5</sup>

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<sup>1</sup>Judson, pp. 356-57.      <sup>2</sup>Clar. S. P., I, 353.

<sup>3</sup>Judson, p. 358, elaborates on Pym's distinction.

<sup>4</sup>Notestein, p. 32.      <sup>5</sup>Nalson, I, 653.

Basically, as these comments indicate, the controversy concerned the accountability of the Secretary of State. Charles I considered Windebank his personal servant, and felt that assuming responsibility himself for the acts performed by Windebank would quiet the Commons. Windebank's excuse, that he had merely acted ministerially, makes it obvious he shared the King's view. Parliamentary leaders, on the other hand, considered the Secretary accountable to Parliament and answerable to it for violations of existing statutes. This attitude has been called a forerunner of the theory and practice of ministerial responsibility.<sup>1</sup> Surely the move against Windebank must be viewed as a step toward effecting that theory.

According to Clayton Roberts, there were five different schemes in 1640 for insuring responsible government in England.<sup>2</sup> Windebank's timidity caused him to be a victim of the first scheme, impeachment. He fled at the thought of it, conveniently enabling Parliament to concentrate on more important quarry. Windebank's flight gave Parliament the victory by default in the contest for the power to direct England's Secretaries of State. The Commons did not forget him entirely, but the impeachment was never carried to a conclusion. This was partly because Windebank had taken himself out of harm's way, and it was also due to a changed emphasis as to what method might

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<sup>1</sup>Willson, Privy Councillors, p. 4.      2P. 100.

best secure responsible government. Despite Parliament's thorough searching of records, sometimes the law failed to make possible the use of impeachment to safeguard the nation. The best known example of such a failure, the attack on Strafford, caused Parliament to turn from the search for specific laws and implement their demands for trustworthy ministers by more radical means.<sup>1</sup> But by then, Windebank's political career was at an end.

Eventually, after the war years, Parliament's view of the secretaryship prevailed. The Secretary of State was "an official concerned in administration and responsible to the Crown in Parliament"<sup>2</sup> by the end of the century. He could not seek to be excused from responsibility for his actions by the plea that he had only acted ministerially or as the King's personal servant. The office was fully institutionalized, and the officer quite "out of Court," even if he was still a member of the King's Chamber.<sup>3</sup>

Windebank's activities as Secretary illustrate another area of contention in Caroline England. The prerogatives of office were interpreted one way by Laud and his followers and in a different way by the faction around Cottington, which included Windebank. When Windebank sided with Lady Moira at the expense of efficiency and equity in government, Laud ended his thirty-five year friendship with the Secretary. Windebank continued to

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<sup>1</sup>Judson, p. 358. Cf. Roberts, pp. 100-05.

<sup>2</sup>Evans, p. 107.

<sup>3</sup>Cf. G. E. Aylmer, The Struggle for the Constitu-



hold the view that offices were personal prizes to be exploited when possible, and the record of his time in office contains evidence that he put his theory into practice.

In a third respect Windebank's actions help to explain the worsening situation in the 1630's. The government's policies were often at odds with popular wishes. As Secretary, or in another of his capacities, Windebank helped enforce fiscal and foreign policies that gained him a reputation as one of the "evil councillors." At the King's command, he negotiated with the hated Spanish and the unwelcome Papal emissaries. He further alienated the opposition by his leniency toward Roman Catholics, his suppression of Puritanism, and his contempt for Parliament--all of which reflected the government's tone. Thus, the account of Windebank's career becomes a study in miniature of some of the problems which led to the Civil War in England.

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tion (London, 1965), pp. 224-25; and Thomson, pp. 1-29.

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APPENDIX I

PORTRAIT OF SIR FRANCIS WINDEBANK<sup>1</sup>

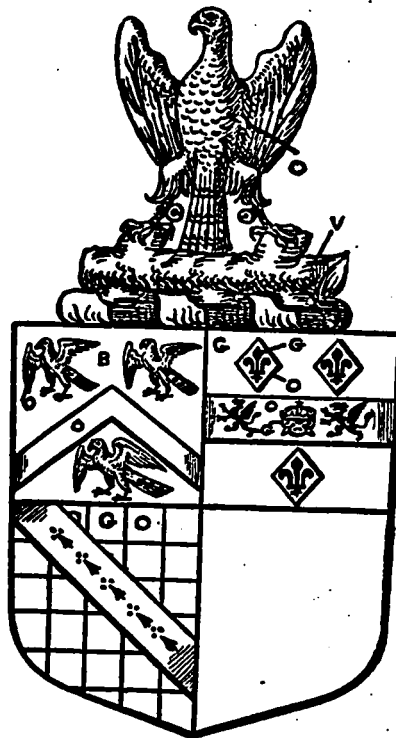


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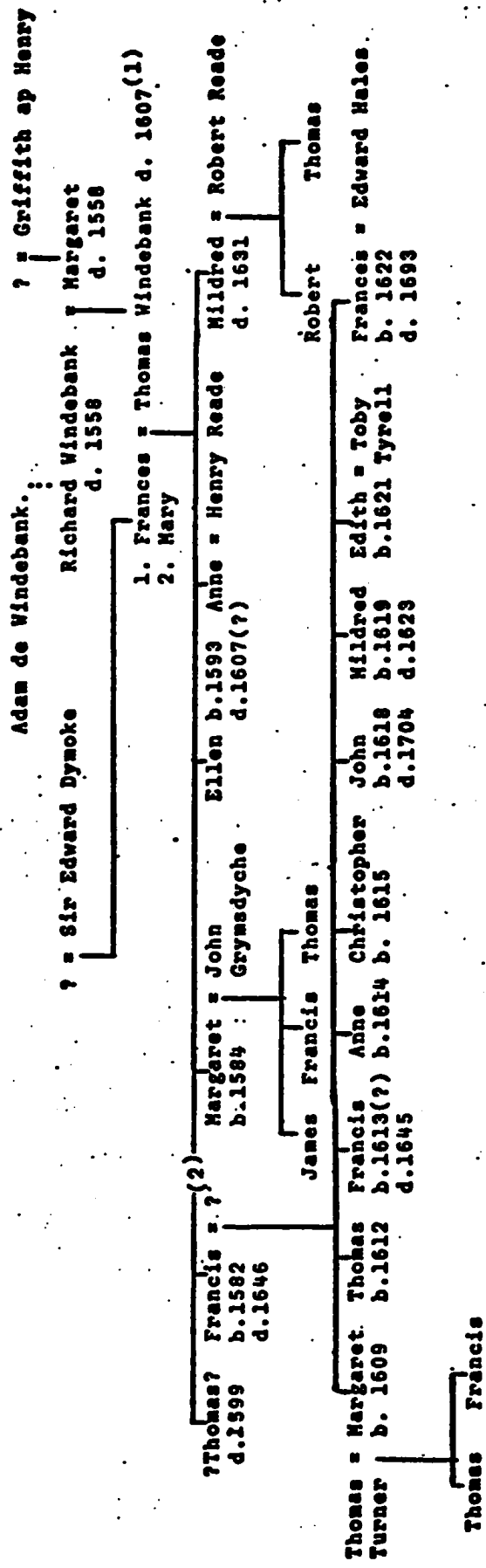
<sup>1</sup>This is a copy of a print which hangs in the vestry of Hurst Parish Church and is marked, "vide Clarendon," published 1812 by W. Richardson, York House, Strand, London. It is printed in C. Hibbert's Charles I, p. 175.

## APPENDIX II

### WINDEBANK COAT OF ARMS<sup>1</sup>



<sup>1</sup> Sir George John Armytage (ed.), Middlesex Pedigrees collected by Richard Mundy in Harleian MS, 1551. Publication of the Harleian Society, LXV (London, 1914), 123. See page 11 of text.



(1) There is a possibility that Thomas had a brother named Richard and one named Aaron. Perhaps it was the son of the latter who was mentioned as "Aaron, nephew" at Sir Thomas Windebank's funeral. See p. 22.

(2) The name of Sir Francis' wife remains unknown despite careful investigation.

APPENDIX III

WINDEBANK'S FAMILY



## APPENDIX IV

### PARTIAL LIST OF COMMITTEES AND COMMISSIONS ON WHICH WINDEBANK SERVED

| <u>Date of Appointment</u> | <u>Assignment</u>                                                |
|----------------------------|------------------------------------------------------------------|
| Nov., 1632                 | Admiralty Commission                                             |
| Dec., 1632                 | New England Committee                                            |
| Jan., 1633                 | For repair of St. Paul's Cathedral                               |
| Dec., 1633                 | To exercise ecclesiastical jurisdiction within England and Wales |
| Jan., 1634                 | To investigate fees                                              |
| Jan., 1634                 | For issuing building permits                                     |
| Feb., 1634                 | Committee on Trade                                               |
| May, 1634                  | For the assisting of Merchant Adventurers                        |
| Jan., 1635                 | To investigate the Fleet Prison                                  |
| March, 1635                | To survey the Office of Ordnance                                 |
| March, 1635                | Council for the Fishings                                         |
| August, 1635               | For compounding defective Titles                                 |
| May, 1636                  | To evaluate salaries of Masters in Chancery                      |
| June, 1637                 | To mine saltpeter and manufacture gunpowder                      |

**June, 1637**

**Council of War**

**Nov., 1637**

**To regulate grammar used  
in schools**

**March, 1639**

**To order affairs in London  
during King's absence in  
the Scots War**

**Oct., 1639**

**Committee of Eight**

**Dec., 1639**

**Council of War**

**Feb., 1640**

**To determine the extent  
of marshland**

**Sept., 1640**

**To order affairs in London  
during King's absence in  
the Scots War**

## APPENDIX V

### GLYN'S REPORT TO THE COMMONS

DECEMBER 1, 1640

John Glyn reported from the Committee for  
Enquiring after Papists:<sup>1</sup>

I am first to report upon the examination of the keepers of two prisons only, Newgate and the Clink; and of two messengers usually employed for the apprehending and attacking of Popish Jesuits. They find sixty-four priests and Jesuits discharged in one year, some indicted, some convicted of high treason, but all of them priests; some discharged by Privy Signet, others by warrants from the Lords of the Council, but most of them by warrants from one of the Secretaries of State, by name, Secretary Windebank. They found upon examination of the Clerk of the Peace for Middlesex, the Clerk of the Crown in King's Bench, and one Mr. Pulford, that there have been within the compass of seven or eight years, seventy-four Letters of Grace. True, we have not all the originals of those Letters of Grace, but only have them certified to us out of the Records where they were entered; but some of the Originals I have now in my custody. The nature of these Letters of Grace is this; they are directed to Archbishops, Bishops, judges, and all other the King's officers, and the effect is to stay all proceedings against the persons therein named. The Committee do find upon examination of two messengers, Francis Newton and Gray, that a warrant was granted under Mr. Secretary Windebank's hand to protect one Muskett, a condemned priest, and all such houses as he should frequent. This is proved by Gray and Newton, who saw such a warrant in Muskett's hand. This observation is made of these many warrants and discharges of priests and Jesuits: that very few appear to be under the King's own hand, and of them, not any one but at the request of

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<sup>1</sup>John Rushworth, Historical Collections, IV (London, 1721), 68-70. This version has been collated with the Report in the CJ (p. 41), and the few differences in the latter version are shown in brackets.

foreign ambassadors and the Queen Mother, and commanding strictly that the messenger shall see them go out of the kingdom; such is his Majesty's care, and here I speak it to clear his Majesty. Only there is one Mosse discharged under the King's hand by misinformation, for the King was informed he was only indicted, whereas indeed he was convicted. Other warrants there are under the hands of the Lords of the Council, and to each warrant, except one, an Archbishop's hand, and the very originals of most of them we have here.

I am commanded to descend to particular circumstances. Among these warrants, one Carrell, a secular priest, a prisoner thirty years, is commanded by a verbal warrant to be set at liberty by Mr. Secretary Windebank; this was to the Keeper of the Clink. There was one [blank], a Dominican friar, and by verbal warrant to the Keeper of the Clink, Mr. Secretary Windebank commanded him to set him at liberty, and he would warrant him. And he said to Gray, if he meddled with him he would lay him by the heels. And this friar by a verbal warrant was discharged and did tell the Keeper he was employed about matters of State, and that Secretary Windebank did know of it. One Edward Moore, a priest, committed by the King's own hand, was discharged by Mr. Secretary Windebank's warrant, without mention of the King's pleasure.

There was one Thomas Holme discharged by the King's own command, commanded to be shipped, and this fellow returning again into the Kingdom and taken a second time, was discharged by Mr. Secretary Windebank.

There was one Mosse condemned for a Jesuit, and for seducing the King's people from the religion now professed; and another called John Southworth, likewise a priest, who were both discharged by Mr. Secretary Windebank.

Fifteen Martii, 1639, the parishioners of St. Gile's did humbly petition the Lords of the Council (I have the petition myself) and setting forth the increase of Papists in their parish, [most of the inhabitants Papists.] They did instance in particular of three priests (whereof Southworth and Mosse were two) that went about to seduce the people of that parish, and had seduced twenty-one by name, and therefore did humbly pray the Lords of the Council to suppress these priests. Their Lordships gave order to prosecute them. Newton got both these priests convicted of high treason, and both of them were discharged by Secretary Windebank. Besides there were fourteen priests and Jesuits discharged out of Newton's and Gray's custody by Mr. Secretary Windebank, who testify that one Smith, a priest, called

Gunpowder Smith, was bailed by Secretary Windebank, and had a note under his hand that no man should attack or trouble him. And the Committee commanded me to inform the House that these are thus discharged without any expression of the King's direction in any of the warrants.

One Threshold, a messenger having warrant to apprehend a priest, repaired to Mr. Secretary, to the end Gray might be employed. The Secretary answered he would lay him by the heels if he kept Gray company. These men were discountenanced by the Secretary. One Goodman, a priest committed to Newgate and being upon his warrant discharged, Threshold the messenger demanded his fees and, there being some difference about it, Mr. Reade, his secretary, writes to the priest:

Gentlemen:

Mr. Threshold hath spoken with Mr. Secretary, and his Honour thinketh fit you pay the fees you agree on, for it will be a means to keep you the more free hereafter from trouble. So resting,

Your loving friend to serve you,

Robert Reade

Birkett, a messenger, had in custody one Popham, a priest, and was to bring him before the Lords; but Mr. Secretary Windebank commanded the messenger to let him go, and he would see him forthcoming; but to this day he never heard more of the priest, though he petitioned, etc.

There is another passage I am commanded to deliver unto you, that is, a petition referred to his Majesty by one George Perrot, a man condemned of high treason, in his own name and in the behalf of four priests, and Jesuits more, styling themselves [to be the number of] his Majesty's most loyal subjects. Upon this bold petition, by signification under Mr. Secretary Windebank's hand, proceedings against them were stayed.

There were sixty-four Letters of Grace to stay prosecution against Papists directed to several counties, to several judges. Short entries of these letters are made in the Signet Office, testified by one Mr. Pulford. Gray and Smith [. . .] affirm that the Secretary's house is the place of resort for priests and Jesuits.

That in thirteen years' time from 3 Caroli there hath been but £4080 levied on recusants south of Trent, by virtue of process out of the Exchequer, as appears by

certificate under Mr. Long's hand.

For discharges of priests and Jesuits, not one of them standeth with the rule of Law. When they are indicted and convicted, the King, the Fountain of Justice and Mercy (and the Law doth allow it) hath power to show mercy upon any of his subjects; but in such cases the King's prerogative speaketh by his Privy Seal, Signet, or Great Seal, and ought to discharge by Record; but to send signification of Pleasure is against Law. For a minister either verbally or by warrant under his own hand not only to discharge men condemned, but to command no further prosecution, is against Law, and the Committee doth conceive he doth not discharge his duty.

Then for the Letters of Grace, the poor is wronged; for by the Act they are to give twelve pence a Sunday to the poor. By these injunctions the Recusants are kept from being convict, and the poor lose their fine. This is the substance of the Report I am commanded to make unto you.

The report was followed by the reading of several letters from Windebank substantiating the information given in Glyn's report, and of two petitions mentioned in the report.<sup>1</sup> When a message was received from the House of Lords requesting "a present conference," the whole matter was referred to the Committee for Inquiry after Recusants and it was ordered that Windebank should answer questions the following day.<sup>2</sup>

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<sup>1</sup>Rushworth, IV, 70.

<sup>2</sup>CJ, p. 42.

## APPENDIX VI

### WINDEBANK'S LETTER TO THE LORD CHAMBERLAIN<sup>1</sup>

My Lord,

I owe myself to your Lordship for your late favours; and therefore, much more the account of my self, though the debt in either respect, be of little consideration, and the calling of both may be of greater advantage to you, than to continue the obligation.

This account had been presented to your Lordship, at my first arrival here with my first dispatches, but I was so mortified with my hazardous passage in an open shallop, and so perplexed with the thoughts of the miseries into which I find myself plunged; and besides, the departure of the messenger that carried those letters was so sudden, that it was not possible to perform this duty to your Lordship sooner; for the which I do most humbly crave pardon. Your Lordship may now please to accept the expressions from the saddest and most wounded soul in the whole world, who am a spectacle of misery in myself, in my distressed wife and children, and in my whole fortunes, who have left the attending of my Sovereign and Master, and access to the best Prince in the world, who am become a scorn and by-word to all the world, both at home and abroad, a wanderer, an exile from mine own country, now in the declination of my years, and likely to end my days, in a remote country, and far from the comfort of all my friends. What I am guilty of none knows so well as his Majesty, whom I have served faithfully, diligently, painfully, and with as true and loyal an heart, according to my poor abilities, as any other whatsoever; and if I found my conscience charged with any crime of baseness, corruption, infidelity, or any thing else unworthy of a gentleman, I should not venture to address these complaints to your Lordship, or to any other person of honour. In this disconsolate estate, being an object not altogether unworthy of your Lordship's compassion, be it for no other respect but

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<sup>1</sup>Nalson, An Impartial Collection, I, 652-53.  
Also printed in Rushworth, IV, 91ff.

that I have long served the King and Queen's Majesties, I doubt not but your Lordship, in your generosity and goodness, will have a lively sense and feeling of my sufferings, and vouchsafe me such relief as in your Honour you may. And if myself, who by course of nature cannot be now of long continuance, be not considerable, I most humbly beseech your Lordship to have pity upon my poor innocent wife and children, that they receive such comfort and assistance from you in my absence, that they may be preserved from perishing. And to that end I most humbly crave your Lordship's favour to this bearer my son, and to give him the honour of access whensoever he shall make his addresses to you, wherein you shall do a work of singular charity. Because there is an opinion in the world that I have much improved my fortunes by the Roman party and there hath been some design by my ministry to introduce Popery into England, I shall most humbly crave your Lordship's patience in giving me leave to clear those two great misunderstandings, which if they were true, were sufficient to render me incapable of his Majesty's favours, or of the compassion of any person of honour whatsoever. For the first, it is notorious to all the world that having now served his Majesty in the place of a Secretary above eight years, I have not added one foot of land to the inheritance left me by my father, which in land and lease was not above five hundred pounds per annum, a poor and inconsiderable estate for a Secretary, and such an one as most Secretaries have more than trebled in a short time. For my manner of living, it hath been much under the dignity of a Secretary; and if I had not been very frugal, I could not have subsisted. Where then this concealed mass of treasury is, I wish those that speak so liberally of it would let me know; for I do protest to God I am utterly to seek where to discover it, and at this present, I am so unfurnished with monies, that if his Majesty cause me not to be supplied, I am unable to subsist in these parts without exposing my family in England to the danger of starving, and yet neither my purpose nor inclination is to live otherwise here, than in the greatest obscurity and closeness that possibly I may. I assure your Lordship, that those of the Roman party that passed my hands by his Majesty's commandment were poor distressed creatures, and far from being able to enrich me; and besides, how little I have attended my own private, and how freely and like a gentleman, I hope I may speak the truth without ostentation, I have done courtesies to all, I wish it should rather appear by the testimony of such as have made use of my services, than by mine own. My father and I have served the Crown of England nearly eighty years together, in which time, if a greater estate had been raised, it might well have been justified, considering the great employments near the persons of Queen



Elizabeth, King James, and his Majesty that now is, we both have had. And your Lordship may believe it (for I avow it upon the faith of a Christian) that it is no more than I have above mentioned, and whether there are not many from less employments have risen to be noblemen, and made their fortunes accordingly, I leave to the world to judge.

For the other suspicion of my being a favourer or an advancer of Popery, I protest before the Almighty God and as I shall answer at the last dreadful day, that I know no ground for the least suspicion thereof, neither am I myself, nor is any other to my knowledge guilty of the least thought of any such purpose. For myself I received my baptism in the Church of England, and I know nothing in the Church of Rome that can win me from that Church wherein I was made a Christian. I do therefore hold this Church of England not only a true and Orthodox Church, but the most pure and near the Primitive of any in the Christian world. This I will be ready to seal with my blood, whensoever there shall be occasion, with this further protestation, that if I did not hold it so, I would not continue in it for any worldly respects whatsoever.

For that which hath passed my hands for favour of that party, it hath been merely ministerial, as his Majesty best knows, and I must be bold to say that his Majesty hath not been deceived by it, but hath received many greater advantages. Besides that, if a Secretary of State should not hold intelligence with the party, [it] is absolute to disable him for the service of the State; and that hath been done always more or less, and so must always continue. Kings and their ministers of State have ever had and might ever have a latitude according to time and occasion, and cannot be so tied according to strictness of Law as others are, without peril to the government. Therefore when the Roman party were practise and busy about the State, there was reason to be more strict, but now by the wisdom of the Queen and her good officers, they are better tempered, less severity hath been used, it being the Prerogative of the Prince to use moderation according to occasion. Further than this I have not had to do with the Roman party, nor thus far but in obedience to my Master's commandment, which I hope shall not be censured a crime. This being my condition, I most humbly submit it to your Lordship's wisdom and goodness, and seeing there is no malignity in it, nor prejudice to the State, that your Lordship would vouchsafe me your

favour and protection and preserve me from perishing.

Calais

Jan. 11, 1640 [sic]<sup>1</sup>

Your Lordship's most  
humble and faithful  
though much distressed  
servant,

Francis Windebank

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<sup>1</sup>Proper date is Dec. 11, not Jan. 11, 1640.

## APPENDIX VII

### ARTICLES OF THE HOUSE OF COMMONS IN PARLIAMENT

#### AGAINST SECRETARY WINDEBANK<sup>1</sup>

In primus, seventy-four letters of grace to recusants within this four years, signed with Secretary Windebank's own hand.

2. Sixty-four priests in the Gatehouse, within this four years discharged, for the most part by Secretary Windebank.

3. Twenty-nine discharged (a verbal warrant of Secretary Windebank.)

4. A warrant to protect one Muson, a condemned Priest, and all the houses he frequented.

5. One committed by the King's own hand, and discharged by Secretary Windebank, without signification of the King's pleasure therein.

6. A petition of St. Giles in the Fields, near London, to the King, of the increase of Popery in their Parish, wherein twenty-one persons were seduced, and turned by two Priests, the which priests were both discharged by Secretary Windebank.

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<sup>1</sup>The Articles were printed in two editions in 1641 at London under the title "Articles or Charges Exhibited in Parliament against Sir Francis Windebank, Secretary of State to his Majesty, whereunto is annexed the letter that he sent to the Lord Chamberlain . . . ." It appears also in the anonymous Speeches and Passages of this Great and Happy Parliament from the Third of November 1640 to this Instant June, 1641 (London, 1641), p. 174. This is the source for the material above. It is of interest to note that the "Articles or Charge against Sir F. Windebank" is indexed as being included in the English Books series of University Microfilms (reel 252, Thomason Number E 165[3]) but one examines this entry only to find it is "Articles or Charge against Matthew Wren, Bishop of Ely." The charges against Windebank are not microfilmed in this series.