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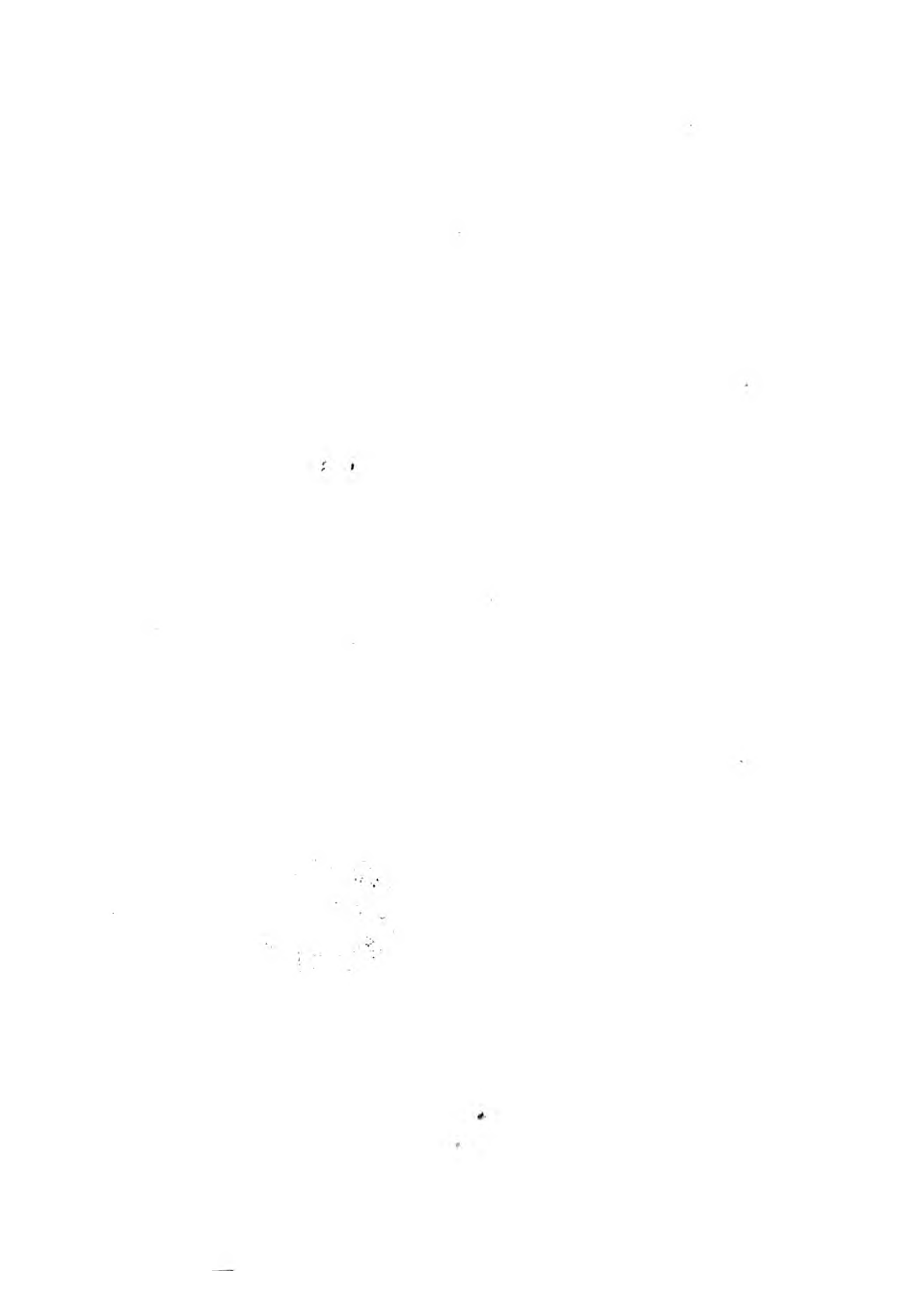








THE  
ECONOMY OF THE FLEETE.



THE  
ŒCONOMY OF THE FLEETE:

OR

AN APOLOGETICALL ANSWEARE OF ALEXANDER HARRIS  
(LATE WARDEN THERE)

UNTO XIX ARTICLES SETT FORTH AGAINST HIM  
BY THE PRISONERS.

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EDITED,

FROM THE ORIGINAL MS. IN THE POSSESSION OF  
HIS GRACE THE DUKE OF WESTMINSTER, K.G.,

BY

AUGUSTUS JESSOPP, D.D.,  
HEAD MASTER OF KING EDWARD VI. SCHOOL, NORWICH.

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PRINTED FOR THE CAMDEN SOCIETY.

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M.DCCC.LXXIX.

WESTMINSTER:  
PRINTED BY J. B. NICHOLS AND SONS,  
25, PARLIAMENT STREET.

[NEW SERIES XXV.]



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FOR THE YEAR 1878-79.

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## INTRODUCTION.

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### I.

IN the month of January, 1876, I obtained permission from His Grace the Duke of Westminster to examine certain MSS. at Eaton, which the third Report of the Commission on Historical Manuscripts had made known to the public. The noble mansion was under the dominion of an army of builders, and some difficulty was experienced in finding the volumes I especially desired to see. While looking for them I came upon the MS. from which the following pages are printed. I was first attracted by noticing many names of the Recusant Gentry with whose misfortunes and hard treatment I had become familiar in the course of my researches into the working of the Penal Laws against Catholics during the reign of Queen Elizabeth; and it was not long before I discovered that it was a document of some interest and value furnishing us with a picture of the condition of a London prison in the seventeenth century such as can, probably, be found nowhere else.

The volume had evidently been almost exactly in its present condition when the scribe finished his copying into it; it is a folio volume which some diligent compiler of the latter half of the seventeenth century had used for transcribing into, and can hardly have been opened for two hundred years. The sand which the writer had

sprinkled is still liberally distributed over the paper, and in some cases the pages had slightly stuck together from the ink being scarcely dry when the writer had turned over the leaves. The book contains 660 pages, which are numbered to the end, though several have never been used; the writing is beautifully clear and neat, and rarely presents any difficulties.

It is evident that the original from which the Eaton scribe copied was imperfect, and that one or two leaves—perhaps more—on which Harris had written his particular answer to Coppin and Kennel, had been torn off. What more Harris's "Defence" may have contained it would be idle now to guess. All that follows from p. 152 to p. 159 appears to have been of the nature of an "Exhibit," which the defendant "put in" when he presented his defence to whatever court of appeal it may have been originally intended for.

On my bringing the MS. to the notice of Mr. Gardiner, the Director of the Camden Society, he suggested that the Duke should be applied to for permission to print the volume, and he invited me to undertake the editing of it for the Society. With prompt and delicate courtesy his Grace, in reply to my application, sent the MS. by return of post: no questions were asked, no conditions imposed; and since February, 1876, the volume has remained in my custody.

I was not able to set to work at my task as early as I hoped, and when I began I was surprised to find that I had quite under-estimated the amount of trouble it would involve. I had assumed that I should find abundance of materials ready to hand if it should prove advisable to draw up a brief account of the Fleet Prison; and had a vague idea that such stray notes as I had set down from time to time, in the course of my own desultory reading, might be

easily supplemented by references to the more accessible sources of historical knowledge. I soon discovered to my dismay that nobody could tell me much about the history of prisons in England, and that I should have to break ground and explore with little or no help from previous inquirers.

I fear that some members of the Camden Society will be inclined to complain that I have not done more to illustrate this MS. I cannot hope that many will give me credit for anything approaching the amount of research it has really involved. I regret I could do no more; I have done what I could.

I have to express my gratitude to many friends for many kind services. The fields of historical research are so very wide that a man cannot hope to achieve anything of permanent value in that domain except he be *en rapport* with his fellow students; and how freely they help one another they know best who work hardest.

It is enough to say that I have frequented the Record Office to make it quite certain that the officials there have been of incalculable service to me. We have heard much of late of an "English School of History," and of the good work it is doing and has done. It would be difficult to estimate the influence exercised upon Historical Literature in England by such chivalrous guides and helpers as Mr. Bond and Mr. Selby, though it seems almost invidious to mention any names.

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## II.

When the massive stone walls which used to abut on Farringdon Street, and the gloomy buildings which they inclosed, were pulled down thirty years ago, the last vestiges of an institution were swept away which had existed on the same spot certainly for eight hundred, and probably for more than a thousand years.

It was an institution such as could only have existed so long in this the most tenaciously conservative country in Europe, an institution which, as we look back upon it now, appears to us "picturesque" chiefly for its indefensible badness, and for that amazing vitality which even the most enormous and flagrant abuses (under the plausible name of vested interests) have always exhibited among ourselves.

The first mention that I have discovered of the Fleet is of the date A.D. 1197, when (9<sup>o</sup> Ric. I.) "Nathaniel de Leveland and his son Robert — fined in lx. marks. To have the custody of the King's Houses at Westminster and of the *Fleete Prison* which had been their inheritance ever since the Conquest."<sup>a</sup> Four years after this the same Robert applied to King John for leave to hand over the wardenship of the palace at Westminster "*et gaole de Flete*" to Simon Fitz Robert, Archdeacon of Wells, for three years, inasmuch as he, the said Robert,<sup>b</sup> had taken the Cross. In the Chancery Rolls of this same year (3<sup>o</sup> John) I find a sum of 15*l.* 10*s.* paid by the city of London "in operacione gaiole Regis de Flete," and a further sum of 10*l.* 12*s.* 10*d.* charged as having been paid "Roberto filio Nathanielis *pro custodia domorum Regis de West-*

<sup>a</sup> Madox, *Hist. of the Exchequer*, p. 356. (Folio.)

<sup>b</sup> Liberate Rolls, p. 25. *Rot. Lit. Pat.* Hardy p. 4.



*minster*," and 7*l.* 12*s.* 1*d.* "*pro custodia gaiole de London.*"<sup>a</sup> Three years after this, viz. 25 May, 6° Jo. (1205), Robert de Leveland is back again—if he ever went away—and is excused payment of 10*l.* which he had borrowed, but required to serve "*cum equis et armis ultra mare*,"<sup>b</sup> he being at the time Keeper of the Fleet. He died some time at the beginning of the reign of Henry III. for in December, 1217, his wife Margaret is granted the same allowances "*ad domos nostras ad Westmonasterium custodiendum qualem idem Robertus habere consuevit dum vixit.*"<sup>c</sup> By which it is plain that *the widow succeeded to the Office of Warden.*

After this the Records contain numerous notices and allusions which throw more or less light upon the early history of the place, and make it appear that in the reigns of King John and Henry III. it was a house of detention for offenders of all kinds, but it was evidently far more commonly used as a debtors' prison, and one in which defaulters to the King's Exchequer were committed, than such as were charged with breaches of the peace, nor does it seem at any time to have been used as a gaol to which *felons* were confined and kept in irons.

Thus in the 18° Ed. I. John Franceys is committed to the Fleet by Thomas Weyland "*pro quodam compoto quod Agnes de Valence ab eo exigit*," and he is allowed to go forth on bail for settling the affair, and in case he should not succeed in effecting his object he is to return to prison.<sup>d</sup> In the next reign William de Barstove, Chamberlain of Chester, petitions for release from the Fleet—where he had been kept for a year and a day under arrest<sup>e</sup> for a debt to the King's Exchequer. In the 9° Ed. III. Adam de

Rot. Cancell. 3° Jo. f. 100.

<sup>b</sup> Close Rolls, 6° Jo. f. 33.

Close Rolls, 2° Hen. III. f. 346.

<sup>d</sup> Rot. Parl. vol. i. p. 47.

u. s. vol. i. p. 401.

Withyford, late Chamberlain of North Wales, presents a similar petition for release, he being a defaulter in the sum of one hundred marks which he acknowledges were due to "Rogier de Mortimer, Count de la Marche;" but he affirms, in his defence of himself, that his clerk was actually carrying the money to the said Rogier when he was unfortunately drowned in the Severn "*au Pount de Moneford en Salopshire par crecyn de eawe, e ne poynt estre trove tan que il fut desvorre des bestes, issint qe les dits cent mars furent perdues par fortune.*"<sup>a</sup> In the 21st Ed. III. (1347), Thomas de Bekering, Sheriff of the counties of Nottingham and Derby, petitions for discharge from the Fleet, where he is detained for a debt to the King's Exchequer;<sup>b</sup> and a similar petition is presented in the same reign in favour of William de Hedersete, who had become liable for "*grantz arerages devers nostre Seigneur le Roi,*" incurred by his late partner, who had died insolvent, in consequence of which the said William de Hedersete "*ad demoert en la dite Prison, a grant mischief.*"

In the 13th Ric. II. (1391), a case occurs where two men, Henry Tebbe and John Grenelowe, are committed<sup>c</sup> for creating a riot in the church of Whitwick, in Leicestershire. Here, too, the origin of the disturbance was a question of money said to be due to the Prior of Holand, who was the complainant. After this the place seems to have been used as a prison, to which any one might be sent on anything short of a capital charge.<sup>d</sup>

<sup>a</sup> u. s. vol. ii. p. 91.

<sup>b</sup> u. s. p. 196.

<sup>c</sup> u. s. vol. iii. p. 286 B.

<sup>d</sup> Thos. Hardyng, committed for false accusation, 15 Ric. II. and John Shodwell, for slander (vol. iii. p. 288 B.) The Sheriff of Rutland, 5 Hen. IV. for making a false return (u. s. p. 530). In the instance of Sir Henry de Medbourne, who is accused in the 50th Ed. III. of throwing several persons into the Fleet by the mere exercise of oppression, it seems probable that he did so under colour of their being

The first mention of extortion or excessive fees being laid to the Warden's charge occurs in a petition presented to the Commons in the second year of Henry IV.<sup>a</sup> (A.D. 1400), when the petitioners pray that "les fees de Gardien de Flete soient mys en certain;" and seven years after this we meet with the first allusion to that practice which to us seems so curious, and yet which to our forefathers seemed perfectly natural, of allowing a prisoner to leave the gaol by the permission of the Warden, and without any other legal formality. A prisoner once handed over to the Warden became a *quasi* representative of the debt for which judgment had been given, and the Warden having the debtor in his custody became *ipso facto* answerable either for the debt or the debtor. Failing to produce the latter when called upon, he became liable for the former; but as long as he kept his hold upon the debtor, to the extent of being able to produce him in court upon notice given, he seems to have been allowed to grant almost any liberty he pleased, he himself taking good care to make his profit out of any indulgence afforded to his prisoner. It was inevitable that the debtor gave his keeper the slip now and then, and when he did so the creditor must have some redress. Accordingly it was enacted, in the 7<sup>o</sup> and 8<sup>o</sup> Henry IV. (A.D. 1406): "... qe si ascun Gaoler lesseroit tiel Prisoner aler a large par mainprise ou en baile, qe adonques le persone envers qi le dit Prisoner estoit condempne aueroit sa action et recoverir envers le dit Gaoler."<sup>b</sup> Notwithstanding this resolution the practice of letting prisoners have a certain limited liberty seems to have gone

his debtors (u.s. vol. ii. p. 329). The committal of William de Buret, in 1214, seems to have been for contempt of court (*Rot. Lit. Pat.* p. 123). John de Beaune, in 1207, was evidently in the Fleet already for debt, and removed therefrom when the capital charge was brought against him (u.s. p. 68 B.)

<sup>a</sup> Rolls of Parl. vol. iii. p. 469.

<sup>b</sup> Rolls of Parl. vol. iii. p. 593 A.

on increasing rather than diminishing; and there are many instances of actions being brought against the Wardens, and large sums recovered from them, for their negligence in allowing escapes to be made from the custody of the "Bastons" or officers of the prison, whose duty it was to keep an eye upon the prisoner when he had obtained leave to be at large.<sup>a</sup>

The truth is that the Wardenship of the Fleet Prison was from the earliest times a kind of adjunct to another office, which included the safe custody of the Palace at Westminster. The Guardian of the King's Palace was responsible for its safe keeping, that no intrusion of unfit persons might be allowed within its sacred inclosure. He was supposed to keep an eye upon all who wished to be admitted into the royal presence, and, if it was needful that defaulters or other delinquents should be retained in durance ready

<sup>a</sup> The curious practice of giving leave of absence to prisoners seems to date from very early times. In the 1<sup>o</sup> Ric. II. we meet with a complaint that the Warden of the Fleet, "sometimes by mainprise or by bail, and sometimes without any mainprise, with a Baston of the Fleet," had been in the habit of suffering his prisoners to go at large, "even into the country." (Stat. at Large, 1<sup>o</sup> Ric. II. c. 12.) Notwithstanding the legislation mentioned in the text, and a great deal more of the same kind, it is quite clear that the practice went on for centuries, and was not finally abolished till 1697, when it was enacted that "every such going or being out of the said rules should be adjudged and be deemed, and is hereby declared to be, an escape." (Stat. at Large, 8<sup>o</sup> and 9<sup>o</sup> Will. III. c. 27.) In Harris's time things must have got almost to their worst point. He says that the Warden had about twenty officials whose sole duty was to attend upon prisoners on leave of absence (p. 77, 103-105). These men were allowed to remain with their prisoners in the country for a month at a time (p. 52, l. 10), being in the meantime responsible for their safe custody. Of course the Warden had taken care to protect himself against the possibility of a prisoner giving him the slip, by obtaining security to the amount of the judgment debt from relatives and friends. The extent to which the system of giving leave of absence was carried is very surprising. The Warden (p. 77, l. 28) estimates the cost to him at 80*l.* a year, which at 20*d.* a day would give an aggregate of nearly 1000 absences, or—assuming that there were even 100 of the prisoners who could afford to pay for the luxury of occasional 'exeats'—an *average* to this privileged class of *ten days' absence annually*.

at hand to be produced at call, he too was the official who had to answer for their appearance. For the Palace, without the Warden's licence, none might *go in*; for the Fleet Prison, without his release, none might *go out*. He made his profit by the fees levied and by exactions imposed upon ingress and egress; but it is certain that the Wardenship of the Prison was the more profitable office. From the miserable more can be wrung than from the prosperous.

In common with other offices of trust about the Court, the Wardenship of the Fleet was an office held in *Serjeantry*,<sup>a</sup> and as such it was regarded as a post handed down from father to son as an inheritance, precisely in the same way as a manor. It was not only a saleable property but one on which a mortgage could be raised, and from time to time mortgages were actually levied upon it. The prison with its inclosure, the buildings upon it, and the appurtenances, constituted a kind of huge caravansary kept by a landlord who was the "life tenant" of the estate and whose livelihood was made by preying upon all the inmates, while he gave them absolutely nothing in the shape of bed or board for which they were not compelled to pay and pay exorbitantly.

The English law made no provision for the insolvent debtor who had once fallen into his creditors' power. He was in a far worse condition than the *addictus* under the Roman law, for in this case the insolvent, though handed over to his creditor *to work out his debt* as a slave to his master, yet was protected from the violence of that master<sup>b</sup>; and while at work was labouring for his own deliverance

<sup>a</sup> By the *Abbrev. Rot. Orig.* Ed. III. it appears that the service imposed was that "custodiendi omnes prisiones ibidem et eciam ad *reparandum pontem de Flete* quotiescunque necesse fuerit," f. 130.

<sup>b</sup> Gaius, i. 141.



and receiving maintenance at his creditor's hands. With us a debtor was simply shut up in gaol and became literally a *lost man*; his release from custody was *ipso facto* a cancelling of his debt, and the creditor who had any hope of recovering his money would never give up his claim upon his debtor's *person*, lest by so doing he should lose all claim upon the *debt*. The prisoner, on the other hand, had a claim for support upon no one: he was not a pauper; he was not a criminal; he was in worse case; he was an insolvent bankrupt; he owed money which he could not pay, and for such as him there was only one punishment—perpetual imprisonment till he had discharged his liabilities. How many unhappy creatures died of slow starvation within the precincts of that same Fleet prison—of slow starvation, I say, not to mention such as turned their faces to the wall and perished silently, the victims of disease or dull despair—it is impossible to estimate and too saddening to conjecture; but the glimpses we get now and then of the condition of such of the prisoners as were literally penniless and destitute of relations or friends or any who could at all contribute to their necessities, recalls a state of affairs piteous and shocking beyond description, beyond belief, beyond imagining. Happily the horrors that were going on inside the gaols appealed to the compassion of the charitable, and from the earliest times the duty of contributing to the necessities of “poor prisoners” was acknowledged by all people who had the means, and liberally responded to.<sup>a</sup> The wills of the fifteenth century contain innumerable bequests for the relief of these unfortunates, and many of the London Companies still

<sup>a</sup> The earliest instance I have met with is in the *Cal. Rot. Patent*, 31<sup>o</sup> Ed. III. “Rex in auxilium pauperum prisonorum en le Flete concessit eis denarios vocatos Godspence collecturos de certis custumiis.” F. 167A.



enjoy estates of some value which were left in the first instance to provide funds for the benefit of the poor prisoners who were languishing in their dismal wards.<sup>a</sup>

Perhaps the bare sustenance of this pauper class of debtors was always provided for; the alms-box at the gate rarely lacked contributions, but inside these dreadful walls there were scenes and associations which to any man or woman who had once had experience of a peaceful home would appear incomparably more terrible than the possibility of occasional scanty fare. At the best of times and under the least rapacious warden the Fleet must have been a dreadfully wicked place; under a cruel and brutal gaoler it must have been a pandemonium. When Mr. Pickwick found himself an inmate of the prison it was after Howard's reforms had been carried into effect; but even then the picture, which is in no sense an exaggeration, is repulsive enough. We must go back to Fielding's days to find in *Amelia* a description of what it was before Howard's time; and what a description it is! The grossest vice and profligacy are assumed to be rampant; the gaoler panders to the lusts of his prisoners, sponges upon their resources as long as they have a guinea left, connives at the robbing of the new comers by the hardened *habitués*, makes his profit out of all that goes on. Drunken prostitutes fight and blaspheme; bullies cheat and plunder and howl and gamble; the place is a Hell where squalor and ribaldry, coarseness and violence, are rioting absolutely without reproof and almost without restraint. Fielding's *Amelia* was published in 1751, just five years before Howard's imprisonment in France first led him to

<sup>a</sup> The Leathersellers' Company alone still enjoys no less than *ten* such benefactions, which were left to the Company in trust for the relief of poor prisoners between 1470 and 1638.

devote his life to the amelioration of the prisons in his own country. The account which he gives of them<sup>a</sup> in his first work, published in 1774, could not but cause a profound sensation. In it he has set forth a careful account of the Fleet as it existed in 1771, which is the more valuable because the building was burnt down in 1780 by the rioters under Lord George Gordon.<sup>b</sup>

Horrible as the general atmosphere of the Fleet was at all times, yet in the sixteenth century there were vast differences in the accommodation offered to the different classes of prisoners. In a letter from Lord Henry Howard, dated Lambeth, 26 April, 1572,<sup>c</sup> *he begs to be sent to the Fleet* rather than be kept in "close keeping" in the Archbishop's palace. Harris describes Newgate and the Compter as "doleful places" compared with his own more privileged retreat. Elsewhere men were kept in irons as a rule: here they could not legally be subjected to such indignity, and could not even be fastened in the stocks unless they had been exceptionally violent and refractory.<sup>d</sup> Where a man was so situated that he could manage to withhold from his creditors any considerable part of his income—and the state of the law, as then established, made this easy for any fraudulent or obstinate debtor<sup>e</sup>—such an one could live

<sup>a</sup> *The State of the Prisons in England and Wales, with Preliminary Observations, and an Account of some Foreign Prisons and Hospitals.* 4to.

<sup>b</sup> But the eighteenth-century building was very unlike that which the following pages tell us of. As Howard's work is by no means rare, it will suffice here to refer to it without troubling the reader with quotations.

<sup>c</sup> Dom. Eliz. vol. lxxxv. n. 25.

<sup>d</sup> See p. 56, l. 30 *et seq.* In the fifteenth century delinquents who were confined in the other London prisons were in the habit of practising a *ruse* for getting removed into the Fleet. By a legal fiction they confessed themselves *debtors to the King*, and on this pretence they were transferred to what was regarded as the prison for King's debtors. This practice was restrained by statute of 1° Ric. II. c. 12.

<sup>e</sup> See p. 36, l. 34, *et seq.*

in the Fleet in comparative comfort. After some years of confinement men got accustomed to the place: they had dropt out of society, lost their friends, contracted new habits, had become unfitted to mix with their equals in rank, the blight of gaol life had passed upon them; and cases are not infrequent of such as had actually got their discharge refusing to avail themselves of it, and continuing to occupy their old quarters.<sup>a</sup>

The Warden's freehold consisted of the prison strictly so called, and comprehended, besides, an inclosure precisely similar to that which surrounds many of our cathedrals.<sup>b</sup> In this close several "messuages" had been built from time to time by successive Wardens at their own cost. The "messuages" appear to have been blocks of buildings like those in the Temple or Lincoln's Inn, and were like them divided into chambers and let out to such as could pay for them, almost precisely as in the Inns of Court. It appears that there was even some competition for these chambers, and that as long as the occupant paid his rent he could not—or believed he could not—be ejected from them. When he went out he locked his door, and for the Warden to force an entrance was regarded as a trespass—outrageous and illegal.<sup>c</sup> Sir Francis Englefield had three "chambers," in which, says Harris, he received as many as *sixty visitors in a day*. Mr. Chamberlayne seems to have kept up quite an establishment.<sup>d</sup> Ashburnham Peck had his sons to live with him. Others had their wives and families. Francis Tregian had collected a large library during his long incarceration, and when he died in the Fleet there were "many hundred volumes" in his chamber which he had accumulated.<sup>e</sup>

<sup>a</sup> Pp. 9, 27, 65, 66.

<sup>b</sup> MS. A.

<sup>c</sup> P. 73, l. 18; p. 102, l. 10.

<sup>d</sup> P. 62, l. 15.

<sup>e</sup> Pp. 84, 93, 59, 72, 141.

A great inducement to the erection of these blocks of chambers seems to have been given by the legislation of Queen Elizabeth against the Catholics, and the consequent imprisonment of a new class of prisoners,<sup>a</sup> viz.: the Recusant Gentry, whose obstinate non-conformity subjected them to heavy fines, and the Priests who were hunted down by the Pursuivants. This class were prepared to pay for any indulgence, and the profits derived from such prisoners were so large that it became well worth the Warden's while to enter into an extensive building speculation whereby the "chambers" were increased in number fivefold.<sup>b</sup> For this privileged class too there were "gardens and places of recreation"—such as they were—and for others who could hardly afford such luxuries as these there was yet the privilege, not to be enjoyed without the inevitable fee, of taking exercise "on the leads."

But the occupants of the chambers were the aristocracy of the Fleet, who held themselves aloof from the motley rabble, who bawled and swore, and robbed and drank, and fought and gambled in the prison strictly so called. This in Harris's time seems to have been substantially the same as it had been for centuries.<sup>c</sup> It consisted of "six great rooms and a court-yard, with the Tower Chambers and Bolton's Wards." The Tower Chambers appear to have been only recently set apart by the Warden as second-class chambers, the occupants of which were charged less than in the "Parlour Chambers," but more than the tenants considered the Warden had any legal right to claim. They could have been but small rooms, and were three in number.<sup>d</sup> And Harris says they could without crowding hold eight beds. In other words the Tower Chambers were chambers where two or three men at least had one room

<sup>a</sup> P. 86.<sup>b</sup> P. 17, l. 10.<sup>c</sup> P. 86.<sup>d</sup> P. 89.

amongst them. Of the other wards one was appropriated to women; one was called the Twopenny Ward, because the prisoners there paid 2*d.* a night; and one was the Beggars' Ward, where the prisoners paid nothing and received nothing. Though the Warden mentions Bolton's Wards frequently, it is difficult to make out anything about them, or that they differed in any respect from the ordinary wards where the rank and file of the prisoners were confined.

There was a depth lower than the wards, viz., the Dungeon,<sup>a</sup> for refractory prisoners. Harris tries to make the best of it, but even so his account exhibits to us a very ugly picture: that a culprit once shut up there could be kept in irons and fastened in the stocks was no more than was to be expected; but that the dungeon could on occasion be converted into a place of torture and persecution of a very dreadful kind we learn from more sources than one in the course of its black history.<sup>b</sup>

It did not suit Harris's purpose to reveal to us much about the Dungeon, nor do the complainants in the case seem to have troubled themselves much with that. Nobody would get into the Dungeon if he could help it; but if he did get there—well, naturally, all the worse for him! Nor do the petitioners concern themselves with the Beggars' Ward; that was beneath their notice; and Harris accordingly scarcely does more than allude to it. When poor creatures got there, they were past caring for. We have to trust to an inmate of the Beggars' Ward, more than a century after Harris's time, to get some insight into the horrors of the place; and, revolting as the details are, they apply with certainly not *less* fidelity to the Prison as it existed in Harris's time.<sup>c</sup>

<sup>a</sup> P. 88, 89.

<sup>b</sup> MS. (B) and Bainbridge.

<sup>c</sup> "Cry of the Oppressed," p. 89; copy, pp. 130-35.



In the Beggars' Ward an insolvent debtor—who may have been arrested for a few shillings—was left to his fate. For fire, food, clothing, bedding, he had to trust to the commiseration of the outside world, who had never perhaps heard of his name, and only darkly suspected that there was a ghastly sweltering mass of misery inside the prison walls which it was well to alleviate if it could do so. But in the course of those long centuries hundreds must have fallen victims to cold and want and squalor, dying literally like dogs in their corner, mouldy straw beneath them, and foul rags scantily spread over their shivering and emaciated forms. The condition of the prisoners in the Common Wards was only a shade better than that of the occupants of the Beggars' Ward, and for this no thanks were due to the Warden, but to the friends of the prisoner, who still contributed some pittance to his support, and who took care that the rigour of his imprisonment should be lessened as far as might be. These poor creatures had to find their own bed and bedding—as every one else had—but they paid fees for the privilege of lying upon it without some one or more of their fellow prisoners being told off to share it with them.<sup>a</sup> How frightfully crowded the wards sometimes were may be inferred from the incidental allusion of Harris to one occasion when the Tower Chambers, in which it was considered hard that eight beds should be placed, had contained <sup>b</sup> “above 20 beds of the Wardens, and prisoners lodged there *to the number of 56!*” The filth and vermin are mentioned and alluded to *without complaint*—it was taken for granted, and looked upon as inevitable. Harris even mentions it as an instance of his own extraordinary humanity and regard for the prisoners' welfare (!) that “*at the*

<sup>a</sup> Two in a bed was the *best* accommodation that a prisoner could expect, p. 82, l. 7. p. 84, l. 10.

<sup>b</sup> P. 90, l. 14.



*beginning*” of his entering upon his office some of the prisoners “were *permitted* to come out and fetch water to cleanse the wards.” Nay! “sometimes” the beds were actually aired!<sup>a</sup> The moral degradation corresponded to the physical. “You must have been most miserable to be so cruel,” was Aurora Leigh’s retort to the hag who was hurling curses at her. And those Fleet prisoners who were “most miserable” in their abject wretchedness were consistently merciless and cruel. In mere wanton mischief men howled like maniacs through the night, and blew horns while the sick were gasping out their last breath.<sup>b</sup> Women of the town came in and out freely; pickpockets took refuge within the “liberties”; the blackleg and the sharper were safe there; ingress and egress for any one not actually under arrest was almost incredibly lax; and much more dependence was placed upon such bonds and securities as the lawyers drew up than upon any bolts and bars which the smith or carpenter could contrive. We hear of prisoners being robbed of every farthing upon their persons by their fellow-prisoners, of brawls and fights as too frequent to deserve notice, of its being the ordinary thing for the prisoners to be ready with their sword or dagger. If now and then the Warden’s servant got stabbed, or a riotous ruffian got his head broken with a candlestick, or some one else got “slain by misadventure,” the occurrence called for very little comment, and by-and-by things went on as before.

Meanwhile the rations furnished to such as were able to pay their way to one of the “Hall Commons” appear to have been no better than we should have expected. The Warden must live, and his income was derived not only from the rents of the chambers but from the profits that accrued from the supply of food, drink, and

<sup>a</sup> P. 88.

<sup>b</sup> Pp. 73, 74, 151, l. 36.

fuel. The prisoners said the quality was abominable and the charges extortionate. Some rough attempts were made to remedy the evils complained of, but practically there was no redress. Sir Francis Englefield set up a sort of ordinary in his chambers <sup>a</sup> at which certain prisoners dined; others followed his example. The Warden began to be afraid that his own gains would be diminished. He objected, and took measures to put a stop to this poaching upon his prerogative. The mutiny which broke out at last, and of which we hear so much in the following pages, seems to have been caused by Harris's attempt to force all prisoners to content themselves with such purveyance as he was ready to afford. But it is evident that he abused his monopoly. Even by his own admission some prisoners actually paid for their rations and paid an *additional fee for liberty to find themselves*.<sup>b</sup> Even so the Warden had not done with them; for after they had obtained their provisions from outside they were again charged a fee for licence to cook at the Warden's kitchen.<sup>c</sup> Surely, pleads the Warden, this could be no hardship! Twenty years before, one man "paid 20*l.* per annum for licence to fetch his diet from abroad."<sup>d</sup> That any temperament or any constitution could support long years of imprisonment like this—aggravated as it was by all that goes to make life weary, hateful, and hopeless—is to us, in our luxurious days, almost unintelligible. And yet the denizens of the Fleet lived on. "Many of them," says Harris, "have been prisoners for 30 years, some 25, and downwards."<sup>e</sup> They did die, however, and they died frequently. And what ghastly death-beds they must have been! Even when a poor wretch had got his last discharge and the broken heart had made an end of beating, even then the dead body of the debtor was the

<sup>a</sup> Pp. 93-95.<sup>b</sup> P. 119.<sup>c</sup> P. 93.<sup>d</sup> P. 92.<sup>e</sup> Pp. 43, 65, 72, 94.

Warden's property, and could not be recovered by the relations without the payment of the fees due or demanded.<sup>a</sup> The cases mentioned by Moses Pitt as occurring in his own experience can hardly have been fabrications, and, if they were not, they can hardly have been without precedent or even unusual.

Amid all this turmoil of violence, lawlessness, and vice, it will perhaps surprise the modern reader most of all to find that not only were the forms of religious worship kept up,<sup>b</sup> but that inside this chamber of horrors the religious dissension and feuds of the outside world were repeating themselves in grim parody. In Marston's "Eastward Hoe"<sup>c</sup> Wolfe the Jailor says, "I have had of all sorts of men i' the kingdom under my keys, and almost all religions i' the land, as Papist, Protestant, Puritan, Brownist, Anabaptist, Millenary, Family o' Love, Jew, Turk, Infidell, Atheist, Good Fellow, &c." He might have been speaking of the Fleet instead of the Counter, for in the Fleet the clamour of conflicting zealots was confusing enough. Popish Recusants, themselves suffering for their religious opinions, stubbornly refuse to attend the Protestant service and treat it with mockery and derision, "drumming" at the doors

<sup>a</sup> A long list of complaints against the Wardens of the Fleet for extortion, persecution, and actual torture, might be made out from the Records in the State Paper Office if it were worth while to pursue so painful a subject. In the Appendix will be found the case of Joachim Newton, Warden (or Deputy Warden?), in 1597; and the barbarities of Richard Manlove, Warden in 1690, became the subject of judicial inquiry (*Cry of the Oppressed*, p. 84). The case of Thomas Bainbridge, dismissed from the Wardenship in 1729, may be read in the *Statutes at Large*, 2<sup>o</sup> Geo. II. c. 32, and in the *State Trials*. It is certain that if matters did not much improve between the sixteenth and eighteenth centuries they could not have got worse. Harris's summary of the past history of the Fleet, at p. 9, l. 24, &c. speaks for itself.

<sup>b</sup> Down to Howard's days, and long after, the fees for the *chaplain* charged to the prisoners are conspicuous.

<sup>c</sup> The play was acted in 1605.

while it is going on.<sup>a</sup> Another set of fanatics elect a preacher of their own, make a contribution for him at the end of his sermon, and are marvellously edified by his discourse.<sup>b</sup> A crazy enthusiast who had rendered himself notorious by his extravagant notions and the energy which he had displayed in trying to propagate them, though thrown into the Fleet to cure him of his delusions, does his best to proselytise there, and appears to have had some success. But it was inside the walls just as it was outside: Men were fighting for religion without it; and for any influence that their professions exercised upon their daily conduct, or for any wholesome effect which these produced upon their lives, they might almost more profitably have been playing at bowls or working problems in algebra than belabouring one another with the bludgeons of controversial theology.

The two most notable incidents with which Harris's Apology has to do are the mutinous outbreak among the prisoners, which occurred in July 1619,<sup>c</sup> and the stabbing of Sir John Whitbrooke by Broughton in the following October.

We should probably have heard little or nothing of either occurrence if it had not chanced that, two years later, some of the prisoners contrived to get a formal complaint lodged against the Warden. As to the stabbing of Sir John Whitbrooke it attracted very little attention at the time; the event is just mentioned in the news-letters, and it seems as if the rumours that were circulated about it by the *quidnuncs* provoked a faint sentiment of displeasure in certain quarters, but it was a nine-days' wonder, and was soon forgotten. As for the mutiny, I have not once met with any notice of or allusion to it in any of the many diaries or letters which have

<sup>a</sup> P. 136.

<sup>b</sup> Pp. 48, 50, l. 32.

<sup>c</sup> P. 43.

been preserved. Such things had been and such things would be again. The silence is more suggestive than any comments could have been ; nor is that silence less suggestive because, just about a year after the prisoners in the Fleet barricaded the wards—smashing the furniture, forcing the bolts, and assaulting their gaolers—a precisely similar *emeute* broke out in the King's Bench, and of so violent a character as to need the interference of the High Sheriff of the county with something approaching an armed force.<sup>a</sup> There is no reason to believe that there was any concerted action between the inmates of the two prisons. Both cases appear to have been sudden and spontaneous explosions of passion among a crowd of desperate men, whose condition was past all bearing, and whose misery and irritation had driven them at last to phrenzy.

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It would be out of place to continue the history of the Fleet for the two centuries after Harris's time, during which it continued to be used as a debtors' prison. The same abuses and abominations went on unchecked and unreformed for 150 years. At last the "Moral Genius" arose who denounced the iniquities that were so scandalous, and, though it took another 70 years to get rid of the vile system, it succumbed at last. Even towards the end of the seventeenth century some feeble palliation to the barbaric laws affecting imprisonment for debt were from time to time introduced into the statutes; but the very frequency of these enactments shows too plainly how partial such measures were in their operation, and how much they were needed. The men who framed and draughted the remarkable petition and Act which is printed in the Appendix V.

<sup>a</sup> See Appendix III.



were men who were very much in advance of their age. Two hundred years were to pass away before the legislature of this country could entertain such views as those set forth, and before the abolition of punishment for debt was finally determined on. It was not till the 22nd December 1844, that the Fleet Prison and the ground on which it stood was brought to the hammer.<sup>a</sup>

<sup>a</sup> In the Guildhall Library the printed plans and specifications, &c. of the sale may still be seen. In the same collection is a "Plan and Section of the Interior, and Perspective views of the Fleet Prison, by Rotaldé;" it has no date, but it must represent the Fleet as it appeared *after* the fire in 1755.

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The Œconomy of the Fleete,

OR

An Apologeticall Answeare of Alexander Harris  
[late Warden there] unto xix Articles sett forth  
against him by the Prisoners.



## Thus say the Prisoners.

A breife Collection of some part of the Exactions, Extortions, Oppressions, Tyrannies, and Excesses towards the Lives, Bodies, and Goods of Prisoners, done by *Alexander Harris*, Warden of the  
5 Fleete, in his fower yeares misgovernement, ready to be proved by Oath and other Testimonyes.

|    |                                                                                                                                                                                                                                                                                                                | Answer. | Page            |
|----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|-----------------|
| 10 | After knowne quarrells and fightings<br>betweene two prisoners, lodging them in<br>one chamber, where quarrelling and fight-<br>ing againe, and notice to him thereof given,<br>and of likelye further mischeife, this not-<br>withstanding continuance of them together<br>untill the one murdered the other. | 32      | 1. Murder.      |
| 15 | Removeing a prisoner out of his cham-<br>ber, having 5 <i>li.</i> 1 <i>s.</i> hidd under his bedd,<br>which the prisoner required he might goe<br>to his chamber to dispose off, which was<br>denyed, and he thrust up in another roome                                                                        | 43.     | 2. Felonie.     |
| 20 | close prisoner until the warden and some<br>of his servants rifled his bedd of that<br>money.                                                                                                                                                                                                                  |         |                 |
| 25 | 11 <i>li.</i> 6 <i>s.</i> taken out of the trunck and by<br>violence from the person of a close prisoner<br>sick in his bedd, by the Warden and his<br>servants.                                                                                                                                               | 47.     | 3. Robberie.    |
| 30 | After engagement of faith soule and all<br>under hand and seale, contrary thereto,<br>detayneing a prisoner have[ing] libertye by<br>his Majesty's writt, to his great prejudice.                                                                                                                              | 52.     | 4. Infidelitie. |

|                                                                                                                                                                                                                                                                                                                                                                                   | Page | Answer.                                       |    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|-----------------------------------------------|----|
| False imprisonment of men discharged offering to pay all due fees for divers moneths.                                                                                                                                                                                                                                                                                             | 55.  | 5. False imprisonment.                        | 5  |
| Close imprisonment of many without order, warrant, or lawe, by moneths and yeares.                                                                                                                                                                                                                                                                                                | 58.  | 6. Close imprisonment.                        | 5  |
| Close and cruel imprisonment, chaineing, manacling, and bolting of them with irons, some of the degree of knighthood, without cause or warrant.                                                                                                                                                                                                                                   | 58.  | 7. Cruel imprisonment.                        | 10 |
| Starving of men close imprisoned, guarding them from meate, drinke, &c. and that after command of authoritie to the contrary.                                                                                                                                                                                                                                                     | 67.  | 8. Starveing close prisoners.                 | 15 |
| Breaking of prisoners chambers, haveing first removed them, opening their truncks, seizeing their goods, and still detaineyng them.                                                                                                                                                                                                                                               | 71.  | 9. Seizeing and detaineyng prisoners goods.   |    |
| Where an order gives upon every dayes goeing abroad by one that is not in execution 8 <i>d.</i> to the wardes box, the orders exemplified under the great seale hath a dash over the word <i>wardes</i> to make it <i>Warden's box</i> , by which practise and under coullor thereof he continually robbeth the poore of that 8 <i>d.</i> a day, which is yearely a great matter. | 76.  | 10. Robbing the pooremen's box.               | 25 |
| Where the same order gives 12 <i>d.</i> a day to the keeper that goeth abroad with such prisoner he robbeth his servante of that alsoe, forcing the prisoner besides to content his keeper.                                                                                                                                                                                       | 77.  | 11. Robbing his poore servants of their dues. | 30 |

|                                                                                                                                                                                                                                                                                                                                                                                                                             | Answer. | Page |                                                       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|------|-------------------------------------------------------|
| <p>He hath warrant dormant under some of the counsell's hands, not nameing any particular person, by which continually in<br/> 5 all countryes he seizeth upon his Majesties subjects forceth them to give bonds to be his prisoners, exacteth intollerable fees and compositions, &amp;c. where theis apprehensions ought to be by the sherriffs of the<br/> 10 shires without such vexation or charge to the subject.</p> |         | 80.  | 12. Abusing the counsell's warrant dormant.           |
| <p>Where by orders noe man ought to pay for any chamber (the Warden alloweing bedd and beding) above 2s. 4d. a weeke<br/> 15 he exacteth 8s., 10s., 13s. 4d., and of some 20s. a weeke without beding.</p>                                                                                                                                                                                                                  |         | 82.  | 13. Excessive rates of chambers.                      |
| <p>Where before his tyme nothing was paid for lodging in comon wards, he exacteth as if they lay in private chambers<br/> 20 upon his bedding, yea, for the dungeon alsoe.</p>                                                                                                                                                                                                                                              |         | 86.  | 14. Exacting for lodging in comon wardes and dungeon. |
| <p>He exacteth after those high rates chamber rents of men haveing noe chambers, but lyeing abroad by the King's writt or otherwise.</p>                                                                                                                                                                                                                                                                                    |         | 91.  | 15. Exaction for chambers, not having any.            |
| <p>25 He exacteth for dyett whole commons of men that take none of his meate or drinke, a thing never demaunded before his tyme.</p>                                                                                                                                                                                                                                                                                        |         | 92.  | 16. Exactions of dyett, takeing none.                 |
| <p>He layeth impositions upon meat and<br/> 30 fewell, and forceth prisoners to pay them, as 2d. a joynt, 3s. 4d. for a loade of billets, &amp;c. and forceth prisoners to pay 12d. a bushell for charcoale which are to be bought for 12d. a sack.</p>                                                                                                                                                                     |         | 98.  | 17. Impositions upon Meate and Fuell.                 |

|                                                                                                                                                                                                                                                                                                                                | Answer. | Page |                                                                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|------|--------------------------------------------------------------------------|
| Where men be whole vacations abroad by <i>habeas corpus</i> he forceth them to pay him 20 <i>d.</i> a day for outgoings, their chamber rent and dyett, horrible exactions never had or demaunded by former Wardens.                                                                                                            |         | 101. | 18 Horrible exactions upon such as goe 5 abroad by the King's Writts.    |
| Of men haveing the King's writts to goe about their businesse, he exacteth of them for his leave, of some 40 <i>s.</i> 3 <i>li.</i> 5 <i>li.</i> 10 <i>li.</i> or more in money or other bribes, a daylie trade never done by any before, and without yeilding theis fowle exactions they are staid and loose their occasions. |         | 104. | 19. Excessive exactions for his 10 favour to goe upon the King's Writts. |

Their fowle exactions, extortions, and base usages towards prisoners 15 by *Robert Holmes* the clarke, *Henry Cooke* the porter, *Richard Mansell*, and other M<sup>r</sup> Warden's worthy instruments, servants, and affidavit men, would aske a volume, and is reserved for a longer discourse.

There be many other great greivances which for brevity are 20 omitted, all which will directly be proved and most of theis above be in the particular accusations deliverd in Parliament with the witnesses names annexed, ready to be verified upon oath as they have already been verbally attested before the honourable comittee at fower severall meeteings in the Fleete.

25

### Thus saieth the Warden :

The Nyneteene Articles sett forth against the Warden are such, as if he should not answeare, it weare a tacite confession of guilt; and to answeare in this elaborate and tedious manner may be irksome to read. But as he hath undergon the reproach of the 30



accusation, soe he hath presumed to hazard the rebuke of his unpollished writeing rather than to leave his innocency unremembred to the world. And therefore *Non ad forum judicii sed ad informandum conscientiam.*

- 5 The Warden hath also answered unto divers particuler men's complaints which were made against him. And for better cleareing thereof hath mentioned theis followeing, viz.:

|    |                                                                                                       | Answer. | Page |              |
|----|-------------------------------------------------------------------------------------------------------|---------|------|--------------|
|    | The orders and constitutions renewed                                                                  |         |      |              |
| 10 | and made Anno 3 <sup>o</sup> Elizabeth for governe-<br>ment of the Fleete and the prisoners<br>there. |         | 110. |              |
|    | The explanations of those constitutions<br>and ratification.                                          |         | 115. |              |
| 15 | A particuler answer to Mr. Edward<br>Rookwood.                                                        |         | 128. | Romishe.     |
|    | A particuler answer to Mr. Nicholas<br>Rookwood                                                       |         | 128. | Romishe.     |
| 20 | George Lee.                                                                                           |         | 134. |              |
|    | Sir Francis Englefeild, Barronett.                                                                    |         | 139. |              |
|    | Sir John Whitbrook's Lady.                                                                            |         | 32.  |              |
|    | Ashburnham Peck.                                                                                      |         | 71.  |              |
|    | Sir William Price, Knt.                                                                               |         |      | Romishe.     |
|    | Mr. John Warren.                                                                                      |         |      |              |
| 25 | Edward Beare.                                                                                         |         |      | In generall. |
|    | John Sherley.                                                                                         |         |      | In generall. |
|    | John Segar.                                                                                           |         |      | In generall. |
|    | Mr. Edward Chamberlayne.                                                                              |         | 120. |              |
|    | The Lady Amy Blunt.                                                                                   |         | 143. |              |
| 30 | Edmond Sharpe.                                                                                        |         | 147. |              |
|    | William Harvey.                                                                                       |         | 151. |              |
|    | Edward Coppin.                                                                                        |         | 43.  |              |
|    | Richard [Christopher] Kennell.                                                                        |         | 55.  |              |

## The Warden saith :

Though in courts of comon justice it is not admitted to answeare any mans plea or complaint with recrimination, yet it is to be hoped that this answeare may be made in such manner of recrimination with great reason and equitie. For men are seldome sent 5 to prison for vertue, but for delinquencie, soe come they to prison as to the center of justice. At which place if they presume in contempt of former judicall proceedings to abuse themselves and the place, there is reason they should be stricktly dealt with all. And why doe they in Bedlam binde men, in Newgate iron them, in 10 other prisons shutt them up? But because some are madd or crackt braynd, some are full of villany, others drunken and refractory. And doth there not come to the Fleete (on other occasions) men that be touched with all theis vices? Yes, surelie, and with many more. So that it must alwayes be left in the keeper's discretion 15 to act his part according to the persons whom he meeteth withall. But for such a keeper to putt madd and desperate men together, irons on the civell persons, restrayne the comformable, exact or extort money or goods from them that owe nothing or from such as ought to possess them, is noe way (without doubt) tollerable. To 20 rayse newe customes, inflict newe punishments, to betray men's liberty in takeing or letting men goe are things unsufferable. But there are degrees of punishment in the fleete and in all prisons. As for dungeon, shackles, and stocks, they doe differ as much from ordinary imprisonment as imprisonment doth from freedome. And 25 lett a true consideracon be made of the persons or prisoners that have complayned agaynst the Warden, and it will be found that their complaints are more fraught with mallice and for their owne ends, then for true cause. And their endeavour is to turn their particuler to a comon example and (forsooth) doe good to other 30 prisoners, when they themselves doe wrong to all men that have had former dealeing with them, and they would that out of the

breasts of a fewe outlawed banckrupts, forgerers, perjurers, conspirators, libellors, schismaticks, and opponents of our religion should yssue a lawe to guide and direct Justice and Judges themselves.

5 If there hath been such great cause of reformation or redressing of wrongs to prisoners, howe hath it come to passe that soe many clamours, heretofore made, have beene answered and avoyded? Are prisoners men that solely be obedient? Noe surely, for this difference there is betweene them and their keeper, that he is  
10 bound to obey all comands and directions of superiors, but the prisoners *non habent unde cadant*. They are in prison, and whatsoever they doe they can but be in prison; and as for some, nothing can comand, nothing persuade or induce them, nothing rule them, they are men sould and bought soe to their wills, as *stat pro ratione*  
15 *voluntas*. And it is a greevius thing to have to doe with them who, having practized all shifts abroad in the world, doe now come to exercise their shifts and practizes upon their keeper. As the last refuge of a forlorne hope, where some, though they are or may be discharged, will not goe away, others (discharged) will not forsake  
20 the place, but still have recesse and dependance. Yea, if a vagabound man or woeman (for there are of both sorts frequent in that place) once sett foote there he shall find one or other to owne him as his servant and cover all villanyes.

It is noe novell thing for prisoners to contend and oppose their  
25 gardians. In *Babington's* tyme it was soe; *Cawltton* was slayne; in *Mr. Anslowe's* tyme were insurrections, slaughter of servants, and prisoners irons and stocks inflicted; Soe was it [in] *Mr. Tirrells* tyme, in *Newton's* tyme, in *Mr. Reynolds*, in *Trenche's* tyme, in *Mr. Phillips*, and soe downewards, which, being to many unknowne or  
30 forgotten, may lay the more aspersion upon this warden that now is.

But in this tyme are there not more noted and waightie constrauctions [*sic*] and oppositions daylie practized in the King's Bench, Newgate, and other prisons where the prisoners band themselves, not onely against the keepers and marshall, but against the Citty and

Country, and *posse comitatus*, wherein, if some prevention be not used hereafter, it shall be better for any that is now a keeper of a prison to sit downe by the losse, and rather heare then see what will followe in the prison and commonwealth, whereof some part in the ensuing answeares will appeare, and this hoped to be allowed 5 to every gardian that he doe rather prevent escapes, breach of prison, murthering of himselfe and his, then remitt [*sic*] to complaint when it is done, for if he doe it not soe he shall rather be an Accuser then a keeper.

3<sup>o</sup> Eliz.

The first of the prisoners' plott to overthrowe the government 10 of the Fleete, was, by impeaching the constitutions for perpetuall government there, exemplified in Queen Elizabeth's tyme, by consent and subscription of the Secretary of State, the Chiefe Justices of both benches, and all the puisne judges, the Lord Chauncellor and Treasurer, explyned and confirmed before the Lords of the Privy 15 Councell, the prisoners saying that those constitutions are but personall and bind noe more but such prisoners as were then in the Fleete about sixty years past; that they were gotten by falshood and corruption; That the warden durst not avouch them; soe that the Warden's power being extenuated in such fashion, the conspiracie 20 to kill him was put in practize, and to breake upp the prison was alsoe acted, and he and his servants greivously wounded.

After which the Warden, thinking and receiveing direction, that it was more fitt for him to governe and make good the King's prison then to complayne on men already imprisoned, some fewe of the 25 prisoners tooke upp the complaint first (abuseing the name of the whole), yet were then never soe stedfast in their complaints as that the Warden could knowe who or for what they complayned, being assuredly perswaded that he had done so much right unto the honest and better soarte, that (amongst hundreds) he was ever able to pro- 30 duce all the best knights, gentrie, and civell poore to approve his doeings, and soe should still have been but that he was comanded the contrarie.

As for a fewe malecontents, they will ever clamour when men of

worth will contayne themselves, knowing they be in prison and ought to be ruled.

Yet notwithstanding the complaints tending not soe much to have anything reformed in the Warden or the Governement there, as to  
5 make all things uncertayne, whereby neither Governement nor payments might be had; Therefore the lords and others of his Majestie's Privie Counsell commanded expresly that they should pay somewhat in the interim, and referred the difficultyes and differences to be considered by committees of that most honourable  
10 board and to the cheife justices of both benches. But the prisoners (perceiveing it made not for their purpose) became informers in their own name against the Warden, thinkeing to evade those orders and constitutions by the strickt lettre of the lawe and condempne the Warden in great penaltyes for practizeing those con-  
15 stitutions.

Upon which occasion the Warden made his suite unto the lords for stay of those Informations, whereupon the comittees came to the Fleet, heard the greevances, comanded payment to be made to the Warden, and that the Information should cease untill they had taken  
20 further Orders. But the Warden could gett neither quietnes nor payment, for two prisoners then petitioned his Majestie that the tryall might goe forward.

They came into the Courts of Justice alledgeing that the Lawe was their patrimony, the judges bound by oath to yield it them,  
25 that it ought not to stopp upon any occasion of Great Seale or Privy Seale. The Warden then, perceaveing that the cause was noe longer properly his, but whether the King's Majestie or his royall progenitors could (by their prerogative) give power to execute an office of special trust, and finding that neither the comittee's comand  
30 nor the King's attorney's *Nolle prosequi* could appease them, and makeing this knowne to the Lord Chauncellor and judges, some of the prisoners were sent for and much rated for their insolencie, and withall the Lord Chauncellor promiseing that things should be



ordered by Comission from the King, the most insolent submitted thereunto.

Soe the Lord Chauncellor moved his Majesty for such a comission, which was graunted, sealed, and directed to him the Lord Chauncellor, to the honourable Treasurer and Comptroller of his hows- 5  
hould, to the Master of the Rolls Sir Edward Cooke, the Cheife Justices of both Benches, and the Cheife Baron, most whereof satt upon that Comission and gave heareing. But the prisoners (then also thinking that they had such advantage by lawe as would overcome the Warden) pressed still to have the benefitt of lawe. The 10  
Comissioners therefore, seeing nothing would appease them, gave way for proceedings at lawe. And upon yssue joyned and evidence given on both sides touching the rate of chambers, the promooter for extortion in chambers and lodgings durst not stand to the verdict, but became *nonsuited* and paied costs, never since daring to 15  
goe forward in the like suite.

A suite in lawe about the rent of chambers passed on the warden's side.

Another verdict in lawe about takeing money for dyett where they had none.

The other point touching payment for dyett was alsoe brought to tryall, in which that Promooter himselfe was a cheife witnes, yet was the pursuer of that action overthrowne in lawe; by the words of the statute, by custome, by prescription in eight wardens tymes, 20  
and by the constitutions. Soe that a verdict passed for that alsoe on the Warden's side and might have appeased any man whom right or Justice can conteyne. But noe marvaile if theis still contend, for outlawes and jesuites are (almost) all that complayne, and besides that the cheife of them for fowle matters was in the 25  
xith yeare of His Majestie's raigne censured in Starrchamber, they all (in a manner) are now defendents there att the King's attorneys suite for their intollerable routs, riotts, conspiracyes, &c. done in the Fleete, which cause is soe farre proceeded in as that matter enough is confessed upon record by the defendants themselves, and 30  
witnesses are now examineing to fortifie the same. But theis prisoners, being very sensible what will be the yssue of that suite (to their punishment), have premeditated and boasted that they will



by their clamours make the Warden run away or confound him before that tyme come; some of them have since that resolved, and provoked others to resolve, to detayne the fees and duties that accrewe to him and soe to disable him in his meanes, nay, they  
 5 have incyted one another to kill him, and besides the one that did attempt it another hath confessed that he afterwards was resolved to finish it, they further knowing that touching a fact done in the Fleete, the Warden might either produce witnesses from amongst the prisoners or his owne servants; therefore as to the prisoners they  
 10 except against their testimonyes as banished persons, not remembring that they be their own Christned [*sic*] bretheren and have signes and marks common with themselves, and as for the servants they attempt to persuade them and the world that their master (the Warden) hath robbed them, and therefore they have noe cause to adhere to  
 15 their master but to the prisoners, who stand for their good; and yet (by their leave) they scoffinglie terme them worthy instruments of their maisters and *Affidavit men*. In which they blowe hott and could and sayle two wayes with one wynd, a thing not improper to men in the Fleete. Yet touching them servants they are the  
 20 Warden's and noe further then they doe well.

This then is the further drift and scope of their Nyneteene Articles published against the Warden, viz. to overthrowe him, to outstand justice, to shun their owne chastisements in the Starr-chamber and to have soe many immunities as is possible. To  
 25 which immunities by way of contrarie every of theis nyneteen artic[1]es have a secret pointing, and yet those Nyneteene be not ynough, soe that herein (like *Hydra*) they meane to have heads of contentions fower or five yeares more (as formerly they have had already), that in the meane tyme the Warden may have no payment,  
 30 [as none he hath had], and their owne land and revenues may be enlarged, and their meanes swell to pay creditors, but it shall be noe more then ij. iij. or iiij. s. in the pound of their debts; reserveing and keepeing the surplusage for their posteritie. And this resolutely they determyne to obtayne or else lett their creditors take

their carkasses when they dye, soe that it is an hazard counterpoysed whether the creditor or the debtor beareth the greater, for if the one dye in prison the other looseth the debt, and if charritie can not move the creditor lett the hazard doe it.

The prisoner should be the subject of charity, but as the tyme 5 now is, the creditor is the object of scorne, for the one hath said Loe, thus we lodge, thus we feed, drinke, and bowle, and the other thinketh he suffereth in the meane tyme; but, saith the prisoner, if you descend to our conditions so it is, if not, adieu, you shall seeke us before we seeke you. 10

Surely a modest and temperate governor of a prison should much availe the comon wealth and be a good medium between the creditor and the delinquent. The Warden for his part shall submitt himselfe and stand neither for revenge or gaine, onely for the reputation of a faithfull subject, a sinceare officer, and a Christian 15 man. But such hath been the malignity of a sonne of Symonie residing in that place, as to add unto the Nyneteene Articles and peirce above the flesh into the very soule by alledgeing before great persons and boasting of it afterwards that the Warden is circumcized; but he (falsely) spake the truth, for it is true in the 20 spiritt but not in the letter, in the heart but not in his flesh, who haveing conversed with most Chistians in the world, yea with most nations Jewes, or Turks, attributed ever in the better sense somewhat to them that were religious and did hope for good of such men; but in the Fleete, finding seared consciences, stupid myndes, and 25 carnall desires, he prayeth the Lord to visitt them in mercy and make their affliction convert them, not onely releiving the prisoner but him also that is their governor, who is and shall be at all tymes more a prisoner thorough care and oversight than the prisoners themselves, and may well take upp the sayeing of the holy Prophett 30 David, "Who [*sic*] is to me that I remayne in Meshech and dwell in the tents of Kedar, my soule hath too long dwelt with him that hateth peace."

One thing hath stuck much in the myndes of men, which is that

the Warden payeth a great rent for the place, and some conclude that therefore he must take or exact much, and that it were necessary the rent were abated, whereby the prisoners may pay lesse.

Surely such reason and consequence is utterly to be eschewed, 5 for first *caveat emptor*, if he had overfarmed it (as men have farmes in theis days) att his perrill be it, that is noe rule or reason why he should extort, but rather leave it or undergoe the losse.

But to prove that he hath not overrented it, it shall appeare that it is better cheape to him then to any other Warden in 30 yeares 10 before, soe much can be made manifest; and about 30 yeares hereafter it will be better by many hundreds when leases determyne which now are of small value, and also when that the Warden should be disposed to build (as he may) upon the freehold and lett it to prisoners or strangers as formerly hath been done, when 15 it was devided in dowrie and to coheires, for a freehold is a separte thing to the prison; the freehold [being] held in graund serjeancie, vizt. *custodiendi prisonam*. Therefore it is the building and confluence of prisoners that hath increased the rent, for as to the warden he hath not inhaunced either rents or ffees, or restrayned 20 usage and custome. Besides the rent is not chargeable onelie for the Fleete, but for keeping of, *ballivam custodiendi*, the King's pallace at Westminster, which hath great fees and emoluments, sometymes in two dayes worth 400*li*. and if duties might be freely claymed there, it is noe lesse worth then the Fleete, and the office 25 of Guardian hath had fees in large nature, both as a pecuniarie paine to deterre men from being committed, as alsoe in regard of the great hazard of life, lymme, and goods which the Warden undergoeth by receiveing and answeareing each waighty prisoner in his kind, whereby in one hower he may be undone, for what 30 prison keeper in England (like him) hath had at one tyme the King's prisoners for two hundred thowsand pounds debt, besides the affayres of State. And therefore, if he hath beene carefull to suppress daunger when a generall breach of prison was attempted and in part acted by theis that nowe complayne and himselfe and

servantes treacherouslie wounded almost to death, hath he not merritted his fees and duties, and to be protected against reproches? Lett the thing judge and such as know what a prison is where the confusion of Babell doth dwell. Lett them judge or else *acquiescere* in them that daylie take accompt of the accidents there, for 5 it is noe smale difficultie now, long after things are done, to give a reason of every circumstance and fact, which discretion might then move a Warden or his under officers to doe this or that which now may be forgotten, the proofes not remembred, or witnesses dead, after three or fower yeares past since they were don, as most 10 of theis were, and were then [not?] controverted while they were fresh in mynde.

But to come nearer to the matter of theis 19 Articles which are published against the Warden. To 14 of them, which about two yeares past the prisoners did exhibite against him before those 15 Comissioners appointed by his Majestie to heare and determyne the variances, they made their *Exordium* that because Anno 1 Anno 1<sup>o</sup> R. 1<sup>o</sup>. R 1 (who gave the keepinge of the Fleete), he gave alsoe a freehold and a fee of *vjd.* per diem for doinge the service, therefore it is a free prison and noe continued duties are to be paid by prisoners. 20

Which is as much as if a man came to London and aske an Answere. hoast or innkeeper whether the howse be his owne, or that he pay rent, and thereupon conclude that if it be his owne the guest is to have his lodging and attendance for nothing; but if the hoast should say he hath lettres pattents under the great seale of England 25 that the same guest might lye there, and noe where ells, and pay such and such duties, what reply can the guest make? Soe it is with the prisoners and the Warden, so is it also with the leivetennants of the Tower, with keepers of castles and others. It is called a free prison in regard the warden holdeth it *absque aliquo* 30 *nide* [*sic*] *reddendo* to the King and not free to the prisoners.

2 Allegation. They likewise alledge that 1<sup>o</sup> Elizabeth it was purchased by *Tirrell* at the rate of 160*li.* per annum, and that long after it was held at 100*li.* per annum and refused for 200*li.* But now that



(thorough extortion) there is made 4,000*li.* per annum by the relation delivered to one *Mr. Shotbolt*.

To which is answered, that the purchase paid by *Tirrell* (as Answer. appears by the deed inrolled) was 6,000 markes, or 4,000*li.* which if  
 5 it be devided at tenne or twelve yeares purchase, being more then an office of that nature was worth in those dayes (which is above three score yeares past), it will bring out 400*li.* per annum, tenne yeares purchase, and therefore here is *sutor ultra crepidam*, for 160*li.* at that rate would yeild but 1,600*li.* in money, and there was  
 10 not then the fift part of the buildings and lodgings which now are.

*Mr. Anslowe* (as is crediblie informed) held it by fyne (and otherwise) at 600*li.* per annum, and had but some part of the benefitts of the prison, nothing of the pallace at Westminster. And as for this Warden's valuation of it at 4000*li.* per annum, it might be,  
 15 supposeing that if the benefitts of the pallace were had, &c. But what if the one with the other cost in expences 4,000*li.* per annum, what will be then advanced? And as to *Mr. Shotbolt*, for all the great shewe was made to him (if any such be), he was to give the warden but 133*li.* 6*s.* 8*d.* *de claro* per annum for it, and perhappes the  
 20 Warden had beene better to have contracted for halfe that, soe it had been with a man that would have paid it. What prejudice then has fallen to this Warden, who (as appeares by his bookes) hath not in all manner of shewe above 2,200*li.* comeing in per annum, and spendeth and looseth more then the same, thorough  
 25 such good guests as prisoners are. Whereof one doth boast that he hath spent 300*li.* in suite against the Warden to catch him upon informations, and yet never paid the warden a penny in the tyme he hath beene Warden; what should become of the office if all prisoners did soe? Especially if a warden had had it which had been  
 30 able to loose nothing by it? Such a one might (as now this is likely) either become a beggar or lie in prison by defeature as these doe.

Alsoe they alledged that before *Tirrell's* tyme there was never <sup>3 Allegation.</sup> taken but i*js.* iiij*d.* for the fyne or fee of the commissioners, and <sup>Quer of this fee in the quo</sup>

*warranto*, it is  
the fee of the  
barr at West-  
minster.

Answer.

that when in 3<sup>o</sup> Elizabeth it was referred to Commissioners to sett downe orders for perpetuall government there, the Commissioners would not doe it without approbation of the prisoners.

Howe false this is lett it appeare bye the constitutions 3<sup>o</sup> Eliz. for then all the prisoners and Warden did mutually joyne in petition that Commissioners might be appointed to erect good and necessary orders of newe, and to establish all such orders as should be proved to have continued tyme out of the remembrance of men, and that there might be a register or record thereof, whereby they might be certayne. 5 10

Which Comission being graunted and great scrutinye made by *certiorari* to the Warden and other officers of record to bring in all writeings that did concerne the old usages, orders, and customes there, the Comissioners did conclude without any opinion or approbation of the prisoners or of the Warden according as in their wisdom they thought fitt, and did sett downe all rates of fees and government of prisoners. 15

But because in matter of dyett (which is arbitrarie) how a man will be fedd and what ordinary he will goe unto; wherefore to that point onely the prisoners were called, and to nothing ells, to make choyse and to sett downe what they thought fitt. For in reason they were to be fedd as they would pay, but it doth not thereof followe that their fynes, fees, restrynts, libertyes, &c. sould be as they themselves would agree unto, for the lawe, *ab origine*, hath determyned that; And moreover this assertion receaveth a further evasion, for of all those that did agree to the rate of dyett, there was neither archbishop, duke, earl, &c. baron, or knight, that was then in custodie to value the bounty of such persons, and yet there was a rate sett downe for them, which rates (for their honors be it spoken) in point of dyett, they have not onely paid (takeing nothing for it), but yet further have exhibited to the warden and his while they have beene there. What a goodly coulour and glosse had these men to move for new constitutions if the inferior prisoners had not then asked the question, but now they be unexcusable. 25 30



And whereas further they collect the reason why the Warden should have but ijs. and iiij*d.* fee *de quolibet homine comisso* from a graunt made almost 500 yeares past, and from diverse inquisitions made upon former Wardens' death, and the wardship of the heire, 5 wherein his Majesty is interessed by the tenure, and therefore would conclude that as Adam began in innocency and simplicitie, soe the Warden's fee should still be the same to the world's end, and that, howsoever banckrupts and delinquents are growen more cuning in their generations, yet neither fees nor tymes should 10 meete with them, for they would have the old lawe on foote that *nullus liber homo imprisonetur*, &c.

This was the fee in court at Westminster not at Fleete.

Yet lett them nowe give the warden leave to think that in 3<sup>o</sup> Elizabeth those grands and sages which reviewed and established the orders for government of the Fleete did not by confederacie 15 and conspiracie increase the fees of ijs. and iiij*d.* in a praecipitous manner to 21*li.* 10*s.* for a prisoner of one degree to 14*li.* 15*s.* for another degree, to 10*li.* 6*s.* 8*d.* for another, and soe downe to 7*s.* 4*d.* and this in such fractions and broken somes; but rather that they found a president or reason for it before *Tirrell* purchased the 20 Fleete, who was well knowne to be a gentleman that neither aspired or was like to be countenanced in obteyning soe excessive increase and varyation of fees, and that it was long before done, and ordered to the end that the meanest man whose ijs. iiij*d.* was as good silver as the best man's might not looke for the like observance and 25 attendance in the Fleete as the Nobles had, and it doth appeare long before *Tirrell's* purchase, that a certayne reverend bishopp of our Church being persecuted and sent to the Fleete did there pay such fee as a baron now paieth, whereof he would not have thought much and complayned if barons had paid but ijs. and iiij*d.* a 30 peece; and therefore if theis clamorers doe think themselves injured they shall doe well to endeavour (as they beginne) to have municipall lawes of their owne within the walls of the Fleete erect consistorie, and under the generall and indefinite name of prisoners

corporations or bodyes politique call the Warden and others to answere, at which tyme, if their court have any tye of justice, the very name of those graunds and sages will be not onely a good plea in barr of theis unsavoury arguments, but alsoe patronage enough for the Warden himselfe, when he shall be admitted to answere 5 any prisoner hand to hand, the Accusers may thinke that the Warden doth mock them (truely if he doe not, he well may, for their fabulous and arrogant proceedings, where there are lawes, statutes, historie, prerogative, custome, verdicts, and evidences against them).

4. They conclude very honestly and reasonably that according to 10 the true meaning thereof they may have a coppie hung upp in the Hall of the Fleete that the prisoners may knowe them to avoyd controversies hereafter.

Answere. This their conclusion that hath the shewe of concord is yet like Sampson's foxes, whose heads are turned another way, for in the 15 end, whereas the constitutions and customs were, that the Warden might shewe and the prisoner enjoy ease for his money, all their ayme was to punish the Warden on the statute of 23 H. 6 in xlii. *toties quoties*, he shewed them any ease, and they try the orders of 3<sup>o</sup> Elizabeth, but they will not be guided by them, soe that they 20 which succede this Warden have great cause to take heed that they shewe them noe ease: a strange thing it is that prisoners complayne of ease.

23 H. 6.

And as for hanging upp of a table of the ordinances for government, there never wanted one in the Hall of the Fleete, which the 25 prisoners understanding in a sense most beneficiall for themselves, a table was alsoe hanged by it, howe the sense was explyned by the judges and corroborated by the lords of the privy councell. But the table which had the sence hath been from tyme to tyme taken (if not to say stolne) away, to the end that prisoners would be still 30 sencelesse, or ells (surely) theis constitutions had never growne to the point that now they be, to the troubling of the Lords, the Judges, his Majestie himselfe, yea the wisdome and state of the

whole kingdome, and men which comonly looke on the first table may perhapps blame the Warden whom the second table will acquite in all men's judgements which be indifferent.

And although a tender hart may soone be sensible of a fault that  
5 is committed, yet for two reasons it would be hard for the Warden of the Fleete to answeare.

First, because most of those articles are generall, as if he had used <sup>1.</sup>  
all or many of the prisoner according as is sett forth.

Secondly, because they have not sett downe the tyme when the <sup>2.</sup>  
10 fact was done, neither the circumstances, reasons, or occasions of doeing such as were done. Many whereof shall be avoyded for just and good, but God, whose proper work is onely to turn that unto good (which they meant for hurt) did (as is before declared) bring this to passe in some measure when the prisoners were heard  
15 before the commissioners, for then they delivered in wryteing those 14 Articles (the same in substance that 14 of theis 19 now are), to which the Warden not onely by word but by wryteing made answeare, which is extante to be seene in some of the Commissioners hands; whereupon and upon the verdicts aforesaid the prisoners did  
20 desist and the most held themselves convinced.

And a coppie thereof was given to the Warden.

But the malignitie and unreconcilable hatred of some banckrupts is such, that, thinkeing those 14 Articles would be reputed unworthy to be iterated without some notorious additions, therefor to them are added five more, and those of noe lesse consequence, then first  
25 murther, secondly felony, 3ly robbery, fourthly infidelity, a fift of a forgery by altering the constitutions under the Great Seale of England, made for the perpetuall government of the Fleete, and theise be things in the prisoners opinions soe haynous as the very nameing of them is able to quell a man at once.

30 Theis with the rest came forth at such a tyme as that most honourable assembly was to be dissolved and noe tyme for answeare, soe as the Warden was for that present outwardly left with a brand or tincture, but such is the power of God in a cleare conscience that inwardlie it made his hart to leape and rejoyce when he sawe

there was nothing but theis of mallice without matter to taint him withall, and tooke it as a testimony that they, knoweing if they should (as they might if they durst) bring every or any of this five into ordinary course of justice, by indictment or otherwise, would not doe it for feare that if they sayled in their proofes it would 5 revert on their owne heads by like ordinary course of justice, and the Warden might impleade them for it.

Therefore to avoyd such impleading this was by their Fleete oracle thought a sure and sound course how to calumpniate or libell, and not to be subject to punishment for it. Notwithstanding which, 10 it is to be hoped that wise and judicious persons will for their mallice reject or little esteeme their matter, and conceive that if the Warden had been soe fowle and exorbitant, he could not soe long tyme and in so excellent a comonwealth have found protection, remission, or connivance after soe many heareings as have passed at 15 councell board at comittees, then att and before the judges and justices in particuler and in generall, unto all which in his daylie attendance he rendreth accompt of his actions, and answeareth such complaints as arise, unto which comonwealth and to every power that standeth for it (who can best judge the quallitie and nature of 20 a prison and prisoners), he most humbly submitteth himselfe with this further prayer; that the extent and continuance of his office, soe long as it keepeth within the due lymitts may not be held obnoxious either thorough the greatnes or frequency of the persons that are comitted thither, by reason of whom it must needs be an 25 object of the father's hate for his sonnes sake, of the sonne for the father's sake, of kindred for their allyes, of maisters for their servants' sake, of the neighbour for the neighbour's sake, of the countryman for his countryman's sake, of the friend for his friend's sake, of officers for officers; yea, the late prisoner for the present 30 prisoners' sake. All which noe doubt doe readily consider what a prisoner doth suffer, but not soe readily consider what comand is layde on the Warden to inflict, what cause in Justice there is to comand it, or what vicious quallitye there is in the prisoner to



induce it. Whereby it followeth that most often some of theis fathers, children, friends, &c. doe sue for favour and importune the Warden to use kindness to the prisoner, yea, oftentimes to hazard his creditt and estate for them; but never shall it be seene that  
 5 any man will persuade the prisoners to deale kindlie or reciprocally with the warden, or retorne to witnes what good the warden hath done to many under his custodie.

Soe that the warden is like to a white in the butt for all estates to shoote att, and can neither hope of retribution for those good offices  
 10 which he doth as Warden, or as a civell freind; and the reason is that, though prisoners and their keepers be relatives, yet there is such an innate and prejudicate opinion on the prisoner's part as that (rarely) he can love his keeper.

And therefore the keeper for his first ground hath to doe his  
 15 dutie with all care and circumspection (without idle jealousy or foolish passion) in obeying the King, the Lords, the Judges, the Lawes, and Constitutions; and soe he shall become an absolute and independant officer, without awe of detractors or backbiters, for, as the Fleete is the King's owne proper prison next in trust to his  
 20 Tower of London, and as that is his fort in the east, soe was this one in the west of the citty and chamber of his kingdome; therefore fidelity and discretion concurring in his officer there, it will noe doubt be a motive to his sacred Majestie to lett his protection reflect upon it, and upon them that mannage it, maugre all the  
 25 stratagems and pollicyes of such prisoners as now affront it, or rather justice and the execution thereof.

For if they which accuse the Warden of that which he or his servants have indeed and necessarily acted, as takeing money from Mr. Leccester and Thraske, causeing Chamberlayne to be wrapt in  
 30 his gowne when he would not by any intreaty put on his clothes, takeing Rookwood alsoe in his shirt when he likewise refused to put on his cloaths, breakeing open Peck's trunk to take out stolne goods, putting irons on a crewe of Romish affected and factious, who stabbed, wounded, meant to kill, and to make generall breach



of prison, keeping in his chamber a second and third plotter of his death, endeavoring to keepe meate from them that immured and shutt up themselves of their owne accord, suffering some to lye without a bedd who had none of their owne, neither would pay for one to the Warden; if they had therewith all sett downe the 5 occasion, circumstances, and tymes, why and when the Warden did theis things, and to whom they were done, he would have spared them the labour to seeke out witnesses, for he doth confesse and avowe it to be done lawfully, justly, and reasonably; nay that he could do noe lesse in regard of his service to his King and country, 10 forsake keeping the King's prison and prisoners, and preserveing himselfe and servants from being slaughtered. The Warden's passage, dwelling, and conversation being in the same howse and under the same roofe against them, soe as he cannot soe much as personally shunn any man, except he lock them upp in one warde or other or 15 in their chamber, and therefore they which complayne and diverse more which complayne not, did urge him to theis things and heaped coles on their owne heads thorough their nifarious doings in that place.

It hath alsoe beene urged that the fees and duties which the 20 Warden doth demaund of his prisoners are soe great as that in a little tyme which the prisoner lyeth there and payeth them, he is brought further behind hand and disabled in satisfieing his debts or performeing that for which he is comitted, and this is (seemeingly) a great burthen; but where the practise of the Fleete to meete with 25 the practise of the prisoner is knowne, the fees doe neither make or marr, except (as is said) the Fleete should be made an hospitall for delinquents, who, if they possesse a thousand, or thousands of other men's, doe by keepeing that and makeing their accord with the creditor drawe the charge of the imprisonment out of the 30 creditors pursse.

But howsoever when a man is comitted, whether he be gentleman or yeoman *revera*, yet at his comeing thither it is in his owne election to be of the gentleman's comons or of the yeoman's comons,

or of neither, and accordingly he is lodged and dietted at soe lowe a rate as he pleaseth. But if he, which best knows his owne meanes, will be lodged and fedd with the best, and after he hath begotten trust for a yeare or two yeares' lodgings, &c. (upon pretence of  
5 livelyhood and possibillity to pay) in the end pretendeth poverty, though in truth he hath (by lyeing there) better his estate [*sic*]; if this plea doe nothing at all move the Warden *de jure* it is not to be wondred att, or he to be thought blame worthy; neither can it be thought much that sometymes the Warden contendeth with the  
10 beggars of the charitie upon such points, for he findeth that when some gentleman or yeoman have lyen long there and runne in his debt, then at such tymes as they have weryed their creditors and made their owne easy conditions, and doe resolve to ridd themselves from the Fleete, after long keepeing their discharges in their pocketts  
15 they doe labour earnestly to be admitted to the charity (amongst the beggars) and (either by bribeing the beggars or importunate clamor, and sometymes false certificates) obteyne it; which once had then cometh their discharge forth of their pocketts, and looke we are beggars, and *in forma pauperis*, from whome there is nothing  
20 due to the warden but vijs. iiij*d.* att our departure, and yet he demaunds 20, 30, or 40*li.* and here is our discharge (dated a yeare past), and we are kept for our fees, and in such a case most of the prisoners will be their seconds, though when this gentleman or beggar is gotten out, then he is *Mr. Dives* at his fayre house ac-  
25 complished with all things, and can dispend a hundred pounds or two per annum; for it is mayntayned there in the Fleete (as a holy maxime) that the man is cursed that selleth his patrimony or his possessions (though bought with other men's money) to pay debts withall. And as for such money as is taken upp at use, it is  
30 a justifiable and pious deed to keepe the userer without it, he being a man worthy to be punished; and that if God hath given one man witt and capacitie to goe beyond another, it is reason that such a man should use his tallent of witt by circumventing another man in his land, money, or goods. Yea, if a man have a

reversion which may presently be sold for many hundreds ready money, yet that man shall keepe his reversion, and in the interim that it fall he ought to be admitted on the charitie of the Fleete, by which prophane pollicyes and reasons they defeate all estates and conditions of men, and put the Warden's discretion soe much to the 5  
touchstone as he is often condempned of hard hartednes by such as little descend into consideration of the nature of the prison and prisoners.

What calumpnies hath beene raysted agaynst the Warden in the point of halfe comons (as if all men paid it) though it be a meere 10  
embrion without shape or rule, and is ever varied and applyed to the quallity and abillity of the prisoner to give somewhat (and that very little, as hath beene shewed) for license to take his victuall where he pleaseth! For if the porter of the Fleete be bound to attend the coming in and out of their servants of meate and company, 15  
and the Warden to afford them roome, Yea even scavage for their ordure and sweepeings, surely it is more then they can have abroad for nothing.

What a slaunder is it to say, the Warden alloweth but six days to the weeke, because perhapps his clarke in reconning with a 20  
prisoner hath mistaken first or last a day, and left but six days in one weeke, with which and a thousand such other solæcismes and Fleete doctrynes they rather shewe what may be said then what is just and fitt to say, soe that if there be once but xij*d.* casually taken nay but ij*d.* out steppeth an information for extortion, as from *Mr.* 25  
*Rookwood* and *Chamberlayne*, but if the Warden loose a 100*li.* or two by death or non solvencie of a prisoner, a thousand pounds more or lesse by an escape, noe man will contribute to his losse, naie the prisoners will rather take a president or oportunitie to doe the like, then take any pittie on the Warden. 30

There is a greate hope and expectation that order will be taken for the more ease and lesse fees of prisoners. By collour whereof they pay not a penny in the meane tyme, and that the Warden shall hereafter take his fees for the tyme past, as (if it may be pre-

sumed soe to say) by predestination; but if such soares be bound  
 upp and easye plaisters applyed, creditors will be the next suitors  
 to have the cankers and wormes of commerce and entercourse  
 smoaked in a more bitter fashion then they be, ells the good must  
 5 suffer for the badds' sake, for lett a viewe of the prison be taken  
 (man by man) and it will be perceaved that one hath sold, Naie  
 doth now sell, his libertie to feed his belly, another to cloath the  
 back, another to maintain his punck, another to lett his lands  
 descend to his yssue, others to sport and play, others to keepe  
 10 money by them and putt it out to use, and rarely shall be found a  
 poore man, who by accident or visitation hath beene occasioned to  
 come to prison, for (thanks be given to God) there is a great deale  
 more pietye in this kingdome and commonwealth derived from  
 the creditor to the debtor, then prayers or humilitie from the  
 15 debtor or prisoner towards the creditor; Naie, if it were not to  
 speake against charitie, there might much more be said of that  
 likewise, onelie this, that if a legacy be given to discharge some  
 poore men which lye for smale matters, themselves will mutiny to  
 have it shared amongst all rather then take the benefitt aloane, soe  
 20 little suffering and soe good a desire to tarry have the poorest  
 there.

The rich are of the same mynd, not remembring that the best  
 way to revenge themselves of a badd Warden were that in dispiht  
 of him they would gett out and be free, yet there ayme is to be  
 25 comended if either they can avoyd the ould fees by driveing  
 away their Wardens, or procure lesse fees hereafter thorough their  
 great hypochrysie.

It had not beene fitt here to particularize or name men were it  
 not of necessity, and to sett out an answeare to theis Nyneteene  
 30 Articles by some of them published against their Warden before he  
 be convict of offence, which if it be lett goe unpunished, *gaudeant  
 bonâ fortunâ*, for if they had libelled before they were prisoners  
 they should surely have beene subject to punishment. If the prison  
 free them from this and others it will surely be a seminary of that



and more fowle enormities; but some prisoners must be named for cleareing of the things in question, yet soe as to deliver the Warden of bad men and matter with good words, least otherwise there should be noe difference betweene him and the prisoners saveing that they rayled first, and least that he should seeme to be of that orator's opinion who said, that if men had taken pleasure in speakeing evill, it was fitt that they should loose that pleasure by heareing evill, and howsoever he wryteth in the third person, yet he is the first whome it concerneth; and if the stile or method be badd, it is that which he could and what the tyme would permitt, his place being rather for action then meditation or wryteing in this kind. 5

If any offence be taken at that which is here written (as the Warden hopeth none shall be) it is his burthen and he must beare it (though with much sorrowe), for God is his witnes he did never affect the being Warden, but haveing been first brought upp in the rudiments of lawe, and next in voluntary travaile beyond sea, and lastly in great ymployment there, he resolved (if soe it had pleased God) after his travaile to have rested under his vyne and fig-tree, with remembrance of what was past. 20

But when necessary and unlookt for occasion drewe him to this place, he first conceived that there was *turpe lucrum*; afterwards being more urged he examyned the justness and value of the fees and duties.

And lastly when there was noe remedy but he must be warden, he besought of God to give him an heart answeareable to serve the commonwealth and doe poore men good. 25

But his conflict and troble in that place hath beene such as hitherto he hath come short in both; soe that, his glasse being runne, a new man must come to the helme, and he shall carry noe substance, noe creditt, noe comiseration, yet here is the inward glory, that howsoever he may be accused he can never be convinced of such grosse crymes or a mynd and purpose to doe evill; for with many men he contended for example sake, but whosoever 30



submitted himselfe there was alwayes an end, and loveing reconciliation without respect of gaine, and this he was constrained to stick unto. Because if the prisoners thorough contention did once obteyne any thing against right, then by tradition it became a  
5 custome authentically.

Here is noe storie or discourse of art to attract any man to read it, but an humble defence is here of an innocent man, written to satisfie such persons as thorough the clamour of factious prisoners have apprehended worse of the Warden then there is cause; unto  
10 them therefore he addresseth himselfe with prayer that if any thing stick in their myndes then they would take soe much paines to read it, and favourably to judge him, who in his owne nature is myld and gentle, as in his extreames of daunger with *Whitbrooke* doth appeare.

15 For it shall be mayntened for a truth that *Sir John Whitbrooke* (thorough a plott and confederacy with others touched in this answeare) came into the Warden's studdy where the Warden (in his gowne) was wryteing, and fashioned his speech, sayeing that he came to speake with the Warden about his lodging, who  
20 answered that he would willingly speake about that and money for it, whereupon the Warden putting dust upon the wryteings and turneing his back to lay them aside *Sir John Whitbrooke* strook him on the head with the sharpe end of a hammer, whereof one cleft was before broken off and the other cleft newly whett,  
25 giveing fower wounds to the scull and some bruses before the Warden could close with him; but then the Warden, thrusting him out of the studdy, did throwe *Whitbrooke* on the back and took away the hammer, *Whitbrooke* (being undermost) did hould the forepart of the Warden's gowne soe as he could not rise, att which  
30 tyme the Warden's blood abundantly gushed downe upon *Whitbrooke*, and the Warden could have beaten out *Whitbrooke's* braynes with the hammer but that he was neither wrothfull nor daunted.

Then after two maydes servants (heareing the noyse) came into the roome, and one loosed *Whitbrooke's* hands from the Warden's gowne,

or ells the Warden must have killed him to acquitt himselfe. Soe soone as the maydes came the Warden shewed them the hammer all bloody, telling them that *Whitbrooke* had wounded him therewith; the butler of the howse then alsoe comeing upp to cover the table the Warden bidd him and others (which followed) to laye 5 hands upon *Whitbrooke*, &c. but to take heed they hurt him not; soe they letting him rise and rest himselfe he tooke a stilletto out of his pockett and stabbed the Warden's deputie cleane through the middle of his hand which (notwithstanding it was presently dressed by a good chirurgion) did rankle upp to his shoulder, and was like 10 to have killed him; he also stabbed the porter of the howse directly against the heart and drewe blood, but it pe'rced not; he stabbed the goaler into the hand and twice through the sleeve of his dublett, soe as then they lay violent hands upon him, put on irons and carryed him to the strongest warde of the prison (called *Bolton's* 15 warde). And howsoever false suggestions are made (to obscure this fact) by many persons concurrent in it, yet there is such apparant prooffe where and how the hammer was provided, the stilletto or Scottish dagger purloyned to doe this deed withall, and that *Whitbrooke* himselfe confest the haveing and bringing of them to that 20 purpose, with a multitude of witnesses truely testifieing one and the same, as noething can be more pregnant.

Therefore it was high tyme for the Warden to looke to the governement, and to the suppression of theis things, or ells his executors might too late implore Justice, when he were breathlesse 25 in his grave, and creditors might seeke their debtors at large with losse when they were once gone; for though the office of the Fleete be of a great value and may be a pledge to answeare such prisoners or suffer for them (if they escape), yet if a generall escape had beene made, what office is of value to satisfie for it? and therefore 30 he which keepeth a prison in a peaceable comonwealth must discharge noe lesse fidelity then he that keepeth a fort in tyme of warr, or ells irreguler persons will make devastation upon all estates, and the prison will be but a sinagogg of Jewish ceremony,

where the trybes of the wicked will plant themselves, and suck the milke and honny from the true chariteable and religious of the kingdome; and, although the Warden hath not to doe with the merritts of prisoners causes for which they are comitted, yet, touching their conversation, he hath to oppose the badd (whome alone this answeare doth intend to convince), and to be observant to the honourable, generous, and well affected (whom this answeare neither toucheth nor soe much as pointeth att), but with their due respects.

- 10 Some things for the Warden's defence will be found to be repeated often to severall accusations, which could not conveniently be avoyded, because, though many prisoners joyned in one conspiracy, yet their facts were diverse, and the Warden's defence is but one to those severall facts and persons, and therefore hopeth to be pardoned  
15 for that repetition.

## The First Article.

Accusation of  
murther.

After knowne quarrells and fightings betweene two prisoners lodging them in one chamber, where quarrelling and fighting againe and notice to him thereof given, and of likelie further mischief, this notwithstanding continuance of them together until the one 5  
murthered the other.

And the *Lady Whitbrooke* in her petition to the King's Majestie alledgeth inveterate malice betweene *Whitbrooke* and the Warden.

Answere.

By these which point at two prisoners (whereof the one slewe the 10  
other) is meant *Sir John Whitbrooke*, concerneing whose death and how farr the Warden may be touched with murthering of him, being suddenly slayne by his fellowe prisoner (whom he first wounded in the forehead and strooke downe with a candlestick), lett the ensuing answere, true, and to be proved in all points, 15  
leave the reader to judge; especially if it were fitt to sett forth how farr *Sir John Whitbrooke* in his life tyme was tainted judicially with other matters, which (according to charity) shall be here omitted, saving what perteynes to answere this allegation.

Court of  
Requests.  
Court of  
Chancery.

In July 1618, the Warden haveing order out of two courts to 20  
keepe *Sir John Whitbrooke* close prisoner, he (the Warden) labored an atonement thereof with his adversary; yet in the meane tyme *Sir John* gott out, assaulted the Warden in his studdy, wounded him fower blowes in the head with a hammer, and stabbed three servants with a stiletto, 10 July 1618. And upon this some three 25  
score prisoners breake upp all the strongest prisons and dores of the wards and Tower chamber, assaulting the Warden and his servants with weapons, &c. according to a plott and purpose before resolved upon, as appeares by depositions; and the Warden did rather governe then maligne, for he can give good evidence that he tendred *Whit- 30*  
*brooke's* estate and affayres, although he endeavoured to hold his lodgings in despight of the Warden, and without payment.

The Lady further alledgeth that the like inveterate mallice was betweene *Whitbrooke* and *Boughton*.

The warden answeareth that he neither newe or heard what was betweene *Whitbrooke* and *Boughton*, for amongst soe many prisoners  
5 many variances fall out which he knows not of.

The Lady allsoe alledgeth that the like mallice was betweene the Warden and *Boughton*.

The Warden answeareth that there was never any quarrell betweene him and *Boughton*; perhapps *Boughton* held himselfe injured  
10 for being kept in prison, therefore would pay noe dutyes, soe that he was put into the Comon Prison.

After which the Warden, perceaveing him to be phantasticall, offered him liberty, wished him to converse freely with the gentlemen there, Yea, kept him from his retyrednes, thinkeing thereby to  
15 quallifie his humor, which was that he would not come out of his chamber till he were freed out of prison by Parliament.

When this Warden came to attend the place he found *Boughton* in the Fleete lodged in the Tower chambers or Comon Prison.

The Lady likewise alledgeth that *Whitbrooke* was wounded by the Warden and his servants.

The Warden answeareth that *Whitbrooke* was not wounded, and  
20 it is deposed by diverse, that the Warden tooke great care, and gave comand that they should not hurt him, onely to bereave him of his stilletto above said, they strooke downe his stabbing arme with a firefork, and soe tooke away the stilletto. It was but a silly bruse on the arme that he had, and lesse then he might have had, if the  
25 Warden's care had not prevented it.

The lady alledgeth that in September the quarrell betweene the Warden and *Whitbrooke* was renewed.



The Warden answereth that in July 1619, *Whitbrooke* and *Boughton* with six others (being lodged in a great chamber), they and six more shutt out thirtie of their companie and fortified the gaole against the Warden, refused all perswasions of the Warden, constables, and Alderman's Deputie, the comands of the Lord Cheife Justice, of the Lord Chauncellor and his Serjeant at Armes; yet yeilded to the clarke of the counsell sent from the Lords, *Whitbrooke* and *Boughton* being then in one humour; and upon unblocking the prison *Whitbrooke* desired liberty, it was offered him upon security, he would give none, then he made question where to lye, to which was answered there were five other roomes he might make his election of which he would; but he said he would none other but where he formerly laye (it being indeed the fayrest). They fortified those roomes againe when the Warden was out of towne, soe as dureing *Whitbrooke's* life and *Boughton's* being there with their adherents the Warden had noe comand in that part of the prison. 5

The lady alledgeth that the Warden (for revenge) resolved and reported he would send *Whitbrooke* to *Boulton* to keepe.

A strong place  
in the prison  
called *Bolton's*  
Wards.

The Warden answereth that he for government sake and to suppress misdeemeanours doth thretten to putt prisoners (offending) into *Boulton's* [*sic*] Wards (many yeares familiarlie soe called as he thinketh of bolts or irons put on them), where *Whitbrooke* was put when he wounded the Warden and his servants; he continued there but a small tyme, and was removed to a roome called the Tower Chamber (where *Henry Boughton* and many others did lye), thence *Boughton* was removed into the comon prison in December, 1618, and *Whitbrooke* was removed thither 16 June, 1619; soe as to that tyme they lay five moneths within one lodging, and six moneths severed in other lodgings and noe quarrell stirred. 20

The Lady alledgeth that presently at their comeing together *Boughton* suddenly stabbed and wounded *Whitbrooke*, whereof he dyed. 30

The Warden answeareth that over and above the eleaven moneths aforesaid, yet from June 16th untill September 16th, 1619, being 3 moneths, they two combyned in their exploits against the Warden without falling out (for ought the Warden knewe), but 16 September  
 5 *Boughton* fell out with *Harvey* (one of his chamber fellowes), whome *Boughton* assayled with his teeth, and bitt him by the thombe, whereof *Whitbrooke*, *Willis*, *Harvey* and others there lodged, advised the Warden, wishing him to take some course. The Warden sent diverse messags by the gaoler to *Whitbrooke*, to  
 10 remove thence and to lye elsewhere; he would not, sayeing, none should remove him but by violence, and they were soe strong there as the Warden could doe nothing, none ells durst come amongst them. *Holmes* and *Maunsell* offered him libertie amongst other gentlemen upon bonds.

15 The Warden acquainted the Lord Chauncellor of theis fortifications, of some other stabbing there, of this particuler brawle, and besought his lordshipp to send them to Newgate. The Lord Chauncellor comanded such motion to be made at the tyme of a seale; it was moved by *Mr. Woomelayson*, as appeares by his breife,  
 20 then his lordshipp wished oath to be made of this offence and called for presidents to remove them, in which meane tyme *Boughton* (being provoked and wounded by *Whitbrooke*) did stabb him, whereof he dyed within 13 dayes, and it was about 14 moneths after he wounded the Warden and stabbed his 3 servants as appeareth  
 25 by the generall lodgeings and places where they laye, sometymes together and sometymes severed, ensueing to be seene in the end of this answeare to this Article, and if the testimony (which was long after delivered to the Warden by a prisoner in the Fleete) be true, then the same *Harvey* and one *Tymothy Willis* and *Sir John*  
 30 *Whitbrooke* himselfe did (of sett purpose) whett on *Boughton* to anger and quarrell, because they scorned *Boughton* and meant to assayle him.

When *Whitbrooke*, *Boughton*, &c. ymured themselves upp in

the wards as aforesaid, a view or survey of the roomes was given the Lords of the Councell and they satisfied.

After the tyme of the supposed quarrell (which was about *Whitbrooke's* and *Boughton's* fortiefeing the house) they contynued lyeing where they were before, amongst others. 5

Wheresoever they had lyen they might quarrell when they mett, as *Whitbrooke* many moneths before broke *Willis* his head with a pott or candlestick.

The Lords of the Councell had *Whitbrooke's* liberty to consideration and would graunt him none without bonds. 10

*Boughton*, being not in execution, was offered what liberty he would.

*Whitbrooke* did never informe the Lords of any quarrell or doubt he made of his safety touching *Boughton*, &c.

*Whitbrooke* confest he strooke and provoked *Boughton* first, 15 before *Boughton* stabbed him.

The falling out which was notified to the Warden was betweene *Boughton* and *Harvey*, not *Whitbrooke*.

When *Boughton* had wounded *Whitbrooke*, then *Whitbrooke* went (of his owne accord) to lye out of the roome where *Boughton* 20 was, and soe he might freely have done at any tyme before and left *Boughton's* company (if it had not pleased him), for diverse other roomes were readye at hand for him and open.

Allegation. It is alsoe alledged by some, that after *Sir John Whitbrooke* was dead, the Warden would not suffer armes or scutchions to be put on 25 his herse when it was to goe out of the Fleete.

Answere. The Warden, perceaveing that a number of people of that Romish sect would come to the Fleete at his buryall, and others to gaze, commanded his porter to be carefull that prisoners went not out; then (said the porter) it will not be fitt to putt on the scutchions 30 until he be out of the gates; whereto the Warden said, he hath

indeed left his armes, because I tooke from him by single hand the hammer and stiletto wherewith he wounded and would have slayne me, but I regard it not. This speech the porter uttered againe, yet bidd them put on the scutchions, which they refused to doe,  
 5 as those that would take an occasion of unkindnes and to traduce the Warden of mallice.

Wherein *Sir John Meeres* and others can witnes, that while *Sir John Whitbrooke* was liveing the Warden prayed them to visite *Whitbrooke* on the Warden's behalf, and to move a conference and  
 10 Christian reconciliation, and that truth might be confessed; to which *Sir John Whitbrooke* did condescend, but as *Sir John Meeres* was comeing to fetch the warden for that purpose *Mr. Edward Rookwood* (who calleth himselfe and is termed the *Vicarr Generall* of the Romish in the Fleete) followed and said that *Sir John Whit-*  
 15 *brooke's* mynd was altered, and soe nothing was done; but *Rookwood* and another jesuited person (while *Whitbrooke* was lyeing and dead) did soe accompany him as noe Protestant had accesse to him, which jesuited person was after (by the Warden's discovery) apprehended and comitted as a factor to pervert and send beyond sea  
 20 the children of the Gentry of this Kingdome and persons of quallitie.

It is alsoe alledged that *Boughton* did provide a sword, and it Allegation.  
 was brought him by a woeman from whom the porter of the Fleete tooke it and delivered it to the Warden (as he did indeed), and therefore say theis accusers that the Warden knewe the same sword  
 25 was to kill *Whitbrooke*.

The Warden had it about a yeare and a halfe before this accident Answer.  
 (of *Whitbrooke's* death) happened, and delivered it back againe to the woeman that brought it, with charge not to bring any thither whatsoever.  
 30 It was avouched that the sword was *Boughton's* and put to dressing to a cutler, who sent it home againe, so as *Boughton* might have killed *Whitbrooke* with it before it went to dressing if he had

intended any such thing; Nay, *Boughton* had alwayes in his trunck (as appeared afterwards) a stilletto so keene, so cleane and ready, as would soone have done such a fact if he had meant it; Yea, swords and other weapons want not in the Fleete, and the Warden cannot prevent it. This fact was meere accidentall, and not precogitate 5 as the lawe hath found it, which acquitted *Boughton* of manslaughter upon his arraignment.

The Warden gave noe abettment, had noe intelligence, provoked neither party, strock noe blowe, was not present. How can he be charged with the murther? 10

Surely theis accusers are in their soules more guilty of murther by reason of this false accusation, in which they would kill the body and creditt of the Warden, then he any way accessary to the fact of *Boughton*.

But, say they, the warden should have put them into severall 15 chambers. Why? He knewe nothing of any unkindnes but betweene *Harvey* and *Boughton*. But if he had, he could not keepe 200 persons from meeteing one another, or lodge them sevrally.

Nay (say the prisoners) he ought not to comand any man to his chamber upon likelihood of murther or ought ells. 20

And *Sir Francis Inglefeilds* complainte against the Warden intymateth (in his owne case) soe much, though by their leave the Warden will doe it, until he be comanded the contrary; but it is a comon thing for prisoners to find fault one with anothers conversation, sometymes as not wholesome, not cleanly, not temperate, not 25 peaceable, and many other respects, because they would either lye alone, have a chamber aloane, be private and without contradiction in their mirth and solaces; and when it comes to consideration there is neither wholesome, cleanly, temperate, or peaceable of the one that complayneth or the other that is complayned off. 30

Allegation.

But say they further that the Warden put *Sir John Whitbrooke* out of his chamber into the Tower Chamber or the comon prison keepeing away his bedding, soe that he lay either on another man's



bedd or none at all. And this was the first occasion of *Whitbrooke's* fact.

When *Whitbrooke* did growe not onely factious but (according <sup>Answere.</sup> to his nature) quarrelsome with divers men (strikeing some of them) 5 and that his former dangerous courses to stabb and pistoll men, for which he was censured (in Starr Chamber) was considered, together with the orders of court to keep him close prisoner and his designe to make a president in the house for all men to lye in their lodgings without payment, and besides that he being charged with 10 many executions of great waight could not give bond for true imprisonment or payment, Nay, noe man would be bound for soe desperate a person, therefore he was put into the Tower Chamber; but as for his bedding and goods the Warden sent two men to offer them to him, as appears by the message sett under their hands at 15 that instant; he then standing upon it that he would perforce retorne and possesse his chamber, did not deliver his key or take his goods, and in the meanetyme lyeing on some other man's bedding, the Warden opened the chamber and putt *Whitbrooke's* goods in safety.

20 It seemeth that afterwards he (on whose bedd *Whitbrooke* lay) tooke away the bedd, which was more then the Warden knewe or had any motive thereof.

Afterwards when *Whitbrooke* had wounded the Warden (this comeing in question at Councell Table) the Lords appointed him to 25 pay, and the Warden to lodge him in a chamber and lett him have his bedd, &c. the Warden for his part obeyed, but of *Whitbrooke* nothing was had (all being lost by his death) which by his life might have beene saved.

They say that *Whitbrooke* hurt the Warden with his owne sworde, 30 but of *Whitbrooke's* provideing (and confessing) the hammer and stilletto which did it, good prooffe can be made and that allegation disproved, as is before declared.

A note of the severall places and tymes where and when Boughton and Whitbrooke lodged together or severed one from the other.

*Sir John Whitbrooke* lodged.

*Mr. Boughton* lodged.

| 1617.                                                          |                  | 1617.                  | 5  |
|----------------------------------------------------------------|------------------|------------------------|----|
| 15 May, in the                                                 | Greene Yard.     | In the Tower Chambers. |    |
| 12 June, in the                                                | Greene Yard.     | In the Tower Chambers. |    |
| 7 Aug. in the                                                  | Greene Yard.     | In the Tower Chambers. | 10 |
| 4 Sept. in the                                                 | Greene Yard.     | In the Tower Chambers. |    |
| 2 Octob. in the                                                | Greene Yard.     | In the Tower Chambers. |    |
| 30 Octob. in the                                               | Greene Yard.     | In the Tower Chambers. | 25 |
| 20 Nov. in the                                                 | Greene Yard.     | In the Tower Chambers. |    |
| If at any tyme<br>they did fall<br>out it was at<br>this tyme. | 25 Dec. in the   | In the Tower Chambers. | 20 |
|                                                                | 22 Jan. in the   | In the Tower Chambers. |    |
|                                                                | 19 Feb. in the   | In the Tower Chambers. |    |
|                                                                | 19 March, in the | In the Tower Chambers. | 25 |
|                                                                | Wards.           |                        |    |
| 1618.                                                          |                  | 1618.                  |    |
| 16 April, in the                                               | Wards.           | In the Tower Chambers. |    |
| 14 May, in the                                                 | Wards.           | In the Tower Chambers. | 30 |

| <i>Sir John Whitbrooke</i> lodged.             | <i>Mr. Boughton</i> lodged.             |                                                                                                                                                                       |
|------------------------------------------------|-----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 11 June, in the Wards.                         | In the Tower Chambers.                  |                                                                                                                                                                       |
| 10 July, in the Wards.                         | In the Tower Chambers.                  |                                                                                                                                                                       |
| 5 16 July, in Bolton's Ward or Bolts on Wards. | In the Tower Chambers.                  | 1618.<br>Note, 10 July, he wounded the Warden and his 3 servants.                                                                                                     |
| 3 Aug. in a chamber by the Warden, and         | In the Tower Chambers.                  |                                                                                                                                                                       |
| 10 then put into the Tower Chambers.           |                                         |                                                                                                                                                                       |
| 3 Sept. in the Tower Chambers.                 | In the Tower Chambers.                  |                                                                                                                                                                       |
| 1 Oct. in the Tower Chambers.                  | In the Tower Chambers.                  |                                                                                                                                                                       |
| 15 29 Oct. in the Tower Chambers.              | In the Tower Chambers.                  | <i>Whitbrooke</i> and <i>Boughton</i> theis 5 moneths lay together in a roome amongst others after the Warden was wounded.                                            |
| 26th Novemb. in the Tower Chambers.            | In the Tower Chambers.                  |                                                                                                                                                                       |
| 20 24 Dec. in the Tower Chambers.              | In the Tower Chambers till 28 December. |                                                                                                                                                                       |
| 21 Jan. in the Tower Chambers.                 | In the Wards.                           | Theis 6 moneths they wer severed, for that <i>Boughton</i> and others claymed to have the use of the leads and for that cause <i>Boughton</i> was put into the Wards. |
| 18 Feb. in the Tower Chambers.                 | In the Wards.                           |                                                                                                                                                                       |
| 25 18 March, in the Tower Chambers.            | In the Wards.                           |                                                                                                                                                                       |
| 1619.                                          | 1619.                                   |                                                                                                                                                                       |
| 15 April, in the Tower Chambers.               | In the Wards.                           |                                                                                                                                                                       |
| 30 13 May, in the Tower Chambers.              | In the Wards.                           |                                                                                                                                                                       |
| CAMD. SOC.                                     | G                                       |                                                                                                                                                                       |

June 8, 1619, and after the  
complainte of *Whitbrooke*  
the Warden procured a  
Comission to have all things  
examined, and the Comis-  
sioners and prisoners  
opened their greifes.

This 4 moneths to-  
gether none more  
freinds then they  
joyneing to fortifie  
the wards and keepe  
them, soe as it came  
before the Lords of  
the Councill and was  
ordered there.

1619.  
Dyed of the stabb  
which *Boughton* did  
give him, 7th of Oc-  
tober.

10 June, in the  
Tower Chambers and  
there continued till 16th  
January, 1619.

8 July, in the  
Wards.

5 Aug. in the  
Wards.

2 Septemb. in the  
Wards.

30 Septemb. in the  
Wards.

7 October, in the  
Wards.

In the Wards.

In the Wards.

In the Wards.

In the Wards.

In the Wards.

And now Sir John dyed.

5

10

Being stabbed by *Boughton* with an ordinary knife upon an 15  
accidentall justling, in which *Whitbrooke* (as is said) did strike  
downe *Boughton* with a blowe in the forehead with a candlestick,  
and this was 15 moneths after the tyme that *Whitbrooke* wounded  
the Warden and his servants.

*Boughton* in his lettre to *Coppin* setteth downe two reasons of the 20  
fact why *Boughton* did stabb him.

First, to gett himselfe removed from the Fleete.

Secondly, because there were three upon *Boughton*, therefore he  
made of sure of *Whitbrooke* by killing him.

## The Second Article.

Removeing a prisoner out of his chamber, haveing 5*l*. 1*s*. hid under his bedd, which the prisoner required he might goe to his chamber to dispose off, which was denied, and he thrust upp in  
 5 another roome close prisoner until the Warden and some of his servants rifled his bedd of that money. Accusation  
of felonye.

By this is pretended that one *Coppin* (who ever did beare the name of a poore fellowe) lost 5*l*. with takeing whereof if he dare charge any person or persons, the Lawe is and hath beene open for  
 10 him theis two yeares past. But his abettors have putt it here rather to infame then that they can think it true, as by the ensuing answeare appeares. Answear.

For *Edward Coppin*, lived as a poore prisoner in the Fleete for breach of a decree, and continueing above six yeares, would  
 15 never be drawn to pay the Warden one penny for meate, drinke, lodging, or attendance; but at last he ran away, and was upon the Warden's pursuite taken againe, but before he ran away he was sometymes restrayned of the libertye of the Fleete yards and walks (as is the custome of all prisons in England); and he lodging in  
 20 the three Tower Chambers with sixteene persons, they often thretned their keeper to stabb him, to take away the keyes of the prison, to bind him, to hang him; lastlie they fortified that prison, soe as the Warden could not dispose or order them. And with two malletts and steele chissells they had cutt the stone workes of the dore, soe  
 25 as noe locks or bolts could shutt them; and while they were thus doeing *Coppin* came downe to fetch a mallett, wherewith he was taken beneath, and presentlie put into another warde aparte from his fellowes, about three a clocke in the afternoone, 15 July, 1619, not speakeing of any money.

30 Att 8 a clocke that night the Warden sent upp some 10 or 12 of



his servants into the Tower Chamber to bring downe those prisoners, before which tyme *Coppin* sent upp word by *Elizabeth Lane* (*Mr. Chamberlayne's* woeman) that *Mr. Chamberlayne* should take *Coppin's* trunck into his studdy, which he did.

Att the goeing upp of the Warden's servants they were resisted 5  
with a stilletto, beddposts, and faggot sticks, and a servant of the  
Warden's wounded by one *John Aborne*, who (with some others)  
retyred into the Inner Chambers (shutting themselves inn), yet the  
Warden's men brought downe some of those sixteene, leaveing the 10  
least offensive behind. Then after this the Warden went upp him-  
selfe, and by perswasion caused *Aborne* and company to open their  
dores, and soe takeing away things that might serve as weapons,  
locked upp the prisoners in other wards untill he might repayre  
those broken.

July 16. One *Fletcher* the gaoler (in that interim) often tymes asked 15  
*Coppin* how he did, and what he wanted, who said he was well, not  
adding any other words of note.

July 17. Another of the Warden's servants goeing along, *Coppin* called to  
him out of the windowe and shaken a bagg sayeing, Ah, you, here  
is that which your fellowes would have had. 20

July 18 or 19. A rumour was spredd in the Fleete that *Coppin* had lost 50*li*.  
The Warden heareing thereof, sent for *Coppin* and asked him; he  
said he would say nothing except *Sir Francis Inglefield* were  
present. Then the Warden said, Nay, *Coppin*, if you have nothing  
to say to me you may depart againe. 25

Then the warden was informed by *Mr. Boughton* and *Wall* that  
the day before it happened that *Coppin* was removed they had  
made meanes to borrowe some money upon a pawne, and *Coppin*  
professed and swore he had not soe much (being fower (4) pounds)  
as they demanded. Then the warden caused *Coppin's* trunck (being 30  
new and well locked) to be opened in *Coppin's* presence, and de-  
livered it to him, in which Trunck within a Bagge put in a Box (as  
they said) there was about xxix*s*.; and then was sett on foote this  
rumour when *Coppin* had advised with *Mr. Rookwood* to doe it.

About January, 1620, *Edward Coppin* confessed that he never receaved any money since he came to Prison.

*Mr. Williams* saith that he hath heard that *Coppin* hath confessed he lost noe money.

5 *Mr. Wray* testifieth most materiallye in this point, that he questioned *Coppin* why he should say he had lost soe much money in that manner, who answered it is noe matter, for it is a good deed to hang the Warden's servants.

*Edmond Sharpe* was bedfellowe with *Coppin* when it is supposed  
10 that the money was lost, and he hath beene detected of fowle crymes.

*George Wheatley* doth testifie that at the tyme *Edward Coppin* was removed from the Tower Chamber into Bolton's Wards, he did see the said *Coppin's* Bedding removed and was there present at that tyme, and to his knowledge there was noe money or any  
15 likelyhood of any Bagg of money there to be scene or found, and he verily thinketh the said *Coppin* lost not one penny, for *Coppin* being in Bolton's Wards with his Beding, he at that tyme never complayned that he lost one penny or any other thing.

*Elizabeth Lane* saith, that when *Coppin* was removed she asked  
20 him if he would have ought and he missed nothing, But prayed her to speake to *Mr. Chamberlayne* to take *Coppin's* Trunck into his custodie, which she did accordinglie, and afterwards when it was voyced that *Coppin* had lost money, she said to *Coppin* he might as well have bidd her looke to the money as to the truncke.

25 *Sir Edward Cleare* doth testifie that *Coppin* said unto him, that he (the said *Coppin*) could not charge the Warden or his servants with such money, but sure he was he lost soe much.

The afore named *Henry Boughton* being in Newgate and convict  
for slaughtering *Sir John Whitbrooke* delivered a Message in the  
30 heareing of one *Cooke* a keeper of Newgate to *Boughton's* Nurss that she should goe and demaund certeyne goods of the Warden which if he sent not he would cutt the Warden's throate where-soever he mett him, But the Warden answered that he had by the Lord Cheife Justice his order delivered the goods to certeyne

Anno 1620,  
January 20.

Gentlemen who claymed them, and then, perceaveing that *Coppin* held intelligence with *Boughton*, the Warden suspected that *Coppin* would doe some hurt, for discovery whereof the Warden sent to *Coppin* to remove out of Boulton's Wards, but he earnestly entreated to continue there, and offered to pay a weekly rate to be permitted to lye there; yet the warden removed him and all his goods (save a Trunck) which (warned by the last stratagem) he attached in forme of Lawe, and after (unknowne to the Warden) the Serjeants of London opened and praysed the goods, and therein found *Boughton's* letter insinuating stabbing of the Lord Chauncellor and the Warden, with scurrilous rayleing on the Lord Chauncellor, &c. as by the coppie of that letter appeares. 5

In this Trunck *Coppin* said (before it was opened) that he had about tenne pounds, but there was found onely xxis. which was permitted to him to take with all the rest. 15

How much cause soever *Coppin* hath to complayne, yet if the Warden would have lett him passe when he ran away it is to be thought that he would not easily have beene found to prosecute his complainte, but the Warden hath prevented that and made him tarry to shewe both his skill and his greivance, if he have any. 20

That *Coppin* might (as is alledged) desire to retorne to his Chamber it need not be doubted but that it was to dispose of his money; it might be a mentall reservation, but was not uttered, for if it had beene uttered the money could not have beene lost or rifled away by the Warden or his servants, because xvijj prisoners were in the roome five howers after *Coppin's* restraunte, and before the Warden's servants went upp, and those servants which went upp surprised and devided the prisoners a long tyme before the Warden came there, who came onely to view the breaches made in his walls and dores. 30

## The Third Article.

Eleaven pounds six shillings taken out of the Trunck, and by Accusation of violence from the person, of a close prisoner sick in his bedd by the robbery. Warden and his servants.

5 This toucheth money taken from one *Thraske* then a Jewdaiser Answere.  
 or halfe Jewe, comitted close prisoner by the Lords of the Councell,  
 from whome and such like though in the Gatehowse, King's Bench,  
 Fleete, &c. it hath beene used to take away and keepe their money,  
 yet the Warden tooke not his untill he abused it very dangerouslie,  
 10 and whether this takeing away may be said Robbery, let the  
 answeare followeing decide.

And although the complainte be used with a Circumstance, as if  
 the Prisoner were sick, thereby to make a shewe as if the Wardeu  
 gaped at his death and money; that was most untrue, for *Thraske*  
 15 was in perfect health.

Who after he came to the Fleete upon such straitte comand, cen-  
 sured to Pillory, Whiping, and Branding, and a roome (where  
 eight persons laye) being fitted for him aloane, and one appointed  
 to take charge of him and carry him victuall, &c. within a  
 20 weeke after he sent the Warden two lettres, the one directed  
 to his Majesty, the other to the Lord Chauncellor, and both super-  
 scribed to be delivered upon perrill of allegiance. The Warden  
 blamed the keeper for meddling therewith, but, dareing neither to  
 send them back nor keepeing them, charged the messenger to say  
 25 the Warden was out of the way and not to be found, and imediately  
 the Warden went to the court and tould the Lord Archbishopp's  
 Grace of the lettres, who (angerly) asked how a close prisoner  
 could write lettres, and would heare noe more.

Next him the Lord Chauncellor comcing forth from the King,  
 30 the Warden shewed the lettres, who breaking open that directed to

himselfe said, this lettre hath some good tracts or passages if they be cinseare, and so retorned to the King to whome the other lettre was directed.

After this the Lord Archbishopp and others at Councell Table much blamed the Warden touching those lettres, and comanded the Warden to looke narrowly to *Thraske*, for that he sent abroad manuscripts to his pupills, did read allowed and as it were preached in his Chamber to be heard of prisoners and others of his owne sect. 5

Then happened one oportunitie whereby the Warden hoped to discover *Thraske's* purveyance and intelligence, which was that one *Mr. Prickett* (then a prisoner in the King's Bench) preaching in the Fleete and *Thraske* present at it, after sermon *Thraske* (being beneath the Chauncell) came towards *Prickett* sayeing, he thanked God for *Prickett's* doctryne and for his owne edification and slightly gave money to him, whereof the Warden being advised (*Mr. Prickett* himselfe affirmeing it) said it was xvij*s.* vjd. a some taken and given at all adventures as it seemeth. 15

For theis reasons the Warden sundry tymes serched *Thraske's* roome, but could find nothing, after which the Warden, thinkeing that perhapps the keeper was not trustie, or partly seduced to *Thraske's* doctryne (as appeared afterwards by *Thraske's* booke), late in a night the Warden called the keeper, sayeing, I will goe see *Thraske*; the keeper said, Sir I will goe before and open the dores (which indeed were three); but the Warden permitted him not to goe aloane, but accompaned him with servants and others desirous to see *Thraske* and that roome, who altogether went to *Thraske*, then in bedd, and serching found his Penns, Inck, and paper, and in a Trunck and about him xj*li.* v*js.* whereof some vj*li.* was white money (made upp xx*s.* in a kowle bound about with browne thred as donatives), and serching *Thraske's* cloathes (which he did much withstand) the Warden found betweene the outside and lynceing of his hose a paper booke in octavo almost written through conteynceing all the proces of *Thraske's* first lettre to the 25 30

Eight in number went to *Thraske's* lodging with the Warden.



King. In which he traduced the King's Majesty and the State (for which he was censured in Starrchamber), his lettres to the Arch-bishopp, his sentence, &c. and soe continued therein a diary of intelligence touching Spaine and England and the Fleete, with his  
 5 dreams and interpretations, his repasts, fastings, disputes with prisoners, converting of them, how he had his money and lettres conveyed to and fro. Other things the Warden discovered touchiug the hole made under the trunck thorough the planchers of the chamber, and a bagg with a coard to drawe upp or lett downe any-  
 10 thing at the windowe, all which money, inck, wryteings, and bookes the Warden carryed away, acquainteing the Lord Chauncellor therewith, who directed him to attend *Mr. Secretary Naunton*, who delivered the booke to his Majestie (the Warden being present). In that booke one *Edward Rookwood* was very often named to be  
 15 an agent or intelligencer, a disciple, and to have reported to *Thraske* diverse dangerous things of the King, the Lords, &c. and forreigne reports prohibited, and menconed his sonne *Nicholas* to some ends, for all which the said *Edward* and *Nicholas Rookwood* were by the Lord Chauncellor, *Mr. Secretary Naunton*, and the  
 20 *Lord Cooke* comitted close prisoners, and *Thraske* more close if it might be.

Now, whereas it is layed as an assertion, Yea, robbery, to the warden's charge, for takeing this money, it is to be observed the sect of *Thrasks* increaseing (wherewith our Nation and Religion was  
 25 taxed by Popish wryters), the charge laye heavy upon the Warden to prevent *Thrasks* wryteings and his means of supporte, whereby he corrupted his keeper and perhapps others. Therefore the Warden tooke away the money in the presence of many witnesses, and writt in his Cash booke the day, the quantitie and quallitye thereof.  
 30 The Warden's servant (a clarke) did coppie out that booke into another (which robbers use not to doe), and the Warden did shewe the money publiquely in the Fleete to divers gent. who doe witnes it.

Robbery is to take anything feloniously or by force or by thretts, where the taker hath neither lawful power or custome, and intends to conceale it.

At that tyme of takeing the money he tould *Thraske* in the presence of many then present, that it was ready to be bestowed for his necessary use, and then left him some part thereof.

He also acquainted the Lord Archbishopp, Lord Chauncellor, and *Mr. Secretary Naunton*, of that money, though he cannot 5 charge their memoryes further then it extendeth.

When *Thraske* had worne out his cloathes and desired other, the Lord Chauncellor bidd the Warden buy for *Thraske* some cloathes, which was done accordingly, even soe much as *Thraske* desired; the Warden alsoe gave him money to buy wyne for his comforte at 10 tymes.

The Warden delivered likewise of that money to him which was *Thraske's* keeper to provide divers weekes dyett for *Thraske*, when he refused the Warden's meate, because porke, connyes, ducks, and such like uncleane meates (as he held opinion) were dressed with it. 15

The Warden with all affablenes found dyett and lodging to *Thraske* and his keeper dureing his close imprisonment, and dyett at the Warden's own table after he was comfortable, being in all by the space of fore score weekes, and hitherto could never gett payment or allowance of him or elsewhere, for, in fyne, while the war- 20 den did expostulate to be paid of his Majestie, *Thraske* tould the warden that if any of that xj*l.* rested unlayed out in cloathes it was fitt it should rest in the Warden's hands till he could make better satisfaction. And dureing this fayre pretence he gott away and sent the Warden a bond sealed and subscribed to pay when he 25 should be able and as should be fitt, soe that the Warden doth suffer forbearance of lxxx*l.* or thereabouts.

The practise of the Fleete, King's Bench, Gatehowse, and all such prisons, is not to permitt close prisoners to have money, knives, penn, inck, and such like, whereby to attayne their ends to the 30 prejudice of the service. And *Thraske* did never thinke himselfe injured, but retorned loveingly to the Warden and was preacher in the Fleete a long tyme, but the malignant there (not he) broached this complaint.

*Thraske's* close imprisonment occasioned the takeing of his money and booke.

Which booke discovered *Rookwood's* ill accertion to the King. Whereupon *Rookwood* was comitted close prisoner, broke and cutt  
5 the prison dores, and (with others) made a fowle tumult, which occasioned putting on of irons.

That Tumult occasioned the Warden to send upp his servantes to suppress and bestowe them.

This suppressing occasioned Coppin (who was one of them) to  
10 accuse those servantes of theft and now lastly the warden of starveing his prisoners.

How farr such conspiracye of sectaryes may infringe the service of his Majestie and endanger all wardens or keepers, it is humbly left to Consideration.

## The Fowerth Article.

Accusation of  
infidelitie. After engagement of faith, soule, and all under hand and seale,  
contrary thereto detayneing a prisoner haveing liberty by his Majes-  
tie's writt, to his great prejudice.

Answere. This if it be truely understood touching one *Mr. Hayne* a 5  
prisoner in execution in the Fleete, it is rather a suggestion of  
infidells then that it hath any ground of truth, as appeareth in this  
answeare followeing.

One *Thomas Hayne* a prisoner in execution for *xvcli.* or there-  
abouts besides actions, obteyned by a petition (to the Lord Chaun- 10  
cellor) an *habeas corpus*, and leave to goe into the Country untill  
the end of the next terme followeing; when he shewed the Warden  
the peticon, the Warden tould him it was unlawfull and unmeete  
that a prisoner should be out of London in the terme tyme, because  
the Warden was to produce him in any of the courts soe often 15  
as he should be called for or ells he should be fyned; where-  
fore *Hayne* had libertie and direction onely to tarry till the  
begining of the terme, and then if he came he was to move  
againie for a new writt to endure for that terme; but when *Hayne*  
was gotten into the Country he came not againe untill 13 dayes 20  
within the terme, and lodged himselfe in Milford Lane, and his  
keeper came to the Warden at Westminster, sayeing first to the  
Warden and after to the clarke of the Fleete, that *Hayne* said he  
was noe prisoner and would not retorne to the Fleete, which words  
(noe prisoner, &c.) were true in stricktness of Lawe, though his 25  
keeper knewe not *Hayne's* drift, for *Hayne* being failed in his  
tyme it was an escape in Lawe, and the Warden bound to pay the  
debt, with which misterie the Warden did not acquaint *Hayne's*  
keeper, but bidd him bring him inn, yet in fower dayes after the  
Warden neither sawe keeper nor prisoner.

Then *Hayne* wrott a lettre to the warden sheweing that though he had absented himselfe from his keeper yet he would come inn if the Warden would have it soe. The warden answered by wryteing and protested by oath that if he came inn then he would permitt The warden had enlarged the warrant for the whole terme, though *Haines* knewe it not. him to goe out againe, and therefore praied him to come, &c. But *Hayne* nor his keeper came at the Warden in fower dayes after, att which tyme there came a writt which had often beene offered to the clarke of the Fleete before (and still suspended by intreaty), comaunding the Warden to bring *Hayne* to the King's Bench Barre on the next day in court, being the last day of the terme, to be charged with a new execution, whereupon the clarke appointed one *Thompson*, a servant of the wardens, to bring in *Hayne* if he mett him.

*Thompson*, attending another prisoner abroad, met *Hayne* and tould him he had order to bring him in, but because he had another prisoner in custodie praied *Hayne* to come aloane, but he did not come in.

After which the Warden, consulting with his clarke and servants whether *Hayne* meant honestly, and urged by new necessity of the last writt, they resolved that the Warden and some of his servants should goe one way and the clarke with others another way to seeke *Hayne*, and seekeing him the warden mett *Hayne* in the Temple, whence draweing him out by discourse and telling him of the new writt, fower or five of the Warden's men seeing him offer to goe another way, did (by their master's direction) carry him to the Fleete, and he was there kept for more suerty of his being the next court day in the King's Bench.

At which tyme he was taken from the Fleete and sent to the King's Bench prison, where meeteing one which was formerly a prisoner in the Fleete and departed indebted 150*l.* to the Warden, a man that accused his grandfather and endangered his hanging to have his estate. This man, getting the said lettre which the Warden wrott to *Hayne*, tooke notice that the warden had restrayned *Hayne*, and so he accused the warden of infidelity, and divulged it



to the world without informeing them that *Hayne* did not come inn voluntarilie, but by compulsion and serch (by which the Warden's promise and protestation was dissolved), and soe noe cryme is on the Warden.

A signe that there is a great spiriritt of mallice rageing, when 5  
men will calumpniate a man for an infidell (if a promise had beene  
broke indeed as here was noe breach), before they knewe the  
reasons of his doeings or enquired of the circumstances, tymes, or  
occasions; but when it is considered how they doe the like in other  
matters it is to be hoped they shall be the lesse credited. 10

## The Fift Article.

False imprisonment of men discharged, offering to pay all due fees for divers moneths. Accusation of false imprisonment.

This is deduced from the Warden's keeping of men after they  
 5 be discharged untill they pay their fees and duties, a thing ever  
 mainteyned by Lawe, custome, and direction, especially in this  
*Christopher Kennell's* case, who sett this reproach on foote. Answere.

For if a banckrupt or other doe by pretence move his creditors to  
 compound on new security and soe free him from imprisonment, if  
 10 the Warden lett him goe without payment or security, he cannot  
 afterwards sue him, whom he needed not to have trusted in prison,  
 but put him into the hole if he fayled in his weekly dutyes, and  
 this clamor against the Warden doth sildome happen more then  
 where he useth most curtesye to men of evill hearts, as appeares by  
 15 this perticuler answeare to the said *Kennell*, which may serve to  
 all of that kind, and other kind there is none.

For the Warden dareth not to bring a man to prison without  
 warrant. If he should he makes himselfe subject to great damage by  
 accion of false imprisonment.

20 But *Kennell*, when he was discharged refused to pay the ordinary  
 dutyes, or to compound for them in any reasonable manner; where-  
 upon the warden by suite to the Lord Chauncellor obteyned a reference  
 unto two persons without exception (as appeares), and they ordered  
 the busines; which done, and *Kennell* (not observeing) complayned  
 25 to one of the Secretaries of State, where the Warden answered it  
 Then he complayned to the Lords of the Councell, there alsoe the  
 Warden made answeare; then he complayned to the Lords Comis-  
 sioners from the King for the busines of the Fleete, who tould him  
 directly that they would not give other order, but he should pay it

before he went. Then he betooke himselfe to the factions in the Fleete, and opposed the quietnes and government there, soe that the Warden was constrayned to keepe him for president sake, for such prisoners as would not pay their fees have beene detayned by order of the King's Bench, by order of the Comon Pleas, by order 5 of Chauncery. If the question arise of what is due, then the Warden takeing any more is subject to action of false imprisonment for detayneing them, or extortion in takeing too much. And this hath beene the directions of the Judges, Lords, &c. from tyme to tyme, soe as this clamor needeth not, if they would lett things be 10 judged. And there is not any collour to charge the Warden with other false imprisonment, saveing keepeing them after discharge untill they pay their duties, which is a custome throughout all the kingdome; and when this or any other difficultie of the like nature hath happened, the Warden (or often tymes the prisoner) have beene 15 suitors to the Lords and Judges to have it referred, whereupon both sides have quietted themselves and obeyed, except some one more refractory then other (as *Mr. Kennell* is) who (for want of other imployment and mayntenance) is the general agent (for hier) against the Warden, though (of all men) he hath least reason in regard of 20 the Warden's usage towards him in point of fees and duties, where the Warden accepted of him 80*li.* in lieu of a 160*li.* allotted by the referrees for nyne yeares imprisonment, and yet he hath not paid that by tenne pounds.

The Warden hath observed that fees and dutyes are, as it were, 25 created three manner of wayes, viz.:

By Act of Parliament.

By Custome.

By tolleration of the State and Judges of Courts.

Then, to reason from the substance to the effect, it may be said 30 that custome and tolleration hath been to keepe a prisoner after his discharge untill he pay his dutyes; and auntyently all discharges had a clause (payeing their fees and duties). If this then be abrogated, the Warden must be excused if he give noe trust nor ease,

but put them into the meanest places, which would be very bitter unto a number of well descended gentlemen, who purposely remove thither, whome (as may appeare) the Warden hath more comforted, releevd, and trusted then any officer of his quallitie in the realme  
5 of England.

## The Sixth and Seaventh Articles.

Accusation of  
close imprison-  
ment.

6. Close imprisonment of many without Order, Warrant, or Lawe, by moneths and yeares.

Accusation of  
cruell im-  
prisonment.

7. Close and cruell imprisonment, chayneing, manacling, and bolting of them with irons, some of the degree of knighthood, without cause or warrant.

5

Answere.

The answcares followeing will cleare theis accusations, for close imprisonment is of diverse natures, viz.:

Close in their chambers for matters of State, which is never done without warrant, and with such noe man may speake or bring them victuall; but the Warden is specially to provide for them, and soe 10 he doth.

9 Rep. fo. 87.  
3 Rep. fo. 44.

Alsoe close prisoners by order out of the Courts of Chauncery and Starr Chamber &c. the use whereof is comonly that they goe

1 R. 2, cap. 12.  
Dyer Pasche,  
8 E.  
Camera Stel-  
lata, 24 h. 8.

not abroad, and sometymes are kept in their chambers, but doe speake with many about their busines, unlesse order be given to 15 the contrary, as in *Inglefeild*, *Beare*, *Oliver*, and *Jennyson's* case, some for heynous contempts, and some for conspiracyes to be discovered, for which purpose the Fleete is the Kings ymmEDIATE and proper prison.

For execution  
and trespasse  
they must  
be close with-  
out conference  
with others or  
intelligence of  
things abroad.

Ut pœna ad  
paucos metus  
ad omnes.

Other closenes there is none but restraint of dangerous prisoners, 20 badd debtors for great somes, perjurers, forgerors, conspirators, and such like censured persons, by whome the Warden or his servants may be undone or slayne thorough violence to his person or office, as by *Whitbrooke*, *Rookwood*, *Inglefeild*, *Chamberlayne*, *Lee*, *Sharpe*, and a great many more, whose cause is by the Warden[']s 25 relaters [*sic*] almost ready for heareing in Starr Chamber and the fact confessed by some defendants and ready to be proved by witnesses without exception.

If the warden doe keepe such within their owne precinct, wardes,



walls, and yards, where yet there are many prisoners and chambers, can it be termed close imprisonment when they speake with all men which will come to them, victuall themselves, and those that will may come to church (whereof many doe not, and therefore  
 5 doe evade it with a glosse upon their close imprisonment, they being indeed Popish, whereof the faction is (in a manner) wholie compacted.)

The resolution of all the Judges to the K. counsell in Star-chamber, 12<sup>o</sup> Reg. Jac. is, That Prisoners in Execucion ought not to goe at libertie in prison.

All prisons in England doe restrayne such as thus demeane themselves, and such as pay not their fees, for their is noe other meanes  
 10 to constrayne them to pay their fees and duties; for if they may be well lodged and fetch their dyet from abroad, they will not onely never pay creditor, but defeate justice, and lett the Warden have nothing to mainteyne him in his attendance.

*Sir Francis Inglefeild's* restraint which he calleth (false) close  
 15 imprisonment, was but within his warde, where were five chambers, and gentlemen lodged; and it was upon *Sir Francis* not payment of fee for his liberty, for mutinyes and [mutinous] provocation to stabb or pistoll the Warden, [and] receaveing a dangerous and murtherous prisoner into his lodging whome the Warden could not  
 20 lodge or bestowe in safety because of *Sir Francis* his abettments, which were infinit, against the Warden and his office. And this imprisonment was done but two dayes with a keeper to open and shut at all tymes for all comers, which were above three score in a day, as the keeper saith.

By a warde or wards is meant a place that hath many chambers, which, beside their generalls dores, hath another outer dore to locke up all that lye there.

25 And if this be not tollerable for the Warden to doe (which all Wardens have ever done) who on misdemeanours have put prisoners to keepe their chambers, how can one Warden governe 200 persons, of whom if any escape, fire the house, kill, or wound, it is too late afterwards to complayne, because noe seate of justice can give the  
 30 Warden remedy when once such matters are happened and passed? for which considerations, if the Warden be jealous of the King's debtors and others, he hopeth it will not be taken an offence, but a service to the comon wealth.

And every prisoner is to give bond for true imprisonment, good

As appeares  
by the 1st  
article of the  
Constitutions.

behaviour, and payment of duties, or ells he is to have noe benefitt of libertye, and this being the first dutye of a prisoner, if he fayle therein the Warden may faile in ministring bedd, meate, liberty, or chamber, and may put irons on such as be in execution, according as the Lawe doth appointe and tollerate. 5

It is an exceeding troble, charge, and care to the Warden to keepe any man close prisoner, and when it hath been imposed in matters not touching the state he hath made humble suite against it, and obteyned sometyme remission, sometyme release.

The cruelty here meant was putting a payre of hand irons upon 10 one *Mr. Chamberlayne* for machinations to distroy the Warden and office, bolts on *Sir John Whitbrooke* for wounding the Warden and attempting to beate out his braynes with a hammer and stabbing three officers of speciall trust with a stilletto, bolts on *Lee* for concurring in theis, and bolts on *Mr. Nicholas Rookwood* for cutting 15 open the prison dores, and demeanours odious to all his fellow prisoners, for which the Lords of the Councell sent him to Newgate, as was *Lee*, *Mynors*, and divers others, soe that the Warden's fact in that point was but a begining of that correction which justice it selfe did second by sending them to Newgate for further 20 punishment and quieting the King's prison. If a knight be a murtherer he must suffer as inferior men doe.

And as for *Sir John Whitbrooke*; The Warden hath direcon to put other manner of irons then were put on and in another fashion, but (it being the Warden's owne case) he did the lesse, and such 25 as were put on were complayned off at the Councell Table, yet there was noe comand to take them off untill a second complainte, and upon a suggestion that *Whitbrooke* was wounded, whereas he had noe wounds but a little bruse or contusion in his arme.

And it might seeme a crueltie to bring porters to carry Mr. 30 *Chamberlayne* upp into his chamber, but who shall consider what *Chamberlayne* had done before, and that it is a custome in the Fleete when men will not be ruled they are sett in a chayre for avoyding hurt and soe carryed to Westminster (as proces of the

court doe comand or other where at such tymes as they be obstinate and perverse) will excuse the Warden, for in just and necessary things they must be ruled and overcome, or ells such confusion will followe as noe justice shall be prosecuted, touching whom there shall  
 5 be more at large sett forth a perticuler answeare, when the Warden shall see his perticuler allegations, which, though they have heretofore been very peremptorie and clamarouslie sett forth, yet when the Warden rendred the reasons and cause of using him after that manner, the Warden was dismissed with (*sic*) blame in highest  
 10 and lowest places of ordinarie justice.

Therefore as in the statute of Westminster 2 the lawe saith that *manucipenter in ferris*, soe the Warden hath done but his dutie on theis persons, who are all (except one *Mynors*) that have been ironed, and he is soe honest as to confesse that both himselfe and the rest  
 15 have deserved them, and *Mr. Bullingham* may as well witnes for irons in the Fleete, as he did weare them in the sherriff's prison before he came to the Fleete, and as is accustomed thoroughout the kingdome, which many more (now in the Fleete) doe by suffering in other prisons well knowe to be true.

20 The irons which be in the Fleete have beene of most auneynt continuance, and therefore likely to have beene used there; the payeing a fyne for to be freed of them proveth the use, and there are some knights (farr above *Whitbrooke* in rank) now prisoners that did weare irons 30 years past for misdemeanors after they had  
 25 fyned to be free of them in the Fleete.

And all the aneynt servants in the Fleete of 30 yeares standing doe testifie that upon misdemeanors prisoners have had irons put upon them, as in the discretion of the Warden seemed good.

Also about 23 yeares past, when theis (amongst many other  
 30 matters) was in question before referrees from the Lord Chauncellor, the Honorouble Master of the Rolls delivered his opinion that if the use of irons were abridged the howse would be subverted.

The Warden did never shewe spleene or passion in the putting irons on prisoners for private revenge, as appeared by *Mr. Copeman*,

*Gough, Thompson, Ayleworth, Coppin*, and others, that being in execution for great somes have run away and escaped, whom when they have beene apprehended with great charges, and the Warden (for some) compelled to pay their debts, yet he never put irons on any of them, because the offence was but dampnification of the Warden in his goods. 5

But who doth mutiny, conspire, or breake the prison, it is an offence against the King, the State, and the Office, and they have ever beene put in irons, as may be maynteyned both by Lawe, custome, and discretion in the one soart and the other, and as most 10 of the prisoners in execution have removed themselves from other prisons to the Fleete for their owne ease, soe if they like not their usage there they may remove againe to the King's Bench, &c.

By the accusation for cruelty is alsoe further meant the bring [*sic*] of prisoners perforce out of their lodgings, and that hath beene when 15 they will not remove with often intreaty by appointment and by promise haveing other lodgings offered, as *Mr. Chamberlayne*, who had not soe much as paid for two chambers, a studdy, and other roomes for himselfe, his wife, and familie, where they lived in the Warden's owne private bedchambers divers years, and yet said he 20 would lie there in the Warden's dispight; whereupon the Warden did cause him to be carryed to another good chamber where formerly he had lyen, and there was his bedd made, fyer, wyne, &c. put ready for him by the warden's appointment.

As for *Sir Francis Inglefeild*, who alsoe was fetched or carryed 25 out of his chamber, he had not paid his fee or fyne for liberty and irons, he held three roomes, had the walkes on the leads many moneths, and when the Warden had two noblemen comitted on the suddayne, and noe chamber to bestowe them in, Sir Francis was desired to give place and another chamber made ready for him, 30 where he had formerly lyen, but he said he would not remove without violence, whereupon he was fayrely carried out of his chamber after many intreatyes to goe of his owne accord, as in a particuler defence against him shall appeare, for after many howers



discourses he yeilded to be carryed because he would thereby take advantage.

If prisoners may lye where they will, soe long as they will and not give place to noblemen (who are their betters), and if such as  
5 Sir Francis Inglefeild (being in faction) begin a president in that kind, then all prisoners in their place will doe the like, and liveing where they list the Warden must lett them rule, till all be out of rule.

There are not severall lodgings in the Fleete for every severall  
10 prisoner, and therefore of necessity some must be removed at the discretion of the Warden to place others, especially they that did deny the constitutions of government there, and said, they were gotten by bribery and falshood, and that the Warden durst not avouch the constitutions, which (*inter alia*) say the Warden should  
15 appoint the prisoners their bedd and chamber; wherefore it cannot be doubted in any comon understanding but that it is the Warden's part and not the prisoners to appoint it themselves.

A scantling of the Warden's crueltye or lenitye may be taken by the great tolleration and trust that the Warden hath given to the  
20 number of viij or ix<sup>xx</sup> prisoners; a multitude whereof have never paid him in all the yeares and tyme that he hath had the charge and custodye of that place (though they be very sufficient) who by their practises are become indebted to him some 200*l.* some 100*l.* and some downewards, as appeares by bills, bonds, bookes, and  
25 accompts subscribed.

Himselfe never layed violent hands on any man, never conspired there detention or used circumvention in their comitting thither, but indeed this trust given to them and kindnes shewed them is the cause why the generall for the most part doe connive if not  
30 sett on the fewe which complayne, thinking that if the Warden fayle in his place and credit, then there will be none to call them to accompt for what they owe him. And they have now soe tasted the benefitt of contention, still disputeing what is due, and never paying, as that the ablest and honest seemeing men thinke it worth



the labour and cost to contend still, and the poorest, being once gotten behind by mispending what otherwise should pay the Warden, will never be able to pay what is arrere.

I shall crave leave heare to answeare the objection which asketh  
 “Why doth the Warden trust them soe long, and not call for his 5  
 money at the weeke, the moneth, or quarter?” Suppose he doe, and that he pay him not. What, then? Shall he put them from the liberty of the howse, and restrayne them in the straitest prison, as all the prisons in the kingdome doe? Why, then, they have taken  
 upp a comon sayeing, and it hath beene much harkened unto, that the 10  
 Warden doth keepe them close prisoners; a thing not onely above his power, but the power of superiors. But let it be considered whether it be not of congruence that as a debtor or delinquent is sent to prison for none payment or performance, and soe his liberty is taken away, whether there be not the same equity during his 15  
 being in prison that he shall not have liberty of all the prison and walkes, except he pay the Warden’s duties and performe orders of the prison.

The question then is who shall lay this on him, the Warden or the Judge? Answeare, they whome neither civell or ecclesiasticall 20  
 judge, the King’s prerogative, or comand can rule; yet this Warden must rule him *ex officio*, or ells justice never cometh to his period, but the Judge shall have as much to doe about ordering the imprisoned as about convicting him before imprisonment.

Soe that it is a paradox whether a fewe Insolvent Banckrupts 25  
 and Scismatiques were not better undergoe too much coercion then revell in a prison, contempne, traduce, and declyne justice, judges, and justicers, without end or measure, yet to the Fleete they will bring their wives, children, and servants to cohabite, woemen are brought in bedd there (but the children baptised fewe can tell 30  
 where), and noe other breeding have some then there; they infect the place with diseases incident to youth, and fill it with stinck and noysomnes not to be named; they exempt themselves from howse-rent, parishe duties, and all taxations in the comonwealth; they en-

Have indicted  
 the Lord  
 Chancellor of  
 old and late  
 times.

deavoured to have a chamber in the Fleete, with gardens, yards, places of pleasure, at the third or fowerth part that it would cost abroad, soe that by excesse of familyes there are two or three mesniall servants to one prisoner in the Fleete, and by exemption of payment  
 5 it is better then an hospitall, for to an hospitall none shall be admitted that hath livelyhood abroad, none can there have his wife or his leman, none can put his money at interest, deale on brokage or pawnes, none have protection to walke the citty but that his creditors will arrest him, and carry him to the doleful places of  
 10 Newgate or the Compter.

In an hospitall he shall be conformable in religion or detected for it, and perhapps be expulsed.

In the Fleete all this may be done, and from the Fleete many will not goe though they be cleared or you would force them,  
 15 because they can lye there, pay nothing, be abetted and cherished by factious prisoners and others of their owne tribe, followe and sollicite Lawe suites, and troble all men in words and deeds, and with a little Fleete reading become counsellors, attorneyes, doctors, chirurgions, scribes, cookes, and all manner of handycrafts to that  
 20 precinct, where sometymes are plotted robberyes abroad, cutting of purses in towne, to steale and bring in by the hands of their setters and versers, and noe hew and cry, constable, or officer can followe; for the Fleete is a priviledged place, which should keepe all goods howsoever ill gotten as the prisoners would have it; but if the  
 25 Warden oppose them, they can touch him with murther, felony, robbery, and infynite enormityes, and by the multitude of clamours (though untrue) bereave him of protection or continuance; for many of them have beene prisoners 30 yeares, some 25 and downe-wards, and have had the practise of all or most gaoles in the king-  
 30 dome, and therefore are graduates in their profession, to the great edifieing of their proselits and deterring the Warden, and they keepe themselves loaden with a multitude of actions and executions which are or might be discharged, to the end that if a creditor would remove them, the number of causes draweth a great charge of 5,

10, 15, or 20*l.* soe as the creditor is not willing to undergoe it, though with them more restraint in another place or prison of the King's Bench, where if they be they shall speedily in body or goods undergoe execution; but the priviledge of the Fleete (sub-ordinate to the Court of Comon Pleas) is such, as a man going 5 there called to the barr for debt may refuse to appeare, whereof there followeth nothing but an outlawry, which theis freebooters doe soe little esteeme as they accompt it a happie transgression to come from the King's Bench prison to the Fleete, where they can be but outlawed reversable at pleasure. 10

## The Eighth Article.

Starveing of men, close imprisonment, guarding them from meate, <sup>Accusation of</sup> drinke, &c. and that after comand of authority to the contrary. <sup>starveing.</sup>

The allegation of starveing close prisoners is soe fabulous and false <sup>Answere.</sup> as it hath no colour, for lett all prisoners that have beene close and  
 5 their keepers [be] examyned and the contrarie will manifestly appeare, this imputation being causleslie forged by one *Mr. Edward Rookwood*, who being comited and ordered close for matter of state, the Warden (knoweing whom he had to doe with all) did at his owne costs (which is yet unpaid for) cause his dyet to be provided and  
 10 brought unto him, and likewise appointed that what he had every meale should be written downe. And, although some part of that wryteing (by length of tyme) is lost or mislayed, yet some part remayneth justifieing that his ordinary meales cost the Warden xij*d.* xiiij*d.* and xv*d.* a meale, and sometymes a joynt of meate of  
 15 iij*s.* at once, or whatsoever he would with reason call for.

But at last, when he had beene many weekes there and meant to bereave the Warden of payment, the keeper of his meate, drinke, and attendance (which he ought to allowe), and to endanger them with some stratagem, he faigned himselfe sick, refused the Warden's  
 20 provision, endeavoured to corrupt his keeper, and lastly called for a Doctor of Physick, which (by the Lords order) being admitted, and *Doctor Fryer* comeing thither late in the forenoone, *Rookwood* (amongst other fictions) returned to lye downe and groaned (as his keeper saith) and alledged that he was starved, whereupon the  
 25 Doctor (seeing in his windowe the most part of a roasted pullett which was left of the meale before) asked how he could starve haveing such meate, and then after being permitted to take meate from his owne howse (which was a continuall troble to have it overseene), he contented himselfe with the tenth part of soe much as he

had before, and yet first and last was in health good enough, as the Doctor very justly and truely related to the Warden.

Another or lesse occassion of such allegation of starveing was that in July, 1619; after that the said *Rookwood* and his sonne *Nicholas* (who alsoe had beene a close prisoner in that kind) were permitted 5 liberty of the Fleete, and *Nicholas Rookwood* (for revenge sake) behaveing himselfe rather as a Bedlam frantick then a gentleman, to the utter dislike and greife of all others in the prison, and with steele chissells, malletts, and hammers, cutting all the stone workes of the dores of the Tower Chambers (where they then laye) into 10 which the bolts and locks did shutt, soe as noe dores could be fastened upon eighteene prisoners of great waight. The Warden therefore (not without danger and bloodshedd of his servants, *Rookwood* and the rest useing stiletto, long bedstaves, bedposts, and faggot sticks for resistance), as aforesaid, removed them into the 15 strongest wards of the prison, where further the said *Rookwood*, *Sir John Whitbrooke*, *Boughton*, *Coppin*, and *Seager*, with seaven others in an evening did combyne together, when 32 other prisoners (which lay in those wards) were abroad in the walks of the howse, and did shutt and block upp the dores of that warde, fortefieing 20 themselves within, and not permitting their fellowes to retorne to their lodgings, where soe houlding it (to the Warden's extreame danger) they would by noe intreaty of him or other officers of the citty or comand of some Privy Councillors open it, and lett in their fellowes; whereupon the Warden, being advised to keepe them from 25 victuall untill they rendred themselves and the place, he did for one day (like as in Newgate a while before had been done) put it in practise; but being advertized that those fewe had seized the salted beefe, bacon, cheese, &c. of the other 32, shutt out, and by that meanes with what was given them at the beging place and 30 elsewhere they did abound, the Warden gave over that designe and made his recourse to the Lord Chauncellor then out of towne.

In which tyme those voluntary immured persons clamoured to the Lord Cheife Justice, whose first answeare was, that it being in their



owne power to come forth (as others did) he sawe noe cause to releeve them with meate, yet thorough further Clamour he at last Comanded that the(y) should have victuall, And victuall thay had both before and after soe plentifully that when, the Lord Chauncellor's authoritye not prevayleing, the Lords of the Councell  
 5 soe prevayled as they rendred themselves and opened the dores, some one man of them sent out of the prison above two dozen of Bread. If it were needfull the Warden could prove *Sir Francis Inglefield* and others carryed to them with their owne hands Joints of  
 10 Roast Mutton and Lambe; But the effect of this supposed starveing was never scene by any man's face, by any man's sicknes, infirmity, or death, and is onely sett out to abuse the hearers, As yf hunger had made them breake stone walls, who brake stone walls before they were hungry and immured themselves in all things abounding,  
 15 as some whome they inclosed with them by constraint did then informe the Warden, and are ready still to justifie.

And further to unmaske this imputation the more and to shewe the Warden's care in that kind it may be remembred (as it standeth proved upon record) that when *Sir John Whitbrooke* by his  
 20 murtherous attempt had brought the Prison into an uprore, soe that it touched the Warden (as all others before him by the like) to secure the Prison and shutt up the Wards where the most dangerous prisoners were, untill things might be settled, He then came unto such as he had shutt upp, and fayrely tould them he would victuall  
 25 them if they needed, And accordingly did send both roast and boyled meate in a plentifull manner, which they did receave, And yet for all that they broke upp three strong dores one within another, and came forth when they had beene shutt in but from morneing till two in the afternoone.

30 In all which circumstances opened at the Counsell Board and before Comissioners and Comittees, the Warden cleared himselfe from tyme to tyme soe farr as a man may which hath to doe with such tainted persons, On whose falcities the Murther [of] *Whitbrooke*, the Felony of *Coppin's Money*, the Robbery of *Thraske*, &c. are all

like a Chayne (whose links they made and forged) fastened upon the Warden.

*Mr. Jennyson* of the same tribe, being a close prisoner, did one meale complayne of his Dyett, Whereupon it was viewed by Gentlemen, and vallew'd that the Warden could allowe him none such 5 after the rate of viij*d.* to the meale (which is the ordinary Comons of the howse), yet the Warden is still unpaid for what he and many others in that kind have had, which is but a meane incouragement to the Warden for keepeing close Prisoners.

## The Nynth Article.

Breaking of Prisoners Chambers haveing first removed them, opening their Truncks, seizeing their goods, and still detayneing them.

Accusation  
of Seizeing  
Prisoners  
Goods.

- 5 Although this be a generall charge or Accusation, yet for that onely one hath complayned punctually according to this whole charge, which noe other hath collour to doe in the whole, though perhapps in part or parts their evill will be much; Therefore it may be understood that this trencheth on the Warden's putting or shutting
- 10 ing a Prisoner out of his chamber for none Payment on the Prisoners Part, or want of roome for other Prisoners on the Warden's part; Which Prisoner having goods or stuffe in his Chamber, presently taketh occasion to desire retorne to his Chamber, whither if he once gett he maketh it his Castle against any remove, soe that it is not
- 15 safe at all tymes and that all men have warneing that they shalbe removed, lest fortifications and tumults be made. What then, shall not the Prisoner have his goods? Yes, verily, though perhapps an hoast abroad or any man that taketh lodgers would scarce suffer it; He shall have his goods. But put case he will not take them.
- 20 Why, then they shall be inventoryed and offered him, and that is soe much as may be done, and it was done, as appeares by good prooffe in *Peck's* case. *Mr. Chamberlayne* cannot complayne in this kind, For upon his first remove he had all his goods save that he fableth of the losse of a Bond of vij m. li. (surely a great value,
- 25 and such at the rate of iiijs. in the pound (as he offereth his creditors) would pay all his debts), And halfe a dozen of silver spoones he lost too, untill he found them againe lockt upp in his owne cubbord, whereof he kept the keyes. In his second remove, when he was putt into the Comon Prison that was no place for his many Truncks,

and to fitt and place his owne and other men's evidence, As in his oath in the Exchequer he gallantly setteth forth; And it is to be hoped that the bond of vij M. li. was safe layed amongst those evidences. Therefore the Warden bidd him carry those Truncks and things back out of the Prison, and detayned some meane 5 howshould things untill opportunitie of disposing them or making some accord with *Mr. Chamberlayne*; But afterwards, upon the Lords Comittees being at the Fleete, the Warden was comanded to deliver him his things and he to pay the Warden. All which things *Mr. Chamberlayne* had, even to a Sawcer and a Mustard- 10 pott, except an ould peece of a curtayne valued at vjd. For which if the Warden happen to be either a Wilfull or cuning Banckrupt (as *Chamberlayne* hath often called him) it is to be hoped that *Chamberlayne* will (according to his owne rule and offer) take a penny and a fift part of a penny for the debt, which is after the 15 rate of iiij s. in the pound. Though yet for all the Lords Comands and other Comands since, the Warden can neither gett the fift part nor any part of a penny that is due to him for theis six yeares.

As for *Mr. Sharpe's* complainte, though it be of noe Collour or Substance, he shall have an answeare at large and for his credit. 20

But one *Mr. Ashburneham Peck* is the man to be Answered here. For the *Lady Amy* her goods are staied and held in another nature, and she sueth the Warden at the Comon Lawe.

*Rookwood* had all his goods delivered him by Order at Councell Table upon payment of 15li. to the Warden by the same Order. 25

*Peck* therefore a prisoner 19 yeares hath a good estate of 80l. per annum besides leaves; very small some would discharge him, but he payeth noe man. He was lodged by the Warden 8 yeares in a good Chamber of the Warden's owne Roomes, he often promised and vowed payment at quarter dayes, but never paied penny; But 30 then he would urge how his Children robbed him of his money, and sometymes of his gold lace from his Cloathes, yet they were still entertayned at the Fleete; And (though reputed cutpurses) hidd themselves in the Fleete, untill at last the Gallowes had one from

Newgate, the other escaped by Naturall death after twice imprisonment for cutting of purses.

Himselfe purloyned the Warden's pullen, the lathes from the walls of the howse to roast them, feasting and ryotting, One while  
 5 as if with his servants, other while on pretence of marriage, and would not lett them be kept out by the Warden (though *Peck's* own Daughter which attended him hath besought it of the Warden with teares). He used to sett on foote Daungers and then reveale them, By which and like shifts he protracted payment of his fees, and  
 10 therefore was put out of his chamber into the Wards; before which tyme, *Peck* haveing taken away the Bedding of one *Rith*, a Prisoner and Bedfellowe in his Chamber, who dyed, *Rith's* Mother claymed the same; And upon theis occasions the Warden kept it when *Peck* was removed untill with a knife drawne *Peck* came thorough all the  
 15 Prison and tooke per force from that Chamber all save the very Bedd, and the Warden had nought but the Bedd in the behalfe of *Rith*.

*Peck* had the rest of all kinds, or he might have had it, for it was inventoryed and offered him; But he, claimeing a lease of his chamber, said He would retorne and possesse it, As appeares by  
 20 Testimonie.

As for breakeing open prisoners chambers, opening Truncks, and seizeing their goods, this *Peck* purloyned goods of *Sir John Whitbrooke*, which being often enquired for and demaunded of him he denyed them, and was further detected (as followeth) proved  
 25 on record.

*Peck* with his Accomplices came into the gaoler's lodge (which is keeper of the Wards) and thrust him out with his aged wife, and in resisting greevously brused the Gaoler, Takeing away his keyes of the Prison and offering to stabb the man that was under the  
 30 goaler, when he endeavoured to come and rescue him. He bruised the Goaler soe soare as he languished thereof. *Peck* and others said that by detayneing their dutyes they would hould the Warden soe hard to it as he should be forced to run away.

He annymated prisoners not to pay, and wonne the prisoners in  
 CAMD. SOC. L



the wards to breake fower of the Prison dores there at the tyme when the others were to be broken in another part of the Prison.

*Peck* was the spokesmen for them all when the Warden entreated them to be quiet, And with a hatchet and a chissell broke open a dore and lett out others. 5

*Peck* bought the hatchet to doe it that day it was done, and the chissell was *Thurmans* (*Peck's* wife's Father), who lent it voluntarily to doe the deed. In cutting open the dores he was called *King Peck* for conquerring the Warden.

*Peck* and *Rookwood* discourseing of a Warden slayne, he said 10 it were noe matter if *Harris* were used in that kind.

*Peck* used words of incouragement to attempt the like on this Warden.

He incouraged *Lee* to rayle att and slaunder the Warden to bring him in hatred. 15

*Peck* said (after the Warden had wounded) he was sorry *Whitbrooke* had not killed him.

*Peck* thretnd to cut the throats of all that should give advise of the conspiracy.

*Peck* brought the Engines to breake the locks and dores with 20 shouts and cryes, while the others in the Tower Chamber broke that part of the Prison with sword, staves, wheelers, axe, and stones. They assaulted the Warden soe as with neighbours Armed the Warden was forced to suppressse them.

*Peck* called by *Rookwood*, *King Peck*. 25

*Peck* with others broke through a wall of 5 foote thick, and alsoe broke a strong Barr of Iron that went round about the dore of the Prison, to keepe in the stone worke.

For theis fowle abuses *Peck* was by the Lord Cheife Justice removed to Newgate, where after he had a long tyme beene and 30 durst not open his Truncks in regard of the goods that he had stolne or purloyned, the Warden called in some neighbours and some Prisoners and after opening them Inventoryed the goods, keepeing indeed some 40s. worth thereof in lieu of a 100l. debt due by *Pecks*

one promise and agreement, and sent him the chest wherein the evidences were, without touching one of them, as appears by good Testimony.

Soe that this complaint heaped upp without distinction of tymes  
 5 and occasions doth seeme odious, But being opened with the reasons cannot but shewe just and moderate dealeing in the Warden, and the like can be shewed for any other if such be; For when a prisoner is put out of his Chamber, and will not deliver upp the key, the Warden must needs breake open the dore or loose the use of his  
 10 Chamber, And this was the very case with *Sir John Whitbrooke*.

There is a great deale of cuning compacted in this Article of Accusation, As if the warden had shutt a man out of his Chamber and presently opened the Truncks and seized the goods, the truth being that after the putting him out of his Chamber, and that he  
 15 had refused the goods for the present, yet afterwards he tooke them at severall tymes, And soe continueing Prisoner untill a yeare after that, for misdemeanors he was sent to Newgate, left his Truncks in the Fleete with the purloyned goods in them, whereupon the Warden (who never permitted Truncks to goe out without seeing  
 20 what is in them) wished theis to be opened in presence of witnesses and sent them to Newgate, Retayneing 40*l.* worth of *Peck's* goods in lieu of 8 yeares lodging and duties in the Fleete, and more of *Pecks* there was not save two pillowes and an ould covering of Darnex, three Blanquetts, and two Bolsters with the purloyned goods.

25 If the Warden should say that he may take (though he never did soe take) any man's goods by distresses for rent agreed upon within his freehold, He conceiveth it would not be much gainesaid by Lawe or *Catalla felonū*. But let them argue that who have longer interest in the Mannor or Soake of The Fleete, where there hath  
 30 beene power of the good behaviour by Lettres Pattents ever allowed, agreeable to the original graunt S. 1<sup>o</sup>. R. 1<sup>o</sup>. — “ Bene et in pace, libe, quiete, integre, plenarie et honorifice cū oībz libtatibz et libos consuetud ad predicū custodis ptineñ.”

## The Tenth Article.

Accusation of  
Robbing the  
Poore Men's  
Box.

Where an order gives upon every dayes goeing abroad by one that is not in Execution 8*d.* to the Ward's box, The Orders exemplified under the great Seale hath a dash over the word Wards to make it Warden's box; By which practise and under collour thereof he continually robbeth the poore of that 8*d.* a day, which is yearely a great matter. 5

Answere.

This is a very impudent untruth and set on foote cheifely by *Sir Francis Inglefield*, for neither hath the orders under the great scale any such dash over the head, nor the record it selfe, for it is in both written (Warden's) at large, And about 23 yeares past for the like Calumpniations some prisoners wer censured in Starrchamber and (with papers on their heads) did in every Court at Westminster (where the Warden hath his attendance) acknowledge their offence. 10

It is impossible that any man of Judgment can thinke that the Warden either should or would permitt a prisoner (whose escape may cause the Warden sometymes to pay thowsands) to goe abroad at the Warden's perill, And that the poore of the wards should reape the benefitt of his hazard by haveing the viij*d.* to their box. Were it not that some men doe tell an untruth soe often that themselves beleeeve it in the ende, This might much be wondered at by all men except theis Prisoners. 15

## The Eleventh Article.

Where the same order gives 12*d.* a day to the keeper that goeth abroad with such prisoner He robbeth his servants of that alsoe, forcing the prisoner besides to content his keeper.

Accusation of  
Robbing his  
Servants.

5 This, haveing relation to the former, depends on the sence and  
meaneing of the orders of the Fleete, whether the Warden hath  
right to the xij*d.* or his servant, But for eight Warden's tymes it can  
be proved that the Warden for the tyme being hath had it. Thirty  
yeares past *Sir Francis Inglefield* himselfe (and divers others nowe  
10 prisoners of 3 or 4 Pills) paid it, and about 20 yeares past it was  
questioned on the Prisoners' complaints to the Lord Chauncellors  
and Comittees and yet never altered for reasons which followe, as  
the Warden conceaveth.

Answere.

For if a Prisoner doe goe abroad, The Warden must send a keeper  
15 with him. The day is devided soe that the prisoner payeth 10*d.* for  
the fornoon and soe much afternoone.

Then it is to be supposed that they come home to dynner and  
supper; can the Warden give his man (who must be a man of some  
quallity and trust) entertaynement and meate for 8*d.* a day, or for  
20 the 12*d.* when perhapps the prisoner useth him one day and not  
again in a yeare after; And the Prisoner premeditateing howe much  
and many generall Busines he will doe that day on which he will  
goe abroad.

He goeth out earlie and travelleth not like his keeper, who goeth  
25 daylie, but as one not weryed before, and the servant must soe  
followe of Necessity or loose his Prisoner, till late at night, as noe  
porter would doe the like for iij*d.* or iiij*d.* a day.

This xx*d.* a day doth amount in the yeare to some iiij<sup>xx</sup>*li.* amongst  
all the prisoners; for which the Warden keepeth almost 20 servants  
30 for that service onely, and besides falleth into many losses by escapes

and Runawayes before their fees be paid, who make that goeing out their collour to run away and after send in their discharges. To the Court. Soe that if it shall be thought fitt let it be concluded that a prisoner which goeth abroad shall give suertyes before he goe, finding a man at his owne charge to attend him, And soe the Warden 5 shall be eased of a multitude of his servants.

In other Prisons their Master keepers will not lett them goe for soe little as *xxd.* a day.

And sometyme the Warden to releve the poore letts many goe for nothing, And to serve the Courts of Justice, the Councell Table, 10 the Chauncellors and Treasurer doth bring out many prisoners at once attended with many servants, for whome he neither hath nor doth ask ought.

And sometyme there is occasion for some of theis, being charged with tenn or Twentie Thowsand Pounds, more or lesse, to goe abroad, 15 and at their goeing must have two or three keepers, from whom the Warden's pay is still but one, and the same with that for the meanest, who is charged with lesse somes.

An<sup>o</sup> 1617. And somewhat the better to cleare this point it may be scene and read in the Porter of the Fleete his booke how the Warden 20 hath directed him, and confirmed it under his hand, to take after *20d.* a day of the Prisoner and appoint him a keeper, Soe that the Prisoner is not bound to give either little or much more to his keeper, for the Warden leaveth it indifferent and in the Prisoner's Choyce. 25

Att the tyme that the Constitutions of the Fleete were made, it was then meant and practized that noe prisoner should goe further then Westminster or to his Counsell as he went or came, But late Custome hath enlarged their Walks all over London, and yet they will not enlarge their payments to the Warden or his servants. 30

Soe as respecting the Warden's gaine and pay he wisheth they went not abroad at all, they would be the more vehement to cleare themselves, and should be better stripped of the masked Estates they hould.



If it be said that the Warden by takeing the *xijd.* of that *xxd.* a day doth robb his servant, surely he robbeth by prescription, and by consent of him who is robbed, And which of the Prisoners that hath paid it is there that doth complayne; As for these that  
 5 have not paid it (which are those that doth complayne) they complayne by speculation, and not by suffering.

The very words of the fift Article of the Constitutions are that of every such prisoner it may be lawfull for the Warden to take *vijjd.* a day to the Warden's box, and for his keeper which shall be  
 10 with him *xiid.*

The sence of which words doe justly beare that the Warden must have both the *8d.* and *12d.* as the practize hath continually shewed.

By which words there is but one to take and that is the Warden, and not the keeper of the prisoner, he must take what the Master  
 15 pleaseth to give him.

If it be asked now what is meant by Warden's Box, it is soe old the Warden cannot find the Begining of it, but sure he is that when the *8d.* was first taken the standard of money was such as *vijjd.* was more worth by much then the whole *xxd.* is now, and all  
 20 things more cheap then now they be.

Robbery is to take money perforce and with a felonious intent to obscure and hide from the knowledge of justice or Comon persons that which is taken, But whatsoever hath come to the Warden in this kind he hath a tytle to it, he receiveth it of his  
 25 Porter or Clarke by way of Accompt, or at the prisoner's owne hands, and acknowledgement is made by Acquittance or otherwise; soe as the Accusers should have qualified this terme if they either had sence or charitye.

## The Twelfth Article.

Accusation for  
abuseing the  
Councell's  
Warrant  
Dormant.

He hath warrants Dormant under some of the Councell's hands (not nameing any perticuler person) by which continually in all countries he seizeth upon his Majesties Subjectes, forceth them to give bonds to be his prisoners, Exacteth intolerable ffees and Com- 5 positions, &c. where theis apprehentions ought to be by the Sherriffe of the Shires without such vexation or charge to the subject.

Answere.

As for the word Dormant they be noe otherwise Dormant but that as the waightines of decrees in Courts doe concerne his Majesties 10 Justice or Revennewes, Soe the warrants be renewed from terme to terme and as occasion requireth.

Whereas they say that the warrants are under some of the Councell's hands and doe not add their most honourable appellation; they seem to disjoint the Councell, as if a Warrant from some of 15 them might the more be excepted against.

The Warden hopeth that Prisoners will not presume (neither will it be admitted) to defyne to the Lords of the Councell what warrants they shall subscribe or allowe the warrant of the Fleete; neither whether he that hath soe many hundred yeares attended 20 the service of state, att and about the Royall Pallace and Courts at Westminster, or a sherriffe which is changeable every yeare, shall execute those warrants.

And as to the Warden's fees they are lesse then a pursevant Messenger of the Chamber, or a Serjeant at Armes, and (by using 25 the Warden) the Subject hath ease rather then burthen; For as to the exaction of intollerable fees there is noe such matter used or the Lords ever troubled with any complaints therein, because there is taken but the meere Dutyes. If any fault hath beene comitted it is for spareing the imedate bringing of the party comitted into the 30 prison where he may make eleccion to place himselfe and accordingly to pay as a Gentleman or a yeoman; And hereby perhapps oft tymes

a gentleman passeth with payment of a yeoman's fee, And sometymes a yeoman will rather pay a Gentleman's fee then be brought upp presently (and before the terme), whereby he shall be prevented of agreeing with his Adversarie or obeying what the Courts Comand;  
5 Besides when the Termes have beene kept in other shires and places of exempt liberties, yet then, by full consent and approbation of the Judges, the Warden hath carryed the Executing of all Orders and Services of the Courts.

## The Thirteenth Article.

Accusation for  
Excessive  
Rates of  
Chambers.      Where by orders noe man ought to pay for any Chamber, the  
Warden alloweing Bedd and Bedding, above ijs. iiij*d*. a weeke, he  
exacteth 8*s*. 10*s*. 13*s*. 4*d*. and of 20*s*. a weeke without Bedding.

Answeare.      Touching Chambers and Lodgings the Warden leaveth every man 5  
to his elecon; The Orders of the Prison are, That noe Parlor  
Comoners and Hall Comoners must lye two in a Bedd like Prisoners,  
They of the Parlor at ijs. iiij*d*. the weeke, They of the Hall at xiiij*d*.  
If any such will lye in the Prison then there is noe question of  
their payment nor any more required. 10

But the missery is this that none there will pay att all, but stand  
upon it that they should pay nothing, which is contrary to right,  
to Custome, and to usage; And the Wardens have ever beene paid  
for such who being the most dangerous are still lodged there, And  
untill theis fewe yeares there was noe other place or prison for any 15  
to lodge in.

An<sup>o</sup> 1597. the Prisoners then Articling against the Warden Sett  
forth that one Prisoner paid xxx*s*. others xx*s*. xv*s*. xii*s*. x*s*. a weeke  
for Chamber without Bedd. The Warden then made his Answeare to  
the Comittees that he tooke x*s*. a Chamber and the rest was for 20  
more chambers then one, and in respect of Dyett, though they had  
none, but fetched it abroad.

Soe if Prisoners will have more ease then ordinarie, and a  
Chamber or two for themselves and theirs in the Warden's howse,  
they are by the Orders and Constitutions to Compound with the 25  
Warden for it, it being the warden's freehould and demyseable.  
And the Warden hopeth that his freehould Lodgings shall be noe  
more subject to a meane valuation, then an escape of a Prisoner,  
5 E. 6 Dy. 71, firing the howse, or other dangers by desperate Debtors, unto  
1 H. 7, 37, which the Warden is subject by such as lye there; Or the Fleete, 30  
Plo. Com. in deprived of that which other Prisons doe take, Nay which is taken  
Hill and  
Grange's case.

for lodgings in the Towne, For men of quallitie (which cheifely come to the Fleete) will lye alone and have good roomes, as Sir Francis Inglefield had three and divers others the like, yet when there turne was served would pay noe more then if they had lyen in the  
 5 Comon Prison, which is directly contrary to the 10th, 11th, and 12th Articles of the Constitutions, Explayned by the Judges and ratified by the Lords of the Councell, for takeing away all cavills betweene the Prisoner and the Warden.

And it is alsoe warrantable by Lawe that the Warden may make  
 10 the best of his Lodgings within his freehould without contradiction, yet he taketh onely what former Wardens tooke without inhaunceing them in any soart.

But, say the Prisoners, that if the Warden doe lodge Prisoners in his freehould (which is none of the Prison) Then those debtors  
 15 in Execution are noe more in Execution, but the Creditor or the Debtor may bring an Escape against the Warden, or an *Audita Querela*, and soe the Prisoner cleare himselfe, or the creditor recover his debt of the Warden; And that if the Warden doe make it his prison Then they are to pay but as if they lay in the Prison.

20 But to the first point, whether they be out of Execution when they lye there, It may be considered there was a tyme before the Stattute of 1 R. 2 and 7 H. 4 was made, that wheresoever a Prisoner in Execution did goe yet he was not out of execution; Then followed the Stattute, That if a prison keeper did suffer his prisoner *ad largum*  
 25 *ire*, the keeper should pay the debt; But it cannot be said that the prisoner doth *ad largum ire* soe long as he is within the walls and precinct of the Fleete, where he went before the statute was made; For as the Tower hath its prison for debtors, and many Castles in this kingdome hath a prison within it, Noe man can say that the  
 30 prisoner is at large, soe long as he is either within the Tower or the Castle walls, And, as every sherriffe of a shire may make his prison where he pleaseth within the shire, and the prisoner soe long as he goeth not out of the shire cannot be said to goe at large, Soe



the Warden of the Fleete doth not lett the Prisoner goe at large soe long as the prisoner is within the walls, rules, or precincts of the Prison. Noe more then the Marshall of the King's Bench doth lett those goe at large which lye out of the prison within the rules and precincts of that prison as to him is allowed and tollerated. 5

And to the second point, That if the Warden doe make the freehold a prison, Then they must pay as if they lay in the Prison, that is thus answered, viz.:

They must not have a Chamber or two Chambers for one prisoner and his wife and famelye to keepe howse in, but lye two in a Bedd 10 like Prisoners, and every Chamber to have a Bedd or two or more according to the greatnes of the Chamber, as is used in all Prisons, and then the Warden should make the like rate of one Chamber by many that lye in it as he doth by one man's lyeing there, and the prisoners suffer that which they most seek to avoyde, which is being 15 pestered in the prison; And then should it not happen their wives to be brought a Bedd in their Chambers, a thing both unseemely and intollerable in a prison.

If when a prisoner bringeth his freind, wife, or child to lye in his Chamber in the Fleete the Warden should aske money for their 20 lodgings it would seeme a base thing. Surely it seemeth noe other that a prisoner which will pay but the meanest rate of lodging should covett such liberty and thinke to pay noe more then if he lay with another prisoner two in a Bedd according to the Orders of the Prison. 25

And if such things be tollerated Then must his Majesty must (*sic*) be sued unto to inlarge and build his prison, as well for the prisoners that lye in it; As for their frinds, wives, children, and servants which are noe prisoners, yf not then the prisoner is to yeild the warden allowance for haveing ease in the Warden's freehold according as the Constitutions aforesaid doe justly allow; And as the 30 Warden hath by Lawe and Custome justified it, when the prisoners have sued him for Extortion in this case.

For the Warden will soone joyne issue with the Prisoners that if they will quitt and remove out of the freehould they shall not pay above the rate, For he may and can lett it to strangers.

It hath alsoe beene alledged that the rate of the Chambers  
5 (rented as they be) yeild the Warden a masse of benefitt each yeare, the contrary whereof doth appeare, for prisoners are not the best payers, and some lye there many yeares and dye without payeing, and others lye many yeares and then become Insolvent.

To such prisoners as lye two in a Bedd the Warden is to find  
10 them Bedd, and for Bedd and Chamber they are to pay.

Whether by Bedd is meant all furniture of Bedding that is to be doubted, for it was never put in practise; but as for those which lye in the Warden's freehould lodgings by agreement he is not bound to find them Bedd or Bedding except it be so conditioned;  
15 And such will hardlie vouchsafe to lye on the comon Bedding which passeth from man to man; And the Warden can as hardlie buy a new Bedd for every new prisoner which cometh, and therefore the lodgings of ease were provided for men of quallity and not for the meane soarte of prisoners as the accusation would seeme to inferre,  
20 And when *Mr. Chamberlayne* informed against the Warden touching Chambers All the cheife gentlemen in the Fleete certified under their hands that they held their Chambers by agreement to have a Chamber alone to each, and were contented with the rates.

## The Fourteenth Article.

Accusation for  
Exaction for  
lodging in the  
Comon Wards. Where before this tyme nothing was paid for lodgings in the Comon Wards, he exacteth as if they lay in private Chambers upon his Beding, Yea for the very Dungeon alsoe.

Answer. That which they call Comon Wards in the Fleete is not exempt 5  
of payment, for the place called the Wards, consisting of six great  
Roomes and a court yard, with the Tower Chambers and Bolton's  
Warde, are the King's Auncyent Prison, and for divers hundred  
yeares men were imprisoned there onely.

All the rest of the Fleete, Close Garden and yards, with certeyne 10  
Messuages, were given to the Warden in fee by Grand serjeancy for  
ever, viz.: for keepeing that prison, which is an Argument that  
the prisoners lay in that prison and paied their Dutyes for lyeing  
there; And untill about three score yeares past, when the Accesse of  
prisoners to the Fleete was increased, All the prisoners lay in those 15  
Wards where there is the Baron's Ward(called soe of *Baron Broun-*  
*fennell* who lay there), the Woemens Ward (of woemen lyeing there),  
the Two Penny Warde (of paying *ijd.* a night), and the Beggars  
Warde (of payeing nothing). And in some of theis Wards within  
the memory of man did other persons of great worth and their 20  
wives and children lye, and paied good rates as if they had lyen  
elsewhere.

Bishopp of  
Gloucester,  
&c.

Those Wards were furnished with the Warden's Beding, which  
was not afforded without pay, Onely the poore that Begged at the  
Box were exempt from payment if they continued themselves in 25  
the Box Warde, But if not, Then (as it appeareth by the Constitutions  
for Governement of the Fleete) they paied somewhat, for the Con-  
stitutions at the Tenth Article hath theis words:

That if any poore man which beggeth will have more ease then  
for the same is appointed, It shall be lawful for the Warden to 30

appoint such a person a Bedd or Chamber, the partie agreeing with the Warden for the same as shall be thought reasonable.

The same Constitutions further say:

That if there shall at any tyme a person be comitted that is not  
5 able to pay either Hall or Parlour Comons, nor will be of the Box to take the Charity, The Warden shall appoint a Bedd and Chamber for such, the partie agreeing with the Warden for it at his reasonable discretion.

Which points of the Constitutions doe make it cleare, that all  
10 persons and places are to yield payment, except those simply wherein the Beggars lye; and noe man can deny but that the constitutions made touching fees, &c. (which are certeyne) doe relate onely to the prison; And in fees which are not certeyne they relate to the Warden's freehould, leaveing it to the discretion of the War-  
15 den how to order or use his freehould. Like in all prisons there is a Maisters side or howse for the keeper, where the better soarte doe lye at better rates then in the Comon prison, soe is the practize in the Fleete agreeable to lawe and declaration made by the Judges confirmed at Councell Board 37 Eliz. as aforesaid.

20 And the Custome of the Fleete is, That if a waighty prisoner for debt (of what quallity soever) come thither, Which is not able to countervayle his Execution by security for true imprisonment, Then he was not to have liberty of the howse, but was put into the said Wardes; And noe man will thinke that the Warden should take  
25 charge of such a man without being paid for him. If he should not be paid it would followe then, That from all other prisons in England where they take money of the meanest that lye there, They would (as it is now already practized) by meanes of this and other absurd imputations layd on the Warden, remove themselves to this the King's  
30 Prison (a place most proper for his owne debtors and service for the State), thereby to be exempt of charge. Nay, those prisoners that have in other prisons been most dangerous for Routs, Ryotts, and breach of prison, and therefore comitted to Newgate amongst Rogues and thieves to be punished, doe already by meanes of this discord

in the Fleete so much affect the libertyes there as they have caused themselves to be removed thither, and doe vindicate liberty to walk and bowle promiscuously with the Noblest and men of quallity and will not be restrayned, yea, such as have beene theeves and branded men doe without distinction and controll clayme the full 5 liberty of the whole Fleete, whereof if they be restrayned in the prison they noyse and voyce themselves to be kept close prisoners; As if the Warden should provide gardens, walkes, and places of Recreation for such, Or ells be taxed of Rigor and Severitye where indeed it never was permitted to such to have libertie out of their 10 owne wards, untill of late tyme they have gotten it through Clamor in them, and want of disciplyne in late Wardens, joyned with a zealous compassion towards prisoners who, if they be meeke, humble, and needy, ought to be comiserated; But otherwise the tolleration of such as are Insolent Banckrupts and such as doe infest a 15 prison is to hurt the comon wealth, makeing the Fleete and London the receptacle of all the scum of the kingdome; For, though in Christendome there is not a prison of such scope and ymunities as the Fleete, yet prisoners would still have more liberty and lesse payment; And in the begining of this Wardens Interest in the office 20 some one or two of the civellest and least waighty prisoners in the Wards were permitted to come out and fetch water to clense the Wards and to carry them Bread, Beere, and necessaryes, And some tymes those one weeke and others another weeke were ayred, yet came not so much as to the chappell to prayers, but had prayers 25 amongst themselves very strictly and orderly used; to the sermon onely they came and returned presently to their Warde.

Boulton's  
Warde.

As for the place called the Dungeon it is noe more dungeon then any roome on the floore or ground of the Fleete, or of the aforesaid Wards, being without descent, onely somewhat stronger retyred or 30 private, and used for to sett in Stocks, bolts, and Irons such as are unruly. It hath convenient light, Chimney, and place of Ease, where (by report) there lay some tyme a great one Dowager to an ymminent person; And for that the outrages of *Lee*, *Peck*, and



*Mynors*, with their Confederates, were such as to breake downe the inward grates of Iron and the Irons that went round the dore in this place, the Warden therefore put the windowe (at which they receaved Engines) higher out of their reach, and made a hole whereby  
 5 they which lodged there might take in meate, drinke, &c. And the Warden is assured that of all which have beene lodged in this Warde not one hath paied him ought, though something be due from the meanest which doe not begg.

And in the Tower Chambers, where in lyke manner they clayme  
 10 priviledge of none payment, it was 30 yeares agoe by the prisoners themselves alledged to conteyne 8 Bedsteads, of which the Warden made lxxij*l.* by the yeare; By which it appeareth that the prisoners then paid soe for that, whereof this Warden should have nothing if the prisoners may prevayle; And they will first lye 3 or 4 yeares on  
 15 the Warden's Beding and pay him nothing, when if he put them from it they exclayne that the Warden doth make them lye on the boards, as if the Warden's Burthen were above all other prison keepers to be soe able or Charitable to find Bedds for all men without being paid for it, yea to find it to such as desire noe better  
 20 purchase then to purloine or sell it as their owne when he trusteth them with it, which is not tollerable in any Inne, Ale-house, or Barne, much lesse in a prison, where they must either pay or use what they bring with them; And when the prisoner hath lyen soe long and payed nothing, oweing perhaps, 5, 10, or 20*l.* and  
 25 keepeth the Warden from money, It cannot in equity be said that if thence forward the prisoner provide a Bedd for himselfe therefore he shall pay the Warden nothing for his chamber, for perhaps the prisoner doth detayne of the Warden's soe much as would buy 5 or 10 Bedds, By the want whereof the Warden is dampnified more  
 30 then he is benefited by the prisoner provideing a Bedd for himselfe.

Besides if payment be taken away (because the prisoner provides his owne Bedd) then all will provide their owne, and the Warden shall find them roome and attendance for nothing; And the Warden did use to furnish divers prisoners in the Wards and Tower Chambers

with Bedds untill they spoyled them; And by degrees used the Bedsteeds sometymes for fire in the winter, and at other tymes to fortifye the roomes wherein they lay against the Warden and the Courts of Justice, and some part to annoy and beate downe the Warden's servants; Upon which occasions the Warden tooke away 5 his Bedds and Beddsteads for a tyme and left them to lye on Pallett Bedds, if they had any of their owne (as many good men doe abroad who are at more liberty); In regard whereof the prisoners alledge that they lye upon the ground because their Bedds lye upon the Boards or flowers [*sic*, floors]. 10

And whereas the prisoners have talked and taxed the Warden about that Eight Bedd Chamber (being indeed the three Tower Chambers) it was proved before the Lords Comittees at the Fleete, that in those Chambers formerly had beene placed above 20 Bedds of the Warden's, and Prisoners lodged there to the number of 15 56, But it is alledged that this was on an extremity and while the Wards were in mennding, but yet it proveth that it was done, and so may be done againe, when the use of the Wards is taken away (by being full) that noe more can be placed there, And it proveth alsoe that the Warden had Bedds and allowance for mens lyeing 20 there.

## The Fifteenth Article.

He exacteth after those high rates Chamber rents of men haveing  
 noe Chambers, but lyeing abroad by the King's Writt or other-  
 wise.

Accusation for  
 Exacting for  
 Chambers not  
 haveing any.

5 Some men who be sent to prison, being such whome either the  
 Judge which committeth him is pleased to suffer to goe abroad or  
 leaveth it to the discretion of the Warden or to the Custome, doe  
 exceedingly presse to lye without the Fleete, where (within)  
 Chambers be alwayes for them. If then the Chamber stand empty  
 10 (in the meane while) should not the Warden be allowed for it? A  
 landlord will looke for the like, And he that desireth to lye abroad  
 never requireth whether there be Chambers in the Fleete emptie  
 or full; soe that in his understanding he hath no wrong nor the  
 Warden any benefitt, who can comonly lodge more then he hath,  
 15 though perhapps not soe well as they would.

The Answere to such as have noe Chambers is further made in  
 the 10th article of Accusation, touching prisoners that goe abroad  
 on *habeas Corpus*; but add here that many men had rather pay for  
 two Chambers then lye there a night; and this, some for their quiet  
 20 rests sake and some and for their reputacons sake. They must pay  
 for their ease, Ergo for lyeing abroad, And the Warden is excepted  
 in the stattute of 23<sup>o</sup> H. 6 to the end he may shewe ease.

## The Sixteenth Article.

Accusation for  
Exaction of  
Dyett, Takeing  
none.      He exacteth for Dyett whole Comons of men that take none of  
his Meate or Drinke, A thing never demaunded before his tyme.

The Constitutions for Governement of the Fleete renewed  
3<sup>o</sup> Elizabeth are: 5

That noe Prisoner shall buy beere, Ale, wyne, or other victuall  
out of the howse soe long as they may have sufficient and good  
provided within the howse, &c. att reasonable prices, as within  
London (Except the Warden shall give license for any consideracon  
as to him shall seeme good). 10

37<sup>o</sup> Elizabetha  
[sic].

The Constitution 30 Aprill, 1598, was, upon the like complaint  
of prisoners as is nowe made, referred from the Lords of the Coun-  
cell to the Cheife Justice of the Comon Pleas, the Queene's learned  
Councell at lawe, &c. who explayned the same and certified their  
lordshippes touching the orders or Constitutions according to the 15  
true sence and meaneing thereof, viz.: that the prisoners shall still  
be reckoned and cast upp as in Comons untill they have agreed  
with the Warden for it, And this (amongst others) the Lords of the  
Privy Councell caused to be entred in the Register of Counsell for  
takeing away all cavells and ambiguityes in tyme to come, some 20  
one man then paid xx*l.* per Annum for license to fetch his dyett  
from abroad.

Soe that upon the sence and explanations of theis Constitutions  
under the great Seale and Register of Councell the Warden doth  
ground himselfe to have power to cast upp his prisoners as in 25  
Comons till he be agreed withall, Or to have Consideration given  
him for license to take it elsewhere.

The Custome in *Sir George Reynell* and other Wardens' tymes  
was to give license for consideration, and the prisoners did not or  
could not avoyd it. 30

And the Warden that now is justified himselfe by verdict at Lawe in this point when that was informed by a promoter, as it was done about lodgings alsoe.

The practise of the Warden alsoe hath beene to compound with  
5 such as would, that they might dresse their meate in the Warden's Kitchen, by his Cooke and fyer according to the number of the prisoners' company, giveing (at the most) some 40s. some 30s. some 20s. a quarter, other some little or nothing, and this for such as are certeyne Prisoners there and not likely to departe.

10 Those that goe and come and for whome the Warden keepeth standing Tables, doe or may take Dyett according as they be within or abroad, and doe pay it sometymes in whole and sometymes in part, as at Inns of Chauncery, &c.

As for *Sir Francis Inglefeild* being a Prisoner he was often  
15 desired to come to the Dyett provided for him and others, and told it should be provided. His answeare was, that the Constitutions and orders aforesaid were gotten by falshood and bribery or to the like effect, and that the Warden durst not avouch them; And soe he, not onely refrayneing the Dyett, but receaving divers of the best prisoners  
20 in the howse to Dyett at his table and takeing money for it, the Warden did try the point of Dyett with *Sir Francis*, and charged him with soe much as the halfe at that tyme, but never charged any other in that manner, *Sir Francis* alone by thinkeing to breake orders was specially urged to keepe them.

25 The equitie of the Prisoners being in Comons, or agree for it, is pregnant, viz.:

Threescore yeares agoe the Warden was allowed xs. a weeke for a Gentleman's Dyett, when the Gentleman of the Inns of Court paid but xxd. or ijs. which is an Argument that the Warden was to gaine  
30 much by the Dyett and the Prisoner suffer in his purse.

That of the Inns of Court is now increased to vij or viijs. and the Wardens is as it was, and the Dyett as good as it was, soe as he looseth.

The Warden's servants (comonly about 40 in number) who attend



the services and dispatches of the howse, are to be fedd with the remaynes of the Comons, the poore prisoners releevd, the concord and the society of the Warden and Prisoners maynetayned, by which the Warden can judge of the Prisoners affeccion in Religion in State, [*sic*] to give accompte thereof (if need be) and the 5 recourse of many unfitting men and woemen is avoyded.

A prison is not to be opened at Dynner tyme or supper tyme as is the usage of the Tower, King's Bench, Wisbiche, Elye, and all great howses of the kingdome; for, besides the daunger of losse of prisoners; goods, pewter, &c. are conveyed out, to the Warden's 10 great charge.

*Mr. Mennell* [*sic*] (that made his complaint before the comittees in the Fleete for *vili.* taken of him for halfe Comons) was a Prisoner five yeares in the Gentlemen's side, and tooke many prisoners to Dyett with him, dressing their meate in the Warden's kitchen, For 15 which he was asked but *vili.* and paid but *iiii.* which is *xv.* a yeare, and upon it they have taken upp the phrayse of halfe Comons.

To those who are poore this Composition is never obtruded, and to the rich at *xxvili.* per Annum for their dyett some gaine would 20 arise to the Warden for the reasons above said.

*Kennell* cannot justly complayne thereof; For, though the referrees allowed the Warden *iiijli.* per Annum Composition, he paid none, but of *lxxli.* allotted the warden for 9 yeares Dutyes of all soartes, there was but *lxli.* taken, and *xli.* to be taken, the 25 Warden remitting the rest at *Kennells* intreatie and loveing accorde, which *Kennell* hath since infringed.

The Warden hath two speciall wayes to rayse money from the Prisoners, which is for their lodging and for their Dyett, But they evade both in this manner, viz.: 30

First the Prisoner being comitted the Warden of necessity must lodge and bestowe him somewhere; In which he (the Prisoner) will make a fayre shewe and promise of payment, soe that he may have a good Chamber to himselfe; but being once possessed thereof for

[a] yeare or yeares, he will pay nothing, whether he enjoy it or be put from it; For all the Warden can do is but to put him from a Chamber into the Prison, and being there he saith nothing is due, and soe colloureth his none payment.

5 The other point touching Dyett, how able soever the Prisoner is, he may or doth pretend that he is not able to pay for his Dyett, and therefore he will fetch that from abroad at the Cookes, and perhapps feed himselfe and his famelie in good fashion therewith, finding it more convenient to eate and drinke with his wife and famelye then  
10 at the Wardens Comoms. And soe both wayes the Warden shall have noe benefitt except they compound. Nay, it is taken as a comon practize that one Prisoner doth take to Dyett many other Prisoners, makeing a livelihood amongst themselves and enjoy the Wardens roomes to doe it in, and yet for that roome would pay but  
15 as if they laie in the Comon Prison.

Other Prisoners thorough liberty have meanes to get into their lodgings the Warden's pewter, linnen, &c. some steale his plate, intrude into his Buttery and Kitchin, and with such impudency use themselves, that if the Warden may not restrayne them a confusion  
20 will followe, and noe civell man will undertake the place.

There is a weekes Dyett included in all Prisoners fees, and noe prisoner ever denyed the payment thereof, though he never came to take it; and therefore it is noe newe thing for men to pay or compound for being out of Comons, which shall be substantially  
25 proved to have beene accustomed tyme out of mynd.

The Constitutions which doe give order touching a prisoners goeing abroad by the day doth distinguish payment for before noone and for afternoone, whereupon it is to be inferred that he must eate at the Prison; If at the Prison, then surely the Warden  
30 is to provide for him.

About 30 yeares past the Prisoners, being in contention with the Warden, did (amongst other things) make a Calculation of the Dyett then allowed to Prisoners, and what the Warden did yearly gaine thereby, which was 380*l.* 18*s.* per annum; where this Warden

is nowe soe farre from gaineing by the Dyetting of Prisoners as he looseth some yeares 3 or 4 hundred Poundes per Annum, as is to be made apparent by the booke of Accates there, Soe that the case of Dyett is losse to the Warden vij or viij*li.* per annum in regard of tymes past, though all men should pay truely; wherein alsoe there is 5 hundreds losse every yeare partly by inhabillity, and partly through shifts and contentions of Prisoners, yet the Warden cannot avoyd keepinge a Table for Prisoners because the ffes of entrance doe bind him to it besides the reasons aforesaid.

And about that tyme certayne comittees appointed to heare the 10 differences there (amongst other thing) did specially certifie that the allowance of Dyett was to be increased as tymes made it deere, and there is noe way so apt to take away cavelling betwene the Warden and Prisoners about this point as that the prisoner, giving a Consideration to the Warden, may take the best course he can for 15 himselfe, Soe it be without annoyeing and pestering the Prison with his famelie, which consideration if it were once made certeyne peace would ensue.

It would be somewhat pharisagically for the Warden to ennumerate how many Prisoners he doth feed and succour in tyme of their 20 sicknes meerely out of Curtesie, which as it is his christian dutye to doe, soe let it be esteemed.

When the Warden came first to attend the office he sent particularly unto the Gentlemen that were Prisoners in the Fleete to request them to come into comons, or Dyett of the Warden's pro- 25 vision; And alsoe published in wryteing fixed in the Hall and parlor of the Fleete, that he would provide generally, for all, and the[y] should according to the Constitutions of the howse pay for it, or otherwise redeeme it by makeing some accord with the Warden.

Whereupon many of them, being guided by the true sence of the 30 Orders of the Fleete, either came to the Dyett or made some easy conditions to take it elsewhere, and thought themselves well used; Soe that (besides the generall rumor made by the factions there who never paid for anything) there is noe particuler man that can justly com-

playne, Except one for a matter of 40s. or 50s. taken by chance and without direction where the Warden meant it not (and yet is justifiable in stricktnes of the Orders) because that person might have taken his dyett, and it was for his owne ease that he tooke it  
5 not, and thought himselfe happie to be spared, yet for advantage sake he refused to take his money againe when it was offered him.

## The Seventeenth Article.

Accusation  
for ymposi-  
tions vpon  
meate and  
fewell.

He layeth ympositions upon meate and fewell, and forceth prisoners to pay them, As *ijd.* a joynt, *ijs.* *iiijd.* for a load of Billetts, &c. and forceth Prisoners to pay *xijd.* a Bushell for Charcoale, which are to be bought for *xijd.* a sacke.

5

Answere.  
Meate.

To the point of meate the Answere is, That the Warden of the Fleete was wont to take of each joynt of meate which was dressed abroad and brought in, *ijd.* in lieu of the benefitt which might arise to him by the prisoner if he dyetted in the Fleete, as he ought, except he agree for it.

10

*Mr. Edward Rookwood* having long lyen in the Fleete and never paid his Fee to the Warden or his Officers, either for his meate or lodging, Therefore the Porter and Gaoler of the howse would not attend to lett in his meate and drinke untill he had paid them *ijd.* a joynt, soe farre as their Fees of *ijs.* did amount, which 15 they received and kept.

*Rookwood* informed upon the Stattute for this, and *Mr. Chamberlayne* (who likewise informed in another kind) was his witness amongst others. The Warden proved his custome, avoyded them in point of lawe, and had a verdict on his side, though he never 20 before intended or since tooke any such ymposition upon meate, But such as doe not compound for their dyett they doe allowe *ijd.* a joynt for roast and a *jd.* for boyled, to roast and boyle in the Warden's kitchen, for avoydeing opening of the gates in Dinner and Supper tyme, and this is both reasonable and honest, save theis 25 which live by other mens losses, and would have a free prison to be their freehold for life, because they meane never to lye anywhere ells.

Fewell.

And as to the ymposition on fewell there is as much and as good sold for money in the Fleete as any man can buy abroad by retayle, 30



And it is not meete that prisoners send in and out of the Fleete for wood soe oft as they please, for the Porter may soe be deceaved and prisoners escape. Besides Prisoners ought to have noe stowage in their chambers for wood or coales by grosse.

5 6 February, 1617. The Warden published certeyne Articles and fixed them on a Table in the Fleete, that all things sould there should be as good and as cheape as abroad, or ells the seller thereof should be excluded the howse.

If 200 Prisoners (which number is comonly in the Fleete) may  
10 cooke the meate, which they, their wives, children, servants, and freinds doe eate (all w<sup>ch</sup> doe in number double or trible the Prisoners), then every Chamber must be made a kitchin, which is a nasty infectious thing in any familie, much more in a prison, able to infect a Citty or Kingdome; and it would require much roome  
15 to stack wood and be dangerous for firing the howse.

The Chamberlayne of the Fleete hath for many yeares taken care of the fewell, that it be such as may stand with the safety of the howse (often endangered to be fired if smale or brushwood be burnt, or seacole, which is a piercing fire for Chambers or upper  
20 roomes), for which attendance he findeth two men and 3 or 4 roomes for stowage to keepe it dry, besides yards, which in a prison where roome is more scarce then abroad doth meritt that as much benefitt should arise to him as to others which sell wood by retayle, And it shall ever be justified soe good and cheape as abroad in  
25 that kind.

And as to sale of Charcoale at excessive rates, The Warden doth Answere that he never knewe that any was sold or vented in the Fleete, untill that he perceaveth a prisoner (under collour of the Warden's servant to the prisoner's gaine) in the great frost  
30 last, when the Thames was twice frozen over, and wood and coale were extreame scarce in the Towne, did onely at that tyme sell at unreasonable rates, which the Warden for his part did utterly disavowe and explodd out of the howse.

And as to the Prisoners they never complayned to the Warden

thereof but keepe that and other such things in the deck of the shipp, as may perhapps be propper in the Fleete but not honest to make so great a clamour for a Bushell or a sack of charcoales.

*Mr. Rookwood* grewe soe thrifty that because the victuallers and others of the Fleete should gaine nothing by him he used to hale 5  
up out of the streetes with a Coard his Bread, Beere, and Coales,  
soe long that at last there was found in those roomes where he lay,  
swords, staves, wheelers' Axe, &c. wherewith they brake upp  
dores and assaulted the Warden and his, Yea he could tell how to  
send away the feathers of his Bedd in a poake and the Tyke 10  
after it, when he was turned over to another prison, and all to  
bereave the Warden of payment.

And when his man by his Maister's appointment and charge  
enformed againt them which sould beere in the Fleete, All the  
prime Gentlemen and others there did testific under their hands 15  
that they had as much and as good for money as they could have  
abroad.

If a prisoner offer to bring in a cart load of Billett or Faggott,  
the fore gates of the Fleete must be shutt while the back gates are  
opened by one and the same porter (for more then one cannot 20  
be) and this begetteth daunger and troble, For which reason the  
porter taketh a small Allowance to gett somewhat for being bereft  
of the benefit of retayleing which every hoasterie, Inne, or Alehowse  
hath, where there is noe danger by Escapes or opening of gates, And,  
upon this strange and exorbitant point (as it would be made to 25  
seeme) there is not 40s. a yeare gotten, for he that hath money to  
buy a groats worth of faggotts cannot buy a load, If he send for a  
groats worth abroad the very fetching will cost him somewhat, and  
this troble and charge is avoyded by haveing it in the Fleete by  
retayle as hath ever beene used, And 30 yeares past the prisoners 30  
in their exceptions or complaint against the Warden shewed that  
the Warden gott 40s. per ann. by retayle of fewell.

## The Eighteenth Article.

Where men be whole vacations abroad by *Habeas Corpus* he  
 forceth them to pay *xxd.* a day for outgoings, their Chamber rent,  
 and dyett, horrible exactions never had or demanded by former  
 5 Wardens.

Accusation  
 of Exacc'on  
 upon Prisoners  
 goeing abroad  
 by Writt.

This Article and Allegation is false in manner and forme thereof, *Answeare.*  
 And for *Answeare* it is to be considered that those that goe abroad  
 by the King's writt are such prisoners as be in Execution for debt,  
 And the writt here intended and meant is the extraordinarie writt  
 10 of *habeas Corpus* graunted by the King's gracious favour out of his  
 Court of Chauncery, which is obteyned by such Prisoners in  
 Execution as are likely to perrish in estate of Land, Evidences, or  
 person for want of liberty (once in many yeares) to goe into the  
 Country for view of his Evidence, sale of his Estate, and Compound  
 15 with his Creditors, Of which writt (omitting to shewe here the  
 good it procureth to the Prisoner and to the Creditor, who often  
 concurreth in obteyning it) There shall be onely touched the  
 manner of the Warden's usage thereof, which is, that when it  
 cometh directed to him the warrant of the writt cometh there-  
 20 with most comonly expressing and alwayes intending that the  
 prisoner goeth as the Warden's prisoner and under keepeing, Att  
 perrill of the Warden to pay the debt if the prisoner doe escape.  
 This prisoner sometymes lyeing and dyeting in the Fleete, and  
 sometyme being absent in the country, The question then ariseth  
 25 whether such a prisoner shall pay his duties as if he were really in  
 the Fleete.

To which may be answered that if he be in the Fleete and safe  
 without perrill or extraordinary charge to the Warden he payeth  
 his extraordinary duties without exception, whereby it followeth

that being abroad at more hazard to the Warden, and reapeing more benefitt to himselfe, he ought to pay rather the more then lesse.

The sixt Article of the Constitutions saith:

That if the King or his Councell (that have power) doe send for 5  
a prisoner out of London, then he (the prisoner) shall pay all  
manner of charges of himselfe and him that keepeth him.

If it be alledged that while he is out of London he dyetteth not  
with the Warden nor possesseth a Chamber, This likewise is  
answeared that comonly he locketh upp his Chamber till his 10  
retorne, if he either esteeme the Chamber or the goods he leaveth  
behind him, Or if he lock it not upp what prejudice is it to a  
prisoner absent if any other lye in it, for whensoever he retorneth  
he is sure the Warden must provide that he have the same or  
another. 15

But if such a prisoner will conclude and agree with the Warden  
touching such Chamber and all other his duties (of dyett for  
which he is to be cast upp as in comons untill he agree for it), And  
for his outgoings of *xxd.* per diem, which is then as due as any-  
thing ells, and theis all (in extremitie) might amount to 30 or 40*s.* a 20  
weeke, If (I say) the Warden and prisoner agree, as comonly they  
doe before hand in a moderate fashion of 20*s.* 15*s.* 10*s.* 5*s.* yea  
nothing at all according as the person is of quallitie, and would  
yeild benefitt if he tarried or breede danger to the Warden by his  
goeing, who in reason can be against it(?) For noblemen and others 25  
that have beene licensed to lye abroad in Towne or Country have  
from tyme to tyme by order and allowance of the Privy Councell  
paid the Warden reasonable duties in regard of dyett, lodging,  
and other matters, Soe long as he was answeareable for them, As  
appeareth by infinite presidents. 30

As for the newnesse of theis demaunds from men goeing upon  
theis writts it is because the writts (in this Comon fashion) are new  
and not wanted in other Wardens' tymes, when if perhapps they  
had any it would also appeare that they paid the Warden his

duties dureing those writts even as upon auneyent Comon lawe writt they did and doe.

Alsoe by the Constitutions at the 13th Article, the Warden haveing power in himselfe to take or lett some kind of Prisoners  
5 to goe downe into the Country in vacation tyme, He should be prejuditiall to himselfe if such men should not pay or compound for their duties while they were abroad, For a prisoner is never discharged of his Fees and dutyes till he be discharged of his imprisonment, And a *habeas Corpus* doth rather worke a Charge  
10 to render him at retorne of the writt then a discharge in the Interim.

And lett the losses of Escapes and Compositions of prisoners at under rates in this kind be considered, And it will be found that it had beene happie for the Warden that noe such writt had beene  
15 granted, They haveing procured to him many suits, payments, and losses of more then ever he can gaine thereby, he haveing already paid for divers escaped and is sued for others, who takeing advantage of his now questionning will not render themselves againe, but leave him to the succour of such bonds and securities  
20 as he hath beene ordered to take for his indempnitie, And with an evill conseyence thinke to avoyd those Bonds by Lawe and all payments of duties accrewed in three or fower yeares for attendance and victuall in the Fleete, And the Warden cannot deny the executing of such writt when it is directed to him, Except that  
25 Judge which graunted it doth upon information suspend it.

And whereas there was wont to be a great expence to the Prisoner that goeth abroad by takeing a keeper and provideing horsmeate and mans-meate for him, The prisoner who can give sufficient bond (though noe bond be soc sure as to have the  
30 Prisoner in the house) is eased of that keeper and his Charge, which is noe small favour at the Warden's perill.



## The Nineteenth Article.

Accusation for  
Exacc'on for  
favour goeing  
upon the  
King's writt. Of men haveing the Kings writts to goe abroad about their  
businesses, he exacteth of them for his leave, Of some 40s. 3*li.* 5*li.*  
10*li.* or more money or other bribes. A daylie trade never done  
by any before, And without yeilding theis fowle exactions they 5  
are staied and loose their occasions.

Answerare. As to the Warden's exactions in this nature, it is onely aggre-  
vated against him by such Prisoners who are soe deeply indebted  
as they could gett noe competent security for their retorne, and  
such in whome was perceaved noe purpose to compound or agree 10  
with their Creditors, but endeavoured to stirr suits and trobles in  
the Country, whither they intended to goe, For as for leave from  
the Warden, it never was denyed to any whome the Lord Chaun-  
cellor (being informed) did thinke fitt to grant it unto. Neither  
did the Warden take 40s. 3*li.* 5*li.* 10*li.* or more or lesse of any for 15  
such purpose. Onely sometymes the Suitors for such writts did  
comitt the petition or motion for it to some Secretary or follower  
with whom they used to agree what they should have for solliciteing  
the same, and soe much they would send them when the business  
was effected, Sometymes by the hands of the Warden's servante, 20  
sometymes of the Warden himselfe. And at other tymes those not  
acquainted would intreat the Warden to carry and put their petition  
into the hands of some that had accesse to move it, which he divers  
tymes did, and gave them such moneyes as to him was delivered  
for that purpose, wherein the Warden will appeal to the Consciences 25  
of those that did obteyne the Graunts, for they could not be  
ignorant. Soe open and freely did the Warden deale therein  
where he thought good would ensue by such libertye, but with  
others not likely to do good he would not have intelligence one  
way or other, and soe perhapps they rann a costlier course then 30

40s. or 3*li.* for Sollicitation, but never with the Warden's privity. And he is ready to make oath that himselfe never appropriated or tooke such somes to his owne use. Nay, that he never moved or petitioned the Lord Chauncellor for any writt of *Habeas Corpus* in  
 5 this kind, save for such poore Beggars as had not meanes to raise upp others to speake for them. And when as the prisoners were before the Lord Chauncellor, Mr of the Rolls, Cheife Justices, *Sir Edward Cooke* and Cheife Baron, Commissioners from the King to heare all the prisoners greevances, (amongst others) this was  
 10 alledged for one, whereupon the Warden acquainted the Lord Chauncellor and deposed that of 36 Writts which his Lordshipp had graunted in that terme the Warden had onely 33*s.* benefitt for his owne paynes in oversight, that they were formally done and duely dispatched, wherein he was to peruse his owne bookes of  
 15 Causes in charge against the Prisoner, and have inspection of the quallitie and disposition of the Debtor and Creditor and likelyhood to agree and accordingly to informe To the end that the Writt of *Habeas Corpus* might not be abused in idle libertie or defeateing of creditors.

20 And touching bribes taken by the Warden, Some voluntary guifts hath beene (*post factum*), but noe condition was made whereby to pervert right or oppresse the innocent, and therefore it was noe exaction, but the truth is the Prisoners here meant to have stuck downe a feather and tooke upp a swann, for he which gave a horse  
 25 insinuated soe farr as to gett into the Warden's Debt neare 200*li.* for meate, drinke, money, and lodging; he which gave a ring 200*li.*; he which gave a sword 150*li.* as appeares by bond of the one, accompt subscribed of the other, and a judgment for the third. The Warden would now bribe them with better guifts to have  
 30 it paied, Soe that indeed the Prisoners have made a new, a daylie, and a good trade to gett such Creditt of the Warden when they had broke with all others, and he could call out theis by name with many whome he hath more or lesse trusted without such bribes. But here is the pith and marrowe of the busines, that

because the Warden shall not call upon theis Debtors he must be made away by stabbing, pistolling, butchering, or some such stratagem.

Nowe to treat a little of the begining of theis writts, and of the motive whereby the Lord Chauncellor or keeper doth graunt 5 them.

It may first be considered, That untill the first yeare of King Richard the Second, All the Prisoners, though they were in Execution, went abroad with a Baston or with a keeper at the discretion of the Warden. But then an Act was made for their restraint, 10 After which it being perceaved that this had drawne the prisoners to great extremity, Att their humble suite divers comissions under the great seale were from tyme to tyme obteyned and directed to Commissioners to call before them Creditors from any part of the kingdome and within the prisons of the Fleete and King's Bench, 15 from whence there is noe remove after a man in execution is once come thither to treat and compound betweene Debtor and Creditor transferring and investing on the Creditor the Debtors Estate, and freeing the Debtor out of prison if it were not above such a value.

After this in processe of tyme the King's cheife justice of his 20 Bench, seeing likewise the convenience of a prisoners libertie, did first by a rule in Court admitt the partie in Execution liberty from day to day for many dayes, and at last by *Habeas Corpus* from terme to terme to goe into the countrie.

7 II. 4.

The Chauncery being the most Imminent Court to releve men 25 that be in extremeties, hath not often till of late, and in theis tymes where in Treasure is soe much exhausted and Commerce weakened, much medled with such writts, though there be subordinate to that Courte the Pettibagg and Comon Pleas for privileged men, where many are properly Comitted in Execution. But 30 of late yeares the same Court, lookeing upon the desire of prisoners on the one side to satisfie their Creditors and the consent of Creditors to give liberty, and lookeing on some mens inexorablenes to their Debtor, On the fraud and oppression done to prisoners by Feoffees

and freinds in trust, on the weaknes of wives and children to manage imprisoned mens estates (on the one part) and perfidie in wasting and neglecting on the other part, when husbands and fathers are surely inclosed and cannot call for an Accompt, looking upon decay of howses, wast of Timber, Imploreing Creditors, Examining Bayliffs and Stewards, husbands to bury wives, Children their parents, Inventory their goods, take upp and survey their Evidences and lands, passe fynes and recoveryes for sale, and many other matters of convenience.

- 10 The Chauncery, I say, for theis reasons hath dispensed the King's grace in such manner As that within theis 3 yeares, wherein there hath beene graunted writts to 120 persons, One halfe of them have dispatched themselves out of prison to the good content of the Creditor, Of which prisoners gon abroad, if any had dyed as some  
15 others did dye in prison, Then the Creditor had beene paied by his Debtor's Carkas and might have made dice of his bones, which good dispatch of the prisoner hath in noe smale measure prevented the Warden of many Duties and somes which would have growen.

Many of the residue of the prisoners were well forward in a  
20 course to give their Creditors like satisfaccon, and had (noe doubt) effected it, if some restraints of those writts had not (by the ill demcanor of a fewe persons and misaprehensions of jealous Creditors) beene suspended.

For amongst those Creditors which have made voluntary agree-  
25 ment with such as went abroad by *habeas Corpus*, who is there that hath or doth complayne? for *Volenti non fit injuria*, And who amongst those Creditors to whome their Debtors goeing out by *habeas Corpus* hath not yet given satisfaccon is there that did complayne? sayeing one, who for a very smale trifle (thorough surreptious getting advantage in Lawe) doth oppresse a poore man of  
30 forraigne Nation, Scholler, Soldier, and Protestant who hath nothing in the world to pay or feed upon but what cometh of benevolence and Charitie.



One other Creditor complayneth whose Debtor (the prisoner being abroad by *habeas Corpus*) hath obteyned a thrice better Estate then he had before, inhabling him to pay the Debt if the Creditor would either take land, procure a Chapman for it, or tollerate his further libertie, And theis two, besides the watch- 5 fullnes of Majestrates (that lawes already made be not infringed), hath brought the writt of *habeas Corpus* graunted out of the Chauncery into soe much obloquie as now it is, though both theis Prisoners be safely retorned into Custodie in the Fleete and noe prejudice hath followed save to the Warden, who is complayned off 10 on the one side and sued for viij<sup>li</sup>. on the other side.

Notwithstanding all which his gracious Majesty (the founteyne of compassion to such distressed subjects), wayghing the cases of divers men dureing the vacancy of a Chancellor, hath with the allowance and subscription of the right honourable Mr of the Rolls 15 and Judges att the Comon Lawe (Comissioners for the Chauncery), graunted the same writt againe to the exceeding comforte of the Prisoners and hope of the Creditor's suerties and dependants by the good effect which may followe.

The bills of Conformity in the Chauncery were much alike to the 20 Comissions before remembered, for both were compulsory for the Creditor to take what was ordered and appointed him by the Comissioners or Chauncerie.

But the writt of *habeas Corpus* sendeth the Debtor or prisoner home to the Creditor without charge of the Creditor, And there by 25 submission on the Debtor's part, by mediation of well disposed persons, neighbours, or allyes, on the other parte, is procured that peace and voluntary act of Charity which the Coactive bills of Conformity did not doe, Neither was there any prisoner in England Anno 21 Jac. (when the proclamation was made against bills of 30 Conformitie in Chauncery), there delivered out of prison who lay there for non-conformitie, howsoever Creditors were in dread of those bills and weare against those bills for feare they might be



imprisoned and checked in their prosecution of Debtors, onely one *Mr. Apis Lapis* or rather *rara avis*, *Mr. Beestone* by name, did gett a libertie non conformable to the proclamation.

The Fleete being the King's prison and an office of that nature  
5 as scarcely such another is in this kingdome, Attending all the Courts  
at Westminster, saving the King's Bench, hath ever beene allowed  
if not more yet noe lesse priviledges, preeminencyes, and benefitts  
then other prisons, And therefore may (pleaseing the Superiors)  
still hould and enjoy (as least equall) with others, For in respect of  
10 the Tenure by Graund Serjeancie, which yeildeth warde and marriage  
and injoyneth personall attendance, the rights and profitts are to be  
mainteyned, And the Officer of merritt Cherished, Or ells the  
King's profit is impayred when the Wardshipp falleth.

The Warden is betweene Silla and Caribdis, soe that either he  
15 must through that Gulfe of Avarice run upon the rock of Turpe  
lucrum, or thorough the Syrens allurements of Charity, pitty, and  
remorse make shipwrack of his owne Estate.

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### Presidents of his Majesties Prerogative.

- 1 R. 2. The King is not restrayned by any Act or Stattute from the Actuell Service of his Subjects, For by the Statute of 1 R. 2 by which meanes persons are restrayned to imprisonment, The words of the Stattute are, 5
- That the Warden of the Fleete shall not suffer any prisoner being comitted by judgment at the suite of the partie to goe out of prison by bayle, Mainprise, or Baston, without agreeing with the party at whose suite he is there, Except it be by the King's writt or Commandment. 10
- H. 4. By the Stattute of 7 H. 4 the Wardens of the prisons of the Marshalsey, King's Bench, and other prisons are chargeable accordingly, By which Act there is reserved in the King's power a prerogative to free men from imprisonment, And as occasion hath beene offered the practise of this prerogative hath been continually 15 Exercised, Of which to omitt the raignes of former princes there are sundry presidents in the raygne of the late Queene Elizabeth.
- Eliz. 4. First in 4<sup>o</sup> of her raigne she released one *Thurland* out of the Fleete, he being at that tyme in Execution there.
1588. In 1588 her Majestie by her Privy Seale discharged *Thomas Trussell* 20 out of the King's, being at that tyme in execution there for 2,000*li*. Which *Trussell* went presently to Tilbury Campe by Comandment of the Earle of Leicester.
- Her Majesty after discharged *Sir Ri: Skipwith* from the Fleete by her royall prerogative. 25

Nowe whereas there is often tymes mencon of the Orders or Constitutions made for the perpetuall Governement of the Fleete Anno 3<sup>o</sup> Elizabeth which was formerly obteyned and with such judgment and circumspection passed the great Seale after consideracon was first taken of the old usages and Customes of the 30

Fleete: Here therefore (not trobling the reader with the circumstances) are onely sett downe the Articles upon which and the explanation thereof, th'one and th'other being corroborated oftentimes by the Lords of the most honorable Privy Councell both in his  
 5 Majesties tyme and in the begining of the Raigne of Queen Elizabeth (of famous memory) the Warden doth found the ordering and government of the Fleete, Especially in the two points of Dyett and allowance for his lodgings, being the mayne revenn<sup>e</sup>wes by which he and the place is supported.

10

3<sup>o</sup> June, Anno 3<sup>o</sup> Elizabeth, 1561.

First that it may be lawfull to the said Warden or his 1.  
 Deputie to appoint soe many of the howshould Servants as to either of them shall seeme good to open or shutt the two utter  
 15 gates of the Fleete at such howers as the gates of Ludgate and Newgate are accustomed to be opened and shutt and the said persons to carry in their hands, halbarts, bills, or any other weapon as shall seeme good unto the said Warden or Deputie within his Precinct or Libertie.

20 Item the Warden to take such bond of every person that shall be brought into the Fleete as Prisoner as shall seeme to him reasonable at his discretion and according as the cause shall require, As well for the payment of all manner of dutyes there, As alsoe to be true Prisoners there, and of good behaviour towards the said  
 25 Warden and all others within the said precinct of the Fleete in such manner and forme as heretofore hath beene used.

Item that it is and shall be lawfull to the said Warden and his 3.  
 Deputie to take order from tyme to tyme that noe person comeing in there doe carry any weapon further then the Porter's lodge  
 30 there, be he stranger or other, unlesse he shall be licensed soe to doe by the discretion of such as the said Warden shall appoint to keepe the gate there.

Item that noe Prisoner shall buy Beere, Ale, wyne, or any other 4.  
 victuall out of the said howse, Soe long as he may have sufficient Victuall.

and good provided within the same howse in such place as shall be there appointed att such reasonable prices as the same be comonly sould for within the Citty of London, Except the Warden shall give licence for any Consideration as to him shall seem good.

5. Item that it may be lawfull to the Warden to take of every 5  
such Prisoner (as the said Warden may lawfully license to goe  
abroad with his keeper) for the halfe day, that is to say before  
Dinner or after, to the Warden's box fowre pence, and for the whole  
day both before Dynner and after eight pence, And for his keeper  
that shall be with him for the halfe day six pence, and for the 10  
whole day Twelve pence.
6. Item and if it shall happen the Queenes Majesty and her honor-  
able howshould to be two myles Distant from the Cittyes of  
London and Westminster or either of them, and that any Prisoner  
shall be sent for by the Councell or any other haveing aucthority to 15  
Comand the said Prisoner to be brought before them, That then  
the said Prisoner shall beare all manner of such charges as shall  
thereunto apperteyne, be it either by water or by land, untill his  
retorne, as well for himselfe as any other that shall be appointed his  
keeper for the tyme. 20
7. Item that the said Warden by himselfe or his Deputie shall and  
may take and carry downe with him into the Country any such  
Prisoner as he may lawfully license to goe abroad with his keeper  
at any tymes betwixt the Termes, Except there shall be expresse  
Comandment to the Contrarie by such as shall comitt thither. 25
8. Item that it may be lawfull for the said Warden or his Deputy  
and soe many of his howshould as shall be thought needfull to  
keepe watch in harness or otherwise within his precinct att all  
tymes as he shall see cause for his better safeguard if he shall  
suspect any Prisoner within his Custodye to intend to make an 30  
Escape.
9. Item that it may be lawfull to and for the said Warden to take  
order at all tymes for such money as shall be gathered at the Box  
or otherwise generally given to the poore men there, for the dis-

tribution thereof amongst them if any contention shall arise, And that the said poore men shall alwayes keepe one key of the Box and another key to be at the Warden's appointment.

Item that it may and shall be lawfull for the Warden, if there 10.  
5 shall at any tyme happen that any person to be comitted, that shall not be able to maynteyne neither the Parlor Comons nor the hall Comons, nor alsoe will take part of the box, That then the Warden Lodgings.  
may appoint a Bedd and a Chamber for any such convenientlye,  
The partie agreeing with the Warden for the same at his reason-  
10 able discretion.

Item that if any that will take part of the box will have more 11.  
case then for the same is appointed, That then it may be lawfull  
for the Warden to appoint any such person or persons a Bedd or  
Chamber, the party agreeing with the Warden for the same as  
15 shall be thought reasonable.

Item that the said Warden shall take of every man or woeman 12.  
that shall sitt at the Parlor Comons Two shillings fower pence  
weekly for his Bedd and Chamber, And for every man and  
woeman that shall sitt at the hall Comons fowerteene pence  
20 weekly for his Bedd and Chamber lyeing like prisoners two in a  
Bedd together.

Item whereas by the auneynt Custome, tyme out of memory of 13.  
man used in the said Fleete, The Warden or his Deputy for the  
tyme being have used and did license such persons as be Prisoners  
25 there (not being upon any Condempnation or by expresse Comand-  
ment given to the contrary by the Councell or such persons as doe  
comitt the said Prisoners thither), to goe abroad about their neces-  
sary busines or to their learned Councell or Such like affayres  
with a keeper, Therefore it is and shall be lawfull to the said  
30 Warden and his Deputy for the tyme being To lycense and permitt  
all such persons as be or shall remayne there to goe abroad with a  
safe keeper about his or their needfull busines aforesaid, Soe  
alwayes as any such prisoner doe not lye there upon any Con-  
dempnation or that expresse comandment by the Queenes Majestyes



Councell or such persons as doe comitt the same Prisoners thither be given or prohibited to the contrary thereof.

About 23 yeares past certeyne prisoners then mislikeing the Customes and usages put in practise by the Warden there, did (even as *Mr. Chamberlayne* and *Mr. Rookwood* now doe) Informe 5  
against the Warden upon the Statute of 23 H. 6. Whereupon the Lords of the Privy Councell tooke the matter to Consideration and explained the sence and meaneing of the Constitutions as here following appeares and put the prisoners to silence.

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At the Court at Whitehall the 24th of Aprill, 1598.

PRESENT THE

|   |                    |                  |
|---|--------------------|------------------|
|   | Lord Keeper        | Lord North       |
|   | Earle Marshall     | Mr. Comptroller  |
| 5 | Earl of Nottingham | Mr. Chauncellor  |
|   | Lord Chamberlayne  | of the Exchequer |

Whereas Information hath beene exhibited by *Robert Brough* against *George Reynell*, Esquire, Warden of the Fleete, upon pretence of some exactions and extortions supposed to be comitted  
 10 by him to certeyne Prisoners in the Fleete, whereof there hath beene complaint alsoe exhibited both to their Lordships and in the Star Chamber, It pleased their Lordships to referre this cause to the heareing and examination of the Lord Cheife Justice of the Comon Pleas, her Majesties Sollicitor Generall *Mr. Francis Bacon*  
 15 and *Mr. Bryan Anslowe*, Esquire.

Forasmuch as it doth appeare by their Certificate to their Lordships that the foresaid Comissioners did call before them the Informer and some others that followed the information against the said Warden, As alsoe one *Phillipp Smith*, Prisoner in the Fleete,  
 20 who gave the information ready drawne to the said Informer, and required of them some prooffe and to shewe wherein the said Warden had comitted Extortion or any way broken the exemplified Orders, Their Answere was that they did not ground their Information upon the Orders, nor that they did proceed against the  
 25 Warden for anything done against the said Orders, but their information was for Extortion supposed to be Comitted in takeing of severall somes of money weekly for sheweing ease and favour to certeyne Prisoners for their Chambers and lodgings contrary to the Statute of 23 H. 6.

The said Comissioners being further desireous to be instructed from those of whome the money is alledged in the Information to be taken, in what soart the Warden had dealt with them, and whether he had by any meanes indirectly any payment from them, The most and cheifest of them did testifie under their hands, 5 which alsoe was notefied by the rest, That they neither consented nor were acquainted with the said Information nor any of them forced to any payment, But being desireous of more ease and more Chambers then the Orders (which bynd them to lye two in a Bedd) doe allowe the same, For the most of them haveing two Chambers 10 or more made voluntary agreement for them, which was verified by *Mr. Anslowe* (one of the said Comissioners) to have beene ever the Custome, and is alsoe in the opinion of all the aforesaid Comissioners allowed to the Warden by the true sence and meaneing of the 10th, 11th, and 12th Articles of the said Orders, Soe as by the 15 opinion of the Lord Cheife Justices and the rest, to whome this cause was comitted, that there is noe just cause of complaint against the Warden of the Fleete either for Extortion in takeing of theis somes of money mentioned in the Information or for breach of the true meaneing of the Orders exemplified in any point. 20

Upon viewe and consideration of the said certificate their Lordshipps comanded the said Informers to be brought before them to whome the report of the aforesaid Lord Cheife Justice and the rest of the Comissioners being read, they could not deny but that they had beene heard by them, nor were able to alledge any 25 further matter against the said Warden then they had delivered to the Comissioners. In regard whereof their Lordshipps, considering the courses that had been taken by the said *Smith* and others (his confederates) against the Warden in very malicious soarte, First alledging that the Orders Sett downe for the Fees of the Warden 30 were not of record in the Chauncery, Then that the hands of those honorable personages that subscribed the same were counterfeited, And straineing by theis troblesome courses his unjust molestation, Their Lordshipps this day have comanded the Infor-

mer to surcease, and noe further to prosecute the said information, Whereupon he yeilded, And this their Lordshipps Order was by their comandment entered (amongst other things) in the Register of Councell, &c.

5

Concordat cum Registro,

C. EDMONDES.

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Att the Court at Whithall the 30th of Aprill, 1598.

PRESENT THE

|                                |                   |
|--------------------------------|-------------------|
| Lord Archbishop of Canterbury. |                   |
| Lord Keeper                    | Lord Buckhurst.   |
| Edward Marshall                | Mr. Comptroller.  |
| Lord Admirall                  | Mr. Chauncellor   |
| Lord Chamberlayn               | of the Exchequer. |
| Lord North.                    |                   |

Whereas upon Complaint made unto us by *George Reynell*, Esquire, Warden of the Fleete, That he was unjustly molested and 10  
troubled by an informer named *Robert Brough*, who being instructed  
by one *Phillipp Smith*, Prisoner there, and some other his adherents,  
exhibited an Information into her Majesties Court of the Exchequer  
upon pretence of Extortion used to the Prisoners. This matter  
being comitted to the heareing and Examination of— 15

*Sir Edmond Anderson*, Lord Cheife Justice of the Comon Pleas.

*Thomas Flemynge*, Esquire, her Majesties Sollicitor.

*Francis Bacon* Esquire, one of her Majesties Learned Councill.

And *Bryan Anslowe*, Esquire, one of her Majesties Gentlemen  
Pentioners, and some tyme Warden of the Fleete. 20

They did call before them both parties to examyne if the said  
*George Reynell* had unduely extorted from any person, or in any-  
thing broken the Orders of that Prison, exemplified under the great  
seale, By whose certificate to their Lordshipps because it doth  
appeare that they gave full heareing at three severall tymes of all 25  
that could be objected against the said *Mr. Reynell*, And that they  
could not fynd that he had unlawfully extorted nor any way broken  
the exemplified Orders sett downe for that howse, Their Lord-  
shipps enjoyned the said *Robert Brough* not to prosecute the said



Information nor to troble the said *Mr. Reynell* for that cause, whereunto he did submitt himselfe (as by their Lordshipp's Order is to be seene).

And whereas the said Comissioners doe further certifie for the 5 better explyneing of the exemplified Orders, viz.

To the fowerth Article of the Orders which bindeth every Prisoner to victuall himselfe upon the Wardens provision unlesse he agree with the warden to make his owne provision, The said Comissioners doe thinke meete, for better explanation thereof (being 10 according to the true meaneing of the same), That the prisoners shall still be reckoned and cast upp as in Comons untill they have agreed with the Warden for it.

And likewise by the 10th, 11th, and 12th Articles every prisoner ought to have his Bedd of the Wardens provision, to lye two in 15 a Bedd together, and to pay as he shall be either of the parlor or hall Comons, or to agree with the Warden if he be of neither Comons. And soe because by the 11th Article it is expressed that if any Prisoner (though he be of the Box) will have more ease then is appointed to him, he must agree with the Warden for it, 20 It is to be understood by the Orders, That if any prisoner whatsoever desireth more ease for Bedd or Chamber then the Articles allowe, That then they as well as the poore prisoners of the Box shall agree with the Warden for the same, Their Lordshipps considering their opinion grounded upon the true meaneing and sence 25 of the Orders exemplified, and the Testimony of *Mr. Anslowe* (who was many yeares Warden there) that the custome hath ever beene soe, doe thinke meete for better explanation of the same, and takeing away all ambiguities and cavills, that the aforesaid Articles ought to be soe understood, and shall from henceforth be 30 soe taken and construed, &c.

Concordat cum Registro,

C. EDMONDES.

Whereas *Mr. Edmond Chamberlayne* hath made and excited many Clamours and troubles against the Warden, The occasion between them hath beene as followeth.

June 16, 1617. When by Warrant from the Barons of the Exchequer the Warden seized and took certayne money and jewells betweene the valewe of 3 or 400*li.* from *Mr. George Leicester* and his then wife, formerly the wife of *Mr. Babington*, Which *Leicester* being in Execution for debt married *Mrs. Babington* there alsoe in Execution, and she found alsoe in arrere to the King's Majesty 46 thousand pounds, both supposed to keepe an Estate of goods about them in the Fleete. 5

*Mr. Chamberlayne* who had removed himselfe from the Kings Bench to the Fleete for his owne case, And is soe clogged with almost threescore severall accons and executions to the valewe of 13 or 14 thowsand pounds, that noe Creditor with reasonable charges can remove him back, fell into consultation with divers factious Prisoners of the Fleete, how much this seizure made by the Warden did concerne *Chamberlayne* himselfe in particuler and all the Prisoners in generall; wherefore they endeavoured and plotted to take away the money and jewells from the Warden, whereof he haveing intelligence sent it out of the Fleete and afterwards into the Court of Exchequer by comand of that Court. 15 20

Upon theis occasions and for that *Chamberlayne* had offered to stabb with a knife a gentleman there Prisoner, the Warden tooke notice what a Turbulent man *Chamberlayne* was, And finding both that his Estate was made over to other men in trust, and that he had given noe bond or securitye for his true Imprisonment according to the Orders of the Prison and yet laye at liberty in the Wardens Freehould, yea had two of the Wardens owne lodgings, a Studdy and another roome, where his wife, children, and Servants 25 30

did (as it were) keepe continuall hospitallitie, gameing and discourseing with others over the Wardens owne Bedd Chamber, Soe as the Warden when he came weary home at night could neither take his rest nor be private but be overheard by such an enemye in all  
 5 the busines of the office, Therefore after many moneths suffering the Warden himselfe fairely praied *Mr. Chamberlayne* to remove to some other chamber, whereto (though he seemed to condescend) yet haveing said to one *Sir John Meeres, knight*, a Prisoner there, that he would keepe it in dispight of the Warden, and to another  
 10 (now dead) he said, that he would not lye there but to that end, and in divers yeares haveing not paied anything for his lodgings and Duties there, but began one while to publish that it was the King's free prison, and the Prisoners ought to pay noe Duties, and other while they were to pay but ijs. iiij*d.* a weeke for lodgings how  
 15 many chambers or roomes soever they enjoyed, And that the Orders and Constitutions for Governement of the Fleete were falce and gotten by indirect meanes, but such as they were, they were at most but personall and bound noe more prisoners then such as were in the Fleete 3<sup>o</sup> Elizabeth, Att which tyme the same were newly  
 20 revised and confirmed, And therefore he would shake the fabrick of the prison and those Constitutions; By which meanes *Chamberlayne* haveing incyted *Sir John Whitbrooke*, and many others, to say and hold of their lodgings as he had putt in their heads, And further to vaunt that by withholding their payments they would  
 25 make the Warden to run away, and voyced it that he was then already soe farr indebted as he would soon be gon, Upon this and such like rumours there followed a generall defection of payments by the Prisoners and a confederacy to oppose the Warden by all meanes they could. The Warden being thereof very sencible both  
 30 concerneing himselfe and the governement there, after some moneths that he perceaved noe accord could be had, he againe dealt more seriously with *Chamberlane* to leave those lodgings and to make choyce of any other in the howse, yea wished [him] to doe it quickly while lodgings were empty.

1617.

Each tyme from the 15th of October, untill the 23th of the same, wryteing downe the messages by those that delivered them, and never soe much as mencōning any demaund of payment, that not being soe much the Warden's drift as to have quiett in his owne roomes, But *Mr. Chamberlayne* answered uncerteynely 5 and at other tymes negatively, And when the fayrest Chambers in the howse are taken upp by others he then (too late) made meanes to the Lord Cheife Justice, whom the Warden attended and fully satisfied him touching his proceedings, But *Mr. Chamberlayne* still aspiring to the very best lodgings (which were two and three one 10 within another) where great persons used to lye, and where the Warden never used to lodge men of suncken Estates, Especially without bonds given, And perceaveing that he was a man of that prowde Condicon, thought not fitt to beare his pride and danger any longer, Wherefore feareing some defeature in putting him out 15 of his lodgings in the day tyme, Aswell because then in the Terme tyme, the Warden and his servants must all day be abroad about their attendances, And the Prisoners with their Servants being many hundreds, were all day within the Fleete, He (the Warden) about 8 a'clock at night when the severall precincts of the prison 20 were locked and much Company avoyded and *Mr. Chamberlayne's* wife not there, sent to *Chamberlayne* to pray him to come downe and speake with him, but he refused to come, Then the Warden sent him word it was about avoydeing the Chamber.

Then *Mr. Chamberlayne* locking and bolting his dore went to 25 Bedd, and when the Warden sent word that if he would not yeild the Chamber the dore should be broken open, Then he said, That he was in God's peace and the King's in his Chamber, which was his castle, and he could not be put out but by speciall warrant.

But the Warden (well knoweing that if nowe he suffered the 30 repulse it would be taken as a president, and further being informed how comon a thing this had beene in other Wardens' tymes) Bidd his servants breake open the dore, who (little thinkeing and lesse provideing for such resistance) tooke a small fire forke from the

Warden's chimney to wrench open the dore, and thrustinge it betweene the dore and dore post (soe as if *Mr. Chamberlayne* had stood in the way it could not touch him), yet untouched and before the dore was opened, he, to rayse the intended mutiny, cryed out at  
 5 the windowe, Murther, Murther; Arme, Gentlemen, I shall be killed in my Chamber by the Warden.

But the Warden satisfied all the howse with present answeare that there was nothing to be done, but either *Chamberlayne* to goe or to be carryed to another chamber.

10 After which the Warden's Servants opened the dore by force, and both they and many of the prisoners did perswade *Mr. Chamberlayne* to goe to another chamber in the same gallery where one *Sir Henry Shugsby* had lyen, and where two yeares together *Mr. Chamberlayne* himselfe had formerly layen in the other  
 15 Wardens tymes and had made a Studdy in it and paied 8s. a weeke for it, and sometymes for it and another xvis.

This Chamber was dressed and a fyer made, onely it tarryed for *Mr. Chamberlayne's* bedding, which when he would not suffer it to come, the Warden's servants and others prayed him to putt on his  
 20 cloathes, for his Bedd should be carryed away, but he would not, The Bedd being carryed he wilfully stood in his Shirt and would not suffer them to put his gowne about him, whereof the Warden being informed and to prevent his wilfull hurt at such a tyme caused his gowne to be put on and he therein carryed to his former  
 25 Chamber, where was alsoe wyne and Attendance to comfort him at the Warden's cost, and though he faigned to be brused in the carryage, yet he fedd next day at Dynner upon ordinary dyetts and would not languish or dye within a yeare and a day to hang the Warden, but liveth to make a very witty collection of theis  
 30 Articles and thereby to hang the Warden if Comon Bayle or knights of the Posts oathes may be taken, with whome many there have very good Intelligence.

When he was removed order was taken that his owne man and a servant of the Wardens should tarry with his goods untill the next



daye, that *Chamberlayne* might either bestowe them into that one Chamber where he was or elsewhere.

Now the Warden haveing first borne with great patience his pride and haughtines from the 16th of May, 1617, to the 23th of October followeing, and then after his non payment, his menaces 5 soe hatefull and his Conspiracyes untill the xijth of February followeing, he then did appoint him to leave that chamber and to lye in the Comon Prison, for as on the one side *Mr. Chamberlayne* endeavoured to maynteyne the old rights of the Prison, Soe the Warden differed not upon that point but yeilded to it, onely 10 *Chamberlayne*, Seduceing all the prisoners to possesse the Wardens howse, which was built within these 40, 50, and 60 yeares, As if (*ab origine*) it were the Prison, which is of 500 yeares Standing, Therefore it was the Warden's part aswell to maynteyne the freehould of the Fleete, as *Mr. Chamberlayne* doth lye in Prison to 15 preserve his Freehould in Gloucestershire to discend on his issue, makeing creditors suffer in the meane tyme.

And because that *Mr. Chamberlayne* sett on foote a Cavell, That soe long as a Prisoner lay upon his owne Bedd he neither was to pay ought, neither could the Warden place another with him to 20 lye two in a Bedd according to the Orders of the Prison, Therefore the Warden sent to *Mr. Chamberlayne* a good Featherbedd, Bolster, Covering, Blancketts, &c. to lye upon (as appeares under good Teste), Which Bedding he threwe out of the dore of the Prison into the yard, where some Prisoners layeing hould of it tooke and 25 kept it from the Warden, and therefore the Warden keeping *Chamberlayne's* he presently provided other.

But while *Chamberlayne* was there in the Comon Wards of the Prison (where many better men every way have layen), he practized and laboured in theis fowle Plotts, Evident Testimonies of the 30 Canker that was groweing, and thereby proved that the Wardens Judgement was not misledd before thorough idle surmise (For *Chamberlayne* did fetch certeyne Records out of the Tower and perswaded the poore Prisoners thereby that the Warden had cou-

soned them of *lxix* *li*. *pr* Ann. which was to be paied to them out of the King's Customes, whereby he drewe the Warden to such hatred as the Prisoners did divers tymes Muteny against the Warden.

And not contented with this *Chamberlayne* complayned of it  
5 further before the Comissioners as a most fowle deed of the Wardens, who with one word avoyded it and had made him and others blush if it had beene possible.

He scandalized the Warden as a Banckrupt, and that he would run away, and therefore perswaded the Prisoners to hould together  
10 against the Warden to the end he should have no command there, By which meanes the Porter of the Fleete was stabbed, &c.

He consulted with others to take away the keyes from the two Porters and to turne them and the Wardens company out, And after consultation it was resolved that it was easy to be don.

15 He and *Sir John Whitbrooke* joyned together, and to make their faction the greater did possesse themselves of the Box of money gathered for the poore to dispose it to them, untill the Warden with some labour gott it from the said *Chamberlayne*, &c.

Theis all, with Axes, hatchetts, Swords, staves, Basketts of stones,  
20 &c. brake open all the dores of the wards and Tower Chamber, Assaulted the Warden and his Servants.

They encouraged *Whitbrooke* to kill the Warden, as before is declared.

They provoked and hired the Prisoners to rayle at the Warden,  
25 praysed them for soe doeing, and wished them to stirr and sett on foote Complaynts against him, that by multitude they might overcome.

And other matters more fowle then theis are already proved against *Mr. Chamberlayne* touching killing the Warden, and other  
30 fowle Conspiracyes, which is matter on record, and therefore here omitted.

Whereupon the warden thought good to remove *Chamberlayne* to another place of the prison, which was upp a payre of stayres by the Chappell; but he being in the Chappell did [*s*]trive and resist

and would not goe upp. though the Warden sent some to perswade and move him thereto.

Hereupon hand Irons were put on him about a quarter of an hower to keepe him from striveing, but it avayled not, soe as they were taken off agan. 5

Then two Porters were brought to carry him upp, whome by thretts he deterred from doeing it, Soe he lay in the Chappell till of his owne mynde he went upp to the Chamber where he lodged, with Bedstead, Curteynes, and Traverses, many moneths, And with a fell mynd of revenge drewe his Chamber fellowes to thretten 10 to bynd, whip, and hang their keeper when he came amongst them, Soe that the keeper yeilded upp the keyes of the prison into the Wardens hands, and would noe more attend them.

They therefore fortified the roomes, got chissells and hammers, with which they cutt and tore in sunder the Stones of the dores 15 and the locks and bolt holes, soe as the dores could not be locked and shutt, And *Chamberlayne* was told by them that did it that he was a setter on thereof, Whereupon the warden was inforced to surprize that place, and by strength of his servants to remove the Prisoners untill the locks and dores were mended. 20

At which surprize one of the wardens servants was knockt downe and sore hurt, But the wardens care and direction was that noe Prisoner should be hurt.

*Chamberlayne* hath beene heard touching theis matters, and comanded to pay his Duties at theis severall tymes, viz. 25

1. Before the Lord Cheife Baron at large.
2. Before the Lord Cheife Justice and Master of the Rolls.
3. Before *Sir Edward Cooke*, Master of the Rolls, and the King's Sollicitor.
4. Before the honourable Mr. Treasurer and Mr. Comptroller of the 30 King's howshould, *Sir Edward Cooke*, and Master of the Rolls.
5. Before the Lord Chauncellor aloane.
6. Before the Lord Chauncellor, the two Cheife Justices, *Sir Edward Cooke*, Cheife Baron, &c.

*Mr. Chamberlayne* informed on the Stattute and was non suite 7.  
upon Evidence in the Court of Exchequer.

There was at receaveing the Communion, some reconcilliacon Feb. 1620.  
betweene the Warden and *Chamberlayne*, who againe desired a  
5 good chamber aloane to himselfe, giveing faith to deale and pay  
like a gentleman; But he lay there Tenne moneths and would pay  
nothing, therefore was removed upon the next occasion when the  
howse was extreame full, yet in six yeares the Warden or Wardens  
could never gett a penny for his lodging, ffees and dutyes.

10 The warden was ready to receave any money upon Accompt and  
sent an acquittance to that purpose untill further consideration were  
had.

The Lord Chauncellors did referre the consideration of *Chamber-*  
*laynes* Duties to be had by a Master of the Chauncery, But *Mr.*  
15 *Chamberlayne* refused the reference though he were brought  
thither unto the Master of the Chauncery.

All which alledged against *Mr. Chamberlayne* doth and shall  
appeare upon good Evidence, both on record in Starrchamber  
and elsewhere.

20 Wherefore the warden appealeth to the judgment of all hearers,  
whether he could have done more or lesse to such a man of whome  
his whole countrymen and neighbourhood can witnes if need be.  
And if *Chamberlayne's* first assertions be untrue, as indeed they are  
most false, why should he not receave condigne punishment, which  
25 did not desist in tumultuous behaviour when he was convinced by  
Lawe, neither when he was comanded by those honourable and  
worthyes, who have heard the busines from tyme to tyme, but hath  
soe farre insisted as (if he report truely) he hath spent 300*li.* in the  
pursueing of the Warden, which money were better in his Creditors  
30 purses then where it is ?

There is alsoe a Subtle Accusation made against the Warden by one that merited worse usage at the Wardens hands, viz.:

*Mr. Rookwood.*

One *Edward Rookwood, Esquire*, who removed himselfe from the King's Bench to the Fleete for ease, and being a prisoner in Execution for great somes, desired to have two of the best lodgings, which he enjoyed for a fortnight. But when he was to be agreed withall touching the payment for them, he refused them as too deare at vjs. viij<sup>d</sup>. a peece weekly. 5

Therefore he was removed into the Checker Chamber (A Prison proper for Debtors to the King), and lay there two weekes, but becoming factious and givinge the Warden noe bond for true imprisonment fees, &c. he was putt into the Tower Chamber the 28th of November. 10

Upon the 22th of November he came and shewed money to the Warden and tould it out, but would not pay it upon an Accompt, but that the Warden should conclude himselfe to take xlixs. for his fee and lodging when there was much more due, Whereupon for want of money and bond the Warden did not provide Bedd, &c. for him any longer, but left it to himselfe. 20

The Wardens Servants being informed that out of that Checkquer Chamber *Rookwood* tooke away Bedd cloathes that were another Prisoners and carryed them into the Tower Chamber, gave occasion of takeing away those upper Bedd cloathes from *Rookwood* in the Tower Chamber, and of his Clamor that his Bedd cloathes were taken from him, A thing unknowne to the Warden, yet justly done, where he practiseing to seduce (amongst others) one *Downes* to change religion proffessing power to forgive sinnes, *Downes* his wife complayned thereof both to the Warden and others. 25

There alsoe (amongst others) he drewe upp divers things att the 30



windowes with a coarde, Soe as they had gotten a wheelers Axe, Sword, Staves, &c. and a practize was sett on foote to breake the prison, whereof the Warden takeing knowledge removed *Rookwood* into the Boltens wards the xiiijth of May, 1618, where he continued  
5 till the 2nd of June, 1618, and then was removed into the place called the wards or six wardes.

There he conspired with the rest to surprize the Warden and Officers and to putt them into the strongest wards or prison, and many other dangerous matters, And for more orderly prosecution  
10 thereof he named one *Peck* to be King, and a Duke of Yorke and Lancaster was designed, and white and redd roses of horne brought for to make the favourers of each to be knowne, and picklocks were provided from Newgate by one *John Abell*, who brought them to *Edward Rookwood*, which he concealed from the Warden  
15 untill it was revealed by others, And then *Rookwood* to collour the matter said that he did informe the Lord Cheife Justice thereof, which might be perhapps after the Warden had already prevented it.

The 10th of July, *Whitbrooke*, one of the conspirators, yssued out with a hammer and a stilletto and wounded the Warden (as is  
20 often before repeated), wherefore *Rookwood* reproved *Whitbrooke's* weake execution of the purpose, and said he should have carried a Pistoll, and that would have made sure worke.

Then all the dores of the wards being broken open, and the Tower Chamber Prisoners comeing downe Armed and assaulting  
25 the Warden, great tumult was in the howse (*Rookwood* still an Abettor), And when *Mynors* divers tymes sortefied the prison and endangered and trobled the howse, *Rookwood* still gave encouragement, And haveing (as the Warden was often informed) divers of his owne sect repayreing often to him, the Warden putt him into  
30 Boultons Wards and looked the more strictly to him, As by his Majesties expresse comand 22 November, 1619, Order was given to keepe strait such prisoners as were Recusants and came not to Church.

And another reason of strickt lookeing to him was, for that he  
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made many attempts to speake and conferre with one *Thrask*, a dangerous and close Prisoner neare his lodgings.

On the 30th of November, 1618, *Rookwood* complayned to the Lords of the Councell at Whitehall, where the Warden did answere it, And *Rookwood's* sonne (replyeing for his father) The Lords 5 ordered *Rookwood* to pay 15*li.* to the Warden, and thereupon the Warden to let him have a chamber.

And 2<sup>o</sup> December, 1618, a Reference at Councell Board was made to the honourable Mr. Treasurer and Mr. Comptroller of his Majesties howsehold, Master of the Rolls, and *Sir Edward Cooke*, 10 and they heard this manns complaint (*inter alia*) att the Fleete afterwards, and understood the reasons of the Warden's doeings.

*Rookwood* being pressed to come to Church came thither onely once in the morning at sermon, and there without any reverence seemed to lowse himselfe by buttoning and unbuttoning his cloathes 15 and pulling of lice out of his bosome, to the great offence of the people there, and never came thither before or after that day.

At last by often circumspection concerneing *Rookwoods* his malice to Religion and State, was discovered in *Thrask* booke, And the 31th of December, 1618, for his intelligence with *Thrask* and 20 other reports, &c. was committed close prisoner and putt into a Chamber aloane for that night.

The next day to another chamber that was made ready for him, where in the tyme of his being made close prisoner he attempted to seduce the Warden's man (his keeper) to be Papist, offering him 25 500*li.* and his daughter in marriage if he would convert, And when this served not he called out at his windowes and said he was starved, though he abounded with meate at the Warden's charge, as is before declared.

The 20th of Aprill, 1619, being discharged of his close Imprison- 30 ment and refusing to pay for his Chamber and dyett which the Warden had found him about 16 weeks, with a keeper to attend him, he was put into the comon gaole againe.

The 10th of May, 1619, he made meanes to have a chamber

aloane and promised to give satisfaccon for it and for his former debt, But when he had lyen 3 weekes he offered onely to pay for that tyme what the Warden durst take, and would not agree to anything, neither for that tyme nor for his former dyet or Lodging  
5 while he was close.

The 31st of May because the prison was full he was put into a chamber of lesse<sup>r</sup> expense, yet paid nothing, onely talked of money and would pay none, Except the Warden would take onely xs. for dyett which he had the last weeke and give Acquittance under  
10 his hand, wherewith *Rookwood* meant to have avoyded (in substance or shewe in any man's understanding) the payment of the former somes due by takeing an Acquittance for the last before he had paied the first, and therefore the Warden would not signe the Acquittance and is yet without the money.

15 The 30th of June, 1619, put againe into the Tower Chamber where *Nicholas Rookwood* his sonne laye, who conspireing with others, they with chissells and malletts cutt in sunder the stone-work<sup>e</sup>s and holdes of the dores where they were locked and bolted, and grewe soe insolent, thretning their keeper to bynd, kill, hang,  
20 &c. and mak<sup>e</sup>ing way to the outer dores of the prison, as is before declared.

Whereupon the Warden sent upp his servants to take and sever them perforce, where *Rookwood's* sonne had a Stilletto and others a piked staffe and faggott sticks, wounding one of the Warden's  
25 servants.

While they had hold of the sonne to bring him away, *Edward Rookwood* (the Father) being in Bedd did arise and came running after in his shirt to helpe his sonne, Upon which when the servants had wished him to put on his cloathes (which he refused to doe),  
30 They took him alsoe in his shirt and sent his cloathes after him, and he was put into the wardes and his Beding sent to him soe soon as might be, And being in his Chamber there he was very pleasant, sayeing in a laughing manner he was brought safely and carefully to his great ease and had good Beding and a Bedstead to lye upon.

In the moneth of July they shutt out 30 of their fellowe Prisoners and some 10 or 11 of them (the *Rookwoods* being cheife) with *Whitbrooke* and *Boughton* kept it soe some dayes. The Warden thought restraint of victuall would have made them yeild, but gave over that course because they had much victuall in store, And not 5 onely other prisoners victualed them, But alsoe upon a Rumor that Catholiques were oppressed in the Fleete there was much the more victuall, bread, and money given to them that begged at the box, Soe that at yeilding one man sent out two dozen of bread away. *Rookwood* the Father and some others had meanes to victuall all 10 the rest and did it through a hole of the dore where they lay.

A Serjeant at Armes with his Mace was sent with a warrant from the Lord Chancellor to comand them to open the prison dores: they reviled and rejected the Serjeant and the Alderman's Deputy and Constables altogether, and would by noe meanes yeild. 15

Then this was questioned before the Councill att Somerset Howse, their Lordshipps sitting there of purpose divers tymes, and the Warden cleared himselfe.

Their Lordshipps sent Sir Clement Edmonds with a warrant to comand the Prisoners to open the dores or ells a proclamacon to be 20 made against them, who after some dispute yeilded and came forth, And yet againe soe soone as ever the Warden was out of Towne they for efied the wards againe.

And then upon a complaint *Nicholas Rookwood* was convented before the Lords of the Privy Councill at Whitehall, and sent to 25 Newgate 11th August 1618, and soe had *Edward* the Father if the great debts and executions which are upon him had not moved the Lords to forbear it, which debts are soe sure a cloake of *Rookwood's* Recusancy and other fowle speeches against the comon wealth as that he dareth more then becometh a good Subject. 30

The 18th of September, 1619, he agreed to pay for a chamber and to take his dyett and when he had run more in debt about 14*li.* he would pay but 5*li.* and gott himselfe removed to the King's Bench. Since which tyme he came againe, and upon his promise

to pay hath a chamber to himselfe, but payeth neither ould or new debt.

In every Act touching generall breach of prison, killing the Warden, undermyneing Religion, and Services to be done by the  
5 Warden, *Rookwood* hath beene a confederate and an Actor beyond that which any man would thinke, And therefore if his evill carriage hath been the cause of strait handling, the Warden hath therein done good service in opposing rather then favoureing him, and he and *Mr. Chamberlayne* are the onely two who necessarily were in  
10 their shirts carryed to other lodgings and might have avoyded it if they would have put on their cloathes.

And *Rookwood* hath alsoe confessed before witnesses while theis complaints of the Prisoners were in consideration that they were things of little truth and moment.

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About July,  
1618.

George Lee complained about three yeares past unto the Lords of the Privy Councell to the effect as now he doth.

## Complaint.

## Answere.

- |                                                                       |   |                                                                                                                                                                                                                                                                                                                                                               |          |
|-----------------------------------------------------------------------|---|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| 1. That <i>Lee</i> hath given bond for true improvement 5 years past. | { | He gave bond to the othe Warden (not to this) Anno 1613, he broke that bond by many fowle abuses, upon which the other Warden put him close for the most part in the Comon Gaole, where this Warden found him, yet after much counsell and perswasion he let him have a fayre lodging and liberty without money or Condicon.                                  | 5<br>10  |
| 2. Paid all fees of a Gentleman.                                      | { | Though he paid his fees at first, it is noe warrant to be irreguler ever after.                                                                                                                                                                                                                                                                               |          |
| 3. Demeaned himselfe honestly and continued in all payments.          | { | His demeanor then was bad, and now worse, his payments none at all, his meanes good, but spent in Ryott.                                                                                                                                                                                                                                                      | 15       |
| 4. The warden with crueltie doth exact.                               | { | The warden hath offred that if he can give security for the good behaviour he shall have liberty of the howse, Or if he cannot give security, then if he will retorne to other prisons whence he came and where he hath beene punished for like demeanor, the Warden will not exact any fees or duties, but what any indifferent man shall thinke reasonable. | 20<br>25 |
| 5. Detayneth his Bedd.                                                | { | The Warden never detayned his Bedd nor anything ells of his, for he enjoyeth it all.                                                                                                                                                                                                                                                                          |          |

| Complaint.                                                                                          | Answere.                                                                                                                                                                                                   |
|-----------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 6. Locked him upp<br>Close prisoner five<br>5 moneths.                                              | Though he alledgeth to have beene<br>kept upp Close prisoner 5 moneths, he<br>hath had the use of six large roomes and a<br>Court yard, and gon forth to drinke with<br>and accompany his freinds.         |
| 7. And of late cast<br>him into a loathsome<br>dungeon, thorough<br>10 which all sewers doe<br>run. | His last restraint is in a large but strong<br>roome, which is noe otherwise then as<br>any roome in the howse which is next<br>the ground, and hath noe sewer, but onely<br>a necessary vault to itselfe. |
| 8. A place for froggs<br>or Toades not Chris-<br>tian men.                                          | It is as free from Froggs and Toades as<br>any other place.                                                                                                                                                |
| 15 9. Denyeth him Pan<br>or Coales for his<br>health.                                               | He hath not beene denied but used<br>coales at his will, or faggotts in the<br>chimney there.                                                                                                              |

### Reasons of his latter and more restraint.

1. He was a prisoner in Execution and debt in the Fleete for  
20 xiiij<sup>li</sup>. The Danger whereof the Warden might not beare or give  
him liberty in respect he had abused Ladies and other Prisoners in  
their Lodgings and the Warden's familie.

2. He was often outrageous drunck and a busy Agent in all stirres  
and quarrells, A libeller and traducer of all men night and day,  
25 when they have gone about to governe him, dispersed his libells of  
the Warden.

3. He did stabb the Warden's Servant, and when dyeing men have  
required the Warden to putt knights and others to silence for wyneing  
hornes, he hath insisted, fortified his chamber against the Warden,  
30 abetted others, till rescue from abroad armed have come inn for  
the Warden's safety.

4. Riseing at midnight in his distempers he hath called upon the

neighbours sayeing, Murther, Murther, Rise, Arme, we are starved, yet he abounded with victualls and store in salt as if he kept howse, keepeing therewith strumpetts, &c.

5. He broke downe the windowes and Iron grates of the Prison, and never ceased cloying and stoping the locks of the Prison dores 5 that they could neither be opened nor shutt, which caused the Warden to chaine him to the stocks.

6. He did fortifie the place in Bolton's Wards where he was kept that noe man could come at him, and offered to stabb his fellowe Prisoner if he opened the dore, and he wrott to *Sir John Whit-* 10 *brooke* and *Mr. Chamberlayne* that they would confirme warre [*sic*] who laye in that roome, that they might keepe the prison shutt against the Warden.

7. He being a Recusant noated prayer and Sermon tyme, and then drumed on the dore soe as divine Service could not proceed. 15

8. He had provided sawes, hatchetts, and other tooles into the Prison and delivered them to other Prisoners that mayneteyned a hold against the Warden in the Fleete, and perswaded them to sawe asunder the tymber of the prison therewith.

9. When the Warden roade into the country he endeavoured to stirr 20 mutynies, reporting the Warden was run away, and durst not come againe but by stealth.

10. He said, That soe often as the Gaoler did lock the prison dores, he would ramm the lock full of stones, for in despite of the Warden he would not be lockt in, And this he hath said and done often 25 tymes.

11. He perswaded the prisoners to trayne the Porter of the Fleete's wife by pollicy within their reach, and keepe possession of her and the prison dores untill their owne wives might come and dwell with them. 30

12. He did with most brutish and uncouth speeches (not to be named) rayle on the Warden, and professed he would sweare anything (how false soever) that would hurt or hang any man to whome he bare mallice.

13. He did incourage all the mutiners in the Wards of the 35

prison to oppose themselves against the Warden and government in the wards, to cause Murther, and consulted with other prisoners to kill the Warden and to gett a Pardon, And that the Prisoners should hold together and breake downe the back windowes.

5 14. He said that he would frame an Indictment and hang the Warden for concealeing a filthy busines touching one *Cranfeild* a Prisoner whereof the Warden knewe nothing but by *Lees* owne barbarous relation.

10 15. The warden was moved to chaine *Lee* to the Stocks to spare the putting of him into the Stocks, because all fetters that were put on him, he got off and cast them into a privy, and for to keepe him the said *Lee* in the night tyme from breakeing the Iron grates of the Prison was he chayned in that manner.

16. Kept away Fees to make the Warden run away.

15 17. Did abett and incourage the breach of prison.

18. Was the first that used incouragement to kill the Warden.

19. Slaundred and rayled at the warden by incouragement of others.

20 20. Would wade hell to the knees to have their wills of the Warden.

21. Conferred with others to Cutt the throats of all that gave intelligence to the Warden.

22. Never paid the Warden anything.

In all which doeings of *Lee* he neither would be reformed or  
25 Confesse that he did amisse, but by many odious and scurrilous lies and messages written and sent to the Warden did from tyme to tyme defye him, and all that he could doe, Soe that for Example sake the Warden could doe noe lesse, and was soe much justified in his doeings as that *Lee* was thought to be unworthy to live in  
30 the Fleete, And therefore sent thence unto Newgate 5 December, 1618.

And whereas it hath of late beene urged as an inhumaine part of the Warden that a certeyne vault in Boulton's Warde (where he did lye) was left open, and more (say they) unstopped of purpose by a

servant of the Wardens, There is noe vault in Boulton's Ward but the Privy, which whether it had a cover or not was not fitt office for the Warden to looke unto, But the truth is that this *Lee* did (in scorne) bid a servant of the Warden's (an honest and able man) to cover it, and because he did not thereof ariseth this un- 5 savoury complaine, annoyeing all that heare it; And in *Lee's* complaints heretofore he had not bethought himselfe untill the witt of men put it into his head.



*Sir Francis Inglefeild, Baronett*, being Prisoner in the Fleete *Sir Francis Inglefeild.*  
 before the Warden himselfe attended the place, did alwayes after  
 adhere to the basest and factious prisoners, And for the first ap-  
 parant ground he published that the warden by falsefyeing the  
 5 Lettres Pattents under the Great Seale did cousen the Poore of the  
 viij*d.* per diem, raysted upon Prisoners that goe abroad, and he solely  
 above all others when he went abroad would deliver that viij*d.* to  
 the use of the poore, Whereby he not onely stirred upp the poore  
 but the rest to tumults and to Muteny against the Warden (though  
 10 he himselfe had paied it, and other Wardens had of him 30 yeares  
 past, and soe had the Warden last before this).

Next that he sett on foote a reproach that the Warden cousond  
 the poore of lxix*li.* per annum which he receaved out of the cus-  
 tome howse for their behoofe, And this alsoe be sett forward in  
 15 complainte before the Referrees first, and before the Comissioners  
 next, when they satt upon the busines for the Fleete, both which  
 complaints are braynesick falshoods.

He also published in the Fleete and before the Referrees, and in  
 other places, that the Orders and Constitutions made for the Governe-  
 20 ment of the Fleete were gotten and obteyned by Corruption and  
 indirectly, and he spake other derogatory speeches touching the  
 explanations of the same made at Councell Board, And that the  
 Warden durst not avouch them, nor take upon him to governe the  
 Fleete thereby. And when by such false suggestions he had (as it  
 25 were) putt by the power and government of the Warden, Then  
 he scandalized the Warden that he was but a Deputy and not the  
 Warden, To the end that the prisoners might not relye on him,  
 Nay, that he had not retorne of Proces touching the place.

He often boasted that he had made one Warden run away, and  
 30 that he would make this Warden do the like, or ells he would spend  
 thowsands of pounds, and boasted of how many thowsands he would

spend for his freind and how many against his enemye. He sent the Warden word he would be as busy with him as a Bee in his nose.

Himselfe not comeing to Church, debarred others out of that place neare his chambers usually appointed for that purpose.

When one *Mr. Holman*, *John Chappell*, and *Rice Pewe* were 5  
deadly sick (who dyed in the Fleete) they sent to the Warden that *Sir Francis Inglefeild's* man might be spoken unto to forbear the wyneing of a horne there, because it pearced their weake sences and trobled them. Therefore the Warden first tould *Sir Francis* his man thereof, wishing him to forbear, But the next day he doeing 10  
it againe the Warden sent two of his servants to bidd him leave, but his answeare was that he must and would doe it in their dispight.

Then the Warden sent two other servants to *Sir Francis Inglefeild* himselfe, to pray him upon this occasion to take order that his man might forbear, but he said that his man should doe it, for 15  
the warden had no comand over his servants, but was a Gaoler and a foole to send to him on such a Message, And this without any manner of provocation.

He alsoe sent the Warden word that he was a foole and an Asse, and he would cause him to be canvased in a blanchett. 20

When *George Lee* was (for his drunken demeanor) seized on by the Warden's servants to be restrayned of liberty, *Sir Francis Inglefeild's* man aforesaid rescued him from them, and *Lee* stabbed the warden's servant with a knife, and presently *Sir Francis Inglefeild* himselfe tooke occasion to walke with *Lee* (being one whose 25  
society all men shunned) in the very front and opposite to the Warden's lodgings for a long tyme, as if he tooke the proteccon of *Lee*.

When *Sir John Whitbrooke* came forth of the wards to murther the Warden, *Sir Francis Inglefeild's* man colloured his comeing 30  
out as to speake to him, and then accompanied him thoroughout all the Prison to the Warden's stayre foote, where *Whitbrooke* goeing upp attempted to doe it, as is before sett forth.

When *Mr. Tregian* dyed in the Fleete, oweing the Warden above

200*li.* for meate, drinke, and lodging, *Sir Francis* at the instance and pretence of *Tregian's* sisters receaved out divers evidences and goods in the Wardens absence, and when the Warden did open the dores to put the goods under Inventory in the presence of 5 many witnesses *Sir Francis* thretned the Warden. And lastly, to make a tytle to the goods, asked of the Gentlewoeman one booke of guift, which when the Warden denied, *Sir Francis* said that there should be an Accon brought for every particuler booke (whereof there were many hundreds) And soe *Sir Francis* getting a deed of 10 guift, sent the Warden knowledge thereof, and brought his Accon against him for that one booke, where perhapps were many books and other things might have been discovered for the Comon Wealthes service if *Sir Francis* had not enterposed.

He was comitted 11 June, 1618, he denied the said Comittment, 15 though the Lord Chauncellor avouched it, and when he had been 5 moneths upon it he tendred the Warden certayne Acquittances yet extant, confessing to pay soe much as the Warden required for lodging, &c. Soe that the Warden would subscribe that he was noe Prisoner.

20 This proveth his consent for Chamber rent and *Christopher Bryant* testifieth the agreement.

Another Acquittance he tendred as if he were a Prisoner, and then he would pay but xiiij*d.* a weeke or thereabouts for divers chambers for himselfe and familie, And this busines being mediated 25 by freinds (who came from the court to sollicite for *Sir Francis*) yt was upon sight of the orders of the Fleete by them approved with asseveration that if *Sir Francis* would not yeild unto it they would become adverse to him, And it is a impe of *Sir Francis* owne feather to say that the Warden did scornefully take upon him 30 to be his owne Chauncellor against direcccon of the Lord Chauncellor.

*Sir Francis* kept tabling of knights and Gent. Prisoners in the Fleete, who paied him for it and bereft the Warden of the benefitt, for which cause *Sir Francis* was charged with halfe comons, who

according to the orders of the Lords of the Councell, &c. might have been charged with the whole Comons.

When he was removed he was put into a good Chamber where *Sir Francis* himselfe had formerly lyen and agreed to lye, And for him, a Gent of worth was put from thence, who at the Warden's request entreated and prayed *Sir Francis* to come thither. 5

For according as the Prison filleth, and men of honor and quallity come, Soe men that have neither paied their Fee or other Dutie (as *Sir Francis Inglefeild* had not for that last comittment) are in equity to be removed above others who pay. 10

And in *Summo Jure* *Sir Francis* was to have been denyed the liberty of the howse, because he had paied noe fee, fyne, or Dutie for lodgings after he had lyen there many moneths, And moreover by expresse comand from his Majesty, declared and given in charge by the Lords of the Councell, All Prisoners which came not to Church were to have beene kept straite. 15

But when he joyned in consent and maynetenance with victualing such Prisoners as blocked upp the dores many dayes, and Contempned the Serjeant at Armes, Excited the stabbing or pistolling of the Warden at such tyme as desperate persons and murtherers were in that Contention with the Warden, and made their Rendevowes in *Sir Francis* his Chamber, And when he was by some Gentleman reproved for soe sayeing and doeing he still avouched it, The Warden to prevent such mischeife and abettment confined *Sir Francis* for two Dayes within the compasse of his owne and fower other chambers in that severall warde, permitting him notwithstanding to be attended by goers and comers at his pleasure as is before declared. 25

When *Sir John Whitbrooke* wounded the Warden and sett the howse in an uproare, he perswaded the greatest persons and hastiest disposition to joyne in takeing *Whitbrooke* away, who afterward said, if we had come there had beene noe way but death to the Warden. 30

Whereas the *Lady Amy* wife unto *Mr. Edward Blunt, Esq.* <sup>The *Lady Blunt.*</sup> hath made a great complaint against the Warden of the Fleete, The truth of the busines is as followeth.

- 5 The said Lady being comitted to the Fleete by the Lords of his Majesties Privy Counsell, desired to be respectively lodged where she and her attendants might have roome convenient, and she would pay as usually was paid for it; she therefore was fitted with an Inner Chamber and an outer roome for her Servants.
- 10 She tooke her meate att the Warden's table the first weeke, and in that tyme, yea the first moment of her comeing, she acquainted herselfe with the most cuning and factious Gent. in the howse, and continueing in that humour 27 weekes descended to meddle and scann triviall matters, and the meanest usages and Customes of the Fleete
- 15 touching Prisoners and the Warden.
- And as to the fact for which she was comitted she did by her petitions and servants soe troble and misbehave herselfe towards the Lords, that they thought (for her further reformation) to send her from the Fleete unto the Marshalsey prison, and alsoe comitted
- 20 her servants.
- When she was upon her departure and offered the Warden neither fee of Entrance into the Fleete, payment for his meate and drinke, neither for her 27 weekes lodgings, the Warden sent to putt her in mynd thereof.
- 25 As for the ffee she assented to pay as an Earles daughter, but upon Condicon that the Warden would take but ijs. iiij*d.* a weeke, which was xiiij*d.* a chamber or roome for lodging of her and her Attendants, A rate inferior to that of one and the meanest that is lodged in the Comon Prison.



Whereupon the Warden prayed her not to stand upon points in behalfe of the factious which laboured in that kind, And as to her ffee if she thought it too much she might rank herself as she pleased.

But she takeing that offer passionately and in derogation (where 5 it was not soe meant) said (as she might well say) that she was honourable and would pay a ffee in that rank, and called the Warden Base Gaoler, whereupon the Warden wished her to remember that Gaolers and Gaole Birds were relatives, and desired her either to doe what was fitt out of her owne motion, Or ells to 10 putt it to consideration, But she persisted in that mynd of payment for her lodging; the Warden would not appoint his Porter to attend the goeing out of her stuffe (of a lesse value then her ffees and duties) before he were paid.

Whereupon she tooke an Inventory thereof and left it (her owne 15 howse being in Towne whence she might furnish herselfe when she came at the Marshalsey if she pleased). And the Warden was herein the more cautious aswell for that the said Lady onely of spleene, and at the instance of factious Prisoners was drawne to thinke ill of the Warden, And if her goods went away the act of 20 such a person would have beene taken for a continuall president to the utter overthrowe of the Warden and the office, And further for that she being the prisoner and under covert, her husband, who lived upon a separate estate, neither would or could be drawne to pay her Duties. 25

Wherefore ymediately after her departure the Warden (for avoydeing all differences) made suite to the Lord Chauncellor that the variance touching her fees and goods might be referred to consideration, which his Lordshipp did, first unto a Master of the Chauncery, whereof in a civell manner the Warden did advertise 30 the said Lady by a lettre, whereto she answered and subscribed, that she did not know the Lord Chauncellor could give any man authority to dispose of her money. Yet after that the Warden sent her notice in writeing from the Master of the Chauncery that

a tyme was appointed for hearing the difference whereby her Ladyshipp might either come or send thither, Unto which she answered (as appeares) that she did utterly refuse the reference, And thereupon she caused an Accon to be brought at Comon Lawe  
5 in her husband (*Mr. Blunt's*) name, against the Warden for those goods.

Upon which the Warden exhibited his Bill in Chancery, and he (*Mr. Blunt*) or rather (she the Lady) demurring thereupon The Warden obteyned an Injunction to stay proceedings at Comon  
10 Lawe, Then a Peticon was made by her to my Lord Chauncellor that she might not both be Sued in Court for the Warden's ffees and her stuffe alsoe detayned, to which the Lord Chauncellour answered in wryteing, that to satisfye the Lady he did sett aside the Master of the Chauncery, and referred the busines to one of his  
15 Majesties Serjeants at Lawe, and to his Majesties Solicitor Generall with a proviso that bond should be entred into on both sides to performe their order, And thereupon directed the goods to be delivered, But the said Lady refused that order (as she did all the former), and further she still refuseth to make any reasonable  
20 payment.

And whereas she hath made a great complaint at Councell Board and elsewhere about faggotts and coales (things unworthy her great  
worth) save that she standeth for a generallitie as is pretended, Therefore the Warden can doe noe lesse but say in his owne  
25 defence that he took notice of six penny faggotts to be brought into the Fleete by one of her servants late in the night alledged to be much better then those of the Fleete.

And made doubt of being poysoned to the end she might avoyd taking and payeing for her dyet to the Warden.

Whereupon the Warden sent for the feweller of the Fleete, and in the Ladyes servants presence caused fower ordinary (long dried)  
30 three halfepenny faggotts out of a house of the Fleete to be taken and waighed in a payre of scales against those six sappie and wett faggotts brought from abroad, And the fower three halfepenny faggotts of the Fleete did outwaigh them six brought from abroad by above one in six, Soe as a penny in six pence and her man's

labor was to be saved by takeing those in the Fleete, But as for coales the Warden never heard of such as in his Answere to the point of fewell appeares.

But when the Warden had done this for his justification he did then doe soe poore a service to the Lady as to lett her faggotts 5 without contradiction to be fetched abroad at her pleasure, and to the great comfort of the Generall Cause which she tooke in hand.

Every of which points touching the said Lady the Warden can approve by good Testimony if it be thought worth the Examinacon.

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Mr. Edmond Sharpe, an Attorney, Complayneth alsoe.

And as to him he was comitted to the Fleete, 15 October, 1617, *Edmond Sharpe.* out of the Court of Comon Pleas for misdemeanor, paied the wonted fee of a Parlor Comoner, and afterwards was charged  
5 with an Execution for 200*li.* He hath given his owne bond onely to the Warden for true Imprisonment, which is nothing worth (being non solvent) neither to Creditor nor Warden.

He lay on the Greene yard side (amongst other gent) with his brother till 10 November, 1618, which was a yeare and a moneth, And though he agreed for his lodging he never paied one penny for lodging, dyet, and other dutyes, and then was removed to the  
10 Tower Chamber.

The Curteynes and vallence which he saith the Warden hath were left with *Sharpes* Brother when he was removed to the Tower Chamber, and he never demaunded them that the Warden heard off, yf he had, and that the same were his owne, his brother  
15 might have delivered them to him.

His Brother continued in the Fleete till 5<sup>o</sup> May, 1619, which was six moneths after this *Edmond Sharpe* was removed to the Tower Chamber, And then was removed from the Fleete to the King's Bench, and left unpaied for his Chamber rent *xli.* at the  
20 rates he agreed for, for which the Warden's Servants staid that stuffe (curteynes and vallence) which was in his chamber (being little or nothing worth, yet none of this man's).

Now when *Edmond Sharpe* was in the Tower Chamber (the dores of the Prison being soe broken as the Warden could not  
25 lock them) he was forced to send for such Prisoners there as he found refractorie to put them in safetie.

Amongst the rest *Edmond Sharpe* was brought downe and lodged in a roome in the wards 15 July, 1619, where comonly he had the liberty of a court yard 30 yards square, and 5 other large

roomes to walke into, and was offred all his bookes and apparell whatsoever he had without contradiction, and had them.

Within fewe dayes after his remove to this place he and some fewe others hadd blocked upp the dores of that prison and shutt out 28 of their fellowe prisoners that lay in the said six roomes, 5 and then the Warden endeavoured to keepe him and others without meate and drinke one day, thinkeing thereby to inforce them to open the dores and lett in the rest of the prisoners, but the Warden, seeing that though he endeavoured to keep them without meate and drinke they had it brought them in abundance (as often 10 before is repeated), proceeded noe further therein.

The Warden never (save now before the Comittees) heard that *Sharpe* had left any Gowne or Cloake, neither can his Servants tell him they ever heard him complayne of anything he had lost.

The said *Sharpe* being an Attorney in the Comon Pleas (for his 15 ill behaviour and misdemeanours towards that court, and for his shifting tricks) was putt out of the Roll of Attorneys, yet he presumed still to make writts of *habeas corpus* and *Supersedeas* in other Attorneys names, who would not justifie them, by which the Warden was often like to fall into great danger, amongst the rest 20 he made a *supersedeas* to the Warden of the Fleete to discharge a Prisoner out of Execution (there being noe satisfaction acknowledged), and put the name of *Mr. Gulston* an Appronothary unto it, And caused it to be delivered to the Warden's Clerke to discharge the Prisoner, to the hazard of the Warden's undoeing. 25

For which offence he, being brought into the Court of Comon Pleas before the judges, upon Examination the judges blamed him, and the *Lord Hobart* would have comitted him close prisoner, but the Warden desired that his Lordshipp (in goeing about to punish *Sharpe* the offender) would not punish him the Warden. For if 30 his Lordshipp comitted him close prisoner the Warden must be much trobled by straite lookeing to him, yet before that tyme *Sharpe* was in the wardes, which himselfe calleth close prisoner, But if noe man be closer, All villany must goe unpunished, There-



fore it it was comanded that he should not make any more writts in that kind, and that the Warden should keepe him from Pen, Inck, and paper.

Alsoe the said *Sharpe* being in Execution, and the Warden per-  
 5 mitting him to goe abroad with an usuall writt of *habeas corpus*  
 out of the Court of Comon Pleas, which himselfe procured, he  
 deceaved his keeper of the writt and keeping it brought an accon  
 of Escape against the Warden, purposeing to bayle himselfe upon  
 an *Audita Querela*, and thereby he would lay the debt he lyeth  
 10 for upon the Warden or cousen his Creditor, As appeareth by the  
 said *Sharpe's* declaracon upon record.

Lastly *Sharpe*, notwithstanding the former comands and thretts  
 of the judges, did deale with one *Welman*, a poore prisoner liveing  
 upon the charity, who lay in the Fleete in Execution, and told  
 15 him he would free the said *Welman* out of Execucon if he would  
 give him *vili.* to procure an *Audita Querela*. *Welman* agreed to  
 give him the money soe he might be freed.

Whereupon *Sharpe* went about the busines, and within a short  
 tyme tould *Welman* (as *Welman* affirmeth) that he had procured  
 20 him a *Supersedeas* upon the *Audita Querela*, and that he wanted  
*xxxxs.* for to finish it, which *Welman* procured and delivered him.

Within 4 dayes after the *Supersedeas* was made by *Sharpe* him-  
 selfe (*Welman* standing by), and in a short space he came and  
 delivered it to him sealed as under the hand of *Mr. Brownlowe* the  
 25 Appronothary.

When *Sharpe* delivered this Writt to *Welman* he required him  
 not to tell the Warden's clarke that *Sharpe* had any knowledge of  
 it or made it, for if he did the clarke would reject it.

The Writt of *Supersedeas* being delivered by *Welman* to the  
 30 Clarke, the Clarke misdoubted that the *Supersedeas* was unduely  
 procured (finding it to be *Sharpe's* handwriteing), And the said  
 writt being shewed to *Mr. Brownlowe* he said that whosoever made  
 that writt he had counterfeyted his hand, for it was very like but  
 none of his hand.

*Welman* is ready to affirme that *Sharpe* had of him about some *ixli.* for this writt, and hath now deceived him and done him noe good.

*Sharpe* shewed this *Supersedeas* to *Welman* and *Mr. Broxholme* with *Mr. Justice Hutton's* hand on the back of the writt, which 5 afterwards he razed out againe when it was like to come in question.

For this fact alsoe the said *Sharpe* was by the *Lord Hobart* comitted to the straitest and Close Prison of the Fleete.

Soe that lett a man of honest and Civell Conversation be found that will complayne of the Warden, and then he may be blamed; 10 but, for such as *Sharpe* is, he hopethe he shall never receive rebuke.

One *William Harvey* made a great complaint how he lay 120 *William Harvey.*  
 nights without a Bedd, whome to Answere here more then is  
 formerly said in the general should be needlesse, if that he had  
 paied his duties to the Warden when he had lyen thrice as long  
 5 on the Warden's bedding without payment.

On which occasion the warden left him to lye in the Comon  
 Prison, as reason there was, and besides the distempers in drinke  
 he was perpetually factious and strooke the warden on the brest,  
 saying he should never rule him.

10 He haveing a howse in the Towne excellently furnished with all  
 store, did in an humor mainteyne possession of it and would not  
 send for his owne Bedding, &c. Soe as he lost all his stuffe and  
 oweing many thowsands had nothing to pay.

When his friends comisserateing his need and folly did offer  
 15 privately to pay the Warden for his bedd and dyett, he caused  
 them to retract it as one that scorned to be beholding to any of  
 them, though he starved or lay on the boards.

He was alwayes quarrellsome and the Abettor to *Sir John*  
*Whitbrooke's* death, stirring *Boughton* to be enraged, by which  
 20 followed the stabbing of *Whitbrooke*.

He purposely lay without bedd onely to take occasion to com-  
 playne, For he was offered a Bedd by one *Coppin* who lay in the  
 roome with him, And except he had made meanes to the Warden  
 for one, according to the Orders of the Prison, there was noe  
 25 reason that it should be thrust upon him when he meant not to  
 pay for it.

If the peevishnes of the man were as well knowen abroad as it is  
 in the Fleete, he were fitter to be sent elsewhere then to be there,

For now that he hath a Bedd and Chamber he payeth nothing, and besides spends his tyme to perswade others to abstayne from payment.

And better it were to a Warden to be anything then subject to that which of late he suffereth in him, and such like of noe worth 5 of discretion.

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# THE HALL IN THE FLEETE.

|            |                                                                                                                                                                                   |                                            |                                                                                                                                                                                                          |                                                                                       |                                                                |
|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|----------------------------------------------------------------|
| The Fleete | William Petre<br>Robert Catlin<br>William Cordell<br>James Dyer<br>Edward Saunderson<br>Tho. Sackford<br>Ge. Gerrard<br>Robert Rowell                                             | the<br>a<br>of<br>or<br>and<br>like<br>av- | An Esquire<br>A gentleman or<br>gentlewoman<br>that shall sit<br>at the Parlour<br>Commons or<br>anie other per-<br>son or persons<br>under that de-<br>gree that shall<br>be at the Par-<br>lourCommons | A Yeoman or<br>any other that<br>shal bee at<br>the Hall Com-<br>mons man or<br>woman | A poore man<br>of the wards<br>that hath his<br>pt at the boxe |
|            | The ordinarie<br>commons and f<br>every estate an<br>gree that shall l<br>after be comr<br>to the Fleete as<br>to the wards as<br>other officers<br>beinge as partic<br>appeareth |                                            | xxvj <sup>s</sup> viij <sup>d</sup>                                                                                                                                                                      | xij <sup>s</sup> iiij <sup>d</sup>                                                    | Nihil                                                          |
|            |                                                                                                                                                                                   |                                            | xvj <sup>s</sup> iiij <sup>d</sup>                                                                                                                                                                       | vj <sup>s</sup> x <sup>d</sup>                                                        | Nihil                                                          |
|            |                                                                                                                                                                                   |                                            | vij <sup>s</sup> iiij <sup>d</sup>                                                                                                                                                                       | vij <sup>s</sup> iiij <sup>d</sup>                                                    | ij <sup>s</sup> iiij <sup>s</sup> ×                            |
|            |                                                                                                                                                                                   |                                            | x <sup>s</sup>                                                                                                                                                                                           | v <sup>s</sup>                                                                        | Nihil                                                          |
|            |                                                                                                                                                                                   |                                            | ij <sup>s</sup> iiij <sup>d</sup>                                                                                                                                                                        | ij <sup>s</sup> iiij <sup>d</sup>                                                     | Nihil                                                          |
|            |                                                                                                                                                                                   |                                            | iiij <sup>d</sup>                                                                                                                                                                                        | iiij <sup>d</sup>                                                                     | Nihil                                                          |
|            |                                                                                                                                                                                   |                                            | xij <sup>d</sup>                                                                                                                                                                                         | xij <sup>d</sup>                                                                      | Nihil                                                          |
|            |                                                                                                                                                                                   |                                            | xij <sup>d</sup>                                                                                                                                                                                         | xij <sup>d</sup>                                                                      | Nihil                                                          |
|            |                                                                                                                                                                                   |                                            | xij <sup>d</sup>                                                                                                                                                                                         | xij <sup>d</sup>                                                                      | Nihil                                                          |
|            |                                                                                                                                                                                   |                                            | One gallon<br>of wyne                                                                                                                                                                                    | One potte<br>of wyne                                                                  | Nihil                                                          |





## A Petition from the Warden of the Fleete to the Parliament Howse.

To the honourable the Knights, Cittizens, and Burgoses of  
the Comons howse of Parliament assembled.

5       The humble Peticon of the Warden of the Fleete,

Sheweing,

That the office is a continued Sherriffwick as it were into all  
shires of the kingdome.

Therefore perhapps obnoxiously taken by many for doeing the  
10 services thereof.

Especially when it meeteth with Romish affected persons, with  
whome the place doth continually abound, and they have beene  
the onely fomenters of theis quarrells, to the end they may not  
onely sway the place, but live exempt from all payments there and  
15 abroad, and have plotted the Warden's death with the adherents of  
*Mr. Chamberlayne*, concerneing whome alsoe all Prison keepers  
were convented before the Lords of the Councell by especiall  
direction from the king's Majesty, and charged to carry a strait  
hand over such as came not to Church.

20 The wards and houlds of the King's Prison are such as almost  
500 yeares they have beene; And though the accesse of Prisoners  
be much of late, yet they have more roome then formerly.

The usage of Irons, Stocks, &c. contynued from tyme to tyme  
upon excesses comitted.

25 The Constitutions for Governement often explayned and con-  
firmed at Councell Table.

A late Comission renewed under the great Seale sheweing that  
the Governement of that place are consequences of state, And  
therefore referred to the Councell of State to take care thereof.

Whereupon the Lords themselves have heard all theis Complaints of usage, roomes and fees ;

Sent Comittees, Made References, Satt in Comission themselves.

The Warden stood six tymes to purge himselfe before such, And  
undergon two verdicts at Lawe in his favour. 5

Wherefore not any way appealeing from this high assembly but submitting myselfe to the very lawes and stattutes in this place made, doe with all most humbly beseech, That the King's Comission, the Councells and Judges paynes may not be in vayne, and that as they have heard, discerned, and shall report, Soe I may 10 stand or fall, for as they Comitt the prisoners, Soe they take Accompt of their usage.

And as to some of the Comittees from this place, If it may stand with the pleasure and course of this howse, I may avowe, That some of them are not discharged of their Imprisonment, and much 15 indebted to the Warden, others have pertictuler Interests and affinitie with the Prisoners, whereof I presume not to inlarge without speciall leave.

And he shall ever pray for your good happinesse.

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\* \* \* \* \*

### Concerning the Fleete.

Imprimis a breife or writt of Certiorari directed to the Warden of the Fleete or his deputie and returned into the Chauncerie and there  
 5 remayninge fyled in the Filisers office, the substance thereof beinge To cause the Warden and his deputie to Certifie such Records as they had in their Custodie for the governement and fees lymitted to be taken of such prisoners as should bee there committed.

There is also in Record in the said Filizers office a certaine  
 10 Schedule intituled The Constitutions and Orders newly renewed and to bee established in the Fleete viz: anno dni. 1562, returned by the then Warden.

There was also a Petition directed to *Sir Nicholas Bacon*, Lord Keeper of the greate seale of England made by *Richard Tirrel* esquire  
 15 then Warden of the Fleete, and in the name of all the then prisoners, whereby it was desired by both, upon occasion of differences betweene them happeninge, that a Comission might be directed to some discreete Hon<sup>ble</sup> and Worshippful persons authorisinge them as well to erect such good and necessaire orders of newe, as they shall  
 20 thinke convenient. As also to establish all such orders as shall be approved unto them to have had continuance there tyme out of the remembrance of man.

Hereupon a Comission was awarded to S<sup>r</sup> William Peeter Knight, S<sup>r</sup> Robert Catlyn, kt. Chiefe Justice of our Pleas, S<sup>r</sup> William  
 25 Cordell, Kt. M<sup>r</sup> of the Rolles, S<sup>r</sup> James Dyer Knight, Chiefe Justice of our Comon Bench, S<sup>r</sup> Edward Sanders, Kt. Lord Chiefe Baron, Thomas Sackford Esquire, one of the M<sup>rs</sup> of our Court of Requests, Gilbert Gerrard, Esq<sup>re</sup> our Attorney generall, John Carril Esq<sup>re</sup> Attorney of our Dutchie of Lancaster, and Robt. Nowell, Attorney  
 30 of our Court of Wards and Liveries, or to anie eight seven or six of them diligentlie to try out what fees, priviledges, liberties, restraints, orders, Rules, Customes and Constitutions have bine heretofore

allowed or accustomed within the prison of the Fleete or the precinct  
of the same, and the same to ratifie, allow and confirme, or the abuses  
thereof being perfectlie knowne, to change alter extinguish, and  
other newe convenient and meete ordinances, estatuts and usages in  
theire place to constitute publishe and establish, and to augment or 5  
diminish as well the dyett as the prices of dyet, for all manner of  
prisoners there, Willinge and Comaundinge you eight seven or six  
Whereof S<sup>r</sup> William Peeter Sir Robert Catlyn S<sup>r</sup> William Cordell  
S<sup>r</sup> James Dyer or S<sup>r</sup> Edward Saunders or three of you to be three  
the same orders or Constitutions to cause to be written fayre in a 10  
Table w<sup>th</sup> your hands thereunto subscribed, and to fixe, place, and  
fasten in some part of the Comon Hall of the same Prison, to the end  
the Certaintie thereof may bee apparent at all tymes hereafter as  
well to the Wardens as to the Prisoners from tyme to tyme.

And that upon the due exeucion of this our Comission you eight 15  
seven or six of you whereof those before menconed to be three to  
make Certificate unto us into our Chauncerie under your seales  
plainlie and at large of your whole doinge therein dated at West-  
minster the third daie of June in the third yeare of our Reigne.

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The Constitutions and Orders newlie renewed and to be  
established in the Fleete anno dni. 1562.

1. First that it may be lawfull to the saide Warden or his deputie to appoint soe many of the household servants, as to either of them  
5 shall seeme good to open or shutt the two utter gates of the Ffleete at such howres as the gates of Ludgate and Newgate are accustomed to bee opened or shutt; And the said persons to carrie in their hands Halberts, Bills or any other Weapon as shall seeme good unto the said Warden or Deputie within his precinct or libertie.
- 10 2. Item the Warden to take such bond of evrie person that shal bee brought into the Ffleete as prisoner as shall seeme to him reasonable at his discrecon and accordinge as the Cause shall require, as well for the payment of all manner of duties there, as also to bee  
15 den and all others within the said precinct of the Ffleete in such manner and forme as heeretofore hath bene used.
3. Item that it is and shal bee lawfull to the said Warden and his Deputie to take order from tyme to tyme that noe person com-  
minge in there doe carry anie weapon further than the Porter's  
20 lodge there, bee hee stranger, or other, unlesse they shal bee lycensed soe to doe by the discretion of such as the same Warden shall appoint to keepe the gate there.
4. Item that noe prisoner shall buy beere, ale, or any other victuall, out of the said howse, soe longe as they maie have sufficient and  
25 good provided within the same howse in such place as shal bee there appointed at such reasonable prices, as the same be commonlie sould for, within the Citie of London, except the Warden shall give lycense for anie Consideration as to him shall seeme good.
5. Item that it may bee lawfull to the Warden to take of every  
30 such prisoner as the said Warden may lawfullie lycense to goe abroad with his Keeper for the half-day, that is to saie before dinner, or

after to the Warden's boxe fower pence, and for the whole day both before dinner and after eight pence. And for the Keeper that shall goe with him for the half-day, six pence, and for the whole daie twelve pence.

6. Item and yf it shall happen the Queene's Ma<sup>tie</sup> and her hon<sup>ble</sup> howse hould to bee above two myles distant from the Cities of London and Westminster or either of them, and that anie prisoner shal bee sent for by the Counsell, or anie other havinge authoritie to commaunde the said prisoner to bee brought before them, that then the said prisoner shall beare all manner of such charges as shall thereunto appertaine, bee it either by water or by land untill his returne, as well for himself, as any other that shal bee appointed his Keeper for the tyme. 5 10

7. Item that the said Warden by himself or his Deputie shall and may carrie downe with him in the Countrie anie such prisoner as hee may lawfully lycense to goe abroad with his keeper at anie tymes betweene the Tearmes; except there shal bee expresse Commaundem<sup>t</sup> to the Contrarie by the Councell, or such as shall committ the partie thither. 15

8. Item that it maie be lawfull for the said Warden or his Deputie, and soe manie of his houshold as shal bee thought needefull to keepe watch in his Harneyes or otherwaies within his precinct at all tymes as hee shall see cause for his bettere safeguard, yf he shall suspect any prisoner within his Custodie to intend to make an escape. 20 25

9. Item that it maie be lawfull to and for the said Warden to take order at all tymes for such money as shal bee gathered at the boxe, or otherwaies generallie given to poore men there, for the distribucon thereof amongst them, yf anie Contention shall arise, and that the said poore men shall alwaies keepe one key of the boxe, and another key to bee at the Warden's appointm<sup>t</sup>. 30

10. Item that it shall and may bee lawfull for the Warden yf there shall at anie tyme happen anie person to bee Committed that shall not be able to maintaine neither the Parlour Commons, nor

the Hall Commons, nor also will take part of the Boxe; that then the Warden may appoint a bedd and a chamber for any such conveniently, the partie agreeinge with the Warden for the same at his reasonable discretion.

- 5 11. Item that yf anie that will take part of the Boxe, will have anie more ease, then for the same is appointed, that then it may bee lawfull for the Warden to appoint any such person or persons a bedd or chamber, the partie agreeinge with the Warden for the same as shal bee thought reasonable.
- 10 12. Item whereas by an ancient Custome tyme out of memorie of man used in the said Ffleete, the Warden or his Deputie for the tyme beinge have used and did license such persons as bee prisoners there (not beinge upon any Condemnation or by expresse Commaundem<sup>t</sup> given to the Contrarie by the Councell or such persons
- 15 as doe committ the same prisoner thither) to goe abroad about their necessarie busines, or to their learned Councell, or such like affaires with a keeper; Therefore it is and shal bee lawfull to the said Warden and his deputie for the tyme beinge to license and permitt all such persons as bee or shall remaine there to goe abroad
- 20 with a safe keeper about his or their needefull businesses aforesaid, soe alwaies that anie such prisoner doe not lye there upon any Condempnacion, or that expresse Commaundem<sup>t</sup> by the Queene's Ma<sup>tie</sup>, Councell, or such persons as doe Committ the same prisoner thither bee given or inhibited to the Contrarie thereof.

## APPENDIX I.

1597.

[Lansdown MSS. British Museum 85. Plut. LXXV. D. fol. 106.]

To the Queenes Ma<sup>ties</sup> most honorable Councell.

In most humble and lamentable wyse Shewithe and Complaynith 5  
vnto yo<sup>r</sup> honors yo<sup>r</sup> dayly orators the pore prisoners of the Quenes  
Ma<sup>ties</sup> prison of the flet That where it hathe bene accustomed  
tyme out of mynde that the prysoners there for the tyme beinge  
shold have meate drinke and other nessessary comodyties in the  
said flet and be well and decently vsed as it is mete for eu<sup>ry</sup> mans 10  
degre that is thither comytted, accordinge as it owght and shold  
apere by the very orders and constetucions of the said howse whereof  
there was wont to be a boke allways Ready to be shewed with all  
and eu<sup>ry</sup> order and constetution therein conteyned, that all men  
that were thyther comytted might se what he owght to haue in the 15  
said prison and also what he owght to do touchinge all man<sup>n</sup> of  
dewties rites constetucions and ordynances to be observed and kept  
in the said flet.

But so it is right honorable lordes that now of late contrary to  
the good old orders and constetucions of the sayd flet and contrary 20  
to all equitie and good conscience the warden now beinge hathe  
pryvely let and set to ferme the vittuallinge and lodginge of all  
the said howse and prison aforesaid to one John Harvyne and  
the other profites of the said flet is let to one Thomas Newport  
now deputie there vnder the said Warden witch said Newport and 25  
Harvyne was well knowen at the entrynge in to the said offices to  
be very pore men haverse nether lands or any other trade to  
lyve by nor yet any certeyne wages of the said Warden, as they  
them selves dothe report, beinge very gredye of gayne dothe lyve  
by secrete bribinge and extorcion. By meanes whereof they do 30  
not only exacte and extort most shamefully vppon vs the sayd

prisoners and rayse new costomes fynes and payments for theyer  
 owne advantage and most gredy lucre, but also now of late dothe  
 most cruelly vse vs yo<sup>r</sup> said orators and shut vs up in close prison  
 for that we dyd myslike and fynde fawte w<sup>th</sup> theyer most wicked  
 5 dealynges, and will neyther suffre vs to have owre lyberty to com  
 and go w<sup>th</sup>in the sayd prison as we ought to have nor yet suffre  
 our frinds to com into us that shold travell in owre cawses for oure  
 better Relyffe, but kepithe vs fast locked vp for the witch crueltie  
 w<sup>th</sup> theire bribery extorcion and dyvers other abhomynable and  
 10 detestable mysdemenors done by the said Newport and the said  
 Harvye yf there be not speddy remedy provided for the same to be  
 reformed in tyme by yo<sup>r</sup> honors it wilbe to ower vttur vndoinge  
 and all owers and also to the grete preiudice and myschiffe of all  
 such as may hereafter be comytted to the sayd prison. In tender  
 15 consideration whereof and for asmoche as we yo<sup>r</sup> said pore orators  
 are able and can justly prove all the mysdemeanors in this owre  
 supplicacion allegged, w<sup>th</sup> dyvers other abuses agaynst the sayd  
 Newport and the sayd Harvye, Yt may therefore please yo<sup>r</sup> honors  
 to appoynt Comyssioners in that behalf to com to the said flet and  
 20 examyne the said Newport and the said Harvey and to separte the one  
 of them from the other before theyer comynge that they have no con-  
 ference togethers, nether that they shall confer w<sup>th</sup> any others till  
 they be examyned severally before the Comyssioners apou Interrogatoris  
 alradye drawen to be ministred to them, and that the prisoners in  
 25 lik man' maybe examyned towchinge theyer doings and vppon ex-  
 amynacion and deu proffe thereof to take suche good order for the  
 redres thereof as to yo<sup>r</sup> honorable wysdoms shall seme good and  
 we accordinge to ower bounden dewties shall dayly pray for the  
 preservacion of yo<sup>r</sup> honorable Estats.

30 [Endorsed.]

Suppl. of the prisoners of y<sup>e</sup> fleete, declaring their euill vsage by  
 Newport & Harvey. And y<sup>t</sup> it may please y<sup>e</sup> Lords to appointe  
 Commissioners in that behalfe.



[Lansdown MSS. British Museum 85, Plut. LXXV. D, fol. 97.]

To the righte honorable the Lorde Burleighe Lorde Treasurer of Englande and of her Ma<sup>ts</sup> most honorable privye Counsell.

In most humble wise beseechen yo<sup>r</sup> L<sup>p</sup>e the poore prisone<sup>r</sup>s of the comon goale of the flete to showe yo<sup>r</sup> accustomed and honor- 5  
able Comissera<sup>co</sup>n in furtheringe the bill exhibited into the plia-  
mente house touchinge the order and reforma<sup>co</sup>ns of the flete not  
onlie to further so charitable a worke but to be the cheife meanes  
it maye be enacted. The substitute warden Joachin Newton by the  
greateste indevorie he can (as we are enformed) crosseth the same. 10  
Howe requisitt it is and because yo<sup>r</sup> L<sup>p</sup>e maye knowe a truthe and  
w<sup>th</sup> more favo<sup>r</sup> be induced therevnto we haue presumed (and es-  
peciallie I Anthonie Bate in the name of the rest nowe Neuton's  
close prisonner in the dungeon for the same) Therefore[?] I knowe  
not to send the collection of the Articles w<sup>ch</sup> shoulde haue bene ex- 15  
hibited by some gentlemen prisoners in the flete to yo<sup>r</sup> hono<sup>r</sup> yf  
they had come to the Starchamber the laste teurme as they expected.  
The murders horrible and the dailie oppressions extorcions tortures  
and other misdemeano<sup>r</sup>s greate more then tyme to be looked vnto  
and reformed. In tender considera<sup>co</sup>n whereof and that the most 20  
honorable houses of the pliam<sup>t</sup> maye iudge howe iuste cause the  
prisoners haue to entreate there good likings humblie for enactinge  
of the same And for prooffe of the saide articles maye it please yo<sup>r</sup>  
good L<sup>p</sup>e of yo<sup>r</sup> gracious goodnes to sende her ma<sup>ts</sup> learned Counsell  
w<sup>th</sup> Comission to examyn the truthe of the premisses containd in 25  
the Articles gen'allie thoroughe the whole flete vpon oathe And  
that Jochin Newton & his servant Walter Androwes w<sup>th</sup> other cul-  
pable maye accordinge to Lawe be comaunded to saffe keepinge to  
answere the murders mencioned in them And we shall not only

praye dailie w<sup>th</sup> all devo<sup>co</sup>n for yo<sup>r</sup> Lps preserva<sup>co</sup>n in healthe w<sup>th</sup>  
 encrease of worthie honor but will enter into recognisance (yf soe  
 you please to comaunde) to her ma<sup>tie</sup> to psecute the suite against  
 Joachim Newton and the saide Walter Androwes w<sup>th</sup> pawne of ou<sup>r</sup>  
 5 lives for proffe of the murders and misdemenors aforesaide. Soe  
 the almightie God graunte our peticon & prayers to be harde w<sup>th</sup>  
 further indowem<sup>t</sup> to yo<sup>r</sup> and yo<sup>rs</sup> of all his heavenlie blessings.

ANTHONY BATE.

10 [Endorsed] 26 Martii 1597 Anthonie Bate prisoner in the fleete.  
 Against Joachim Newton the Deputy Warden.

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[Lansdown MSS. British Museum, 85. Plut. LXXV. D. fol. 103.]

To the most honora<sup>ble</sup> the Lord Treserer of England.

Right honorable we whose names are vnde<sup>r</sup> written in teares of  
 o<sup>r</sup> hartes and gryffe of o<sup>r</sup> myndes being poore myserable distressed  
 15 men voyde of anie helpe other then from yo<sup>r</sup> hono<sup>r</sup> and othe<sup>rs</sup> the  
 lyke and godlie ho<sup>ble</sup> the charitie at the box w<sup>ch</sup> is not nowe at this  
 p<sup>r</sup>sent daily aboue a penny to ech man: Vnderstandinge that in the  
 names of vs all, the poore of the box, a slanderous peticon is exhibited  
 to you<sup>r</sup> honour, against o<sup>r</sup> Warden whos wor<sup>p</sup>s favo<sup>r</sup> to o<sup>r</sup> comforts  
 20 is wekelie bestowed besydes his speciall care for relyvinge any  
 amonge vs sicke or deseased w<sup>th</sup> money and all things els nedefull  
 in right of o<sup>r</sup> duties to him, and that yo<sup>r</sup> hono<sup>r</sup> may knowe the  
 skyllfull practises of M<sup>r</sup> Smyth & myne<sup>s</sup>[?] the prinsipall agents in  
 these doings most hvmblic do pray yo<sup>r</sup> hono<sup>r</sup> for Jesus Christes sake  
 25 that the said peticon may be seen whereby ech mans doings may be  
 seen in their dobellins & that it may be knowen vnto o<sup>r</sup> Warden  
 that we are none of that factious companye. Whereby by yo<sup>r</sup> hono<sup>rs</sup>  
 meanes his wor<sup>p</sup> may not w<sup>th</sup>drowe his [former?] helpes. And [as]

bownden dutie byndes vs w<sup>th</sup> zelous devocon we shall daylie praye  
for yo<sup>r</sup> honor.

|               |                                  |              |    |
|---------------|----------------------------------|--------------|----|
|               |                                  | THO: HAMON   |    |
|               | THO: SEAGAR c <sup>t</sup> icus. | his + mark   |    |
|               | JOHN ROYMON +                    | JOHN JONES   | 5  |
| PETER PARKER  | JOHN STURGYS +                   |              |    |
| +             | JOHN ROBYNSON                    | ROBERT COCKE |    |
| his marke     | HENRY ROFFE                      | his + marke  |    |
| JO: FFELTWELL |                                  |              |    |
| +             | By me JOHN BARBAR                |              | 10 |
| his marcke    | the signe of THO: + BRITTAINE    |              |    |

[Endorsed]

The Humble peticon of the porest prisoners in the Wardes  
and of the box in the comon gayle of the ffeete.

Disavowinge the peticon exhibited in y<sup>e</sup> name of y<sup>e</sup> prisoners 15  
theare against the Warden.

Sept<sup>br</sup>  
1597.

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A.D. 1597.

[Lansdown MSS. British Museum, 85. Plut. LXXV. D. fol. 107.] 20

Or humble duties done to yo<sup>r</sup> Good L: wee haue accordinge to  
yo<sup>r</sup> L: L<sup>re</sup> directed vnto vs mett three seu'all tymes at the ffeete  
and haue therevpon perused the orders of the said house which  
conteyne ffees due to the Wardein from the prison<sup>r</sup>s, and what the  
prison<sup>r</sup>s are to expect from the Wardeyn in lieu thereof. Wee 25  
haue likewise hearde the seu'all Complaints of some of the meaner  
sort of the said prison<sup>r</sup>s against the wardeyn w<sup>ch</sup> they p<sup>r</sup>tend to be  
against the said orders, But wee doe not finde that they haue  
directly proued against him the breach of any of the said orders  
notw<sup>th</sup>standinge wee thinke that for redresse of some things whereof 30

they compleyn, it were fitt that some addiçons were made to the former ordinances in cases fallinge out not provided for by the former orders, Wherein both the Wardeyns allowances for Coñons and dyett of prisoners might be increased in tymes of dearth accordinge  
 5 to the occasion and the discrecón of the Wardein in matters lefte to his discretion in such measure be moderated and lymited that there might no occasion of complaint be geuen hereafter. Some pticularities whereof wee haue p<sup>r</sup>sumed to note in the included, occasioned therevnto by yo<sup>r</sup> L: said l<sup>re</sup>. And soe humbly referringe  
 10 o<sup>r</sup> labo<sup>rs</sup> to yo<sup>r</sup> hono<sup>rs</sup> good acceptance and the supply of the defects to such course as in yo<sup>r</sup> honorable wisdome maye seeme good as well in cases not provided for as not sufficientlie explaned in the present ordinances Wee beseech Almightye God to enlenghen yo<sup>r</sup> years w<sup>th</sup> continuall encrease of comforte. At the doctors Comons  
 15 this iiij<sup>th</sup> of August 1597.

Yo<sup>r</sup> honorable good Lordships in o<sup>r</sup> services  
 humbly at Comaundem<sup>t</sup>

JUL: CÆSAR

Copie VINCENT SKYNNER  
 RIC: SKEVINGTON

THOMAS FOWLER.

[Endorsed.]

4 Aug. 1597.

Copie of the Com<sup>rs</sup> report towchinge the Complaint of the prisoners of the fleete.

25

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## APPENDIX II.

[From y<sup>e</sup> Records of y<sup>e</sup> Privy Council, James I. vol. iv. f. 33.]

(*Spelling not re-produced.*)

22 November, 1618.

His Majesty having been of late informed that the Gaolers and 5  
 Keepers of Prisons in and about London do so far misdemean  
 themselves in their duty to his Majesty and the state as that either  
 through wilful negligence or corruption they suffer the Prisoners  
 committed unto their charge and namely Priests and other persons  
 convicted of Recusancy or upon the statute of Præmunire to go 10  
 abroad at their pleasure and sometimes without a keeper ranging  
 whither they list, hath been pleased to recommend the same unto the  
 Lords of his Privy Council assisted with the Lo. Chief Justice of  
 England with directions presently to convent before them all the  
 said Keepers of Prisons and to examine them strictly upon these 15  
 abuses, according to such particular informations as should be  
 exhibited unto the Board in that Behalf. Which being this day  
 performed and only the Keepers of Newgate and the Clink charged  
 in particular, the one—that is to say the Keeper of Newgate for  
 permitting one *Hardwicke* who had been committed from the Sessions 20  
 for refusing the oath of Allegiance, to go abroad without any keeper  
 at all. The other of the Clink *for suffering Masses ordinarily to be*  
*said within that Prison* . . . . .  
 . . . . . that forasmuch it was observed *there had been a great*  
*Resort continually in all the Prisons unto Priests and Recusants* 25  
 which was found to be full of inconvenience. That from hence-  
 forth none should be admitted to any private conference with Priest  
 or Recusant, but in the presence or hearing of the Keeper and the  
 conference to be in a Language that the keeper should be able to



understand as had been ordered sometime heretofore in the Reign of Queen Elizabeth.

U. s. f. 273. " 2 August, 1619.

5 " An open Warrant directed unto Sir Clement Edmonds, Knight Clerk of the Council and to the Sheriffs of London and to each of them as it shall or may appertain.

10 " Whereas information is made unto us that Sir John Whitbrooke Knight, Nicholas [Rookwood] Ashburnham Peake Esqr. Prisoners in the Fleete, and [*sic*] have shut themselves up in a strong Prison and by strong hand keep the same against the said Warden and his servants to the disturbance of his Majesty's peace, now in his Majesty's absence and in time of his progress and to the Scandal of the Government. These shall be to will and to command you to repair unto the Fleete to let them know you are sent unto them  
15 from us to require them in his Majesty's name to open these doors to come forth and submit themselves, as in duty they ought, to the order and Government of the said Warden, who is required to yield to each of them such civil usuage as to their quality and condition appertaineth. . . . "

20 [On the 3rd of August, 1619, we find the King at Belvoir Castle ; August 10th the King was at Welbeck in Nottinghamshire, on the 12th and 13th he was at Nottingham, on the 17th at Tutbury, on the 18th and 19th at Tamworth, &c.—*Nichols's Progresses of James I.* vol. iii. p. 561.]

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## APPENDIX III.

[The Mutiny in y<sup>e</sup> Kings Bench.—From y<sup>e</sup> *Privy Council Records*.]

At Whitehall the 5th July 1620.

Present:

|                   |                        |   |
|-------------------|------------------------|---|
| Lord Chancellor.  | Mr. Treasurer.         | 5 |
| Lord Privy Seale. | Mr. Secretary Calvert. |   |
| Earl of Arundell. | Master Rolles.         |   |
| Earl of Southton. | Sir Edward Coke.       |   |
| Lord Digbie.      |                        |   |

Letter to the Hiegh Sheriffe and the Deputy Lieutenantes of the 10  
County of Surrey.

Whereas wee understand that most of the prisoners in the Kinges  
Bench having combyned together, do in a most tumultuous manner  
keepe that prison against the Marshall and his officers, and notwith-  
standing any means that can be used to draw them to order and 15  
obedience, they still persist to keepe the prison by force fforbidding  
all persons whatsoever save such as are by themselves admitted, to  
enter into the Prison upon perill of their lives; which being a  
disorder and presumption of soc hugge a nature as require present  
and effectual reformaçõn for the avoyding of such further in- 20  
convenience as may insue thereupon. Wee have thought meete  
hereby to will and require you in his Ma<sup>tes</sup> name presently upon  
receipt hereof to rayse Posse Comitatus and so to repare unto the  
Prison of the Kinges Bench ; where if you shall find the prisoners  
to continue their foresaid tumultuous and rebellious courses, you shall 25  
remonstrate unto them the danger of that their high offence and  
admonish them to submitt themselves, as in duty they ought, where-

unto if they shal refuse to conform themselves: Wee require you  
to cause the Prison to be entered by force and dispose of the pri-  
soners according to the direçons you shall receive from the Lord  
Chiefe Justice of the Court of Kinges Bench, hereof you may  
5 not faile and this shall be your warrant and sufficient discharge in  
that behalfe, and so, &c.

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At Whitehall 9th July, 1620.

Present:

|    |                    |                  |
|----|--------------------|------------------|
| 10 | Lord Chancellor.   | Lord Digbie.     |
|    | Lord Privie Seale. | Mr. Treasoř.     |
|    | Lord Chamberlain.  | Mr. Comptroller. |
|    | Earl of Arundell.  | 2 Secretaries.   |

Sir Ed. Coke.

A Letter to the twoe Lords Chiefe Justices of the Courts of  
15 Kinges Bench and Common Plēs requiring them to give present  
order for disperseing and removeing of the chiefest of those pri-  
soners in the Kinges Bench that are still mutinous unto other  
prisons by writts of Habeas Corpus as far as law will beare: To  
require the assistance of the High Sherriffe and Deputie Lieutenants  
20 of the Countie of Surrey for execuõn of the said writs, with the  
power and strength of the Countie in case of resistance. That as  
well the Prisoners that shall be removed as those leaft in the Kings  
Bench bee kept close prisoners, not for the actõns or other causes  
for which they stand committed, but for their foresaid mutiny and  
25 disorder. And lastly to give special order for removeing of *Robert  
Marston* the Prisoners orator unto the Gaole of Newgate there to be  
kept close prisoner and to examine him, &c.

At Whitehall, the 24th of July, 1620.

Present:

|                  |                         |
|------------------|-------------------------|
| Lo. Chancellor.  | Mr. Comptroller.        |
| Lo. Privy Seale. | Mr. Secretarie Naunton. |
| E. of Arundell.  | Mr. Secretarie Calvert. |
| Lo. Digbie.      | Mr. of the Roles.       |

5

Mr. of the Wardes.

The Prisoners in the Kinges Bench having of late entered into a mutinous and tumultuous disorder and seized upon the prison keepeinge *Sir George Reinell* and the underkeepers out from 10 thence, did soe long and with such disobedience continue their ryotous courses therein, as upon complaint thereof their Lordships thought fitt to addresse their letters, first to the Hiegh Sheriffe and Deputie Lieutenants of the Countie of Surrey, requiring them to take Posse Comitatus and to enter into the Prison and reduce those 15 mutiners to order, and secondly to the twoe Llds. Chiefe Justices to remove the ringleaders in that disorder, by Writts of Habeas Corpus unto Newgate and such other Prisons as their Lordships should think meete. Which beinge performed accordingly the said prisoners so removed did petiçon the Board to be heard in such 20 greevaunces as they pretended they underwent in the Kinges Bench; whereunto their Lordships condescendinge and givinge order for bringing them to the Table by Habeas Corpus, complaint was made by them, upon the hearinge, of a windowe shut up by *Sir George Reinell* whereby they were debarred from takinge in their victuall 25 out of the streete and consequently compelled to take their victuall from *Sir George Reinell's* servaunts, to their great charge and inconvenience, as beinge farr deerer than that which they could buy abroad. For aunswere whereunto *Sir George Reinell* there present replied that the windowe was shutt up for the safe keepinge 30 of the prisoners and for their meate though it were true that at his coming to the Prison there was taken 2*d.* upon every joynt as in

other places; yet that was now leaft of and had not been used for  
 theis 7 years last, and therefore humbly prayed their Llps. to give  
 order that theis particulars might be duly examined. Whereupon  
 it was ordered that *Sir Thomas Fowler*, *Sir Henrie Spiller Kte.*  
 5 *Edmond Dubbleday Esq<sup>re</sup>*. Justices of Peace of the Countie of Mid-  
 dlesex ; *Sir Edmund Boyer*, *Sir Nicholas Carie*, and *Sir Thomas*  
*Grymes Kte.* Justices of Peace of the Countie of Surrey or anie  
 fower of them shall with their first convenience meete together  
 either at Kinges Bench or anie other fitt place and examine such  
 10 greivances and complaints as the prisoners have to offer. And upon  
 due informaçon of the true state thereof and upon what just causes  
 the same are grounded shall sertifie their opinions thereof to the  
 Board that such further order may bee taken as shalbe meete.  
 ffor the better performance whereof the Lord High Chancellor of  
 15 Englande, if in his wisdome his Lp. shall conceive it expedient,  
 may grant Habeas Corpus for such of the prisoners as are fitt to be  
 at the heareinge and shall petiçon to his Lp. for the same.

## APPENDIX IV.

1621.

20 [Lansdown MSS. British Museum 85, Plut. LXXV. D. fol. 109.]

An awnswere to the questions gyuen by the Comissioners w<sup>th</sup>  
 their certificat to the right honorable the lord keep.

Question. Whether a prisoner lyenge in the wardes should paie  
 for his lodginge accordinge to the orders he beinge of abilitie.

25 Awnswere. This question is cleered by manie reasons first *Mr.*  
*Anslow* and other wardens will witnes the like payment. The in-  
 uentarie of the old *Tirrell* doth also testifie that there weere beds  
 in euerie rome in the wardes w<sup>ch</sup> weere not gratis. to the prison<sup>rs</sup>.



An old woaman havinge bin Thirtie yeares seruante to the prison<sup>rs</sup> produced by them before the Co<sup>m</sup>missioners affirmed that the prison<sup>rs</sup> did euer paie some what in that place, there be also dyuers prison<sup>rs</sup> yet in the ffeete that haue paid lyenge there to dyuers wardens, and the xi<sup>th</sup> article in the orders playnely warranteth 5 that if anie prisoner at the boxe will haue more ease than is appointed for him that then the warden maie appointe him a bed and a chamber the partie agreeinge for hit w<sup>th</sup> the warden at his reasonable discretion and it was neuer harde that anie such poore prisoner laie out of the wardes, lastlie since the wardes is indeede the prison 10 and where those of greatest charge and daunger are lodged, howe cann yt be thought reasonable that the warden should take charge of them and haue no benefitt by them they beinge of great abilitie.

Seconde question. Whither the warden maie receaue the dismission fee before the prisoner be discharged by colour of custome 15 or tradition from former wardens?

Awnswere. This ffee hath euer bin paid w<sup>th</sup> the other fees if the prisoner be of abilitie and that for the most parte at his departure, if he staie not past three moneths, the poore neuer paie it vntill their departure, when if one paie there are fflower that for 20 wante must be forgyuen, and if anie of them die the warden must both loose that fee and also paie for his buriall.

Third question. Whether the rate of chambers be arbitarie at the wardens pleasure as at x<sup>s</sup> xv<sup>s</sup> xx<sup>s</sup> xxx<sup>s</sup> or more, or to be moderated by the Co<sup>m</sup>missioners.

25

Answer. The house of the Fleete is no parcell of the gaole, but proper to the warden who maie lett it altogither or in parte as those howses in ffeetyard now called ffeete lane w<sup>ch</sup> is parte of the fleete and prisoners are sometymes lodged there yea if they be in execucon the warden beinge secured from breakinge awaie. The 30 Tenants paie rente to the warden yearely and the warden keepeth the keys of the vtter gates and shutteth and openeth them w<sup>th</sup> a guard euerie eueninge and morninge and this is mencioned in the exemplified orders. In cases of dower the house hath bin devided

and former wardens have sometymes lett chambers to such as were no prisoners by the weeke moneth or yeare, all w<sup>ch</sup> in my vnderstandinge maie proue that the house beinge not proper to the prisoners but as other land of Inheritance cannot be rated by Comissioners. Neuerthelesse I wilbe contented to be moderated by whome-soever if yt can be proued that I haue euer taken for one chamber as is mencioned in this question or inforced anie man to paie more then his owne voluntarie agreement when he desired a pryvate chamber or haue taken more then the former wardens haue  
 10 continuallie accustomed for manie yeares since or aboue the rates of other meaner prisons if the psons be equall; or els if those Comissioners could moderate the penaltie of an escape (whereof euerie warden before hath tised [?]) or assure me from the harme of fire or sickenes or desperate detts, [*sic*] or could lessen my necessarie  
 15 charge for his Ma<sup>ty</sup> seruice in all casuall tymes. All w<sup>ch</sup> I doubte not but yo<sup>r</sup> L<sup>p</sup> (w<sup>th</sup> those graue men by whome the orders were first established and latelie confirmed) will holde more worthie of regarde towards me havinge a place of such charge and trust then th' other towards malefactors.

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 APPENDIX V.

20

[From y<sup>e</sup> MSS. in y<sup>e</sup> Library of y<sup>e</sup> House of Lords.]

To the R<sup>t</sup> Hon<sup>ble</sup> the K<sup>ts</sup> Cittizens and Burgesses of the House of Commons, in Parliament assembled.

The humble petition of the distressed prison<sup>rs</sup> in the Kinge's Bench and Fleett, and all others His Ma<sup>ty</sup> distressed sub<sup>ts</sup> nowe prison<sup>rs</sup>, w<sup>thin</sup> His M<sup>ty</sup> Realme of England and Walls.

25 In most Lamentable manner sheweth vnto yo<sup>r</sup> Hono<sup>rs</sup> that whereas heretofore many good and Laudable Acts and Statuts have byn made for the releif and pvision of maymed soldiers, and also

for the releife of the poore in eu<sup>y</sup> pishe. But as yet no pvision or releife for poor distressed prison<sup>s</sup> in this Realme, w<sup>ch</sup> are many thousands in England, whereof at this present remaynes in the 15 prisons in and about this Cittie of London the number of 3,500 able subjects for His Ma<sup>ty</sup>s service if occasion of any employments. [sic] 5

And forasmuch as this Hon<sup>ble</sup> House is nowe making and establishing of many good lawes for the peace and good of this Comon Welth w<sup>ch</sup> may well concurr and agree w<sup>th</sup> the grave saying of that worthy and hono<sup>ble</sup> member of this House (*Sir Edward Cooke*, Knight) in his 4th booke of reports geveth this Christian advice to 10 all Judges and Justices, that *boni judicis interest lites dirimere*.

Most humbly beseeching yo<sup>r</sup> Honors to comisserat o<sup>r</sup> distressed Estate and to take into your honorable and charitable consideracion this o<sup>r</sup> bill here in Parliam<sup>nt</sup> offered and in yo<sup>r</sup> grave wisdomes to make 15 and establishe some good and charitable Lawe for the speedy releife and releasment of all such p<sup>r</sup>son<sup>s</sup> now in distresse or hereafter shalbe so imprisoned (as all other Christian Nations hath done) in this case most humbly beseeching this Hono<sup>ble</sup> House to 20 further this o<sup>r</sup> charritable suite.

And yo<sup>r</sup> poore petition<sup>s</sup> will nowe and ever hereafter be bound on their bended knees to praye for these Hono<sup>ble</sup> Houses of Parliament.

AN ACTE for the better and more spedier payment of Debts 25 from men Imprisoned nowe and eu<sup>y</sup> hereafter, in any of his mats: Prisons wheresoeu<sup>r</sup> w<sup>thin</sup> the Realme of England and Dominon of Walls. And for releasment and discharging of prison<sup>s</sup> and all others in danger thereof for the better imployments and service to his matie and Realme.

WHEREAS by the Auncient Common Lawe of this Realme no Subiects boddy could haue byn Imprisoned for debte betweene ptie 30

and ptye. And that these Latter Statute Lawes & ordinances for Imprisoning of mens boddies for debt haue increased, mayntayned, and cherished sundry oppressions. And the horrible trade of usury (expresly forbidden by God's word) and in former times utterly  
5 detested and abhored w<sup>thin</sup> this Kingdome, as appereth by many Cannons of the Church, Acts and Statuts made against the same. And whereas in fforren Countryes and Doñnons (where trade and conmerce doeth most abound) And even amongst the Turks and infedells their is no continance of mens boddies in prison for debte  
10 Longer than one yere and a daye. But that some charitable and consionable course is their taken to enlardge such prison<sup>s</sup>, the better to enable them to satisfye their debts by such Labour and industry in their seu<sup>all</sup> facultyes and pfeshions as by their liberty they may atchive and pcure vnto them. Whereby the King  
15 and Realme may haue vse of their boddys for the defence of their Country and for other services according to their seu<sup>all</sup> fittnes and pfession. And for that daily experience pveth that Banckroupts and prison<sup>s</sup> did never so much as now abound. Notw<sup>th</sup>standing the strickt and severe Laues made and pvided  
20 in that behalf as aforesaid. And being a matter well nowen that the Imprisoning of mens boddies cannot make him or them anything the better able to paye his or their debts. But contrary wise by Longe Imprisonm<sup>t</sup>, by trust in vnfaieithfull and vnconsionable frinds neglecte of thier callings expressions of  
25 vnconsionable creditors defence of multiplicity of suits. And the horrible extortions and barbarous vsaige of Goalers and keep<sup>s</sup> of Prisons, and their officers and many violent extremeties in pcesse of tyme (of civill men) they growe and become deboyst by Idleness and Riott and so become in short tyme vnfitt  
30 ether for their form<sup>l</sup> callings or for any other service to the King or Comon Welth. Missery by custome growen into habitt, that many being (once disgraced) rather desyers to leeeve still in prison then otherwise to be Employed for getting of his releise And meanes to paye his debtes, whereby the creditors are hopeles ever

to recover any pte of his or their debte arising for the most pte at the first from the obstinacy of some fewe refectionary creditors to the p̄iudice of all. And somtymes to the vndoing of many a creditor as well as of the debtor. Ffor remedy and redresse whereof and to the end that some good p̄sent Christian and Charritable course 5 may be taken for the good both of the creditor and enlardgment of the p̄son̄s.

Be it enacted by the Kings most excellent Ma<sup>tie</sup> the Lords Spirituall and Temporall and the Comons in this present Parliam<sup>t</sup> assembled: That to the end from hensforth an Indifferent care be 10 hadd both of the creditor and debtor. All his Mat<sup>s</sup> Justices of Peace w<sup>thin</sup> the Citty of London Countyes of Middx and Surrey or w<sup>thin</sup> fyve myles of the said Citty of London or any 6, 4, or 3 of them shall by this Acte be required and enioyned w<sup>thin</sup> Thirty dayes next and Imediately after this Sessions of Parliament to 15 Repayer and go in and to his Mat<sup>s</sup> prisons of the Ffleett and Kings Bench. And also in & to all other prisons and Goales w<sup>thin</sup> and about the said Citty of London, and the libertyes and subberbs theirow the Citty of Westminster the Burroue of Southwarke and all other prisons in and w<sup>thin</sup> the said Countyes of Midelsex and 20 Surry. Their to call before them or any 6, 4, or 3 of them all and eūy p̄son and prison̄s as now is, are, or at that at any tyme hereafter shall be Imprisoned in any of the said prisons or Goales aforesaid for or vppon any Judgment execution accion or accions for debte whatsoeū [ether by Statut, Recognizance, Judgment, ellegitt 25 Bond, bill, Booke p̄mise, assumsett or contracte or by any other wayes or means whatsoeū.] Wherein any prison̄ is indebted by himself or w<sup>th</sup> any surety or suertyes whatsoeū. And that for the speedier releasing of the said prison̄s as also for the sooner satisfacion of the said Creditor and Creditors. They the said Justices or Comis- 30 sion̄s shall in eūy Sheire, County, Cittyes and Corporacions Devyde them selves by the said numbers of 6, 4, or 3 of them as need and occasion shall requier. Which said 6, 4, or 3, of them shall haue full power and authority by this present Acte to Mynister an



oath as well to the debtor or debtors as to the Creditor or Creditors or to his their or any of their wyttnes or wytnesses on ther syde or vppon Interrogatoryes to be mynistred by the said Justices on either pte. And to examyne them the said prison<sup>rs</sup>, Creditors or  
 5 wytness's or any or eu<sup>ry</sup> of them vppon oath for the better sifting, serching and fynding out of the truth what estate or habillity the said prison<sup>r</sup> or prison<sup>rs</sup> or any of them, or any other pson or psons to their vse or vppon trust for them or for their benefitt hath or haue eiether in Lands, goods, Chattels, Leases, Rents, ffees,  
 10 Annuities or debts whatsoeu<sup>r</sup> for the enabling of them for the payment of his and their debte or debts. And what their se<sup>u</sup>all Just and true debts be or shalbe owing to their said creditors or any of them. After w<sup>ch</sup> examynacion so made and the prison<sup>rs</sup> vttermost estate thereby found out it shall be Lawfull for the said  
 15 Comission<sup>rs</sup> having some reasonable respecte and consionable consideracion for the mayntaynance and Lyvelyhoodd of the prisoner his wyf children and famely in such consionable sort that they maye not be any wayes burthensome to the prishe ever afterwards. To distribut and satisfye to the Creditor and Creditors pte and pte like  
 20 according to the quality and true some of their principall debte that to eache Creditor is due in the said whole estate. And all those prisoners whose estate by the said Justices haue byn examyned and so ordred and decreed for the satisfying of their creditors as aforesaid to be forthw<sup>th</sup> by them absolutly ffreed and sett at liberty  
 25 and never afterwards to be Imprisoned againe for the said debts. And that from hensforth no Goaler or Keep of any prison shall deteyne or keepe any the said prisoner or prisoners for any ffee or ffees or duties whatsoeu<sup>r</sup>. And whereas the prison<sup>r</sup> or prisone<sup>r</sup>s whose estate and meanes vppon due examynacion shall appere to be  
 30 nothing worth, they to be Absolutly ffreed and dischardged by the said Justices and Comiss<sup>rs</sup> p<sup>r</sup>sently out of prison. Whereas otherwise his ma<sup>ty</sup> Loaseth his subiects and his service the Comon Welth their members and many Thousands of wyves children and famelyes shall and wilbe still in penury, missery and ppetuall beggery. And

the poore prison<sup>r</sup> him self lead a misserable vnprofitable and discontented life by their dollerous durance and Crewell Imprison<sup>t</sup>.

Be it also further enacted by this p<sup>r</sup>sent Parliament That frome hensforth The Custos rotturolū of eu<sup>y</sup> Sheire and County w<sup>th</sup>in this Realme of England and Dominon of Walls, Or in his Absence 5  
fflower of the Auncients Justices of the peace there in person at the Sessions once eu<sup>y</sup> yere shall haue full power and Authority by this p<sup>r</sup>sent Acte of Parliament to nominate and appointe 6. 4. or 3  
of sufficient wyse discreet men of Understanding and Judgment either Knights Esquiers Justices of peace or gent<sup>l</sup> of good quality 10  
next or nere adioyning to any place or places where any Goales or prison<sup>s</sup> are in, w<sup>ch</sup> place or prison any prison<sup>l</sup> or prison<sup>s</sup> are Imprisoned for any debte or debts aforesaid as well w<sup>th</sup>in any liberty or libertyes Burrowes or Corporacions wheresoeu<sup>r</sup> w<sup>th</sup>in his ma<sup>t</sup>s said Realme of England or Dominion of Walls. And then and their 15  
the said Comission<sup>s</sup> to call before them or any 6. 4. or 3. of them all such prison<sup>l</sup> and p<sup>r</sup>son<sup>s</sup> w<sup>ch</sup> doe or shall at any tyme hereafter lye or remayne in prison for debte or debts vppon any execution, Judgm<sup>t</sup> Statut, or by any of the aforesaid securityes aboue p<sup>t</sup>iculerly declared and specified And they the said Commiss<sup>rs</sup> or any 6. 4 or 3 of them 20  
to haue all such full power and authority to examyne the debter and debtors, Creditor, and Creditors, wytnes and wytnesses and p<sup>r</sup>fes on either syde by oath in eu<sup>y</sup> respecte for the satisfying of the creditors. And releasement of the prisoner and freeing of his suertyes in eu<sup>y</sup> respecte as fully lawfully and as Lardgly in eu<sup>y</sup> respecte 25  
as is by this p<sup>r</sup>sent Acte of Parliament geuen and before declared to all and eu<sup>y</sup> the said Justices of peace aboue said or any 6. 4 or 3 of them and to all intents and purposses as aforesaid. And so to free any such prison<sup>l</sup> or p<sup>r</sup>son<sup>s</sup> as before is specified and declared. And also it is hereby further enacted that yf 30  
any Creditor or Creditors being sumuoned and warned by warrent from the said Justices of peace or Comission<sup>s</sup> or any 6. 4. or 3 of them shall refuse to come and to appere in pson before the said Justices or Comission<sup>s</sup> or any 6 4 or 3 of them. That then

the said Justices or Comiss<sup>rs</sup> or any 6 4 or 3 of them shall by this p<sup>r</sup>sent Acte haue full power & Aucthority hereby to free the said p<sup>r</sup>son<sup>n</sup> out of prison for the said debte. And such Creditor & Creditors to stand to such order and decre as the said Justices or  
5 Comiss<sup>rs</sup> or any 6 4 or 3 of them shall in their discretion sett downe and agree vppon, And that the said Justices for their pte and also the said Comission<sup>s</sup> aforesaid be by this Acte enioyned to execut & performe the Aucthority of this said Acte for the spedier deli<sup>u</sup>ry and enlardgment of prison<sup>s</sup> aforesaid at 4 se<sup>u</sup>all tymes in eu<sup>e</sup>ry  
10 yere, or fouer or oftner (yf need shall requier) Viz the ffeast of St. John Baptist, St. Mickhell Tharkeaugell the Birth of o<sup>r</sup> Lord God And the Anuciacion of o<sup>r</sup> Blessed Lady St Mary the virgin (or w<sup>th</sup>in Tenn dayes before eu<sup>e</sup>ry of the said se<sup>u</sup>all ffeasts). And also the said Comission<sup>s</sup> in eu<sup>e</sup>ry sheire and County shall nominate and  
15 appoint one sufficient Clerke to be Regester in eu<sup>e</sup>ry se<sup>u</sup>all shiere and County to Regester and record all such orders matters and agree-ments as shalbe made decreed and sett downe by the said Justices and Comissie<sup>rs</sup> at all tymes, or by any 6 4 or 3 of them where vnto any of his mat<sup>s</sup> sub<sup>ts</sup> and Creditors maye repayer there to take  
20 knowledge and see the p<sup>r</sup>ceedings orders and decrees by the said Justices or Commission<sup>s</sup> sett downe and made for their satisfacion. And that the said Regester may be by them sworne truly to sett downe and Regester the same, and so to keepe a true and p<sup>r</sup>fecte record thei<sup>r</sup>of. And that they shall haue power to allowe the said  
25 Regester such reasonable ffee for his paynes and attendance to doe the same as they in their discretions shall thinke meete, And the same to be equally payed by the Creditors and debtors Indifferently. Provided allwayes that yf any Creditor or Creditors shall refuse to stand to such order and decre as the said Justices or Comission<sup>s</sup> or  
30 any 6 4 or 3 of them shall make and sett downe and by them appointed to be entred and Regestred by the said Clarke That then the said Justices or Comission<sup>s</sup> or any 6 4 or 3 of them shall have full power and Aucthority by this Acte absolutly to ffree and dis-charge the said prison<sup>n</sup> or prison<sup>s</sup> so by them the said Creditor or Creditors Imprisoned. And whereas diu<sup>er</sup>se attornyes in his mat<sup>s</sup>

Courts doe appere for diuſe his mat<sup>s</sup> ſub<sup>ts</sup> w<sup>th</sup>out warrant from the ptye ſo to doe, to the great p<sup>r</sup>iudice and ſomtymes vndoing of diuſe his mat<sup>s</sup> ſaid ſub<sup>ts</sup> Be it theirfore enacted from hensforth that no attorney in any of his ma<sup>s</sup> Courts ſhall hereafter appere for any his mat<sup>s</sup> ſub<sup>ts</sup> in any accion or ſiute whatſoeu<sup>r</sup> hereafter to be brought or commenced againſt them or any of them w<sup>th</sup>out he hath a Lawfull warrant vnder the Hand of the ſaid ptye for whome he is to appere or comence any ſuit vppon payne to Loase his practiz eu<sup>r</sup> after And to fforfitt to the Kings mat<sup>ie</sup> C<sup>h</sup> And the ſiut ſo brought w<sup>th</sup>out warrant as aforeſaid to be voyde againſt theſe his mat<sup>s</sup> ſub<sup>ts</sup> w<sup>ch</sup> ſhalbe their uppon ſued. Provided allwayes that the form<sup>l</sup> acte for releaſment of priſon<sup>s</sup> nor any thing therein Conteyned ſhall not in any wyſe bynd the Kings mat<sup>ie</sup> his hyers or ſucceſſors for any debte originally due to him or them, but that ſuch order or courſe ſhalbe taken for the reco<sup>u</sup>ing and Levyng of his mat<sup>s</sup> ſaid debts his heyers and ſucceſſors as were vſed and hadd before the making of this Acte, any thing therein Conteyned to the Contrary thei<sup>r</sup>of not w<sup>th</sup> ſtandinge.

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## APPENDIX VI.

15

### The Condition of the Fleet in 1691.

The following extract is taken from a rare little volume kindly lent me by Mr. Thoms, entitled,

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#### THE CRY OF THE OPPRESSED.

Being A True and Tragical Account of the Unparall'd Sufferings of Multitudes of poor Imprisoned Debtors, in moſt of the Gaols in *England*, under the Tyranny of the Gaolers, and other Oppreſſors, &c.

\* \* \* \* \*

London, Printed for *Moses Pitt*, and ſold by the Booksellers of London and Weſtminſter, 12mo. 1691.



A relation of some of the Barbarities of Richard Manlove Esq. the present Warden of the Fleet, which has lately been found guilty of Oppression and Extortion by a Jury of twelve men.

The said Warden lock'd up (till open'd by the Worthy Mr. Justice *Lutwyche*) threescore gentlemen and others, in a loathsome Place called the Wards, for non-payment of excessive chamber-rent, where was a noisome House of Office near their lodgings, not allowing the King's beds, but forcing them to procure beds, or lie on the ground: and keeping men dead amongst them, for his pretended Dues till they infected others, Witness. *James Mott* then a Stranger, and of the Jury.

*Richard Brockas* Esq. was carried down thither, for not paying Excessive Chamber-rent, and his wife and servants denied to bring him victuals or physic: and when he died the jury summoned, could not but find his death occasioned by cruelty and they were dismissed by contrivance with the Coroner: and when he was buried, a new jury summoned, he taken up again and an Inquisition returned contrary to law. Witness *Mrs. Elizabeth Brockas* his widow.

*Sir John Pettus* of Suffolk, Baronet, for not paying extorting dues, was forced from his Chamber; his books, Cloths, and Monies seized, and he turned into a little Room (now the Warden's Coachman's Lodging,) who being a learned studious person for want of those necessaries, he melancholly died, and was kept many days above ground: his friends being denied his body till they paid the Warden's pretended dues. Witness *Mr. John Warren*, *Mr. Briggs*, Clerk of the Fleet, now Marshall of the King's Bench.

*Sir William Ducey*, Baronet, was kept by the Warden in his Coachhouse till he was drawn out with Ropes, being so offensive, that none could come near him. Witness *Mrs. Anne Facey* Chamberlain.

*Symon Edolph* Esq. Seventy-Eight years of age, the son of *Sir Thomas Edolph* of Kent, for not paying 42 pounds demanded of him, when he proffered thirty pounds, which was for a little room about twelve foot square, after the rate of Six shillings per Week



besides payment of the Chamberlain was dragged down to the Wards, in the hard weather & there not allowed a bed, but must have lain on the ground had he not (at his own charge) procured one, and is now in the Wards. Witness, *Richard Hare, William Higginson, Waiters, Mr. John Machen, Mr. John Pemberton, Mr. Manning, Mr. Warren.* 5

*Walter Cowdrey* Gaoler of Winchester, for about 2 or 3 months Chamber Rent, kept above ground till it caused a sickness in the next room, and his friends denied to take his body without paying extorting Fees. 10

By which, may be perceived the Inhumanity of this Gaoler, not only to gentlemen, but one of his own trade & calling.

*Sir George Putsay* Serj: at Law, dying of a dropsie: and being a very great fat Man, was kept (for extorting Fees,) till a judges Warrant was procured for his delivery. 15

*Moses Pitt* of London. Bookseller, being committed Prisoner to the Fleet, April the 20<sup>th</sup> 1689, lodged on the Gentleman's side in a chamber which the Warden values at eight shillings per week, tho of right its but two shillings and fourpence, the rest being exaction (and the said *Moses Pitt*, at the time of writing of this 20 has two Chambers within the rules of the Kings-Bench for one shilling three pence per week, twice as good as the said Chamber) he the said *Pitt* continued in the said Chamber from the said 20<sup>th</sup> of April 1689 to the 26<sup>th</sup> of August 1690 which was seventy weeks, and three days, in which time the said *Pitt* had paid the Warden 25 his commitment Fee, Two Pounds four shillings and sixpence, where as there is but four pence due; *Pitt* also paid him fourteen shillings for two day-writs, and was to pay him eight shillings, fourpence at the going out of the Gate, (Every Prisoner there in Execution pays eleven shillings and two pence a Day when he goes 30 abroad about his business) but the said Warden kept his said fourteen shillings, and would not let him go out of the gates of the prison by which the said *Pitt* lost his tryals, which was many thousand pounds damage to him. The said *Pitt* also paid the said

Warden for Chamber rent fifteen pounds, and the said Warden had of *Mr. Stephen Upman*, Fellow of Eaton College, and brother to *Pitt's* wife (who was committed Prisoner upon a false oath sworn in the open Court of the Common Pleas, by two of *Pitt's* adversaries, 5 on Nov. 15, 1689 an account of which is at large related in *PITTS CASE* herewith printed) and of *John Pitt* Son of the said *Moses Pitt*, and of *Mr. Lock*, and *Mr. Bland*, the said *Pitt's* friends, £17. 6. 8. for one nights lodging. Notwithstanding the said Warden of the Fleet had received of the said *Pitt* and his friends (which was all 10 upon *Pitt's* account) £35. 5. 2. when there was due to him, and the Parson of the Fleet, besides the one nights lodging for the said *Pitts* four friends but £9. 8. 4. from the said 20<sup>th</sup> of April 1689 to the 26<sup>th</sup> of August 1690, upon which day he threw down the said *Pitt* into the Wards or Dungeon of the said Prison and there 15 lock'd him up within the Door of the said Wards for five days without allowing him any bed or any thing else to lodg on: and altho' the said *Pitt's* wife came to see her husband in this miserable place, he the said Warden would not permit the said *Pitt* to come up into the yard of the Prison to speek with his wife, upon which 20 the said *Pitts* wife was forc'd to send him a bed to lodg on & there the said *Pitt* continued and lodg'd in a room with twenty seven more Prisoners most of which livd on the basket and beg'd at the grate: one of which said Mendicant Prisoners after he had, in order to take the benefit of the Act sworn himself not worth more than £10 25 died at the said *Pitts* bed head, (he was a Man full of Vermin, of a corrupt body, and bursten), at 12 of the Clock at night. And one day the said *Pitt* being at prayers in the Chappel of the said prison, was taken with a Delirium or Apoplectic fit, and getting into this noisome cell threw himself on his Bed, and so lay some hours, 30 upon which one of his friends goes to the Warden and acquaints him in what condition the said *Pitt* lay & desired him that the said *Pitt* might have a chamber till he was well, paying him for it. But the said warden denied the said friend of *Pitt* that request. In this same dismal place did the said *Pitt* continue from the 26th of

August 1690 to the 16th of May 1691 in all which time he was not able to keep himself clean from vermin, being forced to Louse himself most commonly twice a day either in the open ward or in the house of office: For at any time if the said *Pitt* had the use of any of the Gentlemen's Chambers for his Devotions, study, and louseing himself, if the said Warden came to hear of it, both he and his wife would be very angry with the said gentlemen, and would hunt him thence as a partridge upon the mountains. And that the Reader may be satisfied that it was impossible for the said *Pitt* to keep himself clean from Vermin, whilst he continued in the said wards 10 of the Fleet Prison he doth assure his readers that many of his chamber fellows were so lowsie, that as they either walked or sat down, you might have pick'd lice off from their outward garments. But enough of this least my Reader scrubs and scratches at the reading of it. The said *Pitt* was removed from the Fleet Prison to the Kings Bench on the 16th May, 1691.

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## NOTES.

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- P. 9, l. 25. *John Calton* appears as Warden of the Fleet in 1584, and was certainly Warden as late as 27 June, 1586. (*Cal. Dom. Eliz.* 1581-1590, pp. 170, 336.) About his death I have been able to discover nothing. *Edward Tirrell* was Warden in 1581 (21 June), *u.s.* p. 21. For *Joachim Newton* see App. p. 163. For *Brian Anslawe* and *George Reynell* see p. 115.
- P. 9, l. 31. But in this time . . . See Appendix p. 168.
- P. 12, l. 3. *See the Lord Chauncellor moved his Majesty, &c.* This was on the 26 July, 1618, as appears by the Privy Council Records.
- P. 18, l. 30. . . . *they have not only paid (taking nothing for it) but yet further exhibited to the Warden, i.e. paid the fees, found themselves, and given the Warden a douceur into the bargain* (see p. 105, l. 20). The Warden probably alludes to *Dudley, Lord North*, who had recently been committed to his custody: viz. on the 21 May, 1620 (*MS. Records of Privy Council*). The cause of his committal seems to have been a quarrel with *Lord Digby* mentioned in *Birch, Court and Times of James I.* vol. ii. p. 202.
- P. 19, l. 26. . . . *a certayne reverend bishopp* . . . Apparently *Cuthbert Scott*, Bishop of Chester, committed to the Fleet in 1561 (*Cal. Dom. Add.* 1547-1565, p. 524). He appears to have given a bond to remain within 20 miles of Finchingfield in Essex (*Cal. Dom.* 1547-1580, p. 247). The bond must have been forfeited, for he escaped and died at Louvain some time before 1564, for in a document of that date he is called "the late Dr. Scott." (See *Brady's Episcopal Succession*, vol. i. p. 106.)
- P. 23, l. 29. *Mr. Lecester.* George Leicester, see p. 120.
- P. 23, l. 29. *Thraske.* This eccentric personage managed to attract much attention to himself, as the following extracts will show:
- "Master *John Thrask*, born in the county of Somerset and a schoolmaster there, being about four and thirty years of age, came to London about the year of our Lord 1617, where being zealously affected in the path of nonconformity he fell into divers points differing from the way of the Church. One was that he ranked men into three distinct estates: 1 of Nature. 2 of Repentance. 3 of Grace. According to which three degrees was his order of preaching. To recover men out of a state of nature he preacht repentance so earnestly that he caused many of his Auditors to weep yea to roar in that manner that inhabitants in several places of the city were disquieted many times in the night season by his converts. . . . .

"Now there being a young man named *Hamlet Jackson* a tailor, who according to the former direction, supposing that he should walk by law in everything, came at last to believe that the Word of God did prescribe him what to eat and what to refuse . . . . . He presented his opinion to *Mr. Trask* and had the ill-luck to be too hard for his master, and to pervert his judgment so far that *Mr. Trask*, instantly upon it, labours to persuade his auditors to the same opinion . . . . .

"Upon which came in a number of laws ceremonial, touching building, planting, wearing of Apparel, and sundry other things as well as eating . . .

"So *Mr. Traske* elects from among those of his third estate four men . . . . . On these four he in a Pontifical manner layeth hands, sends them to preach, and they take upon them to cure diseases by anointing with oil and *Mr. Traske* to give the Holy Ghost by imposition of Hands . . . . *John Traske* for his Judaicall opinions was censured in the Star-chamber to be set upon the Pillory at Westminster and from thence to be whipt to the Fleet, there to remain prisoner: three years after he writ a recantation of all his schismatical errors." (*Ephraim Pagitt's Heresiography*, 4to. London, 1645, p. 125, &c.)

"On Friday last the 19th of the month [1618], one *Thrasko* a minister, who hath been long a prisoner for divers fanatical opinions by him maintained, was censured in the court of Star-chamber, *where I was present*, besides the Lord Chancellor [*Bacon*], the Lord Archbishop [*Abbot*] and the Bishops of London [*King*] and Ely [*Andrews*] spoke much against the prisoner there present. The Bishop of Ely was altogether in confutation of his opinions, that especially of the Jewish Sabbath, and of different meats, and rather theological than political. The Bishop of London was wholly narrative in making a relation of his life, his secret and schismatical conventicles, his making proselytes, his imprisonment and just proceedings against him. The particulars would stuff a letter too much. His censure was, in a word, to stand on the pillory, with his ears nailed, and branded in the forehead, so that he that was *Schismaticus* might also be *stigmaticus*, it was the Lord Chancellor's phrase, to pay a thousand pounds fine, and to remain a close prisoner during life." (*Sir Henry Bourghier to Abp. Ussher. Ussher's Works (Elrington)*, vol. xvi. p. 359. Compare *Birch, Court and Time of James I.* vol. ii. p. 63, and *Spedding's Bacon. Letters*, vol. vi. p. 315.) The poor wretch seems to have been first thrown into prison in Feb. 1618, for in a letter dated the 28th of that month (*Dom. J. I. S. P. O.* vol. xcvi. No. 38) *Nath. Brent* writing to *Carleton* says: ". . . . His Majesty makes merry with the opinions of a new sect called *Thrascoists*; their leader *Thrasco* is in prison, and the Ecclesiastical Commission has them in chase."

Three years after this in the Parliament of 1621 . . . "Thursday, May 24. . . . . At the Conference with the Lords.

"Their Lordships did desire to alter the Title of the Bill for the Obser-



vation of *Sunday*; and where it was expressed for the better observation of the Sabbath Day, commonly called *Sunday*, their Lordships would have the word Sabbath day left out, and that it should be for the observation of the Lord's Day, commonly called Sunday: their Reason was, because people nowadays so much inclined to take hold of Words of Judaism; *as did lately Traske and his Adherents . . . . .*" (*Proceedings and Debates of the House of Commons in 1620 and 1621*. Oxford, 8vo. 1766, vol. ii. p. 97.)

- P. 23, l. 31. *Rookwood*. This is *Edward*, son and heir of *Nicholas Rookwood*, of Euston, co. Suffolk, Esq. He was born in the first year of Q. Mary, and appears to have lost his father when he was a child. He married *Elizabeth*, daughter of *William Browne*, of Elsing, Esq. and when Q. Elizabeth paid her visit to Norfolk in 1578 she was entertained at Euston, on the 10th August. What return Mr. Rookwood received for his hospitality at the hands of the Queen may be read in my work, *One Generation of a Norfolk House*, where (in the note to chap. iii.) I have given some account of this unfortunate man. He spent the greater part of his life in prison, and was subjected to continual fines and other annoyances for his nonconformity. I find his name occurring again and again as summoned to appear at the Bishop's court in Norwich, or before the Privy Council, wherever they chanced to be sitting, and, even when permitted to return to his house, confined to a circuit of five miles from his own door. He became more and more embarrassed by the expense to which he was put; but I have some reason for believing that the occasion of his being committed to the Fleet was a suit for recovery of a debt for which he was surety, though it had been incurred by another. By his first wife he had a family of three sons and four daughters. The eldest son, who succeeded to the estates at Euston, was the *Nicholas* of these pages; the second was *William*, who appears to have been killed while in the service of Charles I.; the third, *Robert*, became a Catholic priest and died at Rouen in 1668, æt. 82. Of the daughters, *Elizabeth* became a nun and died at Brussels in 1621. *Alice* married *Julius Zanchi*, private secretary to *Gondomar*. *Susan* and *Dorothy* were living at Euston unmarried in 1605. When *Robert Rookwood* left England in 1620 his father was still in prison, and he says (in the autobiographical account of himself, printed by *Mr. Foley*) that his eldest brother [*Nicholas*] was then the only member of his family who was not a Catholic. This seems to explain the curious passage at p. 130, l. 18-21, and other expressions which *Harris* applies to him. *Edward Rookwood* spent his last days at Euston, and was buried there 19 Jan. 1633-4, being then 79 years of age. (*One Generation of a Norfolk House*. See the Index, MS. *Records of the Privy Council*. *Presentments of Recusants in the Archives of Norwich Cathedral*. *Davy's MSS. Brit. Mus.* *Foley's Records*, S. J. vol. i. p. 198, et seq. vol. iii. p. 785.)
- P. 23, l. 32. *Peck*. *Ashburnham Peck*, son and heir of *John Peck*, of Winchelsey, co. Sussex, by *Mary*, daughter of *James Blechenden*, of Aldington, co. Kent. He had been in prison for 19 years; p. 72, l. 26.

- P. 26, l. 26. *Chamberlayne*. *Edmond Chamberlayne*, second son of *Sir Thomas Chamberlayne*, of Prestbury, co. Gloucester. He was of Mangersbury House, in that shire, where his descendants are seated to this day. He was High Sheriff of the county in 39 Elizabeth. He had been for at least six years in the Fleet in Feb. 1620-1 (p. 127, l. 8). Harris says he was in debt to the extent of thirteen or fourteen thousand pounds, and yet lived at some expense in the Fleet and kept up a great deal of riotous hospitality (pp. 120, 121). He himself says he was in prison by being surety for his brother *Sir John Chamberlayne* (*Cal. Dom. James I.* 1611-1618, p. 561, n. 51).
- P. 29, l. 15. *Sir John Whitbrooke*. He was the son of *John Whitbrooke*, of Bridgewater, co. Salop, and of Water Newton, co. Huntingdon, Esq. by *Margaret*, daughter and sole heir of *Thomas Lunn*, of Pocklington, co. Ebor. He married *Joan*, daughter of *Simon Horsepoole*, of                      co. Kent, and by her had a large family. By his Inq. p.m. taken at Huntingdon, 23 March, 1619, it appears that he was a man of very extensive landed property, which, however, was heavily encumbered when his father died in 1587. He was knighted at Greenwich 12 May, 1604, but when the new oath of allegiance was enforced upon the Catholics he refused it, and for the rest of his life became numbered among the Popish Recusants, who were the prey of the hungry courtiers. Accordingly I find, 19 March, 1610, "Grant to *Clement Corbet* of the benefit of the Recusancy of ..... *Sir John Whitbrooke*, of Bridgenorth, co. Salop." He must have been thrown into the Fleet about this time, for he had evidently been many years in prison at the time of the brawl which terminated so disastrously. He received the fatal wound on 7 Oct. 1619, and died the same day. Chamberlain writing to Carleton on the 16th alludes to the fray and adds, "..... the matter has not yet come to trial, and that I do not thoroughly understand the evidence." The jury found Boughton guilty of manslaughter. (*Cal. Dom. J. I. P. R. O.* 1604-1618. *Birch's Court and Times of James I.* vol. ii. p. 193. *Visit. of Hunts. Camden Soc. Privy Council Records Jas. I.* vol. iii. p. 490. *The Father's Inq. p. m. Chancery*, 29 *Eliz. Salop*, 185. *The Son's*, 18 J. I. part i. No. 158. See *App.* p. 167.)
- P. 32, l. 7. *The Lady Whitbrooke in her petition*. The petition "To the Lords of his Ma<sup>ties</sup> most honorable Privy Council . . . of Joane La: Whitbrook . . ." is to be found in *Dom. Add. Jas. I.* vol. xli. n. 86.
- P. 33, l. 2. In March 1621 there was . . . A grant to *Lionel Batty* of the goods and chatels of *Henry Boughton* forfeited for felony and for Manslaughter of *Sir John Whitbrooke*. (*Cal. Dom. Jas. I.* p. 234, for this year.) He appears by p. 36, l. 10, to have been committed as a Popish Recusant.
- P. 35, l. 15. Please correct "fortications" to "*fortifications*." The order of the Privy Council will be found in *App.* p. 169.
- P. 37, l. 7. *Sir John Meres*. He was of Auborne, co. Lincoln, son and heir of *Anthony Meres*, of Auborne, by *Katharine*, daughter of *Sir Everard Digby*. He married (1) *Barbara*, daughter of *Sir William Dallison*, Judge of the

King's Bench, and (2) *Barbara*, daughter of *John Nevill*, of Grove, co. Notts. He was High Sheriff of Lincoln in 1596, and was buried at Washingborough, co. Lincoln, 16 May, 1630. (Kindly communicated by Mr. A. Larken, Portcullis.) He was knighted by James I. 23 July, 1603. (*Nichols's Progresses of J. I.* vol. i. p. 211.)

- P. 38. l. 21. *Sir Francis Inglesfield*. He was son and heir of *John Englefield*, of Wotton Bassett, co. Wilts. Esq. who was a younger brother of *Sir Francis Englefield*, of Englefield, co. Berks. On the accession of Q. Elizabeth his uncle, Sir Francis, who had been one of the Privy Council and was a devoted friend to Q. Mary, retired to Spain, and threw in his lot with Philip II. By a special Act of Parliament passed in the 38 Eliz. his estates were declared forfeited to the crown, and by a legal artifice his nephew, the Sir Francis of these pages, was deprived of them. James I. seems to have restored them to our Sir Francis, who was created a Baronet 25 Nov. 1612. It appears that he was committed to the Fleet in July 1618 as a defaulter in a matter of some property for which he was a trustee, and was fined 500*l.* for "contempt of Court." *Buckingham* wrote a letter in October to *Bacon* interceding for him, and in Dec. of the same year again wrote, begging that he might have liberty for a fortnight. Two years later (July 1620) *Bacon* writing to *Buckingham* says—"I have stayed the *thousand pounds* set upon Englefield for his Majesty, and given order for levying it," so that apparently another fine had been laid upon him in the meanwhile. This second fine seems to have been imposed in consequence of his refusal to contribute to the "musters;" for *Lord Hertford* writing to the Council on the 26 June of this year says that he had so refused and "advises that he be dealt with." In *Bacon's* "Confession and Submission" (1621) he says "there have been many orders since caused by *Sir Francis Englefield's* contempts." In February 1623-4 he was still in the Fleet and was again fined, this time 3,000*l.* "for touching the Lord Keeper (*Williams*) with bribery." How long he continued in prison I cannot discover, but he died in 1631, and was buried at Englefield, where there is still a splendid monument to his memory. *Hacket* tells us that *Abp. Williams* forgave him the fine of 3,000*l.* and became eventually a friend to him. How nobly the great lawyer *Plowden* behaved to *Sir Francis*, how ungrateful the latter was to his benefactor, and how that shameful conduct of the young man killed the old one, may be read—and it is a sad and pathetic story—in *Blakenay's Sheriffs of Shropshire*, pp. 222 *et seq.* (See *Cal. Dom. James I.* 1618, p. 558. *Spedding's Bacon's Life and Letters*, vol. vi. pp. 342, 448, vol. vii. pp. 110, 258. *Burke's Extinct Baronetage*. *Birch's Court and Times of James I.* vol. ii. p. 449. *Hacket's Life of Williams*, part i. §. 96. *Lords' Debates, Camden Soc.* pp. 23, 33, 34. *Statutes at Large* (folio), vol. iv. pt. ii. p. 851. The Inq. p. m. upon his father sets forth that *John Englefield* died 1 April, 9 Eliz. and that *Francis* his son and heir was aged 4 years 9 months and 2 weeks on the 7th May.)

- P. 45, l. 25. *Sir Edward Cleare*. He was son and heir of *Sir Edward Clere*, of Blickling, co. Norfolk, by *Frances*, daughter of *Sir Richard Fulmerston*, of Thetford. He was baptized at Blickling 1 Jan. 1563-4. He succeeded his father in August, 1606, and is said to have married *Margaret*, daughter of *William Yaxley*, of *Yaxley*, Esq. by whom he had a son Henry, who applied for and obtained a baronetcy sometime in 1623, which he did not live long to enjoy. See No. 31 of *The Genealogist*, where I have attempted to unravel some of the confusion in the popular accounts of this family.
- P. 58, l. 16. *Beare*. *Edward Beare* (p. 7, l. 25). Query of Ash in the parish of Brawnton, co. Devon. (*Foley's Rec.* iv. 645.)
- P. 58, l. 16. *Jennyson*. *Michael Jenison*, of Walworth, in the Bishopric of Durham. He was 3rd son of *John Jenison*, of Walworth, by *Mary*, eldest daughter of *Sir Thomas Gerard*, of Bryn. The Jenisons were very stubborn Recusants, and their names are frequently occurring in the Records of Eliz. and James as suffering fines, imprisonment, and other inconveniences. There were no fewer than eight members of this family who became Jesuits. Of course Mr. Foley has a great deal to say about them. In the House of Lords' Library there is a Petition from this *Michael Jenison* addressed to *Henry, Earl of Huntingdon*, dated 18 May, 1621, complaining of his treatment in the Fleet. This petition seems to have produced no effect, for in the following February he addressed another to the Lords of the Council, in which he describes himself as "*Michael Jennison, of Grays Inn, Prisoner in the Fleet*," and prays "for release and permission to prosecute by law his complaint against *Sir Edw. Coke*, who caused him to be severely treated in prison." He seems to have died some time in 1628. (*Surtees' History of Durham*, vol. iii. p. 320. *Foley's Records*, vols. iii. and iv. see Index. *Cal. Dom.* J. I. (1611-1618), pp. 485, 513. *Dom. Add.* 1580-1625, p. 497 (1619-1623), p. 345. *Hist. MSS. Com. Report*, vol. iv. p. 20, vol. iii. p. 23.)
- P. 58, l. 24. *Lee*. *George Lee*. See p. 134, *et seq.*
- P. 61, l. 9. *With blame* ..... Query, "*without blame*."
- P. 67, l. 22. *Dr. Fryer*. This is *Dr. Thomas Fryer*, son of *Dr. John Fryer*, who with his wife and several children died of the plague in 1562. Both father and son were strict and conscientious Catholics. The father was thrown into the Tower for attending mass in 1561. The son compounded for his recusancy more than once and paid heavy fines. There is an account of both men in *Dr. Munk's Roll of the College of Physicians*. See, too, *One Generation of a Norfolk House*, ch. ix.
- P. 68, l. 32. *The Lord Chancellor*. Bacon. The Lord Chief Justice. *Sir Henry Montague*, afterwards Earl of Manchester.
- P. 77, l. 9. Thirty years past *Sir Francis Inglefield*, &c. This must have been at the time when measures were being taken to despoil *Sir Francis* of the property inherited from his father. See note on p. 38, l. 21. The expression in the next line baffles me. I can only conjecture that "prisoners of 3 or 4



*pills*" must be some *slang* expression, and that "pill" must mean *robbery* or *rascality*.

- P. 86, l. 19. *Bishopp of Gloucester*. Apparently *Richard Cheyney*, Bishop of Gloucester from 1562 to 1579. For an account of him see *Cooper's Ath. Cantab.* vol. i. p. 400.

- P. 99, l. 30. *When the Thames was twice frozen over*.

"The Thames is now quite frozen over, so that people have passed over to and fro these four or five days; but not so freely as in the great frost, for the winds and high tides have so driven the ice in heaps in some places that it lies like rocks and mountains, and hath a strange and hideous aspect. It hath been seldom seen that this river should be twice frozen over in one winter; and the watermen are quite undone to lose the benefit of term and parliament both.

Letter from John Chamberlain, Esq. to Sir Dudley Carleton, dated London, February 3, 1620-1. (*Birch's Court and Times of James I.* vol. ii. p. 217.)

- P. 108, l. 14. *Dureing the vacancy of a Chancellor*. *Sir Francis Bacon's* confession was read in the House of Lords on 24 April, 1621; the great seal was put in commission on the 1st of May. *Bp. Williams* received the great seal by the title of *Lord Keeper* on the 10th July.

- P. 108, l. 30. *Anno 21 Jac. &c.* The date given is wrong, it should be 18<sup>o</sup> Jac. The Proclamation for the Abolition of Bills of Conformity was issued 31 March, 1621. It may be found in the eighth vol. of *Rymer's Fœdera*, xvii. 290. "Bills of Conformity . . . . . were exhibited into his Majesty's Court of Chancery and other his Courts of Equity by sundry persons against their Creditors, of purpose to enforce them to accept less than their just debts and damages or to give longer days or times of payment than the said Creditors were willing to do." The Proclamation was issued to remedy the evils that had arisen in consequence of the increase of these Bills of Conformity. [I am indebted to *Mr. Gardiner* for the reference to this passage.]

- P. 110, l. 24. *Sir Ri. Skipwith*. He was of Ormesby, co. Lincoln. In 1582 he received a grant of the office of Clerk of the Treasury of the Court of Common Pleas. He was ancestor of the Skipworths of Newbold Hall, who became extinct in 1790, after keeping the Baronetcy upwards of a century. The Queen rewarded him for his twenty years' service by granting him the lease of Gransden Manor, co. Cambridge, late parcel of the Bishopric of Ely (!), on March 31, 1602. (*Cal. Dom. Eliz.*)

- P. 118, l. 9. *George Reynell*. He appears to have succeeded *Joachim Newton* as Warden about 1597, and to have become Marshal of the King's Bench Prison in the following reign. James I. knighted him, but when I have not been able to discover. About a year after the prisoners in the Fleet mutinied and complained of Harris, the prisoners in the King's Bench did precisely the same, and in the P. R. O. there is a narrative of their outbreak which affords a curious



parallel to that of Harris (*Dom.* vol. cxvi. N. 46. See App. III.) *Sir George Phillips* reporting in the House of Commons on *Bacon's* malpractices says: "That there was also much corruption said to be in the suit betwixt *Pecock* and *Sir George Rhenill*, which is not examined;" and *Bacon* in his confession says to the nineteenth article of the charge, "videlicet, In the cause between *Reynell* and *Peacock*, he received from *Reynell* two hundred pounds and a diamond ring worth five or six hundred pounds."

"I confess and declare, That at my first coming to the Seal, when I was at Whitehall, my servant Hunt delivered me two hundred pounds from *Sir George Reynell*, my near ally, to be bestowed upon furniture of my home, adding further, that he received divers former favours from me; and this was as I verily think before any suit begun. The ring was received certainly *pendente lite*, and though it were at new year's tide yet it was too great a value for a new year's gift; though, as I take it, nothing near the value mentioned in the article."

In *Bacon's* will he mentions this diamond "..... To my wife a box of rings, save the great diamond I would have restored to *Sir George Reynell*." (*Cal. Dom. J. I.* 1618-1620, pp. 168, 172. *Add.* 1580-1625, p. 552. *Oxford Debates*, vol. i. p. 207. *Spedding's Bacon*, vol. vii. pp. 228, 258).

P. 120, l. 6. *Mr. George Leicester, &c.*

*Uriah Babington* was a London merchant, who appears to have been concerned in extensive Government contracts at the close of Queen Elizabeth's reign and at the beginning of that of James I. In 1609 his wife having been left a widow was in some way involved in losses which her husband had sustained. She is described as "a very wilful woman," and is hard pressed by her creditors. The proceedings against her extend over some years, and on her marriage with *George Leicester*, apparently early in 1617, he became involved in the suit. (See *Cal. Dom. J. I.* 1604-1618.) Among the Lords' MSS. is her petition to the House of Commons, praying for discharge from prison, and setting forth her grievances, in 1620. (*Hist. MSS. Com. Rep.* vol. iv. p. 120.)

P. 123, l. 13. *Sir Henry Shugsby (sic.)* Probably *Sir Henry Slingsby*, of Scriven, co. York, who was M.P. for Snaresborough in several Parliaments during the reigns of James I. and Charles I. *Sir Walter Scott* published his Commentaries in 1806.

P. 128, l. 27. *Downes*. Another victim of the penal laws against the "Popish Recusants." He was son and heir of *Robert Downes*, of Melton Hall, co. Norfolk, Esq. concerning whom see *One Generation of a Norfolk House*, ch. iii. n. (10) and (11). In 1604 an Act was brought into the House of Lords "for the sale of certain lands of *Edward Downes*, Esq. for payment of his debts," which was rejected on the 3rd reading (3 July). The draught of it is in the P. R. O. (*Certiorari Bundle*, No. 66). After this I lose sight of him, and conjecture that he died in the Fleet.

- P. 140, l. 34. *Mr. Tregian.* *Francis Tregian*, eldest son of *Francis Tregian*, of Volvedon alias Golden, co. Cornwall, Esq. See the painfully-interesting narrative in Mr. Morris's *Troubles of our Catholic forefathers*, series i. pp. 61-143. Francis the father was in prison from 1577 to 1605. Soon after the accession of James I. he was liberated and banished. He retired to Lisbon, where he died 25 Sept. 1608. *Francis*, the son, appears to have been sent across the channel when his father's troubles began. On the 31 Sept. 1586 he entered at the English College, at Rheims, when he was described as having been "in Augensi schola eruditus." He appears to have remained at Rheims for the next six years, and left it 11 July, 1592. The next two years he seems to have spent in travelling on the Continent; but 23 May, 1594, *Beard*, the spy, writes that "*Tregian's* eldest son is coming over shortly." When he was thrown into the Fleet I have not been able to discover, but he evidently had been there many years when he died there in 1619. (Morris, u. s. *Cal. Dom.* 1591-1594, p. 506. *Add.* 1619, p. 613, 1598-1601, p. 520. *Douai Diary*, under the dates given.)
- P. 143. *The Lady Amy Blunt.* She was third daughter of *George Tucket*, Earl of Castlehaven and Lord Audley, and wife of *Edward Blunt*, of Arleston, co. Derby, Esq. Sometime in the summer of 1619 she had, or thought she had, reason to complain of injustice at the hands of Sir Francis Bacon, then at the zenith of his power, and she addressed a Petition to James I. complaining of the treatment she had received. Summoned before the Council 9 June, 1619, she was asked to deliver up the writer of the petition, and on her refusal she was committed to the Fleet on the 6th July. She was detained there for 27 weeks, and then transferred to the Marshalsea, where I find her as late as Nov. 1620. (From information kindly furnished by *Mr. Larken*, Portcullis. *Hist. MSS. Com. Rep.* iii. p. 285. *Cal. Dom.* J. I. 1619, 1620, pp. 53, 68, 144, 190. *Privy Council Records.*)

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