

REPORT AND COMMUNICATIONS.

REPORT

PRESENTED TO THE

Cambridge Antiquarian Society,

AT ITS THIRTY-THIRD ANNUAL GENERAL MEETING,

MAY 19, 1873,

WITH AN ABSTRACT OF THE PROCEEDINGS OF THE SOCIETY

(INCLUDING THE ANNUAL REPORTS XXVII—XXXII),

1866—1873.

ALSO

Communications

MADE TO THE SOCIETY.

No. XVII.

BEING No. 3 OF THE THIRD VOLUME.

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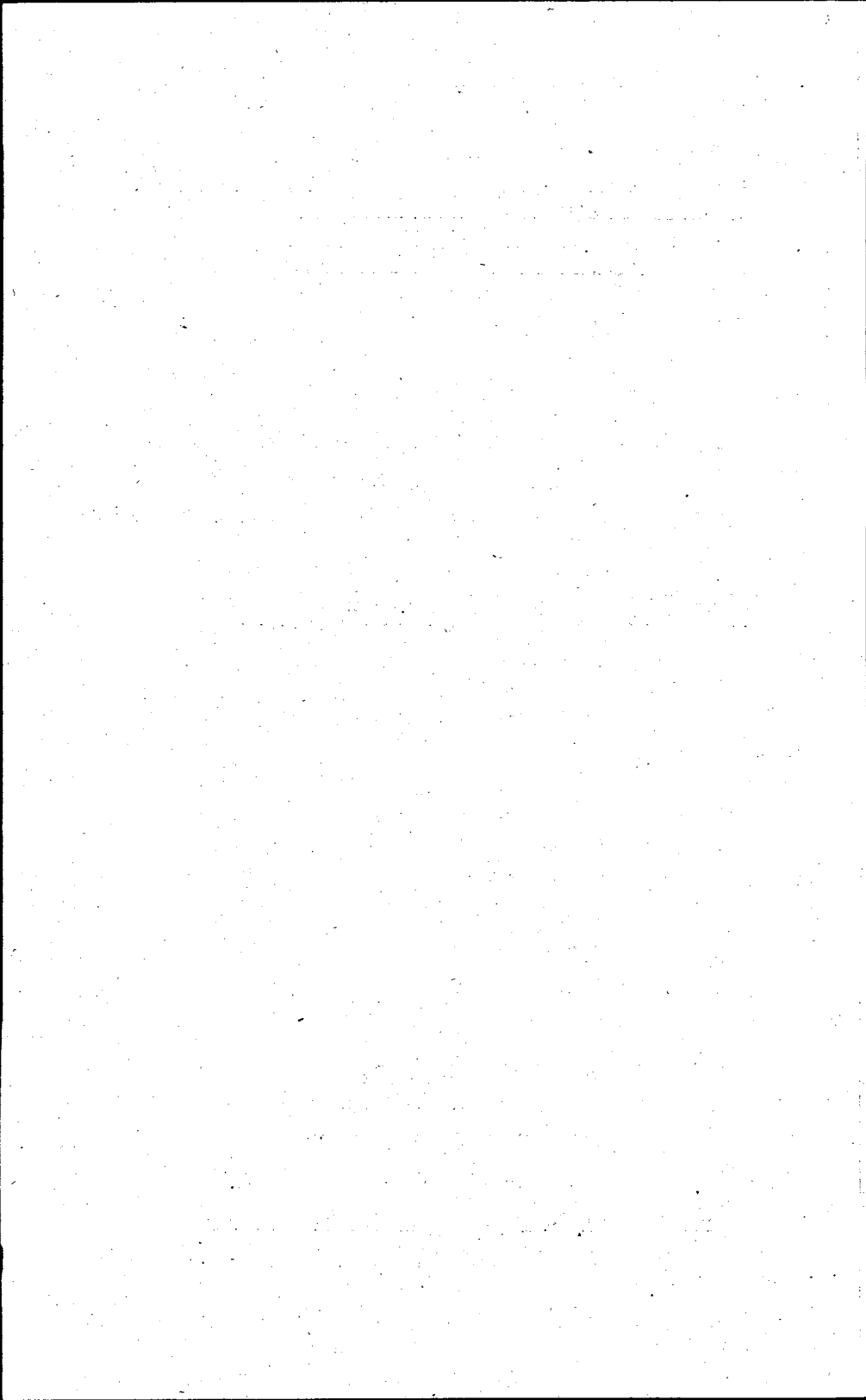
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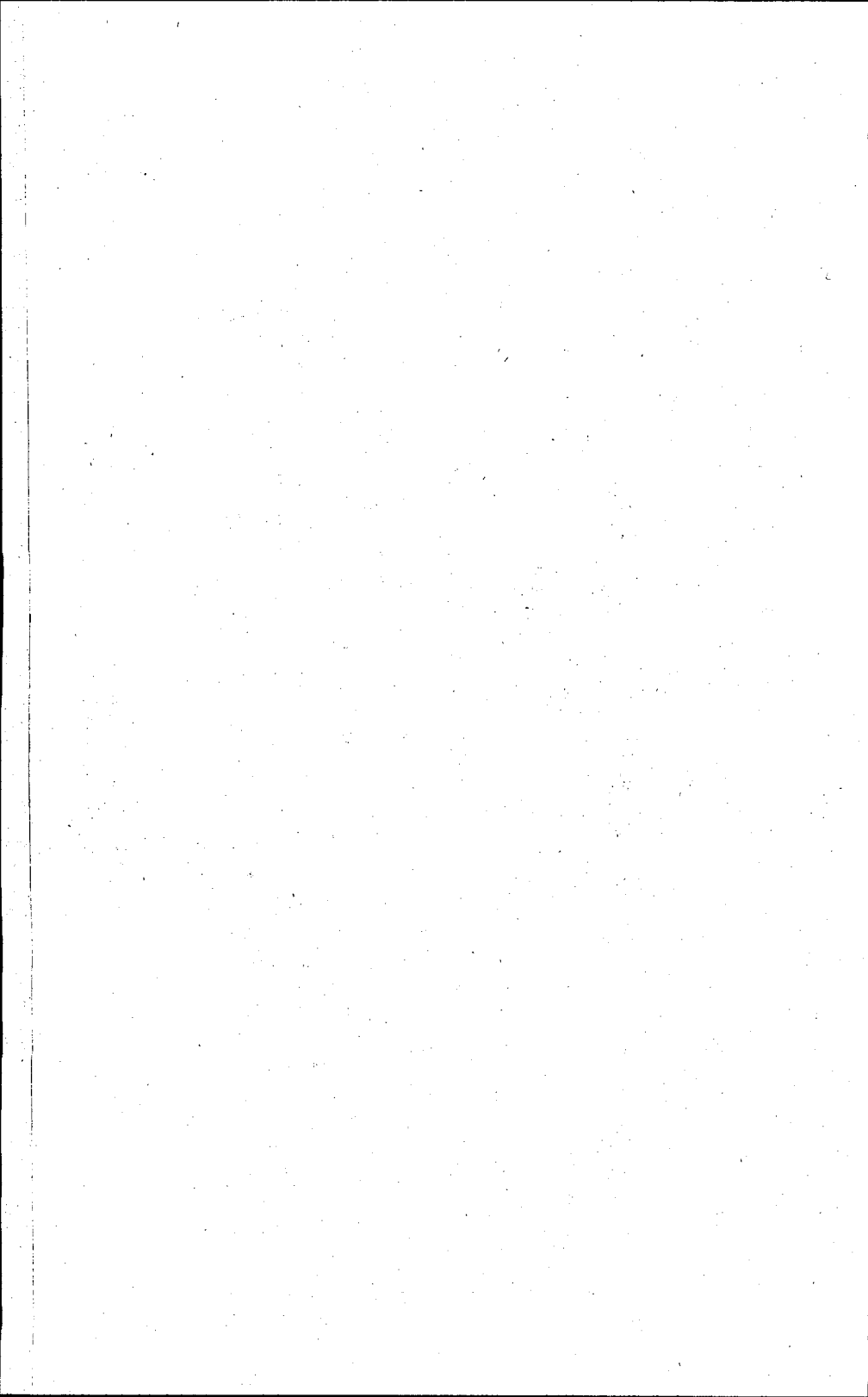
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XVI. AN ACCOUNT OF THE ELECTION OF SIR FRANCIS
BACON AND DR BARNABY GOCHE AS BURGESSES IN
PARLIAMENT IN APRIL 1614, WRITTEN BY DR DUPORT,
DEPUTY VICE-CHANCELLOR. Communicated by
WILLIAM ALDIS WRIGHT, Esq., M.A., Trinity
College.

[March 2, 1869.]

THIS account of the University election of Members of Parliament was sent to me by Mr Spedding, in the hope that I might be able to trace it. Hitherto I have failed to do so, and I now read it before the Society with the same object. Mr Spedding, in his first letter to me on the subject (19 Nov. 1868), said: 'An account of the proceedings at Bacon's election for the Parliament of 1614 was sent me a good many years ago, through the Longmans, from somebody at Cambridge. I took a copy of the paper and returned it; but neglected to make a memorandum of the place it came from and the person who sent it. It came from some of the official records.' In a subsequent letter (27 Nov. 1868) he added: 'What I remember (or think I remember) is that it had been lately discovered (i.e. now 8 or 10 years ago) and communicated to some Cambridge Society.' The following is from Mr Spedding's copy.

THE MANNER OF THE CHOICE OF BURGESSES FOR THE UNIVERSITY OF CAMBRIDGE: VIZ. OF THE HONOURABLE KNIGHT S^R FRANCIS BACON GENERAL ATTORNEY TO HIS EXCELLENT MAJESTY AND BARNABY GOTCH D^R OF THE CIVIL LAWS. 2^o APRILIS LAST ABOUT 8 OF THE CLOCK IN THE MORNING.

IMPRIMIS, in the Regent house, the houses called together, D^r Duport Deput. Vice-Can^r used a speech unto them unto this end and purpose. First he showed the occasion of the meeting, and exhorted them very earnestly that like university men, that is like men of learning wisdom and government, they would peaceably and quietly transact all things, that it might not be said of us now as it hath been sometimes of late, *πάλαυ ποτ' ἦσαν ἄλκιμοι μιλῆσιοι, &c.*

Secondly for their better directions in the process hereof he said there should be read unto them 3 several writings :

First, The Kings Majestys letters patents under the broad seal authorizing us to choose Burgesses, wherein is also described unto us, whom we should choose, as namely *ex discretioribus et magis sufficientibus viris de Academia pro tempore existentibus*, and why those : is expressed in the same charter ; viz. that being best acquainted with the state of the University and the Colleges and Halls there and also with the orders and privileges thereof they might be the better able to inform the high Court of Parliament of all things in any passages and propositions that there should be moved concerning the same.

2^o, The Kings writ or summons to elect at this time Burgesses, against the next Parliament, and that according to the form both of the letters patents before mentioned and also of the statute in that behalf provided, and set forth, namely that the Knights and Burgesses to be chosen should be abiding and resi[d]ent in the counties and boroughs whereof they should be so chosen and particularly that so they should be the day of the date of the said writ, and that without all fraud and guile, for it is a rule in all law human and divine that *fraus et dolus nemini* [blank left in MS.]

The 3, Letters from our honourable Chancellor unto the said Dr Duport (demanding his Lordships direction how to proceed in that business) wherein his Lordship advised us 1° principally by all means to follow the express words of our charter, and of the writ, as having no power of ourselves otherwise either to choose or to make burgesses, and that being chosen any otherwise our burgesses were no burgesses, &c. And in the 2 place, as near as might be we should choose our burgesses after the form of the choice of the Chancellor.

This done, and many earnest exhortations by the Vice-Can^r used for peace and quietness in the transaction: in fine he charged and required them in the name of the Kings majesty and upon virtue of their oath made unto the University 1°. That they all should keep the Kings peace inviolably; 2°. That every man should keep his seat and standing, and not run on heaps in the Regent house from one seat to another, but patiently abide till they were called up to give their suffrages in writing. 3°. That if any of the parties should purpose to come up to move for justice or direction in anything, there should not above 2 or 3 come together and having preferred their suit discretely and modestly and received answer accordingly, they should then depart back again to their places. And this was the sum of the Vice-Chancellor's speech.

This done, in the next place were read unto the house the said several writings by the senior Procurator in the University.

After all this, there being a little pause made as it were for preparation to call them up to the election: there came up 2 M^{rs}. of Arts, one Mr Browne Caij, the other Mr Gilby, of which twain Mr Browne with an audible voice desired that where there was a speech of one to be chosen that was not eligible by the charter, there might none such be admitted, and these excepted against any such election, and on that behalf did *petere jus et justitiam* of the Vice-Can^r and that 1^{mo} 2° 3° *et instantanter instantius instantissime*, and repeating it over

again desired there might be an act made of it, w^h the Vice-Chancellor commanded to be done accordingly, and said they should have justice (which was not much contradicted).

But nevertheless it was alleged by some that since our Chancellors letter to the Vice-Can^r there were letters received (it seemeth from one of my Lords Secretaries) that my L. was desirous S^r Miles Sands might be one of the burgesses for the University, if it might be by law. Whereunto the Vice-Can^r replied that he was not to take knowledge of his Lps pleasure from any private man, having his Lps own letter to direct him, and perceiving matters would grow hot with much talk in the end pronounced the election of any (then to be made) directly contrary to the said letters patents statute and direction of his Lps letters before mentioned to be utterly void and of none effect. (This the Vice-Chancellor afterwards said he then did, both because he was very desirous, if it might be, to have moved the house from the election of the said Sir Miles Sands, to the end they might peaceably and quietly have dispatched the business, and also because, perceiving the Congregations to begin to be very troublesome, he was afraid it would prove so mutinous and violent in the end that he should not be able to pronounce the election as he would.)

Against the which sentence after some had made an exception and required the same to be entered also they then proceeded to the giving of voices *in scriptis*. The which being fully accomplished after the 1st 2nd and 3rd call (according to the order) they then fell to numbering the suffrages, which fell out thus: the greatest number without comparison were for Sir Francis Bacon and for Sir Miles S., 74 for D^r Gotch, and 64 for D^r Corbett; the which the Vice-Chancellor required to be truly and precisely numbered and commanded the Register to take a perfect note of the numbers severally under his hand. And nevertheless to be more sure thereof he willed them to tell them over again.

Here (true it is) according to the statute *de electione Cancellarii* the senior Procurator should first openly read all the voices that are given; and namely his first that had the fewest voices, his next that had the more, and his last that had the most, and so on proportionably as there were more or less; and then afterwards the Vic' should pronounce him in them choosen that had the most voices; and true it is also that for the form of proceeding we were referred by our Chancellor as near as might be to this statute: Yet the Vice-Chancellor as he afterwards confessed seeing 1° that the very substance of the election was performed, and 2° that they were not precisely bound to every circumstance, and 3° that though the procurators were quiet men and had promised fair play, yet happily might have been drawn or rather enforced by importunity, after they had read the voices of the 2 last to have pronounced them also chosen, at least that the reading of them in the last place (as having the greatest number of voices) might be prejudicious to that the Vice-Canr would do; and 4° that the Congregation now grew so hot and pressed so hard upon him, that he greatly feared some violence (as if he had which he purposed put the suffrages for Sir Miles S. in his pocket) would surely have come to pass; and yet [blank in MS.] fearing happily it might thereby fall out he should be so hindered by the tumult that he could not pronounce as he would: He therefore (whilst they were yet very busy in telling the suffrages) stepped into his chair, and then sitting down first uttered these words, "I pronounce the election of Sir Miles S. being not resident in the University to be utterly void and of none effect, to all intents and purposes, as being expressly against the charter the statute of the land and the tenor of my Lords letters." At the which words the house began to shout and cry out most vehemently "Let the suffrages be read. Let the suffrages be read." And yet much more violent by many degrees when he began to say as followeth, which (notwithstanding he was continually cried upon and shouted at with

the greatest extremity that might be either to hinder him from speaking at all or else to put him out), yet the Vice-Can^r with settled resolution and an audible voice pronounced boldly to the end, "I John Duport, deput. Vice-Can^r (as far as by law in me lieth) do choose and pronounce to be choosen by the greater part of the Regents and non-Regents for the Burgeses of the University against the court Parliament the hon^{ble} Knight Sir Fr. Bacon Attorney General to his excellent Majesty, and both M^r of Arts and of Council of and to the University of Cambridge, (whereby he may seem after a sort to live and breathe amongst us) and also the R^t wo^l Barnaby Gotch D^r of Civil Laws and M^r of Magdalene College in this University," and straight after these, "We dissolve this convocation of Regents and non-Regents." Whereat it is incredible what a noise and shout they made, so as it was sensibly heard a great way off, crying as loud as they could "Let the suffrages be read, Let the suffrages be read," "You do us wrong, You do us wrong," and "a Sandis, a Sandis," &c., the throng being so great that the Vice-Can^r had very much ado with the Bedells before him to get down amongst them. Where it is greatly to be observed: That first, by force they kept and carried away the suffrages for Sir Fr. Bacon and Sir Miles Sandis from the Register whose office it was to keep them; 2^o. That they staid a good while in the Regent house after the Magistrate was gone, such a company without a lawful head to (*sic*) much subject to interruption. 3^o. They went all together from thence to Ks College in great heaps, where in the Drs Mrs and Scholars' names they subscribed a certificate of the election of S^r Fra. Ba. and S^r My. Sandis, having procured aforehand the Sheriff or his Depute (being secured as it should seem upon Sir My. Sandis' bond as the Vice-Can^r testifieth the like was offered unto him) to join with them therein directly against law, because the Sheriff is bound to certify in the name of the Chancellor M^{rs} & Scholars. By occasion whereof on the other side the Vice-Can^r could obtain

by no means possible either the Sheriff or his Depute to come to him and join to certify (as by law he is bound), or else such assistance and other necessities for that purpose as were requisite for a formal certificate in that case. So as for conclusion he was inforced to certify in such manner as he could, not in such as he would, and by law was justifiable. And that this is the true certificate of the whole proceedings herein we testify whose names are under written.

Jo. DUPORT, Vice-Can. deput.

