

## CHAPTER 8

### ILLEGAL TAXATION

#### Ship Money

On 27<sup>th</sup> November 1640 Hampden was put on the committee to consider illegal taxes and the legal judgements thereon<sup>1</sup>, having already presented to the House the case of Alexander Jennings who, for non-payment, was imprisoned for eight weeks and lost three ships to France<sup>2</sup>. On the same day there was a debate on Ship Money and 'Tonnage & Poundage', an excise duty normally given to the sovereign for life by Parliament. In this debate Oliver St John, the lawyer who had led Hampden's legal team in the Ship Money trial, stated that the real grievance was not in Ship Money itself, but in the opinion of the judges who had "overthrown Magna Carta" and the Petition of Right passed in 1629. As with Tonnage and Poundage, the property of the subject was threatened by these judgements.<sup>3</sup>

On 7<sup>th</sup> December 1640 the Committee for illegal taxes began their deliberations, and it was decided to form a new committee to "go to the several judges to know how they were solicited or threatened, and in what manner, and by whom.....and three members to go to a judge"<sup>4</sup>. This is what happened and the results were reported to the House the following day. Hampden visited Judge Denham with Francis Drake, the member for Amersham, who confirmed that he had indeed been visited by Sir John Finch, then Chief Justice of the Common Pleas and now Keeper of the Great Seal, and who was the Speaker of the House of Commons in 1629 when the Petition of Right was passed. Hampden and Drake reported that Finch had tried "to persuade him to give his judgement for Ship Money"; Falkland visited Bramston without result; Hyde visited Davenport who denied being persuaded; Goodwin visited Justice Jones who said Finch "had spoken to him fairly"; Pierrepont visited Baron Trevor who said Finch asked him "to subscribe to a judgement he (Finch) had drawn"; Fleetwood visited Justice Croke who said that "Finch was often with him and persuaded him that he would do the King a great disservice" if he failed to support him, as did Justice Crawley. It seems that Finch visited all the Ship Money judges and pressurised them in varying degrees. Five of them gave judgement in Hampden's favour: Croke, Hutton, Denham, Davenport and Bramston. Then Falkland proposed that "we should prepare a thorough charge against the Lord Keeper which the House allowed well"<sup>5</sup>.

Also, on 7<sup>th</sup> December it was resolved that "the judgement that Mr Hampden was in any way chargeable is against the laws of the Realm, the right of property, the liberty of the subject, and contrary to former resolutions in Parliament and to the Petition of Right"<sup>6</sup>.

On 12<sup>th</sup> February 1641 Hyde presented to the House a motion "touching the charge against the judges" who gave judgement for the King in the Ship Money trial.<sup>7</sup> They were also charged with other misjudgements; the House threatened to impeach Berkeley with High Treason.

On 12 June 1641 a Bill declaring Ship Money unlawful was given a first reading, a second reading on 22<sup>nd</sup> June, engrossed on 26<sup>th</sup> July, sent to the Lords on 27<sup>th</sup>, passed there on 31<sup>st</sup> July and given the royal assent on 7<sup>th</sup> August.

#### Tonnage and Poundage

I can find no evidence that Hampden took any part in the debates on this important topic.