

CHAP. IX.

§. 1. **W**E come now to treat of the Election of a Knight into the Order, according to the Statutes of Institution, which Ordains, That whensoever any Knight-Companion happens to depart this Life, *The Sovereign (or his Deputy) after certain Notice had thereof, should forthwith by his Letters, Summon all the Knights-Companions then within the Realm (who were able to come) to meet him within six Weeks after such Notice, in what convenient Place soever he pleased to assign for the Election a new Companion into the Society.* Thus did the Law of this Most Noble Order, in case of Death, and to prevent Vacancies, at first provide; wherewith we evidently find the Practice of elder Times did punctually concur: For as soon as Garter, in Discharge of his Duty, had made Certificate to the Sovereign of a Knight-Companion's Decease, or otherwise to the Register of the Order, all fitting Diligence was used to fill up the vacant Stall, within the Space limited by this Statute, or immediately after, and for the quicker Dispatch, Letters of Summons were issued to the Knights-Companions, to give personal Attendance at the Election. In an ancient one upon the Death of Sir *Henry Fitz Hugh*, Knight-Companion, *Temp. Henry V.* these particulars were no less pursuant to the Statutes, than worthy Observation.

“ I. The Day whereon the defunct Knight-Companion died is therein set down.

“ II. Direction is given for celebrating Masses, according to the Tenor of the Statutes.

“ III. Intimation that a Stall is become void by the Knight's Decease.

“ IV. The Law of the Order vouched, which appoints an Election of another Knight within six Weeks after Certificate made of the Death of the former, to avoid as much as may be an interval in Succession.

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“ V. The

- “ V. The Sovereign's Power asserted where he sees
 “ Cause to Prorogue the Election.
 “ VI. An Injunction to attend personally at the E-
 lection, under a Penalty express'd in the Statutes.
 “ VII. The Day, Place, and Hour for Appearance is
 “ with certainty appointed, to the End all might Ac-
 “ commodate themselves to be present.
 “ VIII. The End of coming is mention'd with full
 “ Disposition and Preparation to perform what the Sta-
 “ tutes in this Case requir'd.
 “ IX. Lastly, Direction is there given to the Knight
 “ summoned, that in case his coming to the Chapter was
 “ impeded, he should certifie the Reason of his Default
 “ against the time of his Appearance, of the Validity
 “ whereof the Sovereign was to be sole Umpire.

AND generally of these Topicks, and to this Purport were the Letters of Summons in succeeding times composed.

THE before-mention'd Branch of the Statutes of Institution hath been sufficiently enforced by Incorporating it into the Statutes, *temp. H. V. and H. VIII.* nor hath it since undergone any Alteration; howbeit some further Addition and Explanation were annexed to them, 21 *Jac. I.* at a Chapter held at *Windsor* the 24th of *April* that year, where it was decreed, That the Sovereign being advertised of the Death of a Knight-Companion, the Knights-Companions remaining at Court should move him to declare his Pleasure whether he would that Letters should be sent to all the Knights-Companions within the Realm to attend his Person for the Choice of a new Knight, at a Day by the said Sovereign appointed, according to the ancient Statutes of the Order, or be pleas'd to defer the Election until the Feast of *St. George*, at what time Elections have been most usually made; and according as he resolv'd in what Place it should be, so it ought (by Letters directed to the Knights-Companions within the Realm) to be made known unto them.

This Deferring, or Prorogation of the Election, was no new thing, tho' not indulg'd by the Statutes, or declared Law, before this 21 *Jac. I.* as is evident by the Letter of Summons sent after the Death of *Sir Robert D'Umfreuil*, Knight Companion, *temp. H. 4.* wherein Notice

tice is taken of the Limitation given by the Statutes, after Certificate of Death, viz. Six Weeks, within the Space whereof a new Election was to commence; yet where a Chapter for Election could not conveniently be summoned within that limited Time, it was sufficient if the Sovereign declared as he did in the said Placart and entered in the Black Book, *That being then involved in other Business, he could not well attend this Affair, and therefore deferr'd the time for Election, unto the Eve of St. George next following.*

But of later Date, this formal Way of Summons by Letter, hath been discontinued, and only remained to such as are remote, and warned only by a verbal Message. For the Chancellor of the Order having consulted the Sovereign's Pleasure, as to the Day and Place, usually acquaints Garter therewith, who thereupon goes immediately to the Knights Companions then at Court, and desires their Attendance at the Chapter, according to the Sovereign's Designation.

And here it is to be remarked, that no Knight Elect ought to be summoned to a Chapter of Election, or are rendered sufficient of giving their Votes therein, until they be compleatly installed, either in Person, or by Proxy. Nor indeed did any Necessity intervene, or require it till the late rebellious times, when the Castle of Windsor being Garrison'd by the Parliament's Forces, it was not possible for the Duke of York and Prince Rupert, to take Possession of their Stalls, as the Law of the Order enjoined. Therefore the then Sovereign, whose Right it is, did, 17 Jan. 1644, dispense with their Installations in St. George's Chapel, for the present, and invested them with the Privileges of the Order, among which the Power of voting in Chapter, was one: Provided those Princes should first take the Oath given at Installations, and afterwards perform the accustomed Ceremonies, so soon as it should be thought convenient, and the Castle was restored to the Possession of his Majesty. In compliance to which Proviso they both then took the Oath, and on the Eve of the first Feast of St. George after the Restoration, the Duke was installed; and on the Eve of the second Feast, 15 Car. 2. by the

Earls of Northumberland and Berk-shire; and the Prince by the Duke of Albemarle and Earl of Lindsey.

§. 2. The Place of Election.] But at what time soever the Ceremony of Election is purposed, the same ought to be Celebrated in Chapter, (for so is the Assembly of the Sovereign and Knights-Companions call'd, where or whensoever conven'd) whether at the Solemnity of St. George's Feast, the ordinary or most accustom'd Time, or on other Days specially set apart by the Sovereign; and when the Sovereign thinks fitting in the Interval of Feasts, to elect any Foreign Prince or other Person, Stranger or Subject, he often transacts it in peculiar Chapters called to that purpose, and then appoints both Day and Place, having that Prerogative. Some few Examples both of pristine, and of late Time, make it manifest and apparent.

Place.	Day and Year.	Knights elected.
1. Sign of the Lion } in Brentford }	July 11. } 24 H. 6. }	{ Alb. de Vasques Dalma- dea, E. of Averenig. { Lord Beauchamp. { Lord Hoo.
2. Sov. Bed-Cham- } ber at Westminster }	Nov. 27. } 25 H. 6. }	{ Sir Francis Surreyne.
3. London, within } the Bishops Pa- } lace. }	Feb. 8th. } 39 H. 6. }	{ Richard E. of Warwick { Lord Bourvile. { Sir Thomas Kyriel. { Sir John Wenlock.
4. Tower of Lon- } don. }	August 8. } 14 Ed. 4. }	{ G. Ubaldus, D. of Urbiv. { H. Percy, E. of North.
5. Star-Chamber. } }	May 15th. } 15 Ed. 4. }	{ Edward Pr. of Wales. { Richard Duke of York. { T. Grey, Mar. of Dorset.
6. Sovereign's Bed- } Chamber in the } Wardrobe, Lon- } don. }	Febr. 10. } 19 E. 4. }	{ Ferdinand, K. of Spain. { Hercules, D. of Ferrara.
7. Greenwich,	July 14. 15 H. 8.	Lord Ferrers.

Place.

Place.	Day and Year.	Knights elected.
8. Calais.	} Oct. 27th.	{ A. Montmor. E. Beamon.
	} 24 H. 8.	{ P. Chabot, E. of Newbl.
9. Hampton-Court.	} Jan. 9th.	{ Edward Seymour, Earl
	} 32 H. 8.	{ of Hertford.
10. Windsor.	} Aug. 6. 1 st & 2 ^d Ph. & Mar.	{ Emanuel Duke of Sa- voy.
11. Whitehall.	} Feb. 8th.	{ John Casimire, Count
	} 20 Eliz.	{ Palatine of the Rhine.
12. York.	Sept. 12. 16 Car. I.	Thomas Earl of Strafford.

But for the most Part since the Beginning of Queen Elizabeth's Reign, *Whitehall*, the Sovereign's almost constant Court and Abode, hath been the usual Place whereunto all the Knights Companions have been specially Summon'd, and peculiar Chapters assembl'd for Election in the Intervals between the Vacancy and St. George's Feast. However, while King *Charles II.* was in Exile, and wanted the compleat Number of Knights to constitute a full Chapter, he was necessitated not only to dispence with the Ceremony of Election in Chapter, but also in supplying the Defect of a Scrutiny, by making his own Election; yet after his Restoration, *Whitehall* recover'd her wonted Honour, and April the 1st. 13 Car. II. at a Chapter call'd and held in the *Bed-Chamber* there, the Duke of *Richmond*, the Earls of *Lindsey*, *Manchester*, and *Strafford* were elected.

§. 3. In the next Place we are to consider what Number of Knights-Companions ought to be assembl'd to make up a compleat Chapter of Election.

By the Statutes, there should be Six in Number at the least, besides the Sovereign or his Deputy; the due observance of which hath been so strict formerly, that Elections have been deferr'd where Chapters have been deficient in that Number; for Proof of which, the Duke of *Gloucester*, Ann. 9 Hen. VI. then Deputy to the Sovereign (at that Time in *France*) for Celebrating the Feast of St. *George* at *Windsor*, forbore to proceed to Election,

lection, because the Number of Knights-Companions there assembled was less than the Statutes requir'd. And *Ann. 10 Hen. V.* no Election was Solemniz'd, tho' one Stall was void by the Death of the Lord Clifford, and probably for that reason; for the Earl of Bedford, then the Sovereign's Deputy, had but three Knights present with him. *Ann. 22.*, or rather 23. *Humphry Duke of Bucks* being deputed to celebrate the Feast of St. George at Windsor, altho' there was at that Time four Stalls vacant, yet did no Nomination pass; one reason, because there was not present a sufficient Number to compleat the Election. So when the same King celebrated the Grand Feast personally at Windsor, *Anno 31. Regni sui*, having but three Knights attending him thereat, the Election was Prorog'd for the very same Reason; in like manner 32, 33 and 34 *Hen. VI.* the Elections were retarded, for at the first of them there were present but two Knights-Companions, besides the Sovereign's Deputy; and at the Two last but four, besides the Sovereign, tho' the *Registrum Cartaceum, Ann. 33.* names five by adding the Duke of Somerset. At the Feast of St. George celebrated at Windsor, *A. D. 1471. Temp. Edw. IV.* the Sovereign fully resolving to Constitute an Election, and having but five Knights-Companions present, *Calys*, Pursuivant at Arms, was dispatch'd to London for Sir *John Asley* to repair thither and compleat the Chapter, rather than violate the Laws of the Order. *January* the 31st. 21 *Car. II.* being design'd for the Election of *Christopher Duke of Albemarle*, and there being Conven'd but five Knights at the Chapter, the Election was put off 'till the Third of *February* following, at which Time a proportionable Number of Knights being present, his Election receiv'd their Approbation.

§. 4. YET in cases of Necessity only, and to illustrate the Power and Prerogative of the Sovereigns, where the Exigency requires it, tho' not to be made use of where there is a possibility to perform the Rules and Injunctions of the Statutes, the Sovereigns for divers Reasons, have been induced to dispence with this Branch of the Statute for want of a plenary Number to compleat a Chapter. And the first Liberty observ'd herein

herein, was made use of by King *Henry VIII.* *Ann.* 26. *Regni sui*, who upon the Death of the Lord *Montjoy*, very speedily assembl'd a Chapter at *Whitehall*, where no more than five Knights-Companions being present, the Absence of the rest were excus'd by special Grace and Favour, and the *Injunction of the Statute* (as the *Annals* subjoin) concerning the Number of Nominators, were by the same Clemency dispenc'd with, because of the Exigency of the Time and Place, and immediately upon taking a Scrutiny, *James V.* King of *Scotland* was elected into the Fellowship of this illustrious Order, but from that Time to the Rebellion, there occurs not any thing of this Nature; but the Wickedness of those Days created new Exigencies and Projections, which occasion'd, or rather inforc'd the Sovereign, King *Charles I.* most unwillingly to awaken and rouse up this dormant Prerogative, which he put in Execution at a Chapter purposely assembl'd for the Election of *Thomas Earl of Strafford*, held at the City of *York* the 12th of *September*, 16 *Car. I.* where at that Time and Place he dispenc'd with the Defect of Number of Six Knights-Companions, having then with him Four only, some of the rest being engag'd in his Service against the *Scots*.

AFTERWARDS when several of the Knights-Companions so much adhered to the *Long Parliament*, that all Summons were ineffectual to draw them to their Attendance upon their Sovereign, tho' but to celebrate the Grand Festival of their Patron (much less to the completing Chapters of Election) to which they were obliged by the Oath taken at their Installment, the Sovereign was constrain'd to extend further his Supreme Authority; and thereupon at the Feast of *St. George*, celebrated at *York*, the 18th, 19th and 20th of *April*, *Ann.* 18. *Regni sui*, in a Chapter held on the Eve of the said Feast by himself and but four other Knights-Companions, It was Order'd, That Letters of Dispensation should be drawn up for the insufficient Number (as wanting Six Knights) to hold a Chapter of Election, and for Authorizing the Knights then present to deliver in their Votes according to Custom in other Scrutinies, that so the Sovereign might proceed to the Election design'd. By vertue of which Dispensation, the Duke

of *York* and Prince *Rupert* were elected Fellows of this noble Society.

THE like Dispensation was made at *Oxford* upon the 2d of *March*, Anno 20. *Car. I.* there being but five Knights-Companions present with the Sovereign; at which Chapter, *William* Prince of *Orange*, and *Bernard de Foix*, Duke of *Espenon*, were elected.

LAST of all, in reference to the holding three several Chapters preparatory to the Feast of *St. George*, and grand Installation celebrated at *Windsor* the 15th, 16th, and 17th of *April*, 13. *Car. II.* (one of which Chapters was held for the Election of Four Knights, and to deliberate with the surviving Knights-Companions) the Sovereign was pleas'd the 29th of *March* preceeding, to pass the like Dispensation under the Signet of the Order, and his own Sign Manual, for this defect; and thereby made those three Chapters as legal as if the Number of Knights-Companions had been compleat.

§. 5. WE are now arriv'd at opening the Chapter, whereinto neither the Sovereign, nor any of the Knights-Companions are to be admitted without the Ornament, both their Mantles and Garters, as the Statutes ordain, and the Law is still in force, tho' the Chapter hath been assembl'd elsewhere than at *Windsor*. As for instance, one call'd at *Whitehall* for the Election of *John* Count Palatine of the *Rhine*, Anno 20. *Eliz.* the Earl of *Huntingdon*, and the Lord *Grey* of *Wilton*, not having their Mantles then at Court, were not permitted to enter into the Chapter to give their Votes.

KING *Charles I.* determining to call a Chapter for electing the foresaid *Thomas* Earl of *Strafford* at *York*, where neither he nor any of the Knights-Companions then attending his Person, had the Robes of the Order with them; and taking into his Royal Consideration, the Statutes now mention'd, did by his Authority, as Sovereign of the Order, dispence with those Knights then present for coming into the Chapter without their Mantles.

AFTERWARD, upon other Emergencies that ow'd their Origin to the late Rebellion, the Sovereign did the like in some subsequent Chapters held at *Oxford*.

AFTER

AFTER the Restoration, a Dispensation pass'd the Signet of the Order, dated the 10th of *January*, 12 *Car. II.* (the Great Seal being under the Hand of the Graver but not finish'd) He was necessitated to make use of his Supreme Authority for holding a Chapter the 14th of *January* following, in regard the Knights-Companions then in being were not as yet provided of new Robes.

PRESUMING then, that a full Number of Knights, (in Obedience to their Summons) are attending their Sovereign habited in their Mantles and Garters, and entered into the Chapter-House at *Windsor*, or other Place appointed for this Assembly, the Sovereign having taken his Seat at the upper End of the Table, and given leave to the Knights-Companions to sit, the Occasion of their being call'd together is first declar'd either by the Sovereign himself, or the Chancellor of the Order by his Command.

THE next thing in Course, is to exhibit to the Sovereign Information of all the vacant Stalls; and if the Sovereign chance to be in Foreign Parts, an Information ought to be transmitted to him by his Deputy or Lieutenant; but if in *England*, and present in the Chapter, then to be presented him by the Chancellor, or in his Absence by the Register, or other Officer of the Order.

AFTER this they singly debate how the Place of the defunct Knight shall be supply'd, and sometimes (where two or more Stalls are found void) whether they shall be all fill'd up at that time, or if not, how many Knights shall be elected *pro hac vice*.

BUT when the Scrutiny is intended to be taken in the Choir of *St. George's Chapel* at *Windsor*, these or the like particulars (referring to Election) are commonly consider'd of on the Feast-Day in the Chapter held immediately before Vespers, wherein it is most usually order'd, That the Scrutiny shall be taken in the Chapel that following Afternoon. And so it was decreed on *St. George's Day*, Anno 5. *Edw. VI. viz. That the Elections of Knights should be taken that Even-song in the Chapel.*

THIS being effected, the Chancellor begins to collect the Knights-Companions Votes, and this is frequently term'd the taking the Scrutiny: For the ampler

View

View of the Nature of which Action and Ceremony, we shall proceed to certain Considerations preparatory thereunto, beginning with what concerns the Nomination of the Persons to be proposed to the Election.

§. 6. AND first, That Knights-Companions only present in Chapter, have the sole Right inherent in themselves, to nominate and propose Persons to the Sovereign's Election, consentaneous to the Bodies of the Statutes, that even from the Institution of this Most Noble Order, it hath not ever suffer'd any deviations.

It is worthy of Remark, that *Anno 26. Eliz.* the Feast of *St. George* being Celebrated at *Greenwich*, the Earl of *Warwick*, and Lord *Burleigh* were seized with a Fit of the Gout, upon the Feast Day, which retarded them from Evening Prayer, whilst the Scrutiny was taken; whereupon we find their Indisposition of Body, and Absence, noted in that Scrutiny, where their Nominations should else have been set down, had they been present. And upon the same Occasion was what *Robert Cook*, Esq; *Clarenceux*, King at Arms, informs us, *That as for those Knights Companions who happen to be absent when the Scrutiny is taken, altho' this Absence is occasioned by Accident of Sicknefs, or with the Sovereign's Licence, nevertheless, in regard of this their Absence at that very time, their Votes may not be received.*

Those Knights Companions that come late to the Chapter, forfeit likewise the Privilege of giving their Votes for that time, which so happened to *Prince Rupert*, and the Earl of *Strafford*, at the Chapter held for the Election of *James Duke of Monmouth*, in the Privy Chamber at *Whitehall*, 29 Mar. 1663.

Altho' none of the absent Knights-Companions can give a Proxy to vote, or otherwise send their Suffrages into the Chapter or Chapel, there to pass in Nomination; yet formerly, *circa temp. H. 5. & H. 6.* when divers of the Knights Companions were frequently employed in the Wars of *France*, and consequently so fixed to their Commands, that they could not personally attend the Feast of *St. George* at *Windsor*, it was usual for the Commander there in Chief, with Consent of those Knights Companions, to make a formal Certificate, or Present-

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ment (but not to pass it by way of Nomination or Vote, for that the Law of the Order did not permit) to the Sovereign, or his Lieutenant and Knights Companions assembled at the Feast, of such Persons famous for martial Valour and Virtue, with an Account of their gallant Acts and Atchievements, (attested by other Persons of Honour) as were at that time, and in that Kingdom, in the Sovereign's Service, and seemed worthy Candidates for the Honour of the Election, to the intent victorious and brave Persons might be prefer'd to so noble and sublime a Post; an Example whereof we find preserved by the Industrious and Learned *Dugdale*.

“ MY Lord the Duc of *Bedford* remembreth, as by the Statutes of the Order of the Garter, the Election of the Stalls voyde. He saith in the Voyc of the Brethren, and of the Fellowship, beyng at the tyme of the Fest, in the Presence of the Soverain or hys Deputy; that thinkyth to my said Lord, that for hys Acquital to Knighthood, that fytteth hym to give in Knowledge to the Kyng Soverain of the Ordre, and to his Fellowship of the same Ordre, the great Honours of the notable Knights, that from tyme to tyme exercyseth, and have exercysed in Knighthood; and especially in the Service of their Soverain Lord. And of such notable Knyghts as my Lord of *Bedford*, for the tyme remembreth him of, he hath by the Advyce of them of the Fellowship of the Ordre, being now in *France*, in the Kyngs Service, and givyn in charge to the said Garter Kyng of Arms, of the Ordre, to shew theyr Names to the Kyng, and to expound Part of theyr Deeds, Acts, and of theyr Worthyness. First to expose the Honour of Sir *John Radecliff* that hath contynowed all the tyme of the victorious Kyng that last dyed, whom Christe absolve, at the first landing of hym, at *Quies de Caux*, where the sayd *Radecliff* receyved the Order of a Knyght, and after contynowed the Siege of *Hareflew*. And after with my Lord of *Excester* at the Battaile of *Vallemont*, and of *Quies de Caux*. And also sithen the deth of the sayd victorious Kyng, *Radecliff* being Seneschall of *Guyen*, hath brought by hys Labour in Knyghthood to hys Soveraign Lord's
“ obeyfance,

" obedience within the Duchie of *Guyen* many dyverse
 " Cities, Towns and Fortresses. And in especial de-
 " served great and notable merits at the Siege of the
 " City of *Bazates*, whych Siege was accorded, appointed,
 " and set day of Battaile and of Rescous, the whych day
 " was kept and houlden with great power on both Sydes,
 " and under Banners displayed, the Enemies doubtring
 " to fyght wyth *Radecliff* required hym of apoyntment
 " they to depart under saufe conduct from the said
 " Field, the whych saufe conduct he graunted them
 " for the term of eight days, like as they required the
 " honour and empruse rested in the said *Radecliff*, and
 " to hys hygh meryte, for incontynent following was
 " delyvered to hym, the reddeffion and possession of
 " the sayd Cytty of *Bazates*. And also the sayd *Rade-*
 " *cliff* was at the Battaile of *Affincouert*, and hath con-
 " tynowed and exercysed the Armys the Space of
 " xxviij Wynters unreproched. And in the tyme of his
 " Esquierhood was at the Battaile of *Shrewsbury* and at
 " the Journey of *Husks* wyth the Lord *Grey* at the dif-
 " comfiture and taking of *Owenfon*.

Syr *Thomas Ramfion*,
 Syr *Rauff Butler*,
 Syr *William Oldegall*,

Syr *Robert Harlyng*,
 Syr *Gilbert Halsall*,

" Item, My Lord the Duc of *Bedford* beseecheth the
 " Kyng Sovereign of the Order to have also for re-
 " commendyd to his good grace and highnesse other
 " of his Subjects and Servants now being in hys Ser-
 " vice in the Realme of *France*, whych hath done
 " and yet doth take great payne by their knightly
 " labour dayly to serve the merite of worthyness
 " and prowess, as Syr *Robert Hungerford*, Syr
 " *Thomas Beaumont*, Syr *John Popeham*, Syr *Nicholas Bur-*
 " *det*, Syr *Rauff Nevell*, Syr *Edward Wyver*, Syr *John*
 " *Robesart*, Syr *Tyre Robesart*, Syr *William Bretton*, Syr
 " *Thomas Kyngston*, Syr *Richard Hankford*, and dyverse
 " other.

But lest it may be suppos'd by some, that the
 Knights-Companions present in Chapter, can at their
 Pleasures

pleasures nominate or propose to elect such Persons as they deem meet, so they be qualify'd according to the Statutes, this Privilege is to be understood of Knights Subjects only: For in all Cases concerning Strangers, the Sovereign doth but barely grant them Sufferance, and may direct and confine the Knights-Companions to the Nomination of such as he at any time intends to Honour with Election, which Prerogative was particularly Asserted, 31 Eliz. and 3 Car. I.

In the First of these Instances, the *Blue Book* of the Order recordeth, That at a Chapter held immediately before Vespers on St. George's Day, the Earl of Huntingdon, then Lieutenant for the Sovereign, made known to the Knights-Companions, *That the Sovereign did permit them, or leave it to their Pleasure to chuse into the Order what soever Foreign Prince they should by their Votes approve of.*

HERE we have two Points that offer themselves to our Consideration. *First*, That the Knights-Companions have not the Liberty to nominate what Foreign Prince they please, but the same is derivative from the Sovereign, and only by his Permission. *Secondly*, To weigh the Paragraph well, that *Nominare* ought to be render'd or understood here by the Word *Eligere*, and that the Power delegated to the Knights-Companions from the Sovereign, was only to nominate, not elect; For it immediately follows, *That the Knights-Companions went from the Chapter to the Second Vespers; and while the Divine Offices were celebrating, the Prelate receiv'd their Nominations, and that very Evening the Lieutenant presented them to the Sovereign for her to consider of;* which had been insignificant and useles, if the Knights-Companions had been empower'd by her Licence to have made the Choice themselves. But the contrary is evident; for the next Morning, all the Knights-Companions attending the Sovereign in Chapter, she herself confirm'd there the Election not of any Foreign Prince, but of the Earl of *Suffex*, and the Lord *Buckburst*.

In the other Instance, *Anno 3 Car. I.* the Sovereign in a Chapter held before Vespers on St. George's Day, signify'd it to be his Pleasure (Three Stalls being then vacant) that out of Foreign Princes, the Nomination of whom, (saith the Annals in that very Place) *belongs only to the Sovereign,*

Sovereign, i. e. The Sovereign has the Prerogative to direct the Knights-Companions to name, or impose upon them the Nomination of such Foreign Prince he pleaseth they, the Knights-Companions, should pitch upon; which must undoubtedly be understood to Nominate, or enter down into the Scrutiny, (not elect) *Gustavus Adolphus*, King of *Sweden*, and *Henry* Prince of *Orange*. For a little after, it is evident, when the Scrutiny was presented to the Sovereign, that himself, not the Knights-Companions, made Election of them.

AND it is further manifest, by the Scrutiny there inserted, that both those Princes were named by every of the Knights-Companions then present, according to the Sovereign's signification (which has been usually done at all other Times upon the like Occasions.) But concerning the third Person then to be Elected, the Sovereign, (intending him to be a Knight-Subject) left it entirely to their Pleasure to Nominate whomsoever they thought worthy of their Votes. Since this Time, the Nominations in like Cases, have been sufficiently acknowledg'd by the Knights-Companions themselves, to be a Prerogative belonging solely to the Sovereign. For to the End they might more expeditiously and clearly shew their Compliance, it was moved in a Chapter held at *Oxford*, *March* the 2d. 19 *Car. I.* That it might become a Custom for the Sovereign to declare before-hand, whether he would elect any Foreign Prince, and whom, that so the Knights-Companions might be there to name him in the Scrutiny.

6. 7. ANOTHER Consideration in our Progress towards the Act of Election, is appertaining to the Number, Qualifications and Dignities of the Persons nominated, which may be more conspicuously resolved from another Branch of the before-mention'd Article, *viz.* That every one of the Knights-Companions present at the Election should nominate for himself nine very sufficient Persons, whom he should judge free from all Reproach and Scandal, whether Subjects to the Sovereign, or Foreigners, Provided they are known not to Favour or Abet any Party at enmity with him; that is to say, three Earls, or others of higher Degree, three Barons, and

and three Knights. Wherein the Things chiefly observable, we rank under five Heads.

For the First of these, their Number. Every Knight-Companion assembl'd in Chapter, is injoin'd to name Nine, neither more nor less. So also saith King Henry V's Statutes. Nor are King Henry VIIIth's. any ways dissonant. And in this particular, the Statutes have been hitherto inviolably observed, except in one Case. As to Numbers, and the Mysteries wrapt up in them, we shall not further insist upon. But why our Royal Founder selected this particular Number above all other, unless he had some Eye, and tacit Reflection on the Nine Worthies, or a treble threefold Cord and Symbol of perfect Stability and solid Amity, the Number Nine is accounted to signifie, can with no great Facility or Certainty be decypher'd.

As to the Second Point, they ought to be of unspotted Character. The Injunction in the Statutes of Institution takes Order, that the Persons designed for Election, should be *free from all Reproach, and of untainted Reputation*; and according to those of King Henry V. are to be *the best and most sufficient Knights, and freest from Reproach*. To the same purpose the Exemplar in the Black-Book, *Such as are fittest, and whom they who Nominate believe to be free from Ignominy and Dishonour*. And to this Act of Nomination belongs part of the Second Article in Henry VIIIth's Statutes, *That no Knight-Companion should name any Person whom he thinks or esteems in his Conscience to have upon him any Spot of Reproach*. But on the Contrary in another Place of the same Statutes it is Provided, *That they be nominated and proposed out of the Number of the most worthy and select Knights*.

How tender the Knights-Companions were in pristine Times of infringing this particular, is proved from a notable Passage which happen'd *Ann. 39 Hen. VI.* at a Scrutiny taken the 8th of February, in the Bishop of London's Palace, where *John de Foix* Earl of Kendal, a *Gascoigner* by birth, (which makes the Example more eminent, that a Stranger should have so great Regard to the Honour of the Order) not being acquainted with the Quality and Merit of Knights and Honourable Persons

sons amongst us so well and demonstrably as to nominate such whom he was confident were irreprehensible, forbore to mention any Persons at all. And certainly, seeing the Statutes put very considerable Qualifications upon the Deputies and Proxies, made choice for the Installation of Strangers (as elsewhere shown) much more Caution and Regard ought to be used both in the Nomination and Election of Knights into this radiant and illustrious Society.

THE third Head the Statutes render indifferently capable of being nominated or elected, either Knights Subjects, or Strangers, [Free Princes or their Subjects.] And it was so even at the Election upon the first Choice, where among the Twenty five Elected Knights, Twenty three of them were Subjects. And this was the constant Custom not only in the remaining Part of the Founders Reign, and during those of his three Successors, but has continued ever since, as appears from the Scrutinies taken and entred throughout the Annals of the Order.

OF those who have gain'd admission into this Noble Order by Election, we shall in the last Chapter give an Account in a compleat Catalogue of them, and likewise insert the Names of such as have missed their Election, yet are not to be buried in Oblivion, out of this very respect, that by their standing Candidates, have the Fame of being enrolled in the Principal Register of Honour now in the Christian World. It cannot be supposed we should give a List of all, (for that were a Task too laborious, and wou'd prove too numerous) but only of those of eminent Quality in foreign Parts, with the Æra when the Scrutinies were taken.

A CATALOGUE of some STRANGERS who have been nominated, but not elected.

Rambrith de Walsey	}	25 Hen. 6.
Johannes de Voynada		
Franciscus Sforza, Dux Mediolani		28 Hen. 6.
Franciscus secundus, Dux Britannie		13, 14, 15, 22 E. 4.
Henricus quartus, Rex Legionis & Castil.		14 Ed. 4.
Matthius Corvinus, Rex Hungarie		19, 22 Ed. 4.
Fredericus secundus, Dux Austriæ		22 E. 4. 1 R. 3.

Philippus quartus, Dux Burgundie	14 Hen. 7.
Franciscus Maria, Dux Urbini	1, 2 Hen. 8.
Uladiſlaus ſecundus, Rex Hungarie	1, 2, 6 Hen. 8.
Chriſtianus ſecundus, Rex Dania	6, 8 Hen. 8.
Dux Barrye	} 8 Hen. 8.
Comes Galacie	
Alphonſus Dux Ferrarie	13, 15 Hen. 8.
Ludovicus ſecundus, Rex Hungarie	13, 14, 15 H. 8.
Maximilianus Sforza, Dux Mediolani	14, 15, 16 H. 8.
Marchio Peſcaræ	17 Hen. 8.
Johannes tertius, Rex Portugallie	17, 18, 26, 28 H. 8.
-----Marchio Manruæ	18 Hen. 8.
Carolus Burbonus, Dux Vandoſme	24 Hen. 8.
Gulielmus Dux Clivenſis	} 32 Hen. 8.
-----Dux Bavarie	
Dux Alve	} 1 & 2 Ph. and M.
Dux Medine Celi	
Comes Fereæ	} 1 & 2 Ph. and M.
Franciscus ſecundus, Rex Gallie	
Franciscus tertius, Comes Palatinus	} 1 & 2 Ph. and M.
Auguſtus Dux Saxonie	
Alphonſus ſecundus, Dux Ferrarie	} 1 & 2 Ph. and M.
-----Dux Andegavenſis	
Dominus Grabazenby	} 24 Hen. 8.
Dominus Humers	
Dominus Johannes Mounte	
Dominus Harmibolt	
Dominus Boyſy	

THOSE Persons were render'd incapable of Nomination who were known to Act in contrary Interest to the Sovereign; as the Exemplar in the Black-Book expresseth more copiously, Such as are not his Adversaries, or Abettors, or willing Defenders of his Adversaries. Sometimes the Knights-Companions being more wary and discreet in Nominating them, to put either disrespect upon the Sovereign, or offer Violation to the Statutes.

In the last Place, concerning the Degree, Rank and Dignity of the Nine Knights proposed to be Elected, the Statutes of the Institution set forth, That they be, First, Three Earls, or Persons of great Dignity. Secondly, Three Barons. And, Third'y, Three Knights: Or, as it

is in Henry V's Statutes, *Trois Contes ou de greegnear estat, trois Banerets, & trois Batchelers*. These Degrees are to be ranked in Three Classes, and they distinguish'd by Three Divisions, all including the Three Degrees aforesaid.

WHEREAS all other Bodies and Exemplars of the Statutes make positive mention of Earls only, yet the Statutes of *Hen. VIII.* in this Point are more ample, by expressing the first Class, *Dukes, Marquesses, and Earls, or Persons superior to these in Degree*, wherein the highest Dignity is comprehended.

We may observe the different Title, *viz. Baneret* that Henry V's Statutes hath given us instead of *Baron*; and not only in this Article, but in all other where there is Occasion to treat of Barons; and yet the Record intends by it no other than the Person it mentions: For tho' a Banneret had its Denomination *à vexillo*, it usually signify'd a Degree of Honour next below a Baron, both in a later and a modern Date; yet formerly among our Records, it is expressly Synonymous to Baron, as is sufficiently clear'd up by our most Learned *Selden*; and in this Sense is to be taken here, and not as a distinct Title of lower Degree, because we observe the Bannerets rank'd in all Scrutinies before King Henry VIII. establish'd his Statutes (except one) with the Knights-Bachelors, not with Barons.

THE Title of the third and lowest Rank in this Classis in the Statutes of their Institution, are called *Milites Bachalauri*, and in those of King Henry V. *Batchelors*, and elsewhere *Bachalauri & Bachelauri Equites*, which in common Acceptation are the same with *Milites*, tho' thus render'd to evince their difference from Knights-Bannerets, who are of a superior Degree of Honour. And here we may observe, that there is no Place in a Scrutiny for any under the Degree of a Knight-Bachelor. And tho' Three of the Nine mentioned are set down to be Barons, and Three other Earls, or of higher Degree, yet must these Six be such as have had conferred on them the Order of Knighthood, else their Names are rejected, and neither given or taken in Nomination; for the Words of the Statute expressly are, *That each of the Knights assembl'd at the Election shall name nine Knights.*

THUS

THUS King Charles I. Anno 6 Regni sui, designing to invest James Marquess of Hamilton with this Order, conferr'd the Honour of Knighthood upon him immediately before his Nomination: And the Annals in that Place put this commentary Remark thereupon, *Because by the Statutes it is provided, that none should be elected into the Order that have not been dignify'd with the Title of Knight.*

YET the Ceremony of Knighting the Person designed to be elected, was not so strictly regarded, but sometimes this Branch of the Statute was either wholly passed, or else confounded with the second Article throughout the several Bodies of the Statutes, which prohibits the Choice or Election of any Person into the Society, as this doth the Proposal or Nomination. And thereupon perhaps it was conceiv'd, that altho' the Nomination, Election, and sometimes Delivery of the Ensigns of the Order was first dispatch'd and past, yet it was sufficient if the Honour of Knighthood was conferr'd afterwards; as in the Cases of *William Earl of Derby* and *Thomas Lord Burleigh*, Anno 43. *Eliz.* where the Register observes, That as soon as their Election was over, and they Usher'd into the Chapter, the Earl of *Derby*, (who it seems had not been Knighted before) was dubbed Knight with a drawn Sword, according to Custom, after which they had the Garter and George put on by the Sovereign her self.

In like manner, *Ulrick Duke of Holstein*, and *Henry Earl of Northampton*, immediately after their Election, (the last Day of *St. George's Feast*, Ann. 3. *Jac. I.*) and before they receiv'd the Ensigns of the Order, had the Dignity of Knighthood conferr'd on them by the Sovereign; and in like manner the Earl of *Suffex*, Ann. 3 *C. I.* which the *Red-Book* of the Order recites, *That as soon as it was understood that the Earl had not receiv'd the Order of Knighthood before, the Sovereign immediately drawing his Sword, Knighted him;* which was not done till after his Election and Investiture with both the George and Garter.

THUS did the Ceremony of Knighthood succeed the Election of *Charles Prince of Wales*, the 21st of *May*, Ann. 14 *Car. I.* for after he had been elected, and invested with the Ensigns of the Order by the two Senior

Knights (the Earls of *Pembroke* and *Montgomery*, and of *Arundel* and *Surry*) were intreated by the rest of the Knights-Companions, to present his Highness to the Sovereign in the Name of all the rest, to be initiated a Knight-Bachelor. He was conducted by the said Earls (his Supporters) into the Presence-Chamber in *Windor-Castle*, where before the Chair of State, he most Solemnly receiv'd the Order of Knighthood from his Father King *Charles I.*

To Honour which Knighthood, and the Memory thereof, Four of the chief Nobility then present were Knighted, viz. the Earls of *Effex*, *St. Alban's* and *Elgin*, and Viscount *Grandison*, being conducted from the Great Chamber to the Sovereign's State, each between two Batchelor-Knights.

AFTERWARDS the Law in this Point began again to be more rightly understood; and by that Time *James Duke of York* came to be elected (which was the 20th of *April*, 18 *Car. I.* at the Feast of *St. George* celebrated at *York*) the Sovereign appointed, and accordingly confer'd Knighthood upon him the Day before, which he receiv'd upon his Knees, being conducted into the Presence-Chamber between two of the Nobility, who were also Knights, the Marquess of *Hertford* and Viscount *Grandison*. In Honour and Commemoration whereof, Four other Noblemen receiv'd the Honour of Knighthood at that time, the Earl of *Carnarvan*, the Lords *George D'Aubignie*, *John Stewart*, and *Bernard Stewart*, each supported by two Knights.

AND thus Prince *Edward Count Palatine of the Rhine*, and *George Duke of Buckingham*, being designed by King *Charles II.* to be admitted into this Noble Order, were both first Knighted at *St. Germain's* in *France*, 1649. and afterwards had the Ensigns of the Order sent unto them, by the Hands of *Sir Edward Walker*, Kt. Garter, who, in right of his Office, invested them therewith.

YET in the Case of Prince *Rupert*, who was elected with *James Duke of York*, *Ann. 18. Car. I.* His want of Knighthood became no impediment, because he was a Prince in another Country, viz. *Count Palatine of the Rhine*, and *Duke of Bavaria*, and might therefore justly challenge a Privilege to come within the Rule of foreign Princes.

BUT

BUT the Sovereign, to arrive as near to the Intention and Observance of the Statute as he could, (where there was a possibility to do it, and the Honour would be well accepted by the Prince) thought it requisite by Commission under the Great Seal of *England*, to empower *Thomas* Earl of *Arundel* and *Surry*, and *George* Lord *Goring*, both being then in *Holland*, or either of them, to Knight the said Prince before putting on the Garter (seeing it could not possibly be done before his Election) which was intended to be sent by him by the Hands of *Sir John Burrough*, Garter. But Death intervening, the Sovereign's Intention was frustrated; altho' the Prince, upon his coming afterwards into *England*, receiv'd both the Garter and the George from the Sovereign himself at *Nottingham* nevertheless without Knighthood, which to excuse, it may well be alledg'd, that the Sovereign might not recollect this Part of the Ceremony, it being a Time of so great Turmoil and Fatigue, occasion'd by the then setting up of his Standard.

HOWEVER, upon the 17th of *January*, 1644. when a Decree pass in Chapter then assembl'd at *Oxford*, That both the Duke of *York* and the Prince, should enjoy all Emoluments and Privileges of the Order, tho' they were not as yet Install'd (which Ceremony was to be completed as soon as *Windsor* was out of the Power of the Rebels.) The Prince, before he receiv'd his Oath, was conducted by the Earl of *Berk-shire* and Duke of *Richmond* and *Lenox*, unto the Sovereign, and had conferr'd on him the Honour of Knighthood, there being at the same Time two of the Nobility Knighted in Memorial of that Solemnity, the Lord *Henry Seymour*, Second Son to the Marquess of *Hertford*, and the Lord *Capell*, conducted each between two Knights.

§. 8. WE are now come to speak of the Scrutiny it self, in reference to which, we shall consider by whom it ought, or hath been usually taken, and the Manner and Form thereof.

By the Statutes of the Institution, the Collecting the Knights-Companions Votes, and entering them in the Scrutiny, solely appertains to the Prelate of the Order; and upon him is this Office devolved, not only by the

other Bodies of the Statutes, but by the Constitutions of his Post, and the Obligation of his Oath, whose right we find duly asserted upon this Persons taking a Scrutiny, *Anno 29 Eliz.*

THE Statutes likewise provided, That if the Prelate was at any Time absent, then the Dean of *Windsor*, or the Register, or the Senior Residentiary of the College, or the Secretary, or Scribe of the Order, should undertake the Employment; and elsewhere it is mention'd expressly, *In the absence of the Prelate, whose particular Duty otherwise it was.* And among the various Examples enroll'd in the Annals of the Order, these Examples abundantly confirm it. The Prelate of the Order collected the Suffrages from the Knights-Companions, *Anno 9 Hen. V.* when *John Earl-Marshal*, and Four other Knights were elected. The like did *Henry Beaufort*, Lord-Cardinal, Prelate of the Order, upon the Election of *John King of Portugal*, *Anno 13 Hen. VI.* And when the Duke of *Suffolk* was chose, *Anno 26 Hen. VI.* the Prelate then also gather'd the Suffrages; which he likewise did upon the Feasts of *St. George*, Celebrated in the 12th, 13th, 14th, 27th, 28th, 30th, 31th, 34th and 35th Years of *Queen Elizabeth's* Reign. Sometimes the Scrutinies have been gathered both by the Dean of *Windsor*, and the Register of the Order jointly; as we find by the Election of *John Lord Talbot*, *Ann. 2 Hen. VI.* of *Sir John Falstaff*, *Ann. 6 Hen. VI.* and the Duke of *Quinbery*, *Ann. 5 Hen. VI.* all receiv'd at the Feasts of *St. George*, celebrated at *Windsor*.

It is more than a bare Conjecture, that the Dean at those Times receiv'd the Votes from the Knights-Companions on the Sovereign's side, while the Register collected those on the Prince's; for 'tis observ'd, that in King *Henry Vth's* Reign, in Posts of different Natures, one whereof was to signify the Sovereign's Pleasure to the Knights-Companions about their paying due Reverence, first to God, and afterwards to himself; and the other in a Ceremonial, which directs the Manner and Order of Mulcting the Knights-Companions; in both which, the Dean perform'd the Service on the right Hand the Choir (the Sovereign's side) and the Register on the left.

SOMETIMES the Register of the Order took them alone, as at the Election of *John Earl of Arundel*, Anno 10 Hen. VI. and those of the *Earl of Morreyne* and *Sir John Grey*, Ann. 14 Hen. VI. Moreover it's plain, that when the Office of Register was not fill'd, and *Thomas Ruthall*, Bishop of *Duresme*, executed it during its Vacancy, the Bishop himself, Ann. 2 Hen. VIII. collected the Suffrages. The like did *William Day*, Dean of *Windsor*, in the Absence of *George Carew*, Dean of the Chapel and Register of the Order, at the Feasts of *St. George* held at *Whitehall*, Anno 18 and 19 Eliz.

THIS Duty was executed by the Register from the 15th Year of King *Henry VIII.* to the Period of his and his Son's Reign, as the *Black-Book* of the Order fully evinces; as also on *St. George's Day*, Ann. 1. Eliz. by *John Boxhall*; and at the Feast of *St. George* held Ann. 1 Jac. I. by *Giles Thompson*, who in the several Times were Registers, yet we must not mistake that what they officiated was on their own behalf, but supply'd the Place of the Prelate.

In the Beginning of *Queen Mary's* Reign, we find the Chancellor of the Order began to perform this Service, being by King *Henry VIII.*'s Statutes adjoined to those other Offices before describ'd, to collect the Scrutinies in absence of the Prelate, and thereby made capable of the Employment, which afterwards is tacitly remark'd to be perform'd as if in his own right, when the Register has only effected it in the Chancellor's absence, tho' in reality it was no other, than as in the Instance of the Bishop of *Duresme* and *Dr. Day* aforesaid, who took the Serutiny in the Vacancy of the Office, and absence of the Register.

Anno 4 Eliz. the Register in the Absence of the Chancellor (who was sick,) upon the Feast Day of *St. George*, collected the Suffrages. And Ann. 8. Eliz. *George Carew*, then Register of the Order, took the Votes of the *Knights-Companions* in absence of *Sir William Petre*, Chancellor of the Order. So also Ann. 4. Jac. I. where the Cause of the Chancellor's Absence is noted to be *Sickness*, and Ann. 6. Jac. I. to be *Death*.

In the first of these Instances, we find the Prelate expressly set down to be there; in the two following, his

presence is implied, for it is said, that the Four Officers of the Order did attend both Feasts, whereof, (the Chancellor being wanting) the Prelate must needs be one.

Now all these Passages seem to relate to the Right of the Chancellors rather than the Prelates by this Remark, That every of the Scrutinies were taken in the Absence of the Chancellor, which looks something like a cautionary Remark that denoted the Right of Executing this Office to the Chancellor, rather than the Prelate.

WHEN a Deputy-Chancellor hath been admitted to Officiate in the Chancellor's absence, he, and not the Prelate, hath taken the Scrutiny, (tho' present) as at the Election of *Charles Prince of Wales*, the 20th of *May*, 14 *Car. I.* and at another taken the 22d of *May* following, and the same when the Suffrages were collected for the Election of the *Duke of York* and *Prince Rupert* at *York*, *Anno 17 Car. I.*

BUT there is one Passage more (upon taking a Scrutiny *Anno 22 Jac. I.*) which seems Advantageous to the Chancellor in this Point, where it is said, *That when the Knights-Companions had given their Votes* (as say the *Annals*) *THE CHANCELLOR WHO, ACCORDING TO HIS OFFICE, was to receive them, presented them to the Sovereign.* Howbeit, in truth there is no sufficient Foundation for the Register to insert this as done by the Chancellor, by *Virtue of his Office*, or any one Act or Chapter that hath suspended or made void, the Right of the Prelate, which is reserved by him, even by the Patent, for erecting the Office of Chancellor; especially in those Affairs, which, respecting the Order, ought by the Statute of the Institution to appertain to him. But since the stated Time of performing this Ceremony in the Chapel, the Prelate (if present) is presumed to be Officiating at the Altar, in discharge of another part of his Duty, upon this consideration hath the Service been then imposed upon the Chancellor, and others.

Lastly, WE find the Scrutiny to be once taken by *Garter*, *Ann. 16. Car. I.* at the Election of *Thomas Earl of Strafford*. But this was at a Time, when not only the Prelate, but all the other Officers of the Order, excepting *Sir John Burrough*, *Garter*, were absent, and consequently

sequently this Service so executed, ought rather to be judged to have been done in the Prelate's than Chancellor's Right.

§. 9. BUT whosoever gather'd the Suffrages, the Time when they enter'd upon this Duty (in the Intervals of Feasts, where the Occasion requir'd a peculiar Chapter for an Election) was usually after the Chapter had been open'd, and the Matter of Election propos'd by the Sovereign; after which he proceeded with all possible Reverence and Respect.

HOWBEIT upon an extraordinary Occasion (in the Interval of the Grand Feasts) the Sovereign hath sometimes called an Assembly of the Knights, Companions, to be convened at the Castle of *Windsor*, who in the Choir of *St. George's Chapel* (not Chapter-House) after the more solemn Manner, have deliver'd in their Nominations, and returning thence into the Chapter-House, he there continu'd the Election. Thus did King *Henry VIII.* upon the 7th of *June* in the 17th Year of his Reign, in reference to the Election of the Lord *Henry Fitz Roy*, (so stil'd in the Scrutiny, and rank'd among the Barons; for as yet he was not created Duke of *Somerset* and *Richmond*) and *Ralph Nevil*, Earl of *Westmorland*.

ON the 20th of *May*, *Anno 14 Car. I.* being *Trinity-Sunday*, the Sovereign caus'd a Chapter to be held that Afternoon in the Chapter-House at *Windsor*, for the Nomination and Election of *Charles Prince of Wales*; at the Breaking up whereof, the Sovereign and Knights-Companions proceeded immediately to *St. Georges's Chapel*, where at Evening-Prayer, (which was not within the Compass of the Feast, for that began not 'till next Day) the Scrutiny was taken.

AND besides those Exampl'es which shew the Nominations have been collected (upon peculiar Occasions) in the Choir at *Windsor*, there are one or two Instances they have been also taken in the Chapel at *Whitehall*, as on the 15th of *May*, *Ann. 1 Car. I.* at the Choice of *Edmund Earl of Dorset*, *Henry Earl of Holland*, and *Thomas Viscount Andover*, as on the 4th of *July* the same Year, whereat the Duke of *Chevereux* was pitch'd upon.

THE

THE Suffrages have commonly been collected at the Second Vespers, or in the Time of Evening-Prayer on St. George's Day, or on that Day whereon the Feast of St. George hath been celebrated by Prorogation; and with this Distinction of Time, the taking of divers Scrutinies are mark'd.

HOWEVER there occurs one Scrutiny gather'd in the Chapter-House at *Windsor* on the Eve of the Grand-Feast, at which the person immediately elected, was sent for in, and had the Ensigns of the Order conferr'd upon him, when immediately the Sovereign made his Progression to the Chapel, and after some small Interval, the Elect proceeded to his Installation. And this was the Case of *James Marquess Hamilton*, *Ann. 6 Car. I.* who lying under an Obligation to commence his Voyage next Morning towards *Germany* (whither he had the Commission of General of 6000 Foot in Assistance of the King of *Sweden*) occasion'd this his Sovereign's Indulgence, and quick dispatch.

WHEN the Scrutiny first began to be collected in the Chapel, is treated of somewhat general and indefinite. *Ann. 2, 3, 4, 5, 8, 9 Eliz.* it was during the time of Evening-Prayer. And in like manner, *Ann. 4 Jac. I.* and *13 Car. I.* And when the Feast of St. George was solemniz'd at *Whitehall*, the 18th of *April*, *13 Car. I.* the *Annals* say, *That the Sovereign recreated himself with the Melody of Evensong, during which the Chancellor collected the Votes of the Knights-Companions.*

BUT in some other Places, the Time when this Matter was transacted is restricted to a precise Time, or some particular Part of Evening Prayer, as *Anno 26* and *27 Eliz.* whilst the *Choir* sung the Service, and the like *Anno 14 Jac. I.* but *4 Car. I.* while the Anthem was sung after the second Lesson, but more frequently after the first Lesson, as in the *2* and *9 Car. I.* while the Anthem was singing, or whilst they were hymning the Anthem of the blessed *Virgin* called the *Magnificat*, and which is all one with that, *Anno 14 Car. I.* viz. as soon as the first Lesson was read, or at the first Lesson, which is remembered to be the usual Part of the Service, in which the nomination ought to begin.

§. 10. THE manner of the Order the Knight-Companions Votes ought to be collected when the *Scrutiny* is taken in the *Choir*, when the Register informs us, upon the Celebration of St. Georges's Feast at *Greenwich*, 28 Hen. VIII. as entred into the *Black Book*; " That he " used his Diligence in going to and fro from one Side to " the other, to demand and redemand the Suffrages from " the Knights-Companions, according to the Variety " and Disposition of their Stalls, " which same Methods in *eisdem terminis* the Chancellor observed, Anno 24 Eliz. and without question was generally performed at other Seasons, for the annals describe it to be perform'd *de more* 5 Eliz. or *juxta Ordines Constitutionis* Anno 26 Eliz.

THAT the Officer who collects the *Scrutiny*, is obliged to begin at the youngest Knight-Companion, and so proceed upward towards the Eldest, is evident from the Order mentioned to be in Vogue, An. 2 and 20 Eliz. as also 15 Car. I. But to give a more particular Account of this Ceremony, as it stood *temp. Car. I.* and doubtless long before, tho' not Recorded in *Scriptis*, is as follows.

First, THE Officer arose and went into the Middle of the *Choir*; directly over against his own Seat, he made two Reverences, first towards the high Altar, and next to the Sovereign, then he proceeded up to the *Choir* near the *hault pace* against the Stall of the junior Knight-Companion, and there made like Reverence; this done he went up to the Stall of the said junior Knight, and with a singular Reverence to him, only demanded whom he pleased to nominate, which having taken, (making to him a second Reverence,) he descended into the *Choir*, and thence passed to the next senior Knight on the other Side, (unless by reason of the vacancy of the Stall he Sits on the same Side with the junior) and having received his nomination from the second Knight-Companion, he again crossed the *Choir* to the Third, and in like manner he ascended according to the Seniority of the Knights-Companions present, (always crossing the *Choir* where there was occasion) until he arrived at the senior Knight-Companion; and having

having thus received all their Nominations, he returned into the Middle of the Choire, and after accustomed Reverences, took his Seat.

THIS Method in collecting the Votes as to the general, and in the Choire, ought likewise to be observed when they are taken from the Knights-Companions in Chapter, they being ranked in due order on either Side of the Table, according to the Seniority of their Elections and situations of Stalls in the Choire; the Officer beginning with the junior and thence gradually ascending to the senior Knight.

AND that we may rightly apprehend after what form every Knight-Companion Ranketh the Names of those Persons he proposeth, and how each Classis is distinguished and divided, the following Scrutiny will manifest which was taken off, *May, Anno 13 Hen. VI.* upon the Vacancy of one Stall hapning by the death of *Sir Henry Tanke Clux a German*, and the first Scrutiny found Marshallled among the Annals of this most noble Order.

N O M I N A B A N T.

	Principes.	Barones.	Equites.
Dux Exonia.	{ Duc. <i>Norfolcia</i>	Dom. <i>Lovell</i>	Dom. <i>S. Stanley</i>
	{ Duc. <i>Warwici</i>	Dom. <i>Audley</i>	Dom. <i>J. Holland</i>
	{ Com. <i>Oxonie</i>	Dom. <i>Dudley</i>	Dom. <i>J. Steward</i>
Marc. Suffolc.	{ Duc. <i>Norfolcia</i>	Dom. <i>Lovell</i>	Dom. <i>J. Fengo</i>
	{ Com. <i>Devonia</i>	Dom. <i>Audley</i>	D. R. <i>Woodcote</i>
	{ Com. <i>Oxonie</i>	Dom. <i>Foix.</i>	Dom. <i>A. Ogard</i>
Com. Salopia.	{ Duc. <i>Warwici</i>	Dom. <i>Audley</i>	Dom. <i>R. Fengo</i>
	{ Duc. <i>Norfolcia</i>	Dom. <i>Dudley</i>	Dom. <i>T. Stanley</i>
	{ Com. <i>Oxonie</i>	Dom. <i>Foix</i>	Dom. <i>T. Kiriell</i>
Dom. Sudeley.	{ Duc. <i>Norfolcia</i>	Dom. <i>Foix</i>	Dom. <i>R. Fengo</i>
	{ Duc. <i>Warwici</i>	Dom. <i>Lovell</i>	Dom. <i>J. Fengo</i>
	{ Com. <i>Devonia</i>	Dom. <i>Audley</i>	Dom. <i>G. Boneville</i>
Dom. Wil- loughby.	{ Duc. <i>Warwici</i>	Dom. <i>Wells</i>	Dom. <i>T. Kiriell</i>
	{ Duc. <i>Norfolcia</i>	Dom. <i>Lovell</i>	D. J. <i>Montgomery</i>
	{ Com. <i>Oxonie</i>	Dom. <i>Laware</i>	D. R. <i>Shotesbroke</i>

Dom.

Dom. Scales.	{	Duc. <i>Warwici</i>	Dom. <i>Foix</i>	D. E. <i>Hungerford</i>
		Com. <i>Oxonie</i>	Dom. <i>Clyfford</i>	D. G. <i>Beauchamp</i>
		Com. <i>Devonie</i>	Dom. <i>Laware</i>	Dom. <i>A. Ogard</i>
Dom. Johannes Falstaff.	{	Duc. <i>Warwici</i>	Dom. <i>Boucer</i>	D. R. <i>Hungerford</i>
		Duc. <i>Norfolcia</i>	Dom. <i>Audley</i>	Dom. R. <i>Roos.</i>
		Com. <i>Oxonie</i>	D. <i>GrayRuffyn</i>	Dom. <i>A. Ogard</i>
Dom. J. Beau- champ.	{	Duc. <i>Warwici</i>	Dom. <i>Foix</i>	Dom. R. <i>Fengs</i>
		Com. <i>Devonie</i>	Dom. <i>Lovell</i>	Dom. J. <i>Fengs</i>
		Com. <i>Oxonie</i>	Dom. <i>Audley</i>	Dom. R. <i>Roos.</i>

In the first Column each Knight-Companion hath his own Name prefixt to those Persons for whom he condescends his Vote, to the intent it may appear by whom the Knights candidates are nominated, and these are Ranked in three several Divisions.

THE first contains, The Degrees of Earls, Marquesses, Dukes, Princes, Kings and Emperors; yet at a Scrutiny taken *Anno 24 Hen. VI.* in a Chapter held at *Brainford, Albro Vasquez d'almadea*, (who immediately following, is Stiled *Comes Averentia*) is by a mistake Ranked; but in the second Division among the Barons, and twice among the Knights Votes of the Marquesses of *Suffolk*, and Earl of *Shrewsbury*, but this Error perhaps owes its original for want of due knowledge, either of the Law in the Statutes or his Degree, the latter of which is the most feasible to conjecture; for being a Stranger, his Title might not be so generally divulged, nor is it taken notice of in the Scrutiny it self, tho' in the annals immediately after it was rectified.

AND to shew the probability of this Point, the Earls of *Oxford*, *Devonsbire*, and *Arundel*, (whose degrees were sufficiently known) at a Scrutiny taken *Anno 24 Hen. VI.* are ranked in the second Division among the Barons, and *Anno 1 Hen. VIII.* the Earl of *Darby* is three Times so placed, and again *13 Hen. VI.* the Earl of *Devonsbire* twice; but this happened not thro oversight or neglect of the Statutes, but because at these Nominations wherein they are so Ranked, the first Division to which they appertained, happened to be fill'd up with those other higher Dignities belonging to the same Class, viz.

Kings

Kings or Dukes, as when the beforementioned Earls of Oxford, Devonshire, and Arundel, were set down in the Place of Barons; the King of Portugal, the Dukes of Warwick and Norfolk, were put in the Class of Princes, and so it happened in many other instances.

ON the contrary, Anno 15 and 16 Eliz. IV. the Lord Rich. Grey one of the Queen's Sons, by her former Husband, Sir John Grey of Groby Knight; in respect of his Alliance to the Royal Family, is Ranked in the first Division among the Princes, under the Title *Dominus Richardus filius Reginae*, and afterwards Anno 19 Edw. IV. set only among the Barons, as well with the former Title as this *Richardus Dominus Grey*, but Anno 22 Edw. IV. he is thrice register'd among the Princes, and as often with the Barons, whence it is observable that to be Enrolled in the Rank of Princes, may be afforded of courtesie to Persons of high Eminency and Blood; but then as they can lay no claim to it by their Merit, so such of the Knights-Companions as Rank them lower, suffer no diminution in their Honour.

WHEREIN the second Division are Ranked the Barons and Viscounts, for Viscounts in all Scrutinies, after the first Erection of that Dignity, were on the same level with the Barons, until the 3 of Jac. I. (excepting only John Dudley Viscount Lisle, Anno 35 Hen. VIII. who by every Knight, the Duke of Norfolk excepted, is Ranked in the first Division of Princes) and in a Scrutiny then taken, Robt. Cecil Viscount Cranborne is the second Viscount in the List that has been Ranked with Princes, whence it became the frequent Practice in succeeding Scrutinies, until Anno 14 Car. I. And then (upon a Question put in Chapter convened at Westminster 23 May 14 Car. I.) whether Earls Sons and Viscounts were eligible with Barons, it passed in the affirmative, and that by general usage except in the two cases just mentioned; and about the same time we find it reiterated near that Time, for in two Scrutinies taken the 19th and 21st of that Instant May, the Viscounts are therein reduced to the second Division, and Ranked with the Barons.

THE Knights-Bachelors and Bannerets held the same Rank

Rank in King *Hen. VIII's* Statutes, in all Scrutinies with Barons.

BUT tho' the word in King *Hen. VIIIth's* late Statutes is *Baronettus* instead of *Banerettus*, yet is this frequently obvious in some ancient Books and Records, as well as in those ancient Writers, long before the Title of Baronet was conceived or brought into use.

In the last place he who demands those Suffrages) the Knights-Companions present) is by the Statutes of Institution to receive them in writing; for in a Scrutiny taken *Anno 2 Hen. VI.* at the Election of *John Lord Talbore* and *Turnival*, the *Dean of Windsor*, and the Register of the Order, wrote down the Votes and Nominations of every singular Knight present at the Day of Election.

AND at another Scrutiny *Anno 4 Hen. VI.* to fill up that which by an Error in the Black Book is set down *Sir Henry Fitzhugh*, 'tis inserted, *That the Dean and Register wrote down in Order*, (according to their Seniority) the Votes of the Knights-Companions. And after the Scrutinies began to be entred in the Annals, it is evident the general Practice kept pace with the Injunction of the Statutes; only there are two instances of an Election confirmed without taking a Scrutiny in writing, one in the case of the Princes *Henry* and *Christiern IV.* King of *Denmark*, where the Knights-Companions in a Chapter convened at *Whitehall*, 14 of *July 1 Jac. I.* gavein their Votes *viva voce*, and immediately the Sovereign admitted them both into the *Illustrious Society*; the other was the Case of *James Marquis Hamilton*, Elected the 2d of *Feb. 20 Jac. I.* with the vocal consent of all the Knights-Companions.

It is worthy observation, that this Method, and the omission of taking the Scrutiny in writing, is not only contrary to the Law of the Order expressly set down for a more stable consignation of the Action, and more faithful transmission of it to Posterity, but exceeding prejudicial to Persons of Honour, and Distinction, whose Names would otherwise survive with great veneration among the candidates of this *Illustrious Order*, and of which Honour many deserving Persons will be hereafter deprived, if the Injunctions of the Statutes be not observed in this particular respect.

S E C T. XI.

The Presentation of it to the Sovereign.

THE Knights-Companions, having delivered their Suffrages, the Officer by whom they are Collected, humbly presents to the Sovereign the Nominations, for so it is recorded the Prelate of the Order acted in the 9th of *Hen.* the Vth. If these Votes were taken in Chapter, the Paper usually was immediately presented to the Sovereign who made his Election, before the Chapter broke up; but if gathered in the Chapel, tho' it was given to the Sovereign, yet the choice was not made then, but the Morning after, and this was the manner in the 2d and 5th Years of *Queen Eliz.* Another time it hath not been presented till the Vespers were finished, but in the Practice of latter Days the Scrutiny hath not been given up to the Sovereign till the next Day at the opening of the Chapel before Morning-Prayer, as in the 13, 15, 20, 30 Years of *Queen Eliz.* demonstrates, and was the accustomed Practice of the 17th Year of *King Charles* the first of ever sacred Memory; the last presentation was transcribed in a little Book, and with all due Reverence offered upon the Knee, before any other Affair was transacted in the Chapter.

THIS has been the general Use as we are ascertain'd, *Anno 2 Hen. VI.* the Dean of *Windsor*, and the Register of the Order, having Collected the Vote of every Knight, they were immediately given into the Hands of the Sovereign's Deputy; and in the same nature were they presented on the 4th *Hen. VI.* when *John Duke of Bedford* was Lieutenant, in the 20th of *Queen Eliz.*; when the Suffrages were Collected by *Sir Francis Walsingham* the Chancellor, he gave them up to the Earl of *Suffex*, then Lieutenant to the Sovereign.

BUT it's evident from several Passages in the Blue Book of the Order, that the Lieutenant afterward delivered them to the Sovereign, as is apparent from the Records of the 30th, 34th, 38th, and the 40th Year of *Queen Eliz.*

In the 12th Year of K. James I. some Exceptions arose upon the Chancellor's not presenting the Scrutiny to the Prince, (who at that time was the Sovereign's Lieutenant) but to the Sovereign himself, which was an Error he fell into, as well as some of his Predecessor's; as the 2d, 3d, and 25th of *Eliz.* demonstrate.

The Sovereign's Considerations upon the Qualifications of those to be elected.

§ 12. As the Knights-Companions are under an Obligation, by the Statutes, to nominate no Person, but who can bear the Test of the afore-mention'd Qualifications; there's a Standard of Honour provided for the Sovereign, to measure the Extraction, Quality, and Merit of the Person propos'd to be elected, lest it might chance, thro' the Indulgence of the Sovereign, this Fountain of Honour might be muddied by the Choice of inferior and undeserving Persons, for the Statutes run---because this Order consists of Goodness, and honourable Virtue, doth not admit Unworthiness and Villany, and so by Consequence secludes all Persons of mean Extraction and Merit.

The Qualifications for Election are exhibited in the 2d Article, as in the 18th are included those of Nomination: The Words of the Institution are, *That none shall be elected into the Order*; and refer only to the Act of Election: For if we consult the rest of the Statutes, and compare them with this Passage, they run according to this Tenor, *That none shall be elected and chosen a Companion of this Order.* These refer more principally to the Time of the Election, and not to the Investiture with Garter, and George, and Installation, from the Expressions of admitting and receiving Knights into this Order, as the Exemplars of the Statutes of Institution set forth. And this is farther illustrated, from another Passage in the 2d Article of Henry the VIII's Statutes, where the Word *Reproach* is mentioned, saith, *The Guilt thereof so incapacitates a Man's Election, that for the future it's a Bar, and utterly disqualifies him for that Honour.*

There are Two Points requisite for Qualifications and Endowments; first, to be a Gentleman of Blood; and, 2dly, a Knight without Reproach. By the Statutes of Henry the 5th's Institutions, no Man ought to be elected, unless he

be a Gentleman born. The Exemplar in the Black Book saith, Unless he be worthy upon the Account of Birth and Arms: And in another Passage, That he be one eminent for his Demeanour and good Report; which intimates the Conjunction of Blood and Virtue, which make up the noblest Composition. The Statutes of King Henry VIII. are more extensive than those, and say, He must be a Gentleman by Name, Arms, and Blood; and least this Character might seem intricate and perplex'd, A Gentleman of Blood is defin'd to be, One descended of three Descents of Nobles, viz. of Name and Arms, both by his Father and Mother's side.

It's certain Gentility does not receive its Perfection in the Person it was first devolv'd on, but is rather compleated by Succession: For, among the Romans, tho' the Father was Free-born, and of the Equestrian Cense; yet it was farther requisite, that the Grand-father should be the same, or else they could not obtain the Ring, one of the Symbols of the Equestrian Order, as Pliny informs us. Gentility hath its beginning in the Grand-father, its increase in the Father, and full ripeness in the Son; and consequently in the Constitution of Gentility, the Father and Grand-father conveying a Lustre to the Son, make it entire and compleat; for its incongruous to suppose a ripeness in the Son, unless there had been a former increase in the Father, and a longer Series from the Grand-father.

The memorable Instance of the Lord William Paget, who was divested of the Garter five Years after his Election, upon Preference of his not being a Gentleman of Blood by either Father or Mother, proceeded not wholly from the defect in Point of Extraction, as Haward relates, but rather from the Prevalence and Practice of John Dudley, Duke of Northumberland, by whose means he was most unjustly deprived of the Garter; repenting, pethaps, at the great Honours he had done this Lord, by his fair Character of him to King Edward VI. when he procured him a new Grant of those Arms, under the Great Seal of England, when he was Earl Marshal, which he had some time before received from the Garter Principal King of Arms.

But, admit the defect of Blood and Arms, for three Descents, were the true Cause of the recalling his Garter, that

that it might be conferred upon the Earl of *Warwick*, eldest Son of the said Duke, who, out of courtesie, is called so, in which Relation both *Haward* and *Stow* have mistaken, for they were bestowed upon Sir *Andrew Dudley*, Brother to the Duke; for tho' he was put in the Scrutiny enter'd among the *Annals* of *Edward VI.* in the Sixth Year of his Reign, upon *St. George's Day*, yet was the Earl neither then, nor at any other time, elected.

The Ensigns of this most Noble Order, as soon as Queen *Mary* ascended the Throne, were with as much Honour restored to the Lord *Paget*, and with as great and absolute an Authority, as they were disgracefully taken from him. And in Confirmation of this Lord's Restauration, he had the *Garter* buckled on his Leg, and the *Collar* and the *Order* put about his Shoulders, with the *George* depending, by two of the Knights-Companions present; and the *Garter King at Arms* was order'd, That he should take Care his *Atchievements* should be replaced over his *Stall at Windsor*, which is the 9th on the Sovereign's side. It is observable, that the very Records of the Order brand his Degradation as Injustice; as if it were inferable, That when Honour is conferred, upon the Account of Virtue and exquisite Endowments, the Consideration of these supplies the defect and obscurity of Extraction. The Sovereign, whose Prerogative it was to declare and interpret the Statutes, being present in Chapter, thought fit to qualifie the Law, and gave him this honourable Commendation, *That he had highly deserved of the Nation, by his Prudence and Counsel.*

And though there's only inserted in the *Exemplar* of the *Black Book*, *Virtue* and *good Report* for a Qualification, yet the same was observed by the Sovereigns and Lieutenants in foregoing Times, with great Circumspection; and that the *Magnanimity*, *Fortitude*, *Prudence*, *Generosity*, *Fame*, *Reputation*, and other Virtues and Excellencies, whether innate or acquired, of the Person proposed to Election, have by prudent Inquisition been inspected, and brought to the Touchstone, before they have been admitted into so noble and illustrious a Body.

Those Qualities were chiefly consider'd and esteemed by *Henry V.* for which Reason, at an Election in the 9th Year of his Reign, he gave the Preference, before others that were nominated and presented unto him, to

John, Earl Marshal, William, Earl of Suffolk, John, Lord Clifford, Sir Lewis Robertſack, and Sir Heer Tank Clux.

Humphry, Duke of Glouceſter, Deputy to K. Hen. VI. trod in the ſame Steps, and did weigh, by the ſtrict Rules of Fortitude and Prudence, the gallant and noble Actions and Deſerts of John, Lord Talbot, before the Election, and gave in an Approbation worthy of his own Judgment, and that Candidate's Merit. And for this Reason it's expreſſed in the Annals of the Order, that ſuch noble and heroic Qualifications ſhould have the favour of Election preferable to others, as is evident in the Matter of Choice of Sir Nicholas Carew, in the 28th of Hen. VIII. That he was a very fit Perſon, upon the Eminency of his Extradition and Fame; and the many noble and worthy Actions he had performed; ſo as that all preſent did, without any delay, unanimoſly approve of his Election. And after this Tenure run the Commendation of Henry, Earl of Cumberland, at his Election, viz. The many famous and loyal Atchievements performed by him, both at ſeveral other times, and then more eſpecially, when the Tumult of Rebellion began to break forth in thoſe Borders where he had his Habitation.

The 2d Point to treat on is, That no one is qualified for Election, unleſs he be a Knight; or as it is expreſſed in one of the Exemplars in the Hatton Library, *Unleſs girded with the unſtained Girdle of Knighthood*; ſo ſingular a regard the Law of the Order hath to this particular Qualification above the reſt: And leaſt Chance or Inadvertency might let ſlip a Perſon not Knighted into the Scrutiny, were the Words inſerted *ut minimum*, that he be at leaſt a Knight before he be elected, when the Sovereign comes to make his Choice. It is evident from the 2d Article in the Statutes, that it hath long ſince received this Conſtruction, as appears by an eminent Inſtance. In the 17th of Hen. VIII. The Feaſt of St. George being celebrated at Greenwich, and the Sovereign being preſent, having elected the Lord Roos, afterwards Earl of Rutland, into the Society of this moſt noble Order; and being advertiſed on the Morrow after St. George's Day, while the Maſs of Requiem was celebrating, *That he had not before received the Dignity of Knighthood, according to the Statutes, which poſitively enjoin, That whoſoever is elected into this Society, ſhould be in Degree at leaſt a Knight*; that is, actually Knighted before-hand. And tho' the Lord Roos was,

at the Time of his Election a Baron of this Realm, which is a higher degree of Honour than a *Knight*; The Sovereign after Mass re-assembled the *Knights-Companions*, and annulled the Election, and commanded the *Garter* and *George*, so lately conferred, to be taken off, and in the same Place dubbed him a *Knight*; and then he was Elected again, with an unanimous Consent, and so declared by the Sovereign's own Mouth; and was restored to his *Ensigns* and *Ornaments*, by the Dukes of *Norfolk* and *Suffolk*. Agreeable to this, it's recorded in the *Red Book* of the Order; that none of the *English*, *Scotch*, or *Welsh Nation*, how considerable soever otherwise, in the *Prerogative of Blood* or *Virtue*, can be Elected into this most honourable Society; but that he ought to be first ennobled and rendered capable, by this first degree of *Knightly Honour*.

But this Law does not bind *Foreign Princes*; for by a Decree at *White-Hall*, in 13 *Charles I.* these Words, *ut minimum*, are explained to relate to all Subjects, of what Degree soever, within the Sovereign's Dominions; but *Foreign Princes* ought not to be *Knighthed*, as the Basis and first Degree of *Chivalry*. The *Statutes of Institution*, as to those before-mentioned, not only enjoyn them to be *Knights*, but to be free of all *Infamy* and *Reproach*. In *Henry V's* Statutes, it stands, *Chivalier sans reproche*, which Answers in the Latin, *Eques irreprehensus*; and the Argument used by the Duke of *Bedford*, for promoting the Election of *Sir John Radcliff*, was, that he had continued and exercised the Armies, the space of twenty eight Years, without *Reproach*. King *Henry VIII.* determined this Word *Reproach* into three Species; first, when a *Knight* hath been convicted of *Heresy*, against the *Catholick Faith*; or suffered any publick Punishment for such Offence: Here *Heresy* is reckoned among those defects, that deprive Men of Honour; because it bends its Force against the *Catholick Church*, which not only renders a Man, in the balance of Honour, of no *Weight* and *Esteem*, but more than all other Sins, makes him *Infamous*. And therefore when by *Tongue*, *Pen*, or *Actions*, a Man endeavours to trample under Foot the *sacred Law*, he scandalizeth Government, and seduceth others.

The second Point is, when any *Knight* hath been arraigned, convicted, and attainted of *Treason*; however *Q. Elizabeth* qualified this Point by a Decree, made in

the first Year of her Reign ; that in case any Persons so convicted, were pardoned by the Sovereign, and restored in Blood ; every such Gentleman in Name, Arms, and Blood, and descended as aforesaid, being otherwise qualified, according to the ancient Statutes of the Order, should be thenceforth accounted Eligible, and might be Chosen a Companion. This Decree, it's presumed, owes its Original, upon the occasion of restoring in Blood William Marquis of Northampton, and the Lord Robert Dudley, after Earl of Leicester, who had been attainted of High Treason in the first of Q. Mary : And we find that in the next Feast of St. George, they recovered their Privileges of Honour, and were preferred in Nomination, and on the last Day of the Feast, were Elected into this most illustrious Society.

Though the Marquis of Northampton had been formerly Elected in the 35 H. 8. and was restored in Blood, as I said before ; it's very remarkable, that it was thought fit to descend to a new Nomination and Election, as appears from the Decree it self, as it was performed upon the third of June Anno primo Eliz.

The last Point of Reproach, is, where a Knight Companion hath fled from Battle ; in which the Sovereign, or his Lieutenant, or other Captain, (having the King's Authority) were present ; when Banners were displayed, and both Sides proceed to Fight. Now for a Person to behave himself cowardly in the Fight, abandon his Colours, leave his Prince, Friends, and Companions, in hazard of Life, are undoubtedly Concerns of a very high and reproachful Nature, and draw down Dishonour upon the Order, the Sovereign, and Knights Comparions, and a sufficient indication of a pusillanimous Mind ; that prefers to drag an infamous Life, and makes his Honour a Sacrifice to a reproachful Safety ; for the Resolution of a right Martial Spirit, ought either to return decked with Victory, or die upon the Bed of Honour.

By the Laws of King Edward the Confessor, the Soldier that runs from his Colours, either in Land or Sea Service, his Life and Estate were made liable to answer the Offence ; and our Acts of Parliaments have made it Felony, without Benefit of Clergy ; for as much as such desertion endangers the Estate of the King, Nobility, and Commonwealth.

But the danger is of a far more dismal hue, when Officers, or he that Commands in Chief, or who has any Post of Trust assigned him, either quit it, or is found defective in his Duty, as was *Thomas Earl of Lancaster*, who quitted the Army at the Siege of *Berwick*, the consequence of which proved an abortion to the whole Design; and for which he was proclaimed *Traytor*, Anno 12 E. 2. And therefore whoever is culpable of any of these three Points of *Reproach*, is disqualified from being Elected into this most noble Order. Before we proceed any farther, it may not be improper to take notice of an Error which *Polydore Virgil* hath interwove with one, and which *Erhardus Celsius*, in his History of *England*, hath copied from that Author, but refuted by the learned Pen of *Dr. Heylein*, viz. that the *Knights-Companions* have certain Laws belonging to their Order, whereby they are obliged to help one another, and in Time of Battle never to betake themselves to shameful Flight: The Statute Law of the Order is silent upon the first Clause, nor is the latter otherwise to be taken, than one of those Points of Reproach spoke of in the second Statute of *K. Henry VIII.* which nulls the Elevation of the Person nominated, if he be peccant in that Point: Now that which gives some Umbrage to the *Knights* mutual Assistance and Defence, is founded upon an Article in their Statutes, which prohibits the arming themselves one against another, to create a mutual Affection, and to extinguish Feuds, which is the Life and Soul of Society, and which the Founder, to prevent Inconveniencies, had a great Regard to; and therefore he Ordained, which has been confirmed since by other Statutes; That none of the *Knights-Companions* should Arm themselves against any of their *Fellows*, unless either in the Cause of his Sovereign, or his own just Quarrel: And this Clause it was, that gave the Handle to both Parties, that sided with the Houses of *York* and *Lancaster*; some firmly adhering to *Henry VI.* whom they accounted Sovereign of the Order; and others taking Part with *Edward IV.* as esteeming him Sovereign *de Jure*, though not *de Facto*.

But more firmly to tye this Knot of Amity among this noble Fraternity, lest they should unhappily engage in Factions one against another, and proceed to violently as might commence into Actions of Blood and Slaughter;

it was ordained, That if a Knight-Companion should hap-
pen to be retained in the Service of a Foreign Prince, to
take up Arms in his Quarrel; and after his Adversary
desired to entertain another *Knight-Companion* on his Side
also; he that was last invited, was bound to wave this
Offer, and in no wise to give his Consent. And upon this,
the *Knights-Companions* were obliged to make special Pre-
cautions in that their Engagements; that if any of his
Fellows were retained on the other Side, and that if he
knew not that another of his *Fellows* had been engaged
with the Adversary, so soon as it came to his Know-
lege, he was obliged to relinquish the Service he before
had undertaken.

To these three Points of *Reproach* we have set down,
we find in a Manuscript, that belonged to *Hony Grey*, third
Marquis of *Suffolk*, a fourth added to these other three
Points of *Reproach*; in these Words:

That if any Knight of the Order, from
henceforth, by Prodigality or Ryot, wilfully
or negligently, Mispend, Sell, Aliens, or do
away his Patrimony or Livelihood, by rea-
son whereof, he shall not be able Honoura-
bly to maintain himself, and his Estate, in
such Honourable Manner, as may Conserve
the Honour of the said Order, and of him-
self; in this Case he shall be Summoned
by the Usher of Arms of the Order, called
the black Rod, by Commandment of the
Sovereign, his Lieutenant, or Deputy; to ap-
pear before his Majesty, or his Commis-
sioners, and the Knights of the Order, at the
next Chapter ensuing; there to be examined
before the Sovereign, or his said Commis-
sioners, and the Knights and Companions
of the said Order; and if he be found in
such great default of Prodigality, insolent Rior,
or wilful Negligence; that then the Sove-
raign, with the advice of the Company of the
the

the said Order, may depribe and degrade him of the said Order, at the said Chapter, if it be their Pleasure.

Though this fourth Point is not inserted into King Henry VIII's Statutes, yet the Substance thereof seems to be approved of before; for we find among some Orders, prepared by the Marquis of *Exeter*, and other Knights-Companions, at a Chapter at *Windsor*, the twenty fifth and twenty sixth Days of *May*, Anno 8 Henry VIII. one of them was something to this Purpose.

§. 13. Amongst the Number of these Candidates, the Sovereign is chiefly to regard those who have *most Voices*, or whom he conceives most requisite to contribute to the Honour of the *Garter*, and most Beneficial to himself, and of most Advantage to his Crown and Kingdom. We find the Law hath not always reserved the greatest Number of Voices, as will appear from the Annals; yet it has sometimes confirmed the Election, as in the Case of the Duke of *Queenberry* An. 5 Henry VI. where, after a due and sufficient Examination taken of the *Scrutiny*, the Duke, by the consent of most Voices, was Elected into the Stall of *Thomas Duke of Exeter*; and so was the Election of Sir *Nicholas Carew*, the twenty fourth of *April*, in the 28 Henry VIII.

It is remarkable in a singular Instance, that when two Knights had on either Side equal *Voices*; which was the Case of Sir *John Fastolf*, and Sir *John Radcliff*; the first being esteemed more Worthy, by the Sovereign's Lieutenant, obtained the Election.

The second Inducement relates to such as, in all Appearance, may bring most Renown to the Order, and advance it to a higher pitch of Greatness; and these have in a great Measure been effected, by enrolling Foreign Princes into this illustrious Society, whose Valour and great Merit have proclaimed them deserving both of *Nomination and Election*. And upon this Consideration, K. Charles I. of blessed Memory, upon Consideration had of the glorious Achievements, and high Renown, of *Gustavus Adolphus King of Sweden*; judged it a Part of his Respect, not only to render him all Offices of Kindness and
Friend-

Friendship, as to a Prince nearly allied, and his most special Friend; but also to impart to him, as far as in him lay, the greatest and highest Honour that might be, and especially such, wherewith the military Virtue of so great a Captain was wont to be adorned.

But the principal Motive thought requisite to Elect Foreign Princes into this Society of Honour, hath been expressed in the *Commissions of Legations, to be in Respect of their glorious Merits, ennobled by the lustre and grace of their Heroick Virtues, their eminent Nobleness, Grandeur, Prowess, and Magnificence; the renown of which, Fame had divulged and spread Abroad throughout the World.*

Where the Advantage of the Sovereign's Service was thrown into the Ballance, no Consideration could outvie its Pretensions, as in 2 H. 6. justifies; whose eminent Service for his King and Country, was the sole Motive that crowned his Election: And the great Zeal and Affection, which *John Faspas Ferdinand de Marbin* shewed for the Cause and Service, and the recovery of the just Rights of King *Charles II.* was the strongest Inducement that swayed that Sovereign to chuse him, in the tenth Year of his Reign, a Knight-Companion of this most noble Order. But the last inducement is of the greatest Latitude, for the Sovereign has a Power to reject whosoever he pleases, though they do exceed in multiplicity of *Voices*, and in other *Qualifications*; and even to Elect a Person that's but once mentioned, as was shewn in the Person of *Casimire*, the fourth King of *Poland*, An. 28 *Henry VI.* who having only the single Vote of the *Lord Scales*; yet upon respect to the Sovereign, how advantageous he might be for his, and his Kingdom's Interest, obtained the Election.

And of later Date, (as the Preambles for the carrying the Ensigns to Foreign Princes set forth) the Advantages the Sovereign has conceived to possess himself of, in the improving, confirming, and establishing, of a most strict and *inviolable Bond of Friendship*, and fair Correspondence, between him and Foreign Princes, their Realms and Subjects, hath been a grand Inducement to Elect such Princes into this most noble Order.

§ 14. Upon the vacancy of any of the *Knights-Companions Stalls*, the Election of others to supply those, is a
Prero-

Prerogative of the *Sovereign*, and in some Cases to his Lieutenant; for it's recorded in the *Black Book of the Order*, in *Henry VIII's Statutes*: That if any Stalls fall Vacant, it should belong to the *Sovereign*, to Elect new Knights, where-soever he was Resident; upon Condition, the Chapter consisted of six compleat *Knights-Companions*; but if he chanced to be out of his Realms, and the Number was deficient, and that his Lieutenant held the *Feast of St. George at Windsor*; in such a Case the *Election* belongs to the Lieutenant, who is first to be certified of his *Sovereign's* Pleasure, and what Esteem he has for the Candidates, to the intent such Information may guide, or direct his Election.

This Power of *Election* is fully acknowledged, by the *Knights-Companions* themselves, to be in the *Sovereign*; as the fragment of a Letter demonstrates, sent from the Chapter, convened at *Windsor*, upon the *Feast of St. George*, to *Henry V.* then in *France*; viz. That the *Sovereign*, in what Place soever residing, may, as is most fitting, Elect into a vacant Stall, (there being a sufficient Number of *Knights* called to this *Election*) such as he shall judge serviceable to his Crown, or do exceed others in deserts, and nobleness of descent: And at publishing the *Election* of *Duke Emanuel of Savoy*, in the Reign of *Philip and Mary*, who were joint *Sovereigns* of the *Order*; it's styled, The *Election* of the *King and the Queen*.

This grand Prerogative of the *Sovereign* being not duly weighed by *Polydore Virgil*, occasioned his tripping in this Affair, and drew in *Claudius Cotereus* into the same palpable mistake; for writing of this *Order*, and the Succession of new *Knights*, reports in his *History of England*, That one *Knight* is received in the room of another deceased, by the Choice and *Election* of all the rest; and *Erhard Celly* in his *Anglo-Wirtemb.* does as falsely affirm, That no Person may be received into this *Order*, not so much as by the *Sovereign*, unless with the common Consent and Suffrage of all the *Knights-Companions*.

But these Passages are altogether erroneous, the *Knights-Companions* only nominate the Persons, but the right of *Election* remains solely in the *Sovereign* of the *Order*; for whosoever is honoured with his Choice, is immediately admitted; and pronouncing barely the Name of the Person in Chapter, constitutes the *Election*. After the Scrutiny

tiny hath been taken, and presented to the Sovereign, he peruseth it himself, or the *Chancellor*, or some other Officer of the *Order* that gathered it, reads it over to him; afterwards the Sovereign resolves forthwith, upon some one or more of the Knights, contained in the *Scrutiny*; and then publicly declareth the *Name* of him, or them, he does *Elect*; and by the bare Act of his *Pronunciation*, they Commence Elected Knights; except now and then the Sovereign is pleased to give his Reasons, why the Knight is Elected by him.

But though this Act of *Election* be solely in the *Sovereign*, yet the Consent of the *Knights-Companions* is frequently recorded in the *Annals*, and sometimes mentioned in the *Commissions* of *Legations* to *Foreign Princes*; not that the single Act of *Election* is, in truth, the Act of the whole Chapter, or is made invalid, without the joyn't Consent of the *Knights-Companions*, present at the *Election*; but their Consent so expressed, is to be taken as an honorary Respect given them by the Register, intimating rather an Applause, or Commendation of their *Sovereign's Choice*, as being in their Opinions Just and Right, according to the Merit of the Elected, than a material Circumstance, tending to the Ratification of the *Election* made by the Sovereign, as if defective without it.

§. 15. Among other Duties incumbent on the *Register*, and expressed in the Statutes of the *Order*, this is one: That the Register's Office is to set down, and record for a Memorial, the *Elections* (or *Scrutinies*;) and Names of the *Knights Elected*: But in succeeding Times a Scruple arose, if this was not needless, when the *Scrutiny* should be taken, yet no *Election* made; to clear up which doubt, in a Chapter held in *Elizabeth*, on *St. George's-Day*, it's recorded as the Sovereign's Will and Pleasure, that thenceforward it should be Enacted, and received as the Sanction of a Law, within this Order; That if any *Nominations* were taken from the *Knights-Companions*, the same should be entered into the *Annals*, though there were no *Election* made of any Person into the *Order* at that Time: Which we presume was so Decreed, out of great deference to those Princes and noble Personages, who, in descending Times, should, by the glory of their Exploits, appear but worthy of a bare *Nomination* into so resplendent

dent and illustrious an Order. And in pursuance of this Decree, there is frequent mention made of the delivery of the *Scrutiny* into the Hands of the Register, in order to be Recorded.

The Blue Book says, *Anno 22 Elizabeth*; That the Chancellor himself delivered the *Knights-Companions Votes* to the Register, to be committed to Writing, for a perpetual Memorial; and accordingly the Register, as his Duty obliged him, transcribed them, and put them in their proper Place, with all Care and Fidelity. *Anno 34* of the same Queen, 'tis said, the *Votes* were delivered to the Register, who took care to Record them, according to usual Order. Yet maugre this Law, the Entry of *Scrutinies* hath been sometimes omitted, either by the Register's forgetfulness of the Decree, or some accidental Miscarriages. In some Places of the Annals, in the room of *Scrutinies*, we find Excuses entered, as it's said, *Anno 28 Elizabeth*; that the Prelate, immediately after *Vespers*, presented the *Scrutiny* to the Sovereign; but because there was no Election made of any new *Knights*, in regard of hurry, or weighty and pressing Affairs, it was laid aside, and through Neglect lost, or at least came not into the Register's Hands, to be inserted in its proper Place. And when the Dean of *Windsor* collected the *Scrutiny* at *Vespers*, *Anno 18 Elizabeth*, it's said, *No Election was made, nor any thing else done*: The like Excuse is made, *Anno 5 Charles I.* but the Fault is thrown upon the Chancellor; for though the *Scrutiny* had been taken by him, during the *Vespers of the Feast-Day*, yet would he not suffer it to be entered. In some Places we find, *Anno 31 Elizabeth*, the *Votes* being presented, they were left with her. And *Anno 11 Charles I.* the *Scrutiny* of *Algernoon Earl of Northumberland* never came to the Register's Hands.

But the Law yet remains in force, that all *Nominations* and *Votes* of the *Knights-Companions* ought to be enter'd among the *Annals*, whether Election be made or not, unless it shall please the Sovereign, upon some Emergency, to forbid it: As appears but by one Example of such a Prohibition, viz. *Anno 40 Eliz.* where, by the Queen's special Command, the *Scrutiny* then taken was not recorded among the *Acts* of this most Noble Order. But then it is declared, That the Register took care to set down all the *Passages* as they happened, the Names only excepted. And why

why the *Scrutiny* is not inserted in the *Registry*, *An.* 44 of *Eliz.* gives this Account: That upon assembling the *Knights-Companions*, it seemed good to the Sovereign, for several urgent Reasons, best known to her self, to give Commandment, That for that time, *they would wholly forbear all Scrutiny of Votes, and Nominations of Persons*; except which, there was nothing wanting to heighten the Solemnity of that Assembly: But this in the *Annals* is said to be *præter morem*, contrary to the usual Custom.

§ 16. *Anno* 27 of *Eliz.* there is a remarkable Occurrence, not to be passed over; for the Earls of *Rutland* and *Derby*, the morrow after *St. George's Day*, were desirous to have seen the *Scrutiny*, which was committed into the Custody of the Dean of *Windsor*, to be registred, in pursuance of the before-mentioned Decree, *Anno* 5 *Eliz.* but he returned a modest denial, and said, *It ought not to be seen before it was register'd.* The Earls, not satisfied with this Answer, requested the Opinions of the *Knights-Companions*, present at the Feast, on this Affair; who, upon mature Deliberation, adjudged the Point against them; and since it has been a standing Rule, that no *Knight-Companion* ought to see whom the other hath named.

§ 17. It hath chanced, that tho' the *Nominations* for *Election* have been received, presented and perused, yet the Sovereign hath thought expedient to defer it, upon several Considerations, and principally where an intent was to keep an open Stall; but we must understand this of such *Scrutinies* as are taken of Course, at the *Vespers* on the Feast-day.

And the most memorable Example of this Kind, is that of the Emperor *Sigismund*, who expired in the 16th Year of *K. Henry VI.* whose Stall was reserved Twenty One Years, and then determined, that Prince *Edward*, the Sovereign's only Son, should fill it up, being at that time about Six Years of Age. This is the first Emperor, whose Election we find register'd in the *Annals*, being about the 7th of May, in the 4th Year of *Henry V.* styled *Sigismundus Imperator Almaxicus.*

And keeping a vacant Stall was sometimes given as a Reason by the Sovereign for his deferring an Election, as is plain from *An.* 13. *Car. I.* when the *Scrutiny* taken

the Day before was read over in the Chapter-House, the Sovereign declared, *That he would receive no Man into the Order before his Son Charles.* Whereupon all the Knights-Companions gave their Opinions, *That this Resolution was rather the effect of Justice, than Fatherly Indulgence; since they all acknowledged him, to be more a Prince by Merit, and towardness of his Youth, than by the Fortune of his Birth.* At which the Sovereign expressed his Satisfaction no otherwise than by Silence.

And in like manner, *Anno 15 Charles I.* when the Chancellor of the Order gave up the Scrutiny to the Sovereign, he declared----*That he had a purpose to have Chosen Prince Rupert, his Nephew, a Knight of the Order; but being then a Prisoner with the Emperor, he would not Elect any at that Time;* whereupon, a vacancy of a Stall was reserved. It has sometimes been the Sovereign's Pleasure to defer Elections, without expressing the Cause, as in the 13 of *Elizabeth*; though she perused the Scrutiny in Chapter, yet the *Blue Book* informs us; *That the said Sovereign made no Election, though two Stalls were vacant.* Thus was it in the 2, 3, 11, and 12, of *K. James I.* where no other mention is made than this; *none were admitted into the Order this Year.*

Sometimes we find these *Prorogations of Elections* recorded, as solely done by the Will of the Sovereign; and at other Times by the Sovereign, and the approbation of the *Knights-Companions*; to the first of these we find a Memorial, in the 22 of *Elizabeth*, on the 24 of *April*; that the *Knights-Companions* had a Message sent to their Chapter, held before Morning-Prayer; *That it was the Pleasure of the Sovereign to prorogue the Election to the following Year.* And so it was, in the 10th of *Charles I.* though the Nomination was taken by the Chancellor, and presented to the Sovereign in Chapter, *the Sovereign did not think fit to make any Election at all.* And for a Testimony of the second, we meet with this Instance, in the 27th of *Elizabeth*; *that with the concurrent Approbation and Assent of all the Knights-Companions then assisting, the Sovereign thought fit to put off the Election to another Time.* As to the seeming difference of the Sovereign's absolute Authority, and yet the *Knights-Companions* Approbation, we have cleared up that Point in the Act of Election; for though it is his unquestionable Authority and Pre-

Prerogative, to Prorogue *Elections ad libitum*, yet out of Respect, and Honour to the *Knights-Companions*, their Approbation hath been sometimes exprest.

§ 18. When any Knight-Companion hath received a Summons, to appear at a Chapter of Election, and doth wilfully refuse, or withdraw himself, he was to be mulct a Mark for his Disobedience, which King *Henry VIII's* Statutes enlarged to twenty Shillings, payable to the Dean and College of *Windsor*, to pray for defunct Souls. And at his next appearance in Chapter, he was to remain kneeling in the midst of them, before the Sovereign, or Deputy, till he was restor'd to their Favour: Yet upon a just Cause signified to the *Sovereign* some time before, under the Seal of his Arms, he was excused, if it was found just and feasible; if not, it was rejected, and he remained Punishable.

And for greater Caution, this Clause was formerly inserted, in the *Letters of Summons*; where, after the Time and Place for Election was certified, and command given to observe both, the Letter concludes thus, *et se estre ny pous nous Signifies soubz, &c.* and if it cannot be accomplished, that is, if the Knight-Companion could not meet at the time assigned, to perform what the Statutes oblige, he should then signify to the *Sovereign*, under his Seal, the cause of his Impediment; so that he might perceive by his Excuse, whether it was worthy of Acceptance, or he in Fault or not.

C A P. X.

The Investiture of a Knight-Subject with the Garter and George.

IF the Knight chance to be at *Windsor*, that is newly Elected, or wheresoever the Chapter is held, after the *Sovereign* hath signified his Pleasure in the Election of the Person, the *Garter* is immediately dispatched out of the Chapter, to give him the Intelligence; as is appar-
rent