

**TRACTS ON LIBERTY BY THE LEVELLERS AND
THEIR CRITICS, VOLUME 4 (1647)
(FIRST EDITION -
<OLL.LIBERTYFUND.ORG/TITLES/2599)**



*Gaze not upon this shaddow that is vaine .
But rather raise thy thoughts a higher straine ,
To GOD (I meane) who set this ysung-man free .
And in like straits can eke deliuer thee .
Yea though the lords, have him in bonds againe .
LORD of lords will his Just cause maintaine .*

[The Liberty of the Freeborne English-Man, Conferred on him by the house of lords. June 1646. John Lilburne. His age 23. Year 1641. Made by G. Glo. "Gaze not upon this shaddow that is vaine, But rather raise thy thoughts a higher straine, To GOD (I meane) who set this young man free, And in like straits, can eke (also) deliver thee. Yea though the lords have him in bonds againe LORD of lords will his just cause maintaine."]

INTRODUCTION

This volume is part of a seven volume collection of political tracts by the Levellers and some of their critics from the English Revolution (or Civil War) of the 1640s and 1650s. The collection will comprise the following volumes:

Tracts on Liberty by the Levellers and their Critics (1638-1660), 7 vols. Edited by David M. Hart and Ross Kenyon (Indianapolis: Liberty Fund, 2014-). <<http://oll.libertyfund.org/titles/2595>>:

- Volume 1: 1638-1643
- Volume 2: 1644-1645
- Volume 3: 1646
- Volume 4: 1647
- Volume 5: 1648
- Volume 6: 1649
- Volume 7: 1650-1660

Note: A second, enlarged edition is being planned. See this table of contents page for details <<http://oll.libertyfund.org/pages/leveller-tracts-table-of-contents>>.

NOTE FROM THE EDITORS

Every effort has been made to transcribe these 17th century political tracts as accurately as possible. They have been checked against facsimile copies of the originals which in many cases were of very poor quality. Some of the problems the editors encountered were the vagaries of 17th century spelling, the faint print of the text in marginal notes and in long quotes in Latin, and the sometimes casual approach to the typesetting of the text. We have made no attempt to modernize the spelling but we have corrected obvious errors such as transposed or missing characters. In many cases the front page of the texts had an elaborate, even exotic layout of the text the facsimile images of which we have included. In some of the texts, if there was any space remaining at the end, the author or the printer would insert additional material such as Parliamentary or legal announcements or rebuttals of their opponents's latest tract, thus making the pamphlet a kind of anthology or even a newspaper. We can't help but note the similar frustrations of two of the printers who inserted a disclaimer in one of Lilburne's pamphlets which we quote here:

The Printer to the Reader.

Reader, the shortnesse of time, the absence of the Authour, and the difficulty of the Language in the Charter, not being ordinary Latin, but such as Lawyers use, which is so far above my capacity, that caused me to erre when I used the best skill I could in my Art. Pardon me therefore (I pray thee) and with thy wisdome, learning, and good disposition, help me in this case. And for the faults in the English, the meanest capacity may bee

helped thus ...

[In John Lilburne, "The Charters of London: or, The second Part of Londons Liberty in Chaines discovered" (18 December 1646), *Leveller Tracts*, vol. 3.]

Another Note from a Printer:

The Printer to the Reader

I Desire thee to amend with thy pen,
one fault escaped in the printing, by negligence,
and the Authors absence,
which is in the 3. page and 10. line,
namely secretaries for sectaries:
And if there be any more faults
(as none liveth without some)
I also desire that thou wilt shew thy patience
by thy silence, and that thou may rather
make a profitable use of the sence,
then anywise strive about words; even as thou wouldest except the like
favour of me or any other in thy absence,
if thou be one that shewest they selfe
thus carefull and zealous for
the publicke: especially now
in such extreeme need.
Farewell.

[From William Walwyn's "The poore Wise-mans Admonition" (10 June, 1647), *Leveller Tracts*, vol. 4, 4.7.]

KEY ↩

T.78 [1646.10.12] (3.18) Richard Overton, *An Arrow against all Tyrants and Tyranny* (12 October 1646).

Tract number; sorting ID number based on date of publication or acquisition by Thomason; volume number and location in 1st edition; author; abbreviated title; approximate date of publication according to Thomason.

- T = The unique "Tract number" in our collection.
- When the month of publication is not known it is indicated thus, 1638.??, and the item is placed at the top of the list for that year.
- If the author is not known but authorship is commonly attributed by scholars, it is indicated thus, [Lilburne].

- Some tracts are well known and are sometimes referred to by another name, such as ["The Petition of March"].
- For jointly written documents the authorship is attributed to "Several Hands".
- Anon. means anonymous
- some tracts are made up of several separate parts which are indicated as sub-headings in the ToC
- The dating of some Tracts is uncertain because the Old Calendar (O.S.) was still in use.
- (1.6) - this indicates that the tract was the sixth tract in the original vol. 1 of the collection.
- [elsewhere in OLL] the document can be found in another book elsewhere on the OLL website.

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FOR MORE INFORMATION SEE:

- Summary of the Leveller Tracts Project <<http://oll.libertyfund.org/pages/leveller-tracts-summary>>
- The Complete Table of Contents <<http://oll.libertyfund.org/pages/leveller-tracts-table-of-contents>>
- Introduction to the Collection <<http://oll.libertyfund.org/pages/leveller-tracts-introductory-note>>
- Titles Listed by Author <<http://oll.libertyfund.org/pages/leveller-tracts-listed-by-author>>

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**T.85 (4.1) JOHN LILBURNE, *REGALL TYRANNIE
DISCOVERED: OR, A DISCOURSE, SHEWING THAT ALL
LAWFULL (APPROBATIONAL) INSTITUTED POWER BY
GOD AMONGST MEN, IS BY COMMON AGREEMENT, AND
MUTUAL CONSENT (6 JANUARY 1647).*** ↵

Image of the original Title Page

Regall Tyrannie discovered.

By *Lilburn*

OR,

12

A DISCOURSE, shewing that all lawfull (approbational) instituted power by GOD amongst men, is by common agreement, and mutual consent. Which power (in the hands of whomsoever) ought alwayes to be exercised for the good, benefit, and welfare of the Trusters, and never ought other wise to be admittred: Which, whensoever it is, it is justly resistable and revokeable; It being against the light of Nature and Reason, and the end wherefore God endowd Man with understanding, for any sort or generation of men to give so much power into the hands of any man or men whatsoever, as to enable them to destroy them, or to suffer such a kind of power to be exercised over them, by any man or men, that shal assume it unto himself, either by the sword, or any other kind of way.

In which is also punctually declared,

The Tyrannie of the Kings of *England*, from the dayes of *William* the Invader and Robber, and Tyrant, *alias* the Conqueror, to this present King *Charles*, Who is plainly proved to be worse, and more tyrannicall then any of his Predecessors, and deserves a more severe punishment from the hands of this present Parliament, then either of the dethroned Kings, *Edw. 2.* or *Rich. 2.* had from former Parliaments; which they are bound by duty and oath, without equivocation or colusion to inflict upon him, He being *the greatest Delinquent in the three Kingdoms, and the head of all the rest.*

Out of which is drawn a *Discourse*, occasioned by the Tyrannie and Injustice inflicted by the Lords, upon that stout-faithful-lover of his Country, and constant Sufferer for the Liberties thereof, *Lient. Col. John Lilburn*, now prisoner in the Tower.

In which these 4. following Positions are punctually handled.

1. That if it were granted that the Lords were a legall Jurisdiction, and had a judicative power over the Commons; yet the manner of their dealing with *Mr. Lilburn*, was, and is illegall and unjust.
2. That the Lords by right are no Judicature at all.
3. That by Law and Right they are no Law-makers.
4. That by Law and Right it is not in the power of the King, nor in the power of the House of Commons it selfe, to delegate the legislative power, either to the Lords divided, or conjoynd; no, nor to any other person or persons whatsoever.

Vnto which is annexed a little touch, upon some palpable miscarriages, of some rotten Members of the House of Commons: which House, is the absolute sole law-making, and law-binding Interest of *England*.

Hof. 8. 4. *They have set up Kings, but not by me: They have made them Princes, and I know it not.*

San: G^H. LONDON, Printed Anno Dom. 1645

ID Number

T.85 [1647.01.06] (4.1) John Lilburne, *Regall Tyrannie discovered: Or, A Discourse, shewing that all lawfull (approbational) instituted power by God amongst men, is by common agreement, and mutual consent* (6 January 1647).

Full title

John Lilburne, *Regall Tyrannie discovered: Or, A Discourse, shewing that all lawfull (approbational) instituted power by God amongst men, is by common agreement, and mutual consent. Which power (in the hands of whomsoever) ought alwayes to be exercised for the good, benefit, and welfare of the Trusters, and never ought other wise to be administered: Which, whensoever it is, it is justly resistable and revokeable; It being against the light of Nature and reason, and the end wherefore God endowed Man with understanding, for any sort or generation of men to give so much power into the hands of any man or men whatsoever, as to enable them to destroy them, or to suffer such a kind of power to be excercised over them, by any man or men, that shal assume it unto himself, either by the sword, or any other kind of way. In which is also punctually declared, The Tyrannie of the Kings of England, from the dayes of William the Invader and Robber, and Tyrant, alias the Conqueror, to this present King Charles, Who is plainly proved to be worse, and more tyrannicall then any of his Predecessors, and deserves a more severe punishment from the hands of this present Parliament, then either of the dethroned Kings, Edw. 2. or Rich. 2. had from former Parliaments; which they are bound by duty and oath, without equivocation or colusion to inflict upon him, He being the greatest Delinquent in the three Kingdoms, and the head of all the rest. Out of which is drawn a Discourse, occasioned by the Tyrannie and Injustice inflicted by the Lords, upon that stout-faithful-lover of his Country, and constant Sufferer for the Liberties thereof, Lieut. Col. John Lilburn, now prisoner in the Tower.*

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Estimated date of publication

6 January 1647.

Thomason Tracts Catalog information

TT1, p. 486; Thomason E. 370. (12.)

TEXT OF PAMPHLET

THE PRINTER TO THE READER.

IF thou beest courteous, Reader, contribute but thy Clemency in favourable correctiting the Errata's (notwithstanding much due care had in so publike a work as this is) as we must acknowledge Iye dispersed therein. *Pag. 1. line 2. for 32. read 33. p. 4. l. 11. for fifthly r. sixthly. p. 7. 59. r. in the world; see Hof. 8. 4 p. 8. l. 17. for they r. he knowing that when he. p. 10. l. 20. for Rom. r. revelation. l. 29. r. Dan. 43. p. 11. l. 6. for against, r. but by. l. 38. for name, r. hand, p. 12. l. 2. r. and as he. l. 16. for 23. r. 33. l. 38. for his, r. their. p. 13. l. 24 for ver. 11, r chap. 8. ver. 11. p. 15. l. 30. for trivial, r cruel, p. 16. l. 2. for rule r. cover. p. 18. l. 16 for and his, r. and her. p. 19. l. 34. for reforme, r. performe. p. 21. l. 1. blot out, years of his. l. 27. for this, r. of this King. l. 31. for most &, r. most base &. p. 23. l. 4. for 16. r. 6. p. 24. l. 10. for them, r. him. l. 25. for Realm granted him the ninth peny, r Realm dear, besides the 9. peny they granted formerly at one time for them to his Predecessor. p. 26. l. 20. r have had. l. 31. r. unusuall. l. 35. r. after this. p. 27. l. 2. r. uncounselable. l. 26 r late King. p. 34. l. 3. 457, r 655. l. 6, 264 r 462, p. 39, l. 26, after Charles,*

r but all his Predecessors received their Crown and Kingdom, conditionally by contract & agreement, I doubt not but the present K. Ch, his &c. p. 40, l. 10. r. by, but a, l 8, after King do, r & that there should not much more be an account of his Office due to this Kingdom it selfe. p. 45, l. 23 after people, r and comes lineally from no purer a fountain, and well-spring, then from their Predecessors, l 25 blot out Dukes. p, 48. l. 29. that, put in if after. p. 56. l. 8, 404, 406, r. 504, 506, p. 59, l. 34 1641, r. 1646. p. 60, l. 10, 2 Sam: 7: 13, r. 1 King 12: 1. p. 61, l. 17, at the end of justly, r. come by, and. l. 18. at the end of Prophet, r. to K. Rehoboam. (who had assembled 18000. chosen men, which were Warriors to go fight against the house of Israel) p. 72, l. 2, in the margent for 254 r, 264, l. last of the marg, for 4, r. 467, p. 73, l. 15. 16 marg. after 29, insert 46. after Rot. 2, insert 4, p. 75, l. 1, in marg. for 5, r. 9, 4, for 8. r. 18, in marg. for 27. r. 2 part, l. 9. for 58, r. 38. p. 76, l. 19, for own r. other, p. 77, l. 9. in marg, 22 r. 102. p. 79, l. 1. abeas r. Habeas, p. 81, l. 24, r. to deliver to, l. 35, r. at which, p. 84. l. 2, after his honesty, r. his judges cariage, l. 7, for Lordships r. Lobby, p. 86, l. 26 blot out Dukes, p: 87: l: 1: practises r. prises, p. 88, l. 9. King r. Duke, p 91, l. 13. r. and afterwards in England made Odo, p. 92. l. 2. & 3. r. of whose estate l. 36. for unindivalid, r. unvalid, p. 94. l. 21. r. conquirendum, & tenendem sibi & here dibus, adeo libere per gladium sicut ipse rex tenhit Anglia. p. 95. l. 36. r. Comissioners, p. 96. l. 27. for incursion, r. innovation. p. 97. l. 23. r. But in the Knights, p. 97. l. 3. in the marg. for 84, r. 8, 4, 7. p. 98. l. 8. for nor r. for, p. 101, l. 12. for 1646. r. 1645.

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IT is the saying of the God of Truth, by the Prophet, Isa: 32. 15, 16. *That he that walketh righteously, and speaketh uprightly, he that despiseth the gain of oppressions, that shaketh his hands from holding of bribes, that stoppeth his eares from hearing of bloud, and shutteth his eyes from seeing of evill; He shall dwell on high, his place of defence shall be the Munition of Rocks, &c.* But on the contrary, he saith; *Woe unto them that decree unrighteous Decrees, and that write grievousnesse which they have prescribed, to turn aside the needy from judgment, and to take away the right from the poore of my people, that widowes may be their prey, and that they may rob the Fatherlesse,* Chap. 10. 1, 2 *Now I,* having read over A BOOK INTITVLED, The FREEMANS FREEDOME VINDICATED, being Lieutenant-Colonell *John Lilborns* Narative of the Lords late dealing with him, in committing him to New-Gate; and seriously considering of his condition, and of the many base aspersions cast upon him, and bitter invectives uttered against him in some late printed Bookes, but especially that of Colonell *John Bellamies*, called, *A Vindication of the City Remonstrance;* which came out, when he was a close prisoner in Newgate, by vertue of as cruell, unjust, and illegal a Warrant as ever was made by those that professe themselves to be conservators of the peoples liberties; yea, and I dare say, that search all the Records of Parliament, since the first day that ever there was any in *England*, and you shall not find the fellow of that which is against him; The Copy of which (as I find it *in that of the JVST MAN IN BONDS*) thus followeth;

DIE MARTIIS, 23. JUNII, 1646.

ORdered by the Lords in Parliament assembled, That John Lilburn shall stand committed close prisoner in the Prison of Newgate; and that he be not permitted to have Pen, Inke, or Paper and none shall have accesse unto him in any kind, but onely his Keeper, untill this Court doth take further order. IOHN

BROWN, Cler. Parliamentorum.

To the Keeper of Newgate, his Deputy, or Deputies,
Exam. per Rad. Brisco, Cler. de Newgate.

What can be more fuller of arbitrary Tyrannie, and illegality then this Order expressing no cause, who, nor wherefore; & so not only absolutely against the expresse tenour of the *Petition of Right*, but *contrary* to the very practice of the Heathen Romanes, who it seemes had more morallity, reason, and justice in them, then these (pretended Christian) Lords: see Acts 25-27. For saith *Festus* to *King Agrippa* &c. When he was to send *Paul* a prisoner to *Rome*, *It seemeth to me unreasonable to send a prisoner, and not with all, to Signifie the Crimes laid against him.*

And although that this *Arbitrary & illegal* Order was extraordinary harshly executed upon *Mr. Lilburn*, and thereby *he was* as it were tyed hand and foot; yet then did *Mr. Bellamie* watch his opportunity to insult over him, when he knew that he was not able to answer for himself. O the height of baseness! for a *Colonell* to be so void of manhood, and to finde no time to beat or insult over a man, but when he is down, and also tyed hand and foot!

One thing in *Mr. Bellamies* Book I cannot but take notice of especially, and that is this; He there cites some things in a Book called *ENGLANDS BIRTH-RIGHT*; and because it hath very high language in it, against divers great, and corrupt Members of *Parliament*, which is sufficient to destroy and crush the Author of it in pieces, if he were known: And therefore that he might load *Mr. Lilburn* to the purpose, he takes it for granted, that Book is his, although his name be not to it, nor one argument, or circumstance mentioned to prove it his; but the absence of his name, is a sufficient ground to all that knowes him and his resolution, to judge *Mr. Bellamy* a *malitious Lyar* in that particular; it being *Mr. Lilburns* common practice (for any thing I can perceive) to set his name to his Bookes, both in the BBs. days, and since; which Bookes contain the highest language, against the streame of the Times, that I have read, of any mans in *England* that avouch what he writes. As for instance, His Book, called *THE CHRISTIAN MANS TRY ALL*, being a Narrative of the illegality of the Star-Chambers dealing with him, and the barbarous inflicting of their bloody sentence upon him.

Secondly, His Book called, *COME OVT OF HER MY PEOPLE*, written (it seemes) when he was in Chaines, the fullest of resolution that I have read.

Thirdly, *THE AFFLICTED MANS COMPLAINT*, written, when he was sick in his close imprisonment, by reason of his long lying in Irons.

Fourthly, his Epistle to Sir *MAVRICE ABBOT*, then Lord Major of *London*, called, *A CRY FOR JUSTICE*.

Fifthly, his Epistle to the *PRENTICES OF LONDON*; In both of which, he accuseth the *Bishop of Canterbury*, of High Treason, and offered, upon the losse of his life, to prove it, when *Canterbury* was in the height of his glory.

Sixthly, his Home Epistle to the Wardens of the Fleet, when he was in their own custody, and forced to defend his life, and chamber for divers workes together with a couple of Rapiers, against the Wardens and all his men, who had like, several times, to have murdered *Mr. Lilburn*.

Seventhly, his Answer to the *nine Arguments* of *T. B.* which layes lead enough upon the old and new Clergie, *the rooters up of Kingdomes and States*.

And since the Parliament.

First, *His Epistle to Mr. Pryn*, which both gaules him, and the Assembly, the thunder-bolt of *England*.

Secondly, *His Reasons against Mr. Pryn*, delivered at the *Committee of Examinations*.

Thirdly, *His Epistle wrote when he was in the custody of the Serjeant at Armes*, of the *House of Commons*, which toucheth not a little the corruptnesse acted in that House.

Fourthly, *His Answer to Mr. Pryn*, in ten sheets of Paper, called *INNOCENCIE AND TRUTH JUSTIFIED*, a notable and unanswerable piece.

Fifthly, *His Epistle to Judge Reeves*, called, *THE JUST MANS JUSTIFICATION*.

Fifthly, *His PROTESTATION AGAINST THE LORDS, AND APPEALE TO THE HOUSE OF COMMONS*.

Seventhly, *His EPISTLE to the Keeper of Newgate*, dated from his *Cock-loft in the Presse-yard of Newgate*, the 23. of *June*, 1646.

The next Bookes that I have lately seen against *L. C. Lilburn*, are two rayling ones, made by one *S. Shepheard*, a fellow as full of simplicity as malice; In both whose Bookes, there is not one Argument, or one sound

reason, to disprove, what he pretends to confute. The first of his Bookes, is called, *The Famers famed*, or an answer to three things written (it seemes) by some of Mr. *Lilburns* friends, called, First, *THE JUST MAN IN BONDS*. The second, *A PEARL IN A DVNGHILL*. The third, *A REMONSTRANCE OF MANY THOUSAND CITIZENS, and other Free-born People of England, to their own House of Commons, &c.* The second of *Shepherds*, is called, *The false Allarme*; or, an Answer to an *Allarme, To the House of Lords*. The fourth Pamphlet I find against *L. C. Lilburn*, is called *Plain English*, which last, only gives him two wipes, in his 4. and 12. pages.

Therefore, in regard that the Author of the *City Remonstrance Remonstrated*, hath put Pen to Paper, to answer part of Mr. *Bellamies* Book, but *hath not medled with any thing* of that which doth concern *Lieut. Col. Lilburn*.

And secondly, *Forasmuch*, as none that is yet visible have medled with any of the other.

And thirdly, In regard that the man is full of *Heroicalnesse*, and a *zealous lover of his Country*, to whom all the honest *free-men* of *England*, are extraordinarily obliged, for his constant, couragious, and faithfull standing, for their *just liberties*, that both *God, Nature, and the Law of the Land* giveth them.

And partly in regard that by a late published Book, called, *LIBERTY VINDICATED AGAINST SLAVERY*, I understand of the *Lieutenant of the Towers base, unworthy, illegall*, and strict dealing with him, as in many other things, so in keeping him from Pen and Ink; by meanes of which, he is unable to speak publikely for himself, which is a *sad, barbarous, base, and inhumane case*. That a man should be so *illegally* dealt with, as he is, and abused in *print*, and his good name endeavoured *Cum privilegio*, to be taken away by every *Rascall*, and yet the poor man not suffered to speak a word for himself. Oh! horrible and monstrous age, that dare without remorse maintain such horrible *impiety*, and *injustice*: Surely, I may well say of them, with the Prophet *Isa. Isa 5. 20, 23, 24, Woe unto them that call evill good, and good evill, that put darkness for light, and light for darknesse, that put bitter for sweet, and sweet for bitter, which justifie the wicked for reward, and take away the righteousnessse of the righteous from him. Therefore as the fire devoureth the stubble; and the flame consumeth the chaffe; so their root shall be rottennesse, and their blossome shall go up as dust; because they have cast away the Law of Jehovah of Hosts, and despised the Word of the holy One of Israel: For he that justifieth the wicked, and he that condemneth the just; even they both are an*

abomination to Jehovah, Prov. 17. 15.

In consideration of all which, together with many more things I shall endeavour (*according to that insight I have*) in Mr. *Lilburnes* behalf, to make a little more work, for his enemies, the *Lords*, and their Associates; But this (as a faire adversary) I shall advise them, either to get stouter *Champions* that can handle their weapons better then those that have yet appeared, or else their cause will utterly be lost.

I shall not now undertake to answer the particulars in the forementioned Bookes, but leave that to another Pen, and shall give a home provocation, to the best and ablest *Lord* in *England*, or the choicest *Champion* they have, to produce some sound *arguments* to maintain their jurisdiction, or else their *two stooles* (called *Usurpation* and *custome*) upon which they sit, *will let them fall to the ground*.

And the method that I shall observe, shall be this:

First, I will prove, that if it were granted, that the Lords were a legall jurisdiction, and had a judicative power over the Commons, yet the manner of the Lords dealing with him is illegall and unjust.

Secondly, I will prove that if the Lords were a Judicature, yet they have no jurisdiction over Commoners.

Third, I will give some reasons to manifest, that they are no Juridicative at all.

Fourthly, That they by Law and Right, are no Law-makers.

Fifthly, That by Law and Right, it lyeth not in the power of the King or the House of Commons to deligate the legislative power, either to the Lords [Editor: illegible word] or conjoynd, nor to any other persons whatever.

Now for the proove of these; the authority I shall make use of, shall, must be derived from *Scripture*.

Secondly, from the power and strength of sound reason.

Thirdly, from the declared Statute Law of the Kingdome.

Fourthly, from [Editor: two illegible words] Parliaments Declarations.

Fifthly, and lastly, from the Histories of England, licenced

by publike Authority.

And that I may not raise a [Editor: Illegible word] brick without laying a good Foundation, I will set down a stong and *undeniable position*, which I find at a Post-script at the latter end of Lieutenant Colonel Lilurnes printed *Protestation* against the *Lords*; which is thus

GOD, the absolute Sovereign Lord and King of all things in heaven and earth, the original fountain and cause of all causes; Who is circumscribed, governed, and limited by no rules, but doth all things merely and only by His sovereign will and unlimited good pleasure; who made the world and all things therein for His own glory; and who by His own will and pleasure, gave him, His mere creature, the sovereignty (under Himself) over all the rest of His creatures (Genesis 1: 26, 28-9) and endued him with a rational soul, or understanding, and thereby created him after His own image (Genesis 1: 26-7; 9: 6). The first of which was Adam, a male, or man, made out of the dust or clay; out of whose side was taken a rib, which by the Sovereign and absolute mighty creating power of God was made a female or woman called Eve: which two are the earthly, original fountain, as begetters and bringers-forth of all and every particular and individual man and woman that ever breathed in the world since; who are, and were by nature all equal and alike in power, dignity, authority, and majesty — none of them having (by nature) any authority, dominion or magisterial power, one over or above another. Neither have they or can they exercise any but merely by institution or donation, that is to say by mutual agreement or consent — given, derived, or assumed by mutual consent and agreement — for the good benefit and comfort each of other, and not for the mischief, hurt, or damage of any: it being unnatural, irrational, sinful, wicked and unjust for any man or men whatsoever to part with so much of their power as shall enable any of their Parliament-men, Commissioners, Trustees, Deputies, Viceroys, Ministers, Officers or Servants to destroy and undo them therewith. And unnatural, irrational, sinful, wicked, unjust, devilish, and tyrannical it is, for any man whatsoever — spiritual or temporal, Clergyman or Layman — to appropriate and assume unto himself a power, authority and jurisdiction to rule, govern or reign over any sort of men in the world without their free consent; and whosoever doth it — whether Clergyman or any other whatsoever — do thereby as much as in them lies endeavour to appropriate and assume unto themselves the Office and Sovereignty of GOD (who alone doth, and is to rule by His will and pleasure), and to be like their Creator, which was the sin of the devils', who, not being content with their first station but would be like GOD;

for which sin they were thrown down into Hell, reserved in everlasting chains, under darkness, unto the judgement of the great day (Jude verse 6). And Adam's sin it was, which brought the curse upon him and all his Posterity, that he was not content with the station and condition that God created him in, but did aspire unto a better and more excellent — namely to be like his Creator — which proved his ruin. Yea, and indeed had been the everlasting ruin and destruction of him and all his, had not GOD been the more merciful unto him in the promised Messiah. Gen. Chap. 3.

Now for the government of *England*; It hath been by *custome* principally and for the most part by the tyrannicall usurpation of a King, and therefore it will be requisite to search into the *Scripture*, and see, whether ever *GOD approbationally instituted it, or onely permissively suffered it to be, as he doth all the other evils and wickednesse in the world*, and for the better understanding of this, It is requisite, to remember that we find in Scripture, That GOD was not only Israels husband, and did perform all the offices of a *loving husband* in his sweet and cordiall embracements of her, and loving dispensations to her, but also he was her *KING* himself, to raign and rule over her, and to *protect* and *defend her*, and being the Lord Almighty, and knowing all things past, present and to come, knew well that *Israel* would be forgetfull of all his kindnesse; and though he had chosen them out of all the world in a speciall manner to be his *peculiar ones*; yet they would forsake him, and desire to be like the *World*; And *Moses* declares thus much of them after they had enjoyed the good things of God in abundance: *But Jesurun waxed fat, and kicked: Thou art waxed fat, thou art grown thicke, thou art covered with fatnesse: then he forsook God which made him, and lightly esteemed the Rock of his salvation*, Deut. 32. 15.

And therefore they knowing that when he possessed the Land of *Canaan*, they would reject him, and desire a King (like all the rest of the Heathens, and Pagans) to reign over them: Yet they being dear unto him, he would not wholly reject them, but gave them a *Law* for the chusing of a *King*, and his behaviour, which we find in Deut. 17. 14, 15, 16, 17, 18, 19, 20. in these words: *When thou art come into the Lands, which Jehovah by God giveth thee, and shalt possesse it, and shalt dwell therein, and shalt say, I will set a King over me, like as all the Nations that are about me. Thou shalt in any wise set him King over thee, whom Jehovah thy God shall chuse, one from among thy Brethren shalt thou set King over thee: Thou mayst not set a stranger over thee, which is not thy brother: But he shall not multiply horses to himself, nor cause the people to return to Egypt, (that is, to bondage or slavery;) to*

*the end, that he should multiply horses: Forasmuch, as Jehovah hath said unto you, Ye shall henceforth return no more that way, (that is to say, ye shall be no more slaves.) Neither shall he multiply wives to himself, that his heart turn not away; neither shall greatly multiply to himself silver and Gold. And it shall be when he sitteth upon the Throne of his Kingdom, that he shall write him a Copy of this Law in a Book, out of that which is before the Priests, the Levites. And it shall be with him, and he shall reade therein all the dayes of his life, that he may learn to feare Jehovah his God, to keepe all the words of this Law, and these Statutes, and do them; That his heart be not lifted up above his Brethren, and that he turn not aside from the Commandement, to the right hand, or to the left; to the end, that he may prolong his dayes in his Kingdome, he and his children in the midst of Israel. So that to me it is very cleer, that all Government whatsoever ought to be by mutuall consent and agreement; and that no Governour, Officer, King, or Magistrate, ought to be be trusted with such a Power, as inables him when he pleaseth, to destroy those that trust him; And wickedness [in the highest] it is for any King, &c. to raigin and govern by his Prerogative; that is to say, by his will and pleasure, and as great wickednesse it is for any sort of men, to suffer him so to do: For the prooffe of this, I lay down my Argument thus, and we will apply it to the King of *England* in perticular.*

He that is not GOD, but a *meer man*, cannot make his *will*, a *rule*, and *law*, unto himself and others.

But *Charles Stewart*, (*alias Charles Rex.*) is not God but a *meer man*.

Ergo, he cannot make his *Will* a *rule* and *Law* unto himselfe or to the people, of *England*:

Secondly, He that by *contract* and *agreement* receives a *Crowne* or *Kingdome*; is bound to that *contract* and *agreement* the violating of which, *absolves* and *disingages* those, (that made it) from him,

But *King Charles* received His *Crowne* and *Kingdome* by a *contract*, and *agreement*, and hath broken His *contract* and *agreement*.

Ergo. &c.

Now for the clearing of the first proposition, it is confest by all that are not meer *Athists*, That GOD alone rules, and governs by his *Will*, and that therefore things are legall, just, and good: Because GOD wills them

to be so. And therefore all men whatsoever must, and ought to be ruled by the Law of GOD, which in a great part is engraven in Nature, and demonstrated by Reason: As for instance, It is an instinct in *Nature*, that there is a GOD, Rom. 1. or a mighty incomprehensible power. (And therefore it is *rationall*, that we should not make Gods unto our selves,) and this is the *pith* of the *first Commandement*. *Nature* telling me, *There is a God*. And therefore secondly, its *rationall* *he only should be worshipped, served, and odored*, and that's the *marrow* of the *second Commandement*. And in the third place, seeing *nature* tells me *there is a GOD*, *reason* dictates unto me, that I should speak reverently and honourably of him; And this is the summe of the third Commandement. Fourthly *Nature* dictating to me, *there is a GOD*. It is *rationall* *I should set some time apart to do him homage and service*;

And seeing the instinct of *Nature* causes me to look upon him as a Sovereign over me; is but *rationall* hath he should appoint a Law unto me, for the matter manner, and time of his worship and service; and this is the substance of the fourth Commandement.

Again, seeing nature *teacheth me to defend my self, and preserve my life*; *Reason* telleth me in the [Editor: 2 illeble words] *it is but just that I should not doe that unto another, which I would not have another doe to me*; but that in the affirmative, *I should do as I would be done unto*; And this is the marrow of the whole *second Table* of *gods Law*, from whence, all Lawes amongst men ought to have their derivation: And therefore, because by nature no man is GOD, or Sovereign, one over another; Reason tells me, I ought not to have a law imposed upon me, without my consent; the doing of which is meerly tyrannicall, Antichristian, and Diabolicall, *Rom. 13*. Yea Reason tells me in this that no Sovereignty can justly be exercised, nor no Law rightfully imposed, but what is given by common consent, in which, every individuall is included; So this proves the latter part of the Argument.

As for the minor Proposition, I think it will not be denied; for I conceive, none that confesse Christ to be come in the fifth will be so Atheisticall, as to affirme the *King* to be any more then a *meer man*, subject to the like infirmities with other men; See Acts 12. 22, 23. Dan. 14. 22, 25, 33. and 5. 18, 20, 23.

As touching the second Argument, the whole Current of the Scripture proveth it; In all the Contracts betwixt GOD and his Creatures. As for instance:

First, with *Adam*, who by *Gods contract* (being his Sovereign) was to

enjoy *Paradise*, &c. upon such, and such a condition; but as soon as *Adam* broke the agreement, GOD took the forfeiture, see Gen. 3. 16, 17, 24. So likewise GOD made a *contract* with *Israel* when he gave the Law in *Mount Syna* (as their LORD and KING) by the hand of *Moses*: But when they broke their *Covenant*, GOD took the forfeiture, though he being a *Sovereign* LORD, and governed by nothing but his own WILL, forbore long the finall execution of the forfeiture: So in the same case amongst the *Sons of Men*, that live in mutuall society one amongst another in *nature and reason*, there is none above, or over another, against mutuall consent and agreement, and all the particulars or individuals knit and joyned together by mutuall consent and agreement, becomes a *Sovereign Lord and King*, and may create or set apart, for the execution of their Lawes (flowing from their will and mind founded upon the *Law of God*, engraven in *nature*, and demonstrated by reason) Officers, which we call *Magistrates*, and limit them by what rules they judge convenient; alwayes provided, they be consonant to the *Law of God, Nature, and Reason*; by the force of which, it is not lawfull for any man to subject himself, to be a slave. For that which is against *Nature*, and the glory of the Image of GOD that he created man in, Gen. 9. 6. and so a dishonour to himself, and to his Maker, his absolute and alone Sovereign, cannot justly be done. But to subject to slavery, or to be a slave, is to degenerate from his Originall, and *Primitive institution* of a *Man* into the habit of a *Beast*, upon whom GOD never bestowed that stile of *honour* of being creatures created in the *Image* of their *Creator*.

And therefore, I am absolutely of *Catoes* mind, to think, that *no man can be an honest man, but he that is a free man, And no man is a free man, but he that is a just man*. And for any man in the world, whatsoever he be, that shal by his *sword*, or any other means thus assume unto himself, and exercise a *power* over any sorts of men, after this kind against their *wills* and *mindes*, is an absolute *Tyrant* and *Monster*, not of *God*, or mans making, but of the *Divels lineage* and *off-spring*, (who is said to go up and down the world, seeking whom he may devour) who ought to be abhorred of GOD, and all good men, seeing that such *Monsters*, commonly called *Kings or Monarks*, assume unto themselves, the very *Sovereignty, Stile, Office*, and name of GOD himself, whose *Sovereign Prerogative* it is, only, and alone, to *rule and govern by his will*. Therefore when the Sons of men took upon them to execute in this kind, GOD raised up *Moses* his Servant, to deliver those whom he took delight in, from their tyranny, and to be an Instrument in his Name to ruine and destroy that *grand Tyrant Pharoah*, and all his Country, *Exod.* 3. 9, 10. and 5. 5. and 14. 5, 14. 25, 28.

As he journied towards Canaan, God by his Agents destroyed five

(Vsurpers or Kings) more, at one bout, Num. 31. 8. and more at the next bout, Num: 32. 33. Deut: 3. 2. 3. And after him, the Lord raised up *Ioshua*, whom he *filled full of the Spirit of Wisdome*, Deut: 34. 9 to be his *executioner upon such his pretending Competitors, Kings (alias Tyrants.)* And the first that I read of was the *King of Jericho, whom he destroyed Josh 6. 21. and 10. 28.* And the next was the *King of Ave, whose Citie and Inhabitants he utterly destroyed, and hanged their King on a tree, Josh 8. 26, 28, 29.* The next after them was five Kings, with whom he waged battell altogether, *And when he had slain their people, he took the five Kings, and caused his Captains and men of war to tread upon their necks and afterwards he smote them, and slew them, and hanged them on five trees, Iosh 10. 26.* The next he destroyed was the *King of Makkedah, vers. 28. and vers. 29 he destroyed the King of Libnah, vers. 23. he destroyed the King of Gezer; and the next he destroyed was the King of Hebron, vers. 37. And then he utterly destroyed the King of Debir, and his City, vers. 39. and in chap. 11. Hazer sent to abundance of his neighbouring Kings, who assembled much people together, even as the sand that is upon the Sea-shore, (vers. 4) to fight against Joshua, who utterly destroyed them all vers. 12.—23. which in the next Chapter he enumerates; And after Joshua, the Lord chose Judah, to be his Executioner, as his Deputy, or Vice-Roy, that being a name and title high enough for any man, and the first piece of justice that Judah doth, is upon Adonibezek, who was a great and cruell King and Tyrant, and his thumbs and his great toes he cut off, who himself confessed it, a just hand of God upon him, himself having served threescore and ten Kings in the same manner, and made them gather their meat under his Table, Iudg. 1. 6, 7. But the children of Israel (the Subjects of GOD not onely by Creation, but also by Contract and Covenant) violating their Covenant with their Sovereigne LORD and KING, in not driving out, and utterly destroying the people of Gods indignation (who had robbed him of his Honour, as their Sovereign by creation in yeelding subjection to the wills and lusts of Tyrants, called their Kings, who had thereby usurped upon the peculiar Prerogative Royall of GOD himself, and so put both Tyrants (Kings) and Slaves (his Subjects) out of the protection of their Creator) wherefore they became unto them as thornes in their sides, Iudg. 2. 2, 3. and in a little time they began to rebell against their LORD, and his Lawes, which incensed his anger against them, and caused him to deliver them into the hands of Spoylers, and to sell them into the hands of their Enemies round about, Iudg. 2. 14 And in the 9 chapter Abemilech sought the Sovereignty over the people, and got it with the bloud and slaughter of threescore and ten of his Brethren, but GOD requited, with a witsesse, both on him, and all that had a finger in furthering of his usurpation,*

vers. 23, 24, 45, 53, 54 for afterward the *Tyrant* that they had set up destroyed them all for their pains, and in the end had his scull *broke* to pieces with a piece of a *millstone* thrown from the hand of a *woman*, And after many miseries sustained by the people of *Israel*, for their revolt from their loyalty to GOD, *their LORD and KING*: Yet in their distresse, hee took compassion of them, and sent them *Samuel, a just and righteous Judge*, who judged them justly all his dayes.

But *the people of Israel like foolishmen, not being content with the Government of their Sovereign by Judges* (who out of doubt took such a care of them, that he provided the best in the world for them) would reject their Liege Lord, and chuse one of their own; namely, a *King*, that so they might be like the *Pagans and Heathens*, who live without God in the world, *which Act of theirs, God plainly declares was a rejection of him, that he should not reign over them*, 1 Sam. 8 7. and chap. 10. 19. But withal, he defendeth vnto them the behaviour of the *King*, vers. 11, 12, 13, 14, 16. which is, that he will rule and govern them by his own *will [just Tyrant like]* for saith *Samuel, he will take your Sons, and appoint them for himselfe for his Chariots, and to be his horsemen and some shall run before his Chariots, and he will take (by his Prerogative) your Fields, and your Vineyards, and your Oliveyards, even the best of them, and give them to his Servants, and he will take your men-servants, and your maid-servants, and your goodliest young-men, and your Asses, and put them to his worke, &c.* And saith *Samuel*, you shall cry out in that day, because of your *King*, which ye shall have chosen unto you: *but the Lord will not hear you in that day*: And *Samuel* (in the 12. Chapter,) gives them positively the reason of it, which was, that although GOD in all their straights had taken compassion on them, and sent them *deliveries*, and at the last, had by himself, set them free on every side; so that they dwelt safely: Yet all this would not content them, *but they would have a King to reigne over them, when* (saith *Samuel*) *The Lord your God was your King*: therefore chap. 19. saith *Samuel, ye have this day rejected your God, who himself saved you out of all your adversities, &c.* yea, and (in the 19. ver. of the 12. chap.) the People acknowledged that they had added unto all their sins, this evill, *even to ask a King*; Whereby we may evidently perceive, that this office of a King, is not in the least of Gods institution; neither is it to be given to any man upon earth: Because none must rule by his will but God alone; And therefore the Scripture saith, He gave them a King in his anger, and took him away in his wrath, *Hosa* 13. 11.

In the second place for the prooffe of the minor Proposition, which is, *That Charles R. received his Crown*

and Kingdome by contract and agreement; and hath broken his contract and agreement, I thus prove.

And first, for the first part of the position, History makes it clear, that *WILLIAM THE CONQUEROVR, OR TYRANT, being a Bastard, subdued this Kingdome by force of Armes. Reade Speeds Chronicle, folio 413. There being slain in the first Battell, betwixt him and the English about sixty thousand men, on the English party, As Daniel records in his History, fol. 25. And having gained the Country, he ruled it by his sword, as an absolute Conqueror, professing that he was beholding to none for his Kingdome, but God and his sword, making his power as wide as his will (just Tyrant like) giving away the Lands of their Nobles to his Normans, laying unwonted taxes, and heavie subsidies upon the Commons, insomuch, that many of them; to enjoy a barren liberty, forsook their fruitfull inheritance, and with their wives and children as out-lawes, lived in woods, preferring that naked name of freedome, before a sufficient maintenance possesst under the thraldome of a Conquerar, who subverted their Lawes, disweaponed the Commons, prevented their night meetings, with a heavie penalty, that every man at the day closing should cover his fine, and depart to his rest, thereby depriving them of all opportunity to consult together, how to recover their liberties; collating Officers all both of command and judicature, on those who were his, which made, saith Daniel, page 46. his domination such as has would have it; For whereas the causes of the Kingdome were before determined in every Shire, And by a Law of King Edward Segnier, all matters in question should, upon speciall penalty, without further deferment, be finally decided in the Gemote, or Conventions held monethly in every Hundred: Now he ordained, That four times in the yeare for certain dayes, the same businesse should be determined, in such place as he would appoint, where he constituted Judges, to attend to that purpose; and others from whom as from the bosome of the Prince all litigators should have justice. And to awake them as miserable, as slaves could be made, He ordered that the Laws should he practised in French, all Petitions and businesses of Court in French, that so the poor miserable people might be gulled, and cheated, undone and destroyed; not onely at his will and pleasure, but also at the will and pleasure of his *under Tyrants and Officers*; For to speak in the words of *Martin*, in his History, page 4. He enacted and established strict and severe Lawes, and published them in his own language; by meanes whereof, many (who were of great estate, and of much worth) through ignorance did transgresse and their smallest offences were great enough to entitle the CONQUEROR to their lands, to the lands and riches which they did possesse; All which he seized on, and took from*

them without remorse. And in page 5. he declares, that he erected sundry Courts, for the administration of his new Lawes, and of Justice, and least his Judges should bear to great a sway by reason of his absence; he caused them all to follow his Court, upon all removes, Whereby he not only curbed their dispensations which incited them to be great, but also tired out the English Nation with extraordinary troubles, and excessive charges, in the prosecution of Suites in Law.

From all which relations we may observe;

First, from how *wicked, bloody, triviall, base, and tyrannicall* a Fountain our *gratious Soveraignes, and most excellent Majesties of England* have sprung; namely; from the Spring of a *Bastard, of poore condition*, by the *Mothers side*, and from the pernicious springs of Robbery, Pyracie, violence, and Murder, &c. Howsoever, fabulous Writers, strive (as *Daniel* saith) to abuse the credulity of after Ages, with Heroicall, or mircaulous beginnings, that surely if it be rightly considered, there will none dote upon those kind of Monsters, *Kings*; but *Knaves, Fooles, Tyrants, or Monopolizers, or unjust wretched persons*, that must of necessity have their *Prerogative* to rule over all their *wickednesses*.

Secondly, Observe from hence, from what a pure Fountain our enslaving Lawes, Judges, and Practises in Westminster Hall, had their originall; namely, from the will of a *Conqueror and Tyrant*, for I find no mention in History of such *Judges, Westminster Hall Courts, and such French ungodly proceedings* as these, untill his dayes, the burthen of which, in many particulars to this day, lies upon us.

But in the 21. of this Tyrants reigne, After that the *captivated Natives* had made many struglings for their *liberties*, and he having alwayes suppressed them, and made himself absolute, He began (saith *Daniel*, fol. 43.) *to govern all by the customes of Normandy; whereupon the agrieved Lords, and sad People of England tender their humble Petition, beseeching him in regard of his Oath made at his Coronation; and by the soule of St. Edward, from whom he had the Crown and Kingdome, under whose Lawes they were born and bred, that he would not adde that misery, to deliver them up to be judged by a strange Law which they understood not. And (saith he) so earnestly they wrought, that he was pleased to confirme that by his Charter, which he had twice fore-promised by his Oath. And gave commandment unto his Iusticiaries to see those Lawes of St. Edward to be inviolably observed throughout the Kingdome. And yet notwithstanding this confirmation, and the Courtiers afterward granted by Henry the second, and King Iohn, to the same effect; There followed a great Innovation both in Lawes and Government in England; so that this seemes rather to have*

been done to acquit the people, with a shew of the confirmation of their antient Customes and liberties, then that they enjoyed them in effect: For whereas before, those Lawes they had, were written in their tongue intelligible unto all; Now they are translated into Latine and French. And whereas the Causes of the Kingdome were before determined in every Shire, And by a Law of King Edward senior, all matters in question should upon speciall penalty without further deferment, be finally decided in their Gemote or Conventions held monethly in every Hundred (A MOST GALLANT LAW.) But he set up his Judges four times a yeare, where he thought good to be their Causes; Again, before his Conquest, the inheritances descended not alone, but (after the Germane manner) equally divided to all the children which he also altered; And after this King (alias, Tyrant) had a cruell and troublesome reign, his own Son Robert rebelling against him (yea, saith Speed, fol. 430.) all things degenerated so (in his cruell dayes) that time and domestick fowles, as Hens, Geese, Peacocks, and the like, fled into the Forrests and Woods, and became very wild in imitation of men. But when he was dead, his Favourites would not spend their pains to bury him, and scarce could there be a grave procured to lay him in; See Speed, fol. 434. and Daniel, fol. 50. and Martin, fol. 8.

WILLIAM THE SECOND, to cheat and cosen his eldest brother *Robert*, of the Crown, granted relaxation of tribute with other releevements of their dolencies, and restored them to the former freedome of hunting in all his Woods and Forrests, *Daniel* fol. 53. And this was all worth the mentioning, which they got in his dayes.

And then comes his brother, *Henry* the first, to the Crown, and he also stepping in before *Robert* the eldest brother, and the first actions of his government tended all to bate the people, and suger their subjection, as his Predecessour upon the like imposition had done, but with more moderation and advisednesse; for he not only pleaseth them in their releevement, but in their passion, by punishing the chiefe Ministers of their exactions, and expelling from his Court all dissolute persons, and eased the people of their Impositions, and restored them to their lights in in the night, &c. but having got his ends effected, just tyrant-like, he stands upon his *Prerogative*, that is, his *will* and *lust*; but being full of *turmoiles*, as all such men are, his Son the *young Prince*, the only hope of all the *Norman race* was at Sea, (with many more great ones) *drowned*, after which, he is said never to have been seen to laugh, and having (besides this great losse) many troubles abroad, and being desirous to settle the Kingdome upon his daughter *Maud* the Emperesse, then the wife of *Goffery Plantagines*, in the 15. year of his reign he begins to call a Parliament, being the first after the Conquest: for that

(saith *Dan. fol. 66.*) he would not wrest any thing by an imperiall power from the Kingdome (which might breed Ulcers of dangerous nature) he took *a course to obtain their free consents, to observe his occasion in their generall Assemblies of the three Estates of the Land, which he convocated at Salisbury,* and yet notwithstanding by his prerogative, resumed the liberty of hunting in his *Forrests,* which took up much faire ground in *England,* and he laid great *penalties* upon those that should kill his *Deere.* But in this *Henry* the first, ended the *Norman race,* till *Henry* the second: For although *Henry* the first had in *Parliament* caused the *Lords* of this Land, to swear to his Daughter *Maud* and her *Heires,* to acknowledge them as the right Inheritors of the *Crown: Yet the State elected, and invested in the Crown of England (within 30. dayes after the death of Henry)* *Stephen Earle of Bolloign,* and *Montague Son of Stephen, Earl of Blois,* having no title at all to the *Crown, but by meer election was advanced to it,* The *Choosers* being induced to make choice of him, having an opinion that by preferring one, whose title was least, it would make his obligation the more to them, and so, they might stand better *secured of their liberties,* then under such a one as might presume of a *hereditary succession.*

And being crowned, and in possession of his Kingdome, hee assembleth a *Parliament at Oxford,* wherein hee restored to the Clergie all their former liberties, and freed the Laity from their tributes, exactions, or whatsoever grievances oppressed them, confirming the same by his Charter, which faithfully to observe, hee took a publike Oath before all the *Assembly,* where likewise the *BBs. swore fealty to him, but with this condition (saith Daniel, folio 69.) SO LONG AS HE OBSERVED THE TENOVROF THIS CHARTER,* And *Speed* in his Chronicle, fol. 458. saith, *that the Lay-Barons made use also of this policie,* (which I say is *justice* and *honesty*) as appeareth by *Robert Earl of Glocester,* who swore to be true Liege-man to the King, *AS LONG AS THE KING WOVLDPRESERVE TO HIM HIS DIGNITIES, AND KEEPE ALL COVENANTS:* But little quiet the Kingdome had; for rebellions and troubles dayly arose by the friends of *Maud the Emperesse,* who came into *England,* and his Associates pitching a field with him, where he fought most stoutly, but being there taken, hee was sent prisoner to *Bristoll.* And after this Victory thus obtained, (saith *Martin, fol. 29.*) *The Emperesse, with many honourable tryumphs and solemnities was received into the Cities of Circester, Oxford, Winchester, and London;* but the *Londoners desiring the restitution of King Edwards Lawes, which she refused,* which proved her ruine, and the restitution of King *Stephen* out of prison, and to the Crown again; and after some fresh bouts, betwixt King *Stephen,* and Duke *Henry (Mauds eldest Son)* a Peace was concluded betwixt them in

a Parliament at Westminster, and that Duke *Henry* should enjoy the Crown after King *Stephen*. At the receiving of which, *he took the usuall oath*, and being like to have much work in *France*, &c. being held in thereby from all exorbitant courses, *he was therefore wary to observe at first, all meanes to get, and retain the love and good opinion of this Kingdom, by a regular and easie government, and at Waldingford, in Parliament* (saith *Daniel*, fol. 80.) *made an act, that both served his own turn, and much eased the stomackes of his people*, which was the expulsion of *strangers*, wherewith the Land was much pestered, but afterwards was more with *Becket* the traytorly Arch-bishop of *Canterbury*, And after him succeeds his Son *Richard* the first. (At the beginning of this mans Reigne, a miserable massacre was of the Jewes in this Kingdom,) who went to the holy wars, and was taken prisoner by the Emperour as he came home, of whom (*Daniel* saith, fol. 126.) that he reigned 9 years, and 9 moneths, *wherein he exacted, and consumed more of this Kingdome, then all his Predecessours from the Norman had done before him, and yet lesse deserved then any*. His brother Duke *John* being then beyond Seas with his Army, was by the then *Archbishop of Canterburies* meanes endeavoured to be made King, who undertooke for him that he should restore unto them their Rights, and govern the Kingdome as he ought with moderation, and was thereupon, (after taking three oathes, which were to love holy Church, and preserve it from all Oppressours, to govern the State in justice, and abolish bad Lawes, not to assume this Royall honour, but with full purpose to rerform: that he had sworn, *Speed* 534.) crowned King; And because the title was doubtfull, in regard of *Arthur* the Posthumus Son of *Geffery*, Duke of *Brittain*, King *Iohns* eldest brother (*Speed* fol. 532) he receives the Crown and Kingdome by way of election, *Daniel* fol. 127. the Archbishop that crowned him, in his Oration professing, before the whole Assembly of the State, *That by all reason, Divine and Humane, none ought to succeed in the Kingdome, but who should bee for the worthinesse of his vertues, universally chosen by the State, as was this man*. And yet notwithstanding all this, he assumed power by his will and prerogative, to impose three shillings upon every ploughland, and also exacted great Fines of Offenders in his Forrests. And afterwards summons the *Earles* and *Barons* of *England* to be presently ready with Horse and Arms to passe the Seas with him. But they holding a conference together at *Leicester*, by a generall consent send him word, *That unlesse he would render them their rights and liberties, they would not attend him out of the Kingdome*. Which put him into a mighty rage; but yet he went into *France*, and there took his Nephew *Arthur* prisoner, and put him to death, by reason of which the Nobility of *Britaigne*, *Anjou* and *Poictou*, took Armes against him, and

summon him to answer at the Court of Justice of the King of France, to whom they appeale. Which he refusing, is condemned to lose the Dutchy of Normandy, (which his Ancestors had held 300. yeares) and all other his Provinces in France, which he was accordingly the next yeare deposed of.

And in this disastrous estate (saith Daniel fol. 130.) he returnes into England, and charges the Earles and Barons with the reproaches of his losses in France; and fines them (by his Prerogative) to pay the seventh part of all their goods for refusing his aid. And after this going over into France to wrastle another fall, was forced to a peace for two yeares, and returnes into England for more supplies; where, by his will, lust, and prerogative, he layes an imposition of the thirteenth part of all moveables, and other goods, both of the Clergie and Laitie; who now (saith Daniel) seeing their substances consume, and likely ever to be made liable to the Kings desperate courses, began to cast about for the recovery of their ancient immunities, which upon their former sufferance had been usurped by their late Kings. And hence grew the beginning of a miserable breach between the King & his people, Which (saith he) folio 131.) cost more adoe, and more Noble blood, then all the Warres forraigne had done since the Conquest: For this contention ceased not, though it often had fair intermissions, till the GREAT CHARTER, made to keep the Beame right betwixt SOVERAIGNTY and SUBJECTION, first obtained of this King JOHN, in his 15. and 16. yeares of his yeares of his reigne; and after of his sonne Henry the 3. in the 3. 8. 21. 36. 42. yeares of his reigne (though observed truly of neither) was in the maturity of a judicall Prince, Edward the first, freely ratified, Anno regni 27. 28. But I am confident, that whosoever seriously and impartially readeth over the lives of King John, and his sonne Henry the third, will judge them Monsters rather then men, Roaring Lions, Ravening Wolves, and salvadge Beares (studying how to destroy and ruine the people) rather then Magistrates to govern the people with justice and equity: For, as for King John; he made nothing to take his Oath, and immediatly to break it (the common practice of Kings) to grant Charters and Freedomes, and when his turn was served, to annihilate them again; and thereby, and by his tyrannicall oppressions, to embroyle the Kingdome in Warres, Blood, and all kind of miseries. In selling and basely delivering up the Kingdome (that was none of his own, but the peoples) as was decreed in the next Parliament (Speed fol. 565. by laying down his CROWN, Scepter, Mantle, Sword and Ring, the Ensignes of his Royalty, at the feet of Randulphus the Popes Agent, delivering up therewithall the Kingdome of England to the Pope. And hearing of the death of Geffery Fitz Peter, one of the Patrons of the

people, rejoiced much, and swore *by the Feet of God, That now at length he was King and Lord of England, having a freer power to untie himselfe of those knots which his Oath had made to this great man against his will and to break all the Bonds of the late concluded peace with the people; unto which he repented to have ever condescended.* And (as *Daniel* folio 140. saith) to shew the desperate malice this *King* (and Tyrant) (who rather then not to have an absolute domination over his people to doe what he listed, would be any thing himselfe under any other, that would but support him in his violences.) *There is recorded an Ambassage (the most and impious that ever was sent by any Christian Prince) unto Maramumalim the Mover, intituled, The great King of Africa, &c. Wherein he offered to render unto him his Kingdome, and to hold the same by tribute from him, as his Sovereign Lord: to forgoe the Christian faith (which he held vain) and receive that of Mahomet.* But leaving him and his people together by the eares (striving with him for their liberties> and freedoms (as justly they might) which at last brought in the *French* amongst them to the almost utter ruine and destruction of the whole Kingdome, and at last he was poysoned by a Monk.

It was this King (or Tyrant) that enabled the Citizens of London to make their Annuall choyce of a Mayor and two Seriffes, Martaine 59.

The Kingdome being all in broyles by the *French*, who were called in to the aid of the *Barons* against him; and having got footing; plot and endeavour utterly to extinguish the *English Nation*. The States at *Glecester* in a great Assembly, caused *Henry* the third his sonne, to be *Crowned, who walked in his Fathers steps in subverting the peoples Liberties and Freedomes, who had so freely chosen him, and expelled the French:* yet was hee so led and swayed by evill *Councillors, putting out the Natives out of all the chief places of the Kingdome, and preferred strangers only in their places.* Which doings made many of the *Nobility* (saith *Daniel* folio 154.) combine *themselves for the defence of the publick* according to the law of *Nature and Reason*) and *boldly doe shew the King his error, and ill-advised course in suffering strangers about him, to the disgrace and oppression of his naturall liege people, contrary to their Lawes and Liberties; and that unlesse he would reforme this excesse, whereby his Crown and Kingdome was in imminent danger, they would withdraw themselves from his Councill.* Hereupon the King suddenly sends over for whole *Legions of Poictonions, and withall summons a Parliament at Oxford, whither the Lords refuse to come.* And after this, the Lords were summoned to a Parliament at *Westminster, whither likewise they refused to come,*

unlesse the King would remove the Bishop of *Winchester*, and the *Poictonians* from the Court: otherwise by the common Counsell of the Kingdom, they send him expresse word, *They would expell him and his evill Councillors out of the land, and deale for the creation of a new King*. Fifty and six years this King reigned in a manner in his Fathers steps: for many a bloody battell was fought betwixt him and his people for their *Liberties* and *Freedomes*, and his sonne Prince *Edward* travelled to the warres in *Africa*: The State after his Fathers death in his absence assembles at the *New Temple*, and Proclaim him, King. And having been six years absent, in the the third yeare of his reigne comes home, and being full of action in warres, *occasioned many and great Levies of money from his people*; yet the most of them was given by common consent in Parliament; and having been three years out absent of the Kingdom, he comes home in the 16. year of his reign. And generall complaints being made unto him of ill administration of justice in his absence, *And that his Judges like so many Jewes, had eaten his people to the bones, & ruined them with delays in their suits, and enriched themselves with wicked corruption* (too comon a practice amongst that generation) *he put all those from their Offices who were found guilty* (and those were almost all) *and punished them otherwise in a grievous manner, being first in open Parliament convicted*. See *Speed* folio 635. And, saith *Daniel*, folio 189. The fines which these wicked corrupt Judges brought into the Kings Coffers, were above one hundred thousand marks; which at the rate (as money goes now) amounts to above three hundred thousand Markes; by meanes of which he fillled his empty coffers, which was no small cause that made him fall upon them. In the mean time these were true branches of so corrupt a root as they flowed from, namely the Norman Tyrant. And in the 25. yeare of his reigne he calles a Parliament, without admission of any Church-man: he requires certain of the great Lords to goe into the warres of *Gascoyne*; but they all making their excuses every man for himselfe: The King in great anger threatned that they should either goe, or he would give their Lands to those that should.

Whereupon *Humphry Bohun*, Earle of *Hereford*, High Constable, and *Roger Bigod*, Earle of *Norfolk*, Marshall of *England*, made their Declaration, *That if the King went in person, they would attend him, otherwise not*. Which answer more offends. And being urged again, the Earle Marshall protested, *He would willingly go thither with the King, and march before him, in the Vantguard, as by his right of inheritance he ought to doe. But the King told him plainly, he should goe with any other, although himself went not in person. I am not so bound* (said the Earle) *neither will I take that journey without you. The King swore by*

God, Sir Earle you shall goe or hang. And I sweare by the same oath, I will neither goe nor hang (said the Earle). And so without leave departed.

Shortly after the two Earles assembled many Noblemen, and others their friends, to the number of thirty Baronets; so that they were fifteen hundred men at Arms, well appointed, and stood upon their own guard: The King having at that time many Irons in the fire of very great consequence, judged it not fit to meddle with them, but prepares to go beyond the Seas, and oppose the King of France; and being ready to take ship, the Archbishops, Bishops, Earles, and Barons, and the Commons send him in a Roll of the generall grievances of his Subjects, concerning his Taxes, Subsidies, and other Impositions, with his seeking to force their services by unlawfull courses, &c. The King sends answer, that he could not alter any thing without the advice of his Councell, which were not now with them; and therefore required them, seeing they would not attend him in this journey (which they absolutely refused to doe, though he went in person, unlesse he had gone into France or Scotland) that they would yet do nothing in his absence prejudiciall to the peace of the Kingdom. And that upon his return, he would set all things in good order as should be fit.

And although he sayled away with 500. sayle of ships, and 18000. men at Armes, yet he was crossed in his undertakings, which forced him (as Daniel saith) to send over for more supply of treasure, and gave order for a Parliament to be held at York by the Prince, and such as had the managing of the State in his absence; wherein, for that he would not be disappointed, he condescends to all such Articles as were demanded concerning the Great Charter, promising from thence-forth never to charge his Subjects, otherwise then by their consents in Parliament, &c. which at large you may reade in the Book of Statutes, for which, the Commons of the Realm granted him the ninth peny: At so deer a rate were they forced to buy their own Rights, at the hands of him that was their servant, and had received his Crown and Dignity from them, and for them: But the People of England not being content with the confirmation of their Liberties, by his Deputies, presse him (at a Parl. at Westminster) the next year to the confirmation of their Charters, he pressing hard to have the Clause, Salvo Jure Coroæ nostiæ put in, but the 'People would not endure it should be so: Yet with much adoe he confirms them, according to their mind, and that neither he, nor his heires, shall procure, or do any thing whereby the Liberties of the Great Charter contained, shall be infringed or broken; and if any thing be procured, by any person, contrary to the premises, it shall be held of no force, nor effect, And this cost them dear, as I said before.

So that here you have a true relation, of the begetting, the conception, and birth of *Magna Charta, The English-Mans Inheritance*, And how much blood and money it cost our fore-fathers before they could wring it out of the hands of their tyrannicall Kings; and yet alas, in my judgment, it falls far short of *Edward the Confessors Laws*, (for the ease, good, and quiet of the people) which the Conqueror robbed *England* of, for the *Norman* practises yet in *Westminster-Hall*, by reason of their tediousnesse, ambiguities, uncertainties, the entries in Latine, which is not our own Tongwe, their forcing men to plead by Lawyers, and not permitting themselves to plead their own causes, their compelling of persons to come from all places of the Kingdom, to seek for Justice at *Westminster*, is such an *Iron Norman yoak*, with fangs and teeth in it (as *Lieutenant Colonell Lilburn* in his late printed Epistle to Judge *Reeves* calls it,) That if we were free in every particular else, that our hearts can think of; yet (as the same Author saith) were we slaves; by this alone; the burthen of which singly will pierce, & gaul our shoulders, & make us bow, & stoop even down to the ground, ready to be made a prey, not only by great men, but even by every cunning sharking knave.

Oh, therefore that our Honourable Parliament, according to their late Declaration, would for ever annihilate this Norman innovation, & reduce us back to that part of the antient frame of government in this Kingdome before the Conquerors dayes, That we may have all cases and differences decided in the County or Hundred where they are committed, or do arise, without any appeale but to a Parliament, And that they may monethly be judged by twelve men, of free, and honest condition, chosen by themselves, with their grave (or chiefe) Officer amongst them, and that they may swear to judge every mans cause aright, without feare, favour, or affection, upon a severe and strict penalty of those that shall do unjustly: And then farewell jangling Lawyers, the wildfire-destroyers, and bane of all just, rationally, and right-governed Common-wealths, And for the facilitating of this work, and the prevention of frauds, I shall onely make use of Mr. *John Cookes* words (a Lawyer in Grays-Inne) in the 66. page of his late published Book, called, *A Vindication of the Professours, and Profession of the Law*, where he prescribes, *A ready remedy against Frauds*, which is, That there might be a publike office in every Countie to register all Leases made for any Land in that County, and also all conveyances whatsoever, and all charges upon the Lands, and all Bonds and Contracts of any value; for (saith he) It is a hard matter to find out Recognizances, Judgments, Extents, and other Charges, (and too chargable for the Subject) that so for 12. d. or some such small matter

every man might know in whom the Interest of Land remains, and what incumbrances lie upon it, and every estate, or charge not entered there, to be void in Law. And that the Country have the choosing of the Registers in their respective Counties one a yeare, upon a fixed day, and that they have plaine rules and limitations made by authority of Parliament, and severe penalties enacted for transgressing them.

But after this digression, let us return to *Mag. Charta*, whosoever readeth it (which every men may at large, at the beginning of the book of Statutes) shall find it an absolute Contract betwixt the Kings of *England*, and the People thereof, which, at their Coronations ever since, they take an Oath inviolable to observe; And we shall find in the dayes of his Prince, who is noted for one of the best that we have, that English-men understood themselves so well, that when the Pope endeavoured to meddle in a businesse betwixt the *Scots* and the Crown of *England*, there was letters sent from *Lincoln* at a *Parliament*, which did absolutely tell the Pope, that the King their Lord should in no sort undergo his Holinesse judgement therein: Neither send his Procurators (as was required) about that businesse, whereby it may seeme that doubts were made of their Kings title, to the prejudice of the Crowne, the Royall Dignity, the Liberties, Customes, and Lawes of *England*, which by their oath and duty they were bound to observe, and would defend with their lives. Neither would they permit, (nor could) any usuall, unlawful, and detrimental proceeding (but that which is most observable, is in the next clause, *viz.*) *nor suffer their King, if he would, to do, or any way to attempt the same, Daniel fol. 199.*

After the warlike King, succeeded his Son *Edward* the second, who was continually at variance with his people, although never any before him was received with greater love of the people then he (as saith *Daniel fol. 204.*) nor over any that sooner left it. *His very first actions discovered a head-strong wilfulnesse that was unconcealable, regarding no other company but the base Parasites of of the times, the head of which was Gaveston, which made his Nobles at Westminster, when he, and his Queen was to be crowned, to assemble together, and require him that Gaveston his darling might be removed from out of the Court and Kingdome, otherwise they purposed to hinder his Coronation at that time. Whereupon the King to avoid so great a disgrace, promises on his faith, to yeeld to what they desired in the next Parliament. And at the next Parliament the whole Assembly humbly besought the King, to advise and treat with his Nobles, (who then (it seemes) were abundantly honeste then these are now) concerning the state of the Kingdome, for the avoiding of imminent mischiefe, likely to ensue through the neglect of Government, and so far urged the matter, as the King*

consents thereunto, and not only grants them liberty to draw into Articles what was requisite for the Kingdome, but takes his Oath to ratifie whatsoever they should conclude. Whereupon they elect certain choice men both of the Clergy, Nobility, and Commons, to compose those Articles: Which done, the Archbishop of Canterbury (lately recalled from exile with the rest of his Suffragans,) solemnly pronounced the Sentence of Excommunication (which then was a fearfull thunder-bolt) against all such who should contradict those Articles, which were there publikely read before the Barons, and Commons of the Realme, in the presence of the King; Amongst which, the observation, and execution of Magna Charta is required, with all other ordinances necessary for the Church and Kingdome, and that as the said King had done, all strangers should be banished the Court, and Kingdome, and all ill Councillors removed. That the businesse of the State should be treated on, by the Councell of the Clergy and the Nobles. That the King should not begin any war, or go any way out of the Kingdom, without the common Councell of the same, Daniel fol. 205. Speed fol. 652. But this King, for his evill government breaking his Oaths and Contrasts with his People, was therefore, by common consent in full Parliament, deposed. Which we shall have occasion by and by more fully to speak of, and the Bishop of Hereford as the mouth of those Messengers that were sent by the Parliament, the Body of the State, told him, that the Common-wealth had in Parliament elected his eldest Son, the Lord Edward, for King, and that he must resigne his Diadem to him, or after the refusall, suffer them to elect such a person as themselves should judge to be most fit, and able to defend the Kingdome.

This Prince being crowned, raigned above 50. years, and hath the best commendation for Manhood and Justice of any Prince that went before him, or that followed after him; who yet notwithstanding, though he came in by election, and took the Oath at his Coronation, which his Father took before him, yet he fayled often in the performance of it; Of which the BBp. of *Canterbury* in an Epistle written to him when hee was in *France*, tells him home of it, in these words, *That it was the safety of Kings, and their Kingdoms, to use grave and wise Councillors, alleadging many examples, out of holy Writ, of the flourishing happinesse of such as took that course, and their infelicity who followed the contrary. Then wills him to remember how his Father (led by evill Councell) vexed the Kingdome, putting to death, contrary to the Law of the Land, divers of the Nobility, and wished him to consider what hapned thereby unto him. Also, to call to mind, how himself at first, through evill Councell about [Editor: illegible word] almost lost the*

hearts of his people. But afterwards by the great [Editor: illegible word] endeare of his Prelates and Nobles, his affaires were reduced into so good order, as he recovered them, and is reputed the noblest Prince in Christendome; But now again, at present, through the wicked Councill of such as effect their own profit, more then his honour, or the welfare of his People; he had caused Clergy-men, and others, to be arrested and held in prison by undue proceeding, without being indicted or convicted contrary to the Laws of England (which (he saith) he was bound by his Oath at his Coronation to observe, and against Magna Charta, which whosoever shall presume to infringe, are to be by the Prelates excommunicate, so that hereby he incurred no small detriment to his Soule, and to the State, and his Honour, which he doubted (if he proceeded in it) would loose both the hearts of the people, and their ayd, and helpe. Daniel Folio 229. 230. For which the King sharply according to his prerogative power reproveth him; But shortly after, the King found much to doe in the Parliament held at London being earnestly petitioned by the whole Assembly, that the great Charter of Liberties, and the Charter of Forrests might be duly observed, and that whosoever of the Kings Officers infringed the same should loose their place: That the high Officers of the Kingdome should as in former times,^{*} be elected by Parliament; But the King stood stiff upon his prerogative, but yet yeilded that these Officers should receive an Oath in Parliament to do justice unto all men in their Offices, and thereupon a Statute was made and confirmed with the Kings Seal; both for that and many other Grants of his, to the Subjects, which notwithstanding were, for the most part, presently after revoked, *Daniel fol.* 231. (But for as much as) About this time (in the *Statute-Bookes* at large, *fol.* 144. I find) was an excellent Oath made in the 18. of *Edw.* 3. Anno 1344. intituled, *The Oath of the Justices.*

I conceive it may be worth the reading, and therefore it is not unnecessary here to insert it, which thus followeth:

YE shall swear that well and lawfully, ye shall serve our Lord the King, and his People in the Office of Iustice, and that lawfully ye shall counsell the King in his businesse, And that ye shall not counsell nor assent to any thing, which may turn him in dammage, or disherison by any manner, way, or colour; And that ye shall not know the dammage, or disherison of him, whereof ye shall not cause him to be warned by your self, or by others and that ye shall do equall Law, and execution of right to all his Subjects rich and poore, without having regard to any person. And that you take not, by your self, or by other,

privatly nor apertly, guift nor regard of gold nor silver, nor of any other thing, which may turn to your profit, unlesse it be meat or drinke, and that of small value of any man that shall have any plea, or processe hanging before you, as long as the same processe shall be so hanging, nor after for the same cause, And that ye take no Fee, as long as ye shall be Justice, nor Robes of any man great or small, but of the King himself: And that ye give none advice nor counsell to no man great nor small, in no case where the King is party. And in case that any of what estate or condition they be, come before you in your Sessions, with force and arms, or otherwise against the peace, or against the form of the Statute thereof, made (Stat 2. E. 3. 3.) to disturb execution of the Common-Law, or to menace the people, that they may not pursue the Law; that ye shall cause their bopies to be arrested, and put in prison: And in case they be such, that ye cannot arrest them, that ye certifie the King of their names, and of their misprision hastily, so that he may thereof ordain a convenient remedy. And that ye by your selfe, nor by others, privily nor apertly maintain any plea or quarrell hanging in the Kings Court, or else-where in the Country. And that ye deny to no man common right, by the Kings Letters, nor none other mans, nor for none other cause: & in case any Letters come to you, contrary to the Law, that ye do nothing by such Letters, but certifie the King thereof, and proceed to execute the Law, notwithstanding the same Letters. And that ye shall do and procure the profit of the King and his Crown, with all things where you may reasonably do the same. And in case ye be from henceforth found in default, in any of the points aforesaid; ye shall be at the Kings will, of Body, Lands, and Goods, thereof to be done, as shall please him; As God you helps, and all Saints.

But now in regard we shall for brevities sake, but only touch at *Richard* the second, who for his evill government was Articled against in Parliament, *Martine* fol. 156, 157, 158, 159, 160. *Speed* fol. 742. The substance of which, in *Speeds* words were: First, in the front was placed his abuse of the publike treasure, and unworthy waste of the Crown-Land, whereby he grew intollerable grievous to the Subjects, The particular causes of the Dukes of *Gloucester* and *Lancaster*, the

Arch-Bishop of *Canterbury*, the Earle of *Arundel*, filled sundry Articles: They charged him in the rest with dissimulation, falshood, losse of honour abroad in the world, extortions, rapine, deniall of Justice, erasures and embezelling of records, dishonourable shifts, wicked Axiomes of State, cruelty, covetousnesse, subordinations, lasciviousnesse, reason to the rights of the Crown, perjuries, and briefly, with all sorts of unkingly vices, and with absolute tyrannie. Upon which it was concluded, That he had broken his Contract made with the Kingdome, or the Oath of Empire, taken at his Coronation, and adjudged by all the States in Parliament, *That it was sufficient cause to depose him, and then the diffinitive sentence was passed upon him.* And wee shall wholly passe over *Henry* the 4. 5. and 6. *Edward* 4. and 5. *Richard* 3. *Hen.* 7. and 8. and shall come down to King *Charles*, and not mention the particular miseries, blood-sheds, cruelties, treason, tyrannies, and all manner of miseries that the free-born people of this Kingdome underwent, in all or most of their wicked raings, especially in the Barons warres; In which time, the Inhabitants of *England* had neither life, liberty, nor estates, that they could call their own, there having been ten Battels of note fought in the Bowels of this Kingdome, in two of their Raignes only, *viz. Hen.* 6. and *Edw.* the 4. In one of which Pauls there was 37. thousand English ships. *Martine* fol. 393, 394, 395.

I say we will passe by all these, and give you the Copy of the Oath, that King *Edward* 2. and King *Edward* the 3. (by authority of Parliament) took, and which *all the Kings and Queens of England since to this day, at their Coronation either took, or ought to have taken,* never having (by authority of *Parliament*, been altered since that I could hear of, by which it will cleerly appeare, that the Kings of *England* receive their Kingdoms conditionally; The true Copy of which, as I find it in this Parliaments Declaration, made in reply to the Kings Declaration, or answer to their Remonstrance, dated 26, *May* 1642. and set down in the Booke of Declarations, page 713.

SIR, Will you grant and keep, and by your Oath confirme unto the People of England, the Lawes and Customes granted to them by antient kings of England, rightfull men, and devout to God, and namely the Lawes and Customes and Franchises granted to the Clergie, and to the People, by the glorious king Edward to your power?

Sir, Yee keepe to God, and to Holy Church, to the Clergie, and to the People Peace, and accord wholly after your power?

Sir, Yee do to be kept in all your Domes and Judgments,
true and even Righteousnesse, with Mercie and Truth.

The King shall answer. I shall doe it.

Sir, Will you grant, defend, fulfill all rightfull Laws and
Customes, the which the COMMONS of your Realme shall
choose, and shall strengthen and maintain them to the
Worship of GOD, after your power.

The King shall answer, I grant, and behight.

And then the Arch-Bishop of *Canterbury* at the time of the *Coronation*
goes, or should goe, to the four sides of the Scaffold, where the King is
crowned, and declares, and relates to all the People, how that *Our Lord*
the King had taken the said Oath, enquiring of the same people, If they
would consent to have him their King, and Liege Lord, to obey him as
their King and Liege Lord, who with one accord consented thereunto.

Now, let all the world be judge whether the Kings of
England receive their Kingdom's by contract, yea, or no.

And if they do receive them by contract, as is already undeniably
proved before; Then what becomes of that wicked and tyrannicall
Maxime, avowed by King *Charles* (immediatly after his Answer to the
Petition of Right, Book Statutes, fol. 1434.) viz. That he did owe an
account of his actions to none but GOD alone; And of that erroneous
Maxime, mentioned in Book Declaration, pag. 266. viz. That Kingdomes
are Kings own, and that they may do with them what they will, as if
Kingdomes were for them, and not they for their Kingdomes.

But if any man shall object and say, that King *Henry* the 8. with his own
hands altered this Oath; and therefore it is not the same Oath which
King *Charles* hath taken.

To which, I answer and say, The Parliament in their Declaration grants
that King *Hen.* the 8. &c altered it; but they also say pag. 712. *They do*
conceive that neither he, nor any other, had power to alter it, without
an Act of Parliament. And in pag. 708. 709. They say, *They well know*
what Kings have done in this point: But we know also (say they) that
what they have done is no good rule alwayes, to interpret what they
ought to have done; for, that they are bound to the observation of
Lawes by their Oath, is out of question, and yet the contrary practised
by them, will appear in all ages, as often. But to put this out of doubt,
whosoever reades the Oath taken by this King, which he himself sets
down in his Declaration, (Book Declar. pag. 290, 291.) will find no

materiall difference betwixt that which hee took, and that which he ought to have taken, saving in that clause of passing *New Lawes*: But there is enough in that he tooke to prove my assertion, *viz.* That he received his Crown by a Contract, which further to prove, I alledge the *Petition of Right*, which whosoever seriously readeth with his Answer to it, shall finde it to be a large and absolute Declaration of a contracted duty betwixt him, and his people, *viz. That is was his duty to govern them by Law, and not by his Prerogative Will*, And when his first answer to their *Petition* did not please the Parliament, they pressed him again, out of *Right*, to give a satisfactory one: Which he, out of *Duty* doth, saying, *Let right be done, as is desired*: So that this is a clear demonstration, and enough to prove that there is not only a bare Contract betwixt the King and the People, but also that he is bound by duty to grant such Lawes, as they shall rationally choose, although there were no such Statute, as the 25. of *Edward* the 3. which they mention in pag. 268, nor no such clauses as they speak of, pag. 706, 707, 714. In the Records of 1 R. 2. Num: 44. and R. 2. Num: 34. and 40.

Again, it will clearly appear, that there is a contract betwixt the King & his People; yea, and such a one, as ties up all his public official actions to be according unto Law, and not according to the rule of his own Will, if we seriously weigh but the Lawes made, and past this present Parliament; but especially that for abolishing the Star-Chamber, and regulating the Councill-Table, the Act for abolishing the high Commission Court, two Acts for the levying and pressing Souldiers and Marriners; and an Act declaring unlawfull and void the late proceedings touching Ship-money, And an Act for preventing vexatious proceedings, touching the order of Knight-hood. And an Act for the free bringing in, and free making of Gun-powder.

But if all this will not serve, let us a little further consider what the Parliament saith, who are the States representative of all the individuals of the State universall of *England*, Book Declar. pag. 171. 264. 336. 508. 613. 628. 654. 655. 703. 705. 711. 724. 725. 726. 728. 729. 730.

And therefore are the highest, supreamest, and greatest Court, Councell, and Judge of this Kingdome, pag. 141, 143, 197, 207, 213, 271, 272, 278, 280, 281, 303, 457, 693, 703, 704, 711, 718, 725.

And who may justly be called the legall Conservators of *Englands* Liberties, 281, 277, 282, 264, 496, 587, 588, 617, 693, 698.

Yea the legall and publike eyes and heart of *Englands* Politike Body, pag. 213, 278, 340, 690.

Of whom a dishonourable thing ought not to be conceived of them, pag. 281, 654. much lesse to be acted or done by them, pag. 150.

And they say pag. 266. That the King hath not that right to the Towns and Forts in *England*, which the people in generall have to their estates, the Towns being no more the Kings own, then the Kingdome is his own: And his Kingdome is no more his own, then his people are his own; And if the King had a propriety in all his Towns, what would become of the Subjects propriety in their houses therein! And if he had a propriety in his Kingdom, what would become of the Subjects propriety in their Lands throughout the Kingdom, or of their Liberties, if his Majestie had the same right in their persons, that every Subject hath in their Lands or Goods; and what should become of all the Subjects Interests in the Towns and Forts in the Kingdome, and in the Kingdom it self, if his Majestie might sell them, or give them away, or dispose of them at pleasure, as a particular man may do with his Lands and his Goods; This erroneous Maxime being infused into Princes, that their Kingdoms are their owne, and that they may do with them what they will (as if their Kingdoms were for them, and not they for their Kingdoms) is the root of all the Subjects misery; and of the invading of their just Rights and Liberties, whereas indeed they are only intrusted with their Kingdomes, and with their Towns, and with their People, and with the publike Treasure of the Common-wealth, and whatsoever is bought therewith; And by the known Law of this Kingdom the very Jewels of the Crown are not the Kings proper Goods, but are only intrusted to him for the use and ornament thereof.

As the Towns, Forts, Treasure, Magazine, Offices, and the People of the Kingdome; and the whole Kingdome it self is intrusted unto him, for the good, and safety, and best advantage thereof.

And as this Trust is for the use of the Kingdom, so ought it to be managed by the advice of the Houses of Parliament, whom the Kingdom hath trusted for that purpose, *it being their duty to see it discharged, according to the condition and true intent thereof*, and as much as in them lies, by all possible meanes to hinder the contrary; and therefore say they, pag. 276. by the Statute of 25. Ed. 3. *It is a levying of warre against the King, when it is against his Lawes and Authority, though it be not immediatly against his Person, And the levying of Force against his Person all Commands, though accompanied with his presence, if it be not against his Lawes and Authority, but in the maintainance thereof, is no levying of warre against the King, but for him; for there is a great difference betwixt the King, as King, and the King, as Charles Stuart*, And therefore say the Parliament, pag. 279. *That Treason which*

is against the Kingdome; is more against the King, then that which is against his Person, because he is King: for that very Treason, is not Treason as it is against him as a man, but as a man that is a King, and as he hath relation to the Kingdome, and stands as a Person intrusted with the Kingdome, discharging that Trust.

And therefore page 722. that *Alexander* Archbishop of *Yorke*, *Rob. Delleer* Duke of *Ireland*, *Trisillian* L. chief Justice, & the rest in the time of *Richard* the 2. were guilty of Treason, (and so adjudged by two Acts of Parliament, viz. 11. R. 2. 1. 2. and 1. H. 4. 3. and 4. which to this day are both in force) for levying Forces against the Authority of Parliament, and to put to death divers principall members of both Houses, although they had the Kings expresse Command to do it, and the promise of his presence to accompany them; which yet, for all that, neither would, nor did save their lives, in regard, as they say, page 723. It is a known rule in Law, that the Kings illegall Commands, though accompanied with his presence, do not excuse these that obey him; & therefore if the Kingdom be in danger, and the King wil not hearken to the Parliament in those things that are necessary for the preservation of the peace, and safety of the Kingdome: Shall they stand and look on, whilst the Kingdome runs to evident ruine and destruction? No (page 726) for safety and preservation is just in every individuall or particular, page 44. 150. 207. 382. 466. 496. 637. 690. 722. much more in the Parliament, who are the great and supream legall Councell, from whom there is no legall appeale, as is before declared.

Yea, and in their Declaration of the 19. of *May*, 1642. page 27, they tell us, that this Law is as old as the Kingdome, viz. That the Kingdom must not be without a meanes to preserve it selfe, which, that it might be done without confusion (say they) this Nation hath entrusted certain hands with a power, to provide in an orderly and regular way for the good and safety of the whole, which power by the constitution of this Kingdome, is in his Majesty, and in his Parliament together.

Yet since the Prince being but one person, is more subject to accidents of nature and chance, whereby the Common-wealth may be deprived of the fruit of that Trust which was in part reposed in him, in cases of such necessity, that the *Kingdome* may not be inforced presently to return to its first principall, and every man left to do what is aright in his own eyes, without either guide or rule, the wisdom of this State hath intrusted the *Parliament* with a power to supply what shall bee wanting on the part of the Prince, as is evident by the constant custome and practice thereof, in cases of nonage, *naturall disability and captivity*, and the like reason doth and must hold for the exercise of the same

power, in such cases where the *Royall Trust* cannot bee, or is not discharged, and that the Kingdome runs an evident and eminent danger thereby; which danger, having been declared by the *Lords and Commons in Parliament*, there needs not the authority of any person or Court to affirme, nor is it in the power of any person or Court to revoke that judgment (for as they well say in their Declaration of the 26. of *May*, 1642. page 281.) it is not agreeable to *reason or conscience*, that it should be otherwise, seeing men should be put upon an impossibility of knowing their duty, if the Judgment of the highest Court should not be a rule and guide to them.

And if the Judgment therefore should be followed, where the question is, *who is King*, (as before in that *Declaration*, they have proved it ought) much more, *what is the best service of the King and Kingdome*, and therefore those that shall guide themselves by the judgment of *Parliament*, ought, what ever happen, to be secure, and free from all account and penalties upon the grounds, and equity of this very Statute of 11. *Hen. 7.* Chap. 1.

And again, page 697. (they say, very rationally,) There must be a Judge of the question wherein the safety of the Kingdome depends (for it must not lie undetermined.) And if then there be not an agreement betwixt his Majesty and the Parliament, either his Majesty must be Judge against his Parliament, or the Parliament without his Majesty: It is unsound and irrationall to give it to his Majestie, who out of the Courts is not Judge of the least dammage, or trespasse done to the least of his Subjects, but the Parliament is the Representative Body of the whole Kingdome, and therefore the absolute proper and legall Judge. Besides, If his Majesty (in the difference of Opinions) should be Judge, he should be Judge in his own case, but the Parliament should be Judges between his Majesty and the Kingdome: And if his Majesty should be Judge, hee should be Judge out of his Courts; yea, and against his highest Court, which he never is (nor can be) but the Parliament should only judge, without his Majesties personall consent, which as a Court of Judicature it alwayes doth, and all other Courts as well as it.

Therefore if the King be for the Kingdome, and not the Kingdome for the King; And if the Kingdome best knowes what is for its own good and preservation, and the Parliament be the Representative Body of the Kingdome; It is easie to judge who in this case should be Judge, And therefore the Parliament are bound in duty to those that trust them, to see that the king dispose aright of his trust, being that right that the King hath as King, in the things he enjoys, is of a different nature, and for different ends, to the right of propriety which a particular man hath

in his Goods and Lands, &c. That of propriety is a right of propriety, which a particular man may dispose of, as hee pleaseth according to his own discretion for his own advantage, so it bee not contrary to the publike good; but the right of the King is only a right of trust, which he is to mannage in such wayes, and by such Councels as the Law doth direct, and only for the publike good, and not to his private advantages, nor to the prejudice of any mans particular Interests, much lesse of the Publike, page 700. And therefore (say they) page 687. *The King hath not the like liberty in disposing of his own person, or of the persons of his children (in respect of the Interest the Kingdome hath in them) as a private man may have.*

But if it shall be objected, that the Parliament, the *representative of the Kingdome*, are not to intermeddle in the managing of his Majesties trust, because of the Oaths that they have taken, wherein they swear, that *His Majesty is supream Head and Governour over all persons, and over all causes within his Dominions*, to which I shal return partly their own answer, p. 703. That *notwithstanding this, they are bound to see it managed, according to the true intent & condition therof;* (for no man doth nor can give a power to destroy himself) and therefore say they, *If we should say the King hath in the Government of his People, Superiors, to wit, the Law (by which he is made) and his Courts, &c. It were no new Doctrine: We have an ancient Author for it, viz. Fleta Book 1. Chap. 17. of substituting of Iudges.*

If we should say the King is the single greatest, but lesse then the whole, it were no new learning (it being an undeniable rule in reason, that they that make a thing are alwayes greater then the thing made by them) and certainly this of supream Head and Governour over all persons in all causes, as it is meant singular (or single) persons rather then of Courts, or of the Body collective, of the whole Kingdome, so it is meant (in curia non in camera) in his Courts, that his Majesty is supream Head and Governour over all persons, in all causes, and not in his private capacity, and to speak properly, It is only in his High Court of Parliament, wherein, and wherewith his Majesty hath absolutely the supream power, and consequently is absolutely supream Head and Governour, from whom there is no Appeale. And if the High Court of Parliament may take an account of what is done, by his Majesty in his inferiour Courts, much more of what is done by him, without the Authority of any Courts; And for my part, say, that though the *King* be the Supream Officer, which is all, and the most he is; yet he is not the supream Power: for the absolute Supream Power is the People in generall, made up of every individuall, and the legall and formall supream Power is only their Commissioners, their collective or

representative Body, chosen by them, and assembled in Parliament, to whom the *King* is and ought to give an account both of his Office and Actions; yea, and to receive rules, directions, and limitations from them, and by them.

And although *King John* the 7. from *William* the Rogue, alias the chiefe Robber, or Conquerour, was so Atheistically, and impiously wicked, as to give away his kingdome of *England* unto the Pope (as is before declared*) which was none of his owne to give, or dispose of, either to him or any other whatsoever, which the people that lived in those dayes very well knew and understood, and therefore (as *Speed* in his *Chronicles* records, fol. 565. in a generall Parliament held in or about the year, 1214. The Prelates, Lords, and Commons, severally and joyntly enacted, That forsomuch as neither *King John*, nor any other *King*, could bring his Realme and People to such thraldome, but by common consent of Parliament (which was never done) and that in so doing, he did against his Oath at his Coronation; besides many other causes of just exception; If therefore the Pope thence forwards should attempt any thing therein, the *King* with all his Subjects should with all their forces and powers resist the same, and rather hazzard all their lives and livelihood, then endure his usurpations.

But if any man should so dote upon those Pageants, Tyrants, Kings, the supposed and pretended annoited of the Lord, as yet not to think it sufficient to prove that not onely *the present King Charles*, his own acknowledgment and confession will be of force sufficient to pull all Scales of blindnesse from their eyes, and all hardnesse and unbeliegnesse of heart, from their hearts; His own words in his answer to the House of Commons first Remonstrance, Book Declar. pag. 25. are these.

We have thought it very suitable to the duty of Our place, and pag. 29. and We (saith he) doubt not it will be the most acceptable Declaration a King can make to his Subjects, that for Our part We are resolved duly not only to observe the Lawes Our Self, but to maintain them against what opposition soever, though with the hazard of Our Being: and a little below We acknowledge it a high crime (saith he) against Almighty God, and inexcusable to Our good Subjects of Our three Kingdomes, if We did not to the utmost employ all Our power, and faculties, to the speediest and most effectuall assistance and protection of that distressed people of Ireland.

And in his Message, 28. April, 1642. page 157. speaking of the *Militia*, he saith, *We conceive it prejudiciall to Our Self, or inconvenient for Our*

Subjects, for whom We are trusted, and page 167. Himself saith, That if the Prerogative of the King over-whelme the Liberty of the People, it will be turned to tyrannie. And he himself (page 284.) defines tyrannie to be nothing else, but to admit no rule to govern by a mans own will.

But above all the rest, remarkable is his own confession, in his answer to the Parliaments Declaration of the 19. May, 1642. where (in page 152.) He honestly and plainly acknowledgeth that He is *to give an account of his Office, not only to God, but also to his other Kingdoms.*

But as the Parliament saith page 701. *This is a strange Paradox, that his Majesty by his own Confession owes an account to his other Kingdomes of his Office and Dignity of a King in this kingdome it self, where he resides, and hath his being and subsistence.*

And in page 311. *He acknowledgeth God hath entrusted Him with his regallity for the good of his People; and if it be for their good, then not for their mischief and destruction; but God hath entrusted him, and how is that? The truth is, God is no more the Author of Regall, then of Aristocratical power, nor of Supream, then of Subordinate Command. Nay, that Dominion which is usurped, and not just, whilest it remains Dominion, and till it be legally again divested, refers to God as its Author and Donor, as much as that which is Hereditary (and permissively from God, and not approbationally instituted, or appointed by him,) And that Law which the King mentioneth, is not to be understood to bee any speciall Ordinance, sent from Heaven by the Ministry of Angels, or Prophets, (as amongst the Jewes it sometimes was.) It can be nothing else amongst Christians, but the actions and agreements of such and such politike Corporations.*

Power is originally inherent in the People, and it is nothing else but that might and vigour, which such and such a Society of men contains in it self, and when by such and such a Law of common consent and agreement, it is derived into such and such hands, God confirms the Law: And so man is the free and voluntary author, the Law is the instrument, and God is the establisher of both (as the observator in the first page of the first part of his most excellent observations, doth observe) And though Kings make a huge matter of that saying of God, by me Kings Raigne: as though there were some superlative naturall, inbred, inherent deity, or excellency in Kings above other men; yet we may say, and that truly: *That by God all mankind lives, moues, and have their being, yea, and raignes, and governs as much by God (in their inferior orbs (of cityes, hundreds, wappentakes, and families) as well as Kings in their Kingdoms, yea, though God himselfe in an extraordinary, and immediate manner, chose and appointed Saul,*

David, and Solomon, to be Kings of Israel;

Yet so just was the righteous God, that he would so impose them upon the people of *Israel* against their own wills and minds, neither did they rule as King, till by the common consent of the people, they chose them, and appointed them to raigne over them. 1 *Sam.* 10. 20. 24. 2. *Sam.* 2. 24. and Chap. 5. 1. 2. and 3. and 1 *Kings* 38. 39. 40. So that heir authority did originally as inherently flow from the people, as well as their specialassignment from God, and they were to rule > and govern them by the Law of God, (and not by the rule and Law of their own will) unto which Law they were to be as obedient and subject, as the meanest of the people: yea, and as lyable to punishment, and to have their transgressions layd to their charge: As Lieutenant Collonel *Lilburne* hath notably and fully proved in his late printed Epistle to Judge *Reves*, pag.

These things rightly considered doth condemn those two *maxims*, for wicked, ungodly, and tyrannicall which are layd downe so in the booke of Declarations: pag. 199. 3. 4. viz. *That the King can do no wrong*, The second is, *that the King is the fountaine of justice*.

But to returne againe to the *Kings* own word, he saith pag. 313. *We were unworthy the trust reposed in us by the Law and of our descent from so many great and famous Ancestors; if we could be brought to abandon that power, which onely can enable us to performe what we are sworne to in protecting our people and the Lawes. What can be said more plaine then this*, to prove him an Officer of duty & Trust? But seeing he speakes of his Ancestors; Let me tell him, that if he had no better title to his Crown, then to claime it his by a kind of *Divine Right* from his *Progenitors*, and because he is the next Heire to King *James*; It would be by *Scripture* a very weak title.

We find in Scripture, that *Salomon* a younger Son, &c. was made King, principally because of his fitnessse to govern, when divers of his elder brethren went without the Crown, And if any in the world might have pleaded the priviledges of being next heire, *Davids* Sons, and Sons Sons might, in regard of that large promise that was made to *David* that his *Sons should sit upon the Regall Throne for many Generations*.

Again, the King page 443. *ingages to maintain the Priviledges of Parliament, as far as ever any of his Predecessours did, and as farre as may stand with that Justice which he owes to his Crown, which, what that is, I have before declared, and is very fully declared in that Oath which he himself hath taken, page 291.* although it fall, and is very short of that he ought by law and right to take; so that now I have fully

proved, I am confident of it, without any starting hole left for contradiction; *That the King receives his Crown by contract and agreement, unto which by Law and Right he is bound and tied.* I thought to have here inserted some excellent passages for the further illustration of the Position out of the first and second parts of the *Observations*, and a late Book, called *Maximes unfolded*: But in regard I have (I am afraid) been over-tedious already; I will refer you to the bookes themselves, or (in case they be hard to come by) to that *abridgment* of the *marrow* of them, which you shall finde in an excellent and rationall Discourse of Mr. *Lilburns*, against those Vipers and grand Enemies to the *Liberties of England*, the *monopolizing Merchants*, in his Book, called *Innocencië and Truth justified*, page 57, 58, 59, 60, 61.

I come now to the last branch of the minor Proposition, which is

THAT KING CHARLES HATH BROKEN HIS CONTRACT AND AGREEMENT.

And for the proove of this, I must lay downe this assertion.

That the *Parliament* is the *only, proper, competent, legall, supream* Judge of this, as well as of all other the *Great Affaires* of the Kingdom, as is before largely proved: And for further illustration, reade Book Declar. pag. 100, 112, 171, 172, 170, 202, 693, 716.

Now in the next place, let us consider what the Parliament in their publike Declaration say of the King, who confesses himself, as well as the Parliament; asserts and proves it, that *his Oath taken at his Coronation tyes him, to raigne and govern according to Law.* Yet whosoever seriously reades over the first Petition, and *remonstrance* of the *State representative of England, commonly called the House of Commons*, who *onely and alone have and ought to have that title.* Pag. 264. 336. 508. 613. 628. 654. 655. 703. 705. 711. 724. 725. 726. 728. 729. 730.

The House of *Peers* being meer usurpers and inchroachers, and were never intrusted by the people, (who under God the fountaine, and Well-spring of all just power) as well legislative as other, with any legislative power, who meerly sit by the Kings prerogative, which is a meer bable, and shaddow, and in truth, in substance is nothing at all, there being no Law-making-power in himselfe, but meerly, and onely at the most, a Law-executing-power, who by his *Coronation Oath*, that he hath taken, or ought to have taken, is bound to passe and assent to all such Lawes, as his people or *Commons* shall chuse, as is largely (by the forecited Declarations of the Parliament) proved. Now if he have not a

legislative power in himselfe, as the Lords themselves (by joyning with the *Commons* in their Votes and Declarations) do truly confesse, and notably prove; how is it possible for him to give that to them which is not inherent in himselfe? Or how can they without palpable usurpation, claime and exercise a Law-making-power, derivatively from the King alone when he hath none in himselfe? which they themselves confesse, and prove: wherefore, how can the *House of Commons* the representative body of England, without willfull perjury, having so often sworne to maintaine the Liberties of England, and without being notoriously guilty of Treason to themselves and others, and all those that chuse them, and trusted them; suffer the Lords to continue in their execution of their usurpations? many times to the palpable hazard, yea, almost utter ruin of the Kingdome, by their denial, thwarting and crossing of those things that evidently tends to the preservation of the whole Kingdome, and by their pretended legislative power, destroy whole families, and fill the Jayles of *London* at their pleasure, (contrary to Law and right) with *COMMONS* (with whom they have nothing to do) without being controled by the Trustees of the people, the *HOUSE of COMMONS*, although they be legally appealed to for that end (witness Mr. *Lilburne*) Mr. *Staveley* prisoner in the *Fleete*, Mr. *Learner* for himselfe and servants, Mr. *Overton*, &c.) to their everlasting shame, and disgrace is spoken; Oh therefore awake, awake, and arise with strength and resolution, ye chosen and betrusted ones of *England*, the *earthly arme & strength thereof*, and free your *Masters* and *betrusters* the whole *State of England* from those *invading, usurping, Tyrannicall Lords, Bondage, and Thraldoms*, left to your shame they do it themselves, and serve them as they did the *Bishops*; for preservation your selves say is just, Pag. 44. 150. 207. 496, 637 [Editor: illegible word] 226.) and is as antient a Law as any is in the Kingdome, Pag. 207. And you have also the 17. *Aprill* last, declared, that you will suffer no arbitrary tyrannicall power to be exercised over the freemen of England, but the Lords do it, therefore if ye be true, and just men, such who would be believed and trusted, do as you say; before the Lords by their plots with the enemies of the freedoms of *England* (such as wicked *English* and *Scots Lords*, and other prerogative *Courtiers*, and corrupt *Clergy*, and patentee *Monopolizers*, and contentious wrangling jangling, and pety fogging *Lawyers*) and by their own impudent and uncontroled injustice; imbroyle this Kingdome in a second warre, they and their associates, and confederates having been the cause of the by-past warres, not for any love to the Liberties of England though that was their pretence, but meerly out of malice to the raigning and ruling party at Court, whose utmost desire was to unhorse them, that so they might get up into the saddle, and ride & raigne, and rule like *Tyrants*

themselves, they loving (at this very day) the *King-Prerogative Tyranny*, and *oppression* as dearly as any of these at Court, which they complained of, witness their daily actions, and the actions of all their fore-mentioned faction, which is lively characterised in a late Discourse, called [*A Remonstrance of many thousand Citizens, and other Free-born People of England, to their owne House of Commons*] and will more fully be laid open shortly in the second part of it.

But if the Lords think they are wronged by this digression, and that their right to their *Legislative power* is better then is here declared;

I desire their Lordships, or any other for them, to let the *Kingdom* know, what better right they have to sit in *Parliament*, then the old *Popish Abbots* had, that are long since, as *Incrochers*, abolished; Or then the *Bishops*, or the *Popish Lords*, that are lately defunct, do. Sure I am, the right they had, was as good as any their *Lordships* have, flowing from one and the same fountain with them; namely the *Kings will and pleasure*, commonly called, *The Kings Prerogative*, demonstrated by his *Letters Pattents*, which in such a case is not worth a button as is clear by the Law, and the very principles of Reason, and that the *Lordly Prerogative* honour it self that they enjoy from the King (which was never given them by *common consent*, as all right, and just honour, and power, ought to be) is a meer boon and gratuity, given them by the *King*, for the helping him to inslave and envassalise the People, and from their Predecessors whom *William the Conqueror*, alias, *the Theefe and Tyrant*; made *Dukes, Earles, and Barons*, for helping him to subdue, and enslave the *free Nation of England*, and gave them by the Law of this own will, the estate of the *Inhabitants* the right owners thereof, to maintain the Grandeur of their *Tyranny, and Prerogative Peerage*; And therefore their Creator the King doth in his *Dce.* p. 324 ingeniously declare, *that their title to their legislative power is only by bloud*, And if so, then not by *common consent* or choyce of the People, the onely and alone Fountain of all *just power on earth*, and therefore void, & null, and at the best but a meer fixion and usurpation, and the greatest or best stile they gave themselves in their joynt Declaration with the House of Commons, page 508 is, That the House of Peers are the Hereditary Councillors of the Kingdome, and what right they have thereby to make the People Lawes, I know not (neither is it declared there, by what right they came by their Hereditary Councillorship: Nor yet is it there declared what it is; So that I understand not what they mean by it, which I desire them to explaine; for sure I am, it is a maxime in Nature and Reason, That no man can be concluded but by his own consent, and that it is absolute Tyranny, for any what (or whom)-soever, to impose a Law upon a People, that were

never chosen nor betruſted by them to make them Lawes; But in that *Declaration* in the next line, The choſen and betruſted Houſe of Commons (the only & alone Lawmakers of *England*, the King and Lords conſent to their Votes, Lawes and Ordinances, being but in truth a meer Ceremony, and uſurped formality, and in the ſtrength of Law, (which juſtly is nothing elſe then pure reaſon, neither addes ſtrength unto them, nor detracts power from them) is *royally, truly, and majeſterially ſtiled and called, the representative Body of the whole Commons of the Kingdome*, and ſo are in abundance of other places, before cited. Yea and whoſoever ſeriously rea- des, and conſiders the third Poſition, laid down, page 726 and laid down in the name of the *Parliament*; ſhall ſee indeed, and in truth, *the power of the Lords wholly caſhiered*: their words are theſe. *That we did, and do ſay, that a Parliament may diſpoſe of any thing, wherein the King or any Subject hath a right in ſuch a way as that the Kingdome may not be in danger thereby, and that if the King being humbly ſought unto by his Parliament, ſhall re- fuſe to joyn with; them in ſuch caſes, the Representative Body of the Kingdome* (that is to ſay, *the Houſe of Commons alone, the Lords representing no Body, but themſelves, and their Ladies, neither challenge they any ſuch title, but call themſelves meerly Hereditary Councellours*) *is not to ſit ſtill, and ſee the Kingdome periſh before their eyes, and of this danger they are Judges, and Judges ſuperiour to all others* (I beſeech you mark it well) *that legally have any power of judicature within this Kingdome*. Where are you my Lords? And what ſay you to this, *your own ingenious confeſſion*? For yours it is, for any thing I know to the contrary, unleſſe you were all aſleep when you paſt it.

Nay, further (*My Lords*) If the *Representative Body* bee the *Parliament*, as is here confeſſed and averred, and that *Representative Body* be the *Houſe of Commons*, and none elſe, as before is proved, and *the Houſe of Commons, or Representative Body* be the *Parliament*, as here they are called; then (*My Lords*) what ſay you to that inference from hence drawn, and naturally flowing and ariſing from the premises, and proved by your firſt Poſition, laid down in the fore-cited page, 726. which is, *That the Parliament hath a power in declaring Law, in particular caſes in queſtion before them*, and that which is ſo declared by the High Court of Parliament, being the higheſt Court of Judicature, ought not afterwards to be queſtioned by his Ma- jeſty, or any of his Subjects, for that there lyeth no Appeal from them, to any Perſon or Court whatſoever; ſo that the right and ſafety both of King and People, ſhal depend upon the *Law*, and the *Law* for its interpretation upon the Courts of Juſtice, which are the competent Judges thereof, and not

upon the pleasure and interpretation of private persons, or of Publike, in a private capacity. *Good-night (my Lords)* unlesse you will make a little more buzling, and so make the stink a little more hot in the Nostrils of all men that have the use of their sences, before your snuffe go cleer out, the which if you do, it will (I am confident) but cause it to go out with a witness.

And therefore look to it, and remember the *Star-Chamber*, the *Councill-Table*, and *High Commission*: Where are they all? but in the *grave of reproach, contumely, disgrace, and shame*. And give me leave to tell you of the *common Proverb* now abroad, of *Canterbury*, and *Strafford*, That if in the dayes of their prosperity (which were as high and great as yours are, or ever were) they had thought they should have beene pulled down by the *common People* (whom they strongly laboured to enslave) and by their unwearied cryes to the eares of *Englands supream Judges* for Justice, were justly by them condemned to the block, and lost their *wicked Lordly Heads*, in the presence of many of those that they had tyrannized over; they would have been more moderate, just, and righteous, in their generations then they were.

Apply it (*my Lord:s*) and remember Mr. *Lilburn*, &c. and the tyrannie you have exercised upon him, for many weekes together, both in *Newgate*, and the *Tower of London*, in *locking him up close prisoner*, without the use of Pen, Ink, or Paper, and not suffering his friends, nor wife (that singular comfort and help that the wife *God* provided for poor fraile man) to set her foot within his Chamber door, for about three Weekes together, nor she, nor any of his friends to deliver to his hands (though in the presence of his Keeper) meat, drink, or money, and yet you never allowed him 2. d. to live on, that I could heare of, and then unjustly sentence him 4000. l. and 7 years *Imprisonment in the Tower*. &c. *there to be tyrannized over by one of your own Creatures, Col. West Lieutenant there of, who hath divers weeks divorced him from his wife, and denyed him her society (unlesse she would be a prisonor with him, and then what should become of them both, and of their children (having no Lands to live upon) and tost already from one Jayle to another, for many years together, to his great charge) although he was but onely committed to be kept in safe custody, and from writing scandalous Bookes, which the Lieutenant told him, he could not doe, unlesse hee kept his wife and friends from him, but as well he might have said, I must also lay you in a Dungeon, where you shall neither see day-light nor enjoy a candle, It being almost impossible to keepe a man so strictly, but he will write, if he have day-light, and candle-light, and so accordingly he hath commanded and executed, that neither his*

wife nor any of his friends should speak with him, but in the presence of his Keeper, And that the Warders at the Gate take the names and places of abode of all those that come to see him, That so the Lords may have them all down in their black and mercilesse book, and know where to find them, when the day of their fierce indignation shall more fully smoke against him and all those that have visited him. Which some of the *Warders* have told some of his friends (to terrifie them) as not far of: And this cruelty exercised upon him by the *Lieutenant*, is more then legally can be done to a *Fellon*, *Murderer*, or *Traytor*, and yet this is his portion, although hee offered to engage his promise to the *Lieutenant*, when he first went in before his brother Major *Lilburn*, and another Major, that as hee was a Christian, and a Gentleman, that hee would suffer his wife and friends, according to Law and Right to have free accesse unto him, he would promise him not to write a line, nor reade a line written while he enjoyed that priviledge, which the *Lieutenant* refused, but executed his pleasure upon him. And then got their Lordships to make a *new illegall Order*, that *he might be kept, as he had kept him*. Now for the Lords to do this to him, seeing some of them were Actors in his bloody Sentences in *Star-chamber*, for which transcendent injustice and sufferings, he never had a peny recompence as yet though he saith in his fore-mentioned answer to Mr. *Pryn*, he hath spent divers hundreds of pounds to procure it, and though he lost not a little that yeere he lay prisoner in *Oxford* for the Parliament: see, *innocency and truth justified*. Pag. 21. 22. And although the Earle of *Manchester* and Collonel *King* detaine his pay from him, which he earned with the hazard of his life (Pag. 47. 65. 70.) and besides all this, while he and others have been fighting for liberty and freedome for the whole Kingdome; he hath been robbed and deprived of his trade, by the monopolizing Merchant Adventures, Pag. 462. Whose knavery and illegall practises, he notably anatomizeth, and layeth open in the aforesaid booke from pag. 46. to pag. 63. To the *Parliaments* credit, and reputation be it spoken, to suffer such vipers to eat out the bowels of this poore Kingdome, yea, and to set them in the Custome-house, and Excise Office, to receive the treasure of the Kingdome, whose lives and estates for their illegall and arbitrary practises, are forfeited to the state, as there he proveth it. Now after all this, for the Lords to commit him for 7. yeares to so chargeable a place, as the present *Lieutenant* of the *Tower* makes the *Tower* by his will to bee: and takes no care to allow him one penny of the Kings old allowance (which was, to finde the prisoners their meat, drink, and lodging, and to pay the *Lieutenant*, &c. his fees according to the antient, legall, and just customs of the place. What is it else in their Lordships intentions, but to starve and destroy the honest man, and his wife, and children: for according to the

information I have; the fees that have bin demanded there are;

Fifty pounds to the *Lieutenant*.

Five pounds, & a mans upper garment, to the Gentleman-Porter.

Forty shillings to the Warders.

Ten shillings to the Lieutenants Clarke.

Ten shillings to the Minister.

Thirty shillings, per week, for suffering the prisoners to dresse their own diet, and about so much a week for Chamber-rent; besides what it costs them for their diet.

And all this demanded without any coulour of Law, Justice, or right, as is largely proved by a late booke called *Liberty vindicated against Slavery*.

Oh, ye *Commons of England*, what neede have you to be combined together to maintaine your common interest against these usurping cruel and mercillesse Lords, and to take speciall heede that by their charmes and Syren-like songs; you be not divided about toyes, into factions, to your own destruction, and ruine, that being visibly the game (to the eyes of rationall men) which they and their agents have now to play, and by the foote you may easily judge what the beare is.

But now after this necessitated digression; let us returne back to the King, and to his forfeiting his trust, which is to protect his people from violence, and wrong, and governe them according to law. Let us consider what his, and our supream legall, and rightfull Judges; *The House of Commons, the State representative of England*; in their Petition, and Remonstrance, presented to him at *Hampton Court* (15. December 1642. and which begins book declaration, pag. 1. and ends pag. 21.) Say: And we shall cleerly finde that they evidently make plaine to the King, and the whole Kingdome; That his 17. yeers raigne was filled up with a constant continued Act of violating the Lawes of the Kingdome, and the Liberties of his people. Yes, in pag. 491. They plainly say that before this Parliament the Lawes were no defence nor protection of any mans right: all was subject to will and power, which imposed what payments they thought fit, to draine the subjects purses, and they who yeilded and complied; were countenanced, and advanced: and all others, disgraced, and kept under; that so mens minds made poore and base, and their liberties lost and gone; they might be ready to let go their religion; And the rest of the regall tyrannicall designes; there most acutely anatomised, to which I referr

the reader, as a peece extraordinary much worth the reading.

And though the King (this Parliament) signed divers good Lawes as though he intended to turne over a new lease; Yet the *Parliament* tell him plainly, that even in or about the time, of passing those bills; some designe or other hath been on foote, which if it had taken effect; would not onely have deprived us of the fruits of those bills; but would have reduced us to a worse condition of confusion then that wherein the *Parliament* found us. see pag. 124. in which the King himselfe was a principall acter. And so they charge him to be pag. 210. 211. 216. 218. 221. 227. 228. 229. 230. 493. 494. 496. 563.

Yea, and they plainly declare, that the King had a finger in the Irish Rebellion: for all his many solemn protestations to the contrary: and that at the very begining, by his immediate warrant; licensed Commanders to go over to them, and hindred supplies from going to suppress them, pag. 70. 98. 116. 567. 568. 569. 622.

Yea, and though he were so quick against the Scots, as immediately (upon their declaring themselves to maintaine their rights) to proclaime them traytors; yet notwithstanding (though the King vowed and protested that his soule abhorred the Irish Rebellion;) it was about three moneths before the *Parliament* could get him to proclaime them traytors: And when he was by them forced to proclaime them traytors; His *Majesty* gave speciall Command, that, but forty of them should be printed, and not one of them published till farther directions given by his *Majesty*, pag. 567.

Yea, and besides all this; contrary to his Oath; he refuseth to passe the bill for the *Militia* although it was often prest upon him by the *Parliament*, as the onely way and meanes to settle and preserve the peace of the Kingdome: and also with drawes himselfe from the *Parliament*; with a designe to levy warre against them, whereupon for the discharge of their duty and trust, and the preservation of the Kingdome, the 20. May 1642. book declar. pag. 259. they past three votes, viz.

I.

Resolved upon the Question.

That it appeares, that the King (seduced by wicked Councel) intends to, make warre against the *Parliament* (who in all their consultations and actions) have proposed no other end unto themselves, but the care of

his Kingdome, and performance of all duty and loyalty to his person.

II.

Resolved upon the Question.

That whensoever the King maketh warre upon the *Parliament*; It is a breach of the trust reposed in him by his people: contrary to his Oath; and tending to the dissolution of his Government.

III.

Resolved upon the Question.

That whosoever shall serve or assist him in these warres; are traytors by the fundamentall Lawes of this Kingdome, and ought to suffer as traytors 11. *Rich.* 2. 1, 2, 3, 4, 5. and 6. 1 *Hen.* 4. 4.

From the two last votes, I will draw some arguments which naturally flow from them. And first for the second Vote, which is, that whensoever the King maketh warre against the Parliament; it is a breach of the trust reposed in him by his people, &c. But the King hath set up his Standard of defiance against that Parliament, (which he summoned to sit at *Westminster*, and had passed an Act of Parliament that there they should **&illegible**; so long as they pleased) yea, and hath actually proclaimed and levied war against them; therefore he hath broke the trust reposed in him by his people: which was, to protect and defend them: (not to ruine and destroy them) and hath violated his publick Oath, and so is willfully forsworne, and hath also strongly endeavoured the utter dissolution of the Government of this Kingdome, Pag. 248. 503. 508. 509. 576. 580. 584. 617. 665.

For; in fighting against the *Parliament*, and seekeing the utter destruction thereof; (as he hath done) he hath fought against the whole Kingdome, and people, whose betrusted, legall, chosen Commissioners, and representation they are: and who therefore have sufficient cause and ground given them, both in the eyes of God, and all rationall men; ever hereafter to renounce and defie him, &c. as he hath done them.

Now from the 3. Vote which is: That whosoever shall serve or assist him in these warres; are Traytors: and ought to suffer as Traytors: from whence by way of inference I draw this argument.

That. If the *Minor* principall (that is to say the Accessarie or assistant)

be guilty of Treason; Then much more is the Major principall (that is to say the chiefe mover, and beginner, or originall actor, and setter on) guilty of treason himselfe.

But by this vote the *Minor* or principall (the assister) is declared and proved guilty of Treason;

Ergo, the *Major* principall, the *King*; who sets all his assistants at worke; is much more guilty of Treason.

Now let us consider of those two Statutes which the *Parliament* alledge; for the proveing of the 3. vote.

That of the 11. R. 2. was the Law by which the five great Traytors (as Speed calles them folio. 732.) were impeached, namely, *Robert de Uere Duke of Ireland*, *Alexander Nevile Arch-Bishop of Yorke*, *Michael de-la-Poole Earle of Suffolke*, *Sir Robert Trisillian* that false Iustitiar, and *Sir Nicholas Brambre*, that false Knight of London: whose crime was, for being the heads with many others; to advise the King, by his regall power to annihilate certaine things passed lately by act of Parliament, and to destroy the chiefe men of both houses, that had been chiefe sticklers for the good of the Common Wealthland by the Kings consent, the Duke of Ireland, did levye forces for that end, But by the Lords that were for the Common Wealth; was soone vanquished, and forced to fly into France where he was slain by a wild Boare, Martine foli.149. *But yet notwithstanding, his associates, and Iudges, viz. Fulthrop, Belknap, Carey, Hott, Burgh, and Lockton, were the first day of the Parliament arrested of treason as they sate in Iudgement on the Bench, and most of them sent to the Tower: for giving it under their hands, that it was lawfull for the King to abrogate that which was lately done in the Parliament: (because as they wickedly said, he was aboue the law, Speed, folio 731.) Trisillian the chiefe Iustice prevented by flight, his apprehension when his fellowes the Iudges were taken; but afterwards was catcht and brought to the Parliament in the fore-noone, where he had sentence to be drawne to Tyburne in the after-noone and there to have his throat cut, which was done accordingly. Sir Nicholas Brambres turne was next. And after him, Sir Iohn, Earle of Sailsbury, and Sir James Barney, Sir Iohn Bouchamp of Holt, Stuart of the Kings Houshold: Iohn Black Esquire: and Simond Burley, who onely, as Speed saith, folio 733. had the worship to have his head struck off. The Duke of Ireland, the Arch Bishop of Yorke, the Earle of Suffolke, and others had their Estates confiscated to the Kings use by Act of Parliament. And as Martin saith, folio 149. The rest of the Judges had been served as Robert Trisillian was, if (upon the importunate, and uncessant request of the Queene) their lives had not been redeemed by their banishment;*

, O gallant and brave Justice.

It is true, and so confessed by the *Parliament*, that these Statutes of 11 R. 2. 1, 2, 3, 4, 5, and 6. were abolished by the 21. R. 2. 12; But it is averred by them that they were revived by 1 H. 4. 3. 4. 5. 9. and still stand in force to this day, which is a reall truth.

And in the 2. place, let us consider well the *Parliaments* publick Declarations, and we shall see they hold it out full enough: We will begin with their *Declaration* to the States of *Holland*, pag. 636. where they plainly affirme, that the *King* (not his evill Councillers) hath now at last resolved to set up his royall Standard, and draw his sword for the destruction and ruine of his most faithfull and obedient people, whom by the lawes and constitutions of this Kingdome he is bound to preserve and protect. Yea, and in their answer (sent to his Messenger from *Nottingham*) August 25. 1642. pag. 580; They tell him plainly, that though they have used all meanes possible to prevent the distractions of this Kingdome, which have been not onely without successe, but there hath followed that which no ill Councell in former times hath produced, or any age hath seene, namely those severall Proclamations and Declarations against both the Houses of Parliament, whereby their actions are declared Treasonable, and their persons Traytors, and thereupon your *Majesty* hath set up your Standard against them, whereby you have put the two Houses of *Parliament*, and in them this whole Kingdome, out of your protection (and as I may truly say, have thereupon virtually ceased to be King) so that untill your Majesty shall recall those Proclamations and Declarations, whereby the Earle of *Essex* and both Houses of *Parliament*, and their adherents and assistants, and such as have obeyed, and executed their commands, and directions, according to their duties; are declared traytors, or otherwise, delinquents; And untill the Standard, set up in the pursuance of the said Proclamations, be taken downe, your *Majesty* hath put us into such a condition, that whil'st we so remaine, we cannot by the fundamentall priviledges of *Parliament*, the publike trust reposed in us, or with the generall good and safety of this Kingdome; give your *Majesty* any other answer to this Message. The same language they speake to him in their Petition, pag. 584. And in their Message, pag. 585. And in their Petition, 587. And in their Declaration, pag. 576; They say plainly that the *King*, seduced by wicked Councell, doth make warre against his *Parliament*, and people. And in their Petition sent by Sir *Philip Stapleton*, to the Earle of *Essex*, to be presented to His *Majesty*, pag. 617. They say positively; His *Majesty* warres against the *Parliament* and subjects of this Kingdome, leading in his own person an Army against them, as if he intended by conquest to establish an

absolute and unlimited power over them, and by his power, and the continuance of his presence, have ransacked, spoiled, imprisoned, & murdered divers of his people, yea, and doth endeavour to bring over the Rebels of Ireland, and other forces from beyond the Seas; And in their Declaration, and resolution, after the *King* had proclaimed the *Parliament*, and the Earle of *Essex* Traytors, pag. 508. 509. They call that very Proclamation an attempt so desperate, and so transcendently wicked, that the *Lords* and *Commons* do unanimously publish and declare, that all they who have advised, contrived, abetted, or countenanced, or hereafter shall abett and countenance the said Proclamation; to be Traytors, and enemies to GOD, the King & Kingdome, and to be guilty of the highest degree of Treason that can be committed against the King and Kingdome, & that they will, by the assistance of Almighty God, and of all honest English Protestants, and lovers of their Country; do their best endeavours (even to the utmost hazard of their lives, and fortunes) to bring all such unparalleled traytors to a speedy and exemplary punishment. Be sure you be as good as your word: for GOD, of all villains; abhors faith-breakers: and take head, by your actions, and treatyes with the unjust and false King *Charles*, one of the *Monsters* of the earth; you do not give a just, and visible cause of ground; not onely to all rationall men in England, but in the world (that knowes, reades, and understands your often solemn sworne Oathes, vowes, Protestations, and ingagements) to judge you a forsworne, false, and perjured Generation, and fit to be abhorred of GOD, and all good men; for to speake truth, and right: Hath not *Charles Stewart* committed treason against *King Charles*? sure I am he hath done it against the KINGDOME of ENGLAND, and that I prove by your own grounds; thus.

The Proclamation that you so much cry out of; comes out in his name and stile, pag. 503. 404. 406. 507. And therefore his:

Ergo. -----

For he ownes his own Proclamations, and Declarations, and jeeres you for a company of simpletons for declaring it otherwise. His words, (pag. 248.) are; All our answers and Declarations have been and are owned by us, and have been attested under our hands: if any other had been published in our name, and without our authority; It would be easy for both Houses of Parliament to discover and apprehend the Authors: And we wish that whosoever was trusted with the drawing, and penning of that Declaration (namely the *Parliaments*, dated 19. of May 1642.) had not more authority or cunning to impose upon or deceive a major part of those votes by which it passed; then any man hath to prevaile with

us to publish in our name any thing but the sense and resolution of our own heart. And since this new device is found out in stead of answering our reasons, or satisfying our just demandes, to blast our Declarations, and answers, as if they were not our own; (a bold senselesse imputation) we are sure that every answer and Declaration published by us, is much more our own, then any one of those bold threatning and reproachfull Petitions, and remonstrances are the acts of either or both houses Yea, and as if all this were not enough to be done by a trust sufficiently for ever to declare the forfeiting of his trust and Kingly Office; the King himself hath caused the Jewels of the Crown to be pawned, to buy instruments of warre, to butcher and murder his people; who never gave him any power, and authority, for any other end, but to protect, defend, and preserve them: neither did he ever in his life, enjoy any other power, either from God, or man, but for that end; yet in his speech to the people of SALOP, he declares he *will melt down all his own Plate, and expose all his land to sale, or morgage,* (though it be none of his, but the Kingdomes) that so he may the faster cut the throats, and shed the innocent blood of those his brethren, that betrusted him with all he had, or hath, for their good and welfare. Yet to fill up the measure of his iniquity; he, (not his evill counsellors) hath given *Commission* to his *Commissioners of Array, Sheriffes, Mayors, Justices, Bailiffes,* or any other whatsoever, to *raise Force,* and to *kill and slay all such as should hinder the EXECVTION of his Royall command, or put the Ordinance of Militia* (though it were for their own preservation) *in Execution,* pag. 581. And the same bloody murdering Commissions he hath given to his Instruments in *Scotland & Ireland,* to *Butcher, destroy, and ruinate* the people there. So that to sum up all, the Parliament told him plainly in their late letter sent to him at *Oxford,* *That he was guilty of all the innocent blood shed in England, Scotland, and Ireland, since these wars,* which is the blood of *thousands of thousands:* For which, if all the sons of men should be so base and wicked, as not to doe their duty, in executing justice upon him (which Legally may and ought to bee done, by those especially who have *Power and Authority* in their hands:) Yet undoubtedly, the righteous God will, and that I am confident in an exemplary manner, in despite of all his bloody add wicked protectors and defenders. *For GOD is a just GOD, and will revenge innocent blood even upon Kings, Judg. 1 6, 7. 1 Kings 21. 19. & 22. 38. Isa. 30. 33. Ezek. 32. 29. --- and will repay wicked and ungodly men, Isai. 59. 18.* Therefore I desire those that shall thinke this a harsh saying; to lay down the definition of a *Tyrant* in the highest degree, and I am confident their own *Consciencs* will tell them it is scarce possible to commit or doe that act of *Tyranny* that *Charles Stewart* is not guilty of; and therefore, *de jure,* hath absolved

all his people from their *Allegeance* and *Obedience* to him, and which, the Parliament are bound in *duty* and *conscience*, *De facto*, to declare, and not to bee unjust to the Kingdome, then their predecessors have been: which, in part, I have already mentioned; and shall, to conclude, onely cite some particulars of the Parliaments just dealing with *Edward* the second (who was not one quarter so bad as *C.R*) who being called to account by "the Parliament for his evil government, and being imprisoned at *Kenelworth-Castle*; the Parliament sent Commissioners to acquaint him with their pleasure, the Bishops of *Winchester*, *Hereford*, and *Lincoln*, two Earls, two Abbots, foure Barons, two Justices, three Knights for every County; and for *London*, and other principall places (chiefly for the five Ports) a certain number chosen by the Parliament. And when they came to him, they told him, the Common-wealth had conceived so irreconcilable dislikes of his government, the particulars whereof had been opened in the generall Assembly at *London*, that it was resolved never to endure him as King any longer: That, (notwithstanding) those dislikes had not extended so far, as for his sake to exclude his issue; but that with universall applause, and joy, the Common-wealth had in Parliament elected his eldest sonne, the Lord *Edward*, for King. They finally told him, that unlesse he did of himselfe renounce his Crown and Scepter; the people would neither endure him, nor any of his children, as their Sovereigne: but disclaiming all Homage and Fealty, would elect some other for King, not of the Blood.

The King seeing it would be no better; amongst other things told them, "That he sorrowed much, that the people of the Kingdom were so exasperated against him, as that they should utterly abhorre his (any longer) rule and sovereignty; and therefore he besought all there present, to forgive him; and gave them thanks for chusing his eldest sonne to be their King, which was greatly to his good liking, that he was so gracious in their sight.

Whereupon they proceeded to the short Ceremony of his *Resignation*, which principally consisted in the surrender of his *Diadem*, and *Ensignes* of *Majesty* to the use of his son the new King. Whereupon Sir *William Trussel*, on the behalfe of the whole Realm, renounced all homage and allegiance to the Lord *Edward* of *Carnarvan*, late King: The words of the definitive Sentence were these:

I William Trussel, in the name of all men of the Land of England and all the Parliament, Procurator resigne to thee Edward the Hamage that was made to thee sometime: and from this time forward now following, I defy thee and deprive thee of all Royall power; and I shall

neuer be attendant to thee, as for King, after this time.

But if any object: It is true, Subjects and people have, *de facto*, done this unto their Kings; but they cannot doe it, *de jure*, for that Kings are above their people, & are not punishable by any, but God; I answer, God is the fountain, or efficient cause of all punishment; But, as to man, instrumentally; he inflicts by man: And though he be our supream *Lord* and *Law-Maker*, & hath for *bodily* and *visible transgressions* of his Law, appointed a *visible* and *bodily punishment* in this world, for the transgressors thereof, and man for his instrumentall executioner, and never (ordinarily) doth it immediately by himself, but when his Instrument (Man) failes to doe his duty: and being a God of order; hath appointed a Magistrate, or an impowred man, as his and their executioner, for the doing of justice: and never goeth out of this Road, but in extraordinary cases, (as he doth) when the Magistrate is extraordinarily corrupted in the executing of his duty: and in such cases, God hath raised up particular or extraordinary persons to be his executioners. And therefore God being no respecter of persons, hath by nature created all men alike in power, and not any, lawlesse, and none to bind each other against mutuall agreement and common consent: and hath expresly commanded, Man, his rationall creature, shall not tyrannize one over another, or destroy (by any intrusted power) each other; but that the intrusted, (Kings as well as others) shall improve the utmost of their power and strength, for the good and benefit, protection and preservation of every individuall Trustee.

And whosoever he be, that shall improve his intrusted power, to the destruction of his impowers; forfeits his power. And GOD the *fountain of Reason and Justice*, hath endued man with so much reason, mercy, humanity, and compassion to himself and his own Being, as by the instinct Nature to improve his utmost power for his own preservation and defence: which is a Law above all lawes and compacts in the world. *Declar. April 17. 1641.* And whosoever rejects it, and doth not use it; hath obliterated the Principles of Nature in himselfe, & degenerated into a habit worse then a beast, and becomes felonious to himselfe, and guilty of his own blood. This, Israel of old, (the Lords peculiar people) understood as well as the people of *England*, although they had no expresse positive law, no more then we in *England* have to rebell, or withdraw their obedience & subjection from those Magistrates or Kings that exercise their power and authority contrary to the nature of their trust: which is plain and cleare, without dispute, in the case of *Rehoboam*, who was the son of *Solomon*, who was the sonne of *David*, who was assigned King by GOD, and chosen and made King by the common consent of the people of *Juda* and *Israel*, *2 Sam. 7. 13.* And

who by vertve of Gods promise to him and his seed to be Kings over his people; had more to say for his *Title* to his and their Crown, I am confident of it, then *all the Princes in the world have to say for their claim, and childrens, to their Crown.* For Rehoboam was not onely the sonne of *Solomon*, who was in a manner intailed by *God himselfe* unto the Crown; but he was also made King at *Shechem* by all *Israel*, 1 *King*. 12. 1. And afterwards *Jeroboam the son of Nebat, Solomons servant, and all the congregation of Israel, went to Rehoboam to claim the making good of the GREAT CHARTER of Nature, viz. to claim relaxation of oppression, and protection according to justice, that is to say, that he should doe to them (in governing them justly) as he would have them to doe to him, (in yeelding him subjection and obedience:) this being the whole Law of GOD both Naturall and Morall; and therefore they tell Rehoboam, that the King this Father had broke their Charter, and made their Yoak grievous (which you may read of in Chap. 4.) Now therefore make thou (observe, they doe not say, Most gracious Sovereigne; nor, Most excellent Majesty) the grievous service of thy Father, and his heavy yoak which he put upon us, lighter, and we will serve thee. But the King rejecting the advice and counsell of his old and good Counsellors: which, as we may say, was to govern them according to Law, contained in Magna Charta, and the Petition of Right, &c. and not to rule and governe them according to his Prerogative, or perverse will: For they tell him, If thou wilt be a servant unto this people this day, and wilt serve them, (mark it well) and answer them, and speak good words to them; then they will bee thy servants, for ever. But he forsook the counsell of the old men (which wee may call GOOD COMMONWEALTHS-MEN,) and followed the advice of his youngmen (which we call the Cavaliers, or men for the Prerogative) And (saith the Text) he answered the people roughly, saying, My Father made your yoak heavy, and I will adde to your yoake: My Father also chastised you with whips, but I wil chastise you with Scorpions, 1 Kings 12. 3, 4 5, 6, 7, 8, 14. But (saith the Text, vers. 15) when all Israel saw that the King hearkened not unto them, the people answered the King, saying, What portion have we in David? Neither have we inheritance in the son of Jesse. To your Tents, O Israel. Now see to thine own house, David. So Israel departed to their tents, and revolted, or rebelled against the House of David, and called all the cõgregation of the people together, and (with an unanimous consent) made Jeroboam King over all Israel, as Rehoboam was over Juda; (having both an assignation from GOD, 1 King. 11. 11, 12, 13, 26, 29, 30, 31, 35, 37, 38. and a solemne legall publick (all and Election from the people, 1 Kings 12. 2, 3, 20, 21.) and of his Regality and Kingship, as legally and justly by God himselfe approved, by sending his Prophet to bring the kingdom back to*

Solomons son) to command him and *Juda, &c.* (Observe, he calls them not *Rehoboams* people) *not to goe up nor fight against their brethren the children of Israel.* Which command, as most just, they observed, *vers. 21, 22, 23, 24.* Yea, and God himselfe, (in the 14. chapter and 7. verse) beareth witness that he himselfe *exalted Jeroboam from among the people, and made him Prince over his people Israel, and rent the Kingdome from the house of David, and gave it unto him.* And afterwards, when God upbraids him, it was not because he was an usurper, a traytor, or a rebell against his masters son *King Rehoboam;* but because he had not been *as his servant David was, (who followed him with a perfect heart,) but had done evill above all that was before him in making him other Gods, and molten Images, to provoke me* (saith God) *to anger, and hast cast me behind thy back.* So that here is a cleare demonstration, that it is lawfull in the sight of *God,* as well as in the sight of *Man,* for a people to with-draw their obedience from that *Magistrate, or King,* that refuseth to govern them by legall justice; but oppresseth them contrary to the end of the trust reposed in him (which was never for their woe, but for their weale,) and so breakes that *tacit contract,* that by vertue of his *Induction* into his *Office,* is *Naturally* and *Rationally* implied to be made, although it never be expressed, It being as the *Parliament* saith, (Book Declar. Pag. 150.) irracionall to conceive that when the Militia of any is committed to a Generall, although it be not with any expresse condition; that he shall not turne the mouthes of his Cannons against his own Souldiers for, (say they) that is so naturally and necessarily implied, that its needlesse to be expressed, insomuch, as if he did attempt, or confind any such thing against the nature of his trust and place, it did, *Ipsa facto,* estate the Armie in a right of disobedience, except we thinke that obedience binds men to cut their own throates, or at least their Companions.

Having laid this foundation, I will come now to speak something of those five particulars, which is before-mentioned and laid down in the sixth page of this Discourse; which are thus expressed.

First, if it were granted, that the Lords were a legall Jurisdiction, and had a judicative power over the Commons; yet, the manner of the Lords dealing with Lieut. Col. *Lilburn,* is illegall and unjust.

Secondly, That if the Lords were a Judicature, yet they have no jurisdiction over Commoners.

Thirdly, That they are no Judicature at all.

Fourthly, That they by Law and Right, are no Law-makers.

Fifthly, That by Law and Right, it lyeth not in the power of the King, nor in the House of Commons it self, to delegate the legislative power, either to the Lords divided or conjoynd, nor to any other persons whatsoever: For the first of these, viz. That the manner of the Lords proceeding with Lieu. Col. *Lilburn*, was, and is illegall, is cleer; and that I prove thus:

The Law requires; that before the body of a Free-man be attached, or summoned to a Bar of Justice, to answer a Chage; that there shall be an originall Declaration, or Charge, filed in the Court, before so much as either the Writ, Attachment, or Warrant go out, to seize upon, or summon the party accused. See Sir *Edw. Cookes 2. part. Institut. f. 46, 50, 51.* Read the Statute, &c. quoted in those Margents; but there was no such matter in Mr. *Lilburns* case: For although, as he declares in his book, called *The Freemans freedome vindicated*, page 3, the Lords (10. June, 1646. sue out a Warrant, to summon him, upon sight thereof, to answer such things, as he stands charged with before their Lordships, concerning a Pamphlet, entituled, *The just mans justification; or, A Letter by way of Plea in Barre.* And accordingly, the 11 of June, 1646. he appeared at their Bar, expecting there to have received a written Charge according to Law and Justice, which they both refused to shew him, or let him know, whether they had any such legall Charge, or no, against him; but presse him (contrary to the *Petition of Right*, and the *Law of the Land*) to answer to Interrogatories concerning himself (*a practice condemned by themselves in his own case, Feb. 12. 1645.*) in the annihilating his unjust Sentence in the Star-Chamber. (Reade his printed Relation thereof page 1, 2, 3, and the last) Which forced him to deliver in at their Bar, his legall and just *Plea* and *Protestation*, against their usurping jurisdiction over Commoners; which you may reade in *The Freemans freedome vindicated*, page 5. 6. Vpon which they commanded him to withdraw; and then (pag. 7.) make an Order to commit him; in these words.

DIE JOVIS 11. JUNE 1646.

IT is this day ordered by the Lords in Parliament assembled, That Lieut. Col. John Lilburn, shall stand committed to the Prison of Newgate, for exhibiting to this House, a scandalous and contemptuous Paper, it being delivered by himselfe at the Barre this day; And that the Keeper of the said Prison, shall keepe him safely, untill the pleasure of this House be further

*signified: and this to be a sufficient
Warrant in that behalfe.*

John Brown, Cler. Parl.

To the Gentleman-Usher of
this House, or his Deputy,
to be delivered to the
Keeper of Newgate.

I cannot hear, that he either at this time, misbehaved himself, either in word, or gesture towards them; but gave them as much respect at this time, as if he had been one of their own Creatures.

But away to *Newgate* he goes, and Iune 16, 1646, directs his appeale to the *Honorable House of Commons*, which you may read in the fore-mentioned booke, pag. 9, 10, 11. "Which appeale the House of Commons read, approved of, and committed to a speciall Committee, which Committee met, and examined his businesse, and as I am informed from very good hands, made a vote to this effect.

"That his proceedings with, and protestations against, the Lords delivered at their barre, and his appeale to the House of Commons, was just, and legall, which they in justice ought to beare him out in: which Report, Collonel *Henry Martin* (that couraragious and faithfull Patriot of his Country) as Chairman of that Committee; is to report to the House:

But immediatly after the reading of this Appeale to the House, out comes the fore-mentioned booke in prynt, which it seemes did something startle the Lords, who had let him lie quietly in *Newgate* till then, without so much as sending him the Copy of any charge; But upon this, they send a Warrant againe for him, which, as I finde it in the 4. page of the *Just man in Bonds* thus followeth.

DIE LUNÆ 22. JUNII. 1646,

*ORdered by the Lords in Parliament
assembled, that Lieutenant Collonel Iohn
Lilburne now a prisoner in Newgate, shall
be brought before their Lordships (in the
High Court of Parliament) to morrow
morning by 10. of the clock, and this to be
a sufficient Warrant in that behalfe.*

Iohn Browne Cler. Parl.

To the Gentleman Usher of this House, or his Deputy, to be delivered to the Keeper of Newgate or his Deputy.

And accordingly the next day, Lieutenant Collonel *Lilburne* was brought up to their barre, and being called into the House, was commanded to kneele; which he refused to do, for what reasons; he is best able to declare: which I hope he will not faile to do, as soone as he enjoyes the liberty, and priviledge to have pen, inke, and paper, which by law he cannot be debarred of, neither can it justly be denyed to the greatest Traytor in *England*. And surely the Lords give a cleere demonstration to the whole Kingdome to judge, that their own consciences tell them, that he is an honest, and a just man, and their dealing with him is base, wicked, illegall, and unjust, that they dare not suffer him to enjoy pen, inke, and paper (to declare the truth of his cause to the world) which they have most unjustly, and unrighteously kept from him, by speciall Order, for above three moneths together. So that by the paw, a man may judge of the whole body, that is to say; by their Lordships dealing with him, a wise man may easily see what they would do to all the *Freemen of England*; if their power were answerable to their wills, which would be to make them as great slaves as the *Pesants* in *Franee* are (who enjoy propriety neither in life, liberty, nor estate) if they did not make us as absolute vassals as the poore *Turks* are to the *Grand Seigneour*, whose lives, and estates he takes away from the greatest of them, when he pleaseth.

Therefore; O all ye *Commons of England* marke well, and eye, with the eye of Jealousie, these Lords the sons of pride, and tyranny: And not onely them, but all their associats, or Creatures, especially in the *House of Commons*: (if any such be there) for, assure your selves, enemies they are, and will be, to your liberties, and freedoms, what ever their specious pretences are to the contrary, it being a *Maxim* in nature, that every like, begets its like; Therefore, trust them not, no more then you would do a *Fox* with a *Goose*, or a *devoureing Wolfe*, with a *harmelesse Lambe*, what ever they say or sweare, having so palpably and visibly, in the case of Mr. *Lilburne*, broken all their *Oathes*, *Protestations*, *Vowes*, and *Declarations* to maintaine the *Lawes* of the *Land*, and the *Liberties* of the *People*.

But let us returne to their 2. summoning him to their Barre, who being commanded to kneeles refused: and without any more discourse, or so much as showing him any *legal charge*; they Commanded him to withdraw, and for this cause alone (hhe behaving himselfe this time also respectively enough (saving in the *Ceremony of kneeling*) they commit him close prisoner to *Newgate*.

A TRUE COPY OF THEIR WARRANT THUS FOLLOWETH.

Die Martis 23. Junii. 1646.

Ordered by the Lords in Parliament assembled, that Iohn Lilburne shall stand Committed close prisoner, in the Prison of Newgate, and that he be not permitted, to have pen, inke, or paper, and none shall have accesse unto him in any kinde, but onely his Keeper, untill this Court do take further Order.

To the Keeper of Newgate his Deputy, or Deputies.

Iohn Browne Cler. Parl.

Exam. per Rad. Briscoe Cler. de Newgate.

And so from this 23. of June, to the 11. of July then ensuing, he was locked up close, and neither his *Wife, Children, Servants, Friends, Lawyers, or Councillers* permitted to have accesse unto him, nor they never sent him word what they intended to do; And all this while the Lords are picking matter against him, having none it seemes when they first summoned him to their barre, to grownd the least pretence, or shaddow of a Charge against him: and knowing his resolution to stand to his liberties, they lay provocations upon him, & cõmit one act of injustice (with a high hand) upon the neck of another, to provoke him to let some words fall, or do some actions to ensnare himselfe, that so they might have some coulour for their future proceedings with him. And divers bookes coming out in his behalfe, by some (as it seemes) who wished him well, which to the purpose nettles the Lords, for their cruelty towards him; Serieant *Finch*, as one of his Majesties Council, prefers certaine Articles against him, in the House of those Peers by way of Charge, but sends him no Copy of it, although it was impossible for him being so close as he was) to get a Copy of it himselfe: the greatest part of which is taken out of his booke, called *The Freemans Freedome vindicated*, and his Epistle to Mr. *Wolaston* the Jaylor of *Newgate*, both of them made by him in *Newgate*, many dayes after the Lords had Cõmitted him; which letter of his to Mr. *Wollaston*, for the excellent matter therein, we will insert heere *verbatim*.

SIR,

I this morning have seen a Warrant from the House of Lords, made yesterday, to Command you to bring me this day at 10. a clocke before

them, the Warrant expresseth no cause wherefore I should dance attendance before them; neither do I know any ground or reason wherefore I should, nor any Law that compels mee thereunto; for their Lordships sitting by vertue of Prerogative-parents, and not by election or common consent of the People, haue, as *Magna Charta* (and other good Lawes of the Land) tels me, nothing to do to try me, or any Commoner whatsoever in any criminall case, either for life, limb, liberty, or estate: but, contrary hereunto, as incrochers, and usurpers upon my freedoms and liberties; they lately, and illegally endeavored to try me a Commoner at their Bar, for which I under my hand, and seale, protested to their faces against them, as violent, and illegal incrochers upon the rights, and liberties of me, and all the Commons of *England* (a copy of which &c. I in Print herewith, send you) and at their Bar I openly appealed to my competent, proper, legall Tryers, and Judges, the Commons of *England* assembled in Parliament (for which, their Lordships did illegally, arbitrarily, and tyrannically, commit me to prison into your custody) unto whom divers dayes agoe I sent my Appeale &c. which now remains in the hands of their Speaker, if it be not already read in their house, unto which I do, and will stand, and obey their commands.

Sir. I am a free-man of *England*, and therefore I am not to be used as a slave or Vassall by the Lords, which they have already done, and would further doe. I also am a man of peace, and quietnesse, and desire not to molest any, if I be not forced thereunto: therefore I desire you as you tender my good, and your own, take this for an answer, that I cannot without turning trayter to my liberties; dance attendance to their Lordships Barre: being bound in conscience, duty, to God, my, self, mine, and my Country; to oppose their incroachments to the death: which by the strength of God, I am resolved to do. Sir, you may, or cause to be exercised upon me, some force or violence to pull and drag me out of my chamber, which I am resolved to mantain, as long as I can, before I will be compelled to go before them; and therefore I desire you, in a friendly way, to be wise and considerate before you do that, which it may be, you can never undoe.

*Sir. I am your, true and faire conditioned prisoner, if you
will be so to me,*

*From my Cock-loft in the Presse yard of Newgate this 13.
of June 1646.*

IOHN LILBURN.

And the next day aftere *Serjente Finch* exhibited his *Artiicles*, being the

11, July 1646. Lieutenant Colonell *Lilburne is, by vertue of a warrant to the Sheriffe or Sheriffes of London M. Foot, and Mr. Kendrik* (who contrary to Law refused to give him a Coppy of his warrant, although hee sent for it by *Mr. Bisco* the Clerk of Newgate,) *brought up to the Lords barr, in a most base Contumelious, and reproachfull maner*, the substance of that Warrant, being to command him to the *Lords Barr* to heare his charge read. But before he was called in; hee, by his Keeper, sent word to the Lords, "That they being not his Peers, and Equals; were none of his LEGALL JUDGES, and so had no jurisdiction over him: and therefore hee would not stoop unto, or acknowledge, their authority and jurisdiction over him in this particular: which he desired a-fore-hand to acquaint them with: And that he must be forced, out of conscience to that duty he owes to Himselfe, his Liberties, and the Liberties of his Countrey: (seeing their LORDSHIPS would neither be satisfied with his Protestation, nor Appeale to the COMMONS; nor yet with his refusing to kneele at their Bar, nor consult with the House of COMMONS about the legality of their proceedings; but the third time to send for him, who, they knew, could not, in this case, stoop unto them; as though they were resolved to tread the Liberties of all the COMMONS of ENGLAND, under their feet. And therefore seeing that they increased in their illegall and unwarrantable presumptiō) he said, he must increase in his just detestation of their actions, and incroachments. In testimony of which, hee was resolved to come in with his HAT ON, and to STOP his EARES when his charge was offered to be read, which (as I understand) he accordingly did.

And having liberty sometimes to speak to them, being commanded to withdraw three times, and brought in again; he told them to this effect, with a great deal of resolution, "That they were (not onely) not his Judges, but the manner of their proceeding with him, was against all Law and Justice: yea, contrary to their own judgement lately given by themselves in *February* last in his own case, of the *Star-Chamber*, and of the *Petition of Right*. For (said he) My Lords, the warrant that commanded me to your Barre; did summon me up to answer a criminall charge: And being at your Bar, I pressed you, again and again, to see it, and earnestly intreated you, that if you had any legall charge in writing against me, that it might bee produced: But (contrary to Law and Justice) you refused to do it, & contrary to all law (just High Commission-like) pressed me to answer Interrogatories concerning my self, which forced & ensnared me to deliver in my Protestatiō against you. And I have since appealed to my Legall Judges, the COMMONS of ENGLAND, assembled in PARLIAMENT; who have received, accepted, read, and committed my appeale, and promised me justice in it. And,

my Lords, I tell you to your faces. These are the MEN that ONELY and ALONE have THE SUPREAM POWER of ENGLAND residing in them; who, when you have done all, and the worst you can, they both must, and will, bee your Judges and mine. But (my Lords) if you will not joyne issue with me there, that you may know I neither feare you nor your Charge, nor decline a legall proceeding about it; preferre your charge against me in any Court of Justice in *Westminster-Hall*, or any other Court in *England*, that hath a legall jurisdiction over me; and I will answer you: The which if you refuse, and will still persevere in your incroachmens upon my Rights and Liberties; know (my Lords) that here to your faces, I bid defiance to you to doe the worst you can to me, being resolved to spend my heart blood against you in this way. My Lords (said he) are not you the men that first engaged this kingdome in this present warre? And you pretended and swore, it was for the maintenance of the lawes and liberties of *England*: But (my Lords) if you dissembled, or were in jest; I am sure (said he) I was reall, and in good earnest. And therefore (my Lords) before you shall wrest out of my hand, my essentiall liberties and freedoms, and that which makes me a man, and to differ from a beast (having already run the hazards of so many deaths for the preservation of them as I have done); I tell you plainly and truly, I will by the strength of GOD, venture my *life* and *blood* as freely and resolutely against you in this particular, as ever I did in the field against any of the *Cavaliers*: (who, you told us, endeavoured and intended to destroy the lawes and liberties of *England*) And some of your selves know that that was resolutely enough.

And much more, as I understand he told them then, which I leave to the relation of his own pen and hand, which I beleve the world will shortly see.

But they went on, and sentenced him two thousand pounds to the King for his present contempt at their Barre, and two thousand pounds for his pretended crimes contained in their Articles, which they took *pro confesso*, because he would not heare them read.

But in regard that his wives late petition delivered to the House of COMMONS, *September 23. 1646.* doth notably and excellently set forth the illegality of the manner, &c. of the Lords proceedings with him; we judge it very necessary here to insert it, not only for the proof of the thing in hand, but also for her exceeding commendations in so close following her husbands businesse, in his great captivity, with such resolution, wisdom and courage as she doth, whose practice herein may be a leading, just, and commendable president for all the wives in *England* that love their husbands, and are willing to stand by them in

the day of their tryall. Her petition thus followeth.

**TO THE CHOSEN AND BETRUSTED KNIGHTS CITIZENS
AND BURGESSES, ASSEMBLED IN THE HIGH AND
SUPREAM COURT OF PARLIAMENT.**

*The Humble Petition of ELIZABETH LILBURNE, wife to
Lieu. Col JOHN LILBURNE, who hath been for above
eleven weeks by-past, most unjustly divorced from
him, by the House of Lord, and their tyrannicall
Officers, against the Law of GOD, and (as she
conceives) the Law of the Land.*

Sheweth,

THat you only and alone are chosen by the *Commons of England* to maintain their Laws, and Liberties, and to do them justice and right;^a which you have often befor *God* and the World *sworn* to do:^b yea, and in divert of your *Declarations* declared; it is your duty (in regard of the trust reposed in you) so to doe;^c without any private aimes, personall respects, or passions whatsoever;^d And that you think nothing too good to be hazarded in the discharge of your consciences for the obtaining of these ends:^e And that you will give up your selves to the uttermost of your power, and judgement; to maintain truth, and conforme your selves to the will of God;^f which is to doe justice and^g right, and secure the *Persons, Estates, and Liberties* of all that joynd with you;^h imprecating the *judgments of Heaven* to fall upon you when you decline from these ends:^{*} you judging. it the greatest *scandal* that can be laid upon you, that you either do or intend to *subvert the Lawes, Liberties, & freedoms of the people.*ⁱ Which *freedoms, &c.* you your selves call, *The cõmon birth-right of English-men,*^k who are born equally free, and to whom the law of the land is an equal inheritance: and therefore you confesse in your Declar. of 23. *Octob.* 1643.[!] It is your duty to use your best endeavours, that the meanest of the *Cõmonalty* may enjoy their own *birth-right, freedom & liberty* of the laws of the land, being *equally* (as you say) *intitled thereunto with the greatest subject.* The knowledge of which, as coming from your own mouthes, and Pen, imboldned your *Petitioner*, with cõfidence, to make her humble addresse to you, & to put you in mind, that her husband above 2 moneths agoe made his formal & legall appeale to you against the injustice and usurpation of the *Lords* acted upon him which you

received, read cõmitted, and promised him justice in: But as yet no report is made of his busines, nor any relief, or actual justice holden out unto him; although you have since found time to passe the Cõpositions & pardons for the infranchising of those that your selves have declared *Traytors* and *Enemies* to the Kingdom: which is no small cause of sorrow to your *Petitioner*, and many others, that her husband, who hath adventured his life, and all that hee had in the World, in your lowest condition for you; should bee so slighted & disregarded by you, as though you had forgot the duty you owe to the *kingdom*, and your many *Oathes*, *Vowes*, and *Declarations*:** which neglect hath hastened the almost utter ruine of your *Petitioner*, her husband, and small Children. For the *Lords* in a most tyrannicall and barbarous manner (being encouraged by your neglect) have since committed her husband, for about three weeks, *close prisoner to Newgate*, locked him up in a little room, without the use of pen, ink, or paper (for no other cause but for refusing to kneel at the Bar of those, that by law are none of his Judges.)^m The cruell Jaylors all that time refusing to let your *Petitioner*, or any of his friends to set their feet over the threshold of his *chamber door*, or to come into the prison yard to speak with him, or to deliver unto his hands, either meat, drink, money, or any other necessaries. A most barbarous & illegall cruelty! so much cõplained of by your selves in your *Petition & Remonstrance to the King*, 1. *Decemb.* 1641.ⁿ and detested & abhorred there, by you, as actions & cruelties being more the proper issues of *Turks*, *Pagans*, *Tyrants*, and men without any knowledge of *God*, then of those that have the least spark of *Christianity*, *Honour*, or *justice* in their breasts. And then while they thus tyrannized over your *Petitioners* husband; they command (as your *Petitioner* is informed) *Mr. Sergeant Finch*, *Mr. Hearn*, *Mr. Hale*, and *Mr. Glover*, to draw up a Charge against your *Petitioners* husband, without giving him the least notice in the world of it, to fit himself against the day of his *tryall*: but contrary to all law, justice, and conscience, dealt worse with him, then ever the *Star-chamber* did; not only in keeping his *Lawyers* from him, but even all maner of *Councillors* & *Friends* whatsoever, even at that time when they were about to try him: and then of a sudden send a Warrant for him to come to their Bar (who had no legall authrity over him) to hear his charge read: where he found the Earle of *Manchester* (his professed enemy, and the only party (of a Lord) concerned in the businesse;) to be his chief Judge, contrary to that just Maxime of law, *That no man ought to be both party & judge*; (a practice which the unjust *Star-chamber* it self in the days of its tyranny, did blush at, and refuse to practise, as was often seen in the *Lord Coventries case*, &c.) And without any regard to the Earl of

Manchesters impeachment (in your House) of treachery to his countrey, by L. Gen. Cromwel, which is commonly reported to be punctually and fully proved, & a charge of a higher nature then the Earl of *Straffords*, for which he lost his head: And which also renders him, so long as he stands so impeached; uncapable, in any sense, of being a Judge. And a great wrong and injustice it is to the *kingdome*; to permit him; and to himself, if innocent; not to have had a legall tryall ere this, to his justification or condemnation. And besides all this, because your *Petitioners husband* stood to his appeal to your *Honours*, and would not betray *Englands liberties*; which you have, all of you, sworn to preserve, maintain, and defend: they most *arbitrarily, illegally, and tyrannically*, sentenced your *Petitioners* said husband to pay 4000. l. to the King (not to the State) & *for ever to be uncapable to beare any Office in Church or Common-wealth, either Martiall or Civill, and to lie 7. years a prisoner in the extraordinary chargeable prison of the Power*; where he is in many particulars illegally dealt withall, as he was when he was in *Newgate*.

Now forasmuch as the *Lords*, as they claim themselves to bee a *House of Peers*, have no legall judgement about Commoners, that your *Petitioner* can heare of, but what is expressed in the Statute of the 14. *Ed. 3* 5. which are *delayses of justice, or error in judgement in inferior Courts only*; and that with such limitations and qualifications as are there expressed; which are that there shall be *one Bishop* at least in the judgement, & an expresse *Cõmission from the King*, for their meddling with it. All which was wanting in the case of your *Petitioners husband*, being begun and ended by themselves alone. And also seeing that by the 29 of *Magna Charta*, your *Petitioners husband*, or any other Commoner whatsoever; in criminall cases, are not to be tried otherwise then by their Peers: which Sir *Ed: Cook* in his exposition of *Magna Charta*, (which book is printed by your own speciall authority) saith, is meant [equals] *fol. 28. In which* (saith he, *fol. 29.*) *are comprized Knights, Esquires, Gentlemen Citizens, Youngmen, & Burgesses of severall degrees; but no Lords of Parliament*. And in p. 46. he saith: *No man shall be disseised* [that is, *put out of seison, or dispossessed of his freehold*; that is, saith he, *lands or livelihood, or of his liberties or free customes,*] that is, of such franchises and freedoms, and free customes as belong to him by his free *Birth-right, unlesse it be by the lawfull judgement*, (that is, verdict of his *Equals*; that is, saith he, of men of his own condion:)] *or by the law of the land*; that is (to speak it once for all) *By the due course & processe of law*. And, saith he, *no man shall be in any sort destroyed unlesse it be by the verdict and judgement of his Peers, that is, equals, or by the law of the land*. And the *Lords*

themselves in old time did truly confesse: That for them to give judgement of a Commoner in a criminall case is contrary to law; as is clear by the Parliaments record in the case of Sir Simon d' Bereford 4. Ed. 3. Rot. 2. (the true copy of which is in the hands of M. H. *Martin*) & they there record it, *That his case who was condemned by them for murdering King Edw. 2. shal not be drawn, in future time, into president, because it was contrary to law, they being not his Peers, that is, his Equals.* And forasmuch as the maner of their proceedings was contrary to all the former ways of the law publickly established by Parliament in this kingdom, as appears by severall *Statutes*^Q which expresly say, "That none shall be imprisoned, nor put out of his free-hold, nor of his, franchises, nor free customes, unless it be by the law of the land, and that none shall be taken by Petition, or suggestion made to the King, or to his Council, unlesse it be by indictment, or presentment of good and lawfull people of the same neighborhood, where such deeds be done, in due manner, or by processe made, or by Writ original at the common-law. Which Statutes are nominally and expresly confirmed by the *Petition of Right*, by the *Act made this present Parliament for the abolishing the Star-chamber*; and thereby, all acts repealed that formerly were made in derogation of them. But contrary hereunto, the Lords (like those wicked Justices spoken of by Sir Ed. *Cook*^Q in stead of trying her husband by the law of the land; proceed against him by a partiall tryall, flowing from their arbitrary will, pleasure, and discretion, &c.* For, though they summoned him up to their Bar, *June 10. 1646.* to answer a *Charge*; yet they refused to shew it him, or give him a Copy of it, but committed him to *Newgate June 11. 1646,* (although he behaved himself then with respect towards them both in word and gesture) meerly for refusing to answer to their *Spanish Inquisition-like Interrogatories*, and for delivering his legall Protestation, Their *Mittimus* being as illegall as their summoning of him, and their own proceedings with him. Their commitment running, *To be kept there:* not till he be delivered by due course of Law; but, *During their pleasure:* which Sir *Edw. Cooke* saith, *is illegall*^Q and then locked up close, that so he might bee in an impossibility to understand how they intended to proceed against him.

Wherefore your Petitioner humbly prayeth, to grant unto her husband the benefit of the law, & to admit him to your Bar himself, to plead his own cause, if you be not satisfied in the māner of his proceedings, or else according to law, justice, & that duty and obligation that lyeth upon you; forthwith to release him from his unjust imprisonment: & to restrain & prohibit the illegal & arbitrary proceedings of the *Lords*, according to that *sufficient power* instated upon you, for the enabling

you faithfully to discharge the trust reposed in you, and to vacuate this his *illegall sentence and fine*, and to give him just and honorable reparations from the Lords, and all those that have unjustly executed their unjust *Commands*: It being a *Rule in Law*, and a *Maxime* made use of by your selves in your *Declaration 2. November, 1642.*^L *That the Kings illegall commands, though accompanied with his presence, do not excuse those that obey them;* much lesse the Lords: with which the Law accordeth, and so was resolved by the Judges; 16. *Hen. 6.*^S And that you will legally and judicially examine the Crimes of the Earle of *Manchester*, and Colonell *King*, (which the Petitioners husband, and others, have so often complained to you of,) and do *exemplary justice* upon them, according to their deserts: or else, according to Law and Justice, punish those (if any) that have falsly complained of them.^t And that you would, without further delay, give us reliefe by doing us justice.^v All which, she the rather earnestly desireth, because his imprisonment in the Tower is extraordinary chargeable and insupportable: (although by right, and the custome of that place, *his fees, chamber, and diet, ought to be allowed him, and paid out of the Treasure of the Crown,*) he having wasted and spent himself with almost *six years attendance*, and expectation upon your Honours for justice and reparations against his barbarous sentence, &c. of the *Star-chamber*, to his extraordinary charge and dammage, and yet never received a penny; and also lost divers hundred pounds, the year he was a prisoner in *Oxford Castle* for you. Neither can he receive his Arrears (the price of his blood) for his faithfull service with the Earl of *Manchester*, although he spent with him much of his own money.

And the last yeare by the unadvised meanes of some Members of this Honourable House, was committed prisoner for above 3. Moneths, to his extraordinary charges and expences: And yet in conclusion he was releast, and to this day knoweth not wherefore he was imprisoned: For which, according to Law and Justice, hee ought to receive reparations; but yet he never had a peny.

All which particulars considered, doe render the condition of your Petitioner, her husband and children, to be very nigh ruine and destruction, unlesse your speedy and long-expected justice, prevent the same. Which your Petitioner doth earnestly intreat at your hands, as her right, and that which in equity, honour, & conscience, cannot be denied her.^w

And as in duty bound, she shall ever pray, that your hearts may be kept upright, and thereby enabled

timely and faithfully to discharge the duty you owe to the Kingdome, according to the Great Trust reposed in you: And so free your selves from giving cause to be judged men that seek your selves more then the publike good.

We will only speak two or three words to one thing, more fully mentioned in her Petition; and to another thing not mentioned at all in her Petition, very requisite to be taken notice of, in the manner of his Tryall; which is, That by Law it ought to have been publike.

Now for the first of these, which is the illegality of all their Warrants, they committed him by; learned and grave Sir *Edward Cooke*, in his most excellent, worthy, and pretious Exposition of the 29. *Chapter of Magna Charta, his 2. Part. Institut. fol. 52.* saith thus;

Now seeing that no man can be taken, arrested, attached or imprisoned, but by due processe of Law, and according to the Law of the Land, these conclusions hereupon do follow,

First, that a commitment by lawfull Warrant, either in deed, or in law, is accounted in law, due processe, or proceeding of Law; and by the Law of the Land, as well as by processe, by force of the Kings Writ.

Secondly, That he, or they, which do commit them, have lawfull authority.

Thirdly, that this *Warrant* or *Mittimus* be lawfull, and that must be in writing, under his hand and seale.

Fourthly, the cause must be contained in the Warrant; as for Treason, Fellony, &c. or for suspition of Treason, or Fellony, &c. Otherwise, if the *Mittimus*, contain no cause at all [*it is illegal*] And if the prisoner escape, it is no offence at all; Whereas, if the *Mittimus* contained the cause; the escape were Treason or Fellony, though he were not guilty of the offence: and therefore, for the Kings benefit, and that the prisoner may be the more safely kept; the *Mittimus* ought to contain the cause.

Fifthly, the *Warrant* or *Mittimus* containing a lawfull cause, ought to have a lawfull conclusion, *viz. and him safely to keep, until he be delivered by Law, &c.* and not untill the party committing doth further order; And this doth evidently appear by the Writs of *Habeas Corpus*, both in the Kings-Bench, Common-Pleas, Exchequer, and Chancery. See pag. 52, 53. 2. *part. Institut.*

REx Vicecom. London. Salutem. Pracipimus vobis quod corpus, A. B. in custodia vestra detent. ut dicitur, una cum causa detentionis suæ (quocunq; nomine præd. A. B. censeatur in eisdem,) habeatis coram nobis apud Westm. Die Jovis prox. post, Octab. St. Martini ad submittend. & recipend. ea, quæ curia nostra de eo, ad tunc, & ibidem ordinari contigerit in hac parte, & hoc nullatenus omittatis periculo in cumbente: & habeatis ibi hoc breve. Teste Edw. Cook 20. Novemb. Anno Regni nostri 10.

The King to the Sheriffs of Lon. greeting. We command you, that you have the body of A. B. (now detained in your custody as is said) together with the cause of this detention by what Name soever the said A. B. be called therein) before Vs at Westminster, upon Thursday, Eight dayes after the Feast of St. Martins, to submit, and receive what Our Court shall then and there order concerning him. Faile not hereof, at your perill: and see that you have there this Writ. Witnesse, Edw: Cook, 20. Nov. and the Tenth Yeare of Our Raign.

This is the usuall forme of the Writ of *Habeas Corpus*, in the Kings-Bench, vide *Mich. 5. Edw. 4. Rot. 143. Coram Rege*, Kesars Case, under the Test of Sir John Markeham.

REX Vicecom. London. salutem. Præcipimus vobis quod habeatis Coram Justiciariis nostris, apud Westm. Die Jovis prox. post quinque Septiman. Pasche, corpus A. B. quocunque nomine censeatur, in priona vestra, sub custodia vestra detent. ut dicitur, una cum die. & causa captionis & detentionis ejusdem, ut iidem Justiciar. nostri, visa causa illa, ulterius sieri fac. quod de jure, & secundum legem, & consuetudinem Regni nostri Angliæ for et faciend. & habeatis ibi hoc breve. Test, &c.

THE King to the Sheriffes of London, greeting. We command you, that you have before Our Justices at Westminster, upon Thursday next five weekes after Easter, the Body of A. B. by what Name soever he be called, being detained in your Prison under your custody, together with the day and cause of his Caption, to the end, that Our said Justices having seen the cause, may further doe, that which of right, and according to the Law and Custome of Our Realm of England ought to have done, or have there this Writ: Witnesse, &c.

The like Writ is to be granted out of the Chancery, either in the time of the Term; (as in the Kings-Bench) or in the vacation: for the Court of Chancery is *officina justicia*, and is ever open and never adjourned; so as the subject being wrongfully imprisoned, may have Justice for the liberty of his person; as well in the Vacation-time, as in the Terme.

By these Writs, it manifestly appeareth, that no man ought to be imprisoned, but for some certain cause; and these words, *Ad subjiciend & recipiend*, &c. prove, that cause must be shewed: for otherwise, how can the Court take order therein, according to Law?

And this is agreeable with that which is said in Holy History, *sine ratione mihi videtur, mittere vincitum in carcerim, & causas eius non signifie* But, since we wrote these things, & parted over too many other *Acts of Parliament*; see now the *Petition of Right, Anno tertio Caroli Regis*: resolved in full Parliament by the King, the Lords Spirituall and Temporall, and the Commons which hath made an end of this question (if any were) Imprisonment doth not only extend to false imprisonment, and unjust; but for detaining of the prisoner longer then hee ought, where hee was at the first lawfully imprisoned.

If the Kings Work come to the city deliver to the prisoner; If he detain him, this detaining is an imprisonment against the law of the land &c.

But look upon all the *Warrants*, (by virtue of which the Lords committed, and committed, close committed Lte. Col. Lilburne) and you all not find one legall one amongst them all.

Now, for the second thing before spoken of, in the manner of his tryall; which is, *That it might by Law to have been publike, in the presence of all that had a mind to have heard it, without any restraint of any.*

This I find to be claimed by Mr. *Pryn*, at the tryall of Colonell *Nat. Fines*, in the 11. page of his relation thereof; which he desired, "That they might have a publike hearing, and that the date might be set open, and none excluded that would come in; the which (he saith) he desired the rather; because, the Parliament, the representative Body of the Kingdome, had ordered a fair and equall tryall; which he conceived (as he told the Councell of Warre) was to be a free and open one, agreeable (as he saith) to the proceedings of Parliament, and all other Courts of Justice in the Realm, which stand open to all; and from whence, no Auditors are, or ought to be excluded.

To which Mr. *Dorista* answered, that it was *against the stile & conrse of a Court-Marshall to be publike and open; and therefore, it might not be admitted upon any tearmes.*

Unto which Mr. *Will. Pryn* replied; "that hee was a common-Lawyer, and by his profession, his late Protestation, and Covenant, bound to maintain the fundamental laws of the kingdome, and liberty of the Subject, which he told the Councell of Warr, they themselves had taken vp Armes, &c. to defend and maintain; And, *saith he*, by the Lawes and

Statutes of the Realm, all Courts of Justice ever have been, are, and ought to be held openly and publicly, not close, like a Cabinet-Council; Witness, all Courts of Justice at Westminster, and else-where; yea, all our Assizes, Sessions, wherein men, though indicted but for a private Felony, Murder, or trespasse, have alwayes open tryals: He goes on, and in the 12. page thereof, tells him; that not only Courts of common-Law, but the Admiralty, and all-other Courts, proceeding by the Rules of either of the civill, or canon-Law, the proceedings have ever been publicke, and the Courts open, and even in late proceedings by Martiall Law, before a Conncell of Warre, at the Guild-Hall of *London*, at the tryall of Mr. *Tompkins*, *Chillenden* and others, it was publicke and open in presence of both Houses of Parliament, and the whole City; no comers being thence excluded. And he positively tels the Councell of Warre, a little further; that it was both against the laws, and subjects liberty (as he humbly conceived) to deny any prosecutor, or subject, an open tryall.

And he gives divers reasons there, for it; he goes on, and in the 13. page saith, *That the Parliament when it sits as a Councell, to consult, debate, or deliberate of the great and weighty affaires of the Kingdome, is alwayes private, and none but the Members or Officers of either House admitted to their consultations and debates. But (saith he) as the Parliament is a Court of Justice, to punish Malefactors; so the proceedings of both, or either House are alwayes publicke, as appears by the late Tryall of the Earle of Strafford, in Westminster-Hall, and infinite other presidents of antient and present time;*

To which, I may adde, the Tryall of *William Laud*, late *Archbishop of Canterbury*. And this practice is suitable to what we read in Scripture; that among *the Jewes, the Judges sate openly in the City Gates*, the most publicke place of all. And truly, he or they that will not suffer Justice to be executed and administred openly, bewrayes their own guiltinesse; and do thereby acknowledge, that they are ashamed of their cause. For, saith Christ, John 3. 20, 21. *Every one that doth evill, hateth the light, neither cometh to the light, least his deeds should be reproved (or discovered;) but he that doth truth, cometh to the light, that his deeds may be made manifest, that they are wrought in God.*

But so far were the Lords, from this just way, of permitting Lieutenant Col. *Lilburn*, a publicke tryall; that the first time hee came before them, *Iune* 11. 1646. After he was come into the House, some of his friends, and some strangers stept in, as by Law and Justice they might; But the Earl of *Manchester* (as Speaker of that House) commanded them all to withdraw, which they were forced to doe.

And this I averre, not by hear-say, but out of knowledge. And the second time he came before them, which was 23 *Iune* 1646. It was little otherwise, his friends being turned out of doores, though some of his enemies, scoffers, and deriders, were permitted to stay: And the third time, which was upon the 11. *Iuly*, 1646; as I understand, he had much adoe with the dore-keepers, to get his wife to be admitted in; though a great many of the Sheriffes Sharks and Caterpillars, that accompany the Hang-man to Tyburn, the day he doth execution, were freely admitted; & *Hounscot* the *tyrannicall Prelates old-cruell Catchpole*, and now the *Lords speciall Darling, and Favourite*, a man *transcendent in basenesse, and wickednesse*, and therefore more fit for their Lordships, with some others of their own creatures, were admitted in, as parties fit to *bear false witnessse* against him, and make *false reports of his, and his honesty*.

And Lieutenant-Colonel *Lilburns* friends were so far from being admitted into the *Lords House*, to see and behold the justnesse of their proceedings; that the doore of the *Painted-Chamber* was locked, and strongly guarded against them: and if any of them in the croud got in there, they had a second barre at their Lordships doore; and if by great chance, they at the opening thereof, crowded in; the Officers that stood at the inner doore, took special care to hinder them from admittance there.

Oh the height of *injustice* and *basenesse*! at the doing of which, or hearing of it, the Lords may justly blush for shame; if they had either any honesty, or ingenuity left in them: and thus much for the first Position.

I come now to the second; which is, That *if the Lords were at Judicature, yet they have no jurisdiction over Commoners*. But this is so fully proved in Mrs. *Lilburns* Petition, that I shall need to say no more to it; but referred the *judicious Reader* thereunto, and to a Printed Letter written by Mr. *R. OVERTON*, a prisoner in *Newgate* (committed thither by the *Lords*) to Colonell *HENRY MARTIN*, a Member of the Honourable House of Commons; which Letter, is a most notable rationall peece, worth the reading.

I passe now to the third, which is to give you some *reasons*, to manifest, that *the LORDS are no Judicature at all*,

But, [Editor: illegible word] I shall crave leave to informe the Reader that the foregoing discourse, was made and finished above two moneths agoe, and hearing that there was "an Order from the Committee appointed by the House of Commons to consider of the

priviledges of the Commons of England, to bring Lieutenant Collonel Lilburne up before them; I conceived he would then be at liberty to write himselfe, and his discourse I thought might adde much to strengthen the things I drive at, and desire to declare and prove, and therefore I have sate still without makeing any progresse, to finish this discourse, till this present conclusion of this present moneth of November 1646. And my expectation I have not failed: for he hath published two notable discourses of his own, and some friend of his, a third, and therefore I shall earnestly desire the studious and inquisitive Reader, for the further illustration and prooffe of the first and second positions layd down in pag. 6. and already handled in pag. 63. 64. 65. 78. &c. seriously to read over the 23, 24, 25, 26, 27, 28, 29, 30, 31. pages of his first book called *Londons Liberty in Chaines discovered*, printed Octob. 1646. And the 5. 6. 7. 8. 9. 11. 14. 22. pages of *his speech to the aforesaid Committee* Nov. 6. 1646. and since by him published in print, and called, *An Anatomy of the Lords Tyranny*. And the 23, 24, 37, 38, 39, 40, 41, 42, 43, 44. 46. 47. pages of his friends booke called (*Vox Plebis* a most notable discourse) In the 26, 27, 28. 29. 31. 32. pages of which, you may reade his *Charge and sentence* in the House of Lords.

Now having promised this, I returne to the third thing to be handled, which is to give you some reasons, to manifest *that the Lords House are no Judicatour at all*.

And for the illustration of this, I shall desire it may be considered, that no judicature can justly be erected, or set up, unlesse it legally derive power from those that have a legall power to erect, constitute, or institute it, and I thinke this will be granted of all sides.

And therefore let us make inquisition, who (according to law and right in *England*) have an originall and true power to erect judicatures, and I say, onely the legall Commissioners of the people, commonly called the *Commons of England Assembled in Parliament*, and not the *King*, who is not to give a law unto his people, but his people unto him, as is before largely proved, pages 37; 38, 39, 40, 41, 42, 43. And as he confessed in his Coronation-Oath, that he hath taken, or ought to have taken, which you may read before, pag. 31. 32. and which is declared by the statute of provisoes of benefices made Anno. 25. Ed. 3. Annodom. 1350. which you may read in the statutes at large, pag. 157. about the midst of which you have these words. "whereupon the said Commons have prayed our said Lord the King, that sith the right of the Crowne of England, and the law of the said Realme is such, that upon the mischiefes, and damages, which happen to his Realme, he ought, and is

bound by his oath, with the accord of his people, in his Parliament, thereof to make remedy and law, and in removing the mischiefs and damages which thereof insue, that it may please him thereupon to ordaine remedy, (and it followes in these words.)

“Our Lord the King seeing the mischiefs and damages before mentioned, and having regard to the said statute, made in the time of his said Grandfather, and to the causes contained in the same, which statute holdeth alwayes his force, and was never defeated, repealed, nor adnulled in any point, and by so much he is bounden by his Oath, to cause the same to be kept as the Law of his Realme, though that by sufferance and negligence it hath been sithence attempted to the contrary, &c.

But the House of Peeres neither derive nor challenge their *Iudicature*, not in the least, either from *Commons in generall*: or from their *Commissioners, Deputies, Trustees, or Representors in Parliament Assembled*, and therefore are *no legall Iudicature at all*.

And that they do not derive their power, either from the people (under God the absolute and alone fountaine of all true power) or their Commissioner, read before pag. 45. where you shall finde, that the *King* (their groundlesse creator) *saith, they have their power by blood, and themselves claime it, from no truer fountaine*, then by vertue of their being the Sons of prerogative, *Lords, Earles, Dukes, or Barrons*.

Now if you please to reade the *Chronicles* of this *Kingdome*, you shall find that this thing called *prerogative* flowes meerly from the wills and pleasures of *Robbers, Rogues, and Theeves*, by vertue of which they made *Dukes, Earles, Barrons, and Lords*, of their *fellow Robbers, Rogues, and Theeves*, the line all issue, and progeny of which, the present House of *Peers* are, having no better right nor title, to their present pretended judicature, then meer and absolute usurpation, and the will and pleasures of the potent and enslaving *Tyrants*, alias *Kings*, of this *Kingdome*: for I read in Speeds Chronicle, pag. 413. 416. 417. and in Daniel pag. 27. 28. That,, the Normans in France, “came antiently of a mixt people from the Norwegians, Swedens & Danes, & practising practises upon the Coasts of Belgia, Frizia, England, Ireland, and France, and proceeded in their hardy and wicked courses even to the Mediterranean Sea: which drove the French to such extremity, that King *Charles* the bald, was forced to give unto Hasting a Norman Arch-Pirate, the Earldome of Charters to asswage his fury exercised upon his people, and also King *Charles the Grosse*, granted unto Godfrey the Norman part of Newstria, with his Daughter in Mariage: yet all this sufficed not but that the Normans by force of Armes, seated

themselves neere unto the mouth of Sein taking all for their own, that lay comprised betwixt that River, and the River Loyre: which Country afterwards took the name of Normandy, from those Northern guests, at which time King Charles the simple, confirmed it unto Rollo their Captaine, and gave unto him his Daughter Gills in Mariage: which Rollo with divers misdoers and outlawed men were forced to flye out of their own Country : which Rollo of the Danishrace was the first Duke of Normandy, whose Son William was the second Duke of Normandy, and Richard his Sonne was the third Duke of that Country, And his Sonne Richard the second, was the fourth Duke thereof, And Richard the third his Sonne was the fifth Duke of Normandy; And Robert his brother, and Sonne to Richard the second, was the sixth Duke of Normandy, who was Father to our William the Conqueror, who was the seventh Duke of Normandy, whom Duke Robert begat of one Arlet, or Arletice a whore, and a mean woman of Phalisia in Normandy, who was the Daughter of a Skinner, & being resolved to go visite the holy Sepulcher, having no more Sonnes but William his bastard, he calles his Nobility together, and tells them; In case I dy in my journey, (as he did) I have a little Bastard, of whose worthinesse I have great hope, and I doubt not but he is of my begetting: him will I invest in my Dutchie, as mine heire: and from thenceforth I pray you take him for your Lord; which they did. And this Bastard in his youth having many sharp bouts and bickerings, with Roger de Tresny, and William Earle of Arques, brother to Duke Robert, and Sonne to Richard the second, &c. who lay claime to the Dutchie, as right and true heires to it, but William the Bastard, being too hard for them all, and by these wars grew to great experience in feates of Armes which with his marrying of *Matild*, the Daughter of *Baldwin* the fifth, Earle of *Flanders*, a man of great might and power; provoked the French King to fall upon him, to abate his greatnesse, and curbe his pride: but, bastard *William* twice defeating two powerfull Armies of the Kings with great overthrowes, broke the heart of the King of *France*, which gave the bastard Duke of *Normandy*, joyfull peace: in which calme, the King makes a journey over into *England*, to visite King *Edward* the Confessor his kinsman; who had had his breeding in *Normandy*, by Duke *Richard* the second, the bastards Grandfather. And after his returne back againe; *St. Edward* the King of *England* dyeth. Whereupon, *William* the bastard busieth his thoughts how to obtaine the Crowne, and Scepter of *England*, unto which he makes certaine pretended claimes, as being granted unto him by King *Edward*; which was but a weake pretence, as King *Harold* in his answer to him informes him; (Speed. 404.) telling him that *Edward* himselfe coming in by election, and not by any title of inheritance; his promise was of no validity, for how could he give that wherein he was not interested? And

though *William* the bastard urgeth to *Harold* his Oath given him in *Normandy*; yet he answered his Embassadour that his Masters demand was unjust, for that an Oath extorted in time of extremity, cannot binde the maker in Conscience to performe it, for that were to joyne one sin to another: and that this Oath, was taken for feare of death, and imprisonment; the Duke himselfe well know: but (said he) admit it was voluntary and without feare; could I then a Subject without the allowance of the King, and the whole State, give away the Crownes successor to the prejudice of both? Speed. fol. 403. 404.

“But although the bastard Duke had no better claime but this, which was worth just nothing at all; (Reade before pag. 20. 21. 24. 27. 28. 39. 60. 61.) Yet notwithstanding *William* the bastard purseveres in his proud, wicked, and bloody intentions: and calles an Assembly of the States of Normandy together, and with importunate solicitations solicits them to supply him with money (the very sinews of war) to carry on his intended invasion of *England*; but they unanimously refuse and decline it. At length seeing this protraction and difficulty in general, he deals with his dearest and most trusty friends in particular, being such as he knew affected the glory of action and would adventure their whole estates with him; As *William Fitz-Auber, Count de Bretteville, Gualtar Gifford Earle Longueville, Roger de Beaumont*, with others, especially his own brothers by the mother, whom he had made great; as *Odo* Bishop of *Baynox*, and *Robert Earle of Mortaign*: and unto these he shewed his pretended right and hope of *England*, (wherein preferment lay) even to the meanest amongst them, onely money was the want, which they might spare neither should that be given nor lent without a plentiful increase. With such faire words he drew them so on, that they strove who should give most. And by this policie he gathered such a masse of money, as was sufficient to defray the warre. And not onely wan he the people of his own Provinces to undertake this action, but drew by his faire perswasions and large promises, most of the greatest Princes and Nobles of *France* to adventure their persons, and much of their estates with him; as *Robert Fitz-Harrays* Duke of *Orleanse*, the Earles of *Brittaine, Ponthieu, Botogne, Poictcu, Maine, Nevers, Hicsins, Aumal, le Signieur de Tours*, and even his mortall enemy *Martel Earle of Anjou*, became to be as forward as any. Besides, to amuze the Court of *France*, and dazzle a young Prince then King, he promised faithfully if he conquered this Kingdome, to hold it of him, as he did the Dutchy of *Normandy*, and doe him homage for the same. And then to make all sure with Pope *Alexander* (whose thunder-bolts of Excommunication were then of extraordinary dread and terror) he promised him to hold it of the Apostolick See, if hee prevailed in his enterprize. Whereupon the

Pope sent him a Banner of the Church, with an *Agrus* of gold, and one of the haire of St. *Peter*, which was no small cause of prevailing, the base Clergy being then at the Popes beck, and more minding their own particular self-interest, then the welfare of their own native Countrey, or the lives, liberties & estates of their brethren according to the flesh; & thereupon were the principall instrumentall cause, that *William the Bastard*, commonly called, *William the Conqueror*, had so easie an entrance to the possession of this kingdome. *Speed fol.* 403. 404. 405. 406. 413. 417. *Daniel fol.* 28, 29, 35, 36. By means of which, the Clergy betrayed their native Countrey to Robbers and Pirats, and left the poore Commons to the mercilesse fury of mercilesse men. And I wish they doe not now again the same with poore *England*, now in her great distractions: for their interest is visible not to be the publickes; but their *pride, covetousnesse, and greatnesse*. Therefore, O yee Commons of *England*, beware of them, and take heed you trust them not too much, lest you be so deluded by them, to your ruine and destruction.

And when *William* by their means principally, as *Daniel* saith, *fo.* 36. had got possession of the Kingdom, as you may partly before read, p. 14, 15, 16, 17.) how extraordinary tyrannically he dealt with the poor natives and inhabitants, "By changing their laws, and robbing them of their goods, and lands, at his will and pleasure, and gave them away to his *Norman Robbers*. And the poor *Englishmen* having all their livelihoods taken from them, became slaves and vassals unto those Lords to whom the possessions were given. And if by their diligence afterwards, they could attain any portion of ground; they held it but onely so long as it pleased their Lords, without having any estates for themselves, or their children, and were oftentimes violently cast out upon any small displeasure, contrary to all right. *Daniel fo.* 47. *Speed* 421, 423, 425. Insomuch that in those days it was a shame even among *Englishmen*, to be an *Englishman*, *Speed. fol.* 422. 429. By means of all which, he bestowd great rewards upõ all those great men that came along with him, and made them by his will the great men of *England* to help him to hold the people in subjection, bondage and slavery: for he made *William Fitz-Auber* the *Norman* (the principall man under him to help for his designe) Earle of *Hartford*, who singly of himselfe took upon him, meerly by the power of his own will, to make Lawes in his own Earldome. And unto *Allayn*, another of his Comrades, or trusty and well-beloved Consins, he gave all the lands of Earle *Edwin*, whereon he built a Castle, and whereof he made the Earldome of *Richmond*. And unto *William of Warren*, another of his *Norman Robbers & Murderers*, he gave the Earldome of *Surrey*. *Speed fol.* 437. And unto *Walter* Bishop of *Durham*, another of his Comrades, he sold the

Earldome of *Northumberland*, who there by the law of his owne will, maintained Murderers and Rogues, and there was murdered himselfe.

And unto his Brothers (who came of his mother *Arlet* the Whore, who after *William* the Bastard was borne, was married to *Harlain*, a *Norman*, a Gentleman but of mean substance) *Odo* and *Robert*, he gave the Earldome of *Ewe*, and *Mortaigne*. *Speed* 417. *Daniel* 32. And afterwards *Odo* Earle of *Kent*, and after that in his absence *Vice-Roy* of *England*. And how this Beggar (now set on Horse-back) governed this poore distressed kingdome, let the Conquerors own speech declare, recorded by *Speed*, fol. 431. *At the time when William came out of Normandy, & found his brother Odo (a Bishop as well as an Earle) at the Isle of Wight, with divers Noble men and Knights his attendants then going to Rome with an expectation there to be Pope, being grown extraordinary rich with his polling of this poore Kingdome. Vpon which, the King in presence of his Nobles, thus spake:*

*Excellent Peeres, I beseech you hearken to my words, and give me your counsell. At my sailing into Normandy, I left England to the government of ODO MY BROTHER, who (a little further in his speech hee saith) hath greatly oppressed England, spoyling the Churches of land and rents, hath made them naked of Ornaments, given by our predecessors, and hath seduced my Knights, with purpose to train them over the Alps, who ought to defend the land against the Nations of Scots, Danes, Irish, and other enemies over-strong for me. And (a little below that) my brother, saith he, to whom I committed the whole kingdom, violently plucketh away their goods, cruelly grindeth the poore; and, with a vain hope, stealeth away my Knights from me, and by oppression hath exasperated the whole land with unjust taxations. Consider therefore, most NOBLE LORDS, and give mee, I pray you, your advice, what is herein to be done: And in conclusion the King adjudged him to prison, yet not as a Bishop, (who then, it seemes, had large exemptions, but as an Earl, subject to the lawes and censure of his King. Which accordingly (saith *Speed*) was done, upon seizure of estate, this Prelate was whose found so well lined in purse, that his heaps of yellow mettle did move admiration to the beholders.*

So that here you have the true story of the subversion of the ancient manner of Parliaments, & the ancient Lawes and Liberties of Government of this Kingdome, and a Law innovated, and introduced, flowing meerly frõ the will of a Bastard, Thief, Robber & tirant. You have here also a true Declaration of the original rise of the pretended legislative power of *Earles*, *Lords*, and *Barons*, the *Peers*, *Competitors*, and *trusty and wel-beloved Cousins*, and *Hereditary Counsellors* of our

Kings, which was meerly and only from the wills and pleasures of this cruell and bloody Tyrant, and his Successors; And no better claime have our present house of Peers either for their legislative power, or judicative power, then this, as is cleerly manifest by their own fore-mentioned Declaration, cited pag. 45. and therefore say I, are no legall Judicature at all, nor have no true legislative, or law-making power at all in them; having never in the least derived it from the people, the true legislators and fountain of power; from whom only, and alone, must be fetched all derivative power, that either will or can be esteemed just: And therefore the Lords challenging all the power they have by their blood, and deriving it from no other fountain but the *Kings Letters-Patents*, flowing meerly from his *will & pleasure*; I groundedly conclude, they have thereby no *judicative power*; no, nor *legislative power* at all in them: for the King cannot give more to them, then he himself hath; and he hath neither of these powers, (*viz. a judicative power, nor a legislative power*) inherent in him; as is strongly, undeniably, and unanswerably proved before, in pag. 43, 44, 46, 47, 60, 61.

And therefore away with the pretended power of the Lords; up with it by the roots, and let them sit no longer as they do, unlesse they will put themselves upon the love of their Country, to be freely therby chosen as their cõmissioners to sit in Parliament (for I am sure, in right, all their actions now, are unbinding, and unindivalid) which becomes you.

O all ye Free-men or Commoners of *England*, out of that duty you ow to your selves, yours, and your native Country, throughly, and home, to set forth, by *Petition* to your own HOVSE of COMMONS, and to desire them speedily to remove them, before the *Kingdome* be destroyed, by their crosse, proud, and inconsistent interest: for little do you know, what *Scotch-ale* divers of them are now a brewing.

Read the Histories of *William* the Conqueror, and you shall easily find, that the pride and contention of those *English-men* that were called Lords amongst themselves, was no small cause of the losing of this Kingdome to that Tyrant: for saith *Speed, fol. 409. After the Normans had slain King Harold, and overthrown his Army, the two great Earles of Yorkshire, and Cheshire, Morcar and Edwine coming to London, where the Londoners, &c. would gladly have set up Edgar Atheling the true Heire to the Crown, to have been their Captain Generall, to have defended them from the powerfull Norman Invaders, who now was exceedingly fleshed with his victory, and now likely to over-run the whole Land: yet such was the pride and basenesse of these two great Lords, that the misery, distresse, and fearfull estate of their native*

Country, could not dissuade from their ambition, plotting secretly to get the Crown to themselves, which hindered that wise and noble design, and totally lost their native Country.

O COMMONS OF ENGLAND, therefore beware of them, and have a jealous eye over them; and take heed, that when it comes to the pinch, they serve you not such another trick again.

For I am sure, their interest is not yours, nor the publick, neither is it consistent with their ends, that you should enjoy Justice, or your undeniable and just rights, liberties, and freedoms.

And well to this purpose, saith *Daniel* (pag. 36.) "That after the Bishops and the Clergy had shewed their aversness, to the erecting of that probable meanes that was propounded to hinder the theevish invader) the Nobility, considering they were so born, and must have a King (and therefore considering of his power) made them strive, and run head-long, who should bee the first to pre-occupate the grace of servitude, and intrude them into forraign subjection.

So that the poor Commons (like a strong vessell, that saith hee (*might have been for good use*) were hereby left without a stern, and could not move regularly, trusting and resting it seemes too much upon those Lords; which I call the broken Reeds of *Egypt*, by whom they were undone.

But for the further clearing of the Originall of the House of Peers pretended power, I shall desire the understanding Reader, to read over a little Treatise, printed in *Anno*, 1641. called *The manner of holding of Parliaments in England*, in the 28. pag. hee saith, "King *Harold* being overcome, *William* the 1. King and Conqueror, having obtained the Sovereignty, according to his pleasure bestowed Dignities and Honours upon his companions, and others: Some of them so connext and conjoynd unto the Fees themselves, that yet to this day, the possessors thereof may seem to be inabled, even with the possession of the places only: as our Bishops at this day, by reason of the Baronies joynd unto their Bishopricks, enjoy the title and preheminance of Barons in highest Assemblies of the Kingdome in Parliament: he gave and granted to others Dignities, and Honours, together with the Lands and Fees themselves: hee gave to *Hugh Lupas* his kinsman (a Norman, and sonne to *Emma*, sister to the Conqueror by the Mother) the Earldome of *Chester*, *Ad conquirendum Angliã per Coronam* (that is in English, to conquer and hold to himself and his Heires, as free by the Sword, as the King of *England* held it by his Crown) to *HANNVSRVFVS* (then Earl of *Britain* in *France*) the Earldome of *Richmond*. *Ita libere &*

honorifice, ut eundem Edwinus Comes antea tenuerat (that is, in English) as freely and honourably, as *Edwine Earle* held it before.) And the Earldome of *Arundel* (which Harrold possessed) he granted with a fee unto *Roger of Montgomeny*.

And in page 33. the same Author declares, "That Kings sometimes not regarding the Solemnities of Ceremonies and Charters have only by their becks suffered Dignities and Honours to be transferred.

So that by what I am able to gather out of ancient Histories; *William* the Conquerour absolutely subdued the Rights and Priviledges of Parliaments held in *England* before this time: The manner of holding of which, as the same Author (in his first page) declares, was by the discreet sort of the *Kingdome of England* rehearsed, and shewed unto the *Conquerour*; which (as hee saith) he approved of. And the same doth *John Minshew*; say in his *Dictionary* published and printed at *London, July 22. 1625. fol. 526.* his words are these: *In England the PARLIAMENT is called for the debating of matters touching the Common-wealth, and especially the making and correcting of Lawes: which Assembly, or Court, is of all other the highest, and of greatest authority, as you may read in Sir Thomas Smith, de Re. Angl. lib. 2. cap. 1. & 2. Cambd. Brit. & Compt. Juris. fol. 1.* And see the Institution of this Court, *Polydor Virgil, lib, 1. 1.* of his *Chronicles*, referreth after a sort, to *Henry 1.* yet confessing, *that it was used before, though very seldome. You may find, saith he, in the former Prologue of the grand Customary of Normandy, That the Normans used the same meanes in making their lawes. In a Monument of Antiquity showing the manner of holding this Parliament in the time of King Edward, the sonne of King Etheldred, which (as the Note saith) was delivered by the discreeter sort of the Realm, to William the Conqueror, and allowed by him.* This writing began thus: *Rex est Caput, &c. See more, saith he, of the course and order of this Parliament, in Compt. Juris. fol. 1. &c.* And *VOWEL*, alias *Hooker*, in his Book purposely written of this matter; *Powels* book called the *Attorneys Academy*. Read Mr. *William Prynnes* first part of the *SOVERAIGNE POWER OF PARLIAMENTS AND KINGDOMES*, printed by the authority of this present Parliament, pag, 42, 43, 44.

William the Conqueror havivg (as to me is clearly evident) *subdued Parliaments, their power, authority, priviledges and jurisdiction; did set up by the absolute law of his own will for his Compeeres, Couzens, and Connsellers, such men who had most pleased him in vassalizing and enslaving this kingdom and the people thereof; in whose steps severall of his successors after him did tread,* So that the kingdome was ruled

and governed by the King, and his *Prerogative Nobles*, and by lawes flowing from their wils and pleasures, and not made by common consent, by the peoples commissions assembled in Parliament, as it is now at this day; but he and his successors giving such large Charters to their Compeeres and *great Lords*, as to one to be *Lord great Chamberlain of Englands*, another *Lord Constable of England*; to another, *Lord Admirall of England*, &c. By meanes of which they had such vast power in the kingdome, (having then at their beck all the chiefe Gentlemen and Free-holders of *England*, that used to wait upon them in *blew Jackets*: so that they were upon any discontent able to combine against their Kings, their absolute creators, and hold their noses to the grind-stone, and rather give a Law unto them, then receive a law from them: in which great streits our former Kings, for curbing the greatnesse of these their meere creatures, now grown insolent; were forced to give new Charters, Commissions and Writs unto the Commons (then generally absolute vassals,) to choose so many Knights and Burgesles, as they in their own breasts should think fit to be able, by joyning with them, to curb their potent and insolent Lords, or trusty and well-beloved Cousins, which was all the end they first called the Commons together for; yet this good came out of it, that by degrees the Commons came to understand in a greater measure, their rights, and to know their own power and strength. By means of which, with much struggling, we in this age come to enjoy what wee have, by *Magna Charta*, the *Petition of Right*, and the good and just Lawes made this present Parliament, &c. which yet is nothing nigh so much as by right we ought to enjoy: For the forementioned Author of the book called, *The manner of holding Parliaments in England*, as 20, 21. pages declares plainly, that *in times by-past, there was neither Bishop, Earle nor Baron; and yet even then Kings kept Parliaments. And though since by incursion, Bishops, Earles and Barons, have been by the Kings prerogative Charters summoned to sit in Parliament; yet notwithstanding the King may hold a Parliament with the Commonalty or Commons of the Kingdome, without Bishops, Earles and Barons.*

And before the Conquest he positively declares, *it was a right, that all things which are to be affirmed or informed, granted or denied, or to be done by the Parliament, must be granted by the Commonalty of the Parliament; who* (he affirmes) *might refuse (though summoned) to come to Parliament, in case the King did not governe them as he ought, unto whom it was lawfull in particular to point out the Articles in which he misgoverned them.*

And suitable to this purpose, is Mr. *John Vowels* judgment; which Mr. *Pryn* in his above-mentioned book, pag. 43. cites out of *Holinsh. Chro.*

of *Ireland*, fol. 127, 128. His words (as Mr. *Pryn* cites them) are thus:
"Yet neverthelesse, if the King in due order have summoned all his Lords and Barons, and they wil not come; or if they come, they will not yet appear; or if they come & appear, yet will not do or yeeld to any thing: Then the King with the consent of his Commons, may ordain and establish any Acts or Lawes, which are as good, sufficient, and effectuall, as if the Lords had given their consents; but on the contrary, if the Commons be summoned, and will not come, or coming, will not appear; or appearing, will not consent to do any thing, alleading some just, weighty, and great cause: The King in those cases* cannot with his Lords devise, make or establish any Law. The reasons are, when Parliaments were first begun, and ordained, THERE WERE NO PRELATES OR BARONS OF THE PARLIAMENT, AND THE TEMPORALL LORDS were very few, or none; and then the King, and his Commons did make a full Parliament; which authority was never hitherto abridged.

Again, every Baron in Parliament doth represent *but his owne person*, and speaketh in he behalf of himself alone.

But the *Knights, Citizens, and Burgesses*, are represented in the Commons of the whole Realm; and every of these giveth not consent for himself, but for all those also, for whom he is sent: And the King with the consent of his COMMONS, had ever a sufficient and full authority, to *make, ordain, and establish* good wholesome Lawes for the Common-wealth of his Realm.

Wherefore, the Lords being lawfully summoned, and yet refusing to come, sit, or consent in Parliament, cannot by their folly abridge the King and the Commons, of their lawfull proceedings in Parliament.

Thus, and more, *John Vowel*, alias *Hooker*, in his order & usage how to keep a Parliament (which begins in the foresaid History: pag. 121. and continues to pag. 130. printed *Cum Privilegio*.) And Sir *Edward Cook* in his *Institutes on Magna Charta*, proves, That the Lords and Peers in many Charters and Acts, are included under the name of the Commons or Commonalty of *England*. And in his Exposition of the second Chapter of *Magna Charta*. 2. part *Institutes*. fol. 5. He declares, that when the *Great Charter* was made, there was not in *England* either Dukes, Marquesse, or Viscounts: So that to be sure, they are all Innovators and Intruders, and can claime no originall or true interest to sit in Parliament, sith they are neither instituted by common consent, nor yet had any being from the first beginings of Parliaments in *England*, either before the Conquest, or since the Conquest; nor the first Duke (saith Sir *Edward Cook*, *Ibidem*) that was created since the Conquest, was *Edw*.

the black Prince, In the 11. year of *Edw. the third*: and *Rob. de Vere* Earl of *Oxford*, was (in the 8. year of *Richard the 2.*) created Marquesse of *Dublin* in *Ireland*; And he was the first Marquesse that any of our Kings created.

The first Viscount that I find (saith he) of Record, and that sate in Parliament by that name, was *John Beumont*, who in the 8: yeer of *Hen. the 6.* was created Viscount *Beumont*.

And therefore, if Parliaments be the most high and absolute power in the Realm as undeniably they are: for (*Holinshed* in his fore-mentioned Chronicle, in the Description of *England*, speaking of the high Court of Parliament, and authority of the same, saith pag. 173. thereby Kings and mighty Princes, have from time to time, been deposed from their Thrones, lawes either enacted or abrogated, offenders of all sorts punished, &c.)

Then much more may they disthroned or depose, these Lordly prerogative Innovators and Intruders; and for my part, I shall think that the betrusted Commissioners of the Commons of *England*, now assembled in Parliament, have not faithfully discharged their duty to their Lords and Masters, the people, their impowerers, till they have effectually and throughly done it.

And if the Lords would be willing to come, and sit with them as one house, as formerly they have done, (Read the fore-mentioned Discourse of *John Vowel*, printed in *Hollinsheds* Chronicles of *Ireland*, pag. 123: *Sir Edward Cookes* 4. part *Institutes*, chap. 1. pag. 2. and the fore-mentioned book, called *Vox Plebis*, pag. 39, 40.) Yea, though conditionally they might sit as Peers; yet they ought not to do it: for this were for the *Peoples Trustees, the House of Commons*, to give away their true and legislative power; which originally is only inherent in them (THE PEOPLE) which is the next, and the last thing I should prove.

But in regard the *Discourse* is swolne so big already, and the present time being the season for publishing what I have already said, which were impossible to come out this Moneth or sixe Weekes, if I should throughly handle this Proposition, as by Gods assistance. I intend, which will take up a Discourse almost half as big as the fore-going:

For, first, I must shew and prove; *That the people in generall are the originall sole legislators, and the true fountain, and earthly well-spring of all just power*; And

Secondly, That all the power which the house of Commons hath, is

meerly derivative and bounded within this tacit Commission, to act only for the good of those that betrusted them, and not for their mischiefe, in the least.

And here I shall propound some Queries.

Whether or not, they have not done and acted some things prejudicial and mischievous so the generality of the Kingdome, and destructive to the fundamentall Lawes and Liberties thereof? Which in the affirmative, I shall answer; Yea, and prove it in divers particulars, out of their own late published large book, being the second part of the Collection of Ordinances, Declar. &c. where I finde three Ordinances, viz.

That for the Merchant-Adventurers, pag. 361.

That for the Turkie-Merchants, pag. 439.

Thirdly, That for the Greenland Merchants, pag. 646.

Of all three, of which I say as Sir *Edward Cooke*, in the second part of his *Institutes*, fol. 51.

And the fourth part *Institutes*, fol. 41. saith, of the Statute of the 11. of *Henry 7. chap. 3.* (for executing of which Justice, *Dudley*, and *Empson* lost their lives) *that they are made in the face of the ancient and fundamentall Law of the 29 and 30. chapters of Magna Charta, &c.*

And that they are unjust and injurious Ordinances, which in duty they are bound to abrogate, and to punish the procurers of them in regard those very Ordinances, if continued, will render the Parliament the (Commissioners of the people, and the great interest of their preservation) odious, abominable, and contemptible in their eyes, and do them more mischiefe, then an Army of twenty thousand Cavaliers: for such palpable injustice, as in these very Ordinances, is done to the whole Kingdome, will in time destroy the Parliament; though now they had never a professed enemy in the world; and true friends to their professed enemy the King, they are, who put them upon this work: And let them take warning by those that were formerly the setters up of *Pattentees*, (and therby destroyers of the peoples legal and just liberties) for it was not only that they were set up by an unbinding authority of the Kings which made them illegall, but that they were against & destructive to the fundamentall Lawes and liberties of the Land.

And therefore the house of Commons in its first purity, before any of them was corrupted with assessing, treasuring, and disposing of the

Common-wealths money in *Clandestine Wayes*, not in the least allowed by the known and just Law of the Land, and which to the Common-wealth they are not able to give an account of, *as indeed, and in truth they ought*, of all the monies they have raised.

I say the house of Commons, at the first beginning of their straights, when they would render themselves amiable and lovely in the eyes of their Impowrers, the people that trusted them; They tell them in their first and most excellent *Declaration*, 1. *par. Col. Declar. pag. 14. That they have suppress all Monopolies, whereof some few did prejudice the Subject, above a Million yearly; the Soap an hundred thousand pounds; the Wine three hundred thousand pounds; the Leather must needs exceed both, and salt could be no lesse then that; besides the inferiour Monopolies.*

Was this an excellency in the peoples Commissioners at the beginning?

And can it be lesse now, then the greatest of basenesse in them, to do the quite contrary: Yea, and that after so much bloud hath been shed, and so much money spent, and so many Oaths and Covenants sworn and taken, to preserve the fundamentall Lawes and Liberties of the Kingdom?

And here I must fall extreamly foule upon Sr. WALTER EARLE, GILES GREENE, IOHN ROLL, GEORGE TOMPSON, ALEXANDER BENCE, all Parliament men, for their unjust and illegall Order made at the *Committee of the Navy and Customes*, Novemb. 12. 1646. which is published in print, on purpose to conjure the Officers of the Customs, to take care to put the aforesaid patentee Monopolizing Ordinance of the GREENLAND COMPANY in due execution according to its true intent and meaning, and that before they passe any entry or other warrant for any Fins or gills, wrought or unwrought, or for any sort of Whale Oyle, or other Oyle; to call to their assistance the Officer or the Officers of the *Greenland Company*, if any such be appointed for the place, to view the same, thereby to proceed according to the Ordinance of Parliament, (which Ordinance is dated the 6. of May 1646.) which AVTHORISETH THEM TO CEISE UPON ALL SVCH COMMODITIES, *that are brought in by any other free Merchants that are not of this Company*: by meanes of which they ingrosse all the trade into their own hands, and sell their Commodities for double the rate, that others (if they might be suffered to bring them in) would sell them;

O brave and gallant slavery and bondage! The dear, but unwelcome purchase of all our blood and money!

The next querie that will arise will be this. *Whether some particular Parliament men have not outscript the bounds of their Commission?*

And here I shall answer affirmatively likewise: or else, as *Samuel* said to *Saul*, *what meanes this bleating of the Sheepe in my eares, and the lowing of the Oxen which I heare?* So say I, if all be right, what meanes MAJOR GEORGE WITHERS Complaint against Sir *Richard Onsley*, and Sir *Poynings Moore*; and Mr. IOHN MVSGRAVES *loud Complaint and impeachment of treason against Mr. Richard Barwis*, which he hath largely published in severall bookes to the view of the world, called A WORD TO THE WISE. ANOTHER WORD TO THE WISE. YET ANOTHER WORD TO THE WISE? In which he also accuseth Mr. *Lisle* the *Chairman* of the Committee, of great injustice for making a false Report to the House. And what meanes the grievous Complaint of divers Gentlemen of the County of *Durham* against OLD SIR HENRY VANE, which is printed in ENGLANDS BIRTHRIGHT. pag. 19. 20. 21? And Lieutenant Collonel *Lilburnes* Complaint against him, in his late booke called LONDONS LIBERTIES IN CHAINES DISCOVERED, pag. 54? And what meanes Lieutenant Collonel *John Lilburnes* pittifull Complaints in divers of his bookes against severall Members of the HOVSE of COMMONS; but especially against Justice LAVRANCE WHITAKER?

(See *Innocency and Truth justified*, pag. 12. 15. 16. 63. 64. And *Londons Liberty in Chaines discovered*.) And what meanes his pittifull Complaints in his Epistle to *Judge*, REEVE, &c. against the Earle of *Manchester*, and Collonel *Edward King* of *Lincolnshire*, whom he accuseth for being Traytors to the trust reposed by the PARLIAMENT in them? And yet is so farre from obtaining Justice against them, that he is clapt by the heeles in the exceeding chargeable prison of the *Tower of London* by their meanes.

And what meanes that extraordinary Complaint of Mr. ANDREWES BVRRELL, in his printed REMONSTRANCE TO THE PARLIAMENT OF ENGLAND, against the CHIEFE MEN that are mannagers of the NAVIE, viz, THE EARLE of WARWICK, Mr. GILES GREENE *Chairman of the Committee of the Navy*, Mr. SAMVEL VASSALL, and the 2. Mr. *Bencis Members of the same Committee*, &c? To whose charge he layes little lesse then TREACHERY TO THE WHOLE KINGDOME, *and cousening and cheating of the publicks monyes*, yea, such is his CHARGE there against them, that if he be able to make it good; THEY DESERVE NO LESSE THEN HANGING. *And it seemes he is able sufficiently to do it*, for they dare not call him to account, but let him go at Liberty, *which demonstrates to all understanding men*, They know their own guiltinesse.

And a thing of as high a consequence is he lamentable Complaint made against Sir *John Clotworthy* and his friend Mr. *Davis*, &c. about their cousening and cheating poore and bleeding *Ireland*, of much of the monies that should have relieved it, which Complaint is called *The State of the Irish offaires, for the Honourable Members of the Houses of Parliament*, as they lie represented before them, from the Committee of Adventurers in *London*, for lands in *Ireland*, sitting at *Grocers Hall*, for that service, and printed at *London* by G. MILLER dwelling in the *Black-Fryers*. The abstract of which, with some additions, are inserted in a written paper, which I had from a good hand which followeth thus.

*A further discovery of the evill managing of the
affaires of Ireland, wherein it doth plainly appeare,
that above the fourth part of the monies levied for
Ireland is pursed by 4. or 5. private men to the value
of 97195. l.*

THat presently after the trouble did breake forth in *Ireland*, there was one Mr. *John Davis* of the *Irish Nation* came for *England*, who was trusted by the Parliament with 4000. l. worth of Provisions, and appointed Commissary for the disposall of those goods for the *English* and *Scottish Armies* in *Ireland*.

The said Mr. *Davis* using indirect wayes, by feasting and bribing the Officers, having spent 100.l. upon them in a week, as he himselfe hath acknowledged, and by that meanes he obtained his desire, for he valued the goods which he delivered to the Armies at such unreasonable high prizes, that in this employment for the space of 8. or 9. months, he so manageth the businesse, that he makes the parliament indebted unto him 12195. l.

And it will be made manifest by sufficient testimony that before he was put into this employment, he was not worth 200.l. but with feasting and bribing the Commanders of the said Armies;

He obtaines such an accompt in writing, having such friends to assist him, that he procures Generall *Ladyes* letter of recommendation for his good service, setting forth how seasonable the provisions came to the Army: but no mention made that the Parliament sent the goods.

That after the said Mr. *Davis* had procured this letter, he comes for *England*, the troubles here being great, the Parliament had not time to heare him, so he continued in, and about *London* for the space of two yeares or thereabouts.

In which time he was reduced to a meane and low condition, in so much

(as he hath acknowledged) he had much a do to get money to buy food for himself & his wife: yet in this low Condition he puts in Propositions to the Committee of Parliament, to deliver 60000. l. in Provisions, Armes, and Cloth, to be paid out of the Ordinance for *Ireland* which was for above three times as much; but he was to have the first mony that came in upon the said Ordinance, onely 20000. l. was allotted otherwise.

The Committee of *Adventurers* for *Ireland* were sent for and treated with all, to know if they would serve in, and deliver those provisions for *Ireland*, who at the first refused to agree by way of bargaine, alledging that they would make use of the said Ordinance to serve it with all expedition, expecting no profit: but the Committee of Parliament said that there was necessity of making agreement by way of contract: whereupon the Committee of *Adventurers* for *Ireland* did give in Propositions that they would serve, and deliver those provisions 7000. l. in 60000. l. under the prizes Mr. *Davis* had given in: notwithstanding M. *Davis* delivered the goods & had his prizes for those goods & provisions, but did fail in all his undertakings both in the time of delivering the goods: and also the goods he served were generally very bad: as doth appeare by the Testimony of one of the Parliaments Commissioners in *Ireland*, which Testimony, and the prizes Mr. *Davis* had, is here inserted, The reasons why M. *Davis* had this employment before those Citizens, are many I shall name one: the cessation of Armes in *Ireland* being ended, divers Commanders came over from thence into this Kingdom, who knowing Mr. *Davis* of old, in respect of his large bribes given them, did desire the Committee of Parliament, that Mr. *Davies* might be the man for the providing and furnishing of provisions for the service of *Ireland*, alleadging they knew him well; as for the Citizens, they were more fit to keepe shops, then to take care of a Kingdom.

These Commanders above-mentioned, are those who were for the Parliament one year, and the next year sided and joyned with the Irish Rebels: these are the men who gave this good report of Mr. *Davies*.

That Mr. *Davies* hath made a second bargain with the Committee of Parliament for 45000. l. worth of goods, the which mony is fully paid him, and the 60000. l. also formerly mentioned, and this Committee have allowed him his pretended Debt of 12195. l. out of the money appointed by Ordinance of Parliament only for *Ireland*, and not to pay any debt, although never so reall.

Mr. *Davies* in the moneth of July, 1646. hath made a third agreement for 140000. l. to deliver so much in Arms, Provisions, & other necessaries, the money part of it, to be paid out of the Excise and the

rest by a new Ordinance of Parliament, for levying of monies for the service of *Ireland*, the *Committee of Adventurers* having formerly declared in their book formerly set forth by them, which was presented to divers Members of Parl. in the Moneth of *Jan.* 1645. wherein the Committee do alleadge, that if they might have had the managing of that service of 60000. *l.* in a Committee-way, they would have saved the State 15000. *l.* in the said sum of 60000. *l.* of the prizes allowed Mr. *Davies*, and would have furnished better goods; and Mr. *Davies* after his first agreement, had also allowed him 2500. *l.* to get in the mony: if 15000. *l.* could have been saved in 60000 *l.* what might have been saved in 245000. *l.* by that accompt there might have beene saved above 61000. *l.* and better commodities furnished. There is a Parliament man named Sir *John Clotworthy*, that hath been the said Mr. *John Davies* his chiefe friend, to assist him in all his bargaines aforesaid: this is that Sir *John Clotworthy* against whom the *Committee of Adventurers for Ireland*, formerly petitioned the Parliament, that he might give accompt foe 24000. *l.* received by him of the Aduenturers money; for the which, to this very day he hath given no accompt: and the Committee do verily believe, he never will give any accompt for the said money: So what with Mr. *Davies* 12195. *l.* which he so falsely got and the 61000. *l.* formerly mentioned, and the monies Sir *I. Clotworthy* detaines in his hands, being 24000. *l.* as aforesaid, amounts in the whole to 97195. *l.* which is above the fourth part of the money allotted for the service of *Ireland*, for these 2 or 3 years past. This being considered, it is no marvell that the cry of *Ireland* is so loud. That in *Septemb.* and *October*, 1644. there was by order of Parliament three meetings of the *Adventurers of Ireland*, usually sitting at Grocers Hall *London*, four Parliament men then present, sent us a Committee from the Parliament; namely, Sir *I. Clotworthy*, Mr. *Reynalds*, Major *Jepson*, Sir *I. Clotworthy* moving at all the several meetings for money, it was desired by the *Adventurers*, that there might be a new Committee chosen by the *Adventurers*. Sir *I. Clotworthy* shewed his dislike unto that motion; saying, if they would have a Committee, it should consist of 4 Parliament men, 4 Irish men, and 3 Citizens: the Irishmen were such, who not above 3 weekes before had sided with the Irish Rebels, and these four to three Citizens: this favoured not well. The *Adventurers* much distating this, were all going away: at last it was granted the *Adventurers* to chuse the Committee: whereupon 4 Aldermen and 16 Merchants, very able men, were chosen newly, Sir *I. Clotworthy*, as appeares, disliking this Committee, the businesse was managed by a Committee above, and the Committee of Citizens have been as ciphers. At the said meeting, there were two Citizens

Adventurers did offer unto fit *I. Clotworthy*, and the committee then present, that they would undertake to serve 1500. l. worth of cheese and butter, good sound cheese at 2. d. *per l.* and good butter at 4. d. ob. *per l.* and to receive the money out of the Ordinance of Parliament, at sixe moneths, or as it came in: But sir *Iohn* in the audience of all he people then presen, made this answer; that cheese and butter was too saucie for them, and that the souldiers in *Ireland* would be content with bread and water: this did much discourage the Adventurers to hear him speak after this manner. But observe, sir *Iohn Clotworthy* did so assist his friend Mr. *Davies*, that hee had 3. d. ob. *per l.* for the same commodity which was offered by the Adventurers for 2. d. *per l.* on may judge what that will come to in a quantity: you may observe that Mr. *Davis* and his Partners did buy the goods aforesaid upon the credit of the said Ordinance of Parliament, the which might have been done by some of the Adventurers who would have delivered better Provisions, and have saved the State 61000. l. in the severall percels aforementioned: all the wivele, eaten, and mustie Corne that could be had, these undertakers did buy up at cheape rates, and so in other Commodities, the basest trumperie that could be had which they delivered for the said service of *Ireland*.

The said Mr. *Davis* had 3. partners which are by their callings *Cheesemongers*, viz. Mr. *Thomas Radberd*, Mr. *John Chesson*, and Mr. *Dennis Gauden*: I shall set forth unto you what these men have been.

First of all in the yeare 1640. they were undertakers and did deliver Provisions for the Bishops Army against the *Scots*, which Provisions being returned, the said undertakers bought most of the same Provisions under the fourth part the King paid for them, yet it hath been observed that this mony hath not thriven with them, for they have had great losses especially one of them by Sea.

That about 3. yeaes since, Mr. *Radberd* and his partners having good store of Butter on their hands, procured one to petition a Committee of Parliament: setting forth in his Petition that he was a Merchant, and that he did desire their Order for transportation of 1800. Firkins of Butter for *Ireland*, which being granted by vertue of the said Order; *Radberd* and his partners shipped 1800. Firkins of Butter, and so it passed the River upon the said Order: the Vessell laden with this Butter put into *Dover Peere*, and there continued for 3. or 4. dayes, as the Mr. hath acknowledged: the wind coming fayre, the ship put forth of the Peere at night, and the next morning the Mr. with his Ship and goods came safe before *Dunkirke* upon Order from the said Mr. *Radberd* and his partners, the Mr. hath also acknowledged that the Order for their

transporting of the Butter for *Ireland* was onely to coullour the businesse: the Butter was unladen and sould at *Dunkirke*, for the accompt of Mr. *Radberd* and his partners.

That *John Chesson* at the beginning of the troubles of this Kingdome, when the Parliament was lowe, and the Kings party looked very bigg upon us, then he cryes a King, a King; but of late he faced about, cryes a Parliament, a Parliament: that when the King do was brought to a very low condition, the Adventurers for *Ireland* and others well affected did disburse in mony and goods for *Ireland* above 5000000. l. and to this day have not been repaid any part thereof, at that time Mr. *Radberd* & his [Editor: illegible word] partners aforementioned would not trust the State with 5.l.> And yet notwithstanding they with their partner Mr. *Davis* and the men that have the mannaging, & are undertakers for all the service of *Ireland*, although to the great dammage and losse of this Kingdome, and likewise to the Kingdome of *Ireland*, and a very great discouragement to the Adventurers & all other persons wel affected to the safety of both Kingdomes.

Thus you may perceiue that those who have been most affectionate and helpfull to the Parliament and Kingdome, adventuring their lives and Estates for them, having almost disbursed their whole Estates are now scarce looked upon; and those who have not at all assisted the Parliament, but stood as Neuters, & have sought themselves and their own advantages: these are the men who run away with so many thousand pounds while many faithfull friends to the Parliament, and true lovers of their Country fare ready to perish for want of Foode.

Can it be immagined, that the said undertakers for *Ireland*, were more able to provide the goods aforesaid, better and cheaper, or so cheape as the Committee of Adventurers could have done? And is diuers Citizens did trust the Parliament upon their bare words in times of distresse with above 5000000. l. what would not these men have trusted the Parliament upon an Ordinance to have their mony paid them within very few months? and it cannot be otherwise immagined.

These things with diuers others, as also *the Parliament mens continually fingering great sums of mony out of Goldsmiths-Hall, into their own particular pockets, for this pretended losses, disbursments, and pay, before any of the poor necessitated people of the Kingdome have theirs, abundance of whom stand sometimes more in need of it then they, yea and better deserve it then diuers of them, and ought in justice and conscience to go in an equall forvvard proportion vvith them, and their injoying their vast and great places for all the Cloake and maske of their self-deniall Ordinance, and the ingrossing of most of the Lavv practise*

in the kingdome into the hands of their petty fogging Lavvyers, I saye these things for the more preservation of the kingdom, deserve seriously to be looked into, and told plainly and honestly unto them, vvith an earnest desire of their reformation, and not of their destruction, that so they, and all that love their just interest may have cause to say. Faithfull are the wounds (or reproofes) of a freind, but deceitfull are the kisses (or flatterings) of an enemy, vvhich taske shall be the earnest and to cordiall endeavours of him that is a true lover of Englands happinesse and prosperity. N. B.

FINIS.

ENDNOTES

[*] *Read Daniel, fol. 149.*

[*] *pag.*

[a] Coll. of decl. pag 254. 336. 382. 508. 613. 705. 711. 716. 721. 724. 716. 721. 724. 730.

[b] Coll. Decl. page 661, 663. protestation and covenant.

[c] Coll. decl. pag. 68, 172, 262, 266, 267, 340, 459. 462, 471, 473, 583, 690.

[d] Col. decl. p. 464, 490, 750.

[e] Col. decl. p. 214.

[f] Col. declar. p. 66.

[g] let., 22. 16. 15. 16. 17.

[h] Col. declar. 666. 673.

[*] Col. Declar. 4.

[i] Col. declar. p. 264. 281. 494. 497. 654. 694. 696.

[k] Col. declar. p. 738. 140. 845.

[l] Pag. 660.

[**] Decl. 460. 498. 666. 673.

[m] Magna Charta 29. Sir E. Cook. 2 part Instit. fol. 28. 29. Rot. 2. e. 3.

[n] Col. declar. 6, 7, 8.

[o] 5. Ed. 3. 5. 25. Ed. 3. 4. 28. E. 3. 3. 37. Ed. 3. 8. 38 Ed. 3. 9. 42
Ed. 3. 3. 17 Ri 2. 6. Rot. Parl. 43. E. 3. Sir lo. Alces case, num. 21, 22,
23, &c. lib. 20. fol. 74. In case declar. Marshalses, see Cook, 2. part.
Instit. fol. 464

[p] Pat. Instit. 51.

[*] Rot. part 2. 1. H. 4. mem. 2. num. 1. 27. Instit. f. 11. Book declar.
58, 39, 278, 845.

[q] 2 part. instit. fol. 52, 53.

[r] col. declar. 723.

[s] See *Cook* 2 part instit. f. 187.

[t] 3. E. 33. 2. R. 2. 5. 37. E. 3. 18 38 E. 3. 9. 12. R. 2. 11. 17. R. 2.
6. 22. p. & M. 3. 1. El. 6.

[v] 9. H. 3. 29. 2. E. 3. 8. 5. E. 3. 9. 14. E. 3. 14. 11. E. 2. 10.

[w] col. declar. 127, 174, 244, 253, 282, 284, 285. 312, 313. 321,
322, 467, 490, 514, 516, 520, 521, 532, 533, 534, 535, 537, 539, 541.
543, 555, 560.

[*] *Cromptons jurisdictiõ of courts, fo. 84 Hon. 7. 18. H. 7 14. 1. H. 7*
27. Parliament 42. 76 33. H. 6. 17. d-judged accordingly prerogative.
134.

T.90 (4.2) [RICHARD OVERTON], *THE COMMONERS COMPLAINT: OR, A DREADFUL WARNING FROM NEWGATE, TO THE COMMONS OF ENGLAND* (10 FEBRUARY 1647).[↶](#)

Image of the original Title Page

THE
COMMONERS
COMPLAINT:
OR,
A DREADFUL WARNING
FROM
Newgate, to the Commons of England.

PRESENTED
To the Honourable Committee for consideration of the
Commoners Liberties.

Wherein (as in a Glasse) every Free-man of England may clearly behold his own imminent insufferable bondage and slavery under the *Norman-Prerogative* Men of this Kingdom, represented by the present sufferings of *Richard Overton*; who for his just Vindication of the *Commoners Rights and Freedoms* against the Arbitrary Domination of the House of Lords, hath by them bin imprisoned these 6 Months in the Goal of Newgate, his wife and his brother also by them most unjustly cast into *Maiden Lane* prison: And from thence, she (with her tender babe of half a years age in her armes) was, for refusing active subjection to their Arbitrary Orders, dragg'd most barbarously and inhumanely, head-long upon the stones through the streets in the dirt and mire (as was her husband formerly (*Novemb. 3. 1646*) for the said cause) worse then Rebels, Traytors, Thieves, or Murtherers, to the place of execution: And in that most contemptible and villainous manner cast into the most reproachful, infamous Goal of Bride-well: And their 3 small children (as helpless Orphans bereft of Father and Mother, Sister and Brother) exposed to the mercy of the wide world.

Wherunto is annexed the respective Appeales of his wife, and of his brother, unto the High Court of Parliament, the Commons of England assembled at *Westminster*.

Isa. 59. 14. And judgment is turned backward, and justice standeth a farre off: for Truth is fallen in the street, and Equity cannot enter.

J. S. 10th: Printed Anno Dom. 1646.

BIBLIOGRAPHICAL INFORMATION

ID Number

T.90 [1647.02.10] (4.2) [Richard Overton], *The Commoners Complaint: Or, A Dreadful Warning from Newgate, to the Commons of England* (10 February 1647).

Full title

[Richard Overton], *The Commoners Complaint: Or, A Dreadful Warning from Newgate, to the Commons of England. Presented To the Honourable Committee for consideration of the Commoners Liberties. Wherein (as in a Glasse) every Free-man of England may clearly behold his own immanent insufferable bondage and slavery under the Norman-Prerogative-Men of this Kingdom, represented by the present sufferings of Richard Overton; who for his just Vindication of the Commoners Rights and Freedoms against the Arbitrary Domination of the House of Lords, hath by them bin imprisoned these 6 Months in the Goal of Newgate, his wife and brother also by them most unjustly cast into Maiden Lane prison: And from thence, she (with her tender babe of half a years age in her armes) was, for refusing active subjection to their Arbitrary Orders, dragg'd most barbarously and inhumanely head-long upon the stones through the streets in the dirt and mire (as was her husband formerly (Novemb. 3. 1646) for the said cause) worse then Rebels, Traytors, Thieves, or Murtherers, to the place of execution: And in that most contemptible and villainous manner cast into the most reproachful, infamous Goal of Bride-well: And their 3 small children (as helplesse Orphans bereft of father and Mother, Sister and Brother) exposed to the mercy of the wide world. Whereunto is annexed the repsective Appeales of his wife, and of his brother, unto the High Court of Parliament, the Commons of England assembled at Westminster.*

Isa.59.14. And judgment is turned backward, and justice findeth afarre off:
for truth is fallen in the street, and equity cannot enter.

Printed Ann Dom. 1646.

Estimated date of publication

1 February 1647.

Thomason Tracts Catalog information

TT1, p. 491; Thomason E. 375. (7.)

TEXT OF PAMPHLET

TO HIS HONOURED FRIEND, COL. HENRIC

Martin, a Member of the House of Commons, and Chairman to the honourable Committee, for consideration of the Commoners Liberties, and in him, to all the Members of the said Committee; The Humble Information & Complaint of *Richard Overton*, prisoner in the infamous Goal of New-Gate; concerning the barbarous cruelties, and inhumant practises of the house of Lords (and of their Prerogative-Agents) exercised upon himself, his wife, children, and whole family, since his legall tryall before the said honourable Committee.

Jam. 213. *He shall have judgment without mercy, that hath, shewed no mercy.*

Psalm. 41. 1, 2. *Blessed is he that considereth the poore, the Lord will deliver him in the time of trouble, the Lord will preserve him, and keep him alive, and he shall be blessed upon the Earth.*

Master Chair man,

AS Bondage and Liberty are two contraries, so you cannot truly consider the one, but you must reflect your eye upon the other: For, though one be so destructive to the Being of the other, that, where the one is, the other cannot be; yet, each by other is more eminently distinguished: And looke how much the one is exceeding the other, by so much the other is deficient, & loseth of its property: for, *quorum unum altero latius est, non sunt re unum.*

Therefore, I humbly conceive, that, to the consideration of the Commoners Liberties, the usurpations, encroachments, & destructions thereof, fall inavoydably into like consideration, even so, as the one cannot be truly considered without the other: If you will cast your eye upon the glory and beauty of the one, your eare must be open to the cry and complaint of the other; And therefore, answerably, as you are by the *Soveraign power of the Land* ordained and deputed for the due and grave consideration of the Commoners Liberties, you are by the same Authority also impowred for the reception of all *Petitions, Informations, and Complaints* of the *Afflicted Commoners*, touching their Birth-right, Liberties, and Freedomes, and thereof to judge, and accordingly to make Report unto the House.

Wherefore Sir, I shall presume to present this honourable Committee, with the late most barbarous inhumanities, and Turkish Cruelties, by the most *Arbytrary Tyrannicall House of Lords*, and their *Prerogative-Butchers* perpetrated upon my self, upon my wife, my three smal children, upon my brother, and the rest of my family, in all, consisting of 8 persons,

all committed and acted since the late legal consideration and tryal of my cause before you, yet still depending upon the Report of this honourable Committee: As for their former illegal usurpations over me, I shal omit their repetition, they being already made publike unto the world, & only acquaint you with the latter.

But first, I shal present you with those their illegal cruelties which concern my self (they falling first in order) together with the mutual passages concerning the same, betwixt their Instruments and me, then answerably I shal descend to their barbarous unheard of inhumanities (such as never were acted by their *Norman Progenitors*, since the *Prerogative-Foundation* of that Norman house was ever laid, or ever since they bore the name of an House of Peers) now lately upon the 6. and 8. of this instant *Ian*. 1646, most villainously perpetrated upon my wife, children, and the rest of my family, and commit the mutual passages on both sides (faithfully pend and presented) unto your grave and judicious consideration, to judge impartially betwixt us: And all that I in the behalf of my self, & of mine, shall crave from this honourable Committee, is but the *Benefit* of what the Lord himself hath commanded, Lev. 19. 15. *Ye shall do no unrighteousnesse in judgment, thou shalt not respect the person of the poor, nor honour the person of the mighty, but in righteousnesse shalt thou judge thy neighbour.*

If I be found a transgressour, then let me speedily suffer my doome; but if I be found none, then let me have speedy reliefe: I crave no favour, nor boon at your hands; it is onely justice which I desire, and thats but a reasonable suit; a suit, which of Pagans, Turks, & Infidels would not be condemned, and therefore justly may be expected from you.

Thus, then Sir, give me leave to acquaint you, that after my last departure from you in the Palace yard (*Novemb*. 3. 1646.) and that I was cleared from your presence, and the presence of my friends, and was only left in the hands of my Gaolers, my indignation and detestation (fore-uttered in your presence in the *inward Court of Wards*) against the Arbytrary tyrannie and usurpation of the house of Lords over the Commoners natural & legal Freedomes and Rights, and over mine in particular burst out afresh; and upon consideration, whether I should be so base to my Country, and to my self in particular, as to yeeld these Arbytrary Lords, so much *Villain-service*, as to become their Lordships *Prerogative-Porter*, to carry my self to the stinking, lowsie, barbarous Goal of Newgate again or no; I resolved in my self, that as in heart I defied all injustice, cruelty, tyrannie, and oppression, all arbitrary usurpation and usurpers whatsoever, so in person (come life, come death, come what come would) I would not be so treacherous to my own selfe, to my wife and children, and especially to this Nation (the Land of my Nativity) in general, as personally to yeeld my active submission of any limbe that was mine (either in substance, or in shew) in the least, to any *Arbitrary Vipers or Pests, Egyptian Grashoppers, Norman Invaders and Destroyers* of the Commoners legal inheritance and birth-right, their liberties and freedoms confirmed to them, both by divine, naturall, and humane Right: or once to *set one leg before another in subjection or attendance to any of their Canibal, Canker-worm, Arbytrary Orders Warrants, Significations of their pleasures* (so flatly

contrary to all good laws, justice, and equity) being as so many Mothes in the *Royall Roabe of the State*, or rather as so many *Wild-Bores* out of the Forrest, to root up, devour, disfranchise and destroy this Nation of all her antient legall immunities and freedoms, root and branch; yea, and of those tender Plants and Seeds of the Commoners Rights & Liberties, which, in the dreadfull face of so many late turbulent, tempestuous, impetuous Gifts of opposition rage, bloud-shed, and fury have been implanted and sown in the oppressed *Common-field of the state*, the which for want of their own *naturall Dew and Rain* from the *Superiour Orbe* of Authority, but with-held by some Luciferean Angels of State, *Regal, Parliamentary, Sinodian, Sottish and Scottish*; the *natural, free-Commoners of England* have been forced to wet, moysten, and mature the same with their *bloud, their flesh, and their bones*, &c. that those tender Plants of freedome, equity and justice, might take root, be preserved, spring up, flourish, and bring forth fruit, if not for themselves, yet for their Posterities.

And upon these or the like considerations, I told my Jaylors, that if they had no other Order or Warrant for the remanding back of my person to the Goal of New gate I would not set one leg before another in subjection thereto; but was fully resolved, that if they would have me back to the Goale, they should carry me.

But (Sir) least the rarity and strangenesse of this Act should incurre yours and the Committees unjust censure and condemnation, like as of the inconsiderate multitude, whose judgments are guided by custome, more then by reason; be pleased to consider, that,

All *State-Deprivation* of life, limbe, goods, liberty or freedome, either is, or should be, all and every particle thereof, the just execution of the *Law executing*: For in Equity, the Action executing is indivisible from the Law, and only & precisely proper thereto and not at all to the party executed: yea, though a man legally guilty of death should be condemned by the same legall Authority (or rather by persons therein intrusted) *to cut his own throat*; yet were he in *equity* not *bound* thereunto, but in so doing should be *guilty* of his *own blood*. And the Law of our Land makes no man his own Executioner, but hath provided Ministers and Executioners, as *Majors, Sheriffes, Constable, Goalers, Hangmen*, &c. for that very end and purpose: And the Law of God leaves it as a matter out of all doubt and dispute, and nature itselfe teaches, that no man shall be his own Butcher or Executioner, for in so doing, he should sin against his own flesh, which is a thing most unnaturall and inhumane.

But my *rejection of carrying my own Body to the Goale*, was no other but the refusall to be my own Executioner therein: for though it were not of that degree of cruelty and inhumanity to my own flesh, as to cut my own throat; yet was it of the same nature and kind. And therefore if the one must be condemned as unjust, illegall and unnaturall, so must the other in its kind, so that as I was not bound, with my hands to cut my own throat, so with my feete, I was not bound to carry my selfe to prison.

And from hence is it (as I conceive) that the Law hath provided *Portage* with Carts,

Sledges, or the like, for *Malefactors to the place of Execution*, that they might not any wayes (either actually or apparently) be guilty of their own Execution, a thing abhominated and abhorred of nature.

But if it be objected, it is onely in *Capitall matters*, as of death, and the like, I answer, that from the equity whereon that is founded, the other is necessarily implied, one equity being relative and essentiall unto both, and so need not be expressed in the lesse: for by the equity and authority for the greater, the like is justified and commanded to be for the lesse, for *omne majus includit minus* the lesse is included in the greater, so that the equity in the greater cannot be denied to the lesse.

Therefore, in case I were legally a prisoner, yet were I not bound therby to set one leg before another in my own executiõ although there were no precise prescript therfore in the letter of the law to discharge me therof, which needs no further probation; yet for exemplary illustration, be pleased to consider, that in the case of a Generalls Commission, it is needlesse to enjoyn him by *litterall expression*, not to turne the mouthes of his Cannons against his own Souldiers, for that is so necessarily and naturally implied, that it is needlesse to be expressed: & as it is in the millitary, even so & much more is it in the pollitick capacity, the millitary being but thereto subservient.

Yet further, though the letter of the Law should enjoyn its Condemnants to be their own executioners, yet were that by its own equity condemned, nuld, and made voyd, for the letter must be subject to the equity: and look how much the letter transgresseth the equity, even so much it is unequall, and is of no validity or force, for the Law taken from its originall reason and end is made a shell without a kernel, a shaddow without a substance, a Carkesse without life: for the equity and reason thereof is that which gives it a *legall being and life*, and makes it authoritative and binding, if this be not granted, injustice may be a Law, tyranny may be a Law, lust, will, pride, covetousnesse, and what no? may be Lawes; for if equity be not the bounder of the Law, over the corrupt nature of man, all will fall into confusion, and one man will devoure another.

Besides, as no man by Law may be his own Judge, so by the same reason no man may be his own Executioner, for as in equity it appropriateth sole Judgement to it self, so to it selfe it maketh sole Challenge to its execution: for the contraction and unity of reason betwixt them may not be divided. So that in reason as it is bound to the one, in reason it is bound to provide for the other, & the guilty be suspended from both, and to the Law wholly made passive, both for Judgment and execution.

But, if any, for want of president, shall condemn this Act of mine; to such its proved rationally will answer, that reason hath no president; for, reason is the fountain of all just presidents, and so used, granted and applyed by this very Parliament. 1 Book. declar. fol. 264. 298. 709. 726.

And from this accustomed pedant vassalage formerly the pursevants (and such like catchpole devouring vermine) have made use for argument sake against those which have

complained of their Imprisonment to the Parliament, saying, *they did not carry them to prison*, but, that *they went into prison*; But I think I have prevented the use of that objection against me.

Thus Sir, if the Law impose no such obligation upon its Subjects, then can that which is contradictory thereto so vassalage any? if the Law fetch not that within its compasse and bounds, then much lesse may that which is contrary thereto, which was my then present condition, for I was not in their hands, then under any legall warrant of the Law of the Land, but under an arbitrary order of the House of Lords, directly contrary to the very Being of the Law of the Land: Therefore for me to be my own Executioner or its Executioner upon my selfe (for going or carrying cannot be denyed to be in a great measure its Execution) were to preferre the Law of Lust, or Will, before the Law of the Land: to do more for that Power which is contrary to the very being of the Law, then the very Law it selfe doth require in its own behalfe, and if that were not to make the Law of none effect, judge ye. To do that homage to such a power which is not due to the Law (for no more is due to the Law then the Law doth require, and the Law doth require no more then its due) is to make *Lust* and *Will* predominant thereto, to make *Will* to take the *Will* of the Law, to abrogate Law, and in the roome thereof to introduce an arbitrary power.

And therefore as their Lordships in that their arbitrary capacity *found Warrants*, so should their Lordships *find Leggs* to obey them, for I was resolved, mine should not be enslaved to that their usurpation to do their *Arbitrary Drudgery*, I would rather loose my life, then in that kind to do them that vassalage: My *Leggs* were borne as free as the rest of my *Body*, and therefore I scorne that *Leggs, or Armes, or hands of mine* should do them any villeine-service for as I am a *Freeman by Birth*, so I am resolved to live and dye, both in heart word and deed, in substance and in shew, maugre the Arbitrary mallice of the House of Lords: yea if ought else I can devise to shew my actuall enmity and defiance against their arbitrary power, i'll do it, though it cost the life of me, and myne, and therefore I care not who lets them know, that, that Act of mine was done in despite and defiance of their Warrant.

But in case you object, that I knew well enough, that if I would not go, they would carrie me, therefore it had been better for me to have gone, then to have exposed my selfe to their cruelty.

I Answer.

- 1.** If I had known they would have hanged me, must I therefore have hanged my selfe?
- 2.** A good conscience had rather run the hazard of cruelty then to abite an haire bredth of contestation and opposition against illegality, injustice, and tyranny.
- 3.** If they had had any legall jurisdiction over my leggs, then at their Commands my leggs were bound to obey: And then (in that case) I confesse it had been better to obey, then to have exposed my person to the cruelty of threatning mercilesse Goalers: But being free from their Jurisdiction *from the Crowne of my head to the Soale of my foote*, I know no

reason, why I should *foote it for them*, or in the least dance any attendance to their *Arbitrary Warrants*; their Lordships may *put up their pipes*, except they will play to the *good old tune of the Law of the Land*, otherwise their Orders and Warrants are never like to have the Service of my leggs or feet, for they were never bred to tread in their *Arbitrary Steps*, but I shall leave *their Orders and their execution to themselves*. And therefore, Sir, concerning that action of mine, I shall continue in the said esteeme thereof, till my defence be made voide, and it be legally proved, that by the Law of the Land, I was bound to set one legge before another in attendance to that Order.

And further touching this matter, I desire you to remember, that in the inward Court of Wards, when I discovered those resolutions, in the Audience of divers Gentlemen there present, unto you, I told you, that I was no longer under the Arbitrary power of that illegall warrant of the Lords, but *under the power of the House of Commons*, from which I was resolved not to depart, which in some measure you seemed to oppose, whereat I demanded of you, *How then I came there? And if I were not brought thither by vertue of an Order from that Committee? So that though being formerly Comanded by the Lords Order to be kept in the Custody of Newgate till their pleasures should be further signified, whereof to that time there had been no further signification at all, yet notwithstanding I was brought from thence by vertue of an Order from that Committee, contrary to the end and intent of that Order of the Lords, so that I conceived, & still do conceive that though that Warrant were not void of it selfe, yet were it made voide by that Order of their own, under the power and protection of which Order I was, so that being there, I would not depart from the rooffe & verge of your Authority, and this you know was the substance of my words, and thereupon indeed, I sate me downe in the window, and told my Goaler, (but one at that time being present) that if he would have me to prison, he should carry me: no withstanding you would give him no further charge of me, for conceiving from the equity of the Law (which though contradicted by the letter is absolutely binding and valid) that I could not be remanded back unto prison without a *new Commitment*, I demanded of you, *if you would commit me?* and I told you, *that is you would, I then would goe*, but that you plainly denied with an absolute *No*, then I asked you *if you would command me to go and I would*, but that you also denied, then I told you, *that if you would but intreate me for formallity sake, (without any relation to that Order of the Lords) to go, I would go, but if you would neither commit, command, nor intreat me, then I would not go*, nothing then being against me for my imprisonment, but that Order of the Lords, And as I was resolved I told you, *that I would not obey it to set one leg before another after its humour*. Therefore Sir, how you can blame me, either of illegality or so much as of disrespect unto you, or this Honourable Committee I cannot see, for no Law did I break, and to prevent all misconstructions I offered you more, then by Law I needed to have done.*

Sir,

Had there been the letter of the Law directly against me, yet if it were contradicted by the equity of the Law, I had not been at all bound thereunto, except to oppose it: for the Letter if it controll and

*overthrow the equity, it is to be controlled and overthrowne it selfe,
upon perill of treason to the equity, and the equity to be preserved as
the thing onely legally obligatory and binding.*

But (Sir) there was neither letter nor equity of the Law against me, but that which was directly contrary to both: for the Lords warrant was directly oppugnant and destructive both to the legall letter and equity.

Therefore (Sir) I conceive that I was in no measure bound thereunto, but was as free legally, as in case that warrant of the Lords never had been. So that I had good cause, in case you would have had me part with my liberty, to demand, if that you would *commit me, command me, or entreate me*, and upon your denyall of all these to tell you, that then I would not go: For do you think that I am such a foole to part with my liberty, for nothing? Sir, our liberties have been bought at a dearer grace, then so to be trifled and slighted away, especially to captivate the same to the exhorbitant wills of the Lords, and to cast my selfe in prison during their boundlesse pleasures.

Had you committed me, commanded me, or entreated me; and thereupon I had gone, and been caught in my own net, yet had *I* been delivered from a worse, *and of two evils the lesse is to be chosen*, for thereby the pretended power of the House of Lords over me (even in its very formality) had been utterly routed; and my selfe absolutely cleared from their prerogative Bondage. But at that time you were not aminded to do it, but left me to their Lordships Arbytrary power.

But now Sir, I would not have you think from these demands of mine, that I would be subject to an arbitrary power more in you then in the other, for truly in those demands there was tacitly couched a supposition of that which I knew could not be granted, and therefore I was the freer in my proposall thereof, having an assurance that they would never be granted, yet I thought I would make try all, but and if I had been imprisoned thereon, after I had given their Lordships that *Fob*, you should have heard from me with a witnesse; for I cannot suffer oppression and be silent.

Sir excuse my prolixity about this matter, for by reason of the rarity and the common condemnation thereof, I have therefore the more enlarged my selfe, for the better removall of all scruple thereon. Now Sir I shall further acquaint you with the mutuall proceedings betwixt the Goalers and me, and judge indifferently and impartially betwixt us.

Thus Sir, as *I* have told you, having declared my set resolution to my attendant Goalers, away *I* was borne to the Boate, and when I was landed at *Black-Fryers*, they would have forced me along up the hill on my feete, yea, they intreated me, but at that time I was not minded to be their *DRVDG*, or to make use of my feet to carry the rest of my body to the Goale, therefore I let them hang as if they had been none of my own, or like a couple of farthen Candles dangling at my knees, and after they had dragged me in that admire-able posture a while, the one took me very reverently by the head, and the other as reverently

by the feete, as if he had intended to have done Homage to His Holinesses great Toe, and so they carried me: but truly Sir, I laughed at the conceit in my sleeve. But this their reverend usage did not continue long, for they grew verie irreverend and deboyst of a sudden, for ever when they were a little wearie, they let my bodie fall upon the stones, and then againe most vallarrouslie like men well appointed for the Cause, they tooke me by the head and shouldiers, and just as if I had been a dead Dog, they drag'd and trayl'd my body upon the stones, and without all reverence to my cloth, drew me through the dirt and mire, and plucked me by the hair of the head, just as if the Iohn of all Sir Johns had got little Martin by the feathers, notwithstanding the peoples severall exclamations against their inhumane incivility and tyrannie towards me, and their severall desires to carrie me in a Chaire: And indeed in case I had been legallie their prisoner, yet had they no authoritie, to keepe me in evill custodie, incivillie or inhumanely to use me, but were bound onely to keep me in safe custody, and therein to use me like a man, and therefore in case they would not have so honoured me, as to have made me a Chairman, they might have carried me in a Porters Basket, or in a Cart, (provided it had not been Westward) or in some other such decent necessary Toole, And in this like unheard of barbarous manner they brought me into the lower roome in *Newgate*; called the Lodge, and there they threw me down upon the Bords, and having Sir *Edward Cookes* 2. part instit. upon *Magna Charta* the Mr. *Briscoe* offered to wrest it out of my hands: Then I demanded of him if he intended to *rob* me, and he told me he would have it from me whether I would or no.

To whom I replied, that he should not, if to the utmost of my power I could preserve it from him, and I would do my utmost, where upon I clapped it in my Armes, and I laid my selfe upon my belly, but by force, they violently turned me upon my back then *Briscoe* (just as if he had been staving off a Dog from the Beare) smote me with his fist, to make me let go my hold, whereupon as loud as I could, I cryed out, murther, murther, murther. And thus by assault they got the great Charter of *Englands Liberties and Freedoms* from me; which I laboured to the utmost of power in my to preserve and defend, and ever to the death shall maintain, and forthwith without any warrant poore *Magna Charta* was clapt up close prisoner in *Newgate*, and my poore fellow prisoner derived of the comfortable visitation of friends: And thus being stript of my armour of prooffe, the Charter of my legall Rights, Freedoms, and Liberties, after the aforesaid barbarous manner they hurried me up into the common Goale, and as they carried me up staires, as their custome is, when they bring in a fellow, they gave 3. knocks at the door, and so they cast me into that Goale as a fellow, and then because they would be sure I should have a paire of prerogative fetters, they clapt 2. great Irons with a Chaine betwixt them upon my leggs, and Ile assure you, Sir, me thought they were the comlyest gingling Spurres that ever I wore in my life, and if your worship will be but pleased to travell with me to the Land of Liberty, come but and take horse at *Newgate*, and you shall be furnished Ile warrant you, after the gallantest manner, and if need be for the conduct, we caraise up the Trained Bands of *Newgate*, even thousands, and ten thousands of lice to guard you: which indeed and in truth may too soone be the generall portion of all the best Members in the House, if you be not

active, vigilant, and faithful to your friends.

And in those Irons I continued that night and till the next day at evening, and then *Woleston* the vice Master Goaler of *Newgate* sent to me by one of his substitute Goalers, the Turn-key, to speake with me below, to whom I returned this answer, go tell your master that I do not owe him so much service, as to come downe to him to speak with him in Irons, he knowes well enough where I am, if he have any businesse with me let him come and speak with me, and he came againe, and againe, with the like message; and I returned the same answer: in the meane time one of his underling Goalers asked me if I would pay for my Irons, and then they should be knocked off, but I told him, I neither set him a work to knock them on, neither would I set him a work to knock them off, and he that sets you a work let him pay you your wages, for you shall not have a farthen of me, then departing and as I conceive, acquainting *Woelston* there with, he returned againe with his hammer in his hand, and told me, he must knock them off, and so he did: And when I came down to *Woleston*, he would needs have made me believe, that I sent to speake with him, and to desire him to take off my Irons, and to be removed to the Masters side againe; but I told him no such matters, for indeed that was farre from me, in thought, word, or deed: for I scorne to crouch or debase my Spirits to the lawlesse cruelty of any mercillesse tyrants or Goalers whatsoever: they may devoure my Carkase, and make that bend and break with their cruelty, but I trust in God, that in heart and action to the umost of my power in the pursuance of justice and truth, I shall bid defiance to the last gaspe of breath to all their oppressions and tyrannies whatsoever.

Now Sir, having discovered their oppressions and grievances against me, I shall now make bold to present this honorable Committee with the salvage and barbarous inhumanity exercised upon my Wife, and upon the rest of my Family: Thus then be pleased further to consider, that those *Norman Prerogative-Invaders*, have not been here with content thus to rob me in particular of my just liberty and freedome, and for these six moneths to incarcerate and corrode my person in their prerogative-devouring-jawes of *Newgate*, but to fil up the measure of their iniquity against me, they send forth their *Blood-hounds*, the Bishops old Catch-poles, the Master and Wardens of the Company of *Stationers*, to surprize my wife and my brother, and to bring them up to their *Prerogative-Barre*, who for refusing to be intangled and enslaved to their *High-Commission Star-chamber-bondage* of catching *Interrogatories*, were both upon the sixth of this instant *January 1646*. committed by them to *Mayden-lane-prison*. But being not therewith content, the next day, without all remorse or compassion over my helplesse children, just as if they had intended to destroy me root and branch, they send forth their Catch-poles again to my house to fetch away my *Brother-in-law*, and my sister (his wife) which, for their present necessity, were forced to live with me, and onely remained for the over-sight, ordering and tendance of my three children in the absence of their Father and Mother. But he being out of the way; & she, by the great mercy of God, escaping their hands, (through their ignorance of her face) fled, & hid her selfe and some adjacent neighbours (touched with compassion and pittty over the poore, afflicted, destitute, helplesse children) took them, for the present, into their houses; and so, *Father, Mother, Children, and All, being driven out of*

House and home, the Doores were shut up; and I, and mine, exposed to utter ruine and confusion by those insulting, domineering, mercilesse Usurpers and Tyrants, The House of Lords.

But here, their most inhumane, tyrannicall desires not ceasing, out of the boundlesse limits of their arbitrary domination, they *issue* forth yet another prerogative-order against my wife, not counting it miserable and dishonourable enough, that she should lye in the Goale at *Mayden-lane*, but, as much as in them lyes, for ever to obliterate the honour of her *modesty, civility, and chastity*; they order, that she shall be cast into the most infamous Goale of *Bride-well*, that common Centre and receptacle of bauds, whores, and strumpets, more fit for their wanton retrograde Ladies, then for one, who never yet could be taxed of immodesty, *either in countenance, gesture, words, or action.*

Now, this order being brought to her by the City Marshall to command her away to *Bride-well*, she thereupon refused (as by Law she was bound, as hath been proved before this Honourable Committee in the case of Lieut: Coll. *John Lilburne*, and of mine) to yeeld in the least manner any subjection or obedience thereto, but to the utmost testimony of her weake power made opposition and resistance against it, for in plain down-right termes (like a true bred Englishwoman brought up at the feet of *Gamaliel*) she told the Marshall that she would not obey it, neither would she stir after it, so much as to set one legg before another in attendance thereto: yet, Sir, this rejection and contempt here of the Lords usurped jurisdiction was not uttered without all due respect and acknowledgment of your indubitable Authority, for she told him, *that if he brought any Order or Warrant from the House of Commons, she would freely and willingly yeeld all humble obedience and subjection thereto*, which was as absolute an evidence of her acknowledgment and submission unto *Englands* legitimate lawfull authority as the other was of defiance and contempt to all arbitrary usurpation whatsoever.

Now the Gentleman Goaler hearing her resolution and honest intentions for the freedoms of her Country, that rather then she would yeeld any subjection or connivence to the arbitrary usurpations of any, how great or powerfull soever, she would expose her selfe to the mercilesse cruelty of the whole House of Norman-prerogative tyrants, I say no sooner had this *Turky-cock Marshall* heard of her uprightnesse to the Commons of England, but up he brisled his feathers and looked as bigg and as bugg as a Lord, and in the height and scorne of derision (just as if he had been Speaker to the House of *Peers protempore*) out he belched his fury and told her, *that if she would not go, then she should be carried in a Porters Basket, or else draged at a Carts Arse.*

But she modestly reply'd *that he might do as it seemed good unto him, for she was resolved on her course*, but thereat his worship being put into a prerogative chase; out he *struts* in his *Arbitrary Fury*, as if he would have forthwith leavied whole *Armies*, and *Droves* of *Porters* and *Cart-men*, to advance the poore little harmlesse innocent woman and her tender Babe to *Bridewell*:

But going (as I conceive to consult with their Lordships what was best to be one) he upon

his returne finding her constant to her honest and just resolutions, out againe he slings in his wonted fury, and finding some of her friends attending to see the event of the businesse, he shut them out of the doores and abused them with infamous scurrilous reproaches, nicknames, and derisions, with severall menacies to imprison them, threatning them to fetch a warrant to bring them before the now (present pretended illegall) Lord Mayor of *London*; but departing in that insolent turbulent chase, he sent for a couple of Porters, but when they came to her, like honest & discreet men, they told him, that *they would not meddle with a woman that was with child, and had a young sucking Infant in her Armes, leas in so doing they might doe that to day which they might answer for to morrow.*

Then the Marshall thinking to bugbear them with the cracking sound of the House of Lords told them, that *the Lords had ordered that she should be carried to Bridewell:* but one of the Porters wisely answered, *that their Lordships Order was for Goalers, and not for Porters to carry her, and for their parts, they would carry no quick flesh, if he had any dead flesh they would carry it,* and so they departed and left their Lordships prerogative drudgery to their prerogative vassals.

Then forth againe goes this their Lordship; furious Champion with his prerogative Commission of Array, to raise up new Forces to encounter this weak woman, and her tender Babe on her breast, and having leaved a Cart for the prerogative Warres of the House of Peers, which being brought under the conduct of that most puissant Marshall of *London* to the prison Gate, the Car-man hearing what this beleagred woman was, wisely refused to lay any hands on her, and departed in peace.

Then this grim Phylistin of the House of Peers, being thus deferred of his forraigne forces, mustered up his Life Guard of Goalers servants, or hangmen Deputies, and therewith resolved to storme her, and advancing to her Chamber doore, first he attempted to circumvent her by his pollicy with fair, hypocriticall, specious promises of his and their Lordships favour and grace, in case she should open the doore and submit her selfe, but she slighted his proffers, & contemned all favour flowing from that most bitter and corrupt prerogative Fountaine.

Whereupon he caused his men to break open the doore, and entring her Chamber, struts towards her like a Crow in a gutter, and with his valiant lookes like a man of mettle assailes her and her Babe, and by violence attempt to pluck the tender Babe out of her Armes, but she forcibly defended it, and kept it in despite of his Man-hood: then he and *Christopher Marshall* his brother *Sam. Tolson*, and divers of his servants by the Marshalls Command example & Authority laid violent hands upon her, and drag'd her down the staires, and in that infamous barbarous manner, drew her headlong upon the stones in all the dirt and the mire of the streetes, with the poore Infant still crying and mourning in her Armes, whose life they spared not to hazard by that inhumain barbarous usage, and all the way as they went, utterly to defame and render her infamous in the streets, the fellowes which dragged and carried her on two Cudgels, calling her *Strumpet* and vild *whore*, thereby to possesse the people, that she was no woman of honest & godly

Conversation, whom they so barbarously abused, but a vile strumpet or whore, and were dragging to *Bridewell* that common shore & sinke of Bauds & Whores, &c.

For no man could reasonably imagin that any modest civill woman should be so shamefully used, especially in her way to *Bridewell*; which dishonourable infamous usage was a sufficient matter to blast her reputation for ever, and to beget such a perpetuall odium upon her, that for the future (if ever delivered from her bondage) she should not passe the streetes upon her necessary occasions any more without contumely and derision, scoffing, hissing, and poynting at her, with such or the like sayings, as, see, see, *there goes a Strumpet that was dragged through the streetes to Bridewell*, and this is the honour that their Lordships are pleased to conferre on the free Commoners wives who stand for their Freedoms and Liberties.

Now Sir, I humbly desire this Honourable Committee to consider, whether it be reasonable or sufferable, or any wise sutable to the freedoms of the Commons of *England*, or to the great trust reposed in you, either for you to suffer, or for them to usurpe such an unlimited prerogative jurisdiction, to deprive husbands of their wives, and wives of their husbands; Fathers and Mothers of their Children, and Children of their Fathers and Mothers; cast them into severall infamous tormenting prisons, hale and drag in most barbarous manner, the Commoners wives and their tender Infants upon the stones of the streetes through all the dirt, and the mire, as if the Commoners, their wives and Children were but as dirt and mire under their Lordships feet, to be trod and trampled upon at their pleasure; also to reproach, revile, and dishonour modest, chaste, and civill women with the imputation and scandall of whores, strumpets, &c. expose whole families to ruine, rout them out of house and home, and instead of pittty and compassion over such tender Infants whom they have made Orphants to their Arbitrary pleasures to turne them (without all remorse and compunction of heart) to the mercy of the wide world, and not in the least to looke after them, take any charge or care over them, or to send them or their imprisoned Parents so much as a crum of bread, or a drop of pottage for their comfort or reliefe; but as much as in them lyes, to expose such tender innocent babes with their parents to famin for want of sustenance and reliefe, as also to send forth their armed men in an hostile manner, with musquets, swords, pistols, &c. to besert and assault the Commoners Houses; forcibly to enter their Bed-Chambers with drawn swords, and pistols ready cocked, even while such persons are in their beds also dayly to commit Burglary, flat fellony, break in peeces the Commoners doores, burst open their locks, their Trunks, Chests, Deskes, &c. pick their pockets, ransacke their, houses, plunder, rob, steale, and felloniously beare away their proper goods and livelyhood, as also to shutt up such as are most faithfull for the freedoms of the Commons of *England*, close prisoners, deprive them of the benefit of pen, ink, and paper, of the comfortable countenance and visitation of friends, tumble and tosse them from Goale unto Goale, lay most unreasonable fines upon them, as of 2000.l. or the like, ten times beyond the estate of persons so fined, censure them to seven yeare imprisonment, endeavour to enforce the Commoners wives, to dip their hands to the blood of their husbands, and to betray their friend and faithfull lovers of their Country into their mercillesse hands, impose oathes upon servants to betray their

Masters Councils, and secrets, imprison, fine, censure, and molest the Commoners of *England*, for their vindication and defence of the great Charter of their Liberties, and freedoms, for appealing from their usurped jurisdiction to the House of Com: and for refusing to be againe entangled in the Star-Chamber High-Commission abolished Bondage of Interrogatories and the like; as also for those Lords to overturne the fundamentall Lawes of this Kingdom, both for liberty, property, and freedome, endeavouring the Introduction of an Arbitrary Government, and to crush and destroy all such as shall adventure the discoverie of their oppressions or shall (as legally they are bound) resist their arbitrary proceedings, stop all free progresse in the Law, commit the Compter Serjeants, and such Ministers of the Law unto prison for arresting their sons or kindred for debt, and that by the authority of that House, as a contempt offered thereto. All which insufferable oppressions, and cruelties with manifold others, I can and will (God permitting) justifie and prove to their faces, if I shall be called thereto. And I do hereby, before this honourable Committee, and consequently before the whole Commons of *England*, both represented and representative, Charge the House of Lords (which usually assemble at *Westminster* and which do arrogate unto themselves a Parliamencie title, and power without the free election and common consent of the free borne people of *England*) with those forementioned usurpations and devastations of the Commoners Liberties and Freedoms: Which Charge I am ready everyday upon the peril of my vital blood to make good against them, for the case of Lieutenant Col. *John Lilburn* of Mr. *Lerner*, of mine, & of some others, if but duly considered, is sufficient to evidence and confirme the truth thereof to every common capacity, as also to their *Prerogative Lordships* everlasting shame & confusion of face, if not to the utter extirpation of that their unlimited Arbitrary Domination and power, the which I shall faithfully endeavour to the utmost of my power for the freedome and weale of the rest of my Nationall Brethren the free borne Commons of England, though in that hot and desperate service I, and mine, wife, children and all be devoured by their unreasonable cruelty.

Thus Sir having made my complaint unto you, and in mine, to this Honourable Committee, the complaint of the whole Commons of *England*, all being equally interrested with me in this contest betwixt the Lords and the Commoners both in life, limb, liberty, and estate; I present my cause, and in mine, the cause of the whole Commons of *England* to your grave and judicious consideration: for, looke what is done unto me or to any other (though never so meane or of inferiour degree) for mine or their vindication and maintenance of the just Rights and freedoms of the Commons of *England*, is as done unto the whole Commons of *England*, for by chose their insultings all as well as one, are made lyable to the unlimited cruelty and oppression of their prerogative jurisdiction. And if they may rule by prerogative, then farwell all liberty and property!, all Lawes, justice, and equity; and if it must be so, I pray you beare us no longer in suspence and expectation of redresse, but forthwith let our Doom be proclaimed to the whole world, that the Commons of *England* may know what to trust to; that we may loose our labour no longer in petitioning, appealing, complaining, and seeking for reliefe at your hands, that such as will may sit down as contented slaves with halters about their necks to be hanged up till the pleasure

of that House (forsooth) shall be further signified.

Now Sir, I shall use no other provocations, incitations or Arguments to this Honourable Committee, to the discharge of their duty, but shall altogether leave the whole matter hereof to your consciences, whether for justice or injustice, mercy or cruelty; for my part I care not though you and all men forsake me, so long as I know the Lord liveth, who will once judge every man according to his deeds, whether good or evel, and then I am sure I shall have righteous judgment, without respect of persons; and against that, to deprive me thereof, neither the gates of Hell nor the powers of Earth are able to prevaile; that is my comfort, my hope and support, against all afflictions tryalls, and troubles: And therefore in that sure confidence though I be thus enthralled & encompassed on every side with Bands & Afflictions, I am resolved not to yeeld an haires-bredth of subjection, no, not so much, as the appearance of subjection either in word or deed to any arbitrary power, orders, significations of their pleasures, &c. *maugre* their Prisons, Irons, Halters, &c. either for me or mine: And this I pronounce to this Honourable Committee and to the whole Commons of England in open defyance and contempt of the Arbitrary Domination of the House of Peers, their usurpation and incroachments over the Rights and freedoms of the Commons of *England*; come what come will, or what the utmost of their usurped might and power can inflict upon me for it,

I scorne their mercy, and dare them to do their worst: let them find Prisons, Dungeons, Irons, Halters, &c. Ile find Carkesse Neck, and Heeles, for one in contempt to their usurped jurisdiction; for resolved I am to break before I bend to their oppressions, &c. Sir I am

*From Newgate the place
of my Prerogativ Captivity.
Feb. 1. 1647.*

*Yours and all mens for
their just Rights and
Freedoms, faithfull, to the
death.*

Richard Overton.

FINIS.

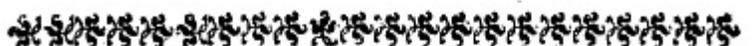
**T.92 (4.3) [SEVERAL HANDS BUT PROBABLY A MAJOR
ROLE BY WILLIAM WALWYN], [ALSO KNOWN AS “THE
PETITION OF MARCH”], TO THE RIGHT HONOURABLE
AND SUPREME AUTHORITY OF THIS NATION, THE
COMMONS IN PARLIAMENT ASSEMBLED (MARCH
1647).↵**

Corrections completed:

- Corrections to HTML: 11 Jan., 2016
- Corrections to XML: 11 Jan., 2016

OLL Thumbs TP Image

Image of the original Title Page



To the Right Honourable, and Supreme
Authority of this Nation, the COMMONS
in PARLIAMENT Assembled.

The humble Petition of many thousands, earnestly desiring the glory of
God, the freedom of the Common-wealth, & the peace of all Men.

Sheweth,

THat as no Government is more just in the constitution, then that of Parliaments, having its foundation in the free choyce of the people; and as the end of all Government is the safety and freedom of the governed, even so the people of this Nation in all times, have manifested most hearty affection, unto Parliaments as the most proper remedy of their grievances; yet such hath been the wicked policies of those who from time to time have endeavoured to bring this Nation into bondage; that they have in all times either by the disuse or abuse of Parliaments deprived the people of their hopes. For testimony whereof the late times foregoing this Parliament will sadly witness, when it was not only made a crime to mention a Parliament, but either the pretended negative voyce, (the most destructive to freedom) or a speedy dissolution, blatted the fruite and benefit thereof, whilst the whole Land was overspread with all kinds of oppression and tyranny, extending both to Soule and Body, and that in so rooted and settled a way, that the complaints of the people in generall witnessed, that they would have given any thing in the world for one six moneths freedom of Parliament. Which hath been since evienced in their instant and constant readinesse of assistance to this present Parliament, exceeding the records of all former ages, and wherein God hath blessed them with their first desires, making this Parliament the most absolute and free of any Parliament that ever was, and enabling it with power sufficient to deliver the whole Nation from all kinds of oppressions and grievances, though of never so long continuance, and to make it the most absolute and free Nation in the world.

And it is most thankesfully acknowledged that yee have in order to the freedom of the people suppressed the High-Commission, Starr-Chamber, and Councel-Table, called home the banished, delivered such as were imprisoned for matters of conscience, and brought some Delinquents to deserved punishment. That yee have suppressed the Bishops and Popish Lords, abolished Episcopacy, and that kinde of Prelatike persecuting government. That ye have taken away Ship-money, and all

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BIBLIOGRAPHICAL INFORMATION

ID Number

T.92 [1647.03] (4.3) [Several Hands but probably a major role by William Walwyn], [also known as "The Petition of March"], *To the Right Honourable and Supreme Authority of this Nation, the Commons in Parliament assembled* (March 1647).

Full title

[Several Hands but probably a major role by William Walwyn], [also known as "The Petition of March"], *To the Right Honourable and Supreme Authority of this Nation, the Commons in Parliament assembled. The humble Petition of many thousands, earnestly desiring the glory of God, the freedome of the Commonwealth, and the peace of all men.*

Estimated date of publication

March 1647 (no day given).

Thomason Tracts Catalog information

TT1, p. ??; Thomason Note: [For the text of the Petition of John Lilburne and the London Levellers drawn up in March 1647. See below: 11 Sept. 1648. E. 464. (19*.)]

This Petition, along with several others from May 1647, is reprinted in Lilburne's "Rash oaths unwarrantable" (31 May, 1647) (T.97).

TEXT OF PAMPHLET

*To the Right Honourable and Supreme Authority of this Nation, the Commons in Parliament assembled. **The humble Petition** of many thousands, earnestly desiring the glory of God, the freedome of the Commonwealth, and the peace of all men.* [n.p.].

Sheweth,

That as no Civill Government is more just in the constitution, then that of Parliaments, having its foundation in the free choice of the people; and as the end of all Government is the safetie and freedome of the governed, even so the people of this Nation in all times have manifested most heartie affections unto Parliaments as the most proper remedie of their grievances; yet such hath been the wicked policies of those who from time to time have endeavoured to bring this Nation into bondage; that they have in all times either by the disuse or abuse of Parliaments deprived the people of their hopes: For testimony whereof the late times foregoing this Parliament will sadly witness, when it was not onely made a crime to mention a Parliament, but either the pretended negative voice, (the most destructive to freedome) or a speedie dissolution, blasted the fruit and benefit thereof, whilst the whole Land was overspread with all kinds of oppressions and tyranny, extending both to soule and body, and that in so rooted and settled a way, that the complaints of the people in generall witnessed, that they would have given any thing in the world for one six moneths freedome of Parliament. Which hath been since evidenced in their instant & constant readinesse of assistance to this present Parliament, exceeding

the Records of former ages, and wherein God hath blessed them with their first desires, making this Parliament the most absolute and free of any Parliament that ever was, and enabling it with power sufficient to deliver the whole Nation from all kinds of oppressions and grievances, though of very long continuance, and to make it the most absolute and free Nation in the world.

And it is most thankfully acknowledged that ye have in order to the freedome of the people suppressed the high Commission, Star-Chamber, and Councill-Table, called home the banished, delivered such as were imprisoned for matters of conscience, and brought some Delinquents to deserved punishment. That ye have suppressed the Bishops and Popish Lords, abolished Episcopacy, and that kind of Prelatick persecuting government. That ye have taken away Ship-money and all the new illegall Patents, whereby the hearts of all the well-affected were enlarged and filled with a confident hope, that they should have seen long ere this a compleat removall of all grievances, and the whole people delivered from all oppressions over soule or body: But such is our miserie that after the expence of so much precious time, of blood and treasure, and the ruine of so many thousands of honest families in recovering our Liberties, we still find this Nation oppressed with grievances of the same destructive nature as formerly, though under other notions; and which are so much the more grievous unto us, because they are inflicted in the very time of this present Parliament, under God the hope of the oppressed. For, as then all the men and women in England were made liable to the summons, attachments, sentences, and imprisonments of the Lords of the Councill-boord, so we find by wofull experience and sufferings of many particular persons, that the present Lords doe assume and exercise the same power, then which nothing is, or can be more repugnant and destructive to the Commons just liberties.

As then the unjust power of Star-Chamber was exercised in compelling of men and women to answer to Interrogatories tending to accuse themselves and others; so is the same now frequently practiced upon divers persons, even your cordiall friends that have been, and still are punished for refusing to answer to questions against themselves, and nearest relations. As then the great oppression of the high Commission was most evident in molesting of godly peaceable people, for non-conformity, or different opinion and practice in Religion, judging all who were contrary-minded to themselves, to bee Hereticks, Sectaries, Schismaticks, seditious, factious, enemies to the State, and the like; and under great penalties forbidding all persons, not licenced by them, to preach or publish the Gospel: Even so now at this day, the very same, if not greater molestations, are set on foot, and violently prosecuted by the instigation of a Clergy no more infallible then the former, to the extreame discouragement and affliction of many thousands of your faithfull adherents, who are not satisfied that controversies in Religion, can be trusted to the compulsive regulation of any: And after the Bishops were suppressed, did hope never to have seen such a power assumed by any in this Nation any more.

And although all new illegall Patents are by you abolished, yet the oppressive Monopoly of Merchant-adventurers, and others, do still remain to the great abridgement of the liberties

of the people, and to the extreme prejudice of all such industrious people as depend on cloathing, or other woollen manufacture, (it being the Staple commodity of this Nation,) and to the great discouragement and disadvantage of all sorts of Tradesmen, Sea-faring-men, and hindrance of Shipping and Navigation. Also the old tedious and chargable way of deciding controversies, or suits in Law, is continued to this day, to the extreame vexation and utter undoing of multitudes of Families; a grievance as great and as palpable as any in the world. Likewise, that old, but most unequall punishment of malefactors, is still Continued, whereby mens lives and liberties are as liable to the law, and corporall pains as much inflicted for small as for great offences, and that most unjustly upon the testimony of one witsse, contrary both to the law of God, and common equity, a grievance very great, but litle regarded. Also tythes, and other enforced maintenance are still continued, though there be no ground for either under the Gospel; and though the same have occasioned multitudes of suites, quarrels and debates, both in former and latter times. In like maner, multitudes of poore distressed prisoners for debt, ly still unregarded, in a most miserable and wofull condition throughout the Land, to the great reproach of this Nation. Likewise Prison-Keepers, or Goalers, are as presumptuous as ever they were, both in receiving and detaining of Prisoners illegally committed, as cruell and inhumane to all, especially to such as are well-affected, as oppressive and extorting in their Fees, and are attended with under-officers, of such vile and unchristian demeanour, as is most abominable. Also thousands of men and women are still (as formerly) permitted to live in beggery and wickednesse all their life long, and to breed their children to the same idle and vitious course of life, and no effectual meanes used to reclaim either, or to reduce them to any vertue or industry.

And last, as those who found themselves aggrieved formerly at the burdens & oppressions of those times, that did not conform to the Church-government then established, refused to pay Shipmoney, or yeeld obedience to unjust Patents, were reviled and reproached with nicknames of Puritans, Hereticks, Schismaticks, Sectaries, or were termed factious or seditious, men of turbulent spirits, despisers of government, and disturbers of the publike peace; even so is it at this day in all respects, with those who shew any sensibility of the fore-recited grievances, or move in any manner or measure for remedy thereof, all the reproaches, evils, and mischiefs that can be devised, are thought too few or too little to bee laid upon them, as Roundheads, Sectaries, Independents, Hereticks, Schismaticks, factious, seditious, rebellious disturbers of the publike peace, destroyers of all civill relation, and subordinations; yea, and beyond what was formerly, nonconformity is now judged a sufficient cause to disable any person though of known fidelity, from bearing any Office of trust in the Commonwealth, whilst Neuters, Malignants, and dis-affected are admitted and continued. And though it be not now made a crime to mention a Parliament, yet is it little lesse to mention the supreme power of this honourable House. So that in all these respects, this Nation remaineth in a very sad and disconsolate condition; and the more, because it is thus with us after so long a session of so powerfull and so free a Parliament, and which hath been so made and maintained, by the abundant love and liberall effusion of the blood of the people. And therefore knowing no danger nor

thraldome like unto our being left in this most sad condition by this Parliament, and observing that ye are now drawing the great and weighty affaires of this Nation to some kind of conclusion, and fearing that ye may ere long bee obstructed by something equally evill to a negative voice, and that ye may be induced to lay by that strength, which (under God) hath hitherto made you powerfull to all good workes: whilst we have yet time to hope, and yee power to help, and least by our silence we might be guilty of that ruine and slavery, which without your speedy help is like to fall upon us, your selves and the whole Nation; we have presumed to spread our cause thus plainely and largely before you: And do most earnestly entreat, that ye will stir up your affections to a zealous love and tender regard of the people, who have chosen and trusted you, and that ye will seriously consider, that the end of their trust, was freedome and deliverance from all kind of temporall grievances and oppressions.

1. And that therefore in the first place, ye will bee exceeding carefull to preserve your just authority from all prejudices of a negative voice in any person or persons whomsoever, which may disable you from making that happy return unto the people which they justly expect, and that ye will not be induced to lay by your strength, untill ye have satisfied your understandings in the undoubted security of your selves, and of those who have voluntarily and faithfully adhered unto you in all your extremities; and untill yee have secured and settled the Common-wealth in solid peace and true freedome, which is the end of the primitive institution of all governments.

2. That ye will take off all Sentences, Fines and Imprisonments imposed on Commoners, by any whomsoever, without due course of Law, or judgement of their equals: and to give due reparations to all those who have been so injuriously dealt withall, and for preventing the like for the time to come, that yee will enact all such Arbitrary proceedings to bee capitall crimes.

3. That ye will permit no authority whatsoever, to compell any person or persons to answer to questions against themselves, or nearest relations, except in cases of private interest between party and party in a legall way, and to release all such as suffer by imprisonment, or otherwise for refusing to answer to such Interrogatories.

4. That all Statutes, Oathes and Covenants may be repealed so farre as they tend, or may be construed to the molestation and ensnaring of religious, peaceable, well-affected people, for non-conformity, or different opinion or practice in Religion.

5. That no man for preaching or publishing his opinion in Religion in a peaceable way, may be punished or persecuted as hereticall, by Judges that are not infallible, but may be mistaken (as well as other men) in their judgements, least upon pretence of suppressing Errors, Sects or Schisms, the most necessary truths, and sincere professors thereof may bee suppressed, as upon the like pretence it hath been in all ages.

6. That ye will, for the encouragement of industrious people, dissolve that old oppressive Company of Merchant-Adventurers, and the like, and prevent all such others by great

penalties for ever.

7. That yee will settle a just, speedy, plaine and unburthensome way, for deciding of controversies and suits in Law, and reduce all Lawes to the nearest agreement with Christianity, and publish them in the English Tongue, and that all processes and proceedings therein may be true and also in English, and in the most usuall Character of writing, without any abreviations, that each one who can read, may the better understand their owne affaires; and that the duty of all Judges, Officers, and practicers in the Law, and of all Magistrates and Officers in the Commonwealth may be prescribed, and their fees limited under strict penalties, and published in print to the view and knowledge of all men: by which just and equitable meanes, this Nation shall be for ever freed of an oppression more burthensome and troublesome then all the oppressions hitherto by this Parliament removed.

8. That the life of no person may be taken away, under the testimony of two witnesses at least, of honest conversation; and that in an equitable way ye will proportion punishments to offences, that so no mans life may be taken, his body punished, nor his estate forfeited, but upon such weighty and considerable causes as justly deserve such punishments; and that all prisoners may have a speedy tryall, that they be neither starved, nor their families ruined, by long and lingring imprisonment; and that imprisonment may be used onely for safe custody untill time of triall, and not as a punishment for offences.

9. That tythes and all other enforced maintenance, may be for ever abolished, and nothing in place thereof imposed; but that all Ministers may be paid onely by those who voluntarily contribute to them, or chuse them, and contract with them for their labours.

10. That ye will take some speedy and effectuall course to relieve all such prisoners for debt, as are altogether unable to pay, that they may not perish in prison through the hard-heartednesse of their Creditors; and that all such as have any estates, may bee inforced to make paiment accordingly, and not to shelter themselves in prison to defraud their Creditors.

11. That none may be Prison-keepers, but such as are of approved honestie, and that they may be prohibited under great penalties to receive or detaine any person or persons without lawfull warrant: That their usage of prisoners may be with gentlenesse and civility, their fees moderate and certain, and that they may give security for the good behaviour of their under-Officers.

12. That ye will provide some powerfull meanes to keep men, women, and children from begging and wickednesse, that this Nation may be no longer a shame to Christianity therein.

13. That ye will restraine and discountenance the malice and impudency of impious persons, in their reviling and reproaching the well-affected, with the ignominious titles of Round-heads, factious, seditious and the like, whereby your reall friends have been a long time, and still are exceedingly wronged, discouraged, and made obnoxious to rude and

prophane people, and that ye wil not exclude any of approved fidelity from bearing office of trust in the Common-wealth for non-conformity; but rather Neuters and such as manifest dis-affection or opposition to common freedome, the admission and continuation of such being the chief cause of all these our grievances.

These remedies, or what other shall seem more effectually to your grave wisdomes, we humbly pray may be speedily applied, and that in doing thereof, ye will be confident of the assistance of your Petitioners, and of all considerate well-minded people, to the uttermost of their best abilities, against all opposition whatsoever, looking upon our selves as more concerned now at last to make a good end, then at the first to have made a good beginning: For what shall it profit us, or what remedy can we expect, if now after so great troubles and miseries this Nation should be left by this Parliament in so great a thraldome, both of body, mind, and estate?

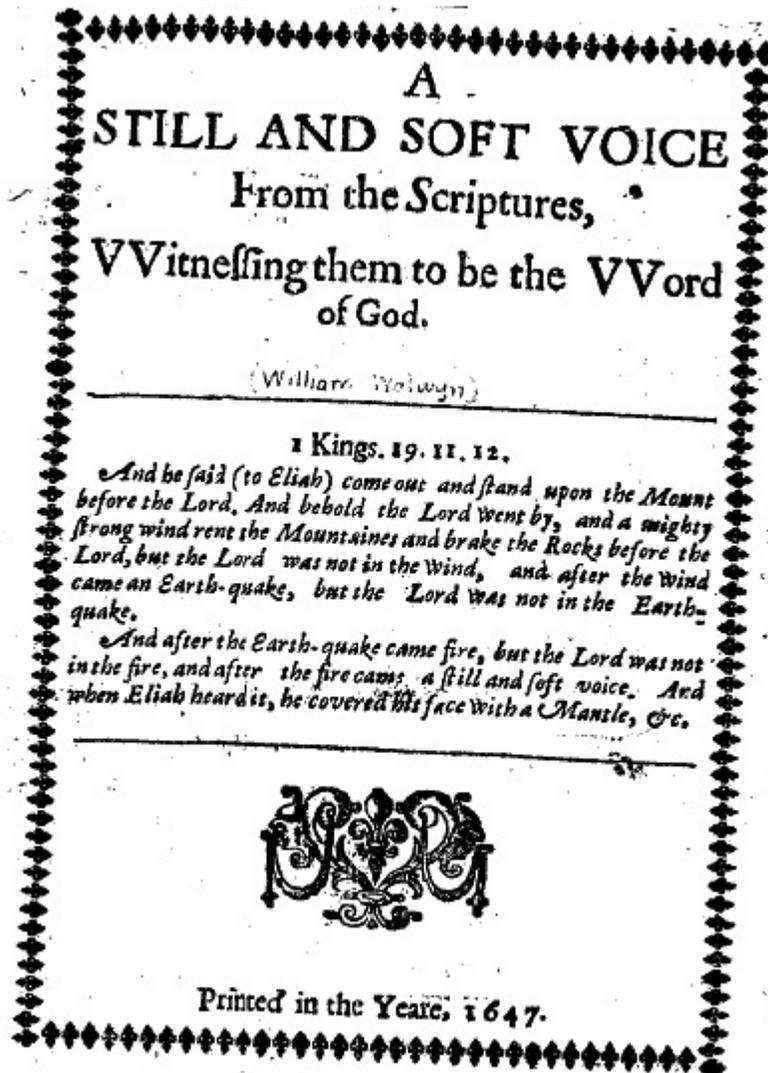
We beseech you therefore, that with all your might whilst he have time, freedome and power, so effectually to fulfill the true end of Parliaments in delivering this Nation from these and all other grievances, that none may presume or dare to introduce the like for ever.

And we trust, the God of your good successe, will manifest the integrity of our intentions herein, and that our humble desires are such, as tend not onely to our owne particular, but to the generall good of the Common-wealth, and proper for this Honourable House to grant, without which this Nation cannot be safe, or happy: And that he will blesse you with true Christian fortitude, suitable to the trust and greatnesse of the worke yee have undertaken, and make the memory of this Parliament blessed to all succeeding Generations.

Shall ever be the fervent desire of your humble Petitioners.

**T.93 (4.4) WILLIAM WALWYN, A STILL AND SOFT VOICE
FROM THE SCRIPTURES WITNESSING THEM TO BE THE
WORD OF GOD (MARCH/APRIL 1647).↵**

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BIBLIOGRAPHICAL INFORMATION

ID Number

T.93 [1647.03] (4.4) William Walwyn, *A Still and Soft Voice From the Scriptures*

Witnessing them to be the Word of God (March/April 1647).

Full title

William Walwyn, *A Still and Soft Voice From the Scriptures Witnessing them to be the Word of God*.

I Kings. 19.11.12. And he said (to Eliah) come out and stand upon the Mount before the Lord. And behold the Lord went by, and a mighty strong wind rent the Mountaines and broke the Rocks before the Lord, but the Lord was not in the wind and after the wind came an Earth-quake, but the Lord was not in the Earth-quake.

And after the Earth-quake came fire, but the Lord was not in the fire, and after the fire came a still and soft voice. And when Eliah heard it, he covered his face with a Mantle, etc.

Printed in the Yeare, 1647.

Estimated date of publication

March/April 1647.

Thomason Tracts Catalog information

Not listed in TT.

TEXT OF PAMPHLET

A Still and Soft Voice.

As he who is arrived to the full age of a man, and seriously considers, the severall passages and progresse of his fore past life: what he did or understood, when he was a child, a youth, a young man; a meere man, or before he came to be advised, and to consider all things by true rules of reason: is best able to deale with every one in every age and condition, to shew them their vanity, ignorance and mistakings: and to point them out the path of vertue. Experience making the best Schoole-master in things naturall and morall.

Even so is it in Religion, he only can best judge, advise and counsell others, who hath observed and most seriously considered the severall passages and progresse of his owne knowledge in things divine: yet who are so forward to judge and comptrole therein, as meere smatterers and such as have least experience.

I suppose it will be acknowledged, by all experienced Christians, that the greatest number of men and women in the world, are drawne into the consideration and Practice of

Religion, by education, and custome of the place where they are bred: and that many never have any other foundation, nor motive to continue therein, then the reputation it brings them: all other religions or wayes of worship being discountenanced and out of credit, such as these are Champions for whats in fashion: ever running with the streame, and crying downe all contrary minded; *Vox populi, Vox dei*, the Major voice (then which nothing is more uncertain in Religion) is to these as the voice of God: and when they are zealous for vulgar opinions they thinke they are zealous for God and his truth: when they revile, abuse, and hale men before the Magistrates, and even kill and destroy them, they think they doe God good service: being zealous of the traditions of the times: for though truth should be publickly professed: yet to such as hold it only by education and custome: it is in them traditionall, and they are not truly religious; but meere morrall Christians: utterly ignorrant of the cleare Heavenly brightnesse, inherent, in pure and undefiled Religion.

But though it be evident, that there are too too many, who hold their religion, on this fraile foundation, yet it is very comfortable to behold, the sincerity of multitudes of good people in our dayes: who; not content to possesse their knowledg in a traditionall way: doe accustome themselves to try and examine all things.

Yet as it is a hard thing unto men, bred so vainly as most men are, to keepe the golden meane, in naturall or morrall Reformations: so is it difficult to preserve from extreames, in matters of religion, the reason is, because in our tryalls and examinations, we have not that heedfull care, which is absolutely necessary, to free our Judgments from absurdities or improper things: common and vulgar arguments catching fast hold upon us too suddenly; and so we engage over violently, averring and maintayning without giving due time to our consideration to worke and debate itselke into necessary conclusions.

The first sort of these religious persons: are deadly enemies to examination and tryall of things, we (say they) are not fit to Judge of these matters *ne sutor ultra crepidam*, is commonly in their mouthes: the Cobler ought not to goe beyond his last: what are the learned for, if these high things fall within the compasse of our capacities, why chuse wee wise and judicious men, more able then our selves, but to reforme, and settle Religion: if you draw them into any discourse, and endeavour to shew them their weakenesse, their only aime is how to entrap you, in your words, and if it be possible to make you obnoxious to authority.

If their ignorance and superstition appeare so grosse and palpable, that (in loving tearmes, and for their better information,) you demand how they come to know there is a God, or that the scriptures are the word of God: their common answer is, doe you deny them: it seems you doe? otherwise why doe you aske such questions? if they offer to proove by some common received argument: and you shew the weaknesse thereof: they'le goe nigh to tell you to your face, and report for certaine behind your back, to all they know, or can know, that you are an Athiest, that you deny there is a God, and deny the Scriptures to be the word of God: nor doe they hate any sort of men so much, as those who are inquisitive after knowledge, judging them as busie bodyes, men of unquiet

spirits, that know not when they are well, or when they have sufficient: for their parts, they are constant in one, for the substance; their principles are not of yesterday but of many yeares standing: and the most learned and wise are of their way, and why should not others be as well content as they, is it fit (say they) that every one should follow his owne understanding in the worship of God, wee see what comes of it; when men once forsake the beaten Road (the Kings high way) in Religion, into how many by-pathes, doe they runne, nay, whether would they not runne, if our care were not to hedg and keepe them in.

And thus ignorance becomes many times Judge of knowledge: and the most grosse and slothfull; comptroler of the most active in Religion.

Of this sort of men there are very many; and they are made very much use of by worldly Polliticians, who have found by constant experience, that superstition is the easiest meanes to lead a multitude, this way, or that way as their occasions and purposes may require, and on the contrary, that true Religion is in it selfe as oppsite to their unjust ends, as it is to superstition and therefore if they observe any man who out of the principles of true Religion opposeth their ends; at him they let loose these ignorant and morrall Christians, furnish them with reproachfull tales, and falshoods, against him, call him Athiest Infidell, Heritick, Scismatick, any thing: which is as eagerly effected, as wickedly devised: and how to stop these mens mouthes is in my apprehension no lesse a worke then to make white a Blackamore.

Those others who are startled in their consciences, and roused by the word of God, out of this worldly way of religion, or running with the streame, it is a hard matter to hold them to a due pace, in the persute of necessary knowledge or to keepe them to a proper Method, or to obtaine this of them, that they receive nothing as a truth, which they see admiteth of an absurdity.

But having broke loose from the bands of educated and customary religion, through necessity of conscience, and being anew to begin, they are apt hastily to take in, that which is first offered with any resemblance of truth, and so in an instant, fall into new entanglements.

For if hast, make wast in any thing, it is in pursute after knowledge: and though every considerate mans experience findeth this a truth: though it be contest by all, that there is nothing of greater concernment to man, then the truth of his Divine knowledge: though nothing doth more disturb the minde of man, then error and mistakeing in religion.

Yet is there not any thing wherein men: proceed more irregularly, or more impatiently: either they are over rash and sudden or over fearfull, and irresolute: they approach all discourse with prejudice, and a mind distempered, searching nothing throughly or orderly, but content themselves with an overly examination, and (in my apprehension) are not so disingenious in any thing, as in religion: willingly resigning and forfeiting their understandings, and Judgments, at a cheap rate then Esau did his Birthright: and so

continue very long (not truly religious, but) superstitious men, alwayes amazed: neither remembring what themselves or others speake: he that once opposeth them, hath a Wolfe by the eares, hee can neither speake, nor hold his peace, without damage, they take allthings in the worst sence sigh, lament, pittie, or censure, all that sutes not with their opinion or practice: and talk or report of, any man, any thing that comes in their imaginations; those that come behind them in knowledge; are carnall: those before them desperate And therefore it may be very profitable; that the differences betwene true Religion and superstition, be made knowne to these times, more fully than it is, the one being commonly taken for the other.

Now both are best knowne by their effects: for true Religion setleth a man in peace and rest: makes him like unto the Angels, alwayes praising God and saying Glory to God on High, in earth peace, Good will towards men, it is ever provided with good intentions and good desires, maketh the best construction in doubtfull cases, see how true Christian love is described by the Apostle in the 13. to the Corinthians. and that is the true Religious mans Character.

On the contrary, superstition troubleth and makes a man wilde, a superstitious man suffereth neither God nor man to live in peace, (as one well observeth from experience) he apprehendeth God, as one anxious, spiteful, hardly contented easily moved, with difficulty appeased, examining our actions after the human fashion of a severe Judge, that watcheth our steps, which hee prooveth true by his manner of serving him, hee trembleth for feare is never secure, fearing he never doth well, and that he hath left some thing undone, by omission whereof, all is worth nothing that he hath done.

But generally now a dayes, (contrary to former tymes) the superstitious mans devotion costs him litle, he hath somuch worldly wit in his zeale, as to save his purse, hot and fiery against heresie and blasphemy, (which are titles he freely bestowes on all opinions, contrary to his own, true or false), he will course his poor neighbour out of all he hath, yea out of the Nation, if he can not course him into his opinion: and all upon pretence of doing God service and for the good of his soule.

As for his body, or estate, thats no part of his care, hee is not so hasty to runn into his poore neighbours house, to see what is wanting there, hee may ly upon a bed, or no bed, covering or no covering, be starved through cold and hunger, over burthened with labour, be sick, lame or diseased: and all this troubles not the superstitious mans (nor the morall Christians) Conscience: he may through want and necessity goe into what prison he will, and ly and rott and starve there: and these kind of Religious people are not halfe so much moved at it, as if he goe to another Church or congregation, then what they approve: if hee doe so, upstarts their zeale; and after him, watch, spy, accuse and informe: and all for the good of his soule: and for the Glory of God.

One would not think it were possible man could be so blind, or so inconsiderate as to immagin, that God would be thus mocked, thus madly served, contrary to the whole tenor of the Scriptures, but such are the effects of educated, customary or superstitious

Religion.

Whilst the effects of pure and undefiled Religion, are another thing: as Feeding the hungry, Cloathing the naked, Visiting the sick, the Fatherlesse, the Widdowes and Prisoners: and in all things walking as becometh the Gospell of Christ: it will empty the fullest Baggs: and pluck downe the highest plumes.

And whoever serveth God sincerely in this Religion, shall be knowne by his fruites: his light shall so shine before men, that they seeing his good Workes, shall Glorify our Father which is in heaven.

But of these there are few to bee found; and as few that truly labour, to reclaime those many thousands of miserable people that are drencht all their life long in grosse ignorance, and notorious loathsome wickednesse: *Yet there is joy in heaven over one sinner that repenteth, more then for ninety nine just persons that need no repentance:* Why talke wee so much of Christianity, holinesse, and saintship, whilst wee neglect the lost sheep, or the recovery of our brethren from those Errors of their wayes.

The plain truth is, this grosse neglect of known duty herein, and the generall eagernesse in the lesse necessary parts of zeale and devotion, manifesteth the world is not subdued; that there is little self-deniall, little of pure and undefiled Religion as yet in the world: men content themselves with forms of godlinesse, but are regardlesse of the power thereof.

And therefore I have been the lesse troubled in my selfe; for the hard measure I have found: amidst so great a mixture of worldlinesse, ignorance, and superstitious zeale, why should one looke for much ingenuity, these times have but cast an eye towards the materiall parts of true Christianity: It is not yet knowne what it is, in its excellency, the end and issue thereof, is too good to bee deserved, or discerned, by a people that are not yet broad awake, they strike him that brings them more light; then they can well endure.

All the evill and reproach I have suffered, hath beene by occasion of my forwardnesse to do others good: my freenesse in discourse, though harmlesse in it selfe, and intended for good, hath been perverted, misconstrued, and made use of to my prejudice.

I accompt nothing more vain, then to discourse meerly for discourse sake, nay, it is painfull and irksome to me, to heare a discourse that is not really necessary and usefull, nor doe I know, that I have ever purposely set my self to debate any serious matter, slightly or carelessly, though cheerefully.

And my manner is, whatever is in debate, to search it thorowly, being of an opinion, that, what is really true, stands the firmer, for being shaken: like a house that is built upon a rock.

I have been much troubled, to observe men earnestly engage to maintaine the strongest maximes and principles by weak arguments; the weaknesse whereof, I have endeavoured

to manifest, that I might discover the weaknesse of such practises, and to make it evident, that fundamentall truthes support all things, and need no supporters: *Thou bearest not the root, but the root, thee.*

But this my free dealing (with uncharitable or superstitious people) hath found this evill returne, they have reported me, to deny that there is a God, when I have only denyed the validity of a weak argument, produced to prove that there is a God; it being too too common to insist upon meere notionall indigested arguments: so also have I been most uncharitably slandered to deny the Scriptures to bee the word of God, because I have opposed insufficient arguments produced to prove them such: and because at the same time I have refused to shew the grounds inducing me to beleieve them.

Now it hath been my lot to be drawne into discourses of this nature for the most part by timorous, scrupulous, people, in whom, I have discovered so much impatience, and discontent, at the shaking of their arguments, that I have not discerned any reason to open my selfe at that time; yet I never parted with any of them, but I alwayes professed that I did believe, both that there is a God, & that the Scriptures are the Word of God, though I judged their grounds not good; and withall, that if they would be so ingenious as to acknowledge the weaknesse of their arguments, I would then shew them my ground of faith; or if at any time they stood in need, I would not be wanting to the uttermost of my power to supply them, but I have seldome found any, who in the heat of contest and prosecution of dispute, have been qualified, to receive, what I had to say, touching this matter, their apprehension and mine being at too great a distance therein.

But I blesse God it is not so ill with me, as some bad minded men desire, nor as some weak and scrupulous men imagin.

And there are some ingenious men, with whom I have daily converst, that know I doe acknowledge and beleieve there is a God, and that the Scriptures are the Word of God.

Yet the testimony of men in this case to mee is little; my owne conscience being as a thousand witnesses.

That there is a God: I did never beleieve through any convincing power I have ever discerned by my utmost consideration of any natural argument or reason I ever heard or read: But it is an unexpressible power, that in a forcible manner constraines my understanding to acknowledge and beleieve that there is a God, and so to beleieve that I am fully perswaded there is no considerat man in the world but doth beleieve there is a God.

And, *That the Scriptures are the Word of God*, I shall clearly make the same profession. That I have not beleieved them so to be, by force of any argument I have ever heard or read, I rather find by experience, most, if not all arguments, produced in prejudice thereof: (Art, argument, and compulsive power, in this case holding resemblance with the mighty strong wind, the Earth quake and fire, distracting, terrifying and scorching the minds of men) but I beleieve them through an irresistible perswasive power that from

within them (like unto the soft still voyce wherein God was) hath pierced my judgment and affection in such sort, that with abundance of joy and gladnesse I beleeve, and in beleiving have that Peace which passeth all utterance or expression; and which hath appeared unto me after so many sad conflicts of a distracted conscience, and wounded spirit, that it is to me a heaven upon earth: It being now long since, I blesse God, that I can truly say, *My heart is fixed, O God, my heart is fixed, I will sing and give praise:* In other respects, I conceive the most holy upon earth, if they give impartiall care to this voyce, will finde no cause to boast or to finde fault with others, but as Eliah to cover their faces with a mantle.

And truly were it not that too too many pretenders to Religion, are over apt to receive false reports (which is a most uncharitable disposition) and over prone to make the worse construction, which is altogether unchristian, it had beene impossible for any to have abused me in these or any other respects.

But it will be needfull for all such, seriously to lay to heart, *that they ought to do as they would be done unto in all things, that he who seemeth to bee religious and bridles not his tongue, that mans religion is vaine.*

That he who boasteth *to beleeve a God, and the Scriptures to be the Word of God,* and glorieth in his ability of exposition thereof: yet applieth it to the discovery of a mote in his brothers eye, rather then a beame in his own: he whose expressions and actions do demonstrate him to say within himselfe, *Lord I thank thee, I am not as other men, extortioners, unjust adulterers, nor as this Publican:* This man who ever he be, is not yet got through the lesson of the Pharisies; that were wise in their owne eyes, and despised others.

But it would be much more profitable to society and good neighbourhood that there were a more exact accompt taken by every man of his owne wayes; it is verily thought most men neede not goe abroad for want of work, if either pride, covetousnesse, backbiting, unreasonable jealousy, vanity of minde, dotage upon superfluties: with hard heartedness to the poore: were thought worthy of Reformation.

To be zealous in lipp service, or to expresse our devotion, in censuring of others, yeelds neither honour to God, nor good to man.

Who were more blinde, then those who said are wee blind, also? the Angell of the Church of Laodicea, boasted that he was rich, and increased with goods and had neede of nothing: and knew not that he was wretched, and misserable and poor and blind and naked.

Wee have many now a dayes, who are doubly unjust and thinke not of it; they are partiall and favourable in examining and corecting of themselves: and severe towards others, when as they ought to be severe towards themselves: and favourable towards others.

And it is a fault not easily mended: it requires a greater power of true religion to doe it,

then the most have as yet attained, if one may judge by the Fruits: and therefore it will be good for every one to neglect that which is behinde, and to presse forward to the marke, for the price of the high Calling of God which is in Jesus Christ: either renounce the Name, or let your practice demonstrate, that you are a Christian.

Hee who greedily receiveth a hard report of his neighbour, is not provided of charitable and loving thoughts as he ought; and if he report any evill, before he be certaine of the truth thereof, hee is a slanderer; and when hee is certaine it is true, if he report it with delight, it argues him of malice.

He who is glad of his neighbours defamation, would not be sory at his ruine: a slanderer would be a murderer but for feare: and therefore, every honest vertuous religious man should shun a slanderer, as he would shun a Serpent.

And thus having said enough to free my self from this slander (if religious people will but study ingenuity, which hath been too much wanting amongst them) the whole course of my actions, writings and discourses, evidencing the contrary to all that throughly know me: and this my profession being added to, satisfie those that know me but by hearsay: I have done: judging it a small thing to be judged of any, or of mans judgement; *Who art thou that judgest another mans servant, to his owne master, hee standeth or falleth.*

The liberty of my native Country, and the freedome of all consciencious people hath been, and still is pretious in my esteeme: nor shall I be discouraged (by any the unworthy slanders cast upon me) from a just and due prosecution of both, according to my place and calling: I shall make bold to deceive the deceiver and his instruments therein: I should be glad to see the Educated and customary morall Christians become Christians indeed, and cease to persecute: I should exceedingly rejoyce to see the superstitious, become really religious, and to see babes; become strong men in Christ, and all bend their endeavours to deliver the captive, and set the oppressed free, to reclaime the vicious, and to labour the saving of the lost sheep of the house of England: To see Charity abound, and all envy, malice, and worldly mindednesse to cease for ever, and not to be named amongst us, as becommeth Saints indeed: to see all men ingenious, loving, friendly and tender-hearted one towards another: but I must neither be silent, nor slothfull till I see it, nor sorow as one without hope of seeing it: but through evill report, and good report, do my duty? patiently expecting a good issue? laboring in all estates to be content; knowing there is no temptation hath taken hold upon others, but may befall unto me. In the mean time, knowing all terrestriall things to be but vain and transitory, my chieftest comfort is, that I desire to know *Nothing save Jesus Christ and him crucified*: accounting all things as losse and dung, that I may be found in Christ, not having my own righteousnesse which is of the Law, but the righteousnesse which is of God in him.

I have no quarrell to any man, either for unbeleefe or misbeleefe, because I judge no man beleeveth any thing, but what he cannot choose but beleefe; it is misery enough to want the comfort of true beleiving, and I judge the most convincing argument that any man can hold forth unto another, to prove himselfe a true sincere beleever, is to practice to the

uttermost that which his faith binds him unto: more of the deeds of Christians, and fewer of the arguments would doe a great deale more good to the establishing of those that stagger: It being not the leaves but the fruit that nourisheth and carrieth the seed with it. Shew me thy faith by thy workes; If I have all faith and have not love, I am as sounding brasse, or as a tinckling cymball, if faith worke, it workes by love: Let us all therefore hence-forth walk in love, even as Christ hath loved, and hath given himseife an offering and a sacrifice for us: to whom bee glory and dominion for ever.

Amen.

*By William Walwyn, Merchant:
(there being a Minister of the same name.)*

FINIS

**T.95 (4.5) JOHN LILBURNE, *THE RESOLVED MANS
RESOLUTION, TO MAINTAIN WITH THE LAST DROP OF
HIS HEART BLOOD, HIS CIVILL LIBERTIES AND
FREEDOMES* (30 APRIL 1647).** ↩

Image of the original Title Page

The resolved mans Resolution, to maintain with the last drop of his heart blood, his civill Liberties and freedoms, granted unto him by the good, just, and honest declared lawes of England, (his native Country) and never to sit still, so long as he hath a tongue to speake, or a hand to write, til he hath either necessitated his Adversaries, the house of Lords, and their Arbitrary Associates in the house of Commons, either to doe him justice and right, by delivering him from his causelesse and illegall imprisonment, and handing out unto him, legall and ample reparations, for all his unjust sufferings, or else send him to Tyburne: of which he is not afraid, and doubteth not if they doe it, but at and by his death, to doe them (Sampson like) more mischief, then he did them all his life.

All which is expressed and declared in the following Epistle, written by Lieut. Coll. John Lilburne, Prerogative Prisoner in the Tower of London, to a true friend of his, a Citizen thereof, April 1647. MAY 24 1647

Isaiah 1. 23, 24. Thy Princes are rebellious and Companions of Thieves, every one loveth gifts, and followeth after rewards: they judge not the fatherlesse, neither doth the cause of the widow come unto them. Therefore saith the Lord, the Lord of hosts, the mighty one of Israel: I will visit the me of my adversariet, and avenge me of mine enemies.

Acts 23 6, 7, 8. But when Paul perceived that the one part were Sadducees, and the other Pharisees, he cryed out in the Councell, Men and brethren, I am a Pharisee, the sonne of a Pharisee of the hope and resurrection of the dead, I am called in question. And when he had so said, there arose a dissention between the Pharisees and the Sadducees: and the multitude was divided. For the Sadducees say that there is no resurrection, neither Angel, nor Spirit: but the Pharisees confesse the contrary. And there arose a great cry: and the Scribes that were of the Pharisee part, arose and stood up, saying, We find no evil in this man: but if a Spirit, or an Angel, hath spoken to him, let us not fight against God.

Acts 25. 8. While he answered for himselfe, Neither against the law of the Jewes, neither against the Temple, nor yet against Cesar, have I offended any thing at all. Verse 16. To whom all agreed, it is not the manner of the Romans to deliverr any man to dies before that he which is accused, have the accused face to face, and ballisence to answer for himselfe concerning the crime charged against him.

Acts 22, 25. And as they bound him with shongs, Paul said unto the Centurion that stood by, is lawfull for you to scourge a man that is a Roman, and uncondemned, and verse 28. But Paul said, I was free borne.

BIBLIOGRAPHICAL INFORMATION

ID Number

T.95 [1647.04.30] (4.5) John Lilburne, *The resolved mans Resolution, to maintain with the last drop of his heart blood, his civill Liberties and freedoms* (30 April 1647)

Full title

John Lilburne, *The resolved mans Resolution, to maintain with the last drop of his heart blood, his civill Liberties and freedoms, granted unto him by the good, just, and honest declared lawes of England, (his native Country) and never to sit still, so long as he hath a tongue to speake, or a hand to write, til he hath either necessitated his Adversaries, the house of Lords, and their Arbitrary Associates in the house of Commons, either to doe him justice and right, by delivering him from his causelesse and illegall imprisonment, and out unto him, legall and ample reparations, for all his unjust sufferings or else send him to Tyburne: of which he is not afraid, and doubteth not if they doe it, but at and by his death, to doe them (Sampson like) more mischief, then he did them all his life. All which is expressed and declared in the following Epistle, written by Lieut. Coll. John Lilburne, Prerogative Prisoner in the Tower of London, to a true friend of his, a Citizen thereof, April 1647.*

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Acts 13 6, 7, 8. But when Paul perceived that the one part were Sadduces, and the other Pharasees, be cryed out in the Councill, Men and brethren, I am a Pharisee, the sonne of a Pharisee: of [...]e hope and resurrection of the dead, I am called in question. And when be had so said, there arose a dissertation between the Pharisees and the Sadducees: and the multitude was devided. For the Sadduces say that there is no resurrection neither Angel nor Spirit: but, the Pharisees confesse both. And there arose a great cry: and the Scribes that were of the Pharisees part, arose and [...] saying; We find no evill in this man: but if a Spirit, or an Angel hath spoken to him, let us not [...] against God.

Acts 15.8. While he answered for himselfe, Neither against the law of the Jewes, neither against the Temple, nor yet against Caesor, have I offended any thing at all. Verse 16. To whom [...] answered, it is not the manner of the Romans to deliver any man to die before that he which is accused, have

the accuser face to face, and have licence to answer for himselfe concerning the crime against him.

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This tract contains the following parts:

1. The resolved mans Resolution
2. To the Honourable Committee of the Honourable House of Commons, for suppressing of scandalous Pamphlets. The humble Addresses of Lieut. Col. John Lilburne, Prerogative Prisoner in the Tower of London. Feb. 8. 1646.
3. The proceedings of Mrs. Walter in the Parliament with the House of LORDS
4. A note of all the Swords, Belts, and Holsters for Pistols, and Bandeliers That Major Liburne caused to be brought into the Magazine at Boston.

Estimated date of publication

30 April 1647.

Thomason Tracts Catalog information

TT1, p. 506; Thomason E. 387. (4.)

TEXT OF PAMPHLET

Isaiah 1. 23, 24. Thy Princes are rebellious, and Companions of Thieves, every one loveth gifts, and followith after rewards: they Judge not the fatherlesse, neither doth the cause of the widow come unto them. Therefore saith the Lord, the Lord of hast, the mighty one of Israel, Abel will use me of my adversaries, and avenge me of nine enemies.

Acts 13 6, 7, 8. But when Paul rerceived that the one part were Sadduces, and the other Pharasees he cryed out in the Councell, Men and brethren, I am a Pharisee, the sonne of a Pharisee: of little hope and resurrection of the dead, I am called in question. And when he had so said, there arose a dissertion between the Pharisees and the Sadduces: and the multitude was devided. For the Sadduces say that there it no resurrection neither Angel nor Spirite but the Pharisees confesse both. And there arose a great cry: and the Scribes that were of the Pharisees part, arose and strove saying; We find no evill in this man: but if a Spirit, or an Angel hath spoken to him, let us not fight against God.

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whom it was answered, it is not the manner of the Romans to deliver any man to dye before that he which is accused, have the accuser face to face, and have licence to answer for himselfe concerning the crime against him.

Acts 22, 25. And as they bound him with thongs, Paul said unto the the Centurian that stood by, is it lawfull for you to scourge a man that is a Roman, and be condemned, and verse 28. But Paul said, that I was freeborne.

TRue friend, after my reall respect presented unto [Editor: illegible word] &c. I desire to informe you that I am told, you are very much troubled at the proceedings with the Committee of the House of Commons, upon *Munday*, the 8. of Feb. 1646. That after I had stood so stifly at the beginning with them, upon the Lawes, Rights and priviledges every free man of the Kingdome, that I should undoe all, and let my firme hold goe, by answering at last to their Interrogatories, by which you say, I undid all *I* had done, and went against my owne declared principles, and not only so but by owning my book, have exposed my selfe to a great deale of hazard and danger, which I might easily have avoyded, if I had not answered their Interogatory.

Vpon serious consideration hereof, I judge my selfe bound in duty to my selfe, to write these lines unto you, for your satisfaction, and my own vindication, and therefore J shall begin to give you so true and reall a Narrative of my whole proceedings with them, as the utmost of my memory will inable me, part of which you your selfe were an eye and eare witness unto, and it was in this manner. About 9. o clock upon the foresaid *Munday*, *Lewis* a servant to the Sergeant at Armes came to my lodging in the Tower, and shewed me a Warrant he had to take my wife into safe custody, for dispersing some of my last bookes, and I told him it was very hard, for any Committee of Parliament, to send forth a warrant to make my wife a Prisoner, before they had heard her speake for her selfe, or so much as summoned her to appeare before them, and I plainly told him it was more then by law they could justifie, but however, I bore so much honourable respect unto the House of Commons, and all its Committees, that *I* would not perswade my wife to contempt their warrants, but if he pleased to take my word for her appearance, I would ingage my life for her, that she should be punctually at the houre appointed, to waite upon the Committee to know their pleasure: which ingagement he was pleased to take, but with all told me, he had brought a warrant to the Lieutenant of the Tower, to carrie me before the Committee at two a clock in the afternoon, but I told him, unlesse *I* see and read the warrant, I should not goe, but by force and compulsion, and therefore if he pleased to goe with me to the Lieutenant, and get him to let me read the warrant, *I* should readily obey it, which he did accordingly, but time being very short, I considered with my selfe what was most fit for me to doe, for I assured my selfe I was to goe before those, divers of which, would bend all their insensed mallice and indignation against me, and make use of all their power and wits, to intrap and insnare me, and therefore, I lifted up my soule to my old and faithfull Counciller, the Lord *Jehovah* and in my ejaculations, pressed my Lord and master, with a great deale of grounded confidence and cleernesse of spirit, to declare and manifest his faithfullnesse, in being present with me, to counsell, direct, encourage

and stand by me, according to his promise of old (made unto me) in the tenth of *Matthew*, and to his praise and glory I desire to speake it, he presently came into my soule with a mighty power, and raised me high above my selfe, and gave me that present resolution that was able to lead me, with a great deale of assured confidence to grapple with an whole host of men; But in my owne spirit *I* was led presently to take care, to doe something for my wife as the weaker vessell, that so she might not be to seek in case she were called before them, and for that end, I drew her presently up a few lines, which *I* read unto her, and gave her instructions, that upon the very first question they should aske her, she should give them her paper, as her absolute answer to their question: unto which she readily assented and set her name to it, which verbatim thus followeth.

Elizabeth Lilburne
Lilburne, Elizabeth
Feb. 8. 1646.

To the Honourable the Committee of the Honourable, the House of Commons, for suppressing of scandalous Pamphlets. The humble addresses of *Elizabeth Lilburne*, wife to Lieut. Col. *John Lilburn*, prerogative prisoner in the tower of *London*. Feb. 8. 1646.

Gentlemen,

YOu have all of you taken the Covenant, (for you have made an Order, that no man shall sit in your House, that will not take it) where you have sworn to maintain the fundamentall Lawes of the Kingdome, and for you to examine me upon Interrogatories, is contrary to the fundamentall Law of the Kingdome, (and for me to answer to them, is to be traitorous to my owne liberty) or for you to proceed by any other rules to punish me, for any reall or pretended crime, but what is declared by the Law, is unjust and unrighteous, and therefore I humbly intreat this honourable Committee, seriously to read and consider the Statute of the 42. of Edward the third, Chapter 3. which thus followeth. "Item, At the request of the Commons by their Petitions put forth in this Parliament, to eschew the mischiefes and dammage done to divers of his Commons, by false accusers which often times have made their accusation more for revenge, and for the benefit and for the profit of the King, or of his people, which accused persons, some have been taken[Editor: illegible word] which the Parliament is. and sometime caused to come before the Kings Counsell, by writ otherwise upon grievous paine against the Law: It is assented and accorded, for the good governance of the Commons, that no man be put to answer without presentment before Iustices, or matter of record, or by due processe and writ originall according to the old Law of the land, and if any thing from henceforth be done to the contrary, it shall be void in the Law, and holden for error. And sutable to this is the 29. chap of Magna Charta, and the 5. E. 3. 9. and 25. E. 3. 4. and 18. E. 3. 3. 37. E. 3. 18. which are all and every of them confirmed by the Petition of Right, made in the third yeare of the present King, which expresly saith. "No man ought to be adjudged, but by the lawes established in the Realm, and not otherwise, which Petition of Right, you your selves have in every point confirmed, as appeares by the Statute that abolisheth the Star

Chamber, and by the Statute that abolisheth Ship money, and you your selves with your hands lifted up to the most high God, have often sworne, vowed, protested and declared, you will maintaine preserve and defend, the fundamentall lawes of the land, and square your actions accordingly, and imprecate the wrath and vengeance of the great God of Heaven and Earth to fall upon you, when you [Editor: illegible word] to performe what there you sweare to, and declare, and therefore Gentlemen, what thoughts soever of displeasure you have towards me, I hope you will be so tender of your own honours and reputations, that you will not in the least indeavour to deale with me contrary to the true intent and meaning of the forementioned lawes, but if you should, I cannot stoop unto any tryal that is contrary to the pattern of the forementioned honest, just and good lawes, and if you please to let me [Editor: illegible word] the benefit of them, I shall be ready to joyne issue with you, whensoever you please, and legally to answer whatsoever I have said and done and so I humbly take my leave of your honours, and rest.

Febr. 8. 1646.

Your servant, Elizabeth Lilburne,

And having finished hers, and taken care to get a copy of it, I begun to thinke what to doe for my selfe, and being very confidently perswaded, that they would shew me my book, and aske me if I would owne it for mine, because this was their method the last yeare with me, as you may fully read in a printed Epistle I writ to you last yeare, when I was a prisoner under the sergeant at Arms of the house of Commons, which Epistle is dated *July 14. 1645.*

And in my answer to *William Prinns* notorious lyes and falshoods, *called *Innocency and truth justified*, pag. 6. 13, 14. 15. 16.

And therefore it fell to my pen and ink, but before I had writ a quarter of that I intended, my selfe to give into the Committee, my keeper came, and told me it was past one a clock, and therefore full time for us to be gone, being we were to be there by two, and in regard it was so very cold, we marched all the way by land, and comming to the outward Court of wards before the Committee sate I fell to perfect what I had begun, and as I was at worke, out came to me a Citizen and told me there was a young Gentleman in a fur jacket who looked something a squire, pressed with a great deale of choler and indignation, that I might be imediately called in to answer for my notorious crime, *for writing the Oppressed mans appressions declared*, which I say is a book of truth and honesty, and just as I had done, I was called in before the Committee, where I found (as I conceived them) a great many of the little better then theevish catch-poule Stationers, whose trade it is for divers of them illegally and little better then felloniously, to breake open honest mens houses and the Theeves and Rogues, carry away their true and proper goods,* and a very large company of Parliament men, as ever I see at a Committee to my remembrance before, and looking well about me, the most of them were to me men of new faces, and one of them appeared to me, to be one of *Pryns* infants or Minors, not above 18. yeares old as I conceived, but amongst them all I see not the face of one of my old acquaintance. And after I had rendered my respects to *Mr. Corbet*, the Chair-man

thereof, he took a little book and read the title of it, *The Oppressed mans Oppressions declared*, &c. and also turned to the last end of it, and read the conclusion, which was subscribed *Iohn Lilburn semper idem*, and told me he was commanded by the Committee, to ask me this question, whether *I* would own that book for mine or no? unto which *I* answered. Sir, with the favour of this honourable Committee, *I* shall humbly desire to speake a few words, well said *Mr. Corbet*, answer to the question.

Sir, said *I*, if you please to give me leave to speak, well and good, if not, if you please to command me silence *I* shall obey you. Saith he the question is but short therefore answer to it, either *I* or no, Sir said *I*, *I* am now past a schole boy, and have long since learned to say my A, B, C, after my master, but have now attained to a more ripe understanding, so that *I* am now able to speak without being dictated unto what *I* should say, and therefore if you please to give me leave to speak my own words in my owne manner and forme, well and good, if not, *I* have no more to say unto you: Sir saith he, the question is but short, therefore you are commanded to give a possitive answer to it, unto which *I* replied, Sir if you will not let me speak my owne words, in my owne way, *I* will neither tell you, whether *I* will owne it or disavow it, and with that he took his pen and writ part of what *I* said, and read it to me. Sir said *I*, what you have writ, is not full what *I* said, and therefore if you please to give me pen, inke and paper, *I* shall write what *I* said my selfe, and set my hand unto it, which he refused, but divers of the Parliament men, pressed him to keep me to the question. Vnto which *I* said, Gentlemen, if you please to give me leave to speak, well and good, if not lets come to an issue and command me out of doores, for *I* will not answer you till *I* have free liberty to speak, upon which one or two of the Committee said, let him speak, but saith *Mr. Corbet*, if after you have liberty for to speake, will you returne a possitive answer to the question? yea, Sir said *I*, that *I* will, well then speak said he speak. Sir said *I* what *I* have to say, is in the first place; in reference to the house of Commons, for apprehending with my selfe, that my carriage and speeches this day before the Committee, may be represented to the honourable House of Commons, to my detriment and dammage, *I* therefore judge it convenient for me to fortifie my self as wel as *I* can, and therefore *I* desire humbly to declare, that *I* own the constitution of the honorable house of Commons, as the greatest, best, and legallest interest, that the Commons of England have for the preservation of their Rights and Liberties, and *I* doe not only owne their constitution but also *I* honour their authority and power, and the power and authority of all Committees, legally deriving their power therefrom, and shall readily and cheerfully, yeeld obedience to all their commands, provided they act according to the rules of justice, and to the good knowne lawes of the hand, but not otherwise.

And in the second place, *I* desire to speake a few words of my thoughts of this Committee, but *I* was exceedingly interrupted, not only by the Chairman, but also by other Members of the House, and very much pressed to give an answer to the question, which made me say, *Mr. Corbet*, if you please to let me goe on in my own way, well and good, if not *I* have no more to say to you, for *I* came not hither of my owne head, to make a complaint unto you of my own, but *I* was sent for by you, (as *I* conceive) in a criminall way, to

answer something before you, in which regard, it behoves me to stand upon the best guard that either law, reason, or judgement can furnish me with, and being that I apprehend, I am so much concerned in my present appearance before you, it exceeding much concernes me, to be very considerate and wise, in managing my business before you, therefore if you please, let me goe on to speak out what *I* have to say, and I thinke in conclusion, I shall give you as possitive an answer to the question as you desire.

So up stepped a welth Gentleman, one Mr. *Harbert*, as I remember his name, & desired Mr. *Corbet* to let me speak on, for saith he, you hear him promise to give you a possitive answer to your question.

Well then saith Mr *Corbet*, but will you as soone as you have spoken give a possitive answer to the question? Yea, Sir said *I*, (and clapt my hand upon my breast) upon my credit and reputation will *I*, then goe one saith he.

Well then Sir said *I*, two words concerning this Committee, and that at present *I* have to say is this, that *I* looke upon this Committee, as a branch deriving its power from the House of Commons, and therefore honour it, and I looke upon you in the capacitie you sit here, as a Court of justice, and I conceive you look upon your selves in the very selfe same capacity, but in case you do not, *I* have no more to say unto you, neither if ye be not a Court of Justice, doe *I* conceive have you in law, any power at all to examine me. But none of them replying upon me, made me take it for granted, they took themselves for a Court of justice, and therefore I went one and said, if you so doe, that is own your selves for a Court of justice, then I desire you to deale with me as it doth become a Court of Justice, and as by law you are bound, which is to let me have a free, open, and publique hearing. For Gentlemen, you have all of you taken the Covenant, in which you have lifted up your hands to the most high God, and sworne to maintaine the lawes of the Land. And it is the law of the land, that all Courts of Justice ever have been, are, and ought to be held openly and publiquely, (not close like a Cabinet Counsell) from whence no Auditors are, or ought to be excluded,* *and therefore as you would not give cause to me to Judge you a company of forswarne men*, I desire you to command your doore to be opened that so all the people, that have a mind to heare and see you, and beare wisse, that you proceed with justice and righteousnesse, may without check or comptrole, have free accesse to behold you, they behaving themselves like civill men. But here arose a mighty stir by some Parliament men, who declared, fiery indignation in their very countenances against me, but especially, a Gentleman that sate on the left hand of the forementioned Gentleman in the fur jacket, who pressed vehemently to hold me close to the question, and keep to their Committee proceedings, but truly I conceived the Gentleman to be but a very young Parliament man, and one that neither had read, nor understood the lawes of *England*, and therefore Sir said *I* to him, to stop your mouth, I tell you, *I* blesse God, *I* am not now before a *Spanish Inquisition*, but a Committee of an English Parliament, that have sworne to maintaine and preserve the lawes of the Kingdome, and therefore Mr. *Corbet*, I know you are a Lawyer, and know and understand the lawes of the Kingdome, and I appeale to your very conscience, whether my desire of

an open and publique hearing, be any otherwise then according to Law, sure I am Sir, it was the constant practise of this very Parliament at the beginning thereof that in all their Committees whatever, where they sat to heare and examine criminall causes, that they alwayes sate open, and *I* speake it out of my own knowledge, that you were then angry with any man amongst your selves, that did presse or move that you might sit in a cabinit and clandestine way, and truly *Mr. Corbet*, *I* thinke this Committee would take it very ill at my hands, if I should affirm you are more unjust & unrighteous now, then you were at the beginning for *I* my self, had about halfe a score publique hearings at a Committee about my Star-Chamber businesse, and therefore being now before you, upon a businesse in my thoughts, of as much concernment to me as that was: I beseech you, let me have the same fare and just play now, that then I had, and give not [Editor: illegible word] just cause to me and others, to say your actions and proceedings are unrighteous and unjust and therefore you sit in holes and corners, and dare not abide the publique view of your actions which will be too clear a demonstration to all the world, that your deeds are evill, *Iohn* 3. 10, 21. Well Sir said *Mr. Corbet* here is company enough to heare you, therefore you may goe on, true it is Sir, here is enough of my enemies but I see never a one of my friends: therefore if you please to command the doore to be not wide open, well and good, if not I will not say one word more unto you, so I was commanded to withdraw, which I did. And being called in againe, *Mr. Corbet* told me, he was commanded by the Committee to aske me the question againe, whether I would owne the book or no? But I told him I was the same man now, that I was when *I* withdrew, and therefore *I* said unlesse they would command and order the doore to be opened, that every man that had a mind to come in, might come in without let or molestation, I would returne as answer it all.

With that one of the Gentlemen said, the doore is open, and so it was, and whether they had given a private Order to the doore keeper so to doe I know not. Well *Mr. Corbet* said I, it is not an accidentall or casuall opening of the doore will serve my turn, but an orderly and legall opening of it, as that which ought to be done of right and justice, and therefore *Mr. Corbet*, if you please as you are Chair-man of this Committee, to command the doore to be set and stand wide open, I shall goe on, if not, I shall be silent.

Well then doore keeper (saith he) set open the doore, now Sir said I, with your favour, I shall expresse my selfe a little further to this Committee, whereupon I opened a written paper *I* had in my hand, and began to looke upon it, but *Mr. Corbet* told me, the question was so short that it needed no long answer to it, and therefore *I* might spare the labour of using my paper. Good Sir [Editor: illegible word] I beseech you, afford me but so much priviledge as you doe every mercenary Lawyer, that pleads his Clients cause for a fee before you, to whom you never deny the benefit of pleading by also help of his notes or papers, and I know no reason why I should be denyed the same priviledge in my own case, and therefore I humbly intreat you, to afford me the benefit of looking upon my own paper, but said *Mr. Corbet*, how came you to write these paper? did you know before hand what we would say to you? O Sir said I, you may remember I was severall times before you in this manner the last year, and I very well remember the method of your illegall proceedings with me then,* and being by you summoned now again to come before you, I

did very strongly conjecture, that you would tread in the method of your old steps of Interrogatories, and therefore *I* judged it but wisdom and foresight in me, to fit my selfe for you, and accordingly *I* have writ down the substance of what I haue to say to you in this paper, saith *Mr. Corbet*, give me the paper and we will consider of it, no Sir said *I*, *I* beseech you excuse me, for you have been so hasty with me, that I had no time to copy it over, and I doe not love to part with my papers in this nature, without keeping copies of them, but if you please to let me goe on, either to read it to you, or to say it by heart to you, now and then looking upon it I shall very willingly give you a true copy of it under my hand. I pray you *Mr. Corbet*, said the aforementioned, *Mr. Harbert* let him goe on, which he assented unto, and *I* purposely past over the preamble of it, having already as I told them touched upon it, and begun in that place, where mention is made of the Star-Chamber. With which *Sir William Strickland* interrupted me, and said *Mr. Corbet*, I doe not like nor approve of raking up these things, much lesse in comparing us to the Star Chamber, therefore I wish *Mr. Lilburne* would be perswaded to for beare these dishonourable expressions, for they are not handsome. Good *Mr. Corbet* I beseech you heare me a little, for under *Sir Williams* favour, I doe not compare you to the Star Chamber, but if you would not be compared unto it, then you must not walk in its unjust, and illegall ways, but Sir said *I*, for *Sir Williams* further satisfaction, I desire to let him know, I doe honour the true and just power of the House of Commons, as much as himselfe, and have adventured my life and blood, for the preservation thereof, as cordially, really and heartily, in the singleness and uprightnesse of my soule, as any man that at this day sits within the Walls of that house, whatever he be, and *I* have still the same love and affections, to the just interest of that house, and the same zeale to maintaine it that ever I had, and it doth not in the least repent me of what I have formerly done or suffered for it, though I thinke by their late dealings with me, I have as true and grounded cause administred unto me by them, to repent as any man in England either hath or ever will & therefore Sir, under your favour, although I be very unwilling like a simple man, to part with my just & legal rights to this Committee, a branch of the Honourable House of Commons, it doth not in the least therefore follow, that *I* am disaffected or disrespectful of the just interest & power of the House of Commons, but rather it doth follow, that I am the same man now that ever I was before & Sir under your favour I tell you, it is neither for the honour, interest nor benefit of the house of Commons, for any of its Committees, to swallow down or destroy, the publique interest and liberties of the people, the preservation of which, (by their owne Declarations*) being the principall end wherefore the people chuse and trusted them to sit where they doe, and therefore Sir, I pray you, let me goe on, which was granted, but before I could get through my paper, there was a great hurly burly amongst the Parliament men, being extreemly nettled at my paper which many of them expressed in their speeches to *Mr. Corbet*, and desired him to silence me in the way I then was in, and hold me to the question-Gentlemen said *I* this is very strange proceedings, that you will neither let alone, nor let me speake. Be it knowne unto you, that I conceive I stand in need neither of mercy nor favour from you, but only what reason, Law and justice affords me, neither doe I crave any other priviledge at your hands, but what the Earle of *Strafford* enjoyed

from you, (although you your selves judged him the greatest of offenders) which was a free and uninterrupted liberty to speak for himselfe, in the best manner he could, and to make the best defence for himselfe, that possible all the wit and parts he had, would inable him to doe, and sure I am this is a priviledge due by law to every Mutherer, Rogue, & Theefe,* which I am sure the arrantest Villaine that is arraigned at Newgate Sessions (for the notorioust of crimes) enjoyes this priviledge as his right by law, to speake his owne words, in his owne manner, for the best advantage of himselfe, to his own understanding, and it is very strange to me, that I *who am a free man of England, and am not conscious to the committing of a crime against the Law, shall not be suffered by a committee of Parlament, that have solemnly sworne to maintaine the lawes, to enjoy that legall priviledge to speak my owne word; in my owne manner, for my most advantage and best defence, that is [Editor: illegible word] nor legally, nor cannot be denied, at any Assizes or Sessions, to the most capitall, bloody, and arrantist Rogue in England.* Truly Gentlemen, I must plainly tell you, I never was convicted of any crime at all that did in the least disfranchise me of my hereditary and legall Rights and Liberties, nor ever was legally in the least made uncapable of enjoying the utmost benefit and priviledge that the law of England will afford or hand out to any legall man of England, But *have at your command, many times and often adventured my life and all that I had in the world, for the maintenance and preservation of the lawes and liberties of England, with as much uprightnesse of heart and as much man love, courage and resolution, as any member of the House of Commons what ever he be,* and therefore I tell you before this Committee, or any power in England, what ever it be, shall rob me of my just exacted recompence of reward for all my labours, travels and hazards (which recompence of reward is the enjoyment of the just priviledges and benefits of the good lawes of the Kingdome, *I will spend my heart blood against you, yea, if I had a million of lives, I would sacrifice them all against you,* and therefore seeing you have all of you solemnly lifted up your hands to the most high God: and sworne to maintaine the Lawes of the Kingdome, I desire you for your owne credits sake to deale with me so, as not to give me to just cause, *to avouch it to your faces, you are a company of forsworne men,* and so to publish & declare you to the whole Kingdome. VVith this Mr Wever, Burgesse for *Stamford* spoke, "Mr *Corbet*, I conceive such reproachfull and dishonourable expressions as Mr. *Lilburn* gives us to our faces, is not to be induced or suffered, and therefore *I beseech you, let us be sensible of the honour due to our Authority, and the house whereof we are Members.*

Good Mr. *Corbet*, *I intreat you heare me, for J desire to let that Gentleman know; J am very confident I have not you said any thing that is dishonourable to the legall and just interest and power either of this Committee, or the house of Commons whereof you are Members, and Sir if I should, I conceive you are enough to beare witness against me, and I thinke you judge your selves sufficiently indowed with power to punish me if I should doe as that Gentleman pretends, I have done, and truly Mr. Corbet, J must againe aver it before you, that I am no contemner nor despiser of the just and legall authority of the house of Commons, neither doe I desire to affront or reproach this Committee, but I pray consider, I am but a man, and a prisoner under many provocations, and to be so*

rufly false upon as *I* am, by halfe a dozen of you at a time, and interrupted in making my legall defence, and not suffered to speake my own words, is very hard and it is possible hereby, I may be provoked to heat, and in heat say that that is not convenient and fitting, the which if *J* should doe I hope you *Mr. Corbet*, have understanding enough to iudge, and to reprove me for it, and truly Sir upon your reproofe, if *I* can possibly apprehend and see *I* have done amisse *I* shall presently cry you peccavic.

But here abouts, my wise seeing *Mr. Wever* so furious upon me as he was, burst out with aloud voice & said, "I told thee often enough long since, that thou would serve the Parliament, and venter thy life so long for them, till they would hang thee for thy paines, and give thee *Tyburn* for thy recompence and *I* told thee besides, thou shouldst in conclusion find them a company of unjust, and untighteous judge's, that more sought themselves, and their owne ends, then the publique good of the Kingdome, or any of those that faithfully adventured their lives therefore.

But *J* desired *Mr. Corbet*, to passe by what in the bitterness of her heart being a woman she had said unto them, and desired him to let me conclude my paper, and then *J* would give him a possitive answer to their question, which was granted, and I read out my paper, the true copy of which at large thus followeth.

**TO THE HONOURABLE COMMITTEE OF THE HONOURABLE
HOUSE OF COMMONS, FOR SUPPRESSING OF
SCANDALOUS PAMPHLETS.**

John Lilburne

Lilburne, John

8. *day of February.* 1646.

THE HUMBLE ADDRESSES OF *LIEUT. COL. JOHN LILBURNE*, PREROGATIVE PRISONER IN THE TOWER OF LONDON. FEB. 8. 1646.

MAy it please this honourable Committee, this any I see and read a warrant under the hand of Mr. Miles Corbet, directed to the Lieutenant of the Tower, to bring me before your honours, sitting in the inner Courts of wards, at two a clock this present afternoon, but no cause wherefore is expressed in the warrant therefore in the first place, I desire and humbly entreat this honourable Committee, to take [Editor: illegible word] [Editor: illegible word] [Editor: illegible word] [Editor: illegible word] and [Editor: illegible word] the constitution, authority and power of the honourable house of commons, and looke upon it in its constitution, at the greatest and legall, best interest that the Commons of England both, and of all the Committees thereof, that legally and justly derive their power therefrom, and act according to the Law and just customes of Parliament, within their bounds, unto all whose commands so farre as the established law of England requires me, I shall yield all cheerfull and ready obedience, but having the last yeer very large experience of the arbitraty and illegall proceedings of some Committee or Committees of the House of Commons, and the Chair-man or Chair-men thereof, and fearing to meet with the like now againe, by way of prevention I am necessitated humbly to declare unto this honourable Committee, that in the dayes of the Star-Chamber, I was there sentenced for no other cause, but for refusing to answer to their interrogateries or questions, and upon the 4. of May, 1641. the honourable house of Commons, whereof you are Members upon the report of Mr. Francis Rouse made these ensuing Votes.

Resolved upon the question.

That the sentence of the Star Chamber given against *John Lilburn* is illegall and against the the liberty of the Subject, and also bloody, wicked, cruell, barberous and tyrannicall.

Resolved upon the question, that reparations ought to be given to Mr. *Lilburn* for his imprisonment, sufferings and losses, sustained by that illegall sentence.

Here is your own iust and legall Votes in my own case, to condemne as illegall and uniuert; all inquisition proceedings upon selfe accusing interrogatories, and your Votes are sutable to the ancient and fundamentall lawes of this land, as appeares by the 29. chap. of Magna Charta, and the 5. E. 3. 9. and 25. E. 3. 4. and 28, E. 3. 3. and 37. E. 3. 18. and 42. E. 3. 3. the words of which last cited Statute thus followeth.

“Item at the request of the Commons by their Petitions, put forth in this Parliament, to escew the mischiefes and dammages done to diuers of his Commons by false accusers, which often times have made their accusations more for revenge and singular benefit, then for the profit of the King or of his people, which accused persons, some have been taken, & sometime caused to come before the Kings Counsel by writ or otherwise, upon

grievous paine against the law. It is assented and accorded, for the good governance of the Commons, that no man be put to answer without presentment before Iustices or matter of record, or by due processe and writ originall, according to the old Law of the land, and if any thing from henceforth be done to the contrary, it shall be void in the Law, and holden for error.*

All which forementioned good Lawes are all and every of them confirmed by the Petition of right made in the third year of the present King Charles, which expresly saith, no man ought to be adjudged but by the lawes established in the Realme, and not otherwise, which Petition of right, you your selves in this present Parliament have in every point confirmed, as appears by the statute that abolisheth the Star-Chamber, and by the Statute that abolisheth Ship-money and you your selves with your hands lifted up to the most high God, have often sworne, vowed, protested and declared, you will maintaine, preserve and defend the fundamentall lawes of the land, and square your actions accordingly, and imprecate the wrath and vengeance of the great God of Heaven and Earth to fall upon you, when you cease to performe what there you sweare to and declare. And therefore honourable Gentlemen, what thoughts soever of indignation and displeasure you have towards me, I hope you will be so tender of your owne honours and reputations that you will not in the least endeavour, to deale with me contrary to the pattern and meaning of the formentioned honest, just and good lawes, and if you please to let me enjoy the benefit of them, I shall be ready to ioyne issue with you, whomsoever you please, without craving any mercy, pity or compassion at your hands, and legally to answer whatsoever J have said or done.

But under the favour of this honourable Committee, I doe humblie conceive it will neither be just nor honourable for the house of Commons to punish me either for a pretended or reall crime committed by me in a hard, tedious, provoking and uniuert imprisonment, while my case is depending before themselves, and I by themselves extreamly delayed in receiving iustice and right, therefore I make it my humble suite unto this honourable committee, to represent my iust desire to the honourable house of commons, that they would first adiudge my cause betwixt the house of Lords and me, which hath been dependant before them about this 8, moneths, and either according to the lawes and constitutions of the land, iustifie me or condemn me, and then in the second place, when they have done righteous and true iudgement in this, then I desire them if they have any reall or pretended crime or crimes to lay to my charge, committed by me in my present, hard, unjust and extraordinary provoking imprisonment, whilst J am managing my businesse before them, that then they would proceed according to law with me, and according thereunto to punish me without mercy or compassion, which proposition I hope is so rationally, that in iustiee it cannot be denied me. So humbly taking leave of your honours, I subscribe my selfe.

*From the outward Court of Wards
8. day of February. 1646.
A true and faithfull servant to the*

*honourable House of Commons,
to be commanded
by them according
to law and justice
but no further.
John Lilburne.*

And having concluded my paper, now Mr. *Corbet* said I, if you please lets goe to the question, well then said he will you renounce this booke or no? Sir said I, I had rather give you leave to heugh me in ten thousand peeces, then renounce any act of mine, done by me upon grounded, mature and deliberate consideration, and therefore Sir, somethings before hand premised, J shall give you a possitive and satisfactory answer to the question.

And therefore in the first place, I desire you and all here present to take notice, that I doe not return you an answer to your question out of any opinion that J am bound in duty or conscience unto your Authority to doe it, because you command me to doe it, for *I* know *J* am (actively) only to obey you in lawfull things, which this is not in the least, for by law no man what ever is bound to betray himselfe.

Nor secondly, J doe not return you an answer to it, as though I were bound by any law in England there to; for *I* have before punctually proved it to your faces out of my paper, that it is altogether unlawfull by the law of the land, to presse or force me to answer to interrogatories. Neither lastly, doe *I* answer your interrogation, out of any base tymerousnesse to betray the liberties & priveledges of the lawes of England, or to save my selfe your insenced indignation, and therefore protesting that my answering your question, neither is, shall or justly can be drawn into president in future time, to compell me or any other free men of England, to answer to interrogatories, and therefore having (premised these things) affirmatively, I return you an answer to your question out of this consideration, that when *I* pend that book, I was inwardly exceedingly pricked forward to it, and framed it, with a resolution to lay down my life in the justification of it. And secondly, J return you an answer to the question out of this consideration, that upon your summons, I came before you with an absolute resolution to owne and avow that booke, (though I have been much by some of my friends perswaded to the contrary) alwayes provided I could get somethings effected before *I* did owne it, which *I* have already done, (that so I might set it in a way to come to a legall justification.) For first J have got the doore openned, that so *I* might have a publique hearing as my right by law. And secondly, J have obtained liberty (though with much a doe) to declare before you, in the presence and hearing of all these people, the illegallity of all yours, and all other Committees proceedings, inforcing the free men of England, (against the known and fundamentall lawes, of the land, and your own oathes,) to answer to selfe accusing interrogatories, and now having fully effected what I desired and thirsted after, I come now with as much willingnesse and readinesse to answer to your question, as you are to have me answer to it, and avowedly I tell you, *I* invented, compiled and writ that booke, and caused it to be printed and dispersed, and every word in it I will own and avouch to the death, saving the

Printers Erratas, which if you please to give me the booke, and liberty of pen and inke. I will correct and amend them under my own hand, and return you the booke again, with my name annexed, under my own hand at the conclusion of it. Well then said Mr. *Corbet*, take the book and pen and inke, and goe mend it, truly Sir, said *I*, I have but one good eye to see with, and yet for that, *I* am forced to use the helpe of spectacles, and *I* have very much this day wrained the strength of my eyes, with reading and writing, and besides the booke is five sheets of paper, so that it is almost impossible for me seriously and carefully (with my weak eyes) to read it over this night, but if you please to give me but any reasonable time, I will be very punctuall in returning it to you againe; so I had tell *Wednesday* in the afternoone given me, and accordingly *I* amended the faults under my own hand, which principally were litterall and verball faults, and at the conclusion of the booke. *I* writ, examined and avowed by me *John Lilburn*, 10. Feb. 1646.

And upon *Wednesday*, I inclosed the book with a copy of my forecited paper that I read at the Committee) in a letter sealed to Mr. *Corbet* the Chairman of the foresaid Committee, the true copy of which letter thus followeth.

John Lilburn
Lilburn, John
10. of *February* 1646.

Sir,

ACcording to my promise, I have corrected the Printers Erratas, and subscribed my hand thereto, and sent you back inclosed the very book you delivered to me with a true copy of my paper I read before you at the Committee, which is all I have at present to trouble you with, but to subscribe myselfe.

From my prerogative,
illegall and tyrannicall
imprisonment, in the tower of London
this
10. of *February* 1646.

A true and faithfull friend to the
Common wealth of England, and
your reall servant, if you will be
true to the publique trust reposed in you,
and act for the preservation of the fundamentall lawes
of the land, *John Lilburn*.

But after this little digression, J return to the rest of that which followed at the Committee, which was to this effect, as soone as *I* had ownd the book, and received the book from Mr. *Corbet*, *I* said Gentlemen, you having as I perceive done with me, I shall humbly crave liberty to make one motion to this Committee, for the discharge of my wife, for by vertue of your warrant she is a prisoner, for dispersing some of my bookes, and truly gentlemen she is my wife, and set at worke to doe what she did at the earnest desire of me her

(unjust imprisoned) husband, and truly *I* appeale to every one of your own consciences, whether you would not have taken it very ill at the hands of any of your wives? if you were in my case, and she should refuse, at your earnest desire to doe that for you that she by my perswasions hath done for me, therefore I intreat you to set her at liberty, and set the punishment of that her action upon my score, so with one consent she was discharged, for which I thanked them. Now Gentlemen with your favour and patience *I* humbly intreat you to heare me but one word more, which is this, *I* was the other day robd or at least plundered, and had my house violently, forceably, & without any colour of law or conscience entred, & an Iron latch drawn, as *I* am informed by one *Whittaker* a book-seller, who dwels in *Pauls* Church-yard, who with others like high contemners and violaters of the law, loaded away, as I am informed three porters with my true and proper goods, that *I* bought with my owne proper monie, and he pretended he did it by vertue of a warrant from this Committee, therefore *I* humbly desire to know, whether this Committee will avow his action, and heare him out in what he hath so done? No saith Mr. *Corbet*, he had no such power from this Committee, as forceably to enter your house, nor to meddle with any of your goods or bookes, but only at randome to seize upon all of this booke where he could find them. Well gentlemen, then here is a high act of violence and contempt of the law committed, for here is my house by violence entered, and so many of my goods as they pleased to seize upon carried away, none belonging to me being present to see what they did, and my doores by them left wide open, for any that had a mind to goe in and take away, and rob me of all the rest of my goods that they left, for which actions I hope I shall obtaine justice in time, but in regard you say your warrant did not authorize him to take any of my bookes, but *The Oppressed mans Oppressions declared*, and yet he tooke away abundance of severall other bookes besides that, which I bought with my monie *I* hope this honourable Committee will be so just as to command him faithfully to restore me them all again, or at least all but the hundred of the present bookes in controversie, and I was fairely promised *I* should have them, but as yet *I* have found no performance at all, though truly *I* doe conceive there was as many books carried away by him as stood me in about twenty or thirty pounds, for there was the greatest part of a thousand of my bookes, called *London Charters*, the printing of which with the paying for the copies of the originall Charters, &c. (which I had out of the Record office in the Tower) cost me almost twenty pounds, besides a great many of severall other sorts. And at my withdrawing, the people cryed out, they never would answer to close Committees any more, being the doores by law ought to be open, which they never knew before. Now friend, I know you are acquainted very well with some able and honest Lawyers, and therefore *I* pray doe me the favour as inquire of them, whether all these things laid together, it be not an act of Fellony in the forementioned *Whittaker*, &c. thus forceably to enter my house, and without any reall or pretended warrant to take away my goods; but if it be not fellony, I desire to know of them, what effectuall course, I may take in law, to obtaine my just and legall satisfaction for this illegall wrong, and making these catch-poule Knaves (who are as bad if not worse then the Bishops Rookes and Catch-poules) examples to all their fellow Knaves and Catch-poules.

Thirdly, I desire to know, whether by law, any free mans house in England can be broken open, or forceably entered under any pretence whatever? unlesse if be for felony and treason, or a strong and grounded suspition of felony or treason, or to serve an execution after judgement for the King?

Fourthly, if any person or persons whatever, shall indeavour to break open, or forceably enter my house, or any other free mens of England, upon any pretence what ever, but the forementioned, or some other that is expresly warrantable by the known law, whether according to Law or no, *I* may not stand upon my owne defence in my owne house being my Castle and Sanctuary, and kill any or all of those that so illegally (though under specious authoritive pretences) shall assault me.

Fiftly, whether in law it be not as great a crime in the foresaid *Whittaker*, &c. forceably to enter my house, and carrie away my own goods lawfully come by, under a pretence of a warrant signed by a single Member of the House of Commons, commonly called a Chair-man of a Committee. As for *Sir William Beacher Clark* of his Majesties Privie Counsell, *Old Sir Henry Vaine* a Privie Counciller, and (if I mistake not then) Secretary of State, and Mr. *Laurance Whittaker* that old corrupt Monopolizer, now Member of the House of Commons; by vertue of Regall, or Councill-Board authoritie, to search the pockets, or break open the study doors of the *Earle of Warwick*, *the Lord Say*, *Mr. Hambden*, *Mr. Pym*, *Mr. [Editor: illegible word]* or any other of those that was so served after the breaking up of the short Parliament, for which by this present Parliament (as I am credibly informed from knowing and good hands) *Sir William Beacher* was committed to the Fleet, Mr. *Laurance Whittaker* to the Tower, and old *Sir Henry Vaine*, who as it is credibly said was this principall actor in this businesse, and was in this present House of Commons, strongly moved against, againe, and againe, and in all probability had sparred soundly for it, if it had not been for the interest that his Son young *Sir Henry* had in Mr. *John Pym*, and the rest of his bosome associates, who as it plainly (now appeares, for ends besides the publike, had use to make of him against the Earle of *Strafford*, who was one of the chiefe men that stood in their way, and hindred them from possessing themselves of those high and mighty places of honour and profit that is now too much apparent they then aspired unto, and therefore truly when I seriously cast my eye upon their continued serious of actions, (especially of late) my conscience is overcome, and J am forced to thinke that there is a great deale of more truth in many of the charges fixed upon them, in those two notable Declarations of the Kings, (then at the first reading of them, *I* conceive there was) the first of which is the 12. of *August*, 1642. and begins book Decl. 1. part pag. 514. some notable passages of which Mr. *Richard Overton* and my selfe have published in the 6 pag. of out late discourse, called *The out-Cry of Oppressed Commons* unto which I shall desire to ad one more, and that is of their partiallity in judgement, which the King chargeth them with (ibim) page 516 "That they threw out of their house some Monopolizers, as unfit to be Law-makers, because their principles was not fit for the present turns of the powerfull party there, and kept in other as great Monopolizers as those they threw out, because they did comply with them in their ends, and the King instances *Sir Henry Mildmer*, and Mr. *Laurance Whittaker*, both of whom, for all their transgressions, still sit in the House.

And if it be an act of treason to exercise an Arbitrary and tyrannicall power (for so it was charged upon the Earle of *Strafford*, &c.) then I will maintain it, Mr. *Laurance Whittaker* is guilty of it, for he hath severall times done it unto the free men of England, yea upon me in particular, as at large you may read in my book called *Innocency and Truth, justified*, to the apparent hazard of my life and being, for which I will never forgive him, tell he hath acknowledged his fault, and made me legalland just satisfaction, the which if he do not the speedier, seeing by his unreasonable priviledge, as he is a Parliament man, that by law I cannot meddle either with his body or goods, I will by Gods assistance (seeing I have no other remedy) pay him with my pen, as well as ever he was paid since his eyes was open, cost it what it will and therefore I now advise him, if he love his owne reputation, without any more adoe to acknowledge his fault by giving me legall satisfaction.

The King second Declaration, is an answer to the two Houses Declaration of the proceeding of the Treaty at *Oxford* 1643. and in the second part book Decl. pag. 100 printed *Anno* 1646. where in pag. 101. he chargeth them possitively, "that the maintenance and advancement of Religion, justice, liberty, propriety and peace, are really but their stalking horses and neither the ground of their warre nor of their demands, and I for my part must ingeniously protest and declare unto you, that the dealings of both houses with me, and others of the Kingdomes best friends is such, that as sure as the Lord lives, I should sin against my own soule, if I should not really beleeve this particular charge of his Majesties to be most undeniable true and just, and to my understanding he there gives notable demonstrations to evince and cleare the forementioned charge, I shall only instance that in pag. 112. 113. VVhere his Majestie framing an answer to something they say in their Declaration about the Iudges, and Members of Parliament, he saith. "That by never having appeared at all in the favour, excuse or extenuation, of the fault of those Iudges (who are to answer for any unjust judgement, in all which his Majesty left them wholly to their consciences, and whensoever they offended against that, they wronged his Majesty no lesse then his people.) And by his being yet so carefull of those Lords and Gentlemen, it may appeare that his Majestie conceives, that those only adhere to him, who adhere to him according to law. And whether the remaining part of the Houses be not more apt to repeale their own impeachments and proceedings against those Iudges, (if they conceive they may be made use of and brought to adhere to them) then his Majestie is to require they should, may appear by their requiring in their 14 propositions, that Sir *John Bramston* (impeacht by them selves of so great misdemeanors) may be made chiefe Iustice, and by their freeing and returning Iustice *Barkly*, (accused by themselves of high Treason) to sit upon the bench, rather then free and imploy Iustice *Mallet*, who was not legally committed at first, but fecht from the bench to prison by a troop of Horse, and who after so many moneths imiprisonment, remaines not truly impeacht, but wholly without any knowledge of what crime he is suspected.

And indeed their partiallity in doing justice and judgement, appeares in no one man in England (I thinke more, then in old Sir *Henry Vaine*, who by all men that I can talke with that knowes him and his practises, renders him a man as full of guilt (in the highest nature) and court basenesse, as any man what ever that was there. For I have credably

been told by one that sate in the short Parliament, "that he was the maine and principall man, that instrumentally brok up that Parliament, for in the House in the Kings name he strongly moved for twelve Subsidies, when he had no such Commission from his Majestie, but did it of purpose to set the Parliament in a heat, and make them fly high against the King, of which heat he took advantage, and then went to the King, and incensed him against them, and thereby provoked him to break it up, on set purpose to save himselfe from being questioned about his dangerous and desparate Monopoly of Gun-powder, and other of his illegall Knaveries, in which he was deep enough even over both boots and shoes. For Sir *John Eveling* was the old powder master, and then Sir *Henry Vaine* stept in, and justled him out, and got in one Mr. *Samuel Cordwell* one of his own servants that waited upon him in his Chamber, who had the sole Monopoly of making all the powder in England, and furnished power for [Editor: illegible word] into the Tower, which powder was sold out commonly for 18. per. l. at the first hand, besides the charge of getting first a warrant from the Counsell board, to the Lord *Newport*, then master of the Ordinance, to sell such and such so much powder, which warrant besides the losse of time and trouble, cost deare enough, then there was a second warrant from the Lord *Newport*, to be obtained to the officers of the Ordnance to deliver the powder out, according to the warrant of the Counsell board, and then there was a third warrant to be got from the officers of the Ordnance to the particular Clarke that kept the powder, all which besides trouble, cost, money, besides a fee of a mark which was paid by the buyer to the officers of the Ordnance, for every last of powder they delivered, and the forementioned *Cordwell*, Sir *Henry Vaines* Gun-powder Agent, constantly ingaged to bring in every moneth to the Tower 20. last, there being 24. barrells in every last, and 100.l in every barrell, and besides he (as the principall instrument of setting this dangerous Monopoly on foot) forced the Marchants, and sea men, many times for divers dayes together, to stop their viages to their great and extraordinary detriment, till they would give large bribes, or were forced to use some other indirect means, to obtaine his warrant, &c. to get powder out of his unjust Monopolizing hands to furnish their ships, for which notwithstanding they were forced to pay above double the price for it, (nay almost trible) according to the rate it was sold at before his Monopoly.

Yea, and by this meanes, he wickedly and illegally disfurnished all the Countryes in the Kingdome, as is notoriously known to all the Deputy Lieutenants, by meanes of which he laid the King some open to the invasion and over-running of a forraign enemy, which did create, nourish and foment, strange and strong jealousies in the people, that there was some strange and desparate designe upon them to inslave and invasolize them, which was no little occasion of our present warres, by blowing of coales to the fomenting and increasing of devisions betwixt the King and the people.

Yea, and besides all this, he was not one of the least of *Canterburies* Creatures, being not a little active in the Star-Chamber, to serve his ends, the smart of which with a witnesse, I am sure my shoulders felt. For upon the 13. of *Feb.* 1645. in the 13. yeare of the present King, the Lord *Coventry*, Earle of *Manchester*, Lord *Newburgh*, old Sir *Henry Vaine*, Judge *Bramstone*, and Judge *Jones*, in the Star-Chamber sentenced me for refusing to take an

illegall oath to answer to their Interrogatories to pay to the King 500.l to be bound to my good behaviour to be whipt through the street to Westminster, and there to be set upon the Pillory, and then to remaine in prison till I conformd to their tyrannicall commands. Which decree or sentence you may at large read in the 1, 2, 3. pages of my printed relation of my Star-Chamber sufferings, as they were presented by my Counsell, Mr. Bradshare, and Mr. John Cook, before the Lords at there Bar, and proved by witnesses, the 13. Feb. 1645. the barbarous execution of which you may read not only in that relation, but also in a large relation of it, made and printed by me, that yeare I suffered, called the Christian mans tryall, and lately reprinted by Mr. William Larnar in Bishops-gate street, and in my bookes also then made, called, Come out of her my people, the afflicted mans Complaint, A cry for justice, my Epistle to the Aprentizes of London, and my Epistle to the Wardens of the fleet, which foresaid sentence the House of Commons after a long and judicious examination and debaite, thus voted.

Die Martis, May 4. 1641.

Mr. Rouse this day reported *John Lilburn* his cause, it was thereupon ordered and resolved upon the question as followeth.

Resolved upon the question,

That the sentence of the Star-Chamber given against *John Lilburn* is illegall and against the liberty of the Subject, and also bloody, wicked, cruell, barbarous and tyrannicall.

Resolved upon the question.

That reparations ought to be given to *Mr. Lilburne* for his imprisonment, sufferings, and losses sustained by that illegall sentence.

Ordered that the Committee shall prepare this case of *Mr. Lilburnes* to be transmitted to the Lords, with those other of *Doctor Bastwicks, Doctor Leighton, Master Burton, and Mr. Pryn.*

Hon. Elsing Cler. Dom. Com.

And though it was a matter of foure yeares before I could get this my ease transmitted to the Lords, the obstructing of which I cannot attribute to any, but principally to that old crafty *Fox, Sir Henry Vaine*, (who I am confident of it hath long since deserved the Ax or Halter) and and his powerfull interest and influence, especially by his sonne, young *Sir Henry*, though (*Mathiavel* like) he faces and lookes another way, who for all his religious pretences, *I* for my part thinke to be as crafty (though not so guilty a) Colt as his Father, which I beleeve I could easily and visibly demonstrate, which *I* groundedly apprehend *I* have sufficient cause administred unto me to doe, especially for some suttle, cunning, but mischievous late underhand dealings by as guilded instruments as himselfe, but at present for my own interest sake I will spare him, though (my fingers itches,) yet I must tell him, *I* am very confident for all his disguises, he will shortly be known to consciencious, men,

to be but at the best (if he be no more) then one of the prerogative quench coales, to keep the people in silence, from acting and striving to deliver themselves from slavery and bondage.

And when, came amongst the Lords, they the 13, *Feb*, 1645 decreed, that that sentence, and all proceedings thereupon shall forth with before ever totally vacuated, obliterated, and taken of the file in all Courts where they are yet remaining, as illegall, and most unjust, against the liberty of the Subject, and law of the land, and *Magna Charta*, and unfit to continue upon *Record*, and that the said *Lilburn* shall be forever absolutely freed, and totally discharged from the said sentence and all proceeding, thereupon, as fully and ample as though never any such thing had been, &c.

Which where you may at large read in the foresaid relation, yea, and by an other decree, ordered me to [Editor: illegible word]. And down into the House of Common, they send my Ordinance for their concurrance, which is there again blockt up, as *I* may too justly conceive by the powerfull and unjust interest of the forementioned old, tyrannicall Monopolizer, *Sir Henry Vaine*, for which by Gods assistance, seeing *I* have no other remedy, nor meanes left me, to obtain my right, and the *Iustice* of the Kingdome, I am resolved to pay him, (and all that I can groundedly know and heare joynes and concur, with him to destroy me, and hinder me of justice and my right which should preserve me and keep me and mine alive) cost it hanging, burning, drowning, strangling, poysoning, starving, cutting to peices, or whatever it will or can, yea, though it tooke me all the interest *I* have in the world, in any or all the great ones there of, put Lien. Gen. *Cromwell* into the number.

And therefore J desire not only your selfe, (but all impartiall Readers that reads these lines) to judge whether it be not the hight of partiallity and injustice in the House of Commons, to suffer him to sit and vote there, especially they having throwne out divers others, for ten times lesse faults then he is publicquely known to be guilty of, and *I* desire you to satisfie me, whether or no the people for their owne wellfare are not bound, and may not groundedly petition the House of Commons to throw out him, who is so great a transgressor and violater of the Lawes of England, and therefore altogether unfit to be one of those that maketh and gives lawes unto the free men of England, for in my apprehension if there were no more to be laid unto his Charge, but to have been so unjust and unrighteous a Iudge, as to have had a finger in inflicting a sentence that is voted by the house of Comons in the dayes of their verginity, purity and uncorruptnesse, (to what it is visibly now, yea, himselfe sitting as a Member there) to be not only illegall, and against the liberty of the Subject, but also bloody, wicked, cruell, barbarous, and tyrannicall, it alone were legally and justly cause enough for ever to eject him. O England, England! woe unto thee! when thy chosen preservers turne to be thy grand destroyers, and in stead of easing thee of thy grievances, with a high hand of violence protect from justice those that commit them, and thou seest it and knowest it, and yet art like a silly Dove without heart, and dares not open thy month wide to reprove it, and indeavour by petition or otherwise the amending of it, surely and undeniably that body, who, or what ever it be that is not

able to *evacuate its exerements*, is nigh unto the giving up the Ghost, or bursting out into such botches and ulcers, that it shall be an eye sore to all that behold it, and stinke in the nostrils of all men, that have their senses.

But with your patience, I will trace this old Fox a little further, and see how he hath plaid his cards since this Parliament sate, and to let pass his unfaithfull dealings with his master the King, whose Secretary of State he was, and yet could not, or would not keep his secrets, (which is an act base enough in itselfe) although as I have been told by one very neare and deare unto him, his places he injoyed under the King, were worth to him, 8000 l. per annum, but having as before as truly observed, before this Parliament (by acts of businesse done, as he was a Courtier and a Courtiers Counsellor) ran himselfe over boots and shoes and seeing that it was impossible for him and all his confederates, to break of this Parliament, as they did the late short Parliament, therefore it behoved him for the safety of his own head, to lay his designes so, as that he might by the swaying party merit preservation to himselfe, which to doe, being as he was a Secretary, privie to all the King and Courts principall secrets, though he was under an Oath, and the strictest obligation of secrecie that could be, yet they must all out, and out they went, as in the case of the Earle of *Strafford*, of which I have, heard some great ones say, it was scrued to the highest pin, if it were not higher then in honesty and justice it should, but all this was done, that he might not only save himselfe, but gaine an esteeme in the present Parliament, and so be in a possibilitie, by the interest of his son, Sir *Henry*, (although to men that were halfe blind, there was, and I thinke still is a seeming enmity betwixt him and his Father) in time to make himselfe amends, for his 8000.l a yeare by his places, which by differring of the King (to save himselfe) he was likely to loose, (and indeed it is commonly reported, that in his place as one of the Committee of the King revenue, he hath learned to lick his own fingers well) and the first or grand step of honour he attained to, by the Parliament, was to be made Lord Lieutenant of the County of *Durham*, and the wars comming one betwixt the King and Parliament, to indeare himselfe againe unto the King (knowing that the chance of warre was doubtful) he sent his second son, *Sir George Vaine* to waite upon and serve the King, who in person was actuallt at, and in the battell of *Edge-Hill*, with the rest of his fellow Courtiers, but to make up his case the more with the King, though himselfe stand with the Parliament, where as a seeming friend to them, he was able to doe the King truer service, yea, and did it then if he had been with him, for instead of protecting, preserving, securing and defending the County of *Durham*, (of which he was Lieutenant) according to the duty of his place, and those many importunare desires expressed unto him by the well affected Gentlemen of the Country, which were all in vaine, for in stead of preserving the Country, he sent his Magazine of Armes from his Castle at *Raby*, (by his two principall servants, Mr. *William Conyers* Steward of his land, and Mr. *Henry Dingly* his Soliciter at law) as a present for the King, to the Earle of *New-Castle*, then in Armes at *New Castle* against the Parliament, who might then have been easily supprest at his comming to *New Castle*, if old Sir *Henry Vaine* had been true to his trust the Parliament reposed in him.

And that he sent them is visible enough, for they carried them openly and avowedly in the

day time through the Country, boasting of their act both in their going and coming, and at New Castle from the hand of one of the Earles servants or Officers, received, a note for the receipt of those armes, that so when time should serve, Sir *Henry Vaine* might have it to justifie his good service done for his Majestie in being the principall instrument of raising the Earle of New Castles Army, and giving the King so great a footing in the North as there he had, for his Armes being sent to the Kings Generall so openly, publiquely and avowedly as they were, though his person were with the Parliament, yet it made all people there to conclude that he was himselfe absolutely for the King against the Parliament, which presently (his influence in those parts being great) got the Earle of New Castle a mighty repute and credit, and made those that were really for him to be impudent and bold in their attempts, and made abundance of Newters then to declare, (all or most of whom might at the first have been made serviceable to the Parliament, if they had been lookt to betimes) and the most of those few of cordiall, well affected Gentlemen, were immediatly forced to fly and leave all they had behind them, and the rest that stayed, were immediatly taken prisoners and destroyed, (as well as the other) in their estates, for which Sir *Henry Vaines* land and estate, ought in justice and conscience to goe to the last penny of it, to make them satisfaction, being the true instrumentall cause of all their losses, woe and misery, and of all the woe and misery of the whole North, occasioned by the Earle of New-Castles forces, and those that were necessitated to be raised to destroy them, which if they had never had a being, there had never been no need of the *Scots* coming into this Kingdome to our deare bought ayde, the evill consequences of whose coming, I am afraid England this twise seaven yeares will not [Editor: illegible word] of without a great deale of blood shed and misery, the yoak of Presbyterian bondage alone, (besides then co-operations, if not co sharing in the Civill government of England, to the unspeakable prejudice to the freemen thereof) which they brought with them over *Tweed* to this Kingdome, which is likely to prove 100. times worse then the tyranny and Lordlinessse of the Bishops. One thing more about Sir *Henry Vaine* I desire you to take notice of, and that is further to demonstrate, that his servants carried the Armes, not of their owne heads, but by his command, or at least good liking, is this, that he never complained to the Parliament of it, nor never indeavoured to have them punished for it, but rather protected and defended them, so that those that complained of them, as well as of himselfe, by reason of his greatnesse, could never be heard nor obtaine justice, though it was with some zeale followed by my Father, & my Vnkle Mr. *George Lilburn*, with other Gentlemen of the same Country, as you may partly read in *Englands Birth Right* pag. 19. 20. 21.

All this while, if the King lost the day and the Parliament prevailed, here was himselfe and his son, young Sir *Henry* to make good his interest here, so that of which side soever the [Editor: illegible word] went, the old crafty Fox was sure in his owne thoughts co stand upon his leggs, and be no looser, but perceiving the King likely to goe down the weather, by the *Scots* coming in, he whistles away his son Sir *George Vaine* from the Kings Army. And though the Parliament had upon the 20 May 1642 voted. *That when soever the King in both war upon the Parliament, it is a breach of the trust reposed in him by his people,*

contrary to his oath, and tendeth to the dissolution of this Government. And that whosoever shall serve or assist him in such warres, are Traitors by the fundamentall lawes of this Kingdome, and have been so adjudged by two Acts of Parliament, viz. 11. R. 2. and 1 ll. 4:

And yet notwithstanding, though Sir *George Vaine* did both serve and assist the King actually at the battell at *Edge-Hill*, yet as soone as any footing by the Parliament is gotten in the County of *Durbam*, he is by his Father, (and *I* thinke I might say brother too) for it is impossible if young Sir *Henry* were honest and true to the publique interest of his Country, according to what he seemingly professes, and would be thought to be, that his father and brother should doe such actions as they have done and dayly doe, and escape scot free, and no man to be heard that complains of them, but rather crushed and destroyed, which could not be, if he and his interest did not support them in all their basenesse) *I* say Sit *George* is by his Father sent down into the Country, as the only fit man to govern it, by deserving well at the hands of the Parliament for being with the King at the battell of *Edge-hill*, and therefore his made the receiver of the Kings sequestered revenue there, worth to his particular a great many hundreds pounds per annum, and is also made chiefe Deputy Lieutenant, yea, as it were Deputy Lord Lieutenant, Iustice of peace and quorum, Committee man and Chair-man of the Committee, and hath also the *Posse committatis* of the whole County put into his hands, as being the fittest man to be High Sheriffe there, yea, and now in that County, whatever a King is in his Kingdome, that saying of *Daniel* chap. 5, 19. concerning the power of *Nebuchadnezzar* being too truly verified of him and his father, in reference to their acted and executed power in that poor County, that whom they will they set up, (yea, even as arch blades as Sir *George* himselfo) and whom they will they pull down, and all the people there in a manner tremble and feare before them.

But this is not all, for the Parliament upon the clearing of the Country, sent a Magazine of Ammunition and Armes downe, which was landed and laid up at *Sunderland* in the possession of my Vnkle, Mr. *George Lilburn*, one of the Deputy Lieutenants, and Iustices of Peace, &c. of the County, which Sir *George Vaine* by his supream prerogative sent for away, and put into his Fathers Castle of *Raby* and laid in store of Provisions there, but *I* will not say he sent for some scores of Cavieliers from a Castle in *Yorkshire* to come and take possession of it so soone as he had so done, but this *I* will say, that they did come and take possession of it with a great deale of ease, and it cost the Country some thousands of pounds before they could take it againe. So here you have at present a briefe relation of the game that Sir *Henry Vaine* hath plaid this many yeares together, by meanes of which he hath got a great estate, but *I* may say an ill estate, to leave to his son Sir *Henry* principally, a man for all the experience *I* have had of him, (and *I* have had not a little) no whit inferior in my apprehension to his Father in *Mathiavel's* principles, for all his guiled professions, and truly it is very strange to me what the Family of the *Vaines* hath deserved of this Kingdome, that they must have so many thousands pounds a yeare out of the Kingdomes Revenue, in its present great and extraordinary poverty, as they have, never any of which ever hazarded the shedding of one drop of blood for the

Parliament or Kingdome. And besides the two sonnes before mentioned, there is a third lately come out of *Holland* that was a Captain there, and though he hath not one foot of Land in the County of *Durham*, yet he is as I am informed lately made a Iustice of peace, and hath besides profitable and gainefull Offices there. *I pray Sir, what doe you thinke such doings as this (of which the Parliament is full, as I could easily declare) doth portend to the whole Kingdome, doe you thinke that it portends lesse then absolute vassolage and slavery to the whole Kingdome, by a company of base and unworthy men, setup by the people, whom they may if they please pull downe by calling them home, and chuse honester men in their places, in a new Parliament to call them to a strict accompt, without doing of which the lawes and liberties of England are destroyed, and our proprieties utterly overthrow, that doe and will tyrannise ten times worse over us, then ever our prerogative task-masters of old did.*

*Sir, sure I am by the antient, good, just and unrepealed laws of England, it is inacted, that a Parliament should be holden every yeare once or more oftner if needed again for the maintenance of the lawes, and the redresse of divers mischiefes and grievances which daily happen, 4. E. 3. 14. and 36. E. 3. 10. And by the act made this present Parliament in the 16. yeare of the King, called an Act for the preventing of inconveniences hapning by the long intermission of Parliaments, there it is provided, in case the King doe not performe his duty to the Kingdome, in summoning of Parliaments as he ought; that then we shall have a Parliament once in 3. yeare whether he will or no, as appears by the Act itselfe, which most excellent. Act is altogether fruitlesse to the Kingdome, if we must have a perpetuall Parliament, and therefore an everlasting Parliament is the greatest abridgement and detruccion to our lawes, liberties, and proprieties that possibly can be imposed upon us, the present Parliament men being in their owne principles unpuestionable, lawlesse, & uncontrowleable (and so art a kind of Monsters, rather of the Divells creation then Gods, for he never created and made any man lawlesse) during all whose sitting as they by their actions order the matter, we have no propriety in our lives, liberties, estates or trades, for all of them are subject to be destroyed by a Vote, and that sometimes it may be carried but by the Vote of one of Dr. *Bastwicke* [Editor: illegible word] or [Editor: illegible word] or *Pryns* Minors or Infants, it may be but of 18. yeares old, [Editor: illegible word] year as younger [Editor: illegible word] [Editor: illegible word] to be by law that can sit in that House, nay to such a hight of tyrannie are these [Editor: illegible word] [Editor: illegible word] grown, that they by Vote (without law or reason) take our liberties from us, upon any [Editor: illegible word] and false report of any of their Members, or any of their [Editor: illegible word] Catch poale without either the hearing us speak for ourselves, or so much as telling us the cause wherefore we are imprisoned, and this the last yeare in every particular was my portion, by the meanes of William [Editor: illegible word] the *Speaker* of the House of Commons, Dr. *Bastwicke* and that base and low order fellow, Col. *Edward King*, who divers yeares agoe deserved to be hanged for betraying the trust reposed in him by the Parliament, and this was lately the portion of Major [Editor: illegible word] by the means of M *Hollis*, Sir *Walter Earle*, Sir *Phillip Stapleton*, Sir *Sam. Luke* & the rest of their right trusty and doubty Associates. O*

brave Parliament! Which by its constitution and primitive practises, was a Bulwarke to secure the Commons of England from being carved up and destroyed, by the prerogative and wills of the Kings of England, but having now [Editor: illegible word] first station, destroyes us with unknown, unlimited and arbitrary priviledges, more then all the prerogatives of any King of England, since the first day of *Magna Chartas* establishment and are unaccomptable for any thing they say and doe, yea, and doe not only act the Parliamentary power, but also a regall power, yea, and though they count themselves the greatest Iudges in the Kingdome, yet contrary to law, justice, reason, and conscience, take upon them for fees, (which I may call bribes), to plead causes before Iudges of their own making, who dare as well eat their fingers ends, as displease them, and then in conclusion it may be the very same causes by way of appeale comes before themselves as supreme Iudges, and judge you how those causes must goe in which they have been, and it may be are Hackney Counsellors, which they ought not in the least to be, it being not only contrary to law, but the oathes of Iudges that any Iudge should give Counsell or be a Counsellor.

Yea, Parliaments in former times used to be so carefull in the discharge of their Duties for the welfare of the people that did chuse and be trust them, that they would impose nothing upon the people that might be a burthen to them, without acquainting them first with [Editor: illegible word] *Sir Edward Cooke that learned Lawyer in the 4. part of his Institutes Chap. of the high Court of Parliament, fol. 14* declares his words are as followith, which is printed by the present Parliaments Speciall order.

It is also the law of the Parliament, that when any new device is moved on the Kings behalfe in Parliament, for his aid or the like, the Commons may answer that they tendred the Kings estate and are ready to aid the same, only in this new device they dare not agree, without conference with their Countries, whereby (saith he) it appeareth that such conferences is warrantable by the law and custome of Parliament. And folio 34. (he saith) that at the Parliament holden in the 9 Edw.3 when a motion was made for a subsidy to be granted of a new kind, the Commons answered, that they would have conference with those of their severall countries and places, who had put them in trust, before they treated of any such matter. See my booke called Innocency and truth justified, pag. 60.

But now things by the present Parliament are so carried, as if they were absolute Lords overal the estates of all & every individuall in the Kindom, that chuse and trusted them, and as though they might leavie upon them at their wills what they pleased, and dispose of it how they pleased, even to their own particular pockets to the inrichment of their particular selves. See the *Opressed mans Oppressions declared*, pag. 22, 35. *Regall Tyrannie* p. 101, 104, 105, 106. and *Londons account*.

So that the People now, are without a Bol-worke to preserve them from being followed up by unlimited prerogative & unknown priviledges exercised by them [Editor: illegible word] by their own principles if they vote to set up popery on the turkish Alkoran [Editor: illegible word] [Editor: illegible word] [Editor: illegible word] [Editor: illegible word] it because they vote and declare it, and if they vote into their owne pockets [Editor: illegible

word] [Editor: illegible word] (we must give) them unto them, or if they vote to monopolise unto themselves, all our wives and children we must part with them to them, because, they vote it, and have no remedy in helpe ourselves, because we have trusted them, (O brave Parliament principles) though we never intended them in the least any power at all to doe what they list, nor any other power, but only rationally to the best of their understandings. (according to justice [Editor: illegible word] right reason) and provide for our greater happinesse and better well being, which they them selves before they had got the King and his party downe, did honestly confesse, book Decl. I pag. [Editor: illegible word] to call the Iudges to an account, and to punish them if they should pervert the law and justice of the Kingdome, either by the Kings flatteries, letters, commands or threats, which the law expressly saith, they are not in the least to regard, in the administration of justice, 9. [Editor: illegible word] E. 5. [Editor: illegible word] [Editor: illegible word] E. 3. 9. 14 E. 3. 14. 11., [Editor: illegible word] [Editor: illegible word]. And if they see cause to call the Lord Treasury &c. to account, to know and see, if the publique Treasure of the Kingdome be [Editor: illegible word] [Editor: illegible word] [Editor: illegible word] according to the end and uses that it is assigned [Editor: illegible word] [Editor: illegible word] for the good preservation, safety and protection of the Kingdome and not to be imbezzled or wasted in ends or uses not warrantable nor justifiable.

But they were never in the least be trusted with a power to protect and beare out their own Members in all manner of treachery and basenesse committed by them against the Kingdome, (as I could easily instance they have, done to divers) and to cheat and cozen them of great and vast sums, of their, money, and yet not to be liable to be called to any account for it. See Mr. *Andrew Burrells*, Remonstrance to the Parliament of England, and the state of *Irish* affaires presented to the Parliament by the Committee of adventures in *London*, for *Ireland*, and *Regall Tyranny* Pag. 101, 102, 103, 104, 105, 106 in which pages it is declared, that a right reverend Gentleman of the House of Commons, *Sir John Clotworthy* and his agent Mr. *Davis*, have put in their particular pockets, 97195 l. of the money raised for the relief of *Ireland*, and I have heard that the foresaid Committee of Londoners had [Editor: illegible word] *Sir John Clotworthy* to the purpose in the House of Commons, about 2400 l. that they possitively say he hath in his hands, if as I am informed, he had not by a great deale of industry found some very great Citizens tardy (contrary to the law,) in transporting beyond the Seas, Silver and Gold, who improved all their interest to keep him from complaining, and it is thought prevailed on purpose with the said Committee to cease prosecuting, *Sir John Clotworthy* that so he might cease prosecuting them, for their transportations, nay it is verily though some lickt their fingers soundly about this businesse, for I have from very good hands heard, there are some notable blades about London, that can easily discover so many great men about London capitally tardy with transporting of the Kingdome treasure beyond the Seas, that if there were any that would doe impartial justice swiftly securing the penalty of the lawes, divers hundreds of thousands of pounds might easily be raised to be put into the publique purse,

only it were worth the Commons of Englands serious looking to it that three quarters of it were not put into particular Parliament mens pockets. Oh for a new chosen Parliament to find out that almost unfathomable knavery that is amongst divers of this Parliament, about mighty sums of the publiquess money. I dare boldly aver it, that all the businesse against *Strafford, Canterbury, Lord Keeper Finch, Lord Chief Iustice Brimstone, brethren Iudge Bartlet, Barron Trever, Sir George Ratcliffe,* The Farmers of the Custome-house, *Alderman Abell, Mr. Calvert* and the rest of their Cater-piller Monopolisers was never when they were opened, more odious to the people, then the villanny and roguery of divers of the present Parliament men would evidently appeare, if there were any uncorrupted and impartiall judges to lay it open, which as they are, is impossible to be found or had, they being generally and [Editor: illegible word] (in a manner) so corrupted with fingering the States money, that for my part I am very [Editor: illegible word] of it, they dare not rip up one anothers knavery, for feare he that first begins gets a [Editor: illegible word] himselfe before he hath done. Yea, I have observed it for divers moneths together, that it is a common practice in the House of Commons, that as soone as a Soldier is chosen a Parliament man, of whose honesty, valour and boldnesse, many people had high thoughts of, but [Editor: illegible word] him, and low up his lips, which gifts doe *Ezekiel 23. 8. Deut. 16. 19 Eccles.* [Editor: illegible word] within a moneth or six weekes very commonly, order that he shall have his Arrears cast up and paid him, or else a Vote for 4 or 5000, l. for one losse or another, so that for my part I [Editor: illegible word] though a man be never so gallant when he is in the field, yet such bewitching baites of money &c. is in the House of Commons, that as soone as he comes to sit there, he is in my thoughts three quarters spoyled, yea, and it may be in a very little time will be an enemy to that gallantry and down right honesty, he in the field professed so that for my part, of all the late Commanders that have been chosen to sit in the House, (they are so taken with the Silver baites of that House) that I profess for my part? will not give a groat a dozen for them, (to doe the Common wealth service in their present place) unlesse it be one or two at most amongst them, therefore say I, let us earnestly contest for the inioyment of our iust, nationall liberties and the long and antient just laws of England to have every yeare a fresh and new Parliament, to call this to an account for all our money they have had, and all the iniustice they have done us without which we are destroyed, both in our lawes, liberties and proprieties, but if any shall [Editor: illegible word] the Kingdome in generall will find; great hazards by a new choise, I say no, for it never such base men be chosen, if we have a fresh Parliament every yeare, to sit three or four score dayes at most, it will be as a rod kept over their heads to awe them, that they shall not dare to doe the Kingdome one thousand part of that iniustice that this Parliament hath done, for feare the next Parliament they shall be questioned, and then loose their heads or estates. Therefore in the Kingdomes good in generall, it is worth the indeavouring to get the same proviso in an annuall act, that now is in the trianiall made the 16. yeare of the King, & to settle the government of the Kingdome, either by the King againe, or some other way that the Parliament shall think fit, by chusing out a Committee amongst themselves to manage the great affaires of the Kingdome, till the next free and new chosen Parliament, for now we are under a Law, when Parliament men please to destroy us, and when the Law will not

reach us, then their wills shall, tell which be done, England shall never enjoy iustice, impartiality, but be in the absolute condition of as perfect vassolage and slaverie, as either the Turks in *Turky*, or the pesants *France*, or the Boors in *Flanders* having neither the enjoyment of liberty nor propriety now; it being I wil maintain it, the greatest act of breach of trust that ever the King did in his life when he passed the Act called the Act to prevent inconveniencies, by untimely dissolving the Parliament, made 1641. to let both houses sit as long as they pleased, and so make sitting in Parliament a Monopoly and hereditary to them and their heires for ever, which is such a palpable and visible violation of our essentiall and fundamentall liberties, that it is lesse to be indured by the honest free men of England, then any act of iniustice, or violence that ever he did to us in his life; for this is to universall that it absolutely destroyes both our lawes, liberties, trades, and proprieties, and makes us all perfect and absolute slaves, but Parliament men and their new made and created creatures, there being nothing wanting but the Kings consent to the twelfth Proposition, that both houses by law may levie upon the People, what money they please, and doe with it what they please, and never be accountable, and therefore I will add a fift thing, to those things of greatest evill mentioned by me in my Epistle dedicatory, before my booke called *The Charters of London*, and pray from the Popes unwritten [Editor: illegible word], Kings unlimited Prerogatives, Parliaments unknown priviledges, the Lord Major, Court of Aldermen, and the rest of the prerogative Common-Counsell men of London, implicite saith, but especially from an everlasting Parliament, Good Lord deliver honest *John Lilburne*.

Now Sir, I come to speak a few words unto the state that you are in by reason of the trouble I have brought upon my selfe, (a you thinke) by owning of my booke, to which I answer.

Alasse! I professe it seriously, death it selfe is more acceptable to me, then to live, and be without cause destroyed in a Gaole, what should I be affraid of? For I assuredly know God in Iesus Christ, is my reconciled father, in the strength of which I have walked stedfastly above these ten yeares, so that *I* without doubt know he hath instore for me a crown of eternall glory in the Kingdome of glory, *And cursed be he that is afraid of war that shall die, and of the feare of man which shall be made as grasse, and forget test the Lord his maker, that stretcheth forth the heavens, and laid the foundations of the Earth*, Esay 11. 12, 13. And truly to extraordinary large experience have I had of God, unfathomable loving kindnesse and truth, that there is nothing but sinne can make me afraid, (*For the Lord is on my side, I will not feare what man can doe unto me*, Psal. 118. 6. and 56, 4. 11. Heb. 13. 6) which *I* am principally tyed from by that overflowing, bounty, & goodnesse, that *I* have taisted in God.

And for my wife and children which most troubles me, unto whom I ought, and I hope have and doe beare a husband and fatherly affection unto, yet alasse, shall I for love of them sin against my owne soule, and be silent, when my conscience from sound grounds tells me God would have me to speake, to reprove the perversnesse and stiffe neckednesse of an Hypocriticall, uncircumcised, in heart generation of men, that under

specious pretences goe about to inslave their native Country, and so by consequences strongly endeavour to destroy my wife and Children as well as my selfe, who must undeniably perish, if I should live with them, if the law and justice of the Kingdome be overthrowne, which cannot in likelyhood be avoyded, if God should not open the mouthes of some to speake, reprove and informe, and God having betrusted me with a Talent, yea, and by my unjust imprisonment, put on opportunity into my hand to improve it for his advantage and glory, accursed should J be in my own apprehension, if *I* should tye it up in a Napkin and hide it.

And besides when all ordinary meanes failes, to contest for my right (without the enjoymment of which, my wife and children in the eye of reason must perish and be destroyed) In my understanding is the only way to obtaine it, but if in the persuit of my present contest *I* should loose my life, I can lay it downe with a great deale of comfort, and commit my wife and children with a great deale of confidence, in the faithfullnesse and care of God, who hath manifested so much unto me in all the straites and extremities that ever I was in, for the faithfull discharge of my duty to him in endeavouring to keep my consolence unspotted before him, I pray read my Epistle dated 11. Nov. 1638 and printed at the latter end of my answer to *Pryn*, called *Innocency and truth justified*.

Besides, in my present imprisonment, I am stript of all industrious meanes to provide for my wife and children, and am much more in the rode way by expences to destroy them, then to lay up six pence for their future subsistance, and which it long continued, in the eye of reason, I must either eat them, or they me. And therefore being in many straights in my owne spirit, and under many capitall oppressions, contrary to the law and justice of the Kingdome, *I* looked up to God, and pluckt up my resolution, and put pen to Paper on purpose if it were possible to give them a provocation to bring the forth to a publique tryall, that so it possible *I* could I might know what I must do, and yet so carrying my businesse; that I would in my own apprehension have the law of the land of my side, and advantages sufficient to render my adversaries [Editor: illegible word] and contemptable for their unjust proceedings with me and therefore it was that *I* that proposed before the forementioned Committee owned my book in that manner that I did, which if I had not, the credit of the book would have been blasted, and divers other great inconveniences to me would have followed.

And therefore knowing very well, that though divers in the house of Commons were [Editor: illegible word] the book; yet by law they themselves in their Arbitrary way, could not try me for it, the which if they should or had attempted, *I* should have shewed them their owne Oathes and Declarations, *where they sweare and declare to maintain the lawes and liberty of the land*, and should, as shall say to them as *Tamer* said to *Judah* after he had in his unadvised rashnesse *condemned him to death for being with child by what* [Editor: illegible word] *but when she was brought forth she said to Judah her Father in law saying, saying to the man who* [Editor: illegible word] *are, am I with child,* [Editor: illegible word] *I pray thee,* [Editor: illegible word] *these, the signes and* [Editor: illegible word] *and* [Editor: illegible word]. *And Judah acknowledged them and said, she had been*

more righteous than I am because I gave her not to Shiloh my son and he knew her agonie more Ge. 38, 14, 15, 16 &c.

Even so should I have said, if they should have falne upon me with fury to have tryed me (for writing my booke) In their Arbitrary and Parliamentary ways (and falne upon me with as much heat for standing upon my legall priviledge, as *Judah* did upon *Tamar*, when he judged her to be burnt) *whose Oathes? whose Covenants? whose Declaration and Protestations are all these? In all of which you have solemnly ingaged before the presence of the great God of Heave at Earth and all the world, that you will maintaine the lawes and liberties of the land.* Yes, the House of Commons in their most excellent Declaration of the 19. April; 1646. book [Editor: illegible word] part folio, 879 expresly say, *that although the necessity of the war given some disturbance to all proceedings, stopped the usuall course of justice, inforced the Parliament, for the preservance of this court to impose and require many great and unusuall payments from the good subjects of the Kingdome, and to take extraordinary wayes for procuring of moneys for their many pressing reasons, it having pleased God to reduce our affaires into a more hopefull condition then heretofore we doe declare, (marke this well) That we will not, nor any by colour of any authority derived from us, shall interrupt the ordinary course of justice in the severall Courts and Iudicatories of this Kingdome, nor inter meddle in cases of Private interest of [Editor: illegible word] where determinable, unlesse it be a case of maleadministration of justice where we shall see and provide, that right be done, and punishment inflicted as those shall be [Editor: illegible word], according to the laws of the Kingdome, and the trust reposed in us, which else where they say, is to provide for the peoples weale, but not for their woe* and in other of their Declarations they declare, *That the law, and the ordinary course of justices is the common birthright of every subject of England, and that the Law is in case of tryall, they declare it to be one and the same with that expressed in my forementioned paper, see 1. part book Declaration pag. 4, 7. 38. 39. 77. 278. 458. 459. 660. 845. see also The Anatomy of the [Editor: illegible word] pag. 8, 9, 10. The Out-cryes of Oppressed Commons, pag. 7, 8. and Vex Plebis, pag. 13, 14, 15, 16 &c.*

And therefore if *I* be in an error, or have committed an evill in the judgement of the Parliament, for standing upon my legall priviledges against them, verily by the men whose are these, am I *seduced, deluded, and led into error*, discern *I* pray you, whose are these, *these Remonstrances, Declarations, Protestations, Oathes, Vowes, and Covenants, the benefit of which I ought to infer* the which if they let me, I shall let you know I was not, nor am not altogether [Editor: illegible word] to know my owne priviledges at the Common Law, for *I* know it they indict me, (tell they have wholly altered the government) it must be in the Kings name, and for committing a crime against him, & this is expresly the form of their indictment & I am sure *I* can be found guilty of no crime committed against him, unless it be at their command, for drawing my sword & fighting against him and his Army, & in this I shall plead their own Ordinances and Declarations, where they promise to beare me harmlesse for so doing, and I am sure this is a good and sufficient plea before one of their owne Iudges, who hath no other power but what he derives from one of their owne Ordinances, which if he shall hang or destroy me, or any man, for

actions done expresly in obedience to their Ordinances, for any thing I know he ought to be hanged as a wilfull murderer for destroying me for doing actions in obedience to that power (and expresly commanded by them) from which he hath all his power, and hath no other power to sit as a Iudge, but by vertue of an Ordinance of the two Houses.

But if they should condemne me for this action, what doe they else but condemne in me the whole Parliament, and all that have in these warres adhered to them.

But if they should happen to indict me, for acting, committing, or indeavouring to act, or commit treason, rebellion, or insurrection against the Parliament, I very much question according to Law, and the present constitution of the Kingdome, whether any such indictment can be made or no, but if it can? I wonder then the Parliament doth not then try the Cavieleers in the severall prisons of London, that avowedly and professedly have drawn their swords against them to destroy them, yea, and glory in it as their duty so to doe, and truly it is the greatest injustice in the world, to let those goe scot free that are guilty in the highest nature, and to punish him or them that is not in the hundred degree so guilty, and yet this is my case, where if here I could not defend myselfe, (although believe *I* should be able to give them good store of strong and pulling reasons, which now I will not communicate to you) but yet they would goe one and presse me to plead to the indictment, I should desire to see and know, whether or no, my Iury of twelve men of my equals were all legall men or no, yea, and something more besides.

And in the first place, if I were indicted for treason, *I* might by law, except against 35. Jury men without rendering any reason for it, see the 32. *H. 6. folio. 26.* [Editor: illegible word] *H. 7. folio 19 Stam. Pleas Crowne, folio 198, Cookes 3. part Institutes, folio 24. and 27. and then I might except against so many as I could declare bore me a particular mallice for pre-judgement is a good challenge by the law, for the common law of the land, that a Iury men must be in different and impartiall before he be sworne, see Stamfords Pleas of the Crowne, lib. 3. folio 158. and Britten in his discourse of the lawes of the Land, folio 12. and 25. [Editor: illegible word] 3. chap. 3, 12. Ass. plea. 30 Bre-Challenge 42. 101. 120. 142. 156.**

And so within the compasse of malicions men against me would come all the Presbyterians, that have taken the League and Covenant, in the second Article of which [Editor: illegible word] part fol. 4. 2. 5. they have illegally and unjustly sworne to destroy and extirpate all Heretiques one of which they judge me to be, because I will not take that *ilegall Oath, nor be conformable to Scotch, Antichristian Presbytery*, and so have sworne to destroy me, before *I* be legally convicted, which in wicked and unlawfull.

For a man bound by an Oath before, to doe that which he is to doe upon the indictment; evidence and prooffe thereof, is partiall, and not in different, see *Cookes 1. part institutes libr. 1. chap. 12. sect. 234. pag. 156. who saith expresly, Jurors must be men without all exceptions.*

And by the Statutes of 1. *H. 5. 3. and 1. H. 6. 19,* It is inacted, *that no parson shall be*

admitted to passe in any inquest (or Jury) upon tryall of the death of a man, or in any inquest betwixt party, or party in plea reall, nor in plea personall, whereof the debt or the damage declared, amount to forty markes, if the same person, (or Jurer) have not lands or tenements of the yearly value of forty shillings, alwayes provided that the party to be tryed doe make his challenge. And by the Statute of 17. Eliz chap. 6. It is inacted, that in all cases where any Juror to be returned for tryall of any issue, or issues ioyned in the Kings bench, Common pleas, and the Exchequer, or before any courts of assize, shall every one of them have estate of free hold in lands, tenements or Hereditaments to the yearly value of 4. l. at the least, and the Sheriffe or other Ministers, unto whom the meeting of the Pannell shall appertaine, shall not returne in any such pannell, any person, unlesse he may dispend foure pound by the yeare at the least, of free hold out of ancient demesne, within the county where the issue is to betryed, upon paine to forfeit for every person so returned in any such pannell that cannot dispend 4. l. free hold, 20s.

It is true that by the Statute of the 33. H 8. 13. it is inacted. *That every person and persons being the Kings naturall Subject borne, which either by the name of a Citizen, or of a freeman or of any other name, doth enjoy and use the liberties and priviledge, of any City, Burrough, or Towne where be dwelleth, and make his abode, being worth in moveable goods and substance to the cleare value of 40 l, be from henceforth admitted in try all of murthers and felons in every session, and Gaole delivery kept and holden in and for the liberty of such Cities, Burroughs and Townes are, albeit they have no freehold, provided alway, that this act doe not extend in any manner of wise, to any Knight, or Esquire, dwelling, abiding, or resorting in, or to any such City, &c. And I, by vertue of having been a Lieutenant Colonel, am an Esquire, as may easily be proved one of the Herauld of Aimes Office, and therefore in what place soever I am or shall be tryed may lawfully make my exceptions against every man of my Jury that is not worth in free land 4.l. per annum.*

And besides, if none of these will doe me good, I have this last remedy that I am confident, I shall legally and fully prove any charge whatever, that in that booke *I* lay upon the Parliament in generall, or any member of it in particular, if *I* may from them enjoy the benefit of the law, and then I pray what doe they gaine or *I* loose by owning and avowing the foresed booke.

But if you thinke that by owning of my booke, they are there by so exasperated, that I had the hazard of being destroyed by them by an act of power and will, to which I answer, by that law neither you nor any man in England is safe, but liable to be destroyed at their pleasure, yet the lesser part of themselves, are liable by that law every houre to be destroyed by the loss of the Major part, and then the Major part are liable every houre to be destroyed for a company of Tyrants and for sworne perjured men (*for the king all their Oaths which they have taken to mantaine the law of the Kingdome, and like absolute Tyrants have made their will a law*) by any company or multitude of men stronger then themselves, which if they should goe this way to work they would every houre be justly in feare of, but if they should be so farre be stuped and besotted as to run the hazard of

their owne deserved ruine by destroying me by an act of power in cold blood, by the law of their owne will, *I* for my owne particular should be no looser by my translation from an earthly death, to an eternall life, and therefore *I* feare not their malice, nor care not a straw for the worst they can doe to me, being (notwithstanding the feare of your selfe, and other of my friends) resolved so to provoke them, that they shall either be necessitated & forced out of meer fear or shame to do me justice & right, by making & hearing my report (*now in the hands of sluggish Mr. Henry Martin, whose prisoner principally I now am*) judging my case, and setting me free at liberty, and giving me legall reparations for my illegall and unjust sufferings, or else out of meere madnesse, furie and revenge, to send me to Tyburne to be rid of me, of which I am not in the least afraid, and doubt not but if God should so forsake them, and the Devil so farre lead them as there to bring me, but at and by my death, I should (*Sampson like, Judges 16. 18. 29. 30.*) doe them more mischief then I did them all my life, by pulling away the two maine pillars, that upheld their unfairly to be [Editor: illegible word] in house of tyranny.

And therefore, if you would avoid the evill you feare to come upon me, I entreat you to presse *Mr. Martin* (with whom I know you are acquainted) to make my report to the house, which he hath so unjustly kept in his hands so many moneths, to my unspeakable prejudice, and the unconceivable prejudice of the whole Kingdom, and if he should say, that their house are not in a temper to doe either me, or the Kingdome concerned in me, justice, or right, and therefore it is better forborne then made, lest their house by Vote confirme what the Lords have done to me, to answer which I must tell you, *I* am as sure as that *I* am a man, that I have the *Law* of England on my side against the Lords, and which *I* thinke is unanswerably demonstrated in the forementioned books, and therefore let their house be in never so bad a temper, I most earnestly intreat you to presse him to endeavour to make it, and so quit his hands of it, I care not what the issue be, so he doe but discharge his duty, by attempting and endeavouring to make it, and take some of his Comrades to beare witness of it and send me the names of those that in that House stand up against me to hinder and pervert the justice of the Kingdome, in this particular case of mine, and *I* shall thinke him an honest man, and that he hath done his duty in endeavouring to obtaine justice and right for me, at the hands of those that ought impartially to hand it out to me, or the meanest Commoner and legall man of England, but this Sir I doe assure you, that if *I* can upon good grounds know the names of those that interpose their power & parts to hinder me of that justice and right which is my due in this particular, by the good, just and unrepealed law of the Kingdome, I will pay them with my pen upon the posts of London, and to the view of the whole kingdome, as well as all the wit, braines and parts I have will in able me to doe, cost it what it will, I pray Sir presse *Mr. Martin* but to *indeavour the making of my report*, for while it is in his hands, I am tyed in a manner by him hand and foot, and cannot as I would stir for my own good, till he hath rid his hands of it, one halfe of whose ill dealing with me, I should never beare nor take from all the professed adversaries *I* have in the world, which I must be necessitated in a large Epistle shortly to signifie to him, and publish his dealing with me to the world.

In the next place, if you desire to prevent that evill that you feare will be fall to me, then *I*

pray you improve your utmost interest amongst the Commons of England in City and County, to petition to the House of Commons, either according to justice and right, to justifie or condemne me, and in case they will not receive, read and satisfactorily answer their Petitions, then I intreat you improve all your interest in them, to get them publiquely and avowedly to remonstrate and declare the Parliaments unjust dealings with them to all their fellow Commons of England, that *I* may not be necessitated to run the hazard of making my single appeale against them to all my fellow Commons, as well in the Army, as City and Country, which before I will be destroyed in prison without cause, I both must and will doe, though I should loose my life the next day after for so doing.

But now before *I* conclude, in regard I intend to make this Epistle publique, I will communicate to your consideration, two things of speciall concernment to me, and the first is a peace of justice of the House of Lords in its kind, as excellent as theirs to me is, and it is the case of one Mrs. *Elizabeth Walter*, the breviat of which as she her selfe gave it me in writing with her [Editor: illegible word] subscribed to it, I shall recite here verbatim, saving some of the Marginall notes.

Elizabeth Walter

Walter, Elizabeth

THE PROCEEDINGS OF MRS. WALTER IN THE PARLIAMENT WITH THE HOUSE OF LORDS

SHrove-Sunday last is seaven year since my husband left me in this tomn with three children, a house and family, and left me but seaven pence for the reliefe of me and them. I followed him into the Country two hundred miles of this place, and came to him where he was in one Chapels house, who wrought such dissention betwixt us, that as soone as he see me, he took the Bible and by the Contents of that book he swore he would never more live with me, and fell to beat me most cruelly, and turned me out of doors.

- 1 My first Petition was the beginning of this Parliament.
- 2 See their Order of the 2. *Iune* 1641.
- 3 See their Order of the 23. *Iun.* 1641.
- 4 See their Order of the 27. *Novemb.* 1641.
- 5 See their order of the 10. *July*, 1641. and 2. of *Aprill*, 1642.
- 6 Vpon the 12. *May*, 1642.
- 7 See their order of the 13. *May*, 1642.
- 8 See his notable Decree, made 13. *May*, 1642.
- 9 See their order of the 1. *Iune*, 1646, and the Commissioners order of the 22. *June*, 1646.
- 10 See their order of the 23. *Nov* 1646, and their order of the 1. *Feb.* 1646.
- 11 See their order of the 28. *Nov.* 1646.
- 12 See the Moderate Intilligence, upon the 23. *Feb.* 1646.
- 13 See their order of the 18. *Feb.* 1646.
- 14 See their fatall order of the 23. *Feb.* 1646.
- 15 Whose husband Mr. *Stavely*, was lately high Sheriffe of *Leicester-shire*, and a Committee man, and whose said, wife is suspected extraordinarily guilty of a kind of processed & open incontineny, yet the house of Lords committed him prisoner to the Fleet about two years ago, for refusing to pay her Alley money, to support her in her professed wickedness, where they have kept him prisoner to this very day, a brave contradicting peece of justice, and worthy to be founded out abroad for their Lordships deserved commendations.

On which I returned back to London, and put it to the House of Peers, 1 for some reliefe for me and my children: who sent for my husband up, 2. and at a full hearing, my husband being in place, before three score Lords, having nothing to alledge against me but that he would not live with me, they then ordered by his owne consent out of two hundred pounds a yeare, to pay me three score pounds a year and further what Estate should fall to him, either by the death of Grand-mother or mother, I should have the one halfe thereof, for the reliefe of me and my three children, 3. which is five hundred pounds a yeare more, All which orders my husband would never obey, but still stood under contempt. 4. The the house referred it to the Iudges, Foster and Heath, 5. to draw a sequestration for my life, according to Law, which they did, 6. and Brought it to the house,

and the House confirmed it, 7. and ordered it to my Lord Keeper, who decreed it in Chancery, 8. and set it out under the great seale of England, I having all this while received nothing from the Estate, the great seale being made voide, I petitioned to the house in May last, 1646, for the new broad seale, which was granted me 9. and I therewith sequestred part of the Estate, but never received but one five pounds thereof.

In the meane time my husband petitions to the house for a re-hearing, (alleging he could prove incontineny against me) it was granted him, and comming with our Counsell to the barre, my counsell pleaded his severall contempts, at which time we were dismissed, then he petitions againe, gets of his contempt, paying me my arrears, 10. which was five hundred pounds, before he should have a re-hearing, then he petitions againe, and then I was ordered to suspend the arrears till after the hearing, 11. then we had a hearing Counsell of both sides meet, without witnesses, on his side there was nothing or little proves, and he feared no small asperstions were laid upon me, 12. then the Lords refered it is all the judges that know what alley money was due to a woman by the law, 13. who reported there was second among his obeyers, they dissinnulled all their former orders and took of their former stations 14. and dismissed the cause, though my Counsell cited to them severall cases, of women that were found guilty of incontineny, As Stavely, 15. Dutton and others.

I have spent above foure hundred pounds in the suite, and now am left without reliefe as at the beginning.

The Judges report was but verbal which is not ordinary.

At the giving me an estate, there was three score or four score lords, at the taking it away, there was not above twelve or fourteen, and two of them testified against it, which was my Lord North and Moulgrave.

My Counsell were Mr. Maynard, Mr. Herne, and Mr. Nudigan.

Elizabeth Walter.

Now I pray you friend judge and consider, whether or no these Lords be not a company of brave and gallant conscionable men, fit to be our Law makers indeed, that can make a poore Gentlewoman dance above 6. yeares attendance for a little reliefe to keep her and her children alive, (for you see that when her husband left her, he left her with seven pence, and did not forsake her for any undutifullnesse or incontineny but rather that he might have elbow room enough to live as incontinent as his lust pleased) and yet in conclusion to expose the poore Gentle-woman and her three children in the eye of reason to a perishing and starving condition, after she hath spent above 400. l. to obtaine that at their hands, that in it selfe is as just, equitable and conscionable, as anything in the world can be, (and after they have made her order upon order, for the possessing of her just desire, so full I thinke for I have read them all) as it is possible to be comprised in paper, and I desire not only you, but all the Ladyes and Gentlewomen in England, yea, all the Fathers of Feminine creatures, to consider what a sad thing it is, that if they shall bring up

their daughters well, and bestow large portions upon them, and marrie them, and their husbands shall live with them till he hath got three or foure children upon them, and then at his pleasure without any just cause given him by his wife, (for the satisfying of his lust, upon a whore or whores) shall leave his wife and children to the wide world, and not allow them six pence to live upon, and then (which is worst of all) to be In such a condition, that they have no legall way to compell him to doe it, (for it seemes by the gallant, but not unspotted justice of the House of Lords to this Gentle woman, there is none) and yet they can find some to commit Mr. Stavely to prison, for refusing to pay his wife ally-money, who I my selfe have heard him, say, lives in the highest professed, and open incontinency that a woman can, I pray answer me this, whether these very Lords doe not by these two forementioned actions visibly declare, that they are greater friends to whores and Rogues then to honest chast men women? whether injustice oppression be not more delightsome to them, then justice, righteousnesse and truth? and whether or no it is possible to be in a worse a sadder condition, then when such men as these sit at the Helm, and govern the steern of it, not by true, just, rationall principles, but by the crooked, injust and perverst principle of their owne crooked, partiall, and depraved wills. Oh England, England! woe, woe unto thee, in this thy present sad condition, which thou feelt, will not feel, and which thou feelest, but wilt not feele, but stoop Isakar like, unto the burthen, and not take any rationall course for thy preservation, from being as arbitrary and a prey to every forthright enemy, which of necssity thou must be in conclusion, in the way that is now stood, lastly if the Lords of Commons, or both of them put together, may doe unto thee what they please, without any controle, because they are thy Magistrates, and thou with all submission must stoop unto it, then of necessity thou art guilty as a wilfull murtherer, in shedding the blood of all the Cavieliers, for endeavouring to protect their King from thy violent and furious hands, who is a hundred times more secured and fortified, when the expressed and declared law of the Kingdome, then the Parliament is, who now doe what they list, yea, levie money upon us, and put it in that own pockets, and pretend we must not question them, and take them wherefore they doe so, because, we have trusted them. Oh brave Parliament principles indeed! fitter for the great Turke, then for English Parliament men.

The second thing I shall declare to you, is the scandalous and base dealing of William Prin with me, a fellow so unworthy and base, and so fraught with malice and bloodthirstinesse, and so habituated in telling lyes and falshoods, that a man of unspotted worth, honour and integritie, would scorne (as Iob saith chap. 30. 10) to set him with the dogs of his flock, who at about this 3. yeares hath been an agent in the hands of the Divell, maliciously and causelessly to indeavour (with all his might) the destruction of the generation of the righteous, purchased with the blood of the Lamb in this land and Kingdome, and either to have them burnt, hanged, kild, or banished, of which when I as a welwisher advertised him, as you may read in my printed Epistle to him, dated 7. January 1645. and in my printed reasons delivered into the Committee of Examinations, dated 23. Iune, 1645, the man was fild so full of fury as though he would eate me up at a mouthfull, and tossed and tumbled me at Committees, so as if he would have beat me to dust and

powder, as you may partly read in my printed Epistles, dated 25. Iuly, 1615. and December 1645. Yea, and one day in Westminster Hall laid violent hands upon me, having my sword in my hand, to provoke me to strike him, that so I might loose my hand by striking in the face of the Judges, sitting in the Kings bench to Westminster hall, and afterwards his two great Comrades Dr. Bastwick and Col King, having by the Speakers meanes, (Prins Patron) got me uniuistly clap by the heeles, from the 19. of Iuly 1649. to the 14. of October. 1645. I was by the whole house of Commons honourably released, as you may read in the 34. pag. of Innocency and truth justified, but yet in that unjust and unrighteous imprisonment, I was ordered by the House of Commons to be tryed at New-gate Sessions for my life, by the powerfull influence of Mr. Speaker and Mr. Gline, Recorder of London, in which businesse I have just cause to thinke that Pryn had more than a finger, because this when he see I was likely honourably to be delivered as a spotlesse and innocent man, he frames a booke, and publisheth it Cum privilegio and dedicates it to Mr. Speaker, in which book called The Lyar confounded, he possitively accuseth me of a most transcendent crime, viz. that I have conspired with other Separates and Anabaptists to toot out the Members of this Parliament by degrees, beginning with Mr. Speaker, whom if they could cut off (the Limb) all the rest would easily follow: and if this succeeded not, then to suppress and cut off this Parliament by force of Armes, and set up a new Parliament of our owne house and faction, by this hainess charge, Pryn manifesteth himselfe a perfect Knave, and enemie to the Kingdome, in that he knew me guilty of such a thing, and never to this day durst question me or prosecute me for it, and if it be but one of his false malicious suggestions, then he proves, and declares himselfe a lyar to fix so notorious a falshood upon him that now, as well as formerly in this and all other things, bide defiance to him, see my answer to this in the 25. page of my booke called Innocency and truth Justified, yea, and in the same false scandalous and transcendent lying booke of his, beside scores of lyes, he fathers positively 13. or, 14. upon me in lesse then I, lines as I have truly declared in the 4, 5, 6. pages, of the last mentioned booke and there offered to his face, publiquely to prove what there I say against him, but the lying and paulterry fellow durst never embrace my challenge there made to him, and never so much as in any of his late voluminous lines, return one word of answer that ever I could see to what there I justly fix upon him, and therefore by his silence in their particular, though he durst printed scores of sheets since, have given me just cause now to proclaime him so notorious and base a lyar, that he is not ashamed to tell and publish above a dozen in 8. lines.

But the cowardly unworthy fellow, like one of Satans brood, who was a lyar from the beginning, John 8. 44. knowing that I was fast by the heales under a great indignation of the house of Lords, and knowing that my businesse by way of appeale was depending in the house of Commons, and ready for a report, that he might blast my reputation and credit, and so by consequence destroy me and mine, some weekes agoe at the house of Commons but, (as I have been informed from many good hands) made a most false groundlesse and lying report of me, that I was in their debt above 2000. l. which I had little [Editor: illegible word] them of and in his late booke published since, and dedicated

to the House of Commons, called the Sword of Christian Magistracy supported, in the 10. 11. pages of his Epistle, he strongly endeavours to make me more odious and capitall, then the late beheaded Arch Bishop of Canterbury, and there and else where in his base lying booke, press to them to punish me as severely as they did him, although I am confident he is not able to fix any crime upon me, but that I am honest and juster then himselfe, and stands for the lawes and liberties of England, which he endeavours to destroy and overthrow, and set up a perfect tyranny, as by his late printed books is to evident, and though in this book as well as the Epistle, he hath so many bitter charges against me, yet in regard I have proved him so base and notorious a lyar already, which by his not vindicating of himselfe, he to my understanding grants to be true, I shall only at the present returne as briefe an answer as I can, to that most notorious lye of his laid downe in the 12. p. of his said Epistle, (after he hath expressed the Lords li nity to me, in not murthring and destroying of me as he would have them, for no crime in the world, but for maintaining the just and good lawes of the Kingdome, which they have all often sworne to preserve,) he expresseth himselfe in these words.

nd yet this obstinate seditious ungratefull wretch, in stead of a having pardon for his most insolent unsaintlike Libele,* contempts against the whole House of Peers, and severall particular Members of it, because your honourable House of Commons, will not tolerate him upon his Libelleus Petition, (against all Law and justice, in front of the Lords,* and their priviledges) in this his mutinous Libell, (viz. The Oppressed want oppressions declared) railes more upon your honours then the House of Peers, not only clamouring, upon you for arrears of pay, (when as there is not one farthing due unto him, for ought he could make appeare upon the reference of his Petition to the Committee of Accounts, who gave him a charge of above 1100. l. received from the Earle of Manchester and his officers only, besides free quarter which he tooke, of which he never yet gave it his account) but like a most seditious unworthy creature, confederated with some Malignants, in the Tower (who have furnished him with mistaken law and Records, to drive on their designes,) he threateneth you, &c.

Now for answer to which charge of 1100. l. that he falsely saith I received, for my owne vindication to the world, I shall give you this account, that by Commission under the hand and feete of the Clark of Manchester, dated the 7 day of October, [Editor: illegible word] I was made Major of a foot Regiment to Col. Edward King, and then the 16. of May, [Editor: illegible word] I was made Lieutenant Colonel to the Earle of Manchesters Regiment of Dragoons, which lasted till about or unto the last of Aprill, 1645 at which time I delivered the Troop and payment up to Col. John Obely neare Abington. By the first Commission there is due to me some 125. for 223. dayes service, at 24. s. per diem, and by the second Commission there is due to me 612. l. 10. 11. for 350. dayes service at 31. s. per diem, both being [Editor: illegible word] 2. s. of all which during my service under the Earle of Manchester (I aver it) I never received 200 l. as pay for all Pryn's lyes, tis true, that upon the 20. of December, 1645. I received of Mr. Nesthrop, Col. Kings Treasurer, at Mr. Tilsons House in Boston, by the hands of Mr Stoddert then my Lieutenant, now a Captaine In Sir Harthesse Wallers Regiment, the sum of 51. l. 1. s. 10. d. for so much hid

out for Col. King at London by his own order, [Editor: illegible word] guilt Sword, a Plush Coat with [Editor: illegible word] and Silver Cloths 10. year as of Bluth for his wives german Cornet and rich banners, two pairs of Stockings, one Crimson velvet saddle, one his maidens saddle, and one Scarlet saddle with furnitures, three pair of bouissers sutable, and a box and padlock to pack them in, and then also I laid out for him 25. l, 1. s. 6, d. and delivered him in a bill of particulars, and received my money of his man, for 7. year as of fine gray cloth, with fur trimming, three paire of spurs, soldiers bootes, Gloves, a Barter scale, a Part [Editor: illegible word] [Editor: illegible word] and forty paire of great Port for portage and carriage from London to Boston of 255. l. or 2. d. per. l. But I hope Col. King doth not intend to make either me or the State to pay for all that this bravery.

After this I laid out for divers other particulars mentioned in a note, which I gave unto him and his clarke, 23. l. [Editor: illegible word]. s. [Editor: illegible word]. d. which money I received In February, 1643. and being [Editor: illegible word] of the town of [Editor: illegible word] under John, that often occaision to lay out small sums of money so that all things to the value of above 50. l. the particulars of which I alwayes gave him and his clearke under my hand, and received my money in reference to such a note dated such a day) as by my notes and receites under my own hand with him and his Clarke willfully opened. I also the 13. Ianuary 1643. at Lincolne, received of his Clarke 200. l. which was laid out is followeth. Paid to Captaine Cottons for the Colonels company, and Lieutenant Cols. [Editor: illegible word] and Capt. Bres at a little towne within halfe a mile of [Editor: illegible word] upon the hill in the house neare the heath, [Editor: illegible word] [Editor: illegible word] paid to Capt. Durings Capt. 15. l, paid to Capt. Wrogs [Editor: illegible word] I, paid to him that Commands Capt. Aryes men as Quartermaster upon the beating up of their Quarters neare Lincole, 4. l. that he is to be accountable for, and six pound for himselfe by the Cols: order, paid by his order to Iohn Deon and Iohn Hugger two of his Soldiers, to carrie them to Cambridge 2. l. laid out to my Soldiers as per my rowle of the 27. December appears 27. l. 3. 2. [Editor: illegible word] d. paid for wringing at these fights: Lincolne, 33. paid for carrying [Editor: illegible word] at severall times to [Editor: illegible word] and Stedford, 11. l. 4. d. and this note his Clearke and my selfe did a little while after the said 13. Ianuary perfect, and he received particular [Editor: illegible word] from the severall Officers upon their acknowledging they had received the above said sum of me, and I dare boldly say it, I was as exact in perfecting all such accounts as this with his work, as an [Editor: illegible word] [Editor: illegible word] [Editor: illegible word] England is in keeping his bookes, as by the notes of particulars in his hands will manifestly appeare, and then for my Soldiers with him, they were so constantly mustered under the Collonels nose by one of his owne creatures, that it was impossible if his man had a mind unto it, to have paid the leavie, especially either I or any under my particular command, being in enmity with his Muster master, and besides I aver it, that if one would we made a muster, and the next weeke we made another, if my one of the Soldiers that was in his muster route the week before, were absent by sicknesse the second time, although he lay, sicke in the very same Towne, and though we named the house where she was sick, and were ready to goe to shew him to the Muster Master, yet so exact was Col. King. that I

nor my Lieutenant was not trusted with the pay of my particular sick Soldiers, and as for the payment of them, their money was most commonly received and paid by my Lieutenant, yet I commonly gave the receipt for it under my hand, in as exact a way as it was possible to make it, viz. received such a day, so much money, for so many dayes pay, for my Ensigne, two Sergeants, three Corporalls, and so many common Soldiers. My Lieutenant, himselfe usually received his owne money, and I received of Tho. Hunter the Col. man at three severall payments, about three score pound is, which in my receipts I mentioned as my owne particular pay.

Besides this in February and March, 1643. I received of the said Thomas Hunter and one Mr. Browne, by Col. Kings appointment, betwixt two and three hundred pounds, in part of payment for divers things delivered at his earnest defence in his straights, into his Magazine at Boston, at least by 20. l. in the hundred cheaper then he there paid at the same time for the like, the exact copy of which particulars, as I had them under the hand of his to one Magazine keeper (the originall it selfe to my remembrance being delivered to Mr. Weaver at Lincolne) thus followeth.

A NOTE OF ALL THE SWORDS, BELTS, AND HOLSTERS FOR PISTOLS, AND BANDELIERS THAT MAJOR *LIBURNE* CAUSED TO BE BROUGHT UNTO THE MAGAZINE AT *BOSTON.*

February 5. 1643. Received from London by Major Lilburne
appointment, two hundred and ninety Swords, were received
immediately after by Major Lilburnes appointment, five hundred
Swords, Feb. 1643. Received from Thomas Forman at Lyn, by Maior
Lilburnes appointment, one chest of Swords, containing two hundred,
received in Aprill, after from Major Lilburne, that his men brought into
the Magazine and allowed them to my son Shepherdson, twenty
Swords, so I received in Swords 1010.

Received of Major Lilburn 80. pair of Holsters for Pistols, and three hundred belts for
Swords, received of Mr. Wood and Mr. Wind by Major Lilburnes appointment, we soon
found collers of [Editor: illegible word], pistol bandaleers were received take the Magazine
from Major Lilburn, but what moneyes hath bought it paid in for most of them I know not.

By me Richard Coney keeper of the Magazine in Boston.

Now if you please to read the 42, 43, 44. and 46. pages of Innocency and Truth iustified,
and the 2, 4, 5, 6, 7, 8, 9. pages of my painted Epistle to Iudge Reeves; called The iust
mans iustification you shall largely and particularly see the cause of Kings killing [Editor:
illegible word] [Editor: illegible word] which was principally for his endeavouring in my
apprehension to being [Editor: illegible word] for our fatall [Editor: illegible word] at
Newarke, at which time, all accounts betwixt him his clarke and me was even saving my
owne particular pay, and betwixt 100. and 100. l. for the foresaid swords, [Editor: illegible
word] [Editor: illegible word] [Editor: illegible word] when I was going away, I brought
him in a true account [Editor: illegible word] any band what was due to me for them, and
what I had received, and I am sure this was his answer, he had no money in booke then,
but as soone as any came in he would care to pay me, so away I went to Bedford, any
Generall, as in the two last mentioned bookes, you may read, and afterwards to Lincoln,
where we had notable bussing, to bring King to a Councell of Warre, for his grosse and
palpable knaverie and treachery, but we could not bring him to the touchstone, because
the Earle of Manchester and his two Chaplins, Ash and Good, protected him in his
basenesse, after that being at the seidge of Yorke, Mr. Tredwell a Cutler, living now at the
Lyon near Fleet-Bridge, pressing me to perfect the account with him for the Swords I had
of him, and being in a straight how to get my money from King, who I knew was mad at
me, for protesting him so hard, I went unto Dr. Staines and complained to him, who gave
me this insuing warrant.

"By vertue of my Commission of Auditor Generall for the whole Association and Army, and by vertue of my Lord of *Manchesters* present Order, these are to require you to give an accompt, what moneyes or payments have been made to Major *John Lilburn*, Captaine *Elbert Lilburn*, and Captain Lieutenant *Henry Lilburn*, and to send it by the bearer hereof, Given under my hand, by my Lord of *Manchesters* warrant this 11. of *Iune*, 1644:By vertue of my Commission of Auditor Generall for the whole Association and Army, and by vertue of my Lord of *Manchesters* present Order, these are to require you to give an accompt, what moneyes or payments have been made to Major Iohn Lilburn, Captaine Elbert Lilburn, and Captain Lieutenant Henry Lilburn, and to send it by the bearer hereof, Given under my hand, by my Lord of *Manchesters* warrant this 11. of *Iune*, 1644:

"Also you are to give an account under your hand, what moneys Major Iohn Lilburne hath received of you for Swords, Belts, Bandaleers, Holsters, delivered into the Magazine of Boston.

To *Thomas Howet* Clerke to Col. *King* and pay master to the forces there.

per me *Will. Staine*.

This warrant I sent away to Boston by a carefull hand to my wife, to follow the Clarke, Kings meniall servant for an account, but none she could get, and then after Marston-Moore we came into Lincolnshire, where I met with the foresaid Mr. Tredwell, who pressed me for some money due to him for the foresaid Swords, and I went to Col. King with him then at Boston, and after an outside complement in his Hall, I told him I had got Auditer Generall to send his warrant to his man for an account, but it would not be obeyed, and therefore I was come to him my selfe with my friend to desire him to pay me the rest of the money due to me, for the Swords, he had had of me, that so I might pay my friend that which I owed him, for some of them, whereupon he told me he had none of me, unto which I replied you will not offer to say so, for at your earnest intreaty I provided them for you, at cheaper rates a great deale then here you could have them, and by your expresse order delivered them unto your Magazine keeper, who under his hand hath acknowledged unto me the receipt of them, and you your selfe hath often been at the Magazine with me to view them, and thanked me for the cheapnesse and goodnesse of them, and hath also under your owne hand sent me divers orders for the issuing them out, at which the man was in a mighty fury, and fell a raging at me, and bid me before my friend as if I had been a dog, get me out of his doors, wherupon told him he was a base impudent lying fellow, and if he durst manifest so much manhood as to come out of his own doores, I would cudgell his coat for abusing me, but he plaid the coward and durst not stir, and so we parted. Now let all the rationall men in England judge where the fault was that my account was not made up, and upon this Mr. Tredwell and my selfe went to Lincoln, where we fully made Lieutenant Generall Cromwell acquainted how it was with us, who by his earnest importunity with the Earle of Manchester, got him as I remember to order Mr. Weaver to pay Mr. Tredwel 140. l. which he received of him, and [Editor: illegible word] I perceiving before first left Boston, that Col. King intended to play the Knave with me. I reserved above 200. paire of my Houlsters which he should have had

from me in my owne hands, and afterwards got Mr. Jackson of Boston in his shop to sell some of them for me, and the rest by the Earle of Manchesters expresse order, Col. Edward Rossiter in his necessity had of me, for which and remember I received 40. l. of M. Weaver, and besides reserved about 20. l. worth of Sword belts which I was necessitated to bring to London, and have them still in my owne hands, and should willingly take for them lesse by 5. l. then what they cost me, and so much for King.

And now in the second place, for money received by me when I was Lieutenant Colonel of Dragoones, in which service I am sure I spent divers moneths and never received a penny, no not so much as to buy me a horse shooe, being forced to lend my Soldiers money divers times to shooe their horses, part of which I lost for my reward, and I am sure that from Feb 1643. to September 1644. which was 7. moneths time, I received not six pence pay, and then as we marched to Banbury leager, at Daintery towne, I and other of my Officers received at the hands of the Northampton Committee. 800. l. as part of six weekes pay, 215. l. of which Major Evers, my Major had for his troop, and Capt. Beamont 105. l. for his troop, and Capt. Abbot, 180. l. for his troop, and my selfe for my troop 220. l. which then by my muster route and debenter daited from the 25. March, to the 26. of August, 1644. [Editor: illegible word] being 22. weekes consisted of my selfe, Lieutenant, Cornet, Quarter-master, two Sergeants, three Corporalls, two Drums, and 85. common Soldiers, which said money at that Townes end was immediately paid to the troop, every Common Soldier having out of it five weekes pay to pacifie the mutinie they were in, and I am sure there was not one Soldier in the muster route but had it to a penny, and the Officers staid for theirs till we came to Banbury, where I sent my Quarter-master and other Quarter-masters to Mr. Golson the Treasurer for the rest of the six weekes pay, which every troop then and there received, and I am sure mine was faithfully disposed of according to the Muster Route to a penny, only as I remember, one or two had lost their lives at the Castle before the last money came, and then after that seidge we marched to the seidge of Crowland, a service hard and difficult enough, Where my Cornet received 100. of the Cambridge Committee, in part of the foresaid debenter, out of which I paid my Officers and all my Soldiers then in being 14 dayes pay, Which according to the rules and practice of Warre I thinke is more then I needed in strictnesse to have done, for 14 dayes pay according to the forementioned Debenter comes to almost 130. l. all the slaine and dead payes of which tell the next muster, I might if I Would justly have made my own. and then in my absence at Stamford as I remember my Lieutenant made a new muster, from Whom I received three Weekes pay, and he himselfe paid the Soldiers their pay, I thinke iustly, for when I came down to them at Sir Richard Stones, neare Huntington, heard no complaints from any of them, Where I also paid them 14 dayes pay I had received for them at London, and they having lately at Melton Mobury had a Skirmish with Sir Marmaduke Langdon, some of my Soldiers were wanting which my Lieutenant told me he did confidently believe were slaine, upon which at his desire, as I remember I paid three Soldiers that he had listed since the last muster, but I was a looser by the bargain, for the Soldiers supposed to be slaine were only prisoners, whose pay after their deliverance I faithfully in Glocestershire, paid unto them, and this is all the pay to a penny

I received as an officer of Dragoons, being in all 91, dayes pay, wch for me, comes to 92. l. And after this being in London, Dr. Staines told me my brother Robert owed him 10. l. which he lent him, which he intreated me to pay him, which I condiscended to, if he Would get me a Warrant from my Lord for 20. l. which he did, and I received ten pounds of the Treasurer, and he ten pound more, and I gave him a receipt for 20. l. So here is a true account for all the money and pay I received, and I was never unwilling to come to a true accompt, but having alwayes truly sought for it, for when the new Modell was a framing, I was by no meane man profited a good command in it, but seeing that visibly there was such bitter designes against the poore people of God, who then as well as now were strongly indeavoured to be destroyed by them who with all their might they had indeavoured to preserve, and also the lawes and iustice of the Kingdome to my understanding in a very bad condition, I plainly told Lieutenant Generall Cromwell, I would die for Turneps and Carrets before I would fight to set up a power to make my selfe a slave, which expression be relished not Well, Whereupon I told him Sir I Will (if I Were free to fight againe) never serve a iealous master While I live, for the Parllament by their late Vote hath declared a iealousie in all men, that Will not take the Covenant, Which I can never doe, nor any other of their oathes, and therefore seeing I have served them faithfully, and they are grown iealous of me Without cause, after so much assured experience of my faithfullnesse, I Will never in the mind I am now of serve them as a Soldier, While I breath, let them get Whom they please and doe what they please.

And upon my ceasing the life of a Soldier, I with much industry and difficulty upon the 10 November, 1645, got a Petition read in the House of Commons for my Arrear, which Petition you may read verbatim with the Houses answer to it, in the 64, 65, 66, 67. pages of Innocency and Truth iustified, where you will find they order: That it be refered to the Committee of accounts, to cast up and state the accounts of Lieut. Col. Lilburn, and to certifie What it due to him to this house.

Ordered that it be referred to the Committee of accounts to call Col. King, and Dr. Stane before them and to state their accounts, and What is due to Lieut. Col. Lilburn from either of them.

And though it were strange to me to be referred to *William Prin* my mortall, malicious and deadly enemy, yet I went to the Committee of accompts, and what passed betwixt us, you may read in the 68, page of the last mentioned book, the sum of which was, *William Pryn* being in the chair, tendered to me an oath, which was to this effect, that J should sweare what was due unto me, and what I had received, and what free quarter I had had, what horses and armes from the State, which oath for the reasons there mentioned I refused to take, and am still resolved rather to loose all my money, & to be hanged, before I will make my self such a slave, by depriving my selfe of the benefit of the good and just law of England, by taking such a wicked and unlawfull oath, knowing very well that by the law of England, as well as the Law of God, a man is not bound to sweare against himselfe, where either his own honour, credit or profit is concerned.

And therefore having besides been plundered of divers of my papers concerning my

Soldiers and Muster rowles at the seidge of *Nowark*, where by Kings meane I lost foure horses, my port mantle and cloathes, &c. to the value of almost 100.l. and was stript from the Crown of the head to the sole of the foot, and forced to march divers miles without either hat, cap or Perewig, (having lately before lost my haire with sicknesse and cruell usage in *Oxford* Castle, by *William Smith*, that mercilesse Turke) breaches or dublet, bouts or shoots, over hedge and ditches for the safety of my life.

By reason of the losse of which papers, it was impossible for me upon my oath to give an exact account, and besides *I* never in my service dreamt of any such thing, walking then by that rule that was established in the Ordinances then in being, thinking that if the Army Committee that was set over us to looke to us* and the Counsell of Warre that was to punish us for any the least misdemeaner committed, had nothing to say to me nor accuse me of, that I should have had my accounts audited and signed by those persons named in the Ordinances under whom I served and not be brought to a Committee at London, that was not in being when I ingaged my life nor had all the while *I* was a Soldier no power over us, nor never was in the field to know that belongs unto a Soldier, and are meerly in my apprehension intentively erected to cheat and insnare honest & faithful Commanders of their just due, though for my part *I* do acknowledge I have no particular charge concerning my selfe against any of that Committee but Pryn.

And when I told them *I* had my commissions ready to justifie my service, and craved so much money as my right for my faithfull service, and therefore desired them to let me receive a charge what moneys, &c. they could fix upon me, and *I* shall either acknowledge it or disprove it, but they told me they could doe nothing in my businesse unlesse *I* would take the oath, then I told them I must and would repair againe to the House of Commons that sent me thither, so I was dismist without receiving any charge, though I earnestly desired it, and so it remained and I followed my other businesse about obtaining reparations from the houses about my Star-Chamber sufferings, which when I had got it into a good forwardnesse to divert and disinable me to follow it by *Pryns* meanes, as *I* conceive, *I* was summoned to come before the Committee of Accounts with a warrant in these words.

By vertue of an Ordinance of Parliament of the 12. of February, 1643. for taking the generall accounts of the Kingdome, these are to require you to appeare before as of the Committee indicted by the said Ordinance at the House of Sir Freeman in Cornwell London, on Wednesday, next at ten of the clock in the forenoone hereof faile you not dated the 9. of March, 1646.

John Lilburne
Lilburne, John

To Lieut. Col. *John Lilburne.*
Anthony Biddul, Thomas Hodges.
Robert Ellis, Iohn-Gregory.
Thomas Bramfield, Henry Hunter.
Richard Burren, Humplrey Foord.

And coming before them, I desired to know their pleasure with me, and Mr. Pryn being in the Chair told me to this effect, Lieut. Col. you were some months agoe with us, by vertue of an order of the House of Commons about your accompts, and we gave you time ever since to state them, but we hearing nothing from you, according to our expectation about them, wee have sent for you to cleare your selfe of above two thousand pounds that is fixed upon you to be received of Mr. Goulson the treasurer, Mr. Weaver, and Col. King, unto which I replied to this effect, with the favour of this Committee, I by my owne seeking procured the Order from the House of Commons that gave you particular cognizance of my accounts, and accordingly I of my own accord brought it to you, being not compelled thereunto by any man, according to that which I conceived just I earnestly desired of you, that the parties concerned in my accounts might by you be summoned to come before you, that face to face I might receive a charge of what monys they had paid me, that so I might either confess it or disprove it, and then when your certificate for that which is behind, as due to me, which I am very confident in divers hundreds of pounds for any pay, for my hazardus, faithfull and industrious service, and truly Gentlemen, you refusing this unto me as you did, and would have had me upon my oath to have charged my selfe, which I for my part though you have an Ordinance of Parliament to authorise you so to doe, did, and still doe conceive it unjust, and therefore without hope from you departed to seeke my right, in a more legall and just way from those that sent me, and these was the termes upon which we then parted, and I am sure you neither desired not commanded me any more to come to you, neither did I promise to come to you, and besides this losse of time, is no losse to you nor the State, but to me, in which debt the State is, and as I to them, and assure your selves, if I had not assuredly known that the State is in my debt, I would never have taken so much paines, to have run through so many difficulties to have got my accounts audited.

And set the 2000. l. and above, you say I am to account for, it is very strong to me how it is possible to fix such a charge upon me, having never received I am confident 200. l. of the Earle of *Manchester*, or any under him, for all my service under his command* and for the money for my Soldiers, it was most commonly paid unto my officers, and besides it was so little, and so seldome, and so well knowne before we received it, to the Soldiers, how much it was, that it was impossible for me or any under me, to count them, much lesse of any such sums, to be compared to 2000. l. And therefore I make it my earnest desire unto this Committee, that I may receive a particular charge from you in writing, and that I may not be tyed up to a few dayes to answer it, but that I may have some competent time allowed me, that so I may not be hindred or disinabled to perfect my businesse now depending before the Lords, which I have already made a good progresse into, and have got a decree for 2000. l. for my Star Chamber sufferings, and am dayly to waite upon them to perfect an ordinance they intend to make and send downt to the house of Commons, to inable me effectually to receive the full benefit of their decree, and I hope Gentlemen, you wil not hinder me to follow my business, by comanding me to wait here upon you, when I must of necessity be waiting upon the Lords or the Commons, and if you should command me to waite here, and I not come, by reason of my businesse at

Westminster, which I am sure some of you knowes of, you would goe neare to take it for a contempt, yea, and for it, it may be clap me by the heels, by meanes of which my businesse with the houses would utterly be undon, and therefore I desire some competent time, but as I remember it was possitively told me they could not give me such a particular charge as I desired, before I had taken the oath, but yet divers of the Merchants said, God forbid they should hinder me from following my businesse at Westminster, especially seeing as one of them said, my businesse before the mass obtained by my own solicitation, which they conceived I would not so earnestly have followed unlesse it had been for my owne advantage, and hoped for benefit, notwithstanding the charge of 2000. l. against me, but Mr. Pryn pressed that I might speedily come againe, that so the state might not suffer by reason of the moneys I had received, and before them stood charged with. Truly Gentlemen for all this charge, I am very confident shall make it evident that I have been, and am as free from defrauding the State, or any of my officers or Soldiers of a penny as any man in England that ever the Parliament imployed, and I am sure that I am not in the Parliaments debt, but they in mine, and seeing that which I seeke from them is but some hundreds of pounds, and the businesse I am now of following of concernment to me, two thousand pounds thick, I pray give me leave for a time to lay the lesser concernment aside, that so I may not be disenabled to prosecute the obtaining of the greater, and Sir, if you Mr. Pryn thinke I am not responsible to answer the charge, you may either put in a barre to make stoppage of the money I expect to receive by my decree, or else I will put you in good securitie to answer this charge. With which the Committee was satisfied, and demanded of me what time I would demand, but I told them I conceived it not convenient for me to make my demand, before I heard how long time they were willing to give me, and they bid me take a moneth or six weeks, for which I thanked them, but withall told them, I would be with them sooner if I got my businesse done, but if I could not get it done, I told them I thought I should scarce be able to wait upon them, till I had perfected that, so they left it indifferent. And this relation which here I have made for the substance of it, is a reall truth, I doe protest it in the sight and presence of God, and therefore dear friend. I pray you judge and consider seriously of the bitter and implacable mallice of this lying and base fellow William Pryn, for I doe assure you to my remembrance I failed not to be at Westminster every day the Parliament sate, to follow my foresaid businesse, from the day of my being before the said Committee of accounts, to the day of my unjust imprisonment, in New gate by the Lords, which I am confident of, William Pryn by his secret and close designes had a finger in, and that he laboured by all the ways as he could to hinder me from obtaining my said two thousand pounds, for immediately upon my good successe in the Lords house, his brother in Evill Doctor Bastwick, put in his businesse of purpose to clog mine, so they all sate still before I had likely without rub to obtaine my just desire, and being a Presbyter, obtained quick dispatch there, and as I was informed foure thousand pounds, for his damages, although I am confident of it, my bodily sufferings was twenty times more then his, and I am confident of it in the eye of reason there was twenty times more visible ground for his sufferings then mine, I having not writ a line against the Bishops, not medled with them, till they forced me to flye London, and hee had avowedly writ divers provoking, and

invective bookes against them before his sentence in the Star-Chamber. And besides I am confidently perswaded Pryn was the maine instrument to provoke his [Editor: illegible word] our Tyburne deserving comrad?, and extraordinary great associate, Colonel Edward King to arrest me upon he 14. of April 1646. in a false and fained action of two thousand pound, for calling him Traytor, which I aver he is to the Parliament (if a man can commit treason against them) having as will easily be proved, (if the Parliament would doe any justice upon knaves and Villains) betrayed his trust reposed in him derivative from and by the Parliament at Crowland, which said unjust arrest did not only disenable me to follow my businesse, but necessitate me to write that fatall Epistle to Judge Reeve, dated the 6. of Iune, 1646, now in print, and called the Iust mans Iustification, in which I have so truly, and lively pictured, the said unworthy fellow King, that I beleieve all the picture drawers in England cannot mend it, and being necessitated by way of defence to touch the Lord of Manchesters exceeding guilty conscience for protecting Col. King from the gallows, contrary to justice and right and the Law martiall established by ordinance of Parliament under which authority they both fought, though Jam apt to thinke neither of them ever kild anything that had more danger in it then a Rat, yet I say forth at very Epistle the Earle of Manchester as to me is visibly caused me upon the 10. of Iune 1646. to be summoned up to the Lords barre, who by law are none of my Iudges* being not my Peers and Equalls, and there himselfe being Speaker, would contrary to law have killed me upon interrogation, for which I had necessitated in writing to protest against that which protest you may read in the 5.6 in The Free mans freedome vindicated, let which they unjustly committed me, and for which to this day I lye by the heeles, so not doubting but I have fully justified your objection, I commit yet to God, and rest, your faithfull and true friend ready to say downe his life for the liberties of his Country. John Lilburn.

From my unjust captivitie in the Tower of London, for the almost destroyed lawes and liberties of England, which condition I more highly prize though in misery enough outwardly, then the visablest best condition of any Member whatsoever that sits in either or both houses, being all and every of them for sworne, having all of them taken oathes to maintaine the Lawes and Liberties of the Land, and yet in their dayly practice destroy them of which sin and wickednesse they are all of them guilty, in regard they all sit there in silence, and doe not publiquely and avowedly to the whole Kingdome according to their duty declare their dislike of their crooked, unjust and Englands destroying wayes, this 30. April. 1647.

John Lilburne.

FINIS.

ENDNOTES

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Which he was so free of, that he did print 13. or 14. in eight lines, as you there may read, pag. 4, 5, 6. see also pag. [Editor: illegible word]. ibim.

*
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As lately *Whataker* the Book-seller, did mine the other day, loading away 3. Porters with my proper and truly come by goods, for which by Gods assistance I intend to arraign them as fellons, and hang them if Law will doe it.

*
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See Mr. *Pryns* relation of Colonell *Fines* his tryall, pag. 11, 12, 13. and Regall Tyranny discovered, pag. 81, 81, 83.

*
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Which you may fully read in the forementioned Epistle daited *Iuly* 25. 1645. and Innocency and Truth justified.

*
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See the Out cryes of Oppressed Commons. pag. 4, 5, 6, [Editor: illegible word] and Regall Tyranny pag. 33, 34, [Editor: illegible word], 72, 73.

*
—

See 1. H. 7. fol. [Editor: illegible word] in *Sir Humphrey Straffords* case.

*
—

Which the Parliament is.

*
—

See 28. E. 3. 13. [Editor: illegible word] H. 6. 29.

*
—

Thought a calumnister for my books are no Libels having my name to them to justifie them.

*
—

Who I say justly deserves it, for treading under their feet the fundamentall lawes and liberties of England, as in my case they have done which will sustain against the [Editor: illegible word] and all thy gangling lying associates in England.

*
—

See the Ordinance for the Earle of *Manchesters* Army of the 25. *Iuly* 1642. b. d, 2. pt. f. 275, 276. 278. and of the 10. Aug. 1643. fol. 286. and of the 11. Oct. 1643. f. 360. and of

the 20. Jan. 1643. f. 413. 414, 415. 416. and of the 15. *May* 1644. f. 492, 493. and of the 26. Sept. 1644. f. 451, 452. and compare them altogether and see if the Committee of accounts, or their selfe accusing oath be in any of them, and if not, why am *I* required to take it.

*
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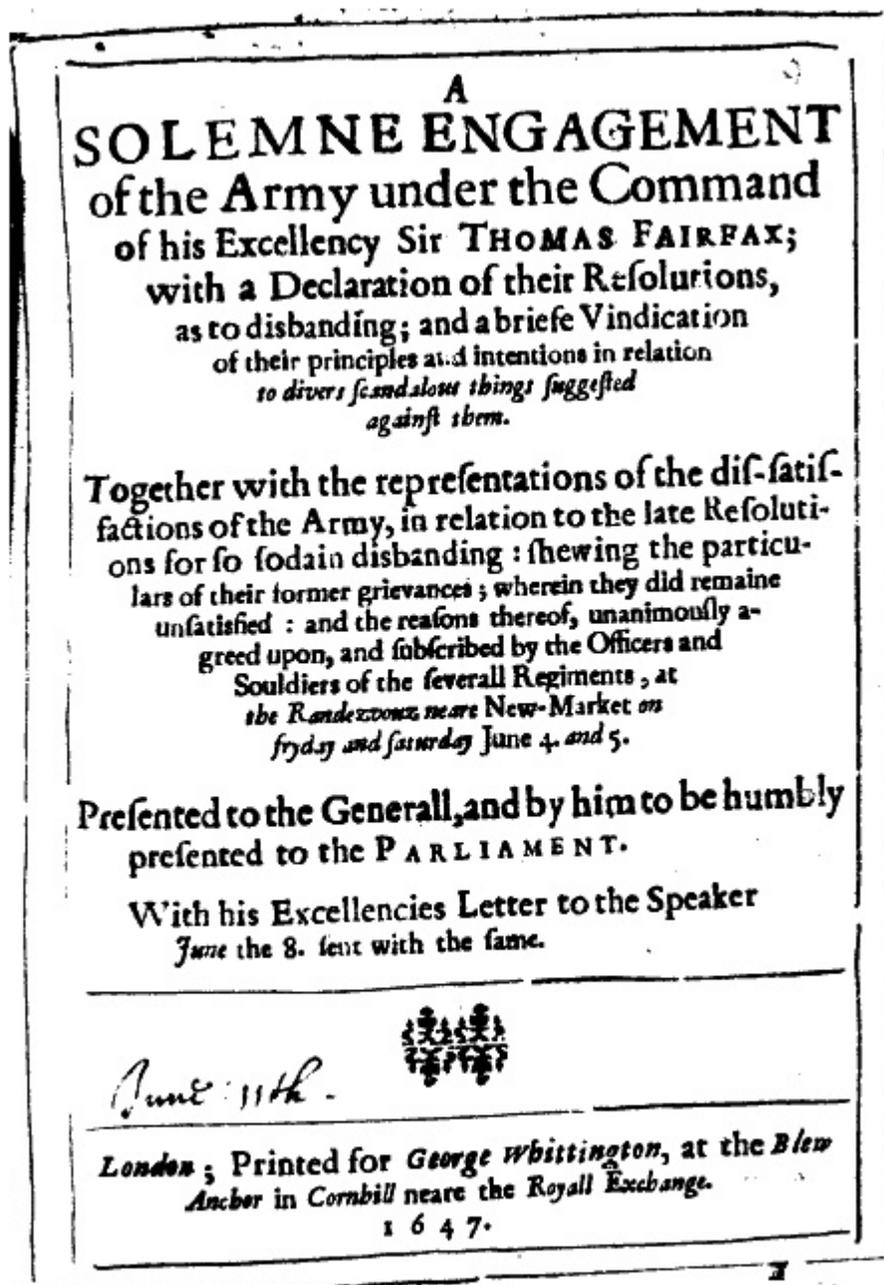
It is true, when I was a prisoner in New gate by the House of Commons, they upon the petition of some of my friends in London, (which you may read in *Innocency and Truth justified*, pag, 29. lent me 100. l. which *I* was told was in part of my arrears, though I did, and still doe loke upon it, as a gratitude of the house, for so unjustly imprisoning me, as then they did, or else of Mr. Speaker who was the principall instrument of clapping me by the heeles, without ever hearing me speake one word for my selfe or examining one witnesse against me, or ever to his day telling me wherefore *I* was so imprisoned.

*
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See Magna Charta, Chap. 29. and the Petition of Right which confirms it Cooke 2. part institutes fol. 27, 38, 46, 47, 48. Vox Plebis, pag. 32, 33, 39, 40, 41. Regall tyranny, page 43, 44, 75, 76. Londons Liberty in Chains discovered, pag. 68, 69, the Oppressed mans oppressions declared, pag. 17, 18, 19, the Outcryes of oppressed Commons, pag. 2, 3, 4, also the Anotomy of the Lords tyranny.

**T.98 (4.6) ANON., A SOLEMNE ENGAGEMENT OF THE
ARMY (5 JUNE 1647).↵**

Image of the original Title Page



BIBLIOGRAPHICAL INFORMATION

ID Number

T.98 [1647.06.05] (4.6) Anon., *A Solemne Engagement of the Army* (5 June 1647).

Full title

Anon., *A Solemne Engagement of the Army, under the Command of his Excellency Sir Thomas Fairfax; with a Declaration of their Resolutions, as to disbanding; and a brief Vindication of their principles and intentions in relation to divers scandalous things suggested against them. Together with the representations of the dis-satisfactions of the Army, in relation to the late Resolutions for so sodain disbanding: shewing the particulars of their former grievances; wherein they did remaine unsatisfied: and the reasons thereof, unanimously agreed upon, and subscribed by the Officers and Souldiers of the severall Regiments, at Rendezvous neare New-Market on fryday and saturday June 4. and 5. Presented to the generall, and by him to be humbly presented to the Parliament. With his Excellencies Letter to the Speaker June the 8. sent with the same.*
London; Printed for George Whittington, at the Blew Anchor in Cornhill neare the Royall Exchange. 1647.

Estimated date of publication

8 June 1647.

Thomason Tracts Catalog information

TT1, p. 517; Thomason E. 392. (9.)

TEXT OF PAMPHLET

A
SOLEMNE ENGAGEMENT
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the Rendezvous neare New-Market on fryday and saturday June 4. and 5.

Presented to the Generall, and by him to be humbly presented to the PARLIAMENT.

With his Excellency's Letter to the Speaker *June* the 8. sent with the same.

London; Printed for George Whittington, at the Blew Anchor in Cornhill neare the Royall Exchange.

1647.

Mr SPEAKER:

In my Last I promised to send you by the next an Account of the Proceedings and Resolutions of the Army at the late *Rendezvous*: I have sent you the same in two Papers unanimously agreed upon there, by both Officers and Souldiers: I finde in one of them divers things which your later proceedings since the Resolution of disbanding may have given satisfaction unto: But the Army having then no knowledge thereof, it was thus passed and delivered to mee, and I cannot but send it to them: you may see what they then did remaine unsatisfied in.

Understanding, that his Majesty and your Conumssioners were much straitened and disaccommodated in the House at *Childerley*, I went thither yesterday to advise with your Commissioners about the disposal of his Majesty, for more conveniency to himselfe and them, then that place did afford: The Conunissioners were pleased wholly to refuse giving of any advice or opinion at all in the businesses and therefore the King declaring his Resolution not to goe *Holdenby*, unlesse he were forced, yet complaining much of the inconveniency he suffered where he was, and pressing for a remove to *New-Market*, and your Commissioners not Judging it inconvenient for him to be there: I ordered Col. *Whalley* this day to attend his Majesty, and the Commissioners thither, with a trusty and sufficient Guard of two Regiments of Horse, which accordingly was this day done, and his Majesty, with the Commissioners, gone to *New-Market*, but not through *Cambridge*. This businesse taking up the sole time yesterday, and it being necessary his Majesty should be disposed of : Before the place of *Rendezvous* could well be resolved on, this morning at a Councill of Warre, it was judged inconvenient, and scarce possible to draw to a *Rendezvous* to morrow early enough to dispatch anything; Therefore it is appointed on Thirsday morning at nine of the Clock: and in regard of his Majesties going to *New-Market*, it was thought fit by the Councill of Warre, that the place of *Rendezvous* might be altered from *New-Market-Heath* to *Triploe-Heath*, five miles from this Towne: I shall take care that your Commissioners if they come to *New-Market*, may have notice of this alteration from the former appointment.

I remaine

Your most humble servant,

Cambridge June 8. 1647.

T. FAIRFAX

For the Honorable *William Lenthall*, Esquire, Speaker of the
Honourable House of *Commons*.

A SOLEMNE
ENGAGEMENT
OF THE
ARMY

Under

The Command of his Excellency

Sr. THOMAS FAIRFAX,

Read, assented unto, and subscribed by all
Officers, and Souldiers of the several Regiments,
at the generall Rendezvous, neare
Newmarket, on the fift of *June*,
1647.

Whereas upon the Petition intended and agreed upon in the Army, in *March* last, to have been presented to the Generall, for the obtaining of our due and necessary concernments as Souldiers; the Honourable House of *Commons*, being unseasonably prepossessed with a Copie thereof, and (as by the sequell we suppose with some strange misrepresentations of the carriage and intentions of the same, was induced to send down an Order for suppressing the Petition, and Within two or three dayes after, upon further misinformation, and scandalous suggestions, of the like or worse nature, and by the indirect practice of some malicious and mischievous persons (as we suppose) surprizing or otherwise abusing the *Parliament*. A Declaration was published in the name of both Houses, highly censuring the said petition, and declaring the Petitioners, if they should proceed thereupon, no lesse then enemies to the State, and disturbers of the publick peace. And whereas at the same time and since, divers eminent Officers of the Army have been brought into question and trouble about the said Petition, whereby both they and the rest of the Officers were disabled, or discouraged for the time, from further acting or appearing therein on the souldiers behalfe; And whereas by the aforesaid proceedings and the effects thereof, the souldiers of this Army (finding themselves so stop't in their due, and regular way of making knowne their just grievances, and desires to, and by their Officers) were enforced to an unusuall (but in that case necessary) way of correspondence and agreement amongst themselves, to chose out of the severall Troops and Companies severall men, and those out of their whole number, to chose two or more for each Regiment, to act in the name and behalfe of the whole souldiery of the respective Regiments, Troops and Companies, in the prosecution of their rights and desires in the said Petition, as also of their Just vindication and writing in reference to the aforesaid proceedings upon and against the same, who have accordingly acted and done many things to those ends, all which the souldiers did then approve as their owne Acts. And whereas afterwards, upon the sending downe of Field-Marshal *Skippon*, and those other

Officers of the Army that were Members of the House of *Commons*, to quiet distempers in the Army, fresh hopes being conceived of having our desires againe admitted to be made knowne, and considered in a regular way, and without such misrepresentations as formerly, the Officers and souldiers of the Army (except some few dissenting Officers) did againe Joyne in a representation of their common grievances, and the Officers (except as before) did agree upon a Narrative accompt of the grounds, rise, and growth of the discontents in the Army, and their proceedings in relation thereunto, with an overture of the best expedients, to remove or satisfie the same, both which were presented to the same Members of the House, and by them reported to the House, and whereas the Parliament having thereupon voted, and ordered some particulars, onely toward satisfaction of our grievances, hath since proceeded to certaine resolutions of sodaine, disbanding the Army by peeces, which resolutions being taken, and to be executed before full or equall satisfaction given to the whole Army, in any of the grievances, before effectuall performance of that satisfaction in part, which the preceeding Votes seem'd to promise, as to some of the grievances, and before any consideration at all of some others most materiall, (as by the result of a generall Councell of Warre on Saterdag, May 29.) was in generall declared, and is now more fully demonstrated, in particular by a representation there upon, agreed unto by us: we all cannot but looke upon the same resolutions of disbanding us in such manner, as proceeding from the same malicious, and mischievous Principles and intentions, and from the like indirect practices of the same persons abusing the *Parliament*, and is as the former proceedings against us before mentioned did, and not without carnall and bloudie purposes (for some of them have not stuck to declare or intimate) after the body of the Army should bee disbanded, or the souldiers divided from their Officers: then to question proceed against, and execute their malicious intentions upon all such particular Officers, and souldiers in the Army, as had appeared to act in the Premises in the behalfe of the Army; and whereas upon a late Petition to the Generall from the Agitants, in behalfe of the souldiers (grounded upon the preceeding considerations relating to the same resolutions of disbanding the same generall Councell of Warre to prevent the danger, and inconveniences of those disturbings, or tumultuous actings, or confluences which the dissatisfaction and Jealousie thereupon also grounded, were like sodainely to have produced in the Army to advise the Generall, first to contract the Quarters of the Army, and then to draw the same to an orderly *Randezvous* for satisfaction of all, and that his Excellencie would immediatly send up to move and desire the Parliament to suspend any present proceeding upon the said Resolution of disbanding, to resume the Consideration of the grievances, and desires sent up from the Army, and not to disband it in pieeces before just and equall satisfaction given to the whole; And where as some of the Regiments appointed for disbanding, upon notice thereof withdrawing themselves from the Quarters adjacent to the appointed *Randezvous*, & drawing towards the Head Quarters; and the contracting the Quarters according to the said advice of the Councell of Warre.

Wee the Officers and Souldiers of severall Regiments hereafter named, are now met at a generall *Randezvous*, and the Regiments appointed us aforesaid to be disbanded, have not

appeared, nor can appeare; but are resolved not to appeare at the severall and respective Rendezvous, appointed as aforesaid for their disbanding; and divers other thing have bin done by severall other partyes, or Members of the Army, necessarily relating to the good & concernment of the whole in these affaires: Now for as much as wee know not how far the malice, Injustice, and Tiranicall Principells of our enemies, that have already prevailed so far to abuse the Parliament and the Army (as is afore mentioned) in the past proceedings against the Army may further prevaile to the danger and prejudice of our selves, or any officers, or Souldiers of the Army, or other persons that have appeared to act anything in behalfe of the Army, or how far the same may further prevaile to the danger or prejudice of the Kingdome in raising a new warre, or otherwise: Therefore for the better prevention of all such dangers, prejudices, or other inconveniences that may ensue; and withall for better satisfaction to the Parliament and Kingdome, concerning our desires of conferring to the authority of the one, and providing the good and quiet of the other, in the present affaires of disbanding, and for a more assured way whereby, that affaires may come to a certaine issue, (to which purpose we herein humbly implore the present and continued assistance of God, the Righteous Judge of all) wee the Officers and Souldiers of the Army subscribing here unto; doe hereby declare, agree, and promise, to and with each other, and to, and with the Parliament and Kingdome as followeth.

1. That wee shall cheerfully and readily disband when thereunto required by the Parliament or else shall many of us be willing (if desired) to ingage in further Services either in *England* or *Ireland*, having first such satisfaction to the Army in relation to our Grievances and desires heretofore presented, and such security; That we of our selves (when disbanded, and in the condition of private men) or other the free-bome people of *England* (to whom the consequence of our Case doth equally extend) shall not remaine subject to the like oppression, injury or abuse, as in the premisses hath been attempted and put upon us while an Army by the same men's continuance, in the same credit and power (especially if as our Judges) who have in these past proceedings against the Army so farre prevailed to abuse the Parliament and us, and to endanger the Kingdome; and also such security that we our selves, or any member of this Army or others, who have appeared to act any thing in behalfe of the Army in relation to the premisses before recited, shall not after disbanding be any way questioned, prosecuted, troubled, or prejudiced for any thing so acted, or for the entring into, or necessary prosecution of this necessary agreement: (we say) having first such satisfaction and security in these things as shall be agreed unto by a Councell to consist of those generall Officers of the Army (who have concurred with the Army in the premisses) with two Commission Officers, and two Souldiers to be chosen for each Regiment, who have concurred, and shall concur with us in the premisses and in this agreement. And by the major part of such of them who shall meet in Councell for that purpose when they shall be thereunto called by the Generall.

2. That without such satisfaction and security, as aforesaid, we shall not willingly disband, nor divide, nor suffer our selves to be disbanded or divided.

And whereas we finde many strange things suggested or suspected to our great prejudice concerning dangerous principles, interests and designes in this Army (as to the overthrow of Magistracy, the suppression or hindering of Presbytery, the establishment of Independent government, or upholding of a generall licentiousnesse in Religion under pretence of Liberty of Conscience, and many such things) we shall very shortly tender to the Parliament a Vindication of the Army from all such scandals to cleare our Principles in relation thereunto, and in the meane time we doe disavow and disclaime all purposes or designes in our late or present proceedings to advance or insist upon any such interest, neither would we (if we might and could) advance or set up any other particular party or interest in the Kingdome (tho imagined never so much our own) but shall much rather (as far as may be within our spheare or power) study to promote such an establishment of common and equall right and freedome to the whole, as all might equally partake of but those that doe by denying the same to others, or otherwise render themselves incapable thereof.

FINIS.

**T.99 (4.7) [WILLIAM WALWYN], *THE POORE
WISE-MANS ADMONITION UNTO ALL THE PLAINE
PEOPLE OF LONDON, AND NEIGHBOUR-PLACES* (10
JUNE 1647). ↵**

Image of the original Title Page

plaine People of London, and Neighbour-Places (10 June 1647).

Full title

[William Walwyn], *The poore Wise-mans Admonition unto All the plaine People of London, and Neighbour-Places. To strengthen them in the houre of temptation, that they may be happy and exemplary instruments to all other People, in preserving the City, Parliament, and whole Nation, from imminent and sudden destruction.*

Eccles. 37.16. Prov. 16.20. Eccles. 7.21. Prov. 1.32, 33.

Let reason goe before every enterprize, and counsell before every action.

He that is wise in his businesse, shall finde good, and he that trusteth in the Lord is blessed.

Wisdome shall strengthen the wiseman, more then ten mighty Princes that are in the city.

For ease slayeth the foolish, and the prosperity of fools destroyeth them.

But he that obeyeth me (saith wisdome) shall dwell in safety, and be quiet from feare of evill.

Printed in the Yeere 1647.

Estimated date of publication

10 June 1647.

Thomason Tracts Catalog information

TT1, p. 518; Thomason E. 392. (4.)

TEXT OF PAMPHLET

Deare Friends;

ALTHOUGH ye and your families, are they who in all publike calamities do suffer most, yet seem ye altogether insensible of your owne danger untill it be directly upon you, yee looke not into publike affaires your selves, but trust wholly unto others; and if they either through weaknesses wilfulnesse, corruption or treacherie faile in their trust or turne oppressors and tyrants, ye remaine liable to be deluded and betrayed by them into tumults, wars, miseries and bondage.

But believe it, yee have need to look about you, and that very quickly, to see into affaires your selves, and understand how things go, for ye are likely very speedily to be put upon the greatest triall of your wisdom and faithfulnessse that ever men were put upon; which if ye withstand or get cleare through with an upright mind, your peace, freedome, and

happinesse will certainly be continued, but if ye yeeld yee will involve yourselves, your wives, children and servants into far greater miseries and extremities then those ye have already past through.

The case is briefly and truly thus, ye remember in what a languishing distracted condition ye were in, before the warre was betrusted to the present Army, then called, The new Modell, and with what faithfulness, diligence, expedition and courage they have vanquished the enemy, restored you to your trades and livelihoods, which ye cannot with any conscience, but thankfully acknowledge and remember.

But what they by their fidelity and activity gained abroad, is through want of care utterly destroyed at home; for whilst they supplant the enemy in strength, he is supplied with authority, and so in effect made Master of that strength by which he hath been vanquished.

Ye will wonder how it should be so, and yet if yee shall judge the tree by the fruits, which is so infallible a rule that it cannot deceive you, ye shall find nothing more evident.

For, what Authority now extant can ye name, that affords this Army any countenance or encouragement? nay, that hath not manifested a jealousie and hatred of them, and that most unjustly, seeing the Army is still the same it was, minding the safety, peace, freedome and happinesse of all peaceable people without any difference at all.

But herein it consisteth, Authority is changed and hath proposed other ends to it selfe now at last, then when this Army was first raised; those men that saw a necessity of their raising, which appeared from the languishing condition of the Kingdome under the former Forces, had then the major Vote and the opposite party were esteemed disaffected favourers of the enemy, Remora's to the honest proceedings of the House at that time, but are now become by the addition of divers ill affected men of knowne malignity out of the quarters redeemed from the enemy, the swaying party weigh down the ballance, and decree all.

From hence proceeds this different aspect upon the Army; the late bitter Declaration against them for endeavouring to petition their owne Generall in an orderly and peaceable way, for that which many by their losse of health, and all of them by induring the hardships and extremities of war, and hazarding their lives, have dearly earned; these are now judged enemies to the State, disturbers of the peace, even of purpose to turn the faces of honest men against them, and all to maintaine the unjust cause, and work out the wicked designs of tyrants and oppressors.

Divers men by corruptions are growne rich, from small estates or nothing to be very wealthy; and finding that this Army and such as love them, because they love their Country, are inquisitive and unwilling to see the State abused, and the people defrauded, fearing that the mountaines of wealth they have raised, may yet be returned to their right owners, or the common stock, and that their unjust actions may undergo scrutiny and tryall, have for prevention thereof, desperatly resolved to embroyle us in a new warre,

and bring all to the former confusion, if not utter desolation; finding by experience, that they can fish best in troubled waters and escape best in the presse; that corruption and injustice is no otherwise maintainable, but by might and force, and for that very end and purpose have contrived to engage you against the Army, and those that wish them well, by which policie they suppose all your thoughts will be diverted from thinking upon them and their corruptions.

In order to this, the Army and their friends are made odious to you, as Sectaries, even as heretofore the well-affected party were rendered hateful to you as Puritans; they provoke the Army what they can, by declaring them disturbers of the peace, molesting divers of their Officers and Souldiers, sleighting petitions of many thousands of good and godly people, and burning some of them by the common Hang-man, and by many other signes giving them to see what they and their friends are like to suffer after disbanding, hoping hereby to put them upon extremities and enforce them to stand upon their guard, and capitulate for their safety, which they will interpret rebellion, and hold forth to you as a true ground of destroying them, inciting you from thence to take up Armes, and engage in their unjust quarrell, even for the maintenance of their exorbitant wills, and ambitious ends, yea and defence of their lives and ill-gotten estates.

The heads of this designe are the corrupt men in the House of Commons, even such as have been formerly of the enemies party abroad, and done him services here at home, by discovering our counsels (as appeareth by interception of some of their letters,) partaking with the conspirators in the City (as in Wallers plot) opposing the raising of this Army, (by which the worke hath been so speedily ended) appearing crosse in all debates of the House for redresse of grievances, or relief of the oppressed and much abused people, constantly manifesting, That they have proposed other ends to themselves, then the common good of the Nation.

Assistant to these is the Mayor of London, hitherto past over, (when the well-affected party had most sway in the City) as a man favouring the enemy, and never manifesting any affection to the Parliament, in their undertaking to make us a free people: also many of the Aldermen and great men of the Citie whose interest depends upon Prerogative, and is supported by the subjection of the plaine people.

The City Militia likewise in reference to this project was altered, because the former men who had shewed themselves faithfull to the Common-wealth and City, were not (it seems) judged fit instruments for this secret work; and yee the Commoners of London likewise, they hope, will by some deceitfull trick or other follow, though to the destruction of your selves, your wives and families.

This makes them so confidently give out, that if the Army will not disband, that ye the plaine men of this City, your sons and servants shall make a new Army to compell them; they verily thinke yee are not so well principled as to collect your thoughts (on such a sudden as they intend to surprize you) and consider what a dangerous businesse to the whole Kingdome ye go about, but that ye will doe it for no other reason, but because they

bid you: that ye will forget the good services that the Army have done, the speedie overthrow of a powerfull enemy, the so sudden recovery of trading by the ending of a long and languishing warre, which if continued, had in probability utterly wasted your Trainebands, and hazzarded the ruine both of City and Kingdome.

These benefits (they think) they can easily make you forget, with old tales of private mens preaching, Conventicles, rebaptizing; and now by clamours of rebellion, and contempt of authority, which both the present necessity, and the common safety of the People requireth as a duty, and is purposely procured by themselves, for the maintenance of their tyranny and corruptions.

But look back into what is past, and survey the actions of these men, their weekly donations of great summes amongst themselves, their pride and Lordliness: Compare them with the Army; see if the Army have not made themselves poor, to make the Common-wealth rich, whil'st these men have made themselves rich and us poore.

Consider whether these men, and their Agents, who shall be most forward to egg you on, and cry an Alarme, have not made advantages of your troubles, swolne great by the losse of your Friends and Neighbours bloods, whil'st they that ingaged most heartily, are disrespected, the poor Souldiers unpaid, the widdow and fatherlesse by warre little regarded, so small recompence made, as there is scarce a livelihood afforded to them that have lost their limbs out of affection to their Countrey, whil'st those that shall appeare most earnest for a new warre, are such as know the way very well how to thrive by it, have gained thousands by the former, found the sweetnesse of having the Commonwealth money at their dispose: And as they have been liberall every week, in converting the Commonwealths Treasury to their owne particular coffers, so hope they (with all possible speed, and by all indirect means) to be yet more bountifull, and for every hundred, give one another a thousand.

Consider, that warres are easily and suddenly, and out of a heat begun, but very hardly and slowly ended: Let late experience make us wise, so to foresee evils, as we may prevent them. The Scots will be ingaged againe, and forraigne Forces called in, which is already attempted by private Agents, from the aforesaid corrupt and ill-affected party in the Parliament.

This Citie may avoid all their malice, and crush all their wicked designes in the birth, before they come forth, if they will but abate their unjust and causelesse eagernesse against men of different opinions, and equally consider the just cause, desires and intentions of the Arrnie, and the peaceableness of those people in the Citie and Countrey, who did lately petition for libertie, and that their ends herein are evidently the good and peace of all men.

Take it to heart also, that we are in as much bondage as before this Parliament; all sorts of men are insensible of it, and full of complaints; the very oppressions cried out upon at the beginning of this Parliament, and removed, are not onely now again practised, but

many new ones brought upon us; besides that which alone amounts to all the rest, the EXCISE, which (upon pretence of paying publike debts, and supplying other to-be-invented necessities) is like to be a lasting burden upon us.

Customes are still as much inhanced as ever, without any convoy and protection of Merchants, which is the end of paying them, and the poore Seamen and Marriners wrack'd to the utmost point of extreamity: infinite sums have been dispended, and yet debts both unpaid, and the publike Treasury emptied.

Consider the grievances complained of in the late Petition which was burned, and collect from thence what usage ye are like to finde, unlesse ye resolve to sit downe under oppression, and expect no redresse of grievances, which those honest men petitioning for in a discreet, peaceable, and humble manner, were abused, reproached, some of them imprisoned, the rest threatned, all termed seditious, and what not, even as men formerly were for moving against Ship-money, and the oppressions of those times.

In this lamentable condition, the honest and plaine people being still now, as they were then, in greatest danger, and wicked men most secure, and not only most countenanced by Authority, but endeavoured to be brought into all places thereof; judge, ye citizens of London, and other neighbour-places, whether the Army have not just cause, to stand upon their guard, and whether it be not high time for them again to appear for the defence and protection of the distressed people of this land; judge likewise what kind of enemies to the common wealth, peace, freedom, and safety of this Nation they are that shal oppose them herein, how inexcusable and evidently guilty of procuring their owne bondage, and maintaining abused authority, to their owne misery, if not destruction: yet this is the strong temptation wherewith ye are likely very suddenly to be assaulted.

The bait they will use will be the suppressing of Hereticks and Schismaticks, which henceforth ye shall find to be but nick-names for any that oppose Tyrants and Oppressors, by which they have ever endeavoured to make those odious to the rude multitude, whose honestie and conscience could not otherwise be blemished.

Looke therefore with a cleare eye upon the Army and those that love and affect them, whether in Parliament or elsewhere, and see if they be not the truest promoters of just freedome, least advancers of themselves; and when ye are tried, may ye prove like gold seven times fined in the fire; so shall your wisdom, faithfulness, thankfulness and integrity appeare in this sad day of Englands greatest extremity, when a major vote of Parliament must of necessity be disobeyed.

But this is an age of wonders: what greater wonder I pray, is there in this Nation, then a continuall Parliament, already drawing to the end of the seventh yeare; or that this Parliament should begin in suppressing the High-commission, Star-chamber, Bishops, Popish Lords and all oppressors, make a most bloody war against them, subdue them by a faithfull Army, and now act, tolerate, and Justifie the same oppressions, under other notions, hate none so much as those that abhor oppression, and likewise vex, molest, and

suffer to be hanged those very Souldiers that preserved their own lives, even in their greatest extremities, and that for actions necessarily and warrantably performed in prosecution of their own services.

And because all admonitions are most acceptable when the causes thereof are cleared, and proved to be good and just, by true examples, and forcible reasons, I will give an instance for your better satisfaction, in the things whereof I forewarne you, and so fore-arme you, Yee cannot but remember, that as those peaceable people who were at the beginning of this Parliament, called Round-heads, and afterwards Independents, and by such other Titles as best please the Clergy to devise, and the rude multitude to expresses did adventure their lives voluntarily day and night, in guarding and defending the Parliament against all their enemies, who were like to swallow them up, before they had either guard or Army to take their part; and did not this worthy Army the like unto them, when no other Army could doe the businesse?

Did not yee your selves, and many thousands of others, bestow a great part of your estates freely and voluntarily to help, further, and assist the Parliament in all their publick affaires for the Common-weale, and safety of the people: and yet now, who are more despised, hated and persecuted by means or conivance of the Parliament, then both yee, they, and the Army, who have been their truest and best friends? And likewise, who have been more assessed and extorted in advancing more and more summes to fill their Coffers, then those who gave them most freely and liberally at the first; yea, and too many of them more then they could well spare.

Therefore, deare friends, remember this seasonable and loving premonition, while it is yet time, that when yee have done all yee can, and perhaps past the bounds of your abilities, yee may easily perceive both by former experience your selves, and infinite discontents, murmurings and out-cries of others, that if yee doe not persist both in fulfilling their wils in what they wil command concerning your bodies, and in yeelding what they will demand of your Estates, yea, or refuse them in any jot, or trifle they require, though never so unjust, ye will be subject to loose all ye have done, and their favour too.

These are wonders indeed, besides hundreds of others which might be expressed; but these if well weighed will put you upon examination how it is possible such things as these should be.

The Army doubtlesse doth highly esteme the authority of Parliament, being rightly constituted, and intending the well-fare and safety of the people, and such a Parliament both the Army and the well-affected of the Kingdome thought this would have proved; for which they have fought, as for their own and the peoples liberties.

But when through the policies, feastings, private letters, making use of interests and relations, with many other indirect practices, elections shall be corrupted, and not freely made by the people, but in effect the one part of the Parliament procure the election of the other when by meanes hereof the ill affected party is growne most potent, and the

peoples faithfull friends are overpowred, when their courses shall tend evidently to make themselves great, upon the peoples ruins, even to prevent the end for which a Parliament is called, is there any just cause to the contrary, but the same necessity and publike safety that justifieth the Parliament against the King, will also justifie the Army against them, by the same rule of right reason, and law of equity, as the souldiers of an Army may oppose the Generall, when he tumeth the mouth of his Cannon upon them.

And all this the Army do not against, but for Parliaments, as the onely orderly meanes for the peoples safety, and freedome now in such a high time of extreame danger, after the tryall of all other lawfill and possible faire and submissive meanes.

It is not to be imagined, that the Army meaneth in any wise to usurpe the government, or give lawes to their brethren; nothing can be more odious to their spirits, or further from their thoughts: their ayme is only to rescue and succour the people that are oppressed, and defend themselves from the malicious plots and practices of wicked men, untill such time as the right constitution of Parliaments be recovered, the Accompt of the Kingdomes Treasury required, and the Authors of our miseris according to justice punished.

The obstruction whereunto is a great number of tyrannicall and oppressive men in the House, against whom just execptions will be evidently made appeare to all the world; if upon offer of prooffe, all these enormities should be set into a way of tryall, this great and much threatning designe, may be prevented, without trouble, warre or bloodshed, wherein it rests in you at this time to do very much.

If ye forbear to engage against the Army, whom God hath made his instruments to deliver you, and withall, second their just desires for purging out the corrupt Members of the Parliament, ye will not onely herein be an example of wisdom, fidelity and integrity to the whole Nation, but prevent a world of mischiefs and inconvenience, which otherwise might come to passe by your negligence, or rather slavish obedience.

Ye cannot but perceive, that in the great alteration which is made of the Committee of the Militia and the removall of your knowne Commanders in the forces of London, that they intend to engage you against the Army. Is not this evident to all judicious men? For what neede is there of any such change now at this time, and that onely of such persons as are affected to the Army?

Let not faire shewes or pretences of zeale, religion, or reformation of whatsoever kinde any longer delude you, but observe him for a traitor to his Countrey, that would now entangle you in any unjust warre against a most worthy Army, whom God hath so exceedingly blessed, yea and you also and all of us, by their faithfull meanes and effectuall endeavours.

Looke wisely and narrowly to your Officers of trust in all places, and see that they bring forth fruits suitable to your peace, preservation, and freedome, or else shun them as serpents, whose property is to destroy you.

Be not deluded into a groundlesse beliefe, that the Army do intend any kinde of prejudice to any just interests or propriety in the Common wealth, seeing they have manifested both by word and deed to the world, in despite of the mallice of all their treacherous enemies (though pretended friends) that the outmost extent of their desires, is onely to see equity and justice flourish in all Estates, so that no man may be punished under the colour of law or otherwise, without a just cause.

Allow the Army to be as free Englishmen as any whosoever, and your worthy and beloved brethren; have not many of you fought, shed your blood, and adventured your lives in the very same just cause for which they most courageously do yet (through Gods goodnesse) stand. And would yee now unjustly resigne both that good cause, and so renowned an Army, into the treacherous and bloody hands of such as maliciously hate both them and you, howsoever, they may flatter you at this time for their own base ends, but neither for your own nor the Kingdomes good.

God forbid that so just a cause which hitherto hath been so valiantly prosecuted, should escape so many and violent stormes, and cruell tempests in the main Ocean, and yet perish in the Harbor, and that only for want of prudence and timely care.

But our hope is, that the same just and good God, who hath hitherto preserved you, the Army, Citie, Parliament, and just cause, will also in his due and appointed time, to his own everlasting praise, and the comfort of all that trust in him, perfect his great worke in justice and righteousness, if in the mean time yee will be so truly wise, as to be thankfull for mercies received, and not forgetfull of the worthy instruments he hath employed for your preservation, but doe them good to your utmost abilities in the day of their visitation.

So shall God crown all your labours of love with peace, and both your selves, the whole Nation and posterity with freedome.

Amen.

The Printer to the Reader.

I Desire thee to amend with thy pen, one fault escaped in the printing, by negligence, and the Authors absence, which is in the 3. page and 10. line, namely secretaries for sectaries: And if there be any more faults (as none liveth without some) I also desire that thou wilt shew thy patience by thy silence, and that thou may rather make a profitable use of the sence, then anywise strive about words; even as thou wouldest except the like favour of me or any other in thy absence, if thou be one that shewest thy selfe thus carefull and zealous for the publike: especially now in such extreeme need. Farewell.

FINIS.

**T.100 (4.8) [SIGNED BY JOHN RUSHWORTH,
ATTRIBUTED TO HENRY IRETON], [DECLARATION OF
THE ARMY], A *DECLARATION, OR, REPRESENTATION
FROM HIS EXCELLENCY, SIR THOMAS FAIRFAX, AND THE
ARMY UNDER HIS COMMAND, HUMBL Y TENDRED TO THE
PARLIAMENT (14 JUNE 1647).***

Image of the original Title Page

A
Declaration:
OR,
REPRESENTATION
FROM

His Excellencie, Sir Tho. Fairfax,
and the Army under his command.

Humbly tendred to the Parliament con-
cerning the Just and Fundamental
Rights and Liberties of them-
selves and the Kingdom.

With some humble Propofals and desires.

June 14. 1647.

By the appointment of his Excellencie, Sir
Thomas Fairfax, with the Officers and
Souldiers of his Army, Signed
John Rushworth Secretary.

LONDON,
Printed for George Whittington at the sign of the blew
Anchor in Cornhil near the Exchange. 1647.

BIBLIOGRAPHICAL INFORMATION

ID Number

T.100 [1647.06.14] (4.8) [Signed by John Rushworth, attributed to Henry Ireton],
[Declaration of the Army], *A Declaration, or, Representation From his Excellency, Sir*

Thomas Fairfax, And the Army under his command, Humbly tendred to the parliament (14 June 1647).

Full title

[Signed by John Rushworth, attributed to Henry Ireton], *A Declaration, or, Representation From his Excellency, Sir Thomas Fairfax, And the Army under his command, Humbly tendred to the parliament, Concerning the iust and Fundamentall Rights and Liberties of themselves and the kingdome. With Some humble Proposals and Desires. June 14, 1647. By the appoyntment of his Excellency Sir Thomas Fairfax, With the Officers and Souldiers of his Army, Signed John Rushworth, Secretary.*

London, Printed for George Wittington at the Blew Anchor in Corn-hill, neere the Exchange. 1647.

Estimated date of publication

14 June 1647.

Thomason Tracts Catalog information

Not listed in TT.

TEXT OF PAMPHLET

A Declaration, or Representation from his Excellency, Sir Tho. Fairfax, and of the Army under his Command, Humbly tendred to the Parliament.

THAT we may no longer be the dissatisfaction of our friends, the subject of our enemies malice (to worke jealousies and misrepresentations upon) and the suspicion (if not astonishment) of many in the Kingdome, in our late or present transactions and conduct of businesse, we shal in all faithfulness and clearnesse professe, and declare unto you, those things which have of late protracted and hindred our disbanding, the present grievances which possesse our Army, and are yet unremedied, with our desires, as to the compleat settlement of the liberties, and peace of the kingdome, which is that blessing of God, then which (of all worldly things) nothing is more dear unto us, or more pretious in our thoughts, we having hitherto thought all our present enjoyments (whether of life or livelihood, or nearest relations) a price but sufficient to the purchase of so rich a blessing; that we, and all the free-born people of this Nation, may sit down in quiet under our Vines, under the glorious administration of Justice, and righteousnesse, and in the full possession of those Fundamentall Rights and Liberties, without which we can have little hopes (as to humane considerations) to enjoy either any comforts of life, or so much as life it selfe, but at the pleasures of some men, ruling meerly according to will, and power.

It cannot be unknown what hath passed betwixt the Parliament and the Army, as to the service of Ireland. By all Which, together with the late proceedings against the Army, in relation to their petition and grievances, all men may judge what hath hindred the Army from a ready engagement in that service, and without further account or Apologie as to that particular, then what passages and proceedings themselves (already made publicke), doe afford, we doe appeale to your selves, whether those courses, to which the Parliament hath (by the designes and practises of some) been drawne, have rationally tended to induce a cheerfull and unanimous undertaking of the Army to that service, or rather to break and pull the Army in pieces with discontent and dishonour, and to put such disobligations and provocations upon it, as might drive it into distemper, and indeed discourage both this Army and other Souldiers from any further engagement in the Parliaments service. And we wish all men would (with us) upon the whole carriage, seriously consider, whether (in the intentions of those who have by false informations, and misrepresentations put the Parliament upon such wayes) the timely and effectuall reliefe of Ireland, seem really to have been intended, or rather (with the breaking, or disbanding of this Army) to draw together, or raise such other forces, and of such a temper as might serve to some desperate and destructive designes in England. For which, (besides the probable suspitions from their carriage of the businesse) we have beforehand, in the transaction thereof, had more then hints of such a designe, by cleare expressions to that purpose, from many of the Officers of the Army, that have been perswaded, and appeared most forward, to engage as for Ireland, on the tearmes proposed. And, that such a designe hath all along been driven, seemes now too evident, by the present disposing of those Forces that have been engaged for Ireland, by the endeavours of some, to gain a power from the Parliament of ordering those Forces for some service in England, and by the private listings of men for service there, without any publick authority of Parliament. And (all this) by the same persons, who have all along, appeared most active, and violent in the late proceedings against the Army.

As to the just discontents and dissatisfactions of the Army, in relation to their grievances, and their non-compliance to the late orders for sudden disbanding by peece-meale (before more full and equall satisfaction were given to the whole) we desire you to look back to the Papers already published, of the grievances themselves, the Narrative of the Officers, and the late Papers from the generall Counsell of Warre at Bury, and late generall Rendezvouz neare Newmarket: and (we thinke) your late resuming the consideration of these things (as to a further satisfaction) doth much justifie the desires and proceedings of the Army, in the past particulars, hitherto.

And though (had we (upon our first addresses) for our undoubted Rights and Dues) found a free, and candid reception, with a just consideration, and a reasonable satisfaction, or at least a free answer therein, we should have been easily perswaded to have abated or forborne much of our Dues, and not to have enquired into, or considered (so farre as we have) either the possibilities there are for more present satisfaction of Arreares, or the credit of future securities proposed, yet since upon these former addresses, we have found such hard dealing, as in the said Papers is set forth, and those additionall (though

hitherto but partiall) satisfactions, comming so hardly as they have, we finde no obliging reasons in the least, to decline or recede from what is our due; but rather still to adhere unto our desires of full and equall satisfaction, in all the things mentioned in the aforesaid Papers, not onely in behalf of our selves, and the Army, but also the whole Souldiery throughout the whole Kingdome, who have concurred, or shall concurre with us in the same desires.

And to all our former desires, as Souldiers, we cannot but adde this (wherein we find our selves so nearly concerned in poynt of Justice and Reputation) that more care, and a stricter course may be taken for making good all Articles granted upon Surrenders, according to the true intent and meaning of them. As also for Remedy and Reparation in case of any breach; (and this) without those delays which divers have found, as prejudicial to them or more, then if they had been totally denied the performance of them.

Nor will it now (wee hope) seeme strange or unseasonable to rationall and honest men, who consider the consequence of our present case, to their own, and the Kingdoms, (as well as our) future concernments in point of right, freedome, peace and safety, if (from a deepe sence of the high consequence of our present case, both to our selves (in future) and all other people) we shall, before disbanding, proceed, in our own and the Kingdoms behalf, to propound, and plead, for some provision, for our, and the Kingdoms satisfaction, and future security in relacion to those things, especially considering, that we were not a meere mercinary Army, hired to serve any Arbitrary power of a State, but called forth and conjured, by the severall Declarations of Parliament, to the defence of our owne and the peoples just rights, and liberties, And so we tooke up Armes, in judgement and conscience to those ends, and have so continued them, and are resolved according to your first just desires in your Declarations, and such principles as we have received from your frequent informations, and our own common sence concerning those our fundamentall Rights and Liberties, to assert and vindicate, the just power, and Rights of this Kingdome in Parliament for those common ends premised, against all arbitrary power, violence and oppression, and against all particular parties, or interests whatsoever. The said Declarations still directing us to the equitable sence of all Laws and constitutions as dispensing with the very Letter of the same, and being supreame to it, when the safety and preservation of all is concerned, and assuring us, that all authority is fundamentally seated, in the office, and but ministerially in the persons, neither doe or will these our proceedings (as we are fully and in conscience perswaded) amount to any thing, not warrantable before God and men, being thus far, much short of the common proceedings in other Nations, to things of an higher nature then we have yet appeared to. And we cannot but be sencible of the great complaints, that have been made generally to us of the Kingdome, from the people where we march, of arbitrarinesse and injustice, to their great and insupportable oppressions.

And truly such Kingdomes, as have according both to the law of Nature and Nations, appeared to the vindication and defence, of their just rights and liberties, have proceeded much higher, As our brethren of Scotland: who in the first beginning of these late

differences, associated in Covenant, from the very same grounds and principles (having no visible form, either of Parliament or King to countenance them) and as they were therein justified, and protected by their own, and this Kingdome also, so we justly shall expect to be.

We need not mention the States of the Netherlands, the Portugals, and others, all proceeding upon the same Principles of right and freedome, And accordingly the Parliament hath declared it no resistance of Magistracie, to side with the just Principles, and law of Nature and Nations, being that Law upon which we have assisted you. And that the Souldiery may lawfully hold the hands of that Generall, who will turne his Cannon against his Army on purpose to destroy them; the Sea-men the hands of that Pylot, who wilfully runnes the Ship upon a Rock, (as our brethren of Scotland argued.) And such were the proceedings of our Ancestors of famous memory, to the purchasing of such Rights and Liberties as they have enjoyed through the price of their blood, and we (both by that and the later blood of our deare friends and fellow Souldiers, with the hazard of our own) doe now lay claim unto.

Nor is that supream end, (the glory of God) wanting in these cases, to set a price upon all such proceedings of Righteousnesse and Justice, it being one witness of God in the World to carry on a Testimony against the Injustice and unrighteousnesse of men, and against the miscarriages of Governments, when corrupted or declining from their primitive or originall glory.

These things we mention, but to compare proceedings, and to shew that we are so much the more justifiable, and warranted in what we do, by how much we come short of that height and measure of proceedings, which the people in free Kingdomes and Nations have formerly practiced.

Now having thus farre cleared our way in this businesse, we shall proceed to propound such things as we do humbly desire for the setling and securing of our own and the Kingdomes common right, freedome, peace, and safety, as followeth.

1. That the Houses may be speedily purged of such members, as for their Delinquency, or for Corruptions, or abuse to the State, or undue Elections, ought not to sit there: whereof the late elections in Cornwall, Wales and other parts of the Kingdome afford too many examples, to the great prejudice of the peoples freedome in the said elections.

2. That those persons, who have, in the unjust and high proceedings against the Army, appeared to have the will, the confidence, credit, and power, to abuse the Parliament, and the Army, and indanger the Kingdom in carrying on such things against us (while an Army) may be some way speedily disabled from doing the like or worse to us (when disbanded, and disperst, and in the condition of private men) or to other the free-born people of England in the same condition with us, and that for that purpose, the same persons may not continue in the same power (especially as our and the Kingdoms Judges in the highest trust) but may be made incapable thereof for future.

And if it be questioned who these are, we thought not fit particularly to name them in this our representation unto you, but shall very speedily give in their names, and before long shall offer what we have to say against them, to your Commissioners, wherein we hope so to carry our selves, as that the world shall see we aime at nothing of private revenge, and animosities, but that justice may have a free course and the Kingdome be eased, and secured by disabling such men (at least) from places of Judicature who desiring to advantage, and set up themselves, and their party in a generall confusion have indeavoured to put the Kingdom into a new flame of warre, then which nothing is more abhorrent to us.

But because neither the granting of this alone, would be sufficient to secure our own, and the Kingdoms rights, liberties, and safety either for the present age or posterity, nor would our proposing of this singly be free from the scandal, and appearance of faction or designe onely to weaken one party, (under the notion of unjust or oppressive) that we may advance another (which may be imagined more our own) we there fore declare.

That indeed wee cannot but wish that such men, and such onely might be preferred to the great power and trust of the Commonwealth, as are approved, at least, for morall righteousness; And of such wee cannot but in our wishes preferre those, that appeare acted thereunto by a principle of Conscience and Religion in them. And accordingly we doe and ever shall blesse God for those many such Worthies, who, through his providence, have been chosen into this Parliament, And, to such mens endeavours (under God) wee cannot but attribute that Vindication, (in part) of the peoples Rights and Liberties, and those beginnings of a just Reformation, which the first proceedings of this Parliament appeared to have driven at, and tended to, though of late obstructed, or rather diverted to other ends and interest by the prevailing of other persons of other principles and conditions.

But yet wee are so farre from designing, or complying to have an absolute or arbitrary power fixed or settled for continuance, in any persons whatsoever, as that, (if we might be sure to obtaine it) wee cannot wish to have it so in the persons of any, whom wee could most confide in, or who should appeare most: of our own opinions or principles or whom wee might have most personall assurance of, or interest in, but wee doe, and shall much rather wish, that the Authoritie of this Kingdome in Parliaments (rightly constituted, that is, freely, equally and successively chosen, according to its originall intention) may ever stand and have its course. And therefore wee shall apply our desires, chiefly to such things, as (by having Parliaments settled in such a right Constitution) may give most hopes of Justice and Righteousnesse, to flow downe, equally to all, in that its ancient Channell, without any Overtures, tending either to overthrow, that foundation of Order and Government in this Kingdome, or to ingrosse that power for perpetuity into the hands of any particular persons, or party whatsoever.

And for that purpose, though (as wee have found it doubted by many men, minding sincerely the publique good, but not weighing so fully all consequences of things) it may and is not unlike to prove, that, upon the ending of this Parliament, and the Election of

New, the Constitution of succeeding Parliaments, (as to the persons Elected) may prove for the worse many wayes, yet since neither in the present purging of this Parliament, nor in the Election of New, wee cannot promise to our selves, or the Kingdome, an assurance of Justice, or other positive good from the hands of men, but those who for present appeare most righteous and most for common good (having an unlimited power fixed in them during life or pleasure) in time, may become corrupt, or settle into parties, or factions, or, on the other side, in case of new Elections, those that should so succeed, may prove as bad or worse then the former. Wee therefore humbly conceive, that, (of two inconveniences the lesse being to be chosen) the maine thing to be intended in this case (and beyond which humane providence cannot reach, as to any assurance of positive good) seemes to be this, viz. to provide, that however unjust or corrupt the persons of Parliament-men, in present or future, may prove, or whatever ill they may doe to particular parties (or to the whole, in particular things,) during their respective termes, or periods, yet they shall not have the temptation or advantage of an unlimited power fixt in them during their own pleasures, whereby to perpetuate injustice and oppression upon any, (without end or remedy,) or to advance and uphold any one particular party, faction, or interest whatsoever, to the oppression or prejudice of the Communitie, and the enslaving of the Kingdome unto all posteritie, but that the people may have an equall hope, or possibilitie, if they have made an ill choice at one time, to mend it in another, and the members of the House themselves may be in a capacitie, to tast of subjection as well as rule, and may so be inclined to consider of other mens cases, as what may come to be their owne. This wee speake of, in relation to the House of Commons, as being entrusted, on the peoples behalf, for their interest in that great and supream power of the Common-wealth, (viz. the Legislative power, with the power of finall judgement,) which being, in its own nature, so arbitrary, and in a manner unlimited (unlesse in point of time) is most unfit and dangerous (as to the peoples interest) to be fixt in the persons of the same men during life, or their own pleasures. Neither, by the originall Constitution of this State, was it, or ought it to continue so, nor does it (where-ever it is, and continues so) render that State any better then a meere Tyranny, or the people subjected to it, any better then Vassalls: But in all States, where there is any face of common freedome, and particularly in this State of England (as is most evident, both by many positive Lawes, and ancient constant custome) the people have a right to new and successive Elections unto that great and supream trust, at certain periods of time, which is so essentiall and fundamentall to their freedome, as it is, cannot, or ought not, to be denied them, or withheld from them, and without which the House of Commons is of very little concernment to the interest of the Commons of England. Yet in this wee would not be mis-understood, in the least, to blame those Worthies of both Houses, whose zeale to vindicate the Liberties of this Nation, did procure that Act for continuance of this Parliament, whereby it was secured from being dissolved at the Kings pleasure, (as former Parliaments had been) or reduced to such a Certainty, as might enable them the better to assert and vindicate the liberties of this Nation, (immediately before so highly invaded, and then also so much endangered.) And these wee take to be the principall ends and grounds, for which, in that exigency of time and affaires, it was procured, and to which

wee acknowledge it hath happily been made use of, but wee cannot thinke it was by those Worthies intended, or ought to be made use of, to the perpetuating of that supream trust and power in the persons of any during their owne pleasures, or to the debarring of the people from their right of Elections (totally new) when those dangers or exigencies were past, and the affaires and safety of the Common-wealth would admit of such a change.

Having thus cleared our Grounds and Intentions (as wee hope) from all scruples and misunderstandings, in what followes we shall proceede further to propose what wee humbly desire for the selling and securing of our owne and the Kingdomes Rights and Liberties (through the blessing of God) to posterity, and therefore, upon all the Grounds premised, we further humbly desire as followeth,

3. That some determinate period of time may be set, for the continuance of this and future Parliaments, beyond which none shall continue, and upon which new Writs may of course issue out, and new Elections successively take place according to the intent of the Bill for Trienniall Parliaments.

And herein we would not be misunderstood to desire a present or suddain dissolution of this Parliament, but only (as is exprest before) that some certaine period may be set for the determining of it, so as it may not remaine (as now) continuable for ever, or during the pleasure of the present Members, And we should desire that the period to be now set for ending this Parliament, may be such as may give sufficient time for provision of what is wanting and necessary to be passed in point of just Reformation, and for further securing the Rights and Liberties, and setling the peace of the Kingdome. In order to which we further humbly offer.

4. That secure provisions may be made for the continuance of future Parliaments, so as they may not be adjournable or dissolveable at the Kings pleasure, or any other wayes then by their owne consent during their respective periods, but at those periods each Parliament to determine of course as before. This we desire may be now provided for (if it may be) so as to put it out of all dispute, for future, though we thinke of right, it ought not to have beene otherwise before.

[And because the present Distribution of Elections for Parliament Members is so very unequal, and the Multitude of Burgesses for decayed or inconsiderable Towns (whose Interest in the Kingdom would in many not exceed, or in others not equal, ordinary Villages) doth give too much and too evident Opportunity for Men of Power to frame Parties in Parliament to serve particular Interests, and thereby the Common Interest of the whole is not so minded, or not so equally provided for: We therefore further desire,

5. That some Provision may be now made for such Distribution of Elections for future Parliaments, as may stand with some Rule of Equality or Proportion, as near as may be, to render the Parliament a more equal Representative of the whole, as for Instance, That all Counties or Divisions and Parts of the Kingdom (involving inconsiderable Towns) may have a Number of Parliament-Men allowed to their Choice, proportionably to the respective

Rates they bear in the Common Charges and Burdens of the Kingdom, and not to have more, or some other such like Rule.]

And thus a firme foundation being laid in the authority and constitution of Parliaments for the hopes, at least, of common and equall right and freedome to our selves and all the free-born people of this Land, we shall for our parts freely and cheerefully commit our stock or share of interest in this Kingdome, into this common bottome of Parliaments, and though it may (for our particulars) goe ill with us in one Voyage, yet we shall thus hope (if right be with us) to fare better in another.

These things we desire may be provided for by Bill or Ordinance of Parliament to which the Royall Assent may be desired: when his Majestie in these things, and what else shall be proposed by the Parliament, necessary for securing the Rights and Liberties of the people, and for setling the Militia and Peace of the Kingdome, shall have given his concurrence to put them past dispute. We shall then desire that the Rights of his Majestie and his posterity may be considered of, and setled in all things, so farre as may consist with the Right and Freedome of the Subject, and with the security of the same for future.

5. We desire, that the right and fredome of the people, to represent to the Parliament by way of humble Petition, their grievances (in such things as cannot otherwise be remedied then by Parliament) may be cleared and vindicated, That all such grievances of the people may be freely received & admitted into consideration, and put into an equitable and speedy way, to be heard, examined, and redressed (if they appeare reall) and that in such things for which men have remedy by law, they may be freely left to the benefit of law, and the regulated course of Justice, without interruption or checke from the Parliament, except in case of things done upon the exigency of Warre, or for the service and benefit of the Parliament and Kingdome in relation to the Warre, or otherwise, in due pursuance and execution of Ordinances or Orders of Parliament.

More particularly (under this head) we cannot but desire, that all such as are imprisoned, for any pretended misdemeanor, may be put into a speedy way for a just hearing and triall, and such as shall appeare to have beene unjustly and unduly imprisoned, may (with their liberty) have some reasonable reparation according to their sufferings and the demerit of their oppressors.

6. That the large powers, given to the Committees or Deputy Lieutenants during the late times of Warre and distraction, may be speedily taken into consideration, That such of these powers as appeare not necessary to be continued, may be taken away, and such of them as are necessary may be put into a regulated way, and left to as little Arbitrarinesse, as the nature and necessity of the things wherein they are conversant will beare.

7. We could wish that the Kingdome might both be righted & publikely satisfied in point of Accounts, for the vast summes that have been levyed and paid, as also in divers other things wherein the Common wealth may be conceived to have beene wronged or abused; But we are loath to presse any thing, that may tend to lengthen out further disputes or

contestations, but rather such as may tend to a speedy and generall composure, and quieting of mens minds, in order to Peace, for which purpose we further propose.

8. That (publique Justice being first satisfied by some few examples to posterity out of the worst of excepted persons, and other Delinquents, having past their Compositions) some course may be taken (by a generall Act of oblivion or otherwise) whereby the seeds of future Warre, or fewds, either to the present age, or posterity, may the better be taken away, by easing that sence of present, and satisfying those feares, of future Ruine or Undoing, to persons or families, which may drive men into any desperate wayes for selfe preservation or remedy, and by taking away the private remembrances and distinction of parties, as farre as may stand with safety to the rights and Liberties wee have hitherto fought for.

There are (besides these) many particular things which wee could wish to be done, and some to be undone, all, in order still to the same ends, of common right, freedome, peace, and safety. But these proposalls aforegoing, being the principall things wee bottome and insist upon, wee shall (as wee have said before) for our parts acquiesce for other particulars in the Wisdome and Justice of Parliaments. And whereas it hath been suggested or suspected, that in our late, or present proceedings, our design is to overthrow Presbytery, or hinder the settlement thereof, and to have the Independent governement set up, we doe clearly disclaime, and disavow any such designe; We onely desire that according to the Declarations (promising a provision for tender consciences) there may some effectuall course be taken according to the intent thereof, And that such, who, upon conscientious grounds may differ from the established formes, may not (for that) be debarred from the common Rights, Liberties, or Benefits belonging equally to all, as men and Members of the Commonwealth, while they live soberly, honestly, and inoffensively towards others, and peacefully and faithfully towards the State.

We have thus freely and clearly declared the depth and bottome of our hearts and desires in order to the Rights, Liberties and Peace of the Kingdome, wherein we appeale to all men, whether we seeke any thing of advantage to our selves, or any particular partie whatever, to the prejudice of the whole, & whether the things we wish and seek, do not equally concern & conduce to the good of others in common with our selves, according to the sincerity of our desires and intentions wherein, (as we have already found the concurrent sence of the people in divers Counties by their Petitions to the Generall, expressing their deepe representment of these things, and pressing us to stand for the Interest of the Kingdome therein, so,) we shall wish and expect to finde the unanimous concurrence of all others, who are equally concerned with us in these things, and wish well to the Publique. And so trusting in the mercy and goodnesse of God to passe by and helpe any failings or infirmities of ours, in the carriage or proceedings hereupon, we shall humbly cast our selves and the businesse upon his good pleasure, depending onely on his presence and blessing for an happie issue to the peace and good of this poore Kingdome, in the accomplishment whereof, wee desire and hope, that God will make you blessed Instruments.

June 14th 1647

By the appointment of his Excellency Sir Thomas Fairfax, with the Officers
and Souldiery of his Army, Signed,

Jo: RUSHWORTH
Secretary.

**T.101 (4.9) [WILLIAM WALWYN], *GOLD TRIED IN THE
FIRE, OR THE BURNT PETITIONS REVIVED* (14 JUNE
1647).↵**

Image of the original Title Page

Gold tried in the fire,

OR

The burnt Petitions revived.

June 14th A Preface. 1647

Courteous Reader, I shall give thee a short Narrative of some passages upon the following Petitions, first concerning the large Petition: Divers printed coppies thereof being sent abroad to gaine subscriptions, one whereof was intercepted by an Informer, and so brought to the hands of Mr. *Glyn* Recorder of *London*, and a member of the Commons House: who was pleased to call it a scandalous, and seditious paper: Whereupon it was referred to Colonel *Leighes* Committee (it being that Committee appoynted to receive informations against those men who preached without licence from the Ordainers) to finde out the Authours of the said Petition; upon this a certificate being drawn up, and intended by the Petitioners, to have been delivered to the said Committee, for vindication of the said Petition, as will appeare by the certificate herewith printed; and notice being taken of one of the petitioners named *Nicholas Tuo*, who red the said certificate in the Court of Request; for the Concurrence of friends who had not formerly seen nor subscribed the certificate: and for his so doing he was sent for presently before the said Committee, and for refusing to answer to Interrogatories, was presently by them Committed, and still remaineth in prison, it being at the least three Moneths since his first commitment.

Likewise Major *Tuledah*, was upon complaint of that Committee, the next day committed by the House; but since discharged

A

upon

BIBLIOGRAPHICAL INFORMATION

ID Number

T.101 [1647.06.14] (4.9) [William Walwyn], *Gold Tried in the Fire, or The burnt Petitions revived* (14 June 1647).

Full title

[William Walwyn], *Gold Tried in the Fire, or The burnt Petitions revived. A Preface.*

This tract contains the following parts:

1. Introduction
2. [Large Petition of March 1647] To the Right Honourable, and supreme Authority of this Nation, the COMMONS in PARLIAMENT Assembled. The humble Petition of many Thousands, earnestly desiring the glory of God, the freedom of the Common-wealth, & the peace of all Men. ("That as no Government is more just in the constitution, then that of Parliaments")
3. ["Recent Petition" of 20 March 1647] To the Right Honourable, the Commons of England assembled in Parliament. The humble Petition of divers well-affected Citizens ("That as the oppressions of this Nation, in times fore-going this Parliament, were so numerous & burthensome")
4. ["Certificate" attached to "Recent Petition"] To the Honourable Committee of Parliament, sitting in the Queenes Court at Westminster, Colonell Lee being Chair-man. The Humble Certificate of divers persons interested in, and avouching the Petition lately referred to this Committee by the Right Honourable House of Commons
5. ["Second Petition" mentioned by Walwyn (no date)] To the Right Honourable, the Commons of England assembled in PARLIAMENT. The humble Petition of divers well-affected people in and about the City of LONDON ("That as the authority of this Honorable House is intrusted by the people for remedy of their grievances")
6. "Third Petition" of 2 June, 1647] To the Right Honourable the Commons of England Assembled in Parliament. The humble Petition of many thousands of well-affected people ("That having seriously considered what an uncontrouled liberty hath generally been taken")

Estimated date of publication

14 June 1647.

Thomason Tracts Catalog information

TT1, p. 519; Thomason E. 392. (19.)

TEXT OF PAMPHLET

Courteous Reader, I shall give thee a short Narrative of some passages upon the following Petitions, first concerning the large Petition: Divers printed coppies thereof being sent abroad to gaine subscriptions, one whereof was intercepted by an Informer, and so brought to the hands of Mr. Glyn Recorder of London, and a member of the Commons House; who was pleased to call it a scandalous, and seditious paper: Whereupon it was referred to Colonell Leighes Committee (it being that Committee appoynted to receive informations against those men who preached without licence from the Ordainers) to finde out the Authours of the said Petition; upon this a certificate being drawn up, and intended by the Petitioners, to have been delivered to the said Committee, for vindication of the said Petition, as will appeare by the certificate herewith printed; and notice being taken of one of the petitioners named Nicholas Tue, who red the said certificate in the Court of Request; for the Concurrence of friends who had not formerly seen nor subscribed the certificate: and for his so doing he was sent for presently before the said Committee, and for refusing to answer to Interrogatories, was presently by them Committed, and still remaineth in prison, it being at the least three Moneths since his first commitment.

Likewise Major Tuledah, was upon complaint of that Committee, the next day committed by the House, but since discharged upon baile, without any just cause shewn for either of their Commitments: and others of the Petitioners abused, and vilified by that Committee; some of them offering to draw their swords upon the Petitioners. All which, with more was ready to be proved to the whole House, but could by no meanes be obtained, though earnestly desired, by a Petition, presently delivered into the House, humbly desiring the examination of these miscarriages; but after eight weekes attendance, with much importunity; after many promises and dayes appointed to take their Petition into consideration, they obtained a very slight answer: which was that they could not like of their Petition.

Occasion being taken sodainely after to commit one of the Petitioners named Mr. Browne to the prison of Newgate; for his importunity in desiring an answer to that Petition, after many promises and delays. Shortly after the slight answer obtained to the said Petition, the Petitioners thought good to deliver a second Petition to the House, to see if it were possible to obtain a better answer to their just desires; hoping that they would better consider of things, but after attendance and importunity, they obtained an answer in these words. That the Parliament had Voted it a breach of priviledge, scandalous, and seditious, and that Petition, and the large Petition, to be burned by the hand of the Hangman; which was accordingly done by Order of the House, in these words.

Die Jovis 20 May, 1647,

Resolved &c. That the Sheriffes of London and Middlesex, be required, to take care that the Petition and paper be burnt, which accordingly was done, before the Exchange, two dayes after the said Vote and Order of the House.

And shortly after this the Petitioners prepared a third Petition, which is the last Petition herewith printed: and after much importunity with the Members of the House; after

almost two dayes attendance, obtained so much favour from one of the Members, as to present that Petition to the House, and after all this could obtaine no other answer to that Petition; but the House after long dispute thereupon passed this Vote.

Upon the 2d. of June 1647. That no answer shall be given to the Petition at the present: and two dayes after the Petitioners attended the House, for a further answer delivering copies of their Petition to the severall Members of the House, but could obtaine no further answer thereunto; but received many vilifying, and disgracefull speeches, from severall Members of the House: and so after a whole dayes attendance, departed without any hope, to receive any answer to their just desires in the said Petition.

And thus I have faithfully, and truly (though briefly) given ye an account of the proceedings upon the ensuing Petitions. Now let the judicious and considerate Reader judge whether the Petitioners have received equall and even dealing herein from this present Parliament: the Petitioners being such who have laid out themselves, both in their persons and purses, far above their abilities; who have not valued their lives, their childrens lives, nor their servants lives, nor estates, to deare for the service of the Parliament and Common-wealth.

And is this the reward they shall receive, after they have thus laid out themselves? Nay, they have just cause to feare that they and their friends are men appointed to utter ruine, and destruction; otherwise what meaneth all the rayling, reviling, and reproachfull speeches of their Ministers, and Agents, out of the pulpit and presse, to stirre up the rude multitude to fall upon them, and destroy them; is not this ingratitude in the highest degree, shall not the very Heathen rise up in judgement against such a generation, of degenerate men as these? Who could say, *Si ingratum dixeris, omnia dixeris.*

You cannot chuse but take notice of severall Remonstrances, and Petitions presented to the House from these men, who call themselves Lord Major, Aldermen and Commons, of the City of London in Common-councill assembled, what high affronts they have offered to the Parliament; yet they have in some measure by steps, and degrees, answered the Remonstrances, and granted their Petitions, and you may observe what answer they have given to their last Petition, for raising of Horse, &c. (The tendencie whereof may be of very dangerous consequence if well weighed) which is thus. Mr. Speaker by command of the House, exprest unto them the true sense the House hath of their constant good affections to this Parliament; and that no alterations whatsoever can work any change in their duty, and love; for which he is to give them the hartiest thanks of this House.

I could enlarge my selfe, but I affect brevitie, and the judicious and considerate Reader may enlarge himselfe in his own thoughts: well weighing the matter in the said Remonstrances, and Petitions; and upon due consideration may judge whether their Petitions, or the Petitions burnt, vilified, and disgraced, deserve most thanks, or tend most to the safetie of the Parliament, and Common-wealth.

And will henceforth conclude, that as there is little good to be hoped for from such

Parliaments, as need to be Petitioned; so there is none at all to be expected from those that burn such Petitions as these.

If the endeavours of good Common-wealths-men in the House could have prevailed, these Petitions had not been burnt, nor the Petitioners abused; but the sons of Zeruiah were too strong for them, that is to say, the Malignants, and Delinquents, the Lawyers (some few excepted) the Monopolising merchants, the sons and servants of the Lords; all these joyning together, over Voted them about 16 Voyces; but God in time, will we trust, deliver the people of this Nation, from their deceit, and malice; and therefore let us not sorrow as men without hope, nor be discouraged, but goe on and persist, for the just liberties of England, a word to the wise is sufficient. Farewell.

By a well-wisher to truth and peace.

Printed in the yeere 1647.

TO THE RIGHT HONOURABLE, AND SUPREAME AUTHORITY OF THIS NATION, THE COMMONS IN PARLIAMENT ASSEMBLED.

The humble Petition of many Thousands, earnestly desiring the glory of God, the freedom of the Common-wealth, & the peace of all Men.

Sheweth,

That as no Government is more just in the constitution, then that of Parliaments, having its foundation in the free choyce of the people; and as the end of all Government is the safety and freedome of the governed, even so the people of this Nation in all times, have manifested most hearty affection, unto Parliaments as the most proper remedy of their grievances; yet such hath been the wicked policies of those who from time to time have endeavoured to bring this Nation into bondage; that they have in all times either by the disuse or abuse of Parliaments deprived the people of their hopes: For testimony whereof the late times foregoing this Parliament will sadly witness, when it was not only made a crime to mention a Parliament, but either the pretended negative voyce, (the most destructive to freedome) or a speedy dissolution, blasted the fruite and benefit thereof, whilst the whole Land was overspread with all kinds of oppression and tyranny, extending both to Soule and Body, and that in so rooted and settled a way, that the complaints of the people in generall witnessed, that they would have given any thing in the world for one six moneths freedome of Parliament. Which hath been since evidenced in their instant and constant readinesse of assistance to this present Parliament, exceeding the records of all former ages, and wherein God hath blessed them with their first desires, making this Parliament the most absolute and free of any Parliament that ever was, and enabling it with power sufficient to deliver the whole Nation from all kinds of oppressions and grievances, though of never so long continuance, and to make it the most absolute and free Nation in the world.

And it is most thankfully acknowledged that yee have in order to the freedom of the people suppressed the High-Commission, Starr-Chamber, and Councel-Table, called home the banished, delivered such as were imprisoned for matters of conscience, and brought some Delinquents to deserved punishment. That yee have suppressed the Bishops and Popish Lords, abolished Episcopacy, and that kinde of Prelatick persecuting government. That ye have taken away Shipmoney, and all the new illegall Patents, whereby the hearts of all the wel-affected were enlarged and filled with a confident hope, that they should have seen long ere this a compleate removall of all grievances, and the whole people delivered from all oppressions over Soule or Body: But such is our misery, that after the expence of so much precious time, of blood, and treasure, and the ruine of so many thousands, of honest families in recovering our Liberties, wee still finde this Nation oppressed with grievances of the same destructive nature as formerly, though under other notions; and which are so much the more grievous unto us, because they are inflicted in the very time of this present Parliament, under God, the hope of the oppressed. For, as then all the men and women in England, were made lyable to the Sommons, Attatchments, Sentences, and Imprisonments of the Lords of the Councell-boord, so wee finde by wofull experience and sufferings of many particular persons, that the present Lords doe assume and exercise the same power, then which nothing is, or can be more repugnant and destructive to the Commons just liberties.

As the unjust power of Star-Chamber was exercised in compelling of men and women to answer to Interrogatories tending to accuse themselves and others; so is the same now frequently practized upon divers persons, even your cordiall friends, that have been, and still are, punished for refusing to Answer to questions against themselves and nearest relations. As then the great oppression of the High Commission was most evident in molesting of godly peaceable people, for nonconformity, or different opinion and practice in Religion, judging all who were contrary minded to themselves, to be Hereticks, Sectaries, Schismaticks, seditious, factious, enemies to the State, and the like; and under great penalties forbidding all persons, not licenced by them, to preach or publish the Gospel: Even so now at this day, the very same, if not greater molestations, are set on foot, and violently prosecuted by the instigation of a Clergie no more infallible then the former, to the extreame discouragement and affliction of many thousands of your faithfull adherents, who are not satisfyed that controversies in Religion can be trusted to the compulsive regulation of any: And after the Bishops were suppressed, did hope never to have seen such a power assumed by any in this Nation any more.

And although all new illegall patents are by you abolished, yet the oppressive Monopoly of Merchant-adventurers, and others, doe still remain to the great abridgement of the liberties of the people, and to the extreame prejudice of all such industrious people as depend on cloathing, or other woollen manufacture, (it being the Staple-commodity of this Nation,) and to the great discouragment & disadvantage of all sorts of Tradesmen, Sea-faring-men, and hinderance of Shipping and Navigation. Also the old tedious and chargeable way of deciding controversies, or suits in Law, is continued to this day, to the extream vexation and utter undoing of multitudes of Families; a grievance as great and as

palpable as any in the world. Likewise, that old, but most unequal punishment of malefactors is still continued, whereby mens lives and liberties are as liable to the law, and corporall pains as much inflicted for small as for great offences, and that most unjustly upon the testimony of one witness, contrary both to the Law of God, and common equity, a grievance very great, but little regarded. Also tythes, and other enforced maintenance are still continued, though there be no ground for either under the Gospel; and though the same have occasioned multitudes of suits, quarrels, and debates, both in former and later times. In like manner, multitudes of poore distressed prisoners for debt, lye still unregarded, in a most miserable & wofull condition throughout the Land, to the great reproach of this Nation. Likewise Prison-Keepers, or Gaolers, are as presumptuous as ever they were, both in receiving and detaining of prisoners illegally committed, as cruell & inhumane to all, especially to such as are well-affected, as oppressive & extorting in their Fees, & are attended with under-officers, of such vile & unchristian demeanour, as is most abominable. Also thousands of men & women, are still (as formerly) permitted to live in beggery and wickednesse all their life long, and to breed their children to the same idle and vitious course of life, and no effectuall means used to reclaim either, or to reduce them to any vertue or industry.

And last, as those who found themselves aggrieved formerly at the burthens & oppressions of those times, that did not conforme to the Church-government then established, refused to pay Ship-money, or yeeld obedience to unjust Patents, were reviled and reproached with nicknames of Puritans, Hereticks, Schismaticks, Sectaries, or were termed factious or seditious, men of turbulent spirits, despisers of government, & disturbers of the publick peace; even so is it at this day in all respects, with those who shew any sensibility of the fore-recited grievances, or move in any manner or measure for remedy thereof, all the reproaches, evils, and mischiefes that can be devised, are thought too few or too little to be laid upon them, as Round-heads, Sectaries, Independents, Hereticks, Schismaticks, factious, seditious, rebellious, disturbers of the publick peace, destroyers of all civill relation, & subordinations; yea, and beyond what was formerly. Nonconformity is now judged a sufficient cause to disable any person, though of known fidelity, from bearing any Office of trust in the Common-wealth, whiles Newters, Malignants, and disaffected are admitted and continued. And though it be not now made a crime to mention a Parliament, yet is it little lesse to mention the supreme power of this honourable House. So that in all these respects, this Nation remaineth in a very sad & disconsolate condition; & the more, because it is thus with us after so long a session of so powerfull & so free a Parliament, & which hath been so made and maintained, by the abundant love and liberall effusion of the blood of the people. And therefore knowing no danger nor thraldome like unto our being left in this most sad condition by this Parliament, and observing that yee are now drawing the great and weighty affaires of this Nation to some kinde of conclusion and fearing that yee may ere long be obstructed by something equally evill to a negative voyce, and that yee may be induced to lay by that strength, which (under God) hath hitherto made you powerfull to all good works: whiles we have yet time to hope, and ye power to help, and least by our silence wee might be guilty of

that ruine, and slavery which without your speedy help is like to fall upon us, your selves and the whole Nation; wee have presumed to spread our cause thus plainly and largely before you: And doe most earnestly intreat, that yee will stir up your affections to a zealous love and tender regard of the people, who have chosen and trusted you, and, that yee will seriously consider, that the end of their trust, was freedome and deliverance from all kinde of grievances and oppressions.

1. And that therefore in the first place, yee will be exceeding carefull to preserve your just authority from all prejudices of a negative voyce in any person or persons whomsoever, which may disable you from making that happy return unto the people which they justly expect, and that yee will not bee induced to lay by your strength, untill yee have satisfied your understandings in the undoubted security of your selves, and of those who have voluntarily and faithfully adhered unto you in all your extremities; and untill yee have secured and settled the Common-wealth in solid peace and true freedome, which is the end of the primitive institution of all governments.

2. That yee will take off all Sentences, Fines, and imprisonments imposed on Commoners, by any whomsoever, without due course of Law, or judgement of their equals; and to give due reparations to all those who have been so injuriously dealt withall, and for preventing the like for time to come, that ye will Enact all such Arbitrary proceedings, to bee capitall crimes.

3. That yee will permit no authority whatsoever, to compell any person or persons to answer to questions against themselves, or nearest relations, except in cases of private interest between party and party in a legall way, and to release all such as suffer by imprisonment, or otherwise for refusing to answer to such Interrogatories.

4. That all Statutes, Oaths, and Covenants may be repealed so farre as they tend, or may be construed to the molestation and ensnaring of religious, peaceable wel-affected people, for nonconformity, or different opinion or practice in religion.

5. That no man for preaching or publishing his opinion in Religion in a peaceable way, may be punished or persecuted as hereticall, by Judges that are not infallible, but may be mistaken (as well as other men) in their judgements, lest upon pretence of suppressing Errors, Sects, or Schismes, the most necessary truths, and sincere professors thereof, may bee suppressed, as upon the like pretence it hath been in all ages.

6. That yee will, for the encouragement of industrious people, dissolve that old oppressive Company of Merchant-Adventurers, and the like, and prevent all such others by great penalties, for ever.

7. That ye will settle a just speedy playn and unburthensome way, for deciding of controversies and suits in Law, and reduce all Lawes to the nearest agreement with Christianity, and publish them in the English Tongue, and that all processes and proceedings, therein may be true, and also in English, and in the most usuall Character of writing, without any abbreviations, that each one who can reade, may the better

understand their own affaires; and that the duty of all Judges, Officers and practisers in the Law, and of all Magistrates and Officers in the Commonwealth may be prescribed, and their fees limited, under strict penalties, and published in Print to the view and knowledge of all men: by which just and equitable means, this Nation shall be for ever freed of an oppression more burthensome, & troublesome then all the oppressions hitherto by this Parliament removed.

8. That the life of no person may be taken away, under the testimony of two witnesses at least, of honest conversation; and that in an equitable way ye will proportion punishments to offences, that so no mans life may be taken, his body punished, nor his Estate forfeited, but upon such weighty and considerable causes as justly deserve such punishments; and that all prisoners may have a speedy tryall, that they be neither starved, nor their families ruined, by long and lingering imprisonment; and that imprisonment may be used onely for safe custody, untill time of tryall, and not as a punishment for offences.

9. That tythes and all other enforced maintenance, may be for ever abolished, and nothing in place thereof imposed; but that all Ministers may be paid onely by those who voluntarily chuse them, and contract with them for their labours.

10. That ye will take some speedy and effectuell course to relieve all such prisoners for debt, as are altogether unable to pay, that they may not perish in prison through the hard-heartednesse of their Creditors; and that all such as have any estates, may be enforced to make payment accordingly, and not shelter themselves in Prison to defraud their Creditors.

11. That none may be Prison-keepers, but such as are of approved honesty, and that they may be prohibited under great penalties to receive or detain any person or persons without lawfull warrant; That their usage of prisoners, may be with gentlenesse and civility, their fees moderate and certain, and that they may give security for the good behaviour of their under-Officers.

12. That ye will provide some powerfull meanes to keep men, women, and children, from begging and wickednesse, that this Nation may be no longer a shame to Christianity therein.

13. That ye will restrain and discountenance the malice and impudency of impious Persons, in their reviling and reproaching the wel-affected, with the ignominious titles of Round-heads, factious, seditious, and the like, whereby your real friends have been a long time, and still are exceedingly wronged, discouraged, and made obnoxious to rude and prophane people, and that ye will not exclude any of approved fidelity from bearing office of trust in the Commonwealth for non-conformity; rather neuters, and such as manifest disaffection or opposition to common-freedom, the admission, and continuation of such being the chiefe cause of all our grievances.

These remedies, or what other shall seeme more effectuell to your grave wisdomes, wee

humbly pray may be speedily applyed and that in doing thereof, yee will bee confident of the assistance of your Petitioners, and of all considerate well-minded people, to the uttermost of their best abilities, against all opposition whatsoever, looking upon our selves as more concerned now at last to make a good end, then at the first to have made a good beginning: For what shall it profit us, or what remedy can we expect, if now after so great troubles and miseries this Nation should be left by this Parliament in so great a thraldome, both of body, minde, and estate?

We beseech you therefore, that with all your might whilest ye have time, freedome and power, so effectually to fulfill the true end of Parliaments in delivering this Nation from these and all other grievances, that none may presume, or dare to introduce the like for ever.

And wee trust, the God of your good successe, will manifest the sincerity of our intentions herein, and that our humble desires are such as tend not onely to our own particular, but to the generall good of the Common-wealth, and proper for this Honorable House to grant, without which this Nation cannot be safe or happy; And that he will blesse you with true Christian fortitude, suitable to the trust and greatnesse of the worke yee have undertaken, and make the memory of this Parliament blessed to all succeeding Generations.

Shall ever be the prayer of your humble Petitioners.

TO THE RIGHT HONOURABLE, THE COMMONS OF ENGLAND ASSEMBLED IN PARLIAMENT.

The humble Petition of divers well-affected Citizens.

Sheweth,

That as the oppressions of this Nation, in times fore-going this Parliament, were so numerous & burthensome, as will never be forgotten; so were the hopes of our deliverance by this Parliament, exceeding great and full of confidence, which as they were strengthened by many Acts of yours in the beginning, especially towards consciencious people, without respect unto their judgements or opinions; So did the gratitude of well-minded people exceed all president or example, sparing neither estates, limbs, liberties, or lives, to make good the authority of this Honorable House, as the foundation and root of all just freedome.

And although wee many times observed to our grieve, some proceedings holding resemblance rather with our former bondage, then with that just freedome wee expected: yet did wee impute the same to the troublesomnesse of the times of warre, patiently and silently passing them over, as undoubtedly hoping a perfect remedy so soon as the warrs were ended: but perceiving our expectations altogether frustrate, wee conceived our selves bound in conscience, and in duty to God, to set before you the generall grievances of the Commonwealth, and the earnest desires of ingenious well-minded people; and for

that end did ingage in promoting the Petition in question, in the usuall and approved way of gathering subscriptions, with full intention to present the same to this Honourable House, so soon as it should bee in readinesse: but as it appeareth, a Copy thereof was unduly obtained, and tendred to this Honourable House, under the notion of a dangerous and seditious Paper: Whereupon this House was pleased to order the Petition to the Committee, whereof Col. Lee is Chair-man; and Mr. Lambe, at whose House it was said to be found, to be there examined concerning the same.

Whereupon your Petitioners conceived it their duty to own and avouch the said Petition, and for that end, in a peaceable manner attended that Committee with this humble Certificate hereunto annexed, to bee offered to their wisdomes as opportunity should be ministred: but through some small miscarriage of some few persons (for which your Petitioners were much grieved) your Committee took so sudain and high displeasure, as to command your Petitioners to withdraw, threatning to remove them with a guard, before they had time to turn themselves.

Whereupon your Petitioners caused the Certificate to bee publikey read in the Court of Requests, to take the sense and allowance of many persons, who had not before seen the same, with intent still to present it; which though endeavoured to the utmost, was absolutely refused to bee received. But to our astonishment, occasion was taken against our friend that read the same, so farre, as that hee stands a prisoner to that Committee, and much harsh language, with threatenings and provocations issued from some of the Committee, towards some other of our friends, purposely (as we verily beleeeve) to get some advantage, to present us odious to this Honourable House, whose persons and authority hath been as deare in our esteeme as our very lives. And therefore, wee have just cause to complaine to this Honorable House.

1. Of unjust useage from those that indevoured to interupt the gathering of hands in a peaceable way, or to possesse this Honourable House with evill suggestions concerning the intention & purpose of the said Petition.

2. Of hard measure from your Committee in the particulars forementioned, contrary to what wee have deserved, or should have found in former times.

3. Neverthesse, our liberties, to promote Petitions to this Honourable House, is so essentiall to our freedome, (our condition, without the same being absolute slavery) and our hope of justice from this Honourable House, [is so essentiall to our freedome, our condition, without the same being absolute slavery: and our hope of justice from this Honorable House,] so great in protecting us therein, that wee are not discouraged by what hath passed; but in confidence thereof, do humbly intreat, First, That ye will bee pleased to declare our freedome, to promote, and your readinesse to receive the said Petition, which wee cannot but still looke upon, as tending the generall good of this Nation.

Secondly, That our friends may bee enlarged, and that Yee will discountenance the officiousness of such over-busie informers, as have disturbed the just progresse of that

Petition.

Wee are not ignorant, that wee have been, and are like to bee represented unto you, as Heretickes, Schismatikes, Sectaries, seditious persons and Enemies to Civill-government, and the like: but our said Petition is sufficient to stop the mouthes of such Calumniators, and declare us to bee not only sollicitors for our own particulars, but for the generall good of the Common-wealth, and will minister a just occasion to suspect the designes of those, that so frequently asperse us, though their pretences bee never so specious. And trust your wisdomes will timeously discover and prevent any evill intended against us.

And whereas Major Tuledah stands committed by Order of this Honourable House, for some conceived misbehaviour towards some Members of your said Committee; we humbly intreat, that he may be forthwith called to your Barre, and be permitted to answer for himselfe, and that witnesses also may bee heard on his behalfe, that so this Honourable House may bee rightly and fully informed, concerning his cause and demeanour of those Members, the suddain imprisonment of our friends being very grievous unto us.

And your Petitioners shall pray.

TO THE HONOURABLE COMMITTEE OF PARLIAMENT, SITTING IN THE QUEENES COURT AT WESTMINISTER, COLONELL LEE BEING CHAIR-MAN.

The Humble Certificate of divers persons interested in, and avouching the Petition lately referred to this Committee by the Right Honourable House of Commons.

Humbly certifying:

That the Petition (entituled, The humble Petition of many thousands, earnestly desiring the glory of God, the freedome of the Common-wealth, and the peace of all men, and directed to the Right Honourable, and supream authority of this Nation, the Commons assembled in Parliament) is no scandalous or seditious Paper (as hath been unjustly suggested) but a reall Petition, subscribed, and to bee subscribed, by none but constant cordiall friends to Parliament and Common-Wealth, and to bee presented to that Honourable House with all possible speed, as an especiall meanes, to procure the universall good of this long inthralled, and distracted Nation; and wee trust this Honourable Committee will in no measure dishearten the people from presenting their humble considerations. Reasons, and Petitions, to those whom they have chosen (there being no other due and legall way wherein those that are aggrieved can find redresse) but that rather you will bee pleased to give all encouragement therein: In assured hope whereof, wee shall pray.

TO THE RIGHT HONOURABLE, THE COMMONS OF ENGLAND ASSEMBLED IN PARLIAMENT.

The humble Petition of divers well-affected people in and about the City of LONDON.

Sheweth,

That as the authority of this Honorable House is intrusted by the people for remedy of their grievances, so hath it been their accustomed and undoubted liberty in a peaceable manner to present unto this House whatsoever they deemed to be particular or generall grievances: And as yee gave encouragement unto others in the use of this just Liberty, reproving such as endeavoured to obstruct the peaceable promoting of Petitions, so did wee verily hope to have found the like Countenance and protection in promoting our large Petition: but no sooner was the promoting thereof discovered but Mr. Glin Recorder as is commonly reported, hastily & untimely brought it into this House, exclaiming against it, as a most dangerous and seditious Paper, and shortly after the Common-councell in like manner prejudged it, as guilty of danger and sedition, though both without any grounds or reasons affixed, that wee know of.

And as the worke of Mr. Recorder was the occasion (as wee conceive) of an enquire after the promoters, so also of the hard measure we found at Col. Lieghs Committee, where occasion was suddenly taken to threaten our removal by a guard, to imprison Nicholas Tew, one of the Petitioners, the rest being reviled with odious titles of factious and seditious sectaries, & Major Tulidah another of the Petitioners, not onely reviled and reproached as the rest, but violently hauled, and most boysterously used by Sir Philip Stapleton, and Col. Hollis, who made offer as if they would draw their Swords upon the Petitioners, and Sir Walter Earle lifting up his Cane in a most threatening manner, tooke another by the Shoulder: all which is ready to be certified by sufficient witnesses, and which wee do verily beleieve was done purposely, out of their hatred to the matter of the Petition, to render us as a turbulent people to this Honourable House, to beget a dislike of our Petition, and to frustrate our endeavours in promoting thereof.

Unto which their misinformation of this honourable House, as wee have cause to suspect, may be imputed the occasion of the sudden imprisonment of Major Tulidah without hearing of him, and our so long and tedious attendance for answer to our last Petition, and Certificate, and the misapprehension of this honourable House of our desires in that Petition: For we did not desire (as your answer importeth) that this House should declare their liking or disliking of our large Petition, being not then promoted nor presented by us, but that you will bee pleased to vindicate our Liberty, to promote that Petition, notwithstanding the hard measure we had found, and the aspersions cast upon it, to release the party imprisoned by the Committee, meaning Nicholas Tew, to discountenance those that obstructed the gathering of subscriptions, to call Major Tuledah to your Barre, and to heare witnesses on his behalfe, that so ye might also be rightly informed, as of his cause, so of the demeanour of some Members of that Committee.

Now for as much as the more wee consider the generall grievances of the Common-wealth, the greater cause wee still finde of Promoting the Large Petition, as not discerning

any thing of danger therein, except to some corruptions yet remaining, nor of sedition, except as before this Parliament it be in some mens esteems seditious to move, though in the most peaceable manner for remedy of the most palpable grievances: and for as much as wee are hopefull this Honourable House will in due time have good use thereof, for discovery of such as are engaged either directly or by Relations in those corruptions, for removall whereof the Petition is intended, and not knowing for what end so great an effusion of the blood of the people hath been made, except to procure at the least the Particulars desired in that Petition, and that we might know our selves so farre at least to be free men and not slaves, as to be at Liberty to promote Petitions in a peaceable way, to be Judges of the matter thereof, and for our time of presenting them to this Honorable House, without let or Circumvention.

We humbly intreat that you will bee pleased

- 1.** To weigh in Equall ballance the carriage of Mr. Recorder, and-that of the Common-Councill in this weighty cause of prejudging Petitions; and to deale with them as the cause deserveth.
- 2.** To consider of how evill consequence it is, for your Committees to assume a power of imprisoning mens persons, without your Commission, and that yee will not pass over this in this Committee.
- 3.** To receive the Testimonies concerning Sir Philip Stapleton, Coll. Hollis, and Sir Walter Earle, and to deale with them according to the ill consequence of their violent demeanour, and misinformation of this honourable House, tending to no lesse then the obstruction of Petitions, the greatest mischief that can befall a people in time of Parliament.
- 4.** That Nicholas Tew may be wholly enlarged, and that no man may henceforth bee committed by an arbitrary power, as hee at the first was, nor without cause shewed, though by lawfull authority.
- 5.** That yee will as yet suspend your sense of our large Petition, untill such time as the Petitioners shall judge it fit to present the same as a Petition unto your wisdomes.

And as in duty bound, wee shall pray &c.

TO THE RIGHT HONOURABLE THE COMMONS OF ENGLAND ASSEMBLED IN PARLIAMENT.

The humble Petition of many thousands of well-affected people.

Sheweth

That having seriously considered what an uncontrouled liberty hath generally been taken, publiquely to reproach, and make odious persons of eminent and constant good affection to Parliament and common-wealth, how prevalent indeavours have been, to withhold such

from being chosen into places of trust or Counsell, how easie to molest, or get them into prisons, how exceedingly liable to misconstruction, their motions and Petitions in behalfe of the publique have lately been.

When we consider what grudgings and repinings, have sinistrously been begotten, against your most faithfull and successefull Army: what arts and devises, to provoke you against them, and to make you jealous of them; what hard measure some of them, both Officers and Souldiers have found in divers respects, in sundry places.

When we consider what change of late hath importunately (though causelessly) been procured of the Committee of Militia in the City of London, and how that new Committee hath already begun to remove from Command, in the Trained Bands and Auxiliaries, persons not to be suspected of disaffection or newtrality, but such as have been most zealous, in promoting the safety of Parliament and City.

When wee consider how full of Armies our neighbor Countries are round about us, and what threatnings of foraine forces, we are even astonished with grieffe, as not able to free our selves from apprehensions of eminent danger but are strongly induced to feare some evill intentions of some desperate and willfull persons, yet powerfully working, to blast the just ends of this Parliament, and re-imbroile this late bleeding and much wasted Nation, in more violent wars, distempers and miseries.

And as our earnest desires of the quiet and safety of the Commonwealth, hath necessitated these our most sad observations: So are we constrained to beleieve, that so dangerous an alteration, could not so generally have appeared, but that there is some great alteration befallne, both in counsels and authorities throughout the Land: which we verily conceive ariseth from no other cause, but from the treacherous policy of Enemies, and weaknesse of friends, in chusing such thereinto, as having been unfit for those employments, some whereof (as is credibly reported) having served the Enemy in Armes, some with moneys; horse, ammuniton, or by intelligence, some in commissions of Array, some manifesting constant malignity in their actions, speeches, or standing Newtters in times of greatest triall, some culpable of notorious crimes, others lying under heavie accusations, some but are under age, or such who are at present engaged in such courses as in the beginning of this Parliament were esteemed Monopolies.

Now may it please this honourable House, if such as these should remaine, or may have privily crept into your Councils of Authorities (as by the forecited considerations, we humbly conceive cannot but bee judged) what can possibly be expected, by those who have been most active and faithfull in your service, but utter ruine, or the worst of bondage.

For prevention whereof, and of those dangers, warres and troubles that are generally feared, we are constrained earnestly to intreat:

1. That you will be pleased instantly to appoint a Committee of such Worthy Members of this honourable House, as have manifested most sincere affections, to the Well affected,

and to authorize them to make speedy and strict inquirie after all such as are possessed of places of Councell, trust, authority or command, who according to law. Ordinance, Reason, or Safety, ought not to be admitted, and that all persons without exception, may be permitted and encouraged to bring in accusations, witnesses, or testimonies for the more speedy perfecting of the Work: and that you will forthwith exclude all such out of all offices of Councell, Trust, Authority, or command, against whom sufficient cause shall bee proved, without which wee cannot see how it is possible for the well-affected to live either in peace or safety.

2. That you will countenance, protect, and succour the cordiall wel-affected in all places, according to their severall cases and conditions, especially in their addresses with Petitions.

3. That you will bee pleased to condesend unto all the just and reasonable desires of your Commanders, Officers & Souldiers, by whose courage and faithfullnesse, so great services have been performed, and severely to punish all such as have any way sought to alienate you from them.

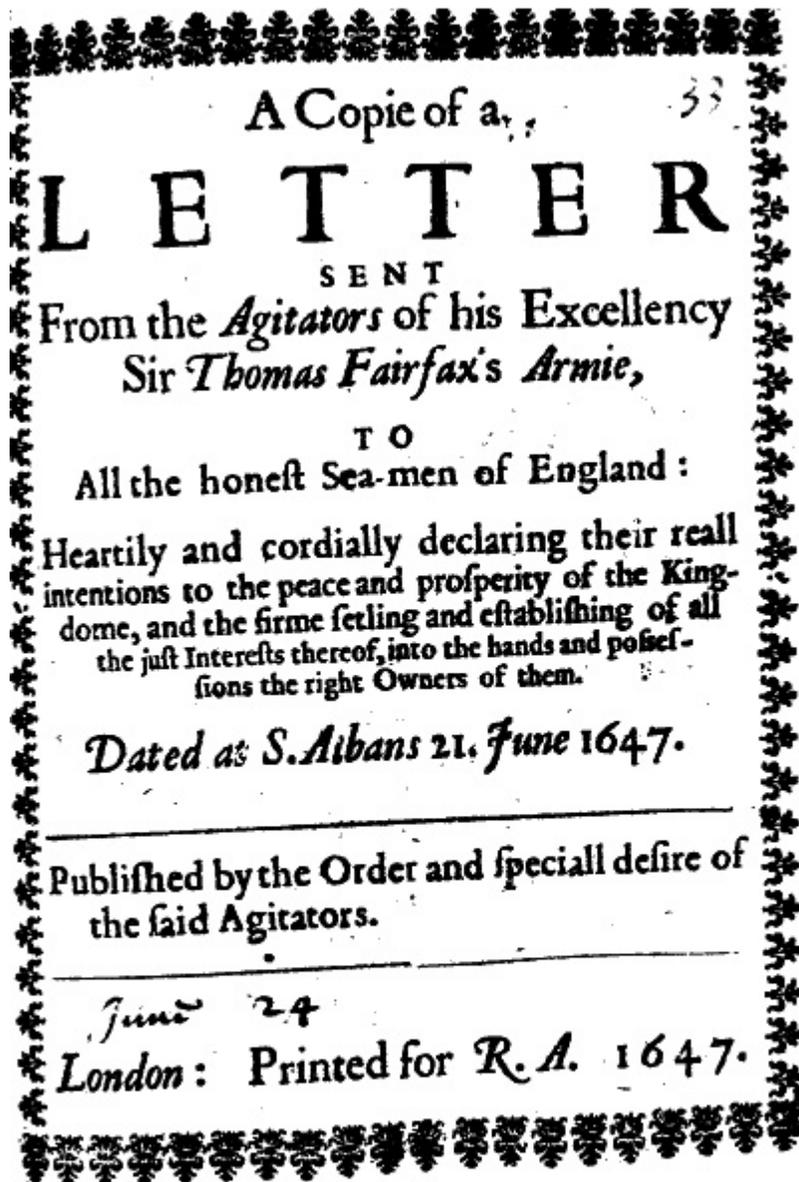
4. That the Militia of London may bee returned to the custody and disposing of those persons of whose faithfullnesse and wisdom in managing thereof, you have had great experience, and that none may be put out of Command in the Trained bands or Auxiliaries, who have been and are of knowne good affection to the Common Wealth,

All which we humbly intreat may be speedily and effectually accomplished, according to the great necessity and exigency of these distracted times, and as in duty bound, we shall pray, &c.

FINIS

T.102 (4.10) [SEVERAL HANDS, CALLING THEMSELVES
"AGITATORS"], A COPIE OF A LETTER SENT FROM THE
AGITATORS OF HIS EXCELLENCY SIR THOMAS
FAIRFAX'S ARMIE, TO ALL THE HONEST SEA-MEN OF
ENGLAND (21 JUNE 1647).↵

Image of the original Title Page



BIBLIOGRAPHICAL INFORMATION

ID Number

T.102 [1647.06.21] (4.10) [Several hands, calling themselves "Agitators"], *A Copie of a Letter Sent From the Agitators of his Excellency Sir Thomas Fairfax's Armie, To All the honest Sea-men of England* (21 June 1647).

Full title

[Several hands, calling themselves "Agitators"], *A Copie of a Letter Sent From the Agitators of his Excellency Sir Thomas Fairfax's Armie, To All the honest Sea-men of England: Heartily and cordially declaring their reall intentions to the peace and prosperity of the Kingdome, and the firme setling and establishing of all the just Interests thereof, into the hands and possessions the right Owners of them. Dated at S. Albans 21. June 1647. Published by the Order and speciall desire of the said Agitators.*
London: Printed for R.A. 1647.

Estimated date of publication

21 June 1647.

Thomason Tracts Catalog information

TT1, p. 522; Thomason E. 393. (33.)

TEXT OF PAMPHLET

A LETTER FROM THE ARMY TO ALL THE HONEST SEAMEN OF ENGLAND.

Honoured and deare Friends,

THE great designe of our Enemies being to divide, (and so to destroy) we conceive it the maine businesse of friends to unite, and so to spoile that designe: Now the wayes that are at this day, taken to divide, are misrepresentations of persons and actions (especially of us and ours) to the Kingdome, which that we may prevent, we shall endeavour to informe you (our noble and faithfull friends) of the state of things as followeth: Some five yeares since we by Land and you by Sea, upon the apprehension of apparent danger to the Kingdome, were invited to put our selves into a posture of defence, for the preventing and suppressing of that power then rising, which threatned the Kingdomes ruine, for the avoyding of which (at present) and setling an establishment (for the future) of all the

free-borne people of England, in the enjoyment of their just Rights and Priviledges, (which was one of the ends of our taking up of Arms) we went with cheerfulness to the worke, and after many a sore encounter that you and we have had by Sea and Land, at last (by the blessing of God) came to the end of our worke, hoping now (after such a long and weary journey) to have taken up our rest, and have set down quietly under our vines, and with the rest of the Kingdome to have enjoyed the fruit of our sore travells, but contrary to our expectation and to the amazement and saddening of our spirits, we finde our selves in as bad or worse condition now, then formerly, being denied and deprived of that undoubted right and priviledge which the Subjects of England, in the worst of times, hardly ever were (viz.) petitioning, nay, not onely denied of, but declared against as enemies, for making use of those meanes we were directed to in case of grievances, and so we are now made compleatly miserable. When we see this, we knew whose hand was in it, namely, that here was the same persons and principles working our ruine as formerly, onely in another forme, before by power and open hostility, and now by craft, and policy; which caused us to draw up a Vindication of the afore-said intended Petition, yet notwithstanding our Vindication we still lie under a sentence of condemnation as enemies to the State. Then we drew up a Letter to the Generall, the Lievtenant-Generall, and the Major-Generall, in which was laid open the sad condition how neere ruine and destruction we were, and the causes of it, as we apprehended, and this we did to incite them to improve all the interest they had in or with any, for us, to prevent the ensuing destruction, especially since we could not be heard in our Petition, but this Letter was conceived to be of dangerous consequence, and so presented to the House, where (after some debates) the results were to send downe Commissioners to the Army, to take a view of the distempers reported to bee in it, and to receive their grievances, and present them to the House.

This a little revived us, hoping we should have them heard and redressed, but suddenly after the receiving of them (without the full redressing of any one of them) we were voted to be disbanded piece-meale, apart, one Regiment from another, so as never any faithfull Army was, being marked out for destruction, wanting nothing but disbanding to hasten execution. Hearing of this we drew up a Petition to our Generall to have a Rendezvouz, at which we might advise what was best to be done (for our owne and the Kingdomes safety) in this case, and there entred into a Contract, a copie of which we have here sent you.

A solemne engagement of the Army, under the Command of his Excellency Sir Thomas Fairfax, read, assented unto, and subscribed by all Officers, and Souldiers of the severall Regiments, at the generall Rendezvouz neare Newmarket, on the fifth of June, 1647.

Whereas upon the Petition intended and agreed upon in the Army, in March last, to have been presented to the Generall, for the obtaining of our due and necessary concernments as Souldiers; the Honorable House of Commons being unseasonably prepossessed with a Copie thereof, and (as by the sequell we suppose) with some strange misrepresentations of the carriage and intentions of the same, was induced to send downe an Order for surpressing the Petition, and within two or three dayes after, upon further misinformation,

and scandalous suggestions, of the like or worse nature, and by the indirect practice of some malicious and mischievous persons (as we suppose) surprizing or other wise abusing the Parliament. A Declaration was published in the name of both Houses, highly censuring the said Petition, and declaring the Petitioners, if they should proceed thereupon, no lesse then enemies to the State, and disturbers of the publick peace. And whereas at the same time and since, divers eminent Officers of the Army have been brought into question and trouble about the said Petition, whereby both they and the rest of the Officers were disabled, or discouraged, for the time, from further acting or appearing therein on the souldiers behalfe, And wheras by the aforesaid proceedings and the effects thereof, the souldiers of this Army (finding themselves so stopt in their due, and regular way of making knowne their just grievances, and desires to, and by their Officers) were enforced to an unusuall (but in that case necessary) way of correspondence and agreement amongst themselves, to chuse out of the severall Troops and Companies severall men, and those out of their whole number, to chuse two or more for each Regiment, to act in the name and behalfe of the whole souldiery of the respective Regiments Troops and Companies, in the prosecution of their rights and desires in the said Petition, as also of their just vindication and writing in reference to the aforesaid proceedings upon and against the same, who have accordingly acted and done many things, to those ends, all which the souldiers did then approve as their owne acts.

And whereas afterwards (upon the sudden sending down of Field-Marshal Skippon, and those other Officers of the Army that were Members of the House of Commons, to quiet distempers in the Army, fresh hopes being conceived of having our desires again admitted to be made known, and considered in a regular way, and without such misrepresentations as formerly, the Officers and Souldiers of the Army (except some few dissenting Officers) did againe joyne in a representation of their common grievances, and the Officers (except as before) did agree upon a narrative Accompt of the grounds, rise and growth of the discontents in the Army, and their proceedings in relation thereunto, with an overture of the best expedients, to remove or satisfie the same; both which were presented to the same Members of the House, and by them reported to the House. And wheras the Parliament having thereupon voted, and ordered some particulars, onely towards satisfaction of our grievances, hath since proceeded to certain resolutions of sudden disbanding the Army by peeces; which resolution being taken, and to be executed, before full or equall satisfaction given to the whole Army in any of the grievances, before effectuall performance of that satisfaction in part, which the preceding Votes seem'd to promise, as to some of the grievances, and before any consideration at all of some others most materiall, as by the result of a generall Councill of Warre on Saturday May 29 was in generall declared, and is now more fully demonstrated in particular by a representation thereupon, agreed unto by us: we all cannot but look upon the same resolutions of disbanding us in such manner, as proceeding from the same malicious and mischievous principles and intentions, and from the like indirect practises of the same persons abusing the Parliament, and is as the former proceedings against us before mentioned did, and not without carnall and bloody purposes (for some of them have not stuck to declare or

intimate) after the body of the Army should be disbanded, or the Souldiers divided from their Officers, then to question, proceed against, and execute their malicious intentions upon all such particular Officers and Souldiers in the Army, as had appeared to act in the Premises in the behalfe of the Army: And whereas upon a late Petition to the Generall from the Agitants, in behalfe of the Souldiers, grounded upon the preceding considerations, relating to the same resolutions of disbanding, the same generall Councill of Warre to prevent the danger and inconveniences of those disturbings, or tumultuous actings or confluences which the dis-satisfaction and jealousie thereupon also grounded, were like suddenly to have produced in the Army, to advise the Generall first to contract the Quarters of the Army, and then to draw the same to an orderly Rendezvouz for the satisfaction of all, and that his Excellency would immediately send up to move and desire the Parliament to suspend any present proceeding upon the said resolution of disbanding, to resume the consideration of the grievances, and desire, sent up from the Army, and not to disband it in pieces before just and equall satisfaction given to the whole; And whereas some of the Regiments appointed for disbanding, upon notice thereof withdrawing themselves from the Quarters adjacent to the appointed Rendezvouz, and drawing towards the Head-Quarters; and the contracting their Quarters, according to the said advice of the Council of War.

We the Officers and Souldiers of severall Regiments here after-named, are now met at a generall Rendezvouz, and the Regiments appointed as aforesaid to be disbanded, have not appeared, nor can appeare; but are resolved not to appeare at the severall and respective Rendezvouz, appointed as aforesaid for their disbanding; and divers other things have been done by severall other parties or members of the Army, necessarily relating to the good and concernment of the whole in those affaires. Now for as much as wee know not how far the malice, Injustice, and Tiranicall Principles of our enemies, that have already prevailed so far to abuse the Parliament and the Army (as is afore mentionid) in the past proceedings against the Army may further prevaile to the danger and prejudice of our selves, or any Officers, or Souldiers of the Army, or other persons that have appeared to act any thing in behalfe of the Army, or how far the same may further prevaile to the danger or prejudice of the Kingdome in raising a new warre, or otherwise: Therefore for the better prevention of all such dangers, prejudices, or other inconveniences that may ensue; and withall for better satisfaction to the Parliament and Kingdome, concerning our desires of conforming to the authority of the one, and providing the good and quiet of the other, in the present affaires of disbanding, and for a more assured way whereby, that affaires may come to a certaine issue, (to which purpose we herein humbly implore the present and continued assistance of God, the Righteous Judge of all) wee the Officers and Souldiers of the Army subscribing hereunto; doe hereby declare, agree, and promise, to and with each other, and to, and with the Parliament and Kingdome as followeth.

1. That wee shall chearfully and readily disband when thereunto required by the Parliament, or else shall many of us be willing (if desired) to ingage in further Services either in England or Ireland, having first such satisfaction to the Army in relation to our grievances and desires heretofore presented, and such security, That we of our selves,

when disbanded, and in the condition of private men, or other the free-borne people of England, to whom the consequence of our case doth equally extend, shall not remaine subject to the like oppression, injury, or abuse, as in the premisses hath been attempted and put upon us, while an Army by the same mens continuance, in the same credit and power, especially if as our Judges, who have in these past proceedings against the Army so farre prevailed to abuse the Parliament and us, and to endanger the Kingdome; and also such security that we our selves, or any member of this Army or others, who have appeared to act any thing in behalf of the Army, in relation to the premises before recited, shall not after disbanding be any way questioned, prosecuted, troubled, or prejudiced for any thing so acted, or for the entring into, or necessary prosecution of this necessary agreement: (we say) having first such satisfaction and security in these things as shall be agreed unto by a Councill to consist of those generall Officers of the Army (who have concurred with the Army in the premisses) with two Commission Officers and two Souldiers to be chosen for each Regiment, who have concurred and shall concur with us in the premisses and in this agreement. And by the major part of such of them who shal meet in Council for that purpose when they shal be thereunto called by the General.

2. That without such satisfaction and security, as aforesaid, we shal not willingly disband, nor divide, nor suffer our selves to be disbanded or divided.

And whereas we find many strange things suggested or suspected to our great prejudice concerning dangerous principles, interests and designs in this Army (as to the overthrow of Magistracy, the suppression or hindering of Presbytery, the establishment of Independent government, or upholding of a general licentiousness in Religion under pretence of Liberty of Conscience, and many such things; we shal very shortly tender to the Parliament a Vindication of the Army from all such scandals to clear our Principles in relation thereunto, and in the mean time we do disavow and disclaim all purposes or designs in our late or present proceedings to advance or insist upon any such interest, neither would we (if we might and could) advance or set up any other particular party or interest in the Kingdom (though imagined never so much our own) but shal much rather (as far as may be within our sphear or power) study to promote such an establishment of common and equal right and freedom to the whole, as all might equally partake of but those that do by denying the same to others, or otherwise render themselves incapable thereof.

FINIS

After this we were commanded to a Rendezvouz by the Parliament and Commissioners sent down with some Votes tending to satisfaction in part, wherein did remain dissatisfaction at present (even to those particular grievances there related) and not security for the future by any thing yet done, especially knowing those were remaining with power in their hands, who could undo all they had done for us, or do as much more against us if disbanded, as may appear in our late Declaration 14. June 1647. To which we refer you. And therefore the Cry of the whole Army and divers Counties also (by their addresses to his Excellency) was not so much for the taking of the present sad effects

from us, as for the removal of that Cause which had (at present) and would (for the future) produce the like (if not worse) mischiefs as appeared by the unanimous voice of the whole Army, crying out, Justice, Justice; Justice against those persons who have falsely aspersed us, against those who have abused the trust reposed in them; and Justice upon those from whom we can expect no security, but rather destruction; which main desire (once granted) would beget satisfaction, and then, and not till then, can we lay down Arms with safety: Thus we have presented you with our condition for your information. Now we desire you and all rational men to judge, and the God of Heaven, and Earth be Judge (between us and those persons who have acted against us) whether ever we have deserved such things at their hands, who have not thought any thing too dear to part with or lay down for their sakes, looking upon them as persons intrusted by and acting for the Weal (not the Woe) of this Kingdom, and though we have suffered much from, and been deprived much by our open Enemies, yet did still expect our professed friends would have dealt better with us, and little thought to have had such a portion from them as to be declared Enemies to the State, even while we were an Army having power in our hands, and they having further occasions to use us: To have this done against us, what will be done if all these considerations were removed? Therefore consider what it is we seek, even that which all creatures of the world do (and Man, the chiefest of all creatures, cannot but do;) viz. self-preservation, in avoiding that destruction which is like (if not prevented) to fall on us and the whole Kingdom with us, as it must needs do, if (when lying under many pressures and grievances as we question not but you (as well as we) and thousands others in the Kingdom do) we may not petition for redress, but must be voted Enemies; judge you what this wants of the protection of slavery, which, we hope, is the real desires of us all to prevent. And we assure you upon the faith of honest Men and Soldiers, that (what ever may be suggested to you by any) we have no other aymes, but that Justice might act in all its parts and to all its ends, as relating to all estates and persons in the Kingdom, that the yokes of Oppression might be taken off the necks of all and Justice equally distributed to all, and the rights of any (though now detained from them) restored, and settled upon them, that so they might not be taken from them, unless they disabled themselves of the enjoyment of them and so doing we trust we shall have the concurrent assistance of (at leastwise not any opposition from any rational Men who love Justice and hate Tyranny, especially from you (dear friends) who together with us, have been imbarqued in the same ship, and have passed through many a desperate encounter by Sea as we have by Land, all to free this poor Kingdom from Tyrannical Oppression, (which notwithstanding, you and we feel too much of at this day) who we trust with us, do hate and scorn to be kept any longer under bondage, having purchased our freedom at so dear a rate, (though free born). We shall say no more, but desire you to take heed of all false suggestions, and vain delusions; and know this is our genuine meaning that is here before you, which [being rightly apprehended by you] we hope will make all the attempts of men, [to divide you from us either by frowns, Favours, or Gratuities, which assure your selves they will not be wanting in to accomplish their ends] useless, and all the seeds of malice [by them sown] fruitless, unless to bring them to receive that reward for their worke which may be suitable to it, and so in stead of dividing,

we hope may prove such an uniting that maybe as a threefold Cord that shal not easily be broken, which if it shal thus unite us, we shal rejoyce in it, and shal be enabled by it to go on in the prosecution of so good a work til we see Oppression, and Oppressors from us, and the Kingdom removed, a firm and happy peace settled, a poor Kingdom from ruin and destruction delivered, which we hope is and ever shal be your and our joynt desires & endeavors of all opposition, and in so doing assure your selvs against we are and will be yours while you are the Kingdoms and ours, resolving to be either happy or miserable together.

Yours and the Kingdoms Servants.

S. ALBANS

June 21. 1647.

Lewes Audley. }Edm. Rolphe.

John Clerke. }Alex. Brafild.

John Carter. }Azariah Husbands.

Joh. Nufon. }Gen. Foot Regiment.

Edm. Vaughan. }

William Allin. Lieutenant Generals Regiment.

Nath. Foxgill. }Collonel Hammons Regiment.

Will. Bridgeman. }

Henry Anderton }Collonel Wallers Regiment.

Robert Mason. }

John Millar. }Collonel Lamberts Regiment.

Richard Colbrand. }

Will. Swallow. }Collonel Lilburns Regiment.

Herbert Feild. }

Barth. Willocke. }Collonel Thomlinsons Regiment.

Richard Clarke. }

Edmund Game. }Collonel Hewsons Regiment.

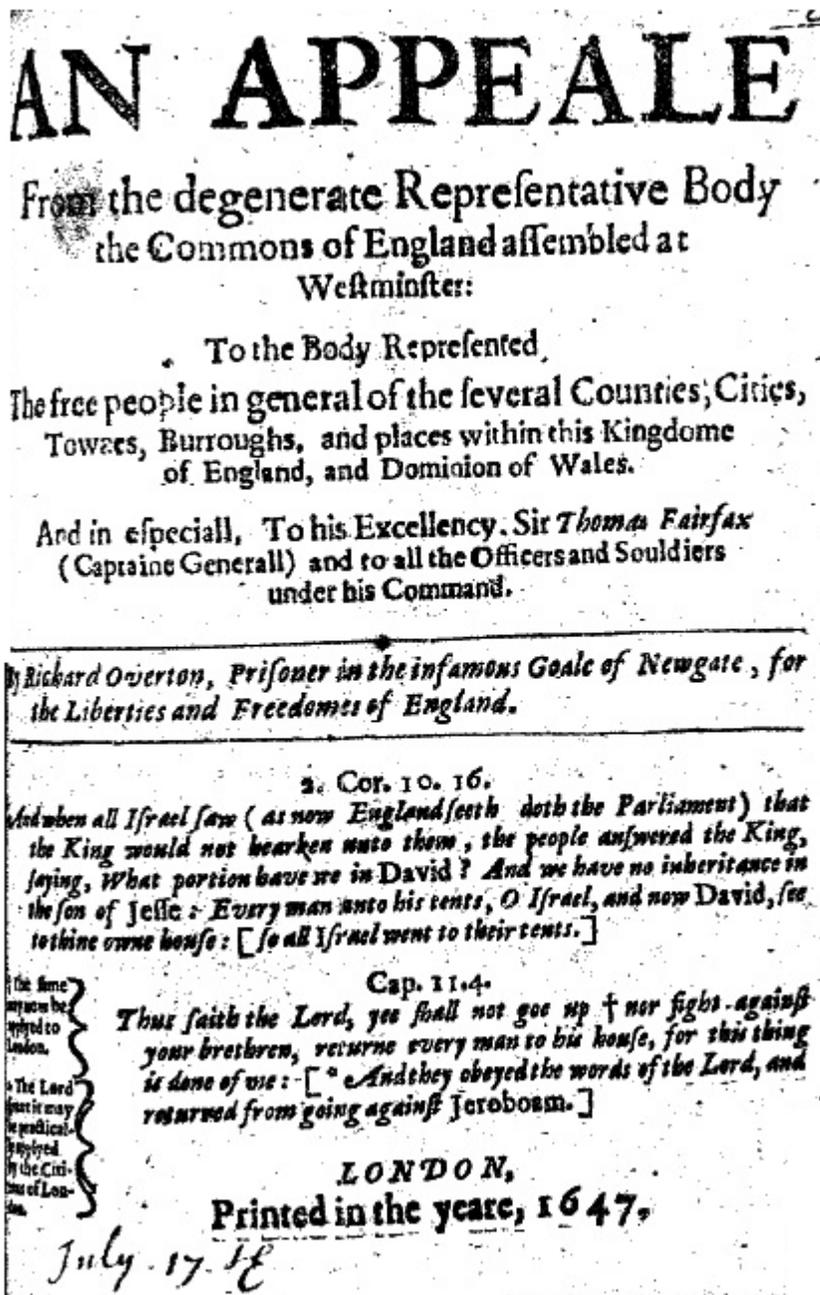
Daniel Hincksman. }

Nico. Andrews. }Collonel Reads Regiment.

FINIS.

**T.103 (4.11) [RICHARD OVERTON], AN APPEALE FROM
THE DEGENERATE REPRESENTATIVE BODY THE
COMMONS OF ENGLAND ASSEMBLED AT WESTMINSTER
(17 JULY 1647). ↵**

Image of the original Title Page



BIBLIOGRAPHICAL INFORMATION

ID Number

T.103 [1647.07.17] (4.11) [Richard Overton], *An Appeale from the degenerate Representative Body the Commons of England assembled at Westminster* (17 July 1647).

Full title

[Richard Overton], *An Appeale from the degenerate Representative Body the Commons of England assembled at Westminster: To the Body Represented, The free people in general of the severall Counties, Cities, Townes, Burroughs, and places within this Kingdome of England, and Dominion of Wales. And in especiall, To his Excellency Sir Thomas Fairfax (Captaine Generall) and to all the Officers and Souldiers under his Command. By Richard Overton, Prisoner in the infamous Goale of Newgate, for the Liberties and Freedomes of England.*

2. Cor. 10. 16. And when all Israel saw (as now England seeth doth the Parliament) that the King would not hearken unto them, the people answered the King, saying, What portion have we in David? And we have no inheritance in the son of Jesse: Every man unto his tents, O Israel, and now David, see to thine owne house: [so all Israel went to their tents.]
Cap. 11.4. Thus saith the Lord, yee shall not goe up nor fight against your brethren, returne every man to his house, for this thing is done of me: [And they obeyed the words of the Lord, and returned from going against Jeroboam.]

London, Printed in the yeare, 1647.

This tract contains the following parts:

1. An Appeale
2. Certaine Articles for the good of the Common wealth, presented to the consideration of his Excellencie, Sir Thomas Fairfax, and to the Officers And Souldiers under his Command

Estimated date of publication

17 July 1647.

Thomason Tracts Catalog information

TT1, p. 533; Thomason E. 398. (28.)

TEXT OF PAMPHLET

AN APPEALE,
FROM THE DEGENERATE
REPRESENTATIVE BODY OF
the Commons of *England* Assembled
at *Westminster*.

To the Body Represented,

The free people in Generall of the severall Counties, Cities, Townes, Burroughes and
Places within this Kingdom of *England*, and Dominion of *Wales*.

And in especiall,

To His Excellency, Sir *Thomas Fairfax* (captaine Generall) and to all the Officers and
Soldiers under His Command.

Right Excellent and Illustrious Generall, Honourable and Noble Officers, Faithfull and
honest Gentlemen Soldiers, And all other duly respected Fellow Subjects, and free
Commoners, of *Wales*.

This Kingdome of England, and Dominion of Wales.

It is confessed, that our *English Histories* and *Records* of the *Actions* and *Transactions* of
our *Predecessours*, both of antient and late times, (so far as I can understand) do not
afford me any example or president for any APPEALE from Parliaments to people, neither
is there any such liberty provided in the *Letter* of our law: So that by such as preferre
presidents and formalities, formes and figures, before the substance, life and spirit of all
just presidents and Lawes, I may probably be censured and condemned for this present
enterprize, as an open and desperate enemy to Parliaments and Magistracy, a subverter
and destroyer of all Nationall Lawes and Government, and a reducer (to my power) of
Kingdomes and people into confusion: To such I shall returne even the late words of (our
now degenerate Parliament) *That Reason hath no president, for Reason is the fountaine of
all just presidents, I Book Decl. fol. 264.298. 709. 726.* therefore where that is, there is a
sufficient and justifiable president.

And if *this Principle* must be granted of, and obeyed by all, as by no rationall man can bee
denyed, then the Act of *Appeale* in this nature if grounded upon *right Reason* is justifiable
and warranted, even by *That* which gives an equitable Authority, life and being to all just
Lawes, presidents and formes of Government whatsoever, for Reason is their very life and
spirit, whereby they are all made lawfull and warrantable both for *Settlement*,
Administration and *Obedience*; which is the *highest* kind of *justification* and *Authority* for
humaine Actions that can be; for *greater is that*, which *gives Being* and *justifieth*, then
that which *receiveth* and is *justified*: All Formes of Lawes and Governments may fall and
passe away; but *right Reason* (the fountain of all justice and mercy to the creature) shall

and will *endure for ever*; it is that by which in all our Actions we must stand or fall, be justified or condemned; for neither *Morality* nor *Divinity* amongst *Men* can or may transgresse the limits of *right reason*, for whatsoever is unreasonable cannot be *justly* tearmed *Morall* or *Divine*, and *right reason* is only commensurable and discernable by the rule of merciful *justice* and just *mercy*; it is graduall in its *Quantity*, but one in its *Quality*; severall are its *Degrees*, but its *perfection* and fulnesse is *only* in *God*, and its severall *Branches* and *Degrees* are only communicable, and derivated from *Him*, as severall *Beames* and *Degrees* of *heat* from the *Body* of the *Sunne*, yet *all heat*; so in *Reason* there are different degrees, as, from *Morality* to *Divinity*, and under those two heads, severall *subordinate Degrees*, all derivated and conveyed from the Creator (the originall Fountaine) to the creature, yet *all one* and the *same* in *nature*, the difference only lying in the degree of the thing, not in the thing it selfe; as, a *Dwarfe* is as much a man as a *Gyant*, though not so bigge a man; and so, though the gifts and graces of *God* are one *radically*, yet different in their *species*, and all from one and the same spirit, which can Act nothing contrary to its owne nature, and *God* is not a *God* of irrationality, and madnesse, or tryranny: Therefore all his communications are reasonable and just, and what is so, is of *God*.

And upon *this Principle*, as upon a firme and sure foundation all just Lawes and Governments are founded and erected; and in particular, the fundamentall Lawes and Government of this Kingdome; for, it is a sure and radicall *Maxime* in our *Law*, *Nihil quod est contra rationem, est licium*, Nothing which is against reason is lawfull, *Reason* being the *very life* of the *Law of our Land*: So that should the Law be taken away from its *Originall reason* and end, it would be made a shell without a kernill, a shadow without substance, a carkasse without life, which presently turnes to putrifaction; and as *Reason* only gives it a *legall Being* and *life*, so it only makes it authoritative and binding; if this be not granted, lust, will, pride, and what the Divell and corruption will, may be a Law; for if *right reason* be not the *only* being and bounder of the Law over the corrupt nature of man, that *what is rationally* (the which injustice and tyranny cannot be) may only and at all times be *legall*; and *what is legall*, to be simply and purely *rationall*, the which mercy and justice must be whensoever, wheresoever, and by whomsoever it be, for in it selfe it is legall, rationall and just, or else all would fall into confusion, disorder, madnesse and cruelty: and so Magistracie would cease, and be converted into inhumanity and tyranny.

So that it being most evident and cleare to the eye of *Rational Man*, that this fundamental principle may not (in being to Magistracy it selfe) be expulsed the precincts of Magisteriall Government, but must be preserved (as the apple of its eye) intire and absolute therein, for all present and future supplies, as a sure and safe refuge to fly to in all straites and extremities whatsoever for preservation, safety, removall of oppressions, &c. or else no safety or reliefe from oppression either publique or private, to be lawfully attempted, pursued, or had: So that where that principle is, there legality and authority must be, and is concomitant to, and inseperable there-from, never to be altered while the Sun and the Moone endures; by it Kings and Kingdoms have their essentiall legall Being, without which they cease from being either Kings or Kingdomes. Therefore, that which doth institute,

constitute, and authorize the regality of Kings and Kingdomes, certainly must needs be sufficiently authoritative for a particular, as for this expedient of mine, or the like, in case it be found under the protection and authority of the said principle of *right Reason*; as, I shall clearly evidence it to be.

First then, be pleased to consider, that it is a firme Law and radicall principle in Nature engraven in the tables of the heart by the finger of God in creation for every living moving thing, wherein there is the breath of life to defend, preserve, award, and deliver it selfe from all things hurtfull, destructive and obnoxious thereto to the utmost of its power: Therefore from hence is conveyed to all men in generall, and to every man in particular, an undoubted principle of reason, by all rationall and iust wayes and meanes possibly he may, to save, defend and deliver himselfe from all oppression, violence and cruelty whatsoever, and (in duty to his own safety and being) to leave no iust expedient unattempted for his delivery therefrom: and this is rationall and iust; to deny it, is to overture the law of nature, yea, and of Religion too; for the contrary lets in nothing but selfe murther, violence and cruelty. Now the unreasonable oppression of my selfe, my wife, brother and children, under the Arbitrary tyranny of the *Westminster Lords*, and the wayes and means that I have used for delivery therefrom considered, and weighed in the ballance of this naturall radicall principle of reason, this mine attempt of Appeale (though of a desparate nature) will be found the only meane wherein I may discern any probability of reliefe for my selfe, my wife and my brother, to be brought unto iustice, as by and by I shall make both the one and the other more manifest and plaine.

Secondly, *necessity is a law above all lawes*, and this *principle* conveyeth and issueth forth authority and power, both to generall and particular cases, even to the taking up of unusuall and unexemplary courses for publique and particular deliverances, and yet such acts warrantable in, and by all sorts and societies of people whatsoever, and the actor, or actors thereof justified thereby: And upon this *Principle*, the *Neitherlanders* made an hostile defence and resistance against the King, of *Spaine*, their then Sovereign Lord, for the recovery of their just rights and freedomes; And upon the same *point* rose the *Scotch* up in Armes, and entrcd this Kingdome, without all *formall countenance* or allowance of King or Parliament, and were justified for that very act by this present Parliament. Yea, and even this Parliament upon the same principle, tooke up Armes against the King. And now (*right worthy patriots of the Army*) you your selves upon the *same principle*, for *recovery of common right and freedome*, have entered upon this your present honourable and *Solemne Engagement*, against the oppressing party at *Westminster*, and plead yourselves justifiable thereby, and tell them in the fifth pag. of your Declaration, *That the Parliament hath declared it no resistance of Magistracie to side with the just principles and law of nature and nations, being that law upon which you have assisted them*. So that if I be condemned for a Traytor by all or any of you, whether *Scotch*, Parliament or Army, for proceeding upon the said *iust principles and law of nature*, for common *right and freedom*, I tell you plainly, that out of your *owne mouthes* you shall be judged no less Traytors then my selfe, yea, allowers of that in your selves, which for treason you condemn in others: And if I suffer death by any party of you, all and every such person and persons, deserves

to be hang'd, drawn, and quartered for Traytors by the same law, for if it be just against the one, it is also just against the Other, for *iustice is no respecter of persons*.

Now concerning my necessity to this course for reliefe, I shall by and by make evident and plaine to every common capacity; which being made evident, *your Excellency, with the Officers and Soldiers under your command*, are bound to endeavour my protection and safety (to your power) with your own in this enterprize of mine, undertaken upon your own principle for common right and freedome, and as well may you deliver one another up to the Gallowes, for this present *Solemne Engagement* of yours, as not visibly appeare in my vindication and justification together with your own, proceeding upon the very same principle with your selves for the same end.

Thirdly, *The equity of the Law is Superiour to the Letter*, the Letter being subordinate and subject thereto, and looke *how much* the *Letter* transgresseth the *equity*, even so *much* it is *unequalle*, of no validity and force: Yea, if the Law should comptroule and overthrow the *equity*, it is to be comptrouled and overthrowne it selfe, and the *equity* to be preserved as the *thing*, only legally, *obligatory and binding*. And by this principle (worthy Officers and Soldiers) you have charged the Parliament from their own *Declarations* to warrant this your present *Expedition* as in the 4 page of your own *Declaration*, is made manifest: To which principle, together with your selves, and with them I lay claime to a title for an equall justification and protection from the *Letter of the Law*, with the edge of that Sword (which both Parliament and Armie by *that principle* award from themselves) may not be sheathed in my bowells for though I am *prisoner* in the *hands of mine enemies*, yet can I not be condemned of them for *this enterprize*, without their *owne condemnation* of themselves in theirs against the King. So that in *this act* I do not *outstrip* the protection of *that*, which themselves have *declared authorative against the letter of the Law*, but am in all iustice and reason as iustificable as themselves; or as *this present Army* in *either or both* their *Engagements*.

Fourthly, *All betruisted powers if forfeit, fall into the hands of the betrusters, as their proper centure*: and where such a forfeit is committed, there it disoblegeth from obedience, and warranteth an *Appeale* to the *Betrusters*, without any contempt or disobedience, to the *powers* in the least; for such an *Appeale* in that case is not at all from the *power*, but from the *persons*, not forsaking the *power*, but *following* of it in its *retreat* to the *Fountaine*. For as formerly the Parliament averred, and as now this honourable Army assumeth (*Armie Declaration, pag. 4*) *All authority is fundamentally seated in the office, and but ministerially in the persons*; therefore, the persons in their *Ministrations* degenerating from *safety* to *tyranny*, their *Authority* ceaseth and is only to be found in the fundamentall originall, rise and situation thereof, which is the *people* the *body represented*; for though it ceaseth from the hands of the betruisted, yet it doth not, neither can it cease from its being, for Kings, Parliaments, &c. may fall from it, but it indureth for ever, for were not this admitted, there could be no lawfull redresse in extremity, yea, magistracy it selfe should be transitory and fading like, as is corruption, of no certaine duration or moment, but it is unchangeable and certaine, man perisheth but it

indureth: it alwayes is either in the hands of the *Betrusted* or of the *Betrusters*, while the *Betrusted* are *dischargers* of their *trust*, it remaineth in their hands, but no sooner the *Betrusted* betray and forfeit their *Trust*, but (as all things else in dissolution) it returneth from whence it came, even to the hands of the *Trusters*: For all iust *humaine powers* are but *betrusted*, confer'd and conveyed by ioynt and common consent, *for to every individuall in nature, is given an individuall propriety by nature, not to be invaded or usurped by any*, (as in mine *Arrow against tyranny* is proved and discovered more at large) *for every one as he is himselfe hath a selfe propriety, else could not be himselfe*, and on this no second may presume without consent; and by naturall birth, all men are *equall and alike borne to like propriety and freedome, every man by naturall instinct aiming at his owne safety and weale*: And so it is, that there is a generall communication amongst men from their severall innate properties to their *Elected Deputies* for their better Being, Discipline, Government, Property, and Safety.

Now as no man by nature may abuse, beat, torment or afflict himself, so by nature no man may give that power to another, seeing he may not doe it himselfe, for no more can be communicated to the generall, then is included in the particulars whereof the generall is compounded; for that were to goe beyond it selfe, for *Being* to goe beyond the *power of being*, which is impossible. So that if the *betrusted* act not for the weal and safety of the *betrusters*, they depart from their iust power, and act by another, which cannot be tearmed either *humaine* or *divine*, but *unnaturall* and *divellish*, rendring such usurpers as *Monsters* amongst men. Now these premises considered, I doe confidently conclude (if confidence may be derived from the iust principles of nature) that the transgression of our weal by our trustees, is an utter forfeiture of their trust, and cessation of their power: Therefore, if I prove a forfeiture of the *peoples trust* in the prevalent party at *Westminster* in Parliament assembled then an *Appeal* from them to the people is not *Anti-parliamentary, Anti-magesteriall*, not from that *Soveraign power*, but to that *Soveraign power*. For the evidence whereof I shall first present a discovery of their dealings with me, relating to the publique, and then their common course to the generall.

First then briefly concerning my selfe, upon the 11. of *August* 1646. the House of Lords sent (without any summons or other due processe for appearance) their *Emisaries* with a file of *Musqueteers* who beset mine house and entred the same, one with his drawn sword, and another with a *Pistoll* ready cock'd in his hand, and surprized me in my bed without any appearance or shew of any warrant either legall or illegall, and in that warlike manner being led, and brought before a Committee of the said house, and afterwards before the house, where being put High Commission like to answer to *Interrogatories* against my selfe, the which I refusing to answer, & not being willing to yeeld my right as a Comoner into their prerogative clutches, I appealed from them being mine improper incompetent judges, unto the House of Commons, my legall Peers and Equals, as by the great Charter of England I was bound, which in severall late printed papers I have made evident and clear to the view of all men, I was under pretence of contempt in word and gesture against that house, and for refusing to answer *Interrogatories* committed to *Newgate*, there to be kept till their Lordships pleasure should be further signified. And

afterwards the House of Comons receiving mine Appeale, I was turned over with mine honoured friend and fellow sufferer in the said cause Lieut. Col. *John Lilburn*, unto the Committee for *consideration of the Commoners Liberties*, *Mr. Henry Martin* possessing the Chair, before whom in our contest betwixt the Lords about the right and freedome of the Commons of England; upon examination of the jurisdiction and prerogative of the one, the right and propertie of the other, we were both found illegally imprisoned, and that Act of the Lords desperate invasion and intrusion upon the Commoners freedoms, and our selves as legally free, as if no such arbitrary warrants had been issued forth against us. Whereupon in contempt and defiance of the Arbitrary domination of the Lords over the Commons, scorning to dance attendance any longer after their arbitrary warrants, resolved that as their Lordships found warrants, so should their Lordships find leggs to obey them, for being free from their arbitrary jurisdiction from the crown of my head, to the sole of my foot, mine should not *dance after their pipe*. Whereupon I was most incivilly and inhumanely dragged to *Newgate* headlong through the streets upon the stones through all the dirt and the mire, and being reviled, otherwise abused and beat, I was thrown into the common Gaole amongst Rogues and Fellons, and laid in double Irons. And since this time which was the 3. of *November 1646* to this present 8 of Iuly. 1647. I could not prevaile with the Chair-man to make my report unto the House thereby to obtaine any reliefe. But as I am informed, that worthy Gentleman hath neither to been necessitated and inforced to forbearance through an absolute indisposition to iustice in the house, by the prevalency of a powerfull faction therein, though for my part I have been ever utterly averse to that lingring prudence, and have earnestly solicited the contrary, let the issue fall with me or against me.

Further, the tyranny of these Lords not ceasing here against me, they send their Catch poules to my house againe, where finding my wife in with her three small Children about her, tooke her and my brother away and brought them before the Lords prerogative Barre, rifled, plundered, and ransacked mine house exposing my 3. helplesse small children to the streets, and all this before any indictment, presentment, or other due processe of law preceeding. And by reason my wife would not be subiect to the arbitrary and diabolicall accustomed proceedings of that house, to answer to interrogatories, or to make oath against her husband or her selfe, concerning his or her life, liberty or goods, was, together with my brother, himselfe also refusing subjection to the said illegall proceedings committed *during pleasure* to the New prison in *Maiden lane*, where ever since he hath continued in miserable durance and oppression.

And then under the colour of another Order from the said house, most inhumanely and barbarously they dragged her away from that prison, with her tender infant of halfe a yeares of age in her armes headlong upon the stones, through the streets, in the dirt and mire, reviling and abusing her by the way with the scurielous names of Whore Strumpet, &c. and then not allowing her so much humane compassion, as might have been justly expected even from Turks, Infidels and Pagans they denied her the mercy to be imprisoned with her husband, which either grace or nature might have taught them in the height of their Arbitrary passion, had they the least spark either of the one or the other in

them, but as persons voyd of both, without all respect to the Law of God, or of Nature they violently divided her from mee, and in the foresaid most contemptible manner threw her into the filthy Gaole of Bridewell, that common shore, center and receptacle of Baudes, Whores, Pick-pockets &c. though for her own part shee never was, nor ever could be so much as taxed of the least in civility or immodesty either in countenance, word, action or gesture all the dayes of her life, but alwayes lived in all honest and godly conversation; in which infamous place shee hath ever since bin kept in cruel restraint, not permitting her to have the liberty to visite her husband, or to enjoy the comfort of her children about her, or to go a little abroad a with Keeper to take the fresh ayre, though for the want thereof her life hath been visibly and palpably endangered (a benefit ordinarily allowed to Whores and Pick-pockets imprisoned there) though unreasonable *Gratuity*, and extraordinary *Surety* was offered therefore to the *Keepers*. And in this our unnaturall and cruell division in three severall prisons, my selfe in one, my wife in another, my brother in the third, and my three children exposed to the mercy of the wide world; and our selves deprived of all meanes and wayes by industry to procure any livelihood, and all that we had for our subsistance and reliefe seised upon without all lawfull judgement, verdict of our equals, Indictment, or other due processe of Law preceeding contrary to the Fundamentall Laws of the Kingdom, and under this unreasonable oppression & crueltie without the value of one halfe-peny from the Lords for reliefe, wee are forcibly kept at an extraordinary charge, in those their severall starving, stinking murthering Prison-houses, seven shillings being exacted and extorted weekly for my lodging, three shillings and six pence for my wifes, foure shillings for my brothers, besides the charge of subsistance for us and our children. And being reduced to this miserable condition, I prepared a Petition and Appeale (since published in print) in the behalfe of my wife and brother to the House of Commons, which for the better credence of our miserable condition, was presented by a competent number of women but notwithstanding all the agitation and sollicitation that we could use, an admission thereof into the House (so much as to be read) could not, nor can hitherto be obtained, & all through the prevalent power of a confederate Faction in the House, obstructing all reliefe and redresse of the people; so that, by that deluding over voting party in the House I am deprived and bereft of all meanes and hope of redresse whatsoever: the cause of Lieu. Col. *John Lilb.* and mine betwixt us as *Commoners*, and the jurisdiction of the Lords, as *Lords* depending upon the Determination of Parliament which so far as in the eye of reason we can judge, will never be till this House either be purged of the factious party therein, or else a new Parliament called. And the case being so with us, that betwixt *Cannot* and *Will not*, no right or justice can be had for us either from King, Parliament, or any Court of justice in the Kingdome whatsoever, and being not able to see my selfe, my wife brother and children perish under hopelesse & endlesse expectation of mercy from the hands of mine enemies, I Am forced to this desperate Attempt for finall destruction or present release, for on deliverance I am resolved by life or death if possibly I may, a sudden death to me being better and rather to be chosen then lingring destruction, the latter being so much the more terrible and cruell, by how much the more tedious then present.

Now therefore being driven thus to this desperate necessity and pinch; and further, the Parliament themselves having declared, that it is the liberty of every subject to enjoy the benefit of the Law and not arbitrarily and illegally be committed to prison, nor to have his or their lives, liberties, goods or estates diseased or taken away, but only by due processe of Law, according to *Magna Charta*, and the *Petition of Right*, which condemnes all High Commission like Interrigatory proceedings in a mans owne cause, enjoying speedy Trialls for all causes whatsoever, without any intermission or obstruction to the due course or processe of Law. 1 part. *Book Decl.* p. 6, 7, 38, 77, 201, 277, 268, 458, 459, 660, 845. But being utterly denyed the Benefit of the Law of the Land, and of the just Declarations of Parliament through an obstructing party in the House: I must therefore, and do hereby in pursuance of my own safety (a principle warranted by the Parliaments owne Declaration to every particular man to provide for, even from the very Law of Nature, 1. part. *Book Decl.* p. 44 and p. 728.) make mine *Appeale*, and doe by these presents Actually and formally APPEALE from and against the Members Representative (as in their present mixture with, and continuance of Traytors and Tyrants) assembled at *Westminster* unto the Body Represented, (the true originall Sovereigne Authority of Parliaments) the free borne Commoners within this Kingdom of *England*, and Dominion of *Wales* for protection and reliefe against those obstructers of justice and judgement to wit, *Denzil Hollis*, *Sir Phil. Stapleton*, *Sir Wil. Lewis*, *Sir John Maynard*, Major Generall *Massey*, Mr. *Glyn*, Recorder of *London*, and from & against al other their Accomplices & Confederates members in the House of Commons, and charged, *June 4. 1647* with High Treason against the Fundamentall Lawes, Rights and Liberties of the Commons of *England*, by His Excellency, *Sir Thomas Fairfax* and the Officers and Soldiers under his Command to be prosecuted in behalfe of themselves and the whole Kingdom. In this my *Appeale* craving no other benefit for my selfe, my wife and my brother, but a speedy deliverance from our severall respective Imprisonments till such times as the House shall be purged and cleansed from those corrupt and putrified members, (the obstructers and perverters of *common right and freedom* in the House, that I may not be passed upon, or judged in point of publique liberty and freedome, wherein every free commoners right interest and freedome is included by such as are open and declared enemies thereto, for it is most unreasonable and unjust that I should be subjected to the Arbitriment and Determination of mine and the Kingdomes enemies, for in so doing I should not only yeeld up my selfe to destruction, but therein betray the Commoners right and freedom (for which I have thus long contended) now at the last to be delivered up in my condemnation by those men to the Arbitrary jurisdiction of the Lords: For should my cause be overthrowne by the voyce of the oppressour, and this kind of exorbitant Domination setled and entailed to the Prerogative of the Lords, then the lives, persons and estates of the Commoners of *England* would all be laid waste to the wiles and pleasures of those prerogative usurpers; our lives; our wives, our persons and estates to be deprived, divorced, imprisoned, & plundered at pleasure, not to be our own any longer, but theirs. And therefore the case being thus in the House and with mee, and in mine, with the Commons of *England*, I shall and do from henceforth utterly disclaime and renounce all triall and judgement by the degenerate Members Assembled therein, & shall hold all

Orders and Ordinances whatsoever proceeding from them, though under the name of the two Houses of Parliament assembled at *Westminster*, as altogether invallid, and void of all Parliamentary authority and power, not obligatory or binding at all to the people, but to bee opposed and resisted to the death as counterfeit Orders and Ordinances, abusing the name and authority of Parliament, for it is no priviledge of Parliament for Traytors and Tyrants to fit and make Orders and Ordinances of Parliament, and then to publish them under the guize and vizer of that Sovereigne Authority no more then it is for any person to coyne or counterfeit the Image and superscription of the King, for Treason and Tyranny are inconsistent with the Being and priviledge of Parliament; for it is not their sitting upon the benches, or standing within the wals of that House which makes them Parliament men, or their Orders or Ordinances Parliamentary, authoritative and binding, but the discharging of their trust in moving and acting only for the weale and safety of the people [as] I their impowers and trusters barely for that end. So that in deed and in truth that cannot bee said, or ought to bee reputed an Order or Ordinance of Parliament, which is contrary to their trust and the end of their Election and Session, for being our Parliament Deputys, doth not invest them with a Priviledge to destroy or save as at their pleasure, and to do with us as they list, we cannot do so with our selves, our power over our selves is but for our safety; therefore how can theirs which are but our deputies be for our woe.

Wherefore, so long as those Traytors to their Trust are not removed from their Session, but continued therein, over-powring and over-voting the dischargers of their Trust even so long they are in the *maine* degenerate from the naturall Essence and Being of the Parliament of *England*, for if the major part be fallen into the capacity of Tyrants and Traytors, sure their Parliamentary Being is therewith defunct and deceased.

For how can it in that capacity be titled the Parliament of *England*? have they not in that degeneration devested and degraded themselves from their betrusted authority of the people, and become no longer their representory Deputies, or Trustees, except tyranny and oppression be the very substance and end of their Trust? certainly tyrants and oppressors cannot be the Representers of the Free-men of *England*, for freedom and tyranny are contraries, that which representeth the one, doth not represent the other; therefore such as are the representers of *Free-men*, must be substantial and reall *Actors* for *freedome* and *liberty*, for such as is the represented, such and no other must the figure or representation be, such as is the proportion, countenance and favour of the man, such and so must be the picture of the man, or else it cannot be the picture of that man, but of some other, or of something else, as the picture of a grim, meager, frowning face is, not the picture of an amiable, friendly smiling countenance; so tyranny neither is nor can possibly be the Representor of *Freedome*; therefore, though such in the House were once otherwise by their election, yet now they have changed themselves into a contrary capacity, and are so to be reputed and esteemed off; and I for my part do so, and no otherwise esteem of them, and do hereby proclaime and protest against them to all the free-men of *England* and Dominion of *Wales*, as so many traytors to the safety and weale of the people, both the eleven Members that are charged, and all such as are coactours and voters with them in further oppressions and tyrannies, over-swaying and bearing

downe the voters for freedome and justice; imploring and beseeching all lovers of freedome and justice within His Majesties Dominions of *England* and *Wales*, as one man to rise up in the cause of the Army for the removall of those obstructors and traytors, and the bringing of them to a speedy and legall triall, that the wicked may be taken from before the face of the King, that his Throne may be established in righteousnesse and judgement, the liberty and freedom of the people recovered from the hands of oppressors and tyrants, and the Kingdom settled in peace and tranquillity, which only is, and ever shall be the prayers and endeavours of your Appellant.

Now for the further clearing and making good of mine Appeal, I shal (as I promised before) briefly touch the accustomed course of their oppressive tyrannous carriage to the generality, whereby their degenerate state and capacity will more clearly appeare. But for brevity sake I shall omit the severall new oppressions, exactions and burthens wherewith the people are loaded every where, even till their backs are ready to break as everyman by woful experience can witness; and shall only relate to the maine & principall end of their Election and Session, which is for *bearing the cries and groanes of the people, redressing and easing their grievances*: And as touching this matter, this is their course, in stead of Reliefe for oppression, themselves do *opresse*, and which is worst, then *stop the mouthes of the oppressed*; crutiate and torment, and not suffer the tormented to complain, but even torment them for complaining, sleight, reject and crush their Just and necessary Petitions, which is the highest kind of tyranny in the world, shut their doores and eares against the cry of the people, both of Country and City, yea, though the burthens of the oppressed are so great, that multitudes in a peaceable manner have attended the House daily with Petitions for no other thing, then for the *Removall of oppression, and recovery of freedome*, according to the fundamentall Lawes of this Kingdom, which they often Declared, covenanted, protested, and sworne with hands lifted up to the most high God to performe faithfully and truly.

Yet these very men contrary to their many Oathes, Covenants, Declarations, Vowes and Protestations, call the Petitioners *Rogues, Villains, seditious, factious fellowes*, and bid a *pox of God on them*, offer to draw their Swords at them, lift up their *Canes* at them in a menacing manner, shake them by the shoulders, and otherwise abuse them, and not only so; but imprison some of them, as Mr. *Nicholas Tew*, Mr. *Browne*, and Major *Tuliday*, the two first of them Prisoners to this houre, the third under Bayle; and they stay not here, but their arogance mounts higher and higher, even vote their Petitions *Seditious, breach of their Priviledges*, and cause them to be burnt by the hand of the *Common hang man*, (Missing side note: See the declaration at large in L. Col. Lil. late book intituled *Rash Barbes unwarrantable*.) even *such petitions* wherein was *contained the Liberties and freedoms of the Commons of England*, and no jot of anything either in word or circumstance that was not just, honest and reasonable, and their sworn duties to performe, and for which was, and is, the very end of their Election and Session to, and in the capacitie of Parliament: Yet *these matters*, even the *Rights and freedoms of the people* are *rendred matters of Sedition*, and to be *set on fire and burnt*, and that in the most contemptible manner, *by the hands of the Common hangman*: O most unheard of, unparaleld Treason! heare O

Heavens and judge Oh ye free Commoners of England, &c. where, and what is become of your Lawes, & libertyes: thus would they doe with *your persons*, even *burne them* by the *hand of the Common hangman*, had they but as much power over them as they have over your *petitions and papers*, and virtually they have don noe lesse for essentially and really they have burnt the *Great Charter of England*, for in those petitions were contained the cheifest heads of that *Charter*, by virtue whereof you *hold your very lives, liberties, & goods*, so that in that *Act* they did as much as in them lay, *set all England on fire, burne and destroy all the lawes, Rights and liberties there of*; and if this bee not High Treason, and an open and visible forfeiture of their Parliamentary Being and trust, I would faine know what is: I could adde unto this, their Declaration against the Army, stiling their petition (which was honest just and reasonable and their dutys to grant them effectually,) to be a *dangerous petition*, and all such to bee *enemies to the state and disturbers of the publick Peace as proceeded therein* making it enmity to the State, and disturbance of the publicke PEACE, humbly to Petition for the price of their Blood, and Sweat of their Brows, so dearly earned in the purchase of their and our safeties and freedome: and to this I could adde their settling the *Militia* into the hands of men of their owne faction in the City of London and in other parts of the Kingdome for the violent settlement of their owne pernicious tyrannicall ends, with multitude of other impieties, and cruelties, treacherous and treasonable acts and proceedings against the freedoms of the people, but for brevity sake at this present I shall commend to your pervsall and weighty consideration a most excellent and worthy treatise, intituled *Plain truth without Feare, or Flattery*, written (as the Title declares) by AMON WILBEE. the contents whereof, as concerning the traitorous partie in the House, I doe hereby actually lay unto their charge, to make them good against that partie upon the perill of my life, and concerning the equity and truth of the Charge therein contain'd against *Denzill Hollis & the rest of that traiterous Faction* I doe account it and owne it as if writ by my self, though for my part I do seriously professe unto the world that I was till I read it as ignorant of the writing composeing printing publishing or Author thereof as the Child that is unborne, yet such is the equity, honesty and truth thereof that had, I ten thousand lives, I would engage them all for the justification and maintenance thereof, and this will I say concerning that AUTHOR, that He deserves to *weare the LAURELL* from all that have writ (in that observant nature) since the Parliament began. The matters therein considered together with their desperate suppression of the petitionary endeavours of the well affected of *London*, besides their slighting, rejecting and refusing all other Petitions of the oppressed inslaved Countries, as from *Buckinghamshire, Hartfordshire, &c.* Except from Parties which co-operate for the advancement of the Prerogative and priviledge *Faction*, all others being fob'd off, with a Complementall acknowledgement of the good affections of the Petitioners, and with a *Verball* returne of thanks, and that the House would take their businesse into further consideration, or the like; which being all, and the most that ever could be obtained from them; when their *Aspect* was most indulgent towards US, and fairest for our Liberties, I say, those their Treasonable proceedings, Oppressions, and Tyranies duly weighed and considered, how can still their *PARLIAMENTARY Being, and Station* be granted? If it bee, sure it must bee *pictured with the Heeles upward*, for I may as well bee parswaded out of

my *Christen-Name*, as made to beleive, it stands derect upon its feete; When I see it plainely reversed before mine eyes, for I shall never while I enjoy my senses, bee so stupid and blockish, to esteeme Ruine for Safety; Retrograde motion for direct *Progression*: now, this their Trayterous course of stopping and burning Petitions, abusing and imprisoning Petitioners, of it selfe is an absolute election, or *putting the people out of the protection of PARLIAMENT*; no rationall man can gainesay it; for *Oppression is no Protection*, offence no *Defence*. He that will *not releife*, is no *Reliever*; and hee that *Oppresseth* for *complaining of Oppression*, must needs be a *Tyrant* in the highest measure. Therefore loving Countrey-men and friends, I beseech you, lay your hands on your hearts & consider, what greater tyrannie and oppression can be, then *to be oppressed and so to be deprivid of the means of relief, left hopelesse and helplesse, all passages of succour and support stopped and blocked up, the waters of your reliefe utterly dried up?* Oh rub open your eyes for shame, rouse up your spirits, resume and take up your strength and authority into your owne hands, disowne and disclaime those desperate tyrants and traytors, and cast them forth from your trust as dirt and dung, or salt that hath lost its savour, for wherewith now shall they be savoured? Halters and Gallowes is more fit for them then places in Parliament: What, will you be more fearfull of them to bring them to justice, then they were of you to burne your Lawes and your Liberties? for shame never let an English spirit be taxed with that dishonour; you have *Othniells, Ehuds, Baraks, and Gideons*, before you, even a mighty and puissant vertuous Army, which hath most gallantly and honourably engaged for your and their own safety and protection from those unnatural tyrants and usurpers, to remove them from the Seat of your Authority, and to bring them to justice, that you and your children after you, may be delivered from the feare and prejudice of their cruelties, dwell in peace and safety, enjoy the price of your labour and travell quietly and freely to your selves, be absolute Lords and possessors of your owne, and to be made true and reall *Freemen* indeed; fall therefore into their assistance and protection, and trust no longer your perjured traiterous Trustees dissembled at Westminster, but save your selves from that cursed and wicked generation, now is the opportunity, doe not procrastinate nor delay, least your destruction be of your selves, I have discharged the *trust of my sufferings unto you*, which hath been simply and purely for your sakes, and have not drawne backe my hand from any thing for your weale, which to others have seemed *too hot or too heavy to lift*, and my conscience beares me witnessse of the honestie and uprightnesse of my heart for your preservation and safety, as its principal aime and intent in this Appellation of mine unto you, I am but one, and can discharge but the *duty of one* unto you, if you will suffer your selves, your Lawes and your Liberties, to be conquered and destroyed, I cannot help it, it is of your selves, and not of me, I have hitherto done my share, doe you but yours, and the worke will be presently done: I may chance be condemned for a mad-man and foole, but if you sit still and yeeld up your selves, as contented slaves, I cannot see, how you can be excused of madnesse or folly: Come, come, now is no time to *sit thrumming of caps*, if they will not give us leave, to use our *tongues and our pens* to present and make knowne our grievances, we must take leave to make use of our *hands and swords* for the *defence and redemption* of our lives, our Lawes and our Liberties, from the hand of the *destroyer*, for *our safety* must

be maintained.

And can any reasonable man conclude, that *our protection and assistance* of them, and their *protection and assistance* of us are not relatives, and one *dependent* on the other? For what is the reason, that we have engaged our lives and estates thus in their defence, but that they should be as faithfull a *protection* unto us: Now our safety and protection lieth in the full and just enjoyment of our Lawes, our Rights, and Freedomes, and delivery from bondage and thraldome, the which being utterly denyed us, are wee not quite out of their protection, and left to shift for our selves, either to destroy or be destroyed? For can they think that their powerfull Priviledge doth extend not to leave the Commonalty of England so much, as even nature hath instincted in the *very wormes* of the earth, as exanimate and stupid as a blocke, worse then the bruit beasts of the field, which all to their power will save and defend themselves from mischief and harme? Certainly, they cannot expect it, for it is no more then their owne Doctrine hath taught us, and therefore no Blasphemy, Treason or Heresie, for they tell us, *Dec. 2. Nov. 16. 6 Booke Dec. 1. Part 696. & pag. 150. That obedience doth not bind us to cut our owne throats*, how then, can they expect that we should be our own butchers?

Deare friends, our *destruction is beyond the Priviledge of Parliament*, it is out of the compasse of that *Betrusted Authority*; while they move in the *Sphere of our safety*, their motions are Parliamentary, legall, and authorative, and to be obeyed, defended, and maintained, but on the contrary, the contrary must be concluded, for *contraries have contrary consequents*. For there is a difference betwixt their *Parliamentary*, and their owne *Personall capacity*, and their actions are answerably different; therefore, the rejection, disobedience, and resistance of their *personall commands*, is no rejection, disobedience, or resistance of their *Parliament Authority*: So that he that doth resist their personall commands, doth not resist the Parliament, neither can they justly be censured or esteemed as *Traytors, Rebels, Disturbers, or Enemies to the State*, but rather as *Preservers, Conservers, and Defenders* thereof.

And upon this *principle of justice and reason*, they grounded and justified *their War* against the King, witnesse their owne words, *Book Dec. part 1. pag. 276.* where they say by the Statute of 25. *Edw. 3. It is a leavying of Warre against the King, when it is against his Lawes and Authorities, though it be not immediately against his Person, and the levying of force against his personall commands, though accompanied with his presence, if it be not against his Lawes and Authority, but in maintenance thereof, is no levying of Warre against the King, but for him; for there is a great difference betwixt the King as King, and the King as Charles Steward: Therefore pag. 279.* they say, *That treason which is against the Kingdome, is more against the King then that which is against his person, because hee is King: for that very Treason is not Treason as it is against him as a man, but as a man that is a King, and as he hath relation to the Kingdome, and stands as a Person intrusted with the Kingdome, discharging that trust:* Even so, by the equity of the same reason, the represented Commons of England, in the like case, may justly make the same returne unto the Bodie Representative, as thus: *It is a levying of warre against the*

*Parliament of England, when it is against the Lawes, Rights, and Freedomes of the people of England, though it be not immediately against the persons of the Members in Parliament, and a levying of force against their personall arbitrary commands, though accompanied with their presence, if it be not against the Lawes, Rights and Freedomes of the people, but in maintenance thereof, is no levying of war against the Parliament, but for the Parliament, for there is a great difference betwixt Members in Parliament, as Members in Parliament, and Members in Parliament, as they are personally, Philip Stapleton, Denzill Hollis, &c. And therefore well may the Commonality of England reply, That Treason which is against the Commonalty, their Lawes, Rights, and Freedomes, is more against the Parliament, then that which is against their persons, because they are Members of Parliament. For that very Treason is not Treason, as it is against Philip Stapleton, Denzill Hollis, and the like, considered as they are men, but as men that are Parliament Members, and as they have relation to the people in generall, and stand as persons intrusted with their Lawes, Rights, and Freedomes, discharging their trust. This is as directly point blank against the Members in Parliament, as ever it was against the King, they must admit of *this principle* against themselves, or else they must grant themselves to be Rebels and Traitors in warring against the King, for they had no way, under heaven, or to this day have any way to justifie their leavying and maintaining of warre against him but that; for it was the very Axeltree upon which the equity of their proceedings were moved, and that by which still they stand justifiable in the eye of reason and justice: therefore the Members in Parliament, either in the particular or in the generall, because they are men intrusted in that capacity, may not therefore turne oppressors and tyrants at pleasure, for it is not their being in Parliament, or being Parliament-men, that will justifie their invasions and incursions upon the freedomes of the people; for as themselves have granted concerning the King, *that the King is for the Kingdome, not the Kingdome for the King, and that the Kingdome is no more his owne, then the People are his owne: If he had a propriety in this Kingdome, what would become of the Subjects propriety in their Lands throughout the Kingdome, or of their Liberties?* Book Dec. 1. part p. 266. even so may the Commonality of England reply to their Parliament-Members, that they are made for the people, not the people for them, and no otherwise may they deale with the people then for their safety and weale, for no more then the people are the Kings, no more are the people the Parliaments, having no such propriety in the people, as the people have in their goods to doe with them as they list. As they will not grant it to be the *Prerogative of Kings*, neither may wee yeeld it to be the *Priviledge of Parliaments*, for the safety of the people is the reason and end of all Governments and Governours, *Salus populi est suprema Lex*, the safety of the people is the supreme Law of all Commonwealths; all other Lawes, Edicts, Ordinances, Orders, &c. (such as most of our late pretended Parliamentarie ones have been) being contradictory thereto, are all traiterous and Antimagisteriall, to be opposed and resisted to the death, and the contrivers, promoters, and actors thereof, to be apprehended, judged and condemned, and executed as traytors to the safety of the people.*

And whereas we have engaged our lives and fortunes against the King, *to free his person*

from a traitorous and wicked Counsell about him, and the same they justified for ous by the rule of necessity, and safety, even so and much more, by vertue of the same principle may the *body represented* doe to the *body representative*, there being a more desperate and traytorus Counsell therein, for *Immedicabile vulnus ense rescidendum est, ne pars sincera trahantur*, the putrified and incurable members are to be cut of for the safety of the whole: for it was not the end of our undertakings to pull downe one kinde of oppressors to set up others more desperate and dangerous then the old, to remove a wicked Counsell from the King, and then to set up and tollerate a Counsell more traitorous and wicked in the Parliament, no, our ends and intents were simply against obstructions, and obstructers of justice and judgement, oppressions and oppressors, and to bring such Delinquents and Traytors to justice, whereby all impediments and obstacles to our freedoms might be removed; we did not ingage against them simply because they were concomitant to the King, but because they were seducers and perverters of justice, invaders and destroyers of our just Lawes and Freedomes: Therefore it is in vaine for our Members in Parliament to think that we will justifie or tollerate the same among them, which we would not indure in the King, to pluck off the *Garments of Royalty* from oppression and tyranny, to dresse up the same in *Parlament Robes*: No, no, that was ever and is farre from our hearts, and wee shall justifie or allow the same no more in the one then in the other, for to allow it in the one is to justifie it in the other, for it is equally unequall in both, and in it selfe resistable wheresoever it is found, for were it not resistable, all defensive war whatsoever were unlawfull: And upon this poynt we moved against the King, the equity thereof arising from an inherent principle of nature, concurring with the Commandement of God, for were not tyranny in it selfe resistable, then a man might lawfully murder himselfe or give power to another to be his Butcher, but in regard by the Law of God in nature and in his word both the one and the other is verily unlawfull, therefore such kind of inhumanity and tyranny is to be resisted both in proper person and otherwise, shall we therefore be so inhumane, so unnaturall and diabolicall, to destroy and murder our owne selves, we may as well execute our selves with our own hands, as give leave to others to be our murtherers, for the matter would be all one in the execution, it would only differ in the instrument; therefore if we may not take that leave to our selves, nor give it to another, then wee must resist it in others as well as in our selves, for not *to hinder is to give leave*, and no hindrance can be without resistance, and if resistance must be, as is of necessity to be granted then in all reason and equity we are bound to use the most effectuall manner of resistance, If our destruction be endeavoured by another, faire means is to be used, but if that will not prevaile, we are bound to kill rather then to be killed: And upon this ground, in case we have to deale with a mighty and furious enemy, we are bound to the utmost of our power, to arme and fortifie our selves for our just and necessary defence, and by force of Armes to repell and beat back the invading assaulting enemy, whether it be an enemy for the confusion and exterpation of our persons, or for destruction and ruine of our Laws, our freedoms and liberties, for bondage and slavery are not inferiour to death, but rather to be more avoyded, condemned and resisted then present destruction, by how much the more that kind of destruction is more languishing then present, and in pursuance of the just and

necessary *defensive Opposition* we may lawfully, and are in Conscience bound to destroy, kill and slay the otherwise irresistible enemy for our own preservation and safety whether in our lives, our Lawes or our liberties: And against the justice of this *defensive principle* no degrees, Orders or titles amongst men can or may prevaile, all degrees Orders and titles, all Lawes, Customs and manners amongst men must be subject to give place and yeeld thereunto, and it unto none, for all degrees and titles Magisteriall, whether emperiall, regall, Parliamentarie, or otherwise are all subservient to *popular safety*, all founded and grounded thereon, all instituted and ordained only for it, for without it can be no humane society, cohabitation or being, which above all earthly things must be maintained, as the earthly soveraigne good of mankind, let what or who will perish, or be confounded, for mankind must be preserved upon the earth, and to this preservation, all the Children of men have an equall title by Birth, none to be deprived thereof, but such as are enemies thereto, and this is the *ground-worke* that God *in nature* hath laid for all common-wealths, for all Governours and Governments amongst men, for all their Lawes, executions and Administrations: therefore all contrary Governments and Governours are ungodly, unnaturall, diabolicall, and trayterous, to be abhorred, condemned and resisted by all possible ways and meanes whatsoever: And from hence ariseth the true *definition* of *Treason*, for indeed *Treason* is no other then *a destruction to humane society or actions overwhelming or apparently tending to the utter over throw of publick safety co-habitation and peace, or to the vassalage, bondage and thraldome of a people or Country*; such actions and Actors are only treasonable and trayterous and no other, although it be the custome of tyrants and opressors unhappily intrusted with Imperial Regal or Parliament Authority to proclaim, condemne and execute such cheifly for traytors as are enemies to their opressions and tyrannies, their boundlesse prerogatives, arbitrary *Domination*, or the like, even as our degenerate Members dissembled at Westminster have done in the late Petitioners case of the Armie, making it a matter of *Treason* to petition for justice and right.

Now in regard, the *Body naturall* for its owne safety may prune, amputate and cut of the corrupt putrified Members from the *Body Representative*, yea utterly renounce, oppose, resist, and dissolve all the Members therein upon *total forfeiture* of, and *reall Apostacy* from the true *representative capacity* of Parliament, and that this is most evident and cleare; it then inevitably followeth, that this *naturall Body*, by vertue of its instinced, inherent naturall Sovereignty, may *create*, or *depute* any *person* or *persons* for their *Deputy* or *Deputies* for the removall of those dead, corrupt, putrified Members from the *seat* and *name* of their *Formall Authority*, and for the suppression of injustice and tyranny, recovery of liberty and freedome; but it may be, it will be objected, that by reason of distraction, confusion and disorder at such an exigency in the *Body naturall*, such a new deputation is not likely, or cannot possibly be formally effected, and therefore those forementioned Members though never so corrupt and destructive, must be continued and subjected unto. I answer, that the *Body naturall* must never be without a mean to save it selfe, and therefore by the foresaid permanent unalterable *rule of Necessity and safety*, any *person* or *persons* (in discharge of their duty to God, themselves and their Countrey)

may warrantably rise up in the cause and behalfe of the people, to preserve them from imminent ruine and destruction, such person or persons, doing in that act no more then everie man by nature is bound to performe: For as everie man by the verie bond of nature and neighbourhood, in case his neighbours house be on fire, is bound forthwith without anie formall or verball deputation of the owner, to endeavour the quenching thereof with his utmost power and abilitie; even so and much more may the same bee said and of a whole Countrey or Kingdome, for necessity in that case of extremity justifies the act of safety and preservation, in anie, though without anie formall election, deputation or condition from the people in generall thereto; for such *Formalities* must give place unto the *maine*, being but circumstances in comparison thereof, and a Kingdome or Commonwealth must not be neglected and lost for a trifle; in the cause of popular safety and freedome, wee must not straine at a gnat and swallow a camell, catch at the shadow and loose the substance, dote on formality while we lose our freedoms; we are bound to lay hold on every thing that comes next to hand, rather then perish; it is not the part of the just and mercifull Freemen of England to behold the Politike Bodie of this Commonwealth fallen amongst a crew of thieves, as *Hollis, Stapleton, &c.* stript of its precious raiment of freedome and safety, wounded and left groveling in its blood, even halfe dead, and passe by on the other side like the merciless Priest and the Levite: no, now is the time for the compassionate Samaritane to appeare to binde up its wounds, to powre in wine and oyle to engage in the defence and preservation of a distressed miserable people, for greater love and mercie cannot be amongst men then to take compassion, over the helpelesse and destitute.

Therefore, this Evangelicall principle of mercy (being of the nearest communication to the nature of God) is a warrantable ground for the solemne engagement of the Armie, like the compassionate Samaritan, to bind up the wounds of the almost murdered Lawes and Liberties of England; so that their Christian compassion and pity over the abused, beat, and wounded naturall Body of the land, is as an inpugnable Bulwarke of defence against the violent invective calumnies and reproaches of malicious tongues & Pens, and will be an undoubted badge of everlasting honor through all generations to come, against which time and envie will never be able to prevaile. And in case they be inforced to a defensive resistance, in so doing they will be no resisters, despisers, contemners or oppugners of Magistracy, Authority or Government, for tyranny is no *Magistracie*, therefore the resistance of Tyrants is no resistance of Magistrates, except it be of such so nominally; but really and essentially monsters and pests of humanity; for Magistracy hath its proper compasse and confines, and the actors and actions in that compasse are thereby rendered Magisteriall actors and actions to be obeyed by all, and resisted by none; and so such as are resisters thereof, are no Resisters of Magistracy, Authority and Government; but the resistance of the excursions or actions out of that compasse and capacity, is no resistance of Magistracy or Magistrates, for it is not their persons which makes their *Ministrations Magisterial*, but their *Ministerial Magistrations* which makes their persons Magisteriall persons: for Magistracy is not inherent or consistent in the person, but in the office; their persons must run a parallell line in their Ministration with their office, or els their formall

deputation or Commissions will not inright them into the true definition of Magistrates; for the office is but accidentally consistent in the forme or externall Commission, radically and essentially in the due *Ministration*.

Now *Magistracy* in its *nature, institution, and administration*, is for such a kinde of *safety* Nationall and generall, as wherein every individuall or particular person, of what sort or society soever, may fully and freely enjoy his liberty, peace and tranquillity, civill and *humane*; it is an *Ordinance amongst men* and for *men*, that *all men* may have an *humane* subsistance and safety to live as *men* amongst *men*, none to bee excepted from this humane subsistance, but the unnaturall and the inhumane, it is not for *this opinion*, or that *faction*, this Sect or that *sort*, but equally and alike indifferent for all men that are not degenerated from humanity and humane civility in their *living* and *neighbourhood*: And therefore the destroyers and subverters of humane society, safety, cohabitation and being, are to be corrected, expulsed, or cut off for preservation of safety, and prevention of ruine both *publike* and *private*: and thus is *Magistracy* for the praise of them that doe well, and for the punishment of those that doe evill.

And as for matters of conscience or opinion about *Religion* or Worship, with which humane society, cohabitation, and safety may freely subsist and stand together, that doth not fall under the power of the Magisteriall sword, either for introduction and settlement, or for *extirpation* and subversion; for the limits of Magistracy extend no further then humanity, or humane subsistance, not to spirituallity, or spirituall being; and no further, then its owne nature extends, no further may its compulsive power be stretched: And this is the true distinction for matter of subjection, betwixt God and *Cæsar*, and what is Gods wee must in the first place give unto God, and what is *Cæsars*, in the second place, freely and readily we must give unto *Cæsar*; the inward man is Gods prerogative, the outward man is mans prerogative; God is the immediate Lord over the inward, and mediately over the outward, but man is onely Lord over the outward, and though immediate thereover, yet but by Deputation or Commission from him who is thus both over the one and the other: And God who onely knoweth the heart, and searcheth the reines, hath reserved the government thereof to himself as his own prerogative, and the onely means which he useth in this kinde of Government, that by his Ministers must be dispensed, is onely by the word, not by the sword; for the sword pierceth but the flesh, it toucheth but the outward man, it cannot touch the inward; therefore *where* by the word (to wit by Doctrine or Argumentation) the proper means to work upon the intellectualls and affections a conversion, is not nor cannot be obtained, there no humane compulsive power or force is to be used, either for *plantation* or *extirpation*.

And therefore it was that Christ refused the *sword* for the *promulgation* and *setlment* of his *doctrine*, for it was *spirituall*, and such were the *weapons* he used for that warfare of his; and therefore in immitation of his patterne (and practice of the Apostles) we must rather *suffer* for matters of *faith*, then be enforced or enforce thereunto: But it does not therefore follow, that by *defensive force* we may not maintaine, our *naturall humane being and subsistance upon earth*; for the contrary doctrine would tend to the utter *confusion* of

humanity, the depopulation of Nations, Kingdomes, and Countries; though for the *spirituall warfare*, we are confined to *spirituall weapons*; yet for this humane naturall warfare, humane and naturall weapons may and are to be used, each according to its kinde; so that neither the one nor the other, in their distinctive propriety and administration is distructive or contradictory one to another, but both may properly meet and stand together in one individuall, without the least incroachment or prejudice to each others propriety: And if the Magistrate should so farre extend his *compulsive force* under pretence of *religion* and *conscience*, to the destruction of our humane subsistance or being, we may upon the points of your *humane subsistance and being*, lawfully make our *defensive resistance*, for in it selfe it is defendable against all opposition or destruction from whence or from whomsoever it shall be. And of this *defensive resistance*, none in duty can be excused, but in case of an utter depravation of power, for indeed it is granted of all, that where no power is, there no defence can be expected, and in the case of destruction in that kinde, the patient is innocent, and cleare from the guilt of his owne ruine: where nothing is given, there nothing is required; *but unto whomsoever much is given, of him shall be much required, Luke 12.48.*

Therefore these premises premised, and deliberately weighed, I appeale to all moderate and rationall commoners to judge impartially about this matter, whether now, without all check or scruple of conscience, in maintainance and presuance of this *Defensive principle of resistance*, we may not every man of us (in duty to our owne natures, and to our native Countrey in generall) to the utmost of our lives and fortunes, be assistant and united to this *faithfull Armie* that now is, or to whomsoever shall rise up, and appeare in the *defensive cause* of this Kingdome, for the recovery of our naturall humane rights and freedomes, that all orders, sorts, and societies of the *Natives* of this Land, may freely and fully enjoy a joynt and mutually *neighbourhood, cohabitation and humane subsistance*, one as well as another, *doing unto all men as we would be done unto*; it being against the radicall Law of nature and reason, that any man should be deprived of an *humane subsistance*, that is not an enemy thereto; hee that is fit for *neighbourhood, cohabitation, humane society and fellowship*, and will freely comply and submit thereunto, ought not to be abridged of the same in the least measure; hee that shall deny, oppose and resist this, the same as an *enemy to mankinde*, and is guilty of the highest kinde of Treason that is, and deservs to be stoned, as was *Hadoram* by the children of Israel for his execution of the tirannicall commands of King *Rohoboam*, with *stones that he dye*, and to be cast out as the excrements of mankinde, unworthy of *humane buriall*, as once the Scots served one of their tyrannicall Kings, who after they had drag'd him at an Horses taylor at their pleasure, they threw his body into a Jakes, as Mr. *Prin* mentions in his *power of Parliaments*.

And therefore all Decrees, Edicts, Injunctions, Lawes, Ordinances and Orders whatsoever, or from whomsoever, which tend to the extirpation, suppression, or confusion of such a sort or party of men which are not onely meet but free and willing to maintaine, preserve, and uphold humane society, fellowship, tranquillity, and being; doing to all men as they would have all men doe unto them, are all trayterous, antimagisterall unhumane, and

diabolicall, and the authors thereof no other then traytors and rebels to the *nature of man*.

Now therefore except such vipers and pests of humanity be divested from all legislatives and coercive authority, it is not possible that such inhumanities and tyrannies in government can be prevented or removed, for such Governours, such government, such Law-givers, such Lawes: If the wicked and unjust be not removed from the throane of government, it is impossible, that any such throane should be established in righteousnesse: therefore as all such tyrannies and inhumanities are resistable and of no man (that is not without *naturall affection*) to be received or obeyed; so every rationall honest Common-wealths man is in duty bound even from the just principles of divinity, humanity, and reason, with all his strength and might, either by pollicy or by force, or by both, to endeavour the extirpation and removall of such usurpers and oppressors, from the seat and place of Government, and to be ayding and assisting with life, person, and estate, to all ingagements and endeavours to bring such inhumane usurpers to exemplary justice: and this our Common-wealth swarming with such Monsters in nature and humanity, overspreading the whole Land with these tyrannies and oppressions, must either speedily be purged and cleansed, especially in the *legislative and compulsive Authority* thereof from that *unnaturall faction*, or else nothing but bondage, tyranny, and oppression remaineth for the inheritance of us, and our children after us.

Now in regard both *King* and *Parliament* are become captives through the force and pollicy of a powerfull faction at Westminster, that neither the one, nor the other can be any reliefe or protection to the people from injustice and oppression, both being upon the point dethroned, the one from his Regall, the other from its Parliamentary Essence and being; So that in effect they are both dead unto the people: And now as the case stands, no publique visible Head, either Regall or Parliamentary, or other appearing on foot in the Kingdome for the people to fly to for succour and reliefe, or protection against the visible destroyers and subverters of their liberties but this renowned and faithfull Army; for it is now the only *formall and visible Head* that is left unto the people for protection and deliverance.

I shall therefore presume (most excellent Generall, honourable Officers, faithfull Adjutators, and Gentlemen Souldiers) and doe hereby presume in pursuance of my *owne safety*, and of *righteous judgement* betwixt the free *Commoners Right*, and the *jurisdiction* of the *Lords*, to make my humble addresse and appeale unto this Army, as to the *naturall Head* of the *Body naturall* of the people at this present, wholly (as much as in me lieth) resigning, submitting, and offring my person and cause unto your defensive protection, that in the behalfe of the people to whom I have appealed, you would, as in duty you are bound, contribute your best assistance for the liberty of the one, and just determination of the other, that neither my person nor yet my cause (which is every Commoners case) may be left to the tryall, censure and sentence of mine, and this Kingdomes enemies; but that both person and cause may be protected (as much as in you lieth) from them, and from all mischief and prejudice which their malice and violence may attempt against either or both; for the better facillitation and advancement of their owne arbytrary and

tyrannicall ends and designes, appealing thus for my selfe and my cause for no other end, but that impartiall justice may freely proceed upon both without respect of persons or things; which I conceive is not reasonably to be expected from the judgement and determination of mine, and this Kingdomes enemies; this is cordially and freely my desire, that if I have done ought that either by the Law of God, of Nature, Reason, or the just Lawes of the Land, worthy of death, or other punishment whatsoever, that then the due execution thereof may be entailed to your just and solemne engagement, that your selves may cause it, and see it performed upon me accordingly without mercy: But if my person, and my cause in the eye of Religion, reason, and the just knowne Lawes, of this Land be found justefiable thereby and those severall afflictions, imprisonments, and miseries upon my selfe, my wife, brother, and Family by the Arbitrary Prerogative of the Westminster Lords be found illegall and tyrannicall, and their proceedings by vertue of their Lordly Prerogative, as actions apparantly, and openly tending to the *utter subversion of the fredomes and rights of the Commons of England*, that then also, (as you have engaged your selves for common right to be derived, to every particular) you would actually & effectually make good that engagement to me in particular, not only your for the formall and legall deliverance of my selfe, my wife, and my brother (imprisoned also by vertue of their Lordly Prerogative) but also for our just and full reperation according to the Law of the Land, even as the nature of our respective abuses, imprisonments, &c. and the demerit of our Oppressioners shall impartially and justly deserve; and that justice may be answerably executed upon those Usurpers and Oppressors. notwithstanding their greatnesse to the future terrefying of such Prerogative Oppressors and oppressions, preservation and safety of the due right and freedomes of the people both to present and succeeding Posterity; and this is but just and reasonable, for why should not justice touch their Prerogative Lordships, as well as the meanest Commoners, and why should such sufferings at their hands passe without due reperation, for should they, it would be an encouragement to such Arbitrary spirits to be as exorbitant for the future as these; for where there is no punishment, there neither is nor will be any feare: So that if the notorious Act of their Prerogative fury, not only upon me and mine, but upon divers in the like nature, as Liv. Col. John Lilburne, Mr. Larners two servants, &c. be passed by without exemplary punishment and Mulct, the Commons will not be righted, nor will their Lordships be curbed in their *exorbitant ambition*; for should it be so smothered and passed by, the Commoners right would be more abused and invaded then, which then if wee should never be delivered by you, for by our durance the cause would be still kept on foot in expectation of future such determination; but if so delivered, it would be wounded, if not utterly quashed and destroyed by you, scarce ever to be recovered or reared up againe to this pitch: And this that I require, in point of liberty and reperation is no more, then what your selves have intituled me justly to claime at your hands; for have you not told us (as an Article of your engagement to see it performed before you disband) *That all such as are imprisoned may be put into a speedy way for a just hearing and tryall, and such as shall appeare to have beene unjustly, and unduely imprisoned, may with their liberty have reasonable reparations according to their sufferings, and the demerit of their Oppressors* (as is expressed in the 11. page your owne Declaration.)

Wherefore (truly honoured and faithfull Armie) thinke it not strange that thus in particular I have presumed to cast my selfe and my cause into the verge of your *solemne engagement* for the publique, for my cause in it selfe is generall, and every free borne Commoners case in the Kingdome, and my person one of that generall for which you have solemnly engaged and declared your selves for safety, deliverance, and protection; now you cannot engage and declare for the generall, but the particulars thereof must be joyntly and severally intituled thereto: Therefore this which I thus claime and expect from your hands, you cannot in justice and honour to your owne undertakings deny me; if you doe, you must deny your selves, and your *solemne engagement*, and so render your selves to the Kingdome as others have done before you, even deluders and deceivers of the people, and thereby instate the people into a just capacity of *Insurrection* against you, as well as your selves are now against others.

But being fully perswaded of the uprightnesse and innocency of your intentions, I shall expect *that your workes will give witness to the truth of your words*; for otherwise, they will bee but as *empty shels*, or as a *dead letter* to the people: Be therefore quick and active, and bee not demur'd, protracted and delayed by the old beaten subtile Foxes of Westminster into your owne, and our destruction: Can you imagine that they intend you any good? what have they done I pray you as hitherto, but fob'd, befool'd, and deluded you; say and unsay, backward and forward, hither and thither, no man knowes whither, and all but to circumvent, delude, and delay you, that they might gather time and ground.

For they well know what it is that hath lost the affections of the people, you must not think, they can be so insensible, as therof to be ignorant; and now they would run you upon the same rock whereon they have split themselves, to wit, the *distaste of the people*, that your wounds may be their cure; and assure your selves your ruine if you trace in their steps will be swifter then theirs; therefore thinke not to dally with, and beare the people in hand (as they have done before you) with *faire promises, engagements, Declarations, Remonstrances, &c.* and not to put the same into speedy execution; for the affections of the people will not admit of delayes, quick expedition will sharpen, but protraction will turne the edge of their spirits; If you dally with us, and befoole our expectations too long, we shall turne our pens, our hearts, and our hands against you, for our affection and concurrence with you, is but for our safety and protection, expecting more faire and honest dealing from you, then ever we could obtaine from the hands of our false Trustees at Westminster; have a care therefore how you interpose your owne light, and follow their *Ignis fatuis*, into their delusions and delayes, for if you doe not timely beware, your friends will become your enemies, their spirits begin to decline, and their tongues are busied with feares and surmises, therefore from the inch you may judge of the elle; though for a while the Countries may beare the burthen of your Quarters with patience, yet assure your selves, in a small time they will turne impatient, clamour and cry out against you; for the Countries cannot, as indeed there is no reason they should, indure to be oppressed; for such and so great hath beene their oppression, that it is in vaine to suppose, that an additionall oppression will gaine an acceptance or tolleration amongst them; you doe but now the worke of the enemy, for if you will play but a while

with their Rattles and Gew-gawes, they will be provided, (what though the redemption of time and the losse of your credits) to give you an encounter, and then be sure the people must suffer, their blood and their treasure must pay for your negligence, therefore expect that the mischiefes of your demurres will be set upon your account, when all flesh shall appeare, every man to receive according to his deeds.

Therefore right worthy and faithfull Adjutators, be advised to preserve that power and trust reposed in, and conferred upon you by the body of the Army intire and absolute, and trust no man, whether Officer or Souldier, how religious soever appearing, further then hee acts apparantly for the good of the Army and Kingdome: marke them which would and doe bring you into delayes and demurres, let their pretences be what they will be, their counsels are destructive; I am afraid, that your Officers are not too forward to interpose all delayes; therefore as I dare not totally condemne them, but honour them so farre as they have dealt honourably in your engagement, I onely advise you to bee cautious and wary; and keepe up your betrusted power and authority, and let nothing be acted, done, or concluded, without your consent and privity, for by that meanes the cause in a clandestine underhand manner may be given away; and what doe you know, but there is a designe amongst you, to take the power of all Adjutation from the hand of the private Souldier? for why must your late papers bee published, *By the appoyntment of his Excellencie, Sir Thomas Fairfax and the Councell of Warre*, as your Remonstrance and others, and not as formerly, by his *Excellency Sir Thomas Fairfax with the officers and Souldiers of the Armie*? are not the Souldiers as authoritative as formerly, or are they cast out, as if they had nothing to doe with the businesse? Sure I cannot judge that you will altogether bee befooled of your power; if you doe, I am sure we shall all be befooled with you; if that once be accomplished, then farewell our hopes in the Armie; for I am confident, that it must be the poore, the simple and meane things of this earth that must confound the mighty and the strong: therefore your Officers that seeke not themselves, and have no sinister ends nor designs in their brests, will be contented that your betrusted power be preserved intire in your hands till the end of your worke be accomplished; and rather then they will any wayes seeme to infringe it, be continued in their addition to your adjutation onely for advise and consultation, not for controll and conclusion, not desiring a negative voice any more in your Adjutation, then they and you would allow the King in the great councell of Parliament; that so the sence and minde of the Armie may not be prevented or denied: If I erre in this caution and advice, I am sure that I erre not in my faithfull affections to your *solemne engagement*, and therefore the better to be excused; for my intentions are honest and upright therein, not minding mischiefes or prejudice against any, but solely and simply ayme and intending the good of the Army and Kingdome thereby.

If you wil own me & my cause, I shal take it as a grateful & acceptable service of love & affection, not only to my selfe but to the almost destroyed freedomes of the Commoners of England; if not, I have reckened my cost, and can in this cause for my Countrey upon honest and just priviledges, lay downe my life, as freely and as willingly, as my most malicious enemies can make it a sacrifice to their fury: Doe therefore, as it seemeth good

in your owne eyes; I have discharged my conscience, and what I have done, I have done; and commit the issue thereof unto God, And so remaine,

From my Prerogative Captivity in Newgate (*the Lords benediction*) July 10. 1647.

*Yours and this Kingdomes faithfull friend and servant for the just Lawes,
Rights, and Freedomes of the people, to the death,*

Richard Overton.

**CERTAIN ARTICLES FOR THE GOOD OF THE COMMON WEALTH,
PRESENTED TO THE CONSIDERATION OF HIS EXCELLENCIE, SIR
THOMAS FAIRFAX, AND TO THE OFFICERS AND SOULDIERS UNDER HIS
COMMAND.**

By R. O.

Concerning Parliaments,

1. That for the future, the election and expulsion of Parliament Members may be so settled in the Electors, that none may be hindered, debarred, or expelled from serving his Country under any colour or pretence whatsoever, as for refusing the Covenant or other wise without order first, assent or concurrence of their Country.

2. That for the better security of the interest and power of the people, all titles, by Prerogative, Priviledge, Pattent, Succession, Peerage, Birth or otherwise to sit and act in the Assembly of Parliament, contrary to, and without the free choice and Election of the People, be utterly abrogated, nuld and made void, and that all such so sitting, may be removed from sitting therein.

3. That the authority of Parliament may bee preserved and secured for the future from the obstructions and prejudice of a negative voyce in any person or persons whatsoever.

4. That every County may have liberty to choose some certaine number amongst themselves, to inquire and present to the Parliament, what be the just Lawes, Customes, and Priviledges of each County, and that those County Commissioners, be bound to receive all, and every impeachment, and impeachments, by any person or persons whatsoever, of the respective Counties, against any of their owne respective Knights or Burgesses in Parliament, for falsifying and betraying, his or their Countries trust, or any wise indeavouring the introduction of an arbitrary power in this Land. And that the said Commissioners have power and be firmly bound to impeach and attach in the name of their respective Counties, their said Member or Members, and to bring him or them to a legall and publique tryall. That in case such be found guilty, justice may be executed, and others in their roome, by the free choyce of the People bee sent. And in case any such Commissioner, or Commissioners shall refuse to prosecute any such complaint or

impeachment, that then hee or they be adjudged guilty of Treason.

Articles concerning Courts of Judicature, offices and Officers of the Law.

1. That all Courts which are not established by the just old Law of the Land: and all illegal offices, and Officers, belonging to the same, and all other vexatious and unnecessary Courts, be abolished by act of Parliament. And that provision bee made that for tyme to come, no Courts or Officers whatsoever may be obtruded upon the free Commoners of England, either by Royall grant, Pattennt, Act of Parliament, or otherwise contrary to the old Law of the Land.

2. That according to the old Law and custome of the Land, long before, and sometime after the Conquest, There may bee Courts of Judicature for the speedy tryall and determination of all causes, whether Criminall or Civill, erected and established in every Hundred, for the ease and benefit of the Subject, to be holden according to the old custome once or twice every moneth, for the ending of all causes Criminall and Civill whatsoever, which shall happen in the respective Hundreds. That the Freemen of England may have a sudden, quick and easie dispatch of their suits, and be eased also of their vexations and chargable travellings from all parts of the Kingdome, for processe and tryall of their suits unto Westminster Hall.

3. That all such Officers, as by the ancient and common Lawes of this Nation, are illegible, and to be chosen by the free Commons, as Mayors, Sheriffes, justices of peace, &c. may be left to the free Election of the people, in their respective places, and not otherwise to bee chosen. And that all such publique affaires (now in being) Not so elected and allowed, may be forthwith removed, and others by the free choice of the people be constituted in their roomes.

Articles concerning Goales, Goalers, and Imprisonment.

1. That the extortions, and oppressive fees of Goalers may bee redressed and eased, and that strict and severe provision be made against all Goalers, and their deputies, to restraine them for the future from the like extortions and cruelties, now frequent in all Goales of the Land. And that there may be a strict and severe Inquisition after the blood of such prisoners as have beene murdered and starved by the cruelties of Goalers, that so the persons guilty thereof may have justice executed upon them.

2. That no Prisoners be put in irons, or to other paine, before conviction and condemnation.

3. That there may be cleanly and wholesome provision made in all the Goales of England, for the lodging of Prisoners, at the charge and cost of the State, and that no fees for Chamber-rent, for entering or deliverance, or any thing in lieu thereof, be exacted or

demanded under a severe penalty.

4. That neither the high Court of Parliament, nor any other inferior Court or Magistrate whatsoever, may commit any free man of England to prison upon any pretended contempts, as is frequent in these dayes, but onely for transgression and breach of the knowne Lawes of the Land. And for the future (to award the free Commons of England from the revenge of arbitrary spirits,) that strong provision be made by Act of Parliament to that end.

5. That there may be a severe penalty provided against all Goalers and their Deputies, which shall receive any prisoner persons whatsaever, without a lawfull charge or commitment drawne up in writing, according to the true forme of the Law, with a lawfull cause therein expressed, and with a lawfull conclusion, him safely to keepe untill hee shall be delivered by due processe or Law, according to *Magna Charta*, and the Petition of Right, and not at the will and pleasure of the Committee.

6. That strong provision be made against all such Goalers as shall detaine any person or persons in prison after a lawful] discharge, as is frequent in all the Goales of the Land, whereby many poore free Commoners of England have been starved and dyed of hunger.

7. That all criminall persons that are condemned and reprimed, may be acquit and set free.

Articles concerning the Lawes, and corruptions thereof, with other publique Grievances.

1. That all Lawes of the Land (lockt up from common capacities in the Latine or French tongues,) may bee translated into the English tongue. And that all records, Orders, Processes, Writs, and other proceedings whatsoever, may be all entered and issued forth in the English tongue, and that in the most plaine and common Character used in the Land, commonly called Roman, or Secretary, and that without all or any Latine or French Phrases or Tearmes, and also without all or any abreviations or abridgements of words, that so the meanest English Commoner that can but read written hand in his owne tongue, may fully understand his owne proceedings in the Law.

2. That no free Commoner of England be inforced to put either by the high Court of Parliament, or by any subordinate Court, Officer or Minister of lustice, whatsoever in the Land to make Oath, or to answer to any Interrogatories concerning himselfe in any criminall case, concerning his life, liberty, goods or free-hold. And that neither the High Court of Parliament, not any subordinate Court, Officer or Minister whatsoever, before Indictment, presentment, verdict of 12 men, or other due processe of Law, may take away any free Commoners life, liberty, goods, or free-hold, contrary to the State of *Magna Charta*, cap. 29.25. *Edw. 3.* cap. 4.28. *Edw. 3* cap. 3.41. *Edw. 3.c.3.* 1 *Eliz.* cap. 1 &c.

3. That all Statutes made for the compulsion of persons to heare the Common Prayer Booke, and for the exercise of other Popish Rits, and Ceremonies, may be abrogated and

taken away, and that all and singular persons indicted, imprisoned, or otherwise molested upon the aforesaid Statutes may be enlarged and relieved.

4. That neither Membership in Parliament, Office nor function, whatsoever in the Magistracy of the Land, may be any protection or demurre in any wise against the due processe or course of the ancient and common Lawes of this Realme, but that in all cases of treason, murther, Burglary, and fellonie, in all Actions, Suites, and civill proceedings whatsoever, the greatest Man or men in the Realme, may be made equally lyable at all times and seasons, and in all places in the Land to the tryall, sentence and execution of the Law, with the meanest Commoner.

5. That all wicked persons that shall beare false witnessse against any free man of England concerning his life, liberty, goods or free-hold upon legall discovery, and probation thereof, be adjudged, and condemned of their lives, liberties, and free-holds, according to that which they would have done unto their Neighbour.

6. That the cruell practise of imprisoning Debtors may be provided against, and that due Rights and properties may be recovered upon more mercifull tearmes then by way of imprisonment.

7. That according to the Law of God, and the old Law of the Land, matters of theft may not be punished with death, and that such Malefactors may make satisfaction either by just restitution to the party wronged, or by an answerable servitude, and that such offenders upon the second conviction (lawfully had) be brand markt visibly in the most eminent part of their face, and confind to a singular habit. And upon the third lawfull conviction, to be put to perpetuall servitude, for the benefit of the State, saving to the party wronged, a competent deduction thereon, for restitution according to the theft. that upon all occasions of warre, such Bond-men may be taken for the Military service, and the impressing of free-men on that behalfe in some measure spared.

8. That every English Native, who hath goods, Wares and Merchandize, may have freedome to transport the same to any place beyond the Seas, and there to convert them to his owne profit, it being his true and proper inheritance to doe, according to the Statutes of *14. Edw. 3.2.12. Hen. 7.6.* and therefore to the end the old trade ingrossing Company of Merchants may be dissolved, and the like for the future prevented.

Concerning the Clergy.

1. That the grievous oppressions by Tythes and forced-maintenance for the Ministry be removed, and that the more easie and Evangelicall practice of contribution be granted, and confirmed for the benefit of the Subject, and his freedome therein, for prevention of the Lordlinesse, in and the Commotions, oppressions and, tyrannies, that might happen by the Clergy.

Concerning Schooles.

That all ancient Donations for the maintenance and continuance of Free-Schooles which are impropriate or converted to any private use, and all such Free-Schooles which are destroyed or purloyned of any freedome for propriety may be restored and erected againe, and that in all parts or Counties of the Realme of England, and Dominion of Wales destitute of Free-Schooles (for the due nurture and education of children) may have a competent number of Such Schooles, founded, erected, and indowed at the publike charges of those respective Counties and places so destitute, that few or none of the free men of England may for the future be ignorant of reading and writing.

Concerning Hospitalls.

That all ancient charitable Donations towards the constant reliefe of the poor, impropriate, and converted to other use, and all Hospitalls that are either impropriate, corrupted or vitiated from their primitive constitution and end, or be deprived of any of their franchise, profits or emoluments, may be restored, relieved, and rectified, and safely preserved to the reliefe and maintenance of poore Orphants, Widowes, aged and impotent persons, &c. And that there be a convenient number of Hospitalls, founded, erected, and constituted in all the Counties of England and Wales, at the publike charge of the respective Counties, for the good education and nurture of poore fatherlesse or helplesse children, maintenance and reliefe of poore widowes, aged, sick, and lame persons. And to that end, that all the Gleabe-Lands in the Kingdome, may be converted to the maintenance and use of those charitable houses.

Concerning Commons inclosed.

That all grounds which anciently lay in Common for the poore, and are now impropriate, inclosed, and fenced in, may forthwith (in whose hands soever they are) be cast out, and laid open againe to the free and common use and benefit of the poore.

Concerning Petitions.

That strong provision be made that neither the Parliament, nor any inferior Court, Officer, or Minister of the Law whatsoever, may in any wise let, disturb, or molest any person or persons, from contriving, promoting or presenting any Petition or Petitions concerning their grievances, liberties, to the High Court of Parliament.

FINIS.

T.111 (4.16) [SEVERAL HANDS], [THE PUTNEY DEBATES], *THE GENERAL COUNCIL OF OFFICERS AT PUTNEY* (OCTOBER/NOVEMBER 1647).↵

Image of the original Title Page

THE CLARKE PAPERS.

SELECTIONS FROM THE PAPERS OF WILLIAM CLARKE,
*Secretary to the Council of the Army, 1647-1649, and to General
Monck and the Commanders of the Army in Scotland, 1651-1660.*

EDITED BY C. H. FIRTH.

VOLUME I.



PRINTED FOR THE CAMDEN SOCIETY.
M.DCC.LXII.

BIBLIOGRAPHICAL INFORMATION

ID Number

T.111 [1647.10] (4.16) [Several Hands], [The Putney Debates], *The General Council of Officers at Putney* (October/November 1647).

Full title

[Several Hands], "The Putney Debates", The General Council of Officers at Putney. They are from Sir William Clarke, *The Clarke Papers. Selections from the Papers of William Clarke, Secretary to the Council of the Army, 1647-1649, and to General Monck and the Commanders of the Army in Scotland, 1651-1660*, ed. C.H. Firth (Camden Society, 1894). 4 vols. [<http://oll.libertyfund.org/titles/1985>].

Firth vol. 2, pp. 71-186

This text contains the following parts:

1. Discussion of 28 Oct. 1647
2. The Answer of the Agitators read
3. Discussion of 29 Oct. 1647
4. The Paper called The Agreement read
5. Discussion of Saturday 30 Oct. 1647
6. Discussion of 1 Nov. 1647
7. Discussion of 2 Nov. 1647
8. At the Committee of Officers appointed by the General Council (3 Nov. 1647)
9. Discussion of 8 Nov. 1647
10. Desires of the Army
11. Discussion of 9 Nov. 1647
12. Discussion of 11 Nov. 1647

Estimated date of publication

28 October - 1 November 1647.

Thomason Tracts Catalog information

Several items are listed separately in TT.

TEXT OF PAMPHLET

We have two versions of the Putney Debates online, an edited version with modernised spelling by Woodhouse and a more complete version with original spelling by Firth. We use the Firth edition here but have not been able to check it against the originals:

- *Puritanism and Liberty, being the Army Debates (1647-9) from the Clarke Manuscripts with Supplementary Documents*, selected and edited with an Introduction A.S.P. Woodhouse, foreword by A.D. Lindsay (University of Chicago Press, 1951). [</titles /2183>](#). Putney Debates, pp. 1-124.
- Sir William Clarke, *The Clarke Papers. Selections from the Papers of William Clarke, Secretary to the Council of the Army, 1647-1649, and to General Monck and the*

Commanders of the Army in Scotland, 1651-1660, ed. C.H. Firth (Camden Society, 1901). Putney Debates in vol. 1, pp.226-418. <<http://oll.libertyfund.org/titles/1984>>.

TEXT OF PAMPHLET

Att the Generall Councill of Officers att Putney. 28 October, 1647.

The Officers being mett, first said,

Lieutennant General Cromwell.[a](#)

That the Meeting was for publique businesses. Those that had anythinge to say concerning the publique businesse might have libertie to speake.

Mr. Edward Sexby.

Mr. Allen, Mr. Lockyer, and my self are three.

They have sent two Souldiers, one of your owne Regiment and one of Col. Whalley's, with two other Gentlemen, Mr. Wildman and Mr. Petty.

Commissary General Ireton.

That hee had nott the paper of what was done uppon all of them.

Itt was referr'd to the Committee, that they should consider of the paper that was printed, "The Case of the Army Stated," and to examine the particulars in itt, and to represent and offer somethinge to this Councill about itt.[b](#) They were likewise appointed to send for those persons concern'd in the paper. The Committee mett according to appointment that night. Itt was only then Resolv'd on, That there should bee some sent in a freindlie way (nott by command, or summons) to invite some of those Gentlemen to come in with us, I thinke.

Mr. Sexby.

I was desired by the Lieutennant Generall to [let him] know the bottome of their desires. They gave us this answer, that they would willinglie draw them uppe, and represent them unto you. They are come att this time to tender them to your considerations with their resolutions to maintaine them.

Wee have bin by providence putt upon strange thinges, such as the ancientist heere doth scarce remember. The Army acting to these ends, providence hath bin with us, and yett wee have found little [fruit] of our indeavours; and really I thinke all heere both great and small (both Officers and Souldiers), wee may say wee have lean'd on, and gone to Egypt for helpe. The Kingdomes cause requires expedition, and truly our miseries with [those of] our fellow souldiers' cry out for present helpe. I thinke, att this time, this is your

businessse, and I thinke itt is in all your hearts to relieve the one and satisfie the other. You resolv'd if any thinge [reasonable] should bee propounded to you, you would joyne and goe alonge with us.

The cause of our misery [is] uppon two thinges. We sought to satisfie all men, and itt was well; butt in going [about] to doe itt wee have dissatisfied all men. Wee have labour'd to please a Kinge, and I thinke, except wee goe about to cutt all our throates, wee shall nott please him; and wee have gone to support an house which will prove rotten studds,a I meane the Parliament which consists of a Company of rotten Members.

And therefore wee beseech you that you will take these thinges into your consideration.

I shall speake to the Lieut. Generall and Commissary Generall concerning one thinge. Your creditts and reputation hath bin much blasted uppon these two considerations. The one is for seeking to settle this Kingdome in such a way wherein wee thought to have satisfied all men, and wee have dissatisfied them—I meane in relation to the Kinge—The other is in referrence to a Parliamenterie auctoritie (which most heere would loose their lives for), to seeb those powers to which wee will subject our selves loyally called. These two things are as I thinke conscientiously the cause of all those blemishes that have bin cast uppon either the one or the other. You are convinc't God will have you to act on, butt [ask] onelie to consider how you shall act, and [take] those [ways] that will secure you and the whole Kingdome. I desire you will consider those thinges that shall bee offer'd to you; and, if you see any thinge of reason, you will joyne with us that the Kingdome may bee eas'd, and our fellow souldiers may bee quieted in spiritt. These thinges I have represented as my thoughts. I desire your pardon.

Lieut. Generall.

I thinke itt is good for us to proceede to our businessse in some order, and that will bee if wee consider some things that are latelie past. There hath bin a booke printed, called, "The Case of the Armie Stated," and that hath bin taken into consideration, and there hath bin somewhat drawne uppe by way of exception to thinges contayn'd in that booke; and I suppose there was an Answer brought to that which was taken by way of exception, and yesterday the Gentleman that brought the Answer hee was dealt honestly and plainly withall, and hee was told, that there were new designes a driving, and nothing would bee a clearer discovery of the sincerity of [their] intentions, as their willingnesse that were active to bringe what they had to say to bee judg'd of by the Generall Officers, and by this Generall Councill, that wee might discern what the intentions were. Now itt seemes there bee divers that are come hither to manifest those intentions according to what was offer'd yesterday, and truly I thinke, that the best way of our proceeding will bee to receive what they have to offer. Onely this, Mr. Sexby, you were speaking to us two. [I do not know why you named us two,] except you thinke that wee have done somewhat or acted somewhat different from the sence and resolution of the Generall Councill. Truly, that that you speake to, was the thinges that related to the Kinge and thinges that related to the Parliament; and if there bee a fault I may say itt, and I dare say, itt hath bin the fault of

the Generall Council, and that which you doe speake both in relation to the one and the other, you speake to the Generall Council I hope, though you nam'd us two, Therefore truly I thinke itt sufficient for us to say, and 'tis that wee say—I can speake for my selfe, lett others speake for them selves—I dare maintaine itt, and I dare avowe I have acted nothing butt what I have done with the publique consent, and approbation and allowance of the Generall Council. That I dare say for my self, both in relation to the one, and to the other. What I have acted in Parliament in the name of the Council or of the Army I have had my warrant for from hence. What I have spoken in another capacitie, as a Member of the House, that was free for mee to doe; and I am confident, that I have nott used the name of the Army, or interest of the Army to anythinge butt what I have had allowance from the Generall Council for, and [what they] thought itt fitt to move the House in. I doe the rather give you this account, because I heare there are some slanderous reports going uppe and downe uppon somewhat that hath bin offer'd to the House of Commons [by me], as being the sence and opinion of this Armie, and in the name of this Army, which, I dare bee confident to speake itt, hath bin as false and slanderous a report as could bee raised of a man. And that was this; That I should say to the Parliament and deliver itt as the desire of this Armie, and the sence of this Armie, that there should bee a second addresse to the Kinge by way of propositions. I dare bee confident to speake itt, what I deliver'd there I deliver'd as my owne sence, and what I deliver'd as my owne sence I am nott ashamed of. What I deliver'd as your sence, I never deliver'd butt what I had as your sence.[a](#)

Col. Rainborow.

For this the Lieutennant Generall was pleas'd to speake of last, itt was moved, that day the propositions were brought in. That itt was carried for making a second addresse to the Kinge, itt was when both the Lieutennant Generall and my selfe were last heere, and where wee broke off heere, and when wee came uppon the Bill itt was told us, That the House had carried itt for a second addresse; and therfore the Lieutenant Generall must needes bee cleare of itt. Butt itt was urged in the House that itt was the sence of the Army that itt should bee soe.

Com̃. Gen. Ireton.

I desire nott to speake of these thinges, butt onely to putt thinges into an orderly way, which would lead to what the occasion is that hath brought these Gentlemen hither that are now call'd in; yett I cannott butt speake a worde to that that was last touch't uppon.

If I had told any man soe (which I know I did nott) if I did, I did tell him what I thought; and if I thought otherwise of the Army, I protest I should have bin ashamed of the Armie and detested itt; that is, if I had thought the Army had bin of that minde, they would lett those propositions sent from both Kingdomes bee the thinges which should bee [final] whether peace or noe, without any farther offers; and when I doe finde itt, I shall bee asham'd on't, and detest any dayes condescention with itt. And yett for that which Mr. Sexby tells us hath bin one of the great businesses [cast] uppon the Lieutennant Generall

and my self, I doe detest and defie the thought of that thinge, of any indeavour, or designe, or purpose, or desire to sett uppe the Kinge; and I thinke I have demonstrated, and I hope I shall doe still, [that] itt is the interest of the Kingdome that I have suffer'd for. As for the Parliament too, I thinke those that know the beginniges of these principles, that wee [set forth] in our Declarations of late for clearing and vindicating the Liberties of the people, even in relation to Parliament will have reason [to acquit me]. And whoever doe know how wee were led to the declaring of that point as wee have, as [a fundamental] one, will bee able to acquitt mee that I have bin farre from a designe of setting uppe the persons of these men, or of any men whatsoever to bee our Law Makers. Soe likewise for the Kinge; though I am cleare, as from the other, from setting uppe the person of one or other, yett I shall declare itt againe; I doe nott seeke, or would nott seeke, nor will joyne with them that doe seeke the destruction either of Parliament or Kinge. Neither will I consent with those or concurre with them who will nott attempt all the wayes that are possible to preserve both, and to make good use, and the best use that can bee of both for the Kingedome; and I did nott heare any thinge from that Gentleman (Mr. Sexby) that could induce or incline mee to that resolution. To that point I stand cleare as I have exprest. Butt I shall nott speake any more concerning myself.

The Committee^a mett att my lodgings assoone as they parted from hence; and the first thinge they resolved on hearing there was a meeting of the Agitators [was, that] though itt was thought fitt by the Generall Councill heere they should bee sent for to the Regiment[s], yett itt was thought fitt to lett them know what the Generall Councill had done, and to goe on in a way that might tend to unitie; and [this] being resolved on wee were desired by one of those Gentlemen that were desired to goe, that least they should mistake the matter they went about, itt might bee drawne in writing, and this is itt:

That the Generall Councill, etc. [*blank*].

This is the substance of what was deliver'd. Mr. Allen, Mr. Lockyer, and Mr. Sexby were sent with itt, and I thinke itt is fitt that the Councill should bee acquainted with the Answer.

Mr. Allen.

As to the Answer itt was short (truly I shall give itt as shorte). Wee gave them the paper, and read itt amongst them, and to my best remembrance they then told us, that they were nott all come together whome itt did concerne, and soe were nott in a capacitie att the present to returne us an Answer; butt that they would take itt into consideration, and would send itt as speedily as might bee. I thinke itt was neare their Sence.

THE ANSWER OF THE AGITATORS READ.A

Comñ. Generall.

Wheras itt was appointed by the Councill and wee of the Committee did accordingly desire, that these Gentlemen, being Members of the Army and engaged with the Army, might have come to communicate with the Generall Councill of the Army and those that were appointed by them for a mutuall satisfaction: by this paper they seeme to bee of a fix't resolution, setting themselves to bee a divided partie or distinct Councill from the Generall Councill of the Army, and [seem to say] that there was nothing to bee done as single persons to declare their dissatisfaction, or the grounds for informing themselves better or us better, butt that they as all the rest should concurre soe as to hold together as a form'd and settled partie distinct and divided from others; and withall seem'd to sett downe these resolutions to [as things] which they expect the compliance of any others, rather then their compliance with others to give satisfaction. Butt itt seemes upon some thinge that the Lieutenant Generall and some others of that Committee did thinke fitt [to offer] the Gentlemen that brought that paper have bin since induced to descend a little from the heighth, and to send some of them to come as agents particularlie, or Messengers from that Meeting or from that Councill, to heare what wee have to say to there, or to offer somethinge to us relating to the matters in that paper. I beleive there are Gentlemenb sent with them that though perhaps the persons of them that are Members of the Army may nott give the passages in itt they may bee better able to observe them; and therefore if you please that they may proceede.

Bufte-Coate.

May itt please your Honour, to give you satisfaccion in that there was such a willingnesse that wee might have a conference, whereupon I did engage that interest that was in mee that I would procure some to come hither both of the souldiers and of others for assistance; and in order thereunto heere are two souldiers sent from the Agents, and two of our freinds alsoe, and to present this to your considerations, and desirea your advice. [We believe that] according to myb expectations and your engagement you are resolved every one to purchase our inheritances which have bin lost, and free this Nation from the tyranny that lies upon us. I question nott butt that itt is all your desires: and for that purpose wee desire to doe nothing butt what wee present to your consideration, and if you conceive itt that itt must bee for us to bee instruments, that wee might shelter our selves like wise men before the Storme comes. Wee desire that all carping upon words might bee laid aside, and [that you may] fall directly upon the matter presented to you.

Wee have heere met on purposec according to my Engagement that whatsoever may bee thought to bee necessary for our satisfaction, for the right understanding one of another [may be done] that wee might goe on together. For, though our ends and aimes bee the same, if one thinkes this way, another another way—butt that way which is the best for the subject [is] that they [both] may bee hearkned unto.

The Answer of the Agitators, the 2d time read.[a](#)

Buffecoate.

I thinke itt will bee strange that wee that are souldiers cannott have them [for] our selves, if nott for the whole Kingedome; and therefore wee beseech you consider of itt.

Lieut. Generall.

These thinges that you have now offered they are new to us; they are thinges that wee have nott att all (att least in this method and thus circumstantially) had any opportunity to consider of them, because they came to us butt thus as you see; this is the first time wee had a view of them.

Truly this paper does containe in itt very great alterations of the very Governement of the Kingedome, alterations from that Governement that itt hath bin under, I beleive I may almost say since itt was a Nation, I say I thinke I may almost say soe, and what the consequences of such an alteration as this would bee, if there were nothing else to be consider'd, wise men and godly men ought to consider. I say if there were nothing else [to be considered] butt the very weight and nature of the thinges contain'd in this paper. Therefore, although the pretensions in itt, and the expressions in itt are very plausible, and if wee could leape out of one condition into another, that had soe specious thinges in itt as this hath, I suppose there would nott bee much dispute, though perhaps some of these thinges may bee very well disputed—How doe wee know if whilest wee are disputing these thinges another companie of men shall gather together, and they shall putt out a paper as plausible perhaps as this? I doe nott know why itt might nott bee done by that time you have agreed uppon this, or gott hands to itt, if that bee the way. And not onely another, and another, butt many of this kinde. And if soe, what doe you thinke the consequence of that would bee? Would itt nott bee confusion? Would itt nott bee utter confusion? Would itt nott make England like the Switzerland Country, one Canton of the Switz against another, and one County against another? I aske you whether itt bee nott fitt for every honest man seriouslie to lay that uppon his heart? And if soe, what would that produce butt an absolute desolation—an absolute desolation to the Nation—and wee in the meane time tell the Nation, "It is for your Libertie, 'Tis for your priviledge," " 'Tis for your good." Pray God itt prove soe whatsoever course wee run. Butt truly, I thinke wee are nott onely to consider what the consequences are (if there were nothing else butt this paper), butt wee are to consider the probability of the wayes and meanes to accomplish: that is to say [to consider] whether,[a](#) according to reason and judgement, the spiritts and temper of the people of this Nation are prepared to receive and to goe on alonge with itt, and [whether] those great difficulties [that] lie in our way [are] in a likelihood to bee either overcome or removed. Truly, to anythinge that's good, there's noe doubt on itt, objections may bee made and fram'd; butt lett every honest man consider, whether or noe there bee nott very reall objections [to this] in point of difficulty. I know a man may answer all difficulties with faith, and faith will answer all difficulties really where itt is, but[a](#) wee are very apt all of us to call that faith, that perhaps may bee butt carnall imagination, and carnall reasonings.

Give mee leave to say this, There will bee very great mountaines in the way of this, if this were the thinge in present consideration; and therefore wee ought to consider the consequences, and God hath given us our reason that wee may doe this. Itt is nott enough to propose thinges that are good in the end, butt suppose this modell were an excellent modell, and fitt for England, and the Kingedome to receive, itt is our duty as Christians and men to consider consequences, and to consider the way.b

Butt really I shall speake to nothing butt that that, as before the Lord, I am perswaded in my heart tends to uniting of us in one to that that God will manifest to us to bee the thinge that hee would have us prosecute; and hee that meetes nott heere with that heart, and dares nott say hee will stand to that, I thinke hee is a deceivour. I say itt to you againe, and I professe unto you, I shall offer nothing to you butt that I thinke in my heart and conscience tends to the uniting of us, and to the begetting a right understanding amonge us, and therefore this is that I would insist uppon, and have itt clear'd amonge us.

Itt is nott enough for us to insist uppon good thinges; that every one would doe—there is nott 40 of us butt wee could prescribe many thinges exceeding plausible, and hardly anythinge worse then our present condition, take itt with all the troubles that are uppon us. Itt is nott enough for us to propose good thinges, butt itt behoves honest men and Christians that really will approve themselves soe before God and men, to see whether or noe they bee in a condition, [to attempt] whether, taking all thinges into consideration, they may honestly indeavour and attempt that that is fairly and plausibly proposed. For my owne parte I know nothing that wee are to consider first butt that, before wee would come to debate the evill or good of this [paper], or to adde to itt or substract from itt;a which I am confident, if your hearts bee upright as ours are—and God will bee judge betweene you and us—if wee should come to any thinge, you doe nott bringe this paper with peremptorinesse of minde, butt to receive amendements to have any thinge taken from itt that may bee made apparent by cleare reason to bee inconvenient or dishonest. This ought to bee our consideration and yours, saving [that] in this you have the advantage of us—you that are the souldiers you have nott—butt you that are nott [soldiers] you reckon your selves att a loose and att a liberty, as men that have noe obligation uppon you. Perhaps wee conceive wee have; and therefore this is that I may say—both to those that come with you, and to my fellow officers and all others that heare mee—that it concernes us as wee would approve our selves [as honest men] before God, and before men that are able to judge of us, if wee doe nott make good engagements, if wee doe nott make good that that the world expects wee should make good. I doe nott speake to determine what that is, butt if I bee nott much mistaken wee have in the time of our danger issued out Declarations; wee have bin requir'd by the Parliament, because our Declarations were generall, to declare particularly what wee meant; and having done that how farre that obliges or nott obliges [us] that is by us to bee consider'd, if wee meane honestly and sincerely and to approve our selves to God as honest men. And therefore having heard this paper read, this remaines to us; that wee againe review what wee have engaged in, and what wee have that lies uppon us. Hee that departs from that

that is a reall engagement and a reall tye upon him, I thinke hee transgresses without faith, for faith will beare uppe men in every honest obligation, and God does expect from men the performance of every honest obligation. Therefore I have noe more to say butt this; wee having received your paper shall amongst our selves consider what to doe; and before wee take this into consideration, itt is fitt for us to consider how farre wee are obliged, and how farre wee are free; and I hope wee shall prove our selves honest men where wee are free to tender any thinge to the good of the publique. And this is that I thought good to offer to you upon this paper.

Mr. Wildman.

Being yesterday att a Meeting where divers Country-Gentlemen, and souldiers and others were, and amongst the rest the Agents of the five Regiments, and having weigh'd their papers, I must freely confesse I did declare my agreement with them. Uppon that they were pleas'd to declare their sence in most particulars of their proceedinges to mee, and desir'd mee that I would bee their mouth, and in their names to represent their sence unto you; and uppun that ground I shall speake something in answer to that which your Honour last spake.

I shall nott reply any thinge att present till itt come to bee further debated, either concerning the consequences of what is propounded, or [the contents] of this paper; butt I conceive the cheif weight of your Honour's speech lay in this, that you were first to consider what obligations lay uppun you, and how farre you were engaged, before you could consider what was just in this paper now propounded; adding, that God would protect men in keeping honest promises. To that I must only offer this, that according to the best knowledge [I have] of their apprehensions, they doe apprehend that what ever obligation is past must bee consider'd afterwards, when itt is urged whether itt were honest or just or noe; and if [the obligation^a] were nott just itt doth nott oblige the persons, if itt bee an oath itt self. Butt if, while there is nott soe cleare a light, any person passes an Engagement, itt is judged by them, (and I soe judge itt), to bee an act of honesty for that man to recede from his former judgement, and to abhorre itt. And therefore I conceive the first thinge is to consider the honesty of what is offer'd, otherwise itt cannott bee consider'd of any obligation that doth prepossesse. By the consideration of the justice of what is offer'd that obligation shall appeare whether itt was just or noe. If itt were nott just, I cannott butt bee confident of the searinges of your consciences. I conceive this to bee their sence; and uppun this account, uppun a more serious review of all Declarations past, they see noe obligations which are just that they contradict by proceeding in this way.

Commissary Gen. Ireton.

Sure this Gentleman hath nott bin acquainted with our Engagements, for hee that will cry out of breach of Engagement in slight and triviall thinges, and thinges necessitated to, that is soe tender of an Engagement as to frame or concurre with this Booke^a in their insisting uppun every punctilio of Engagement, I can hardly thinke that man^b can bee of

that principle that noe Engagement is binding further then that hee thinkes itt just or noe. For itt hintes that, if hee that makes an Engagement (bee itt what itt will bee) have further light that this engagement was nott good or honest, then hee is free from itt. Truly if the sence were putt thus, that a man that findes hee hath entred into an engagement and thinkes that itt was nott a just Engagement, I confesse some thinge might bee said that [such] a man might declare himself for his parte to suffer some penalty uppon their persons, or uppon their partie. The question is, whether itt bee an Engagement to another partie. Now if a man venture into an Engagement from him [self] to another, and finda that Engagement [not] just and honest, hee must apply himself to the other partie, and say "I cannott actively performe itt, I will make you amends as neere as I can." Uppon the same ground men are nott obliged to [be obedient to] any aucthoritie that is settt uppe, though itt were this aucthority that is proposed heere, I am nott engaged to bee soe actively to that aucthority. Yett if I have engag'd that they shall binde mee by Law, though afterwards, I finde that they doe require mee to a thinge that is nott just or honest, I am bound soe farre to my Engagement that I must submitt and suffer, though I cannott act and doe that which their Lawes doe impose upon mee. If that caution were putt in where a performance of an Engagement might bee expected from another, and hee could nott doe itt because hee thought itt was nott honest to bee performed; if such a thinge were putt into the case, itt is possible there might bee some reason for itt. Butt to take itt as itt is deliver'd in generall, whatever Engagement wee have entred into, though itt bee a promise of somethinge to another partie, wherin that other partie is concerned, wherin hee hath a benefitt, if wee make itt good, wherin hee hath a prejudice if wee make itt nott good [that we are free to break it if it be not just]: this is a principle that will take away all Commonwealth[s], and will take away the fruite of this Engagement if itt were entred into; and men of this principle would thinke themselves as little as may bee [obliged by any law] if in their apprehensions itt bee nott a good Law. I thinke they would thinke themselves as little obliged to thinke of standing to that aucthority [that is proposed in this paper].

Truly Sir I have little to say att the present to that matter of the paper that is tendred to us. I confesse there are plausible thinges in itt, and there are thinges really good in itt, and there are those thinges that I doe with my heart desire, and there are those thinges for the most parte of itt [that] I shall bee soe free as to say, if these Gentlemen, and other Gentlemen that will joyne with them can obtaine, I would nott oppose, I should rejoyce to see obtayn'd. There are those thinges in itt, divers [of them]; and, if wee were as hath bin urged now, free; if wee were first free from consideration of all the dangers and miseries that wee may bringe uppon this people, [the danger] that when wee goe to cry out for the libertie of itt wee may nott leave a being [in it], free from all [those] Engagements that doe lie uppon us, and that were honest when they were entred into, I should concurre with this paper further then as the case doth stand I can. Butt truly I doe account wee are under Engagements; and I suppose that whatsoever this Gentleman that spoke last doth seeme to deliver to us, holding himself absolved from all Engagements, if hee thinkes itt, yett those men that came with him (that are in the case of the Armie,)a hold themselves

more obliged; and therefore that they will nott perswade us to lay aside all our former Engagements and Declarations, if there bee any thinge in them, and to concurre in this, if there bee any thinge in itt that is contrary to those Engagements which they call upon us to confirme. Therefore I doe wish that wee may have a consideration of our former Engagements, of thinges which are the Engagements of the Army generallie. Those wee are to take notice of, and sure wee are nott to recede from them till wee are convinc't of them that they are unjust. And when wee are convinc't of them that they are unjust, truly yett I must nott fully concurre with that Gentleman's principle, that presently wee are, as hee sayes, absolv'd from them, that wee are nott bound to them, or wee are nott bound to make them good. Yett I should thinke att least, if the breach of that Engagement bee to the prejudice of another whome wee have perswaded to beleive by our Declaring such thinges [so] that wee made them and led them to a confidence of itt, to a dependance upon itt, to a disadvantage to themselves or the loosing of advantages to them, though wee were convinc't they were unjust, and satisfied in this Gentleman's principle, and free, and disengag'd from them, yett wee who made that engagement should nott make itt our act to breake itt. Though wee were convinc't that wee are nott bound to performe itt, yett wee should nott make itt our act to breake [it]. And soe upon the whole matter I speake this to inforce. As upon the particulars of this Agreement; whether they have that goodnesse that they hold forth in shew? or whether are nott some defects in them which are nott seene? that if wee should rest in this Agreement without somethinge more [whether] they would nott deceive us? and whether there bee nott some considerations that would tend to union? And withall [I wish] that wee who are the Armie and are engag'd with publique Declarations may consider how farre those publique Declarations, which wee then thought to bee just, doe oblige, that wee may either resolve to make them good if wee can in honest wayes, or att least nott make itt our worke to breake them. And for this purpose I wish—unlesse the Councill please to meete from time to time, from day to day and to consider itt themselves—to goe over our papers and declarations and take the heads of them, I wish there may bee some specially appointed for itt; and I shall bee very glad if itt may bee soe that I my self may bee none of them.

Col. Rainborow.

I shall crave your pardon if I may speake somethinge freelie, and I thinke itt will bee the last time I shall speake heere, and from such a way that I never look't for. The consideration that I had in this Army and amongst honest men—nott that itt is an addition of honour and profitt to mee butt rather a detriment in both—is the reason that I speake somethinge by way of apologie. I saw this paper first by chance and had noe resolution to have bin att this Councill nor any other since I tooke this employment upon mee, butt to doe my duty.^a I mett with a Letter (which truly was soe strange to mee that I have bin a little troubled, and truly I have soe many sparkes of honour and honesty in mee) to lett mee know that my Regiment should bee immediatly disposed from mee. I hope that none in the Army will say butt that I have perform'd my duty, and that with some successe, as well as others. I am loath to leave the Army with whome I will live and die, insomuch that rather then I will loose this Regiment of mine the Parliament shall exclude mee the House,

[or] imprison mee; for truly while I am [employed] abroad I will nott bee undone att home. This was itt that call'd mee hither, and nott any thinge of this paper. Butt now I shall speake somethinge of itt.

I shall speake my minde; that whoever hee bee that hath done this hee hath done it with much respect to the Good of his Country. Itt is said there are many plausible thinges in itt. Truly, many thinges have engaged mee, which, if I had nott knowne they should have bin nothing butt Good, I would nott have engag'd in. Itt hath bin said, that if a man bee Engag'd hee must performe his Engagements. I am wholly confident that every honest man is bound in duty to God and his Conscience, lett him bee engag'd in what hee will, to decline itt when hee is engag'd and clearly convinc't to discharge his duty to God as ever hee was for itt; and that I shall make good out of the Scripture, and cleare itt by that if that bee any thinge. There are two objections are made against itt.

The one is Division. Truly I thinke wee are utterly undone if wee devide, butt I hope that honest things have carried us on thus longe, and will keepe us together, and I hope that wee shall nott devide. Another thinge is Difficulties. Oh unhappy men are wee that ever began this warre; if ever wee [had] look't uppon difficulties I doe nott know that ever wee should have look't an enemy in the face. Truly I thinke the Parliament were very indiscreete to contest with the Kinge if they did nott consider first that they should goe through difficulties; and I thinke there was noe man that entred into this warre that did nott engage [to go through difficulties]. And I shall humbly offer unto you—itt may bee the last time I shall offer—itt may bee soe, butt I shall discharge my conscience in itt—itt is this; that truly I thinke that lett the difficulties bee round about you, have you death before you, the sea on each side of you and behinde you, are you convinc't that the thinge is just I thinke you are bound in conscience to carry itt on; and I thinke att the last day itt can never bee answer'd to God that you did nott doe itt. For I thinke itt is a poore service to God and the Kingedome to take their pay and to decline their worke. I heare itt said, "Itt's a huge alteration, itt's a bringing in of New Lawes," and that this Kingedome hath bin under this Governement ever since itt was a Kingdome. If writings bee true there hath bin many scufflings betweene the honest men of England and those that have tyranniz'd over them; and iff itt bee [true what I have] read, there is none of those just and equitable lawes that the people of England are borne to butt that they are intrenchment altogether.^a Butt if they were those which the people have bin alwayes under, if the people finde that they are [not] suitable to freemen as they are, I know noe reason should deterre mee, either in what I must answer before God or the world, from indeavouring by all meanes to gaine any thinge that might bee of more advantage to them then the Government under which they live. I doe nott presse that you should goe on with this thinge, for I thinke that every man that would speake to itt will bee lesse able till hee hath some time to consider itt. I doe make itt my Motion, that two or three dayes time may bee sett for every man to consider, and all that is to bee consider'd is the justnesse of the thinge—and if that bee consider'd then all thinges are—that there may bee nothing to deterre us from itt, butt that wee may doe that which is just to the people.

Lieut. Generall.

Truly I am very glad, that this Gentleman that spoke last is heere, and nott sorry for the occasion that brought him hither; because itt argues wee shall enjoy his company longer then I thought wee should have done.

Col. Rainborow.

If I should nott bee kick't out.

Lieut. Generall.

And truly then I thinke itt shall nott bee longe enough. Butt truly I doe nott know what the meaning of that expression is, nor what the meaning of any hatefull worde is heere. For wee are all heere with the same integrity to the publique; and perhaps wee have all of us done our parts nott affrighted with difficulties, one as well as another; and I hope have all purposes henceforward, through the Grace of God, nott resolving in our owne strength, to doe soe still. And therefore truly I thinke all the consideration is, That amongst us wee are almost all souldiers; all considerations [of not fearing difficulties] or wordes of that kinde doe wonderfully please us, all words of courage animate us to carry on our businesse, to doe God's businesse, [and] that which is the will of God. I say itt againe, I doe nott thinke that any man heere wants courage to doe that which becomes an honest man and an Englishman to doe. Butt wee speake as men that desire to have the feare of God before our eyes, and men that may nott resolve to doe that which wee doe in the power of a fleshly strength, butt to lay this as the foundation of all our actions, to doe that which is the will of God. And if any man have a false deceit—on the one hand, deceitfulnesse, that which hee doth nott intend, or a perswasion on the other hand, I thinke hee will nott prosper.

Butt to that which was mov'd by Col. Rainborow, of the objections of difficulty and danger [and] of the consequences, they are nott proposed to any other end, butt [as] thinges fitting consideration, nott forged to deterre from the consideration of the businesse. In the consideration of the thinge that is new to us, and of every thinge that shall bee new that is of such importance as this is, I thinke that hee that wishes the most serious advice to bee taken of such a change as this is,—soe evident and cleare [a change]—who ever offers that there may bee most serious consideration, I thinke hee does nott speake impertinently. And truly itt was offer'd to noe other end then what I speake. I shall say noe more to that.

Butt to the other, concerning Engagements and breaking of them. I doe nott thinke that itt was att all offer'd by any body, that though an Engagement were never soe unrighteous itt ought to bee kept. Noe man offer'd a syllable or tittle [to that purpose]. For certainly itt's an act of duty to breake an unrighteous Engagement; hee that keepes itt does a double sin, in that hee made an unrighteous Engagement, and [in] that he goes about to keepe itt. Butt this was onely offer'd; and I know nott what can bee more fit, that before wee can consider of this [paper] wee labour to know where wee are, and where wee stand.

Perhaps wee are uppon Engagements that wee cannott with honesty breake, Butt lett mee tell you this, that hee that speakes to you of Engagements heere, is as free from Engagements to the Kinge as any man in all the world; and I know that a if itt were otherwise I believe my future actions would provoke some to declare itt. Butt I thanke God I stand uppon the bottome of my owne innocence in this particular; through the Grace of God I feare nott the face of any man, I doe nott. I say wee are to consider what Engagements wee have made, and if our Engagements have bin unrighteous why should wee nott make itt our indeavours to breake them. Yett if unrighteous Engagements b itt is nott a present breach of them unlesse there bee a consideration of circumstances. Circumstances may bee such as I may nott now breake an unrighteous Engagement, or else I may doe that which I did scandalously, if the thinge bee good. c If that bee true concerning the breaking of an unrighteous Engagement itt is much more verified concerning Engagements disputable whether they bee righteous or unrighteous. If soe, I am sure itt is fitt wee should dispute [them], and if, when wee have disputed them, wee see the goodnesse of God inlightening us to see our liberties, I thinke wee are to doe what wee can to give satisfaction to men. Butt if itt were soe, as wee made an Engagement in judgement and knowledge, soe wee goe off from itt in judgement and knowledge. Butt there may be just Engagements uppon us such as perhaps itt will bee our duty to keepe; and if soe itt is fitt wee should consider, and all that I said [was] that wee should consider our Engagements, and there is nothing else offer'd, and therefore what neede anybody bee angry or offended. Perhaps wee have made such Engagements as may in the matter of them nott binde us, in some circumstances they may. Our Engagements are publique Engagements. They are to the Kingedome, and to every one in the Kingdome that could looke uppon what wee did publiquely declare, could read or heare itt read. They are to the Parliament, and itt is a very fitting thinge that wee doe seriously consider of the thinges. And shortly this is that I shall offer: that because the Kingedome is in the danger itt is in, because the Kingdome is in that condition itt is in, and time may bee ill spent in debates, and itt is necessary for thinges to bee putt to an issue, if ever itt was necessary in the world itt is now, I should desire this may bee done.

That this Generall Councill may bee appointed [to meet] against a very short time, two dayes, Thursday, if you would, against Saturday, or att furthest against Munday: that there might bee a Committee out of this Councill appointed to debate and consider with those two Gentlemen, and with any others that are nott of the Army that they shall bringe, and with the Agitators of those five Regiments: that soe there may bee a liberall and free debate had amongst us, that wee may understand really as before God the bottome of our desires, and that wee may seeke God together, and see if God will give us an uniting spiritt. Give mee leave to tell itt you againe, I am confident there sitts nott a man in this place that cannott soe freely act with you, but if hee sees that God hath shutt uppe his way that hee cannott doe any service hee will bee glad to withdraw himself, and wish you all prosperity in that way as may bee good for the Kingedome. a And if this heart bee in us, as is knowne to God that searches our hearts and tryeth the reines, God will discover whether our hearts bee nott cleare in this businesse. Therefore I shall move that

wee may have a Committee amongst our selves [to consider] of the Engagements, and this Committee to dispute thinges with others, and a short day [to be appointed] for the Generall Council. I doubt nott butt if in sincerity wee are willing to submitt to that light that God shall cast in amonge us God will unite us, and make us of one heart and one minde. Doe the plausiblest thinges you can doe, doe that which hath the most appearance of reason in itt that tends to change, att this conjuncture of time you will finde difficulties. Butt if God satisfie our spiritts this will bee a ground of confidence to every good man, and hee that goes uppon other grounds hee shall fall like a beast. I shall desire this, that you or any other of the Agitators or Gentlemen that can bee heere will bee heere, that wee may have free discourses amongst our selves of thinges, and you will bee able to satisfie each other. And really, rather then I would have this Kingedome breake in pieces before some company of men bee united together to a settlement, I will withdraw my self from the Army tomorrow, and lay downe my Commission; I will perish before I hinder itt.[a](#)

Bedfordshire Man.

May itt please your Honour,

I was desired by some of the Agents to accompanie this paper, manifesting my approbation of itt after I had heard itt read severall times, and they desir'd that itt might bee offer'd to this Council, for the concurrence of the Council if itt might bee. I finde that the Engagements of the Army are att present the thinges which is insisted to bee consider'd. I confesse my ignorance in those Engagements, butt I apprehend, att least I hope, that those Engagements have given away nothing from the people that is the people's Right. Itt may bee they have promised the King his Right, or any other persons their Right, butt noe more. If they have promised more then their Right to any person or persons, and have given away any thinge from the people that is their Right, then I conceive they are unjust. And if they are unjust [they should be broken], though I confesse for my owne parte I am very tender of breaking an Engagement when itt concernes a particular person—I thinke that a particular person ought rather to sett downe and loose then to breake an Engagement—butt if any man have given away any thinge from another whose Right itt was to one or more whose Right itt was nott, I conceive these men may [break that engagement]—at least many of them thinke themselves bound nott onely to breake this Engagement, butt to place[a](#) to give every one his due. I conceive that for the substance of the paper itt is the peoples due; and for the change of the Governement which is soe dangerous, I apprehend that there may bee many dangers in itt, and truly I apprehend there may bee more dangers without itt. For I conceive if you keepe the Governement as itt is and bringe in the Kinge, there may bee more dangers then in changing the Governement. Butt however, because from those thinges that I heard of the Agents they conceive that this conjuncture of time may almost destroy them, they have taken uppon them a libertie of acting to higher thinges, as they hope, for the freedome of the Nation, then yett this Generall Council have acted to. And therefore as their sences I must make this motion; that all those that uppon a due consideration of the thinge doe finde itt to bee just and honest, and doe finde that if they have engaged any

thinge to the contrary of this itt is unjust and giving away the people's Rights, I desire that they and all others may have a free libertie of acting to any thinge in this nature, or any other nature, that may bee for the peoples good, by petitioning or otherwise; wherby the fundamentalls for a well-ordered Governement for the people's Rights may bee established. And I shall desire that those that conceive themselves bound uppe would desist, and satisfie themselves in that, and bee noe hinderances to hinder the people in a more perfect way then hath bin [yet] indeavour'd.

Capt. Awdeley.

I suppose you have nott thought fitt, that there should bee a dispute concerning thinges att this time. I desire that other thinges may bee taken into consideration, delays and debates. Delays have undone us, and itt must bee a great expedition that must further us, and therefore I desire that there may bee a Committee appointed.

Lieut. Col. Goffe.

I shall butt humbly take the boldnesse to put you in minde of one thinge which you moved enow.^a The Motion is, that there might bee a seeking of God in the thinges that now lie before us.

I shall humbly desire, that that Motion may nott die. Itt may bee there are or may bee some particular opinions amonge us concerning the use of ordinances and of publique seeking of God. Noe doubt formes have bin rested uppon too much; butt yett since there are soe many of us that have had soe many and soe large experiences of an extraordinarie manifestation of God's presence, when wee have bin in such extraordinarie wayes mett together, I shall desire that those who are that way [inclined] will take the present opportunity to doe itt. For certainly those thinges that are now presented, as they are, are well accepted by most of us; and though I am nott prepared to say any thinge either consenting or dissenting to the paper, as nott thinking itt wisdom to answer a matter before I have consider'd, yett when I doe consider how much ground there is to conceive there hath bin a withdrawing of the presence of God from us that have mett in this place—I doe nott say a totall withdrawing; I hope God is with us and amongst us. Itt hath bin our trouble night and day that God hath nott bin with us as formerly, as many within us soe without us [have told us], men that were sent from God in an extraordinarie manner to us. I meane [that though] the Ministers may take too much uppon them, yett there have bin those that have preached to us in this place, [in]^b severall places, wee know very well that they spake to our hearts and consciences, and told us of our wandringes from God, and told us in the name of the Lord, that God would bee with us noe longer then wee were with him. Wee have in some thinges wandred from God, and as wee have heard this from them in this place, soe have wee had itt very frequently prest uppon our spiritts [elsewhere], prest uppon us in the City and the Country. I speake this to this end, that our hearts may bee deeply and throughly affected with this matter. For if God bee departed from us hee is some where else. Iff wee have nott the will of God in these Councils God may bee found amonge some other Councils. Therefore I say, lett us

shew the spiritt of Christians, and lett us nott bee ashamed to declare to all the world, that our Councill, and our wisdom, and our wayes they are nott altogether such as the world hath walked in; butt that wee have had a dependencie uppon God, and that our desires are to follow God (though never soe much to our disadvantage in the world) if God may have the glory by itt. And I pray lett us consider this: God does seeme evidently to bee throwing downe the glory of all flesh; the greatest powers in the Kingedome have bin shaken. God hath throwne downe the glory of the Kinge and that partie; hee hath throwne downe a partie in the Citty; I doe nott say, that God will throw us downe—I hope better thinges—butt hee will have the glory; lett us nott stand uppon our glory and reputation in the world. If wee have done some thinges through ignorance, or feare, or unbelief, in the day of our straights, and could nott give God that glory by beleiving as wee ought to have done, I hope God hath a way for to humble us for that, and to keepe us as instruments in his hand still. There are two wayes that God doth take uppon those that walke obstinately against him; if they bee obstinate and continue obstinate hee breakes them in pieces with a rod of iron; if they bee his people and wander from him hee takes that glory from them, and takes itt to himself. I speake itt I hope from a divine impression. If wee would continue to bee instruments in his hand, lett us seriously sett our selves before the Lord, and seeke to him and waite uppon him for conviction of spiritts. Itt is nott enough for us to say, “if wee have offended wee will leave the world, wee will goe and confesse to the Lord what wee have done amisse, butt wee will doe noe more soe.’ Aaron went uppe to Hur and died, and Moses was favour’d to see the land of Canaan, hee did nott voluntarily lay himself aside. I hope our strayings from God are nott soe great, butt that a conversion and true humiliation may recover us againe; and I desire that wee may bee serious in this, and not despise any other instruments that God will use. God will have his worke done; itt may bee wee thinke wee are the onely instruments that God hath in his hands. I shall onely adde these two thinges. First, that wee bee warie how wee lett forth any thinge against his people, and that which is for the whole Kingedome and Nation. I would move, that wee may nott lett our spiritts act too freely against them till wee have throughly weighed the matter, and considered our own wayes too. The second is to draw us uppe to a serious consideration of the weightiness of the worke that lies before us, and seriously to sett our selves to seeke the Lord; and I wish itt might bee consider’d of a way and manner that itt should be conveniently done, and I thinke to morrow will bee the [best] day.

Lieut Generall.

I know nott what Lieut. Col. Goffe meanes for to morrow for the time of seeking God. I thinke itt will bee requisite that wee doe itt speedily, and doe itt the first thinge, and that wee doe itt as unitedly as wee can, as many of us as well may meete together. For my parte I shall lay aside all businesse for this businesse, either to convince or bee convinc’t as God shall please. I thinke itt would bee good that to morrow morning may bee spent in prayer, and the afternoone might bee the time of our businesse. I doe nott know that these Gentlemen doe assent to itt that to morrow in the afternoone might bee the time.

Lieut. Col. Goffe.

I thinke wee have a great deale of businesse to doe, and wee have bin doing of itt these ten weekes. Itt is an ordinance that God hath blest to this end. I say goe about what you will, for my parte I shall nott thinke any thinge can prosper, unlesse God bee first sought.

If that bee approved of, that to morrow shall bee a time of seeking the Lord, and that the afternoone shall bee the time of businesse, if that doth agree with your opinion and the generall sence, lett that bee first order'd.

Com̃. Gen. Ireton.

That which Lieut. Col. Goffe offer'd hath [made] a very great impression uppon mee; and indeed I must acknowledge to God through him, that, as hee hath severall times spoke in this place, and elsewhere to this purpose, hee hath never spoke butt hee hath touched my heart; and that especially in the point that hee hintes. That one thinge is, that in the time of our straights and difficulties, I thinke wee none of us—I feare wee none of us—I am sure I have nott—walked soe closely with God, and kept soe close with him, [as] to trust wholly uppon him, as nott to bee led too much with considerations of danger and difficulty, and from that consideration to waive some thinges, and perhaps to doe some thinges, that otherwise I should nott have thought fitt to have done. Every one hath a spiritt within him—especially [he] who has that communion indeed with that spirit that is the only searcher of hearts—that can best search out and discover to him the errorrs of his owne wayes, and of the workinges of his owne heart. And though I thinke that publique actinges, publique departings from God are the fruites of unbeleif and distrust, and nott honouring God by sanctifying him in our wayes; they doe more publiquely engage God to vindicate his honour by a departing from them that doe soe, and if there bee any such thinge in the Army that is to bee look't uppon with a publique eye in relation to the Army. a I thinke the maine thinge is for every one to waite uppon God, for the errorrs, deceits, and weaknesses of his owne heart, and I pray God to bee present with us in that. Butt withall I would nott have that seasonable and good Motion that hath come from Lieut. Col. Goffe to bee neglected, of a publique seeking of God, and seeking to God, as for other thinges soe especially for the discovery of any publique deserting of God, or dishonouring of him, or declining from him, that does lie as the fault and blemish uppon the Army. Therefore I wish his Motion may bee pursued, that the thinge may bee done, and for point of time as was moved by him. Onely this to the way; I confesse I thinke the best [way] is this, that itt may bee only taken notice of as a thinge by the agreement of this Councill resolv'd on, that tomorrow in the morning, the forenoone wee doe sett aparte, wee doe give uppe from other businesse, for every man to give himself uppe that way, either in private by himself, though I cannott say not in public. For the publique Meeting att the Church, itt were nott amisse that itt may bee thus taken notice of as a time given from other employments for that purpose, and every one as God shall incline their hearts, some in one place, and some another, to imploy themselves that way.

Agreed for the Meeting for Prayer to bee att Mr. Chamberlaine's

Lieut. Gen.

That they should nott meete as two contrary parties, butt as some desirous to satisfie or convince each other.

Mr. Petty.

For my owne parte, I have done as to this businesse what was desired by the Agents that sent mee hither. As for any further Meeting to morrow or any other time I cannott meete upon the same ground, to meete as for their sence, [but only] to give my owne reason why I doe assent to itt.

Com̃. Ireton.

I should bee sorry, that they should bee soe suddaine to stand upon themselves.

Mr. Petty.

To procure three, four, or five more or lesse to meete, for my owne parte I am utterly unconcern'd in the businesse.

Buffe-Coate.

I have heere att this day answer'd the expectations, which I engaged to your Honours; which was, that if wee would give a Meeting you should take that as a symptome, or a remarkeable testimonie of our fidelitie. I have discharged that trust reposed in mee. I could nott engage for them. I shall goe on still in that method. I shall engage my deepest interest for any reasonable desires to engage them to come to this.

Lieut. Generall.

I hope wee know God better then to make appearances of Religious Meetings as covers for designes for insinuation amongst you. I desire that God that hath given us some sinceritie will owne us according to his owne goodnesse, and that sincerity that hee hath given us. I dare bee confident to speake itt, that [design] that hath bin amongst us hitherto is to seeke the guidances of God, and to recover that presence of God that seemes to withdraw from us; and our end is to accomplish that worke which may bee for the good of the Kingedome. It seems to us in this as much as anything we are not of a minde, and for our parts wee doe nott desire or offer you to bee with us in our seeking of God further then your owne satisfactions lead you, butt onely [that] against to-morrow in the afternoone (which will bee design'd for the consideration of these businesses with you) you will doe what you may to have soe many as you shall thinke fitt to see what God will direct you to say to us. Perhaps God may unite us and carry us both one way, that whilest wee are going one way, and you another, wee bee nott both destroyed. This requires spiritt. Itt may bee too soone to say, itt is my present apprehension; I had rather wee should devolve our strength to you then that the Kingedome for our division should suffer losse.^a For that's in all our hearts, to professe above any thinge that's worldlie, the publique good

of the people; and if that bee in our hearts truly, and nakedlie, I am confident itt is a principall that will stand. And therefore I doe desire you, that against to morrow in the afternoone, if you judge itt meete, you will come to us to the Quartermaster Generall's Quarters, and there you will finde us [at prayer], if you will come timely to joyne with us; at your libertie, if afterwards [you wish] to speake with us.b

Mr Wildman.

I desire to returne a little to the businesse in hand that was the occasion of these other motions. I could nott butt take some notice of some thinge that did reflect uppon the Agents of the five Regiments, in which I could nott butt give a little satisfaction to them; and I shall desire to prosecute a motion or two that hath bin already made. I observ'd that itt was said, that these gentlemen doe insist upon Engagements in "The Case of the Army," and therefore it was said to bee contrary to the principles of the Agents, that an Engagement which was unjust should lawfully bee broken.c I shall onely observe this; that though an unjust Engagement when itt appeares unjust may bee broken, yett when two parties engage [each that] the other partie may have satisfaccion, yett because they are mutually engaged each to other one partie that apprehends they are broken [is justified] to complaine of them; and soe itt may bee their case, with which I confesse I made my concurrence. The other is a principle much spreading and much to my trouble, and that is this: that when persons once bee engaged, though the Engagement appeare to bee unjust, yett the person must sett downe and suffer under itt; and that therefore, in case a Parliament, as a true Parliament, doth anythinge unjustly, if wee bee engaged to submitt to the Lawes that they shall make, if they make an unjust law, though they make an unrighteous law, yett wee must sweare obedience.

I confesse to mee this principle is very dangerous, and I speake itt the rather because I see itt spreading abroad in the Army againe. Wheras itt is contrary to what the Army first declar'd: that they stood uppon such principles of right and freedome, and the lawes of nature and nations, wherby men were to preserve themselves though the persons to whome aucthority belong'd should faile in itt, and urged the example of the Scotts, and [that] the Generall that would destroy the Army they might hold his hands; and therefore if any thinge tends to the destruction of a people, because the thinge is absolutely unjust and tends to their destruction, [they may preserve themselves].a I could nott butt speake a worde to that. The motion that I should make uppon that account is this.

That wheras there must bee a Meeting I could nott finde [but] that they were desirous to give all satisfaccion, and they desire nothing but the union of the Army. Thus farre itt is their sence. That the necessity of the Kingdome for present actinges is such that two or three dayes may loose the Kingdome. I desire in the sight of God to speake plainly: I meane there may bee an agreement betweene the Kinge [and the Parliament] by propositions, with a power to hinder the making of any lawes that are good, and the tendring of any good [lawes]. And therefore, because none of the people's greivances are redrest, they doe apprehend that thus a few dayes may bee the losse of the Kingedome. I know it is their sence. That they desire to bee excused that itt might nott bee thought any

arrogancie in them, butt they are clearlie satisfied, that the way they proceede in is just, and desire to bee excus'd if they goe on in itt; and yett notwithstanding will give all satisfaccion. And wheras itt is desir'd that Engagements may bee consider'd, I shall desire that onely the justice of the thinge that is proposed may bee consider'd. Whether the chief thinge in the Agreement, the intent of itt, bee nott this, to secure the Rights of the people in their Parliaments, which was declar'd by this Army in the Declaration of the 14th of June to bee absolutely insisted on? I shall make that motion to bee the thinge consider'd: whether the thinge bee just or the people's due, and then there can bee noe Engagement to binde from itt.

Com̃. Gen. Ireton.

Truly Sir, by what Lieut. Col. Goffe moved I confesse I was soe taken off from all [other] thoughts in this businesse that I did nott thinke of speaking any thinge more. Butt what this Gentleman hath last said hath renewed the occasion, and indeed if I did thinkea all that hee hath deliver'd bee truth and innocence—nay, if I did nott thinke that it hath venome and poyson in itt—I would nott speake itt.

First, I cannott butt speake somethinge unto the two particulars that hee holds forth as dangerous thinges,—indeed hee hath cleerlie yoak't them together, when before I was sensible of those principles and how farre they would run together—that is that principle of nott being obliged, by nott regarding what Engagements men have entred into, if in their future apprehensions the thinges they engaged to are unjust; and that principle on the other hand of nott submitting passively for peace sake to that authority wee have engaged to. For hee does hold forth his opinion in those two points to cleare their way; and I must crave leave on my parte to declare [that] my opinion of that Distinction doth lie on the other way. I am farre from holding, that if a man have engag'd himself to a thinge that is nott just—to a thinge that is evill, that is sin if hee doe itt—that that man is still bound to performe what hee hath promised; I am farre from apprehending that. Butt when wee talke of just, itt is nott soe much of what is sinfull before God, which depends uppon many circumstances of indignation to that man and the like, butt itt intends of that which is just according to the foundation of justice betweene man and man. And for my parte I account that the great foundation of justice betweene man and man, and that without which I know nothing of justice betwixt man and man—in particular matters I meane, nothing in particular thinges that can come under humane Engagement one way or other—there is noe other foundation of right I know of, right to one thinge from another man, noe foundation of that justice or that righteousnesse, butt this generall justice, and this generall ground of righteousnesse, that wee should keepe covenant one with another. Covenants freely made, freely entred into, must bee kept one with another. Take away that I doe nott know what ground there is of any thinge you can call any man's right. I would very faine know what you Gentlemen or any other doe account the right you have to any thinge in England, any thinge of estate, land, or goods that you have, what ground, what right you have to itt? What right hath any man to any thinge if you lay nott that principle, that wee are to keepe covenant? If you will resort onely to the law of Nature, by

the law of Nature you have noe more right to this land or any thinge else then I have. I have as much right to take hold of any thinge that is for my sustenance, [to] take hold of any thinge that I have a desire to for my satisfaction as you. Butt heere comes the foundation of all right that I understand to be betwixt men, as to the enjoying of one thinge or nott enjoying of itt; wee are under a contract, wee are under an agreement, and that agreement is what a man has for matter of land that a man hath received by a traduction from his ancestors, which according to the law does fall uppon him to bee his right. [The agreement is] that that hee shall enjoy, hee shall have the property of, the use of, the disposing of, with submission to that generall auctoritie which is agreed uppon amongst us for the preserving of peace, and for the supporting of this law. This I take to bee [the foundation of all right] for matter of land. For matter of goods, that which does fence mee from that [right] which another man may claime by the law of nature of taking my goods, that which makes itt mine really and civillie is the law. That which makes itt unlawfull originally and radically is onely this: because that man is in covenant with mee to live together in peace one with another, and nott to meddle with that which another is posses't of, butt that each of us should enjoy, and make use of, and dispose of, that which by the course of law is in his possession, and [another] shall nott by violence take itt away from him. This is the foundation of all the right any man has to any thinge butt to his owne person. This is the generall thinge: that wee must keepe covenant one with another when wee have contracted one with another. And if any difference arise among us itt shall bee thus and thus: that I shall nott goe with violence to prejudice another, butt with submission to this way. And therefore when I heare men speake of laying aside all Engagements to [consider only] that wild or vast notion of what in every man's conception is just or unjust, I am afraid and doe tremble att the boundlesse and endlesse consequences of itt.^a What you apply this paper to. You say, "If these thinges in this paper, in this Engagement bee just, then," say you, "never talke of any Engagement, for if any thinge in that Engagement bee against this, your Engagement was unlawfull; consider singly this paper, whether itt bee just." In what sence doe you thinke this is just? There is a great deale of equivocation [as to] what is just and unjust.

Mr. Wildman.

I suppose you take away the substance of the question. Our^b [sense] was, that an unjust Engagement is rather to be broken then kept. The Agents thinke that to delay is to dispose their Enemy into such a capacitie as hee may destroy them. I make a question whether any Engagement can bee to an unjust thinge. [If] a man may promise to doe that which is never soe much unjust, a man may promise to breake all Engagements and duties. Butt [I say] this, wee must lay aside the consideration of Engagements, soe as nott to take in that as one ground of what is just or unjust amongst men in this case. I doe apply this to the case in hand: that itt might bee consider'd whether itt bee unjust to bringe in the Kinge in such a way as hee may bee in a capacity to destroy the people. This paper may bee applied to itt.

Com^c. Generall.

You come to itt more particularly then that paper leads. There is a great deale of equivocation in the point of justice, and that I am bound to declare.

Capt. Awdeley.

Mr. Wildman sayes if wee stay butt three dayes before you satisfie one another, and if wee tarry longe the kinge will come and say who will be hang'd first.

Com̃ Gen.

Sir, I was saying this; wee shall much deceive our selves, and bee apt to deceive others if wee doe nott consider that there is two parts of justice. There may bee a thinge just that is negatively [so], itt is nott unjust, nott unlawfull—that which is nott unlawfull, that's just to mee to doe if I bee free. Againe there is another sence of just when wee account such a thinge to bee a duty,—nott onely a thinge lawfull "we may doe itt," but itt's a duty, "you ought to doe itt,"—and there is a great deale of mistake if you confound these two. If I engage my self to a thinge that was in this sence just, that's a thinge lawfull for mee to doe supposing mee free, then I account my Engagement stands good to this. On the other hand, if I engage my self against a thinge which was a duty for mee to doe, which I was bound to doe; or if I engag'd myself to a thinge which was nott lawfull for mee to doe, which I was bound nott to doe, in this sence I doe account this [engagement] unjust. If I doe engage my self to what was unlawfull for mee to engage to, I thinke I am nott then to make good activelie this Engagement. Butt though this bee true, yett the generall end and equitie of Engagements I must regard, and that is the preserving right betwixt men, the nott doing of wronge or hurt to men, one to another. And therefore if [by] that which I engage to, though the thinge bee unlawfull for mee to doe, another man bee prejudict in case I did not perform it—though itt bee a thinge which was unlawfull for mee to doe, yett [if] I did freelie [engage to do it] and I did [engage] uppon a consideration to mee, and that man did beleive mee, and hee suffer'd a prejudice by beleiving—though I bee nott bound by my Engagement to performe itt, b yett I am [bound] to regard that justice that lies in the matter of Engagement, soe as to repaire that man by some just way as farre as I can; and hee that doth nott hold this, I doubt whether hee hath any principle of justice, or doing right to any att all in him. That is [if] hee that did nott thinke itt lawfull hath made another man beleive itt to his prejudice and hurt, and [made] another man bee prejudic't and hurt by that, hee that does nott hold that hee is in this case to repaire [it] to that man, and free him from [the prejudice of] itt, I conceive there is noe justice in him. And therefore I wish wee may take notice of this distinction when wee talke of being bound to make good Engagements or nott. This I thinke I can make good in a larger dispute by reason. If the thinges engaged to were lawfull to bee done, or lawfull for mee to engage to, then [I] by my Engagement am c bound to [perform] itt. On the other hand if the thinge were nott lawfull for mee to engage, or [if it were] a duty for mee to have done to the contrary, then I am nott bound positively and actively to performe itt. Nay I am bound nott to performe itt, because itt was unlawfull [and] unjust by another Engagement. Butt when I engage to another man, and hee hath a prejudice by beleiving, I nott performing itt, I am bound to repaire that man as much as may bee, and lett the

prejudice fall upon my self and nott uppon any other. This I desire wee may take notice of to avoide falacie on that part. For there is an extremity to say on the one hand, that if a man engage what is nott just hee may act against itt soe as to regard noe relation or prejudice. [There's an extremity] for a man to say on the other hand, that whatsoever you engage, though itt bee never soe unjust, you are to stand to itt. One worde more to the other parte which Mr. Wildeman doth hold out as a dangerous principle acting amongst us, that wee must bee bound to active obedience to any power acting amongst men.

Wildman.

You repeat not the principle right—"To thinke that wee are bound soe absolutely to personall obedience to any Magistrates or personall aucthoritie that if they worke to our destruction wee may nott oppose them."

[Ireton.]

That wee may nott deceive ourselves againe [by arguments] that are fallacious in that kinde I am a little affected to speake in this, because I see that the abuse and misapplicationa of those thinges the Army hath declar'd hath led many men into a great and dangerous error and destructive to all humane society. Because the Army hath declar'd, in those cases where the foundation of all that right and libertie of the people is, if they have any, that in these cases they will insist uppon that right, and that they will nott suffer that originall and fundamentall right to bee taken away; and because the Army when there hath bin a command of that supream aucthority the Parliament have nott obeyed itt, butt stood uppon itt to have this fundamentall right settled first, and requir'd a rectification of the supream aucthority of the Kingedome; for a man therfore to inferre [that] uppon any particular, you may dispute that aucthority by what is commanded what is just or unjust, if in your apprehension nott to obey, and soe farre itt is well, and if itt tend to your losse to oppose itt.b

Mr. Wildman.

If itt tend to my Destruction that was the worde I spoke.

Com̃. Gen.

Lett us take heede that wee doe nott maintaine [that] this principle leads to destruction. If the case were soe visible as those cases the Army speaks of, of a Generall's turning the cannon against the Army, the bulke and body of the Army; or [of] a Pylott that sees a rock [and] does by the advantage of the steeringa putt the shippe uppon't; if you could propose cases as evident as these are, there is noe man butt would agree with you. Butt when men will first putt in those termes of destruction, they will imagine any thinge a destruction, if there could bee any thinge better [for them]; and soe itt is very easy and demonstrable that thinges are soe counted abhorred and destructive, that, att the utmost if a man should make itt out by reason, that manb would bee in a better condition if itt bee nott done, then if itt bee done. And though I cannott butt subscribe to, that in such a

visible way I may hold the hands of those that are in aucthority as I may the hands of a mad-man; butt that noe man shall thinke himself [bound] to acquiesce particularly, and to suffer for quietnesse sake rather than to make a disturbance, or to raise a power if hee can to make a disturbance in the State—I doe apprehend and appeale to all men whether there bee nott more follie or destructivenessse in the springe of that principle then there can bee in that other principle of holding passive obedience? Now whatsoever wee have declar'd in the Armie [declarations] itt is noe more butt this. The Parliament hath commanded us [to do] this. Wee have said, noe. First wee have insisted uppon [the] fundamentall rights of the people. Wee have said wee desire [first] to have the constitution of the supreame aucthority of this Kingedome reduced to that constitution which is due to the people of this Kingedome, and reducing the aucthority to this wee will submitt to itt, wee will acquiesce, wee will cast our share into this common bottome; and if itt goe ill with us att one time, itt will goe well att another. The reducing of the supreame aucthority to that constitution, by successe or election as neere as may bee, wee have insisted uppon as an essentiall right of the Kingedome; and noe man can accuse the Armie of disobedience, or holding forth a principle of disobedience uppon any other ground.

Lieut. Generall.

Lett mee speake a worde to this businesse. Wee are now uppon that businesse which wee spake of consulting with God about, and therfore I judge it altogether unreasonable^a for us to dispute the meritt of those thinges, unlesse you will make itt the subject of debate before you consider itt among your selves. The businesse of the Engagement[s] lies uppon us. They^b are free in a double respect; they made none, and if they did, then the way out is now; and [it is a way] which all the members of the Army, except they bee sensible of itt [may take], and, att one jumpe, jumpe out of all [engagements], and itt is a very great jumpe I will assure you. As wee professe wee intend to seeke the Lord in the thinge, the less wee speake in itt [now] the better, and the more wee cast ourselves uppon God the better.

I shall onelie speake two thinges to Mr. Wildman in order to our Meeting. Mee thoughte hee said if there bee delay hee feares this businesse will bee determind, the propositions will bee sent from the Parliament, and the Parliament and Kinge agree, and soe those Gentlemen that were in that minde to goe on in their way will bee cutt off in point of time to their owne dissadvantage. And the other thinge hee said was, that these Gentlemen who have chosen Mr. Wildman, and that other Gentleman,^c to bee their mouth att this meeting to deliver their mindes, they are uppon the matter engaged in what they have resolved uppon, and they come as engaged men uppon their owne resolution. If that bee soe, I thinke there neither needes consideration of the former, for you will not bee anticipated. If that bee soe, you [can] worke accordingly. And though you [do] meete us, yett having that resolution you cannott bee prevented in your way by any proposition, or any such thinge; though wee should have come hither, and wee should meete to morrow as a company of men that really would bee guided by God. If any come to us to morrow

only to instruct us and teach us, how farre that will consist with the libertie of a free a [debate] or an end of satisfaction I referre to every sober spiritted man to thinke of and determine. b I thinke itt is such a preengagement that there is noe neede of talke of the thinge. And I see then if that bee soe, things are in such an irrevocable way—I will nott call itt desperate—as there is noe hope of accomodation or union, except wee receive the Councill— I will nott call itt the commands— of them that come to us. I desire that wee may rightly understand this thinge. If this bee soe I doe nott understand what the end of the meeting will bee. If this bee nott soe, wee c will [not] draw any man from their Engagements further then the Light of God shall draw them from their Engagements; and I thinke, according to your owne principle, if you bee uppon any Engagement you are liable to bee convinc't unlesse you bee infallible. If wee may come to an honest and single debate, how wee may all agree in one common way for publique good; if wee [may] meete soe, wee shall meete with a great deale the more comfort, and hopes of a good and happy issue, and understanding of the businesse. Butt if otherwise, I despaire of the Meeting; or att least I would have the Meeting to bee of another notion, a Meeting that did represent the Agitators of five Regiments to give rules to the Councill of Warre. If itt signifie this, for my owne parte I shall bee glad to submitt to itt under this notion. If itt bee a free debate what may bee fitt for us all to doe, with clearnesse and opennesse before the Lord, lett us understand that wee may come and meete soe and in that sincerity. a Otherwise I doe verily believe wee shall meete with prejudice, and we shall meete to prejudice—really to the prejudice of the Kingedome, and of the whole Army—if wee bee thus absolutely resolved uppon our way and engaged before hand. The Kingedome will see itt is such a reall actuall division as admitts of noe reconciliation, and all those that are enemies to us and freinds to our enemies will have the clearer advantage uppon us to putt us into inconveniency. And I desire if there bee any feare of God among us, I desire that wee may declare ourselves freely, that wee doe meete uppon these termes.

Col. Rainborow.

I wish, that the Motion of Lieut. Col Goffe might have taken effect, nott only to the time and place for Meeting [but] as hee desir'd. Butt, Sir, since itt is gone thus farre, and since I heare much of fallacie talk't of, I feare itt as much on the one side as the other. Itt is made a wonder b of that some Gentlemen without should have principles to breake Engagements, yett [it is made no wonder of] that some Gentlemen within should soe much insist uppon Engagements. I doe nott consider my self as jumping, butt yett I hope when I leape I shall take soe much of God with mee, and soe much of just and right with mee, as I shall jumpe sure. Butt I am more unsatisfied against [another of] those thinges that have bin said, and that is as to another Engagement. For all that hath bin said hath bin [as to engagements] betweene partie and partie, if two men should make an agreement and the like, and there were noe living one amongst another if those Engagements were nott made [good], yett I thinke under favour that some Engagements may bee broke. Noe man that takes a wife butt there is an Engagement, and I thinke that a man ought to keepe itt, yett if another man that had married her before claimes her,

hee ought to lett him have her and soe breake the Engagement. Butt whereas it is told us, this engagement is of another nature,a that the partie to whome wee make the Engagement relyed uppon [it], and becomes therby prejudic't, [and so] wee ought to take itt rather uppon ourselves then to leave itt uppon them,—this may serve in a particular case, if any menb heere will suffer they may; butt if wee will make our selves a third partie, and engage betweene Kinge and Parliament, [it is not a particular case] and I am of that Gentlemans minde that spoke, the Kinges partie would have bin about our eares if wee had nott made some considerations. Heere is the consideration now. As concerning them, doe wee nott engage for the Parliament and for the liberties of the people of England, and doe wee nott engage against itt? Wee have gott the better of them in the feild, butt they shall bee masters of our Houses. Never was Engagements broken more then wee doe. Wee did take uppe Armes with all that tooke parte with the Parliament and wee engag'd with them.c For my parte itt may bee thought that I am against the Kinge; I am against him or any power that would destroy Gods people, and I will never bee destroyed till I cannott helpe my self. Is itt nott an argument, if a pylott run his shipp uppon a rock, or [if] a Generall mount his cannon against his Army, hee is to bee resisted? I thinke that this as cleare the very case as any thinge in the world. For clearly the Kinge and his partie could nott have come in uppon those termes that hee is come[to] in [on], if this very Army did nott engage for him; and I verily thinke that the House had nott made another addresse, if itt had nott bin said that itt was the desire of the Army, and the Army were engaged to itt. Therefore I say I hope men will have charitable opinions of other men. For my parte I thinke I shall never doe any thinge against conscience, and I shall have those hopes of others. That which is deare unto mee is my freedome. Itt is that I would enjoy, and I will enjoy if I can. For my owne parte I hope there is noe such distance betwixt these Gentlemen as is imagin'd, butt they will heare reason that may convince them out of itt. I doe verily beleive they are soe farre from a disunion that they will bee advis'd by this Councill in generall, or by any honest man of this Councill in particular. I have nott the same apprehensions that two or three dayes will undoe us, butt I thinke a very little delay will undoe us; and therefore I should onely desire, (itt may bee because I have spoken some other may answer mee) the lesse wee speake itt may bee the better. And as this Agitator whoma I never saw before, said that hee will use his interest, I hope that God will doe somethinge in that for our next Meeting to morrow, that when wee doe meete wee shall have a very happy union.

Bufte-coate.

That hee could breake Engagements in case they [were] proved unjust and that itt might [so] appeare to his conscience. That whatsoever hopes or obligations I should bee bound unto, if afterwards God should reveale himself, I would breake itt speedily, if itt were an 100 a day; and in that sence wee deliver'd our sence.

Mr. Wildman.

Provided, that what is done tends to destruction, either self destruction or to [the destruction of] my neighbour especially. Unlawfull Engagements [are] Engagements

against duty, and an Engagement to any person to bring him in such a way as hee may bee enabled to engage, itt is that which may tend to destruction.[a](#)

Lieut. Generall.

I thinke clearly you were understood to putt itt uppon an issue where there is clearly a case of destruction, publique destruction, and ruine; and I thinke this will bringe itt into consideration whether or noe our Engagements have really in them that that hath publique destruction and ruine necessarily following? or whether or noe wee may nott give way too much to our owne doubts or feares? and the issue will bee [b](#) whether itt bee lawfull to breake a covenant uppon our owne doubts and feares? I thinke [best] if wee agree to deferre the debate, to nominate a Committee.

Col. Rainborow.

One worde. I am of another opinion. Nott that the Engagements of the Army are look't uppon as destructive, butt the nott-performance of the Engagements of the Army is that which is destructive.

Com̃. Ireton.

I thinke Mr. Wildman's conclusion is, that they are destructive because they are destructive to our neighbours.

Mr. Wildman.

That if an Engagement were such itt does nott binde.

Com̃. Ireton.

Then if itt were a compliance, or such a Meeting nott for a Law butt for satisfaction, since wheras the only ground which the thinge seemes to mee to bee represented that these Gentlemen thinke that there owne agreement is soe cleare, soe infallibly just and right, that. I doe thinke those Gentlemen have nott soe much ground of confidence to each parte of that agreement as itt lies there, that whatever goes about to take itt from them, or whatever does nott agree to itt, is a thinge unlawfull, butt somethinge may bee seene in that if you come, in the Engagement of itt; and therefore in that relation, and nott your owne principalls that you would admitt of soe much conference as to question itt.[a](#)

Mr. Lockyer.

I have gather'd from two men's mouthes, that destruction is somethinge neere, and the cause of the destruction as they understand is the going of the proposalls to the Kinge. I thinke itt were very necessary that if itt bee true, as is suppos'd, the proposalls may bee brought hither when they doe goe, that wee may see what they are.

Lieut. Generall.

The Question is whether the propositions will save us, or [whether they will] nott destroy us. This discourse concludes nothing.

Capt. Merriman.

One partie feares, That the Kinge will rise by the proposalls, another that hee will loose.

I thinke that most mens eyes are open to see that they are like to prove a broken reede, and that your charriott wheeles doe move heavily, and that this Engagement which is the ground of most of your discourse.^a You both desire a succession of Parliaments. The fundamentall businesse of itt is the desire of most of this Councill, to have this Parliament that itt might nott be perpetuated and I thinke when.

That this Oedipus riddle is un-open'd, and this Gordian knott untied, and the enemies of the same, and the spiritt of God are the same in both, and the principles of both are the same. You have both promised to free the people, which you may doe by taking off tythes and other Antichristian yoakes uppon them, and [to] give contents to the souldiers, and I hope that when you meete together itt will bee for good, and not for evill.

Bufte-Coate.

Wheras this Gentleman that wee have requested to come alonge with us hath declar'd some parte of their resolutions with us, and wee are resolved that wee will have the peace of the Kingedome if wee can, and yett notwithstanding if a furtherance^b for the manner of procuring of itt is what God shall direct unto us, I would nott have you judge that wee will deny that Light, till that you know what wee will doe. Noe man can judge soe of any man. A man cannott bee called to bee [of] a peremptory will or self willed, and and come resolved nolens volens [till you know what he will do]. Wee desire that better thoughts may bee of us.

Lieut. Chillenden.

I hope that these Gentlemen of the Five Regiments their ends are good, and hope their hearts doe tend to peace; and I shall move this, that they would willingly come to morrow, and joyne with us in our Councils together, and alsoe I shall humbly move, That after wee have sought God in the businesse, that God will make itt out to us, to see wherein wee have failed, and that their being with us, and our vigorous proceeding in itt, and these Gentlemen of the five Regiments they will manifest this by a sweete compliance in communicating Councils.

Lieut. Generall.

That which this Gentleman^a hath moved I like exceeding well; hee hath fully declar'd himself concerning the freedome of their spiritt as to principles. In generall they aime att peace and safetie, and really I am perswaded in my conscience itt is their aime [to act] as may bee most for the good of the people, for really if that bee nott the supream [aim]^b of us under God, (the good of the people) our principles fall. Now if that bee in your

spiritts and our spiritts, itt remains onely that God shew us the way, and lead us [in] the way, which I hope hee will. And give mee leave [to add] that there may bee some prejudices uppon some of your spiritts, and [uppon] such men that doe affect your way, that they may have some jealousies and apprehensions that wee are wedded and glewed to formes of Governement; soe that whatsoever wee may pretend, itt is in vaine for [you] to speake to us, or to hope for any agreement from us to you. And I beleive some such apprehensions as [that we are engaged to] some parte of the Legislative power of the Kingdome, where itt may rest besides in the Commons of the Kingedome. You will finde that wee are farre from being so particularly engaged to anything to the prejudice of this—further then the notorious engagements that the world takes notice of—that wee should nott concurre with you that the foundation and supremacy is in the people, radically in them, and to bee sett downe by them in their representations.^a And if wee doe soe [concur, we may also concur] for that that does remayne, how wee may run to that end that wee all aime att, and therefore lett us onely name the Committee.

Lieut. Col. Goffe.

You were pleased to say that somethinge which should bee offer'd by these Gentlemen^b gave you another occasion of the Meeting, if itt were onely design'd to lie uppon you. I hope that you did nott conceive, that any such ground did lie in my brest. I would speake this worde to the quickening of us to a good hope. I am verily perswaded if God carry us out to meete sincerely, as with free spiritts to open ourselves before the Lord, wee may bee found going on according to his will. I desire such prejudices may bee laid aside.

Mr. Allen.

A Meeting is intended to morrow; butt that wee may fully end, I would humbly offer to you whether these Gentlemen have a power to debate; and if they have nott, that they may have recourse to them that sent them, to see what [powers] they will give [them], that wee may offer our reasons and judgement uppon the thinge, and act^c uppon that principle uppon which wee act^c. If wee unite and agree to itt, itt will putt on other thinges. An agreement formally^d made, wee must bee serious in itt, and to that end that wee may have a full debate in itt. Otherwise itt will bee uselesse and endlesse our meeting.

Lieut. Generall.

That Gentleman sayes hee will doe what hee can to draw all or the most of them hither to bee heard to morrow; and I desire Mr. Wildman, that if they have any freinds that are of a loving spiritt, that would contribute to this businesse of a right understanding [they would come with him]. And I say noe more butt this, I pray God judge betweene you and us when wee doe meete, whether wee come with engaged spiritts to uppehold our owne resolutions and opinions, or whether wee shall lay downe ourselves to bee rul'd [by Him] and that which hee shall communicate.

Col. Rainborow.

Hee did tell you hee would improve his interest, which is as full satisfaction to what Mr. Allen sayes as could bee, if they shall come nott to doe, butt I hope they will come to full power, nott to debate. I thinke there needes noe more.[a](#)

Names of the Committee.

Lieut. Generall.	Col. Okey.
Comñ. Generall.	Col. Tichborne.
Col. Rainborow.	Mr. Sexby.
Sir Hardresse Waller.	Mr. Allen.
Col. Rich.	Mr. Lockyer.
Adj. Generall Deane.	Mr. Clarke.
Col. Scrope.	Lt. Generall Hammond.
Col. Thomlinson.	Mr. Stenson.
Col. Overton.	Mr. Underwood.

To conferre with the Agitators of the five regiments, and such gentlemen as shall come with them about the "Agreement" now brought in, and their own declarations and engagements.

October 29, 1647

Putney

Putney

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October 29, 1647
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Att the Meeting of the officers for calling uppon God, according to the appointment of the Generall Councill, after some discourses of Commissary Cowling, Major White, and others.

Capt. Clarke.

Wee have bin heere as wee say seekeing of God, though truly hee is nott farre from every one of us; and wee have said in the presence of God, as out of his presence wee cannott goe, that wee have none in heaven in comparison of him, nor none wee have even in earth in comparison of him. I wish our hearts does nott give us the lie, for truly had that bin a truth, I meane a truth in our carriages, wee should nott have bin soe lost this day. Had wee given eare to the inspiring worde of Christ, and had nott given ourselves to the false prophett within us, certainly God would have kindled that light within us, and [we] should have gone [on] and submitted to his will; and should nott have bin troubled or harassed as wee are with troubles and amazements, butt must have gone with God as hee hath allotted to us. What is the reason that wee finde the light and glory of God eclypted from our eyes this day? Truly wee may finde this silence within us the cause of every evil sought after;[a](#) and lett us butt search our owne spiritts with patience, and looke by the [lightb](#) of God within us, and wee shall finde that wee have submitted the spiritt of God

unto the candle of reason, whereas reason should have bin subservient unto the spiritt of God. Wee are troubled when our owne reasons tell us, that this is the way, and wee are careless to seeke the way, or that true light Christ in us which is the way. Wee are apt to say, all of us, that if wee seeke thatc first, the later first, the firstd will nott bee wanting; butt truly, wee have sought the first last, and therefore the first is wanting, and before this light can take place againe that darkenesse must bee removed. And first within us our lust, that candle of reason,a which doth seduce and intice us to wander from God, must bee eaten out of us by the spiritt of God, and when there is noe place for lust, there is place enough for the spiritt of God. If wee shall with resolutions and humility of spiritt nott say, butt doe, as the children of Israell used to doe many times when they were in distresse—many times they cryed unto the Lord—if wee shall doe as wee professe before God this day, that is, lay downe our reason, lay downe our goods, lay downe all wee have att the feete of God and lett God worke his will in us that wee may bee buried with God in our spiritts; I doubt nott butt the appearances of God will bee more glorious, and I doubt nott butt there will bee that contentednesse in spiritt. Wee should desire noe way, butt waite which way God will lead us. I say, wee should chuse noe way, butt if the spiritt of God lead us, wee should bee ready to submitt to the will of God. And therefore I desire, that, since this is in order to another meeting in the afternoone, wee may lay downe all att the feete of God, nott following our owne reasons, butt submitting unto that light which is lightened in us by his spirit.

After this Capt. Carter prayed.

Adj. Gen. Deane.

Motion for a Meeting att this place, the Quartermaster Generall's Quarters, to meete Munday, the Councill day, from 8 till 11, to seeke God, &c.

Lieut. Col. Goffe.b

That which I must now desire to expresse to you was partly occasioned by the thoughts that I had the last night, as being indeed kept awake with them a good while; and, hearing somethinge that did concurre with itt from one that spake since wee came together, I feele some weight uppon my spiritt to expresse itt to you. That which was spoken enow [was] concerning the conjunction that is betweene Antichrist, or that mistery of iniquity in the world carried on by men that call themselves [the] church, thata certainly itt is with the conjunction of men in places of power or aucthority in the world, with kinges and great men. And truly my thoughts were much uppon itt this night, and itt appears to me very clearly from that which God hath sett downe in his worde in the Booke of the Revelations,—which is that worde that wee are bid and commanded to study and to looke into, being the worde which God sent by his Angell to John to declare as thinges shortly to bee done. Now certainly this worke of Antichrist hath bin a worke of great standing, and, as itt was well observ'd, itt hath bin mixt with the church, and men that call themselves the church, the clergie, mixt with men of aucthoritie. Itt is said in the Revelation, that the kinges of the earth should give uppe their power unto the Beast, and the kinges of the

earth have given uppe their power to the Pope. Butt some places that have seem'd to deny the Pope's supremacy, yett they have taken upon them that which hath bin equivalent to that which the Pope himself holds forth. Truly I could bringe itt to this present Kingedome wherin wee are. 'Tis true the kinges have bin instruments to cast off the Pope's supremacy, butt wee may see if they have nott putt themselves into the same state.^b Wee may see itt in that title which the kinge hath, "Defender of the Faith," butt more especially in that canonicall prayer which the clergie used, "In all causes, and over all persons as well Ecclesiasticall as Civill [supreme]." Certainly, this is a mistery of iniquity. Now Jesus Christ his worke in the last dayes is to destroy this mistery of iniquity; and because itt is so interwoven and intwisted in the interest of States, certainly in that overthrow of the mistery of iniquity by Jesus Christ, there must bee great alterations of states. Now the worde doth hold out in the Revelation, that in this worke of Jesus Christ hee shall have a companie of Saints to follow him, such as are chosen, and called, and faithfull.^a Now itt is a scruple amonge the saints, how farre they should use the sworde, yett God hath made use of them in that worke. Many of them have bin imployed these five or six yeares. Yett whatsoever God shall imploy us in, I could wish this were laid to heart by us, that, as wee would bee called the chosen and faithfull that will follow Christ wheresoever hee goes, lett us tremble att the thought that wee should bee standing in a direct opposition against Jesus Christ in the worke that hee is about. Lett us nott bee twisted amongst such kinde of compartinges where there shall bee a mystery of iniquity sett uppe by outward power, and that wee should bee the instruments of giving any life or strength to that power. And I wish [we may lay this to heart], and I beleive itt may somewhat tend to the worke by the way; because wee are to hold out the will of God for the time to come, and to bee humbled for what wee have done against itt. Lett us inquire whether some of the actions that wee have done of late, some of the thinges that wee have propounded of late, doe nott crosse the worke of God in these particulars; because in our proposing thinges wee doe indeavour to sett uppe that power which God would nott sett uppe againe. Itt hath bin hinted already. I meane in our compliance with that partie which God hath ingaged us to destroy. Wee intended nothing butt civility, butt I wish they were nott in some measure compliances; and if I mistake nott there are ways which God hath laid open to us, wherby wee may lay aside that compliance.

Butt this is nott all that I would speake, because God hath called forth my spiritt to unity. What wee doe according to the will of God will nott tend to division. This I speake concerning compliance may bee thought to reflect upon some particular persons more then other some, soe on the other hand I desire to speake somethinge that may concerne some persons that may stand, or att least may seeme to stand, in direct opposition to us; and truly I wish wee may bee very wary what wee doe, and lett us take heede of rejecting any of the saints of God before God rejects them. If God bee pleased to shew any of his servants that hee hath made use of as great instruments in his hand as those that God hath blest in them, that God hath blest them, and this hath bin the greatest instrument of the ruine of sin and corruption in this Army. Lett us bee wary and consider what wee have to doe in that kinde; and I spake this the rather because I was sensible of some personall

reflections that did not argue the workings of God [so much] as the workings of passions in us. Now the worke of the spiritt is, that wee doe pull downe all workes [not] of the spiritt whatsoever; and therefore I desire that as in the presence of God wee may take heede of all thinges which may tend to dissunion, and that wee may not despise those who may have some thinges in their hands to contribute for the worke of God. And there is another thinge: if wee have lost the opportunity of appearing against enemies, lett us take heede, when wee bee sensible of God's displeasure, that wee doe not run before hee bids us goe a 2d time. There is a place which is very remarkable, Numbers xiv., where the spies were sent to the Land of Canaan; and when they came back the hearts of the people were discouraged. God was displeas'd att this, and hee discover'd itt in some such way as hee did this day. Uppon a suddaine there was a partie that would goe uppe, and fight against the Amalekites; and att such a time when God would nott have them goe uppe. "Though you did sin against the Lord in nott going att first," sayes Moses, "yett goe nott now uppe, for the Lord is nott amonge you, that yee bee nott smitten before your enemies." [a](#) Yett they did goe uppe unto the Hill Toppe, and were discomfited. I thinke wee have sinned in that wee did nott shew our courage and faithfulnessse to God. Lett us nott now in a kinde of heate run uppe and say, "wee will goe now;" because itt may bee there is a better opportunity that God will give us. And that wee may a little helpe us by our owne experiences, lett us remember how God hath dealt with this Army in our late proceedinges. There was some heavinesse in our proceedinges before the Citty, [a](#) as was thought by some; and itt was said by many, "Goe uppe, Goe uppe quicklie, and doe our worke." Butt lett us remember that God found a better season for us, then if wee had gone att first. Lett us consider whether this bee the best juncture of time for us to declare, and to throw off some of our freinds, when that they would have itt discover'd whether [b](#) God goes alonge with us. Lett this bee consider'd, that soe wee may bee humbled on the one hand, and breake off all unlawfull compliance with the enemies of God, soe on the other hand wee may stay, and take the company one of another, or rather the presence of God, [alonge with us]. And soe for the worke of the day, I wish there may bee a day of union amongst us; for itt may bee itt is the will of God that wee should waite uppon him therin to see what will bee the issue of a businesse that is now transacted; and if wee can trust God in this strait wee shall see him straight before us, if wee can bee of one minde. I wish this may bee consider'd, and if there be anythinge of God in itt, itt may be received.

Mr. Everard. [c](#)

This honourable Councill hath given mee great encouragement. Though I have many impediments in my speach, yett I thanke you that you will heare mee speake. I engaged myself yesterday to bringe the men to have a debatc, and for that purpose I have prosecuted these my promises, and I have bin with them as many as I can finde; butt the most of them are dispersed, soe that I lost that opportunity which I would have enjoyed; butt neverthesse I hope you will take itt kindlie, that those that were there are come hither, and those two freinds that were with mee yesterday. Our ends are that wee desire yett once more a compliance in those thinges that wee propounded to you, butt if itt shall please God to open our eyes that wee can see itt, wee shall comply with you. For our

desires are nothing butt (according to our first Declaration,) a to follow our worke to deliver the Kingedome from that burthen that lies uppon us. For my parte I am butt a poore man, and unacquainted with the affaires of the Kingedome, yett this message God hath sent mee to you, that there is great expectation of suddaine destruction; and I would bee loath to fill uppe that with words. Wee desire your joynt consent to seeke out some speedy way for the releif of the Kingedome.

Lieut. Generall,

I thinke itt would nott bee amisse that those Gentlemen that are come would draw nigher.

I must offer this to your consideration, whether or noe wee, having sett aparte this morning to seeke God, and to gett such a preparednesse of heart and spiritt as might receive that, that God was minded to have imparted to us, and this having taken uppe all our time, all this day, and itt having bin soe late this last night as indeed itt was when wee brake uppe, and wee having appointed a committee to meete together to consider of that paper, and this Committee having had noe time or opportunity that I know of, nott soe much as a meeting, I make some scruple or doubt whether or noe itt is nott better,—[I know] that danger is imagined [near at hand], and indeed I thinke itt is,—butt bee the danger what itt will, our agreement in the businesse is much more [pressing] then the pressing of any danger, soe by that wee doe nott delay too.—That which I have to offer [is], whether or noe wee are [as] fitt to take uppe such a consideracion of these papers now as wee might bee to-morrow. Perhaps if these Gentlemen, which are butt few, and that Committee should meete together, and spend their time together an houre or two the remainder of this afternoone, and all this company might meete about 9 or 10 a clock att furthest, and they [might] understand one another soe well, as wee might bee prepared for the generall meeting to have a more exact and particular consideration of thinges then [we can have] by a generall loose debate of thinges, which our Committee or att least many a of us have [not] had any, or att least nott many thoughts about.

Col. Rainborow,

Sir. I am sorry that the ill disposition of my body caused mee to goe to London last night, and [hindered me] from coming soe soone this morning as to bee with you in the duty you were about. Butt I hope that which hath bin said att this time, which I hope is a truth and sent from God, will soe worke uppon mee that I shall indeavour att least to carry my self soe that I may use all that interest I have to a right and quick understanding betweene us. And truly, Sir, to that present motion that hath bin made I confesse I have nothing against itt, butt onely the danger that lies uppon us; which truly (if wee may have leave to differ one from another) may in a moment overcome [us]. I hope wee shall all take one worde that was spoken to us by Lieut. Col. Goffe, and I thinke that nothing will conduce soe much [to union as] that wee may have noe personall reflections. I thinke itt would have bin well if the Committee had mett, butt since all this company, or the greatest parte of them that have bin heere, have joyn'd in that duty which was on the former parte of the morning, I thinke there is nott much inconveniency that they may spend the other parte of

the day with us. [That] if wee were satisfied ourselves uppon debate, and there should bee one partie, or one sort of men that are of a contrary judgement present, or others that should come over to us, itt would heerafter cost some time to know the reasons of their coming over. Therefore I thinke itt an advantage that it should bee as publique, and as many as may bee present att itt. The debating this thus publiquely may bee an advantage unto us, and if wee finde ata after the multitude of people that are heere (that have bin spoken to) if wee finde that inconvenient, I doe nott doubt butt the Committee, when this company breakes uppe, may have two houres time together. Therefore I should desire, that since the Gentlemen and you are mett together to such an end and purpose, that you will follow to that end.

Mr. Everard.

That itt is not [fit] as I conceive to dispute any thing touching particulars, for all as I conceive doe seeke the kingedome's good. Lett us goe about the work, noe question butt we shall goe together. Butt if wee stand disputing the worke, much business will be. I desire this honourable Councill will pardon mee to make out some speedy way for the easing of us. I beseech you that you will let us now consider uppon that. I believe wee shall jumpe all in one with itt. If wee doe nott fall upon some extraordinary wayes between—Some lawes with us that will prick us to the heart, wee must winke att them, nott that I desire that wee should seeke to rinate any wholesome lawes, butt such as will nott stand with the wholesome peace of the Kingedome.b

Capt. Awdeley.

I shall desire to second that Gentleman's motion. That while wee debate wee doe nothing. I am confident that whilst you are doing you will all agree together, for itt is idlenesse that hath begott this rust, and this gangreene amongst us.

Lieut. Generall.

I thinke itt is true. Lett us bee doing, butt lett us bee united in our doing. If there remayne nothing else butt present action,a I thinke wee neede nott bee in Councill heere.a Butt if wee doe nott rightly and clearly understand one another before wee come to act, if wee doe nott lay a foundation of action before wee doe act, I doubt whether wee shall act unanimously or noe. And seriously, as before the Lord, I knew noe such end of our speech the last night, and appointing another Meeting, butt in order to a more perfect understanding of one another, what wee should doe, and that wee might bee agreed uppon some principalls of action. And truly if I remember rightly, uppon the delivery of the paper that was yesterday, this was offer'd, that the thinges [that] are now uppon us are thinges of difficulty, the thinges are therfore thinges that doe deserve consideration, because there might bee great weight in the consequences; and itt was then offer'd, and I hope is still soe in all our hearts, that wee are nott troubled with the consideration of the difficulty, nor with the consideration of any thinge butt this; that if wee doe difficult thinges wee may see that the thinges wee doe have the will of God in them, that they are

nott onely plausible and good thinges but seasonable and honest thinges fitt for us to doe. And therefore itt was desir'd that wee might consider, before wee could come to these papers, in what condition wee stood in respect of former Engagements, however some may bee satisfied that there lie none uppon us, or none butt such as itt's duty to breake, itt's sin to keepe. Therefore that was yesterday premised [that] there may bee a consideration had of them—and I may speake itt as in the presence of God that I know nothing of any Engagements, butt I would see liberty in any man as I would bee free from bondage to any thinge that should hinder mee from doing my duty—and therefore that was first in consideration. If our obligation bee nothing, or if itt bee weake, I hope itt will receive satisfaction why itt should bee laid aside, that the thinges that wee speake of are nott obliged. And therefore if itt please you I thinke itt will bee good for us to frame our discourse to what wee were, where wee are, what wee are bound to, what wee are free to; and then I make noe question, butt that this may conclude what is betweene these Gentlemen in one afternoone. I doe nott speake this to make obligations more then what they were before; butt as before the Lord. You see what they are,a and when wee looke uppon them wee shall see ifb we have bin in a wronge way, and I hope itt will call uppon us for the more double diligence.

Col. Rainborow.

I shall desire a word or two before that. I did exceedingly mistake myself the last night that uppon what wee say now was determined.c I look't uppon the Committee as a Committee to looke over this paper, to see whether itt were a paper that did hold forth justice and righteousnesse, whether itt were a paper that honest men could close with. Butt truly I am of opinion that if wee should spend ten dayes time in going over that Booke, and debate what Engagements wee have broke, or whether wee have broke any or noe, or whether we have kept our Engagements, itt would nott come to the businesse, neither would itt prevent that evill that I thinke will overtake us before wee fall into the right way,d unlesse God in abundant manner prevent;—and I could give you reasons for itt which this day I have from very good hands, and which I think is not prudent to declare soe publicly as this is.—Lett us goe the quickest way to worke; and truly, Sir, I have thought that the wounds of the Kingedome, and the difficulties that wee are falne into, and our cure is become soe great that wee would bee willing all of us to heale the sore, and [not] to skin itt over butt leave itt unwholesome and corrupt att the bottome. Therefore for my parte I doe conclude in my spiritt, for my owne parte I [did] say this yesterday uppon another occasion, I will nott say positively that wee are to take the course prescribed in that paper att present, butt if wee doe nott sett uppon the worke—Since in order to that there is a thinge call'd an Agreement which the people have subscribed, and being that is ready to our hands, I desire that you would reade itt and debate itt, whether itt bee a way to deliver us yett or noe; and if itt bee [that you would accept it], and if nott that you would thinke of some other way.

Lieut. Generall.

I shall butt offer this to you. Truly I hope that wee may speake our hearts freeilie heere;

and I hope that there is nott such an evill amongst us as that wee could or would exercise our witts, or our cunning to vaile over any doublenesse of heart that may possibly bee in us. I hope, having bin in such a presence as wee have bin this day, wee doe nott admitt of such a thought as this into our hearts. And therefore if the speaking of that wee did speake before, and to which I shall speake againe, with submission to all that heare mee — if the declining to consider this paper may have with any man a workinga upon his spiritt through any jealousie that itt aimes att delay; truly I can speake itt as before the Lord itt is nott att all in my heart, butt sincerely this is the ground of itt. I know this paper doth contayne many good thinges in itt, butt this is the onely thinge that doth stick with mee, the desiring to know my freedome to this thinge. Though this doth suggest that that may bee the bottome of all our evils—and I will nott say against itt because I doe nott thinke against itt—though this doth suggest the bottome of all our evils, yett for all of us to see our selves free to this [so] as wee may unanimously joyne upon this, either to agree to this, or to adde more to itt, [or] to alter [it] as wee shall agree, this impediment lies in our way, [even] if every man bee satisfied with itt butt my self. That this is the first thinge that is to bee consider'd, that wee should consider in what condition wee stand to our former obligations, that if wee bee cleare wee may goe off cleare, if nott wee may nott goe on. If I bee nott come off [clear] with what obligations are made, if I bee nott free to act to whatsoever you shall agree upon, I thinke this is my duty: that I should nott in the least study either to retard your worke or hinder itt, or to act against itt, butt wish you as much successe as if I were free to act with you. I desire wee may view over our obligations and Engagements, that soe wee may bee free [to act together] upon honest and cleare grounds, if this bee [possible].

My desire — (Col. Rainborow offering to speake.)

Lieut. Gen.

I have butt one worde to prevent you in, and that is for imminent danger. Itt may bee possibly soe [imminent] that [it] may nott admitt of an houres debate, nor nothing of delay. If that bee soe, I thinke that's above all law and rule to us.

Col. Rainborow.

I would offer one worde, for I thinke this will bringe us to noe issue att all. Both yesterday and to-day, and divers times, wee have had cautions given us to have care of divisions. I doe speake itt to avoide devision; that wee may nott att this time consider the Engagements. If you, or any other Gentlemen, are of opinion that you have nott broke them, and then some others are of opinion that you have broke them, wee may fall into contestes which may occasion devision. Butt if you reade this, and finde it not against the Engagement, that will bee the worke. If it be nott against the Engagement, you will finde that in itt which you will finde from your Engagements, and I have somethinge to say to the particulars in itt.

Comñ: Cowling.

I shall onely offer this, the necessity of expedition if the people shall consider the necessities that they and we are in. Wee live now uppon free-quarter, and wee have that against our wills.^a Those that know what belongs to Armies well know, none are to quarter souldiers, butt those that are within soe many miles; and if soe bee too that the owner of the house should refuse to open his doores wee are prevented to pay our quarters by those that might have supplied us. I have seene this paper, and uppon second reading of itt I sett my hand to itt, that wee may nott lie as drones to devour their families. I am ready where I am called by my superiours. If nott, the Lord bee mercifull to mee.

Major White.^b

I should offer one worde to this Councill: I thinke itt is in all our mindes to deliver the Kingdome; if there bee particular engagements wee must lay them downe to lay downe publique good.

Lieut. Generall.

I desire to know what the Gentleman meanes concerning particular Engagements; if hee meanes those that are in this Booke? If those that are in this booke [they are the engagements of the Army]. Butt if hee meanes Engagements personall from particular persons, lett every man speake for himselfe. I speake for myself, I disavowe all, and I am free to act, free from any such —

Major White.

I conceive that [if] they bee such as are past by the Representative^c of the Army, I thinke the Army is bound in conscience to goe on with them.

Col. Hewson.

All the Engagements that have bin declar'd for have bin by the Representative of the Army, and whether or noe that hath nott bin the cause of this cloude that hanges over our heads. I thinke if wee lay our hands over our hearts wee may nott much mistake itt.

Mr. Pettus.

According to your Honours desires yesterday, I am come in heere to give in my reasons why I doe approve of this paper, this Agreement, [and] to receive reasons why itt should nott bee agreed to. For the particular Engagements of the Army I am ignorant of them, butt, if itt please this Councill to lett this bee read, that either the matter or manner of itt may bee debated; and when any of the matter shall come to touch uppon any Engagement so as to breake any Engagement, that then the Engagement may bee showne; and if that Engagement shall prove just, and this unjust, this must bee rejected, or if this just, and these Engagements unjust [then they must be rejected]. I desire all those that are free from itt in their spiritts may act farther; and those that thinke themselves bound uppe soe^a to acquiesce in itt, as that they would bee pleased to rest

satisfied in the actions of other men that are att libertie to act for the peace and freedome of the Kingedome.

Corñ. Generall.

Truly I would, if I did know of any personall, particular Engagements, if I were personally or particularly engaged myself, which I professe, as in the presence of God, I know nott for myself. b I myself am nott under any Engagement in relation to that businesse that the great Question lies uppon—I neede nott name itt—more then what all men know that have seene and read, and in the Armie consented to, those thinges that were published. Butt if I were under any particular Engagement, itt should nott att all stand in any other man’s way. If I were under [any particular engagement] I say, that I could bee convinc’t of was ill and unlawfull for mee to enter into, my Engagement should nott stand in any other man’s way that would doe any thinge that I could bee convinc’t of to bee better. And till God hath brought us all to that temper of spiritt that wee can bee contented to bee nothing in our reputations, [in our] esteemes, in our power—truly I may goe a little higher and say, till the reputation and honour of the Army and such thinges become nothing to us, nott soe as to [let] the consideration of them, to stand att all in the way to hinder us from what wee see God calling us to, or to prompt us on to what wee have nott a cleare call from him—wee are nott brought to that temper wherin I can expect any renewing of that presence of God that wee have sought. Therefore for my parte I professe first, I desire noe [particular] Engagements [may be considered]. If there were particular Engagements of any particular man whatsoever, as to the leading of the Army one way or other, I desire they may nott bee consider’d; butt lett that man looke to himself for what justice lies uppon him, and what justice will follow him. Neither doe I care for the Engagements of the Army soe much for the Engagements a sake, butt I looke uppon this Army as having carried with itt hitherto the name of God, and having carried with it hitherto the interest of the people of God, and the interest which is God’s interest, the honour of his name, the good, and freedome, and safetie, and happinesse of his people. And for my parte I thinke that itt is that that is the onely thinge for which God hath appeared with us, and led us, and gone before us, and honoured us, and taken delight to worke by us. I say, that very thinge, that wee have carried the name of God, and I hope nott in shew butt in reallity, professing to act, and to worke, as wee have thought in our judgements and consciences, [with] God to lead us; professing to act to those ends that wee have thought to bee answerable and suitable to the minde of God, soe farre as itt hath bin knowne to us. Wee have professed to indeavour to follow the councells of God, and to have him President in our Councils; and I hope itt hath bin soe in our hearts. That wee have bin ready to follow his guidance; and I know itt hath bin soe in many thinges against our owne reasons, where wee have seene evidently God calling us. That wee have bin carried on with a confidence in him, wee have made him our trust, and wee have held forth his name, and wee have owned his hand towards us. These are the thinges I say which God hath in some degree and measure wrought his people in this Army uppe to, in some degree of sincerity; and this itt is, as I said before, that I account hath bin [the cause] that God hath taken delight in, amongst us, to dwell with us, to bee with us, and to appeare with us, and will

manifest his presence to us. And therefore by this meanes, and by that appearance of God amongst us, the name and honour of God, the name and reputation of the people of God, and of that Gospell that they professe, is deeply, and dearly, and nearly concern'd in the good or ill manage of this Army, in their good or ill carriage; and therefore for my parte I professe itt, that's the onely thinge to mee. [It is] nott to mee soe much as the vainest, or lightest thinge you can imagine, whether there bee a kinge in England, or noe, whether there bee Lords in England or noe. For whatever I finde the worke of God tending to I should desire quietly to submitt to. If God saw itt good to destroy, nott only Kinge and Lords, butt all distinctions of degrees—nay if itt goe further, to destroy all property, that there's noe such thinge left, that there bee nothing att all of Civill Constitution left in the Kingedome—if I see the hand of God in itt I hope I shall with quietnesse acquiesce, and submitt to itt, and nott resist itt. Butt still I thinke that God certainly will soe leade those that are his, and I hope too hee will soe lead this Army that they may nott incurre sin, or bring scandall uppon the name of God, and the name of the people of God that are both soe neerly concern'd in what this Army does. And therefore itt is my wish, uppon those grounds that I before declar'd which made the consideration of this Army deare and tender to mee,^a that wee may take heede, [that] wee consider first Engagements, soe farre as they are Engagements publiquely of the Army. I doe nott speake of particular [engagements] I would nott have them consider'd, if there bee any. And secondly I would have us consider of this: that our wayes and workinges and actinges, and the actings of the Army, soe farre as the Councils of those prevaile in itt who have anythinge of the spiritt of Jesus Christ may appeare suitable to that spiritt. And as I would not have this Army in relation to those great concernements (as I said before) the honour of God, and the honour and good name of his people and of religion, as I would nott have itt to incurre the scandall of neglecting Engagements, and laying aside all consideration of Engagements, and of juggling, and deceiving, and deluding the world, making them beleive thinges in times of extremitie which they never meant, soe I would nott have us to give the world occasion to thinke that wee are the disturbers of the peace of mankinde. I say, I would nott give them just occasion to thinke soe; nay I would have them have just cause to thinke that wee seeke peace with all men, and wee seeke the good of all men, and wee seeke the destruction of none that wee can say; and in generall I would wish and study, and that my hearte is bent to, that the Councils of this Army may appeare acted by that wisdom that is from above, which wee know how itt is charact'd. Itt is first pure, and then peaceable, and then gentle, and easie to bee intreated, and wee finde many characters of the same wisdom, and other fruites of the same spiritt that all still run clearlie that way. Therefore I say, I wish that wee may have noe otherwise a consideration of Engagements or any thinge of that nature. That which makes mee presse itt is cheiflie, that consideracion of the concernement of the honour of God and his people in the Army; and as I prize them soe I press^a that in all things whatsoever, though wee were free and had noe Engagements, we doe act as Christians, as men guided by the spiritt of God, as men having that wisdom [that is] from above, and [is] soe characteriz'd.

To the method of our proceeding. Having exprest what I desire may bee all our cares, I

cannott but thinke that this will bee clearest, because I see it is soe much prest and insisted uppon: nott [to go] b to read what our Engagements are, butt [to] read the paper that is presented heere, and consider uppon it, what good, and what matter of justice and righteousnesse there is in itt, and whether there bee anythinge of injustice or unrighteousnesse, either in itt self, or in reference to our Engagements. Soe farre I thinke our Engagements ought to bee taken into consideration: that soe farre as wee are engaged to a thinge that was nott unlawfull to engage to, and I should bee sad to thinke them soe, wee should thinke ourselves bound nott to act contrary to those Engagements. And that wee may consider of the particulars of this paper, first, whether they bee good and just, that is, nott ill, nott unjust; and then further to consider whether they bee soe essentially due and right as that they should bee contended for, for then that is some kinde of checke to lesse Engagements; and for such thinges, if wee finde any, light Engagements [may] bee cast off and nott consider'd. c Butt if wee finde any matter in them that, though itt bee just, though itt bee good, is nott probable to bee soe beneficiall and advantageous, nott to few, butt to many, that withall wee may consider whether itt bee soe much a duty, and wee bee soe much bound to itt by the thinge itt self as that noe Engagement can take us from itt. And d if wee finde any thinges that, if they bee just or good, [are] yett nott soe obligatorie or of [such] necessity to the Kingedome, [but that] the Kingedome may stand without them, then I thinke itt being [so] nott absolutely lawfull to act for them.

Major Rainborow.

I desire wee may come to that end wee all strive after. I humbly desire you will fall uppon that which is the Engagement of all, which is the rights and freedoms of the people, and lett us see how farre wee have made sure to them a right and freedome, and if any thinge bee tendred as to that. And when that Engagement is gone through then lett us consider of those that are of greater weight.

THE PAPER CALLED THE AGREEMENT READ.

Afterwards the first Article read by itt self.[a](#)

Commissary Ireton.

The exception that lies in itt is this. Itt is said: "The people of England" etc. . . . they are to bee distributed "according to the number of the inhabitants;" and this doth make mee thinke that the meaning is, that every man that is an inhabitant is to bee equally consider'd, and to have an equall voice in the election of the representors, those persons that are for the Generall Representative; and if that bee the meaning then I have somethinge to say against itt. But if itt bee onely that those people, that by the Civill Constitution of this kingedome, which is originall and fundamentall, and beyond which I am sure noe memory of record does goe—(Nott before the Conquest).[a](#) Butt before the Conquest itt was soe. Iff itt bee intended, that those that by that Constitution that was before the Conquest, that hath bin beyond memory, such persons that have bin before [by] that Constitution [the electors], should be [still] the electors, I have noe more to say against itt.

Col. Rainborow.

Moved, That others might have given their hands to itt.

Capt. Denne.

Denied, That those that were sett of their Regiment that they were their hands.

Commissary Ireton.

Whether those men whose hands are to itt, or those that brought itt, doe know soe much of the matter, as [to know whether] they meane that all that had a former right of election [are to be electors], or [whether] those that had noe right before are to come in?

Commissary Cowling.

In the time before the Conquest, and since the Conquest, the greatest parte of the Kingedome was in vassalage.

Mr. Pettus.

Wee judge that all inhabitants that have nott lost their birthright should have an equall voice in Elections.

Col. Rainborow.

I desir'd that those that had engaged in itt [should speak] for really I thinke that the poorest hee that is in England hath a life to live as the greatest hee; and therefore truly, Sir, I thinke itt's cleare, that every man that is to live under a Governement ought first by

his owne consent to putt himself under that Governement; and I doe thinke that the poorest man in England is nott att all bound in a stricte sence to that Governement that hee hath not had a voice to putt himself under; and I am confident that when I have heard the reasons against itt, somethinge will bee said to answer those reasons, insoemuch that I should doubt whether hea was an Englishman or noe that should doubt of these thinges.

Commissary Ireton.

That's [the meaning of] this ["according to the number of the inhabitants."]

Give mee leave to tell you, that if you make this the rule I thinke you must flie for refuge to an absolute naturall Right, and you must deny all Civill Right; and I am sure itt will come to that in the consequence. This I perceive is prest as that which is soe essentiall and due,—the right of the people of this Kingedome, and as they are the people of this Kingedome, distinct and devided from other people,—as that wee must for this right lay aside all other considerations; this is soe just, this is soe due, this is soe right to them. And that those that they doe thus chuse must have such a power of binding all, and loosing all, according to those limitations; this is prest, as soe due, and soe just as [it] is argued, that itt is an Engagement paramount [to] all others: and you must for itt lay aside all others; if you have engaged any others you must breake itt. [We must] soe looke upon these as thus held out to us; soe itt was held out by the Gentleman that brought itt yesterday. For my parte I thinke itt is noe right att all. I thinke that noe person hath a right to an interest or share in the disposing or determining of the affaires of the Kingdome, and in chusing those that shall determine what lawes wee shall bee rul'd by heere, noe person hath a right to this, that hath nott a permanent fixed interest in this Kingedome; and those persons together are properly the Represented of this Kingedome, and consequentlie are to make uppe the Representors of this Kingedome, who taken together doe comprehend whatsoever is of reall or permanent interest in the Kingedome. And I am sure I cannott tell what otherwise any man can say why a forraigner coming in amongst us—or as many as will coming in amongst us, or by force or otherwise settling themselves heere, or att least by our permission having a being heere—why they should nott as well lay claime to itt as any other. Wee talke of birthright. Truly [by] birthright there is thus much claime. Men may justly have by birthright, by their very being borne in England, that wee should nott seclude them out of England, that wee should nott refuse to give them aire, and place, and ground, and the freedome of the high wayes and other thinges, to live amongst us; nott [to] any man that is borne heere, though by his birth there come nothing att all to him that is parte of the permanent interest of this Kingedome. That I thinke is due to a man by birth. Butt that by a man's being borne heere hee shall have a share in that power that shall dispose of the lands heere, and of all thinges heere, I doe nott thinke itt a sufficient ground. I am sure if wee looke upon that which is the utmost within man's view of what was originally the constitution of this Kingedome, [if wee] looke upon that which is most radicall and fundamentall, and which if you take away there is noe man hath any land, any goods, [or] any civill interest, that is

this: that those that chuse the Representors for the making of Lawes by which this State and Kingedome are to bee govern'd, are the persons who taken together doe comprehend the locall interest of this Kingedome; that is, the persons in whome all land lies, and those in Corporations in whome all trading lies. This is the most fundamentall Constitution of this Kingedome, which if you doe nott allow you allow none att all. This Constitution hath limited and determined itt that onely those shall have voices in Elections. Itt is true as was said by a Gentleman a neere mee, the meanest man in England ought to have [a voice in the election of the government he lives under]. . . . I say this, that those that have the the meanest locall interest, that man that hath butt fourty shillings a yeare, hee hath as great voice in the Election of a Knight for the shire as hee that hath ten thousand a yeare or more, if hee had never soe much; and therefore there is that regard had to itt. Butt this still the Constitution of this Government hath had an eye to — and what other Governement hath nott an eye to this? Itt doth nott relate to the interest of the Kingedome, if itt doe nott lay the foundation of the power that's given to the Representors in those who have a permanent and a locall interest in the Kingedome, and who taken altogether doe comprehend the whole [interest of this kingdom]. If wee shall goe to take away this fundamentall parte of the civill constitution wee shall plainly goe to take away all property and interest that any man hath, either in land by inheritance, or in estate by possession, or any thinge else. There is all the reason and justice that can bee if I will come to live in a Kingedome being a forraigner to itt, or live in a Kingedome having noe permanent interest in itt—if I will desire as a stranger, or claime as one freeborne heere, the ayre, the free passage of highwayes, the protection of lawes and all such things, if I will either desire them, or claime them, I (if I have noe permanent interest in that Kingdome), must submitt to those lawes and those rules which those shall choose who taken together doe comprehend the whole interest of the Kingedome. b

Col. Rainborow,

Truly, Sir, I am of the same opinion I was; and am resolved to keepe itt till I know reason why I should nott. I confesse my memory is bad, and therefore I am faine to make use of my penne. I remember that in a former speech a this Gentleman brought before this, hee was saying, that in some cases hee should nott value whether [there were] a Kinge or noe Kinge, whether Lords or noe Lords, whether a property or noe property. For my parte I differ in that. I doe very much care whether [there be] a Kinge or noe Kinge, Lords or noe Lords, property or noe property; and I thinke iff wee doe nott all take care wee shall all have none of these very shortly. Butt as to this present businesse. I doe heare nothing att all that can convince mee, why any man that is borne in England ought nott to have his voice in Election of Burgesses. Itt is said, that if a man have nott a permanent interest, hee can have noe claime, and wee must bee noe freer then the lawes will lett us to bee, and that there is noe Chronicle will lett us bee freer then that wee enjoy. Something was said to this yesterday. I doe thinke that the maine cause why Almighty God gave men reason, itt was, that they should make use of that reason, and that they should improve itt for that end and purpose that God gave itt them. b And truly, I thinke that halfe a loafe is better then none if a man bee an hungry, yett I thinke there is nothing that God hath

given a man that any else can take from him. Therefore I say, that either itt must bee the law of God or the law of man that must prohibite the meanest man in the Kingdome to have this benefitt^c as well as the greatest. I doe nott finde any thinge in the law of God, that a Lord shall chuse 20 Burgesses, and a Gentleman butt two, or a poore man shall chuse none. I finde noe such thinge in the law of nature, nor in the law of nations. Butt I doe finde, that all Englishmen must bee subject to English lawes, and I doe verily beleive, that there is noe man butt will say, that the foundation of all law lies in the people, and if [it lie] in the people, I am to seeke for this exemption. And truly I have thought somethinge [else], in what a miserable distressed condition would many a man that hath fought for the Parliament in this quarrell bee? I will bee bound to say, that many a man whose zeale and affection to God and this Kingedome hath carried him forth in this cause hath soe spent his estate that in the way the State, the Army are going hee shall nott hold uppe his head; and when his estate is lost, and nott worth 40s. a yeare, a man shall nott have any interest;^a and there are many other wayes by which estates men have doe fall to decay, if that bee the rule which God in his providence does use. A man when hee hath an estate hath an interest in making lawes, when hee hath none, hee hath noe power in itt. Soe that a man cannott loose that which hee hath for the maintenance of his family, butt hee must loose that which God and nature hath given him. Therefore I doe [think] and am still of the same opinion; that every man born in England cannot, ought nott, neither by the law of God nor the law of nature, to bee exempted from the choice of those who are to make lawes, for him to live under, and for him, for ought I know, to loose his life under. Therefore I thinke there can bee noe great sticke in this.

Truly I thinke that there is nott this day raining in England a greater fruite or effect of Tyranny then this very thinge would produce. Truly I know nothing free butt onely the Knight of the shire, nor doe I know any thinge in a Parliamentary way that is cleare from the heighth and fulnesse of Tyranny, but onlie [that]. As for this of Corporations itt is as contrary to freedome as may bee. For, Sir, what is itt? The Kinge hee grants a patent under the Broad-seale of England to such a Corporation to send Burgesses, hee grants to [such] a Citty to send Burgesses.^b When a poore, base, Corporation from the Kinge[’s grant] shall send two Burgesses, when 500 men of estate shall nott send one, when those that are to make their lawes are called by the Kinge, or cannott act [but] by such a call, truly I thinke that the people of England have little freedome.

Commissary Gen. Ireton.

I thinke there was nothing that I said to give you occasion to thinke that I did contend for this, that such a Corporation [as that] should have the electing of a man to the Parliament. I think I agreed to this matter, that all should bee equallie distributed. Butt the question is, whether itt should bee distributed to all persons, or whether the same persons that are the electors [now] should bee the Electors still, and itt [be] equallie distributed amongst them.^a I doe nott see any body else that makes this objection; and if noe body else bee sensible of itt I shall soone have done. Onely I shall a little crave your leave to represent the consequences of itt, and cleare my self from one thinge that was

misrepresented by the Gentleman that satt next mee. I thinke if the Gentleman remember himself hee cannott butt remember, that what I said was to this effect:b that if I saw the hand of God leading soe farre as to destroy Kinge, and destroy Lords, and destroy property, and [leave] noe such thinge att all amongst us, I should acquiese in itt; and soe I did nott care, if noe Kinge, noe Lords, or noe property, in comparison of the tender care that I have of the honour of God, and of the people of God, whose [good] name is soe much concern'd in this Army. This I did deliver [so] and nott absolutely.

All the maine thinge that I speake for is because I would have an eye to propertie. I hope wee doe nott come to contend for victorie, butt lett every man consider with himself that hee doe nott goe that way to take away all propertie. For heere is the case of the most fundamentall parte of the Constitution of the Kingdome, which if you take away, you take away all by that. Heere are men of this and this qualitie are determined to bee the Electors of men to the Parliament, and they are all those who have any permanent interest in the Kingedome, and who taken together doe comprehend the whole interest of the Kingedome. I meane by permanent, locall, that is nott any where else. As for instance; hee that hath a freehold, and that freehold cannott bee removed out of the Kingedome; and soe there's a [freeman of a] Corporation, a place which hath the priviledge of a markt and trading, which if you should allow to all places equallie, I doe nott see how you could preserve any peace in the Kingedome, and that is the reason why in the Constitution wee have but some few markt townes. Now those people [that have freeholds] and those that are the freemen of Corporations, were look't upon by the former Constitution to comprehend the permanent interest of the Kingdom. For [firstly] hee that hath his livelihood by his trade, and by his freedome of trading in such a Corporation which hee cannott exercise in another, hee is tied to that place, his livelihood depends uppon itt. And secondly, that man hath an interest, hath a permanent interest there, uppon which hee may live, and live a freeman without dependance. These Constitutions this Kingedome hath look't att. Now I wish wee may all consider of what right you will challenge, that all the people should have right to Elections. Is itt by the right of nature? If you will hold forth that as your ground, then I thinke you must deny all property too, and this is my reason. For thus: by that same right of nature, whatever itt bee that you pretend, by which you can say, "one mana hath an equall right with another to the chusing of him that shall governe him"—by the same right of nature, hee hath an equalb right in any goods hee sees: meate, drinke, cloathes, to take and use them for his sustenance. Hee hath a freedome to the land, [to take] the ground, to exercise itt, till itt; he hath the [same] freedome to any thinge that any one doth account himself to have any propriety in. Why now I say then, if you, against this most fundamentall parte of [the] civill Constitution (which I have now declar'd), will pleade the law of nature, that a man should, paramount [to] this, and contrary to this, have a power of chusing those men that shall determine what shall bee law in this state, though he himself have noe permanent interest in the State, [but] whatever interest hee hath hee may carry about with him. If this be allowed, [because by the right of nature], wee are free, wee are equall, one man must have as much voice as another, then shew mee what steppe or difference [there is],

why by the same right of necessity to sustaine nature [I may not claim property as well]? Itt is for my better being [I may say], and possibly nott for itt neither, possibly I may nott have soe reall a regard to the peace of the Kingedome as that man who hath a permanent interest in itt. Hee that is heere to day and gone to morrow, I doe nott see that hee hath such a permanent interest. Since you cannott plead to itt by any thinge butt the law of nature, [for any thing] but for the end of better being, and [since] that better being is nott certaine, and [what is] more, destructive to another, if uppon these grounds you doe paramount [to] all Constitutions hold uppe this law of nature, I would faine have any man shew mee their bounds, where you will end, and [why you should not] take away all propertie?

Col. Rainborow.

I shall now bee a little more free and open with you then I was before. I wish wee were all true hearted, and that wee did all carry our selves with integritie. If I did mistrust you I would use such asseverations. I thinke itt doth goe on mistrust, and thinges are thought to be matters of reflection that were never intended. For my parte, as I thinke, you forgott somethinge that was in my speech, and you doe nott only your selves beleive that [we]a are inclining to anarchy, butt you would make all men beleive that. And Sir, to say because a man pleades, that every man hath a voice [by the right of nature], that therefore itt destroyes [by] the same [argument all property]—that there's a propertie the law of God sayes itt; else why [hath] God made that law, "Thou shalt nott steale?" If I have noe interest in the Kingedome I must suffer by all their lawes bee they right or wronge. I am a poore man, therefore I must bee prest. Nay thus; a Gentleman lives in a country and hath three or fower Lordshippes as some men have—God knowes how they gott them—and when a Parliament is call'd hee must bee a Parliament man; and itt may bee hee sees some poore men, they live neere this man, hee can crush them—I have knowne an evasion to make sure hee hath turned the poore man out of doores; and I would faine know whether the potencie of men doe nott this, and soe keepe them under the greatest tyranny that was thought off in the world. Therefore I thinke that to that itt is fully answered. God hath sett downe that thinge as to propriety with this law of his, "Thou shalt not steale." For my parte I am against any such thought, and as for yourselves I wish you would nott make the world beleive that wee are for anarchy.

Lieut. Generall.

I know nothing butt this, that they that are the most yeilding have the greatest wisdom; butt really, Sir, this is nott right as itt should bee. Noe man sayes that you have a minde to anarchy, butt the consequence of this rule tends to anarchy, must end in anarchy; for where is there any bound or limitt sett if you take away this [limit], that men that have noe interest butt the interest of breathing [shall have no voices in elections]? Therefore I am confident on't wee should nott bee soe hott one with another.

Col. Rainborow.

I know that some particular men wee debate with [believe we] are for anarchy.

Com̃. Ireton.

I professe I must cleare my selfe as to that point.

I would nott desire, I cannott allow myself, to lay the least scandall upon any body; and truly, for that Gentleman that did take soe much offence, I doe nott knowe why hee should take itt soe. Wee speake to the paper, and to that matter of the paper, nott to persons; and I hope that noe man is soe much engaged to the matter of the paper, I hope our persons, and our hearts, and judgements are not [so] pinn'd to papers, butt that wee are ready to heare what good or ill consequence will flow from itt.

I have, with as much plainesse and clearnesse of reason as I could, shew'd you how I did conceive the doing of this takes away that which is the most originall, the most fundamentall civil Constitution of this Kingedome, and which above all is that Constitution by which I have any propertie. If you will take away that, and sett uppe as a thing paramount whatever a man may claime by the law of nature—though itt bee nott a thinge of necessitie to him for the sustenance of nature—if you doe make this your rule, I desire clearlie to understand where then remains propertie?

Now then, as I say, I would misrepresent nothing; the answer which had any thing of matter in itt, the great and maine answer upon which that which hath bin said against this rests, that seem'd to be: a that itt will nott make the breach of propertie: that there is a law, "Thou shalt nott steale." The same law sayes, "Honour thy Father and Mother"; and that law doth likewise extend to all that are our governours in that place where wee are in. Soe that, by that there is a forbidding of breaking a Civill Law when wee may live quietly under itt, and a Divine Law. Againe itt is said indeed before, that there is noe Law, noe Divine Law, that tells us, that such a Corporation must have the Election of Burgesses, or such a shire, or the like; and soe on the other side if a man were to demonstrate his [right to] propertie by Divine Law, itt would bee very remote. Our property as well as our right of sending Burgesses descends from other things. That Divine Law doth nott determine particulars butt generalls, in relation to man and man, and to propertie, and all things else; and wee should bee as farre to seeke if wee should goe to prove a property in [a thinge by] Divine Law as to prove that I have an interest in chusing Burgesses of the Parliament by Divine Law. Truly under favour I referre itt to all whether there bee anythinge of solution to that objection that I made, if itt bee understood,—I submitt itt to any man's judgement.

Col. Rainborow.

To the thinge itt self propertie. I would faine know how itt a comes to bee the propertie [of some men, and not of others]. As for estates, and those kinde of things, and other things that belonge to men, itt will bee granted that they are b propertie; butt I deny that that is a propertie, to a Lord, to a Gentleman, to any man more then another in the Kingdome of England. Iff itt bee a propertie, itt is a propertie by a law; neither doe I

thinke, that there is very little propertie in this thinge by the law of the land, because I thinke that the law of the land in that thinge is the most tyrannicall law under heaven, and I would faine know what wee have fought for, and this is the old law of England and that which inslaves the people of England that they should bee bound by lawes in which they have noe voice att all. c [So with respect to the law which says 'Honour thy father and thy mother.'] The great dispute is who is a right Father and a right Mother. I am bound to know who is my Father and Mother, and I take it in the same sence you doe, I would have a distinction, a character wherby God commands mee to honour [them], and for my parte I looke uppon the people of England soe, that wherin they have nott voices in the chusing of their Fathers and Mothers, they are nott bound to that commandement.

Mr. Pettus.

I desire to adde one worde, concerning the worde Propertie.

Itt is for somethinge that anarchy is soe much talk't of. For my owne parte I cannott beleive in the least that itt can bee clearlie derived from that paper. Tis true, that somewhat may bee derived in the paper against the power of the Kinge, and somewhat against the power of the Lords; and the truth is when I shall see God going about to throw downe Kinge and Lords and propertie then I shall bee contented. Butt I hope that they may live to see the power of the Kinge and the Lords throwne downe, that yett may live to see propertie preserved. And for this of changing the Representative of the Nation, of changing those that chuse the Representative, making of them more full, taking more into the number then formerly, I had verily thought wee had all agreed that more should have chosen, and that all had desir'd a more equall Representation then wee now have. For now those onely chuse who have 40s. freehold. A man may have a lease for 1001 a yeare, a man may have a lease for three lives [but he has no voice]. Butt [as] for this [argument] that itt destroyes all right [to property] that every Englishman that is an inhabitant of England should chuse and have a choice in the Representatives, I suppose itt is [on the contrary] the onely meanes to preserve all propertie. For I judge every man is naturally free; and I judge the reason why men a when they were in soe great numbers [chose representatives was] that every man could nott give his voice; and therefore men agreed to come into some forme of Governement that they who were chosen might preserve propertie. I would faine know, if we were to begin a Governement, [whether you would say] 'you have nott 40s. a yeare, therefore you shall not have a voice.' Whereas before there was a Governement every man had such a choice, and afterwards for this very cause they did chuse Representatives, and putt themselves into formes of Governement that they may preserve propertie, and therefore itt is nott to destroy itt [to give every man a choice].

Com. Generall.

I thinke wee shall nott bee soe apt to come to a right understanding in this businesse, if one man, and another man, and another man doe speake their severall thoughts and conceptions to the same purpose, as if wee doe consider where the objection lies, and what the answer is which is made to itt; and therefore I desire wee may doe soe. To that

which this Gentleman spake last. The maine thinge that hee seem'd to answer was this: that hee would make itt appeare, that the going about to establish this Government,a [or] such a Governement, is nott a destruction of propertie, nor does nott tend to the destruction of propertie, because the people's falling into a Governement is for the preservation of propertie. What weight there [is in it] lies in this: since there is a falling into a Governement, and Governement is to preserve property, therefore this cannott bee against property. The objection does nott lie in that, the making of ittb more equall, butt [in] the introducing of men into an equality of interest in this Governement who have noe property in this Kingedome, or who have noe locall permanent interest in itt. For if I had said, that I would nott wish that wee should have any inlargement att all of the bounds of those that are to bee the Electors, then you might have excepted against itt. Butt [what I said was] that I would nott goe to inlarge itt beyond all bounds: that uppon the same ground you may admitt of soe many men from forraigne States as would outvote you. The objection lies still in this. I doe nott meane that I would have itt restrained to that proportion [it is now], butt to restraine itt still to men who have a locall, a permanent interest in the Kingedome, who have such an interest that they may live uppon itt as freemen, and who have such an interest as is fix't uppon a place, and is nott the same every where equally. If a man bee an inhabitant uppon a wrack rent for a yeare, for two yeares, or 20 yeares—you cannott thinke that man hath any fix't or permanent interest—that man if hee pay the rent that his land is worth, and hath noe advantage butt what hee hath by his land, that man is as good a man, may have as much interest, in another Kingedome as heere. I doe nott speake of notaa inlarging this att all, butt of keeping this to the most fundamentall Constitution in this Kingedome, that is, that noe person that hath nott a locall and permanent interest in the Kingedome should have an equall dependance in Elections [with those that have]. Butt if you goe beyond this law, if you admitt any man that hath a breath and being, I did shew you how this will destroy propertie. Itt may come to destroy propertie thus: you may have such men chosen or att least the major parte of them [as have no local and permanent interest.] Why may nott those men vote against all propertie? You may admitt strangers by this rule, if you admitt them once to inhabite, and those that have interest in the land may bee voted out of their land. Itt may destroy propertie that way.b Butt heere is the rule that you goe by; for that by which you inferre this to bee the right of the people, of every inhabitant, that because manc hath such a right in nature, though itt bee nott of necessity for the preserving of his being, therefore you are to overthrow the most fundamentall Constitution for this, by the same rule shew mee why you will nott, by the same right of nature, make use of any thinge that any man hath necessary for the sustenance of men.d Shew mee what you will stoppe att, wherin you will fence any man in a property by this rule.

Col. Rainborow.

I desire to know how this comes to bee a propertie in some men, and nott in others.

Col. Rich.

I confesse [there is weight in] that objection that the Commissary Generall last insisted

uppon; for you have five to one in this Kingedome that have noe permanent interest. Some men [have] ten, some twenty servants, some more, some lesse. If the Master and servant shall bee equall Electors, then clearlie those that have noe interest in the Kingedome will make itt their interest to chuse those that have noe interest. Itt may happen, that the majority may by law, nott in a confusion, destroy propertie; there may bee a law enacted, that there shall bee an equality of goods and estate. I thinke that either of the extreames may be urg'd to inconveniencie. That is, men that have noe interest as to Estate should have no interest as to Election. Butt there may bee a more equall division and distribution then that hee that hath nothing should have an equall voice; and certainly there may bee some other way thought of that there may bee a Representative of the poore as well as the rich, and nott to exclude all. I remember there were as wee have heard many workinges and revolutions in the Roman Senate; and there was never a confusion that did appeare, and that indeed was come to, till the State came to know this kinde of distribution of Election. That the peoples voices were bought and sold, and that by the poore, and thence itt came that hee that was the richest man, and [a man] of some considerable power amonge the souldiers, and one they resolu'd on, made himself a perpetuall dictator. And if wee straine too farre to avoide monarchy in Kinges [let us take heed] that wee doe nott call for Emperours to deliver us from more then one Tyrant.

Col. Rainborow.

I should nott have spoken againe. I thinke itt is a fine guilded pill, butt there is much danger and itt may seeme to some, that there is some kinde of remedy, I thinke that wee are better as wee are. That the poore shall chuse many, still the people are in the same case, are over voted still. And therefore truly, Sir, I should desire to goe close to the businesse; and the thinge that I am unsatisfied in is how itt comes about that there is such a propriety in some freeborne Englishmen, and nott [in] others.

Comñ. Cowling.

Whether the younger sonne have nott as much right to the Inheritance as the eldest?

Comñ. Gen. Ireton.

Will you decide itt by the light of nature?

Comñ. Cowling.

Why Election was only 40s a yeare,^a which was more then 40⁺;. a yeare now, the reason was [this], that the Commons of England were overpovr'd by the Lords, who had abundance of vassalls, butt that they might still make their lawes good against incroaching prerogatives, therefore they did exclude all slaves. Now the case is nott soe; all slaves have bought their freedomes. They are more free that in the common wealth are more beneficiall. There are men in the country . . . there is a tanner in Stanes worth 3000⁺;, and another in Reading worth 3 horseskins.

Com̃. Gen. Ireton.

In the beginning of your speech you seeme to acknowledge [that] by law, by civill Constitution, the propriety of having voices in Election was fixt in certaine persons. Soe then your exception of your argument does nott prove that by civill constitution they have noe such propriety, butt your argument does acknowledge [that] by civil [constitution they have such] propriety. You argue against this law, that this law is nott good.

Mr. Wildman.

Unlesse I bee very much mistaken wee are very much deviated from the first Question. Instead of following the first proposition to inquire what is just, I conceive wee looke to prophesies, and looke to what may bee the event, and judge of the justnesse of a thinge by the consequence. I desire wee may recall [ourselves to the question] whether itt bee right or noe. I conceive all that hath bin said against itt will bee reduc't to this and another reason; that itt is against a fundamentall law, [and] that every person ought to have a permanent interest, because itt is nott fitt that those should chuse Parliaments that have noe lands to bee disposed of by Parliament.

Com̃. Gen. Ireton.

If you will take itt by the way, itt is not fitt^a that the Representees should chuse the Representors, or the persons who shall make the law in the Kingedome, who have nott a permanent fix't interest in the Kingedome.

Mr. Wildman.

Sir I doe soe take itt; and I conceive that that is brought in for the same reason, that forraigners might come to have a voice in our Elections as well as the native Inhabitants.

Com̃. Ireton.

That is uppon supposition that these^b should bee all Inhabitants.

Mr. Wildman.

I shall begin with the last first. The case is different from the native Inhabitant and forraigner. If a forraigner shall bee admitted to bee an Inhabitant in the Nation, soe hee will submitt to that forme of Governement as the natives doe, hee hath the same right as the natives, butt in this particular. Our case is to bee consider'd thus, that wee have bin under slavery. That's acknowledged by all. Our very lawes were made by our Conquerours; and wheras itt's spoken much of Chronicles. I conceive there is noe credit to bee given to any of them; and the reason is because those that were our Lords, and made us their vassalls, would suffer nothing else to bee chronicled. Wee are now engaged for our freedome; that's the end of Parliaments, nott to constitute what is already according to the just rules of Government.^a Every person in England hath as cleere a right to Elect his Representative as the greatest person in England. I conceive that's the

undeniable maxime of Governement: that all government is in the free consent of the people. If [so], then uppon that account, there is noe person that is under a just Governement, or hath justly his owne, unlesse hee by his owne free consent bee putt under that Governement. This hee cannott bee unlesse hee bee consenting to itt, and therefore according to this maxime there is never a person in England [but ought to have a voice in elections]; if as that Gentleman^b sayes bee true, there are noe lawes that in this strictnesse and rigour of justice [any man is bound to] that are nott made by those who hee doth consent to. And therefore I should humbly move, that if the Question bee stated—which would soonest bringe thinges to an issue—itt might rather bee this: whether any person can justly bee bound by law, who doth nott give his consent that such persons shall make lawes for him?

Com̃. Gen: Ireton.

Lett the Question bee soe; whether a man can bee bound to any law that hee doth nott consent to? And I shall tell you, that hee may and ought to bee [bound to a law] that hee doth nott give a consent to, nor doth nott chuse any [to consent to], and I will make itt cleare. If a forrainger come within this Kingedome, if that stranger will have libertie [to dwell here] who hath noe local interest heere—hee is a man itt's true, hath aire that by nature^a wee must nott expell our Coasts, give him noe being amongst us, nor kill him because hee comes uppon our land, comes uppe our streame, arrives att our shoare. Itt is a peece of hospitality, of humanity, to receive that man amongst us. Butt if that man bee received to a being amongst us I thinke that man may very well bee content to submitt himself to the law of the land: that is, the law that is made by those people that have a property, a fixt property, in the land. I thinke if any man will receive protection from this people, this man ought to bee subject to those lawes, and to bee bound by those lawes soe longe as hee continues amongst them, though [neither] hee nor his ancestors, nott any betwixt him and Adam, did ever give concurrence to this Constitution. That is my opinion. A man ought to bee subject to a law that did nott give his consent, butt with this reservation, that if this man doe thinke himself unsatisfied to bee subject to this law hee may goe into another Kingedome. And soe the same reason doth extend in my understanding to that man that hath noe permanent interest in the Kingedome. If hee hath mony, his monie is as good in another place as heere; hee hath nothing that doth locally fixe him to this Kingedome. If this man will live in this Kingedome or trade amongst us, that man ought to subject himself to the law made by the people who have the interest of this Kingedome in us; and yett I doe acknowledge that which you take to bee soe generall a maxime, that in every Kingedome, within every land, the originall of power, of making lawes, of determining what shall bee law in the land, does lie in the people that are possess't of the permanent interest in the land. Butt whoever is extraneous to this, that is, as good a man in another land, that man ought to give such a respect to the property of men that live in the land. They doe nott determine [that I shall live in this land], why should I have any interest of determining of what shall bee the law of this land?^a

Major Rainborow.

I thinke if itt can bee made to appeare, that itt is a just and reasonable thinge, and that is for the preservation of all the freeborne men, itt ought to bee made good unto them. The reason is, that the chief end of this Governement is to preserve persons as well as estates, and if any law shall take hold of my person itt is more deare than my estate.

Col. Rainborow.

I doe very well remember that the Gentleman in the window b [said], that if itt were soe there were noe propriety to bee had, because a fifth parte of the poor people [that] are now excluded and would then come in. Soe one on the other side said, that if otherwise then rich men shall bee chosen [there would be no propriety]. Then I say the one parte shall make hewers of wood and drawers of water of the other five, and soe the greatest parte of the Nation bee enslav'd. Truly I thinke wee are still where wee were; and I doe not heare any argument given butt only that itt is the present law of the Kingedome. I say still, what shall become of those many [men] that have laid out themselves for the Parliament of England in this present warre, that have ruined themselves by fighting, by hazarding all they had? They are Englishmen. They have now nothing to say for themselves.

Col. Rich.

I should bee very sorry to speake anythinge heere that should give offence, or that may occasion personall reflections that wee spoke against just now. I did nott urge any thinge soe farre as was represented, and I did nott att all urge that there should bee a consideration [had of rich men only], and that [a] man that is [poor] shall bee without consideration, or that hee deserves to bee made poore and nott to live att all. All that I urged was this, that I thinke itt worthy consideration, whether they should have an equality in their interest. Butt however I thinke wee have bin a great while upon this point, and if wee bee as longe upon all the rest, itt were well if there were noe greater difference then this.

Mr. Peter.

I thinke that this may bee easily agreed on, that is there may bee a way thought of. I thinke you should doe well to sett uppe all night, butt I would faine know whether that will answer the worke of your Meeting. a You will be forc't to putt characters upon Electors or Elected, therfore I doe suppose that if there bee any heere that can make uppe a Representative to your minde, the thinge is gain'd. I think three or four might be thought of in this companie. a But the question is, whether you can state any one question for the present danger of the Kingedome, if any one question or noe will dispatch the worke.

Sir, I desire that some question may bee stated to finish the present worke to cement us wherin lies the distance, and if the thoughts of the Commonwealth, the people's freedome, I thinke that's soone cured. I desire that all manner of plainesse may bee used that wee

may nott goe on with the lapwinge, and carry one another off the nest. There is somethinge else in that must cement us where the awkwardnesse of our spiritts lies.

Col. Rainborow.

For my parte I thinke wee cannott engage one way or other in the Army if wee doe nott thinke of the people's liberties. If wee can agree where the liberty and freedome of the people lies, that will doe all.

Com̃. Gen. Ireton.

I cannott consent soe farre. As I said before: when I see the hand of God destroying Kinge, and Lords, and Commons too, [or] any foundation of humane Constitution, when I see God hath done itt, I shall I hope comfortably acquiesce in itt. Butt first, I cannott give my consent to itt because itt is nott good. And secondly, as I desire that this Army should have regard to Engagements wherever they are lawfull, soe I would have them have regard to this as well, that they should nott bringe that scandall uppon the name of God, that those that call themselves by that name, those whome God hath own'd and appear'd with—that wee should nott represent ourselves to the world as men soe farre from being of that peaceable spiritt which is suitable to the Gospell, as wee would have bought peace of the world uppon such termes, wee would nott have peace in the world butt uppon such termes, as should destroy all propertie. If the principle uppon which you move this alteration, or the ground uppon which you presse that wee should make this alteration, doe destroy all kinde of property or whatsoever a man hath by humane Constitution [I cannot consent to it]. The law of God doth nott give mee propertie, nor the law of nature, butt propertie is of humane Constitution. I have a propertie and this I shall enjoy. Constitution founds propertie. If either the thinge itt selfe that you presse or the consequence [of] that you presse [do destroy property], though I shall acquiesce in having noe propertie, yett I cannott give my heart or hand to itt; because itt is a thinge evill in ittself and scandalous to the world, and I desire this Army may bee free from both.

Mr. Sexby.

I see that though itta were our end, there is a degeneration from itt. Wee have engaged in this Kingdome and ventur'd our lives, and itt was all for this: to recover our birthrights and priviledges as Englishmen, and by the arguments urged there is none. There are many thousands of us souldiers that have ventur'd our lives; wee have had little propriety in the Kingedome as to our estates, yett wee have had a birthright. Butt itt seemes now except a man hath a fix't estate in this Kingedome, hee hath noe right in this Kingedome. I wonder wee were see much deceived. If wee had nott a right to the Kingedome, wee were meere mercinarie souldiers. There are many in my condition, that have as good a condition [as I have], itt may bee little estate they have att present, and yett they have as much a [birth] right as those twoa who are their law givers, as any in this place. I shall tell you in a worde my resolution. I am resolved to give my birthright to none.b Whatsoever may come in the way, and [whatsoever may] bee thought, I will give itt to none. If this thinge that

with soe much pressing after—There was one thinge spoken to this effect—that if the poore and those in lowe condition. . . .[c](#) I thinke this was butt a distrust of providence. I doe thinke the poore and meaner of this Kingedome (I speake as in that relation in which wee are) have bin the meanes of the preservation of this Kingedome. I say in their stations, and really I thinke to their utmost possibility; and their lives have nott bin deare for purchasing the good of the Kingdome. Those that act to this end are as free from anarchy or confusion as those that oppose itt, and they have the law of God and the law of their conscience [with them]. Butt truly I shall only summe uppe in this, I desire that wee may nott spend soe much time uppon these thinges. Wee must bee plaine. When men come to understand these thinges they will nott loose that which they have contended for. That which I shall beseech you is to come to a determination of this question.

Corñ. Gen. Ireton.

I am very sorry wee are come to this point, that from reasoning one to another wee should come to expresse our resolutions. I professe for my parte, what I see is good for the Kingdome, and becoming a Christian to contend for, I hope through God I shall have strength and resolution to doe my parte towards itt. And yett I will professe direct contrary in some kinde to what that Gentleman said.[a](#) For my parte, rather then I will make a disturbance to a good Constitution of a Kingedome wherin I may live in godlinesse, and honesty, and peace and quietnesse, I will parte with a great deale of my birthright. I will parte with my owne property rather then I will bee the man that shall make a disturbance in the Kingedome for my property; and therefore if all the people in this Kingedome, or [the] Representative[s] of them all together, should meete and should give away my propertie I would submitt to itt, I would give it away. Butt that Gentleman, and I thinke every Christian ought to beare that spiritt in him, that hee will nott make a publique disturbance uppon a private prejudice**[b](#)**

Now lett us consider where our difference lies. Wee all agree that you should have a Representative to governe, [and] this Representative to bee as equall as you can. Butt the question is, whether this distribution can bee made to all persons equallie, or whether equallie amongst those that have the interest of England in them. That which I have declar'd [is] my opinion [still]. I thinke wee ought to keepe to that [constitution which we have now], both because itt is a civill Constitution, itt is the most fundamentall Constitution that wee have, and [because] there is soe much justice, and reason, and prudence [in it], as I dare confidently undertake to demonstrate, that there are many more evils that will follow in case you doe alter, then there can in the standing of itt. Butt I say butt this in the generall, that I doe wish that they that talke of birthrights—wee any of us when wee talke of birthrights—would consider what really our birthright is.

If a man mean[a](#) by birthright, whatsoever hee can challenge by the law of nature, suppose there were noe Constitution att all, supposing noe Civill law and Civill Constitution—that that I am to contend for against Constitution, you leave noe property, nor noe foundation for any man to enjoy any thinge. Butt if you call that your birthrights which is the most fundamentall parte of your Constitution, then lett him perish that goes about to hinder you

or any man of the least parte of your birthright, or will doe itt. Butt if you will lay aside the most fundamentall Constitution, which is as good for ought you can discerne as anythinge you can propose—att least itt is a Constitution, and I will give you consequence for consequence of good uppon Constitution as you for your birthright^b—and if you meerlie uppon pretence of a birthright, of the right of nature, which is onely true as for your better being; if you will uppon that ground pretend, that this Constitution, the most fundamentall Constitution, the thinge that hath reason and equity in itt shall nott stand in your way, [it] is the same principle to mee say I, [as if] but for your better satisfaction you shall take hold of any thinge that a man calls his owne,

Col. Rainborow.

Sir I see, that itt is impossible to have liberty butt all propertie must be taken away. If itt be laid downe for a rule, and if you will say itt, itt must bee soe. Butt I would faine know what the souldier hath^c fought for all this while? Hee hath fought to inslave himself, to give power to men of riches, men of estates, to make him a perpetuall slave. Wee doe finde in all presses that goe forth none must bee pres't that are freehold men. When these Gentlemen fall out amonge themselves they shall presse the poore shrubs^a to come and kill them.

Com̃. Gen. Ireton.

I confesse I see soe much right in the businesse that I am nott easily satisfied with flourishes. If you will lay the stresse of the businesse [not] uppon the consideration of reason, or right relating to humane constitution, or anything of that nature, butt will putt itt uppon consequences, I see enough to say, that to my apprehensions I can shew you greater ill consequences to follow uppon that alteration which you would have by extending [voices] to all that have a being in this Kingedome then by this a great deale. That is a particular ill consequence. This is a generall ill consequence, and that is as great as this or any else; though I thinke you will see that the validity of that argument must be^b that for one ill lies uppon that which now is, I can shew you a thousand uppon this. Give mee leave [to say] butt this one worde. I tell you what the souldier of the Kingedome hath fought for. First, the danger that wee stood in was, that one man's will must bee a law. The people of the Kingedome must have this right att least, that they should nott bee concluded [but] by the Representative of those that had the interest of the Kingedome. Some^c men fought in this, because they were imediately concern'd and engag'd in itt. Other men who had noe other interest in the Kingedome butt this, that they should have the benefitt of those lawes made by the Representative, yett [fought] that they should have the benefitt of this Representative. They thought itt was better to bee concluded by the common consent of those that were fix't men and setled men that had the interest of this Kingedome [in them], and from that way [said they] I shall know a law and have a certainty. Every man that was borne in itt that hath a freedome is a denizon, hee was capable of trading to gett money and to gett estates by, and therefore this man I thinke had a great deale of reason to build uppe such a foundation of interest to himself: that is, that the will of one man should nott bee a law, butt that the law of this Kingedome should

bee by a choice of persons to represent, and that choice to bee made by the generality of the Kingedome. Heere was a right that induced men to fight, and those men that had this interest, though this bee nott the utmost interest that other men have, yett they had some interest. Now why wee should goe to pleade whatsoever wee can challenge by the right of nature against whatsoever any man can challenge by Constitution?[a](#) I doe nott see where that man will stoppe as to point of property that hee shall nott use that right hee hath by the law of nature against that Constitution. I desire any man to shew mee where there is a difference. I have bin answer'd "now wee see libertie cannott stand without [destroying] propertie." Libertie may bee had and property nott bee destroyed. First, the libertie of all those that have the permanent interest in the Kingedome, that is provided for; and in a generall sence libertie cannott bee provided for if property bee preserved; for if propertie bee preserved—that I am nott to meddle with such a man's estate, his meate, his drinke, his apparell, or other goods—then the right of nature destroys libertie. By the right of nature I am to have sustenance rather then perish, yett property destroyes it for a man to have by the right**b** of nature, suppose there bee noe humane Constitution.

Mr. Peter.

I will minde you of one thinge. That uppon the will of one man abusing us, and soe forth.—Soe that I professe to you for my parte. I hope itt is nott denied by any man, that any wise discreete man that hath preserved England or the Governement of itt—I doe say still under favour there is a way to cure all this debate—I thinke they will desire noe more libertie—If there were time to dispute itt—I thinke hee would bee satisfied, and all will bee satisfied and if the safetie of the Army bee in danger—For my parte I am cleare the point of Election should bee amended.[a](#)

Lieut. Generall.

I confesse I was most dissatisfied with that I heard Mr. Sexby speake of any man heere, because itt did savour soe much of will. Butt I desire that all of us may decline that, and if wee meete heere really to agree to that which was for the safetie of the Kingdome, lett us nott spend soe much time in such debates as these are, but lett us apply ourselves to such thinges as are conclusive, and that shall bee this: Everybodie heere would bee willing, that the Representative might bee mended, that is, itt might bee better then itt is. Perhaps itt may bee offer'd in that paper too lamely. If the thinge bee insisted uppon too limited, why perhaps there are a very considerable parte of copyholders by inheritance that ought to have a voice, and there may bee somewhat too reflects uppon the generality of the people.[b](#) If wee thinke to bringe itt to an issue this way I know our debates are endlesse; and I thinke if you doe [desire to] bringe this to a result itt were well if wee may butt resolve uppon a Committee.[c](#) I say itt againe, if I cannott bee satisfied to goe soe farre as these Gentlemen that bringe this paper, I professe I shall freely and willinglie withdrawe myself, and I hope to doe itt in such a manner that the Army shall see that I shall by my withdrawing satisfy the interest of the Army, the publique interest of the Kingedome, and those ends these men aime att.

Col. Rainborow.

If these men must bee advanced and other men sett under foote, I am nott satisfied if their rules must bee observed, and other men that are in aucthority doe nott know how this can stand together.a I wonder how that should bee thought wilfulnesse in one man that is reason in another; for I confesse I have nott heard any thinge that doth satisfie mee, and though I have nott soe much wisdom or notions in my head, I have soe many that I could tell an hundred to the ruine of the people. I am nott at all against a Committee's meeting; and as you say, for my parte I shall bee ready, if I see the way that I am going and the thinge that I could insist on will destroy the Kingdome, I shall withdraw it as soon as any, and I thinke every Christian ought to do the same;b and therfore till I see that I shall use all the meanes, and I thinke itt is noe fault in any man [to refuse] to sell that which is his birthright.

Mr. Sexby.

I desire to speake a few words. I am sorry that my zeale to what I apprehend is good should bee soe ill resented. I am nott sorry to see that which I apprehend is truth, butt I am sorry the Lord hath darkened some soe much as nott to see itt, and that is in short [this]. Doe you [not] thinke itt were a sad and miserable condition that wee have fought all this time for nothing? All heere both great and small doe thinke that wee fought for something. I confesse many of us fought for those ends which wee since saw was nott that which caused us to goe through difficulties and straightes to venture all in the shippe with you. Itt had bin good in you to have advertis'd us of itt, and I beleive you would have fewer under your command to have commanded. Butt if this bee the businesse, that an estate doth make men capable to chuse those that shall represent them—itt is noe matter which way they gett it, they are capable—I thinke there are many that have nott estates that in honesty have as much right in the freedome [of] their choicea as any that have great estates. Truly, Sir,b [as for] your putting off this question and coming to some other; I dare say, and I dare appeale to all of them, that they cannott settle upon any other untill this bee done. Itt was the ground that wee tooke uppe armes, and itt is the ground which wee shall maintaine. Concerning my making rents and divisions in this way—as a particular, if I were butt soe, I could lie downe and be troden there. [But] truly I am sent by a Regiment. If I should nott speake, guilt shall lie upon mee, and I thinke I were a Covenant breaker. I doe nott know how wee have [been] answer'd in our Arguments, and I conceive wee shall nott accomplish themc to the Kingedome when wee deny them to our selves. I shall bee loath to make a rent and division, butt, for my owne parte, unlesse I see this putt to a question, I despaire of an issue.

Capt. Clarke.d

The first thing that I shall desire was, and is, this; that there might bee a temperature and moderation of spiritt within us; that wee should speak with moderation, nott with such reflection as was boulded one from another; butt soe speake and soe heare as that which may bee the droppinges of love from one another to another's hearts. Another word I

have to say is, the grand question of all is, whether or noe itt bee the property of every individuall person in the Kingdome to have a vote in election[s]; and the ground [on which it is claimed] is the law of nature, which for my parte I thinke to bee that law which is the ground of all Constitutions. Yett really properties are the foundation of Constitutions, for if soe bee there were noe property, that the law of nature does give a principall [for every man] to have a property of what hee has or may have which is nott another man's propertie. This is the ground of meum and tuum. Now there may bee inconveniencies on both hands butt nott soe great freedome. The greater freedome as I conceive that all may have whatsoever. And if itt come to passe that there bee a difference, and that the one doth oppose the other, then nothing can decide itt butt the sword which is the wrath of God.

Capt. Audeley.

I see you have a longe dispute, that you doe intend to dispute heere till the 10th of March. I see both att a stand, and if wee dispute heere both are lost. You^a have brought us into a faire passe, and the Kingdome into a faire passe, for if your reasons are nott satisfied, and wee doe nott fetch all our waters from your wells you threaten to withdraw your selves. I could wish according to our severall protestations wee might sett downe quietly, and there throw downe our selves where wee see reason. I could wish wee might all rise, and goe to our duties, and see our worke in hand.

Lieut. Generall.

Really for my owne parte I must needes say whilest wee say wee would nott make reflections wee doe make reflections; and if I had nott come hither with a free heart to doe that that I was perswaded in my conscience is my duty I should a thousand times rather have kept myself away. For I doe thinke I had brought uppon myself the greatest sin that I was [ever] guilty of, if I should have come to have stood before God in that former duty, and if [I should not persevere in] that my saying which I did say [to you before], and shall persevere to say, that I cannott against my conscience doe anythinge. They that have stood soe much for libertie of conscience, if they will nott grant that libertie to every man, butt say itt is a deserting I know nott what—if that bee denied mee I thinke there is nott that equality that [is] profest to bee amongst us.^a I said this, and I say noe more that make your businesses as well as you can, wee might bringe thinges to an understanding, itt was to bee brought to a faire composure, and when you have said, if you should putt this paper to the question without any qualifications I doubt whether itt would passe soe freely, if wee would have noe difference wee ought to putt itt, and lett me speake clearlie and free lie, I have heard other Gentlemen doe the like, I have nott heard the Commissary Generall answer'd, nott in a parte to my knowledge, nott in a tittle, if therefore when I see there is an extreimity of difference betweene you, to the end itt may bee brought neerer to a generall satisfaction,^a and if this bee thought a deserting of that interest, if there can bee anythinge more sharpely said, I will nott give itt an ill worde. Though wee should bee satisfied in our consciences in what wee doe, wee are told wee purpose to leave the Armie, or to leave our commands as if wee tooke uppon us to

doe itt in matter of will. I did heare some Gentlemen speake more of will then anything that was spoken this way, for more was spoken by way of will then of satisfaction, and if there bee nott a more equality in our mindes I can butt greive for itt, I must doe noe more.

Com̃. Gen. Ireton,

I should nott speake, butt reflections, as if wee who have led men into Engagements and services had divided from them because wee did nott concurre with them, doe necessitate, doe call upon us to vindicate ourselves. I will aske that Gentleman a that spoke, whome I love in my heart, whether when they drew out to serve the Parliament in the beginning, when they engag'd with the Army att New Markett, b whether then they thought of any more interest or right in the Kingdome then this? Whether they did thinke, that they should have as great interest in Parliament men as freeholders had? Or whether from the beginning wee did nott engage for the liberty of Parliaments, c and that wee should bee concluded by the lawes that such did make. Unlesse somebody did make you beleive before now that you should have an equall interest in the Kingedome, unlesse somebody doe make that to bee beleived, there is noe reason to blame men for leading [you] soe farre as they have done; and if any man was farre enough from such an apprehension that man hath nott bin deceiv'd. And truly, I shall say butt this worde more for my self in this businesse, because the whole objection seemes to bee prest to mee, and maintain'd by mee. I will not arrogate that I was the first man that putt the Army upon the thought either of successive Parliaments or more equall Parliaments; yett there are some heere that know who they were putt us upon that foundation of libertie of putting a period to this Parliament, that wee might have successive Parliaments, and that there might bee a more equall distribution of Elections. There are many heere a that know who were the first movers of that businesse in the Army. I shall nott arrogate that, butt I can argue this with a cleare conscience: that noe man hath prosecuted that with more earnestnesse, and will stand to that interest more than I doe, of having Parliaments successive and nott perpetuall, and the distributions of itt [more equal]. Butt notwithstanding my opinion stands good, that itt ought to bee a distribution amongst the fix't and settled people of this Nation. Itt's more prudent and safe, and more upon this ground of right for itt: itt is the fundamentall Constitution of this Kingedome now, and that which you take away for matter of wilfulnesse. Notwithstanding [as for] this universall conclusion, that all inhabitants [shall have voices], as it stands [in the Agreement], I must declare that though I cannott yett bee satisfied, yett for my parte I shall acquiesce. I will nott make a distraction in this Army. Though I have a property in being, one of those that should bee an Elector, though I have an interest in the birthright, yet I will rather loose that birthright, and that interest then I will make itt my businesse [to oppose], if I see butt the generality of those whome I have reason to thinke honest men, and conscientious men, and godly men to carry them another way. I will nott oppose though I bee nott satisfied to joyne with them. And I desire [to say this], I am agreed with you if you insist upon a more equall distribution of Elections; I will agree with you, nott onely to dispute for itt, butt to fight for itt and contend for itt. Thus farre I shall agree with you. On the

other hand those who differ their termes, I will not agree with you except you goe farther. Thus farre I can goe with you, I will goe with you as farre as I can. If you will appoint a committee to consider of some of that, soe as you preserve the equitable part of that, who are like to be freemen, and men not given uppe to the wills of others, keeping to the latitude which is the equity of Constitution, I will goe with you as farre as I can. I will sit downe, I will not make any disturbance amongst you.[a](#)

Col. Rainborow.

If I do speak my soul and conscience I doe thinke that there is not an objection made butt that itt hath bin answer'd, butt the speeches are soe longe. I am sorry for some passion and some reflections, and I could wish where itt is most taken the cause had nott bin given. Itt is a fundamentall Constitution of the Kingedome there—I would faine know whether the choise of Burgesses in Corporations should nott bee alter'd. The end wherfore I speake is onely this, you**b** thinke wee shall bee worse then wee are, if wee come to a conclusion by a vote. If itt bee putt to the question wee shall all know one another's minde. If itt bee determined and the resolutions knowne, wee shall take such a course as to putt itt in execution. This Gentleman**c** sayes if hee cannott goe hee will sitt still. Hee thinkes hee hath a full libertie, wee thinke wee have nott. There is a great deale of difference betweene us two. If a man hath all hee doth desire, [he may wish to sit still]; butt [if] I thinke I have nothing att all of what I fought for, I doe nott thinke the argument holds that I must desist as well as hee.

Mr. Pettus.

The rich would very unwillinglie bee concluded by the poore; and there is as much reason, and indeed noe reason that the rich should conclude the poore as the poore the rich. There should bee an equall share in both. I understood your Engagement was, that you would use all your indeavours for the liberties of the people, that they should bee secur'd. If there is a Constitution that the people are not free that should bee annull'd. Butt this Constitution doth nott make people free, that Constitution which is now sette uppe is a Constitution of 40s. a yeare.

Lieut. Generall.

Heere's the mistake, [the whole question is] whether that's the better Constitution in that paper,[a](#) or that which is. Butt if you will goe uppon such a ground as that although a better Constitution was offer'd for the removing of the worse, yett some Gentlemen are resolved to stick to the worse, there might bee a great deale of prejudice uppon such an apprehension. I thinke you are by this time satisfied, that itt is a cleare mistake; for itt is a dispute**b** whether or noe this bee better; nay, whether itt bee nott destructive to the Kingedome.

Mr. Pettus.

[c](#)I desire to speake one worde to this businesse, because I doe nott know whether my

occasions will suffer mee to attend itt any longer. The great reason that I have heard is [that this is] the Constitution of the Kingdome, the utmost Constitution of itt; and if wee destroy this Constitution there is noe propertie. I suppose that itt were very dangerous if Constitutions should tie uppe all men in this nature.

Com. Ireton.

First the thinge itt self were dangerous if itt were settled to destroy propertie. Butt I say the principle that leads to this is destructive to propertie; for by the same reason that you will alter this Constitution meerly that there's a greater Constitution by nature—by the same reason, by the law of nature, there is a greater liberty to the use of other men's goods which that property barres you of; and I would faine have any man shew mee why I should destroy that libertie, which the freeholders and Burgers in Corporations have in chusing Burgesses—that which [if] you take away you leave noe Constitution—and this because there is a greater freedome due to mee by the law of nature—more then that I should take another man's goods because the law of nature does allow me.

Col. Rainborow.

I would grant somethinge that the Commissary Generall sayes. But whether this bee a just propriety, the propriety sayes that 40s. a yeare inables a man to elect^a—If itt were stated to that, nothing would conduce soe much whether some men doe agree or noe.

Capt. Rolfe.

I conceive that as wee are mett heere, there are one or two thinges mainly to be prosecuted by us; that is especially unitie, [the] preservation of unity in the Army; and soe likewise to putt ourselves into a capacity therby to doe good to the Kingedome. Therefore I shall desire, that there may bee a tender consideration had of that which is soe much urged, in that of an equall as well as of a free Representative. I shall desire that [there may bee] some thoughts of a medium or a composure, in relation to servants or to forraigners, or such others as shall bee agreed uppon. I say then I conceive, excepting those, there may bee a very equitable sence resented to us from that offer in our owne Declarations wherin wee doe offer the common good of all, unlesse they have made any shippewrack or losse of itt.^b

Lieut. Chillenden.

In the beginning of this discourse there were overtures made of imminent danger. This way wee have taken this afternoone is nott the way to prevent itt. I should humbly move that wee should putt a speedy end to this businesse, and that not onely to this maine question of the paper, butt alsoe that, according to the Lieutenant Generall's motion, a Committee may be chosen seriously to consider the thinges in that paper, and compare them with divers thinges in our Declarations and Engagements; that soe as wee have all profest to lay downe ourselves before God—If wee take this course of debating uppon one question a whole afternoone, if the danger bee soe neere as itt is supposed itt were the

ready way to bringe us into itt. [I desire] that thinges may bee putt into a speedy dispatch.

Capt. Clarke.

I presume that the great stick heere is this: that if every one shall have his propriety itt does bereave the Kingedome of itt's principall, fundamentall Constitution that itt hath. I presume that all people and all nations whatsoever have a liberty and power to alter and change their Constitutions, if they finde them to bee weake and infirme. Now if the people of England shall finde this weaknesse in their Constitution they may change itt if they please. Another thinge is this. If the light^a of nature bee onely [followed] in this, itt may destroy the propriety which every man can call his owne. The reason is this, because this principall and light of nature^a doth give all men their owne. As for example the clothes uppon my back because they are nott another man's. If every man hath this propriety of Election to chuse those whom [they think fit], you feare [it] may begett inconveniences. I doe nott conceive that any thinge may bee soe nicely and preciselie done, butt that itt may admitt of inconveniencie. If itt bee in that wherin itt is now there may those inconveniencies rise from them. For my part I know nothing butt the want of love in itt, and the sword must decide itt. I shall desire before the question bee stated itt may bee moderated as for forraigners.^a

Sir Hardresse Waller.

This was that I was saying, I confesse I have nott spoken yett, and having heard so many speake I was willing to bee silent that I might learne too. Itt is nott easy for us to say when this dispute will have an end; butt I thinke itt is easie to say when the Kingedome will have an end. If wee doe nott breath out ourselves wee shall bee kick't and spurn'd of all the world. I would faine know how farre the question will decide itt, for certainly wee must nott expect while wee have tabernacles heere to bee all of one minde. If it bee to bee decided by a question, and all parties are satisfied in that, I thinke the sooner you hasten to itt the better. If otherwise we shall needlessly discover our dividing opinion, which as longe as itt may bee avoided I desire itt may. Therefore I desire to have a period [put to this debate].

Capt. Awdeley.

I chanc't to speake a worde or two. Truly there was more offence taken att itt. For my parte I spoke against every man living,—nott onely against your self^b and the Commissary, butt [against] every man that would dispute till wee have our throates cutt—and therefore I desire I may not lie in any prejudice before your persons. I professe, if soe bee there were none butt you and the Commissary Generall alone to maintain that argument, I would die in any place in England, in asserting that itt is the right of every free borne man to elect, according to the rule, Quod omnibus spectat, ab omnibus tractari debet, that which concernes all ought to bee debated by all. Hee knew noe reason why that law should oblige when hee himself had noe finger in appointing the lawgiver.

Capt. Byshopp.

You have mett heere this day to see if God would shew you any way wherin you might joyntlie preserve the Kingedome from itt's destruction, which you all apprehend to bee att the doore. God is please'd nott to come in to you. There is a Gentleman, Mr. Saltmarsh, a did desire what hee has wrote may bee read to the Generall Councill. If God doe manifest any thinge by him I thinke itt ought to bee heard.

Commissary Generall.

That you will alter that Constitution in my apprehension, from a better to a worse, from a just to a thinge that is lesse juste, and I will nott repeate the reasons of that butt referre to what I have declar'd before. To mee, if there were nothing butt this, that there is a Constitution, and that Constitution which is the very last Constitution, which if you take away you leave nothing of Constitution, and consequently nothing of right or propertie, [it would be enough]. I would nott goe to alter that, though a man could propound that which in some respects might bee better, unlesse itt could bee demonstrated to mee that this were unlawfull, or that this were destructive. Truly therefore I say for my parte, to goe on a suddaine to make such a limitation as that [to inhabitants] in generall—if you doe extend the latitude [of it so far] that any man shall have a voice in Election who has nott that interest in this Kingedome that is permanent and fix'd, who hath nott that interest uppon which hee may have his a freedome in this Kingedome without dependance, you will putt itt into the hands of men to chuse, [instead] of men to preserve their libertie, [men] who will give itt away.

I am confident our discontent and dissatisfaction, if ever they doe well, they doe in this. If there bee any thinge att all that is a foundation of libertie itt is this, that those who shall chuse the law makers shall bee men freed from dependance uppon others. I have a thinge putt into my heart which I cannott butt speake. I professe I am afraid, that if wee, from such apprehensions as these are of an imaginable right of nature opposite to Constitution—if wee will uppon this businesse of that enlargement contend and hazard the breaking of peace, I am afraid wee shall finde the hand of God will follow itt. I thinke if wee from imagination and conceits will goe about to hazard the peace of the Kingdome, to alter the Constitution in such a point, wee shall see that that libertie which wee soe much talke of and [have so much] contended for shall bee nothing att all by this our contending for itt, by putting itt into the hands of those men that will give itt away when they have itt. b

Lieut. Generall.

If wee should goe about to alter these thinges. I doe nott thinke that wee are bound to fight for every particular proposition. Servants while servants are nott included. Then you agree that hee that receives almes is to bee excluded.

Lieut. Col. Reade.

I suppose itt's concluded by all, that the chusing of Representatives is a priviledge; now I see noe reason why anyc man that is a native ought to bee excluded that priviledge, unless from voluntarie servitude.

Mr. Pettus.

I conceive the reason why wee would exclude apprentices, or servants, or those that take almes, is because they depend upon the will of other men and should bee afraid to displeas[e] [them]. For servants and apprentices, they are included in their masters, and soe for those that receive almes from doore to doore; butt if there bee any generall way taken for those that are nott [so] bound [to the will of other men] itt would doe well.

Mr. Everard.a

I being sent from the Agents of the five regiments with an answer unto a writing, the Committee was very desirous to inquire into the depth of our intentions. Those things that they had there manifested in the paper I did declare, and what I did understand as a particular person. It was the Lieutenant General's desire for an understanding with us, presuming those things I did declare did tend to unity; "and if soe [said he] you will lett it appeare by coming unto us."b Wee have gone thus farre, wee have had two or three meetinges to declare and hold forth whatt itt is wee stand upon. [Wee stand upon] the principles of unity and freedome. Wee have declar'd in what wee conceive these principles doe lie. I shall nott name them all because they are knowne unto you. Now in the progresse of these disputes and debates wee finde that the time spends, and noe question butt our adversaries are harder att worke then wee are. I heard (butt I had noe such testimonie as I could take hold of) that there are meetinges daily and contrivances against us. Now for our parts I hope you will nott say all is yours, butt wee have nakedlie and freelie unbosom'd ourselves unto you. Though those thinges have startled many att the first view, yett wee finde there is good hopes. Wee have fix't our resolutions, and wee are determin'd, and wee want nothing butt that only God will direct us to what is just and right. Butt I understand, that [in] all these debates if wee shall agree upon any one thinge, [to say] "this is our freedome," "this is our libertie," "this liberty and freedome wee are debarr'd of and wee are bereav'd of all those comforts," [that even] in case wee should finde out half a hundred of these, yett the maine businesse is how wee should finde them, and how wee should come by them. Is there any liberties that wee finde ourselves deprived of—if wee have greivances lett us see who are the hinderances, and when wee have pitched upon that way—I conceive—I speake humbly in this, one thinge that I conceive myself as a particular person—that these delayes, these disputes will prove little encouragement. Itt was told mee by [one of] these Gentlemen that hee had great jealousies that wee would nott come to the triall of our spiritts, and that perhaps there might happen [to be] another designe in hand. I said to his Honour againe, if they would nott come to the light I would judge they had the workes of darkenesse in hand. Now as they told mee againe on the other hand, when itt was questioned by Col. Hewson, on the other hand they told mee that these Gentlemen, nott naming any particular persons, they will hold you in hand, and keepe you in debate and dispute till you and wee [shall] all

come to ruine. Now I stood as a moderator betweene these thinges. When I heard the Lieutennant Generall speake I was mervailously taken uppe with the plainesse of the carriage. I said, "I will bringe them to you," "you shall see if there hearts bee soe; for my parte I see nothing butt plainesse and uprightnesse of heart made manifest unto you." I will nott judge nor draw any longe discourses uppon our disputes this day. Wee may differ in one thinge, that you conceive this debating and disputations will doe the worke, [we conceive] wee must putt ourselves into the former priviledges which wee want.

Sir Hardresse Waller.

I thinke this Gentleman hath dealt very ingenuously and plainly with us, I pray God wee may doe soe too, and I for one will doe itt. I thinke our disputings will not doe the thinge. I thinke if we doe make itt our resolution that wee doe hold itt forth to all powers, Parliament or Kinge, or whoever they are, to lett them know that these are our rights, and if wee have them nott, wee must get them the best way wee can.

Lieut. Generall.

I thinke you say very well, and my freind att my back,^a hee tells mee that [there] are great feares abroad, and they talke of some thinges such as are nott onely specious to take a great many people with, butt reall, and substantiall, and such as are comprehensive of that that hath the good of the Kingedome in it. Truly if there bee never soe much desire of carrying on these thinges [together], never soe much desire of conjunction, yett if there bee not libertie of speech to come to a right understanding of thinges, I thinke itt shall bee all one as if there were noe desire att all to meete. I may say itt with truth that I verily beleive there is as much reallity and heartinesse amongst us [as amongst you] to come to a right understanding, and to accord with that that hath the settlement of the Kingedome in itt. Though when itt comes to particulars wee may differ in the way, yett I know nothing butt that every honest man will goe as farre as his conscience will lett him, and hee that will goe farther I thinke hee will fall back. And I thinke when that principle is written in the hearts of us, and when there is nott hypocrisie in our dealinges, wee must all of us resolve uppon this, that 'tis God that perswades the heart; if there be a doubt of sincerity, itt's the Devill that created that effect; and 'tis God that gives uprightnesse, and I hope with such an heart that wee have all met withall; if wee have not, God finde him out that came without itt; for my parte I doe itt.

Com. Generall.

When you have done this according to the number of inhabitants, doe you not thinke itt is very variable, for the number will change every day? I would have us fall to somethinge that is practicable with as little paines and dissatisfaction as may bee. I remember, that in the proposalls that went out in the name of the Army itt is propounded as a rule to bee distributed according to the rates that the Counties beare in the [burdens of the] Kingedome; and remember then you have a rule, and though this be not a rule of exactnesse, yett there was something of equality in itt, and itt was a certaine rule where

all are agreed, and therefore wee should come to some settling. Now I doe nott understand wherin the advantage does lie from a suddaine danger, uppon a thinge that will continue soe long, and will continue soe uncertaine as this is.[a](#)

Sir Hardresse Waller.

'Tis thought there's imminent danger; I hope to God we shall bee soe ready to agree for the future that wee shall all agree for the present to rise as one man if the danger bee such, for itt is an impossibility to have a remedy in this. The paper sayes, that this Parliament is to continue a yeare, butt will the great burthen of the people be ever satisfied with papers [whilst] you eate and feede uppon them? I shall be glad, that [if] there bee nott any present danger, you will thinke of some way to ease the burthen that wee may take a course [to do it]; and when wee have satisfied the people that wee doe really intend the good of the Kingdome [they will believe us]—Otherwise if the four Evangelists were heere and lay free quarter uppon them, they will not believe you.

Col. Rainborow.

Moved,

That the Army might bee called to a Rendezvous, and thinges settled.

Com^o. Ireton.

Wee are called back to Engagements. I thinke the Engagements wee have made and published, and all the Engagements of all sorts, have bin better kept by those that did nott soe much cry out for itt then by those that doe; and if you will [have itt] in plaine termes, better kept then by those that have brought this paper. Give mee leave to tell you that in one point, in the Engagement of the Army not to devide, I am sure that hee that understands the Engagement of the Army nott to devide or disband, [as meaning] that wee are nott to devide for quarters for the ease of the country, or the satisfaction of service—hee that does understand itt in that sence, I am nott capable of his understanding.[a](#) There was another sence in itt, and that is, that wee should nott suffer ourselves to bee torne into pieces—such a dividing as [that] is really a disbanding, and for my parte I doe nott know what disbanding is if nott that deviding. [I say that] the subscribers of this paper, the authours of that Booke that is called, 'The Case of the Armie,' I say that they have gone the way of disbanding. Disbanding of an Army is nott parting in a place, for if that bee soe, did not wee att that night disband to severall quarters? Did wee nott then send severall Regiments—Col. Scroope's Regiment into the West[a](#)—wee know where itt was first—Col. Horton's Regiment into Wales for preventing of insurrection there—Col. Lambert's [and] Col. Lilburne's Regiment[s] then sent downe for strengthening such a place as Yorke. And yett the authours of that paper, and the subscribers of them—for I cannott thinke the authours and subscribers all one—we all know, and they may know, that there's noe parte of the Army is dispersed to quarters further then that. Wherupon that outcrie is [made]. They goe to scandalise [us as breakers of the Engagement not to disband or divide].[b](#) Butt hee that will goe to

understand this to bee a deviding that wee engaged against, hee lookes att the name, and nott att the thinge. That deviding which is a disbanding [is] that deviding which makes noe Army, and that dissolving of that order and government which is as essentiall to an Army as life is to a man—which if it be taken away I thinke that such a companie are noe more an armie than a rotten carcass is a man—and [it is] those [who have done this] that have gone to devide the Armie. And what else is there in this paper [but] that we have acted soe vigorously for [already? We proposed that this Parliament should end within a year at most]; they doe not propose that this Parliament should end till the beginning of September. When all comes uppon the matter itt is but a criticall difference, and the very substance of that we have declared before. For my part I professe it seriously that we shall find in the issue that the principall of that division, of [that] disbanding is noe more then this, whether such or such [men] shall have the managing of the businesse. I say plainly the way [they have taken] hath bin the way of disunion and division, and [the dissolution] of that order and Government by which wee shall bee enabled to act, and that by the deviding from that generall Councill, wherein wee have all engaged we should bee concluded, and the endeavouring to draw the soldiers to run this way; and I shall appeale to all men whether there can bee any breach of the Army higher then that breach wee have now spoken of. [As for] that word “deviding the Army,” let it bee judged whether [when we said] wee will nott divide [but] with such [and such] satisfaction, whether that deviding were nott more truly and properlie this deviding in every man’s heart wherin wee doe goe apart one from another, and consequently [whether] those that have gone this way have nott broke the Engagement; [and] whether that [other deviding] were a deviding, [or] a keeping of the Engagement: and those that doe judge the one I doe nott thinke that wee have bin fairely dealt with.[a](#)

Col. Rainborow,

I doe nott make any great wonder that this Gentleman hath sence above all men in the world, butt for these thinges hee is the man that hath undertaken them all. I say this Gentleman hath the advantage of us, hee hath drawne uppe the most parte of them; and why may hee nott keepe a sence that wee doe nott know of? If this Gentleman had declar’d to us att first that this was the sence of the Armie in deviding, and itt was meant that men should nott devide in opinions—To mee that is a mistery. Itt is a huge reflection, a taxing of persons, and because I will avoide further reflections, I shall say noe more.

Agitator,

Wheras you say the Agents did itt, [it was] the souldiers did putt the Agents uppon these meetinges. Itt was the dissatisfactions that were in the Army which provoak’t, which occasion’d those Meetinges, which you suppose tends soe much to deviding; and the reasons of such dissatisfactions are because those whome they had to trust to act for them were nott true to them.

Comm. Gen.

If this bee all the effect of your meetings to agree upon this paper, there is butt one thinge in this that hath nott bin insisted upon and propounded by the Army heertofore all alonge.a Heereb itt is putt according to the number of inhabitants; there according to the taxes. Thisb sayes a period att such a day, the last of September, the other sayes a period within a yeare att most. The Agreement says that these have the power of making law, and determining what is law without the consent of another.a 'Tis true the "Proposalls" said nott that, and for my parte, if any man will putt that to the question whether wee shall concurre with itt I am in the same minde,b if you putt itt in any other hands then those that are freemen; butt if you shall putt the question, and with that limitation that hath bin all alonge acknowledged by the Parliament, till wee can acquitt ourselves justly from any Engagement old or new that wee stand in to preserve the person of the Kinge, the persons of Lords, and their rights soe farre as they are consistent with the common right,c till that bee done I thinke there is reason that exception should continue which hath bin all alonge, that is, where the safetie of the Kingdome is concern'd, this they seeme to hold out. But where I see thinges would nott doe reall mischief I would hold to positive constitution. I would neither bee thought to bee a wronge doer or disturber; soe longe as I can with safetie continue a constitution I will doe itt.d And therfore where I finde that the safetie of the Kingedome is nott concern'd, I would nott for every trifling [cause] make that this shall bee a law, though neither the Lords who have a claime to itt nor the Kinge who hath a claime to itt will consent. Butt where this is concern'de—Upon the whole matter lett men butt consider those that have thus gone away to devide from the Army. Admitt that this Agreement of the people bee the advantage, itt may bee wee shall agree to that without any limittation. I doe agree, that the Kinge is bound by his oath att his coronation to agree to the law that the Commons shall chuse without Lords or any body else. If I can agree any further that if the Kinge doe nott confirme with his aucthority the lawes that the people shall chuse, wee know what will follow.a

Mr. Pettus.

I had the happinesse sometimes to bee att the debate of the Proposalls, and my opinion was then as itt is now, against the Kinges vote and the Lords. Butt nott soe as I doe desire,b since itt hath pleased God to raise a companie of men that doe stand uppe for the power of the House of Commons, which is the Representative of the people, and deny the negative voice of King and Lords. For my parte I was much unknowne to any of them, butt only as I heard their principles, and hearing their principles I cannott butt joyne with them in my judgement, for I thinke itt is reasonable. That all lawes are made by their consent,c wheras you seeme to make the Kinge and Lords soe light a thinge as that itt may bee to the destruction of the Kingedome to throwe them out, and without prejudice [to keep them in]. For my parte I cannott butt thinke that both the power of Kinge and Lords was ever a branch of Tyranny, and if ever a people shall free themselves from Tyranny, cartainly itt is after 7 yeares warre and fighting for their libertie. For my parte, [I think that] if the Constitution of this Kingdome shall bee established as formerly, itt might rivett Tyranny into this Kingedome more strongly then before. For when the people shall heare that for 7 yeares together the people were plundered, and [that] after they had overcome

the Kinge, and kept the Kinge under restraint, att last the Kinge comes in, then itt will rivett the Kinges interest; and soe when any men shall indeavour to free themselves from Tyranny wee may doe them mischief and noe good. I thinke itt's most just and equall, since a number of men have declar'd against itt, they should bee encouraged in itt, and nott discouraged; and I finde by the Councill that their thoughts are the same against the Kinge and Lords, and if soe bee that a power may bee raised to doe that itt would doe well.

Mr. Wildman.

Truly, Sir, I being desired by the Agents yesterday to appeare att Councill or Committees either, att that time, I suppose I may bee bold to make knowne what I know of their sence, and a little to vindicate them in their way of proceeding, and to shew the necessity of this way of proceeding that they have entred uppon. Truly, Sir, as to breaking of Engagements: the Agents doe declare their principle, that whensoever any Engagement cannott bee kept justly they must breake that Engagement. Now though itt's urg'd they ought to condescend to what the Generall Councill doe [resolve], I conceive itt's true [only] soe longe as itt is for their safetie. I conceive [itt's] just and righteous for them to stand uppe for some more speedy vigorous actinges. I conceive itt's noe more then what the Army did when the Parliament did nott only delay deliverance butt oppos'd itt; and I conceive this way of their appearing hath nott appear'd to bee in the least way anythinge tending to devision, since they proceede to cleare the rights of the people; and soe longe as they proceede uppon those righteous principles [for which we first engaged],^a itt cannott bee laid to their charge that they are deviders. And though itt bee declared [that they ought to stand only as soldiers and not as Englishmen], that the malice of the enemies would have bereaved you of your liberties as Englishmen; therefore as Englishmen they are deeply concerned to regard the due observation of their rights, [and have the same right to declare their apprehensions] as I, or any Commoner, have right to propound to the Kingedome my conceptions what is fitt for the good of the Kingedome. Wheras itt is objected, how will itt appear that their proceedings shall tend for the good of the Kingedome? The matter is different. Wheras itt was said before itt was propounded, there must bee an ende to the Parliament, an equality as to Elections—I finde itt to bee their minds—When they came there, they found many aversions from matters that they ought to stand to as souldiers, and nott as Englishmen, and therefore I find it. Concerning the matter of the thinge, I conceive it to bee a very vast difference in the whole matter of proposalls. The foundation of slavery was rivetted more strongly then before. As where the militia is instated in the Kinge and Lords,^b and nott in the Commons, there is a foundation of a future quarrell constantlie laid. However the maine thing was that they found by the proposalls propounded the right of the Militia was acknowledged to bee in the Kinge, before any redresse of any one of the people's greivances or any one of their burthens; and [the King was] soe to bee brought in as with a negative voice, wherby the people and Army that have fought against him when hee had propounded such thinges^a—And finding [this] they perceived they were as they thought in a sad case, for they thought, hee coming in thus with a negative, the Parliament are butt as soe many

cyphers, soe many round Os; for if the Kinge would nott doe itt hee might chuse, "Sic volo, sic jubeo," &c., and soe the corrupt party of the Kingedome must bee soe settled in the Kinge. The godly people are turn'd over and trampled uppon already in the most places of the Kingedome. I speake butt the words of the agents, and I finde this to bee their thoughts. Butt wheras itt is said, "how will this paper provide for anythinge for that purpose?" I say, that this paper doth lay downe the foundations of freedome for all manner of people. Itt doth lay the foundations of souldiers [freedom], wheras they found a great uncertainty in the proposalls: that they should goe to the Kinge for an act of indempnity, and thus the Kinge might command his Judges to hange them uppe for what they did in the warres; because the present Constitution being left as itt was, nothing was law butt what the Kinge sign'd, and nott any ordnance of Parliament. And considering this, they thought itt should bee by an Agreement with the people, wherby a rule betweene the Parliament and the people might bee sett, that soe they might bee destroyed neither by the Kinge's Prerogative, nor Parliament's priviledges. They^a are nott bound to bee subject to the lawes as other men, [that is] why men cannott recover their estates. They thought there must bee a necessity of a rule betweene the Parliament and the people, soe that the Parliament should know what they were intrusted to, and what they were nott; and that there might bee noe doubt of the Parliament's power to lay foundations for future quarrells.^b The Parliament shall nott meddle with a souldier after indempnity. Itt is agreed amongst the people, wheras betweene a Parliament and Kinge—if the Kinge were nott under restraint—should make an Act of Indempnity—wheras another Parliament cannott alter this—That these foundations might bee established. That there might bee noe dispute betweene Lords and Commons, butt these thinges being settled, there should bee noe more disputes, butt that the Parliament should redresse the peoples grievances, wheras now all are troubled with Kinge's interests almost. And besides if this were settled, the Parliament should be free from those temptations—which for my owne parte I doe suppose to bee a truth, that this very Parliament, by the Kinge's voice in this very Parliament may destroy—wheras now they shall bee free from temptations and the Kinge cannott have an influence uppon them as hee hath.^a

Com̃. Gen. Ireton.

Gentlemen, I thinke there is noe man is able to give a better account of the sence of the Agents; hee hath spoke soe much as they have in their Booke and soe readily and therefore I see hee is very well able to give their sence. I wish their sences had nott bin prejudiciall to other men's sences; butt I feare as itt will prove really prejudiciall to the Kingedome, how plausible soever it seemes to bee carried. That paper of the Case of the Armie doth soe abuse the Generall and Generall Council of the Armie, that such and such thinges have bin done that made them doe thus and thus. First as to the materiall points of the paper. As to the businesse of the Lords you know the way wee were then in admitted noe other.^b This Gentleman that speakes heere, and the other gentleman that spake before, when wee were att Reading framing the proposalls did nott thinke of this way. I am sure they did not thinke of this way; and according to the best judgments of those that were intrusted by the Generall Council to drawe uppe the prosposalls, itt was

carried by a question clearlie, that wee should nott. In these proposalls our businesse was to sett forth particulars; wee had sett forth generall Declarations, which did come to as much in effect in this^a The thinge then proposed was, that wee should nott take away the power of the Lords in this Kingedome, and itt was concluded that in the proposalls. Butt as to the Kinge wee were clear. There is nott one thinge in the proposalls, nor in what wee declar'd, that doth give the Kinge any negative voice; and therfore that's parte of the scandall amongst others. Wee doe not give the Kinge any negative, wee doe butt take the Kinge as a man with whome wee have bin att a difference, wee propound termes of peace. Wee doe nott demand that hee shall have noe Negative, butt wee doe nott say that hee shall have any. There's another thinge that wee have, as they say, gone from our Engagements in our Declarations in. [They say] that in the proposalls we goe to establish the Kinge's Rights before [taking away] the peoples Greivances.^a In our Generall Declarations wee first desire a purging of this Parliament, a period [to be set for] this Parliament, and provision for the certainty of future Parliaments; and if the Kinge shall agree in these thinges and what [things] else the Parliament shall propound that are necessary for the safetie of the Kingedome, then wee desire his Rights may bee consider'd soe farre as may consist with the Rights of the people. Wee did soe [speak] in the Declarations, and you shall see what wee did in the proposalls.^a In the proposalls, [we put first] thinges that are essentiall to peace, and itt distinguishes those from the things that conduce to our better being, and thinges that lay foundations of an hopefull Constitution in the future. When those are past, then they say, 'that these thinges having the Kinge's concurrence wee desire that his Right may bee consider'd.' There were many other greivances and particular matters which wee did nott thinke soe necessary that they should precede the setling of a peace, which is the greatest greivance of the Kingdome. Our way was to take away that [first]. Then itt says there, [after] propounding what thinges wee thought in our judgements are to bee essentiall and necessary to peace, 'yet wee desire that the Parliament would loose noe time from the consideration of them.'^b These Gentlemen would say now wee have gone from our Declarations, that wee propose the setling of the Kinge [first, because] itt stands before those Greivances. Wee say those Greivances are nott soe necessary, as that the remedying of them should bee before the setling of the peace of the Kingedome. What wee thought in our consciences to bee essentiall to the peace of the Kingedome wee did putt preceding to the consideration of the Kinge's personall Right; and the concurrence of [the King to] those is a condition without which wee cannott have any Right att all, and without [which] there can bee noe peace, and [we] have named [it] before the consideration of the Kinge's Rights in the setling of a peace, as a thinge necessary to the constitution of a peace. That therfore [to say] wee should preferre the Kinge's Rights before a generall good, was as unworthy and as unchristian an injury as ever was done [by any] to men that were in society with them, and meerly equivocation. Butt itt was told you, that the Generall Councill hath seemed to doe soe and soe, to putt the souldiers out of the way. Itt is suggested, that the Engagement is broken by our deviding to quarters; and whether that bee broken or nott in other thinges, itt is said, that the Generall Councill hath broken the Engagement in this; that wheras before wee were nott a mercinarie Army, now wee are. Lett any man butt

speake what hath given the occasion of that. Itt hath bin pres't by some men that wee should [not] have subjected [our propositions] to the Parliament, and wee would stand to the propositions whatever they were; butt the sence of the Generall Council was this, that, as they had sent their propositions to the Parliament, they would see what the Parliament would doe before they would conclude what themselves would doe; and that there was respect [to be had] to that which wee have hitherto accounted the fundamentall Council of the Kingedome.^a If all the people to a man had subscribed to this [Agreement]^b then there would bee some security to itt, because noe man would oppose; butt otherwise our concurrence amongst ourselves is noe more then our saying our selves wee will bee indemnified. Our Indemnity must bee to somethinge that att least wee will uppehold, and wee see wee cannott hold to bee a conclusive authority of the Kingedome. For that [charge] of going to the Kinge for Indemnity, wee propose an Act of oblivion onely for the Kinges partie; wee propose for ourselves an Act of Indemnity and Justification. Is this the asking of a pardon? Lett us resort to the first petition of the Army wherin wee all were engag'd once, which wee made the basis of all our proceedinges. In that wee say, that [wee wish] an ordinance might bee past to which the Royall Assent might bee desired; butt wee have [since] declar'd, that if the Royall Assent could nott be had, wee should account the aucthority of the Parliament valid without itt.^a Wee have desired in the Generall Council, that for security for arreares wee might have the Royall Assent; and lett mee tell you though I shall bee content to loose my arreares to see the Kingedome have itt libertie—and if any man can doe itt unlesse itt bee by putting our libertie into the hands of those that will give itt away when they have done. Butt I say that I doe thinke that true in this, whoever talk't either of the indeavours of the souldiers, or of any other Indempnity by the sworde in their hands, is [for] the perpetuating of combustions, soe that worde cannott take place, and does nott suppose the setling of a peace, and by that aucthority which hath bin here by the legislative power of the Kingedome; and hee that expects to have the arreares of the souldiers soe, I thinke hee does butt deceive himself.^b For my owne parte I would give uppe my arreares, and for my parte loose my arreares, if wee have nott settlement; noe arreares or want of Indempnity, nor any thinge in the world shall satisfie mee to have a peace uppon any termes, wherin that which is really the Right of this Nation is nott as farre provided for as can bee provided for by men. I could tell you many other particulars wherin there are divers grosse injuries done to the Generall and Generall Council, and such a wronge as is nott fitt to bee done amonge Christians, and soe wronge, and soe false that I cannott thinke that they have gone soe farre in itt.

Mr. Wildman.

I doe nott know what reason you have to suppose I should bee soe well acquainted with the Case of the Armie, and the thinges proposed [in it]. I conceive them to bee very good and just. Butt for that which I give as their sence, which you are pleased to say are scandalls cast uppon the Army, that you propounded to bringe in the Kinge with his negative voice. The legislative power had bin acknowledged [hitherto] to bee in the Kinge with Lords and Commons, whereas you do now say the legislative power to be partly in

him. Then considering that, I doe humbly propound to your consideration, [that] when you restraine the Kinges Negative in one particular, which is in restrayning unequall distributions, and say directly in these very words [the King] "shall bee restored to his personall Rights," you doe now say the Legislative power to bee now partly in him. And therefore I conceive if I have any reason the Kinge is proposed to bee brought in with his Negative voice.^a And wheras you say itt is a scandall for [us to say that you propose] the Kinge to come in with his personall Rights [before the grievances of the people are redressed, it is said in the proposalls] that the Kinge consenting to those thinges the Kinge [is] to bee restored to all his personall Rights.

There's his Restoration. Nott a bare consideration what his Rights are before the peoples Greivances [are considered], butt a Restoration to his personall Rights these thinges being done. Is nott the Parliament to loose their Rights? And for that of [asking the King's consent to an Act of] Indempnity, I doe nott say itt was an asking of the Kinge pardon; itt is rendring us uppe, [because the King is under constraint], and therefore itt is null in Law.

Saturday, 30 October, 1647

Saturday, 30 October, 1647

Att the Committee of Officers att the Quartermaster Generalls.

Present.

Lieut. Generall.	Capt. Merriman.
Commissary Generall.	Lieut. Col. Cobbett.
Col. Rainborow.	Lieut. Chillenden.
Sir Hardresse Waller.	Mr. Allen.
Col. Lilburne.	Mr. Walley.
Col. Rich.	Mr. Sexby.
Lieutennant Col. Goffe.	Mr. Whiting.
Major Rainborow.	Mr. Gayes.
Capt. Clarke.	Mr. Andrewes.

To consider of the papers of the Armie, and the paper of the People's Agreement, and to collect and prepare somewhat to bee insisted uppon and adheer'd unto for setling the Kingedome, and to cleare our proceedinges hitherto.

October 30, 1647

Putney

Putney

October 30, 1647

Att the Committee of Officers appointed to consider of the Agreement, and compare itt with Declarations.

Agreed,

1. That there bee a period sett to this Parliament to end and bee dissolved on the first day of September next ensuing att the furthest.

2. That secure provision may bee made for the succession, constitution, and clearing the power of Parliaments in future, as followeth:

1. For the certainty of their succession, that Parliaments shall biennially meete on the first Thursday in Aprill every second yeare from and after the ending of this Parliament, with such provision for the certainty therof as shall bee found needfull before the ending of this Parliament. The place of Meeting for each succeeding Parliament to bee where the Parliament last preceding shall appoint, unlesse the Councill of State heerafter mencioned, during the intervall shall finde emergent cause to alter the place, and in such case the Meeting for the next Parliament to bee where the Councill shall appoint, provided, that notice bee given therof to all the severall Divisions of the Kingedome for which Members are to bee chosen att least 30 dayes before the time of Meeting.

2. For the certainty of their sitting,

That each Biennial Parliament shall certainly continue to sitt untill the last day of September next ensuing after the meeting therof, unlesse adjourn'd or dissolv'd sooner by their owne consent, butt uppon the said last day of September to dissolve of course.

3. That this Parliament and each succeeding Parliament, att or before Adjournement or Dissolution therof, shall or may appoint a Committee or Councill of State, and such other Committees to continue during the intervall with such powers as they shall finde needfull for such ends and purposes as are in these articles referr'd and left unto them.

4. That in the intervalls betwixt Biennial Parliaments the Kinge, without the advice and consent of the Councill of State may nott call a Parliament extraordinary; butt uppon the advice of the Councill of State, and uppon their warrant for that purpose a Parliament extraordinary shall be called, provided, that itt meete above 70 dayes before the next Biennial day, and shall dissolve of course att least 40 dayes before the same, soe as the course of Biennial Elections may never bee interrupted. Other circumstances about the manner and way of calling such Parliaments extraordinary are to bee sett downe by this Parliament before the ende thereof.

5. For the Constitution of future Parliaments.

1. That the Election of Members for the House of Commons in succeeding Parliaments shall bee distributed to all Counties, or other partes or Devisions of the Kingdome, according to some rule of equality of proportion, soe as to render the House of Commons as neere as may bee an equall Representative of the whole body of the people that are to

Elect; and in order therunto, that all obstructions to the freedome and equalitie of their choice, either by petitions or charters or other prerogative grants, bee removed, and the circumstances of number, place, and manner for more equall distributions bee sett downe by the Commons in this present parliament before the end therof; and what they shall order therein, as alsoe what they or the Commons in succeeding Parliaments shall from time to time further order or sett downe, for reducing the said Elections to more and more perfection of equality in distribution therof, freedome in the Election, order and regularity in the proceeding therof, and certainty in the returnes, shall bee lawes in full force to those purposes.[a](#)

2. That the qualifications of the people that shall have voices in the Elections, as alsoe of those that shall bee capable of being Elected, bee determined by the Commons in this present Parliament before the end therof, soe as to give as much inlargement to Common freedome as may bee, with a due regard had to the equality[a](#) and end of the present Constitution in that point; wherein wee desire itt may bee provided, that all freeborne Englishmen, or persons made free denizons of England, who have served the Parliament in the late warre for the liberties of the Kingdome, and were in the service before the 14th of June 1645, or have voluntarily assisted the Parliament in the said warre with mony, plate, horse, or Armes lent uppon the Parliament's propositions for that purpose, brought in theruppon before the [b](#) day of 1642, shall uppon such certificates therof as by the Commons in this present Parment shall bee determined sufficient, or uppon other sufficient evidence of the said service or assistance, bee admitted to have voices in the said elections for the respective Counties or Divisions wherein they shall inhabite, although they should nott in other respects bee within the qualifications to bee sett downe as aforesaid; as alsoe that itt bee provided, that noe person who for delinquencie in the late warre or otherwise hath forfeited or shall forfeite his said freedome, and is or shall bee soe adjudged by the Commons in Parliament, either by particular judgement or otherwise, or according to generall rules or law for that purpose, whiles hee standeth or shall stand soe adjudged and nott restor'd, shall bee admitted to have any voice in the said Elections or bee capable of being elected. And for that purpose, that itt bee provided either by law or judgement in this present Parliament, that noe person whatsoever who hath bin in hostility against the Parliament in the late warre shall bee capable of having a voice or being elected in the said Elections or to vote or sitt as a Member or Assistant in either House of Parliament untill the 2d Bienniall Parliament bee past.

3. That noe Peers made since the 21st day of May, 1642, or heerafter to bee made, shall bee admitted or capable to sitt or vote in Parliament without consent of both Houses.

6. For clearing of the power of Parliament in future and the interest of the people therein.[a](#)

1 November, 1647

Putney

Putney

1 November, 1647

Att the Generall Council of the Army.

Lieut. Generall.

The Lieutennant Generall first moved, that every one might speake their experiences as the issue of what God had given in answer to their prayers.

Capt. Allen.[c](#)

Made a speech, expressing what experiences hee had received from himself, and from divers other godly people: that the worke that was before them was to take away the Negative voice of the Kinge and Lords.

A report from Col. Lambert's Regiment that two Horsemen, Agitators, came and perswaded them to send new Agitators, for that the Officers had broken their Engagements.

Capt. Carter[a](#)

Exprest his experiences; that hee found nott any inclination in his heart as formerly to pray for the kinge, that God would make him yett a Blessing to the kingdome.

Comñ. Cowling.

Made a speech expressing, that the sworde was the onelie thinge that had from time to time recover'd our Rightes, and which hee ever read in the Worde of God had recover'd the Rights of the people: that our ancestors had still recover'd their liberties from the Danes and Normans by the sworde, when they were under such a slaverie that an Englishman was as hatefull then as an Irishman is now, and what an honour those that were noblemen thought itt to marry their daughters to, or to marry the daughters of any cookes or bakers of the Normans.

Lieut. Col. Lilburne.[b](#)

That hee never observed that the recovery of our liberties which wee had before the Normans was the occasion of our taking uppe armes, or the maine quarrell; and that the Norman Lawes are nott slaverie introduced uppon us, but an augmentation of our slaverie before. Therefore I doubt for those reasons I have given you what was by some offer'd was not of God.

Lieut Generall.

To that which hath bin moved concerning the Negative vote, or thinges which have bin deliver'd in papers, and otherwise may present a reall pleasing. I doe nott say that they have all pleas'd, for I thinke that the Kinge is Kinge by contract, and I shall say, as Christ said, "Lett him that is without sin cast the first stone;" and minde that worde of bearing

one with another, itt was taught us to day. If wee had carried itt on in the Parliament and by our power without any thinges laid on [us of] that kinde, soe that wee could say that wee were without transgression, I should then say itt were just to cutt off transgressors; butt considering that wee are in our owne actions failing in many particulars, I thinke there is much necessity of pardoning of transgressors.

For the actions that are to bee done, and those that must doe them. I thinke itt is their proper place to conforme to the Parliament that first gave them their being; and I thinke itt is considerable^a whether they doe contrive to suppress the power by that power or noe. If they doe continue to suppress them how they can take the determination of commanding men, conducting men, quartering men, keeping guards, without an aucthority otherwise then from themselves, I am ignorant of. And therefore I thinke there is much [need] in the Army to conforme to those thinges that are within their spheare. For those thinges that have bin done in the Army, as this of the Case of the Army truly Stated. There is much in itt usefull, and to bee condescended to; butt I am nott satisfied how farre wee shall presse [it]. Either they are a Parliament or noe Parliament. If they bee noe Parliament they are nothing, and wee are nothing likewise. If they bee a Parliament wee are to offer itt to itt. If I could see a visible presence of the people, either by subscriptions, or number [I should be satisfied with it]; for in the Governement of Nations that which is to bee look't after is the affections of the people, and that I finde which satisfies my conscience in the present thinge.

[Consider the case of the Jews]. They were first [divided into] families where they lived, and had heads of families [to govern them], and they were [next] under judges, and [then] they were under Kinges. When they came to desire a Kinge they had a Kinge, first Elective, and secondly by succession. In all these kindes of Governement they were happy and contented. If you make the best of itt, if you should change the Governement to the best of itt, itt is butt a morall thinge. Itt is butt as Paul sayes "Drosse and dunge in comparison of Christ;"^a and why wee shall soe farre contest for temporall thinges, that if wee cannott have^b this freedome wee will venture life and livelihood for itt. When every man shall come to this condition I thinke the State will come to desolation. Therefore the considering of what is fitt for the Kingedome does belonge to the Parliament—well composed in their creation and election—how farre I shall leave itt to the Parliament to offer itt. There may bee care—That the elections or formes of Parliament are very illegall, as I could name butt one for a Corporation to chuse two. I shall desire, that there may bee a forme for the electing of Purliaments. And another thinge as the perpetuity of the Parliament^c that there is noe assurance to the people, butt that itt is perpetuall, which does [not] satisfie the Kingedome; and for other thinges that are to the Kinge's Negative vote as may cast you off wholly, itt hath bin the resolution of the Parliament and of the Army—If there bee a possibility of the Parliament's offering those thinges unto the Kinge that may secure us I thinke there is much may bee said for the[ir] doing of itt.

As for the present condition of the Army I shall speake somethinge of itt. For the conduct of the Army I perceiv there are severall Declarations from the Army and dissobligations

to the Generalls orders by calling Rendezvous and otherwise. I must confesse I have a Commission from the Generall and I understand that I am to doe by itt. I shall conforme to him according to the rules and discipline of warre, and according to those rules I ought to bee conformable; and therefore I conceive itt is nott in the power of any particular men or any particular man in the Army to call a Rendezvouz of a troope, or Regiment, or [in the] least^a to disoblige the Armie from those commands of the Generall. This way is destructive to the Armie and to every particular man in the Armie. I have bin inform'd by some of the Kinge's partie, that if they give us rope enough we will hange ourselves. [We shall hang ourselves], if wee doe not conforme to the rules of warre, and therefore I shall move what wee shall center uppon. If itt have butt the face of aucthority, if itt bee butt an hare swimming over the Thames, hee will take hold of itt rather then lett itt goe.^b

Lieut. Chillenden.

That God hitherto hath bin pleased to shew us many mercies. The relation of God's providence in bringing us from our march to London.

Mr. Allen.

On Friday was a day for to seeke God for direction in this worke, and uppon Saturday many were giving in their thoughts concerning what God had given in to them to speake, as to a cure for a dying Kingdome. Truly amongst the rest my thoughts were att worke. Providentially, my thoughts were cast uppon one thinge which I had often seene before, yett if prosecuted may bee the meanes of an happy union amongst us. That which I hinte att, and which I spoke to was, the Case of the Armie Stated. I doe perceive, that there is either a reall or an apprehensive—or rather a missapprehensive dissunion amongst us; and truly in my heart there was somethinge providentially laid for a uniting, and that in that passage that those Agentes—att that very time of dissenting from us and when they were ripping uppe our faults to open view—came in the issue to lay us down [as] a rule, and that was [a thing] which before had bin laid downe as a rule, and we and they were to act according to itt; butt being laid downe by them againe I thinke itt is a twofold corde that cannott easily bee broken. They doe referre us to our three Declarations, that of 14 June, 21 of June, 18 of August; and their desires are, that those might bee look't uppon, and adheered unto; and if they bee our desires and their desires that wee should walke uppe to them, I thinke this will putt the businesse to a very faire issue. I did looke over for my parte all thinges [contained] in those three Declarations, and therefore I humbly desire that whatsoever there is in those Declarations we should persist in, wee may intend and pursue, as tending to that end wee all aime att, namelie the Kingdomes good.^a

Lieut. Col. Jubbes.^b

Truly I doe nott know how to distinguish whether the spiritt of God lives in mee, or noe, butt by mercy, love, and peace; and on the contrary whether the spirit of Antichrist lives in mee, butt by envy, malice, and warre. I am altogether against a warre if there may bee a composure [so] that the Englishman may have his priviledges; I have a commission

ready to deliver uppe whensoever I shall bee call'd.

Queries wherein Lieut. Col. Jubbes desireth satisfaction for the preventing of the effusion of bloud.

1. Whether or noe the Parliament may yett be purged of all such Members as assented to the late insurreccions and treason of the City, and still continue a House?
2. If itt may bee purged and an House still remaying, whether the major parte of the remainder bee such persons as are desirous of giving satisfaction to our or the Kingdome's just desires?
3. If the 2d bee assented unto, that they are such persons, whether then they may nott satisfie our just desires, and declare the Kinge guilty of all the bloudshed, vast expence of treasure, and ruine that hath bin occasioned by all the warres both of England and Ireland, and then for that hee is the Kinge of Scotland, and alsoe of Ireland as well as England, that therfore to receive him as Kinge againe for avoiding further warres?
4. Whether if the Parliament may adjourne and dissolve when in their discretions they shall finde cause or nott before—as att this present, even by law, God hath order'd itt—they may nott then reject the Kinge's Act of Oblivion, and take unto themselves that godly resolution to doe that justice unto the Kingdome which now they dare nott doe?

Col. Rainborow.

Mov'd that the papers of the Committee might bee read.

Lieut. Col. Goffe.

I thinke that motion which was made by the Lieutennant Generall should nott die, butt that itt should have some issue. I thinke itt is a vaine thinge to seeke God if wee doe nott hearken after his answer, and somethinge that was spoken by the Lieutennant Generall moves mee to speake att this time, and that was uppon this ground. Itt was concluded by the Lieutennant Generall uppon what was spoken by one heere, that that was nott the minde of God that was spoken by him. I could wish wee might bee warie of such expressions. "There was a lying spiritt in the mouth of Ahab's Prophetts. Hee speakes falselie to us in the name of the Lord." [a](#) I doe not speake this, that this was the minde of the Lord in any thinge; yett wee may nott breake abruptly of that what one spoke was the minde of the Lord, yett wee must consider whether somethinge was nott spoken by others which may bee the minde of the Lord. Truly I am very tender in this thinge; if wee shall waite for God, and if God shall speake to us [and we not hearken], wee shall bringe much evill uppon ourselves. God hath spoken in severall ages in sundry wayes. Then they sent to a Prophet, and hee comes and tells them uppon his bare worde, and hee tells them that hee received such a message from the Lord. Butt God hath [now] putt us uppon such a course which I cannott butt reverence, and God does nott now speake by one particular man, butt in every one of our hearts; and certainly if itt were a dangerous thinge to refuse

a message that came from one man to many, itt is a more dangerous thinge to refuse what comes from God, being spoke by many to us. I shall adde this, that itt seemes to mee evident and cleare, that this hath bin a voice from heaven to us, that wee have sinn'd against the Lord in tampering with his enemies; and itt hath soe wrought with mee that [though] I cannott run præcipitately to worke, yett I dare nott open my mouth for the benefitt or uppeholding that power. I thinke that hath bin the voice of God, and whatsoever was contradicted was our præcipitate running on, our taking hold of an opportunity before itt was given;a and therefore I desire wee may nott præcipitately run on, butt waite upon God, and that in the issue wee mayb see [if] God hath [not] spoken to us; and if the Lord hath spoken to us I pray God keepe us from that sin that wee doe nott hearken to the voice of the Lord.

Lieut. Generall.

I shall nott be unwilling to heare God speaking in any; butt I thinke that God may [as well] bee heard speaking in that which is to bee readc as otherwise.

Butt I shall speake a worde in that which Lieut. Col. Goffe said because itt seemes to come as a reproof to mee, and I shall bee willing to receive a reproof when itt shall bee in love, and shall bee [so] given. That which hee speakes was, that at such a Meeting as this wee should waite upon God, and [hearken to] the voice of God speaking in any of us. I confesse itt is an high duty, butt when any thinge is spoken [as from God] I thinke the rule is, Lett the rest judge!d Itt is left to mee to judge for my owne satisfaction, and the satisfaction of others, whether itt bee of the Lord or nott, and I doe noe more. I doe nott judge conclusively, negatively, that itt was nott of the Lord, butt I doe desire to submitt itt to all your judgements whether itt was of the Lord or noe? I did offer some reasons which did satisfie mee, I know nott whether I did others. If in those thinges wee doe speake, and pretend to speake from God, there bee mistakes of fact—if there bee a mistake in the thinge, in the reason of the thinge—truly I thinke itt is free for mee to shew both the one, and the other if I can. Nay, I thinke itt is my duty to doe itt: for noe man receives any thinge in the name of the Lord further then [to] the light of his conscience appears. I can say in the next place—and I can say itt heartily and freely as to the matter he speakes—I must confesse I have noe prejudice, nott the least thought of prejudice, upon that ground—I speake itt truly as before the Lord—butt this I thinke; that itt is noe evill advertisement to wish us in our speeches of righteousnesse and justice to referre us to any engagements that are upon us, and [it is] that which I have learn'ta in all [our] debates. I have still desir'd wee should consider, where wee are, and what engagements are upon us, and how wee ought to goe off as becomes Christians. This is all that I aim'd att and I doe aime att. I must confesse I had a mervailous reverence and awe upon my spiritt when we came to speake. [We said], lett us speake one to another what God hath spoken to us; and as I said before I cannott say that I have recived any thinge that I can speake as in the name of the Lord—nott that I can say that any body did speake that which was untrue in the name of the Lord—butt upon this ground, that when wee say wee speake in the name of the Lord itt is of an high nature.

Lieutenant Col. Goffe made an apologie for what hee had said before.

Mr. Allen.

My desire is to see thinges putt to an issue. Men have bin declaring their thoughts, and truly I would crave libertie to declare mine. The difference betweene us I thinke is in the interest of Kinge and Lords, some declaring against the name and title of Kinge and Lords. For my parte [I think] clearly, according to what wee have engag'd wee stand bound; and I thinke wee should bee look't uppon as persons nott fitt to bee called Christians, if wee doe nott worke up to them. As first, concerning the Kinge. You say you will sett uppe the Kinge as farre as may bee consistent with, and nott prejudiciall to the liberties of the Kingedome; and really I am of that minde [too]. If the setting uppe of him bee nott consistent with them, and prejudiciall to them, then downe with him; butt if hee may bee soe sett uppe—which I thinke hee may—[then set him up], and itt is not our judgement onely, butt [that] of those that sett forth the Case of the Army.

Col. Rainborow.

Tooke occasion to take notice as if what Mr. Allen spoke did reflect upon himself or some other there, as if they were against the name of Kinge and Lords.

Mr. Sexby.

Truly I must bee bold to offer this one worde unto you. Truly heere was somewhat spoke of the workinges and actinges of God within them, I shall speake a worde of that. The Lord hath putt you into a state, or att least [suffered you] to run you[rselfes] into such a one, that you know nott where you are. You are in a wilderness condition. Some actinges amonge us singly and joyntlie that are the cause of itt. Truly I would intreate you to weigh that. Wee finde in the worde of God "I would heale Babylon, butt shee would nott bee healed."^a I thinke that wee have gone about to heale Babylon when shee would nott. Wee have gone about to wash a Blackamore, to wash him white, which hee will nott. I think wee are going about to sette uppe the power which God will destroy. Wee are going about to sett uppe the power of Kinges, some parte of itt, which God will destroy; and which will bee butt as a burthensome stone that whosoever shall fall uppon itt, itt will destroy him.^b I shall propose this to your Honours, to weigh the grounds, whether they bee right, and then you shall bee led in pleasant pathes by still waters, and shall nott bee offended. I thinke this is the reason of the straights that are in hand.

Lieut. Gen.

I thinke wee should nott lett goe that motion which Lieut. Col. Goffe made, and soe I cannott butt renew that caution that wee should take heede what wee speake in the name of the Lord. As for what that Gentleman spoke last (butt it was with too much confidence) I cannott conceive that hee altogether meant itt. I would wee should all take heede of mentioning our owne thoughts and conceptions with that which is of God. What this Gentleman told us [was] that which [he conceived] was our great fault. Hee alludes to

such a place of Scripture. "Wee would have heal'd Babylon, butt shee would nott." The Gentleman applied itt to us, as that we had bin men that would have heal'd Babylon, and God would nott have had her heal'd. Truly though that bee nott the intent of that Scripture, yett I thinke itt is true, that whosoever would have gone about to heale Babylon when God had determined [to destroy her] hee does fight against God, because God will nott have her heal'd. Indeed when wee are convinc't that itt is Babylon wee are going about to heale, I thinke itt's fitt wee should then give over our healing; and yett certainly in generall itt is nott evill to desire an healing. Butt since I heare noe man offering nothing to speake to us as a particular dictate from God, I shall desire to speake a word or two.^a I should desire to draw to some conclusion of that expectation of ours. Truly, as Lieut. Col. Goffe said, God hath in severall ages used severall dispensations, and yett some dispensations more eminently in one age then another. I am one of those whose heart God hath drawne out to waite for some extraordinary dispensations, according to those promises that hee hath held forth of thinges to bee accomplished in the later time, and I cannott butt thinke that God is beginning of them. Yett certainly [we do well to take heed], uppon the same ground that wee finde in the Epistle of Peter, where hee speakes of the Scriptures, as "a more sure word of Prophecy" then their testimonies was, to which, says hee, you doe well to take heede, as a light shining in a dark place.^a If, when wee want particular and extraordinary impressions, wee shall either altogether sitt still because wee have them nott, and nott follow that light that wee have; or shall goe against, or short of that light that wee have, uppon the imaginary apprehension of such divine impressions and divine discoveries in particular thinges—which are nott soe divine as to carry their evidence with them to the conviction of those that have the spiritt of God within them—I thinke wee shall bee justly under a condemnation. Truly wee have heard many speaking to us; and I cannott butt thinke that in many of those thinges God hath spoke to us. I cannott butt thinke that in most that have spoke there hath bin some thinge of God made forth to us; and yett there hath bin severall contradictions in what hath bin spoken. Butt certainly God is nott the Authour of contradictions. The contradictions are nott soe much in the end as in the way. I cannott see butt that wee all speake to the same end, and the mistakes are onely in the way. The end is to deliver this Nation from oppression and slavery, to accomplish that worke that God hath carried us on in, to establish our hopes of an end of justice and righteousnesse in itt. Wee agree thus farre. I thinke wee may goe thus farre farther, that wee all apprehend danger from the person of the Kinge, and from the Lords. All that have spoke have agreed in this too; though the Gentleman in the windowe^b when hee spoke [of] sett[ing] uppe, if hee should declare itt, did nott meane all that that worde might importe. I thinke that seemes to bee generall amonge us all, that if itt were free before us whether wee should sett uppe one or other, there is nott any intention of any in the Army, of any of us, to sett uppe the one [or the other]. I doe to my best observation finde an unanimity amongst us all, that wee would sett uppe neither.^a Thus farre I finde us to bee agreed, and thus farre as wee sre agreed I thinke itt is of God. Butt there are circumstances in which wee differ as in relation to this. I must further tell you, that as wee doe nott make itt our businesse or intention to sett uppe the one or the other, soe neither is itt [our intention] to preserve the one or the

other, with a visible danger and destruction to the people and the publique interest. Soe that that parte of difference that seemes to bee among us is whether there can bee a preservation [of them with safety to the kingdom]. First of all, on the one parte, there is this apprehension: that wee cannott with justice and righteousnesse att the present destroy, or goe about to destroy, or take away, or [altogether] lay aside both, or all the interest they have in the publique affaires of the Kingdome; and those that doe soe apprehend would straine somethinge in point of security, would rather leave some hazard—or att least, if they see that they may consist without any considerable hazard to the interest of the Kingdome, doe soe farre [wish] to preserve them. On the other hand, those who differ from this, I doe take itt in the most candid apprehension that they seeme to run b thus: that there is nott any safetie or security to the libertie of the Kingedome, and to [the] publique interest, if you doe retaine these at all; and therefore they thinke this is a consideration to them paramount [to] the consideration of particular obligations of justice, or matter of right or due towards Kinge or Lords. Truly I thinke itt hath pleased God to lead mee to a true and clear stating our agreement, and our difference; and if this bee soe wee are the better prepared to goe [on]. If this bee nott soe, I shall desire that any one that hath heard mee [will] declare [it], if hee doe thinke that the thinge is mistated as to our agreement or difference; and I shall goe on, onely in a worde or two to conclude that wee have bin about. As to the dispensations of God itt was more particular in the time of the law [of Moses than in the time of the law] written in our hearts, that worde within us, the minde of Christ; a and truly when wee have noe other more particular impression of the power of God going forth with itt I thinke that this law and this [word] speaking [within us]—which truly is in every man who hath the spiritt of God—wee are to have a regard to; and this to mee seemes to bee very cleare what wee are to judge of the apprehensions of men to particular cases, whether itt bee of God or noe. When itt doth nott carry itt evidence of the power of God with itt to convince us clearlie, our best way is to judge the conformity or disformity of [it with] the law written within us, which is the law of the spiritt of God, the minde of God, the minde of Christ. As was well said by Lieut. Col. Jubbs, for my parte I doe nott know any outward evidence of what proceedes from the spiritt of God more cleare then this, the appearance of meeknesse, and gentlenesse, and mercy, and patience, and forbearance, and love, and a desire to doe good to all, and to destroy none that can bee sav'd; b and as he said of the spiritt of malice, and envy, and thinges of that nature, I cannot but take that to bee contrary to this law. For my parte I say where I doe see this, where I doe see men speaking according to that law, which I am sure is the law of the spiritt of life—And I thinke there is this radically in that heart where there is such a law as leads us against all opposition. On the other hand, I thinke that hee that would decline the doing of justice—where there is noe place for mercy—and the exercise of the wayes of force—for the saftie of the Kingedome where there is noe other way to save itt—and would decline these out of the apprehensions of danger and difficulties in itt, hee that leads that way on the other hand doth truly lead us from that which is the law of the spiritt of Life, the law written in our hearts. And truly having thus declared what wee may apprehend of all that hath bin said, I shall wish that wee may goe on to our businesse; and I shall onely adde severall cautions on the one hand, and the

other.

I could wish that none of those whose apprehensions run on the other hand, that there can be no safety in a consistencie with the person of the Kinge or the Lords, or their having the least interest in the publique affaires of the Kingedome, I doe wish them that they will take heede of that which some men are apt to be carried away by, [that is] apprehensions that God will destroy these persons or that power; for that they may mistake in. And though [I] my selfe doe concurre with them, and perhaps concurre with them upon some ground that God will doe soe, yett lett us, [not] make those things to be our rule which wee cannot soe clearly know to be the minde of God. I meane in particular things lett us nott make those our rules, "that this is to be done, [this] is the minde of God, wee muste worke to itt." a At least [let] those to whome this is nott made cleare, though they doe thinke itt probable that God will destroy them, yett lett them make this rule to themselves, though God have a purpose to destroy them, and though I should finde a desire to destroy them—though a Christian spiritt can hardly finde itt for itt self—yett God can doe itt without necessitating us to doe a thinge which is scandalous, or sinne, or which would bringe a dishonour to his name; and therefore let those that are of that minde waite upon God for such a way when the thinge may be done without sin, and without scandall too. Surely what God would have us doe hee does nott desire wee should steppe out of the way for itt. This is the caution, on the one hand that wee doe noe wronge to one or other, and that wee abstaine from all appearance of wronge, and for that purpose avoide the bringing of a scandall to the name of God, and to his people upon whome his name is call'd. On the other hand, I have butt this to say: that those who doe apprehend obligations lying upon them—either by a generall duty or particularly in relation to the thinges that wee have declar'd, a duty of justice, or a duty in regard of that Engagement—that they would clearly come to this resolution, that if they found in their judgements and consciences that those Engagements lead to any thinge which really cannot consist with the libertie and safety and publique interest of this Nation, they would account the Generall [duty] paramount [to] the other, soe farre as nott to oppose any other that would doe better for the Nation then they will doe. If wee doe act according to that minde and that spiritt, and that law which I have before spoken of, and in these particular cases do a take these two cautions, God will lead us to what shall be his way, as many of us as hee shall incline their mindes to, and the rest in their way in a due time.

Capt. Byshopp.

I shall desire to speake one word and that briefly. What's the reason that wee are distracted in Councill, and that wee cannot as formerly preserve the Kingedome from that dying condition in which itt is? After many inquiries in my spirit I finde this answer, and the answer which is to many Christians besides amongst us. I say [it is] a compliance to preserve that Man of Bloud, and those principles of tyranny which God from Heaven by his many successes hath manifestly declar'd against, and which I am confident may be our destruction [if they be preserved]. I say nott [this] in respect of any particular persons. I onely speake this [as] what is upon my spiritt, because I see you are upon inquiry what

God hath given in to any one which may tend to the preservation of the Kingedome.[b](#)

Mr. Wildman.

I observe that the worke hath bin to inquire what hath bin the minde of God, and every one speakes what is given in to his spiritt. I desire as much as is possible to reverence whatsoever hath the spiritt or image of God uppon itt. Whatever another man hath received from the spiritt, that man cannott demonstrate to mee butt by some other way then meerlie relating to mee that which hee conceives to bee the minde of God. Itt is beyond the power of the reason of all the men on earth to demonstrate the Scriptures to bee the Scriptures written by the spiritt of God; butt itt must bee the spiritt of faith that must make him believe whatsoever may bee spoken in spirituall matters; yett in civill matters wee cannott finde anythinge in the worde of God what is fitt to bee done in civill matters. I conceive that onely is of God that does appeare to bee like unto God, justice and mercy, to bee meeke and peaceable. I should desire therfore that wee might proceede onelie in that way. If itt please this honourable Councill to consider what is justice and what is mercy, and what is good, and I cannott butt conclude that that is of God. Otherwise I cannott thinke that any one doth speake from God when hee sayes what hee speakes is of God.

Butt to the matter in hand, I am clearly of opinion with that Gentleman that spake last save one, that itt is nott of God [to decline the doing of justice] where there is noe way left of mercy; and I could much concurre that itt is very questionable whether there bee a way left for mercy uppon that person that wee now insist uppon. Whether itt is demonstrable by reason or justice [that it is right] to punish with death those that according to his command doe make warre, or those that doe butt hold compliance with them, and then [to say] that there is a way left for mercy for him who was the great actor of this, and who was the great contriver of all? Butt I confesse because itt is in civill matters I would much decline that, and rather looke to what is safetie, what the minde doth dictate from safetie, what is the safetie I know itt cannott bee the minde of God to goe contrary to; butt for what particulars that Gentleman speakes of the differences betweene us, I thinke they are soe many as nott easily to bee reckoned uppe. That which hee instanc't was that some did desire to preserve the person of the Kinge and person of the Lords, soe farre as itt was [consistent] with the safetie or the good of the Kingedome, and other persons doe conceive, that the preservation of the Kinge or Lords was inconsistent with the people's safetie, and that law to bee paramount all.

Comñ. Ireton.[a](#)

Sir, I did not speake of the destroying of the Kinge and Lords—I have nott heard any man charge all the Lords soe as to deserve a punishment—but [of] a reserving to them any interest att all in the publique affaires of the Kingdome.

Mr. Wildman.

Then Sir, as I conceive, you were saying the difference was this: that some persons were

of opinion that the preservation of the power of Kinge and Lords was paramount to all considerations, and might keepe them from any giving them what was due and right.

Com̃. Ireton.

I said, that some men did apprehend, that there might be an interest given to them with safetie to the Kingdome, others doe thinke, that noe parte of their interest could bee given without destruction to the Kingedome.

Mr. Wildman.

For the matter of stating the thinge in difference, I thinke that the person of Kinge and Lords are nott soe joyn'd together by any; for as your self said, none have any exception against the persons of the Lords or name of Lords. The difference is whether wee should alter the old foundations of our Governement soe as to give to Kinge and Lords that which they could never claime before. Whereas itt's said, that those that dissent^a looke after alteration of Governement, I doe rather thinke that those that doe dissent doe indeavour to alter the foundation of our Governement, and that I shall demonstrate thus. According to the Kinges oath hee is to grant such lawes as the people shall chuse, and therefore I conceive they are called lawes before they come to him. They are called lawes that hee must confirme, and soe they are lawes before they come to him.^b To give the Kinge a legislative power is contrary to his owne oath att his Coronation, and itt is the like to give a power to the Kinge by his negative voice to deny all lawes. And for the Lords, seeing the foundation of all justice is the election of the people, itt is unjust they should have that power.

Therefore I conceive the difference only is this, whether this power should bee given to the King and Lords or noe?

For the later parte of that noble Gentleman's wordes this may bee said to them, whether this consideration to give them^c what is their due right may [not] bee paramount to all engagements?

Com̃. Ireton.

The Question is nott whether this should bee given to Kinge and Lords, or noe, but the Question is, whether that interest that they have in this, (if they have any) whether itt should bee now positively insisted uppon to bee clearly taken away.

Mr. Wildman.

Sir, I suppose that the interest they have if they have any—if (for that supposition is very well put in)—for (as I said before) I conceive that neither Kinge, nor Lords according to the foundation of Governement ever had a right.

Com̃. Ireton.

I spake itt to you, and those that are of your minde, if you were satisfied nott to have an

exception.[a](#)

Mr. Wildeman.

Then I say the whole tenour of the propositions or proposalls must bee alter'd, if any thinge bee in them [allowing the King a negative voice]. I conceive that not to expresse it because it hath bin usurp't is to confirme his usurpation of itt.[b](#) For many yeares this hath bin usurp't. Now, if after God hath given us the victory over them wee shall nott declare against them, wee give noe security for the peoples libertie.

Com. Ireton.

You speake parte to the point of justice and parte to the point of safetie. To the point of justice you seeme to speake this; that by the fundamentall constitutions of this Kingedome, neither Kinge nor Lords have rightfully a negative voice; and therefore to take itt away or to cleare itt that they have none is butt justice. I thinke that is itt, that [by] the fundamentall constitution, neither of them [have a negative voice].

You seeme to argue onely from the Kinges oath, and then you conclude, if as appears by that they had itt nott before, though wee all bee satisfied wee would say nothing to give them itt, yett if wee doe nott expreslie take itt away, nay if wee doe send itt to any of them—wee doe leave to them a power to assent or dissent, and give them that which wee had before. Soe you well remember that that which you argue of the Kinge's Oath, and I know for my owne parte noe other [evidence] then an old Statute or two cited in the Declaration[a](#) wherin the Commons declare—

I remember I spoke itt, and I speake itt againe, and that that is the intent I doe verily beleive: that the originall sence and intention of the Oath of the Kinge's which is published in that Declaration of the Commons was, and is, and ought to bee, that the Kinge ought to confirme those lawes that the Commons chuse. Now whether this Kinge bee soe bound by his Oath, as that hee breakes his Oath if hee doe not confirme every law that they seeke, I conceive that depends uppon what hee did verily at his coronation make his Oath; butt I thinke that in the sence and intention of the people of the Kingedome their intention was that hee should confirme all the lawes that they should chuse. Butt you must take notice, that the Oath doth take them [as] lawes before hee should make them; itt calls them lawes, the lawes in Election, Quas vulgus elegerit. The Kinge promises that hee will by his authority confirme those lawes that the people shall chuse, soe that this shoves clearly what use in the constitution of the Kingedome they made of the Kinge in the Commonwealth. The Commons are to chuse the lawes and the Kinge to confirme, they had this trust to the Kinge would confirme what they should chuse, and hee confirming them they were firme lawes. I doe really beleive, that this was the Agreement that the people of England made with their Kinges; that is, they would have him give his consent to what lawes they should chuse and soe to have that implicite use. Butt this is most apparent, both by the Oath ittself, and by all the practice since—the sending of lawes to the Kinge—by all that itt is apparent, that they had some relation to the Kinge and to his

consent in the making of a law.^b This I am sure, if it were never so clear in the Constitution that they were good laws without it, yett this is clear—if that were true in the originall Constitution of this Kingdome this is clear—that they have [been] sent still to him to be confirm'd; as the word was to be confirm'd or corroborated, *Leges quas vulgus elegerit corroborandas*.

I thinke if wee doe [take into] account all the sending of laws heeretofore to be corroborated by him, and if his denying of some of them—nott absolutely denying butt advising—if these have nott at all prejudic't [the right of] the people against his Negative voice, soe the sending of propositions now for his assent cannott prejudice the right of the people more then all their sending [laws to him] before. If wee should putt itt to the Kinge as his act—The Parliament have declar'd itt and asserted itt, that itt is their right that the Kinge ought nott to deny any [laws they offer to him]; itt is his Oath. They have gone thus much farther, that if hee did not confirme them they were laws without him. Uppon this there hath bin a warre made. They have gone to make all laws and ordinances that were needfull for the management of the affaires of the Kingdome without the Kinge. Itt is now come to a period. Soe that *De facto* itt is thus, they have made laws, and held them forth to the Kingdome [as laws]. Now if the Kinge by his act doe confirme what the Parliament have done, and condemne all that have bin against the Parliament, whether hee doe nott acknowledge to all posteritie, that in case of safety, when the Parliament doth adjudge the safetie of the Kingdome to be concern'd they are to make a law without him? For my parte I thinke there can be nothing more clear then this is. For my owne particular I doe apprehend that there is that generall right [in the Parliament] that the laws [it shall pass] ought to be confirm'd [by the King]; it^a is my thoughts, that without anythinge of the Kinge's Declaration to that purpose, in point of safetie where they cannott dispense with the suspending of the Kinge, they are a law without him. This the Parliament hath declar'd, and this is asserted in all the Declarations that have bin sent out, and [this is] the ground that I have proceeded [on] in those proposalls of the Armie. That "in a case of safetie" was provided for in those matters that I have spoke of. I account them materially and essentially provided for in those;^a and if I had nott, for my parte I should never have rested or bin satisfied in that point, and in other points there might have bin a dispensation with a suspending. Notwithstanding the liberty of the Kingdome hath bin provided for in this, that there should nott be any thinge done or laws made without the consent of the people.^b

Capt. Awdeley.

I thinke if soe be that this business of the Negative voice be all the dispute, wee shall all agree in itt; for itt appear'd by what you spake the other night that hee ought to have his Negative voice taken away.

Col. Hewson.

The Scotts have made provision, that hee should have noe Negative voice among them, and why should nott wee make the same provision with them?

Com̃. Ireton.

Those things that the Committee did prepare and they proceeded in last night will almost end us this dispute. Whereas it was desired that we should take into consideration the severall Heads to be insisted upon as fundamentall lawes that wee must stand [to] for the establishing of the Kingdome—They are still [things held to be necessary] in relation to the security of the Kingdome.

The Proposall read.[a](#)

Col. Rainborow.

That some things in the Agreement were granted there.

To Debate whether or noe when the Commons Representative doe declare a law itt ought nott to passe without the Kinge's consent.[b](#)

Com̃. Ireton.

Truly this is all; whether honour, title, estate, liberty, or life, [if] the Commons have a minde to take itt away by a law [they can do so]; soe that to say you are contented to leave them all, this [negative] being taken away, is as much as to say you are to allow them nothing. Consider how much of this dispute is saved, [by] this that is read to you. It gives the negative voice to the people, noe lawes can be made without their consent. And secondly itt takes away the negative voice of the Lords and of the Kinge too, as to what concernes the people; for itt says that the Commons of England shall be bound by what judgements and alsoe [by] what orders, ordinances, or lawes shall be made for that purpose by them; and all that followes for the King or Lords is this, that the Lords or King are nott bound by that law they passe for their owne persons or estates as the Commons are, unlesse they consent to itt. Therefore what is there wanting for the good or safety of the Commons of England?[c](#)

Col. Rainborow.

That if the Negative voice be taken away, then if the Kinge or Lords were taking courses destructive how should they be prevented?

Com̃. Generall.

Itt is further provided if they will meddle in any other offices, as Officers of Justice or Ministers of State in this Kingdome, then they likewise are soe farre subject to the Judgement of the House of Commons. If they onely stand as single men, their personall interest and the like [is secured], and the right of being only judged by their peeres, and[a](#) their individuall persons [are not bound] by any law that they doe nott consent to.

Col. Rainborow.

If the Lords should joyne together by their interest in the Kingedome, and should act

against the Commons, then the Commons had noe way to helpe themselves.

Com̃. Ireton.

Iff itt come to a breach of the peace itt will come to breake some law. That a Lord is subject to the common law. The Lords heertofore b [as] to the breaches of peace have bin subject to the common law; only for the matter of fact, whether guilty or nott guilty of the breach of such a law, they must bee tryed by their Peeres. Wee have stood very much for ourselves that wee should bee judged by our Peeres, and by our fellow Commoners; I would faine know this, how wee can take away that right of Peeres to bee tryed by their Peeres when that itt is a point of right for the Commons to bee tryed by their Peeres. c

Col. Rainborow.

That the lawes that binde the Commons are exclusive to the Lords.

Com. Ireton.

I would faine know this whether the High Sheriff in every County of the Kingedome [may not apprehend a Lord who breake the peace], and I am sure the law hath provided for the keeping of the peace. I know that there is noe law butt the chief justice of the Kinge's Bench, nay the Sheriff of a County, nay the Constable of any towne may seize upon him.

Col. Rainborow.

If a Petty Constable or Sheriff shall apprehend a Peere of the Kingedome, whether hee can answer itt?

Com. Ireton.

That if a Lord shall bee accused, and by a Jury found guilty, hee will expect to bee tryed by his Peeres.

Mr. Wildman.

I would proceede to the thinges in hand. Though I protest I would nott widen a difference, yett I conceive the difference is as wide as ever; for in what's there provided the interest of the Kinge and Lords is given away which the Lord by a Judgement from heaven hath laid aside. a I conceive [that in] this [article] concerning the succession of Parliaments [it] is proposed positively that itt shall bee as Trienniall Parliaments were. b

Com. Ireton.

You did in your way propose a certainty or nott; if you did nott propose itt how farre—That which you propose is, the people shall meete; you neither say where nor when. Wee say [with such provision] for the certainty of itt [as in the late Act made for Trienniall Parliaments]. That Act tells you particularly; butt because you must make a new provision for itt, since you must make a New Division and distribution of the Kingedome and a New

Circuite, therefore itt sayes, "with such further provision as shall bee made for reducement [of it] to a certainty."[a](#)

Col. Rainborow.

That hee does take exception att [the provision] that noe man should bee chosen that hath nott 20li a yeare.

Com Ireton.

If Mr. Wildman thinke fitt to [let me] goe on without taking an advantage to every particular as itt is read, [he may shew afterwards] what they are that doe render these propositions soe destructive, and give the King and Lords such an interest as they never had before, if hee will take them uppon his memory, and by the way. I hope Mr. Wildman will nott offer such an assertion butt hee hath arguments to make itt good.

Mr. Wildman.

I onely affirme that itt doth establish the Kinge's and Lords' interest surer than before.

Com, Ireton.

Wee doe agree that all the Commons of England are bound, [by whatever laws the House of Commons shall pass;] butt the Kinge and Lords as to their persons are nott bound; butt if any of them bee an officer or Minister of State then hee is to bee subject [to the judgment of the House of Commons].

Col. Rainborow.

How does itt reach the Kinge and nott a Lord?

Com. Ireton.

Every Lord is nott a Minister of Justice, butt if there bee any other difference they are tryed by their Peeres.

Col. Rainborow.

Itt is offer'd to make them capable of being chosen.

Com. Ireton.

Every Baron by the other exception may bee chosen.

Col. Rainborow.

Is itt nott soe in Scotland?

Com. Ireton.

In Scotland every Lord hath his place as Burgesse.[a](#)

Col. Rainborow.

Why should nott the Lords have the same priviledge?[b](#)

Com. Ireton.

I should thinke that [w]as the directest interest to the Kingedome in the world, for that for soe many persons to bee the permanent interest in the House, every two yeares—

Col. Titchburne.[a](#)

I was speaking to this of the Negative. I doe remember on Saturday last wee were att this pitch, and there I did leave itt; itt did concurre with my sence, and that was this: that all the power of making lawes should bee in those that the people should chuse, the Kinge and Lords should serve onely to this end, that lawes should bee presented to them, that if they would doe the Commons that right as to confirme those lawes they should doe itt; butt if they should nott thinke fitt to signe them, itt should begett a review of that by the House of Commons; and if after a review the House of Commons did declare that was for the safetie of the people, though neither Kinge nor Lords did subscribe, yett itt was a standing and binding law; and therefore wee shall nott neede to feare to take a shadow when they can doe us little hurt. This was what I did then suppose agreed upon.

Com. Ireton.

'Tis true, Saturday night wee were thinking of that, butt wee had an eye to that of safetie, that is provided for by the Commons. Noe mony can bee raised, noe warre raised, butt by those that the Commons shall chuse. Butt that which was questioned in the name the safety and securing of safety that thought itt fitt that they should have a liberty to preserve one another, and soe wee thought to putt itt to consideration. That the Commons should make soe much use of the Lords in all affaires, they might occasion a review, butt if the Commons should uppon that review thinke itt fitt, itt should bee look't uppon as a law; but instead of that the Committee voted last night—That whether the Commons of England should bee bound by all the lawes past in the House of Commons, or whether itt should bee valid in the case of safetie, that which you speake of will follow. If there doe butt continue such a thinge as Lords, and they doe nott sitt joynctlie with the House of Commons, then the Lords will agree, or otherwise the Commons will doe itt presently themselves.[a](#)

Col. Rainborow.

If they bee injur'd they have nott a remedy.

Com. Ireton.

That's all that can bee said. The Question is whether there bee soe much neede of giving them a power to preserve themselves against the injuries of the Commons. They are nott capable of Judgement as to their persons unlesse itt bee as they are Officers of State.

Onely the truth of itt is, there is this seemes to bee taken away [by taking away their judicial power]. If a man doe come and violently fall upon them in the Court, or doe any such thinge, they have noe power to preserve themselves, and all their way will bee to complaine to the House of Commons.[a](#)

Mr. Wildman.

I conceive that whilst wee thus run into such particulars there is very little probability of coming to satisfaction. The case as there itt is stated in the Agreement is generall; and itt will never satisfie the godly people in the Kingedome unlesse that all Governement bee in the Commons, and freely. Truly I conceive that according to what is there propounded the power of the House of Commons is much lessen'd—from what itt is of right, nott [from] what itt is now by usurpation of Kinge and Lords. Whereas itt's said, that noe law shall bee made without the consent of the Commons, itt doth suppose some other law makers besides the Representative of the Commons. Whereas itt is said, that the Lords in some cases should sitt as an House of Parliament to consent to lawes, doth give them that power which they never had before the Warres; for as your self said of the Kinge's Oath, itt sayes, that the King shall consent to such lawes as the people shall chuse, butt the Lords have noe power. If there bee a liberty to the Kinge to give them a title of honour they ought to bee under all lawes, and soe they ought to concerne them as well as all others; which I conceive is diminished in those particulars. Besides the generall current of the whole offer runs that nothing shall bee declar'd against that usurpation in the Kinge formerly, nor in the Lords formerly, and soe itt remaines perpetually dubious. They shall say, though itt does nott concerne mee in my private yett itt does in my politique; and noe law can bee made butt itt must bee sent to the Kinge and Lords, and that must occasion a review; and soe they must have recourse to the unrighteous for righteousnesse, and soe longe as itt is nott clearly declar'd that hee hath noe power to deny itt, and that they neede nott adresse themselves to him, the Kingedome cannott bee in safetie, butt his owne partie may gett uppe, and doe what hee will.[a](#)

Comñ. Ireton.

This businesse is much heightned. That I doe nott know by all that hath bin said that the Kinge or Lords are more fastened then before. Wee heere talke of lawes by ancient Constitution, and by usurpation, and yett I doe nott finde that the gentleman that speakes of them doth shew [any evidence] what was the ancient Constitution, nor of [that] usurpation, butt onely [the evidence] of the Kinge's Oath; and that is drawne as taking itt for granted that by ancient Constitution there were lawes without the Kinge's consent. For that [question of the oath] I did before cleare [it] sufficiently by comparing that with other evidence; for if wee could look upon that as an evidence paramount to all, that needed nott bee soe much insisted upon. If this Gentleman can finde noe law in being in this Kingedome which hath nott Lords to itt, and Kinge to itt, expreslie, and, "Bee itt ordain'd by the Kinge, Lords, and Commons"—if itt alwayes have gone soe, and noe interruption and noe memory of any kinde of proceeding to the contrarie, but that all lawes past by the Commons have bin sent to the Lords for their concurrence—The Lords have [made

amendments and] sent downe [to the Commons] for their concurrence, they have had conferences, and when they could not agree, the Commons have lett itt rest and not insisted upon itt. Wee must look upon these together with that testimonie of the Kinge's Oath as evidences of what is Constitution. But, whereas those other things that are numerous and cleare evidences doth in expresse termes relate to the Lords, when I doe consider the consequences of that Oath, I doe conclude either that the word 'vulgus' is concluded [a](#) to comprehend all Lords and Commons; or else itt is thus, that the two great powers of this Kingedome are divided betwixt the Lords and Commons; and itt is most probable to mee that itt was soe. That the judiciall power was in the Lords principally, and the House of Commons yett to have their concurrences, the Legislative power principally in the Commons, and the Lords' concurrences in practice to bee desired. Itt is a cleare and knowne thinge, that by the Constitution of the Kingedome, the House of Commons cannot make [b](#) an Oath, butt if they will have an Oath given they must resort to the Lords. Besides all the Judges of Common Law in the Kingedome sitt as assistants to the Lords. Upon this the practice hath bin that in any private cause wherein unjust sentence hath bin past in another court a Writt of Errour may bee judg'd there. [c](#) Itt is beyond all record or memory. Soe that these two powers of the Legislative power and the judiciall have bin exercised betweene both Lords and Commons, and none of them to exercise the one or the other without mutuall consent. I desire this Gentleman, or any other that argues upon the other parte [to] that wee are upon—unlesse they will produce some kinde of evidence of history upon record by law—that they will forbear arguments of that nature, calling such thinges usurpations from Constitution or from right, and insist upon thinges of common safetie as supposing noe constitution att all. [a](#)

Com̃. Cowling.

Contrary to Resolution I must now speake, whether itt bee from the Lord, or noe I know nott. What foundation had the Commons of England to sitting (being 200 yeares in sitting), for in Kinge Henry the third's time when Magna Charta was finished (which by computation was 200 yeares) and this was granted to the Lords Spirituall [and] Temporall, and Edward the sonne was called to bee a witnesse, but when the Lords saw that they were nott stronge enough to sitt in that magnificence the Commons were drawne in, and that in that law the Kinges Oath should come in. Now had itt nott bin a fundamentall law the Commons should nott have bin drawne uppe, butt that they did drive uppe is cleare, and what will become of us if wee drive uppe to noe other purpose butt to support a Norman prerogative? The Lord knoweth, nott I.

Com̃. Ireton.

I thought this Gentleman had had some answer to this matter of History. As to the Norman Conquest, if subjection to a kinge bee a tyranny, [we had a King before the Norman Conquest]; the Question was betweene him and the Conquerour who had the right of the Crowne, soe as wee should nott seeme to derive all our tyranny from the Norman Conquest. [b](#) I cannott butt wonder att the strange inferences that are made. Hee tells us, that there is noe memory of the Commons having any interest in the Legislative

power till Edward the First's time; and then [that] the Lords Spirituall and Temporall they found themselves not strong enough in King Henry the Third's time, and therefore they brought them in; and yett would certainly have us to beleive, that the Commons had all the right before [the Conquest].

Com̃. Cowling.

In Alfred's time, the Commons had all the power, and the Kinge hang'd 43 in one yeare.[a](#)

Col. Rainborow.

That the Commissary Generall is willing to lay that of Constitution aside, and that of Custome aside, and to consider the equality and reasonableness of the thinge, and nott to stand uppon Constitution, which wee have broken againe and againe. I doe nott finde in all the reading that I have done, I doe nott know that ever the Commons made warre with the Kinge, the Barons did.

That besides the Oath hee found, that one of the maine Articles against Richard the Second [was], that hee did nott concurre with and agree uppon those wholesome lawes were offer'd him by the Commons for the safety of the people.[b](#) If that were soe great a right as did depose him, itt is in the Kingdome [still], and therefore lett us goe to the justice of the thinge. That justice and reason doth nott give to the major parte

Com̃. Ireton.

You would have us lay aside arguments of Constitution, and yett you have brought the strongest that may bee. I have seene the Articles of Richard the Second, and itt is strange that the Parliament should nott insist uppon that.

Col. Rainborow.

That is nott the thinge that I would consider of.

Com̃. Ireton.

I suppose noe man will make a Question, that that may bee justice and equity uppon noe Constitution, which is nott justice and equitie uppon a Constitution. As for instance in the matter of a common &c.

I wish butt this, that wee may have a regard to safetie—safetie to our persons, safetie to our estates, safetie to our libertie. Lett's have that as the law paramount, and then lett us regard positive constitution as farre as itt can stand with safetie to these. Now therefore, thus for my parte I confesse itt, if I should have ever given a consent in my heart to propound any thinge that did nott consist with this, with regard to any Constitution whatsoever—butt for my parte I cannott see that any thinge butt safetie is provided for. Wheras Mr. Wildman sayes, that many godly men would nott bee satisfied with this that wee have read—which amounts to this: that the Commons have power to make lawes for all the Commons of England, that onely the person of the Kinge and persons of the Lords

with their estates as persons are freed from them—I doe nott see they^a are satisfied with anythinge without having a power over other men's liberties.

Mr. Wildman.

Wheras you are pleased to say I produced noe other evidence, Col. Rainborow brought another, because you did confesse the Lords had noe other power in making lawes.

Com^o. Ireton.

I never confest itt in my life, [otherwise] then [by] the recitation of that Oath "which the people shall chuse."

Mr. Wildman.

I could wish wee should have recourse to principles and maximes of just Governement [instead of arguments of safety] which are as loose as can bee.^b

Com^o. Ireton.

The Governement of Kinges or of Lords is as just as any in the world, is the justest Governement in the world. "Volenti non fit injuria." Men cannott wronge themselves willinglie, and if they will agree to make a Kinge, and his heires, there's noe injustice. They may either make itt hereditary or elective. They may give him an absolute power or a limited power. Heere hath bin Agreements of the people that have agreed with this. There hath bin such an Agreement when the people have fought for their libertie, and have established the Kinge againe.

Mr. Wildman.

'Twas their superstition to have such an opinion of a Great Man.^a

Com. Ireton.

Any man that makes a bargaine, and does finde afterwards 'tis for the worse, yett is bound to stand to itt.

Mr. Wildman.

They were couzen'd as wee are like to bee.

Com. Ireton.

I would nott have you talke of principles of juste Governement when you hold that all Governements that are sett uppe by consent are just. [Argue instead that] such or such a way that can consist with the libertie of the people. Then wee shall goe to cleare reason. That's one maxime, that all Governement must bee for the safetie of the people.

Col. Titchborne.

Lett us keepe to that businesse of safetie. 'Tis uppon the matter solelie in the people. [By] what hath bin propos'd in that I give Kinge and Lords [opportunity] to doe mee a curtesie if they will—[a](#)

Mr. Wildman.

Noe Curtesie.

Col. Titchborne.

Itt is onely an opportunity—and shew themselves as willing as the Commons. Lett us nott fight with shadowes.

Com. Ireton.

Wee doe nott know what opportunity God will give us.[b](#) If God will destroy Kinge or Lords hee can doe itt without cur or your wronge doing. If you take away all power from them, which this clearlie does, butt [do nott] take away all kinde of destruction of them from other men, then you doe them wronge too. Their having a [security from] destruction from other men cannott doe us wronge. That you can doe to the utmost for the[ir] safetie is this, that a Lord or Kinge may preserve his owne person or estate free from the Commons. Now whether this can bee destructive to the Commons that soe few men should bee distinct from a law made by the Commons, especially when wee have lawes made as to the preserving of the peace of the Kingdome and preserving every man in his right? The King and Lords are suable, impleadable in any Court. The Kinge may bee sued and tryed by a Jury, and a Lord may bee sued and tryed per Pares onely, a Knight by Esquires. What needes more where there are such lawes already that the Kinge and Lords are soe bound?

Mr. Wildman.

I conceive that the difference does not lie heere, butt whether the Kinge shall soe come in, that the Parliament must make their addresses themselves unto him for [the confirmation of] every thinge they passe. Whether itt bee a shadow or noe, I thinke itt is a substance when nothing shall bee made but by addresse to the Kinge. This will bee very shamefull in future Chronicles, that after soe much bloud there should bee noe better an issue for the Commons.

Com^o. Ireton.

Doe you thinke wee have nott lawes good enough for the securing of [the] rights [of the Commons?]

Mr. Wildman.

I thinke [that] according to the letter of the law, if the King will [he may] kill mee by law. Aske any lawiers of itt; by the letter of the present law hee may kill mee, and 40 more, and noe law call him to account for itt.[a](#)

Com̃. Ireton.

I thinke noe man will thinke itt, that when the Kinge stands thus bound with soe many Laws about him, and all the Commons of England bound to obey what law [the House of Commons] doe make, lett any man guesse whether the Kinge, as hee is a single person, will hazard himself to kill this, or that, or any other man.

Mr. Wildman.

Itt will bee thought boldnesse in mee [not] to agree. If God will open your hearts to provide soe that the Kinge may nott doe mee injury I shall bee glad of itt. If nott, I am butt a single man, I shall venture myself and [my] share in the common bottome.

Resolved, That the Councill bee adjourned till to-morrow and soe from day to day till the proposalls bee all debated, and the same Committee to meete againe.

November 2, 1647

Att the Meeting of the Committee.

Resolved,

1. That the power of this and all succeeding Representatives of the Commons in Parliament doth extend on the behalf and as to the whole interest of all the Commons of England to the enacting, *Nemine contradicente*. altering, and repealing of lawes, to the conclusive exposition and Declaration of law, and to finalla judgement without further appeale, and generally to all thinges concerning the Commonwealth whatsoever is nott by the represented reserved to themselves as is heerafter expressed.
2. That noe law shall bee repealed, nor any new law or ordinance made to bind the Commons of England, *Agreed*. nor any Parliamentary Judgement, triall, order, or other proceeding valid against any Commoner, *Major Corbett; b* noe. without the particular concurrence and consent of the House of Commons, except in case of actuall violence or affront done by a Commoner to the House of Peeres as a Court; and in that case noe further proceeding to bee valid, butt by the House of Commons, saving to the securing or imprisoning of the offender's person till hee can bee tried.
3. That noe Commoner of England shall be exempt from butt shall bee subject to and concluded by the power and judgement of the House of Commons without further appeale, *Agreed*. as alsoe to and by all such orders, ordinances, and lawes, or expositions and Declarations of law, *Nemine contradicente*. as shall bee made, past, and insisted on by that House, except in such fundamentall thinges as are by the people electing generally reserved to themselves, as is heerafter expressed.
4. That noe person whatsoever being an officer of Justice or Minister of State shall bee exempt from, *Agreed*. butt shall bee accountable and subject to the same power and judgement of the House of Commons for any mal-administration of his place to the hurt or

damage of the Commonwealth; Nemine contradicente. butt the persons of peeres, otherwise then in such capacity as aforesaid, shall bee tryed and judged onely by their Peeres.

Agreed.5. That noe person whatsoever soe adjudged by Parliament as before shall bee capable of protection or pardon from the Kinge, or to have their fines remitted, without the advice or consent of Parliament, Nemine contradicente. nor such fines to bee disposed of otherwise then by the same judgement, advice, or consent shall bee directed.

Agreed.6. That in all Elections of Representatives for the people these thinges following are by the people electing reserved to themselves, and soe generally to bee understood, to witt: Nemine contradicente.

1. Matters of Religion and the wayes of God's worshippe, as to any positive compulsion there, are nott intrusted to any humane power.

2. That the matter of impresting or constrayning any free commoner of England to serve in the warres, any further or otherwise then for the imediate defence of this Kingdome and keeping the peace within itt, is likewise reserved.

3. That noe Commoner bee henceforth questioned for any thinge said or done in reference to or prosecution of the late warre or publique contests within this Kingdome, otherwise then by the judgement or with the concurrence of the present House of Commons, or in execution or prosecution of such judgement.

4. That the matter and effect of the preceding Articles, To witt, First, Concerning the certaine succession of Bienniall Parliaments.[a](#) Then the 2d Concerning the certainty of their sitting. Likewise the matter of the 6th, and the particulars under itt concerning the clearing of the power of Parliaments in future as to the interest of the people therin, and soe much of the intent of the 5th as concernes the equall distributing of future Representatives, are reserved by the people represented as their fundamentall rights nott to bee given away or abrogated by their Representatives.

Added to the Committee.

Lt. Col. Salmon.

Comr. Cowling.

Cornett Wallis.

That the said Committee shall prepare such other particulars to bee presented to the Parliament as they shall finde necessary in relation to our former Declarations, and likewise to prepare a Declaration to bee sent with them to the Parliament and Kingedome, to bee tendred to this generall Councill for their consideration att the next Meeting.

And if there appeare any likelihood, that the Parliaments propositions for peace may bee sent to the Kinge before the said Declaration and particulars can bee sent from the Army

to the Parliament, then the said Committee are to move the Generall that the Parliament in the name of this Councill may bee desired to suspend the sending of their propositions to the King untill some thinges that wee have to offer shall bee tendred to them, which wee hold essentiall to the liberty and peace of this Kingedome.

3 Novemb. 1647

Putney

Putney

3o Novemb. 1647

ATT THE COMMITTEE OF OFFICERS APPOINTED BY THE GENERALL COUNCILL.

A story about the Generall wearing the Kinge's Colours.

The souldiers saying, Lett my Collonell bee for the Devill an hee will, I will bee for the Kinge.[a](#)

400 of Col. Lilburne's Regiment declar'd for the Kinge, uppon their coming back to Dunstable offer'd the Countrymen their armes, and they would take clubs, and bringe the Kinge to Whitehall. They would see what their Officers would doe, and then they would carry the Kinge away.

Debate concerning the Militia.[a](#)

That the Terme bee ten yeares, and the Declaratorie lawes to take place from thence.

Tythes nott to bee paid, but either a Land-rate to bee made in lieu of them, or sold att 14 yeares purchase for the use of the State, and they to make provision for the Ministers.[b](#)

8 November, 1647

Putney

Putney
, 8 November,[c](#)
1647

The Lieut. Generall.

Spoke much to expresse the danger of their principles who had sought to devide the Army. That the first particular of that which they call'd The Agreement of the People did tend very much to Anarchy, that all those who are in the Kingedome should have a voice in electing Representatives.

Capt. Bray.

Made a longe speech to take off what the Lieut. General said, and that what hee call'd Anarchy was for propriety.[d](#)

Lieut. Generall.

Moved to putt itt to the Question,

Whether that the Officers and Agitators bee sent to their Quarters, yea, or noe.

Resolved uppon the Question,

That the Generall Council doth humbly advise his Excellency, that in regard the Generall

shortly intends a Rendezvous of the Army, and forasmuch as many distempers are reported to bee in the severall Regiments whereby much dissatisfaccion is given both to the Parliament and Kingdome through some misrepresentacions; to the end a right understanding may bee had, and the souldiers quieted, in order to their obedience to his Excellency for the service of the Parliament and Kingedome, itt is thought fitt to desire his Excellency that for a time the said Officers and Agitators resort to their severall commands and Regiments, to the ends aforesaid, there to reside untill the said Rendezvouz bee over, and untill his Excellency shall see cause to call them together againe according to the Engagement.[a](#)

Committee.

Lieut. Generall.	Mr. Allen.
Corñ. Gen. Ireton.	Capt. Clarke.
Sir Hardresse Waller.	Mr. Lockyer.
Col. Okey.	Capt. Deane.
Col. Tichborne.	Col. Thomlinson.
Col. Hewson.	Lt. Col. Goffe.
Commissary Stane.	Major Rainborow.
Scoutmaster General [Watson].	Lt. Col. Cowell.
Col. Rich.	Corñ. Cowling.

This Committee to drawe uppe instructions for what shall bee offer'd to the Regiments att the Rendezvouz, to consider of the late lettre sent to the Parliament, and what shall bee thought fitt further to bee propos'd to them.[b](#)

[DESIRES OF THE ARMY.]

1. Itt is desired, That six weekes pay if possibly itt may bee, if nott a monthes pay, bee presently sent downe to the Army.
2. That the arreares may bee voted to bee paid out of the remainder of Byshopps lands, Deanes and Chapters lands, to bee sold in the same manner as the Byshopps lands, reserving a competencie for those that have a legall interest therin, and have nott forfeited the same by delinquencie, and two thirds out of delinquents compositions who have nott yett compounded and out of forrest lands.
3. Wee desire, that the House will bee pleased either to make provision, that when this monthes pay is out there shall bee constant pay to inable the souldiers to avoide the oppressing of the people by free quarter (then which nothing is more greivous unto us), or if the Parliament does finde the Countries will nott soe readily bringe in their monies wee shall undertake, if inabled therunto, soe to dispose of the Army and of the severall counties as that the monies shall be raised and the people punctually satisfied for their quarters, provided that there may be an increase of the said tax to an hundred thousand pounds a month for the payment of this Army, and the other forces concern'd in the Kingedome, and those that are to goe for Ireland, and the disbanding of those that bee supernumerary, untill the Parliament shall otherwise provide by excise or otherwise for easing the said taxes.
4. Lastly, wee declare that if this course bee taken, that as wee have engaged that none shall uppon paine of death take any thinge from any inhabitant in this Kingedome against his will, wherin wee shall bee punctuall and positive, soe alsoe wee shall give assurance that noe man shall bee forc't to bee quarter'd uppon against his consent, provided there may bee an allowance for lodging, firing, and candle, or the owners uppon whose houses quarters are assigned to bee had in other places to bee allowed to those that shall quarter.

9 November, 1647

Putney

Putney

9 November, 1647

Generall Council.

The Generall present.

This Committee is to take into consideration, the Engagement, Declarations, and papers of the Armie, and uppon them to collect a summarie of those thinges that concerne the good of the Kingedome, the liberties of the people, and interests of the army, and further to

consider the Case of the Army stated, and a paper commonly call'd The Agreement of the People, and to consider how farre any thinge contain'd in the same are consistent with the said Engagements and Declarations and Interests aforesaid.

This summarie soe concluded by the major parte of the Committee to bee represented to the Generall.[a](#)

CORNETT WALLIS.	COL. TITCHBORNE.
CAPT. LEIGH.	MR. WILDMAN.
LT. GENERALL.	COM. COWLING.
COM. GENERALL.	Added since.
LT. CHILLENDEEN.	MAJOR SAUNDERS.
SIR HARDRESSE WALLER.	COL. HARRISON.
CAPT. CARTER.	CAPT. SPENCER.
CORNETT TRACY.	MAJOR RAINBOROW.
COL. RICH.	MAJOR BERRY.
LT. COL. GOFFE.	COL. RAINBOROW.
COL. THOMLINSON.	CAPT. PALMER.
CAPT. DEANE.	LT. COL. ASHFEILD.
CAPT. DISNEY.	
LT. COL. COBBETT.	The place.
CAPT. ALLEN.	Quartermaster Generall's Quarters.
COL. OVERTON.	
MR. COLBRON.	
MAJOR BETHELL.	Adjourned till Thursday come fortnight att the Headquarters. b
CAPT. WATSON.	
MR. UNDERWOOD.	

[b](#) Met November 25th, at Windsor.

If any by that letter bearing date 5th of November doe make any construction as if wee intended that wee were against the Parliaments sending propositions to the Kinge, Wee doe heerby declare, That itt was noe part of our intentions in the said letter, but that the same is utterly a mistake of our intention and meaning therin, our intentions being only to assert the freedome of Parliament.[a](#)

LIEUT. GENERALL.	COL. BARKESTEAD.
SCOUTMASTER GENERALL.	CAPT. CARTER.
COL. RICH.	CAPT. PRICE.
COL. HEWSON.	CAPT. BYSHOPP.
COL. THOMLINSON.	MR. ALLEN.

SIR HARDRESSE WALLER.

COL. TITCHBORNE.

COL. OKEY.

DR. STANE.

MAJOR AXTELL.

LT. SCOTTEN.

COM. COWLING.

LT. COL. COBBETT.

MAJOR COBBETT.

MAJOR BERRY.

QUARTERMASTER GENERALL

GROSVENOR.

COL. TWISLETON.

COL. OVERTON.

CAPT. MICHILL.

CAPT. YOUNGE.

MAJOR BETHELL.

LT. COL. BOWEN.

MR. WHITING.

MR. LOCKYER.

ADJ. GEN. BURY.

COR. WALLIS.

LT. COL. ASHFEILD.

LT. CHILLENDEN.

MR. EYTON.

LT. COL. JUBBS.

CAPT. COX.

MAJOR ABBOTT.

MR. CLARKE.

CAPT. DISNEY.^b

CAPT. ALLEN.

^b The letter of the Agitators to their regiments, quoted in Appendix E., continues as follows, referring apparently to the meeting of November 9:

"The next day they still waved and refused the free debate of the aforesaid Question, and dissolved this Council for above a fortnight; and for a time resolved they would only prepare some faire Propositions to the Army, and about Arrears and pay, and sent to the Parliament for a moneths pay against a Rendezvouz; But they declared they would divide the Army into three parts, to Rendezvouz severally: and all this appeares to be only to draw off the Army from joyning together to settle those cleere foundations of Freedome propounded to you, and to procure your rights as you are Souldiers effectually, without any more delusions."

11 November, 1647

Putney

Putney

11 November, 1647

Att the 2d Meeting of the Committee of Officers appointed by the Generall Councill.

Col. Harrison.

Made a narration concerning some thinges that lay upon his spiritt in relation to the Kinge, Lords, and the Reserve. That the Kinge was a Man of Bloud, and therefore the Engagement taken off, and that they were to prosecute him. That if the Lords had right to have a Negative voice hee would nott goe against itt, butt iff nott, if they had usurp't [it] an 100, 200, or 1000 yeares, the greater was the wronge, and they to bee debarr' of that power.

Lt. Generall.

Answer'd him by putting severall cases in which merther was nott to bee punished. As in the case if a man that had kill'd his sonne should gett into a garrison, whether hee might raise warre, or nott give conditions to that place. Stated the case of David uppon Joab's killing of Abner, that hee spar'd him uppon two prudentiall grounds: one that hee would nott hazard the spilling of more bloud in regard the sons of Zeroiah were too hard for him.

Com. Generall.

Answer'd in the same case, and further urg'd this that wee are nott to sin, or to goe in any unlawfull way to doe that which is for bringing a delinquent to Judgement.

Lieut. Generall.

That wee doe the worke when itt is disputable, and the worke of others to doe itt, if itt bee as an absolute and indisputable duty for us to doe itt.

The Generall.

That wee doe butt secure the Kinge in the right of another, and that itt became them for to order thinges concerninge him.[a](#)

Comñ. Cowling.

Itt was his usurping power in the law that would have ruin'd us, and doe butt destroy that and lett his person alone, wee care nott for itt.

Endnotes

[a](#)

Fairfax was not present, "being not well, and at Turnham Green" (Rushworth, viii. 857).

[b](#)

"The case of the Army truly stated, together with the mischiefes and dangers that are imminent, and some suitable remedies, and humbly proposed by the Agents of five Regiments of Horse, to the respective Regiments and the whole Army." This paper (filling twenty pages of a quarto pamphlet) is dated Guildford, October 9, 1647, and signed by agents representing the regiments of Cromwell, Ireton, Fleetwood, Rich and Whalley. It is accompanied by a letter from the agent to Fairfax, dated October 15, and was presented to the General on October 18. It is stated on the last page that "Upon the presentation to, and serious perusal thereof by his Excellency, the sum of his answer was to this effect. That he judged their intentions were honest, and desired that everyone of publique spirit would be acting for the publique, and that for his part he had freely ventured his life for common right and freedome, and should freely engage it againe, adding further that he thought it meet it should be presented to the Generall Councill." See also Rushworth, viii., 845, 849, 850, 857. In the meeting of the General Council of the Army on October 22 the

paper was discussed, and a committee appointed to meet the next day, to consider the case of the Army and present their conclusions to the next General Council on October 28. In the meantime the agitators put forth a new paper vindicating themselves from the charge of dividing the Army. (Rushworth, viii., 845, 849, 850, 856, 857; Godwin, *Commonwealth*, ii. 445-451).

[a](#)

"Studds," *i.e.* the upright in a lath and plaster wall. Halliwell quotes the following passage from Harrison's *England*. "Our houses are commonly strong and well timbered, so as in many places there are not above four, six, or nine inches between stud and stud."

Major Francis White had used a similar metaphor in describing the intended agreement with the King. "Being at the convention, I spoke some words which gave distrust, that they were repairing an old house, and that when they were laying the top stone it would fall about their ears."

The Copy of a Letter sent to his Excellency Sir T. Fairfax, by Francis White, Nov. 1647. British Museum, E. 413, 17.

[b](#)

MS. "bee."

[a](#)

This must refer to the debate of September 23, 1647, on which day the House of Commons resolved "that the House will once again make application to the King, for those things which the Houses shall judge necessary for the welfare and safety of the Kingdom." (*Commons' Journals*, v. 314.) Cromwell and Rainborough were both present on September 22, when the question of "the whole matter concerning the King was discussed in a Committee of the whole House, and they told against each other on the proposal to resolve the House into a Committee for that purpose. (*Ib.* v. 312.) September 23 was a Thursday, on which day the general council of the Army usually met, which explains the absence of Cromwell and Rainborough. Of Cromwell's speeches in this debate news-letters give the only record. One of September 27 (*Clarendon MS.* 2602) says "The last week his Majesty's answers to the propositions being considered of in the House was voted to be a denial, and that the King's drift therein was to put a difference between the Parliament and the Army, and between the English and Scottish nation; whereupon a sharp debate grew whether the King should be sent unto any more, or whether they should forthwith proceed to the settlement of the kingdom; to the latter most of the orators inclined, and in likelihood would have led the house that way, but that it was opposed by Cromwell and Ireton, who said it was no fit timeto proceed with such vigour, the King having gotten so great a reputation in the Army, and therefore advised them to proceed in a way towards the satisfaction of the kingdom and army; and so they went to review the propositions, having first voted that they should be carried to the King as ordinances, not as

propositions. There have been in the prosecution of this business some desperate motions; as, that the King, in regard that many who give him ill counsel and are professed enemies to the Parliament resort unto him, should be restrained; that they should think no more of the King, but proceed as if there were no such thing in the world; for that he is always an impediment to all good resolutions; some calling him Ahab, others Coloquintida. But all those speeches have been stopped by Cromwell and Ireton, whose civilities are visible, but the reality of their intentions not clearly discerned."

Sir Edward Ford writes on 28 September: "It was moved earnestly in the House that the malignants might be removed from Court, and also that the King might be removed further off from the headquarters because of the confluence of people to him. . . . might beget an ill influence and danger in the Army, but it was opposed by Cromwell and Ireton; of late they have spoken much in the King's behalf, seconded by young Harry Vane, Mr. Solicitor, and Mr. Fiennes. Cromwell, applying himself to the Speaker, told him that it was worth his consideration, how that there was a party in the army labouring for the King, and a great one; how the City was endeavouring underhand to get another party in the Army; and that there was a third party who was little dreamt of, that were endeavouring to have no other power to rule but the sword." (*Clarendon MS.*, 2604.) A news-letter addressed to Sir Richard Leveson, September 27, 1647, adds: "There has been snapping lately in the House between some of the root-and-branch men and the officers of the Army that are members. Ireton, moving the Army's proposals might be considered there, and sent to the King, gave occasion to one Scot (an insolent fellow and enemy to the proposals, as all of that spirit are) to let the House know there had been underhand treaties between the officers of the Army and the King, to which end Ashburnham and Sir John Berkeley were continually at the head-quarters, agents for the King, which he desired might be examined; to which Cromwell by way of reply took occasion to vindicate his own innocency and to declare his readiness to obey the Parliament's commands, but if the House should think fit to examine that business, he desired it might be examined withal, which members of the House had been at head-quarters likewise, endeavouring to debauch the Army and seduce them from their principles" (*Fifth Report of Hist. MSS. Comm.* p. 173; *cf.* p. 179.) Scot was arrested by Fairfax on November 15, 1647, for inciting the soldiers to mutiny at the rendezvous at Corkbush-field, near Ware, for which he was suspended from sitting in the House of Commons. (Rushworth, viii. 875; *Commons' Journals*, v. 362.) He was member for Aldborough in Yorkshire, and should be distinguished from Thomas Scot, the regicide, member for Aylesbury Scot, the leveller, died in January, 1648. (*Cal. Clarendon Papers*, i. 408.) It is probable that he was a royalist agent. (*Clarendon MS.* 2,534.)

[a](#)

A brief account of the proceedings of the Committee is given in Rushworth, viii., 849, 850.

[a](#)

A portion of an answer of the agitators to the charge of attempting to divide the Army is

given by Rushworth, viii., 857.

b

Wildman and Petty.

a

MS. "desiring."

b

MS. "your expectations and my engagements."

c

MS., two lines below, gives "we have here men on purpose."

a

The answer of the agitators here mentioned is evidently the document known as "the Agreement of the People," as the contents of Cromwell's speech prove, and the reference made to it by name by Ireton on p. 244. It is printed in Rushworth, viii., 859. It demands, (1) Equal electoral districts. (2) The dissolution of the Long Parliament on September 30, 1648. (3) Biennial Parliaments to be elected every March and sit for five months. (4) The limitation of the powers of future parliaments so as to guarantee complete toleration; a full indemnity for acts done during the late public differences, and good and equal laws. In one point it attacks the privileges of the peerage, demanding "That in all laws made, or to be made, every person may be bound alike, and that tenure, estates, charter, degree, birth, or place, do not confer any exception from the ordinary course of legal proceedings, whereunto others are subjected." In conclusion it protests against the proposed treaty with the King. "These things we declare to be our native rights, and therefore are agreed and resolved to maintain them with our utmost possibilities, against all opposition whatsoever; being compelled thereunto, not only by the examples of our ancestors, whose blood was often spent in vain for the recovery of their freedoms, suffering themselves, through fraudulent accommodations, to be still deluded of the fruit of their victory, but also by our own woful experience, who having long expected, and dearly earned the establishment of those certain rules of government, are yet made to depend for the settlement of our peace and freedom upon him that intended our bondage, and brought a cruel war upon us."

a

MS. "that."

a

MS. "and."

[b](#)

Clause transposed.

[a](#)

May be paraphrased, "which paper I am confident if your hearts be upright as ours you do not bring with peremptoriness of mind, etc." The words "if we should come to anything" seem to belong to the previous clause.

[a](#)

MS. "it."

[a](#)

The text should probably run, "as to concur with the framers of this book."

[b](#)

In "The Case of the Army" it was asserted "that the Army's Engagement, Representations, Declarations, and Remonstrances, and promises in them contained, are declined, and more and more dayly broken, and not only in some smaller matters wherein the Army and Kingdom are not neerly concerned, but in divers particulars of dangerous consequence to the Army and the whole nation." Ten points in which these engagements had been broken were then enumerated.

[a](#)

MS. "finding."

[a](#)

i.e., "The soldier agitators contrasted with those who did not belong to the Army."

[a](#)

Rainborowe had been added to the Committee of the Navy on 9 September, 1647, and appointed Vice-Admiral on September 27. (*Commons' Journals*, v., 297, 318.) On October 2 the Commons voted that he should be at once despatched to sea, and on October 8 that he should be commander-in-chief of the ships appointed for the winter guard. (*Ibid.*, 324, 328.) On September 29 the committee of general officers voted that Deane should succeed to the command of Rainborowe's regiment when the latter went to sea, which seems to be one of the causes of the discontent shown in Rainborowe's speech. Cromwell and Rainborowe had before this fallen out on the question of treating with the King. A news-letter of September 20 (*Clarendon MS.* 2577) says, "The Parliament is not well pleased with the Army's proposals, and the Army is as much displeased with them for disliking them; and upon Thursday last there was a resolution amongst them to send to the Houses that they should treat with the King upon the proposals. High language passed

at the Council of War between Cromwell and Rainsborough, so high that Rainsborough told him that one of them must not live."

[a](#)

i.e., "All the good laws we now enjoy were innovations once, and intrenchments on the rights of the King or the Lords."

[a](#)

MS. "itt."

[b](#)

i.e., "if our engagements are unrighteous."

[c](#)

Perhaps Cromwell means "though the engagement may be unrighteous, and it may be good in the abstract to break it, circumstances may render it scandalous to do so now."

[a](#)

Clause transposed.

[a](#)

Cromwell's dread of division is commented on in Berkeley's *Memoirs*, *Masere's Tracts*, i., 364.

[a](#)

The sense requires, "to replace it by a new engagement."

[a](#)

enow. Halliwell gives "enow" as meaning even now and "anowe" as "now."

[b](#)

Goffe perhaps was referring to what took place on October 7, when the Council "gave audience to an High German, who pretended to be a prophet, and would prescribe a way for the settling of a firm and lasting peace." Rushworth, viii. 836.

[a](#)

The sentence should probably read thus: "Public departings from God (if there be any such thing in the Army that is to be looked upon with a public eye in relation to the Army) are the fruits of unbelief and distrust; and though I think that public actings (*i.e.* public prayer meetings) do more publicly engage God to vindicate his honour by a departing from them that do so, still I think the main thing is," etc.

a

After Cromwell quitted the Parliament, says Berkeley, "his chief dependence was on the Army, which he endeavoured by all means to keep in unity; and if he could not bring it to his sense, he, rather than suffer any division in it, went over himself and carried his friends with him into that way which the Army did choose." *Masere's Tracts*, p. 364.

b

In this speech of Cromwell's the position of several clauses has been altered with a view to clearing the sense.

c

The two halves of this sentence have been transposed.

a

Wildman refers to the principles laid down in the *Declaration of the Army*, of June 14, 1647.

"And truly such Kingdoms as have, according both to the Law of Nature and Nations, appear'd to the vindication and defence of their just Rights and Liberties, have proceeded much higher; as our Brethren of Scotland, who, in the first beginning of these late Differences, associated in Covenant, from the very same Grounds and Principles (having no visible Form either of Parliament or King to countenance them;) and as they were therein justified and protected by their own and this Kingdom also, so we justly shall expect to be.

"We need not mention the States of the Netherlands, the Portugals, and others, all proceeding from the same Principles of Right and Freedom: And accordingly the Parliament hath declared it no resistance of Magistracy, to side with the just Principles and the Law of Nature and Nations, being that Law upon which we have assisted you. And that the Soldiery may lawfully hold the hands of the General, who will turn his cannon against his Army, on purpose to destroy them; the Seamen the hands of the Pilot, who wilfully runs the Ship upon a Rock (as our Brethren of Scotland argued). And such were the proceedings of our Ancestors of famous Memory, to the purchasing of such Rights and Liberties as they have enjoyed, through the Price of their Blood, and we (both by that, and the later Blood of our dear Friends and Fellow-Soldiers, with the hazard of our own) do now lay claim to." Rushworth, vii., 565.

a

MS. "I thinke if."

a

M.S. "What you apply to this paper."

b

MS. "ours."

a

MS. "hee."

a

"nott" is here omitted, and the words "in case I did not perform it" are transposed from four lines below.

b

MS. "though I bee bound by my engagement nott to perform itt."

c

MS. "are."

a

Clause transferred from the line below.

b

Past amending.

a

MS. "stearne."

b

MS. "men."

a

Transferred from a lower line.

b

"They," *i.e.* the representatives of the five regiments and the agents of the Londoners.

c

"Petty."

a

MS. "the liberty of a free liberty."

b

The last two words transferred from three lines before.

c

MS. "that they," *i.e.* Cromwell and the Council. The reporter changes into oratio obliqua for a moment.

a

Four words transferred from the previous line.

b

MS. "noe wonder."

a

MS. "butt this engagement is of another nature, but wheras it is told."

b

MS. "man."

c

Rainborow's argument may be thus paraphrased, though his actual words are hopelessly confused:

"I am of that gentleman's mind that said the king's party would have been about our ears if we had not made some considerations as concerning them, some engagement in their favour. This is the consideration, the concession we made in favour of the King's party. Did we not at first engage for the Parliament and for the liberties of the people, and against the King's party? Now though we have beaten them in the field they are by this proposed agreement to be made masters of our houses. By this new unlawful engagement we have broken our original engagements to the people and all who sided with the Parliament."

a

MS. "whence."

a

Perhaps "to engage us to that which may tend to the destruction of others."

b

Four words transferred from two lines below.

[a](#)

The report is so fragmentary that it is difficult to follow Ireton's argument. It seems to me to be this. "If your compliance to the meeting we desire means a meeting for mutual satisfaction and not one in which you are to give us the law, we ought to discuss then the question whether our engagements are of the kind you say. But it seems to me that the only ground on which you base your demands is that your 'Agreement' is so clear, so just, and so right that there is no need to discuss it. However, if you will come to the meeting, we shall be able to examine into your 'Agreement,' and therefore I hope you will come and allow us to discuss it."

[a](#)

Merriman's argument seems to be something like this:

"And I think that when this Oedipus riddle is unopened and this Gordian knot untied, you will find that as to this engagement, which is the ground of most of your discourse, the fundamental business of it is the desire of most of this Council. You both desire a succession of Parliaments, and to have this Parliament that it might not be perpetuated, and the principles of both are the same, and the spirit of God the same in both, and the enemies of both the same. You have both promised to free the people, etc."

"Engagement" seems to be a mistake for "Agreement."

[b](#)

Probably should be "further answer" or "further guidance."

[a](#)

i.e. "Buffcoat."

[b](#)

MS. good.

[a](#)

Some people believe we are engaged to maintain the authority of the House of Lords. Waller asserts that Cromwell and Ireton privately entered into an engagement to maintain the rights of the House of Lords in August, 1647, when the nine Lords joined the Army. Vindication, p. 192.

[b](#)

Clause transposed.

[c](#)

Agree?

d

MS. "formerly."

a

May be paraphrased: "I hope they will come, if they shall come, with full power not to debate only but to do."

a

Clause transferred from three lines above.

b

MS. "candle."

c

i. e. "the way."

d

i. e. "the light."

a

M.S. "that candle of reason, and that first within us our lust."

b

Goffe was one of the most enthusiastic of the Army leaders, and resembled the Fifth Monarchy men in his views.

a

MS. "yett."

b

i. e. "into the place of the Pope."

a

See Revelation, chaps. xvii., xviii., xix., xx., especially chap. xvii., verses 13, 14.

a

Numbers, xiv., 41, 42.

a

Goffe refers to the debate of July 16, pp. 176-211.

b

MS. "that."

c

Everard was evidently the trooper before referred to as "buff-coat." Robert Everard of Cromwell's regiment was one of the signatories of the "Letter to the freeborn people of England," published with the agreement. There were several Everards in the Army, v. *Reliquiae Baxterianae*, p. 78.

a

The Army's Declaration of June 14, 1647.

a

MS. "any."

a

MS. "that."

b

In the MS. Everard's speech is extremely confused, as fragments of different sentences are mixed together. Three clauses have been moved.

a

The MS. inserts after "action," "I meane doing in that kind, doing in that sort," and after "heere," "such kind of action, action of that nature."

a

Cromwell at this point seems to have produced the book of *Army Declarations*, printed by Matthew Simmons in September, 1647.

b

MS. "that."

c

i. e. "that which you say now was then determined upon."

d

Transferred from two lines below.

[a](#)

MS. "worke."

[a](#)

See the *Case of the Army Truly Stated*, p. 9.

[b](#)

Can hardly be Major Francis White, as he had been expelled from the Council.

[c](#)

The Representative of the Army, *i. e.*, the General Council established in pursuance of the Engagement of June 5, 1647, consisting of those general officers who had concurred in that engagement together with two commission officers and two privates for each regiment.

[a](#)

MS. "soe as to acquiesce in it."

[b](#)

MS. "for I know nott myself."

[a](#)

MS. "Armie's."

[a](#)

Two lines moved from the previous sentence, and several words omitted.

[a](#)

MS. "prize all wheresoever."

[b](#)

MS. "going."

[c](#)

The last sixteen words are transferred from six lines lower.

[d](#)

MS. "but."

[a](#)

The first article is, "That the people of England, being at this day very unequally distributed by Counties, Cities, and Burroughs, for the election of their Deputies in Parliament ought to be more indifferently proportioned, according to the number of the Inhabitants; the circumstances whereof, for number, place, and manner, are to be set down before the end of this present Parliament."

The supporters of the Agreement, as the debate shows, advocated manhood suffrage. Ireton however, and those responsible for the "Heads of the Proposals of the Army," published in August, had merely advocated more equal electoral districts.

"That the Elections of the Commons for succeeding Parliaments may be distributed to all counties, or other parts or divisions of the Kingdom, according to some rule of equality or proportion, so as all Counties may have a number of Parliament Members allowed to their choice, proportionable to the respective rates they bear in the common charges and burthens of the Kingdome, or according to some other rule of equalitie or proportion, to render the House of Commons as near as may be an equall representative of the whole; and in order thereunto, that a present consideration be had to take off the Elections of Burgesses for poor, decayed, or inconsiderable townes, and to give some present addition to the number of Parliament Members for great counties, that have now less than their due proportion, to bring all at present, as neer as may be, to such a rule of proportion as aforesaid."

[a](#)

I take these words to be the remark of some interruptor, probably Cowling.

[a](#)

MS. "I."

[a](#)

Rainborow.

[b](#)

i. e., "the laws and rule of those;" or possibly "the laws and rule which those shall choose who taken together," etc.

[a](#)

p. 296.

[b](#)

A vote, the right of exercising his reason by electing a representative.

[c](#)

Rainborow's argument seems to be, "God gave man reason that he might use it, and though the poorest man may have no property yet he has his reason and he was meant to use it. It may be a small right but it is something, and you are not justified in taking from him any right God has given him." See the same argument stated by the agitators. *Case of the Army stated*, p. 21.

[a](#)

Any fixed interest to entitle him to a vote.

[b](#)

The position of the last two sentences has been altered.

[a](#)

See p. 299; and also the note.

[b](#)

See p. 296.

[a](#)

MS. "a man."

[b](#)

MS. "the same."

[a](#)

MS. "men."

[a](#)

The order of the first few sentences of this speech has been changed.

[a](#)

i. e. "The franchise," see pp. 315, 316.

[b](#)

MS. "itt is."

[c](#)

This part of Rainborow's speech is too fragmentary to follow his arguments, but his two speeches on pp. 315, 316, supplement it.

[a](#)

MS. "the man when they are."

a

The constitution proposed in the "Agreement of the People."

b

i. e. "The franchise."

a

MS. "an."

b

The passage may be thus paraphrased: "But here is the great objection to the rule that you go by. By that rule by which you infer this to be the right of the people, of every inhabitant, you infer also that because every man hath such a right in nature—though it be not of necessity for the preserving of his life—that therefore you are to overthrow the most fundamental constitution of the kingdom for it. Now show me why, by the same rule, by the same right of nature, you will not claim the use of anything any man hath that is necessary for the sustenance of men."

c

MS. "this man."

d

MS. "mee."

a

i. e. "Limited to possessors of freeholds worth 40s. a year. Cowling is giving his theory of the object of the statute of Henry VI. limiting the franchise to persons having free land or tenement to the value of 40s. by the year."

a

The word "fitt" should perhaps be "fixt." "It is now fixed that the electors must not choose men to make laws who have no permanent interest in the kingdom."

b

These, *i. e.* "these foreigners."

a

Should be, "to constitute, *i. e.* to legislate, according to the just ends of government, not simply to maintain what is already established."

b

"That gentleman," *i. e.* Rainborow, see p. 304.

a

Probably should be "hath a right by nature that." But see p. 303.

a

The meaning apparently is, "Why should I have any interest in determining what the law of a land shall be, if I am not obliged to live under it."

b

Colonel Rich, p. 315.

a

The position of these two clauses has been changed, but the latter part of the speech seems hopelessly confused.

a

"Itt," possibly means "the liberty of the people," referring to Rainborow's speech.

a

"Those two," *i. e.* Cromwell and Ireton.

b

If this Agreement be not accepted I will still not give up my birthright.

c

Probably refers to the speech of Colonel Rich, that poor voters would sell their votes, or otherwise destroy the kingdom.

a

i. e. Sexby.

b

MS., "every christian spirit ought to bear that, to carry that."

a

MS. "men."

b

Clause transposed from two lines above.

c

MS. "all the souldiers have."

a

Possibly a reference to the parable of Jotham, Judges, ix. Or perhaps one should read "scrub."

b

MS. "lie."

c

MS. "soe."

a

May be paraphrased, "Now let any man shew me why, if we should go to plead, &c., we should stop there?"

b

MS. "light."

a

Only the first words of some sentences out of the speech of Hugh Peters are here given. He suggests apparently an arrangement such as the one finally accepted, by which men who had assisted the Parliament should be given votes. Cromwell takes up the suggestion of a compromise, and develops it rather further, proposing the extension of the franchise to copyholders by inheritance.

b

Perhaps in that paper (*i. e.* in the "Heads of the Proposals," *i.*, § 5) the amendment of the representative may be offered too lamely, and there may be some reflection upon the generality of the people, if the franchise be insisted upon to be limited to the present voters. "Why perhaps there are a considerable number of copyholders by inheritance that ought to have votes," etc. "This paper" referred to on p. 329 is the "Agreement."

c

Clause transferred from the last lines of the speech.

a

Rainborow directly attacks Cromwell and Ireton. His words seem to mean: "If their rules

must be observed, if these men must be advanced and other men that are in authority set under foot, I am not satisfied, and I do not see how this council can hold together.”

b

Clause transferred from two lines above.

a

MS. “in the freedome their choice as free.”

b

To Cromwell.

c

i. e. our promises, our engagements.

d

Compare Clarke’s speech on p. 339, which appears to be merely a second version of this.

a

“You” refers to “both,” *i. e.* Cromwell and Ireton on the one hand, and Sexby and Wildman on the other, *vide* pp. 329, 330, 335.

a

Compare with these remarks about freedom of conscience a similar passage in Cromwell’s third speech in Carlyle’s *Cromwell*. The remainder of this speech is simply a chaos of detached phrases from different sentences. The argument seems to be, “If you claim liberty to follow your consciences, but will not grant me liberty to follow mine, there is no equality between us. Though we conscientiously believe that under certain circumstances we ought to resign our commands, you taunt us as if we were following our wills instead of our consciences, and accuse us of deserting the cause. Can anything be more harshly said?” In answer to Sexby’s demand for an immediate vote (pp. 324, 330) Cromwell again proposes (as on p. 328) that the question should be referred to a committee to try to make a fair compromise.

a

Rainborowe.

b

June 5, 1647.

c

See the Army's Declaration of June 14, 1647.

[a](#)

See the Army Declaration of June 14, and the "Heads of the Proposals of the Army," § 1.

[a](#)

The last ten lines of Ireton's speech are too confused for amendment. They may perhaps be paraphrased thus: "If you will appoint a committee to consider of some more equal distribution of that—so as you preserve the equitable part of that—keeping the franchise to men who are likely to be independent and not given up to the wills of others—thus far I shall agree with you. On the other hand, to those who say 'I will not go with you except you go further,' I answer, 'I will go with you as far as I can, and when I can go no further I will sit down; I will not make any disturbance among you.' "

[b](#)

i.e. Cromwell.

[c](#)

i.e. Ireton.

[a](#)

"This," *i. e.* the constitution in that paper, in the "Agreement of the People."

[b](#)

i. e. "it is disputable."

[c](#)

i. e. "The constitution proposed by the 'Agreement,' if it were actually established."

[a](#)

i. e. "Whether this be a just constitution which says that 40s a year property enables a man to elect? If the question were stated so, etc."

[b](#)

See the Engagement of June 5, 1647, which concludes: "We shall study to promote such an establishment of common and equal right and freedom to the whole, as all might equally partake of, but those that do, by denying the same to others, or otherwise, render themselves incapable thereof."

[a](#)

I should suggest here "right of nature," and "principle of the right of nature."

[a](#)

I take this speech of Clarke's to be merely a second version of the speech on p. 330, not a new speech. It will be observed that Waller does not answer Clarke but Chillenden.

[b](#)

To Cromwell, who was presiding in the absence of Fairfax.

[a](#)

Rushworth, vii., 913, 944.

[a](#)

MS. "leave this."

[b](#)

Compare the reasons against the "Bill for a new Representative," given in Cromwell's first speech in Carlyle's *Cromwell*. In this paragraph the position of several clauses has been altered.

[c](#)

MS. "every."

[a](#)

Vide pp. 226, 233, 258, 276, 285, 288.

[b](#)

The clauses making up these three sentences have been transposed. Lines 15-30 on p. 343, "It was told mee . . . manifest unto you," seem properly to belong to this portion of the speech.

[a](#)

Everard.

[a](#)

On the rule referred to, see "Heads of the Proposals of the Army," i. § 5.

[a](#)

The Army in their Engagement of June 5 declared that they would not disband till they had such satisfaction for their grievances and desires as soldiers and such security for their rights as private men as should appear sufficient to the General Council of the Army then established. "Without such satisfaction and security we shall not willingly disband, nor

divide, nor suffer ourselves to be disbanded or divided" (Rushworth, vi., 512). On this subject the following observations are made in the *Case of the Army stated*, p. 2.

"That the Armie's Engagement, Representations, Declarations, and Remonstrances, and promises in them contained, are declined, and more and more dayly broken, and not only in some smaller matters wherein the Armie and the Kingdome are not so neerly concerned, but in divers particulars of dangerous consequence to the Army and the whole Nation, as,

"First, In the Engagement, page five, the Army promised every Member thereof each to other, and to the Parliament and Kingdome, that they would neither disband nor divide, nor suffer themselves to be disbanded or divided untill satisfaction should be given to the Army in relation to their grievances and desires; and securitie that neither the Army nor the free borne people of *England*, should remaine subiect to such injuries, oppression, and abuse, as the corrupt party in the Parliament then had attempted against them.

"Secondly, The Traine of Artillery is now to be disbanded, before satisfaction of securitie is given to the whole Army in relation to themselves, or other the free borne people, either in respect to their grievances or desires. And when the strength or sinews of the Army be broken, what effectual good can be secured for themselves or the people in case of opposition.

"Thirdly, The Army is divided into quarters so farre distant that one part is in no capacitie to give timely assistance to another, if any designe should be to disband any part by violence sodainly, although neither our grievances nor desires as Soldiers or Commoners are redressed or answered. And as we conceive this dividing of the Army before satisfaction on securitie as aforesaid, to be contrary to the Armies intention in their Engagement, at the said Rendezvous, so we conceive it hath from that time given all the advantage to the enemies, to band and designe against the Armie, whereby not only pay hath been kept from the Soldiers, and securitie for areers prevented, but the kingdom was indangered to have beenimbroyled in blood, and the settlement of the peace and freedome of the Nation, hath been thus long delayed."

[a](#)

Scroope's Regiment had been at Holdenby, where a part of it was employed in guarding the King.

[b](#)

MS. "they goe to scandalise an engagement or to devide."

[a](#)

Throughout this speech of Ireton's the sentences in the MS. are so broken and confused that much re-arrangement was necessary to make the sense intelligible. Compare the "Remonstrance of his Excellency, Sir Thomas Fairfax, and the Council of War, concerning

the late discontent and distraction in the Army" (November 14, 1647). It was evidently based on this speech and was probably drawn up by Ireton.

a

Ireton compares "the Heads of the Proposals of the Army," published Aug. 1, 1647, with "the Agreement of the People," first as to the basis to be taken in the equalisation of the constituencies, secondly as to the date to be fixed for the dissolution of Parliament, thirdly as to the question of the powers of the House of Commons.

b

i. e. the Agreement.

a

Clause 4 of the Agreement: "That the powers of this and all future representatives of this Nation, is inferior only to those who chuse them, without the consent or concurrence of any other person or persons" (*i. e.* King or Lords).

b

May be paraphrased: "If any man will put it to the question whether we shall concur with that, I am willing to concur with it, provided you put the question with that limitation that hath bin all along acknowledged by the Parliament, that is where the safetie of the kingdom is concerned. Till we can acquit ourselves justly from any engagement, new or old, that we stand in to preserve the persons and rights of the King and Lords so far as they are consistent with the common right—till that be done I think there is reason that exception should continue." The rest is too chaotic.

c

In the Declaration of June 14 the words used are, "so far as may consist with the right and freedom of the subject and the security of the same for the future."

d

The position of this clause has been altered.

e

"I do agree," etc., as on p. 351.

a

The controversy between the King and Parliament as to the meaning of the King's Coronation Oath had been very bitter in 1642. It then turned chiefly on the interpretation of the word "elegerit."

The Levellers now sought to interpret the oath so as to deny the legislative power of the House of Lords. Wildman in criticising the "Proposals," complains: "A restriction to their usurpation of a negative voice to all the resolutions of the Commons, is not once named, or intimated; although Ireton himself hath confessed in their counsels, that the King by his oath is obliged to confirm such laws as the Commons should chuse; the word 'Vulgus' in the King's oath, signifying people, or folke, excludes the Lords totally from any right to intermeddle in the making of laws" (*Putney Projects*, p. 41).

[b](#)

i. e. "I did not then desire it so much as I do now."

[c](#)

i. e. The consent of the King and the Lords is now necessary to the making of all laws.

[a](#)

The three passages given in brackets are supplied from the *Case of the Army*, p. 20.

[b](#)

Compare Wildman's *Putney Projects*, p. 40: "Although the Lords are the very offspring of the King's corrupt will; and were never so honoured by the people, as to have a trust committed to them to represent any county; yet those Proposals invest them with the highest authority only because of the King's Patten. (1.) The Proposals allow them a power over the Militia, coordinate, and coequal, to the representative of all the nation, the Commons in Parliament; thus in the first and second property of the Second Proposal, the power of the Militia, etc. for ten years, to be disposed of by the Lords and Commons."

[a](#)

The *Case of the Army*, p. 6, observes:—

"In the declaration of June 14, p. 10, as in all other Remonstrances and Declarations, it was desired, that the rights and liberties of the people might be secured, before the King's businesse should be considered. But now the grievances of the people are propounded to be considered after the restoring him to that legall power, and that in such a way according to the proposalls, viz. with a negative voice, that the people that have purchased by blood what was their right, of which the King endeavoured to deprive them, should yet solely depend on his will for their relief in their grievances and oppressions; and in like manner the security for the Armie's arrears is proposed to be considered after the businesse of the Kinge be determined."

The same view is expressed in Wildman's *Putney Projects*, 1647, pp. 22, 23. As Ireton points out, Wildman was probably the author of the *Case of the Army*.

[a](#)

This refers to Parliamentary privilege, which is aimed at in the fourth clause in the Agreement: "That in all lawes made or to be made every person may be bound alike, and that no tenure, estate, charter, degree, birth, or place, doe conferre any exemption from the ordinary course of legal proceedings whereunto others are subjected." This is explained to mean, "That whereas now severall persons are by an usurped power exalted above the law and protected from due process at law, viz, Lords as Peers, although legally indebted, may not be touched with an arrest, nor be made subject to the censure of the law; whereby they have made little conscience when they have got men's estates in their hands, to return the same, but have stood upon their prerogative and thereby been protected, to the utter ruin and undoing of many of the free people of England." *The Grand Designe*, 1647, by John Harris.

b

See the Letter of the Agitators, "For the noble and highly honoured, the Free born people of England," appended to the "Agreement of the People."

"We have therefore inserted it into this Agreement, that no person shall be questionable for anything done, in relation to the late publike differences, after the dissolution of this present Parliament, further then in execution of their judgment; that thereby all may be secure from all sufferings for what they have done, and not liable hereafter to be troubled or punished by the judgment of another Parliament, which may be to their ruine, unlesse this Agreement be joynd in, whereby any acts of indempnite or oblivion shall be made unalterable, and you and your posterities be secure. But if any shall inquire why we should desire to joyn in an Agreement with the People, to declare these to be our native Rights, and not rather petition to the Parliament for them; the reason is evident: No Act of Parliament is or can be unalterable, and so cannot be sufficient security to save you or us harmlesse from what another Parliament may determine, if it should be corrupted; and besides Parliaments are to receive the extent of their power and trust from those that betrust them; and therefore the people are to declare what their power or trust is, which is the intent of this Agreement."

a

Wildman's argument is given in the *Case of the Army*, p. 12.

"The Armies and their assistants' indempnity is propounded to receive its strength from the King's consent; whereas not only his signing of or consent to any act is wholly null and void in law because he is under restraint and our indemnity will be insufficient if it shall depend in the least on his confirmation." He proceeds to argue that an act of indemnity passed by one Parliament might be repealed by another, "whereas another Parliament cannot alter this." Moreover, this very Parliament might be so corrupted by the King as to nullify an act of indemnity passed by it.

b

From 1645 onwards the legislative and judicial powers of the House of Lords had been subject to constant attacks. Edwards, in the third part of his *Gangraena*, 1646, pp. 148, 196—200, collects a number of the utterances of the Levellers and Sectaries against the House of Lords. "The speeches and writings of the Sectaries against the House of Peers within this last six months or thereabouts are fearful and strange, tending apparently to the total overthrow of the House of Peers and of having any Lords in this kingdom, denying them all legislative and judicial power, and giving it all to the House of Commons, or rather to that beast with many heads, the common people." The leaders of this attack were John Lilburne and Richard Overton. See *An Alarum to the House of Lords*, 1646, and Overton's *An Arrow against all Tyrants and Tyranny shot from the prison of Newgate into the Prerogative Bowels of the Arbitrary House of Lords*. On three separate occasions the privileges of the House of Lords seem to have been guaranteed: in 1645, on the passing of the self-denying ordinance (Rushworth, vi., 14); and in the summer of 1647 (*Vindication of Sir William Waller*, pp. 192-6); in January, 1648, after the passing of the vote of no further addresses to the King (Rushworth, vii, 967).

[a](#)

The text may be paraphrased thus:

"According to the best judgments of those that were entrusted to draw up the Proposals it was decided that we should not take away the power of the Lords in this kingdom, and it was so concluded in the Proposals. That in the Proposals our business was to set forth particulars. We had set forth general declarations which had come to much the same thing."

[a](#)

In the Declaration of June 14, it is said: "These things we desire may be provided for by Bill or Ordinance of Parliament to which the royall assent may be desired. When his Majesty in these things, and what else shall be proposed by the Parliament, necessary for securing the Rights and Liberties of the people, and for settling the Militia and peace of the Kingdom shall have given his concurrence to put them past dispute, we shall then desire that the Rights of his Majestie and his Posterity may be considered of, and settled in all things, so farre as may consist with the Right and Freedome of the Subject and with the security of the same for the future."

In the Proposals, § xiv., it is demanded "That (the things heretofore proposed, being provided for settling and securing the rights, liberties, peace and safety of the kingdom) His Majestie's person, his Queen, and royall issue, may be restored to a condition of safety, honour and freedom in this nation, without diminution to their personal rights, or further limitation to the exercise of the regal power than according to the particulars aforegoing."

[b](#)

After Clause xvi., the Proposals continue: "Next to the proposalls aforesaid for the present settling of a peace, wee shall desire that no time may be lost by the Parliament for despatch of other things tending to the welfare, ease and just satisfaction of the Kingdom." A number of grievances are then specially enumerated In the Declaration of Aug. 2, special attention is called to this distinction. "To these proposalls which we here first tender as necessary to a peace . . . we cannot but add the further expression of our desires in some other particulars, which, though not so essential to peace, as necessarily to precede the settling of it, yet being matters of very public, and (most of them) of general grievance to the kingdom: we shall desire, that (the Parliament being set free) no time may be lost for a speedy consideration of them, so as the former things for the present settling of peace be not delayed thereby."

[a](#)

The charges referred to are shown by the following passages from the *Case of the Army*. "The whole intent of the Engagement and the equitable sense of it hath been perverted openly by affirming and by sinister means making seeming determinations in the Council that the Army was not to insist upon or demand any security for their own or other the freeborn people's freedoms or rights, though they might propound anything to the Parliament's consideration; and according to that high breach of their engagement their actions have been regulated, and nothing that was declared formerly to be insisted upon hath been resolvedly adhered to, or claimed as the Armie's or the people's due."(p. 3.)

"In the Declaration of June 14, it is declared that the Army took up arms in judgement and conscience for the people's just rights and liberties, and not as mercenary soldiers, hired to serve an arbitrary power of the State. But the strength of the endeavours of many hath been, and are now, spent to persuade the soldiers and agitators, that they stand as soldiers only to serve the State, and may not as free Commons claim their right and freedom as due to them." (p. 4.)

[b](#)

Heads of the Proposals Articles, vi., xvi.

[a](#)

Ireton refers first to the petition of the Army drawn up in March, 1647; secondly, to the desires of the Army in relation to themselves as soldiers, September 21, 1647. (*Book of Army Declarations*, p. 160.)

[b](#)

This passage may be thus paraphrased: "I think it is true in this, that whoever talks of the soldiers endeavouring to scure themselves by the swords in their hands, or any other indemnity to be obtained by force, is for the perpetuating of combustions. Talk of that kind is inconsistent with a settlement, and does not suppose a settlement by the authority that

has been hitherto acknowledged by us, by the legislative authority of the kingdom. Anyone who expects to get the arrears of the soldiers paid except through Parliament and through such a general settlement deceives himself. For my part, if I am to choose between the payment of my arrears, and the general settlement of the kingdom I would rather lose my arrears."

[a](#)

"Let the seventh particular in the first proposal be compared with the fourteenth proposall. In the seventh particular it is proposed 'that the orders and rules set down by the Commons in Parliament, for the freedom of election of Members and the right constitution of their own house, be as laws,' thus restraining the King's negative voice only in that one particular. And in the fourteenth proposal it is expressly desired, 'that there might be no further limitation to the exercise of the regall power, than according to the foregoing particular' " (*Putney Projects*, p. 32). Wildman also complains that "When the proposalls were first composed there was a small restriction of the King's negative voice; it was agreed to be proposed that whatever bill should be propounded by two immediate succeeding parliaments should stand in full force and effect as any other law, though the King should refuse to consent" (p. 14). He states that Ireton and Cromwell to please the King expunged this restriction. The position of two clauses in Wildman's speech has been altered.

[a](#)

This stipulation occurs also in the "Heads of the Proposals," (i. § 7), but is not so clearly stated.

[a](#)

Perhaps this word should be "equity," see p. 334.

[b](#)

Probably before 29th November, 1642, when an ordinance was passed for assessing those who had not voluntarily contributed. The third clause of the Agreement of the People (Jan. 1649) suggests May, 1643.

[a](#)

The substance of the remaining articles is given later, pp. 407, 408.

[b](#)

Monday, November 1. See Rushworth, iv., part 2, p. 859.

[c](#)

Francis Allen of Ingoldsby's regiment; Major Allen of Berkshire, Thurloe, iv., 285.

[a](#)

John Carter of Hewson's regiment.

[b](#)

Henry Lilburne, Lieutenant-Colonel of the regiment of his brother, Robert Lilburne, turned Royalist in 1648, and was killed at the re-capture of Tynemouth Castle, August 11, 1648.

[a](#)

Considerable, *i. e.* "to be considered of." The sense seems to be: "I think they ought to consider whether they intend to suppress the royalists(?) by the power of the Parliament."

[a](#)

Philippians iii., 8.

[b](#)

MS. "yett if wee cannot have."

[c](#)

Cromwell's argument may be thus summed up: "Leave the settlement of government to Parliament, but provide that Parliament be rightly constituted. There may be care taken that future Parliaments be well composed as to their creation and election. Elections to Parliament are sometimes illegal, as for instance for corporations to choose two. I shall desire that there may be a form for the electing of Parliament. Another thing to be provided against is the perpetuity of the same Parliament, there is no security at present that it shall not be perpetual." The policy advocated is that set forth in the Army Declaration of June 14. Compare Cromwell's remarks on pp. 328, 336.

[a](#)

MS. "att least."

[b](#)

Cromwell's general meaning is plain enough, though the illustration he uses is difficult to understand. The Army, he argues, must have some civil authority to support it, therefore it ought to own the authority of the Parliament. He would lay hold of any commission from Parliament, any simulacrum of authority, anything that came from Westminster, from the other side of the Thames. Possibly the illustration was suggested by the story of the multitude of rats swimming over the Tweed, which is told in a news-letter of September, 1647. (*Clarendon, State Papers, II., Appendix, xxxix.*)

[a](#)

"We propound: that whatsoever was proposed to be insisted on, either in the Declaration of June the 14, or the Remonstrance of June 23, and in the Remonstrance from Kingston, August 18, be adhered to resolvedly, so as not to recede from these desires, untill they be thoroughly and effectually answered." *Case of the Army*, p. 14. On Allen, see Appendix B.

[b](#)

John Jubbes, Lieutenant-Colonel of Hewson's regiment, see p. 21. He drew up in the next year, an "Agreement of the People" of his own, entitled "*Proposals for Peace and Freedom*;" and was probably the author of a second pamphlet called "*A Plea for Moderation in the Transactions of the Army, or weighty Observations upon the late Proposals for Peace presented by the City of London to Comm. Gen. Ireton*." By Veritie Victor, gent., 1648.

[a](#)

I. Kings, xxii. 22; Jeremiah, xliii. 2.

[a](#)

Cf. p. 284.

[b](#)

MS. "that in the issue wee may not see that God hath spoken to us."

[c](#)

The papers of the committee, which Rainborow had just moved to have read.

[d](#)

I. Corinthians, xiv. 29.

[a](#)

"learnt," *i. e.* taught.

[a](#)

Jeremiah, li., 9; xiiij., 23.

[b](#)

Zechariah, xii., 3. Matthew, xxi., 44.

[a](#)

Several words transposed.

[a](#)

The Second Epistle of Peter, i. 19.

[b](#)

Allen.

[a](#)

i. e. "neither King nor Lords."

[b](#)

i. e. "argue."

[a](#)

Hebrews, viii., 10; I. Corinthians, ii., 16. So Cromwell elsewhere observes of certain things that they are "written in better books than those of paper; written, I am persuaded, in the heart of every good man." Carlyle's *Cromwell*, Speech II.

[b](#)

Compare Speech I. in Carlyle's *Cromwell*.

[a](#)

Cf. Cromwell's speech on p. 185.

[a](#)

MS. "to."

[b](#)

The position of several clauses has been altered.

[a](#)

Wildman spoke in answer to the gentleman "who spoke last save one," referring obviously to the long speech here attributed to Cromwell. The difficulty is that Ireton hereupon answers Wildman as if he were the speaker referred to. On the other hand the MS. distinctly attributes the speech to Cromwell, and in many points it is distinctly Cromwellian in style and ideas. Possibly the two brief speeches on this page should be attributed to Cromwell instead of Ireton.

[a](#)

Apparently means those who subscribe the "Agreement of the People" as opposed to the officers who dissent from it. For the first "dissent," "assent" should probably be substituted.

[b](#)

The position of this clause has been changed.

[c](#)

"Them" *i. e.* "the people."

[a](#)

Ireton says he made the exception to satisfy Wildman and his friends, not because he had any doubts of the fact himself.

[b](#)

As the power has been usurped, not expressly to take it away is to confirm it.

[a](#)

Remonstrance of May 26, 1642, and the King's answer: see Clarendon, *Rebellion*, v. 224-229, 292-305. See pp. 351, 399. The first part of this sentence seems to be really an interpolation of Wildman's: "Sir, you very well remember that which you argued of the King's oath," referring to Ireton's speech on p. 351.

[b](#)

Several words omitted.

[a](#)

MS. "that."

[a](#)

Ireton seems to refer to the first thirteen articles of the "Hheads of the Proposals," which contained the things "necessary for settling and securing the rights, liberties, peace and safety of the kingdom," the granting of which was to precede the King's restoration to his personal rights. This plan of taking away the King's veto with respect to certain specified subjects seems to have been substituted by Ireton for the scheme of giving him a merely suspensive veto which was suggested in the first draft of the "Proposals." See "*Putney Projects*," p. 15.

[b](#)

See p. 407, resolution 2.

[a](#)

See p. 407.

[b](#)

See articles 1 and 2, p. 407.

c

See article 4, p. 407.

a

MS. "onely."

b

MS. "heertofore have bin subject to the breaches of the peace, have bin subject to the common law."

c

Position of several clauses altered.

a

The position of several words has been altered.

b

For Wildman's criticisms see *Putney Projects*, p. 26; and the "Heads of Proposals" I. 1.

a

Ireton again refers to the "Agreement of the People," Clause 3, and compares it with the first two clauses of the "Proposals of the Army."

a

Unfortunately the article concerning the qualifications of persons to be elected Members of Parliament is not given, but it seems from this debate and from p. 394 that a member was to possess a property qualification of £20 a year, and that a peer might sit in the Lower House if elected, as indeed subsequently took place under the Commonwealth.

b

Rainborow asks why the Lords and Commons should not sit together, in one House; and Ireton replies that it would be dangerous to admit so large a permanent element. See p. 397. The position of this question and answer has been changed. In the MS. they follow Ireton's answer about the trial of Lords by their Peers.

a

Robert Titchburne had been appointed by Fairfax, Lieutenant of the Tower, in place of Colonel Francis West (Rushworth, vii. 761). A contemporary thus speaks of Titchburne: "I will not call him Colonel, his commission being illegal, and he fitter for a warm bed than to

command a regiment or citadel; one that not above a month before he was chosen Lieutenant of the Tower held an opinion that it was not lawful for men to fight or kill men, [not] thinking that fighting would be in fashion again. And indeed when he was first made Lieutenant-Colonel of the Auxiliaries in London, if he durst have marched down only for a guard of three or four pieces of battery to Basinghouse before it was fortified, he had saved many a thousand men's lives; but he loved then nothing tending to fighting, and therefore he discouraged his soldiers and took a journey himself under a colour to Brainford, and then came home in triumph that he might pray that the walls of Basinghouse might fall down like the walls of Jericho. . . . But Colonel West is faithful, honest and valiant, and one that stood as well to his, regiment as he hath done since to his principles: witness Gloucester expedition, where if the Newbery ground could speak, it would say his body was turned into a rock in the face of his enemy." (*The Honest Citizen or Faithful Counsellor to the City of London*, p. 7). Titchburne was one of the Sheriffs in 1650, and Lord Mayor in 1656. Noble gives an account of Titchburne in his "*Lives of the Regicides*," ii. 272. See also Heath's *Chronicle*, ed. 1663, p. 309.

[a](#)

The absence of the text of the article discussed, and the defects of the report make it difficult to decide the exact question at issue, but it seems to be this. On Saturday, October 30, the Committee had agreed to give the Lords a suspensive veto. Then, apparently at Ireton's instigation, they decided that the Lords should possess no veto of any kind with respect to laws where the Commons declared the safety of the kingdom to be concerned. Instead of that they should possess, in case of laws affecting their persons and estates merely, a power of exempting themselves from the operation of such laws, and so securing their personal rights, by refusing their consent. Thus, instead of a general suspensive veto they would get a simple power of nullifying certain particular laws so far as they affected themselves. Ireton's speech is very confused, but may be thus paraphrased and re-arranged: " 'Tis true on Saturday night we thought of that, viz., that the Commons should make so much use of the Lords in all affairs that their refusal to pass a law should occasion a review, but that if the Commons should after that review think fit to persist, it should be looked upon as a law without the consent of the Lords: but that resolution was questioned in the name of safety. Instead of that the Committee voted last night, that the Lords should have a liberty to preserve one another, and we thought fit to submit a provision for that to your consideration. We had an eye also to that point of the safety of the kingdom. It is provided for in the clauses respecting the rights of the Commons, etc."

[a](#)

See, 407, resolution 2.

[a](#)

For Wildman's general views on the rights of the Lords as affected by the "Heads of the

Proposals" see *Putney Projects*. He now criticises article 2 on p. 407.

[a](#)

MS. "included."

[b](#)

MS. "take."

[c](#)

MS. "heere." The position of several phrases in this sentence has been altered.

[a](#)

Order of words in this sentence changed.

[b](#)

Order of clauses in this sentence changed.

[a](#)

Cowling probably refers to the story of King Alfred, "who caused 44 Justices in one year to be hanged as murderers for their false judgments." Andrew Horne's *Mirroure of Justice*, translated by W. H., 1646, p. 239.

[b](#)

Rainborow appears to be wrong; see Stubbs, *Constitutional History*, vol. ii. § 269. and *Old Parliamentary History*, ii., pp. 12-29.

[a](#)

"They," *i. e.* Mr. Wildman's godly men.

[b](#)

Ireton's previous speech supplies the words given in brackets, and his speech on p. 404 shows that Wildman proceeded to argue that the first maxim of just government was that all governments rested on the consent of the people; but the people never set up King or Lords, therefore the government of King and Lords was unjust.

[a](#)

The order of these two interpolations of Wildman's has been changed.

[a](#)

Titchborne argues thus: The right of making laws is expressly stated to be solely in the

House of Commons. The formality of sending them to the King and Lords for their consent means nothing. Their consent is not necessary.

[b](#)

I take this first sentence to be really another interpolation of Wildman's, and the rest of the speech Ireton's reply to it.

[a](#)

Compare *Putney Projects*, pp. 19, 34.

[b](#)

MS. "Lords."

[a](#)

MS. "small."

[b](#) Major John Cobbett of Skippon's regiment, probably opposed the vote on the grounds stated by Wildman on p. 398. A pamphlet quotes "the saying of Ireton to honest Major Cobbett of Snowhill, who, for joyning with the agents of the Army, asked him if he were not deluded in his understanding, in joyning with the giddy-headed souldiers, and advised him not to run against the interest of himselfe and the officers" (*The Hunting of the Foxes, etc., Somers Tracts*, ed. Scott vi., 52). Cobbett seems to have been concerned in the mutiny at Ware; was tried by court martial at Windsor in January, 1648, and sentenced to be cashiered (Rushworth, vii., 937, 940). Like others then sentenced he was forgiven and sent back to his regiment, then at Newcastle, and distinguished himself by his gallantry at the re-capture of Tynemouth Castle, August 11, 1648 (Rushworth, vii., 1226; *The Second Part of England's New Chains Discovered*, 1649, pp. 7, 11). He was made Adjutant-General of the Foot to the Army which invaded Scotland in July, 1650 (*Cromwelliana*, p. 84). After the battle of Worcester he was selected to bear Cromwell's despatch to the Parliament, with the commendation "that the person who is the bearer hereof was equal in the performance of his duty to most that served you that day" (Carlyle's *Cromwell*, Letter clxxxiii). Cobbett made a relation, and produced "a collar of SS., which was the King of Scots', and his garter, which the said Major Cobbett took in his quarters at Worcester." He was voted a gratuity of £100, and an annuity of £100 from forfeited lands in Scotland (*Commons' Journals*, vii., 13, 191). He seems to have died a Lieutenant-Colonel in 1656 (*Cal. State Papers, Dom.*, 1656-7, pp. 249, 301). He should be distinguished from Major Robert Cobbett, another leveller, who ended by becoming a contractor for army-clothing (*Cal. State Papers, Dom.* 1657-8, p. 118; Lilburne's *Legal Fundamental Liberties*, 1649, p. 40), and from the better known Colonel Ralph Cobbett.

[a](#)

The propositions referred to are summarised by Rushworth, vii., 861.

[a](#)

A newsletter in the *Clarendon Papers* (vol. ii., Appendix, xlix.) says under Nov. 15: "On

Thursday last Sir Thomas Fairfax's regiment of foot were drawn to a rendezvous: and one White, the Major of the regiment, told the soldiers that the kingdom must be under another government (which he said, to see how they would like it). Whereupon the whole regiment threw up their hats and cried, 'A King, a King.' And thereupon White got to his horse and made some haste out of the field."

[a](#)

Rushworth gives the result of the debate concerning the Militia.

[b](#)

Compare Rushworth, vii., 862.

[c](#)

On the proceedings of the Council of the Army between Nov. 3 and Monday, Nov. 8, see Appendix E.

[d](#)

William Bray, Capt.-Lieutenant in Col. Robert Lilburne's regiment of foot, was a personage of some importance amongst the Levellers. In the mutiny of that regiment at Ware on Nov. 15, 1647. Bray was the only officer above the rank of a lieutenant who stayed with the soldiers. He was arrested on the charge of having led the regiment to rendezvous contrary to orders (Rushworth, vii., 875; *Old Parliamentary History*, xvi., 434). Bray's own account of his conduct, as delivered to the council of war which tried him, is printed in a pamphlet called *The Discoverer*, pt. 2, p. 52, 1649. He was tried by court martial at Windsor, Dec. 1647, and finally on submitting and acknowledging his error dismissed, and sent back to his regiment (Rushworth, vii., 922, 937, 940, 943). Owing, as he states, to the hostility of his lieut-col., Henry Lilburne, he was again suspended from his command. In the summer of 1648 he raised a troop of volunteers in Kent to serve against the royalists, and attached it to the regiment of Col. John Reynolds. In March, 1649, he was expelled from the General Council of the Army and deprived of his command. On March 19 he presented to the House of Commons a printed statement of his grievances, entitled. "An Appeal in the humble claim of justice against Thomas Lord Fairfax," etc., which was voted scandalous and seditious, and Bray committed to Windsor Castle, during the pleasure of the House (*Commons' Journals*, vi., 167; "Appeal," pp. 11-15). He remained a prisoner at Windsor and Wallingford till Oct. 9, 1651 (*Commons' Journals*, vii., 31; *Cal. State Papers, Dom.*, 1651, p. 353). Two letters from Bray to Lenthal, petitioning for his release, are amongst the *Tanner MSS.*, lvi., 62; liii., 82; see also Cary's *Memorials of the Civil War*, ii., 141. and *The Englishman's Fundamental Appeal; or the Third humble petition and address of Capt. William Bray*, 1659. The first use Bray made of his freedom was to interrupt the proceedings of the Commissioners of Berkshire for underletting the estates of delinquents (*Tanner MSS.*, lv., 110). In 1659 he published a pamphlet entitled, "A plea for the people's Good Old Cause," and was recommended for employment as a

sufferer for the true interest of the Commonwealth (*Cal. State Papers, Dom.*, p. 249).

[a](#)

This resolution is given in Rushworth, vi., 866.

[b](#)

See "A remonstrance from his Excellency Sir Thomas Fairfax and his Council of War concerning the late discontent and distraction in the Army, etc., November 14, 1647" (*Old Parliamentary History*, xvi., 340.) The engagement given at the end was evidently drawn up by this Committee.

These requests were accompanied by a letter from Sir Thomas Fairfax to the Speaker dated November 8, the original of which is in the *Tanner MSS.*, vol. lviii., f. 570. It is printed by Cary (*Memorials of the Civil War*, i., 356), and also by Rushworth. vii., 867, and was read in the House of Commons on November 9 (*Commons' Journals*, v., 353). The last lines of the 4th desire should probably run "to be allowed to those that shall quarter in other places, or the owners upon whose houses quarters are assigned to be had."

[a](#)

See Rushworth, vi., 868, where this sentence continues "to the Generall for his order to communicate the same to the several regiments at their respective rendezvouz."

[a](#)

The letter referred to is printed in Appendix E.

[a](#)

MS. "them."

T.112 (4.12) [SIGNED BY SEVERAL PEOPLE, BUT
ATTRIBUTED TO JOHN WILDMAN], *THE CASE OF THE
ARMIE TRULY STATED* (15 OCTOBER 1647).↵

Image of the original Title Page

THE CASE²
OF THE
ARMIE

Truly stated, together with the mischiefs
and dangers that are imminent, and some suitable remedies,

Humbly proposed by the Agents of five
Regiments of Horse, to their respective Regiments,
and the whole Army.

As it was presented by Mr. *Edmond Beaw*, and Mr. *William Russell*,
October 15. 1647. unto his Excellency,
Sir Thomas Fairfax.

Enclosed in a Letter from the said Agents: Also his Excellencies
Honourable Answer thereunto.

Deut. 20. 8. *What man is there that is fearefull and faint hearted? Let
him go and returne unto his House, lest his brethrens heart faint
as well as his heart.*

Judg. 7. 7. *And the Lord said unto Gideon, by the three hundred men
that lapped, will I save you, and deliver the Midianites into thine
hand, and let all the other people go, every man unto his place.*

LONDON Printed in the Yeare,

1647.

BIBLIOGRAPHICAL INFORMATION

ID Number

T.112 [1647.10.15] (4.12) [Signed by Several People, but attributed to John Wildman], *The Case of the Armie Truly stated* (15 October 1647).

Full title

[Signed by Several People, but attributed to John Wildman], *The Case of the Armie Truly stated, together with the mischiefes and dangers that are imminent, and some sutable remedies, Humbly proposed by the Agents of five Regiments of Horse, to their respective Regiments, and the whole Army. As it was presented by Mr. Edmond Bear, and Mr. William Russell, October 15. 1647. unto his Excellency, Sir Thomas Fairfax. Enclosed in a Letter from the said Agents: Also his Excellencies Honourable Answer thereunto.*

Deut. 20.8. What man is there that is fearfull and faint hearted? let him go and returne unto his house, least his brethrens heart faint as well as his heart,

Judg. 7.7. And the Lord said unto Gideon, by the three hundred men that lapped, will I save you and deliver, the Midianites into thine hand, and let all the other people go, every one unto his place.

London: Printed in the Yeare, 1647.

This tract contains the following parts:

1. The Case of the Armie Truly stated
2. A Copy of a Letter from the Agents of the aforesaid five Regiments of Horse, unto his Excellency Sir Thomas Fairfax (18 O ct. 1647)

Estimated date of publication

15 October 1647.

Thomason Tracts Catalog information

TT1, p. 564; Thomason E. 411. (9.)

TEXT OF PAMPHLET

THE CASE OF THE ARMY TRULY STATED, TOGETHER WITH THE

**MISCHIEFES AND DANGERS THAT ARE IMMINENT, AND SOME SUTABLE
REMEDIES. HUMBLY PROPOSED BY THE AGENTS OF FIVE REGIMENTS
OF HORSE, TO THE RESPECTIVE REGIMENTS AND THE WHOLE ARMY.**

Whereas the grievances, dissatisfactions, and desires of the Army, both as Commoners and Soldiers, hath been many months since represented to the Parliament; and the Army hath waited with much patience, to see their common grievances redressed and the rights and freedoms of the Nation cleared and secured; yet, upon a most serious and conscientious view of our Narratives, Representations, Ingagement, Declarations, Remonstrances, and comparing with those the present state of the Army and Kingdome, and the present manner of actings of many at the Head Quarters, we not only apprehend nothing to have been done effectually, either for the Army or the poore oppressed people of the nation, but we also conceive, that there is little probabilitie of any good, without some more speedy and vigorous actings.

In respect of the Army, there hath been hitherto no publique vindication thereof, about their first Petition, answerable to the Ignominie, by declaring them enemies to the State, & disturbers of the peace: No publike clearing nor repairing of the credit of the Officers, sent for about that petition as Delinquents: No provision for Apprentizes, Widowes, Orphans, or maimed Souldiers, answerable to our reasonable addresses propounded in their behalf: No such Indempnitie, as provideth security, for the quiet, ease, or safety of the Soldiers, disbanded or to be disbanded. No securitie for our Arreers, or provision for present pay, to inable the Army to subsist, without burthening the distressed Country. And in respect to the rights and freedoms of our selves and the people, that we declared we would insist upon, we conceive there is no kind or degree of satisfaction given: there is no determinate period of time set when the Parliament shall certainly end: The house is in no measure purged, either from persons unduly elected, or from Delinquents, that appeared to be such at the Armies last insisting upon their rights, or since: the "honour of the Parliamentary authoritie not cleared, and vindicated from the most horrid injustice of that Declaration against the Army for petitioning, nor of suppressing and burning Petitions, abusing and imprisoning Petitioners: But those strange presidents remaine upon Record, to the infamy of Parliamentary authority; and the danger of our own and the peoples freedoms: The people are not righted, nor satisfied in point of accompts, for the vast summes of money disbursed by them. None of the publique burthens, or oppressions, by arbitrary Committees, injustice in the Law, Tythes, Monopolies, and restraint of free trade, burthensome Oathes, inequality of Assesments, Excize, and otherwise are removed or lightened, the rights of the people in their Parliaments concerning the nature and extent of that power, are not cleared and declared. So that we apprehend our own & the peoples case, little (if in any measure) better, since the Army last hazarded themselves for their own and the peoples rights and freedoms. Nay, to the grieve of our hearts, we must declare, that we conceive, the people and the Armies case much impaired, since the first Rendezvouz at *New Market*, when that solernne ingagement was entred into: And that from the consideration.

That the Armies Engagement, Representations, Declarations, and Remonstrances, and promises in them contained, are declined, and more and more daily broken, and not only in some smaller matters, wherein the Armie and the Kingdome are not so neerly concerned, but in divers particulars of dangerous consequence to the Army and the whole Nation. As,

First, In the Engagement, pag. the 5. the Armie promised every Member thereof each to other, and to the Parliament and Kingdome, that they would neither disband nor divide, nor suffer themselves to be disbanded or divided untill satisfaction should be given to the Army in relation to their grievances, and desires; and securitie that neither the Army nor the free borne people of *England*, should remaine subiect to such injuries, oppression, and abuse, as the corrupt party in the Parliament then had attempted against them.

Secondly, The Traine of Artillery is now to be disbanded, before satisfaction or securitie is given to the whole Army in relation to themselves, or other the free borne people, either in respect to their grievances or desires. And when the strength or sinewes of the Army be broken, what effectuall good can be secured for themselves or the people in case of opposition?

Thirdly, The Army is divided into quarters so farre distant, that one part is in no capacitie to give timely assistance to another, if any designe should be to disband any part by violence sodainly, although neither our grievances nor desires as Soldiers or Commoners are redressed or answered. And as we conceive this dividing of the Army before satisfaction or securitie as aforesaid, to be contrary to the Armies intention in their Engagement, at the said Rendezvouz, so we conceive it hath from that time given all the advantage to the enemies, to band and designe against the Armie, whereby not only pay hath been kept from the Soldiers, and securitie for arreers prevented, but the kingdom was indangered to have been imbroyled in blood, and the settlement of the peace and freedome of the Nation, hath been thus long delayed.

The whole intent of the Engagement, and the equitable sense of it, hath been perverted openly, by affirming, and by sinister meanes making seeming determinations in the Counsell, that the Army was not to insist upon, or demand any securitie, for any of their own or other the free borne peoples freedoms or rights, though they might propound any thing to the Parliaments consideration; and according to that high breach of their Engagement, their actions have been regulated, and nothing that was declared formerly, to be insisted upon, hath been resolvedly adhered to, or claimed as the Armies or the peoples due, and we conceive it hath been by this meanes, that the Soldier hath had no pay constantly provided, nor any security for Arreers given them, & that hitherto they could not obtain so much, as to be paid up equally with those that did desert the Army, it not being possitively insisted upon, although in the Remonstrance of *Iune*, 23. pag. 11. It was declared, that it should be insisted upon resolvedly, to be done before the *Thursday* night after the sending that Remonstrance, and its now many moneths since.

Fourthly, In the prosecution of this breach, there hath been many discouragements of the

Agitators of the Regiments, in consulting about the most effectuall meanes, for procuring the speedy redresse of the peoples grievances, and clearing and securing the native rights of the Army, and all others the free Commons.

It hath been instilled into them, that they ought not to intermeddle with those matters, thereby to induce them, to betray the trust the Regiments reposed in them; and for that purpose, the endeavours of some hath been to perswade the Soldiery, that their Agitators have medled with more, then concerned them. In the Declaration of *Iune* 14. pag. It was declared that the Army would adheare to their desires of full and equall satisfaction to the whole Soldiery of the Kingdome in Arreers, Indempnity, and all othre things mentioned in the papers, that contained the grievances, disatisfactions and desires who did then, or should afterward concurre with this Army in these desires.

But many thousands who have concurred with this Army, are now to be sent for *Ireland*, or to be disbanded with two moneths pay, before any securitie for Arrears, or sufficient Indempntie, or any satisfaction to any desires as Soldiers or Commoners, then propounded; so now our Declaration is forgotten, and the faith of the Army, and his Excellency broken, for it may be remembred, that his excellency often promised, that the same care should be taken for those, that concurred, that should be for this Army, therefore if this course be driven on, what better can wee expect for our selves in the end?

Sixtly, In the same Declaration, *June* 14. pag. 6. it is declared that the Army took up Armes, in judgement and conscience, for the peoples just rights and liberties, and not as mercenary Souldiers, hired to serve an arbitrary power of the State, and that in the same manner it continued in armes at that time, and pag. 7. of the same Declaration, it was declared that they proceeded upon the principles of right and freedome, and upon the law of nature and Nations: But the strength of the endeavours of many hath been, and are now, spent to perswade the Soldiers and Agitators, that they stand as Soldiers only to serve the State, and may not as free Commons claime their right and freedome as due to them, as those ends for which they have hazzarded their lives, and that the ground of their refusing to disband, was only the want of Arrears and Indempntie.

Seventhly, In the Remonstrance *June* 23. pag. 14. compared with pag. 15. it was declared, that such extraordinary courses should be taken as God should direct & enable them thereunto, to put things to a speedy issue, unles by the *Thursday* then imediately following, assurance and securitie were given to the Army and Kingdome, that the things desired in the Declaration, *Iune* the 14 should be speedily granted and settled.

But there hath been ever since, a totall neglect of insisting possitively upon the redresse of those grievances, or granting those desires of the Army as Soldiers. That the Declaration of *June* the 14. pag. the 3. refers unto, as formerly expressed, and not so much as one of those desires, as Commoners of *England* in the behalfe of themselves and others, (propounded in the same Declaration, pag. 6, 9, 10, 11.) hath been insisted upon possitively; neither setling a determinate period, wherein the Parliament shall certainly

end, nor purging the House, nor clearing the rights of the people, in petitioning, nor the righting of them in accounts, &c. so that by these declinings of the Army, from insisting resolutely upon the peoples, and the Armies own rights, both are after long expectations, as farre from right and freedome, as though there had been no man to plead their cause. And herein it is to be observed, that the neglect of insisting upon our most just desires, hath given enemies such secret encouragement, that they shufle off any desires, though propounded, as to be insisted upon, as may be mentioned in that our just desire, of recalling publikely the Declaration, inviting al to desert the Army, & professed to be insisted upon, in the same Declaration, *June 23.* pag. 11. which notwithstanding to this day was never publikely recalled; so likewise the desire of vindicating the Parliaments honour, in relation to a publique disowning the order to suppress our first Petition, and many others.

Eighthly, In the declaration of *Iune 14.* pag. 10. as in all other Remonstrances and Declarations, it was desired, that the rights and liberties of the people might be secured, before the Kings businesse should be considered. But now the grievances of the people are propounded to be considered after the restoring him to the regall power, and that in such a way according to the proposals *viz,* with a negative voice, that the people that have purchased by blood what was their right, of which the King endeavoured to deprive them, should yet solely depend on his will, for their reliefe in their grievances and oppressions; and in like manner the securitie for the Armies Arrears is proposed, to be considered after the businesse of the King be determined, so that there is a total declension since the method formerly desired, in the settling the peace of the Nation.

Ninthly, It hath been alwayes professed and declared, that the Army was called forth and conjured by the Parliaments Declarations, for defence of the peoples rights, against the forces raised by the King, and for delivering the King from his evill Councill, who seduced him to raise the war, and bringing Delinquents to condigne punishment. But now through the Armies countenance and indulgence, those conquered enemies, that were the Kings forces, abuse, reproach, and againe insult over the people, whose freedome was the grounds of the Armies engagement, yea, the Kings evill Councillors, that concurred in designing all the mischiefes in the Kings late warre against the people, are againe restored to him, and are admitted free accesse without check into all the Armies quarrels, whereby they are restored to a capacitie of plotting and designing mischiefe against the Armie and kingdome.

Tenthly, When imminent ruine, to the whole nation was apprehended, by meanes of the multitudes of corrupted Members in Parliament, diverting and obstructing all good proceedings; then the purging of the House in part, from one kind of Delinquents, was againe insisted upon, and a solemn Protestation was passed in the remonstrance from *Kingstone,* pag. 21. That the Armie would not permit those to sit in the House, that usurped the name and power of Parliamentary authoritie, when the Parliament was by violence suspended, and endeavoured to raise a warre to destroy the Parliament and Army, but that they would take some effectuall course to restraine them from sitting

there, that the people might be concluded only by those Members that are free from such apparant treacherous breaches of their trust.

But hitherto this Engagement for purging the House from those Delinquents, (whose interest ingages them to be designing mischief against the people and Army) is declined and broken, to the black reproach and foulest infamie of the Army; and now these strong cords are cut in sunder and so forgotten, that there are no visible endeavours or intentions, to preserve the honour of the Armie, in its faithfullnesse to its Engagement and Protestation.

Thus all promises of the Armie to the people that Petitioned his Excellencie and the Army to stand for the National interest, freedoms and rights, are hitherto wholly declined, and the law of nature and nations now refused by many to be the rule by which their proceedings should be regulated; they now strip themselves of the interest of English men, which was so ill resented when it was attempted by the mallice of the enemies. And thus the peoples expectations that were much greatned, and their hopes of reliefe in their miseris and oppressions which were so much heightned are like to be frustrate, and while you looke for peace and freedome, the flood-gates of slaverie, oppression and miserie are opened upon the Nation, as may appeare by the present manifold dangers that incompasse about the Army and the whole Nation.

The mischiefs, evils, and dangers, which are and will be the necessary consequence of the Armys declining or delaying the effectuall fulfilling of its first Engagement, Promises and Declarations or of its neglect to insist possitively upon its first principles of common right and freedome.

Whereas its now many moneths since the Army declared (In answer to the Petitions of divers Counties, and from the sense of an absolute necessitie thereof,) that they would insist upon the peoples interest; as in the Declaration of *June* 14 pag. 13. And yet no reliefe for the people in any of their oppressions, by arbitrary powers, Monopolies, iniustice in the proceeding at Law, Tythes, Excize, &c. is effectually procured; nor any greater probabillitie of future helpe is visible then was before; no foundations of freedome being yet laid; and yet the Soldiery burthening the country with free quarters and occasioning greater taxes. These five mischiefs and dangers ensue inevitably.

First, The love and affection of the people to the Armie, which is (an armies greatest strength) is decayed, cooled, and neere lost; its already the common voice of the people, what good hath our new Saviours done for us? What grievances have they procured to be redressed? Wherein is our condition bettered? or how are we more free then before?

Secondly, Not only so, but the Army is rendred as an heavie burthen to the people, in regard more pay is exacted dayly for them, and the people find no good procured by them, thats answerable or equivalent to the charge, so that now the people begin to cry

lower for disbanding the Army then they did formerly for keeping us in Armes, because they see no benefit accruing, they say they are as likely to be oppressed and inslaved both by King and Parliament, as they were before the Armie engaged professedly to see their freedoms cleared and secured.

Thirdly, Whilst the peoples old oppressions are continued, and more taxes also are imposed for pay for the Army, they are disabled dayly more & more for the mantaining of an Army for their preservation, for they beginne to say, they can but be destroyed by oppression, and its all one to them, whether it be by pretended friends or professed enemies, it were as good, say they, that the King should rule againe by prerogative; we were slaves then to his will and we are now no better; we had rather have one tyrant then hundreds.

Fourthly, By this meanes, distractions divisions, heart-burnings and jealousies are increased, to the imminent danger of ruine to the Army and Kingdome; the people are inclined to tumults crying out, will none procure reliefe for us: shall we alwayes be deluded with faire words, and be devoured by oppressors? wee must ere long rise up in armes, and every one catch what he can: thus confusion is threatned.

Fiftly, The Army is exposed to contempt and scandall, and the most black reproaches, and infamies are cast upon them, the people say, that their resolutions not to disband, were because they would live idly on the peoples labours, and when the Souldiers are constrained to take free quarters, this (saith the people) is for freedom, and right, to eat the bread out of our childrens mouths: so that many Souldiers are ashamed of themselves, and feare that the people should rise to distroy them: you will doe nothing for us, (say they) we are vexed by malignant Iudges for conscience sake, by arbitrary Committes in the Country, and at Parliament, ordering one thing this day, and recalling it the next, to our intollerable vexation, injustice in the law is the same, and we buy our right at as a dear rate as ever. Tithes are inforced from us double and treble. Excise continues, we can have no accompts of all our moneyes disbursed for the publicke, more is dayly required, and we know not what is become of all we have paid already, the Souldiers have little pay, and the maimed Souldiers Widowes and Orphans are thrust upon us to be parrish charges.

Secondly Whereas the Engagement is broken, and the first principles deserted or neglected, these mischiefes and dangers have ensued.

1. The enemies are encouraged and imboldned to proceed in prejudice to the people & the Army as formerly: they may receive hopes upon the armies own words in their Generall Counsells, that the army will not oppose or disturbe them in their proceedings, to deprive the Armie and people of their native rights, if they can abuse the Parliament, or surprize them as formerly, they may say for themselves, the Army hath declared that they stand only as Souldiers, and will not insist upon any possitive demand of their own and the Nations freedoms; and was it not this that imboldned the enemies formerly to suppress our first petition, and declare us enemies, for petitioning? they thought we would have

stood only as mercenary Souldiers, hired to serve their arbitrary power, and not remembered that we by their invitation took up armes in judgment and conscience, to preserve the nation from tyrannic and oppression, and therefore were obliged to insist upon our rights and freedoms as Commoners, and surely it hath been upon this ground, that they kept us without money so long, thinking we would not or durst not insist upon our demands of that which is due to us, and upon this ground we judge the Parliament hath proceeded of late to increase the peoples oppressions, by an Ordinance for trible dammages, to be paid by all that refuse (though for conscience sake) to Pay Tythes, and an Ordinance to locke up the printing presses against whom they please, which was in the Bishops time complained of, as one of the great oppressions, and have slighted just petitions, and neglected to consider, and redresse the prisoners grievances and oppressions and the sufferings of conscientious persons, by the uniust statutes against Conventicles so stiled, & statutes for Common prayer Book, and enforcing all to come to Church, and all other the peoples grievances.

2. From the Armies declining their first principles, the same corrupt Members remain in Parliament that caused the *Army* to be proclaimed enemies for petitioning, and its to be observed that through the influence of those in the house, there was never any publike vindication of the Armyes honour, and of the justice of their petitioning at that time. and can the Army be safe, so long as its old declared enemies are in power and doe but watch the fittest opportunity to worke any mischief, but not only those enemies remain in power, and watch to destroy you, but 65. at least that lately voted and endeavoured to raise a new work to destroy the Armie, are suffered to vote in the Parliament though the Army hath protested solemnly, they would not suffer those usurpers to sit there, or that they would be concluded by those that were coactors in such treasonable breaches of their trust.

3. Through the Armies dividing contrary to the Engagement, and neglecting to insist upon the first Declaration, the enemies have had power and opportunity, to prevent them of their constant pay, and obstruct all proceedings to security for Arreares, whereas otherwise the enemies would not have dared to presume to obstruct good proceedings, and to prosecute their designes against the Army.

4. *Through the Armies back-sliding from the Remonstrance, and Protestation from Kingston, August 18. those that lately endeavoured to raise a warre against the Parliament and Army, continue in the House, and have passed an Ordinance, wherein those betrayors of their trust are acknowledged to have been a House of Parliament, when the Parliament was forced away and suspended, and the Army having declared them to be no Parliament, and his Excellency slighted their Command, at Colebrooke, professing he knew no Parliament, to which he should send, are by this made guilty of the highest treason, and so a snare is layd for his Excellency and the Army, that when the enemies shall have the advantage, they may be declared traytors, for declaring against the Parliament, and disowning their authority, so that if some speedy remedy be not applyed, no man knowes how soon the enemy may prevaile to destroy his Excellency, the Army*

and Kingdome by this meanes: and the policy of the enemy is to be observed, that they would never suffer that Declaration to be debated in the House, that was published at the Armies marching towards London; wherein those that usurped the power of a Parliament, when the Parliament was suspended, were declared to be no legall Parliament: but the Declaration and Remonstrance of August 18. wherein the Army protested against the sitting of those usurpers in the House, may together be made the ground of their declaring us Traytors upon any advantage, for disowning, and declaring against the supream authority of the Nation, in case those usurpers shall continue to be acknowledged an house of Parliament, as it remaines at present by the late Ordinance of August 20. procured to be passed by those Vsurers themselves sitting judges of their own case.

5. *By this neglect and declining of the Army, The Parliament is returned to their old delatory way of proceeding, neither insisting upon the relieving the people speedily and effectually in any of their grievances, nor providing constant pay for the Army, nor security for Arreares; so that the delays that are occasioned through the Armies declining their first principles are as distinctive to the Army and Kingdome, as if there were direct actings by the Army against the Kingdomes peace.*

6. *Through the same declension of the Armies first principles, and the good and necessary method propounded for setting the nation in peace and freedome before the Kings businesse be considered, the King is likely to recover his old capacity, before the peoples freedoms (which they have redeemed out of the hands of him and his forces by blood) be cleared and established securely, and likewise before any security be given for Arreares; and then what probability there is, that then there should be any good security of pay obtained for the Army that conquered him, and for the freedoms of those that assisted them, let any rationall man judge? It may more certainly be expected, that he will provide for the pay and Arreares of his own Souldiery rather then of ours. And likewise by the same meanes, the Armies and their assistants indempnity, is propounded to receive its strength from the Kings consent; whereas not onely his sign of, or consent to any act is wholly null and void in Law, because he is under restraint, and so our indempnity, will be insufficient, if it shall depend in the least, on his confirmation. But also its the highest disparagement to the supream authority of this Nation, the Parliament, that when they have commanded an Army upon service against the King, they should not have sufficient power to save them harmlesse for obedience to their commands, and also its the highest dishonour to the Army, that they should seeke to the conquered enemy to save them harmlesse for fighting against them, which is to aske him pardon, and so will remaine as a perpetuall reproach upon them, and render them traytors to posterity.*

7. *Through the Armies declining its first principles, to insist upon satisfaction and security as Souldiers and Commoners before disbanding or dividing the Army, is it now likely to be so far scattered into severall quarters, that it shall be in no capacity, to insist upon security for arreares, sufficient indempnity, or upon any its own or the nations rights, in case they shall be still denied them.*

8. *It is to be considered that the enemies on the one hand, and the other increase dayly in*

their boldnesse, confidence, and strength, whilst securitie for the armies arreers, and constant future pay (so long as it shall be continued) are not provided, and the rights and freedoms of the people are not cleared and secured, & the armie may divide, in case one part should insist upon the first just principles, and be faithfull thereunto, and another part should by flatteries, preferments, feare or negligence decline or desert them, and let it be considered what strength that would adds to the enemies, and how far it will indanger the ruine of the armie and kingdome.

Now we cannot but declare, that these sad apprehensions of mischiefes, dangers and confusion gaping to devour the armie hath filled our hearts with troubles, that we never did, nor doe regard the worst of evils or mischiefes that can befall our selves in comparison to the consequence of them to the poore Nation, or to the security of common right and freedom, we could not but in (reall not formall fained) trouble of heart for the poorc Nation and oppressed people, breake forth and cry, O our bowels! our bowels! we are troubled at the very heart to heare the peoples dolfull groanes, and yet their expected deliverers will not heare or consider, they have run to and fro, and sighed He even wept forth their sorrowes and miseries, in petitions, first to the King then to the Parliament, and then to the armie, yet they have all been like broken reeds, even the armie it selfe upon whom they leaned have pierced their hands, their eyes even faile with looking for peace and freedome, but behold nothing but distraction, oppression and trouble, and could we hope that helpe is intended, yet the people perish by delayes, we wish therefore that the bowells of compassion in the whole armie might yearne towards their distressed brethren, and that they might with one consent say each to other, come let us joyne together speedily to demand present redresse for the peoples grievances, and securitie for all their and our own rights and freedoms as Soldiers and Commoners. Let us never divide each from other till those just demands be answered really and effectually, that so for the peoples case as many forces as are not absolutely necessary may be speedily disbanded and our honour may be preserved unspotted, when they shall see, that we minded not our own interest, but the good, freedome, and welfare of the whole Nation. Now to all that shall thus appeare we propound.

That whatsoever was proposed to be insisted on either, in the Declaration of *June* the 14. or the Remonstrance *June* 23 and in the Remon. from *Kingstone*, *August* 18. be adhered to resolvedly, so as not to reced from those desires, untill they be throughly and effectually answered: more particularly, that whereas it appeares by possitive lawes and antient just customes, that the people have right to new successive elections for Parliaments, at certain periods of time, and that it ought not to be denyed them, being so essentiall to their freedome, that without it they are no better then slaves, the nature of that legislative power, being arbitrary: and that therefore it be insisted on so possitively, and resolvedly, as not to recede from it.

1. That a determined period of time, be forthwith set, wherein this Parliament shall certainly be desolved, provided also that the said period be within 9. or 10. moneths, next ensuing, that so there may be sufficient time for settling of peace and freedome.

2. Whereas all good is obstructed and diverted by the power & influence of Delinquents, the late usurpers, & unduly elected ones in the Parliament, that therefore it be positively & resolutely insisted on; that the house be forthwith purged, from all that have forfeited their trust, or were unduly elected, but especially that an order be passed forthwith, for the expelling all those from the house, who sat in the late pretended Parliament, & that likewise a severe penalty be ordered to be imposed on every of those usurpers that shall presume to sit in the House, for the passing of such an order, before they shall have given sufficient evidence, that they neither voted for a new warre, or for the Kings coming to London upon his own termes.

3. Whereas his Excellencie & the whole armie, were guilty of the highest treason if the pretended Parliament had been a legal Parliament, and it is apparent that they were no legal Parliament, that therefore it be positively and resolutely insisted upon, that the Declaration of the army upon their last march up to London be forthwith publicly owned, and approved of by the Parliament, and that the same publique approbation be Passed upon the Remonstrance, & protest sent from *Kingstone August 18*.

4. Whereas Parliaments rightly constituted are the foundation of the hopes of right and freedom to this people, and whereas the people have been prevented of Parliaments, though many positive lawes have been made for a constant succession of Parliaments, that therefore it be positively and resolutely insisted upon, that a law paramount be made, enacting it, to be unalterable by Parliaments that the people shall of course meet without any warrants or writs once in every two yeares upon an appointed day in their respective Countyes, for the election of their representors in Parliament, & that all the freeborn at the age of 21. yeares and upwards, be the electors, excepting those that have or shall deprive themselves of that their freedom, either for some yeares, or wholly by delinquency, and that the Parliament so elected and called, may have a certaine period of time set, wherein they shall of course determine, and that before the same period they may not be adjournable and dissolvable by the King, or any other except themselves.

Whereas all power is originally and essentially in the whole body of the people of this Nation, and whereas their free choice or consent by their Representors is the only original foundation of all just government; and the reason and end of the choice of all just Governours whatsoever is their apprehension of safety and good by them, that it be insisted upon positively. That the supreme power of the peoples representors or Commons assembled in Parliament, be forthwith clearly declared as their power to make lawes, or repeal lawes, (which are not, or ought not to be unalterable) as also their power to call to an account all officers in this Nation whatsoever, for their neglect or treacheries in their trust for the peoples good, and to continue or displace and remove them from their offices, dignities or trust, according to their demerits by their faithfulness or treachery in the business or matters where with they are intrusted. And further, that this power to constitute any kind of governours or officers, that they shall judge to be for the peoples good, be declared, and that upon the aforesaid considerations it be insisted upon, that all obstructions to the freedom and equality of the peoples

choice of their Representors, either by Pattents, Charters or usurpations, by pretended customes, be removed by these present Commons in Parliament, and that such a freedome of choice be provided for, as the people may be equally represented. This power of Commons in Parliament, is the thing against which the King hath contended, and the people have defended with their lives, and therefore ought now to be demanded as the price of their blood.

That all the oppressions of the poore by Excize upon Beare, Cloath, Stuffles, and all manufacturics, and English commodities; be forthwith taken off, and that all Excize be better regulated, and imposed upon forraign commodities, and a time set wherein it shall certainly end, if there be a necessity of its present continuance on such commodities.

5. Whereas the people have disbursed such vast sums of money, by Pole-money, Subsidies, proposition money, Contribution, the five and twentieth part, viewes and reviewes of the same monethly assesments, Excize, and other wayes, and such vast sums have been collected and enforced by Sequestrations, Compositions, sale of Bishops lands, and other wayes, that the whole charge of the forces by sea and land might have been defrayed to the utmost farthing, and yet many millions of money remained of all that have been disbursed freely or enforced, had been faithfully brought into the publike treasury, and improved for the publike use only: therefore, in respect to the peoples right, and for their ease, and for better and more easie provision of money for the Soldiery, that it be insisted upon possitively, that faithfull persons be chosen to receive accounts in every part of the kingdome, especially considering that former Committees for accounts were constituted in a time when corrupt men over powred the Parliament, and that they have done no service in discovering moneys since their constitution; and herein its to be insisted on that all without distinction, as well parliament men as others, may be equally accountable to persons chosen for that purpose.

Now herein its further to be insisted on, that whereas the time was wholly corrupt when persons were appointed to make sale of Bishops lands, and whereas Parliament men, Committee men, and their kinsfolkes were the only buyers, and much is sold, and yet its pretended, that little or no money is received, and whereas Lords, Parliament-men, and some other rich men, have vast sums of arreers allowed them in their purchase, and all their moneys lent to the state paid them, while others are left in necessitie, to whom the state is much indebted, and so present money that might be for the equall advantage of all, is not brought into the publike Treasury by those sales. Its therefore to be insisted on that the sale of Bishops lands be reviewed, and that they may be sold to their worth, and for present moneys, for the publike use, & that the sale of all such be recalled, as have not been sold to their worth, or for present moneys.

And it is further offered, in consideration that the Court have occasioned the late warre, and reduced the state to such necessity, by causing such vast expence of treasure, that therefore whereas the many oppressions of the people, and the danger of absolute tyranny, were the occasion of the expence of so much blood, and whereas the people have bought their rights and freedomes, by the price of blood, and have in vaine waited long since, the

common enemy, hath been subdued for the redresse of their grievances and oppressions, that therefore it be demanded as the peoples due, which ought not to be denied to the Army or to them, that before the King hath his Court and lives in honour, yet before his businesse be further considered, because the people are under much oppression and misery, it be forthwith the whole worke of the Parliament, to heare or consider of, & study effectually redresse for all common grievances and oppressions, and for the securing all other the peoples rights and freedoms, besides all these afore mentioned, and in particular.

First, that all the orders, votes, ordinances or declarations, that have passed either to discountenance petitions, suppress, prevent or burne petitions, imprison or declare against petitioners, being dangerous presidents against the freedom of the people, may be forthwith expunged the Journall books, and the injustice of them clearly declared to all the people, and that in such a declaration the soldiery be vindicated, as to the right and equity of their first petition.

That all those large sums of money that were allowed to needlesse pretended Officers of the Court which did but increase wickednesse and prophanenesse, may be reserved for a publique treasure to be expended in paying those forces that must be maintained for the peoples safety, that so through a good and faithfull improvement of all the Lands pertaining to the Court, there might be much reserved for leaving publique charges, and easing the people.

And its further offered, that whereas millions of money have been kept in dead stocks in the City of *London* the Halls and Companies, and the free men of the City could never obtaine any account thereof, according to their right; That therefore a just and strict account may be forthwith given to all the freemen of all those dead stocks, & whereas there hath been nothing paid out of those, nor for the lands pertaining to the City, whiles the estates of others have been much wasted, by continuall payments, that therefore proportionable summs to what other estates have payd, may be taken out of those dead stocks, and lands which would amount to such vast sums, as would pay much of the soldiers arrears, without burthening the oppressed people.

And its further offered, that forrest lands, and Deanes and Chapters lands be immediately set apart for the arrears of the Army, and that the revenue of these and the residue of Bishops lands unsold till the time of sale maybe forthwith appoynted to be paid unto our Treasury, to be reserved for the soldiers constant pay. And its to be wished that only such part of the aforesaid lands be sold as necessity requires, to satisfie the soldiery for arrears, and that the residue be reserved and improved for a constant revenue for the State that the people may not be burthened, and that out of the revenues publique debts may be paid, and not first taken out of their own purses to be repayed to them.

And its further offered for the peoples ease, that the arrears of all former assessments be duly collected from those who have sufficient estates, and have not been impoverished by the warre.

And whereas its conceived that the fees of receivers of customes and Excize if they were justly computed, would amount to neere as much as the Armies pay, its therefore offered that speedy consideration be had of the multitude of those officers and their excessive fees, & profits, as 500. 600. 1000. 1200. l. *per annum*. And wheras that many Excize men appoint whom they please as their substitute, and allow what they please for their pay, that the officers may be few, and constant stipends allowed them, none exceeding 200. l. *per annum*, that so more moneys may be brought into the publike treasury.

And for the ease and satisfaction of the people, its further to be insisted on, that the charge of all the forces to be kept up in the kingdome by sea or land, be particularly computed and published, and that all taxes that shall be necessary, may be wholly proportioned, according to that charge; and that there be an equall rate propounded throughout the kingdome in all assessments, that so one town may not beare double the proportion of another of the same value.

- 4.** That all Monopolyes be forthwith removed, and no persons whatsoever may be permitted to restraine others from free trade.
- 5.** That the most sad oppressions of prisoners be forthwith cased and removed, and that no person that hath no estate reall or personall, nor any person that shall willingly yeeld up his estate to satisfie his creditors may be detained in prison to the ruine of their persons and families, and likewise, that no person imprisoned in a criminall cause, may be detained from his legall tryall any longer then the next tearme.
- 6.** That all Statutes, for the Common prayer book, and for enforcing all to come to Church, whereby many religious and conscientious people are dayly vexed and oppressed, be forthwith repealed and nulled. As also that all Statutes against Convinticles, under the pretence of which, religious people are vexed for private meetings about the worship of God, may be likewise repealed and nulled.
- 7.** That all the oppressive statutes, enforcing all persons though against their consciences to pay Tythes, whereby the husbandman cannot eate the fruit of his labours, may be forthwith repealed and nulled.
- 8.** That all statutes enforcing the taking of oaths, as in townes corporate, the oath of Supreamacy, &c. Wherein either the whole oaths, or some clauses in them, are burthens, and snares to conscientious people may be repeated and nulled.
- 9.** That it be declared that no person or Court shall have power or be permitted to enforce any person to make oath, or answer to any Interrogatories concerning himself, in any criminall case.
- 10.** That a Committee of conscientious persons be forthwith selected to consider of the most intollerable oppressions by unjust proceedings in the law, that with all the lawes might be reduced to a smaller number, to be comprized in one volume in the English tongue, that every free Commoner might understand his own proceedings, that Courts

might be in the respective Counties or Hundreds, that proceedings might become short and speedy, and that the numberlesse grievances in the law and Lawyers, might be redressed as soone as possible.

11. That all priviledges and protections above the law, whereby some persons are exempted from the force and power thereof, to the insufferable vexation and ruine of multitudes of distressed people, may be forthwith abrogated.

12. That all the antient rights and donations belonging to the poore, now imbezled and converted to other uses, as inclosed Commons, Alms houses, &c. throughout all parts of the land, may be forthwith restored to the antient publique use and service of the poore, in whose hands soever they be detained.

Many other grievances are and ought to be redressed, but these as they are propounded, we conceive might be in a very short time redressed to the reliefe of many distressed ones, and to a generall ease; or at least, put into a way, wherein there might be visible hopes of remedie, and therefore these might be demanded as due to the people, though we desire the Counties might be encouraged to represent all their other grievances also for speedy redresse.

7. Generall head. That it be insisted on, that such Indemnity be forthwith given both for the Soldiery and all that gave them assistance, and shall provide securely for their quiet, ease and safety, and prevent all chargeable journeys to London, to seek after and waite upon Committees.

8. That in some of the fore mentioned wayes, security be given for arreers forthwith, that as soone as the rights and freedoms of the people be secured according as its hereupon propounded, and the other desires of the Army in relation to their particular freedom from pressing, and provision to be made in a certaine and no dishonourable way for maimed soldiers, Widowes, and Orphans, that shall continue during their lives, that then the Armes may be disposed into the hands of the faithfull well affected of the Nation, which may be so formed into a military posture, as to be ready on all occasions of service, and as many of the forces that are kept in constant pay, as shall not be absolutely necessary for the preservation and safety of the people, may be as speedily as possible disbanded, that they may not be a burthen to the Nation.

9. Whereas mercy and justice are the foundations of a lasting peace, its necessary to be insisted on (for the healing differences as far as possible,) That all those whose estates have been sequestered, and yet were not in armes for the King, or gave any actuall assistance to him in men, money, or armes, plate, horse, &c. in the late warre, that all such be discharged forthwith from their sequestrations; and that all such as have compounded, may not be enforced, to pay the five or twentieth part, seeing their whole estates were so long under sequestration: and that all those that have not compounded, who were in Armes for the King, may be compelled forthwith to compound, provided, that their Compositions be so moderate, as none may exceed two yeares revenue, that their

families be not ruined, and they put upon desperate, attempts against the peace of the Nation to preserve themselves.

These things propounded are no more then what we conceived, should have been thoroughly done long since, being as to the principall of them but the substance and equitable sense of our former declarations, Remonstrances, and representations, And therefore though our restlesse desires of the peoples good, and of the welfare of the Army, have constrained us, thus publicuely to state our case, and the remedie according to the best improvement of the small Tallent of understanding that God hath given freely to us? yet let not the matter be prejudged because of the unworthy Authors, neither let it be thought presumption. It may be remembred that the Fathers danger made a dumb child to speake, and the Armys yea all the peoples dangers and miseryes have wrested open our mouthes, who had otherwise been silent in this kinde to the grave, and let it not be thought that we intend the division of the Army, we professe we are deeply sensible and desire all our fellow soldiers to consider it.

In case the union of the Army should be broken, (which the enemie waite for,) ruine and destruction will breake in upon us like a roaring sea, but we are much confident that the adhearing to those desires and to that speedy way of attaining our just ends for which we first ingaged, cannot be interpreted to be a desire of division, but the strongest vigorous endeavours after union, and though many whom we did betrusted have been guilty of most supine negligence, yet we expect that the same impulsion of Judgement and conscience that we have all professed, did command us forth at first for the peoples Freedome, will be againe so effectually, that all will unannimously concurre with us, so that a demand of the peoples and Armyes rights shall be made by the whole Army as by one man, that then all the enemies to, or obstructors of the happy settlement of common right, peace and freedome, may heare of our union and resolution, and their hands may be weake, and their hearts may fayle them, and so this Army that God hath clothed with honour in subduing the common enemie, may yet be more honourable in the peoples eyes, when they shall be called the Repayrers of their breaches, and the restorers of their peace, right, and freedome.

And this is the prayer, and shall always be the earnest endeavours of.

The Armies and all the peoples most faithfull servants,

Lievt. Gen. { *Robert Everard*. Com. Gen.

{ *George Sadler*

{ *George Garret*. Col. Fleetwood.

{ *Thomas Beverly*.

{ *William Prior*, { *Matthew Weaty*.

{ *William Bryan*. Col. Whalyes. { *William Russell*.

{ Richard Seale.

C. Riches. { John Dober..

{ William Hudson.

{ Agitators.

Gilford, October 9, 1647.

FINIS.

**A COPY OF A LETTER FROM THE AGENTS OF THE AFORESAID FIVE
REGIMENTS OF HORSE, UNTO HIS EXCELLENCY SIR THOMAS FAIRFAX.**

May it please your Excellency,

From the deep sense of our duty to God, to our native Country, to your Excellency, to this Army, and to our selves, and to posterities to come, we find such obligations upon our consciences, written naturally by the finger of God in our hearts, that we cannot behold the honour of God to be impaired, the workes of his hands the land of our nativity, your Excellency, this Army, our selves, or posterities, ready to be swallowed and devoured up in confusion, thraldome and ruine, and to sit still, and not arise in the strength of his might, to contribute our best endeavours for the prevention thereof: for, God hath given no man a talent to be wrapt up in a Napkin & not improved, but the meanest vassall in the eye of the Lord is equally obliedged and accomptable to God with the greatest Prince or Commander under the Sun, in & for the use of that talent betruſted unto him: and therefore we presume that your Excellency (who does acknowledge your selfe a creature of, and servant to the same God) will not think it strange, or judge us disobedient or refractory, that we should, as we have presumed, to state the case of the Army, how declined from its first principles of safety, what mischiefes are threatned thereby, and what remedies are sutable for prevention, which herewith we do humbly present & offer unto your Excellencie: for, Sir should you, yea, should the whole Parliament or Kingdome exempt us from this service, or should command our silence and forbearance, yet could not they nor you discharge us of our duties to God, or to our our natures, for we must be accomptable, if judgment will come for the deeds done in our flesh, whether good or evill: and hee that hath not improved and put forth his talent to use, shall be bound hand and foot, & cast into the lake of eternall vengeance: So that we are bold from our sense of your Excel, piety, honesty and uprightnesse to God and to your Countrie, that in this our discharge of our duties to both, we shall not incur your displeasure or discountenance, but that you will freely commit us and the issue of our endeavours to God, & if it be of him it will stand; & from our consciences we attest, and protest in the presence of this all seeing diety, as we desire safety in this life, or in that which is to come, we have no other then cordiall & faithfull intents and resolutions to the undoubted safety and weale of our native Countrie, to Parliaments, your Excellencie, and this Armie, in this businesse represented

in these inclosed Papers, & we do utterly abhorre and renounce all secret or private designs, or interest under the same, together with all that is contrary to the plaine and vulgar sense expressed in the premises thereof. And if by any one your Excellencie shall be suborned, that we are transgressors of all order and forme, and in that sense only to look upon us. We desire to mind your Excellencie, that the law of nature & nations attested in our own publike Declarations & Papers may be an answer to such for the justification of our present expedient, for all formes are but as shadowes & subject to the end, & the safety of the people is above all formes, customes, & and the equitie of popular safettie is the thing which justifieth all formes, or the change of formes for the accomplishment thereof; and no formes are lawfull longer then they preserve or accomplish the same. If our dutie bind us when we see our neighbours house on fire, to wave all formes, ceremonies or complements, and forthwith (not waiting for order or leave) to attempt the quenching thereof without further scruple, as thereunto called of God, we say if we be so oblieged & called in the case of a particular, then much more are we oblieged and called, when we behold the great Mansion House of this Common wealth, and of this Army (wherein all the families of the Nation are contained) on fire, all ready to be devoured with slaverie, confusion and ruine, & their nationall native freedome (the price of their treasure & blood) wrested out of their hands, as at this present appeareth to our best understandings: And therefore in this exigencie & straight of extremity, we from the very dictates of Divinity, Nature & Reason ingraven in our hearts could not otherwise chuse, with quiet and peace to our consciences [which no mortall man can take from us or suppress the over powring motives thereof] but consider with our selves what we should do to award those threatning mischiefes from this Nation and Army, and to that end we find nothing more effectuall then to knit our selves together with this fixed resolution, to part with our lives and all that is neare and deare unto us, before we part with our freedoms; and in relation thereunto we the Agents to five Regiments of your Horse, have after our weak manner in this our Representation directed to our respective Regiments and to the whole Army, discharged our duties; And we presume we have not erred from the equitable sense of our solemn Engagement, or from the just maximes and matters contained in our Declarations, Remonstrances, &c. from the which we are resolved not to receed. Thus humbly craving your Excellencies favourable construction on our innocent intentions and endeavours, we (as we alwayes have been) cordially remaine,

Your Excellencies and this Nations
faithfull Servants and Soldiers to
stand or fall with you and it, for
common Right and Freedome.

Edward Trevers. }Lieut. Gen.

Edmon Bear. }

George Garret. }Com. Gen.

Jeremiah Cole. }

William Prior. }Col. Fleetwod.

William Bryan. }

John Fletcher. }

John Dober. }Col. Riches.

William Hudson. }

Matth. Wealey, }Col. Whaleys.

William Russel. }

Hemstead, *October*, 15. 1647.

We appoint *Edmond Bear* and *William Russell* above said, in our names to present this Letter, together with our Representation, entituled *The cafe of the Army, &c. to his Excellency Sir Thomas Fairfax.*

Upon the presentation to, and serious perusall thereof by his Excellency, the sum of his answer was to this effect. That he judged their intentions were honest, and desired that every one of a publique spirit would be acting for the Publique, and that for his part hee had freely ventured his life for common right and freedome, and should freely engage it againe, adding further, that he thought it meet it should be presented to the Generall-Council.

Octob. 18. 1647

Endnotes

**T.113 (4.13) [JOHN WILDMAN], A CAL TO ALL THE
SOULDIERS OF THE ARMIE, BY THE FREE PEOPLE OF
ENGLAND (29 OCTOBER 1647).↵**

Image of the original Title Page

A.

10

C A L

TO ALL THE SOULDIER S OF THE
A R M I E,
BY THE FREE PEOPLE OF ENGLAND.

1. JUSTIFYING THE PROCEEDINGS OF THE
FIVE REGIMENTS.

2. Manifesting the necessity of the whole ARMIES joyn-
ing with them, in all their faithfull endeavours, both for remo-
ving of all Tyranny and oppression, chiefly TYTHES
and EXCISE, and establishing the just liberties and peace
of this Nation.

3. Discovering (without any respect of persons) the chiefe
Authors, contrivers and increasers of all our miseries, especially
the new raised hypocrits, by whose treacherous practices,
all the just intentions and actions of the ADJUTORS
and other well minded Souldiers, have been made fruitless.

*Isaiah 58. 6. Is not this the fast that I have chosen? To loose
the bands of wickednesse, to undoe the heavy burdens, and to let
the oppressed goe free, and that yee breake every yolk?*

*Mat. 23. 27, 28. Woe unto you Scribes and Pharisees, hypo-
crites; for yee are like unto whited Sepulchres, which indeed ap-
pear beautifull outward, but are within full of dead mens bones, and
all uncleannesse.*

*Even so, yee also outwardly appeare righteous unto men, but
within ye are full of hypocrisie and iniquity.*

864 29 Printed in the Yeare 1647.

BIBLIOGRAPHICAL INFORMATION

ID Number

T.113 [1647.10.29] (4.13) [John Wildman], *A Cal to all the Souldiers of the Armie, by the Free People of England* (29 October 1647).

Full title

[John Wildman], *A Cal to all the Souldiers of the Armie, by the Free People of England. 1. Justifying the Proceedings of the Five Regiments. 2. Manifesting the necessity of the whole Armies joyning with them, in all their faithfull endeavours, both for removing of all Tyranny and oppression, chiefly Tythes and Excise, and establishing the just liberties and peace of this Nation. 3. Discovering (without any respect of persons) the chiefe Authors, contrivers and increasers of all our miseries, especially the new raised hypocrits, by whose treacherous practices, all the just intentions and actions of the Adjutators and other well minded Souldiers, have been made fruitless.*

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Even so, yee also outwardly appeare righteous unto men, but within ye are full of hypocrisie and iniquity.

Printed in the yeare 1647.

This tract contains the following parts:

1. TO THOSE FIVE REGJMENTS OF THE ARMY, WHO HAVE already declared themselves
2. A CALL TO ALL THE SOULDIERS OF THE ARMY, by the free People of England.

Estimated date of publication

29 October, 1647.

Thomason Tracts Catalog information

TT1, p. 566; Thomason E. 412. (10.) Several items are listed separately in TT.

TEXT OF PAMPHLET

TO THOSE FIVE REGJMENTS OF THE ARMY, WHO HAVE ALREADY DECLARED THEMSELVES TO STAND FOR MAINTENANCE OF OUR JUST LIBERTIES, AND FOR REMOVALL OF THOSE HEAVIE OPPRESSIONS, MENTIONED IN THAT WORTHY DISCOURSE, INTITULED, THE CASE OF THE ARMY: AND TO ALL, WHO INTEND TO JOYNE TIMELY AND SPEEDILY WITH THEM.

YEE, true lovers of Justice and the Common-wealth, the work which yee have undertaken, is so just and necessary, that yee cannot but be exceedingly comforted in the very thoughts thereof, ye have justice and necessity on your side, which will powerfully draw all free-principled men of all estates and conditions unto you, nor can ye faile of good successe, unlesse contrary to the will and mind of God, who hath moved your hearts, and raised you to this so excellent, eminent and needfull a worke, yee give ear in aniwise to the Syrene-songs of flatterers, temporizers, neuters and hypocrits.

As for martiall-force, wee know you to be of such undanted courage, fidelity and valour, as that yee will incurre no danger in that kind, but what yee may easily prevent and avoide, if yee be so wise, provident and circumspect as wee hope, besides, yee may be confident, that no just mans conscience will suffer him to oppose you, and as for the unjust, God hath made them as chaffe before you.

Take heed of crafty polititians and subtill *Machiveliens*, & be sure to trust no mans painted words, it being high time now to see actions, yea, and those constantly upright too; if any man (by bringing forth unexpected bitter fruits) hath drawn upon himselfe a just suspition, let him justly bear his own blame, such a one is no more to be trusted whatsoever be pretended, untill he as farre exceed others, as he hath come short, in prosecution of your just ends and purposes.

One of the surest markes of deceivers, is to make faire, long and eloquent speeches, but a trusty or true-hearted man studieth more to doe good actions, then utter deceitfull orations; & one of the surest tokens of confederates in evill, is not only when one of his fellowes is vehement, firy or hot in any of their pursuits, to be patient, cold or moderate to pacify his partner, and like deceitfull Lawyers before their Cliants to quallify matters; but sometimes seeme to discord or fall out, and quarrell in Councils, reasonings and debates; and yet never the lesse in the end to agree in evill; which they doe purposely, to hold upright men in a charitable (though doubtfull) opinion, that if such and such a man be not godly and upright, they know not whom in the world to trust, whiles in the meane time, under the vizards of great professions, gilded with some religious actions, they both deceive the world, and bring their wicked designes and selfe-interests to passe.

Those of you, that use your thursday general-Councils of late, might have observed so much of this kind of *jugling*, *false-hood* and *double dealing* as might have served to some

good use at this point of extreimity, but truly most that have beene there have beene deluded, to our great grieffe; which appeareth by the unreasonable proceedings of that Court; as in many things, so especially in their debates about the aforesaid *Case of the ARMT*, now published and subscribed by you.

Where in though the *Generall* was so ingenuous, as to move for the publicke reading thereof, yet the Commissary Generall *Ireton*, and Lievtenant Generall *Cromwell*, yea, and most of the Court, would and did proceed to censure & judge both it and the Authors and promoters thereof, without reading it, and ever since doe impudently boast and glory in that their victory.

It is very wonderfull, that such understanding men, should so soone fall in the same pernicious courses of those late impeached fugitives, their predecessors, *Hollis* and *Stapleton*, seeming to account all other men meer fooles but themselves; and because they were able to carry al things (as it were with a strong streame) in the House according to their own wils, they thought that either all other men abroad were blind, or must necessarily be of their mind: but as they were in some degree, so will these in a greater measure, be taught some new lessons of better manners; and in Gods owne time, will be forc't also to acknowledge, that a sincere conscience will bear out in the day of tryall, when a wounded conscience (with wicked acts and false tricks) will bewray guiltinesse, and make the party odious.

In the Councell they held forth to you, the bloody *Flagge* of threats and terrous, talk't of nothing but *Faction*, *dividing principles*, *Anarchy*, of *hanging punishing*, yea, and impudently maintained that your Regiments were *abused*, and the aforesaid *Case*, not truly subscribed, and did appoint a Committee *Ad terrorem*; and abroad they hold forth the *white-flag of accommodation and satisfaction*, and of minding the same thing which yee mind, and to be flesh of your flesh, and bone of your bone; and to invite you to their head-quarters, where they hope either to worke upon you, as they have most lamentably done upon others, even to betray your *trust*, confound both your understandings and Councels, corrupt your judgements, and blast your actions; and though they should not prevaile with you, yet there they keepe so great a state and distance, that they suppose yee will not dare to make good the things yeee have published.

But if yee be as wise as yee had need, keepe both from thence altogether, and as much at a distance from these pretended friends, as ye did once from open enemies; beleive it (if yee please) yee may as well hazzard at *Hampton-Court* as where they are, for the King and they are become one, as by the ensuing discourse is made manifest.

If yee doe adventure to goe thither, beware that yee be not frighted by the word *ANARCHY*, unto a love of *Monarchy*, which is but the gilded name for *Tyranny*; for *Anarchy* had never been so much as once mentioned amongst you, had it not been for that wicked end; 'tis an old thred-bare trick of the prophane Court, and doth amongst discreet men shew plainly who is for the Court, & against the liberties the people, who, when soever they positively insist for their just freedomes, are immediatly flap't in the mouthes with

these most malignant reproaches, O, yee are for *Anarhchy*, yee are against all Government, yee are *Sectaries*, sedicious persons, troublers both of Church and State, and so not worthy to live in a Common-wealth; there shall be a speedy course taken both against you and such as you: Away with all such from Parliament doores and head-quarters.

And if yee can escape these delusions, as through Gods assistance (wee trust) yee will, and not be satisfied with halfe or quarter remedies, or things holding a shadow only of good, without the substance, we cannot in the least, doubt of your good successe, being firmly resolved to stand by you, and to live and dy with you.

Yee had need to bee well armed and fortified against the devices that will bee put upon you, *Ireton* (yee know) hath alredy scandalized the *Case of the Army* in the generall counsel where, by his owne, and his confederats craft and policy, he raigneth as sole master, in so much as those friends yee have there (which wee hope, yee will see in dew time not to bee few) find it to little purpose to shew them selves active in opposing him: and as hee undertooke, so hath he answerd your *Case*, wherein hee sheweth himselfe soe full of arte & cunning smooth delusion (being skilled in nothing more) that if yee did not censibly know the things to be really and experimentally true, which yee have therein exprest and published, 'tis ten to one but he would deceive you.

This is certaine, in the House of Commons, both he and his Father *Cromwell*, doe so earnestly and palpably carry on the Kings designe, that your best friends there are amazed thereat, and even ready to weep for grieve to see such a sudden and dangerous alteration; and this they doe in the name of the whole Army, certifying the House, that if they doe not make further addresse to the King, they cannot promise that the Army will stand by them; if they should find opposition; and what is this, but as much in effect, as in the name of the whole Army, to threaten the House into a compliance with the King your most deadly enemy, and who if things go on thus, will deceive both you and them, yea, and all that act most for him?

To what purpose then should you either debate, conferre or treat, with such false sophisters, or treacherous deceivers as these, who like the former *Courtiers* can alwaies play the hypocrites, without any check of conscience? To what end should yee read, or spend time, to consider what they either write or speake, it being so evident that as they did intend, so they proceed to hold you in hand till their work be done?

But if you will shew your selves wise, stop your eares against them; *resist the Devill and he will fly from you*: hold not parlee with them, but proceed with that just work yee have so happily begun, without any more regarding one word they speak, for their consciences being at liberty to say or do any thing which may advance their owne ends, they have great advantage against you, whose consciences will not permit you to say or do any thing but what is just & true, & what yee mean to performe, they having shamfully proved themselves to be large promisers, thereby to deceive both you and all the people, but the worst performers that ever lived.

And therefore, certainly, ye have no warrant from God to treat either with them or their deceitfull instruments, who will be speedily (in great numbers) sent amongst you; but as ye know most of them for evill, so are ye to avoid them, as the most venemous Serpents: & faill not in this your just enterprize to cast yor selues chiefly upon God in the use of all the knowledge, experience, means and power wherewith he hath furnished you; and secondly upon the people, who will be ready with all their might and strength to assist you; whil'st yee are fathfull & reall for them; joyne and be one with them in heart and hand, with all possible speede in some substantiall and firme AGREEMENT, for just freedom and common right, that this nation may no longer flote upon such wavering uncertain and sandy foundations of Government, which have been one of the greatest causes both of all your, & our prediccursors miseries.

Otherwise, if ye be not at a firme establish't certainty of all particulars therein, conducing both to the prosperity and safety of the People, we see no other remedy, but that now after all your victories, both ye and wee will come to live that dying life, even at the cruell mercies of most wicked Tyrants and blood oppressors.

Thus yee may assure your selves, if ye now suffer your strength either to be wrong or flattered out of your hands (though it be a most sad thing to speake) before many moneths passe, both yee and wee are like to be driven, yea, and even glad to begge our bread; and why is it they keepe you still so poore as they have a long time done (to the great grieffe of us all) but that yee might not be able to helpe or stirre more then as many prisoners? Yea, they intend when they are advanced to the hight of their preferment, thus many both of you and us, shall be whipt, or banished as vagabons, starved in prisons, or hanged on Gallowses by dosens, scores and hundreds, as theeves and murderers.

Therefore let the foresight and consideration of these sad rewards of all our good services, which are fast hatching for us, make you wise and provident in time, who have sufficient power with our assistance, to defend both your selves and us; and the rather use all lawfull meanes to prevent, then to be in any wise forced to repent, worke which it is called to day; the night commeth on a pace, even the blacknesse of darknesse, of a most wicked accommodation, and then no man can worke: Up therefore and be doing what is just, and the Lord our God will assist you, and wee shall spend our lives and estates with you. Fare well.

A CALL TO ALL THE SOULDIERS OF THE ARMY, BY THE FREE PEOPLE OF ENGLAND.

FAITHFUL friends, ye and we have had so much experience of all sorts of men, that if now wee bee any longer deceived, wee are to complain of none but our selves; for as concerning the King, yee know the whole time of his reign before this Parliament, was a time of most intolerable oppression, as his deferring and holding up of Parliaments, knight-hood and loane-money, enforcement of customes and impost, cruell and bloody censures in Star-Chamber and high Commission, selling of Offices, bribery and extortion

in all Courts, extension of law-suits, multitudes of Patents and projects, Ship-money, coate and conduct money, innovation in Religion, and continuall oppression of conscience.

And as his first warre was made purposely to betray Rochell, (that ancient Sanctuary of the Protestants) so now by the same his arbitrary power, he raiseth a bloody warre against his owne native Country of Scotland, purposely to betray and enslave both us and them; so that a verier tyrant then King Charles, even when this Parliament began, was not living upon earth.

And our hopes (ye know) were very great, that this Parliament would have punished him in the first place, as the chiefe author of our miseries; but so it proved, that he no more abused his Office, then they instantly fell to abuse their trust, and frustrate our hopes; for they let him alone, and fall only upon his evill Councillors; by which treacherous meanes they gave him opportunity to raise a warre against the People, which yee full dearely know, proved a very cruell and bloody one, to the destruction of many thousand worthy men and families, all which seemeth too soone to be forgotten.

A great part of which time, the Parliament so managed the warre as if they intended meerly to robbe and spoyl the People, by pilling and polling them with variety of new devised taxes, especially with that unmercifull taxation of EXCISE; which (like the disease called the woolfe) both eateth the flesh and sucketh the blood of the midle and poorer sort, and so to mould and fashion the people, to beare such heavy burdens as the King should impose upon them, with the lesse grudging and repining.

But in the very point of time, when both the Parliament and their Armies under Essex and Manchester, had all shamefully betrayed their trusts, and that all wel-affected people were ready to be given up into his merciles hands, naked & stript of all their wealth and strength, even then, it pleased God by undiscernable meanes, to raise the new modle and put power into your hands, which wee thankfully acknowledge, ye so faithfully, industriously and valiantly employed, as soon curbed the pride and power of the King, and freed the land from all his cruell and bloody forces.

Yet whiles ye were thus busie abroad for good, the Parliament and City doe confederate, and are as industrious at home for evil; as to admit none to bear office of any trust or command, but such as would submit to the Covenant and Presbytery; an Ordinance is brought into the House, and countenanced against opinions in Religion, of a more bloody and dangerous consequence then any that ever was in the high Commission; a Committee is appointed and exercised with most vile parciality, by Colonell Leigh and his accomplices, against godly peaceable People, for preaching without their deceitfull Cleargies Ordination; the House of Lords imprison Commoners at their pleasure, Larnier, Lilburne, Overton, Tew and others, and the House of Commons approve thereof, and give up the liberties of the people to any.

Their own Committees arbitrary commitments, and the violent behaviour of their own members are justified, whiles those whom they abuse, are upon false suggestions

unheard, imprisoned; and in conclusion, they blush not to burne just Petitions by the common hang-man.

Indeed, there were no end of reckoning up the innumerable treacheries, and mischievous practices of this your Parliament, their intolerable pride, and covetous in-riching of themselves, their children and alliances, their allowance of the oppressions of all Committees and Courts, that should be courts of justice, but are indeed forges of oppression and injustice: And in all these times, and amidst all businesses, what is there done for the people? If in the beginning, they removed one oppression, (as if they repented themselves) they have brought in two in place thereof; and ever and anon, their grand Master the King, must be treated withall; his honour and authority (for sooth) that ever sought most violently the ruine of you and us, must be tendred, and have propositions sent to him, and the poore ignorant people must be deluded by this Parliaments double dealing, as if all the peoples peace and happinesse depended only on him, who ever oppressed them to his utmost power: All his plots to ruine the honest party in the Parliament and City, must not in the least be layed either to his charge, nor almost to any others, but searcht' into by halves and hudled up, like Deering, and Walers plots and the like; the Earle of Manchesters teachery as foule as any, not so much as questioned.

And untill the wickednesse of the House of Commons came to such a masse, that they had plotted your disbanding, and thereby gave you just cause to stand upon your own guard, there appeared no hope, but that we & ye with all who had al-waies stood for common freedome, against both Kingly, Lordly, and Parliamentary tyranny, should have been made the objects of their scorne, and subjects of their malice, and had ere this, been delivered up as slaves into the cruell hands of the King their Master.

But God hath put it into your hearts to take care both of your selves and us, and by your wisdom and resolution wrought a mighty alteration: Ye of the plainer sort, were thought by him who is only wise, to be the meetest instruments for so great a work, and wee are grieved, that those who were raised by your valour to places of honour and greatness, should so soon despise the way of the Lord, and should not still make use of you, in finishing the work so happily begun.

Your Adjutors (we hear) are esteemed but as a burthen to the chief Officers, which we judge to be the reason, that all things now are in such a languishing condition; our hopes dy daily within us, and we fear ye will to soon give your selves and us, with our joynt and just cause, into their hands: Yee should have considered, that they along time staggered, before they engaged with you, and certainly had never engaged, but that they saw no other way nor means to shelter and preserve themselves, from the power of Hollis and Stapleton with their confederates.

We have now too much cause to fear, that your and our good, or the promoting of the common freedome of the Nation, was the least part of their care or intention; for they no sooner by your unanimous resolution, became Masters of the King, Parliament and City,

and thereby of a power to doe whatsoever good, was desirable either by you or us, but they wholly despise and neglect you; for notwithstanding your joynt engagement, and thereby your just power of voting with them, in all things concerning the Army as an Army, or as members of the common-wealth, they (at Branford or Hunslow) made an agreement with the Parliament, without your knowledge or consent; and likewise, both against your sound advice and their engagement, permit the usurpers of Parliament authority to sit and vote in the House, not considering, or (at least) not regarding how impossible it is, to promote the good of the people, to punish Delinquents, or to bring any security to you or us, whilst they are there.

Ye persist never the lesse in your care of the common good, and urge again and again, that these intruders be removed out of Parliament, and in the end prevail with your chief officers, to present to the Parliament, and publish to the world a Declaration, and therein a Protestation against their sitting there, in very large and fit expressions; notwithstanding all which, these corrupt and rotten members still retain their places, and the chief domineering Officers of the Army, Cromwell and Ireton sit with them, without any endeavour to dismisse them thence; and not only so, but seem insensible or regardlesse of all the evill that hath been done by them, in endeavouring to make a new warre, or to bring in the King, upon most unjust, unsafe, and unconscionable tearmes.

Surely we cannot but grieve to consider, how the Parliament have spent their time since yee entred the City; the House of Lords still imprison Commoners without controle, Lilburne continueth most unjustly and shamelesly a prisoner in the Tower, and Manchester at liberty.

People from many Counties petition against the oppression of Tithes, without any relief at all, but made more grievous by a most unreasonable Ordinance; the Assembly of Parsons continue sitting, to the great charge of the people, whil'st they hatch nothing but mischief.

No just nor equall way is ordered for due and timely payment of you in the Army, but is omitted of set-purpose, that free quarter may make you odious, and in the people against you; and nothing is now so much minded by your Officers and their Parliament, then how to please, satisfy and establish the King, who hates both you and us with an inveterate hatred; and were your Officers of the same mind they have sometimes been, he would hate them in the like manner, but it appeareth, he by his insinuations hath so wrought upon their affections, that he and they seem to be of one heart, and of one mind, so that all their care is to please him; and that they may doe it the more effectually (swallowing up their duty to God, their engagement with you, their Declaration and protestation, with all the innocent blood that he hath spilt) they for his sake, forbear to clear the House, of so many of his trusty friends, who in the counterfiut Parliam. so vehemently endeavoured his speedy comming to London, where certainly your Officers earnestly desire to have him otherwise why are they so importunate (after his denyall of the Propositions) to present their weak and lame Proposals to the House, and so to prepare them, or some result thereof to be sent to him for his agreement and consent? why make they an Idoll of him, and beare him up so high in the eyes and fancies of the people, as if he were in there

esteem, the very light of their eyes, and the breath of their nostrils?

Why are they so familiar with Ashburnham and others his chief agents? Why permit they so many of his deceitful Clergy to continue about him? Why do they themselves kneele, and kisse, and fawne upon him? Why have they received favours from him, and sent their wives or daughters to visit him, or to kisse his hand, or be kissed of him?

Oh shame of men! Oh sin against God! What, to do thus to a man of blood; over head and eares in the blood of your dearest friends and fellow Commoners? To him that thirsteth for your blood, yea, and theirs too, however they flatter and befools themselves. Hear oh Heavens, and regard oh earth, if this in these exceed not the wickednesse of the most wicked upon earth?

And think ye oh friends, to escape the severe judgement of Almighty God, who by your silence and want of reproofe of these things, give countenance thereunto, for your officers durst not go on in these unworthy courses, but that they presume upon you to back them: For alas, what are they without you, but as so many single persons, ready to be hunted by all the great parties in the land? So that ye are in effect, the abettors of all their evill courses, the Bauds and Panders to their adulterate practices with the King; nor can ye make amends for your so sinfull neglect, but by a speedy impeachment of him, and exemplary punishment of them, for their private tampering with him, who if he were a politick tyrant when this Parliament began, how bloody a one hath he proved himselfe ever since?

Wee beseech you therefore, yea, we beg of you all Commanders and Souldiers, that are yet untainted in your integrity, and have not yet bowed your knees to Baal, that yee will not betray your selves, your just cause and us so unworthily, nor seem to distrust that power and wisdom of God, by which ye have done so great and mighty workes; but that now ye will be bold and couragious for your God and for his people, and for justice against all ungodlinesse and unrighteousnesse of men, without respect of persons.

And before it be too late deal plainly with Ireton, by whose cowardly or ambitious policy, Cromwel is betrayed into these mischievous practices; & by whose craft the power of your Adjutators is brought to nothing; and by whose dissimulation many of them are corrupted, and become treacherous unto you; none but flatterers, tale-bearers and turn-coats are countenanced by him: let him know yee know him, and hate his courses; your generall counsels by his imperious carriage, are like unto Star-chambers; a plain man is made an offender for a word.

And if Cromwell instantly repent not, and alter his course, let him know also, that ye loved and honoured just, honest, sincere and valiant Cromwell, that loved his Country, and the liberties of the people above his life, yea, and hated the King as a man of blood, but that Cromwell ceasing to be such, he ceaseth to be the object of your love.

And since there is no remedy, ye must begin your worke anew, ye are as ye were at Bury, ye are no strangers to the way, ye have already made a good beginning, wherein we

rejoyce, ye have men amongst you as fit to governe, as others to be removed, AND WITH A WORD, YEE CAN CREATE NEW OFFICERS, necessity hath no law, and against it there is no plea, the safety of the people is above all law; & if ye be not very speedy, effectually, and doe your worke throughly, and not by halves as it hath been, yee and wee perish inevitably.

What your Generall is yee best know, but 'tis to late to live by hopes, or to run any more hazzards, none can deceive you but whom ye trust upon doubtfull tearmes; be ware of the flattery and sophistry of men: bargain with your Officers, not to court it in fine or gaudy apparrell, nor to regard titles, fine fare or complements; those that doe, are much more lyable to temptations then other men; a good conscience is a continuall feast; and let your outside testifie that ye delight not to be Souldiers, longer then necessity requires.

Draw your selves into an exact councill, and get amongs you, the most judicious and truest lovers of the people ye can find, to helpe you; and let your end be justice without respect of persons, and peace and freedome to all sorts of peaceable people, establish a free Parliament, by expulsion of the usurppers: free the people from all burthens and oppressions speedily and without delay; take an exact accompt of the publick treasure, that publick charges may be defrayed by subsides, Tythes abolished, the lawes and proceedings therein regulated, and free quarter abandoned.

Let nothing deterre you from this so just and necessary a worke, none will oppose you therein, or so long as ye continue sincere and uncorrupted; for all sorts of people have been abused, Kings have abused them, Parliaments have abused them, and your chief Officers have most grosly deceived the honest party: be confident none will oppose, and be as confident, that thousands and ten thousands are ready and ripe to assist you.

Be strong therefore, our deare true harted brethren and fellow Commoners, and be of good courage, and the Lord our God will direct you by his wisdom, who never yet failed you in your greatest extremities; stay for no farther, looke for no other Call: for the voice of necessity is the Call of God; al other waies for your indempnity are but delusive, and if yee trust to any other, under the fairest promises, yee will find your selves in a snare.

Whom can yee trust, who hath not hitherto deceived you? Trust only to justice, for God is a God of justice, and those that promote the same shall be preserved; free the Parliament from those incendiaries with all your might; the true and just patriots (yea, all but deceivers) therein long for your assistance; & that being effectually done, ye may safely put your selves and the whole Nation, upon them both for provision indempnity and just liberty.

In the meane time, let your friends that are about the King, be sure to keepe him, as they keep their lives, and not to part with him upon any tearmes, till you can referre him to a free Parliament; if you doe not this, but that any agreement be now made with him, yee will find that in an instant, his Judges and Lawyers, and Lords and Priests, will be your Judges, and what rebels ye appeare in their eyes both yee know, & some of your friends

have already felt sufficiently; a free Parliament therefore only can secure both you and us.

Let no policy, art or stratagem divide you in affection, or separate your Regiments far distant from one another, for that must necessarily be your unavoidable ruine; beware of Neuters, and such as have carried two faces under one hood, hollow-hearted or aspiring men, such as Say Wharton, Fines, Vaine, St. Johns, &c. the greatest deceivers his day living; above all harden not your consciences by a custome in dissimulation, as some eminent professors amongst you have lamenrably done, as knowing that none are so hatefull in the sight of God as hipocrits.

Doe what yee can to recover the credit of your Army, which hath beene betrayed and lost, as shamefully as the publick faith (both which deserve sevese punishments) for if once yee loose your reputation, yee will soon be but as a meere shadow; therefore be very carefull of keeping a good, upright and sincere conscience before God, and then yee need not feare what men can doe unto you.

But in these and all other things, the wisdome and goodnesse of God (wee trust) will be your guide, to leade you into all the pathes of righteousnesse, unto whose will and mind if yee carefully give care, yee shall certainly be blessed in all your undertakings.

FINIS.

**T.115 (4.14) [SEVERAL HANDS], AN AGREEMENT OF THE
PEOPLE FOR A FIRME AND PRESENT PEACE, UPON
GROUNDS OF COMMON-RIGHT AND FREEDOME (3
NOVEMBER 1647).**[↶](#)

Image of the original Title Page

21^v

AN AGREEMENT OF THE PEOPLE

FOR
A firme and present Peace; upon
grounds of common-right and free-
dome;

As it was proposed by the Agents of the five
Regiments of Horse; and since by the generall approba-
tion of the Army, offered to the joynt concur-
rence of all the free COMMONS of
ENGLAND.

The Names of the Regiments which have already appeared for the
Case, of *The Case of the Army truly stated*, and for this
present Agreement, VIZ.

- | | | | |
|--|-------------|--|------------|
| <ol style="list-style-type: none"> 1. Gen. Regiment. 2. Life-Guard. 3. Lieut. Gen. Regiment. 4. Com. Gen. Regiment. 5. Col. Whaley's Reg. 6. Col. Riches Reg. 7. Col. Fleetwoods Reg. 8. Col. Harrisons Reg. 9. Col. Twissdens Reg. | } OF HORSE: | <ol style="list-style-type: none"> 1. Gen. Regiment. 2. Col. Sir Hardresse
Walkers Reg. 3. Col. Lamberts Reg. 4. Col. Rainesboroughs
Regiment. 5. Col. Overtons Reg. 6. Col. Lilburns Reg. 7. Col. Backsters Reg. | } OF FOOT: |
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Now: 3 Printed Anno Dom. 1647.

BIBLIOGRAPHICAL INFORMATION

ID Number

T.115 [1647.11.03] (4.14) [Several Hands], *An Agreement of the People for a firme and present Peace, upon grounds of common-right and freedome* (3 November 1647).

Full title

[Several Hands], *An Agreement of the People for a firme and present Peace, upon grounds of common-right and freedome; As it was proposed by the Agents of the five Regiments of Horse; and since by the generall approbation of the Army, offered to the joynt concurrence of all the free Commons of England. The Nmaes of the Regiments which have already appeared for the Case, of The Case of the Army truly stated, and for this present Agreement, viz.*

Of Horse: 1. Gen. Regiment, 2. Life-Guard, 3. Lieut.Gen. Regiment, 4. Com.Gen. Regiment, 5. Col. Whaleyeyes Reg., 6. Col. Riches Reg., 7. Col. Fleetwoods Reg., 8. Col. Harrison's Reg., 9. Col. Twisdens Reg.

Of Foot: 1. Gen. Regiment, 2. Col. Sir Hardrosse Wallers Reg., 3. Col. Rainsboroughs Regiment, 5. Col. Overtons Reg., 6 Col. Lilburnes Reg., 7. Col. Backsters Reg.

Printed Anno. Dom. 1647.

This tract contains the following parts:

1. An agreement of the People, for a firme and present Peace, upon grounds of Common-Rights.
2. For Our much honoured, and truly worthy Fellow-Commoners, and Souldiers, the Officers and Souldiers under Command of His Excellencie Sir THOMAS FAIRFAX
3. Postscript

Estimated date of publication

3 November 1647.

Thomason Tracts Catalog information

TT1, p. 566; Thomason E. 412. (21.)

TEXT OF PAMPHLET

AN AGREEMENT OF THE PEOPLE, FOR A FIRME AND PRESENT PEACE, UPON GROUNDS OF COMMON-RIGHTS.

Having by our late labours and hazards made it appeare to the world at how high a rate wee value our just freedome, and God having so far owned our cause, as to deliver the Enemies thereof into our hands: We do now hold our selves bound in mutual duty to each other, to take the best care we can for the future, to avoid both the danger of returning into a slavish condition, and the chargable remedy of another war: for as it cannot be imagined that so many of our Country-men would have opposed us in this quarrel, if they had understood their owne good; so may we safely promise to our selves, that when our Common Rights and liberties shall be cleared, their endeavours will be disappointed, that seek to make themselves our Masters: since therefore our former oppressions, and scarce yet ended troubles have beene occasioned, either by want of frequent Nationall meetings in Councell, or by rendring those meetings ineffectuall; We are fully agreed and resolved, to provide that hereafter our Representatives be neither left to an uncertainty for the time, nor made uselesse to the ends for which they are intended: In order whereunto we declare,

I.

That the People of England being at this day very unequally distributed by Counties, Cities, & Burroughs, for the election of their Deputies in Parliament, ought to be more indifferently proportioned, according to the number of the Inhabitants: the circumstances whereof, for number, place, and manner, are to be set down before the end of this present Parliament.

II.

That to prevent the many inconveniences apparently arising from the long continuance of the same persons in authority, this present Parliament be dissolved upon the last day of September, which shall be in the year of our Lord, 1648.

III.

That the People do of course chuse themselves a Parliament once in two yeares, viz. upon the first Thursday in every 2d. March, after the manner as shall be prescribed before the end of this Parliament, to begin to sit upon the first Thursday in Aprill following at Westminster, or such other place as shall bee appointed from time to time by the preceding Representatives; and to continue till the last day of September, then next ensuing, and no longer.

IV.

That the power of this, and all future Representatives of this Nation, is inferiour only to theirs who chuse them, and doth extend, without the consent or concurrence of any other

person or persons; to the enacting, altering, and repealing of Lawes; to the erecting and abolishing of Offices and Courts; to the appointing, removing, and calling to account Magistrates, and Officers of all degrees; to the making War and peace, to the treating with forraign States: And generally, to whatsoever is not expresly, or impliedly reserved by the represented to themselves.

Which are as followeth,

- 1.** THAT matters of Religion, and the wayes of Gods Worship, are not at all intrusted by us to any humane power, because therein wee cannot remit or exceed a tittle of what our Consciences dictate to be the mind of God, without wilfull sinne: neverthelesse the publike way of instructing the Nation (so it be not compulsive) is referred to their discretion.
- 2.** That the matter of impresting and constraining any of us to serve in the warres, is against our freedome; and therefore we do not allow it in our Representatives; the rather, because money (the sinews of war) being alwayes at their disposall, they can never want numbers of men, apt enough to engage in any just cause.
- 3.** That after the dissolution of this present Parliament, no person be at any time questioned for anything said or done, in reference to the late publike differences, otherwise then in execution of the Judgments of the present Representatives, or House of Commons.
- 4.** That in all Laws made, or to be made, every person may be bound alike, and that no Tenure, Estate, Charter, Degree, Birth, or place, do confer any exemption from the ordinary Course of Legall proceedings, whereunto others arc subjected.
- 5.** That as the Laws ought to be equall, so they must be good, and not evidently destructive to the safety and well-being of the people.

These things we declare to be our native Rights, and therefore are agreed and resolved to maintain them with our utmost possibilities, against all opposition whatsoever, being compelled thereunto, not only by the examples of our Ancestors, whose blood was often spent in vain for the recovery of their Freedomes, suffering themselves, through fradulent accommodations, to be still deluded of the fruit of their Victories, but also by our own wofull experience, who having long expected, & dearly earned the establishment of these certain rules of Government are yet made to depend for the settlement of our Peace and Freedoms, upon him that intended our bondage, and brought a cruell Warre upon us.

For the noble and highly honoured the Free-born People of ENGLAND, in their respective Counties and Divisions, these.

Deare Country-men, and fellow-Commoners,

For your sakes, our friends, estates and lives, have not been deare to us; for your safety

and freedom we have cheerfully indured hard Labours and run most desperate hazards, and in comparison to your peace and freedome we neither doe nor ever shall value our dearest bloud and wee professe, our bowells are and have been troubled, and our hearts pained within us, in seeing & considering that you have been so long bereaved of these fruites and ends of all our labours and hazards, wee cannot but sympathize with you in your miseries and oppressions. It's greife and vexation of heart to us; to receive your meate or moneyes, whilst you have no advantage, nor yet the foundations of your peace and freedom surely layed: and therefore upon most serious considerations, that your principall right most essentiall to your well-being is the clearnes, certaintie, sufficiencie and freedom of your power in your representatives in Parliament, and considering that the original of most of your oppressions & miseries hath been either from the obscuritie and doubtfulnes of the power you have committed to your representatives in your elections, or from the want of courage in those whom you have betruisted to claime and exercise their power, which might probably proceed from their uncertaintie of your assistance and maintenance of their power, and minding that for this right of yours and ours we engaged our lives; for the King raised the warre against you and your Parliament, upon this ground, that hee would not suffer your representatives to provide for your peace safetie and freedom that were then in danger, by disposing of the *Militia* and otherwise, according to their trust; and for the maintenance and defense of that power and right of yours, wee hazarded all that was deare to us, and God hath borne witness to the justice of our Cause. And further minding that the only effectual meanes to settle a just and lasting peace, to obtaine remedie for all your greivances, & to prevent future oppressions, is the making clear & secure the power that you betrust to your representatives in Parliament, that they may know their trust, in the faithfull execution whereof you will assist them. Upon all these grounds, we propound your joyning with us in the agreement herewith sent unto you; that by vertue thereof, we may have Parliaments certainly cal'd and have the time of their sitting & ending certain & their power or trust cleare and unquestionable, that hereafter they may remove your burdens, & secure your rights, without oppositions or obstructions, & that the foundations of your peace may be so free from uncertainty, that there may be no grounds for future quarrels, or contentions to occasion warre and blood-shed; & wee desire you would consider, that as these things wherein we offer to agree with you, are the fruites & ends of the Victories which God hath given us: so the settlement of these are the most absolute meanes to preserve you & your Posterity, from slavery, oppression, distraction, & trouble; by this, those whom your selves shall chuse, shall have power to restore you to, and secur you in, all your rights; & they shall be in a capacity to tast of subjection, as well as rule, & so shall be equally concerned with your selves, in all they do. For they must equally suffer with you under any common burdens, & partake with you in any freedoms; & by this they shal be disenabled to defraud or wrong you, when the lawes shall bind all alike, without priviledge or exemption; & by this your Consciencs shall be free from tyrannie & oppression, & those occasions of endlesse strifes, & bloody warres, shall be perfectly removed: without controversie by your joyning with us in this Agreement, all your particular & common grievances will be redressed forthwith without delay; the Parliament must then make your reliefe and common good

their only study.

Now because we are earnestly desirous of the peace and good of all our Country-men, even of those that have opposed us, and would to our utmost possibility provide for perfect peace and freedome, & prevent all suites, debates, & contentions that may happen amongst you, in relation to the late war: we have therefore inserted it into this Agreement, that no person shall be questionable for any thing done, in relation to the late publike differences, after the dissolution of this present Parliament, further then in execution of their judgment; that thereby all may be secure from all sufferings for what they have done, & not liable hereafter to be troubled or punished by the judgment of another Parliament, which may be to their ruine, unlesse this Agreement be joyned in, whereby any acts of indemnity or oblivion shalbe made unalterable, and you and your posterities be secure.

But if any shall enquire why we should desire to joyn in an Agreement with the people, to declare these to be our native Rights, & not rather petition to the Parliament for them; the reason is evident: No Act of Parliament is or can be unalterable, and so cannot be sufficient security, to save you or us harmlesse, from what another Parliament may determine, if it should be corrupted; and besides Parliaments are to receive the extent of their power, and trust from those that betrust them; and therefore the people are to declare what their power and trust is, which is the intent of this Agreement; and its to be observed, that though there hath formerly been many Acts of Parliament, for the calling of Parliaments every yeare, yet you have been deprived of them, and inslaved through want of them; and therefore both necessity for your security in these freedomes, that are essentiall to your well-being, and wofull experience of the manifold miseries and distractions that have been lengthened out since the war ended, through want of such a settlement, requires this Agreement and when you and we shall be joyned together therein, we shall readily joyn with you, to petition the Parliament, as they are our fellow Commoners equally concerned, to joyn with us.

And if any shall inquire. Why we undertake to offer this Agreement, we must professe, we are sensible that you have been so often deceived with Declarations and Remonstrances, and fed with vain hopes that you have sufficient reason to abandon all confidence in any persons whatsoever, from whom you have no other security of their intending your freedome, then bare Declaration: And therefore, as our consciences witnesse, that in simplicity and integrity of heart, we have proposed lately in the Case of the Army stated, your freedome and deliverance from slavery, oppression, and all burdens: so we desire to give you satisfying assurance thereof by this Agreement wherby the foundations of your freedomes provided in the Case, &c. shall be setted unalterably, if we shall as faithfully proceed to, and all other most vigorous actions for your good that God shall direct and enable us unto; And though the malice of our enemies, and such as they delude, would blast us by scandalls, aspersing us with designes of Anarchy, and community, yet we hope the righteous God will not onely by this our present desire of settling an equall just Government, but also by directing us unto all righteous undertakings, simply for publike

good, make our uprightnesse and faithfulnessse to the interest of all our Countreymen, shine forth so clearly, that malice it selfe shall be silenced, and confounded. We question not, but the longing expectation of a firme peace, will incite you to the most speedy joyning in this Agreement: in the prosecution whereof, or of any thing that you shall desire for publike good, you may be confident, you shall never want the assistance of

Your most faithfull fellow-Commoners, now in Armes for
your service.

Edmond Bear }Lieut. Gen. Regiment.

Robert Everard }

George Garret }Com. Gen. Regiment.

Thomas beverley }

William Pryor }Col. Fleetwoods Regiment.

William Bryan }

Matthew Weale }Col. Whalies Regiment.

William Russell }

John Dover }Col. Riches Regiment.

William Hudson. }

Agents coming from other Regiments unto us, have subscribed the Agreement to be proposed to their respective Regiments, and you.

For Our much honoured, and truly worthy Fellow-Commoners, and Souldiers, the Officers and Souldiers under Command of His Excellencie Sir THOMAS FAIRFAX.

Gentlemen and Fellow Souldiers;

The deepe sense of many dangers and mischiefes that may befall you in relation to the late War, whensoever this Parliament shall end, unlesse sufficient prevention be now provided, hath constrained Us to study the most absolute & certain means for your security; and upon most serious considerations, we judge that no Act of Indempnity can sufficiently provide for your quiet, ease, and safety; because, as it hath formerly been, a corrupt Party (chosen into the next Parliament by your Enemies meanes) may possibly surprize the house, and make any Act of Indemnity null, seeing they cannot faile of the Kings Assistance and concurrence, in any such actings against you, that conquered him.

And by the same meanes, your freedome from impressing also, may in a short time be taken from you, though for the present, it should be granted; wee apprehend no other

security, by which you shall be saved harmlesse, for what you have done in the late warre, then a mutuall Agreement between the people & you, that no person shall be questioned by any Authority whatsoever, for any thing done in relation to the late publike differences, after the dissolution of the present house of Commons, further then in execution of their judgment; and that your native freedome from constraint to serve in warre, whether domestick or forraign, shall never be subject to the power of Parliaments, or any other; and for this end, we propound the Agreement that we herewith send to you, to be forthwith subscribed.

And because we are confident, that in judgment and Conscience, ye hazarded your lives for the settlement of such a just and equall Government, that you and your posterities, and all the free borne people of this Nation might enjoy justice & freedome, and that you are really sensible that the distractions, oppressions, and miseries of the Nation, and your want of your Arreares, do proceed from the want of the establishment, both of such certain rules of just Government, and foundations of peace, as are the price of bloud, and the expected fruites of all the peoples cost: Therefore in this Agreement wee have inserted the certaine Rules of equall Government, under which the Nation may enjoy all its Rights and Freedomes securely; And as we doubt not but your love to the freedome and lasting peace of the yet distracted Country will cause you to joyn together in this Agreement.

So we question not: but every true English man that loves the peace and freedome of England will concurre with us; and then your Arrears and constant pay (while you continue in Armes) will certainly be brought in out of the abundant love of the people to you, and then shall the mouthes of those be stopped, that scandalize you and us, as endeavouring Anarchy, or to rule by the sword; & then will so firm an union be made between the people and you, that neither any homebred or forraigne Enemies will dare to disturbe our happy peace. We shall adde no more but this; that the knowledge of your union in laying this foundation of peace, this Agreement, is much longed for, by

Yours, and the Peoples most faithfull Servants.

Postscript.

GENTLEMEN.

WE desire you may understand the reason of our extracting some principles of common freedome out of those many things proposed to you in the Case truly stated, and drawing them up into the forme of an Agreement. Its chiefly because for these things wee first ingaged gainst the King, He would not permit the peoples Representatives to provide for the Nations safety, by disposing of the Militia, and otherwayes, according to their Trust, but raised a Warre against them, and we ingaged for the defence of that power, and right of the people, in their Representatives. Therefore these things in the Agreement, the people are to claime as their native right, and price of their bloud, which you are obliged absolutely to procure for them.

And these being the foundations of freedom, its necessary, that they should be settled

unalterably, which can be by no means, but this Agreement with the people.

And we cannot but mind you, that the ease of the people in all their Grievances, depends upon the settling those principles or rules of equal Government for a free people, & were but this Agreement established, doubtlesse all the Grievances of the Army and people would be redressed immediately, and all things propounded in your Case truly stated to be insisted on, would be forthwith granted.

Then should the House of Commons have power to helpe the oppressed people, which they are now bereaved of by the chiefe Oppressors, and then they shall be equally concerned with you and all the people, in the settlement of the most perfect freedome: for they shall equally suffer with you under any Burdens, or partake in any Freedome. We shall onely adde, that the summe of all the Agreement which we herewith offer to you, is but in order to the fulfilling of our Declaration of Iune the 14. wherein we promised to the people, that we would with our lives vindicate and cleare their right and power in their Parliaments.

Edmond Bear }Lieut. Gen. Reg.

Robert Everard }

George Garret }Com. Gen. Reg.

Thomas Beverley }

William Pryor }Col. Fleetwood Reg.

William Bryan }

Matthew Wealey }Col. Whaley Reg.

William Russell }

John Dober }Col. Rich Reg.

William Hudson }

Agents coming from other Regiments unto us, have subscribed the Agreement, to be proposed to their respective Regiments and you.

**T.120 (4.15) [SIGNED BY SEVERAL], TO THE SUPREAM
AUTHORITY OF ENGLAND, THE COMMONS IN
PARLIAMENT ASSEMBLED [THE PETITION OF
NOVEMBER] (23 NOVEMBER 1647).↵**

Image of the original Title Page

To the Supreme Authority of England, the Commons in Parliament assembled. The humble
 Petition of many free-born people. Together with a Copy of the Order of the Commitment of five of the
 Petitioners, *Thomas Prince, and Mr. Samuel Chidley in the Gate-House. Capt. Taylor, Mr. William Larne,*
and Mr. Jves in Newgate. As also some Observations upon the said Order. 89



That as the ground of the late war between the King and you, was a contention whether he or you should exercise the supreme power over us, so its aim to expect a settlement of peace amongst us, until that point be clearly and justly determined, that there can be no liberty in any Nation where the Law giving power is not solely in the people or their Representatives.

That upon your invitation, the people have hazarded their lives, consumed their estates, lost their trades, and wettered in blood to preserve that your just authority, and therein their own freedoms.

That notwithstanding, for attributing the supreme authority of this Nation to this Honourable House, which alone represents the people, we have been accounted the offencous of the land, we have had our Petitions burned, our persons imprisoned, and many other ways abused.

That when the ears of the chosen deliverers were stopped, the Law of Nature enjoyned us to address our selves to the Army, from whom we had reason to expect relief, according to their many promises and engagements.

That those promises seeming to be wholly forgotten by the ruling part of the Army; it pleased God to raise up the spirits of some Agents therein, to consist of an agreement of the people upon grounds of common right, & to offer it to the Generall Council of the Army for their concurrence; the matter thereof (seriously debated being had thereupon) was so far from being disallowed, that a necessity of ending this Parliament at the day prefixed therein, was concluded; the providing for a constant succession of Parliaments thought necessary, that the people should be more equally represented was confessed; and a certain rule to be set between the people and their representative was judged fit, and the supreme authority of this nation acknowledged by that Council to be where the Agreement placeth it: And particularly Lieutenant General Cromwell, and Commissary General *Freeston* declared, that in case they did not Assent to the settlement of those freedoms, yet they would never oppose.

That those Agents in further discharge of their duty to their Country, did not long since present unto this Honourable House the said Agreement, with a petition relating thereunto.

That the same Agreement, with another Petition, was lately offered to the General, by a worthy Commander, and divers Officers of the Army, at the first generall Rendezvous neare Ware: and all that was done in a further prosecution, was a peaceable proposing of the same Petition, to the Souldiery, for their concurrence: and we wonder that we should now be reputed mutinous, to offer a Petition to the Souldiery when it was effected formerly good service to draw them to an engagement.

That notwithstanding all this clear open and legal dealing, in those our friends, for the performance of their solemn engagements, both they and we, who adhered to them, are reproached and slandered with imputations of plotting and designing not only the Kings death, in a base and cowardly way; and of imbuing the nation in blood, but of strange endeavours to level all mens estates, and subvert all Government and although the reasons, that seeme of us are imprisoned, and others threatened to be proceeded against as persons disaffected to this Honourable House, whereas the true object of our enemies mallice is, that authority of yours, which we labour to preserve. Yet such is our sad condition, as our actions and intentions are in like manner misapprehended by you, though we doubt not but the Agreement duly weighed, will demonstrate all such reproaches to be only the invention of wicked men to exasperate you against us.

And therefore we beseech you in your bowels of compassion to an oppressed people to review and debate impartially the particulars of that Agreement of the people, wherein many thousands have already concurred: And to suffer us by your concurrence, to use our Native Liberty, in moving the people to an happy union amongst themselves, in settling those foundations of Common freedom; that thereby this honourable house, may with more assurance of the peoples assistance, proceed forthwith (without attending for the assent and concurrence of any other) to deliver them from all kind of tyranny and oppression.

And that you would be pleased to account of the sufferings of our dear fellow Commoners *Co. Ayers, Ca. Bray,* and others at the severall Rendezvous of the Army, only for their just and peaceable peruse of Freedom.

And especially that you will make inquiry into the blood of that Soldier, *viz. Richard Arnall* of Col. *Lilburns* Regiment, which was shot to death neere Ware.

And we further desire, that without prejudice against our persons, it might be laid to heart, that the large effusion of blood, and the many spoyle made in the late War, cannot be justified upon any other ground, then the settlement of those freedoms contained in the Agreement, and in your just endeavours to clear and secure those you may expect the blessing of peace and prosperity.

Die Martis. November, 1647.

Resolved, that Thomas Prince, Chiefmunger, and Samuel Chidley be forthwith committed prisoners to the prison of the Gate-house, there to remain prisoners during the pleasure of this House, for seditions and contemptuous avowing and prosecuting of a former Petition and paper annexed, filed an agreement of the people, formerly submitted to this House, to be dissentive to the being of Parliaments, and fundamental government of this Kingdom. Hen. El. Cl. Par. Dom. Com.

By virtue of an Order of the House of Commons, these are to require you to receive from the Sergeant at armes his depute or deputies, the bodies of Thomas Prince, Chiefmunger, and Samuel Chidley into the prison of the Gate house Westminster, and them safely to detain as your prisoners, until the pleasure of the House be signified to you to the contrary, and for so doing this shall be your Warrant.

Dated 23. Novemb. 1647. To the Keeper of the prison of the Gate house of Westminster.

O men of England that love your freedom, I beseech you observe the injustice, arbitrary power, and tyranny of this your Parliament, who have invited you, and caused your dearest friends to expend their blood upon preceses to deliver you from injustice and arbitrary powers. See their Reason, of May 26. 1642.

1. Observe their palpable injustice in filing an humble, ration all and just petition (presented in a peaceable manner) a seditious and contemptuous, avowing a former petition, these men declared formerly, that they ought to receive petitions, though against things established by law, and now when a petition strikes at their corrupt interest, its seditious because its against a vote of theirs, and what damnable endeavours here are to deceive you Commons, they represent these mens petition as a contempt of them when they rendered them the highest honour in their petition.

2. Observe their injustice in committing these your brethren without laying any crime to their charge, by the law, sedition nor faction is no crime, for no man knows what is sedition or faction, but they put unknown reproachfull terms upon their just petition to deceive you, and let me informe you, that these treacherous dissemblers that put these infamous terms upon the petition, durst not suffer this petition to be printed with their votes concerning it, for when they ordered the votes should be printed, an honest member moved that the petition it self might be printed with them, that the people might see the reason of such votes, and these Hypocrites opposed it with rage and fury, will be always thus abused O yee Commons.

3. Observe the falshood and lyes in their vote, First, these petitioners did not avow any former petition or paper annexed, as this vote say they did, ally. The House did never adjudge the Agreement to be dissentive to the being of Parliaments, &c. but only the petition of the Agents of the Army, they never durst debate the Agreement, lest they should be forced by the strength of reason to consent to it, they shut their eyes and will not see, for many of the greatest opposers have confessed its just, but they love not the light because their deeds are evil. But seeing it was never debated in one particular, could a judgement be passed upon it, and I have you not a wife, faithfull Parliament, that would not debate the particulars of such great concernment to settle a peace.

4. Observe how these men exercise an absolute tyranny over you, ruling by their crooked wills, and damnable lusts, they commit your fellow Commoners to prisons amongst Thieves and Murderers, only for begging for their freedoms, and this during their pleasure, that is, till their base malicious humors be satisfied. According to law and justice, imprisonment is onely for safe custody of persons, until the appointed day of tryall in the ordinary Courts of justice, and was the Council table and High Commission that ruled by their lusts, which imprisoned men during their pleasure, and yet these Apostates dare in the face of the sun proclaime their wickednesse and arbitrarinesse, by committing men during their lust. Certainly their consciences tell them that these faithfull, honest petitioner did not offend, for if they had known any offence, they would have been ready to have proceeded against them, or referred them to tryall which they intend not. O yee Commons of England! can you still beate it; to see your freedoms, undermined, and your brethren abused, and presidents made daily for inflaving you to the wills and lusts of tyrants, when will you these your fellow English men; O now! now! now is the opportunity, O! that you might see even in this your dayes the things that belong to your peace and freedom, before they be hid from your eyes.

BIBLIOGRAPHICAL INFORMATION

ID Number

T.120 [1647.11.23] (4.15) [Signed by Several], To the supreme Authority of England, the

Commons in Parliament assembled [The Petition of November] (23 November 1647).

Full title

[Signed by Several], *To the supream Authority of England, the Commons in Parliament assembled. The humble Petition of many free-born people. Together with a Copy of the Order of the Commitment of five of the Petitioners, viz. Mr. Thomas Prince, and Mr. Samuel Chidley in the Gate-House. Capt. Taylor, Mr. William Larnier, and Mr. Ives in Newgate. As also some Observations upon the said Order.*

This Tract contains the following parts:

- A formal Petition to Parliament
- A later addition which is written by another person with 4 points

Estimated date of publication

23 November 1647.

Thomason Tracts Catalog information

Not listed in TT.

TEXT OF PAMPHLET

Sheweth,

That as the ground of the late war between the King and you, was a contention whether he or you should exercise the supream power over us, so its vain to expect a settlement, of peace amongst us, untill that point be clearely and justly determined, that there can be no liberty in any Nation where the Law giving power is not solely in the people or their Representatives.

That upon your Invitation, the people have hazarded their lives, consumed their estates, lost their trades, and weltered in blood to preserve that your just authority, and therein their own freedoms.

That notwithstanding, for attributing the supream authority of this Nation to this Honourable House, which alone represents the people, we have been accounted the off-scouring of the land, we have had our Petitions burned, our persons imprisoned, and many other wayes abused.

That when the ears of the chosen deliverers were stopped, the Law of Nature enjoyned us to addresse our selves to the Army, from whom we had reason to expect relief, according to their many promises and engagements.

That those promises seeming to be wholly forgotten by the ruling part of the Army; it pleased God to raise up the spirits of some Agents therein, to consider of an agreement of the people upon grounds of common right; & to offer it to the Generall Gouncell of the army for their concurrence; the matter wereof (seriously debate being had thereupon) was so far from being disallowed, that a necessity of ending this Parliament at the day prefixed therein, was concluded; the providing for a constant succession of Parliaments thought necessary, that the people should be more equally represented was confessed; and a certain rule to be set between the people and their representative was judged fit, and the supream authority of this nation acknowledged by that Councell to be where the Agreement placeth it: And particularly Lievtenant General *Cromwell*, and Commissary General *Jreton* declared, that in case they did not Act for the settlement of those freedoms, yet they would never oppose.

That those Agents in further discharge of their duty to their Country; did not long since present unto this Honourable House the said Agreement, with a petition relating thereunto.

That the same Agreement, with another Petition, was lately offered to the Generall, by a worthy Commander, and divers Officers of the Army, at the first generall Rendezvouz neare Ware: and all that was done in a further prosecution, was a peaceable proposing of the same Petition, to the Souldiery, for their concurrence: and we wonder that we should now be reputed mutinous, to offer a Petition to the Souldiery when it was esteemed formerly good service to draw them to an ingagement.

That notwithstanding all this clear open and legal dealing, in those our friends, for the performance of their solempne engagements, both they and we, who adhered to them, are reproached and slandered with imputations of plottings and designing not only the Kings death, in a base murderous way; and of imbrueing the nation in blood, but of strange endeavours to leuell all mens estates, and subvert all Government and although the scandals are but the same which the open enemies formerly cast upon your selves, yet our just endeavours for freedom, are so ill resented by this meanes, that some of us are imprisoned, and others threatned to be proceeded against as persons disaffected to this Honourable House, whereas the true object of our enemies mallice is, that authoritie of yours, which we labour to preserve. Yet such is our sad condition, as our actions and intentions are in like manner misapprehended by you, though we doubt not but the Agreement duly weighed, will demonstrate all such reproaches to be only the invention of wicked men to exasperate you against us.

And therefore we beseech you in your bowells of compassion to an oppressed people, to review and debate impartially the particulars of that Agreement of the people, wherein many thousands have already concurred: And to suffer us by your countenance, to use our Native Liberty, in moving the people for an happie union amongst themselves, in selling those foundations of Common freedom; that thereby this honourable house, may with more assurance of the peoples alliance, proceed forthwith (without attending for the assent and concurrence of any other) to deliver them from all kind of tyranny and

oppression.

And that you would be pleased to account of the sufferings of our dear fellow Commoners Co. *Ayers*, Ca. *Bray*, and others at the severall Rendezvouz of the Army, only for their just and peaceable persuance of freedome.

And especially that you will make inquisition for the blood of that Soldier, *viz. Richard Arnall* of Col. *Lilburns* Regiment, which was shot to death neere Ware.

And we further desire, that without prejudice against our persons, it might be laid to heart, that the large effusion of blood, and the many spoyles made in the late War, cannot be justified upon any other ground, then the settlement of those freedoms contained in the Agreement, and in your just indeavours to clear and secure those you may expect the blessing of peace and prosperity,

And your petitioners shall pray.

Die Martis. November, 1647.

Resolved, that Thomas Prince, Cheesemonger, and Samuel Chidley be forthwith committed prisoners to the prison of the Gate-house, there to remain prisoners during the pleasure of this House, for seditious and contemptuous avowing and prosecuting of a former Petition and paper annexed, stiled an agreement of the people, formerly adjudged by this house, to be destructive to the being of Parliaments, and fundamentall government of this kingdom.

Hen. El. Cl. Par. Dom. Com.

By vertue of an Order of the House of Commons, these are to require you to receive from the Sergeant at armes his deputie or deputies, the bodies of Thomas Prince, Cheesemonger, and Samuel Chidley into the prison of the Gate house Westminster, and them safely to detain as your prisoners, untill the pleasure of the house be signified to you to the contrary, and for so doing this shall be your Warrant.

William Lenthall, Speaker.

Dated 23. Novemb. 1647.

To the Keeper of the prison of
the *Gate house of Westminster.*

O men of England that love your freedom I beseech you observe the injustice, arbitrarynesse, and tyranny of this your Parliament, who have invited you, and caused your deare friends to expend their blood upon pretences to deliver you from injustice and arbitrary powers. *See their Rmon. of May 26. 1642.*

1. Observe their palpable injustice in stiling an humble, rationall and iust petition (presented in a peaceable manner) a seditous and contemptuous, avowing a former

petition, these men declared formerly, that they ought to receive petitions, though against things established by law, and now when a petition strikes at their corrupt interest, its seditious because its against a vote of theirs, and what damnable endeavours here are to deceive you Commons, they represent these mens petition as a contempt of them when they rendred them the highest honour in their petition.

2. Observe their injustice in committing these your brethren without laying any crime to their charge, by the law, sedition nor faction is no crime, for no man knows what is sedition or faction, but they put unknown reproachfull tearms upon their just petition to deceive you, and let me informe you, that these treacherous dissemblers that put these infamous tearms upon the petition, durst not suffer this petition to be printed with their votes concerning it, for when they ordered the votes should be printed, an honest member moved that the petition it selfe might be printed with them, that the people might see the reason of such votes, and these Hypocrites opposed it with rage and fury, will ye be alwayes thus abused O yee Commons.

3. Observe the falshood and lyes in their vote. First, these petitioners did not avow any former petition or paper annexed, as this vote say they did. 2ly. The House did never adijudge the Agreement to be destructive to the being of Parliments, &c. but only the petition of the Agents of the Army, they never durst debate the Agreement, lest they should be forced by the strength of reason to consent to it, they shut their eyes and will not see, for many of the greatest opposers have confessed its iust, *but they love not the light because their deeds are evill*. But seeing it was never debated in one particular, could a iudgement be passed upon it, and have you not a wise, faithfull Parliament, that would not debate the particulars of such great concernment to settle a peace.

4. Observe how these men exercise an absolute tyranny over you, ruling by their crooked wills, and damnable lusts, they commit your fellow Commoners to prisons amongst Theeves and Murtherers, only for begging for their fredoms, and this during their pleasure, that is, till their base malicious humors be satisfied. According to law and justice, imprisonment is only for safe custody of persons, untill the appointed day of tryall in the ordinary Courts of justice, and it was the Councill table and High Commission that ruled by their lusts, which imprisoned men during their pleasure, and yet these Apostates dare in the face of the sun proclaime their wickednesse and arbitrarinesse, by committing men during their lust. Certainly their consciences tell them that these faithfull, honest petitioner did not offend, for if they had known any offence, they would have been ready to have proceeded against them, or reserved them for tryall which they intend not. O yee Commons of England! can you still beare it? to see your freedoms undermined, and your brethren abused, and presidents made daily for enslaving you to the wills and lusts of tyrants, when will you shew your selves English men? O now! now is the opportunity. O! that you might see even in this your dayes the things that belong to your peace and freedom, before they be hid from your eyes.

Vale.



**T.123 (4.17) [SIGNED BY SEVERAL, ATTRIBUTED TO
JOHN LILBURNE], ENGLANDS FREEDOME, SOULDIERS
RIGHTS (14 DECEMBER 1647).↵**

Image of the original Title Page

(1) 23
Englands Freedome, Souldiers Rights:

Indicated against all arbitrary unjust Invaders of them, and in particular against those new Tyrants at *Windfore*, which would destroy both under the pretence of Marshall Law.

O R,
The just Declaration, Plea and Protestation of *William Thompson*, a free Commoner of *England*, unjustly imprisoned at *Windfore*.

Delivered to his Excellency Sir Thomas Fairfax, and that which is called his Councell of Warre, the 14. of December, 1647.

Unto which is annexed his Letter to the Generall, wherein the said Plea was inclosed. Also a Petition of the rest of his Fellow-Prisoners to his Excellency.

May it please your Excellency,
I Am by birth a free Commoner of England, and am thereby intailed or intituled unto an equall priviledge with your selfe, or the greatest men in England, unto the freedome and liberty of the Lawes of England, as the Parliament declares in their Declaration of the 23. of October, 1642. 1 part Book Decl. pag. 660. And the 29. Chap. of *Magna Charta* expressly saith, That no man shall be taken or imprisoned, or be disseised of his Freehold or Liberties, or free customes, or be outlawed or exiled, or any other wayes destroyed, nor putt upon nor condemned, but by the lawfull Judgement of his Peers (or equalls) and that by due course, or proceffe of the Law of the Land †, which expressly saith, that no man shall be taken or restrained of his liberty, by petition or suggestion (made unto whomsoever in authority) unlesse it be by indictment or presentment of good and lawfull men where such deeds be done: and that no man whatsoever be put to answer (any crime whatsoever) without presentment before Justices or matter of record, or by due proceffe and Writ originall, according to the old Law of the Land: and if anything from henceforth be done to the contrary, it shall be void in law, and holden for *error.

† See Sir Ed. Cooks Exposition hereof in his 2. part Institut. fol. 46, 47, 50, 51.

* See the 5. Ed. 3. 9. & 25. Ed. 3. 4. & 28. Ed. 3. 3. & 37. Ed. 3. 18. & 42. Ed. 3. 3. and the Petition of Right in the third of the King,

and the Statutes that abolished the Starre-Chamber and Ship-money, made this present Parliament; and Lievtenant-Colonell Lilburnes Booke called The Resolved Mans Resolution, p. 2, 3, 8, 9. and his Grand Plea against the Lords, p. 7, 8, 9.

Therefore Sir, for you who are a Generall of an Army, and other of your
A Marshall

BIBLIOGRAPHICAL INFORMATION

ID Number

T.123 [1647.12.14] (4.17) [Signed by Several, attributed to John Lilburne], *Englands Freedome, Souldiers Rights* (14 December 1647).

Full title

[Signed by Several, attributed to John Lilburne], *Englands Freedome, Souldiers Rights: Vindicated against all arbitrary unjust Invaders of them, and in particular against those new Tyrants at Windsore, which would destroy both under the pretence of Marshall Law. Or, The just Declaration, Plea and Protestation of William Thompson, a free Commoner of England, unjustly imprisoned at Windsore. Delivered to his Excellency Sir Thomas Fairfax, and that which is called his Councell of Warre, the 14 of December, 1647. Unto which is annexed his Letter to the Generall, wherein the said Plea was inclosed. Also a Petition of the rest of his Fellow-Prisoners to his Excellency.*

This tract contains the following parts:

1. Englands Freedome, Souldiers Rights
2. William Thompson, Letter to his Excellency Sir Thomas Fairfax Knight, Captain-Generall of the Forces in the Nation for Imperiall Justice and Libertie, these present (14 Dec. 1647)
3. Petition To the right Honourable his Excellency Sir Thomas Fairfax Knight, Captain Generall of all the forces raised in the Kingdome of England. The humble Petition of some of your Excellencies Officers and Souldiers, being under the custody of the Marshall Generall

Estimated date of publication

14 December 1647.

Thomason Tracts Catalog information

TT1, p. 577; Thomason E. 419. (23.)

TEXT OF PAMPHLET

May it please your Excellency,

I am by birth a free Commoner of England, and am thereby *intailed or intituled unto an equall priviledge with your selfe, or the greatest men in England, unto the freedome and liberty of the Lawes of England*, as the Parliament declares in their Declaration of the 23. of October, 1642. 1 part Book Decl. pag. 660. And the 29. Chap, of *Magna Charta* expresly saith, *That no man shall be taken or imprisoned, or be disseised of his Freehold*

or Liberties, or free customes, or be outlawed or exiled, or any other wayes destroyed, nor past upon nor condemned, but by the lawfull Iudgement of his Peers (or equals) and that by due course, or processe of the Law of the Land,¹ which expresly saith, that no man shall be taken or restrained of his liberty, by petition or suggestion (made unto whomsoever in authority) unlesse it be by indictment or presentment of good and lawfull men where such deeds be done: and that no man whatsoever be put to answer (any crime whatsoever) without presentment before justices or matter of record, or by due processe and Writ originall, according to the old Law of the Land: and if anything from henceforth be done to the contrary, it shall be void in law, and holden for² error.

Therefore Sir, for you who are a *Generall* of an Army, and other of your *Marshall Officers*, who are no Civill Court of Justice, nor authorized with the least legall power in the world to administer Justice, and execute the Law of the Land, upon, or unto any of the Commoners of England, to dare or presume to restraine, imprison, trie or meddle with me, as you have done, who am in no other capacitie in the world, but barely and altogether as a Commoner of England, is the height of arbitrarie tyrannie, injustice and³ oppression, and an absolute destruction of the very fundamentall Lawes of England, the bare endeavouring of which cost the Earl of *Strafford* his head. And what the doome of him is that destroyes the fundamentall Lawes of the Land, I shall give you out of the words of your own friend Mr. *St. John*, in his Argument of law concerning the Bill of Attainder of high Treason of *Thomas Earl of Strafford*, at a Conference in a Committee of both Houses of Parliament, printed by *G.M.* for *John Bartlet* at the signe of the gilt Cup neere *S. Austins Gate* in *Pauls Church-Yard* 1641. who in the 70. page thereof saith. *That the destruction of the Lawes dissolves the arteries & ligaments that hold the Body together: he that takes away the Lawes, takes not away the allegiance of one Subject alone, but of the whole Kingdome: it was* (saith he) *made treason by the Statute of the 13. Eliz. for her time, to affirme, that the Lawes of the Realms do not bind the descent of the Crowne; no Law, no descent at all: No Lawes, saith he, no Peerage, no ranks or degrees of men;⁴ the same condition to all. Jt's treason to kill a Judge upon the Bench, this kills not the Judge, but the Judgement.* And in pag. 71. he saith, *Jt's Felonie to imbezell any of the Judiciall Records of the Kingdome; this, viz. the destruction of the Law, sweeps all away, and from all.*

It's treason to counterfeit a twenty shilling piece, here is a counterfeiting of the Law, we can call neither the counterfeit, nor the true coyne our owne.

It's Treason to counterfeit the great Seale for an Acre of Land, no property hereby (viz. the destruction of the Law) is left to any Land at all: nothing Treason now, either against King or Kingdome, no Law to punish it.

And therefore I advise you as a friend to take heed that you go no further on in your illegall, arbitrary, tyrannicall and Law-destroying practises with and towards me, least when for your owne lives you claime the benefit of the Law, you be answered in the words of your foresaid friend in pag. 72. "That he in vaine calls for the help of the Law that walks contrary unto Law, and from the Law of like for like; hee that would not have others to

have Law, why should he have any himselfe? why should not that be done to him, that himselfe would have done to another? It is true, (saith he Ibid.) we give Law to Hares and Deers, because they be beasts of chase, but it was never accounted either cruelty or foule play to knock Foxes and Wolves on the head as they can be found, because these be beasts of prey: the Warrener sets traps for Poulcats and other vermine, for preservation of the Warren.

And in pag. 76. hee saith, in the 11.R.2.. *Tresilian, And some others attainted of Treason for delivering opinions in the subversion of the Law, and some others for plotting the like.*⁵

But if you shall object, that you deale with me as you are a Generall and Officers of an Army by Marshall Law, for endeavouring to make mutinies or tumults in your Army, or by blasting and defaming your reputations, and so drawing your Souldiers from their affection and obedience unto you.

I answer in the first place, there can in this Kingdome be no pretence for Marshall Law, but when the Kingdome is in a generall hurly-burly and uproare, and an Army or Armies of declared enemies in the Field, prosecuting with the sword the destruction of the whole, and thereby stopping the regular and legall proceedings of the Courts of Justice from punishing offenders and transgressors.

But now there being neither Army nor Armies of declared enemies in the field, nor no Garrisons in the possessions of any such men, nor no generall hurly-burlies and uproares by any such men in the Kingdome, but all such are visibly subdued and quieted, and all Courts of Justice open and free to punish offenders and transgressors; and therefore even to the Army it selfe and the Officers and Souldiers therein, there is no reason or ground for exercising of Marshall Law, much lesse over Commoners that are not under the obedience of the Army, which is my cause.

And that in time of peace, there neither is, nor can be any ground of exercising and executing of Marshall Law; I prove out of the Petition of Right, which was made in the third yeare of the present King, and is printed in *Pultons* Collection of Statutes at large, fol. 1431.1432. which expresly saith, that by Authoritie of Parliament, in the 25. yeare of the Reign of King *Edward* the third, it is declared and enacted, "That no man should be forejudged of life or limb against the forme of the great Charter and the Law of the Land, and by the said great Charter, and other the Lawes and Statutes of this Realme, no man ought to be adjudged to death, but by the Law established in this Realme."⁶

"And whereas no offender of what kind soever is exempted from the proceedings to be used, and punishments to be inflicted by the Lawes and Statutes of this your Realme: Neverthesse of late divers Commissions under your Majesties great Seale have issued forth, by which certaine persons have been assigned and appointed Commissioners, with power and authority to proceed within the land, according to the justice of Martiall Law, against such Souldiers and Mariners, or other dissolute persons joyning with them, as should commit any murder, robbetrie, felonie, mutinie, or other outrage or misdemeanor

whatsoever, and by such summarie course and order, as is agreeable to Martiall Law, and as is used in Armies in time of Warre, to proceed to the triall and condemnation of such offenders, and them to cause to be executed and put to death according to the Law Martiall. By pretext whereof your Majesties Subjects have been by some of the said Commissioners put to death, when & where, if by the Lawes and Statutes of the land they had deserved death, by the same Lawes and Statutes also they might, and by no other ought to have been judged & executed.⁷ And also sundry grievous offenders, by colour thereof claiming an exemption, have escaped the punishment due to them by the Lawes and Statutes of this your Realme, by reason that divers of your Officers and Ministers of Justice have unjustly refused, or forborne to proceed against such offenders according to the same Lawes and Statutes, upon pretence that the said offenders were punishable onely by Martiall Law, and by authoritie of such Commissioners as aforesaid. Which Commissions, and all other of like nature, are wholly and directly contrarie to the said Lawes and Statutes of this your Realme.

Therefore Sirs, if you have any care of your own heads & lives, (though you have none of the Liberties and Freedoms of *England*) I again as a friend advise you, to take heed what you doe unto me anie further in your illegall, arbitrarie and tirannicall way that hitherto you have proceeded with me; for largely understand that *Canterbury* and *Strafford* were this Parliament questioned for their arbitrarie and tirannicall actions that they did and acted manie years before, and the Lord Keeper *Finch* was by this Parliament questioned for actions that he did when he was Speaker of the House of Commons in the third of the present King *An.* 1628. and forced to flie to save his head.

In the second place I answer, that if since the warres ended, it was or could be judged lawfull for your Excellency and your Councill of Warre to execute Marshall Law: yet you have divested your selfe of that power upon the 4. and 5. of June last at Newmarket Heath, you owned the souldiers and joyned with them, when they were put out of the States protection and declared enemies and further associated with them by a *mutuall solemne ingagement, as they were a Company of free Commoners of England to stand with them according to the Law of Nature and Nations,*⁸ to recover your owne and all the peoples Rights and Liberties; the words are these: *We the Officers and Souldiers of the Army subscribing hereunto, do hereby declare, agree and promise to and with each other, that we shall not willingly disband nor divide, nor suffer our selves to be disbanded nor divided, untill we have security; that we as private men, or other the free-borne people of England, shall not remaine subject to the like oppression, injury, or abuse, as have been attempted.*⁹

Hereby it appears, that from this time you and the souldiery kept in a body and so were an Army, not by the States or Parliaments will, but by a mutuall agreement amongst all the Souldiers, and consequently not being an Army by the Parliaments wills; they were not under those rules of martiall Government which were given by the will of the Parliament: and your Excellencie could no longer exercise any such power over them, as was allowed you by those Martiall Laws; nay, the Souldiers keeping in a body, and continuing an Army

only by mutuall consent, did by their mutuall Agreement or Ingagement, constitute a new kind of Councell, wherby they would be Governed in their prosecution of those ends for which they associated, and made every Officer incapable of being in that Councell, which did not associate with them in that Ingagement. The words of the Agreement or Ingagement are these: "we do hereby declare, agree, and promise, to and with each other, that we shall not willingly disband, nor divide, nor suffer our selves to be disbanded or divided without satisfaction in relation to our grievances and desires heretofore presented, and security that we as private men or other the free-born people of England, shall not remain subject to the like oppression and injury as hath been attempted, and this satisfaction and security to be such as shall be agreed unto by a Councell to consist of those generall Officers of the Army, who have concurred with the Army in the premises, with two Commission-Officers, and two Souldiers to be chosen for each Regiment, who have concurred and shall concur with us in the premises and in this Agreement.

So that your Excellency is so far from having a power to exercise the old Martiall Discipline, that you would have been no Officer nor Member of the Councell appointed to govern them, unlesse you had associated with them, and by that Association or mutual Ingagement, the Souldiers were so far from allowing to their Generall, who ever it should have been (for at that time it was uncertain) the power of exercising the old Martiall Discipline, that according to the Ingagement, no Officer or Souldier can be rightly Cashiered unlesse it be by the Councell constituted by that Ingagement: so that your Excellency by your own Ingagement have put a period to your power of exercising your old Martiall Discipline, and whatsoever Discipline shall appear to the Army to be necessary, must be constituted by the mutuall consent of the Army or their representatives, unlesse you and they will disclaim the Ingagement at Newmarket, and those principles upon which you then stood, and yeeld up your selves to the Parliaments pleasure, as their hirelings, to serve their arbitrarie power, like Turkish Janisaries.

In the third place I answer, that it is against reason, law, conscience, justice and equitie, to subject me at one and the same time, or any other free Commoner of England, under the sting and power of *two distinct Lawes*, and such a bondage as is insupportable, and such a snare of intanglement, that no mans life whatsoever can be safe or secure under it, that I shall be liable to be questioned and destroyed by the *common Law of the Kingdome*, and then be at the wills of *mercenarie Turkish Iansaries*, (in case the common Law will not reach me) to be questioned and destroyed by an unjust arbitrarie Marshall law; and if it can be justly proved against me that I have made any tumults, the Law and the ordinary Courts of Justice are open, by which and by no other rules and proceedings I ought to be tried, and if it be said or can be proved, that I have belied or scandalized the General), to the taking away of his good name, &c. yet *scandalum Magnatum* is not to be tried by Martial Law, nor yet either *by the House of Commons, or the House of Lords*, but only & alone (now the Star Chamber is down) by an Action at Common Law,¹⁰ by a Jurie of my equalls, and no where else, it being a Maxime in Law, *That where remedy may be had by an ordinary course in Law, the party grieved shall never have his recourse to*

extraordinaries:¹¹ And besides, for you to proceed with me, and to be both Parties, Jurie and Judges, is a thing that the Law abhorres.¹²

In the fourth and last place I answer, that the Parliament it selfe, neither by Act nor Ordinance can justly or warrantably destroy the fundamentall liberties and principles of the common Law of *England*, it being a Maxime in law and reason both, *That all such Acts and Ordinances are ipso facto null and void in Law, and bind not at all, but ought to be resisted and stood against to the death.*

But for them to give you a power by Marshall Law, or under any other name or title whatever, by your arbitrary tyrannicall wills without due course and processe of Law, to take away the life or Liberty of me, or any free Commoner of England whatsoever, yea, or anie of your owne souldiers in time of peace, when the Courts of Justice are all open and no visible declared enemy in Armes in the Kingdome readie to destroy it, is an absolute destroying of our fundamentall Liberties, and a rasing of the foundation of the Common-Law of England.¹³

Ergo, such a power of arbitrary Marshall Law, cannot justly by the Parliament in time of peace, &c. be given unto you, nor (if it were) be justly or warrantably executed by you.

And besides, both Houses themselves by an Ordinance (unlesse they alter the whole Constitution of this Kingdome) can take away the life of no free Commoner of England whatsoever, especially in time of peace.

And therefore that which is not within their own power to do, they cannot by an Order or Ordinance grant power to Sir *Thomas Fairfax* &c. to do, it being a Maxime in nature, *That beyond the power of being there is nor can be no being.* But it is not in the power of the Parliament, or the two Houses, or the House of Commons themselves, as the present Constitutions of this Kingdome stands, either by Order or Ordinance to take away the life of any free Commoner of England.¹⁴

Ergo, they cannot by an Ordinance or Order, especially in times of peace, give power to Sir *Thomas Fairfax* by Marshall Law, (unlesse they totally alter the Constitutions of the Kingdome) to take away the life or lives of any free Commoners of England, (*which all Souldiers are as well as others*¹⁵) and therefore it is absolute murder in the Generall and the Councill of Warre, now to shoot to death, hang or destroy any Souldier or other Commoner whatever by Marshall Law.

And therefore I doe the third time as a friend advise you, to cease your illegall, arbitrarie, tyrannicall Martiall Law-proceedings with me that am no Souldier, and so not under the least pretence of your Martiall Jurisdiction, least in time to come you pay as deare for your arbitrarie illegall proceedings with me, as Sir *Richard Empson* and Mr. *Edward Dudley* Justices did, who as Sir *Edward Cooke* declares in his 2. & 4 part of his *Institutes*, were very officious and ready "to execute that illegall Act of Parliament made in the 11.H.7. chap. g. which gave power unto Justices of Assize, as well as Justices of the Peace

(without anie finding or presentment by the verdict of twelve men, being the ancient birth-right of the Subject) upon a bare information for the King before them made, to have full power and authoritie by their discretions to hear & determine al Offences or contempts committed or done by anie person, or persons against the form, ordinance, effect of anie Statute made and not repealed, &c. by colour of which act of Parliament, shaking (saith he) this fundamentall Law (viz. the 29. Chapter of *Magna Charta*) it is not credible what horrible oppressions and exactions, to the undoing of infinite numbers of people, were committed by them, for which (though I cannot read they shot anie man to death, and though they had an expresse Act of Parliament to beare them out, abundantly lesse questionable "then an Ordinance for exercising Martial Law) they were both indicted of high treason both by the common Law and Act of Parliament, and in the 2. yeare of Henry 8. they both lost their heads.¹⁶

Therefore, from all the premises by way of conclusion. I draw up this protestation against you, that by the Laws and constitutions of this Kingdome, you have not the least Indicative power in the world over me; therefore, I cannot in the least give you any Honour, Reverence or Respect, either in word, action, or gesture: and if you by force and compulsion compell me again to come before you, I must and will by Gods assistance keep on my Hat, and look upon you as a company of murderers, Robbers and Theives, and doe the best I can to raise the Hue and Crie of the Kingdome against you, as a company of such lawlesse persons, and therefore if there be any Honor, Honesty and Conscience in you, I require you as a free-born English man, to doe me Justice and right, by a formall dismissing of me, and give me just reparation for my monethes unjust imprisonment by you, and for that losse of credit I have sustained thereby, that so things may goe no further; or els you will compell and necessitate me to study all waies and meanes in the world to procure satisfaction from you, and if you have any thing to lay to my charge, I am as an Englishman ready to answer you at the common Law of England, and in the mean time I shall subscribe my selfe

From my arbitrary and most illegal imprisonment in Windsore, this 14. Decemb. 1647.

Your servant in your faithfull discharge of your dutie to your Masters (the Commons of England) that pay you your wages,

William Thompson.

THE FOREMENTIONED LETTER THUS FOLLOWETH.

To his Excellency Sir Thomas Fairfax Knight, Captain-Generall of the Forces in the Nation for Imperiall Justice and Libertie, these present.

May it please your Excellency,

I Here present unto you a Declaration and Protestation against the illegall and unjust proceedings of your Counsell of Warre against me, I being a free Commoner of England,

as in the presence of the just God, before whose Tribunall both you and I shall stand to give an Account of all ungodly deeds committed against him. And so I rest,

Decemb. 14. 1647.

Your Excellencies servant, if you are a true servant to the most excellent God for justice and righteousnes in the earth, without respect of persons.

William Thompson.

THE PETITION THUS FOLLOWETH.

*To the right Honourable his Excellency Sir Thomas Fairfax Knight,
Captain Generall of all the forces raised in the Kingdome of England.*

*The humble Petition of some of your Excellencies Officers and
Souldiers, being under the custody of the Marshall Generall.*

Sheweth,

THat whereas there are mis-presentations of the intentions of the late *Agents* of the Army and their adherents, by men of corrupt minds, who would make all the end of your own and your Armies *noble* and *valiant Atchievements* (under the power of God) fruitlesse; and would destroy Justice and righteousnesse from amongst men; and instead of common good, and equall distribution of justice, would advance a particular selfish interest: and to accomplish their unworthy selfish ends, amongst many other scandals cast upon the late *Agents*, they have blazed abroad that they intended to murder the King, and that one of them should affirm it was lawfull: And wheras this was reported by one L. C. *Henry Lilburne*; it being altogether most abominable in our eyes, and detracts from the purity and righteousnesse of our Principles; tending only to make us odious to the *People*, for whose good alone we have run not only all former, but also these late hazards.

Wee therefore desire that the said L. C. Hen. Lilburne may be speedily sent for to testifie upon Oath (as in the presence of God) who used those words, where those words were used, and when: and what in particular the words were; That so, such a person may come under a publique cognizance, and your Excellencies faithfull servants and souldiers may free themselves and others from such aspersions.

And your Petitioners shall ever pray, &c.

Will. Evers. John Wood. John Crosseman.

Will. Bray. George Hassall. Tho Beverly.

Will. Prior. Will. Eversard. Will. Thomson Commoner.

FINIS.

ENDNOTES

[1] See Sir Ed. Cooks *Exposition hereof in his 2. part Institut. fol. 46, 47, 50, 51.*

[2] See the 5. Ed. 3. 9. & 25. Ed. 3. 4. & 28. Ed. 3. 3. & 37. Ed. 3. 18. & 42. Ed. 3. 3. and the Petition of Right in the third of the King and the Statutes that abolished the Starre-Chamber and Ship-money, made this present Parliament; and Lievtenant-Colonell Lilburnes *Booke called The Resolved Mans Resolution*, p. 2, 3, 8, 9. and his Grand Plea against the Lords, p. 7, 8, 9.

[3] *Well saith Sir Edward Cooke in the 2. part of his Institutes fol. 48.* that every oppression against Law, by colour of any usurped authority, is a kind of destruction: for when any thing is forbidden, all that tends to it is also forbidden: and it is (*saith he*) the worst oppression that is done by colour of justice. See also *Lib. 10. fol. 14. in the case of the Marshalsea.*

[4] And therefore you, with your dealings with me, that am meerly a free Commoner of *England*, and so not in the least under your Marshall Discipline (but solelie and onelie under the discipline of the knowne, declared and established Lawes of *England*) by your arbitrarie tirannicall actings upon me, have absolutelie as much as in you lies, destroyed the fundamentall Lawes of *England*, and therefore are as absolute Hedge-breakers and Levellers as ever were in this Kingdome.

[5] Read also to this purpose Mr. John Pym's Speech against the Earl of Strafford, the 12. of April 1641. printed by John Bartlet, but especially p. 5.6.8.9.13.18.23.24.

[6] See the 9.H.3.29.5.Ed.3.9. & 25.Ed.3.4. & 28.Ed.3.3.

[7] Yet it is very observable, that at the very time when this Martiall Law complained of was executed, the King had warres with France, a forraigne enemy, but there is no such thing now; and therefore the Army, or the grand Officers thereof have not the least shadow or pretence to execute it in the least, or to deale with me a free Commoner, as they have done.

[8] See the late Plea for the Agents.

[9] See the ingagement in the Armies Book of Declarations, pag. 25.26,27,28.

[10] As is cleare by the Statutes of 3. Ed. 1. 33. & 37. Ed.3.18. & 38.Ed. 3.9. & 42.Ed. 3.3. & 2.R.2.5. & 12.R.2.11. 5.part Cooks Reports, pag. 125. & 13.H.7.Kelway. & 11.Eliz. Dier 285. & 30. Assize pla. 19. & Liev. Col. Lilburnes Grand Plea of 20. Octob. 1647. pag.7.8.

[11] See Vox Plebis pag. 38. & Lievt. Col. Jo. Lilburnes Anatomie of the Lords Tirannie, pag.10.

[12] See 8.H.6.fol.21. & 5.Eliz. Dier 220. & Dr. Bonhams Case, 8. part of Cooks Reports,

& Lieut. Col. Jo. Lilburnes grand Plea, pag.10.

[\[13\]](#) *But besides all this I doe confidently believe, that the Parliament never gave power unto the Generall since the Wars ended, to execute Marshall Law; neither doe I believe that some chiefe Executors of Marshall Law have any legall Commission from the Parliament, who never that I could heare of, ever gave power unto the Generall of himselfe to make generall Officers: and besides, all the Parliament-men that are Officers in the Army were (as I have been groundedly told formerly) taken off by an Ordinance of Both houses, which was never replealed since.*

[\[14\]](#) *See Sir Ed. Cooks 2. part Institut. fol. 47, 48. & 3. part, fol. 22. & 4. part, fol. 23.25. 48. 291. all of which Bookes are published for good Law to the Kingdome by two speciall Orders of the present House of Commons, as you may read in the last page of the 2. part Institut. see also the Petition of Right.*

[\[15\]](#) *See the Armies Declaration of the 14. June, 1647. Book of their Declarations, pag. 39. and their Letter from Roiston to the Lord Mayor of London of the 10. June, 1647. which the Printer hath neglected to print in their Book of Declarations.*

[\[16\]](#) *See 2. part Instit. fol. 51. & 4. part, fol. 41. 196, 197. but especially read their Jndictment verbatim set downe ibid.fol.198,199.*

**T.124 (4.18) JOHN WILDMAN (WITH WILLIAM
WALWYN), *PUTNEY PROJECTS. OR THE OLD SERPENT IN
A NEW FORME* (30 DECEMBER 1647).↵**

Image of the original Title Page

PUTNEY¹⁹ PROJECTS.

Or the Old
SERPENT

In a new Forme.

Presenting to the view of all the well affected in
England, the Serpentine deceit of their pretended friends
in the Armie, indeavouring to introduce Tyranny and Sla-
very in a new method.

Composed by the diligent and impartial observati-
on and certain intelligence of *John Lawmind*. K.

*Michah. 7. 3, 4, 5. That they may doe evill with both hands ear-
nestly, the Prince asketh, and the Judge asketh for a reward, and
the great man he uttereth his mischievous desire, so they wrap
it up.*

*The best of them is as a Bryar, the most upright is sharper then a
thorne hedge. Trust you not in a friend*

*Matth. 24. 24, 25. If it were possible they should deceive the
Elect. Behold I have told you before.*

20: 30

London, Printed in the Yeare. 1647.

BIBLIOGRAPHICAL INFORMATION

ID Number

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Estimated date of publication

30 December 1647.

Thomason Tracts Catalog information

TT1, p. 580; Thomason E. 421. (19.)

TEXT OF PAMPHLET

PVTNEY PROJETS. OR THE OLD SERPENT IN A NEW FORME.

GOds present great designe in the world is, the shaking of the powers of the earth, and marring the pride of all flesh. *Isay 2. 11. The lofty lookes of man shall be humbled, and the haughtinesse of men shall be bowed down, and the Lord alone shall be exalted in that day. For the day of the Lord of Hosts shall be upon every one that is proud and lofty, and upon every one that is lifted up, and he shall be brought low.*

To day is this Scripture fulfilled in our eares, God is humbling the lofty, the pride of every state in this nation is already fallen, the King, Peers, Parliament, Grandees in the Army have lost their glory.

It hath been the sinne of England, to trust to an Arme of flesh, and therefore the curse

denounced against fleshly confidence is justly fulfilled.

When Tyranny brake forth from the Kings throne a Parliament was our refuge and the rock of our confidence: When unrighteousnesse appeared in the Parliament, the Army was our refuge, and we hoped, they should save us.

But we see that all are but flesh and not spirit, they are but men, and not God: we may truly say of our selves as it is prophesied of the day of the Lord. *Amos 5. 19. It is with us as if we fled from a Lyon, and a beare met us, and fled from a beare, and leaning our hands on the wall a Serpent bites us.*

How confidently hath the honest partie in England cast themselves, their lives, their all, into the laps of some eminent Commanders in the Army, supposing that the very sunne might as soone be pluckt from the heavens, as they warpt from the wayes of righteousness. But *Proh dolor* how are our hopes perished how have they by their unlawfulness, and sinfull compliances, almost insnared us again in our enemies fetters.

We desire not to blazen, or make publique the blemishes of any, much lesse of such men, whom God once so highly honoured with the presence of his mighty power, enabling them to conquer and triumph over the most insulting enemie, but *periat potius unus equqm unitas*, its better that a few mercenaries should rot, and their honour be forever layed in the dust, then that a people, a nation should perish, by putting their confidence in broken reeds, which will pierce their hands.

To unfold therefore plainly the mysterie of deceit, wherein our chiefe Commanders in the Armie walke, two things are necessary. 1. To spread abroad the cloak of their promises, wherewith they have covered themselves. 2. To present them naked in their actions.

To begin with the first. In the time of *Cromwells* and *Iretons* straights, when *Hollises* and *Stapletons* faction domineered over them, and intended to dethrone them, then were their words smoother then oyle their words dropped like the honey Comb, into the mouths of the hungry, oppressed people, how were their words seemingly bedewed with teares in pittie and compassion to the distressed people how did they represent their hearts divided, and rent in sunder with hearing the dolefull cryes, and beholding the bloody teares of the oppressed. What professed gallant resolutions did the seeming deep impression that the peoples miseries made upon their hearts beget in them? how did they appearingly slight their estates, the enjoyment of their relations, yea their dearest blood in comparison of the peoples liberties? what gallant principles of freedome and righteousness did they professe? how loud were their cryes against all Arbitrary powers and all seekers of private or particular interests? how positive and absolute were they in their resolutions to have all the liberties of the nation cleared and secured, how did they seeme impatient of any delays or protraction of time.

To present to your view some particulars.

What valiant Champions did these men appeare for Englands freedom? how did old

English valour, and undanted courage to oppose the stoutest enemies of the publique interest and advantage sparkle forth in them upon *June 4. and 5. 1647.* When they boldly *ingaged in opposition to the Parliaments orders not to disband nor to divide until they had security that the freedom of the poeple of England should not be subject to the like injury, oppression, and abuse as had been attempted:* Did ever the most faithfull Patriots to the most noble nation passe a larger ingagement to their Country then this? Who could have forborne to conclude, that these would have been our worthy [Editor: illegible word] that would have pierced the bowels of every oppressor and destroyer of England? Who could upon the sight of this Engagement but imagine that these would never have given themselves rest untill they had seene the top-stone laid in the beautious fabrick of Englands native freedom?^a Did they not oblige themselves in this Ingagement, to bid defiance to every oppressor and abuser of the people, to the King Lords, Commons in Parliament, Committees, Lawyers, and all others, were they not hereby bound to stand like the Iewes with *NEHEMIAH* with their swords in their hands, not only untill Englands breathes were repaired, but also untill the strongest possible iron gates were composed to defend the conscientious persons, liberties and estates of all Englishmen from oppressors: indeed could any ingage to procure more perfect freedome for the people, then they did in this Ingagement? Can more be said then this that they would have security, that the people should not be subject to the like injuries or abuses as had been attempted? All men know there had been attempts to offer all kinds and degrees of wrong and abuse to the people and therefore they promised and ingaged to secure them from all.

2. How were the purest most exact principles of freedome and righteousnesse, professed by these to be the only grounds where upon they thus ingaged even against the Parliament, the undefiled law of nature,^b was declared to be the rule of their proceedings in their Declaration of *Jun 14, the establishment of Common and equall right and freedome to the whole Nation was promised should be their study,*^c *All purposes or designes to advance any private> interest, were disavowed and disclaimed:*^d Yea, they when the Parliament unvoted and expunged from their Iournall booke those votes whereby the Soldiers were declared enemies for petitioning in order to their satisfaction, these then professed such principles of freedome and common good, that they slighted the particular reparation in that case of common contentent and declared, *that they did not value or regard their own injustice or reparations in comparison to the consequence of the one, or practices of the other to the future security of common right and freedome in the nation.*^e

And how did these pretended Patriots seeme to disdaine selfish private interests or advantages they seemed to think it too base and unworthy for *them to be a marauding Armie, to service the arbitrary power of a state for money,* & therefore they disavowed their standing as such an Army,^f and declared, that they *tooke up Armes in judgement and conscience as called forth by the Parliaments Declarations, to the defence of their own and the peoples right and liberties?* And were not their avowed principles as purely free, as

[Editor: illegible word] purely publique?^g They declared *the equitable sense of the law as the supreme [Editor: illegible word] and so dispense with it when the safety of the people is concerned, and likewise that all authority is fundamentally seated in the office, and but ministerially in the persons.* Were ever clearer principles of freedom planted in any heroic hearts, then proceeded from these mens mouths? did not every discerning eye see the tendency of these gallant pure principles, to perfect-freedom and common justice? Were not the hearts of the oppressed people by the sight of these declared principles (and Engagements upon them) filled with living hope of perfect freedom from all kinds of tyranny or oppression, though sheltered under the visible formes of Kingly, Lordly, or Parliamentary power. Did not every unprejudiced and truly English heart expect that the crooked wills of man should no more have been the measure of Englands freedom, but only the straightest rule of nature.ⁱⁱ

3. What fiery zeale and burning indignation did these our seeming, Saviours breath forth against the invaders of our native freedom, and obstructors of their speedy settlement's were not their words speares and swords, and hot burning coales against *Hollis, Stapleton, Waller,* and that faction? Did not these stout hopefull Patriots reach the tongues of the whole Soldery to cry aloud at New-Market and *Triple Heathe Justice, Justice* against those invaders of Englands freedoms, was it not the first borne of their desires, that the heads of that faction might be suspended the house upon their generall charge of treason against them; and had not the purging the house from these and other perverters of Justice the preheminance of all their desires in that choicest of their Declarations dated Iune 14. 1647. Yet they were so transported with morale for the removal of those Apostate Members, that in Iune 23. 1647. at *St. Albans,* they prefixed a day to the Parliament, for their suspension from the House, menacing them to take in extraordinary ways unless by that day they were suspended, and appearing so solicitous were they of purging the house from all obstructors of Common freedom and good that when the Parliaments Commissioners on *Iuly 7. 1647.* invited them to hasten the Treaty between the Army and the Parliament for a settlement, they *that no comfortable effect of a Treaty could be expected so long as the Parliament was constituted of some persons whose interests were contrary to common good,*^k thus they represented themselves even jealous for the peoples sake and industrious (even by exaltation) for freedom and justice.

4. How did these promising Patriots seem to be so devoted to the peoples services that sorrow and sadnesse appearingly filled their hearts, in beholding the efficacy of their endeavours for these, by means of the corrupted itself, they professed themselves as baptized, as the very hearts because their way was not cleare to purge the House from those unworthy men, who were banding and defending against publique good, and upon this account when 70. or 80. usurped the Parliamentary power, and complotted the imbruing the people in blood, their hearts of wood to abound with joy, that God had cleared their way to purge the House from those treacherous breakers of their publique trust, then said *Cromwell and Ireton, the Lord hath iustified our cause, and hath suffered the enemies of our peace and freedom, to dig pits of destruction for themselves; they*

have written their wickednesse in their foreheads, and made the way plaine for their own ejection from the house. Thus their feares, sorrowes, joyes and delights had the peoples good and freedome for their visible Center.

5. What detestation and abhorrence of the Kings corrupt interest did these pretended lovers of their Country then felt? they seemingly loathed it, as being the originall of the peoples slavery and misery, the very spring from whence arise all those floods of oppression and tyranny, that overflows the people, they esteemed it the highest treason to court that common strumpet the Kings interest, they iudged them adulterers, breakers of their Covenant with their spouse, their Country, which gave but a kind salute to that Harlot. Yea, they thought the Courtiers to be but pimpes and panders to that mother of tyranny, and therefore they preiudged his honesty, whoever did but privately converse with them.

This was that high treason with which they charged *Hollis, Stapleton*, and that faction, that they had private conference with some of the Kings Courtiers,^l and bowed the head to kisse the Kings interest, by advising the King to a personall Treaty, and this was the high aggravation of *Hollis* his treason that he reviled those well affected Members^m of Parliament, who were pure from any base compliance, on purpose to ingratiate himself with the Kings party, Thus their hatred of the peoples capitall enemy seemed to be so absolute, so perfect, that they hated even the favour of that royal party as they were such, *viz.* supporters of the Kings inslaving interest.

6. How tedious and irksome to these our deliverers were the delayesⁿ in clearing and securing the peoples liberties, when the hopes of the people deferred made their hearts sick? How did they professe the nearest and deepest sympathy in their Declaration of *June 44.* "And how did they declare *June 23.* at *St. Albans*, That *their respect to the peoples safety inforced them to admit of no longer delayes*, and that they could allow the House not above foure or five dayes, where in they might give assistance and security to them and the people, of a safe and speedy proceeding to settle the Armys and the Kingdomes rights and freedoms.^{op}

Thus common right and freedome was visibly the choice object of all their actions and intentions, that was seemingly the golden ball of their contention, the ultimate end of their hazzardous race. Whatsoever they desired for themselves, was professed to be insisted upon only in relation to that publique end, their hearts seemed to be so inflamed, with desires of the peoples rights and freedomes, that no quiet content or satisfaction could possesse them, so long as the people groaned under Tyranny and Oppression, they seemed so farre to prefer the peoples good to their own advantage, that they declared, they would never have entered into so hot a contest with the Parliament, for reparations for their private wrongs, abuses, or incroachments upon their particular freedomes, had not their suffering those particular wrongs, been preiudiciall to common freedome.

Now O yee Commons of England, behold these your great Commanders thus cloathed with

the glorious garment of their Declarations, of such a curious texture, thus adorned with variety of the fairest promises, as so many bright orient pearles, and doe not they appeare like *Absolon* without spot or blemish from head to foot? are they not like to *Saul*, higher by the head then all the people? can you forbear to cry, there is none like unto them? did ever more hopefull sonnes spring from Englands fruitfull wombe? did ever more lightsome stars arise in this Horizon? did not their hearts seeme to be the thrones of righteousnesse, and their breasts the habitation of goodnesse and compassion to the oppressed, was not Justice as a robe to them, and mercy as a diadem? did they not appeare to goe forth in the strength of the Lord, to break the lawes of the wicked and oppressors: to pluck the spoyle out of their teeth, did they not give such hopes of deliverance to those who were bound in chains of tyranny, and of reliefe to the poore afflicted, which had none to help them, that the scores that heard their words rejoyced, and the blessing of many that were ready to perish came upon them.

And what Eagle eye could at first discerne, that this glorious cloathing was but painted paper? What jealous heart imagined that these promising Patriots were only sweet mouthed courtiers who could have harboured the least suspition that these visible stars of heaven were but blazing comets? who imagined, that the most mighty wind from Court could have shaken such seeming immoveable pillars of freedome and justice? Who could have believed that the resisters unto blood of all enslaving Arbitrary powers, should have drunke the wine of the Kings delusion.

But if love to my native country, did not at Queen Regent give a mandamus to my pen. I should (like *Shem* and *Iaphet*) string a garment to cover the nakednesse of these, whom I have so much honoured but *Amicus Socrates, amicus Plato, sed magis amica patria* I dare not conceale treachery against my dearest Covntrey, I shall therefore impartially communicate the actions of *Cromwell, Ireton*, and their adherents in their continued *series*, and when your eyes shall behold them naked, I shall submit them to your censure.

First; I shall not prejudge the singlenesse of *Cromwells* or *Iretons* hearts as to publique good, in their first asociating with the Army at *New market*, but its worth the knowing, that they both in private opposed those gallant endeavours of the Army for their Countries freedom. Yet their arguments against them, were only prophesies of sad events; confusion and ruine, said they, will be the portion of the actors in that designe, they will never be able to accomplish their desires against such potent enemies. They were as clearly convinced, as if it had been written with a beam of the Sun, that an apostate party in Parliament (viz. *Hollis* his faction) did subject our lawes and liberties to their inordinate wills and lusts, and exercised such tyranny, iniustice, arbitrarinesse, and oppression, as the worst of arbitrarie Courts could never paralell. But to oppose a Party of Tyrants so powerfull; *hic labor hoc opus est*, there was a Lyon and a Beare in the way. And lest meer suspition of their compliance with the Army in any attempt to affront those insulting Tyrants should have turned to their prejudice, they were willing at least by their Creatures, to suppress the Soldiers first most innocent and modest petition. *C. Rich* sent several Orders to some of his Officers; to prevent subscriptions of that petition. And the

constant importunity and solicitation of many friends, could not prevail with *Cromwell* to appear, until the danger of imprisonment forced him to flee to the Army, (the day after the first Rendezvous) for shelter. And then both he and *Iretton* joining with the Army and assuming offices to themselves, (acting without Commissions, and being outed by the self-denying Ordinance of Parliament, and the General having no power to make General Officers,) they were engaged in respect to their own safety, to crush and overturn *Hollis* his domineering, tyrannical faction. And to that end their invasion of the people's freedom, their injustice and oppression,^s was painted in the most lively colours to the people's eyes, and Petitions to the General against those obstructors of justice in Parliament, drawn by *Cromwell* himself, were sent to some Counties to subscribe, and then the most mellifluous enamouring promises were passed to petitioners of clearing and securing their rights and liberties, then the General engaged himself to them, that what he wanted in expression of his devotion to their service, should be supplied in action: And hereby their names were engraven in the people's hearts for gallant Patriots; and the most noble *Heroes* of our age, and then they boldly encountered their daring enemies with a thundring charge, and demanded them as conquered before their trial; then they boldly marched towards their Quarters at *Westminster*, crying *IVSTICE, IVSTICE, We cannot stand as lookers on, to see the Kingdome ruined by the obstruction and deny all of justice.* But did not the issue declare that there was little simplicity or integrity of heart in those sweetest Echoes of justice? was it any more than partial respect to justice which they pursued? nay, was it not rather animosity and revenge? then pure impartial justice, had single simple justice been the object of their desires, then they could have known no bounds or limits, no respects or relations. But injustice oppression, & corruption in whatsoever subject would have been the object of their hatred, and the execution of the law upon them, their desire and intention^t they would have known no difference between the meanest Scavenger and the highest Lord, yea (that original of injustice) the King himself. But their justice was restrained to eleven Members only, though they could have produced as high a charge against ten times 11. (for the particular matter of their charge was to seek, after they had in general charged them) they knew that near 200. of the Commons besides the *Earle of Northumberland* and other Lords were charged by Mr. *Waller*,^v for correspondence with the King in that plot against the City, for which *Tompkins and Challener* were hanged. *Cromwell* knew of a charge to purpose against the Earl of *Man.* and M. *Lenthal* the Speaker, they knew that Committees and sub-Com. Sequestrators, Treasurers, &c. were sinks of rottenness, corruption and impiety. Yet though their cry for justice was universall, it was confined to eleven persons only, nay the issue hath discovered, that justice against them was not their prime intention. When they only voluntarily absented themselves from the house, these just men (contrary to the dictates of their consciences) applauded them *for their modesty*,^w and were contented. And though they exhibited a charge against them, they never prosecuted them further upon it, or moved for securing their persons until a legal trial yea though the time which the House permitted those Members to be absent be long since expired, yet they and their crimes remaine in the grave of forgetfulness. Is it not by these things grossly palpable?

that the superiority of *Hollis* his faction to them, and their proud domination over them was the greatest became in their eyes, or (in the largest Charity) that their private security or liberty was the Center of their actions and intentions: What face of justice appears to a single impartial eye even in this master piece of their pretended justice? yet in this I judge not.

But when by these specious pretences (like so many silver stayres) they had ascended to the highest thrones of power in England, so that the Parliament it self trembled at the shaking of their rod, and every of their desires to the House was a mandamus, when their power like a mighty streame could easily have swept away every obstruction to justice, peace and freedome, Let us observe what was then the fruit of those fairest blossomes of their promises.

After *Cromwells* awfull approach to *Westminster*, and his imperiall Messages to the House, had commanded *Hollis* his faction to absent themselves, *Cromwell* being then secure from the impoysoned arrows of their mortall malice, and having subiected even *ad annum* to his beck both King and Parliament, his first publique actions could be then no other but the expresse Character of his intentions. Therefore let the Manifesto upon *June* the 27 from *Uxbridge* be perused, let the matter of those seaven proposalls therein be duely weighed, upon the granting whereof, they promised to draw back from *London*, & doth not the whole amount to this? That the Parliament should own them for their Army, and provide them pay, and vote against all opposite forces. There's not the least punctum of *Common iustice* moved to be done before their retreat, not so much as a *Declaration insisted upon against those enslaving presidents of burning petitions, and abusing petitioners, no publique vindication of the Army, as to their right of petitioning,*^X and against that monster of iniustice and tyranny, the *Declaration against them, as enemies to the State, for petitioning*, that was the oppression of the Army, whose sad Consequence did equally extend to all the people, *tending to destroy all freedom, and render all the people the worst of slaves.*^Y Yet the remedy of that was neglected, and all publique good pretended on *June* 23. to be the primary reason of their march to *London*, was thus by *June* 27. in the grave of Oblivion. Doubtlesse the above mentioned and many other foundations of freedome might have been settled in as short a time as the matter of the seaven proposalls, but it seemes 4. dayes changed their judgements, they thought the oppressed, inslaved people *could admit of longer delays*, and beare the yoaks of tyranny and oppression longer.

Its a known maxime, that *the end of an action is the center where the heart rests*. I wish the application be not true, that their private interest was their highest end, and therefore in the inioyment of that they acquiesced. Questionlesse, had the cryes and groanes of the oppressed, took such deep *impression upon their hearts, as they professed*^Z had their hearts been fired (as they appeared) with the sacred flames of love to their native Country, they would have travaylled in the birth of its perfect peace and freedome, and been pained till they were delivered, they would have said like *Pompey*, taking ship in a dangerous storme, with corne to relieve his famishing Country, *Necesse est ut eam non ut*

vivam, its more necessary that we relieve the oppressed, then preserve our lives A dayes delay, when the Country is even expiring its last, would have been like a sword in their bones, they would have deeply laid it to heart that they kept many thousand in Armes, upon pretence of *clearing and securing to the people their rights and freedoms*; and that every day they neglected or delayed their settlement, they ate their bread for nought, yea were but *THEEVES AND ROBBERS* that spoyled and destroyed the people. But alas, though *Jehu* like they marched furiously towards *London*, saying, come see our zeale for IUSTICE, MERCY, and FREEDOME, for our perishing country, yet they retreated without distilling the least drop of those sweetest waters of iustice and mercy upon the thirsty weary people, yea without clearing the fountaine, *viz*, purging the Parliament. They drew back from *London*, and their righteous principles at the same time, From *Vxbridge* they retired to *Wickham*, from thence to *Reading*, and to as great a distance from iustice as from *London*: then the enemies were left to obstruct our peace and freedoms, and to complot and designe mischief, then were such disputes at a distance, as occasioned most distracting and consuming delayes, then were those condemned of rashnesse and imprudence, who breathed forth quicknings and hastnings, or condemned their neglect sloathfullnesse, feare or slownesse. Though *Cromwell* himself was forced to confesse the reason and iustice of what those offered, when their delayes had indanger'd a new warre.

3. While these pretended Champions thus slept, the *Court Devill* laboriously sowed those cursed tares of Court principles, and their hearts being a naturall soyle for those poysonous seeds, they choaked those sprouting principles of freedom & justice. Yea from that time the King had his Emissaries at the Head Quarters, *viz*. Sir *John Berkley*, Mr. *Ashburnham*, and *Maior Boswell*, these by courtings and flatteries, were to foster those seeds of Domination, Lordlinesse, and Arbitrarinesse, that were already sowed, and none found better entertainment from *Cromwell* and *Ireton* then these, none had more of *Cromwells* gracious nodd, or Courtly imbraces. And this visible correspondence with the Court being maintained by the Officers Generall, some of the inferior readily conformed to their example, and none could kneele more courtly to kisse the Kings defiled hand then they: yea suddenly the Kings flatteries proved like impoysoned arrowes, which infected all the blood in *Cromwells* and *Iretons* veins, his insinuations & unlimited promises proved an intoxicating cup, which polluted their iudgements, and poysoned their hearts, and from that bottomlesse fountaine of wickednesse, tyranny, and cruelty the Kings heart was infused such venomous notions into their braines, as converted all their speeches, actions, and counsell into a courtly forme. And in this particular, I cannot but observe their palpable *Hypocriste* in their Declarations or else their grosse *Apostacie from their first principles*.

They declared Iune 14. 1647. *That they continued in Armes in iudgement and conscience to the ends specified in the Parliaments Declarations.*^a And could they be ignorant? that the Parliament had declared the intent of the War *to be the removing of the Kings evill counsell from him*.

But have they not opened a free way of access to the King, for his most desperate,

Malignant Councillors. I cannot spare time or paper for all their names. The Duke of *Leonex*, Earle of *Ormond*, Earle of *Cleveland* Sir *Marmaduke Langdale*, Sir *Francis Cob*, Sir *Edward Ford*, Sir *John Barkley*, Mr. *Ashburnham*, Col. *Legg*, &c. *Cum multis aliis* Did they not cause that compendium of wickednesse Col. *Legg*, to be admitted of the Kings bed Chamber? had not these publik enemies by their indulgence such command at Court? that they could be admitted *when* Col. *Whaly* *himselfe* (*the chiefe Commander of the pretended guard*) *just been excluded*, and were not these suffered? without check or controle to complot or designe mischiefe with the King, and to take the assistance of those grand Incendiaries in *France* and *Holland*, had they not their known constant dayes of writing letters for that intent? Certainly these were the repairers of the Kings broken Iuncto, the restorers of its rotten elected Members.

But further, have not they maintained the most constant possible correspondence with the King? though they declared it treason in Mr. *Hollis*, to make private addresses to the Kings party yet they have multiplied private addresses to the Capitall enemy, the King himselfe: they reputed Mr. *Hollis* his *correspondence with the King, to be a breach of his trust, a breach of his oath taken in Iune 1643. a breach of the Parliaments Ordinance in Octob. 1643.*^b But had they esteemed it reall treachery, periury, and contempt of the Parliaments power, they durst not have so far transcended their predecessors in such impleties. They could never have been so hardned as to persist weeks and moneths in a continued course of correspondence, they would never have suffered Maior *Boswell* (that known Intelligencer between the King and Queen) to have been their frequent Messenger to the King; they would never have suffered him to remaine constantly almost at the head quarters, and to make it his imployment to corrupt the Soldiery, and advance the Kings corrupt interest in their hearts; they would never have entertained Sir *Edward Foord*, *Iretons* brother in law (a known Papist, who brok prison, and by right is a prisoner in the Tower) they would I say, never have provided him and his family Quarters at the Head Quarters, that he might be the Kings Resident Solicitor, that he might lye in *Iretons* bed and bosome. They would never have suffered the Head Quarters so to swarme with Cavialeers, that no word against the Kings interest could be spoken in the streets, but it was newes for the King. That there could be no transactions of affaires in the Generall Councell, but the King had the full relation in two houres; who can imagine what these men intended in charging the eleven Members with treason, for petty correspondence with the Kings party, when they thus boldly before any peace concluded, have thus openly maintained the nearest intimacy with the King himself, and his worst adherents. Surely their meaning was, that *Hollis* was guilty of treason against themselves, for diverting the Kings affections from them, or making a Monopoly of the Kings favour to their Presbyterian faction. And therefore it was inserted into *Hollis* his charge as no small crime, that he endeavoured to ingratiate himselfe with the Kings party by reviling them. But have not *Cromwell*, &c. joyned himself to the worst of the royall party in the strongest bands of amity? have not his endeavours been superlative to purchase their favour? have not his countenance and indulgence to them been so eminent? that by the influence thereof, their malignity have gained such audacity, that they have insulted over, and trampled upon the

most faithfull to God and their Country. And when honest men have breathed out their complaints of most insufferable abuses and threatnings, when some have shewn the halters hanged upon their doores by those common enemies, with their pictures going up the Ladder to the Gallows, yet *Cromwells* eares have been deafe. Thus whilest *Cromwell* judged the 11. Members, he have condemned himself, for he himself have exceeded in the same wickednesse for which he judged them. Thus he that said a man should not commit adulterie with the Kings interest, he himself is the greatest adulterer, he that said he abhorred that grand Idoll the King, even he hath worshipped and adored him.

4. But least these passages should seeme obscure, I shall proceed to examine the most eminent action of these great Commanders, even the first borne of *Iretons* braine, the Proposals from *Colebrook*, which as they say containe the *particulars of their desires, in order to the clearing and securing the rights and liberties of the people, and settling a lasting peace.* By these you shall passe the most certaine judgement upon your professed Patriots, let it therefore be diligently observed, whether the foundations of the peoples freedome be not undermined in those, and whether the totering pillars of the Kingly and Lordly interest, be not strongly supported?

But Oh the Commons of England, I must not defraud or beguile you with these proposalls, by stiling them the Armies proposalls, I confesse I know not whether I may properly call them the Armies as now they are, I scarce beleeve that they passed a Generall Councill, before they were published. But thats not all, for they last of all passed the Kings file, and therefore it was no wonder that he moved for a personall Treaty upon those Proposals, When these Proposals were roughly drawn, IRETON IN A PRIVATE CONFERENCE WITH THE KING, INGAGED HIMSELF TO SEND HIM A COPY, and though at the first some of the other Generall Officers opposed it, yet *Ireton* professed he was fixed in his resolution to fulfill this INGAGEMENT, though the General should hang> him, accordingly a Copy of them was sent by *Huntington*, *Cromwells* own Maior, and the same Copy was returned with the Kings crosses and scratches upon them, with his own pen. Afterward some conferences were appointed with the King and many mssages were sent by the King to the grand Officers by SIR IOHN BERKLEY: At last SIR JOHN BERKLEY and Mr. ASHBVRNHAM brought the Kings answer to them at *Colebrook* on *August* 1. & the Proposals bear date, August 2. Now whether this were a Treaty with the King actually I iudge not, but let it be remembred, that it was the first Article of the Charge against the 11, Members, that Mr. *Hollis* advised the King to a Treaty with the Parliament, but is this the prime passage worthy of observations in this intercourse or Treaty with the King (if it may be so called,) that the PROPOSALLS WERE ALTERED in five or six particulars, NEERLY RELATING TO THE KINGS INTEREST.

1. When the Proposals were first composed, there was a small restriction of the Kings Negative voice, it was agreed to be proposed, that whatsoever bill should be propounded by two immediate succeeding Parliaments, should stand in full force and effect as any other law, though the King should refuse to consent. By this, the people should not have been absolutely vassalls to the Kings will, they should have been under some possibility of

reliefe under any growing oppressions. But this intrrenched too much upon the Kings interest, to be insisted upon. This was an offer to strike at the KINGS DEAREST DARLING, his principle enslaving power, whereby he makes all the people depend upon his will for all their succour, and reliefe under any common pressure, and therefore this was expunged.

2. In that rough draught it was proposed, that all who have been in Hostility against the Parliament, be incapable of bearing office of power, or publique trust for ten yeares, without consent of Parliament. But in further favour of the Kings interest, *these ten yeares* of excluding Delinquents from power or trust, were changed to *five yeares*.

3. It was further added, after this intercourse with the King, that the Councell of State should have power to admit such Delinquents to any office of power or trust before those five yeares were expired, and that by the Kings insinuations to that Councell (if any such should be constituted) and their owne relations, the greatest Delinquents in England, would be in the greatest trust before twelve months end.

4. In the Composure of the proposalls it was desired that an act for the extirpation of Bishoppes might be passed by the King: but if there should be none to preach up the Kings interest, and by flattering seduceing words to beguile the people, and foster high imaginations and *superstitious conceits* of the King in their hearts, under the rude, and generall notion of authority, his Lordlinessse and Tyranny would be soone distasted. And therefore this proposall was so moderated that the office and function of Bishops might be continued, and it is now only proposed that the coercive power and jurisdiction of Bishops extending to any Civill penalties upon any be abolished.

5. After this Treaty with the King, the proposall for passing an Act to confirm the sale of Bishops Lands was wholly obliterated; and though the Army afterward desired the Parliament to proceed in the sale and alienation of those Lands, yet that was none of their proposals in order to a peace with the King, but according to their proposalls for a settled peace, the King was first to be established in his Throne with HIS VSVRPED POWER OF A NEGATIVE VOYCE to all Lawes or determinations of Parliament, and then they knew that the King might be at his choyce, whether he would permit an alienation of these Lands, Nay doubtlesse they knew his resolution to reserve those Lands, to maintaine his Bishops glory and pompe, to cause them to be had in admiration amongst the people, and to enable them to exercise a Lordly command over them, that with the more facility they may induce the people much more to admire, the greatnesse and magnificence of *their Sovereigne Lord and CREATOR*, and to adore him under that awfull title of his most sacred Majesty, and simply to account it their honour to be vassalls to his basest lusts.

But whether those proposalls be purely *Iretons*, or begotten by the Courts influence upon his braines as *sol et homo generat hominem*; yet since they are called the Armys proposalls, let them be considered as they are and when they be opened, let every seeing Eye judge whether they be any other then a *Close Cabinet* wherein are locked up the *KINGS CHOYSEST JEWELLSD* viz. *HIS ENSLAVING PRINCIPLES* whereby his Tyranny over the people is maintained.

There are five Principles, that appeare in the Kings Lustfull Eye, to be the most sparkling Diamonds, wherewith he desires to adorne his Crowne.

1. Principle *That all power and authority in this Nation, is fundamentally seated in the WILL of him, and his heires, and successors. That his Le roy Le vult, HIS ROYALL PLEASURE is the originall of al authority, to be executed, Its his WILL (saith he) which gives the being to Majors, Bayliffs, Justices, Sheriffs, Iudges, Peeres, yea to Parliaments; he arrogates to himselfe the Title, of THE^e FOVNTAIN OF IUSTICE AND PROTECTION, as if all Justice and protection that proceeds to the people from any power or authority, did depend solely upon his WILL, and pleasure.*

Its needlesse to seek for evidence, that the King endeavours to erect to himself this highest Throne, wherin he would sit like God to be depended upon, and adored by the people as God.

The experience of his whole reigne witnesseth abundantly, that his absolute WILL was the sole CREATOR of Lords, Earles, Marquesses, &c and Iudges, Sheriffes, Justices, were the meere products, or CREATVRES of the same will. Yea an absolute omnipotency was claimed, as the proper attribute of his will. It was his WILL which did annihilate officers, as well as create them. At his PLEASVRE, Judges were displaced, because they refused to do against their^f oathes, and consciences, and least his WILL should have been restrained, so that he could not have displaced Judges, at pleasure, as well as placed them; the accustomed clause in the Judges pattents, *quam diu so bene gesserit, id est*, that he should be Judge during his faithfull execution of his office, this clause was left out and instead thereof *durante bene placito* was inserted,^h *id est*, they should continue during the Kings PLEASVRE. And likewise to abolish all limits to his WILL, that relique of freedome, the pricking of Sheriffs was destroyed, and Sheriffs made by his *absolute WILL*. And his WILL was fruitfull in bringing forth new Iudiciaryes, and new powers in old; witnesse the pretended arbitrary Court of the Earl Marshal, the Star chamber, high Commissionⁱ Councill table, the Courts of the President, and Councel in the North, the oppressive powers of the Chancery, Exchequer-Chamber, Court of Wards, the stannery Courts, and other such forges of misery, violence, and oppression. Yea the being of that *supream authority of Parliament*, is claimed to have its being and vse solely from his WILL: the Kings owne words are these, we (saith the King of the Parliament) *called^k them, and without that call, they could not have come together*, and (saith he) *What the extent of their Commission and trust is nothing can better teach them, then our own writ wherby they are met. And he further adds, were they not trusted by us when we first sent for them? and were they not trusted by us when we passed them our promise not to dissolve them? thus he* claimes the peoples representative (who receive not only the Supream but all power immediatly from the people) to be the *Creature* of his WILL to be called, or dissolved, to exercise power, or to be powerlesse at his pleasure.

The Kings second enslaving Principle is this.

That his absolute WILL is supream, or a law paramount to all the determinations of Parliaments. That his WILL can dispense with or anull all their Orders and Decrees, so that as his WILL gives a BEING to Parliaments, so likewise its to be the rule of all their Councells, and Decrees, the only point wherein all their resolutions must center, and all their conclusions or orders that run not paralell with his WILL, are null and void in themselves.

This principle, the Kings practice hath written in such Capitall letters, that he which runs may read it, hath he not alwayes claimed a negative voice to all lawes? And I should but light a Candle to shew you the Sun, should I frame demonstrations, to prove that his claime to a negative voice, amounts to this principle: whats the meaning of the negative voice but this? that every Order of Parliament is invalid, and no way obligatory, unlesse the King WILL. Should the Parliament spend seaven yeares in framing lawes, one breath of the King consumes them in a moment: his simple *non placet*, makes them all no better then Abortives, that never see the Sun. Though the Parliament as it represents the *earthly Lord and Creator of the King*, THE PEOPLE should condescend so low, as to petition him to consent to a wholesome law which they have composed, yet if it suites not with his crooked will, its no better then an Almanack out of date; and doe not the ruins, and dessolations, the blood and misery of the Nation, sigh forth to every care, that this principle is ingraven in the Kings mind? was it not to maintaine this principle? that he hath made his footsteps in blood, that he hath given Commissions to powre out the peoples blood like water, to multiply rapes, rapines, murthers, and crueltys without number. Is it not to maintaine this principle? that he hath caused every street to be filled with the mournfull cries, and brinish teares of the widdow and the fatherlesse.

O yee Commons of England! mistake not, this was the ground of the Kings quarrell against the Parliament. The quiver of the malice of the subverters of our lawes and liberties, being full of impoysoned arrowes, and their bowes being ready bent against all your noble Patriots in Parliament, and the faithfull to God and their Country, the wisdom of Parliament conceived it of absolute necessitie, to dispose of the Militia into such confiding hands, as it might be a shield and buckler unto them and the people. And accordingly an Ordinance was drawn for that purpose^l in *February* 1641. and the King refusing obstinately to concurre, they^m resolved on *March 2.* 1647. forthwith to execute their own Ordinance, thereupon the Kings indignation flamed against them, swearing byⁿ God on *March 10.* that he would not grant the settlement of the Militia for an houre. But this principle was the bellowes to the fire of his wrath, that his WILL *is supreme to all the resolutions of Parliaments.* Consult his Declaration *March 9.* 1641. from *New Market* 1. part of book of Parliaments Declarations pag. 106. and his message from *Huntington,* *March 15.* 1641. 1. part book Declarat. pag. 114. prohibiting all the people to presume under pretence of Order, or Ordinance not consonant to his WILL, to execute any thing concerning the Militia, or any other matters, whatsoever. And on *March 26.* 1642. 1. part book of Declarat. pag. 126. he declares the Houses Ordinances to be void and NOTHING. Read the Kings Declaration of *May 6.* 1. part book of Parliaments Decla. pag. 175, 176.

Read his Message about *Hull*, 1. part book Decl. pag. 182. and his answer to the Parliaments Remonstrance of May 19. 1642. 1. part book Decl. pag. 243. see his answer to the Parliaments Remonstrance of May 26. 1642. 1. part book Decl. pag. 289. 292. and in the same answer, book Decl. pag. 289 He collects from the Parliaments Remonstrance, such positions as are abominable to him, amongst which he inserts this, that the Parliament affirms, *he hath no negative voice^o to lawes*. But the Parliament being sensible that the people had betruſted them with all thats dearest to them, adheared to their resolutions of proceedings according to the fundamentall lawes, and their highest trust, to settle the Militia for the security of the peoples Lives, Liberties and Estates.

Thereupon the King by Proclamation of *May^d 27*. 1647. breathed out most terrible menaces against all that should yeeld obedience to that Ordinance: and forthwith Commissions of Array were issued out, and least that principle of the *supremacy* of his WILL, should have been obliterated, he resolved to have it written in red Characters with the peoples blood.

And though the curse of the Almighty, hath rested upon his right hand, and right eye, in his prosecution of that design, yet the whole current of his endeavours at present, tends to induce the Parliaments and Armie, to avow that principle by a law: and whosoever consults his last Declaration from *Hampton Court*, may observe that his indignation boyles against the opposers of a *Negative voice*, which he claimes for himself, and the Lords his Creatures, and the result of that is but this maxime; that *the WILL of him, and of what Creatures he shall please to create, is supream to the determinations of the peoples representative*. And though this maxime be pleaded for only in the negative, yet the consequence extends to establish it also in the affirmative: for the Kings WILL may be as justly supream to the Parliaments resolutions, in the question of his making a law against their consent, as of his denying a law against their desires.

The Kings third vasalizing or inslaving Principle is this.

That its his essentiall propertie to sit in the throne as our God on earth, without any BAND upon him to conforme his actions to our lawes, as their proper rule. He arrogates to himself, a superiority to all lawes, and an exemption from all the censures and penalties which are the strength, vigour, and life of the lawes. He imagine himself to be exalted to that transcendent height, that its prophanenesse for the wisest, most noble Heroes, that ever sprung from *Adams loynes*; to presume *Actiones inspicare*, to pry into the Arke of his most sacred actions he fretted and fumed against the Parliament, for asserting that *they had power to iudge^d his actions, and whether he discharged his trust*. And to what doe this amount: seeing he allows not the supream authority of the Nation, the peoples Representatives, to passe judgement upon his actions, no not of his faithfullnesse to the people in his office, or treachery against them, by necessary consequence; no penalty can possible be inflicted upon him for the foulest crimes that can be the fruit of those seeds of Iniquity, wherewith his heart is filled Though he should by his immediate hand like

Manasseth, fill the streets with the blood of the innocent, yet he shall be secure from all the Arrowes of justice that can be shot from the bow of the law against him. And seeing he thus usurps a freedome from the judgement and censure of the law, how is he obliged to regulate his actions by the law, doubtlesse the binding power of lawes meerly humane, as they are such, consists in their censures and penalties annexed to them, to be inflicted upon the transgressors of them, and therefore his disavowing any iudge of his actions, is tant amount, as if he possitively and expresly averred, that the lawes are not the rule of his actions, and this would keep harmony or agreement with that avowed maxime, that THE KING CAN DOE NO WRONG.^f

The Kings fourth enslaving Principle is this.

That the estates, liberties, and lives of the whole Nation, are his RIGHT and PROPERTY, and at his absolute WILL and pleasure for the disposing whereof be neither OUGHT nor can be REQUIRED to render the least ACCOVNT.

In his answer to the Parliaments Remonstrance of May 26. 1642. he avers, that he *had the same title^s to the Town of Hull, which any man hath to his money or lands*, and in the same dialect he speakes and writes, *OVR Townes, Forts, and Magazines*. And doubtlesse if he hath such a property in all the Townes of England, he hath the same property in all the people that he hath in their houses, and therefore he claimes the disposall of their persons by his personall commands, in the same manner, wherein a man commands the use of his money. But theres no clearer Christall glasse, through which every eye may read this principle fairly written in the Kings heart, then his proud claim to the absolute sole command of the whole Militia, therein he insults like a reall Conquerer, at whose feet the Estates, Liberties, and lives of the Nation lye prostrate. IN VS (saith he to the Parliament) and JN VS ONLY *is that power to command the Militia^t placed*. And againe, *with the authority in execution of the Militia, God^u hath trusted us solely*. And likewise in his letter to Leicestershire, Iune 12. 1642. *It belongs* (saith he) *SOLELY to us to order and governe the Militia of the Kingdome.*^w

And so absolute an intire power doth he plead for, in this Command of the Militia, that at his pleasure he disdaines the advice of the people in Parliament, when the Parliament declared, *that his trust with the Militia was to be managed by their advice,*^x *and that the Kingdome had betrusted them for that purpose. Can it be beleaved?* (saith the King) *that the people intended you for our Guardians and Controlers in that trust.*

Besides this his single Arbitrary command, of the whole Militia, let his claim be considered *to an entire power of treaties of War or peace without consent or advice of Parliament, and to raise men for forraign service at his pleasure*; And then it will appeare indisputable, that he esteemes the estates, liberties, persons, and lives of all the people at his own dispose, by this its invincibly evident, that he pretends to such an interest, or propertie in our liberties and lives, that he may at his pleasure rend us from our nearest relations,

command us to expend our estates, and hazzard our persons, and yet he professe *he owe no ACCOVRT^YZ to any but God in the managing of this trust of such vast consequence, and importance, he disavowes the peoples power in their Deputies the Parliament to intermedle either in advising him or taking ACCOMPTS of the discharge of his duty. The people (saith he) are by their oaths incapable of conferring such a trust upon their representatives.* Thus he erects to himself a Throne so high, that the estates, liberties, persons, and lives of all the people, must be his foot-stoole. And least any should conceive that the King intends to be regulated by law, in disposing of all the peoples enjoyments, which he claimes as *his property*, he hath professedly assumed to himself, *the supream indiciall power^a to declare the sense of the Law:* So that in the issue it amounts to the same, that the whole Nation should be at his absolute WILL and pleasure exposed unavoidably, to what rapes, rapines, murthers, and abuses may proceed from him or his Creatures.

The Kings fift beloved principle.

That its essentiall to his absolute dominion and greatnesse to maintaine the government of the Church by Bishops; *Qualii pater, talis silius*, the infection of this principle is *Morbus Hereditarius*, it was part of the inheritance that diseended to him from his father. No *Bishop, no King*, was a principle maxim in his fathers Politicks, and *Naturam expellas furca, licet usq; recurret*, policie commanded him once to condescend to the settlement of a Presbyterie for three yeares, but love to tyranny hired his conscience for its advocate, to plead against the demolishing the pillars of Prelacy, their Lordships, lands and Pallaces: its Sacriledge, saith that Advocate very devoutly, to convert the goods of the Church to civill prophane uses.

Now let us search whether under the Armies Proposals, *Jreton* have not craftlly hidden these glittering pearles of the Crown, as *Rachell* hid *Labans* Idols.

Truly at a superficial view, the first of these *Jewells* of the Crown may be discovered. Its the continued voice of the Proposals.

That all power and authority in this Nation is fundamentally seated in the WILL of the King, his heires and successors.

They proclaime aloud as with a Trumpet, *that all power in Courts of Iudicature, and all Officers both military and civill, ought DE IURE REGALI, to be the CREATVRES of his WILL.*

This is the unanimous voice of the 1, 2, and 3.^b particular under the first generall proposall. And of the 1, 2, and 3. particulars in the second Proposall, and the third Proposall is but a dependant upon the second. Likewise the voice of the fourth proposall concurreth with the former, and the foureteenth and last proposall in order to a peace with the King, and his settlement, is a seale to all the former, and the ninth and eleventh Proposall in effect, or by consequence speakes the same of the *sole power of the Kings WILL to abolish Courts of Iudicature, Officers and their powers*, that the former doth of its

power to constitute them.

To make it evident.

1. Such an earthly omnipotency to create all Officers of power and trust in this Nation, as none can be made or appointed but by his Will is proposed to returne to him and his heires after 10. years. Thus in the second Proposal concerning Military Officers, its proposed that *only for ten yeares the representative of all England (who are betruſted with all power^c) should dispose of the Militia*, and then to return to the King, as if that command did properly and peculiarly belong to him. Whats a clearer acknowledgement of the power of the Militia, *de iure*, to belong to him? then thus, to receive it from him by gift, grant, or lease for ten yeares. And though its added, that after ten yeares, *the King that NOW IS, shall not order, dispose, or exercise the Militia without the consent of Parliament*. Yet thats but a clearer declaration of his right and interest, because he is by that acknowledged to have the principall, supream power over the Militia, only there shall be a restriction of that power, or an obligation upon him, to admit of the advice of Parliament, and having gained so cleare a confession (should these Proposals have passed) of his Right to exercise the Militia at pleasure: can a rationally head imagine, that he will suffer the advice of a Parliament, to bound, or limit his will in executing that power, whensoever opportunity, or occasion shall prompt him? especially considering that his Concession of the ten years lease of this power, was during the *restraint* of his person, and so *voyd* and *null* in Law: but however, there wil be a constant occasion of a new Controversie, and Imbruing the Nation againe in blood. This was the late Quarrell, *that the King would exercise the Militia^a without the advice, or consent of Parliament*. But further, the power of creating al Military Officers is yet more clearly (if possible) stated in the Kings *will*; for the Proposals leave his claime to the Militia, and his Right, as its acknowledged by them, to descend to his Heires as an inheritance, and lay not the least obligation upon them, to accept, or admit of the advice, or consent of Parliament, in their exercise of it; and therefore no Question, Commissary Gen. IRETON politiquely inserted *his Majesty THAT NOW IS shall not dispose of the Militia without the consent or advise of Parliament*. Surely he was observant of the Kings Message sent by Sir John Berclay from Oxborne to Bedford after the Proposals were sent to him, viz. *that he would agree with them provided that they desired nothing that intrenched upon the honour or power of his Posterity, or his owne Conscience, i.e. the abolishing Bishops*. The exposition of which is this, Let it be provided, that the *Power* which he usurped to *create* Authorities, & Officers, Military, and Civill at his *will*, be declared his Right; at least, virtually, and by Consequence, by *being suffered to descend as his proper Right^b to his Posterity*, that so he may in effect, be *justified*, in drinking up so much innocent Blood; and may with appearance of Justice, when opportunity serves, Wade in Blood again, to re-instate himselfe in a boundlesse power: or at least that his SONNE, whose tender hands are already washed in blood, may be invested with power to *revenge* his fathers *Quarrell*. Let this be done and he shall then agree.

And in the same manner the power of disposing all the Civil Officers, is proposed to

returne to him *after ten yeares*; and so likewise that shall descend as a right to his Heires; thus in the fourth^c Proposall: and the seeming Limitation of that power, by the Parliaments nomination of three persons for any great Office, out of which the King should elect, though its but a shadow of freedome in it selfe, yet its not proposed to extend to the Heires of the King, so that its positively declared to be the Kings Right singly by his absolute will to *Create all Officers*, Now what can more exactly run parallel, with the Kings prime inslaving principle, then these proposalls? the King contended at first, only for a cleare stating such an absolute power in him, In his answer to the Parliament concerning the Militia, (saith he) *we^d expected that that necessary power should be first invested in us, before we transferre it to other men.* And you may observe, that congruent to this, is the Kings late voluntary proffer to the Parliament, to give them the disposing of the Militia during his *Life*: thereby he should attaine his end, *viz.* an acknowledgement, that *De jure, that power resides in him, and a conveyance of a claime to the pretended Right, to his successors*: whereby the people shall be vassalls to their wills.

2. A power of constituting at his *pleasure* A PARLIAMENT, (where in the supream Authority resides) is proposed in the third^e particular of the first proposall: I confesse, there is a shadow of *Restriction* to the absolutenesse of his *will*, in constituting a Parliament; Its said thus: *the King upon advice of the Councell of State to call a Parliament in the intervalls of Bieniall Parliaments*, but what intelligent head discernes not, that the King, who scornd the advice of Parliament, when they declared it *his duty to manage his trust by the advice of that^f Grand Councell*, will incomparably more disdain, any contradiction of his will, by a petty Councel, new constituted? And if it may be supposed, that such a Councell, should not only be such chaste virgins, as to loath the defilements by Court embraces, but also such Noble Heroick Champions, as would make their integrity their shield, and be fearlesse of those sharpest Arrows, the Kingly frowns; and so should dare to enter the lists, to contest with the King, should all this (I say) be supposed, yet can it rationally be imagined, that the Interest of such an unknowne, unheard of Councell, in the Peoples hearts, should be able to parallel the Kings Interest? should such a Councell, issue forth their Orders, to contradict the Kings writs for elections; would the influence of such Orders from an unheard of Authority, countervaille the influence of the Kings writ upon the People? neither doth the Proposals invest that new potentiall Councel, with such a power to oppose the Kings WILL in that particular, its not said that he shall not call a Parliament without the advice of that Councell, so that his WILL is in effect allowed by this *Proposall* to give being to a Parliament.

And by this *Proposall*, *When so ever the Parliament shall be dissolved*, (which I suppose by the concurrence of the Kings will, and their own, shall be *everlasting*, if he be once invested with such power as is proposed; for there can never be a Parliament more obliged, and engaged to serve the Kings corrupt ends, then this will be, upon his re-establishment:) yet (I say) should it be dissolved, the King might call a Parliament within a Month, to try at least, whether they would contribute more to the estating an absolute boundless power in his *will*, and abolish those *toothlesse, uselesse Lawes*, that

were small bounds and limits to its exorbitancy.

And in case men of worth, and integrity, faithfull to God and their Country, should be elected, then he may dissolve them in the imediate succeeding day or houre, to the manifestation of their faithfullnesse, and there is no restriction in this *Proposall* to the Kings will, from issuing out new writs for another election, and another after that also, before a Bieniall Parliament be called, and then may the interest of him and his creatures, in the Cities and Country, be improved with more diligence against that new election; so that by investing the Kings *will* with a power to give a being to Parliaments, *Ad libitum*, if all circumstances be duely weighed, as to his influence upon the People in Elections, and to his power of dissolving them at pleasure; to his superiority to them, by his *Negative voice*, and that all subordinate authorities, powers, and offices, may be erected, or abolished, made or displaced, without controversie, by his concurrence with them: In the result of all, it amounts to little lesse, then the making *his will the originall of all Power and Authority in this Nation*.

But that which appears to intrench upon the Royall Prerogative, or that Principle, *that the Kings will is the originall of all power*, is the provision made in the 1, and 2. part of the first *Proposall*, for certain Bieniall Parliaments, and their certain sitting 120. dayes; hereby it seemes the being of some Parliaments shall not have their foundation in the *Kings will*, or depend upon it for their continuance, as those other (as they are called) extraordinary Parliaments: But whatsoever eye shall pierce through the bowels of these Proposals, shall neither see such absolute certainty for these Bieniall Parliaments, nor such independency of them, for their being, or power, upon the Kings will, as their superficies pretend.

First, the provision for the *certainty of their being*, is the same that was in the Act for trienniall Parliaments; and according to that Act, the Parliament is to be summoned, (or to have its being) primarily from the Kings *Writ*, the tenure of which is this, *Quoddam Parliamentum nostrum teneri, &c. Nos ordinavimus* We have decreed a Parliament of ours to be holden, &c. *i.e.* Its our will that a Parliament be holden, &c. Now how neare a compliance there is in this, with the Kings principle, *that Parliaments have their being from his WILL*, the most purblind eye may discern: And though the King be obliged to issue out such Writs, yet in case of his default the same *Writs* are to be issued out by the Chancellour, or Lord Keeper, then by twelve Peeres, &c. but how uncertain the being of these Bieniall Parliaments may be, notwithstanding all such provision for the issuing forth Writs for elections, let *Englands* sad experience testifie; while Parliaments were so long discontinued by the King; that it was a *crime* to name them: there were Lawes and Statutes, for the Kings calling a Parliament *at least once every year;*^h but alas! such Lawes as require personall observance or obedience from Kings, are uselesse ciphers, while Kings are permitted to claime a *superiority* to the Law, or an *exemption* from the *censures or penalties* annexed. And though inferiour officers are appointed to issue forth *Writs* for Elections, in case the King neglects, yet that is no security, *Regis ad exemplum totus componitur orbis*, when King *James* in an humour to try his Nobles, at noone-tide vowed he discerned a Star shining bright a little distance from the Sun, most of the Nobles

vowed they saw it: *Dionisius* courtiers lickt his spittle, vowing it to be sweeter then Nectar and Ambrosia: who can imagine that the Kings *creatures*, as the *Lord Keeper, Lord Chancellor, or the Peeres*, will beare the Kings direfull frownes, for the Peoples sake? That they will issue forth Writs in the Kings name, when his pleasure shall be signified to them to the contrary: yea, suppose a miracle, that *vertue* and *faithfulnesse*, should once bee exalted to such *Dignity* to be *Lord Keeper, Lord Chancellor, &c.* so that there should be an attempt, to issue forth Writs for elections in the Kings name; who should secure those Officers, from the impoysoned arrowes of the Kings indignation, untill elections were made, and the Parliament assembled? who knowes not that the Forces in pay, will be at the Kings beck, when ever he be warme in his Throne? Did not many Regiments at *Ware* cry out, *for the King and Sir Thomas, for the King and Sir Thomas?* and shal not the King then over-awe, or crush, every such faithfull Officer? And when every gallant Officer in his various Orbe, be slain, or foyled, in his encounter with the Kings fury, where will probably the first *Champion* be found amongst the People? to invite the People together, in despite of the Kings power or wrath to make their elections.

Indeed its beyond controversie (*Consideratis considerandis*) that there is no possible provision for an absolute certainty of the being of Parliaments, while the People shall depend upon Writs or Warrants for elections; neither can I imagine what shadow of sound reason can be rendred, for the least use, much lesse necessity of such Writs or Warrants. The day of the Parliments meeting shall be certain, and why should not one certain day be prefixed, whereupon all the People might meet on course in their several divisions to elect the Members? Parliaments proper use is to preserve the Peoples freedome, from the incroachment of the *King* and his creatures; who therefore will be so faithful to the People to provide for Parliaments, as they will be to themselves and their owne freedome?

But though through the obscurity of that Proposall, every eye should not discern a perfect union between the *Kings* enslaving principle, and these two proposalls, which beares the highest pretence to our freedomes, yet the correspondency between them is grossely palpable: the second particular Proposall clearly offers, that the being of every Parliament, for halfe the time of its sitting, should depend totally upon his absolute *will*: *after 120. dayes, saith the proposall, Parliaments to be adiournable or dissolvable by the King*; i.e. at his will and pleasure: herein, both the established *Law* and the foundations of freedome are overturnd; this Proposal constitutes the *King* the supream judge of the Peoples safety, which in the controversie about Ship money, was contradicted by Parliament, and partly upon that consideration, those Judges that allowed it were severely censured: and its more expresly declared by Parliament, that the *King* is not supream Judgeⁱ of the peoples safety, in their reply to the kings answer to their declaration of *May 26. 1642.* and by *Law* Parliaments ought to sit untill every petition of the people be duely answered, and a publike demand by Proclamation in the Parliament, and within the pallace of the Parliament, whether any hath delivered a petition and hath not received answer: so that in effect, the people are the supream Judge of their own freedome and security, and may only continue or dissolve the Parliament, or punctually prefixe the time of their sitting, which through the danger of mens corruption by long continuance in so high a

trust, is of extreme necessity: I shall omit here (for brevity sake) to discover how wide a doore of opportunity this Proposall sets open to the *king*, to obtain a faction in Parliament, for his corrupt interest, and then to continue it, to enslave the People by a Law: and this advantage to the King would want no evidence; if the Parliaments dependance upon him, by reason of his *negative voice* in the whole time of their sitting be considered; and to that, adde their dependance upon him for their very being, halfe the time: It is well known, *Occasio facit Furem*, it is oportunity makes a Thiefe and a Tyrant.^k

But further, as those *Proposals* cleare not Parliaments from a dependance upon the Kings will for their very being: so much lesse do they evidence that the power of Parliaments is not derived originally from the Kings will; yea rather they secretly establish the Kings maxime, *that his will is the fountain of their Power*: This highest treachery against the freedoms of *England*, lyes closely couched under their approbation of calling Parliaments by the Kings accustomed *Writs*, according to the Act for triennial^l Parliaments; the forme of the *Writ* is this, *Quia de advisamento & assensu consilii nostri pro quæbusdam arduis & urgentibus negotiis nos, &c. quoddam Parliamentum nostrum, &c. teneri ordinavimus*. Herein the *King* prescribes the Parliaments power, confining it only to advise, and limiting that advice, *Ad quædam ardua*, to some hard things; and so the whole power of Parliaments seem to be received from the *Kings will*,^m as matter of trust; and Com. Gen. *Ireton*, when he framed the *Proposals*, was well acquainted, that the King by vertue of this *Writ* claimed the power of Parliaments to be matter of trust, conveyed from him, *or his will*. Saith he, what the extent of their Commission andⁿ trust is, nothing can better teach them, then the *Writ* whereby they are met; they are our Counsellors, and not in all things, but in some, *De quibusdam arduis*, in some difficult matters: and he produces a president of a miscarriage of Queen *Elizabeths* committing one *Wentworth*, a Member of Parliament to the Tower, for proposing that they might advise her in a matter that shee thought they had nothing to do to medle in; thus the Parliament is claimed to be the trustees of the *King*, and their power so to have its foundation^{*} in his will, that he may censure them at pleasure, if they shall advise him in any thing not consonant to his will: all this was clearly known by *Ireton*, and objected to him urgently, when his *Proposals* were upon the Forge, and yet there is not the least exception taken against the calling Parliaments by those *Writs*: And the king having so candidly declared this enslaving maxime, and so ingeniously expounded his own *Writ*, and after so hot and bloody a contest about the extent of the Parliaments power, and trust, if that forme of *Writs* for elections be now established, how can the truth of the kings turkish principle, that *his will is the originall of Parliaments power*, be more clearely attested? and what would such an agreement with the king, amount to lesse, then boring of our eares for perpetuall vassallage to his *will, or lust*?

3. To demonstrate if possible yet more clearely, that these *Proposals* do establish the kings first enslaving principle: It is to be observed, that whatsoever power for present is estated in Parliament by the proposals either to dispose of the Militia make warre or peace about the calling or dissolving Parliaments, disposing Officers Military or Civil &c. is declared in the 14. proposal to be a *Limitation to the exercise of the Regal power*; here by

its insinuated, or rather clearly declared, that all that power now proposed in the things aforesaid, to be exercised by the Parliament ought *de jure* to be exercised by the King; so that the right to the Militia, to the disposall of offices, calling, and dissolving of Parliaments, is stated in him; and consequently, the King contended only for his *right*, and must be justified from all the blood, Lamentations, and Woes, that are the effects and issues of the late warre, and so the price of our blood, shall be betrayed into our enemies hands, and all shall be engaged to adore his *most sacred* WILL, as of right their supream Lord, and Law-giver; and let no man question the Kings unwearied uncessant dilligence, to recover his declared right.

4. If evidence may super-abound take notice that all the Limitations to the exercise of the regall power, are proposed to be received as Acts of his GRACE by a *Le-roy Le-veut*, the conquered enemy must be petitioned to grant, and confirme the price of the blood of thousands: and an act drawn in this form. YOVR MAJESTIES LOYAL SVBJECTS *who have subdued your Maiesty by their sword, whose prisoner now you are*, now assembled in Parliament, do HVMBLY PRAY,^o that it be inacted, &c. *spectatum admissi risum teneatis amici?* I might still further add, that by these proposalls, the abolition of all Courts, or offices, which have flayed of the peoples skins, and even eaten their flesh, The abolition (I say) of those, is to depend at present upon the Kings WILL, and PLEASVRE. The King being allowed a Negative voice in the Proposals (as shall appeare) not the least of the of the multitude of the Oppressive Courts, and Offices, that are even Canibals to the people, can be abolished, but by that WILL of his, which is totally intent upon creating oppressions, and estating himself in an absolute, unlimited, dominion, that at pleasure he may devoure and destroy his opposers with a word. But especially let these foure distinct notes be conioyned in one; let the return after ten years of an *Omnipotency* to his WILL to creat all Officers both Military and Civill: the acknowledgement (in effect) of the BEING and POWER of Parliaments to depend upon his WILL: the insinuation, that the chiefe powers exercised by the supream Court of Parliament, is only a *limitation* to the exercise of a regall power, not a *declaration* of the nature of a regall power: and the accepting of all such *limitations*, as acts of *favour* and *grace* from his WILL. Let all these I say be considered, and let every impartiall Iudgement, passe his sentence upon the question, whether IRETONS and CROMWELS (or as they are called the Armies) PROPOSALLS, doe not confirme that *foundation of tyranny*, the Kings first enslaving principle? viz. *that all power and authority in this nation, is fundamentally seated in the Kings WILL*.

And is this the freedom they ingaged to plead for? *O monstrum horrendum informe*, &c. is this the fruit of those fairest blossomes that ever sprouted forth in an English *June*? Are these the silver streames of justice, that the thirsty, perishing people longed after? but to proceed.[†]

Is not the Kings 2 enslaving principle as visibly confirmed by the Proposals as the first? cannot every humble eye read in them, *that the Kings absolute WILL is supream, or a law paramount to all the determinations of Parliament*. Let the seventh particular in the full proposall, be compared with the fourteenth proposall. In the seventh particular its

proposed, *that the orders, and rules set down by the Commons in Parliament, for the freedome of election of their Members, and the right constitution of their own house be as lawes*, thus restraining the Kings *negative voice*, only in that one particular.

And in the fourteenth proposall, its expresly desired, that here might be *no further limitation to the EXERCISE of the regall power, then according to the foregoing particulars*. And the King esteemes his usurpation of that Negative voice (though contrary to his oath) one of the fairest flowers in the Garland of his regall rights. So that in this, *Cromwell* and *Ireton* come little short of the King himself, in pleading for this his second enslaving principle.

As for that particular, wherein its proposed to be restrained: the generall settlement of it, renders it vaine and uselesse. To what purpose should the strength of the Plow-man be spent in sowing the field, whose tender fruit is alwayes blasted in the blossome? What is it better then *sisiphi saxum voluere* to sow the wind; to be labours for the right constitution of Parliaments, when the Kings breath shall blast the fruit of all their labours in a moment, with a *Le-roy Le-evisera*? Wherefore should the people trifle away their precious time, in tedious toylesome journies to elections, to send the worthies of their country, only to know the Kings WILL, and PLEASVRE? and wherefore should the Heroick spirits of any gallant patriots, stoop to such unworthiness, as to sit in Parliament weaving Penelopes webbs, to compose wholsome lawes, for the King to abolish with his NEGATIVE VOICE? Is this, O *Cromwell* the right of the people in their Parliaments? which you would engage your lives to secure? is this I say the peoples right to have 500. Senators sit like prometheus pictures, only fit to be gazed upon?

Doe not nature dictate (O *Ireton*!) that Parliaments are intended to be the *panacea*, the Catholicall Medicine for a distempered Nation? the balme of *Gilead* to heale all its wounds, and restore its spirits? can this then be security for the right of the people in their Parliaments, to im-power the King, who chiefly wounds the people by oppression, to spill by his negative voice the balsome prepared by Parliaments? or to stay and stop at his pleasure, the Parliaments hands, from applying the plaisters of wholesome lawes, to the peoples bleeding wounds? *sed quo feror?*

3. Is not the Kings third enslaving principle also hidden in the concavity of these Proposals? doe they not provide to inthroned him, *without imposing the least band or obligation upon him, to conforme his actions to the rule of our lawes*? I confesse this peare of the Kings, is endeavoured (Artist-like) most invisibly to be set in his Crown. But let any impartiall reader, take the following notes as a Christall glasse, through which he may search for this principle in this royall cabinet.

1. In these Proposals, there is no judge of the Kings actions assigned, or appointed, though its known, that according to his principle, he hath disavowed *the Parliaments being IVDGE of the discharge of his trust*. Now what effectuall band is upon him, to respect the Law, as the rule of his actions; when there shall be none invested with authority to measure his ways by that rule, or to apply the law to him? Whosoever can distinguish (as

to coercive obedience) between being without law and being without judge, applier, or executer of the Law, *Erit mihi magnus Apollo*.²

2.[†] In those Proposals, neither the Kings personall rights are declared nor his regall power deciphered, and yet its proposed, that *there might be no dimunition of his personall rights, nor further limitation of the exercise of his regall power then they proposed*, Now how is it possible that he should be bound to regulate his actions by the law, when the *meum & tuum*, the *ius & iniuria*, the mine, and thine, the right, and wrong, between the people and him are not determined What violation of law? what incroachment upon the peoples rights and freedoms? what oppression? what iniury or abuse? what monstrous wickednesse can be imagined? which the King cannot shelter or justifie under pretence of exercising his regall power, or using and improving his personall rights, or prerogatives? When *Hollis* and *Stapletons* faction were but semy-Courtiers, did they not shelter themselves under the unknown³ priviledges of Parliament, in most, unparaleld justice? oppression and tyranny, in subverting the foundation of the peoples freedome, *viz.* their right of petitioning? and doubtlesse the Kings *actions* must be *Lawes*, while it may be a sufficient answer to any breach of law, objected against him, to say its an act of his regall power, or its his prerogative, or personall right; and no man knowes the extent of any of these. Therefore, the necessary *consequence* of these *Proposals*, is, that *the King should have dominion without any band upon him; that the LAW shall be his RVLE* to walk by. And lest any should excuse the crim of *Cromwel* or *Ireton* in this particular, because although they leave this principle of slavery without opposition, yet they propose it not possitively to be confirmed; I say only this, *Qui non servat patriam cum potist, idem facit destruenti patriam*, a neglecter to preserve the people, when he hath power, and an actuall destroyer of the people may be pictured hand in hand.

3. In the 9. particular of the first proposall, a power is allowed in the King, to prevent at *pleasure* the execution of the *law* upon any offenders, censured by any other Court of justice, then the Parliament; and what doth that amount to lesse then an allowance, *that his will and actions are above the law*: seeing the law shall be no band upon him, when he please, obliging him so much as to permit the execution of the purest, and most necessary justice upon the highest offender: And to this I might add, their allowance of the execution of all law, in his name only, as by vertue of his authority: which in the consequence excludes him from being censured by the lawes, and so exempts him from any penall obligation, to regulate his actions by the law.

And now I must again expostulate Js this, O *Cromwel*, that⁴ *security to the freeborne people, that they should not be subject to such oppression, injury, and abuse, as had been attempted, which you JNGAGED to provide?* Js this (J say) security from oppression? to subject them to the WJLL of a King, whose action shall be above lawest who shall have no obligation upon him, to conforme his actions to any other *rule*? then his perverse, crooked WILL? Who shall be under no penall restraint, from the most monstrous horrid wickednesse, that ever the policie of Hell contrived. Is this (I say againe) security (O

Cromwell) to subject the people to a King, who shall incur no penalties though he heap up oppression, as his *Giants* did mountaineers? though he should vassalize the people so faire [Editor: illegible word] to make them Lucky after his basest lusts? who should be capable of no censure though he should deflower every amiable Virgin, and ravish every comely Matrone? yea though he should in [Editor: illegible word] the hands with the blood of every] gallant Champion for Englands freedom? And yet againe, is this security (O *Cromwell*) to estate a King in a regall power of an unknown extent, with personall rights, and prerogatives, whose dimensions were never measured? whose bottome no line of reason could ever fathome? O will not all the rights and freedoms of the faithfull to God and their Country be suddainly swallowed up in the bottomlesse, devouring Lake of the Kings unknown, regall power, and personall rights? O is this the price of Englands blood? to be subject to a King, who shall at his pleasure stop the current of justice, that the poore and dissolute shall cry for, against their oppressors and devourers? you though a mournfull widdow should cry against the murtherer of her dearest husband? *sed me reprimo.*

4. The Kings 4th enslaving principle is also locked up securely in these proposalls: *the estates, liberties and lives of the whole nation are (at least virtually) declared to be the Kings RIGHT and PROPERTY.* this is the proposalls naturall language, almost every Proposall affords matter for premises, from whence this *principle* may be rightly inserted as the conclusion.

What is the deriving of the *power*, yea the very *being* of Parliaments from his WILL, as their radix or originall? as in the 1, 2, and 3. particular of the first proposall? what is that lesse then a receiving all our liberties as by gift from him? And what is the dependance of Parliaments upon his WILL, both for being and power in a great measure? as in the same particulars compared with the 14. proposall; what is it lesse then an acknowledgement of such a property in our liberties, as he may dispose of them by his will? ^S

And what meanes the estating the Negative right of raising moneys, upon the people for publique service in his WILL? and desiring a lease from him of that for *ten years*? as in the 3. particular of the second^t proposall? doth not this declare that he hath such a property in the whole Kingdomes money, as the peoples representatives shall not like faithfull Stewards use their masters moneys, but according to his will? *Sed multa dicere, dum pauca loquor* to take an evidence paramount, and universally inclusive: what meanes the estating the *right* to an absolute command, of the whole *Militia* solely in him? and his heires? and further, the sole power of treaties of war & peace? of raising men for forraign service at *pleasure*? thus in the first and second particulars in the second proposall, and the fift particular in the 3. proposall, and the fourteen proposall. Js not this such an estating the right of all the peoples liberties, and lives in him; ^U that layes all their heads at his mercie? that it makes them tenants at will to their liberties, estates, and lives. If the Kings ambitious humor, or revengefull passion, shall provoke him to warre, he shall command the people from their houses, trades, relations, to lacky after his *Will*, with the hazard of their lives. And as the King scorned to be obliged to the advice of Parliament in

that command, so these proposalls are silent as to any obligation upon him, as to doe rights to admit of the advice of Parliament in his exercising that power. Doubtlesse every Reader may discern in this *Cromwells* proffering all the peoples cares to the King to be bored for perpetuall vassalge, whatsoever any English man calls his own, is by this, prostitute to the will or lust of the present and future succeeding Tyrants.

And as for the appendix of this principle viz: *that no account of his demeanour can be required in this disposall of the peoples libertyes, persons, and lives* the proposals preserve it untouched.^W

Is not this included by proposing all power, to be derived from him, and making in effect (as he doth himselfe) the *Supream power* of Parliaments, to be a *trust* from him? had *Cromwell*, and, *Ireton* intended the obliterating of that vilest principle, the destruction of that mother of mischief; they would have declared the truth according to their principle in Parliament, that the Ks. power is^X *intrusted* to him, by the *people* in their representative, and so derived from the *people* in Parliament. And that an acompt of the discharge of his trust might be *required* by the *people* in Parliament. This principle, *that no account can be required of the K.* being the originall of tyranny & oppression: they would not have valued their dearest blood to the consequence of drawing the black line of everlasting forgetfullnesse upon it. But is it not in stead thereof proposed to be established a law?^Y

To omitt that evidence of the dependance of the power of the Commons in Parliament upon the King: What meanes the cleare allowance of the King to convey a power by his WILL to his *Creatures* the Lords equall to that highest power of the Commons in Parliament? are not the Peers the Kings meer *Creatures*; receiving all their power from the Kings Patten? and yet doe not the Proposalls allow to them a power Co-ordinate with the representative of England: what is this but to derive the highest power from the King? and then the King being transcendent both to the highest authorities and lawes by consequence, none can *de jure* require an account of his demeanors.

O my once much honoured *Cromwell*, can that breast of yours, which was the *quondam* royall pallace of principles of freedome, and iustice? can that breast, harbour such a monster of wickednesse, as this regall principle? can you that professe communion with the God of Iustice, plead for a patten for the King to make a Monopoly of injustice? that he may *impune*, without punishment doe evill with both hands earnestly: Can your Pallate, which was once only pleased with the clearest Christall streames of justice, now relish such sharpe pestentiall poyson, as this principle: a poyson which will eate in sunder the basis and foundation of liberty and propertie. Are all the impressions of the peoples former miseries, (the sad consequences of this position) raced out of your memorie? Is it forgotten, what a flood gate of Mischief was opened, by the Iudges opinion in the case of Ship-money, which only bordered upon this position, of the Kings property in the whole nation? had not that opinion of the Iudgment seat, such influence upon the Pulpit, that the peoples property was decryed, and the King fostered, in that destructive principle. THAT ALL IS HIS; and thence it was whispered in Councell, *that he is no Monarch who is*

bounded by any Law. And did not these venomous positions, then convert righteousness, and iustice, into Gall; and wormewood? O could my pen possibly awaken *Cromwells* conscience, from the dead, I would inquire of him; whether Tyranny and oppression will not ruffle and rage, wound and destroy, without number, or measure, when none shall have power, to say to them, *what do you?* Doubtlesse, the King will securely stretch himself upon the bed of wickednesse, and oppression when certain impunity, shall be his pillowe.

5. *The Kings natural fancy of an inseperable union between the glory of his Crown, and the government of the Church by Bishops,* this fancy (I say) is also complied within these proposalls; the Kings imagination, I confesse is thus farre truth, *that his absolute dominion or Tyranny; and the government of Bishops,* are like *Hypocrates Twins, they laugh, and weep, live, and dye together:* doubtlesse the King gave *Commissary General Ireton* a special Caveat, against the abolishing of that Prelatical government; *Hic nigerest, hunc tu Romane Caveto.* And you may observe in the 11. proposall, how covertly the desire of renewing, or continuation of the Bishops Government, is intimated; Its proposed *that an act be passed to take away the coercive power, authority and jurisdiction of Bishops &c. extending to any civill penalties,* hereby their Jurisdiction spirituall (as they call it) is implicity desired to be continued, and if it were not for that intent, (they supposing the intimation of their desires would have much influence upon the house, and that the house would not presume, to proceede higher in contradicting the Kings pleasure, then the Army proposed, least they should faile of their assistance, which have beene sometime threatned in the like case) if it were not (I say) to discover at least their willingnes that the Bishops should continue, to what purpose or end is this proposall?

Their jurisdiction extending to inflict civil penalties upon any, was utterly abolished by an act made this present Parliament. These are the expresse words. *Be it enacted, that no Arch Bishop, Bishops, &c. nor any other spirituall, or ecclesiasticall Iudge, Officer or Minister, &c. whatsoever, shall after the 1. of August 1641. award, impose, or inflict, any paine, penalty, fine, amercement, imprisonment, or other corporall punishment, upon any of the Kings Subjects, for any contempt, misdemeanor, crime, or offence whatsoever, belonging to spirituall, or Ecclesiasticall cognizance, or Jiurisdiction, &c.*^{za}

O how clearly visible, are the intentions of *Cromwell and Jreton, &c.* in this Proposall, to conforme themselves to the Kings humor, to admit of a *spirituall iurisdiction of Bishops over the whole nation?* And can it be imagined, that such darknes covered their eyes, that they did not foresee with what facility, the civill powers will be transformed into the image of their doctrine and be ready to persecute the faithfull and conscientious at their beck: yea that by their excommunications, and pretended spirituall censures, they should subiect an ignorant multitude to their wills, and by the mixture of insinuations, and terrors, make them vassalls to the Kings pleasure. Did not they *know that superstition hath been the sovereign Lord and Tyrant unto reason at least a thousand years* have not they read what influence the Popes pretended exercise of spirituall authority, and jurisdiction had upon the stoutest Princes, and most gallant Emperors?^b and how the people have adored the imaginary spirituall Scepter? and have not they observed that

such strong delusions are the effect of such a spirituall iurisdiction that by it the peoples reason have been captivated, and they have esteemed the base and brutish vassalage, the Crown of their honours? and did they not forseer, that these would be the woful consequences, of erecting or permitting, such an authority in England? and that the remnant of the conscientious, would soon be the objects of scorn, decision, and contempt, with all their appendixes or attendants. Is this O *Cromwell* your care for the peace and welfare of the godly and faithfull?

Now ye Commons of *England*, you have seen what envenomed *Arrowes*, viz. positions of Tyranny, are shot through the *Maxima vitalia*, the *heart*, the *head*, the *Liver*, of the body, your *Liberties*: you have seen the streames of power; declared to proceed from a *false fountaine*, the *Kings Will*; the right to command your persons, in the exercise of the *Militia*, given away to the Capitall Enemy; and a *respect of persons*, allowed in the execution of the Lawes: yet *proh dolor*, I have not searched all your wounds, received from your pretended friends. Let me search two or three more.

First, by the Proposals, the people are made to depend upon the *Kings* absolute WILL, for the redresse of all the grievances and oppressions, under which they have groaned so many yeares: Its proposed, *That the King be restored to the exercise of the regall power, part whereof in the King and their interpretation, is his Negative Voice; before the least common grievance be redressed, or burden removed*: compare the fourteenth *Proposall* with the thirteenth preceding, by this, when ever the Parliament shall remember their duty to study redresse for the Peoples grievances; they shall but sow the *Wind* and reap the *Whirelwind*; unlesse they gain the concurrence of the *Kings* WILL. Then in case the brutish vassallage under un-known *Lawes*, and worse then *Turkish manner* of their execution should be laid to heart, and redress prepared, if it should be endeavoured to cut off those *expressions of nature*, the great *Lawyers*, which grow up out of the ruins, and decaies of the naturall Members, of the body politick: If the oppressions by un-just Judges, Justices, and other Officers, by illegall imprisonments during pleasure, by examining upon interogatories, and those other oppressions by *forced Oaths*, by *Tythes*, *Monopolies*, *forrest Lawes*, &c. should have sutable remedy contrived; yet the Peoples good of all such labours shall depend solely upon the *Kings* WILL; though the degrees of oppression, in-justice and cruelty, are the turning staires, by which he ascends, to his absolute *stately Majesty*, and greatnesse; yet he must be depended upon, to remove oppressions. Though he hath published upon the *house tops*, that to continue injustice, to protect oppressors and subverters of Lawes and liberties, and to invest himselfe with a power to compell every Knee to bow to his WILL and LUST, he hath made beautifull, peacefull *England*, an *Acelandama*, a field of bloud: Yet upon him must the oppressed be forced to rely for succour. Thus must the hungry People expect all their *Figs*, from the *Thistle*, the *Kings* WILL; upon that *Thorn* must those that are ready to perish, with long thirsting for relief and comfort, gather all their *Grapes*; from the WILL which hath been the fountaine of those flouds and inundations of oppression in-justice, bloud and cruelty; must the oppressed expect all the sweet refreshing, rivulets of justice and equity: cleannesse must come forth out of uncleannesse in the abstract; and seeing this is the Order wherein the Army proposed the

Peoples grievances to be redressed; I know no other use of those Proposals, then to support the tottering reputation of the grand Officers, in the minds of such as shall not discern their vanity.

Secondly, By the Proposals all the Commons of *England* are made to depend upon the Kings absolute creatures for freedome, and justice, *Chams* destiny is made *Englands* unhappy fate.

Although the *Lords* are the very *offspring* of the Kings corrupt WILL; and were never so honoured by the People, as to have a *Trust* committed to them to represent any County; yet those *Proposals* invest them with the *highest Authority*, only because of the Kings *Pattent*.

1 The *Proposals* allow them a power over the *Militia*, Co-ordinate, and Co-equall, to the *Representative of all the Nation, the Commons in Parliament*; thus in the First and Second property of the Second *Proposall*, the *power of the Militia &c. for Ten Yeares, to be disposed by the LORDS and Commons*: doubtlesse this confirms that *Right of the King* to the *Militia*, which these *Proposals* estate in him: this allowes so absolute a *Right* in him, that it approves his transferring it over to whom hee pleased, by *Pattent*, to have beene Valid. Oh what greater subversion of the Fundamentall Freedomes of the People, then to endeavour to establish the power of Commanding their Persons Liberties, and Lives in the exercise of the *Militia*, upon the insulting *Lords*, who vsurpes their Command under pretence of the Kings *Pattent*? How can the People be exposed to Perpetuall oppression? How can the precious peace of the (almost still bleeding) Nation be more endangered, then by paralleling of the *Lords* power over the *Militia*, with the Power, or Authority of the Commons? By this, the *Lords* may prevent the Commons disposing of the *Militia* for their *Masters*, the Peoples freedome, & security, at their pleasure; and in case any dissention arise betwene the *Lords*, and *Commoners*, there will no *Vmpire* be found, but the mercilesse Sword, to devide the controversie; however they may obstruct the Commons in their endeavours to exercise the power of the *Militia*, when dangers shall bee eminent, they may protract time, untill the People bee spoiles, to devouring enemies. Oh doe not the Innocent bloud of *England* and *Ireland* cry to Heaven for Vengeance against them? Was it not their delay, to concurre in the Ordinance for settling the *Militia*; which gave the King opportunity to Levie an Army; which directly, or in the consequence have occasioned all the numberlesse rapes, rapines, murthers, and cruelties, that have overspread both the Kingdomes?

2 A *Judiciall power, in exposition, and application of Law* (in no degree subordinate to the Commons) is estated in the *Lords*, by the ninth particular of the first *Proposall*; So that any sentence of the Commons representing, all *England* may be contradicted by five or Six *Lords*, by vertue of the Kings *Pattent*; and likewise they are invested by the Fourth *Proposall*, with a power equall to the Commons, in the disposing all the Offices of power, and trust in the Nation; and the Third particular of the Second *Proposall*, allowes them the same *power in raising of money for the publique service*; And a restriction to their usurpation, of a *negative voyce* to all the resolutions of the Commons, is not once named,

or intimated: although *Jreton* him-selfe hath confessed in their Councils, that *the King by his OATH is obliged to confirme such Lawes as the Commons should chuse*; the word *Uulgus* in the Kings Oath, signifying People, or *folke*, excludes the *Lords* totally from any right to intermedle in making *Lawes*. And further the *Proposals* Connive at least (in that Tenth particular of the *first Proposall*) at the *Lords* constant *Treasonable subversion of the fundamentall Lawes of England*; by molesting, summoning, attaching, and imprisoning the Commons; over whom, by the Known *Lawes*, they have no originall jurisdiction.

Indeed its offered, that the Commons Liberty may be cleared, as to an exemption from any Judgement of the Peeres, without the concurring Judgement of the House of Commons; but the *Lords* barbarous cruelty, in vexing and Imprisoning the Commons at their pleasure, and during their pleasure, is not Motioned to be restrained: but its rather insinuated, that the *Lords* may passe Judgement upon the Commons, and then desire the Commons Concurrence.

Thus they indulge the *Lords* in their most palpable injustice, and open Violation of the ancient English Liberties; contained in *Magna Charta*; and lately Confirmed in the *Petition of Right*.

And doe not this practice runne parrallel with this Proposall? Have not *Cromwell* suffered that Gallant Champion, for English Freedome, *Lievt. Colonell John Lilburne*, to consume in prison by that usurped Lordly power? Yea though *Cromwell* first ingaged him against the Lordly usurpation, and Tyranny; by Impeaching the *Earle of Manchester* for his treachery; yet, hath he not unworthly discerted both the prosecution of Justice against him, and left his *Implored assistant* alone, to Maintaine the hazardous contest, or to be Crushed to peeces by their potency?

It is truth, he hath made some overtures of endeavouring his redemption; but have they been any other then specious pretences, or delusive words? the fairest motion for his deliverance, was upon Baile to the *Lords*, which if he had accepted, would be a confession of the *Lords jurisdiction* over him, and consequently *treachery* to the freedome of his Native Country, and destruction to himselfe.

What, is this that valiant, just and faithfull *Cromwel*, whose courage daunted the most daring Champion of Kingly Lordly Interest? Is this that *Cromwell* who professed to *Manchesters face, that England would never flourish, untill he was only M. Mountagu, not the publicke affaires be managed successfully, whilst a house of Peeres are extant*;? *O quantum mutatus ab illo!* Doth he not now prostitute the estates, liberties and persons of all the People, at the foot of the Kings Lordly Interest?

Were I not unwilling to burden your memories, or trouble your pockets with a volume, I could still runne division in anotations upon these *Proposals*; I might observe their tendernes of the Kings *Revenue*, that it be not diminished, even in the former augmentations, by most intollerable oppressions: thus in the ninth Proposall.

The Court of *Wards* was at first erected, that the King might keepe exact accompts, and be a faithfull Guardian to heires, during their Nonage: but this Kingly tuition and care to heires in their minority, was become Kingly opposition, and that Court little better then a Denne of Theeves to the desolate Orphans: and therefore the Parliament resolved it should be abolished: But saith *Cromwell* and *Ireton* in that *Proposall*, take heed *his Majesties Revenue be not damnified thereby; i. e.* though you exempt the people from Wardships, yet impose the payment of moneys that shall be *tantamount*; if you stop one bleeding vein of the People, be sure you open another: and this caveat against the Kings dammage, made way for another against the Lord *Sayes*, and the Lord *Whartons* father, Sir *Rowland Wandsworths* damage: Let (saith the *Proposal*) *not those that held Offices (last) in that Court, be left without reparation*; Let my Lord *Say* have ten thousand pounds, and a thousand *per Annum*, allowed him from the peoples purse, and Sir *Rowland Wandsworth* five thousand pounds, because they have enriched themselves many thousands, by oppressing the People in that Court of corruption.

Now I might unfold the mistery of the fourth, fifth, and sixth particulars in the 3. *Proposall*; and pry into the policy of erecting a councill of State, & estating the power in some persons, to continue for certain yeares, and to be as the Kings Privie Councill, &c.

But I cannot omit to observe, that the Compositions of the Kings Partizans, in the late blond-shed, are not proposed to be assented to by the King, in order to a Peace. *Crumwell* and *Ireton* had intelligence of the Kings resolution, never to assent to the imposing Fines upon his adhearents, left he should condemne his cause: and therefore they were cautions of incurring his displeasure, and so propounded the Compositions for delinquency, after his re-investing with a *Regall power, and Negative voice*, and then the punishment of Delinquents shall depend upon his *Will*.

Now (my deare Countrymen) I have shewn you the pictures of your *new Saviours*, drawn with their own perill, and so curiously varnisht, that every eye did greedily gaze upon the sparkling touches of their amiablenes: you have seen them as they entered the Field; when justice and freedome, appeared to be as a golden chaine about their necks, a Bracelet on their Armes; the only Motto in all their Colours; the Banner under which they would encounter with every ruling *Nimrod*, and proud *Haman*, who would over-top their bretheren, and make them bow the knee to their raging lusts.

Likewise I have showne you when they were conquered by being conquerors, and when they dishonourably retreated, and changed their Banner, though the enemy fled, and I have given you a rough drawn Mapped of their promised Land, that should flow with sweetest Milke and Honey, of Freedome and Justice, I meane, you have seen the Freedomes which they have proposed for you, now judge whether your expectations be answered: search those *Proposalls* narrowly, and see whether positions of Tyranny be not couched in them, like an ambuscado of enemies, ready to open *Englands* Gates for a *French*, or *Spanish Monarchy*: and now let me offer at a discovery of their endeavours, to establish the things Proposed, and so to binde you with the old chaines of Tyranny newly guilded.

These Proposals, being thus composed, and offered to the Parliament, hardly escaped murdering in their Cradle; a hot contest arose in Parliament, whether they should send the old Propositions, or the Armies Proposals to the King, to be the foundations of peace, and agreement with him; in the issue, machivilian policy, was admitted to be Umpire, and his definitive sentence, was, that the old Propositions sent to *Newcastle*, should be sent againe to *Hampton Court*. But the King knew that neither the Grandees in the Parliament, nor Army, intended those Propositions should be assented to, being absolutely inconsistent with their Independant Interest; yet questionlesse the *Ministers were importuned to pray for a blessing upon those hypocriticall juggling overtures of peace*: but this was subservient to their designe, a plausible way to usher in the Kings desire of a Treaty upon the *Proposals*, which the King had determined, and made known should be his answer, before the Propositions were sent to him.

Yet when the answer of the Kings was Voted by the Parliament to be a deniall of the Propositions, a Question was stated, whether any more addresses should be made to the King? and the determination was very dubious: but then a Cabinet Councill of the Grandees was called, *Sir John Eveling, Mr. William Perpoint, and Mr. Fines, Sir Henry Vane, and Cromwell, and Ireton, Cum paucis aliis*: and O how was the quintessence of their braines extracted, in plausible arguments for a new addresse to the King! how were the imaginary mischiefs, and dangerous consequences of a refusall presented in most lively emblems? and I conclude from the event, that in such a cabinet councill the question was first concluded in the affirmative, and then the debate of the question was managed in the House, with much seeming solemnity; but when the potency of reason, and Justice, against any further addresses, began to tryumph over their feminine reasons; a Member, (no question one of the same confederacy) produced a reason like *Goliah's sword*, with this inscription, theres none like this, its (saith he) *the sense of the Army, that a farther addresse be made to the King*: this led every reason captive, and so the debate ended, and without peradventure it was remembred: *Com. Gen. Ireton* without a proxie, sometime averred as much in effect, in the House, *you must (saith he) looke for opposition, whenever you shall cease your addresses to the King, and then your case would be sad, if you should have no strength adhere to you, and if you now cease, I cannot promise you the Armies assistance*.

But the patience of some worthy Patriots, was disturbed at this ravishing the Houses Judgement; and from their murmurings, that winged messenger of common sense, proclaimed also in every care, that *the Army had compelled the Parliament to make a new addresse to the King, to send either the whole or part of their Proposals as the ground of peace*; and suddenly there was an Ecco from many faithfull in the Army to the repinings of those at *London*; some stout Champions of Freedome, foresaw that all the evill consequences of such new addresses to the King, would be reckoned upon their Account, and thereupon testified their abhorrency of perswading, and infinitely more of constraining the House, to any such address; and their speeches in councill had some reflexion upon *Ireton*, as having abused the Army, by misrepresenting their Judgements, in that particular; but *Ireton* replied with indignation, *that he thought it to have been the sense*

of the Army, that another addresse should be made to the King, and if he did not thinke it was still their sense, he should loath and detest the Army, nay he should abhorre to continue with them for a day. O behold his zeale!

I could now trace these our expected deliverers, *Pede tentim*, step, by step, in their endeavours at *Kingstone, Putney, Ware, and Windsor*, to establish our old slavery, new modelled in their Proposals: and with a new name of Freedom, and security, engraven upon its forehead: but least this first packet of intelligence should not be ready for this weekes post, I shall reserve it for the next, yet I must answer a Quere or two for your satisfaction.

I.

Quere.

Hath God vouchsafed to Cromwell, and Ireton, and their adhearents sight to see this mistery of slavery, which they evdeavour to introduce?

Ans. I am so confident of the truth of my intelligence, that I dare averre that the choisest principles of precious freedom and justice, are engraven in their minds, in plainer characters, then they were ever seen in an English paper: they clearely understand, that *all power is originally in the People?* and that no authority whatsoever hath an image of justice upon it, which is not *derived* from the *People*, either immediatly by their *personall consent*, or *agreement*, or mediately by the mutuall consent of those, who are elected by the *People* to represent them; and therefore though they know *that all just power resides in the House of Commons only, which represents all the People: And that they ought not to be over-topped by the Negative Voices of King, or Lords:* They know the King cannot rationally be asserted, to be *a power or authority that is of God, from God*, to whom the least obedience or respect can be required, unlesse he first receive his *power* from *man*: that is, by the *consent* of the *People*, in their chosen Representatives the Commons in Parliament.

M. *Nathaniel Fines*, one of their Cabinet-councill, and contrivers of their worke, averred this clearly to Parliament six yeares since, *that Kings and Estates, Judges, and Magistrates, were the ordinances of men, before they were the ordinances of God; & that Kings are neither of divine right, as an office in the Church, nor founded in the prime lawes of Nature, as the power of a Father in his Family: For if they were, they should have the fashion of their Government only from the prescript of Gods word, or the prime lawes of Nature.* Whereas Lawes made by Parliaments are the Rule by which the King ought to Govern.^{*†}

And from the naturall consequence of these FIRST PRINCIPLES of Freedom they are clearly satisfied that every Officer of State, ought to have the extent and limits of his power prescribed, by the Commons in Parliament, and to be subject to them, to render an

Account to them of the discharge of his trust; this was their First Principle in Parliament; *Rex habet in populo regendo superiores Legem per quam factus est et curiam suam, videlicet, Comites, & Barones, &c.* The Law by which the King receives his Office, & the Parliament, are both superior to the King. This the Parl. cites from an ancient Author, *Fleta. Libro in Capite decima septimo de Justitiariis substituendis,*^f and these Gentlemen likewise know injustice, yea absurdity of allowing to Lords or any persons whatsoever by vertue of the Kings Pattent or their birth of a Pattentee father an exemprion from the Law, and the ordinary proceedings of the Court of Justice, and they are sufficiently apprehensive of^g an absolute necessity of a cleare knowledge of the extent and Limits of the trust which the Commons themselves receive imediatly from the People, least unknowne Priviledges^h of Parliament should also become a shelter for Injustice and Tyranny, and they profess likewise, that its their judgement that the people ought to be represented in Parliament more equally,ⁱ and none more cleare in opinion then these that its the peoples right to have freedom of Trade, to have their Lawes and all proceedings therein, in their Mother Tongue, and every man to have liberty to plead his owne cause, or select whom he will; to be free from compulsion to answer Interrogatories, to insnare or accuse themselves: O therefore its this which checks and controlls Charity, in passing her modest gentle censure upon these Gentlemen, Its this withholding Justice and Fredome in Tyranny and unrighteousness, which make their Crimes of the deepe Crimson Tincture, *Cromwell, or Ireton*, may say with *Medea, Video meliora proboque deteriora sequor.*

Our eyes have seen the light of Justice found
Yet to Injustice we our selves have found.

2. Quere. Doe *Cromwell* or *Ireton*, plead openly and avowedly, for a new modell of our old slavery, contrary to their judgements, if so, how is it possible their adherents amongst the Officers of the Army should be so numerous?

Answ. As for their adherents I might answer, that some of their prime active compliers could never be judged by discerning eyes to be trees, from whom better fruit might be expected; Scout-master *Watson*, Col. *Rich*, and Commis. *Staynes*, I believe never cordially concurred with the Soldiers in those gallant resolutions, for Justice and Freedom, discovered at *Newmarket*; some opposed their first Petition with such courage as they had; and some have since disavowed those choycest crownes, of all the Armies attempts: and besides, can any man imagine that rising Suns ever wanted worshipers? are there not many creatures alwaies ready. *Jurare in verba Magistri*, to be metamorphosed into any shape with a smile or a frown.

But as for their avowed pleading for the Negative voyces of King and Lords, and estating the right of the Militia in them, and as for their pleading for them as slavery, *Quis nisi mentes inops, &c.*

Did ever spurious vice blazon their owne Coats of Armes, or own their true birth or extraction? Was ever wickednesse without a Vail, a Maske, or a pensill, for her ugly

deformed face?

These Gentlemens actions have had variety of dressings to present them amiable.

Sometimes they pleaded want of power to over-turn the foundations of slavery, & estate us in our native freedoms; the worke said they, is too high for us to attempt.

O what pur-blind eye cannot see through such a Sarcinet vaile? What kind, degree, or extent of power, of which they were not possessed, could be the object of their desires? Had they not forty thousand horse and foot at command? And were not all the Garrison Townes, the Castles, Forts, and Magazines, at their dispose? And was it not in their power, with a word to have invested that gallant Patriot *Rainsbrough*, with all the power at Sea? And besides through their glorious victories, were they not cloathed with terrour to every enemy? O when before was there such a price in *Englands* hands!

But again, other times they pleaded the danger of a second Warre, if they strike at the roots of tyrannie and oppression, as some desired: But I wonder whose fancy should have been the Creator of an Army to oppose them? Or did they feare the graves of their conquered enemies should open, or their Ghosts should undertake the quarrell? were not all their enemies lurking in holes, like Snakes in Winter, untill the Sunne of their favour and indulgence shined upon them.

Sometimes again they pleaded, that Peace would never be established, unless the interest of the Kings party were considered, and satisfaction given them; but could they be so blinded as not to know that the interest for which the King engaged in blond, is absolutely in every tittle inconsistent with the safety of the faithfull to God, and their Country: God and Beliah the Arke and Dagon. will as soon stand together, as the Peoples good and safety, and a dominion over them, which is not received as a trust from them, and for which the Ruler is not to be unaccountable to them.

Sometimes again they plead, that they cannot establish the Peoples freedome, without breaking the Parliaments sacred priviledges: but is it not evident that when these Gentlemen pleased, the priviledges, or commands of Parliament were no more to them, then the *Philistins* Withes to *Sampson*? Did they not command the Parliament by a set day, to cast out that Faction which over-topt them? Have they not often commanded the Parliament by a fixed day to provide them pay? yea, did they not thus stand in competition with the Parl. for pay; and breath out threatnings if it were not ready by the time appointed, even since their new Engagement, in opposition to the faithfull Agents, to acquiesce in the judgement of Parliament? Did not they contrary to Parliament orders, admit the Kings Cavaliers to him? Parliament priviledge is nothing to them when their private interest is concerned: And are they really so tender of intrenching upon it for the Peoples good?

Sometimes again, to evade the strength of Reason, enforcing them to insist upon the settlement of the Peoples freedoms; they pleaded they were engaged already in their Declarations, to the King, not so to entrench upon his pretended rights, (but reall

tyrannie) as was desired.

And their last refuge was this; that it was proper for them to act only in their own speares, as Soldiers; and not to intermedle with the matters of State, which concern the Parliament: Thus to compasse their ends, our gallant heroick English-men would turn Mercinaries: *O quis talia fando, abstinet a lacrimis!*

Now my deare Countrymen behold the Kings, Lords and Armies Javelings sticking in the heart of your Liberties: O see your Liberties prostrate at the feet of Usurpers of domination over you! see how they lye groveling, besmeared in their own blood, behold O yea lovers of God, and your Countrey, behold I say, the old subverters of your Lawes and Liberties! those whose wickedness, oppression and cruelty, is their glory: behold them I say, ready to insult againe over you, but *proh dolor!* to whom should you flee for refuge? if Bowels of Compassions should be found in your chosen Representatives, alas! every plaister that they should apply to the bleeding wounds, the Lords, or the King, can rend away by their Negative Voyces, O that hath beene your misery hitherto: but remember, did you not choose a Parliament to redresse *your* Grievances? O then suffer not your Representors in Parliament, to Sit any longer like so many Plovers pricked down for stales, with this motto, *Videntur & non sunt*, free them from all contradictions and obstructions, by Negative Voyces, in succouring and relieving you: if they be negligent, joyne together speedily, vigorously, with courage and resolution, and cry to them, cry aloud, *Vel sacra regnet justitia, vel ruit Cahun* Let us not be consumed by delays, Let us either be saved or perish.

FINIS

Doe like Englishmen, and in so doing, you may expect the second Part of this faithfull intelligence.

ENDNOTES

[a] see book of Decl. pag. 23. Solemn Ingagement.

[b] see book of Decl. pag. [Editor: illegible word].

[c] see book of Decl. pag. [Editor: illegible word].

[d] See book of Decl. pag. [Editor: illegible word].

[e] see book of Decl. pag. [Editor: illegible word].

[f] see book of Decl. pag. [Editor: illegible word].

[g] see book of Decl. pag. [Editor: illegible word].

[i] see book of Decl. pag. 42.

[j] see book of Decl. pag. 67.

[k] see book of Decl. pag. 78.

[l] see book of Decl. p. 80.

[m] see book of Decl. pag. 80.

[n] see book of Decl. pag. 70.

[o] see book of Decl. pag. [Editor: illegible word].

[p] see book of Decl. pag. [Editor: illegible word].

[r] See the Remon. of *Iune* 2. 3. book of Decl. p. 60.

[s] See the representation of the Armies disatisfactions *Iune* 4. 5. book of Decl. pag. 3. 5. and see the Remon. of *Iune* 2. 3. book of Decl. pag. 60.

[t] See their answer to the Commissioners at *Barkhamstead*, *Iune* 25. 1647. though this was printed yet it is not inserted into the book of Declarations.

[v] Mr *Waller's* life was spared to stop his mouth, and conceale those many Traytors.

[w] See their Manifesto to the Parliament, upon *Iune* 27, book of Decl. pa. 70.

[x] The vindication of the Armyes and the peoples right of petitioning, and declaring against all presidents; to the contrary, was their lowdest cry in their march to *London*. See the Representation of *Iune* 4. 5. book of Decl. p. 33. 34. see the Decl. of *Iune* 14. book of Decl. pag. 44. see the Remon. of *Iune* 23. book of Decl. p. 60. 61. 62.

[y] See the Representation of *Iune* 4, 5. book of Decl. pag. 33.

[z] See book of Decl. pag. 39.

[a] See the first part of the book of the Parliaments Declarat. pag. 618, 632.

[b] See the charg against the 11. Members book Decl. p. 79.

[c] See their proposalls book of Decl. pag. 112.

[d] see the Kings dec. at his conveyance from *Hampton* Court.

[e] See the Parl. decl. of *May* 27. 1642. 1. part book parl. decl. pag. 304.

[f] see the parl. Rem. *Decem.* 15. 1641. 1. book decl. pag. 8.

[h] see 1. part book of parl. decl. pag. 9.

[i] see 1. part book parl. decl. p. 15.

[k] see 1. part book of parl. decl. pag. 287.

[l] see Parl. book decl. pag. 88.

[[m](#)] see 1. part book of Parl. decl. p. 96.

[[n](#)] see 1. part book of Parl. decl. pag. 105.

[[o](#)] See first part book dec p. 265.

[[p](#)] see 1. part book decl. pag. 301. 302.

[[q](#)] see his answer in the Parliaments Remon. *May* 16. 1642. 1. part book Par. decl. pag., 298.

[[r](#)] see 1. part book of par. dec. pag. 199.

[[s](#)] see 1. part booke parl. decl. pag. 286. see p. 699. 687. 477. 266.

[[t](#)] see 1. part book parl. decl. p. 311.

[[u](#)] see 1. part book parl. decl. p. 169.

[[w](#)] see 1. part book decl. p. 345.

[[x](#)] see 1. part book parl. decl. pag. 287. see his answer to the first 19. propositions. 1. part book de decl. pag. 320.

[[y](#)] see his answer to the parl. Remon. of *May* 19. 1642. 1. part book of decl. pag. 254. see his answer to the Petition of Right.

[[z](#)] see 1. part book of parl. decl. pag. 701. 703.

[[a](#)] see first part book decl. pag. 288. see his speech in Parliam. on *June*. 16, 1648. annexed to his printed answer to the petition of right, *Pultons* col. fo. 1434.

[[b](#)] see the proposalls in the book of the Armys decl. pag. 112, 113, 114, 115, 116, 117, &c.

[[c](#)] see the 1 part book parl. decl. pag. 496, 265.

[[a](#)] See the Kings answer to the Parli. decl. *May*. 26. 1642. 1 part bo. of parlim. decl. p. 287.

[[b](#)] See Book of Armies decl.

[[c](#)] See book of Armies decl. p. 115

[[d](#)] See 1. part book parl. decla. pag. 176.

[[e](#)] See Book of Armies decl. p. 113

[[f](#)] See the Kings answer to the Parli. decl. *May*. 26. 1642. 1 part bo. of parlim. decl. p. 287

[g] See 1. part booke of Parl. declar. p. 287.

[h] See the act for trienniall parl. made this present parliament 16. cap. fo. 1. see the 36, Ed. 3. 10, 4. Ed. 3. 14.

[i] see 1 part book parl. dec. p. 699

[k] See the manner of of holding Parl. pag. 21, 22. and Cook 4. part instit. fol. 11. Chap. high Court of Parl.

[l] See the 1. partic. in the 1. Proposall, Book of Army decl. pag. 112.

[m] See the manner of holding Parl. pag. 43.

[n] See the Kings answer to the Parl. decl. of May, 1642. first part book Parl. decl. pag. 287.

[*] *The King had not clearly discovered this enslaving principle when the Act for trienniall Parliaments was made, neither could the Parliament then so contest with him for their freedome, being void of power; and therefore the blame lyes not in the same manner upon them for continuing the forme of the Kings Writ; they were but searching after the ground and meanes of our slavery: but the case is clearely altered, as to IRETON, and the other Officers, who pretend so high for freedome.*

[o] See the act for trienniall Parliam. 16. Car. fo. 2.

[†] All their gallant promises and decl. now in the last *Iune*.

[p] see the Kings answer to Parl. decl. May 26. 1. part b. parl. decl. pag. 298.

[†] *Misersima sernius ubi ius est incognitum.* Its the worst of slavery where the law is unknown & uncertain.

[q] see the Armies decl. pag. 60.

[r] see the solemn engagem. At *New Market*. book decl. pag. 22.

[s] see book of Armys decl. pag, 112.

[t] see book of Armies decl. pag. 114.

[u] see book of Armies decl. pag. 114.

[w] see boo. of parl. decl. 1. par. pag. 287.

[x] see the Parl. Rem. in reply to the Kings answer to their decl. of May 26. 1642. 1. part book decl. pag. 700.

[y] See book of Parliaments declarat. 1. part pag. 703. the words are these, if the High Court of Parliam. may take an account of what is done by his Maiesty in inferior Courts

much more of what is done by him with out the authority of any Courts.

[z] book of Armies decl. pag. 116.

[a] see an act intituled an act for the repeale of a branch of a Statute 10. *Eliz.* concerning Commissioners for causes Ecclesiasticall. Book of the acts of this parl-Ano. 17. *Car.* fol. 176.

[b] *Henry 4.* Emperor of *Garmain* stood 3. dayes & 3. nights barefoot and bare leg at the Popes gates for an absolution, & for feare of his spiritualisdiction, kissed his feet. Some gladro be crowned with the popes feet.

[f] See their message of. July 18. 1647. from Reading, book decl. pag. 97.

[*] See his Speech in the house of Com. Febr. 1640. printed in a Booke stiled speeches and passages of Parl. from Nov 3. 1640. to June 1644.

[†] If the King had the rule of his government, either from Gods word, or the prime lawes of Nature, then because there is no text of Scripture, nor prime law of Nature, which saith that Kings shall not make Lawes without Parliaments; they may make lawes without Parliaments: and upon the same reason, the King may impose Taxes worse then *Ship-money* upon the People, without the consent of Parliament: Nay 100. Parliaments could not take away that right from the King, if it were due by Scripture, or the prime Lawes of Nature.

[f] see the Rem. of the parl. in answ. to the Kings reply to their decl. of May, 26 1642.

[g] see the 1 part of parl. decl. p. 703. See Booke of Armies decl. p. 45.

[h] see book of Armies decl. p. 59. 60.

[i] See their deal. of lu 14. booke deal. p. 41.