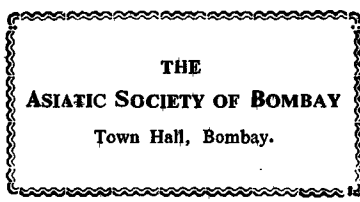




00093644







A  
COLLECTION  
OF  
SCARCE AND VALUABLE  
TRACTS,

ON THE MOST  
INTERESTING AND ENTERTAINING SUBJECTS: 93644  
BUT CHIEFLY SUCH AS RELATE TO THE  
*HISTORY AND CONSTITUTION*  
OF  
THESE KINGDOMS.

SELECTED FROM AN INFINITE NUMBER IN PRINT AND MANUSCRIPT, IN THE ROYAL,  
COTTON, SION, AND OTHER PUBLIC, AS WELL AS PRIVATE, LIBRARIES;

PARTICULARLY  
THAT OF THE LATE LORD SOMERS.

---

THE SECOND EDITION,  
REVISED, AUGMENTED, AND ARRANGED,  
BY  
WALTER SCOTT, Esq.

---



VOLUME FIFTH.

the bent and genius of the age is best known, in a free country, by the pamphlets and papers that come daily out,  
as the sense of parties, and sometimes the voice of the nation. PREFACE TO KENNET'S REGISTER.

*index qui aliquid statuit, una parte audita tantum et inaudita altera, licet equum statuerit, haud equus fuerit.*

Ld. Cook & Just. Inst.

LONDON :

---

PRINTED FOR T. CADELL AND W. DAVIES, STRAND ;  
W. MILLER, ALBEMARLE-STREET ;  
H. EVANS, PALL-MALL ; J. WHITE AND J. MURRAY, FLEET STREET ;  
AND J. HARDING, ST JAMES'S STREET.

1811.



00093644

## TABLE OF CONTENTS.

[Those Tracts marked with an asterisk are now received into the Collection for the first time.]

### Tracts during the Reign of King Charles I.

#### HISTORICAL TRACTS CONTINUED.

	PAGE.
* <i>British Lightning, or sudden Tumults in England, Scotland, and Ireland, to warne the United Provinces. Written first in Low Dutch. By G. L. V., 1643,</i>	3
<i>England's Petition to their King, or a Petition of the Distressed Subjects of England, 1643,</i>	33
<i>England's Tears for the Present Wars. By James Howell, 1643,</i>	37
<i>The Preheminence and Pedigree of Parliament. By James Howell, 1644,</i>	47
<i>The Divine Right and Irresistibility of Kings evidenced, 1645,</i>	56
<i>Some Advertisements for the New Election of Burgesses for the House of Commons, 1645,</i>	62
<i>An unhappy Game of Scotch and English, or a full Answer from England to the Papers of Scotland, 1646,</i>	68
<i>List of diverse Persons whose Names are to be presented to the King to die without Mercy, 1647,</i>	90
<i>A Plea delivered in to the Earl of Manchester and the Speaker of the Commons. By David Jenkins, Prisoner in Newgate, 1647,</i>	92
<i>Remonstrance to the Lords and Commons. By David Jenkins, 1647,</i>	95
<i>Lex Terra, or Laws of the Land. By Judge Jenkins,</i>	98
* <i>The Cordial of Judge Jenkins, in Reply to a Paper by H. P., 1647,</i>	115
<i>A Discourse concerning the Inconveniences of a long-continued Parliament. By D. Jenkins, 1647,</i>	123
<i>A true and just Account of what was transacted in the Commons when D. Jenkins, Esq. and Sir F. Butler were voted guilty of High Treason. By D. T.,</i>	128
<i>The Power of Kings discussed, in Answer to several Tenets of Mr D. Jenkins. By William Ball, 1649,</i>	132
<i>Impropriations purchased by the Commissioners sitting at Goldsmiths' Hall, for Compositions with Delinquents, 1648,</i>	140
* <i>The Independent's Loyalty, or the Plot to Murder his Majesty discovered, 1648,</i>	152
* <i>Declarations of the Commons, expressing their Reasons for annulling the ensuing Votes, 1648,</i>	167
* <i>Ordiuance for declaring all Votes and Ordinances since the Force on both Houses, null and void, 1647,</i>	178
<i>Brief Memento to the Unparliamentary Junto, touching their Proceedings to execute King Charles, By William Pryane, 1648,</i>	174

	PAGE.
<i>Mr Prynne's Letter to the General, 1648, demanding what kind of Prisoner he is, and whose Prisoner,</i>	183
<i>Mr Prynne's Charge against the King, 1648,</i>	186
<i>Proclamation for Tryal of the King, 1648,</i>	191
<i>Narrative of the Proceedings in the Tryal of the King, 1648,</i>	195
<i>His Majesties Reasons against the pretended Jurisdiction of the High Court of Justice, 1648,</i>	212
<i>King Charles his Case. By John Cook, 1649,</i>	214
<i>King Charles's Case truly stated. By Mr Samuel Butler,</i>	237
<i>Character of King Charles. By Mr Butler,</i>	246
<i>* Narration of the Title, Government, and Cause of the Death of the late Charles, King of England, 1649,</i>	248
<i>Declaration of the Rev. Mr Alexander Henderson on his Death Bed,</i>	250
<i>Sentiments of Mr Vines of King Charles I.</i>	252
<i>Declaration from the Prince of Wales concerning the illegal Proceedings of the Commons of England, 1648,</i>	252
<i>Letters from the States General to the Parliament of England to desist from executing King Charles,</i>	254
<i>Declaration of the most Christian King of France against the horrid Proceedings of a rebellious Party in England against their King and Country,</i>	257
<i>* The Dissenting Ministers Vindication of themselves from the horrid Murther of King Charles, 1648,</i>	258
<i>Iter Carolinum, being a Relation of the Marches, Retreats, and Sufferings of his Majesty Charles I., 1660,</i>	263

## MILITARY TRACTS.

<i>* Relation of the Siege of New-Castle, with a Commentarie on the Battells of Bowdon Hill and Marston Moore. By William Lithgow. Edin., 1645,</i>	279
<i>* History of the Military Government of the City of Gloucester, 1647,</i>	296
<i>* Short Memorials of Thomas Lord Fairfax, written by himself, 1699,</i>	375
<i>Unhappy View of the Behaviour of the Duke of Buckingham at the Isle of Rhee. By Colonel Fleetwood, 1648,</i>	398

## MISCELLANEOUS TRACTS.

<i>* Letany of John Bastwick, in two Letters to Mr Aquila Wykes, 1637,</i>	407
<i>* Forerunner of Revenge, wherein is expressed divers Actions of the late Duke of Buckingham. By Doctor Eglisbam,</i>	437
<i>Mercurius Britannicus, Tragi-Comædia, Editio secunda,</i>	444
<i>Relation of some Passages which passed at Madrid in 1623, by Prince Charles being then in Spain prosecuting the Match with the Lady Infanta, 1655,</i>	461
<i>Divers remarkable Passages of the Ladies at Spring Garden in Parliament assembled, 1647,</i>	472
<i>* Wit and Loyalty reviv'd in a Collection of some smart Satires, in Verse and Prose, 1682,</i>	479
<i>The Puritan and Papist. By Mr Abraham Cowley,</i>	480
<i>The Assembly Man. By Sir John Berkenhead, written 1647,</i>	487
<i>A Proposal offer'd for the Farming of Liberty of Conscience. By the Author of Hudibras,</i>	494
<i>The Round-heads Resolution,</i>	500
<i>Petition of the University of Cambridge,</i>	503
<i>Rustica Academiæ Oxoniensis Reformatæ Descriptio, 1648. By T. Allibond,</i>	503
<i>* Translation of the same. By Edward Ward, 1717,</i>	506
<i>Observations touching the Offices of the Seneschalcy and High-Constablership of England, Liberties, Usages, and Customs of the Citie of London, 1642,</i>	509
<i>Certain Proposals for regulating the Law,</i>	534
<i>Synopsis, or View of the Life of John Armand, Cardinal of Richelieu, 1643,</i>	538
<i>The Irish Cabinet, or his Majesty's Secret Papers for establishing the Papal Clergy in Ireland, 1654,</i>	542



CONTENTS.

vii

	PAGE.
<i>State and Dignity of a Secretary of State's Place. By Robert, late Earl of Salisbury, 1642,</i>	552
<i>Relation of a Serpent found in the Left Ventricle of the Heart of John Pennant. By Edward May, M. D. 1639,</i>	558
<i>Remonstrance of divers remarkable Passages concerning the Church and Kingdom of Ireland, 1641,</i>	573
* <i>Murder will Out, or the King's Letter justifying the Marquis of Antrim, 1663,</i>	624
* <i>Relation of the Plot of the Jesuites, Popish Priests, and Papists in Ireland, 1641,</i>	628
* <i>Vindication of Charles I. from the Irish Massacre, 1704,</i>	630
* <i>The Irish Massacre set in a clear Light. By Mr Thomas Carte,</i>	639



---

TRACTS  
DURING  
THE REIGN OF KING CHARLES I.

---

SECOND CLASS.

HISTORICAL TRACTS

CONTINUED.

---



THE  
S O M E R S  
COLLECTION OF TRACTS.

---

KING CHARLES I.

SECOND CLASS.

HISTORICAL TRACTS.

CONTINUED.

---

*British Lightning ; or, Suddaine Tumults in England, Scotland, and Ireland, to warne  
the United Provinces to understand the Dangers and the Causes thereof, to Defend  
those amongst us from being Partakers of their Plagues.*

*Cujus aures clausae sunt veritati, ut ab amico verum audire nequeat, hujus salus desperanda est.*

The safety of that man is hopelesse, we may feare,  
That stopps his eares against his friend, and will the truth not heare.

*Mors est servitute potior.*

Grim Death's fierce pangs are rather to be sought,  
Than that we should to Babels yoke be brought.

Written first in Low Dutch, by G. L. V., and translated for the benefit of Brittain.

Printed in the year 1643.

---

This pamphlet is curious, as tending to shew the light in which the Dutch regarded the civil wars of England. But it may be questioned whether the immense advantage which their trade was likely to derive from the removal of their most potent rival, did not at least weigh as much as their zeal for the Calvinistic doctrine, in inducing them to look upon the struggle with pleasure.

---

*The Translator to all his Loving Countrymen.*

EXPERIENCE teacheth that a skilfull physitian-standing by, beholding a patient, and asking him of his paines, and order of his bodie, findeth the nature of the disease sooner than the partye himselfe, that groaneth under the burden of it. The same we finde often times in cases ecclesiasticall and politicall: we can sooner see anothers blemish than our owne imperfections. The reason is, because mankind is generallie negligent in self-examination. I must ingenuously confesse, I cannot say so of the author of this dialogue: the verie cause of his publishing it witnesseth the contrarie, and proveth him (whatsoever he be by calling) a feeling member of his owne bodie, and a good friend to his neighbours; for though I have sene manie excellent remonstrances, resolutions of questions, &c., published by the high court of parliament in England, (whom I take to be (under God) the physitian of the land,) and their well-willers, which have most exactly layd out the sicknessse of their body, with the causes and cure, which must have the preheminance, yet, so soone as I first began to read this, (considering that it is the worke of a stranger, and composed in a method and style most pleasing to some capacities,) I thought it might helpe to the information of my poore countrymen in the estate of their bodie politicke, that, knowing their disease, they might (being humbled for their sin, which is the cause) flye unto him for cure, who changeth the times and seasons, shaketh the mountaines, and maketh the earth to tremble, and the great ones to hide themselves when he is angrie; who maketh the warres to cease, and sendeth peace into the habitation of the righteous. If, in the publishing hereof, I shall doe my country anie profitable service, I shall be bound to give God thanks for his mercie, and the acceptation of it shall be my reward. In the meane time, whither this profit or no, my prayers shall be incessantly to the Lord, that Engiand may not be a seate of warre, but that therein may flourish the gospell of peace, which bringeth downe the loftie spirits of men, making the wolfe to dwell with the lambe, and the leopard to lye down with the kid and the calfe, and the young lyon and the fatling together, and a little child to lead them, &c., Isa. 11. 6; yea, causeth them to beat their swordes into plowshares, and their speares into pruning-hookes, Isa. 2. 4, &c.; and that he who is the King of Kings, and Lord of Lords, by whom kings raign, and princes decree justice, (who hath their hearts in his hand, turning them, as the rivers of water, which way soever it pleaseth him,) would be pleased to make the king a nursing father, and the queen a nursing mother unto his Israel.

Rev. xix. 16.  
Prov. viii. 15;  
xxiv. 1.  
Isaiah, xlix. 23.

*Holland, this 20 of the first month, according to new computation, 1643.*

*The Author to the Reader.*

My lords, and you, the honest inhabitants of the United Provinces, that star with a tail, seen in the year 1618, was a warning and type of a rod that should come over all Christendome, whereupon followed those bloody effects, those horrible warres, lamentable wastings, barbarous destructions of countreys and cities, the ruine of so many costly buildings, of so many gentlemen, so many inhabitants, men and women, young and old in Germanie. And O that we could yet see the end, the bottome of the cup of indignation! But the rodd flourisheth still; the destroyer is yet busie; the hand of God is stretched out still; there is yet too much chaffe to hang away the fanne; the silver is yet too unclean to blow out the refyneing fire. The inhabitants, and those that are fled from Germany, must (by the weight of their miseries and plagues) be brought to a better minde to farther reformation, to a greater feeling of, and sorrow for their

past and present sins, before there can be any hope that the rod of Gods wrath (where-with they are now oppressed) shall be cast into the fire.

That earthquake, not long since felt in the year 1640, was a token of great commotions, and mighty shakings of the kingdomes of the earth; for a little before, and shortly thereupon, was concluded the revolt of Cathalonia, the falling-off of Portugale, the stirres in Scotland, the rebellion of the Irish, those civill (uncivill) warres, great alterations, unexpected tumults in England, amongst which none more neare, none more fearfull and dangerous to us than the rebellion of Ireland, which had its originall and rise in England, from the great ones, from the papists, from the enemies of our religion and state, seconded by our deadly enemy the king of Spaine, plotted by the jesuits, executed by the barbarous Irish, who are already growne such proficients in the schole of those murdering jesuits, that they (according to their disposition and counsell) strive for the prize, who can invent the cruellest manner of torments for the protestants; cutting off their privie members, eares, fingers, hands, boaring out their eyes, stripping some wives naked, and that in the presence of their husbandes, and brutishly abusing others, ripping infants out of their mothers wombe, and presently dashing them against the stones, exercising many other cruelties (which are published and dispersed farre and neere, in print, to the amasement of all men) upon our fellow-members, that are of the same covenant and faith with us. Doe not then these miseries touch us, which are executed on our bodie, and that so neere? yea, the civill warres in England are yet more dangerous for us; where the friends, members, citizens, inhabitants, subjects of one kingdome, professors of one faith, Manasse and Ephraim strive one against another. They are our confederates, brethren, friends, antient assistants, neerest neighbours. There wrestleth the king against his subjects, the head against the members, the master against his servants. There the defender is become a spoiler, the shepherd a destroyer, Eden an Adamah, Canaan a wilderness. There a long-lasting misse-used peace is changed into an unexpected wasting warre. There may we now see worne, in the place of plush, velvet, silkes, sattines, costly apparell, chaines of gold and pearle, harnasse, swordes, bandaleers, musquets. There may we heare now, instead of luxurious wantonnesse, dancing, masking, viols, fluits, harpes, rattlings of drums, sound of trumpets, neighing of horses, the sound of an alarm, groanes of the wounded, and the rumour of the approaching furious cavaleers. There all merchandising and trading standeth still. There is expence without gaine; there consume they that treasure in trouble and distresse which they were so long in gathering; cities and houses are pillaged, the countrie ruinated and wasted. They were fore-told of this miserie, but none would receive, none beleve it. Now feele they the evill day, which they had put so farre from them; now they feele what they have brought upon themselves through their unbelieve; now those thinges presse them, which, for want of feeling, they cast into the ayre. These things we see afarre off: We heare this, but with little observation, to provoke us to behold ourselves in them, that so we may avoide those rocks whereon they have suffered ship-wrack. Their haughtiness and ambition went before their fall; the pride in apparel and dyet, the state (that suckt the monie) had taken the upper hand; and now the kings high-way robbers scrabble, spoile, waste, destroy, burne the treasures and riches of England. Shall not we then amend these things, and put away these sins, which are grown to such an height among us, that so they may not bring the like miseries upon us? Wantonnesse, dancing, drinking, swilling, masking, stage-playing, fornication, adulterie, hate, envie, have borne such sway, that 'twas accounted the highest crime to speake or write against them; and those that have so offended have bin (without mercie) openly brought upon the scaffold, burn-markt, their eares cut off, and they cast into perpetuall imprisonment. Howe farre these have broken in upon us, experience teacheth us but too, too well. O! that (as traytors to our state) they were banished out of all places and heartes, that by them our peace and happiness be not banished from us. That bad government in church and common-wealth, brought in

by unfit, unexperienced, audacious, ambitious, revengefull persons, hath made the land reele like a drunken man, who have wrung, wrested, moulded the lawes, priviledges, liberties, rights to their own ends and passions; who dispossesse, affronte, terrifie, and compell the most antient, grave, honest, fit, faithfull, expert, couragious governors to choose their party, or else to forsake their places, and live in the highest indignation. To what height this also is growne amongst us, and daylie more and more increaseth, the stones cry, that confusion teacheth, which begins to be acknowledged by all men that with cleare eyes doe marke the discords in religion, and suppressions of those priviledges which they have, with lives and goods, so long maintayned, which must be remedied, or else they will bring forth our most certaine ruine. That idolatrie, hartening of papistrie, foisting in of papisticall superstitions, freedome of jesuits, and other holy (unholy) orders, that without feare spread themselves over the whole kingdome, to the misleading of manie thousand soules, advancing of the pope-like hierarchie, suppressing of the truth, and true professors of the same, and that with such countenance, that the king himself was become their patron and spokesman, when, at any time, (according to the lawes of the land,) they were justly condemned to any punishment; whereas the honest, godly, prudent, politicke preachers could not have anie beame of favor from his majesty, when they were, by the bishops, unjustly condemned to open shame and punishment, (worse than death,) for well-doeing, for withstanding the sinnes of the land, and overflowing of papistrie. At this God himselfe was grieved, and waxed jelous for his truth and faithfull servants, and would not suffer the scepter of the wicked to rest alwayes on the lot of the righteous, least they should put forth their hand to wickednesse, but hath taken the refyneing pot into his hand, and put the fire of dissention under it, which hath already discovered many for drosse. These grievances, this flood of idolatrie, this freedome of popish exercises, saying of masse, bonfires on holidayes, processions, tolleration of all sortes of fryers and nuns, to the misleading of the inhabitants, weakening of our state, incouraging of our neighbouring enemy, was (not many yeares sithence) so increased, that the wound was judged incurable, the poyson too much, and their power too great to be daunted, destroyed, or hindered, by sharpe proclamations, strong resolutions, or power of officers. Shall not this then needes make the least danger that shall befall us remedielesse, by reason of the enemies within, which desire our ruine no lesse than those that are without, who will be ready, (according to the example of the papists in England and Ireland,) whensoever they shall have a faire advantage, to contribute therunto? Shall not this then awaken us before it is too late, and the time shall not permit to drive out these Canaanites, and take away these high places? otherwise they shall take away both us and our religion. This is the case of England, and these be the causes thereof. The same humour is amongst us, and shall not the same disease follow thereupon? Wee are like them in sin, and shall we not be made like in punishment? If wee perswade ourselves otherwise, we deceave ourselves. We are the next to be cured by the like medicine, that would not hearken to those lively admonitions and warnings, exhorting us to repentance. Every one prepare himselfe for a storme, to undergoe the plague that comes driving on. In the meane time, let us have compassion on our brethren in England and Ireland; let us pray for them, that the great ones may helpe to reconcile the king and parliament, to remove the differences, that their ruine become not ours; which will surely come to passe, if those that are on the kings side together with him get the upper hand: then shall they roote out the parliament, alter the government, suppress religion, proceed in their begun revenge against the subjects, restore the bishops, who, as instigated persons, shall rage, more than ever, to bring their misseccarriage to a perfect issue; striving to make of force their popish canons, and againe to lord it over the consciences of the inhabitants. The papists, as being now the kings trustiest assistants, shall then be his best beloved children: then shall the best Christians be under the yoke. And when England and Scotland (which shall not goe free) shall be subdued and made slaves, then shall they enter their action



against us: the pretence of the north sea shall be revived; restitution must be made for that imagined dammage they have suffered in the East Indies, and here at home; and transferre their plagues upon us. What can we else expect from the kings counsellors, who (now these many yeares) have bin friends to Spaine, and enemies to our state, who shall not become better, but worse by this warre. But if the parliament get the upper hand, then shall the king be preserved, (being delivered from the slavery of his servants,) and remaine as free and absolute a king as ever, if he will but advance the good. Religion shall be maintained, the inhabitants defended, and brought into their former rest, the lawes and priviledges established, reformation in church and commonwealth shall powerfully proceede, to the adorning of the state. Our common-weal shall be by that means secured, and the malignants restrained. Let no man then contribute to the suppressing of the parliament, especially let not us Netherlanders; for the foundation of their warre and ours is all one: They have maintained us therein with their goods and bloods. We must not helpe to suppress them, else God shall suppress us, the inhabitants would protest against us before God and the world, and God would see and search it. Let us not employ those soldiers which are in our service to help the papists there to suppress both them and us. Let us not transport the armes of the land, and leave ourselves naked; for that is our capitall. Let no inhabitant (to satisfie his covetousness) further or assist them; for shall we not then put a knife into their hands, to cut our owne throats? But be well informed concerning the drift of the king and parliament, and then you shall quickly see whose side you must take: That you shall finde in this British Lightning, which sheweth the unexpected and suddaine tumults of the kingdomes, with the causes thereof. Read with consideration, and judge right.

*The British Lightning; or, suddaine Tumults in England, Scotland, and Ireland, for a Warning to the United Provinces.*

ENGLISHMAN.

NETHERLANDER.

*N.* WELCOME, sir:—When came you from England?

*E.* I came thence but just now, as you see: I have my travelling clothes yet on.

*N.* I am glad I have met you here: I have a long time expected your coming, that I might once heare how all things go.

*E.* How should it go? Bad enough. There is no kingdome more miserable than ours; it stands all in confusion.

*N.* How can that be? for 'tis but a little while since that all your kingdomes were alone at peace, when the whole world was at wars: I have also heard that you have had the negotiation of all kingdomes and states in your havens, whereby everie one among you became rich and wealthy.

*E.* 'Tis so: We sate (as it were) in Abrahams bosome, dwelling among our owne people, had good things under our fig-tree; we ate the fat, we dranke the sweete, knew of no evill; yea, we feared no mischance, not knowing from whence it should come upon us, seeing that we dwell in ilands that have the sea, the sand, the rockes, our ships and saylers for our defence, whereby we became a carelesse people.

*N.* I have also alwayes heard the same; therefore I wond'ered so much, when you told me that your kingdome was the most miserable of all kingdomes, when, notwithstanding, all kingdomes in Germanie, France, and else where, are in exceeding bloody warres, to the ruine of many thousand soules.

*E.* You are in the right, that Christendome is in a lamentable condition; where the blood of men is spilt like water; so that many countries, cities, and towns are wasted, burnt, and destroyed; yet their warre is not to be compared with this of ours.

*N.* How! Have you warres? From whence is it come upon you? You are (alwayes provided) in peace with all kingdomes. I have heard of no breach; and how can any man come with soldiers into your land, seeing you are so mighty within, both in men and ships? This is very strange newes to me.

*E.* Well! but how can that be, that you have not heard of our warres, when the flame thereof is gone up into heaven, and the sound thereof to all parts of the earth? Have you no better intelligence? Yes, we are at wars, but not against our enemies without, but within: It is a civill warre that scourgeth us, which is the most miserable, for 'tis neere us; the one kingdome against the other, the father against the son, one citizen against the other.

*N.* What doe I heare! Mine heart trembleth. Are you come into our place, where we were once, when here, in our land, the one city stood up against the other, the one province against the other, each using soldiers and guards against the other; so that our land, our church, our liberty hung on a silken thred: yea, we should have consumed one another, had not Gods blessing and the wise and couragious counsell of Prince Maurice prevented it. Oh! I bemoane, with weeping eyes, those that are in such a condition.

*E.* Yea, our flourishing kingdom is now in the highest disunion: 'Tis Ephraim against Manasseh, and Manasseh against Ephraim: we heare of nothing but warres and rumours of warres. All trading, traffique, and prosperity stands still: citizens are turned soldiers. In all places you may see the houses provided with armes; every one standing (as it were) sentinel, not knowing from whence they should expect their enemies; for the one brother, the one citizen doth not trust the other.

*N.* But how, friend! Come you with such tydings? My heart bleeds to heare it: Who should ever have thought it? How speedily can the Lord God raise an adder out of our owne bosomes, that shall eat us up. Why doe men then gape after present friends, strength, rivers alliance, mighty people? for men may have all these, and yet, notwithstanding, fall into the greatest calamities.

*E.* You say well; for but three yeares agoe there was not the least appearance of any quietnesse. When the servants of God forewarned us of the plagues that hung over our heads, every one asked from whence they should come. Such preachers as spake of heavie tydings, of great punishments that should come upon the kingdome, were accounted for raylers, loggerheads, melancholly persons, puritans, whose words the land was not able to beare.\*

*N.* Oh, friend! it goes just so also amongst us. When our teachers warn us, and foretel us (as they many times doe) that our quietness shall be turned into quietness, our mirth into sadness, our riches into poverty, our blessing into a curse, that there are heavy plagues hanging over our heads, that we shall not escape the tempest of Gods wrath, but (as is to be feared) we (not taking example by the punishments of others) shall drinke out the dregs of the cup of Gods indignation,—then they make a jest of it; no man believes it, and accounts it an impossible thing, as long as we have so many valiant soldiers, both by sea and land, stand in such alliance, and have such a generall. But as you told us concerning England, so maie they well lay it to heart, for it was a great deale more unlikely to come on you than upon us.—But tell me (I pray) how came you into this warre? how began it first? who, and what were the causes thereof?

*E.* That cannot so suddenly be related; but if you please to accompanie me to my lodging, where I may shift and refresh myself a little, I shall willingly spend an houre with you; for I perceive you have compassion on our estate, and therefore I will presently lay open all things unto you, that so you may the more heartlie pray unto God

\* The author seems not to have been aware, that such prophets possess particular opportunities of verifying their own predictions.

for us, and (if need so require) afford us all the assistance you can, and also stirre up others to doe the like.

*N.* I will verie willingly goe along with you, and give you the welcome; for I love the English nation with myne heart, and would be angry with all such Netherlanders as should not take compassion on the heavinesse of England, that had so great compassion on us when we were wrestling against the tyrannie of Spaine, when they came to helpe us, both with their goods and bloods, and were the principal instruments of our freedome. No true-hearted Netherlander shall forget that favour, but by all meanes seeke to requite it. Seeing then that we are come to a good fire, I pray you relate unto me, in order, what are the occasions of all these stirres in England, and also who be the causes thereof.

*E.* The causes thereof are divers:—the jesuiticall papists, the bishops, those politicke flatterers that are about the king at court, and other malignant persons besides, who have each his particular end, yet all tending to the falsifying of religion, changing of government, suppressing of the subjects, and ruine of church and common-wealth.

*N.* You tell me strange things! How could all these persons weave one webbe, seeming so contrary one to another, as light and darkness, heat and cold: The jesuits and bishops are alwayes so farre different one from another, as truth and falsehood, Christ and antichrist; the one being supporters of the popes kingdome, the other heads of the reformed religion: they serve divers masters, are of a divers kingdome, yea, religion: the one seeketh alwayes to build up what the other seeketh to pull downe. How can these two walke together, when they are not agreed?

*E.* We thought so too, that the papists and our bishops were so farre from one another as the east is from the west, and that they were deadly enemies the one to the other; because, in former times, many of the bishops have resisted the Romish kingdome, even unto blood; yea, many of them have been martyred by the papists, beheaded, burnt, and in all places, in the pure religion, persecuted unto death. But we have, in our times of peace and wealth, all too well observed that our bishops have forgotten and slighted their office, their promises before God and the congregation, the example of their predecessors, and, instead of leaders, are become misleaders, of defenders of the pure worship of God, falsifiers and corrupters of the doctrine of salvation, and extinguishers thereof.

*N.* You relate unto me such things as I should never have beleevd. What! I have sometimes heard (as I thinke) propounded by our best politicians, that it were good that we had also bishops in our land, or at least superintendants; that then all things would be better carried in the church for the preservation of order, to breed reverence; whereas now, every one being master alike, great confusion by that means is bred in the church, trouble and an heavy burthen upon the government; for when any man will now prosecute a matter in the church, before church-men, he is sore troubled, then it were no more but speaking to the head, and he should give order to the rest. Hereby all those synods which cost the land so much should be cut off; which seemed to me not so unreasonable a proposition: but if the bishops or superintendants should make such worke as you tell me, the Lord deliver us from them.

*E.* O, friend! call you them good, yea, your best polititians, that are with childe of such a pernicious conceit? That were the right high-way to turne all things upside-down amongst you, to disturbe the peace both of church and common-weal, and to put to hazard the purity of religion, which, by Gods speciall blessing, is established amongst you, in spite of so many enemies and wicked opposers, and crowned with many blessings from heaven; for that your free order and church government, agreeable to Gods word, not without reason so highly commended among us, is the hedge whereby the truly reformed religion must be preserved and maintained; which our brethren the Scots well knowing, have judged that they could not answer it before God

and their posterity, if they should suffer their old church government and order (which, as I am informed, differeth not much from that of yours) to be changed, and will rather loose their lives and goods in Gods cause, than suffer the purity of religion, which is the foundation of all prosperity, both in church and common-weale, to be given over as a prey to the enemies, and suffer a company of half papish bishops to domnere over their consciences. And we hope that our lords and burgesses of parliament (perceiving how farre we are run out in this point of church government and worship) will labour to bring our churches into the same church order with our brethren the Scots, at least, that they will utterly roote out the episcopal government, together with all its hurtfull rootes and branches. And should you have such persons amongst you that would bring in these evil plants, which God hath not planted, then were you utterly undone. Let not, therefore, the ancient land-marks be removed: hold that you have, that no man take your crown.

*N.* You open mine eyes more and more: I had not so deepe an insight into these things before; and I perceave that our churches, and the land wherein we dwell as a free people, can not have peace if they should remove the land-marks of civill and ecclesiastical government: the whole house should by that means totter. And now I thinke upon that which was written to me a while since, concerning those stirs which here and there appeare in our provinces; where men, under pretence of a papish right, (which yet ought to be nullified and cashiered by the power of our reformation,) seeke to rob the churches of that godly right which they have received from Christ, their king, in the free election and choice of their teachers; how that the pretended patrons thrust in preachers against the wills and liking of the assembly, and if they refuse to receive them, they shut the church-doors, and thrust the lawful preachers out of the pulpit, so that publike worship could not be performed, without danger of blood-shedding, quarrelling, and insupportable insolencies. God preserve us that it break no further out; and therefore I will pray to God that all good and godly governors of the land may maintain the authority of synods and church-assemblies, for the redresse of such like evils, and that they may not be hindered in their proceedings in those things which concern the churches: then should not the assemblies many times last so long, but the land be unburthened of unnecessary charges, which otherwise are here very narrowly reckoned on. But I am wholly inclined to hear the state of your church: tell me then what might be the intention of the bishops and jesuits, which you accompt *one brood*.

*E.* What intention should they have had? To bring in *papistry into England*, and the inquisition over the inhabitants.

*N.* That is lightly to be beleaved concerning the jesuits, who disperse themselves like poison over the whole world, to make one childe of hell twice as bad as themselves: to which end they creep into all courts, sow jealousies in ail places, and are the cause of all the warres in the world: but that the bishops had such an intention, that made profession of the reformed religion, that sometimes write and preach against the papists, that is not so easy to be beleaved.

*E.* You speak the truth therein, that the bishops (to deceave the people, and that the king should not entertain those complaints that come against them concerning that point) do sometimes write and preach against those of the papacy; yea, the archbishop himselfe, preaching on a time before the king, did wholly proceed against popish doctrine, and, in the pulpit, did exhort all church-men to teach and write against them, and that every one in his parish should have a watchfull eye over them, to make them come to church, or else to complain; which when some have done, then hath he (by indirect means) persecuted, imprisoned, and distressed them for the same, letting them secretly know that it was because others should be affrighted from doeing the like.

*N.* Then must he have bin an horrible hypocrite, and have had a seired conscience;

so shall Gods judgement certainly follow him at the heels, and his kingdome shall not stand.

*E.* Such an one he was indeed, who knew how so cunningly to dissemble, that the king thought him the holiest man in England: He was always a scoffer of the upright, a friend of jesuits, and a flatterer of great ones, by which meanes he became so great, but now truly as little and despised, sitting where he can doe no more mischief.

*N.* But how! Is he out of favour? Is his game ended? Hath God brought his wheel about?

*E.* O yea; God hath verified it on him, that those that oppresse his, shall also be oppressed; for with the same measure that he hath measured to others, it is measured to him again. He hath thrust many out of their offices, and cast them into prison; and that is justly come upon himself. He sits fast in the Tower, and is long agoe condemned as a traitor to the land; and were it not for his age, and that he is god father to one of the king's children, he had bin long since executed; and what shall become of him yet is uncertain.

*N.* Yea, I thought that the great God of heaven and earth should yet doe right upon him which had abused his right, to the greatest injustice against his church and worship. But tell me (*I pray*) where hence it appears that the bishops, together with the jesuits, sought to alter the religion, and bring in papistrie.

*E.* That shineth as cleer as the bright noon-day: you must also confesse it, and the whole world, when you hear what wayes they went in.

*N.* I pray now explain it a little unto me; for many in our land, especially amongst the great ones, beleeve it not, and think that they are but reproaches and misse-reports of the puritanes or brownists, or some discontented great ones, because they can not have choice of eare, and share in the prey.

*E.* O no, they be no slaunders: it appears by the particulers; for all that the jesuits could have bin able to doe suddainly, to make the people papists before they were aware of it, that have they done; and to that end, they have, by little and little, and by degrees, set up all the outward forme of papestrie in the church of England; for the apparel which the bishops and preachers wear in God's service are of the same fashion with the apparel of the bishops and priests under the papacy.

*N.* Doe the bishops and preachers amongst you weare other clothes then our teachers, and the teachers of the reformed churches in France, Geneva, Switzerland, and Germanie do weare?

*E.* O yes: if you did but see the bishops, or the bishops preachers, say service in our church, you could not distinguish them from the popish clergie; for they have then on a bishops gowne, wide sleeves, a fower-cornered cap, the tippet, the surpius, the cope, the hooe, the canonical clothes, and all that a priest at any time puts on.

*N.* Is that possible? If our preachers here should begin to go so, the children would run after them, and tear such clothes off their backs, and throw dirt at them, and esteem them for the papists apes.

*E.* Yea, so doe our episcopall clergie carry the businesse, who have a long time used our people to these clothes, that it should not be accompted new, when they should appear in them, not as reformed, but as publike servants to the seat of Rome. Yet this is but the least: The churches also, a few yeares since, were made altogether like the papist churches.

*N.* What do I hear? I hope that there be no images set up there, or that Dagon is placed by the ark? There are too many excellent authours that have written against such high places, as that they should not be taken away.

*E.* O that it had bin so: But we must confesse, to the shame of our nation, that the tempels of God are become slaughter-houses, and fight innes for all the wares of anti-christ; for the bishops have caused to be set up in our churches pictures, images, cru-

cifixes, wax-candles, altars; they sing their evening and morning song with beades, organs, musick, as in the popish matters; they cause the pulpit to be hanged with the armes and marke of the jesuits, especially in the cathedral churches, and in the kings chappell, where they set up great crucifixes, after the manner of the papists, and have also so adorned all corners with images, that many papists and other strangers coming thither, knew no better but that they had been papist churches and chappels.

*N.* That is no wonder, for, according to your relation, one egge is not so like another as your churches and the papists. But 'tis a wonder that the governours (and especially the king) have suffered such things; for that is the right way to lead all the inhabitants blind-fold to all idolatrie.

*E.* It was well said concerning the governours; but experience hath taught us that where the bishops are masters, the governours have not much to say; yea, they had such power, that they have given out process to bring divers officers, majors, justices, prisoners to their spirituall court, confiscated their goods, and made them so affraid, that they must fly the land; and all because they did not dispatch to set up altars in place of the communion tables. No man durst lift up their heads against them. And concerning the king, they made him believe that the toleration of the outward form of papistrie should bring to passe that, seeing there was so little difference in the outward; and that the king condescended so far unto them; that they also would then be ruled by the kings religion, to give him content: and hereby have they blinded the eyes of the king, and brought him so far, that he, instead of hindering this bringing in of papistrie, hath judged it convenient, and maintained it by his authority, to the grief and astonishment of all the godly, and joy of papists.

*N.* What! were the bishops such lads, to deale by such false practises? Then 'tis no wonder that all the honest men in England care not for them. But tell me yet again, were they also papists in their forme of doctrine, or was it onely in the outward ceremonies and worship?

*E.* You can easily imagine whether it be possible that any man can come so near the popish religion in the outward worship, with such zeal for those idolatrous institutions, without beeing one with them in doctrine also. It is very true that the bishops and their adherents will not go to church with such a cloak, that they should be thought papists in doctrine; they have kept that a long time hid; but the older they grow, the more their painting falls off, and the more their Esaws coate is *worne* out: So that all men, by little and little, begin to see what was *hid* under it; so that they could not alwayes play behinde the curtain, as also was not their intention; but they have now and then begun to appear on the stage, and made it apparent that their mouth was reformed, but their heart papish.

*N.* You say true; for he that is a true protestant, he will hate even the garment spotted with the flesh: She that is not a whore in her heart will not put on a whorish attire: He that is a right reformed one will not be burthened with such traditions: he will not touch, tast, or handle them, as being brought in according to the institutions and doctrines of men, much lesse he will defend them himselfe, appoint them, be zealous for them, more then for the truth itself. But (I pray you) tell me yet whereia have the episcopall clergie manifested that they are one with the papists in doctrine also.

*E.* There can plentifull proof be given of that; for they have not onely caused these foresaid things to be observed as indifferent, but they have, with the papists, placed holinesse therein, as by this appeares, seeing they compell the people to do reverence to those things; for when the bare name of Jesus is uttered, then must every one bow; also, no man may approach to the meaneest of those altars which they have set up, (and named by the name of the mercy-seate, the place of Gods gifts,) without bowing three

times before it, and then fall upon his knees. They have consecrated and hallowed their churches, chappels, and pavements of the same, the pulpit, cups, church-yarde, and many other places, pretending, that, without this consecration, the places are unholy and unclean, and therefore no service might be performed therein till that were first done; yea, if by any occasion they were never so little defiled, then they were pronounced unclean, till they were again purified by the bishops. Who may not from hence clearly see that their faith concerning humane traditions is all one with that of the papists?

*N.* You are in the right; for such administrations are altogether according to the faith of papists; so that I hold it for certain, that the bishops and jesuits understood one the other in their doctrine also. But tell me, (I pray,) is there yet any thing else whereby we may judge that they were papists in the faith also?

*E.* O yes; for I scarcely know any thing exercised in papistrie which may not be found amongst them. They administer the Lord's supper upon an altar, and they must receive it kneeling; they administer baptisme out of a font, with a crosse on the forehead of the childe; they have had that forme of confirmation whereby the bishops must consecrate the children; they have made marriage purely ecclesiastical, as depending on the bishops, who have forbidden marriage at some certaine times, and almost half the year; and unlesse their consent be gotten, either by favour or money, none must marry; yea, some clergiemmen amongst them may, upon no condition, marry, though it be against the mindes and allowance of their parents and friends. They have caused the holy-dayes to be more precisely observed then the Saboth, forbidding all work therein, upon great penalties; they pray over the dead; they make women, after childbirth, to appear in the church with white consecrated garments, and then they are purified: and many more such like things, according to the papists institution, are very precisely enjoyed, by order from the bishops.

*N.* You move my heart, so that I am at the highest pitch, to hear such things of the government of bishops. I have alwayes thought England to be the most reformed land in the world, because I have seen so many excellent bookes that were penned in England, against all such popish institutions, and for the advancing of the doctrine of salvation, and the purity of worship; and therefore I can not enough wonder that so many unclean things should bear such sway there.

*E.* It makes you wonder, and it hath made us many times exceeding sorrowfull, and to fear (unlesse God speedily prevent it) that we should shortly see all our land papists; which we may perceive by their generall bent that way; for in the universities they began openly to defend that we must pray for the dead; yea, it was preached in London, at Pauls Cross, there are bookes written of it; as also, that the pope is not that antichrist; that men may very well be saved in the papish religion, as the arch-bishop made it manifest to the queen; therefore he hath forbidden to pray for her any more, that God would convert her, and open her eyes, as being a papist. They have publike-ly taught that men may be saved by their good workes, and that with the approbation of the archbishop, as from hence may appear:—When he perused the lithurgie of the Scots, in the place concerning good workes, it stood that they were not *causa regnandi*, the cause of our salvation, but *via regni*, the way to salvation; which he caused to be put out, and willed them to exhort the people to good works simply, without such distinctions: where hence we might easily perceive what he bare in his buckler, as he hath also approved the foresaid bookes, and by all meanes countenanced the pen-men thereof: from all which it clearly appeareth that they were right papists, both in faith and doctrine.

*N:* This cuts deepe, and is something more than caeremonious. By such stalking we

often see that the catt leaps quite out of the sack, and that they were altogether papists, and would have made the whole land papists. They must, without doubt, have had great correspondence with the papish clergie, that have so infected them.

*E.* You have read right; for it hath bin long observed, muttered, and, in the end, come to light, by a certain jesuit, Tho. Abernen, a Scottish gentle-man: who, being by God wonderfully converted, hath discovered how that there was great correspondence held betwene the archbishop and the jesuits in England and Scotland, yea, betwixt him and the pope, writing letters to and againe to each other on this subject, what might be the best way to make England papists. In which business himself was employed; so that he can speake by experience.

*N.* You have made me sufficiently understand and believe that the most bishops and their adherents intended to make England papists; but that would have cost hot water; for the commonaltie of England (as I have heard) are exceeding zealous in Gods service, and well instructed in religion, and therefore they could not by that meanes have gotten the masterie.

*E.* 'Tis verie true, that in England (by Gods mercy) there have beene, and are many godly, honest, well-disposed preachers and members, who would have stood for the truth unto blood; but these bishops have had divelish practizes, by little and little, to falsifie the doctrine, and root out godlyness; whereby they doubted not but that they should have attained their purpose.

*N.* I pray lett me once heare what they were.

*E.* They have had divers, besides their bringing in of the outward forme of papistrie in all places, that so all might be acquainted with it, as I have tolde you before. They have also strip't all the assemblies of their faithfulest preachers, which they have degraded, imprisoned, banished, or so persecuted, that they were faine to forsake the land, and flye into New England or other lands; and instead of godly, zealous, learned, desired preachers, have thrust into their places unruly, ignorant, doboisht, infected persons, which were either arminians or partly papists; that so they might bring the people to ignorance and ungodlie life, and that so they might be able to frame them to what doctrine they listed.

*N.* Well, those were lamentable workes, to silence lawfull preachers without cause: That is to touch the Lords anoynted, the apple of his eye; that is openly to advance the kingdome of the divell. They must surely have had some pretence, for I cannot imagine that they have done such things without orderly proceeding.

*E.* It ought indeed so to bee; but their will was a law; and they have taken for a pretence their disobedience against their popish canons, because they would not subscribe to, and observe all those fore-mentioned things; therefore they have thrust them out. In former times they made sale of subscription, and wincked at many honest and learned preachers, but some yeares sithence they would excuse noe man; and when any honest and distressed preachers, not knowing what was best to do, whether to forsake their church for the institutions, or to condescend thereunto, that they might remaine by their churches, and preserve them from the claws of ungodly preachers, then were they not content with the ordinarie subscription to the olde cæremonies, but have so long burthened them with new, till that they could not in conscience yeeld thereunto: then have they entered their action, and justled them out, not here and there one, but fifty and sixtie, yea, some hondreds, in a short time, without mercie, or hope of restauration, notwithstanding the earnest solicitation of their assemblies, the requests they put up, the gifts they presented, as being famous, learned preachers, that had great audience, were beloved of their congregation, and had wrought great edification in their places; for such there was no hearing; yea, though whole shires came upon their knees, with teares in their eyes; insomuch that sometimes they have wrung teares from



the king himself, to heare their grievous lamentations for the want of their faithfull servants; begging, for the glory of God, and the safetie of their soules, that their preachers might be given them againe: yet they could not prevaile: the king sent them to the bishops; and that was to knock at a deaf mans door; and the stones should sooner be moved than they.

*N.* You make me weepe for the pittifull condition of such churches. How could God be so long suffering as not to heare such teares? O! what a curse have such bishops pulled on their own heads? God hath seene it, and will revenge it. How could the devill have dealt worse? But have they used this crueltie against the preachers onely?

*E.* O no, for after they had destroyed the shepherds, then, like ravening wolves, they have also destroyed and dispersed the sheep; for they have daily cited to their spiritual courts the honestest, godliest men and women, married and unmarried, accused them that they would not follow their ceremonies, that they went to hear, here and there, out of their parishes, where they knew was a good preacher, held fast-dayes by themselves, and came together to repeat the sermon, to read, or sing, and pray. These were causes sufficient to imprison the people by heapes, and to let them sit there and consume, to seize upon their goods, to draw them to themselves, so ruinating many households, whereby many thousands were compelled to forsake the land, and to wander into strange countries.

*N.* O, the miserable condition of the honest inhabitants of England! they have been there as bad as under the inquisition; yea, worse; for this is exercised against them by those that say they are of the same religion with them, and the curats for their soules. O, what reason have we to thank God that we dwell in such a free land, where no man is compelled or troubled for his conscience! We know of no such persecution, thanks be to God, and God keep us from it; for our nation should never endure it, but stand up, and quickly hunt such instruments out of doors, as they did that troop of shavelings that dealt so with the inhabitants in the beginning of the reformation. It was lately seen in the Hague how the inhabitants could ill endure that any man should be over-burthened: each drew it to himself; and then appeared first the lovelinesse of liberty, and the fidelity of the Netherlanders to each other; that alwaies take compassion on the oppressed, and venture their goods and bloods therefore.

*E.* It is a commendable thing to relieve the oppressed, and resist the oppressors, so it be orderlie performed: but, alas! what could we do? The bishops were too mightie, and our nation is also exceeding slavish under those that are mightier than they. There was great murmuring at it: The will was good to resist such tyrants, but they could not see where it should begin; nevertheless, they thought that it would break out into a bad issue one time or other.

*N.* Undoubtedly, God will, from some place or other, give a good issue, as he did in the beginning of our persecution. God wants no means either to punish a nation or to deliver them out of their distresse; yea, when the danger is at the highest, and the water at the brim, then God takes most pleasure to manifest his power. But tell me (I pray) more particularly, what wayes the bishops have further proceeded in, to bring the papish religion into England.

*E.* Besides that, spoiling the kingdom in all places of their faithfullest preachers, and thrusting in others, according to their own humour, in their places, or leaving the church unprovided, giving them onely a reader, that read their injunction in the church, out of the service-book; so that great circuites of land, of 30 or 40 miles in compasse, had scarce two or three sermons in a whole year, to the unspeakable spoil of the people, who, nevertheless, must bear the burden of Gods worship, and pay, out of their parishes, two, three, or four hundred pounds sterling per annum, according to the quantity of the parish, unto such lasie and idle bellies, that had the name to be their preachers. Be-

sides this wicked practise, (I say) they have used many other means to banish wholly all saving knowledge of the truth out of the kingdom, that so they might the better draw the people unto poperie.

*N.* Loving friend, what do I hear? Have they so took care for sowls, as to feed them onely with humane traditions, without the preaching of the word of God, the hey and grasse, and yet were so shamelesse, as to take such great wages of the people? God will revenge it. But proceed to shew me what have been their further practices.

*E.* They had a thousand tricks to blow out that zeal and practise of godliness, which had been exceedingly inflamed by so many excellent preachers, for an example to the world, and to set up in the place thereof an athiestical liberty and worldliness; to which end they have with-stood the means of salvation, and set the contrarie readie for the people; as when they brought into contempt the sanctifying of the Sabbath, by exceeding ungodly practices; for they knew so far to abuse the power of the king, that they have stirred him up to give out a proclamation, in the year 1633, wherein he required that all his subjects should have libertie, servants against the will of their masters, and children against the will of their parents, to spend the Sabbath (after service) in all manner of recreations and dancing; men and women going to playes, in running, shooting, bowling, stool-ball; and all to this purpose,—that they might change the repeating of sermons, and other spiritual exercises, into such idle wanton sports, and that by proclamation; as if men were not sufficiently of themselves inclined to profane the day of the Lord by such vanities.

*N.* Is it possible? Knew they so far to mislead the king, as that he should give out a commandment directly contrary to the command of God, wherein he willett that the Sabbath should be sanctified, and set a part to all such exercises which tend to the prosperity, not only of the bodie, but the soul of man. You must surely have given strange attention when you heard such things proclaimed; for I have alwayes heard that the English make great conscience of the Sabbath; yea, when they went in the streets of the city, they saw not the least work done, or any wantonness used, but that in all houses the sermons were repeated, psalms sung, and profitable sermons propounded: So that all understanding men did judge that the sanctifying of the Sabbath was the principall reason of Gods blessing and mercie over England. There is great profanation of the Sabbath in our land, by working, playing, ridding, stool-ball, dicing, drinking, wrestling, and running; but (God be thanked) they are not done by *vertue* of any command of our governours, but contrary thereunto; so *there be* many excellent proclamations against the prophanation of the Sabbath in many provinces come forth. O, that God would graunt they might be well mainteyned.

*E.* Yea, so is it came to passe amongst us; and yet the bishops are so shamelesse, that whereas they ought to have stood for Gods right, and to have informed the king better, they have caused all preachers to read the same proclamation out of the pulpit to the people, and to exhort them to observe the same, against the fourth commandment. Those that have refused have been deposed, to more than an hundred in number; notwithstanding that the dean, which was sent by the bishops to see, this executed in all churches, a little without London fell dead from his horse, for a warning; yet they could thereby be brought to no remorse, but went forward with the business.

*N.* O, how just are Gods judgments, and how sottish are the hearts of men, if God mould them not! It was never heard that preachers were commanded to deliver from the pulpit that which cleerly and evidently opposeth the command of God. Those that have refused to do it have done like Christians. But what more practices had they?

*E.* They have also forbidden to preach wise on the Sabbath, under the pretence of catechising, which was then ordeined, appointed, and directed, to instruct the children, and teach them the traditions of the pope, or bishops. They have, to their power, forbidden the printing of all good books, and, contrarily, suffered to be printed all armi-

nianish, papish, vain books of Amadis de Gaul, and of comedies, to 40 thousand in a yeare. They have also suffered reliques to be solde openly; yea, they have been sent from the pope to the archbishop himself, who knew well how to make his profit by them.

N. Well, those were great wickednesses, which God will seeke and finde. Howsoever, it goeth also very bad amongst us in those things, (for there is here in our land also great libertie to print all unseemlie, hurtfull, hereticall bookes;) yet the honourable magistrates of Amsterdam have, exceeding worthilie, caused to be burned certain Socinian books, and have hindered the players and dancers on ropes (which follow fayres and markets) from playing. Oh! that it were in all places imitated: yet 'tis so, that, here in our land, there bee some papish booke-sellers, that openly sell nothing but papish bookes of breviaries, masses, rosaries, legends, and publikly hang out idolatrous images, crucifixes, beads, paternosters, Agnus Deis, &c., without hinderance, which is to be feared will bring Gods judgments on us; and although (by Gods blessing) it is not so yet ordered amongst us that good bookes are forbidden, yet there are few printed, because there is so little vent, while all hands are full of vain, unfit, uncivil, venemous works, that hinder them from reading good ones. But tell me what are the deceits the bishops have used to bring in the papish religion.

E. As it appeareth, from that which hath been said, that the bishops and papists understood one the other in all things well enough, so have they given them great libertie in all places, not executing the proclamations and orders against them, but have connived at their assemblings, idolatrous exercises, absence from sermons in all places; so that England became full of jesuits and all manner of seminaries, that have so done their indeavor to turn England from their religion, that they have heartened or won many thousands to the papish religion, to the unspeakable weakening of our state, and trouble of the reformed, that were (where they were mightie) oppressed by them, yea, must suffer great distresse, without being heard therein, when they came to complaine of it to the clergie, where the favour, notwithstanding, was continually on the papists side.

N. There hath been then a great fall in England; for I have alwayes heard that every man was compelled to come to church, and attend upon Gods service, so that none were excused, no not the greatest; and that there were very strict orders against the papists made in divers parliaments; so that I heare well that it hath gone amongst you as it doth amongst us; for (the more is the pittie) there were many times strict proclamations read against the breaking in of papistrie; but, notwithstanding, papistrie is openly set up in the midst of us; for they have their formall churches, with stooles, benches, altars, ovals, quiers, candlesticks, cupps, in sundrie cities, as also in the countrie; and they say service at the sound of our bells, going openly thereunto. The priests are knowne amongst us; preaching against this government, that it is unlawful, exhorting the people to helpe the king to his land, will absolve no man in shrift, but such as hold the king for the lawfull lord of the land, goe publike processions with an hundred at a time, place crucifixes in the church-yards, at the graves of the dead, come to torment the people of our religion upon their death-beds with their idol and oyle: yea, they have their whole church government amongst us, and have divided the whole land amongst bishops, arch-bishops, deacons, arch-deacons, every one knowing his jurisdiction. They have also given all the civill offices unto certaine persons, and when they dye, then they confer them upon others againe, upon hope that though now they be but titular, yet that once they shall have the reall possession thereof. So that if any change, through any stir, or other wates, should come, (which God prevent,) each should know his place and office, both in ecclesiastical and civil affairs, that so they might at once over rule the land.

E. You wondered that it went so in England; but I wonder exceedingly that it should go so amongst you; for while you give such liberty to the papists, you put the

souls of the inhabitants, yea, the whole church and land in a scale, and suffer your sworn enemies, that are bound by oath to the king of Spain and the pope, to set up a government in your government: who (if it should go ill but in the least, or that there were any likely-hood to make the king of Spain master) would strait fall off: so that you foster an adder in your bosoms.

N. You are in the right, and all good patriots understand it so: it hath also sundry times appeared to be so, when the land was in any trouble; as, when the enemy was in the valle, all papists prick up their ears, spake exceedingly boldly, said openly out, Now shortly it shall be our time: and the further the enemy brake into the land, the boulder they were: as also when we lost Schenk-Scans, and that the enemy meant thereby to come in, the countenances of the papists were then cheerful; and yet when there cometh any bad news, you may easily perceive with which side they hold, although, peradventure, they should be no more the better for it than wee, as it appears in manie places; yet their hate is so great, that they would willinglie wish to perrish themselves, so that we might but perrish with them: yea, they are yet so bould in some places, that when any godly preachers are something zealous to bridle their insolencies, they dare send word to such persons, that they should consider how it now goes in Ireland: yet, notwithstanding, these deadly enemies of our state are winked at, because they blind the eies of the officers and great ones with great gifts and yearlie pensions; as they themselves do say that they are beholding to no man for their freedom, but their monie; by which meanes they cannot be effectually proceeded against, notwithstanding those remonstrances given against them by the church; so that the synods were necessitated to leave it to God, and protest, before all the world, that they would be free of the sowles by this meanes lost, having done, according to their places, what they could, as also from that distraction which shall certainlie come upon the land thereby, if not speedily prevented. Whereunto I pray God the Lord to stirr up all corporations, and their particular members, to take the redresse of these things into their hands, and not to let it hang upon the officers, or a few persons, as it is, here and there, to the great advantage of this cause.

E. Yea, I heare then that things go ill, not onely in England, but that in this matter it stands ill enough amongst you also, although you have no bishops to let such mischiefs break in. But hold this for certaine, that the whole heap of papists, if they can master us, and it hit right, shall be quicklie a tip-toe against you; for I have lately seen a letter out of the Netherlands to one of our papists, which earnestlie stirreth ours up to use all meanes possible to become masters, and to advance poperie; assuring them that they, with the helpe of England, should be here strong enough to make themselves masters, both of land and religion; therefore, their breaking in, groweth, and increase of such is not to be slightlie esteemed; for they can all wayes at a start be seconded by your neighbor enemies, if they but make themselves masters of one passe or other; so as they cannot do with us, because they must fetch all assistance from beyond sea.

N. You say right; and I know not how our government is so besotted that they do not better consider it; for every one knoweth that there cannot be a more hurtfull nor dangerous enemy than that within, especially if it be one with a powerfull enemy without, and therefore God open all eyes to see it. You have now told me much concerning the designs of the bishops, and the meanes they used to bring in papistry, but tell me now once wherein the malignant courtiers, and other infected statesmen, were the cause of the stirs in England.

E. You well remembered what I told you in the beginning, that the bishops and the malignant politiks, besides the papists, have occasioned all our heavinesse; for it is certain that the bishops have spoiled all in the church, and together with the politiks, have turned all things up-side down in the common-weal also.

*N.* How understand you that, together with the politikes? I think not that the bishops had also the care of worldly matters.

*E.* How! Have you not known that? O yes, the bishops have had not onely ecclesiasticall, but civill offices also, and have been also privy-counsellors, treasurers, keepers of the great seal, and I know not what; therefore they have been a member of the parliament in the upper house; yea, they have spent the most part of their time in politick affairs, and had so far ingrossed them, that scarce any man, without their assistance, could attaine a civil office.

*N.* I hear you; but I thought that the preachers, much more the bishops, had so much to do in their own offices, that it well required the whole man, and therefore that they had no time to trouble themselves with state matters. But tell me (pray) how had the bishops and politiks contrived it to bring all government into their hands, to finish their designe?

*E.* To this purpose they had conceived strange windings; and, first, they put it into the kings head, that he ought to be an absolute souveraigne, not to be under any, according to the example of France, and that they would bring him thereunto, by means of the ecclesiasticall persons which they had now at hand in all places, and sate in the ear of the people. When they had made the king to relish this, to make him confirm all their designe, then they made him presently believe that all their doing tended thereunto.

*N.* Was the king then no absolute king, so that he might do all that he would, not having any man above him?

*E.* In no wise; for kings are limited by laws, so that they can make no new laws, nor lay any impositions on their subjects, nor go to war with any, without the consent of the parliament, eise the inhabitants are not bound thereunto; yea, they are lyable to punishment, if they pay any impositions or subsidies to the king, upon his particular order or will; and those that counsil the king thereunto, or assist him therein, are guilty of high treason.

*N.* What is the parliament, under which the king stands also?

*E.* It is the highest assemblie of the kingdome, which consisteth of the king, dukes, earles, barrons, bishops, and the commons, which is two persons out of every shire and chief citie, deputed with absolute power, that, together, they might redresse the enormities of the kingdom, according to the lawes, and to ordeyne new laws and impositions, to the advantage of the king or kingdome, without any compulsion of votes; which assembly is gathered and dissolved by the king.

*N.* That is a stately and powerfull assembly, if they understand themselves, and of great might, to redresse the greatest abuses, and to assist the king with great sums of money. It were to be wished that we had sometime also such parliaments, as, in former times, the assemblie of the states-generall used to be, before that there was a parliament companie of states-generall set up: thereby might great abuses amongst us also be reformed, under which now, 'tis to be feared, we shall sinck. But have the great ones liked this parliament?

*E.* That you may easily imagine. O no; the archbishop, and all courtiers, and those that were in favour with the king, have alwayes withstood it, many yeares delayed it; or when it was assembled, and that it began to touch the soars, and to search out the bad practises of the great ones, then knew they how to order the king, that he, from time to time, hath caused the parliament to break up; and now the last time, in May, 1640, notwithstanding that the king and state was in exceeding great distraction, by reason of great stirs that were in all places of the kingdome.

*N.* I hear it well. There is much adoe in all places: It goes so with us also; that they that know how to make themselves masters in the provinces, they hinder, as much as they can, that the states may not come together; or, when they are together, they

set one city against the other, casting many things in amongst the members, that so they might not understand one another, and so depart asunder without effecting any thing; to the highest discommodity, burthen, trouble, dishonour, and spoil of the provinces, and unspeakable disadvantage of many that it concerneth, that can procure no expedition from the table; which, in the end, (if the members be not wise to understand one another, to use their own freedome, without depending upon these of any,) will bring all into confusion, as you said it was in your three kingdomes. But tell me what were the stirs that were in all places of the kingdomes.

*E.* Unmeasurably great and dangerous; for Scotland was in arms; we had a leager in the field, on the frontiers of Scotland; the king was set on to fall upon the Scots; and they practised daily to set the two kingdoms together by the ears.

*N.* But tell me (pray) whence proceeded this disunion; for the two kingdomes have one king, one religion, and have, till this time, lived in peace: What hath brought forth this disquiet?

*E.* This disunion hath been a long time in breeding by the bishops and papists, whose designe was not onely the changing of religion in England, but also in Scotland; yea, to thrust in all their superstitions into Scotland first, as being the weaker nation, and from thence into England; to which end they have (by little and little) thrust in bishops there, against the minde of the kingdome; which they first pretended should but serve to keep good order in the church, without having such authoritie over the church and ecclesiasticall persons as in England, but growing, by little and little, in authoritie and power. So 'twas that they indeavoured alwaies to have as great authoritie in Scotland as in England; wherein they were heartened by the bishop of Canterbury, and (through his advice) by the king also; and, in the end, set on work to thrust in the service-book (that is the liturgie) of England into the church of Scotland, augmented with many additions, some openly and some covertly opposing the reformed religion; together with all those former papish ceremonies that were before in England; which first of all began to be set on work when the king was in Scotland to be crowned.

*N.* How have the Scots behaved themselves therein? for they have been alwayes famous for great protestants, and lovers of the puritie of worship, full of courage to mainteyn the liberties of the kingdome against all opposers.

*E.* The Scots, so soon as they were aware of these novelties, and that they were *pro*-pounded by the king himself, in their parliament, so to *thrust in some beginning* thereof into Scotland, then have all the gentry and burgesses cried it down in the presence of the king, and persisted therein, notwithstanding that the king took it very discourteously, and manifested the same by his suddain discontented departure out of the kingdome, commanding his counsell to thrust in such church orders as he had given them in charge by authority.

*N.* Durst the kings counsell attempt such a thing, against the minde of the gentry and commons? for they might well fear that they were lesse able to bring such a thing to passe, and now against the resolution of the parliament, which the king himself could not accomplish.

*E.* The counsell was exceedingly animated by the king, and specially by the bishops, as well of Scotland as of England, to go forward courageously herein, not to fear, with promise of assistance, and punishment upon all those that should refuse; whereupon the counsell, with the advise of the bishops of Scotland, and command of the archbishop of Canterbury, did augment the service-book of England, and mingled it with a great deal more poison than in England, which, together with the five ceremonies of England, they decreed to thrust into the church by publike proclamation; declaring those preachers to be fallen from their obedience that should oppose it, and severely

to punish all such inhabitants that would not subject themselves to these institutions.

*N.* This was a bould attempt ; but what was the issue ?

*E.* Presently thereupon it came to passe, that a great number of committees out of the church and state addressed themselves to the high counsil, and divers times desired, that such a resolution might not go forth, but that they would leave the church and church men to their antient customs, without thrusting in of novelties ; otherwayes the whole kingdome was prepared to come into a great upröre ; which exceedingly distracted the counsil ; but being set on by the bishops, they went forward, to the great discontent of the committees and their chiefs : whereupon the gentrie, the particular magistrates, and the ecclesiasticks began to bethink themselves of some means to resist this evil, and to this end, resolved to bind themselves by oath to maintein (with their estates and lives) that old covenant, concerning the maintenance of religion, forme of doctrine and government ; as it hath been alwayes maintained in Scotland. Which covenant was confirmed and subscribed by all the inhabitants of Scotland, except those that were papists, or held with the bishops faction.

*N.* That was a fast bond, and exceeding fearfull ; for by that means the strength of those that would stand for religion against the popish institutions did presently appear. But what way could the counsil, together with the bishops, take to mainteyn their resolution ?

*E.* They were exceedingly distracted hereabout ; but their fury and zeal to the popish institutions was so great, that they would hold firmly this point against the whole kingdome : and to this end, they perswaded the king that his prerogative was engaged that he mainteyn his purpose, use all his strength therein ; yea, though he should compell them thereunto by force of arms ; advising him to this end, to insure all the castels and forts of Scotland ; which was in like manner put in practice. In the meantime, they in Scotland went forward to thrust in the service-book and the five caremonies, deposing and punishing many that were against it ; so that there fell out great stirs and heavy oppositions in all places ; which, by little and little, increased more and more, bred great distrust against the king, and so much the more, when it was found that he caused arms and amunition to be secretly brought into the castels where he had his governours.

*N.* I hear well. There was a bad fire kindled, which could not so quickly be quenched : but how went it at last ? Did no man put himself upon the pikes to prevent this threatning evil, to informe the king of the danger he should bring his kingdomes into, and that for a few papish caremonies ?

*E.* O yes ; divers did seek to dissuade the king, but in vain ; for either they could have no hearing, or else the bishops knew strait so to bewitch the king, that he believed no man, but accounted them all for enemies to his prerogative that counsilled him to the contrary : whereby the common governours of Scotland were necessitated, for the mainteynance of their freedomes, and defence of themselves, to come into armes under Generall Lesly, with such a general concourse of all the people, that every one alike willingly offered himself thereunto, both with his person and also his money ; which, in great abundance, was given for to pay the souldiers.

*N.* How did the king take this : for it seemeth much that a kingdom should betake themselves to arms, without consent of their king.

*E.* The king is hereby induced to take up men against the Scots, to beset their havens, to proclaim their ships prise, and to permit the Deynkerkers to take all such as had no commission from him ; so that Scotland was exceedingly distressed, both by sea and land ; which made them resolve to take in certain forts, to free their sea coasts, to bring their leagers to the frontiers of England, and so to begin a formall order of war, not against the king, but against his bad counsillers.

*N.* So 'tis often seen that a great fire cometh of small sparks. These were sad beginnings : But how did the king behave himself in these dangers ?

*E.* The king did also place himself in order of warre, through the counsell of the bishops, who promised to pay his leager out of the contributions of the clergie ; so that an English leager was pitcht, which, together with the king, came to the borders of Scotland, in the mean time proclaiming the Scots for rebels, and suppressors of the kings prerogative ; so that the two kingdomes stood in direct opposition, the one against the other ; yea, so farre, that the king made the greatest part of the English leager approach upon the Scots ; who, encompassing the English, took some prisoners, and got their ordonance and amunition without bloodshed : all which they discharged, and sent to the king, to shew that they intended not the dammage of their brethren the English : Whereby the English gentry have gotten better experience of the Scots then others had informed them, in reporting that the Scots began this war to enrich themselves out of the revenues of the English ; which then appeared to be contrary, and was also otherwise conceived by the English.

*N.* You report strange things unto me. I never read any historie of such civilitie, in those that weré together by the eares, that they should so freeleie dismisse one another. Here hence it also appeared that the Scots sought not the blood of their brethren, but their own freedome ; which, without doubt, made the English to entertaine a good concept of the Scots.

*E.* Wee have all, in generall, so conceived it ; and our gentry began to perceive that it was but the worke of the bishops, to adorne their chaire ; who knew how wonderouslie to lead on the king to the destruction of both his kingdoms ; which hath excited the great ones to advise the king to make an agreement with Scotland ; which was also performed, upon condition that both the armies should be cashiered, the castels restored into the hands of the king and synode, and a parliament assembled, absolutely to end all differences : whereupon there was great joy, and all the former conditions likewise performed on the Scots side, but not in the least on his majesties behalf.

*N.* This was yet a happy issue : But wherein did the king not hold his word ?

*E.* He did exceeding slowly cashiere his souldiers, insured the castels, contrary to agreement. 'Tis true, he consented to the synode, but many waies abridged their freedom by his committees, which caused great jealousies ; for although the king hath consented to the deposing of the bishops, called in his proclamations against the preachers, and approved their covenant, yet there was much deceit *under it* ; for the king did, in the mean time, strengthen himself *against that partie*, as well within as without Scotland, shewing all courtesies to the bishops, privily taking in and fortifying certain holds ; whereat every one began to look about him, to take up arms a new, with a purpose to come into England to the king, by him to be mainteyned in their freedoms ; which exceedingly distracted the faction in England, and also the king.

*N.* That's easy to imagine ; for the king, who is the head of the kingdome, might easily conclude that a kingdom divided could not stand, and therefore it must exceedingly prick him at the heart.

*E.* It may be the king did well foresee the danger, but he was never himself, but always led by others ; and therefore they made him believe what they would, perswading him that the bishops and their adherents alone could maintein him against the Scots, if the king would but let them alone, as he hath done ; whereupon they held a kind of a bastard synode, where all the institutions of the bishops were approved, to contribute, out of the means of the clergie, to the maintainance of the war against the Scots ; which came all too late. In the mean time, the Scots seeing their leagers in the land, their havens blocked up, their trading to fail, and their kingdome in danger of ruine, did resolve to march into England ; as also they happily did, and overcame New-Castel, where they fortified themselves, yet without blood, (except a little in the



conquest,) or in dammaging any of the inhabitants of England, to the wonder of the whole English nation.

*N.* It is also greatly to be wondered at, that the Scots durst enter upon so populous a kingdome, to come so far out of their own country; but it is much more to be wondered at, that they knew how to keep such a strict order in their leager, that they should do violence to no man, which is almost unheard-of: But how could this be cleered?

*E.* Our whole nation is, by this coming in of the Scots, yet more confirmed that they intended not to spoil England, as the bishops had accused them, but that they were led by God's Spirit, and intended nothing but their own freedome, and the freedome of England, and the maintenance of the purity of religion; whereby the eyes of our nation were also opened to take notice of their oppression under that insupportable yoake of the bishops.

*N.* Were not the English exceeding jealous of this invasion, and did they not in-deavour, by all means, to drive the Scots out of the kingdome?

*E.* In no wise; but (on the contrary) all were glad that such a reformed leager was in England, which gave some freedome to many that sate bowing under the burthen. Then also a great number of the gentrie went unto the king at York, laying open before him the *grievances of the kingdomes, and also of England, in divers notorious instances; desiring that the Scots and they might have satisfaction, and that to this end a parliament might be called; which the king also granted: whereupon the bishops presently sent their agents through the whole kingdome, to many hundreds, to procure burgesses to their own minds, by them to hinder all their former proceedings, and to procure means to fall upon the Scots; which they knew how to effect by the earle of Strafford in Ireland, where the parliament had granted many men and divers subsidies against the Scots, that so they might, to purpose, bring under the Scots and the purity of religion.*

*N.* You report strange things. The bishops faction did well perceive that it should now come to the point, and therefore they took such pains to get men after their own mindes in the parliament; but did they effect it?

*E.* In no wise; although they made use of the king himself to desire (in many places) that such and such might be chosen; but the inhabitants would not suffer themselves to be so over-reached; but as the election of parliament-men is in the power of *the commons*, so have they chosen none but such as with whom they knew religion and the liberty of the land to be in highest estimation, and went with absolute power as their deputies; so that *the parliament being independent in her resolutions, and having power out of her own head to make and alter lawes, to appoint impositions, as great and as many as it will, therefore every good man was carefull to send conscionable and courageous men, that could not easilie be overcome, either by deceipts or promises, but goe resolved to suffer all things rather than yeeld to any thing that shall be to the least damage of the inhabitants; as ordinarily divers parliament-men, at the dissolving of the parliament, have bene, by the king, set in the Tower, because they durst with such libertie resist him in the parliament, to the advantage of the inhabitants.*

*N.* That is a great priviledge of the inhabitants of England, that all free-borne doe chuse and appoint to the highest assemblie: There can be no cup prepared that can corrupt so many thousand men. The commons are ordinarily good: all the corruption is about the head, and the great ones, who, to get into places and offices, carry themselves a loft; and they are no sooner come upon the cushoon, but presently they are politicks, though they were never so good patriots before; which we have also had experience of in our popular government. Many, so long as they are citizens, are lovers of religion and libertie; but so soone as they come into the counsell-house, then observe they presently how the winde blowes, and suffer themselves to be misse-led by some.

great ones, that beare sway in all assemblies, and begin to be enemies to religion, and helpe to suppress the cities and provinces; making one or two masters, who then direct all things in government for themselves and their fat offices; yea, it goes so grosse in this point, that 'tis to be feared that the commons shall, one time or other, go to pot. Oh, that there might be once amongst us, also, a general parliament assembled, for the redresse of that great declining amongst us! and that the governours themselves (though upon their oath, and for all those advantages which they reape by the government) would take care to maintein our dear-bought freedome, and watch to the furtherance of the prosperity and welfare of their citicens: then should the lords have honour, love, and all things from their subjects; who, with great affection, are taken up with all those lords which shew themselves good patriots.

*E.* Yea, have you also flatterers amongst you? I thought that all Netherlanders were free-born, and that the blood of their forefathers was in their veins; who did not fear the mighty king of Spain, but adventured their lives and estates for their liberty, and would not be slaves to these or any. Whom hath any man need to fear amongst you? You have no sovereign: the cities themselves make the sovereignty amongst you: every lord amongst you is a member of the assembly; and each can have in himself great attention and power, if they be but wise enough to employ it.

*N.* You speak with understanding concerning our government; and no man needeth to be a slave, if every one were content with his own, and were not too ambitious; but there are many who (for an office, or to remain on the cusheon) feare not much to damme their souls, and to ruine their countrie, and to give away all to some great ones, to make the cities amen-sayers, and the provinces slaves, that, by their means, they may effect that which the time, all too soon, (as is to be feared,) shall manifest. But we digresse from our purpose: Tell me then how had the parliament its beginning, and how all things went there.

*E.* The parliament, by God's wonderfull direction, against the will of all the great ones, are come together; and after that the Scots had shewen the end of their falling into England, that it was not out of any covetous desire either of the goods or bloods of the English nation, but only out of an upright desire and love to their own freedom, and the freedoms of their loving and affectionate brethren in the kingdome of England, then have they presently more exactly understood one another, and the parliament began more narrowly to consider the disorders of their own state.

*N.* So was there then presently concluded a brotherhood between the English and the Scots? O, wonderfull work of God! that knew how so suddainly to remove that dispersed jealousy, and to use so small a nation (but full of courage and religion) to open the eyes of the mighty kingdome of England, to effect their own freedoms. But how did the parliament then farther proceede?

*E.* That would be too much to relate; but we will only point at some principall things. They have first inquired what were the inormities of the kingdom, and who were the causes thereof; and they found such a masse of corruption, that in the whole kingdom (either in the church or common-weal) there was scarce any thing sound; and all occasioned principally by the bishops, and some Espaniolized English about the king; as it was manifested to the parliament daily, by an over flood of requests and greevances of the inhabitants, out of all quarters of the kingdome, with the subscriptions of many thousands of men, exhorting them to remove the evil, and authors thereof.

*N.* We may see that the boil was ripe, for the lance no sooner came neer it, but presently the matter issued out. But what were those matters which they found out?

*E.* Concerning the church matters, and the exorbitances thereof, I have noted them before: there was a generall crye against them, all calling for the deposing of the bishops, and the rooting out of their hierarchie: whereupon presently there arose a great

adoe, and opposition of the whole episcopall faction, especially in the higher house, where they, about fower-and-twenty, or more, are members, and also all the papish lords of the upper house, which are also twenty-four, or more, which constantly held with the bishops: whence men may easily judge what correspondence the bishops have had with the papists, who ought, by the form of their office, to have been so far separated from them, as light and darknesse, Christ and Belial: so that whatsoever was concluded against them, or their popely institutions, in the lower house, was presently opposed in the upper house, so that there could be no proceeding, till, by degrees, divers matters were discovered, whereby now these bishops are in the Tower, and, at last, the arch-bishop also, for divers heavy accusations which the Scots brought in against him; by whose absence the good lords of the parliament procured now one, and then another good resolution, to the hinderance of many sorts of newly-appointed institutions.

*N.* These are great beginnings of reformation. It is wonder that the bishops have not (as it began to be thought of them) incited the king (with whom they are at all times conversant) to dissolve the parliament, as other Nimrods have done in the like case.

*E.* That was prevented; for the parliament being desired to graunt the king certain subsidies, have granted the same upon this condition, that the king should passe an act, that he should not dissolve them but by consent of both houses; which he hath subscribed: Beside, there were many thousands of apprentices stood up in London to defend the parliament, desiring that the arch-bishop and other bad instruments might be punished; so that the parliament could not be dissolved, especially seeing the parliament-men had bound themselves to each other, by oath, not to depart till all things were redressed

*N.* Therein hath the king yet manifested an inclination to reformation, in that he hath graunted the parliament such an act.

*E.* The king perceived well in what hatred all his servants that were about him were, by reason whereof many, through an evill conscience, fled to France or the Netherlands; so that the king, without the parliament, could not have quieted the people; and therefore he was necessitated to agree to it, hoping (through his authority, and those persons which he had in the houses) to bring all yet to his own minde. But the king was too great a patron of all the malignants, which he sought to save, that made the members more and more to strengthen themselves against the king, to resist him therein: whereupon the king put on the foxes skin, dissembling and abandoning many persons; yea, did passe an act, that the bishops should sit no more in the higher house; which gave great content: and had the king left all his bad servants, and joynd himself with the parliament, there had never bin a more mighty king in England then this.

*N.* I am also of that opinion: but do we not see ordinarily that the servants of kings and princes abuse their masters with calumnies and lyes against the best, to displace them, and then alone to abuse the ear of princes to their own ends; not caring whether their masters be beloved or hated, if they can but be great with them, and by their power work but their own passions against others? It goeth alwayes so amongst us also, that the servants that are most about our prince, in all places where they have authority, bring in drunkards and novices, thrusting out the antient, honourable, beloved, grave gentlemen, to the great distaste and offence of the comunalty, and that by false reports brought to his highnesse against them who unwittingly, and without his fault, is thereby ill thought of in all places, as if he were a patron of such vile persons; which we must, notwithstanding, judge to be far from his prince-like disposition. But tell me what is there more fallen out in the parliament?

*E.* Continual requests of the inhabitants, full of complaints against the king's cour-

tiers, concerning the great oppression which they have used over the people, in monopolies and unjust impositions, whereby they have drawn millions from the comonalty, part for the king, but most for themselves: whereof many that sate in the parliament are found guilty; which were presently put out of their commissions and places, as well in the higher as the lower house; whereby the parliament was more and more refined: which being disannulled, and declared to be unlawfull, to the great content of the comonalty, who thereby have gotten more affection to the parliament, and given them the more incouragement to proceed in the reformation; so that they themselves have caused the earl of Strafford to be apprehended, made his process, and proved that he had brought the king to many bad enterprises; made him break his covenant with the Scots, tyrannized over the Irish, as was daily confirmed by a thousand abominable instances out of Ireland, held the dominion for himself, compelled the parliament of Ireland to graunt great summes of money and men to imploy against the Scots, and other criminall causes more, for which they have (with an enforced consent from the king, who would willingly have saved him) beheaded him, and so made him an example; whereupon yet more, that were also guilty, are fled.

*N.* This was a great resolution of the parliament, and I wonder exceedingly how they could bring the king to consent unto that, seeing I have alwaies understood that he was one of the principallest instruments by whom the king hath brought out his designes, having promised to maintein him.

*E.* The king hath done much for him, taking all his guiltinesses upon himself, and by practises hath sought to get him out of the Tower; but the stream was too great against him, as well of the parliament, who manifested unto the king, by many learned lawyers, that he was worthy of death, as also of the people, that by force would have him out of the way; so that the king must (although exceedingly constrained) consent thereunto; but he did not subscribe the sentence himself, but caused it to be done by others.

*N.* There cometh to my minde the marriage of the young prince: tell me once how it went about that; for he was in England when the deputy of Ireland was executed. I think I have heard some say that it was thought that the young prince would have made intercession for him to the parliament; but I understood that he did it not, least he should thereby gain the hatred of the people, which should be discommodious for him.

*E.* Concerning the marriage of your prince, it was first-set on foot by the queen Mary, being in the Hague, to make her acceptable: but many judged that she meant it not; for, being in England, it was opposed by her faction, as also by the bishops, and most of the courtiers and great ones which are yet by the king: but the parliament did exceedingly presse it forward, to hinder her that she should not go to Spain, from whence she was solicited by many ambassadours, one after another, but to marry with a reformed lord; who presently coming into England, was gracious and welcome to the inhabitants; so that in the end that marriage was solemnised and made sure, to the great content of the good inhabitants in England, who have judged that it would be a faster bond to maintain the true religion, resist the popish faction, and binde the king faster to the parliament: But I hear that many amongst you have bin much troubled about that match.

*N.* I know nothing of that: all have accounted it a good marriage for our state, thereby to make yet a neerer friendship with England, which is of one faith with us. Onely some are troubled, least, by this marriage, all the corruption, pride, vanity, and ungodlinesse of the English court, coming over with her, should break in upon us, seeing that our nation at this time is exceedingly inclined to pompe and novelties, to the ruine of many.

*E.* No, that is not it which I have heard; but I have understood that some were jealous

of this great marriage, because they thought it might be an allurement to the young prince to affect the sovereignty of the provinces, whereunto his father-in-law, and his uncle, the king of France, should help him.

*N.* Those are but evill aspersions, like those wherewith Prince Maurice was accused by the arminians; for therewith our prince should win nothing, but loose much; for he hath now more to say than any duke of Gelderland, or earle of Holland or Zeeland ever had; disposing of all places and offices in the state and camp; by which means every one reverenceth him, and seeketh to doe him all manner of service; without having any burthen of warr to beare, or to have his head troubled from whence the money should come to manteyne the warr: he lets the states take care for that; so that it is not to be thought that there is one hair on the princes head that thinks thereupon: Besides, his prince-like excellency hath been brought up in this land, and knoweth the nature of our Netherlanders, who should not be brought under any soveraigne. Every one would rather adventure his life and goods, as they have done now, these sixty or seventy years, than that they should let go their liberty, or stand under the absolute government of one soveraign. Should that be ever attempted, it would prove the ruine of the land: therefore it is not to be thought that the king of France or England would lend any assistance thereunto, although the prince should desire it. How dangerous it is to entertain soveraignty, hath bin well to be seen in the king of Bohemia: The English nation hath yet too great a feeling thereof, than that they should attempt the like again in any of theirs, and therefore entertain not such calumnies. Let us leave this, and return again to the English affaires. What more hath since that passed there?

*E.* After that both the English and Scots leager was cashiered, the king went into Scotland, where he disburthened the Scots, and pronounced them free from rebellion, confirmed all the acts of the parliament, and the resolution of the synod, and declared that they were falsly accused by him; whereupon there was made a new covenant betwixt the king and them, as also with England, to the great joy of both the nations; who thereupon have performed solemn thanksgiving in both the kingdoms, that God the Lord hath brought to shame the evill counsillers about the king, who alwayes incensed him, thereby to cause war between the two kingdomes; that so, by the help of the papists, and the force without, (as they perswaded themselves,) they might be master of the king and the two kingdomes, to root out the true religion, and bring in popery. But, God be thanked, that hath made the king to see how shamefully they have possessed him against Scotland, that he himself, before the whole world, must call in and nullifie all his proclamations against the Scots, as having unjustly proceeded against them.

*N.* So knoweth God how to bring the counsils of the wicked to shame. God preserve the king, that he may no more hearken to those bad instruments, that he come into no greater danger; which I exceedingly fear; for I have heard that most of his bad counsillers are yet with him, and those that are fled, for their misdeeds, do yet hold correspondence with the king, and especially with the queen, who is a papist, and hath many jesuits about her; who, together, will never rest, but alwayes stir to bring in the popish religion, and to incense the king thereunto, who is kind, and hearkeneth much to the queen: What think you thereof?

*E.* This troubleth many amongst us also exceedingly; so much the more, because it hath appeared to the parliament that the queen, by an act in her name, subscribed by the secretary, which is fled to France, hath ordained a fasting-day amongst the papists, to pray to the saints that the great designe which was in hand for the favour of the cathelikes might prosper: from whence may be easily gathered, that she hath knowledge of all those bad designes.

*N.* Yea, is it so? Then shall you quickly see, though (so long as the king is among

the Scots, who open his eyes) it now goeth well with him, that he shall be soon otherwise led, when he shall return into England, to the queen and his bad counsellors; for if they knew how to make the king unfaithful, and to break his kingly word, in that first agreement made between him and the Scots, whereupon the Scots layed down their arms, and surrendered the castels and forts in Scotland to the king, they will know how to do it yet once more, (as is to be feared.) But tell me, have I not heard that there are now and then many treasons discovered?

*E.* You must not have so bad a conceipt of our king; but that there are divers treasons discovered is true, both before the kings going into Scotland, in the time of his being there, and also since his return thence unto London; and especially, there is discovered (by some intercepted letters written out of Scotland to London) a treason against the principallest lords of Scotland, by some great ones in Scotland, as also against the eminentest gentlemen of the English parliament; whereupon the papists in all quarters should instantly have stood up, mastered the Tower of London, and in all parts overrun the strong holds, and then have massacred those of the religion, according to the example of the murther in Parice.

*N.* O, horrible design, if it were so! But were these not counterfeit letters, by that means to make the communnalty more enraged, and to stick closer to the parliament?

*E.* Oh, that it had been so, that they were but shadows and flourishes! Yet many things that followed thereupon do demonstrate that it was but all too surely intended; for there are many great ones before this apprehended in Scotland, which had intended to have massacred some of the greatest; as was discovered by some who themselves should have had a hand in it; for whom the king did intercede before his departure out of the Scots parliament; which did also pardon them; whereof they shall in time feele the smart. In England, a French cooke hath confessed that he had undertaken to poyson all the meate at a certaine feast, where all the principallest gentlemen of the English parliament should have been, by that means to have murdered them.

*N.* O! wonderfull worke of God, that discovereth such hellish designes! These come no other wise than out of the bosomes of the jesuites, who, after the example of their father the devil, are murderers of men. Trulie, out of these instances it sufficiently appeareth that the traitors were in the knot. But should there be any thing of that, that the papists (if this murder had succeeded) should have betaken themselves to armes?

*E.* There is nothing more sure; for so soone as the treason in Scotland was discovered, then did the papists of Scotland stir up the English to proccede nevertheless with the designe; as also the Irish did revolt at the same time; who (as is probable) had no certaine intelligence of the ill successe which the designe in England and Scotland had, and therefore went they forward with the concluded work; as also, certaint of the chief in this rebellion being taken prisoners, have confessed that there was intelligence concerning this point between the papists in Ireland, England, and Scotland, and that with the knowledge of the queen, whose leager they have openly professed themselves to be: so that the effects have shewed, that while the king was busie in England and Scotland, with deep protestations, declarations, and remonstrances, to manifest his zeal for the reformed religion, against the papists, whom he hath caused to depart from his court, and from about London, with giving out sharp proclamations against them, to make all the world believe that he meant it; in the mean time, notwithstanding that, the queen and the minions and counsillers of the king were busie to raise up, strengthen, and arm the papists against the religion, parliament, and good inhabitants of England; which made many to fear that such a thug is not come to passe without the king's knowledge. Though it be not to be believed that a king should play so with his fidelity, ce tainly God would not suffer such things unpunished.

*N.* A crafty country clown wold judge, if that the king had no hand therein, he would not retain such servants by him as were found guilty of such mischiefs, but pu-

nish them as traytors, to justifie himself. But is there nothing come to pass, whence we may well perceive that the king is no longer in the Scottish aire, but hath forgotten all his fair conclusion in Scotland?

*E.* There are (sure enough) heavy things come to pass, whereinto the king hath suffered himself to be led, which give great suspection that the king is yet ruled by the malignants; for the king hath suffered himself to be so far carried away by his bad counsell, that he went with armed men to the parliament, and that, as his servants themselves have confessed, to fall upon the parliament lords; whereby the king did put himself in the greatest danger to cause a common massacre, had not God himself wonderfully prevented it; for which the king hath yet thanked God afterward: for through but one unadvised word from the king, those blood hounds should have fallen on, as they already began to justle, and strike some gentlemen coming to the parliament.

*N.* This must have exceedingly distracted the parliament lords, and made great alteration amongst the people, for had that come to passe, the whole kingdome should have been in an uproar. We may well see that these counsillers care not though they bring the king in great danger of his life, and spoil his kingdome, so they may but effect their designe. But what was the issue thereof?

*E.* Some of the counsillers to this work are fled; the people began to fall upon the souldiers; the parliament ensured themselves with a guard, and began to perceive that it was coynded for them; which made the members of both houses unite themselves, with the more courage, to take in hand the reformation. The malignants have so much the more incensed the king against the parliament and his people, making him believe that he was not safe within London; whereby they induced him to leave London, and go into the country with his son, that, by his absence from the parliament, all resolutions might be the easier hindered, and to make farther distrusts between him and the parliament, of which, also, we dayly perceive the effect; for, notwithstanding that the parliament have bin very instant to get his majesty again to London by them, and to remain by the affairs of the kingdome, yet all was in vain. How great security they have also promised the king? But he is yet departed farther and farther, to the wonderful hinderance of all the affairs of the kingdome.

*N.* These were all bad signes of further mischief; for if the malignants be so powerful with the king, that they can make him to forsake his great counsell, (who, in all her actions hitherto, hath manifested nothing else but to be advocates for the religion, prerogative of the king, and defenders of the priviledges of the inhabitants,) to betake himself wholly to their counsil, so shall they in the end draw him wholly from his parliament, and bring him into a civil war. But how goeth it in the mean time with the Irish rebellion?

*E.* It goeth there very pitifully: The rebels are exceeding strong, almost master of all, and deal more barbarously with the reformed than the Spaniards have done with the Indians, as appeareth by many printed papers, which maketh mens hearts to melt with grief when they do but hear of their tyranny; so that those of the religion be in the extreamest distresse, and relief cometh but slowly to them; so that we may feare, that the rebels will go away with that kingdome, which God preserve.

*N.* What is the reason that it is not speedily handled to send succour that way? for the king is well inclined to the furtherance of that work, as is not to be believed but that he hath compassion on the poor people of the religion, who every moment are in fear of death.

*E.* What shall I say? Oh, that it were so, that we had no reason to believe it. The Irish brag that they are the kings leager, and have no other intention but to maintain him against the parliament; for whatsoever ordinance the parliament passeth for the hindering of the rebellion in Ireland, the king refuseth to subscribe, or delayeth it so long, till the occasion to send succour is by-past, without taking this work to heart, or in-

couraging the inhabitants thereunto; yea, the king sheweth that he is quite otherwise conceited against them than he was against the Scots: These he proclaimed presently rebels, beset their havens, gave their ships to the prey, when he would not, but by great adoe, suffer the Irish to be declared rebels by publication; whereof he would have but forty copies printed, that this proclamation of the kings should be the lesse known, when he hath declared the Scots rebels by a thousand proclamations; yea, he hath caused this to be read in every pulpit, and so manifested more affection or mildenesse to the papistical Irish than to the reformed Scots. Every one may from hence judge where the king or his counsell is lodged.

*N.* I begin wholly to believe that the queen hath made the king sure to the papish faction, and though he be now faire of the religion, and meaneth not to root it out, they should yet bring him thereunto, to the destruction of himself and his kingdome. God open the eyes of the king, to take notice of those Achitiphels and sons of Belial which are about him, and to beware of them. O, unhappy kings! that meet with papish wives, who thrust forward their husbands (unawares) till they be drowned in tumults. Oh that this bad instrument were seperated from the king!

*E.* There is great likelihood thereof; for the queen hath made it known to the parliament, that she, with her daughter, would come hither to the Hague, by the young prince her son; which the parliament hath assented to, and she is come already, fetcht in by your prince, and welcomed in the Brill, and thereupon come with the young prince to the Hague, where she was some daies entertained in the lands behalf, and welcomed by all the counsils.

*N.* You tell me now some news which doth not please me very well. This must have a bad foundation, that a queen should so come out of her country, while her husband with his inhabitants are in such distraction, and that she herself, so inconsiderately and unexpectedly, should bring over the young princess before the appointed time. God graunt that she bring not the two divisions of England into our land, or ingage our prince or state for the king against the parliament, which should cause great stirres here in our land.

*E.* This was also feared in England, that she should use all means to get in this state against the parliament for the king, whereby great disadvantages should happen both to the good partie, as also to Netherland itself: yet it is hoped that the prince of Orange and the states of the land should keep themselves out of this, and not meddle in this matter, but hold themselves neutrals, seeing they know well that the parliament seeketh but to maintain the religion and their priviledges; on the contrary, the king's counsell intendeth nothing but furtherance of the popish religion, and oppression of the inhabitants, as hath been before plentifully declared.

*N.* It is a needlesse fear: Our state shall in nothing resist the parliament, else we should condemne our own war. Their cause is just as ours was in the beginning, when the states of the land maintained the religion and freedom against the king of Spain, wherein the English nation did help us. Far be it then from any true-hearted Netherlanders, that they should resist the parliament, either in counsell or action; yea, if it should come so far, all should rather help the parliament than the king. If the king get the upper hand, the papish religion shall be exalted; yea, the king himself and all well-willers should be ruinated: if the parliament prevail, so shall the king be yet well preserved, and honest men shall dwell in rest.

*E.* Our fear is not without reason; for now, of late, souldiers and officers which are, and remain in the service of the land, and hold their gages here, with much ammunition out of the magazines of the land, have bin sent to the king, at the request of the queen, and with knowledge of those from where the man is now lost. What is this else, but to give the knife to cut our own throats and yours? for which we have cause to protest before God and the world, and call for vengeance thereupon. This exceed-



ingly distracted our nation, that they have not so much favour shewed them as the Scots, with whom they have not so handled.

*N.* If it be so, you have reason to be distracted: We have also as great cause; for in so doing, we disfurnish ourselves of ammunition and men, that we might be the more easily fallen upon. To do so is the head; and if the commons should know it, it would not go well with them. I cannot receive it, that the governours would trouble themselves herewith; for though there were many slaves among the lords, yet there be many good cities that would take it upon them.

*E.* You judge well; for they of Holland take it exceedingly on them; have well received the messengers of the parliament; at their intreaty, have arrested divers ships with ammunition, that would go to the king, notwithstanding the deep protestations of the queen against it: They also will that those shall be sought for that have sent away the former ammunition without their knowledge; yea, they presse this point so far, that they have sent a message to them of Zealand, to be one with them in this point, and other points tending to the maintainance of the freedom of the land; which is there also exceedingly well taken up, and concluded to the contentment of those of Holland, although it were there stoutly struggled against. God graunt that the provinces may understand it so likewise.

*N.* Sir, whence heard you all this? You must have listned with a curious ear: You tell me here choice tydings. God must be praised for the zeal of the honourable states of Holland: This is a token that there must be yet many good lords there: God make their number tenfold more, and so encourage them, that, neither by promises nor deceits, they may be won to desist from this good begun work: Their reward shall be with God, and all good inhabitants shall carry them upon their hands, and with them adventure all for the freedom.

*E.* We doubt not of the affection of the commons; but they know not many times that their safety dependeth upon ours, and that this doing is not for us alone, but for them also. But the governours see this well, and therefore we hope that they shall be for us as for themselves, as it is also very needfull; for the queen doth not cease to be on his highness ear, to ingage himself, and assist her with men and mony, for the marriage sake; yea, she regardeth not to write to the king, that the prince hath afforded her all help in this thing already; which must be received with discretion; for she can write that to animate the king, although there be nothing of it: such practises go through the world. She pawneth still daily the jewels of the kingdom knoweth how to send officers privately with ammunition to the king; which, by little and little, through the wonderfull providence of God, falleth into the parliaments hands; by which all her designs are discovered, like as God, from time to time, hath brought to light all enterprises against the parliament. God graunt it may be alwayes so.

*N.* All good men are with his highness exceedingly perplexed, who, by this marriage is in a great streyt: On the one side, he would willingly give content to the queen and the king, being so neer bound unto them by alliance, in regard of his son; on the other side, the best governours and body of the inhabitants incline to the parliament, whose good will doth most concern his highness, for therewith he must keep house. God give his highness wisdom, that he sail not against the stream, to ingage himself farther with them, that no farther diseases or unquietness come upon us and England. But tell me how it goeth forward with the kings matters.

*E.* I have gotten, even now, a letter from England, that the earle of Essex, with the leager, is marched towards the king, first, to desire his majesty, by request, to be pleased to joyne himself to his parliament, and, in case of refusal, to see if he can free his majesty from his bad counsillers with so little blood-shed as he can.

*N.* But I hear that the king hath also a mighty leager, and besides, that he gets the papists dayly to his assistance, yea, that he himself hath called them to aide him. Tell

me once what there is concerning that; for that should manifestly oppugne all his former deep protestations, whereju he hath many times cal'd God to witnesse; and thereby should, before God and the whole world, make himself a perjured person, justify the parliament in their proceedings, and let every one see that they intend nothing but the suppression of the freedoms of the kingdom and the religion.

*E.* That is certain, that the papists who were disarmed by order from the parliament have, at their request, received expresse order from his majesty to arme themselves, for his and their own defence.

*N.* But we wonder that the parliament hath so long delayed: They might, long before this time, have more easily beset the king, when he had but two or three hundred men with him; now it will cost much blood, and spoil England.

*E.* The parliament have taken the mildest way, and alwayes hoped, by humble messages, supplications, and high presentations to the king, to mollifie him, open his eies, and bring him again unto them. Now they can manifest to all the common people, and before the whole world, that they are brought, by the greatest necessity, to the last remedy of open war against their king, and are free from all the innocent blood.

*N.* The parliament sheweth themselves to be right fathers of their country, that seek to content their inhabitants so much as they can. *God give them wisdom and courage to do all things according to justice and right, in sincerity before God, for his holy truth, to the rooting out of papacy, and then they need not fear but God will further his own cause.*

*E.* This the parliament lords of both houses have professed with high and deep oaths, and all their actions also manifest the same. But they about the king shew that they have sworn the destruction of the whole kingdome; for they do nothing but pillidge and steal, and especially from the best inhabitants, and such as are known and commended for their godlinesse, whom they have upon a roll, not to passe by their houses, before that (like a company of ungodly persons) they have turned all things up-side down, and, like barbarous men, have handled the men, women, and children. So that 'tis to be feared, if these blood-thirsty persons should once get the upper hand, and effect their designe, there would follow as bloody dayes as in the time of Mary.

*N.* In truth, the estate of your kingdome and church is exceeding pittifull; it is wholly a popish work. The Lord go forth with the parliaments leager, and bring to shame such blood-thirsty men. Have you not heard whether any thing hath passed between the two leaguers?

*E.* I got, even now, writings, that the two leaguers are on each other; that there hath bin a fierce battail; yea, with great advantage for the king; seeing that two regiments of the parliament presently took flight: but the earle of Essex, with some other assistance, fell on with new courage, and have, after a bloody fight, put the kings folk to a retreat, and with honour and advantage kept the field; so that on the kings side well 3000, and amongst them many great ones, were slaine, and on the parliament's side but about 400. *God the Lord fought for them.*

*N.* This was a bloody beginning. *God stay this fury, heale the wound, appease the quarrels, and change the war into peace.*

*E.* There is little signe of it; for the king seemeth rather to be a king of a pillaged people and wasted country, than that he should study to agree with the parliament to the reforming of the kingdome; yea, since this battail, his folke, and especially Prince Robert, have, to the great distaste of the English, who have bin so tender-hearted of their troubles, more and more enraged, plundered Bandbury and some other places, and used the people most shamefully; and so they approached close towards the city of London with their leager, there to share the best boote, if they could but get it.

*N.* There must then needs have been great feare in London.

*E.* You may well thinke that; but there was good order held in all places within and

without the citie, watch set at all passages, and ordnance planted : besides this, the earle of Warwicke is on foot with a new leager, to joine with the earle of Essex, and then apparantly to fall againe upon the kings leaguer. God graunt that we may heare good newes. I must goe about my businesse : We must brea ke off till a bettr opportunitie.

N. One word more.—Is there no more hope of an accomodation ?

E. Those that now speake of an agreement in the parliament are fearfull-hearted men, and, it may be, also, many of them not true-hearted enough. The business is goen too farr : Notwithstanding, seeing many have good hope to bring the king to a good agreement, therefore the good members of both houses, to give unto his majestie full measure, have againe nominated certaine persons to deliver a request to his majestie, tending to peace and agreement ; and thereupon some intercessions begun : but they, in the meane time, fell upon the parliaments troopes, and occasioned new blood-shed, contrary to all protestations ; and so all proved fruitlesse ; and now all things are made ready in London to adventure the utmost for the religion and libertie. The people are full of courage, all alike willing to pawn their lives upon it ; and a new bloody battaile is spoken of. The Lord fight for his.

N. Well, is the cause so exceeding pittifull ? How shall we answer it before God, that we take no more compassion upon you ? God shall see and search it, that we are now so carelesse, knowing nothing but of devillish masking, ungodly and wanton ballades and daunces, superfluous meals, wherewith we dayly pamper ourselves, as on a feast day : and the queene of England, with our great ones, can make themselves merry with these in this time of sorrow, as if this misery concerned them not. How can it goe well with them and us ? Is it now your turne, it can quickly be ours. My heart is so overwhelmed with sorrow, that I can scarce speake any more. I thanke you for your friendly communication. I shall pray to God for England, that he will spare that glorious kingdome, discover the malignants, open the eyes of the king, and also of all our statesmen, that we may either remaine neutrall, or chuse the right partie. Farewell, my good friend : if you heare any more newes, I pray make me partaker thereof.

FINIS.

---

*England's Petition to their King ; or, an humble Petition of the Distressed and almost Destroyed Subjects of England, to the King's most excellent Majesty ; containing (in the judgement of the Wise) the very sense of the True-hearted of the Kingdome ; but because the way to the King's eare is stopt, it was sent to London, and there printed, as it is briefly declared to the Reader.*

Knowest thou not yet that our Canaan is destroyed ? Exod. x. 7.

Printed on the day of Jacob's trouble, and to make way (in hope) for its deliverance out of it. May 5, 1643.

---

This is a tract written on the side of the parliament, with the same purpose for which we have already seen several published by the royalists, that is, to throw upon the opposite party the odium of refusing peace.

*To the obvious, not desired Reader.*

Good friend, we would have you know this petition was intended onely for his majesties view, but because plain dealing is seldome well taken, and his majesty so guarded from the requests of his subjects, we are therefore forced to submit it to your common view, and to turn it out, in hope his majestie may light of one copie, and seriously read it, and lay to heart the distresse of the miserable. If you censure it, as the work of some few discontented persons, know you, it is the sense of our part of the kingdome; and if you will promise us freedom and hopes of successe, we'll soone returne it you with the hands of 1,000,000. If you condemne us for speaking too plainly, know that misery makes men forget good manners, and dying men use not compliments: We are in the case of the lepers: if we sit still we perish; therefore we will move in the way of hope, and go in to the king, though it be not according to law; and if we perish, we perish. Yet know, we will come far short of the plainnesse of better persons and tymes. 2 Sam. xii. 7. 1 Kings, xviii. 18. &c. &c. &c.

*To the Kings most excellent Majestie, the humble Petition of your Distressed and almost Destroyed Subjects of your Kingdome of England.*

DREAD SOVERAIGN, its a double grieffe to our souls, that wee should be constrained to beg for our lives at your hands, who are bound, by the law of God and nature, and by your oath, to preserve them, and that wee should bee forced to entreat you to spare our estates, liberties, and bloud, whose honour and strength depends so much on these our enjoyments; but extremity prevailleth, and drives us to you, and casteth us here prostrate at the feet of your majestie. And let not your majestie bee offended, if we speak more plainly then usually becometh us; for necessitie hath no law: It is for our lives, and more, and therefore blame us not to speak. Our friends, our wives, our children, our wants, our dangers, our country, our bloud, do all pierce our eares and hearts with their daily and dolefull cries. Oh, that our requests could finde as quick accesse to yours! Surely its impossible your majesty should be ignorant of the dolefull condition your two kingdomes are in. Do you not know that our houses are plundered, and the fruit of our long labours taken from us; that men who have heretofore relieved hundreds of the poore, have not left them a bed to lye on, food to sustaine them, or a house to put their heads in? And the poor they were wont to relieve are forced to become souldiers, that they may rob us by authority. Know you not how many thousand distressed soules cry to God day and night, in their anguish and misery, while they see you, the father of their country, having no compassion on them? Oh! where is now your majesties ancient clemencie? You were wont, if we lost our estates by pyrates, or but a house by fire, to grant your gracious letters patents for our relief; but now your souldiers rob us of all, and burne our houses to the ground; and this not onely for obtaining victory in heat of fight, but upon deliberation afterwards; as they did at Birmingham, in Warwickshire, by neere a hundred houses, the next day when they left the town. You were wont to relieve your subjects when taken by pyrates, and made gally-slaves; and now the loathsome prisons of Oxford and other places are filled with their miserable, starved, diseased bodies, who (some of them) would think themselves half free-men were they Turkish gally-slaves; such is their cruell usage. Know you not how our lands lye untilled, while your souldiers take our horses by a thousand at a time? And what can follow this but extreme famine? Know you not how our bloud is spilt, and the dead bodies of your subjects, yea, many of your nobles, scattered as dung on the face of the earth? Have not your eyes seen it, and your eares heard the groanes of the

wounded, gasping for life? Is all this nothing in your eyes? To whom should your people go but to your majestie, in this our distresse? We have tryed all other known means, and professe, in the sight of God, we know none but your majesty, under God, that can deliver us, without more bloud and desolation: and the world knows it is in your hands: You may do it if you will, and do it easily, and do it with increase of your honour, safety, and happinesse. What if it were to part with something of your right, yet should not your majestie do it to save the life of your people, from whom, and for whose good, you first received it?

Dread soveraigne, we beseech you, consider what hath your parliament and people done, that deserves all this from you? Is it because your parliament relieved us from oppressing courts and illegall taxations? Was it not with your own consent; and is it not your glory to be king of a rich and free people? Is it because they prosecute delinquents? Why, to what end are your courts of justice else? and are not they your chiefest court? And can those bee friends to you, and worth the defending, that are enemies to your kingdomes? For your forts and navy, are they not yours, for your kingdomes good? And is not your parliament the kingdome representative? We know your majesty cannot manage them in your own person, but by your ministers, and those chosen by counsell; and can you or the kingdome possible judge any more able, impartiall, and faithful to advise you in this, then your parliament? They medled not with it till absolute necessitie constrained; till they saw Ireland in rebellion, the rebels threatning England, the same spirit as malignant and active at home, and their own lives and the kingdom in present apparent jeopardy, and your majesties consent to their bill denyed. We cannot but see the same counsels setting your majestie against your parliament now, which caused their so long discontinuance, which caused the ship-money and other illegall taxations, which caused the late innovations in church and state, which caused the war with Scotland, which broke up the last parliament, and caused that invective declaration against them, in the very language of the present times. We cannot possible conceive what your parliament can do now to remedy any of these miseries: They humbly seek your royall consent in vain: the offenders legallie proceeded against are defended from them, yea, those that your majestie hath proclaimed such: that is denyed them which is yeilded to every the lowest court of justice: they desire nothing more then your presence and concurrence; and wee know, if humble petitions or loyall affections would procure it, there would not have been so long a distance. Neither is there any visible means left, but either give up our states, liberties, lives, and religion to the dispose of your too long tryed secret counsell, and make your majesties meere will the onelie law, and so betray their country and the trust committed to them. (which God forbid,) or else defend us by the sword.

And for us, your people, what have we done, that we are made a common spoyle? Would your majestie desire us perfidiouslie to betray them whom we have trusted, and desert them that have been so faithfull to us, and to kill them whom wee have chosen to save us, and destroy those who are ourselves representatively? Then should we be the disgrace of the English nation, the reproach of our posteritie, the verie shame of nature, and should presentlie expect some strange judgement of God, according to the strangenesse of our offence. Its true, we are forced to take *antidotum contra Cæsarem*, or, rather, to save our throats from the violence of desperate persons about you: But, we beseech you, call not this bearing arms against you: It may be against your will: but if any of your now followers be more respective of your royal authority, established by law. more trulietender of your person and honour then we, then let not God prosper our proceedings, but cause us to fall before them, and give us up into their hands. We are fallen upon by the cruel, and because wee will not die quietly, and without resistance, we are accused as traytors and enemies to your majestie. We beseech your majestie, consider, in the presence of God, if your own father and king had run upon you with his drawne sword, whether would you have suffered death without resistance, or have taken

the sword, *pro tempore*, out of his hand, and yet neither be adverse to his honour and person, or his propriety in his weapon? Doth not nature teach us the preservation of ourselves? Will not the eye winke without deliberation, and the smallest worm turn back, if you tread on it? And beside nature, wee have frequent presidents in sacred writt, for even more then defensive resistance of transcendent monarchs; 1 Sam. xiv. 44, 45. 1 Sam. xxiii. 11, 12. 2 Kings, i. 10, 12, 13. 2 Chr. xxvi. 18, 20. Dan. vi. 14, &c. But if all this were nothing, yet we know your majestie hath passed an act for the continuance of this parliament; and sure that act must needs mean a parliament with its power and authoritie, and not the meere name and carcasse of a parliament. It is not onely that they shall stay together in London, and do nothing, or no more then another court, but that they continue your chief counsel, your chiefe court, and have sole legislative power, which are your parliaments peculiar properties. And if your majestie hath enacted the continuance of a reall parliament in its power, who seeth not that you have thereby joyned with them your royall authoritie, though not your person? Doth not your majestie, in your expresses, oft mention yourselfe a part of the parliament, and that the head, without which the body cannot live? And is the parliament valid without your authoritie? Therefore, if your majestie may and have withdrawn from them your royall authoritie, then you may and have broke your own lawes; which we dare not judge, after so many solemne protestations to maintaine and rule by the knowne laws. Wherefore, we hope your majesty must needs discern that we fight not against you, but for your known establishment in parliament. And we hope your majestie will not deny them to be your entire parliament; for is the act recalled whereby they were established? If not, how can they cease to be your parliament? Neither let the fault be laid on part of them; for we all know the major part hath the authority of the whole; and if it were the minor part, why did not, or doth not the major over-vote them? And, we beseech your majestie, blame us not to think our religion and all lyes at the stake, while wee looke back by what a train poperie had been almost brought upon us by that partie, and see them still the chief in favour, and when so many papists, English and forraigne, are now in armes against us, and know not one papist in the land, that is not zealous in the cause. Wonder not, dread soveraigne, if wee hardly beleve that those come now to save us, who, in 88, and the powder plot, would so cruelly have destroyed us. That papists should be most zealous in fighting for the protestant religion, and delinquents (proceeded against in parliament) should stand for the priviledges and lawes of the parliament; that oppressing monopolists should fight for the subjects liberties, seem all riddles and paradoxes to us. Blame us not, we beseech you, to fear, while we see no contradiction appeare to Monsieur de Chesne his booke, sold openly for many yeares, not in Paris onely, but in London, and read at court; which records your majesties letter to the pope, promising to venture crowne and all to unite us to Rome again.

Dread soveraigne, many princes have gone astray through strength of temptation, and after have been happie in repenting and returning. Oh, that the Lord would make it your case, and glorifie his mercy on you and us, in making knowne to you the thing concerning our peace, and not his justice in hardening you to destruction; that it may never be read in our chronicle, by the generations to come, that England had a prince who lived and dyed in seeking the desolation of his people and the church of God. Your majestie knoweth there is a king and a judge above you, before whom you must very shortly stand, and give account of your government. Wee desire you, in the presence of that God, to think, and thinke seriously, and thinke againe, how sad it will bee to have all this bloud charged on your soule. Can your majesty think of this with comfort when you are dying? Can these counsellors, that now put you on, then bring you as safely off? Your majestie may despise what we say, and cast away our petition, and tread down your poore people, and judge us your enemies, because we tell you the truth, and speake as dying men, in the sorrow of our soules; but you cannot so put by divine

justice, or quiet conscience at the last. As true as the Lord liveth, your majestie will one day know that blasphemers, papists, and flatterers, are not your friends, but plain dealers, who do assure you, the way you take tends to the utter ruine and destruction of your selfe and kingdome. And can your heart endure, or can your hands be strong in the day the Lord will reckon with you for his people, committed to your charge. Oh! suppose you now heard the blood of your people, already spilt, crying in your ears, and saw the many thousands yet living a life worse then death, lying, in their sorrows, at your feet, crying, for pittie, Help, O king, help, or we lose our liberties, laws, lives, and religion: Help, that yourselfe and royall posteritie bee not princes of an impoverished desolate nation: Help, as ever you would have God help you in the day of death and judgement, when your self shall cry for help and pitie: Help, that deliverance come not some other way, while you and your fathers house are destroyed. The Lord God of our hopes, who hath, for our sinnes, most justly afflicted us in you, give your majestie a discerning eye, a holy and tender heart, to yeeld to the petition of your distressed subjects, to returne to and concurre with your parliament, that God aud man may forget your mistakings, and you may bee the blesseddest prince that ever reigned in our land, the terrour of your reall enemies, the joy of your people, and the glory of posteritie: Such shall be the daily and heartie prayers of

Your majesties loyall (how ever esteemèd) subjects, &c.

---

*England's Tears for the present Wars, which, for the Nature of the Quarrel, the Quality of Strength, the Diversity of Battles, Skirmishes, Encounters, and Sieges, happened in so short a compass of Time, cannot be paralleled by any precedent Age.*

---

James Howell, the celebrated letter-writer, after various attempts to rise by courtly patronage, in most of which he was unsuccessful, became clerk of the council, just upon the breaking out of the great civil war. In 1643, having ventured to London, upon some business of his own, he was discovered: and after his papers had been seized by a committee of parliament, he was imprisoned in the Fleet, where he remained for several years. During this time he subsisted chiefly by the profits of his pen, and although at his heart a sincere royalist, took care so far to moderate his expressions on political subjects, as not to give great offence to the successful party. This moderation seems to have been represented to Charles I. as ungrateful indifference; from which charge he thus vindicates himself, in a letter addressed to the king, at Oxford.

“The foreign minister of state, by whose conveyance this comes, did lately intimate to me, that, among divers things which go abroad under my name, reflecting upon the times, there are some which are not so well taken; your majesty being informed that they discover a spirit of indifference and luke-warmness in the author. This added much to the weight of my present sufferances, and exceedingly embittered the sense of them to me, being no other than a corrosive to one already in a hectic condition. I must confess that some of them were more moderate than others, yet (most humbly, under favour) there were none of them but displayed the heart of a constant, true, loyal subject; and, as divers of those who are most zealous to your majesty's service told me, they had the good success to rectify multitudes of people in their opinion of some things: insomuch, that I am not only conscious, but almost confident that none of them could tend to your majesty's disservice, in any way imaginable. Therefore I humbly beseech that your majesty would vouchsafe to conceive me accordingly, and of one who, by this recluse, passive condition; hath his share in this hideous storm: yet he is in assurance, rather than hopes, that though divers cross winds have blown, these times will bring in better at last.”

—HOWELL'S *Letters*, p. 391.

The following tract appears to have been popular. It was translated into Latin, and published, under the title of *Anghæ Suspiria et Lachrymæ*, &c. London, 1646.

*Hei mihi, quàm misere rugit Leo, Lælia languent,  
Heu, Lyra, quàm mæstos pulsat Hiberna sonos.*

Printed according to order, 1644.

*To my Imperial Chamber, the City of London.*

**Renowned City,**

If any showers of adversity fall on me, some of the drops thereof must needs dash on thy streets. It is not a shower, but a furious storm, that pours upon me now, accompanied with thunder and unusual fulgurations. The fatal cloud wherein this storm lay long ingendering, though, when it began to condense first, it appeared but as big as a hand, yet by degrees it hath spread to such a vast expansion, that it hath diffused itself through all my regions, and obscured that fair face of Heaven which was used to shine upon me: if it last long, it is impossible but we both should perish. Peace may, but war must destroy. I see Poverty posting a-pace, and ready to knock at thy gates; that ghastly harbinger of death, the pestilence, appears already within and without thy walls; and methinks I spy meagre-faced Famine afar off, making towards thee; nor can all thy elaborate circumvallations and trenches, or any art of enginery, keep him out of thy line of communication, if this hold. Therefore, my dear daughter, think, oh think upon some timely prevention: it is the counsel and request of

Thy most afflicted mother,

ENGLAND.

Oh that my head did flow with waters! Oh that my eyes were limbeckes, through which might distil drops and essences of blood! Oh that I could melt away, and dissolve into tears, more brackish than those seas that surround me! Oh that I could weep myself blind, to prevent the seeing of those mountains of mischiefs that are likely to fall down upon me! Oh that I could rend the rocks that gird me about, and, with my ejaculations, tear and dissipate those black, dismal clouds which hang over me! Oh that I could cleave the air with my cries; that they might find passage up to heaven, and fetch down the moon, that watry planet, to weep and wail with me, or make old Saturn descend from his sphere, to partake with me in my melancholy, and bring along with him the mournful pleiades, to make a full concert, and sing *Lachrymæ* with me, for that woeful taking, that desperate case, that most deplorable condition I have plunged myself into unawares, by this unnatural, self-destroying war, by this intricate, odd kind of enigmatical war; wherein both parties are so intangled, like a skein of ravelled silk, that they know not how to unwind and untwist themselves, but by violent and destructive ways; by tearing my intrails, by exhausting my vital spirits, by breaking my very heart-strings to cure the malady! Oh, I am deadly sick; and as that famous chancellor of France spoke of the civil wars of his country, that France was sick of an unknown disease, so, if Hippocrates himself were living, he could not be able to tell the true symptoms of mine, though he felt my pulse, and made inspection into my water never so exactly; only, in the general, he may discover a strange kind of infection that hath seized upon the affections of my people; but for the disease itself, it will gravel him to judge of it; nor can there be any prediction made of it, it is so sharp; which made some tell me, that I cannot grow better, but by growing yet worse; that



is no way to staunch this flux of blood, but by opening some of the master veins; that it is not enough for me to have drunk so deep of this cup of affliction, but I must swallow up the dregs also!

Oh, passerger, stop thy pace, and if there be any sparkles of human compassion glowing in thy bosom, stay a while, and hear my plaints, and I know they will not only strike a resentment, but a horror into thee; for they are of such a nature, that they are able to penetrate a breast of brass, to mollify a heart hooped with adamant, to wring tears out of a statue of marble.

I that have been always accounted the queen of isles, the darling of Nature, and Neptune's minion; I that have been stiled by the character of the first daughter of the church, that have converted eight several nations; I that made the morning beams of Christianity shine upon Scotland, upon Ireland, and a good part of France; I that did irradiate Denmark, Sweden, and Norway with the light thereof; I that brought the Saxons, with other Germans, High and Low, from paganism to the knowledge of the gospel; I that had the first Christian king that ever was, (Lucius,) and the first reformed king, Henry the Eighth, to reign over me; I out of whose bowels sprung the first Christian emperor that ever was, Constantine; I that had five several kings, viz. John, king of France, David, king of Scotland, Peter, king of Bohemia, and two Irish kings my captives, in less than one year; I under whose banner the great emperor Maximilian took it an honour to serve in person, and receive pay from me, and quarter his arms with mine; I that had the lion rampant of Scotland lately added to fill up my escutcheon, and had reduced Ireland, after so many intermissive wars, to such a perfect pass of obedience; I that, to the wonderment and envy of all the world, preserved my dominions free, when all my neighbour countries were a fire; I that did so wonderfully flourish and improve in commerce, domestick and foreign, by land and sea; I that did so abound with bullion, with buildings, with all sort of bravery that heart could wish; in sum, I that did live in that height of happiness, in that affluence of all earthly felicity, that some thought I had yet remaining some ingots of that gold whereof the first age was made;—behold, I am now become the object of pity to some, of scorn to others, of laughter to all people. My children abroad are driven to disavow me, for fear of being jeered; they dare not own me for their mother, neither upon the Rialto of Venice, the Berle of Augsburg, the new bridge of Paris, the Cambios of Spain, or upon the quays of Holland, for fear of being baffled. Methinks I see my next neighbour, France, (through whose bowels my grey-goose wing flew so often,) making mouths at me, and saying, that whereas she was wont to be the chief theatre where Fortune used to play her pranks, she hath now removed her stage hither: She laughs at me, that I should let the common people, and now, lately, the females, to know their strength so much.

Methinks I see the Spaniard standing at a gaze, and crossing himself, to see me so foolish as to execute the designs of my enemies upon myself. The Italian admires to see a people argue themselves thus into arms, and to be so active in their own ruin. The German drinks carouses, that he hath now a co-partner in his miseries. The Swede rejoices, in a manner, to see me bring in a foreign nation to be my champion. The Netherlander strikes his hand upon his breast, and protests, that he wisheth me as well as once the duke of Burgundy did France, when he swore he loved France so well, that for one king he wished she had twenty.

Methinks I see the Turk nodding with his turban, and telling me that I should thank Heaven for that distance which is betwixt us, else he would swallow me up all at one morsel. Only the Hollander, my bosom-friend, seems to resent my hard condition: yet he thinks it no ill-favoured sight to see his shops and lombards every-where full of my plundered goods; to find my trade cast into his hands, and that he can under-sell me in my own native commodities; to see my gold brought over in such heaps, by those that fly from me, with all they have, for their security. In fine, methinks I hear

my neighbours about me bargaining very hotly for my skin, while, like an unruly horse, I run headlong to dash out my own brains.

O cursed jealousy, the source of all my sorrows, the ground of all my inexpressible miseries! Is it not enough for thee to creep in betwixt the husband and the wife, betwixt the lemon and his mate, betwixt parents and children, betwixt kindred and friends? Hast thou not scope enough to sway in private families, in staple societies and corporations, in common-councils; but thou must get in betwixt king and parliament, betwixt the head and the members, betwixt the members amongst themselves; but thou must divide prince and people, sovereign and subject? Avant, avant, thou hollow-eyed, snake-haired monster: hence; away into the abyss below, the bottomless gulph, thy proper mansion; sit there in the chair, and preside over the councils of hell, amongst the cacodæmons, and never ascend again, to turn my high law-making court into a council of war, to turn my cordials into corrosives, and throw so many scruples into that sovereign physick which was used to cure me of all distempers.

But when I well consider the constitution of this elementary world, when I find man to be part of it, when I think on those light and changeable ingredients that go to his composition, I conclude that men will be men while there is a world; and as long as the moon hath an influxive power to make impressions upon their humours, they will be ever greedy and covetous of novelties and mutation: *The common people will be still common people; they will some time or other shew what they are, and vent their instable passions.* And when I consider further the distractions, the tossings, the turmoilings, and tumbings of other regions round about me, as well as mine own, I conclude also, that kingdoms, and states, and cities, and all bodies politick, are subject to convulsions, to calentures, and consumptions, as well as the frail bodies of men. and must have evacuation for their corrupt humours; they must be phlebotomised. I have often felt this kind of phlebotomy. I have had also shrewd purges and pills given me, which did not only work upon my superfluous humours, but wasted sometimes my very vital spirits; yet I had electuaries and cordials given me afterwards: Insomuch that this present tragedy is but *verus fabula, novi histriones*: it is but an old play represented by new actors: I have often had the like. Therefore let no man wonder at these traverses and humour of change in me. I remember there was much wondering at the demolishing of my six hundred and odd monasteries, nunneries, and abbies, for being held to be hives of drones, as there is now at the pulling down of my crosses, organs, and windows. There was much wondering when the pope fell here, as now that the prelates are like to fall. The world wondered as much when the mass was disliked, as men wonder now the liturgy should be distasted. And God grant that people do not take at last a surfeit of that most divine ordinance of preaching; for no violent things last long: And though there should be no satiety in holy things, yet such is the depraved condition of man, he is naturally such a changeling, that the over-frequency and commonness of any thing, be it never so good, breeds, in tract of time, a kind of contempt in him; it breeds a fulness and nauseousness in him.

The first reformation of my church began at court, and so was the more feascable, and it was brought to pass without a war. The scene is now otherwise; it is far more sanguinary, and full of actors. Never had a tragedy acts of more variety in so short a time; there was never such a confused mysterious civil war as this; there were never so many bodies of strength on sea and shore, never such choice of arms and artillery, never such a numerous cavalry on both sides, never greater eagerness and confidence, never such an amphibolous quarrel, both parties declaring themselves for the king, and making use of his name in all their remonstrances, to justify their actions; the affection and understandings of people were never so confounded and puzzled, not knowing where to acquiesce, by reason of such counter-commands. One side calls the resisting of royall commands loyalty; the other terms loyalty the opposing of parliamentary orders and ordinances. Both parties would have peace: the one would have it with

honour, the other with truth, (and God forbid but both should go together;) but *interca ringor Ego*, in the mean time I suffer by both; the one taking away what the other leaves; insomuch, that whosoever will be curious to read the future story of this intricate war, if it be possible to compile a story of it, he will find himself much staggered, and put to a kind of riddle; for, touching the intricacy of it, touching the strange nature, or rather the unnaturalness of it, it cannot be paralleled by any precedent example; for, in my chronicles, I am sure no age can match it, as I will make it briefly appear, by comparing it with all the wars that ever embroiled me, which I find to be of three sorts; either by the invasion of foreigners, the insurrection of my commons, or by the confederacy of my peers and princes of the blood.

I will not rake the ashes of antiquity so far as to speak of that deluge of blood I spilt before I would take the Roman legions for my garrison; I am loth to set down how the Saxons used me, and how the Danes used them, nor how I had one whole brave race of people, the Picts I mean, quite extinguished in me: I will begin with the Norman expedition: and, indeed, to make researches of matters before, is but to grope in the dark; but I have authentick annals and records for things since. The Norman came in with the slaughter of near upon sixty eight thousand combatants upon the place; a battle so memorable, that the very ground which sucked in the blood retains the name of it to this day. The Dane, not long after, struck in to recover his right, with the sacking of my second great city of York, and the firing of her, with the slaughter of three thousand of my children in one afternoon; yet he was sent away without his errand. In the reign of Rufus, I was made of his colour, red with blood, both by the Welsh and the Scot, who lost his king Malcolm in the battle of Alawick. All my eight Henries were infested with some civill broils, except my fifth Henry, the greatest of them, who had work enough cut him out in France; and he plied his work so well, that he put the crown upon his son's head. All my Edwards also had some intestine insurrection or other. Indeed, two of my three Richards had always quietness at home, though the first did go the furthest off from me, and was longest absent of any; and the third, though he came in by blood, yet the short time of his triennial reign he was without any, and proved one of my best lawgivers; yet his life ended in blood. Touching my second Richard and second Edward, there were never any of my kings came to a more tragical end; and the greatest stains in my story were the violent deaths they suffered by the hands of their own (regicide) subjects. The two sister queens that swayed my scepter had also some domestick commotions; and now my Charles hath them to the height: insomuch, that, of those five-and-twenty monarchs who have worn my diadems since the Norman entered, there were only four, viz. the fore-mentioned Henry and Richards, with King James, escaped free from all intestine broils. Oh, how it torments my soul to remember how my barons did tear my bowels! what an ocean of blood the two roses cost me before they were conjoined; for, during the time that I was a monster with two heads, (made so by their division,) I mean, during the time that I had two kings at once, Edward the Fourth, and Henry the Sixth, within me, in five years space I had twelve battles fought within my intrails, and I lost near upon fourscore princes of the royal stem, and parted with more of my spirits than there were spent in winning of France. The world knows how free and prodigal I have been of my blood abroad, in divers places: I watered the Holy Land with much of it; against my co-islander the Scot I had above twenty pitched battles, took many, and killed some of their kings in the field; the flower-de-luces cost me dear, before I brought them over upon my sword; and the reduction of Ireland, from time to time, to civility, and to an exact rule of allegiance, wasted my children in great numbers. I never grudged to venture my blood this way, for I ever had glorious returns for it, and my sons died in the bed of honour; but for them to glut themselves with one another's blood, for them to lacerate and rip up (viper-like) the womb

that brought them forth, to tear the paps that gave them suck,—can there be a greater piacle aganst nature? can there be a more execrable and horrid thing? If a stranger had used me thus, it would not have grieved me half so much: It is better to be stung with a nettle, than to be pricked by a rose: I had rather suffer by an enemy, than by my own natural born offspring. Those former home-waged wars, whereof there happened above fourscore since the Norman came in, were but as fires of flax in comparison of this horrid combustion, both in my church and state. (One may find those wars epitomised in small volumes, but a whole library cannot contain this. They were but scratches, being compared to those deep wounds which prince, peer, and people have received by this; such wounds, that it seems no gentle cataplasms can cure them: they must be lanced and cauterised; and the huge scars they will leave behind them will, I fear, make me appear deformed and ugly to all posterity, so that I am half in despair to recover my former beauty ever again. The deep stains these wars will leave behind, I fear all the water of the Severn, Trent, or Thames, cannot wash away.

The twentieth moon hath not yet run her course, since the two-edged sword of war hath raged and done many executions within me, since that hellish invention of powder hath thundered in every corner, since it hath darkened and torn my well-tempered air, since I have weltered in my own blood, and been made a kind of cock-pit, a theatre of death; and, in so short a circumvolution of time, I may confidently affirm, take battles, rencounters, sieges, and skirmishes together, there never happened so many in any country; nor do I see any appearance (the more is my misery) of any period to be put to these distractions. Every day is spectator of some new tragedy; and the relations that are hourly blazed abroad sound sometimes well on the one side, sometimes on the other, like a peel of bells in windy weather; (though, oftentimes, in a whole volley of news, you shall hardly find one true report;) which makes me fear that the all-disposing Deity of Heaven continueth the successes of both parties in a kind of equality, to prolong my punishment. *Ita ferior, ut diu me sentiam mori*; I am wounded with that dexterity, that the sense and agonies of my sufferings are like to be extended to the uttmost length of time and possibility of nature.

But O. passenger, if thou art desirous to know the cause of these fatal discomposures, of this inextricable war, truly I must deal plainly: I cannot resolve thee herein to any full satisfaction. Grievances there were, I must confess, and some incongruities in my civil government. (wherein, some say, the crozier, some say, the distaff was too busy,) but I little thought, God knows, that those grievances required a redress this way. Dost thou ask me whether Religion was the cause? God forbid: That innocent and holy matron had rather go clad in the snowy white robes of Meekness and Longanimity, than in a vest of sanguine dye: her practice hath been to overcome by a passive fortitude, without re-action, and to triumph in the milk-white ivory chariot of Innocence and Patience, not to be hurried away with the fiery wheels of war; *les larmes, not les armes*, (as my next neighbour hath it.) Groans, not guns, were used to be her weapons, unless in case of open and impending danger, of invincible necessity, and visible actual oppression; and then the arms she useth most is the target, to shroud herself under, and fence away the blow: she leaves all other weapons to the Alcharon, to propagate and expand itself. This gentle, grave lady, though the rubricks of her service be in red characters, yet she is no lover of blood: she is an improver of peace; and the sole object of her devotion is the God of Peace, in whose highest name, in the name Jehovah, as the rabbies observe, all the letters are quiescent. That sacred comforter which inspires her ambassadors uses to ascend in form of a dove, not in the likeness of a devouring vulture; and he that brings him down so may be said to sin against the Holy Ghost. To beat religion into the brains with a pole-ax, is to make a Moloch of the Messias, to offer him victims of human blood. Therefore I should traduce and much

wrong Religion, if I should cast this war upon her. Yet, methinks, I hear this holy distressed matron lament that she is not also without her grievances : Some of her chiefest governours, for want of moderation, could not be content to walk upon the battlements of the church, but they must put themselves upon stilts, and thence mount up to the turrets of civil policy : Some of her preachers grew to be mere parasites, some to the court, some to the country ; some would have nothing in their mouths but prerogative, others nothing but privilege ; some would give the crown all, some nothing at all ; some, to feed zeal, would famish the understanding, others, to feast the understanding, and tickle the outward ear, (with essays and flourishes of rhetoric,) would quite starve the soul of her true food, &c.

But the principal thing that I hear that reverend lady, that queen of souls, and key of heaven, make her moan of, is, that that seamless garment of unity and love, which our Saviour left her for a legacy, should be torn and rent into so many scissures and sects, by those that would make that coat which she wore in her infancy to serve her in her riper years. I hear her cry out at the monstrous exorbitant liberty that almost every capricious mechanick takes to himself, to shape and form what religion he lists ; for the world is come now to that pass, that the taylor and shoemaker may cut out what religion they please ; the vintner and tapster may broach what religion they please ; the druggist and apothecary may mingle her as they please ; the haberdasher may put her upon what block he pleases ; the armourer and cutler may furbish her as they please ; the dyer may put what colour, the painter may put what face upon her he pleases ; the draper and mercer may measure her as they please ; the weaver may cast her upon what loom he pleases ; the boatswain and mariner may bring her to what dock they please ; the barber may trim her as he pleases ; the gardener may lop her as he pleases ; the blacksmith may forge what religion he pleases ; and so every artisan, according to his profession and fancy, may form her as he pleases. Methinks I hear that venerable matron complain further, how her pulpits in some places are become beacons ; how, in lieu of lights, her churches up and down are full of fire-brands ; how every caprichio of the brain is termed tenderness of conscience, which, well examined, is nothing but some frantick fancy, or frenzy rather, of some shallow-brained sciolist ; and whereas others have been used to run mad for excess of knowledge, some of my children grow mad now-a-days out of too much ignorance. It stands upon record in my story, that when the Norman had taken firm footing within me, he did demolish many churches and chapels in *New Forest*, to make it fitter for his pleasure and venery ; but amongst other judgments which fell upon this sacrilege, one was, that tame fowl grew wild. I fear God Almighty is more angry with me now than then, and that I am guilty of worse crimes ; for not my fowl, but my folk and people are grown half wild in many places : they would not worry one another so, in that wolfish, belluine manner, else ; they would not precipitate themselves else into such a mixed mungrell war—a war that passeth all understanding ; they would not cut their own throats, hang, drown, and do themselves away in such a desperate sort ; which is now grown so common, that self-murder is scarce accounted any news ; which makes strangers cry out, that I am all turned into a kind of great bedlam ; that Barbary is come into the midst of me ; that my children are grown so savage, so fleshed in blood, and become so inhuman and obdurate, that with the same tenderness of sense they can see a man fall as a horse, or some other brute animal ; they have so lost all reverence to the image of their Creator, which was used to be more valued in me than amongst any other nations.

But I hope my king and great council will take a course to bring them to their old English temper again, to cure mee of this vertigo, and preserve me from ruine ; for such is my desperate case, that, as there is more difficulty, so it would be a greater honour for them to prevent my destruction, and pull me out of this plunge, than to add

unto me a whole new kingdom; for true wisdom hath always gloried as much in conversation as in conquest.

The Roman, though his ambition of conquering had no horizon, yet he used to triumph more (as multitudes of examples might be produced) at the composing of an intestine war, than for any new acquist, or foreign atchievement whatsoever; and though he was a great martial man, and loved fighting as well as any other, yet his maxim was, that no peace could be so bad, but it was preferable to the best war. It seems the Italian, his successor, retains the same genius to this day, by the late peace (notwithstanding the many knots that were in the thing) which he concluded: for although six absolute princes were interested in the quarrel, and that they had all just pretences, and were heated and heightened in their designs, yet, rather than they would dilaniate the intrails of their own mother, fair Italy, and expose her thereby to be ravished by tramontanes, they met half way, and complied with one another in a gallant kind of freedom, though every one bore his share in some inconvenience. Oh! that my children would be moved by this so seasonable example of the Italian, who, amongst others of his characters, is said to be wise *à priori*, before the blow is given. I desire my gracious sovereign to think that it was never held inglorious or derogatory for a king to be guided, and to steer his course by the compass of his great council, and to make his understanding descend and condescend to their advice; nor was it ever held dishonourable for subjects to yield and bow to their king; to be willows, not oaks; and if any mistake should happen, to take it upon themselves, rather than any should reflect upon their sovereign. And if, in case of difference, he be willing to meet them half way, it were handsome they went three parts thereof, to prevent him. Therefore I conjure them both, in the name of the great Deity of Heaven, who transvolves kingdoms, and tumbleth down kings in his indignation, that they would think of some speedy way to stop this issue of blood; for, to deal plainly with them, I see far greater reason to conclude this war, than ever there was to commence it. Let them consider well they are but outward church rites and ceremonies they fight for, as the rigidest sort of reformers confess. The Lutheran, the first reformist, hath many more conformable to the church of Rome, which he hath continued these hundred and twenty years; yet is he as far from Rome as the first day he left her, and as free from danger of relapse into popery, as Amsterdam herself. And must I, unhappy I, be lacerated and torn in pieces thus, for shadows and ceremonies? I know there is a clashing betwixt prerogative and privilege; but I must put them in mind of the misfortune that befel the flock of sheep and the bell-wether, whereof the first fed in a common, the latter in an inclosure; and thinking to break into one another's pasture, (as all creatures naturally desire change,) and being to pass over a narrow bridge, which severed them, they met in the middle, and jostled one another so long, till both fell into the ditch. And now that I have begun, I will warn them by another fable, of the Spanish mule, who having, by accident, gone out of the great road, and carried her rider thorough a bye-patli, upon the top of a huge steep rock, stopped upon a sudden, and being not able to turn and go backward, by reason of the narrowness of the path, nor forward, in regard of a huge rocky precipice, she gently put one foot behind the other, and recoiled in that manner, until she had found the great road again.

I desire my high council to consider that the royal prerogative is like the sea, which, as navigators observe, what it loseth at one time, or in one place, gets always in some other. I desire my dear king to consider that the privilege of parliament, the lawes and liberties of the subject, is the firmest support of his crown; that his great council is the truest glass, wherein he may discern his people's love and his own happiness. It were wisdom that both did strike sail in so dangerous a storm, to avoid shipwreck. I am loth to say what consultations, what plots and machinations are fomenting and forging abroad against me, by that time I have enfeebled and wasted myself, and lost

the flower of my best children in these woeful broils. Methinks I spie the jesuit sitting in his cell, and laughing in his sleeve at me, and crying out, The devil part the fray, for they do but execute my designs.

Oh! I feel a cold qualm come over my heart, that I faint; I can speak no longer; yef I will strain myself to breathe out this one invocation, which shall be my conclusion:—

Sweet Peace, most benign and amiable goddess, how comes it to pass that thou hast so abandoned earth, and, taking thy flight to heaven, as once Astrea did, dost reject the sighs and sacrifices of poor mortals? Was that flaming usher of God's vengeance, which appeared six-and-twenty years since in the heavens, the herald that fetched thee away? For ever since poor Europe hath been harrassed, and pitifully rent up and down with wars; and now I am become the last scene. Gentle Peace, thou which goest always attended on by Plenty and Pleasure; thou which fillest the husbandman's barns, the grazier's folds, the tradesman's shop, the vintner's cellars, the lawyer's desk, the merchant's magazines, the prince's treasury, how comes it to pass that thou hast given up thy throne to Bellona, that all-destroying fury? Behold how my plundered yeoman wants hinds and horses to plow up my fertile soil. The poor labourer who used to mingle the morning dew with his anbeled sweat, shakes at his work, for fear of pressing; the tradesman shuts up his shop, and keeps more holidays than willingly he would; the merchant walks to the Exchange only to learn news, not to negotiate. Sweet Peace, thou which wast used to make princes courts triumph, with tilt, and tournaments, and other gallantries, to make them receive lustre by foreign ambassadors; to make the arts and sciences flourish; to make cities and suburbs shine with goodly structures; to make the country ring with the huntsman's horn and the shepherd's pipe;—how comes it to pass that blood-thirsty Discord now usurps thy place, and flings about her snakes in every corner? Behold my prince's court is now full of nothing but buff-coats, spanners, and musquet-rests; the country echoes with nothing but the sound of drums and trumpets. Hark how pitifully my lions roar, how dejectedly my roses and flower-de-luces hang down their heads, what doleful strains my harp gives.

O, consider my case, most blissful queen: descend, descend again in thy ivory chariot; resume thy throne; crown thy temples with thy wonted laurel and olive; bar up Janus's gates; and make new halcyonian days to shine in this hemisphere; dispel those clouds which hover betwixt my king and his highest council; chase away all jealousies and umbrages of mistrust, that my great law-making court be forced to turn no more to polemical committees, and to a council of war, (unless it be for some foreign conquest,) but that they may come again to the old parliamentary road, to the path of their predecessors, to consult of means how to sweep away those cob-webs that hang in the courts of justice, and to make the laws run in their right channel; to retrench excessive fees, and find remedies, for the future, that the poor client be not so peeled by his lawyer, and made to suffer such monstrous delays, that one may go from one troppick to another, and cross the equinoctial twenty times, before his suit be done; that they may think of a course to restrain gold and silver from travelling without license, with other staple commodities, and to punish those that transport hides for calves skins; to advance native commodities and manufactures; to balance and improve trade, and settle it so, that it may stand upon its own bottom, and not by any accidental ways, as, of late years, a glut of trade was cast upon me by the wars betwixt France and the house of Austria and others.

That this trade of mine, my chiefest sinew, be not cast into the hands of aliens, who eat me out, in many places, in my own commodities; that it be prevented hereafter that one be not permitted to ingross and ingulph all, but that my trade and wealth may, by some wholesome policy, be diffused up and down my cities in a more equal distribution; that they may advise of a way to relieve the orphan, who suffers more for

his minority in me than any where else ; that the poor insolvent subject be not so buried alive, and made to rot in prison, notwithstanding his apparent disability ; whereas, were he abroad, he might be useful to the common-wealth some way or other, and come haply afterwards to an ability to pay ; to regulate the business of drained lands, which, well managed, would tend very much to enlarge and enrich my quarters ; to secure the dominion of my seas, the fairest flower of my crown, which is now almost quite ost ; to preserve my woods, whereof, if this course hold, there will hardly be found in some places enough to make a tooth-pick ; to settle the revenues, and supply the wants of my crown ; for the wants of the crown and the grievances of the subject have been always used to go hand in hand in my parliament. And now that my neighbour princes, especially France and Spain, have of late years enhanced the revenue-royal, at least to the third part more than it was, it were a disparagement to me that my king should not bear up in equal proportion and point of greatness this way, considering that he hath more of the royal stem to maintain than any of his progenitors ever had. Lastly, that they may settle a way to regulate all exorbitant fancies of novelists in the exercise of holy religion. Where there is no obedience, subordination, and restrictive laws, to curb the changeable humours and extravagancies of men, there can be no peace or piety : If the fire be not kept within the tunnel of the chimney, and that some be appointed to sweep down the soot, (which may be done otherwise than by shooting up of musquets,) the whole house will be in danger of burning.

Oh me ! I feel the pangs of death assail me : Let some good body go toll the bell. And as one of my kings, the night before he was lain in New Forest, or the expiation of his father's sacrilege, did dream that a cold wind did pass through his bowels, so, methinks, I feel a bleak cold northern blast blowing upon me, which I fear will make an end of me : It is a miracle if I escape : It is only the high hand of Providence can preserve me. If I and my monarchy miscarry, I desire that my epitaph may be written (in regard I know him to have been a long time not only sensible, but a sharer with me in point of suffering) by my dearly beloved child,

JAMES HOWELL.

*To the discerning Reader.*

He that with a well-weighed judgment observeth the passions of this discourse, must needs conclude that the author, besides his own hard condition, hath a deep sense of the common calamities of this country in general, which makes him break out into such pathetic expressions. And because he might do it with more freedom and less presumption, he makes England herself to breathe out his disordered passions. We know a mother hath a prerogative by nature to speak home unto her children, and sometimes in a chiding way, though with tears in her eyes, to give them advice. The same doth England in this discourse, but with all the indulgence and indifferency that may be to both parties. Therefore the author humbly hopes that no exception, much less any offence, will be taken at her complaints or counsel.

J. H.



---

*The Preheminence and Pedigree of Parlement*; by James Howell, Esquire, one of the Clerks of his Majesties most Honourable Privy Councell: Whereunto is added, *A Vindication of some Passages reflecting upon him, in a Booke called the Popish Royall Favorite, penn'd and published by Master Frynne*, page 42. wherein he stiles him no Friend to Parlements, and a Malignant: Together with a clearing of some Occurrences in Spaine. at his Majesties being there; cited by the said Master Frynne out of the Vocall Forest.—Published by speciall Lisence, and entred into the Hall-Booke, according to Order.

Printed at London, by Richard Heron, 1644.

---

One of James Howell's most noted pieces was entitled, *Dodona's Grove*; or, the *Vocal Forest*, in which, under a tiresome and silly allegory, and in a most wretchedly bombastic style, he shadowed forth some of the principal incidents in the history of Europe, from 1603 down to 1640. From some passages in this work, his zeal for the cause of royalty was sufficiently apparent, and these furnished a charge against him to the more violent of the parliament party. As this was adopted by their Coryphæus, Frynne, it became a matter of serious necessity to poor Howell to justify himself from imputations which might have produced very bad consequences, considering he was in the power of the parliament. This treatise, therefore, was at once intended as a vindication and a propitiatory offering to the parliament. His exertions in their cause, however, while they did not procure him present liberty, were afterwards remembered to his disadvantage by Charles II., who did not, upon the restoration, replace Howell as clerk of the council. He obtained, however, the post of historiographer, with a small pension, and died in 1666.

---

*To my worthily honoured Friend, Sir W. S., Knight.*

SIR,

I received the book you pleased to send me, called the *Popish Royall Favorite*, and according to your advice, which I value in a high degree I put pen to paper; and something you may see I have done, (though in a poore pamphletting way,) to cleare my selfe of those aspersions that are cast upon me therein: but truly, sir, I was never so unfit for such a taske; all my papers, manuscripts, and notes having been long since seized upon and kept from me: Adde hereunto, that, besides this pressure and languishment of sixteen moneths close restraint, (the sense whereof, I finde, hath much stupified my spirits,) it pleased God to visit me lately with a dangerous fit of sicknesse, a high burning fever, with the new disease, whereof my body, as well as my minde, is yet somewhat crazie; so that (take all afflictions together) I may truly say, I have passed the ordal, the fiery tryal. But it hath pleased God to reprieve me to see better dayes, I hope; for out of this fatal blacke cloud which now oresets this poore island, I hope there will breake a glorious sunne-shine of peace and firme happinesse: To effect which, had I a jury, a grand jury of lives, I would sacrifice them all, and triumph in the oblation.

\* " *Popish Royal Favorite*; or, a full Discovery of his Majesties extraordinary favour to, and protection of notorious papists, priests, jesuits, &c., manifested by sundry letters of grace, warrants, &c., London 1643, in about 10 sh. in qu: Answered by N. D., in a book entituled, *Vindicia Caroli Regis*; or, a *Loyal Vindication of the King*, &c., pr. 1645, qu., in 9 sh."—Wood's *Athenæ*, II. 444.

So I most affectionately kisse your hands, and, as the season invites me, wish you a good new year.

Your faithfull (though afflicted) servant,

JAMES HOWELL.

*From the Prison of the Fleet, this 23d of February.*

*The Preheminence of Parlemt.*

*Sectio Prima.*

I AM a free-borne subject of the realme of England, whereby I claime, as my native inheritance, undoubted right, propriety, and portion in the lawes of the land; and this distinguisheth me from a slave. I claime also an interest and common right in the high national court of parlemt, and in the power, the priviledges, and jurisdiction thereof, which I put in equal ballance with the lawes, in regard it is the fountain from whence they spring; and this I hold also to be a principall part of my birth-right: Which great councill I honour, respect, value, and love, in as high a degree as can be; as being the bulwarke of our liberties, the maine boundary and banke which keeps us from slavery, from the inundations of tyrannicall rule and unbounded will-government: And I hold myselfe obliged, in a tye of indispensable obedience, to conforme and submit myselfe to whatsoever shall be transacted, concluded, and constituted by its authority in church or state; whether it be by making, enlarging, altering, diminishing, disanulling repealing, or reviving of any law, statute, act, or ordinance whatsoever; whether it be touching matters ecclesiasticall, civill, common, capitall, criminall, martiall, maritime, municipall, or any other; of all which the transcendent and uncontrovable jurisdiction of that court is capable to take cognizance.

Amongst the three things which the Athenian captaine thank'd the gods for, one was, that he was borne a Grecian, and not a barbarian; for such was the vanity of the Greeks, and, after them, of the Romans, in the flourish of their monarchy, to arrogate all civility to themselves, and to terme all the world besides barbarians. So I may say to have cause to rejoyce that I was borne a vassal to the crowne of England; that I was borne under so well moulded and tempered a government, which endowes the subject with such liberties and infranchisements, that bear up his naturall courage, and keep him still in heart; that free and secure him eternally from the gripes and tallons of tyranny. And all this may be imputed to the authority and wisdom of this high court of parlemt, wherein there is such a rare co-ordination of power, (though the sovereignty remaine still entire and untransferrable in the prince,) there is such a wholesome mixture 'twixt monarchy, optimacy, and democracy, 'twixt prince, peers, and communalty, during the time of consultation, that of so many distinct parts, by a rare co-operation and unanimity, they make but one body politicke, (like that sheafe of arrows in the emblem,) one entire concentricall peece, and the results of their deliberations but as so many harmonious diapasons, arising from different strings. And what greater immunity and happiness can there be to a people, than to be liable to no lawes but what they make themselves; to be subject to no contribution, assesment, or any pecuniary levy whatsoever, but what they vote and voluntarily yeeld unto themselves? For in this compacted politicke body there be all degrees of people represented: Both the mechanic, tradesman, and yeoman have their inclusive vote, as well as the gentry, in the persons of their trustees, their knights, and burgesses, in passing of all things.

Nor is this soveraigne superintendent councill an epitome of this kingdome only, but it may be said to have a representation of the whole universe; as I heard a fluent, well-

worded knight deliver the last parliament, who compared the beautifull composure of that high court to the great worke of God, the world it selfe :—The king is as the sun ; the nobles the fixed starrs ; the itinerant judges and other officers (that goe upon messages twixt both houses) to the planets ; the clergy to the element of fire ; the commons to the solid body of earth and the rest of the elements. And to pursue this comparison a little further :—As the heavenly bodies, when three of them meet in conjunction, produce some admirable effects in the elementary world, so when these three states convene and assemble in one solemne great junta, some notable and extraordinary things are brought forth, tending to the welfare of the whole kingdome, our microcosme.

He that is never so little versed in the amales of this isle will finde that it hath been her fate to be foure times conquered. I exclude the Scot ; for the scituation of his countrey, and the quality of the clime, hath been such an advantage and security to him, that neither the Roman eagles would fly thither, for feare of freezing their wings, nor any other nation attempt the worke.

These so many conquests must needs bring with them many tumbings and tossings, many disturbances and changes in government ; yet I have observed, that, notwithstanding these tumbings, it retained still the forme of monarchy, and something there was always that had an analogy with the great assembly the parlement.

The first conquest I finde was made by Claudius Cæsar ; at which time, as some well observe, the Roman ensignes and the standard of Christ came in together. It is well knowne what lawes the Roman had : He had his *comitia*, which bore a resemblance with our convention in parliament ; the place of their meeting was called *prætorium*, and the lawes which they enacted, *plebescita*.

The Saxon conquest succeeded next, which were the English, there being no name in Welsh or Irish for an Englishman, but Saxon to this day. They governed by parlement, though it went under other names ; as, *michel sinoth*, *michel gemote*, and *witena gemote*.

There are records above a thousand yeares old of their parlements, in the raignes of King Ina, Offa, Etheibert, and the rest of the seven kings during the heptarchy. The British kings also, who retained a great while some part of the island, governed and made lawes by a kinde of parliamentary way : witsesse the famous lawes of Prince Howell, called Howell Dha, whereof there are yet extant some Welsh records. Parlements were also used after the heptarchy, by King Kenulphus, Alphred, and others : witsesse that renowned parlement held at Grately by King Athelstan.

The third conquest was by the Danes, and they governed also by such generall assemblies as they doe this day : witsesse that great and so much celebrated parlement held by that mighty monarch Canutus, who was king of England, Denmark, Norway, and other regions, 150 yeares before the compiling of Magna Charta : and this the learned in the laws do hold to be one of the specialest and most authentick peeces of antiquity we have extant. Edward the Confessor made all his lawes thus, (and he was a great law-giver,) which the Norman conqueror (who, liking none of his sonnes, made God Almighty his heire, bequeathing unto him this island for a legacy) did ratifie and establish, being digested into one entire methodicall systeme ; which, being violated by Rufus, who came to such a disastrous end, as to be shot to death in lieu of a bucke, for his tyranny, were restored by Henry the First, and so they continued in force till King John, whose raigne is renowned for first confirming Magna Charta, the foundation of our liberties ever since ; which may be compared to divers outlandish graffs set upon one English stock, or to a posie of sundry fragrant flowers ; for the choicest of the British, the Roman, Saxon, Danish, and Norman lawes, being culled and picked out, and gathered, as it were, into one bundle, out of them the foresaid grand charter was extracted : and the establishment of this charter was the worke of a parlement.

Nor are the lawes of this island only, and the freedome of the subject conserved by

parlement, but all the best policed countries of Europe have the like. The Germanes have their diets, the Danes and Swedes their *rijscks dachs*; the Spaniard calls his parliament *las cortes*; and the French have, or should have, at least, their assembly of three states, which is growne now in a manner obsolete, because the authority thereof was (by accident) devolved to the king. And very remarkable it is how this happened; for when the English had taken such large footing in most parts of France, having advanced as far as Orleans, and driven their then king Charles the Seventh to Bourges in Berry, the assembly of three states; in these pressures, being not able to meet after the usuall manner in full parlement, because the countrey was unpassable, the enemy having made such firme invasions up and downe through the very bowels of the kingdome,—that power which formerly was inherent in the parlementary assembly, of making lawes, of assessing the subject with taxes, subsidiary levies, and other impositions, was transmitted to the king during the war, which continuing many yeares, that intrusted power, by length of time, grew, as it were, habituall in him, and could never after be re-assumed and taken from him; so that ever since his edicts countervayle acts of parlement. And that which made the businesse more feisable for the king was, that the burthen fell most upon the communalty, the clergy and nobility not feeling the weight of it, who were willing to see the peasant pulled down a little, because, not many yeares before, in that notable rebellion called *la laquerie de Beauvoisin*, which was suppressed by Charles the Wise, the common people put themselves boldly in armes against the nobility and gentry, to lessen their power. Adde hereunto, as an advantage to the worke, that the next succeeding king, Lewis the Eleventh, was a close cunning prince, and could well tell how to play his game, and draw water to his owne mill; for, amongst all the rest, he was said to be the first that put the kings of France *hors de page*, out of their minority, or from being pages any more, though thereby he brought the poore peasants to be worse than laquays.

With the fall, or at least the discontinuance of that usuall parlementary assembly of the three states, the liberty of the French nation utterly fell; the poore roturier and vineyard-man, with the rest of the yeomanry, being reduced ever since to such an abject, *asinin* condition, that they serve but as sponges for the king to squeeze when he list. Neverthelesse, as that king hath an advantage hereby one way to monarchize more absolutely, and never to want money, but to be able to ballast his purse when he will, so there is another mighty inconvenience ariseth to him and his whole kingdome another way; for this illegall peeling of the poore peasant hath so dejected him, and cowed his native courage so much by the sense of poverty, which brings along with it a narrownesse of soule, that he is little usefull for the war; which puts the French king to make other nations mercenary to him, to fill up his infantry; insomuch, that the kingdome of France may be not unittly compared to a body that hath all its blood drawne up to the armes, breast, and backe, and scarce any left, from the girdle downwards, to cherish and beare up the lower parts, and keep them from starving.

All this seriously considered, there cannot be a more proper and pregnant example than this of our next neighbours, to prove how infinitely necessarie the parliament is, to assert, to prop up, and preserve the publike libertie and nationall rights of a people, with the incolumitie and welfare of a countrey.

Nor doth the subject only reap benefit thus by parlement, but the prince, if he would well consider it, hath equal advantage thereby: it rendreth him a king of free and able men, which is far more glorious than to be a king of slaves, beggars, and bankrupts; men that, by their freedome and competencie of wealth, are kept still in heart to do him service against any forraigne force. And it is a true maxime in all states, that 'tis less danger and dishonour for the prince to be poore, than his people: Rich subjects can make their king rich when they please; if he gaine their hearts, he will quickly get their purses. Parlement encreaseth love and good intelligence betwixt him and

his people : it acquaints him with the realitie of things, and with the true state and diseases of his kingdome : it brings him to the knowledge of his better sort of subjects, and of their abilities, which he may employ accordingly upon all occasions : it provides for his royal issue, payes his debts, findes meanes to fill his coffers ; and it is no ill observation, that parliament-moneys (the great aid) have prospered best with the kings of England : it exceedingly raiseth his repute abroad, and enableth him to keep his foes in feare, his subjects in awe, his neighbours and confederates in securitie,—the three maine things which go to aggrandize a prince, and render him glorious : In summe, it is the parlement that supports and bears up the honour of his crowne, and settles his throne in safetie, which is the chiefe end of all their consultations ; for who-soever is entrusted to be a member of this high court carrieth with him a double capacitie : he sits there as a patriot and as a subject : as hee is the one, the cuntry is his object ; his dutie being to vindicate the publike libertie ; to make wholesome lawes ; to reach his hand to the pump, and stop the leaks of the great vessel of the state ; to pry into and punish corruption and oppression ; to improve and advance trade ; to have the grievances of the place he serves for redressed, and cast about how to find something that may tend to the enriching of it.

But he must not forget that hee sits there also as a subject ; and, according to that capacitie, he must apply himselfe to do his soveraignes businesse ; to provide not only for his publike, but his personall wants ; to beare up the lustre and glorie of his court ; to consider what occasions of extraordinarie expences he may have, by encrease of royall issue, or maintenance of any of them abroad ; to enable him to vindicate any affront or indignitie that should be offered to his person, crowne, or dignitie, by any forraigne state or kingdome ; to consult what may enlarge his honour, contentment, and pleasure. And as the French Tacitus (Comines) hath it, the English nation was used to be more forward and zealous in this particular than any other, according to that ancient eloquent speech of a great lawyer,—*Domus regis vigilia defendit omnium, otium illius labor omnium, deliciae illius industria omnium, vacatio illius occupatio omnium, salus illius periculum omnium, honor illius objectum omnium.* Every one should stand centinell to defend the kings houses, his safety should be the danger of all, his pleasures the industrie of all, his ease should be the labour of all, his honour the object of all.

Out of these premisses this conclusion may be easily deduced,—that the principall fountaine whence the king derives his happinesse and safety is his parlement. It is that great conduit-pipe which conveignes unto him his peoples bounty and gratitude ; the truest looking glasse, wherein hee discernes their loves, and the subject's love hath been alwayes accounted the prime cittadell of a prince. In his parlement he appeares as the sun in the meridian, in the attitude of his gory, in his highest state-royall, as the law tells us.

Therefore, whosoever is averse or disaffected to this soveraigne law-making court cannot have his heart well planted within him ; he can be neither good subject nor good patriot, and therefore unworthy to breathe English ayre, or have the benefit, or any protection from the lawes.

#### *Sectio Secunda.*

By that which hath been spoken, which is the language of my heart, I hope no indifferent judicious reader will doubt of the cordiall affection of the respects and reverence I beare to parlement, as being the wholesomest constitution (and done by the highest reach of policy) that ever was established in this island : therefore I must tell that gentleman who was author of a booke entituled the Popish Royall Favorite, lately printed and exposed to the world, that he offers me very hard measure ; nay, he

doth me apparent wrong, to terme me therein no friend to parliament, and a malignant; a character which, as I deserve it not, so I disdain it.

For the first part of his charge, I would have him know, that I am as much a friend, and as real an affectionate humble servant and votary to the parlement as possibly he can be, and will live and dye with these affections about me: and I could wish that he were secretary of my thoughts a while; or, if I may take the boldnesse to apply that comparison his late majesty used in a famous speech to one of his parlements, I could wish there were a chrysell casement in my breast, through which the world might espye the inward motions and palpitations of my heart: then would he be certified of the sincerity of this protestation.

For the second part of his charge, to be a malignant,<sup>1</sup> I must confesse to have some malignity that lurks within me, much against my will; but it is no malignity of minde: it is amongst the humors, not in my intellectuals. And I beleeve there is no natural man, let him have his humors never so well ballanced, but hath some of this malignity raining within him; for as long as we are composed of the foure elements whence these humors are derived, and with whom they symbolize in qualities; which elements the philosophers hold to be in a restlesse contention amongst themselves, (which made the stoicke thinke that the world subsisted by this innated mutual strife; (as long, I say, as the four humors, in imitation of their principles, the elements, are in perpetuall reluctance, and combat for predominancy, there must be some malignity lodged within us, as adusted choller, and the like; whereof I had very late experience this Christmas, in a shrewd fit of sicknesse it pleased God to lay upon me, which the physitians told me proceeded from the malignant hypocondriacall effects of melancholy; having been so long in this saturnine blacke condition of close imprisonment, and buried alive between these walls. These kinds of malignities, I confesse, are very rife in me; and they are not only incident, but con-natural to every one, according to his complexion: And were it not for this incessant struggling and enmity amongst the humors for mastery, which produceth such malignant effects in us, our soules would never depart from our bodies, nor abandon this mansion of clay.

Now what malignity my accuser meanes, I know not. If he meanes malignity of spirit, as some antipathy or ill impression upon the mind, proceeding from disaffection, or from hatred and rancor, with a desire of revenge, he is mightily deceived in me: I maligne or hate no creature that ever God made, but the devill, who is the author of all malignity, and therefore is most commonly called in French, *le malin esprit*, the malignant spirit. Every night, before I goe to bed, I have the grace, I thanke God for it, to forgive all the world, and not to harbour, or let roost in my bosome the least malignant thought. Yet none can deny but the publick aspersions which this my accuser casts upon me were enough to make me a malignant towards him; yet it could never have the power to doe it; for I have prevailed with myself to forgive him; this his censure of me proceeding rather from his not knowledge of me than malice; for we never mingled speech, or saw one another in our lives, to my remembrance: which makes me wonder the more, that a professor of the law, as he is, should pronounce such a positive sentence against me so sleightly. But methinks I over-heare him say that the precedent discourse of parlement is involv'd in generals, and the tropique axiome tells us, that *dolus versatur in universalibus*, there is double dealing in universals. His meaning is, that I am no friend to this present parliament, (though he speaks in the plural number, parliaments,) and consequently he concludes me a malignant. Therein I must tell him also that I am traduc'd; and I am confident it will never be proved against me, from any actions, words, or letters, (though divers of mine have bin intercepted,) or any other misdemeanor. Alas, how unworthy and incapable am I to censure the proceedings of that great senate, wherein the wisdom of the whole state is

<sup>1</sup> This was the *vox signata* by which the republicans distinguished the friends of royalty and episcopacy.

epitomized? It were a presumption in me, of the highest nature that could be: It is enough for me to pray for the prosperous success of their consultations. And as I hold it my duty, so I have good reason so to do, in regard I am to have my share in the happiness; and could the utmost of my poore endeavours, by any ministeriall humble office, (and sometimes the meanest boatswaine may help to preserve the ship from sinking,) be so happy as to contribute any thing to advance that great worke, (which I am in despaire to doe, while I am thus under hatches in this Fleet,) I would esteeme it the greatest honour that possibly could befall me, as I hold it now to be my greatest disaster to have fallen so heavily under the displeasure of that highest councill, and to be made a sacrifice thus to publick fame; than which there is no other prooffe nor that yet urg'd against me, or any thing else produc'd, after so long, so long captivity, which hath brought me to such a low ebbe, and put me so far in the arreare in the course of my fortunes: For although my whole life (since I was left to myselfe to swim, as they say, without bladders) has bin nothing else but a continued succession of crosses, for which I account not myself a whit the lesse happy; yet this crosse has carried with it a greater weight, and lighted heavier upon me than any other: and as I have present patience to beare it, so I hope for subsequent grace to make use of it accordingly, that my old motto may be confirmed, *καθήματα καθήματα*!

He produceth my attestation for some passages in Spaine,<sup>2</sup> at his majesties being there: and he quotes me right, which obligeth me to him: and I hope all his quotations, wherein he is so extraordinary copious and elaborate in all his works, are so: yet I must tell him, that those interchangeable letters which passed between his majesty and the pope, which were originally couched in Latine, the language wherein all nations treat with Rome and the empire, with all the princes thereof; those letters, I say, are adulterated in many places; which I impute not to him, but to the French chronicler, from whom he took them in trust. The truth of that business is this:—The world knows there was a tedious treaty of an alliance 'twixt the infanta Dona Maria (who now is empress) and his majesty, which, in regard of the slow, affected pace of the Spaniard, lasted about ten yeres; as that in Henry the 7th's time, 'twixt

<sup>2</sup> Howell, in his Familiar Letters, gives the following account of his imprisonment:—

“To the Earl of B., from the Fleet.

My lord,

I was lately come to London upon some occasions of mine own, and I had been divers times in Westminster-hall, where I convers'd with many parliament-men of my acquaintance; but one morning betimes there rush'd into my chamber five armed men, with swords, pistols, and bills, and told me they had a warrant from the parliament for me: I desired to see the date of it; they denied it: I desired to see my name in the warrant; they denied all. At last one of them pulled a greasy paper out of his pocket, and shewed me only three or four names subscribed, and no more. So they rushed presently into my closet, and seized on all my papers and letters, and any thing that was manuscript; and many printed books they took also, and hurl'd them all into a great hair trunk, which they carried away with them. I had taken a little physic that morning, and, with very much ado, they suffered me to stay in my chamber, with two guards upon me, till the evening; at which time they brought me before the committee of examination, where, I confess, I found good respect: and being brought up to the close committee, I was ordered to be forth-coming till some papers of mine were perused; and Mr Corbet was appointed to do it. Some days after, I came to Mr Corbet, and he told me he had perus'd them, and could find nothing that might give offence. Hereupon I desired him to make a report to the house; according to which (as I was told) he did very fairly: yet such was my hardship, that I was committed to the Fleet, where I am now under close restraint: and, as far as I see, I must lie at dead anchor in this Fleet a long time, unless some gentle gale blow thence, to make me launch out. God's will be done, and amend the times, and make up these ruptures, which threaten so much calamity. So I am your lordship's most faithful (though now afflicted) servitor,

J. H.

*Fleet, Nov. 20, 1643.*”

<sup>3</sup> Howell was good evidence on the subject of the Spanish match. He was in Spain at the time of the prince and Buckingham's arrival, and in the Vocal Forest, as well as in his Familiar Letters, has preserved some curious particulars respecting that extraordinary passage of history.

Prince Arthur and (afterwards) Q. Katharine, was spun out above seven. To quicken, or rather to consummate the worke, his majesty made that adventurous journey through the whole continent of France, into Spaine: Which voyage, though there was a great deale of gallantry in it, whereof all posterity will ring, untill it turne at last to a romance, yet it proved the bane of the businesse, which 'tis not the errand of so poore a pamphlet as this to unfold. His majesty being there arrived, the ignorant common people cry'd out, the Prince of Wales came thither to make himself a Christian. The pope writ to the inquisitor-generall and others, to use all the industry they could to reduce him to the Romane religion: and one of Olivares first compliments to him was, that he doubted not but his highnesse came thither to change his religion: whereunto he made a short answer,—that he came not thither for a religion, but for a wife. There were extraordinary processions made, and other artifices us'd, as the protraction of things, to make him stay there, of purpose, till the spring following, to work upon him the better: And the infanta herself desir'd him (which was esteem'd the greatest favour he received from her all the while) to visit the nunne of Carion; hoping that the said nunne, who was so much cryed up for miracles, might have wrought one upon him. But her art failed her, nor was his highness so weak a subject to work upon, according to his late majesties speech to Dr Mawe and Wren; who, when they came to kisse his hands, before they went to Spaine, to attend the prince their master, he wished them to have a care of Buckingham. As touching his sonne Charles, he apprehended no feare at all of him; for he knew him to be so well grounded a protestant, that nothing could shake him. The Arabian proverbe is, that the sunne never soiles in his passage, though his beams reverberate and dwell never so long upon the miry lake of Mæotis, the blacke-turf'd moores of Holland, the aguish woose of Kent and Essex, or any other place, be it never so dirty. Though Spaine be a hot cuntry, yet one may passe and repasse through the very centre of it, and never be sun-burnt, if he carry with him a bon grace; and such a one his majesty had.

Well, after his majesties arrivall to Madrid, the treaty of marriage (though he told them that he came not thither like an ambassador, to treat of marriage, but as Prince of Wales, to fetch home a wife) went on still; and in regard they were of different religions, it could not be done without a dispensation from the pope; and the pope would grant none, unlesse some capitulations were stipulated in favour of the Romish catholicks in England: (the same were agreed on with France.) Well, when the dispensation came, which was negotiated solcly by the king of Spaine's ministers, because his majesty would have nothing to doe with Rome, Pope Gregory the 15th, who died a little after, sent his majesty a letter, which was delivered by the nuncio, whereof an answer was sent a while after: Which letters were imprinted, and exposed to the view of the world; because his majesty would not have people whisper that the businesse was carried in huggur-muggur, or in a clandestine manner. Nor, truly, do I know of any letter, or message, or complement, that ever passed 'twixt his majesty and Rome, afore or after.

Now, touching that responsory letter from his majesty, it was no other than, a complement, in the severest interpretation; and such formalities passe 'twixt the crowne of England and the great Turke, and divers heathen princes. The pope writ first; and

<sup>1</sup> Howell mentions this circumstance in the *Vocal Forest*.—"Prince Rocalino, taking his leave of the lady Amira, was desired by her to see a vestall saint in his way as he passed, who was then cried up for miracles. In some divine exercises she was reported to be often lited up in the aire, and appear as fresh as a rose, though she was so furrowed with age, that she looked like a spirit kept in a bagge by some conjuror.

"But hee coming thither, and shee mingling discourse with him a long time, the substance whereof was, for the most part, that he should be good to the petropolitans in Druua, and to bestow an alm among her poor vestall sisters, there could no elevations be discerned, or any sudden changes at all in her, or any other miraculious feates, though she could have never shewed them in better company."—*Dodona's Grove; or, the Vocal Forest*, by J. H., London, 1640, fol. p. 132.



no man can deny but, by all morall rules, and in common humane civility, his majesty was bound to answer it, specially, considering how punctuall they are in those countries to correspond in this kinde; how exact they are in repaying visits, and the performance of such ceremonies. And had this compliance been omitted, it might have made very ill impressions, as the posture of things stood then; for it had prejudiced the great work in hand; I meane the match, which was then in the heate and height of agitation: His majesties person was there engag'd, and so it was no time to give the least offence. They that are never so little vers'd in businesse abroad doe know that there must be addresses, compliances, and formalities of this nature (according to the Italian proverbe, that one must sometimes light a candle to the devil) us'd in the carriage of matters of state, as this great businesse was, whereon the eyes of all Christendome were so greedily fix'd; a businesse which was like to bring with it such an universall good, as the restitution of the Palatinate, the quenching of those hideous fires in Germany, and the establishing of a peace through all the Christian world.

I hope none will take offence, that, in this particular, which comes within the compasse of my knowledge, being upon the stage when this scene was acted, I doe this right to the king my master, in displaying the truth, and putting her forth in her own colours; a rare thing in these dayes.

Touching the Vocall Forrest, an allegoricall discourse that goes abroad under my name a good while before the beginning of this parlement, which this gentleman cites, (and that very faithfully,) I understand there be some that mutter at certaine passages therein, by putting ill glosses upon the text, and taking with the left hand what I offer with the right. (Nor is it a wonder for trees which lye open, and stand exposed to all weathers, to be nipt.) But I desire this favour, which, in common justice, I am sure, in the court of Chancery cannot be denyed me, it being the priviledge of every author, and a received maxime through the world, *cujus est condere, ejus est interpretari*; I say I crave this favour,—to have leave to expound my owne text; and I doubt not then but to rectifie any one in his opinion of me, and that in lieu of those plums which I give him from those trees, he will not throw stones at me.

Moreover, I desire those that are over-criticall censurers of that peece to know, that as in divinity it is a rule, *scriptura parabolica non est argumentativa*, so it is in all other kinde of knowledge. Parables, (whereof that discourse is composed,) though pressed never so hard, prove nothing. There is another rule also, that parables must be gently used, like a nurse's breast; which if you presse too hard, you shall have bloud instead of milke.

But as the author of that worke thinks he hath done neither his country nor the common-wealth of learning any prejudice thereby, (that maiden fancy having received so good entertainment and respect abroad, as to be translated to divers languages, and to gaine the publicke approbation of some famous universities,) so he makes this humble protest unto all the world,—that though the designe of that discourse was partly satirical, (which made the author to shrowd it under trees; and where should satyres be but amongst trees?) yet it never entered into his imagination to let fall from him the least thing that might give any offence to the high and honourable court of parliament, whereof he had the honour to be once a member, and hopes he may be thought worthy againe: And were he guilty of such an offence, or piacle rather, he thinks he should never forgive himself, though he were appointed his owne judge. If there occurre any passage therein that may admit a hard construction, let the reader observe that the author doth not positively assert or passe a judgement on any thing in that discourse, which consists principally of concise, cursory narrations, of the choicest occurrences and criticismes of state, according as the pulse of times did beate then: And matters of state, as all other sublunary things, are subject to alterations, contingencies, and change, which makes the opinions and minds of men vary accordingly: Not one amongst twenty is the same man to-day as he was foure yeares agoe, in

point of judgement, which turnes and alters according to the circumstance and success of things : And it is a true saying, whereof we finde common experience, *posterior dies est prioris magister* ; the day following is the former dayes schoolmaster. There's another saying, —the wisdom of one day is the foolishnesse of another ; and it will be so while it is a world.

I will conclude with this modest request to that gentleman of the long robe :—that having unpassionately perused what I have written in this small discourse, in penning whereof my conscience guided my quill all along as well as my hand, he would be pleased to be so charitable and just, as to reverse that harsh sentence upon me,—to be no friend to parlements, and a malignant.

---

*The Divine Right and Irresistibility of Kings and Supreme Magistrates clearly evidenced ; not from any private Authority, but from the publick Confessions of the Reformed Churches, and the Homilies of the Church of England. 1645.*

If he neglect to hear the church, let him be unto thee as an heathen man and a publican. *MATTII. xviii. 17.*

---

This is an attempt to prove a doctrine which those who were most anxious to establish it were equally ready to discard, when they found their own rights infringed upon by the monarch. The author has gleaned together a few general principles received by every well-ordered community, which condemn insurrection against the magistracy, but cannot, by any fair construction, be extended to recommend passive obedience, should that magistrate please to become a tyrant.

---

*To the Reader.*

Reader,

I HAVE cited the confessions of the reformed churches as they were printed at Cambridge, 1586.

And I have quoted the homilies according to their late impression, 1633. And from the confessions and homilies thou mayst learn that God is the author of political order, and that himself is the first in that order, and that kings and princes are in that rank and order next under him, as his lieutenants and deputies, having their authority and power from him, and so to give an account of their ministration to him ; and that, by reason of their rank and place, they must not be resisted by us, much less may we wring their authority from them, or rebel against them, or endeavour (upon any pretences) to shake off the yoke of subjection under them. Now, resisting and rebelling are a rising up against, and opposing of the higher power : and resisting properly is, in respect of that order which God hath constituted in all government ; and rebellion is against the special order and constitutions in several kingdoms and commonwealths : that contrary to the subjection which the law of God requires ; this contrary to the subjection and obedience required by the laws of men.

And where these are accompanied with civil war, (as amongst us at this day,) they produce far greater miseries to the people, and mischiefs far more fatal to the commonwealth, than tyranny and oppression ; under tyranny their being some order, not on-

ly the divine, but the human also, in respect of matters between subject and subject. But resisting, and rebellion, and such war, overthrow all order, divine (and so infer damnation, Rom. xiii.) and humane, even to anarchy and confusion; which God avert from us.

Besides, (saith Mr Calvin, in his Comment. upon Rom. xiii. 3,) an evil prince is the scourge of God, to punish the sins of the people; and that excellent and wholsom institution of magistracy is never corrupted (by tyranny) but upon our default: Wherefore, we must impute to ourselves, and to our sins, the evil that is in it, and evermore reverence the ordination itself. And (lib. 4. Institut. cap. 20, art. 29,) if we be persecuted for godliness by an impious and sacrilegious prince, let us first of all remember our sins, which, no doubt, are corrected by God with such scourges: this will bridle our impatience with humility: Then let us entertain this thought, that 'tis not our part to heal such distempers; but our only remedy is, to implore the help of God, in whose hands are the hearts of kings, and the inclinations of kingdoms.

O! consider this, ye that forget God. PSAL. l. 22.

As in this case most men, both in their writings and proceedings, forget him: his first ordinance of political power for government, and his second ordination of the power sometime to judgment: And especially do they forget him, who make the people the author of that power, and maintain their right of re-assuming it at pleasure, and preach and press resistance of the power, and consequently of God himself, in his ordinance and judgments.

Consider what I say, &c. 2 TIM. ii. 7.

*The Helvetic Confession.*<sup>r</sup>

THE magistrate, of what sort soever it be, is ordained of God himself, for the peace and quietness of mankind, and so that he ought to have the chiefest place in the world. (And) God doth work the safety of his people by the magistrate, whom, as he hath given to be as a father of the world, so all the subjects are commanded to acknowledge this benefit of God in the magistrate, and honour him as the minister of God. And if the common safety of the country and justice require it, and the magistrate do of necessity make war, let them lay down their life and spend their blood for the common safety and defence of the magistrate, and that in the name of God, willingly, valiantly, and cheerfully; for that he that opposeth himself against the magistrate doth procure the wrath of God against him. We know that though we be free, we ought wholly, in a true faith, holy to submit ourselves to the magistrate, both with our body and with our goods and endeavours of mind, so far forth as his government is not evidently repugnant to him for whose sake we reverence the magistrate.

*The Confession of Bohemia.*<sup>s</sup>

It is taught out of the Holy Scriptures, that the civil magistrate is the ordinance of God, and appointed by God, who both taketh his original from God, and by the effectual power of his presence and continual aid is maintained to govern the people in those things which appertain to the life of this body here upon earth; whereof is that

<sup>r</sup> In Synt. g. Confession, Genev. an. 1612, pag. 85.  
264, pa. 1 2.

<sup>s</sup> In Syntag. Confes. edit. Genev. an. 1612, p.

of St Paul, Rom. xiii. 1, There is no power, &c. And magistrates must know and remember this, that they are God's deputies, and in his stead, and that God is the sovereign lord and king, even of them all, as well as of other men, to whom they must give an account, at the last day, of the degree wherein they were placed, and of their dominion, and of the whole administration of their government; whereof it is expressly written in the book of Wisdom, cap. vi. 1. The people also are taught of their duty, and by the word of God are effectually thereto enforced, that all, and every of them, in all things, so that they be not contrary to God, perform their obedience to the superior power; first to the king's majesty, then to all other magistrates, and such as are in authority, in what charge soever they be placed, whether they be of themselves good men or evil.

*The French Confession.*<sup>1</sup>

WE believe that God would have the world to be governed by laws, and by civil government, that there may be certain bridles, whereby the immoderate desires of the world may be restrained; and that therefore he appointed kingdoms, commonwealths, and other kind of principalities, whether they come by inheritance or otherwise: (And) therefore, because of the author of this order, we must not only suffer them to rule whom he hath set over us, but also give unto them all honour and reverence, as unto his ambassadors and ministers, assigned of him to execute a lawful and holy function. We affirm also, that we must obey the laws and statutes; that tribute must be paid; and we must patiently endure the other burthens: to conclude, that we must willingly suffer the yoke of subjection, although the magistrates be infidels, so that the sovereign power of God do remain whole or entire, and nothing be diminished.

*The Confession of Belgia.*<sup>2</sup>

WE believe that the most gracious and mighty God did appoint kings, princes, and magistrates, because of the depravation of mankind; and that it is his will that this world should be governed by laws, and by a certain civil government, to punish the faults of men, and that all things may be done in good order among men: therefore he hath armed the magistrate with a sword, to punish the wicked and defend the good.

*The Confession of Ausburg.*<sup>3</sup>

WE are sure, that, seeing the godly must obey the magistrates that be over them, they must not wring their authority out of their hands, nor overthrow governments by sedition, for as much as Paul wisheth every soul to be subject to the magistrates. We know also that the church in this life is subject to the cross, as St Paul saith, We must be made like to the image of the Son of God.

*The Confession of Saxony.*<sup>4</sup>

WE teach that in the whole doctrine of God, delivered by the apostles and prophets,

<sup>1</sup> In Corpor. Confession. Geneve, an. 1612, p. 110. Art. 39. Confess. Gall. can. Belg. artic. 36.  
<sup>2</sup> Ibid. pa. 17. Vid. Confession August. art. 16, part 2.  
 art. 23, in edit. Gen. 1612, part 2, p. 128.

Ibid. p. 183 Confess. Sax.

the degrees of the civil state are avouched; and that magistrates, laws, order in judgment, and the lawful society of mankind, are not by chance sprung up among men. And although there be many horrible confusions which grow from the devil and madness of men, yet the lawful government and society of men is ordained of God; and whatsoever order is yet left by the exceeding goodness of God, it is preserved for the churches sake. (And) subjects owe to the civil magistrate obedience, as Paul saith, not only because of wrath, *i. e.* for fear of corporal punishment, wherewith the rebellious are rewarded by the magistrate, but also for conscience sake; *i. e.* rebellion is a sin that offendeth God, and withdraweth the conscience from God. (And again,) God would have all men to be ruled and kept in order by civil government, even those that are not regenerate: and in this government the justice and goodness of God towards us is most clearly to be seen.

1. Wisdom, by order, and the societies of mankind under lawfull government.
2. Justice, in that he will have open sins to be punished by the magistrates: and when they that are in authority do not take punishment on the offenders, God himself doth miraculously draw them unto punishment, and proportionably doth lay upon grievous sins grievous punishments in this life. Mat. xxvi. 52. Heb. xiii. 4.
3. Goodness towards mankind, in that he preserveth the societies of mankind after this order: and for that cause doth he maintain it, that from thence his church may be gathered; and he will have common-wealths to be places for the maintenance of his church.

#### *The Confession of Scotland.\**

WE confess and acknowledge empires, kingdoms, dominions, and cities to be distinguished and ordained by God; the powers and authorities in the same, be it of emperors in their empires, kings in their realms, dukes and princes in their dominions, and of other magistrates in their cities, to be God's holy ordinance, ordained for manifestation of his own glory, and for the singular profit and commodity of mankind: so that whosoever goeth about to take away or confound the whole state of civil policies now long established, we affirm the same men not only to be enemies to mankind, but also wickedly fight against God's expressed will.

#### *The sum of these Confessions.*

THE sum is:—All power is originally in God himself, who is *solus potens*,<sup>1</sup> the only king and independant potentate. 2. He hath (for the good of mankind) communicated some of his power immediately to kings, and by them<sup>2</sup> to inferior magistrates; so that a king is God's immediate vicegerent and deputy; and therefore his authority and person are both sacred, and should be inviolable. He is minister<sup>3</sup> *Dei*. and *unctus Domini*; not the people's, but the Lord's deputy, the Lord's anointed; and therefore none can stretch out his hand against him,<sup>4</sup> (though he be a Saul, a tyrant,) and be guiltless. And if the kirk of Scotland may be judge, they that go about to take away or confound monarchy, those men are not only enemies to mankind, but also wickedly fight against God's express will. I would to God the practice of that nation were any way suitable to the piety and truth of this profession.

And because of the author of this order, we must both suffer those whom he hath

<sup>1</sup> Confess. Scot. artic. 24, in Corp. Confess. Gen. an. 1612, p. 156, part 1.

<sup>2</sup> 1 Tim. vi. 17.

<sup>3</sup> 1 Pet. ii. 13.

<sup>4</sup> Rom. xiii. 14.

<sup>5</sup> 1 Sam. xxvi. 9.

set over us for to rule, and also honour them in their place and office, as his ambassadors and ministers; of which their ministration they must give an account at the last day. And in all things that be not contrary to God, we must perform obedience to the superior power; first to the king's majesty, then to all other magistrates, whether they be of themselves good men or evil; yea, we must patiently suffer the yoke of subjection, though they be infidels.

And if the common safety of the country and justice require it, and the magistrate do of necessity make war, they must lay down their lives and spend their blood for the common safety and defence of the magistrate, and that in the name of God, willingly, valiantly, and chearfully; for that he that opposeth himself against the magistrate doth procure the wrath of God against him.

Lastly, we must not wring their authority out of their hands, nor overthrow government by sedition: and they that go about to take away civil policies established, are enemies to mankind: and they that resist and rebel against their prince, resist God himself, whose deputy and ambassador and minister he is: and they who teach such doctrine withdraw the consciences of men from God.

And, reader, see the harmony between the confessions of the reformed churches and the doctrine of the church of England, delivered in the books of Homilies, concerning civil obedience and subjection.

The authority of which books is declared and confirmed by the 35th article of our religion.

The second book of Homilies doth contain a godly and wholesome doctrine, and necessary for these times; as doth the former book of Homilies, which were set forth in the time of King Edward the Sixth; and therefore we judge them to be read in churches, by the minister, diligently and distinctly, that they may be understood of the people.

And now I shall present unto thee the sum of the doctrine of these books concerning the premisses.

*God.*

God is the universal monarch of the world, lib. 2. p. 278. lin. 7.

*Order.*

God hath appointed all things in a most excellent order, lib. 1. p. 69. lin. 1.  
Where there is no order nor magistrate, there is confusion, lin. 31.

*Kings.*

Kings are from God, 1. 70. 81. 2. 276. 39. 45. 278. 1. 10. 23. Kings have their power from God only, 1. 71. 31.

They are the chief and supreme rulers next under God, 1. 76. 15.

They only have the use of the sword, 1. 74. 19.

*Evil Kings.*

Evil kings are from God, 2. 276. 45.

God placeth them over a country for the sin thereof, 2. 278. 31. They are reserved for God's punishment and judgment, 1. 74. 10.

*Obedience.*

We learn by the word of God to yield to our king that is due to our king; that is, honour, obedience, payments of due taxes, customs, tributes, subsidies, fear, and love, 1. 77. 7.

This is God's ordinance, God's commandment, and God's holy will, that all the whole body of every realm, and all the members and parts thereof, should be subject to their head, their king, 1. 77. 2.

They that live in true obedience to God and the king please God, and have peace of conscience; and having God on their side, let them not fear what man can do against them, *ibid.* 37.

We must obey sharp and rigorous princes, 2. 277. 46, and patiently suffer under them, 289. 32. 42, and pray for their prosperity, 2. 280. 46. 288. 3. 6.

If the king command any thing contrary to God's word, we must rather obey God than man; yet, in that case, we may not in any wise withstand violently, or make any insurrection, sedition, or tumults by force of arms, or otherwise, against the Lord's anointed, or any of his officers, 1. 74. 44:

If God give a heathen tyrant to reign over us, we must obey him, and pray for him, 2. 282. 13.

Where is obedience, there is the figure of heaven, 2. 296. 46. Heaven is the place of good subjects, *ibid.* 44.

*Judging.*

We must not judge of the king, his government, or counsellors; yea, it is a perilous thing to commit unto subjects the judgment, which prince is wise and godly, and his government good, and which is otherwise; as though the foot must judge of the head; an enterprize very heinous, and must needs breed rebellion, 2. 279. 23.

*Murmuring.*

We may not murmur against the king, or speak evil of him, 1. 299. 12. 31. 34. 300. 3.

*Resisting.*

We may not in any case resist or stand against the superior powers, though they be wicked, because they have their power from God, 1. 72. 12. 29. 30. 2. 280. 5. 33. 285. 6. 28. Though we have great numbers of men, (2. 286. 40,) yet we must not attempt any thing against the king, though hated of God, and God's enemy, and so likely to be pernicious to the common-wealth, 287. 2. 16; though he doth not consider our faithful service, or safe-guard of our posterity, 22; and, lastly, though he be our known mortal deadly enemy, and that he seeketh our lives, 26.

They that resist, resist not man, but God. 1. 71. 35.

*Rebellion.*

The sink of all sins, both of the first and second table, 2. 292. 7.

Lucifer, the first author of rebellion, 2. 276. 7.

The two principal causes of rebellion are,

1. Ambition, and restless desire in some men to be of higher estate than God hath given them.

2. Ignorance in the people, and lack of knowledge of God's blessed will, declared in his holy word, concerning their obedience, 2. 307. 16. 28. 313. 14.

Rebels no true Christians, 2. 289. 45.

Rebels a wicked example against all Christendom, and whole mankind, &c., 2. 282. 24.

Rebels pretences vain, viz. redress of the common-wealth, and reformation of religion, 2. 301. 19. 302. 2. 22. 25. 29.

Rebellion no good means of reformation, 2. 279. 34.

Miseries following rebellion, viz. pestilence, famine, the calamities of war extraordinary, 2. 294. 29.

God's judgment on rebels, 2. 300. 9.

Rebels never prospered long, 2. 300. 45.

Hell the place of rebels, 2. 296. 45.

Unless we do what we are able to stay rebellion, we are most wicked, &c., 2. 282. 36.

*The Clergy.*

The clergy ought both, themselves especially, to be obedient to their prince, and also to exhort others to the same, 2. 308. 27.

Almighty God, whose kingdom is everlasting, and power infinite, have mercy upon the whole congregation, and so rule the heart of thy chosen servant Charles, our king and governor, that he, knowing whose minister he is, may, above all things, seek thy honour and glory; and that we his subjects, duly considering whose authority he hath, may faithfully serve, honour, and humbly obey him, in thee, and for thee, according to thy blessed word and ordinance, through Jesus Christ our Lord. Amen.

---

*Some Advertisements for the new Election of Burgesses for the House of Commons.  
Anno 1645.*

---

That passage in the foregoing narrative which treats of the recruiting the house of commons, will sufficiently explain the occasion of the new election here intended. And as to these advertisements, as they are called, though the author of them was unknown, they made such an impression on the public, that John Cooke of Gray's Inn (so noted afterwards, for his acting as solicitor in the trial of King Charles I.) thought it a matter of consequence to the professors of the law to set forth a long and laboured answer to them; which he dedicated "to the most high and most honourable courts of parliament, the supreme judicature of this kingdom," with the following remarkable address: "Most honourable and most religious lords and commons, from whom the king's majesty can no more be divided in his capacity politic, than the head from the living body natural."<sup>1</sup>

---

In this great and weighty business of electing fit persons to fill up the much decayed house of commons, I will bestow upon my dear country an admonition for rectifying their judgements. My admonition will be twofold. Upon the first I will not insist, because it is sufficiently treated of by Mr Withers:<sup>2</sup> It is against electing such men whom fools admire for their wealth. The second part is against chusing such men whom fools admire for their wit,—lawyers. This ulcer must be thoroughly handled.

<sup>3</sup> When Rome was in her integrity, the great men studied the laws, and pleaded the cause of the poor without fee, *jure clientelæ*; every eminent man having many hun-

<sup>1</sup> The hatred of the fanatical and republican party at the profession of the law, was such as became men who had found the sword the most effectual statute. In the time of Cromwell's domination, one of his mock parliaments set about rooting up the common law of England from its very foundations, destroying the court of Chancery, and reducing the whole judicial system of England to the Mosaic institutions.

<sup>2</sup> In his "*Vox Pacificæ*;" or, Voice tending to Pacification of God's wrath," &c., in 6 cantos. This performance was put forth in 1645, and, like most of Withers's productions, contains much sound sense, with a mixture of political furor and prophetic enthusiasm.

<sup>3</sup> *Dion. Halicarn.* l. 2. *Livius*, l. 1. *Plutarch, in Romulo*. The like was used amongst the Thessalians, who called these kind of clients *penestæ*; and amongst the Athenians, who called them *thetæ, lazios*.—*Comment. Reipub. Rom.* lib. 12. c. 3. Dempster, *Antiquitatum Rom.* lib. 1. c. 16, 17. *Car. Sigon. de antiquo Jure Civium Rom.*



dreds, nay, some thousands of poor men under their protection, for whom they did *respondere de jure*, make defence in law. This was a mutual obligation of common charity; and these unfeud patrons were justly styled *sacerdotis justitiæ*, priests of Themis, the goddess of justice. But afterwards, *cum abundantes divitiæ desiderium invexere per luxum atque libidinem pereundi perendique omnia*; when abundant wealth brought in luxury, to afflict the manners of the commonwealth, they grew into corruption with the times, took fees, and became *viles rabulæ*, hackney petty-foggers, and hucksters of the law.

Now, though our lawyers were never in that state of innocency to practise without fee, yet were they never in that height of corruption, and unlimited way of gain, they are now in. I have heard old men say, they remembered when lawyers, at the beginning of a term, would stand at a pillar in Paul's, Temple-Bar, the corner of Chancery-Lane, and other avenues, attending the coming in of their countrymen, with cap in hand, courteously saluting them, and enquiring what business brought them to town; not much unlike watermen plying for a fare. But now they are grown to that height of pride, that a man can hardly (after long attendance) come so near a great lawyer's study-door, as to bid God save him, without a fee or bribe. Nor are their fees of mean value; three pounds, five pounds, six pounds being usual, even for making a motion of five or six lines: and if he be a lawyer *interioris admissionis*, a *privado*, or favourite, so much is well given to buy his silence, that he appear not against you. O, misery! Poor men cannot go to the price of justice, and rich men are oft undone by buying it.<sup>1</sup> Nor is it an unusual thing for a lawyer to be of council with one party, and to prevaricate, and be of confederacy under-hand with the adverse party. By these means, though there are so many lawyers (besides attorneys, clerks, and solicitors, to spring game for them) that they can hardly live one by another, that the multitude of professors scandalizeth the profession, and oppresseth the commonwealth, yet many of them rise from nothing to great estates; five thousand pounds, six thousand pounds, nay, ten thousand pounds, twelve thousand pounds land by the year, (to the admiration and detestation of foreigners,) and purchase baronies and earldoms. But this bought honour is Honour the whore, not Honour the virgin: and this is an evident demonstration of a decrepid commonwealth, when these necessary evils do so increase and multiply upon us. Nor do our lawyers practise any thing more than to please their more litigious clients, by evading laws and statutes with intricate pleadings, misconstructions, and delays, and, where they fail, by enervating the laws, under a pretence of equity in Chancery. This court was originally *officina juris*, the work-house where original writs were made: it received inquisitions and offices *post mortem*, and dealt in some other businesses assigned to it by acts of parliament: And the lord-keeper, or chancellor, had the keeping not only of the king's great seal, but of his conscience also, and did right to many men, upon supplication to him, of wrongs and torts<sup>2</sup> done them by the king's immediate officers or tenants; over-ruling that law maxim, "the king can do no wrong;" where equity (sharper sighted than the law) saw a wrong.<sup>3</sup> But, very few ages since, the lord-keeper (under pretence of keeping the king's conscience) takes upon him to have an oar in every man's boat, a conscience in every man's case but his

<sup>1</sup> Prevarication was so detestable to the Roman patrons, when they took no fees, that, by the decemviral laws, it was enacted, *Patronus si clienti fraudem fecerit sacer esto*. But when they practised for fees, all-corrupting money taught them to sell their faith, and betray their clients. *Claudian in Rufin. Profert arcana, clientes fallit. Walter Norborne.*

<sup>2</sup> Injuries, from the Fr. *tort*.

<sup>3</sup> Spelman, *trifarium facit cancellariam*.

1. *Ministraleam, quæ originis antiqua.*

2. *Judicalem, seu forensem, quæ mediæ antiquitatis.*

3. *Prætoriam, quæ recentioris originis est, et hoc sensu recordi cûria non habetur: Huic subjiciuntur casus anomali et exorbitantes.*

own, and exercises a pretorian power, *secundum equum et bonum*, according to equity and good conscience.<sup>1</sup> Under which notion the jurisdiction of this court hath very lately overflowed the land like a deluge; so that all sorts of civil causes, first or last, are ventilated there, and all other courts are but courts of pie-powder,<sup>2</sup> in comparison: And yet it ought to meddle but with three sorts of businesses:—

1. Breach of trust. Take away the statute of uses, (whereof we have little use,) and this clause is almost gone.

2. Combinations: Which are now made the impudent suggestions of every bill, though never so apparently false, only to hold in the cause; which is a clear confession that frauds and deceits are the greatest things that this court ought to deal in. Yet it is now become the common sanctuary for all babbling and deceitful persons, which ought to be a shelter for the simple and oppressed.

3. Accidents. *Casus fortuiti*. As when a man travelling with money to pay his debts falls into the hands of thieves, whereby he is enforced to forfeit his security. Yet in this case the common law courts may give a remedy, and do. Nor doth it appear upon what grounds in law the lord-keeper hath cognizance of these three recited points.

But now, if a man have but communication of a bargain with a litigious crafty person, he will, by the help of that thing called equity, cry it up for an absolute bargain, and enforce the performance of it. Nay, contrary to the statute 4 H. IV. c. 23, this court is grown to that boldness, as to examine judgments given in the king's courts, (though anciently the Kings Bench did reverse errors of the Chancery,) whereby suits are revived, and have more than one life, and become almost immortal. What suit of buff lasteth half so long? Nay, the suits which the children of Israel wore in their forty years peregrination through the wilderness were of no durableness in comparison.

This examination of businesses after judgment at the common law was countenanced by King James, (in the year 1614,) who, affecting to weaken the power of the laws, and to have all laws *in scrinio pectoris*, within his own and his lord-keeper's breast, (whom he can displace at pleasure,) knew that the frequent use of equity in Chancery was a more hidden and powerful way to undetermine our laws, and bring all our rights and properties under an arbitrary power, than his boisterous prerogative-royal; free from envy, and fitter to extinguish common concord, and to divide families, by multiplicity of suits; which all immoderate princes desire; their rule being, *divide et impera*: and this is Bacon's meaning where he saith, "Henry VII. would govern his people by his laws; yet would govern his laws by his lawyers;" that is, they should first consult with him or his favourites, what interpretation to put upon the laws; as the mufti at Constantinople privately doth the Grand Signior, before he gives out his definitive sentences and oracles to the people, whereby they may be more serviceable to the state; both

<sup>1</sup> Williams affirms, in his "*Jus Appellandi*," that the court of equity in the Chancery began in the reign of Henry VI., under the chancellorship of Cardinal Beaufort; and it is remarked by Mr Barrington, that the inconvenience to the subject arose not only from the proceedings being more expensive and ditatory than by the common law, but likewise from the inexperience and ignorance of the judge, whose office was rather that of a secretary of state, than the president of a court of justice.—*Obs. on the Statutes*, A. D. 1436.

<sup>2</sup> The petty courts held for deciding causes occurring during the sitting of fairs. It has been supposed to derive its name from the judgment being pronounced before the parties' shoes were wiped, or from the judges sitting with their feet among the dust. But the truth is, that *pie-powders* was applied to the frequenters of fairs, as distinguished from the usual inhabitants of the place where they were held, by the dust their shoes had gathered in travelling. "Mr John Constable, his gift from the king is read, to be director of the chapmen company, and to get 20s. sterling a-year from a horseman, and 10s. from each dusty foot.—*Quaritur*,—if men residing in towns, but going to fairs and markets with goods, shall pay? It was much opposed; and the like gift being granted in England, was recalled."—*FOUNTAINHALL'S Decisions*, l. 427.

<sup>3</sup> Hist. H. 7. Such were our judgments for ship-money:—1. Fore-judged at court; 2. Seemingly argued in the Chequer Chamber; 3. Adjudged there according to the said fore-judgment.

the law and the gospel, under subtle princes, being *organa politica*, instruments of government, politic scare-crows.

The premisses considered, I wonder not 'that' Phil. Honorius saith, *Cum à Gulielmo Conquestore (quod perinde est ac tyrannus) instituta sint leges Angliæ, admirandum non est, quod solam principis utilitatem respiciant; subditorum verò bonum desertum esse videatur: pleneque sunt tricarum ambiguitatum sibi que contrariæ: fuerunt si quidem excogitata atque sancite à Normannis quibus nullæ gens magis litigiosa, atque in controversiis machinundis ac preferendis fallacior reperiri potest.* "Since the laws of England were instituted by William the Conqueror, (which is as much as to say, the tyrant,) it is not to be wondered at, that they respect only the profit of the king, and have no regard to the good of the subject, and are full of pleadings, ambiguities, and contrareities in themselves; for they were invented and established by the Normans, than whom no nation is more litigious, nor more deceitful to invent and wire-draw suits and controversies." But (I believe) he looked more upon the practice than the sense and nature of our laws.

There happeneth rarely in the civil law a doubtful case, called *casus pro amico*,—a case to pleasure a friend withal; when (upon arguing the case) the arguments upon both sides are of such equal weight, that neither by any thing spoken in pleading, nor by any arguments, or reasons from his own knowledge, the judge can possibly discern to which side the ballance of justice inclines. In this ambiguity the judge (without wronging his conscience, not being able to judge upon the merits of the cause) may judge according to the merits of the person: he may give it to the poorer, by way of charity, or to the worthier, by way of reward. But our judges and lawyers endeavour to make all causes such, *casus pro amico*. If it be in Chancery, though never so plain, after a reference or two, and a generation or pedigree of orders, the controversy will become so intricate, that the merits of the cause being lost, all the labour lies in managing of reports and orders: and sometimes (even in cases of the like nature) equity bears the sway, sometimes the common law; according as the party, plaintiff and defendant, play their game; for that is the only personal merit here respected. I have insisted the more upon the abuse of equity, as being the foulest ulcer in all our legal grievances, and but an upstart, of no antiquity.

For our law, it cannot be overthrown but by itself, nor without the injurious wit of a lawyer, to misconstrue and betray it. These sons of the law have turned justice into wormwood; the honourable profession of the law, *in artem litigandi*, into the trade of babbling and pettifogging. It were a work of infinite labour to trace half their misdemeanors. They are,

*Turba gravis paci, placidæque inimica quieti,  
Quæ semper miseræ sollicitabit opes.*

Foes to sweet peace, and unto pleasing rest,  
Which miserable wealth do still molest,

They are *crumena-mulcta natio, loquacula turba*; a purse-milking generation, and a prating rabble. I speak not these things against the profession, nor against all the professors, amongst whom I know are many worthy of respect, for their abilities and integrities: I speak only against the common traders of the law, *vulgus jurisperitorum*: Of these I may say, that the house of a crafty lawyer or attorney keeps the country in awe, and draws in contribution as far as an ordinary garrison; and (custom being grown into a second nature) it is as natural for a poor countryman to fear one of these, as for

*De Regno Britan.* He was ambassador here for the king of Spain.

a lark to fear a hobby. Having thus prepared your mind to receive good counsel, I will now give it you, without fee or bribe,

Take heed how you fill up elections with these kind of men. The recorder of every borough will of course look to be chosen, as being the mouth of his corporation; but it is a custom not fit for the necessity of these times: Our affairs require rather statesmen than lawyers. My reasons against such elections follow:—

1. The knowledge of the common law doth no way conduce to the making of a statesman: It is a confined and topical kind of learning, calculated only for the meridian of Westminster-Hall, and reacheth no farther than Dover. Transplant a common lawyer to Calais, and his head is no more useful than a sun-dial in a grave. Who ever heard of the politicks written in law French?

2. If the making and penning of good laws were the work of these times, (as they are not,) it were not wisdom to chuse mercenary lawyers to make laws; because they are the first men to invent subtilties to evade them, and make them useless, and will pen them obscurely, on purpose to make themselves work in the interpretation.

3. Lawyers, being a bold and talkative kind of men, will intrude themselves into the chairs in all committees, where (being accustomed to take fees) they will under-hand protect delinquents and their cancelled estates with tricks and devices.

4. The reformation of courts of justice is a work of absolute necessity: without it (though the sword of the Lord return again into its scabbard, so that you have no war) you shall have no peace: But if you have many lawyers, they will never suffer any effectual law to pass for this purpose; because they get more by the corruption and delays of the law than by the law itself.

5. It is necessary to make a law for limitation of exorbitant fees, extortion, and prevarication amongst lawyers, as is used in other countries.

6. It is necessary to limit the certain number of practisers in each court, that they swarm not (like locusts) over the land, devouring and impoverishing it.

These blessings you will never attain unto, unless God give you the wisdom to avoid such election. Lay the sin, as well as the shame and smart of legal oppressions to your hearts, and you will find that the cries of the oppressed have been a principal motive to draw down God's vengeance upon this mournful land. Was ever so desperate a wound given to your laws, liberties, and properties, as the predetermined judgment of ship-money? Who gave that blow? Judges. What were they? Thieves, *cum privilegio regie majestatis*, who bought justice by wholesale, and sold it by retale. Who assisted them? Lawyers, who, undertaking to plead for their clients against it, prevaricated, (for the most part,) and betrayed the cause, to get favour and preferment. And yet such proceedings were against both the judges and the coronation oath; and the judges, as well as the king, have the coronation oath in keeping. Tresilian and his fellow-judges were condemned and executed in Richard the Second's time, for making the king break his coronation oath, upon an extrajudicial opinion collusorily given: For, (saith the record,) *sacramentum Domini regis erga populum suum habent ad custodiendum*. But our judges (though more wicked) have the happiness to live in a more wicked age, (*cujus pars magna sunt*;) and out-live their crimes, paying only a small part, by way of fine, enjoying the rest of their stolen treasure, *oculta spolia et plures de pace triumphos*. After they had made peace as devouring as war, and the law as cruel as the sword, who (that is not a better Christian than these brothers of the coyfe, brothers in evil) will not cry out with Epicurus, *Deus prorsus contemnere res humanas*; that God takes no more care what men do on this earthly ball, than man doth what ants do in an emmit hill. \* When Verres (being pro-consul of Sicily) had pill'd that province, (and other pro-consuls and pro-pretors were punished for lesser extortions,) he, laughing at their foolish modera-

\* Cicero in Verrem.

tion, vaunted to his broker, Timarchides, that he had gotten enough to buy the friendship of the senate, and come off a rich and honourable man. So our judges enjoy their crimes, and the price and reward of them, nay, *fruuntur Diis iratis, cum tu victricis provincia ploras*; grow fat and prosper upon the anger of God and man, whilst this land groans under the sad weight of sword, pestilence, and famine, the effects of their injustice. But through whose favour is it they have not expiated their crimes with their blood, and washed away the guilt of the land, but the lawyers, who wisely consider, it may be their own case another day?

I have shewed you how unsafe it is to trust mercenary men with making or keeping of your laws. I will epitomize what I have said in 'Pliny's words. *Olim criminibus, jam legibus laboratur; et metuendum est, ne legibus fundata respublica, sit legibus eversa.*

Heretofore we were laden with our crimes; now we are oppressed with our laws; and it is to be feared lest the common-wealth (though founded by the laws) be confounded by the laws, (or rather by the lawyers.)

I have given you good counsel: God make it wholesome to you, and safe to me; which (if the times are not too wicked to hear truth) I shall not doubt. In the meantime, the feeling experience I have in the public calamities hath raised my resolution rather to scorn than fear any injury. *Justum et tenacem propositi virum, non civium ardor prava jubentium, non vultus instantis tyranni mente quatit solida. Fractus illabatur orbis impavidum ferient ruina.* A just and constant man will not be shaken in his resolution, neither by the threats of tyrants nor by the clamours of the many-headed multitude: Though the world fall upon him, he will fall accompanied with justice, honesty, religion: (Mistake me not; I do not mean hypocrisy.) *Leve est quod ferre possum, breve est quod ferre non possum. Mors ultima linea rerum est.* So I conclude my advice, and God conclude our miseries!

*Justum et tenacem propositi virum,  
Non civium ardor prava jubentium,  
Non vultus instantis tyranni  
Mente quatit solida——  
Si fractus illabatur orbis  
Impavidum ferient ruina.*

‡ Panigyri. ad Trajanum.

*An unhappy Game at Scotch and English ;<sup>a</sup> or, a full Answer from England to the Papers of Scotland : Wherein their Scotch Mists and their Fogs, their Sayings and Gainsayings, their Juglings, their Windings and Turnings hither and thither, backwards and forwards, and forwards and backwards again, their Breach of Covenant, Articles, and Treaty, their King-craft present Design against the two Houses of Parliament and People of England, their Plots and Intents for Usurpation and Government over us and our Children, detected, discovered, and presented to the view of the World, as a dreadful Omen, All-arme, and Warning to the Kingdome of England.*

JER. v. 6. And although they say the Lord liveth, surely they swear falsely.

HOSEA, x. 3. They have spoken words, swearing falsely in making a covenant. Thus judgment springeth up as hemlocke in the furrowes of the field.

Edinburgh, printed (as truly as the Scotch papers were at London) by Evan Tyler, Printer to the King's most excellent Majesty, and are to be sold at the most solemn Sign of the Blew Bonnet, right opposite to the two Houses of Parliament. 1646.

The following jesting tract occurs like a scene of low mirth in the conclusion of an old tragedy.

When Charles had thrown himself upon the faith of his countrymen, the Scottish army, they made, for some weeks, a pretence of protecting his person against the parliament. Whether this arose from the lingering remnants of shame, or from a wish to enhance the price of the bargain which they were driving for their arrears, would be a vain enquiry. The precise period of publishing the tract was the middle of September, 1646.

“The house of commons took into consideration how his majesty's person should be disposed of, and voted,

1. That whatsoever consultation and debate the Scots commissioners should have concerning his majesty's person, the same should not any ways impede the march of the Scots armies out of this kingdom, nor violate or trench upon the treaties between both nations.
2. That his majesty shall be disposed of as both houses of parliament of England shall think fit.

And afterwards ordered that these votes should be communicated to the Scots commissioners; who, pretending to a joint right of disposing of his majesty's person, a committee of both houses was appointed to treat with them about it, who had sundry conferences thereupon.”—RUSHWORTH, VI. 329. The historian then details the arguments used by the lord Loudon, lord-chancellor of Scotland, and proceeds to say,—“The Scots gave in long papers, wherein they shewed ‘that the king, being sovereign of both kingdoms, was not to be disposed by the parliament of one kingdom: that this was destructive to the relation and interest the Scottish nation had in him, and contrary to the nature of sovereignty, and to the covenant and treaties of both kingdoms; by which it was agreed, that his majesty's just power and greatness should not be diminished; which, by such a demand of his person, was very signally done. It was also argued, that all things in order to peace (to which the disposal of the king's person did relate in a special manner) should be done by the joint councils of both kingdoms.’”

<sup>a</sup> A game still played at by boys, in which is pretty accurately represented the old mode of carrying on predatory warfare on the border. The little party divide themselves into two bands, and lay down the hats, jackets, or handkerchiefs of each in a heap: a line is made half way between the heaps; and the game begins with a defiance, which, in England, is, “Here's a leap in thy land, dry-bellied Scot:” in Scotland, “Set your foot on Scotch ground, English, if you dare.” They then make mutual incursions, each trying to snatch away a hat from the other's heap. If they are taken within the line, they must remain prisoners until one of their party can make his way to them, and touch them; in which case he must take no plunder, but only redeems his companions. When all the hats of the one party are transferred to the other's head-quarters, the game is won; but a good match will last (*me teste*) the live-long summer day.

"These papers the Scots commissioners (contrary to their own desire and promise of secrecy, as the parliament's committee alleged) did cause to be printed; which incensed the two houses so, that they seized the papers at the press, and committed the printers; but soon after, they were, for all that, published, and said to be printed at Edinburgh. To these papers the commons ordered an answer to be drawn, which, being brought in, read, and approved, passed that house; and the question being put, Whether the same should be sent up to the lords, for their concurrence, it was carried in the negative, and sent to the Scots commissioners, who returned the same, refusing to accept thereof, because it came not from both houses."—*Ibid.* p. 336.

During this debate upon a point of such gravity and importance, the author of the following piece thrusts in his buffoonery in a tone not unlikely to exasperate the quarrel. The Scottish commissioners complained of this insult to the house, but without being able to obtain any redress.—*See SANDERSON'S Reign of King Charles*, p. 982.

In order that the reader may fully understand the controversy which this author has made the subject of his scurrilous wit, he ought to peruse the assertions of the English parliament, and the answers of the Scottish commissioners, which here follow.

"Assertion.— We do affirm that the kingdom of Scotland hath no joint exercise of intrest in disposing the person of the king in the kingdom of England.

1st objection or argument of the Scots commissioners.—

That it is sufficiently known that the Scottish army came not into this kingdom in the nature of auxiliaries; for when it was desired, by the parliament of England, that the kingdom of Scotland should send an auxiliary army into this kingdom, to be subject to the directions and resolutions of both houses, it was absolutely refused, as may appear by the several papers about that purpose yet extant. The kingdom of Scotland did foresee and consider how prejudicial it was to forsake their own peace, and what infinite troubles, losses, and unavoidable danger their engagement with the parliament of England, against so powerful and prevailing an enemy, would bring upon the kingdom of Scotland; and as they regarded not the large offers nor the threats of the other side, for all their prosperity, so there was no offer of pay, or other worldly advantage whatsoever from the houses of parliament, which could have induced them to undertake so hazardous and desperate a war. It was the good of religion, king, and kingdoms, they set before their eyes; in order to which end, they accounted nothing too dear unto them; and having resolved to engage in this cause, for assistance of their brethren therein, they did not stand upon conditions, but, without respect to the season of the year, the great strength of the enemy, and other discouragements, they did, in a short time, levy an army at their own charge, and because of the many burdens lying upon this kingdom, were content, for the present, to accept of a sum towards the monthly entertainment of that army, amounting to little more than half pay, and to supersede all demands for further recompence till the wars should be at an end. And seeing the kingdom of Scotland was to quit their own peace, and equally with England to undergo the hazard of the war, it was found reasonable that the persecution thereof, and the making of the conditions of peace after the war, should be with joint advice and consent of both kingdoms: and according to these grounds a covenant was agreed upon for the reformation of religion, and for preservation of the liberties of the kingdoms, and of the king's person and authority, together with a treaty, wherein it is declared that the Scottish army shall be commanded by a general appointed by the estates of Scotland, and shall be subject to such resolutions and directions as are and shall be mutually agreed upon and concluded between the kingdoms, or their committees in that behalf appointed, for pursuance of the ends of the covenant, of which one is to defend and to preserve his majesty's person.

2d objection or argument of the Scots commissioners.—

That although his majesty, riding one day's journey, might wholly subvert the grounds of this objection, yet we shall not insist upon this answer, because we conceive it toucheth not the true state of the question. It hath been already cleared what is not, and what is the state of the question, which being remembered, we do assert, that the king coming voluntarily to the Scots army, they cannot in duty deliver him, against his will, to the houses of parliament, without consent of the kingdom of Scotland; for the being in England takes not away the relation between the king and his subjects of the kingdom of Scotland, nor ought it to impede the performance of the mutual duties founded upon that relation; for allegiance hath no limitation of place, being grounded upon the law of nature as well as the law municipal, and so is rather universal than local: The difference of place takes not away the relation and mutual duties between parents and children; and it is not the place, but the relation, which gives interest to the disposing the person of the king. As his being in England takes not away the relation between him and his subjects of Scotland, so it doth not infringe the mutual obligations and solemn engagements

between the kingdoms, for joint counsel in prosecution of the war and settling of peace. The king's coming to the Scottish army being an emergency of our joint war, and the right disposal of his person the only means (for the present) of our joint security and peace, neither can the king's being in England prejudice any right or privilege of either kingdom. It is the fundamental right and privilege of the parliament of Scotland, and the liberty of that kingdom, (as we acknowledge it to be the right and privilege of the kingdom of England,) that the person of their king ought not to be disposed of, but with their advice and consent. The place of the king's residence (as was answered to us, when, in the large treaty, it was desired that the king might some time reside in Scotland) is, at his own election, in either of the kingdoms, as exigence of affairs shall require, and he shall think fit, or else must be determined by the mutual advice and consent of both kingdoms.

From all which grounds it is apparent that the kingdom where he resides for the time may do no act which may hinder his majesty to perform the office and duty of a king to the kingdom from which he is absent in person, nor impede him to repair to that kingdom, when the affairs thereof shall necessarily require it; otherwise, if the kingdom where his majesty resides hath the sole interest and right to dispose of his person, the estate of the parliament of Scotland might, upon former occasions, and may now, in case the king and prince shall repair to Scotland, lawfully detain them there, and make it the place of the ordinary residence of them and their posterity, without the consent of the kingdom of England; which, we acknowledge, could not be done without a manifest prejudice and injury to this kingdom. Wherefore, we cannot but conclude, wheresoever the king be, in Scotland or England, he being the king of both, ought to be disposed of for the good, and with the consent of both kingdoms. And if it be considered that the Scottish army was invited and called into this kingdom by both houses, in a treaty for prosecuting the ends of a solemn league and covenant, whereof one is to preserve and defend his majesty's person, there can remain no doubt concerning the exercise of that right and interest in this kingdom: and therefore it seems very strange, that when, upon invitation, they are come into England, as for other ends, so to defend his majesty's person, their being in England should be made use of as an argument why they should deliver up the person of their king, to be disposed of as both houses shall think fit; whereas it is alleged that the treaty extends no farther than to the ordering and regulating of the Scottish forces in relation to the war; although this be really answered from the nature of the thing; the king's coming to the Scots army being an emergency of the war; and so the delivering of his person comes under the regulation and direction of both kingdoms, or their committees, as an act of the Scottish army. Yet, that all doubt may be removed, we farther add, that it is clear, from the third article of the treaty, that the Scottish army is to receive the direction of both kingdoms, or of their committees, in all things which may concern the pursuance of the ends of the covenant and treaty, whether in relation to peace or war. In the eighth article of the treaty, no cessation, pacification, or agreement for peace whatsoever is to be made by either kingdom, or the army of either kingdom, without the advice and consent of both kingdoms.

And in the ninth article, all differences arising between the subjects of the two nations are to be resolved and determined by the mutual advice and consent of both kingdoms.

*Sd objection or argument of the Scots commissioners.—*

No sooner did the king come to the Scottish army, but, the very same day, the committee of estates of Scotland, residing with that army, did acquaint the commissioners of both houses therewith; and not satisfying themselves with this, the day following, they wrote a letter to the committee of Scotland, residing at Edinburgh, and another to the committee of both kingdoms here, (which was communicated to both houses,) desiring the advice of this kingdom, as in a matter of common interest, and declaring they would obey the joint resolutions of both kingdoms; yet no answer or advice was return'd unto them, either from the houses or their commissioners; but immediately after the surrender of Newark, they received information that five thousand horse and dragoons, from Sir Thomas Fairfax's army, were upon their march towards them northwards, (which the honourable house of peers was pleased to give order to stop,) there being no enemy in those parts to be opposed; upon consideration whereof, the quarters wherein they had stayed during the siege of Newark being extremely exhausted, and the service for which they came thither being performed, for preventing of mistakes and new troubles between the kingdoms, they removed into Yorkshire; and the king, as he came unto them of his own accord, did voluntarily march along with them. Upon several occasions afterwards, they and we did earnestly desire the honourable houses to send a committee to join and co-operate with the committee of estates there upon the place, in all things according to the treaty, but no answer was returned; and, from time to time, the houses acquainted with the proceedings of that army, which were ac-



ording to the covenant, and the known resolutions of both kingdoms, to debar all such, of either or both kingdoms, as had been in arms against the parliament, from coming into their quarters, or to the court, or to the king's person, according to the desire of the house of peers. And whereas it is affirmed, that, by the treaty, the Scottish army ought to do nothing without a joint resolution of both kingdoms, or their committees, there is no such clause in the treaty, but they are to be subject to such resolutions as are and shall be agreed upon and concluded mutually between the kingdoms, or their committees; as, by ordinance of parliament, the army under the command of the earl of Essex, or of Sir Thomas Fairfax, was to receive and observe the directions of the committee of both kingdoms sitting at Westminster; but in case no new directions were sent unto them, they were left to former orders, if any were, or otherwise to their own judgment and discretion. There was never any such resolution agreed upon between the kingdoms, or their committees, as that the Scottish army should not receive the king, if he came unto them. But 'tis an agreement between the kingdoms, (in the covenant,) that they should preserve and defend his majesties person; (and in the declarations of both kingdoms,) to rescue him from the common enemy. So that the Scottish army having often desired to know the direction and advice of the houses of parliament concerning the king, and no new directions being signified unto them, according to the treaty, they were to observe the directions and resolutions formerly agreed upon between the kingdoms. And as the Scottish army do, and will ever acknowledge that they claim no power to dispose of the king's person, but are subject to, and shall be ready to follow whatsoever both kingdoms shall agree upon as best for the king and kingdoms; so their keeping and preserving his majesties person, (as they would do any person of his emiency and relation, in an army or garrison town,) without the least thought of hindering his voluntary return to his parliament, cannot be reputed or called a disposing of his person.

*The fourth objection or argument of the Scots commissioners.—*

There is a wide and manifest difference betwixt the relation the Scottish army hath to any subject of England, and the relation they have to their king; which are sufficiently distinguished in the third and fourth articles of the covenant; for, by the one, they are mutually obliged to preserve and defend his majesty's person; and, by the other, they are obliged to endeavour that all incendiaries and dividers between the king and his people, or betwixt the kingdoms, be brought to trial and condign punishment, before the supreme judicatures of the kingdoms respectively. And the kingdom of Scotland hath equal right and interest with the kingdom of England in the disposal of the person of the king, which they cannot pretend unto concerning the person of any subject of England.

*The fifth objection or argument of the Scots commissioners.—*

It hath been sufficiently answered before, that the Scottish army neither hath, nor will take upon them to dispose of the king. He came unto them without capitulation or treaty, his residence with them is voluntary and free, and they do nothing which may hinder him to come to his houses of parliament; but if the kingdom of Scotland should consent to the desire of the houses, that they may have the sole disposal of the person of the king, it being that which comes in the place of the peace and security of both kingdoms, they would really quit the right and interest they have by the eighth article of the treaty, concerning the making of a peace: For which soever of the kingdoms is acknowledged to have the sole disposal of the king, may, without the other, make peace with him, when, how, and in what terms they please.

*The sixth objection or argument of the Scots commissioners.—*

We will not dispute what power the houses of parliament formerly had to dispose of the person of the king; but whatsoever power or right they have, the like is due to the parliament of Scotland; and so the person of the king being common to both, and indivisible, cannot be disposed of but by consent of both kingdoms. It were another question, indeed, if it were, as in former times, if we had different kings, if there were not an union of the kingdoms under one head and monarch, if there were neither covenant nor treaty between the kingdoms; but since all these are, and that the peace and security of both kingdoms is so much concerned in the disposal of the king, not any one of them, without the other, can justly pretend to the sole judgement and right to determine what is best and most expedient for the safety and security of both; nor can it in reason be made an argument, that the one kingdom distrusts the other, because the one will not renounce and resign all right and interest they have in the person of the king, and matter of their own security and peace, to the judgment and determination of the other; otherwise, according to this argument, where there is any trust, there should be no contract between person and person, nor treaty between nations; or if there be any treaty or agreement, the performance or not performance of it is to be left to arbitrement. But we cannot see that this doth argue any diffidence or distrust, more than when private persons, lending money to the

public, desire security, and will not depend upon pleasure. And therefore, though it is not to be questioned but the houses of parliament would dispose of the person of the king so as might consist with their duty in performing the covenant and treaty, yet this can be no argument why the Scottish army should neglect their duty, or the kingdom of Scotland quit the interest and right they have in the person of the king.

*The seventh objection or argument of the Scots commissioners.—*

If this argument were turned over, the strength or weakness of it may the more easily appear. Suppose the king were here at Westminster, it may be, upon the same grounds, urged that the kingdom of Scotland would have no consent in his disposal; and so much the more, that the houses claim the sole interest and judgment to dispose upon the king's person, which we desire may be done jointly, as may be best for the security and safety of both kingdoms. And we see no reason why it may not now be determined, when he is in the Scottish army, (who are intrusted by both, and subject to the resolution of both kingdoms,) as well as hereafter, since he came thither of his own accord, and his residence there is voluntary: and if his majesty shall think fit to repair hither to his houses of parliament, they shall do no act which may either hinder or dissuade him; but cannot constrain him, or deliver him to the house, to be disposed of as they shall think fit.—RUSHWORTH'S *Historical Collections*, Vol. VI. p. 361—370.

---

*Scotch Papers, page 2.*

*Scotland.* THE parliament of England hath no more power to dispose of the person of the king of Scotland, being in England, then the parliament of Scotland hath to dispose of the person of the king of England, if he were in Scotland.

*England. Ans.* Brethren, you say very well; but the question is, Whether such a disposing may be either by the one or by the other? Whether the armies of Scotland, being in England, may dispose of the king of England, being in England, or no; and so on the contrary? But indeed it needs not much to be disputed, for in words you deny yourselves of that power, when you tell us (pag. *ibid.*) that the armies of Scotland have nothing to doe in the dispose of the king of England: yet, for all this, in deeds you do assume as much as that comes to to yourselves; for though you plead your Scottish interest in the king of Scotland, to countenance the fact, yet, behind the shadow of that curtaine, (thus drawn before our eyes,) you keep the king of England from England, and so consequently king it over England behind; which, we are confident, would, by yourselves, be condemned in us, in case you should be so dealt withall by the armies of England; for we cannot judge that the armies of Scotland would count it lawful for the armies of England, if they were in Scotland, for their assistance, to deny them the delivery of the king of Scotland, because, being in England, they refuse to deliver him to England, according to the votes and desires of the two houses of England. Therefore we judge that Scotland would much more claime that priviledge in him, being in Scotland; for if they will claim it out of their bounds, where they have no right of authority, they will much more claime it within the bounds of their dominions, where their power is intire to themselves.

Therefore it is not well done of our deare brethren of Scotland, thus to cast a Scotch mist before the eyes of their brethren of England; for though (as before) verbally they disclaim all power in their armies for his disposal, without the joynt consent of the two kingdomes, yet (as dear brethren) their armies have received, entertained, and kept him, even in his person, and that before the joynt consent of the two kingdomes, and absolutely against the will and desires of ours: So that the king of England and the king of Scotland is disposed of by the armies of Scotland, without the consent or advice of either kingdom. We hope our deare brethren will not say their armies received advice and direction for his entertainment from the kingdom of Scotland; for

that were a capitulation with him, without the privity and conjuncture of England; which, by them, pag. 6, is disavowed.

But in case our brethren might receive him without the mutuall consent of both kingdomes, then why doe they stand for a mutuall consent for his delivery? for, by the lord Loudon's own argument, (p. 25,) *contrariorum contraria sunt consequentia*, contraries have contrary consequents.

Therefore, if they may not part with him without the consent and advice of the two kingdomes, then ought they not to have received him without that consent. If our deare brethren should urge that parting with him were a disposing of him, and that they may not do without breach of covenant and treaty; the like we retort, by their owne rule of contraries, concerning their receiving of him; for receiving is, by the said rule, as much a disposing as parting with him; so that if our deare brethren be men that are true to their owne rules and principles, we may conclude, that if they will not part with him without the consent of the kingdome of Scotland, that then they had the consent of the kingdom of Scotland to receive him before they did receive him: But our deare brethren doe affirme the one, pag. 8, therefore, from the truth and fidelity of our brethren, we may well conclude the other.

Oh! what shall we say or think now of our brethren? Are they not, of divine covenanters, become cheating juglers? for let any man judge whether the keeping the kings person at New-Castle, without our consent, be not as absolute a disposal as afterwards the sending of his person to White-Hall, Richmond-House, Hampton-Court, or else where, by the joynt advice and consent of the two kingdomes. They would differ in manner indeed, but not in the nature of the thing; and the nature of the thing is the matter in hand. The difference would be but in an accident, namely, the addition of our consent: It is now without it, it could then be but with it; and both is a disposal; yea, though it should be without this consent, either of yours or ours; for an accident may be wanting, and the subject remaine.

But to colour this disposal from the censure of their act, our brethren doe tell us that—

*Scotland.* He came voluntarily, and continues voluntarily.

*England. Ans.* It seemes, from hence you would inferre that the act of that disposing of his person is by himselfe, and not by you. But for answer thereto, consider your own grounds. By the covenant and treaty you urge that his person is solely and intirely to be disposed of by the parliament of both kingdomes, and not singly, or by a third, but by the joynt advice and consent of both. Therefore, from this grant of yours, your armie neither had nor hath any power individually to make or meddle with his person, or in the least wise to dispose of it; no, not a minute in this place, or that place, for this, or for that, or till things should be so or so; therefore, your act of entertainment of his comming was (by the just sequell of your owne ground) an actual disposing of his person, *pro tempore*, even as well, and as really as if you should dispose of it for ever; for the difference would only be in the protract of time, not in the nature of the thing.

Further, the thing betwixt the two kingdomes, by the covenant and treaty, is not what he might doe, but what the two kingdomes thereby are mutually bound to doe; for the covenant and treaty was not made with him, but betwixt the two kingdomes: so that his voluntary act was nothing to your nationall duty and obligation, for his personall will was no wise included in the condition thereof: then was neither his personall assent or dissent required to the making either of the one or the other.

So that his voluntary comming or staying is neither here nor there to your act; for this receiving and retaining (though voluntary by him) is as well an actuall disposing of yours (though not in that aggravation) as if you had set him, and continued him by force or constraint, as you call it: And therefore the act of your receiving and keeping

his person, without our consent, is that against which we except. It is not about the manner how, whether by his will or by your force, that the difference is stated, but about the definitive matter of disposition itselfe; although with your manner, how, and the like, you would delude us, and divert us from the state of the question, reasoning from the manner, and so concluding against us in the matter, when indeed you should reason from the matter, and then it would be otherwise. Therefore your receiving and continuing is an absolute possession and disposing thereof, and so it is your act.

Besides, we could neither enter nor continue without your consent: For can a well fortified city be entered by a single man, without force, or there be continued, except the citizens please; and is not your armie equivalent thereto? Therefore it is the act of your pleasure, though his be added thereto, the addition whereof nothing diminishing therefrom: For by how much the more his pleasure and your pleasure agrees without ours, by so much the more is it dangerous and suspicious. But the concord and conjunction thereof is to such an high measure aspired, that you are not ashamed to tell us that you will not have him delivered or disposed of contrary to his will; which must needs be his personall will; for were it his legal will, he then would be assenting to the orders and determinations of his great counsell, the two houses of parliament: His legall will wee are sure it cannot bee, except from the parliament he carried with him the sovereign power of the land, and it hath journeyed with him ever since, and now with him he hath brought it to our dear brethren of Scotland. If it be so, then truly our brethren have (all this while of their concurrence with us against him) been traytors and rebels thereto, as well as ourselves: yet, sure, our dear brethren (if it be but for their credits) will not say so; and if they do not, then what are our brethren now? It must needs be granted and concluded at first or at last: So that how to award our dear brethren from treason and rebellion against the sovereign power of this land we doe not see: Therefore our dear brethren might doe well, with their next papers, to send us a pair of Scottish spectacles that are fit for our eyes and their caracat; for by our English reading (printed by Evan Tyler at London) wee can read them no other as yet: Therefore, in the meane time, in our answer to the will of the king, we must consider that will as the will of Charles Steuart, contrary to whose will you will not have him disposed; so that, in deed and in truth, you place the whole power of the disposall of Charles Steuart in the will of Charles Steuart, and make that his personal will the essence of that disposall; for the will of Charles Steuart (if he must not be delivered without it) may contradict, null, and make voide whatever gainesaies: So that the advice and consent of the two houses, &c., (which you so oft talk of in your papers,) is but a shadow without a substance, cast before our eyes; a nut without a kernell, that you have given us to crack; a bone without marrow, that you have thrown in amongst us: So that we can judge little better of our brethren in this, then of such as carry water in one hand, and fire in another.\*

*Scotch Papers, page 4.*

*Scotland.* Our armies are not tyed to be subject to the resolutions and directions of either kingdome, but of both joyntly.

*England. Answ.* If your armies be so tyed and obliged, then how came they loose and absolved thereof, in this your reception and continuance of his person without their resolutions? For as yet there hath been no joynt resolve of both kingdomes about it; and thus to put tricks upon us, you play fast and loose at your pleasure.

*Page 2.* When you plead for yourselves, you say, it is a fundamental right and liber-

\* The whole tenour of this piece, and particularly the expressions of personal disrespect to the king, marks the composition of a republican of the independent faction.

ty, &c., that none can, without consent, impede or restrain your king from coming amongst you to perform the duties of a king; and with this you would cover the act of your admission and reception of his person.

And when you reason against the two houses, in opposition to their votes, you tell us it is one thing what the parliament of England might have done in another cause and warre, before their engagements by covenant, it is another thing what ought to be done after such conditions and ties imposed, &c.; whereby you would deprive the two houses of that which before you urge for yourselves, namely, fundamentall rights, &c., and utterly debar them, in this difference, from all retrogradation beyond the covenant; yet yourselves will run in *infinitum* beyond it. You can urge your fundamentall rights and liberties for yourselves, in your reception of the king of Scotland, but will not permit them, upon any terms, (because of the covenant,) from their fundamentall rights and liberties of the kingdome of England, to vote the disposing of the king of England in England.

Therefore, by your favour, (dear brethren of Scotland,) since thus you play at boe-peepe with your brethren of England, we will answer your first reason with your second:—It is one thing what you might have done before the covenant, and another thing what you may do after: but by the covenant, (even as yourselves say,) his person must be absolutely and wholly disposéd of by the joint advice and consent of both parliaments; so that by your covenant you are bound not to meddle at all singly in his disposall, either of so much as receiving or entertaining him.

But let us expostulate with our deare brethren of Scotland.—Is this your dealing with us as becomes brethren? Is this your brotherly conference, to condemne that in us which you will allow in yourselves; first to plead your fundamentall rights and freedoms, &c., and then, in the next page, to tell us we do not meddle with any of our single rights, priviledges, or lawes of our nation, &c.; and, a little after, unless wee lay aside the covenant, treaties, declarations of both kingdomes, and three years conjunction in this warre, neither the one kingdome nor the other must now look back what they might have done singly before such a strict union.

What shall wee thinke, or what shall we esteem of our deare brethren for this? We know not how to excuse them of lying; but, however, this will we boldly affirm to our brethren of Scotland, that this latter argument utterly cuts off our brethren from the refuge of whatever our brethren might have pleaded before the covenant, and strictly restraines all their arguments concerning the interest of the kingdome of Scotland in the king of Scotland, and about their fundamentall rights and liberties, &c.; for they all were before the covenant, and so in this matter are quite out of date, and comes not into the compasse or nature of the dispute, even by your own bounds, and limits by yourselves thereto affixed: Which considerations may serve as an answer to one great part of the papers; and therefore we may well wonder at this your manner of reasoning, and cannot otherwise reasonably judge but it is a Scottish mist before the eyes of the free men of England, on purpose to delude them.

*Scotish Papers, page 4.*

*Scotland.* The ends of the covenant are not to be prosecuted by the two kingdomes as they are two distinct bodies acting singly; but they were united by solemne covenant made to Almighty God, and by league each to other, as one entire body to prosecute the cause.

*Answer.* As, by this argument, you were not to meddle at all in the least kind about the disposing of his person, not so much as to give him entertainment, (that being an actual disposing, *pro tempore*, as aforesaid,) without the mutuall consent and order of both kingdomes proceeding; so, by this argument also, a second is absolutely excluded

from this (covenanted) disposall: For hereby there is an union of two kingdomes in one, for one end; and an unite admits not of a second or third, for then it is no more one, but two or three: So that it is as cleere as the sun, that this unity of consent betwixt the two kingdomes admits of no addition or division whatsoever; for so the property of that bi-unity were lost: If another were added to that unity, then were it a tri-unity, and not a bi-unity; and if that unity should be divided, then were it no unity; for *pura unitas est indivisibilis*. Why, therefore, you should bring in the kings consent betwixt the two kingdomes we see not, except you mean to play fast and loose, and set open a doore to all forraigne nations to have a title to this consent; for as well may you say that France, Spaine, &c., must have their consent in this businesse, as well as Charles Steuart himselfe; for the question is not, what Mr Steuart would doe with his person, or what France or Spaine, &c., would doe with it, but what the two kingdomes by this covenant are bound to doe. Therefore the bringing in the kings consent and will into the bargaine is a mere nullity (as concerning this matter) to the covenant; so that your repairing to his will and consent is an absolute departure from the joynt interest of the two kingdomes, and from the covenant obliging thereto; for you will not deliver him, or doe any thing with him, without his consent: Therefore, why doe you at all talke of the covenant, or the interest of the two kingdomes? Tell us no more of such blew shadowes and sculcaps, but tell us of the will of Charles Steuart: And if we must needs dispute, let that be the question,—whether the will of Charles Steuart be the law of all lawes, whereto parliaments, covenant, treaties, and kingdoms must be subject? If you deale with us upon that point, we shall not doubt but to make a reasonable returne.

*Scottish Papers, page 6.*

*Scotland.* If the Scotch army should deliver up his majesties person without his owne consent, &c., this act of the army were not agreeable to the oath of allegiance, (obliging them to defend his majesties person from all harmes and prejudices,) nor to the solemne league and covenant, which was not intended to weaken, but to strengthen our allegiance, &c.

—Whom, therefore, our armies cannot deliver, to be disposed of by any others at pleasure.

*Answer.*

*England.* By this it seemes that the Scotch army are absolutely devoted to the will of his person; for except he will, you say that your armies cannot (you might as well have said, will not) deliver him up, to be disposed of by any others; which saying excludes the whole world, except his will: So that, in effect, by this, you have as well excluded the pleasure of your own parliament as the pleasure of ours, or any others.

Sure our deare brethren of Scotland are not themselves, to speake thus, they cannot tell what; one while to urge the consent of their parliament, and then, by and by, to deny themselves of it againe.

Well, but you say it is against the oath of allegiance and the covenant, for the armies to deliver him up against his will. And why so? (deare brethren, we beseech you.) Is the oath of allegiance and the covenant confined to the dictates of his personal will, that what is contrary to his will is contrary thereto? For here you make his will the very exel-tree upon which your argument turnes; and therefore, by this your reasoning, both kingdomes are, by the oath of allegiance, and by the covenant, obliged and irrevocably bound (it being made to Almighty God) to be subjected to his will; yea, and, as much as in you lies, you have thereby concluded and conform'd a title upon him, even from Almighty God, to rule by his arbitrary pleasure, and made both kingdoms

vassals to his will. Is this the affection and duty which becomes brethren, that (page 5.) you tell us you were put in mind of,—that after you had espoused your brethrens quarrell, (page *ibid.*) by that espousall to contract your brethren to his arbitrary pleasure? But as you, in another case, so say wee in this,—wee cannot but expect better things from our brethren, (page *ibid.*) Sure it is not our deare brethren of Scotland that thus write. How shall such a thing (as becometh brethren) enter into the hearts of our brethren of Scotland, except, since his majesties arrivall, our deare brethren are run quite besides themselves, as aforesaid.

Some, indeed, have strange thoughts of our brethren, and conclude them more knaves than fooles, and that little better ever was to be expected from them, seeing now they are not ashamed, not only to tell us (page 7.) that the Scottish army came not into this kingdome in the nature of auxiliaries, (or helpers;) (and indeed they have proved as good as their words; for what auxiliaries or helpers have they been unto us, except to carry away our gudes, and to drive away our cattle, &c.?) but also, in plaine termes, (to make all the blood that hath been shed but as water spilt upon the ground,) to capitulate with us about the kings personall will, whether his will must rule the roast or no. By our consent he shall turne the spit, before his will shall rule the roast. Our lawes, lives, and liberties are more pretious than to be prostitute to the exhorbitant, boundlesse will of any mortal Steuart under the sun: And therefore both he and your revolted armies may be content, for we will spend a little more of our blood before that come to passe: You may as well twerle up your blew-caps, and hurle them up at the moone, as to expect Englands assent unto that. No, no, deare brethren, wee are neither such fools nor such cowards, or yet such traitors to ourselves or to our posterities, to our lawes or to our liberties, as, after we, by the blood of us and our children, have gained a conquest over that arbitrary faction, so basely to returne like sowes to the mire, or dogges to the vomit againe: No, sure, deare brethren, wee have not been thromming of caps all this while, and therefore that is not to be expected. Wee are content that our brethren of Scotland should be our brethren, but not our lords and our kings, to snatch the scepter of England out of our hands, and to make us their slaves and vassals. What care we for Charles Steuarts assurance thereof, under his hand and seale? We will maintaine our just rights and freedoms, in despite of Scot, king, or keyсар, though we weter for it in our bloods: And be it knowne unto you, O yee men of Scotland, that the free-men of England scorne to be your slaves; and they have yet a reserve of gallant blood in their veines, which they will freely spend for their freedom. But to returne to the game in hand.

Further. From the words of the fore-mentioned clause of your papers, this you import,—that you are by the oath of allegiance bound to keepe his person from all harme, and therefore your armies will not deliver up his person, to be disposed of as the two houses shall thinke fit: As if the two houses, by that their vote, had intended mischief to his person; or else why should you urge that in competition with their vote, if thereby you did not plainly conclude that their vote was an absolute intent of harme unto his person? But (good brethren) let us tell you, that though the two houses of England have voted the disposall of the king of England as they shall think fit, it doth not therefore follow that there is absolute harm to his person thereby intended in their vote. But you make a surmise, then take it for granted, and forthwith thereon build the structure of your defence. But we hope it doth not therefore follow, because our brethren surmise it, except the sense of our votes, our orders, and ordinances of parliament must follow the surmise of our brethren, that whatever their surmise is, that must be their sense and intent, and no other. And if, as you say, you will not inforce any sense or construction upon their votes, then why will not your armies deliver him upon their votes, for feare of harme to his person; as if they had plainly intended with

Solomons sword, by that their voted disposall, to have divided the king of England from the king of Scotland, and so give each kingdome their just portion in his person.

But why should our deare brethren reason thus sophistically and deceitfully with us, and conclude thus inconsequently against us? Sure they have better covenant logick then this; for the antecedent of that argument doth nothing at all prove the consequent thereof: Therefore, if our deare brethren please, (for the better discovery of their falcity,) we shall cast that their kind of argument into a forme, after its owne nature and kind, which is thus:—

*A Scotch Argument.* The two houses of parliament have voted the disposall of the kings person as they shall thinke fit.

*Ergo*, the Scotch armies may not deliver up his person to the said two houses, for feare of harme to his person.

Truly, dear brethren, this gear hangeth together like an old broken potsheard: And wee deem that you would be much displeas'd with your deare brethren of England, should they returne the like reasoning of their brethren in Scotland. But least our deare brethren of Scotland should judge us their brethren of England ingratefull, their brethren here send them a congratulatory pair of reasons, formed after the same, or the like kind, desiring, in their next papers, to be resolved whether such reasoning with them be faire dealing or no? to wit:—

1. *Argument.* My gude lord Lesley came to Montrevill, (embassador for France,) residing at Southwell, there to commune with the king.

*Ergo*, my gude lord Lesley fell down on his knees, resigned up his sword, and laid it at the feet of the king, and then received it againe of the king.

2. *Argument.* My lord of Northumberland and Sebrant the French agent looked through an hedge, and the one saw the other.

*Ergo*, they two are both nigh of a kindred.

Now, having sent you a paire of brave Scotified arguments, wee'll throw an English bone after them, for your armies to gnaw upon.

A scandalous person may chance to prove a good man.

But some of your armie are full of back-biters.

*Ergo*, your whole armie are scandalous persons.

But now, deare brethren, we cannot thinke that this will be judged faire reasoning in us; but if you condemne it, then why doe you use it, untill you revoke and renounce your error therein? This our like reasoning must not be condemned by you.

But by this we may plainly see that you have some mischievous designe against the two houses of parliament, that you would insinuate such an opinion into the people of England, against their two houses of parliament; and that upon such high terms of contestation, to wit, that for that reason (to wit, harme) you will not deliver them their king upon their vote. What may we judge by this, but that you intend destruction to them, thus to set the hearts of their people against them, by your scandalous and seditious surmises and jealousies, sowed amongst the people of England for absolute truths; for if you give it not for truth, why will you urge an argument from thence? Sure our holy brethren of Scotland are not so voide of conscience and grace, as to make a lye a foundation of their practice.

*Scotch Papers, page 8.*

We doe assert, that the king comming voluntarily to the Scottish army, they cannot in duty deliver him, against his will, to the two houses of parliament, without consent of the kingdome of Scotland.

*Ans.* Then it seemes, if he had come against his will, you had been bound in duty to



have delivered him, against the same, to the two houses of parliament, without the consent of the kingdom of Scotland; for if his voluntary comming be the reason of the one, then his involuntary comming must needs be the reason of the other; for as your own paper champion saith, *contrariorum contraria sunt consequentia*; therefore hereby you have brought the consent of your owne parliament to be inferiour and subject to his will; the which, notwithstanding, the said champion told him, they should be forced to settle things without, in case he should not assent, page 19. The which reasonings, if they be not pro and con, be you yourselves judges: and let the world judge whether it be fair dealing so to reason in a matter so neerely concerning the weale of the two kingdomes, the lives and states of thousands, and ten thousands.

*Scotch Papers, ibid.*

The place of the king's residence is, at his own election, in either of the kingdomes, as the exigency of affairs shall require, and he shall thinke fit, or else must be determined by the mutuall advice and consent of both kingdomes.

*Ans.* What, more fast and loose still? Sometimes with your consent, and sometimes without your consent, sometimes with the joynt advice of both kingdomes, and sometimes without it, sometimes with his personall will, and sometimes without his personall will, and now to make all indifferent! What is the meaning of our brethren in this? Are they not in their witts, thus to jumble and jump forward and backward, and backward and forward againe, and then to lye all along betwixt both? For by this clause it seemes that the disposall of his person is indifferent; either at his will, or at the joynt advice of the two kingdomes; *utrum horum mavis accipe*, one of the twain; chuse you whether. So that if his person be otherwise disposed, yet by this clause it is justified, the one as well as the other being asserted in that clause. And then againe, to adde to the number of those jugling husteron-proteron trickes, by the position of their order, they make the will of the king predominant to the consent of the two kingdomes; for if by locall position we may judge of preheminance according to our national custom, the greater to take the wall of the lesse, then the will of the king is thereby preferred before the consent of the two kingdomes, for it hath the precedence therein: However, by that clause they are made of equality; for they are not urged by the way of disparity, but by the way of equality therein. Therefore by that clause there is not a pin to chuse betwixt them: So that which is first gone forth, whether his will, or the two kingdomes consent, that must stand irrevocable, and not to be moved by the other; for could it, then were it as nothing—a meere shadow, without substance; for then the absolute disposing were only in one; because if one may depose what the other disposes, then that which disposeth is all in all, and the other hath no will, vote, choice, or consent in the thing, but is wholly dependent, and must be subject to the power of the other, which may conclude, order, revoke, and reverse at its please. Therefore, from this reasoning of our deare brethren, it follows thus:—

1. That this present disposall of his person (being, as yourselves say, voluntary) is irrevocable by either or both kingdomes; because his will for that disposall was first past forth; which, for the matter, (as is already proved,) by this present ground of yours, is as unalterable as the lawes of the Medes and Persians: So that it is in vaine for the two houses of England to expect a delivery of the king of England from the Scotch armiaes; for by this (to make sure worke of his person) they have put themselves out of a capacitie of his deliverie, upon any terms whatsoever: And therefore we may bid

▪ Lord Loudoun quoted this brocard in his pleading in the Painted Chamber.

our gude king gude morrow, my liege, for all the day, and for ever. Amen. Farewell Frost; if he never come more, nothing is lost.

2. If, by the sentence and judgement of our dear brethren of Scotland, the kings personall disposall be at his owne election and will, and so inherent therein, then, by the sentence and judgement of our deare brethren of Scotland, the dislocation of the kings person, by his personall will, all this while, from the two houses of parliament of England is justified, and our deare brethren of Scotland thereby made confederate with him in that act, and so consequently guilty of all the rebellion made by his personall will against the two houses of parliament and the people of England.

3. If, by the argument of our deare brethren of Scotland, the king, according to the exigencie of affairs, may dispose of his person at his pleasure, then, by the argument of our deare brethren of Scotland, according to the exigencie of affaires, the king may depart from our deare brethren of Scotland at his pleasure, when, or whether he pleaseth, although his pleasure should be never so pernicious or perilous to our deare brethren of Scotland; for his pleasure may only be knowne to himselfe, and not at all to our deare brethren of Scotland, no more then it was foreknown (as our deare brethren would make us believe) at his comming to them. Therefore, if our deare brethren of Scotland will have him, according to the exigency of affaires, to be disposed of at his pleasure, then, according to the exigency of affaires, our deare brethren of Scotland must run the hazard of his pleasure.

1. But for better deciding of the matter about his will, it is to be questioned, 1. Whether, since the covenant and treaties, either England or Scotland may assert that the place of the kings residence is at his owne election? the which, as the case since hath stood, may in no wise be honourably granted; for thereby, in all reason, it must be concluded that the two kingdomes took upon them the sole disposall of his person, without the least relation or respect to his personall will: For should that not be concluded, then his arbitrary disposall of his person, so many times, in open and actual hostility against the parliament and people of England, were justifiable.

2. It is to be considered, that though, before this his hostility against the parliament and people, he might dispose of his person from White-Hall to Hampton-Court, or the like, without the joynt advice of the two kingdomes, whether now the case be not altered or no?

3. In regard he hath most properly leaved and made warre against the parliament and people of England, and in regard the Scotch engagement was but an assistance of their brethren of England, Whether his person *thereupon* is not most properly due to the two houses of parliament, and thereupon they might properly vote the disposall thereof, notwithstanding his king-ship of Scotland; by reason the offence was properly against them, and a maine end of the war was to reduce and recover his person unto the custody and power of the two houses?

But now, whereas you urge his voluntary comming, as if it were only voluntary in him, and not like voluntary in you, (which, by covenant, compact, and treatie, was not upon any terms, or in any wise, without our consent, to have been by you,) it is a plainie case, that there was a voluntary concurrence betwixt you, even of the kingdome of Scotland with the king of England, before he had laide downe arms, taken up in rebellion against the soveraigne power of his throne, the two houses of parliament, and against the free people of England, and that absolutely by you, without the joynt advice and consent of the said houses and kingdome; for you foreknew of his intent, and were fore-acquainted with his comming, before his arrival at your armie: and this is not only to be proved from the secret and trayterous treatie betwixt you and the king, from the latter end of March last, 1646, managed by the intervention of Montrevill, the French ambassador, and designed in France, but also by what was open, manifest, and undeniable: For, to omit his foot-steps from Oxford, he came publickly into Southwell, foure miles distant from your armie, and there was entertained by the

said Montrevill, who was deputed and provided to receive him ; and forthwith he sent unto your armie, to informe you that he was come thither : then Lesley, your generall, (metropolitan over all the blew-caps of Scotland,) repaired unto him, and with him entertained a treatie ; and so he came voluntarily to your armie, and there voluntarily ever since doth continue, as you yourselves doe confesse.' Now, let any reasonable man judge whether here were not a mutual concurrence of voluntary consent, before his entrance into your armie, without all advice and consent of ours ; and whether it is reasonable to imagine that the king should cast his person voluntarily into the hands of those which were the first commoters and raisers of troubles and warres ; entring his dominions of England with open hostility ; for which he proclaimed them traitors and rebels, and now againe stand traitors and rebels by his proclamations and declarations, and which are still in armes against him ; and, by solemne league and covenant, contracted and espoused to the two houses of England, in their warfare against him, without the foreknowledge, consent, compact, and assurance of your armie and kingdom. Truly, for our parts, considering all his politick, subtile, and crafty plots and proceedings, in all his military designes, we cannot imagine him so inconsiderate and mad as to run his person, without all assurance, on such a perilous hazard, or play such a card as that at a venture amongst you, without a full fore-surety from you, and a compact betwixt you, under hand and seale, for his entertainment and successe with you : and if we may judge the tree by its fruits, we are sure it can be no other.

Besides, had you not been concurrent in will with him, (contrary to our privitie and consent,) he could not have entred, much lesse continued in your armie, without your consent, and whether you would or no. So that indeed, and in truth, as the matter now stands betwixt you and us, his comming must needs be reputed and concluded your single act ; and neither may we, nor can we esteem it otherwise ; for his will or his action is nothing to the state of the question, or difference betwixt England and Scotland in

\* The Scots general and commissioners' letter to the parliament protested that the king came to them in such a private manner, and so unexpectedly, that they made some search for him, in different houses in Southwell, before they could find him. But the most minute account of that remarkable transaction is given to us by the king's faithful and gallant chaplain, Michael Hudson, who, with Ashburnham, were his sole attendants.

" 18. Next morning we took horse at day-break, and went towards Baldocke : and as we rid upon the way, it was resolved that I should go directly away towards Southwell, and the kinge and Mr Ashburnham towards Norfolk, and to stay at the White Swan, at Downham, till I came back to them. Soe, at Gravely, the king gave me a little note to Mountrell, wherein he expressed his departure from Oxford, and desired him to make him an absolute conclusion with the Scots ; and if they would give such assurance for honourable conditions for him as should satisfie him, (concerning the particulars whereof the king had given me instructions,) then he would come to them ; if not, he resolved to dispose of himselfe upon my returne.

19. I came to Southwell next morning, and acquainted the French agent with these particulars, who, upon Thursday night, told me they would condescend to all the demands which the king and Mountrell had agreed to make to them, before Mountrell came from Oxford, (of which Mountrell told me the summe,) but would not give any thing under their hands. I desired, to avoid mistakes, that the particulars might be set downe in writing, lest I should afterwards be charged with making a false relation ; and so set the propositions downe in writing.

I. That they should secure the king in his person and in his honor.

II. That they should presse the king to doe nothing contrarie to his conscience.

III. That Mr Ashburnham and I should be protected.

IV. That if the parliament refused, upon a message from the king, to restore his rights and prerogatives, they should declare for the king, and take all the king's friends into their protection. And if the parliament did condescend to restore the king, then the Scots should be a means that not above four of them should suffer banishment, and none at all death.

20. This done, the French agent brought me word that the Scots seriously protested the performance of all these [particulars], and writ a little note to the kinge, to accept of them, and such security as was given to him in the king's behalfe.

21. I came to the king upon Friday night, and related all ; and he resolved next morning to goe to them : And so, upon Tuesday morning, we came to Southwell, to Mountrell's lodgings, where some of the Scots commissioners came to the king, and desired him to march to Kellum, for security ; whither we went after dinner." — *Examination of Dr Michael Hudson*, apud *Peck's Desiderata*, II. 360.

this matter; for you yourselves say, (page 9,) that it is cleere, from the third article of the treaty, that the Scottish armie is to receive the directions of both kingdomes, or of their committees, in all things which may concern the pursuance of the ends of the covenant and treaty, whether in relation to peace or warre. \* In the eight article, no cessation, pacification, or agreement for peace whatsoever, is to be made by either kingdome, or the armie of either kingdome, without the advice and consent of both kingdomes. Now, dear brethren, by these very words of the treaty, thus cited by yourselves, you are by yourselves exempted and denied of all power of intermeddling about any thing whatsoever concerning peace or warre, without the advice and consent of the two kingdomes. If so, then why have you attempted this act of reception and detaining of his person, without the mutuall concurrent advice and consent of the two kingdomes, which so mightily concerneth our weale or our woe, our peace or our warre; for this your seizure of his person, in this manner, is of as high and great concernment about the matter of warre as can be imagined; for it openly and apparently threatneth division and warre betwixt the two kingdomes: and thereby you yourselves are the deviders and threatners, contrary to your old and present asseverations and abjurations. In your booke of former intentions, thus you assert of yourselves: † We could judge ourselves the unworthiest of all men, and could looke for no lesse then vengeance from the righteous God, if we should move hand or foot against that nation, so comfortably represented to us in that honourable meeting: And, page 10, Let them be accursed that shall not seek the preservation of their neighbour nation. And in your former informations, declarations, and remonstrances, you have cursed all nationall invasions and treacherie: And now, in these papers, you cry, God forbid that the wayes of separating interests of the kingdomes should now be studied; page 5. And in the lord Loudouns speech in the Painted Chamber, p. 21, that no man hath conscience and honour, who will not remember our solemne league and covenant, as the strongest bond, under heaven, between God and man, and between nation and nation, &c. Yet these asseverations and execrations are now made as nothing; and these your strongest bonds between God and man, as you call them, are but as Sampsons cords, to be burst asunder at your pleasure. But God will deliver up your strength, if, by your timely repentance, you doe not prevent the vengeance of Heaven, which hangs over your head. For why will you thus fairely professe with your tongues unto us, and deale so treacherously with us in your hearts? Why should you receive and entertain the king, and yet protest against all sole disposall of his person? And why should you tell us that his majesties comming to your armie is a more probable and hopefull way to preserve the union of the two kingdomes, when, as yourselves see, that it is the most unluckiest means of division, and of fomenting a war betwixt the two nations, as hell could broach. And though the lord Loudoun breath out your menaces about that disposall, and openly threatneth us with forces from Scotland and Ireland, and with the assistance of foreign princes, yet all this you would make us believe (were we but as the horse and the mule, which have no understanding) is for the stricter and firmer union betwixt the two kingdomes. But, dear brethren, we are not so undiscerning and sottish, so to be possessed and deluded. But further, in the said page you say, because you came into England for prosecuting of the ends of the covenant, whereof one is to defend his majesties person, you thinke it a strange thing, that your being in England should be urged as an argument why you should deliver up the person of the king, to be disposed of as the two houses should thinke fit.

*Ans.* For the matter of your being in England, we shall for the present referre you to Mr Chaloners speech, ‡ and only consider the reason of this clause, which we con-

\* See Intentions of the Armie of Scotland, p. 3.

† See a speech made in the house of commons, the 26th day of October, 1646, upon the reading of the Scottish papers, in reply to the votes of both houses of parliament, of the 24th September, concerning the disposall of the king's person, spoken by Thomas Chaloner, Esq. It is printed in Rushworth, part iv, vol. 1. p. 336.

ceive to be on this wise,—that because you are by the covenant bound to defend his majesties person, that therefore you will not deliver up his person, to be disposed of as the two houses shall think fit; which is as much to say, because you are to defend his person, that therefore the two houses of parliament are his enemies; which manner of reasoning is as if we should say, because there was dayly secret whisperings and wishing at our queens court at France, that the king might get safe to the Scots; and because the day of his setting forth out of Oxford towards them was fore-known at her court;—that therefore Sebrant, the French agent, ran up into the earle of Northumberlands bed-chamber, in the morning, before he was up, and surreptitiously surpris'd, in his chamber-window, a packet of letters, (inclosed in a blanke paper, superscribed, forsooth, for their better conveyance, to the earle,) and brake the same open, and said they were his; and so the one peep'd at the other, and saw one another: and away hied Sebrant, as fast as he could, and carryed with him the whole plat-forme of your—you know what!

Now, brethren, how like you your owne kind of reasoning? Is not this a prittie kind of argument, thinke you, neatly formed after that most hallowed pattern received from the angel at Le Font Bleu?

And therefore, seeing our brethren have so far discharged their trust, as (after all their protestations, covenants, and oaths to Almighty God, their solemne league and treaty with their neighbour nation of England) thus, in the field, to meet us in this free and brotherly conference with such solemne covenant-logick, we may have, doubtless, great boldness and confidence with our dear brethren of Scotland, to pay them in their own coyne for current and good silver, especially considering whose image and superscription it beareth: So that, upon the point, (we wish it be not of the sword,) we are agreed with our gude Lord Loudoun, to give unto Cæsar the things that are Cæsars, &c., p. 26.

But now, since our brethren take upon them, in their armies, to defend his person, we desire our deare brethren to tell us against whom is this their defence? If against us and our armies, then we reply, that if your covenant now bind you thereto, then why did you not by this covenant joyne armies with them before, in all his hostility against the two houses; for by our hostility his person was endangered, and subject to the casuality and execution of warre,—himselfe in person, and in armes, appearing against ours?

*Scotch Papers, page 9.*

And whereas it is affirmed by the treaty, the Scotch armie ought to doe nothing without a joint resolution of both kingdomes, or their committees; there is no such clause in the treaty, but they are to be subject to such resolutions as are and shall be agreed upon and concluded mutually between the kingdomes and their committees.

*Answ.* By this we may see how willing our brethren are to get a creep-hole, and how they shuffle and cut to struggle themselves out of the bryers: But, gude brother Jockie, be content to stick here a while; for if to their resolutions (as you say) you must be subject, then you must not be subject to that which is contrary to their resolutions: but your armies retaining of his person is contrary to the joynt advice and consent of both kingdomes; for as yet both parties are not agreed: Therefore this is a manifest breach of the treaty: So that (if you would have done as becommeth brethren) you should have stayed first to have heard the joynt advice or consent of both kingdomes, before you had given him entertainment. For, indeed, had there not been mischief designed in the thing, and intended against this kingdome, the king (knowing the mutuall obligation and solemne union betwixt the two kingdomes, and the mutuall relation he had to them both, and each mutually to him) would (if he had intended to lay downe armes against this kingdome) rather (in this emergency of war) have disposed of his person (honoured by both kingdomes with the title of the king of both kingdomes) to the

committee of both kingdomes, wherein the joynt military interest of both kingdomes is represented, conferred, and united, and both thereby incorporated into one deputative body, and, as it were, both made flesh of each others flesh, and bone of each others bone; that so, in that one act, and at one time, both kingdomes, equally and respectively, would have received their king of each kingdome, though presented in one person; even England and Scotland have received and kept the king of England and the king of Scotland, in that their entertainment of his person, for the better disposall thereof by the parliaments and estates of both kingdoms, (being conquered by the mutuall force and conjunction of their armies;) for then neither parliament, kingdome, nor armie had acted singly or divided, but it would be an absolutely an act of both kingdomes. This, we say, he rather would have done, then, in this factious, divided nature, to have thrown himselfe upon one kingdome unknown to the other, and without the others advice and consent, had it not been on set purpose to have cast a bone of division betwixt them, that both he and yourselves, by joynt occasioned faire opportunity, might compasse your designes to subjugate the neckes of the freemen of England to your Scotch monarchicall yoake of bondage (ingendring strife.) And you yourselves, had your intentions towards us been upright, should rather have referred him to the said committee of both kingdomes, then thus to have attempted the receivall of him by your own military power, which was a desperate thing. However, in case unawares he were received, yet you might, ere this, knowing the mutuall and joint interest of the two kingdomes so well as you doe, and seeing it raiseth such jealousies, and is likely to occasion such a desperate and bloody division betwixt us, you might, ere this, have delivered, or at least proposed the resignation of his person, if not to the two houses, yet to the custody of the said committee; to whom, indeed, naturally and properly (as the case now standes betwixt the two kingdomes) he belongeth, (no joynt power of the two kingdomes but that being extant,) to be by them retained till the joynt consent and determination of both kingdomes.

You tell us, that at the hearing of the march of Sir Thomas Fairfax, his army marching northward, you removed yours into Yorkshire, for preventing mistakes or new troubles between the kingdomes, (pag. 9;) but were you so cautious thereof as you pretend, you would not have thus highly erred in the maine, and then face us with trifles. Brethren, we have been a little too much acquainted and cheated with such guilded pretences, as to rest content with a flap in the mouth with a fox-tayle. It is not your candour, freedome, and plainnesse, as becomes brethren, which you tell us of (pag. 1.) in words, that will satisfie us, if in deeds you deny us. Wee know you tell us he came voluntarily, and continues voluntarily, and you do not hinder him from coming to doe the duty of a king amongst you; which words indeed beare a specious shew. But, brethren, we are not so undecerning and ignorant as to conclude all is gold that glisters; but these your serpentine delusions puts us in mind of the trick you put upon us about Mr Ashburnham's escape; for, in a paper from the commissioners, dated 25th of May, 1645, the lords of the committee of New-Castle tell us, that, directly nor indirectly, they had no hand in Mr Ashburnham's escape; which, by interpretation, is, as much as to say, that directly you had no hand in it, but indirectly you had; for, after our English orthography, two negatives make an affirmative; and nor and no are two negatives coupled to one verb, and therefore must needs make it affirmative. But we will returne from this quirke to the matter in hand.

Now, though you say there was not any such resolution between the kingdomes, or their committees, as, that the Scottish army should not receive the king if he came unto them; our answer is, that it doth not therefore follow, that therein you may doe singly as you list; for we were obliged in all things, whether in relation unto peace or to warre, not to make any cessation, pacification, or agreement for peace whatsoever, without the advice and consent of both kingdomes: and you yourselves say, your armies are to be

subject to such resolutions as are and shall be agreed and concluded upon mutually between the two kingdomes and their committees: so that, although neither present nor future resolutions concerning unknowne matters to come be expressed, (as indeed are impossible,) yet therefore you have not the liberty to doe what you list, or to anticipate their resolutions with yours; for then agreement, compact, and treaty were to no purpose at all; but you were strictly bound, upon penalty of breach of articles, first to have knowne the joynt advice and consent of the two kingdomes, or their committees, in all things whatsoever, whether for peace or for warre, especially in a thing of so great and so high concernment, as to treat with, receive, and entertaine the kings person, though, notwithstanding, he should come voluntarily to you; for the matter is all one in the nature thereof, whether he come to you, or you go to him. Treating with, receiving, and entertaining, without a joynt advice and consent, (let it by what other meanes soever it be,) is the maine thing which those articles respect; for, indeed, that is as absolute treating, cessation, and pacification with the king on your behalfe as can possibly be: And therefore, whereas you say that you were not to impede or restrain the person of the king from comming and doing the duty of a king amongst you, and thereupon have answerably received him; thereby you hold forth and confesse a compact and conclusion of peace with him; for if you receive him to doe the duties of a king amongst you, and that without the joynt advice and consent of the two kingdomes, or their committees, what is this other then to pacificate with him without their joynt advice and consent? But more of this by and by.

Besides, if you will make an exception, because it is un-expressed in the treaty, (that you should not receive the kings person if he should come voluntarily to you,) then may you as well except against all the resolves and results of the two kingdomes, and of their committees, that therein are not expressed, and so confine all to the very letter of the treaty, and utterly take away all liberty and power from the two kingdomes, and their committees, of further advising, consenting, or resolving.

*Scotch Papers, page 10.*

*Scotland.* The Scotch army neither hath, nor will take upon them to dispose of the king: He came unto them without capitulation or treaty; his residence with them is voluntary and free; and they doe nothing which may hinder him to come to the two houses of parliament.

*England. Answ.* Whether now, Jockie? Hoyt—Hoe—Hause—Ree—Gee—Hoe—Jockie. What! neither backwards nor forwards, one side nor the other? Riddle me; riddle me, what's this? You'll neither have him nor be without him; neither keep him nor deliver him. A pretty paradox! for you will not take upon you to dispose of him, and yet you will keep him, nor will hinder his comming to the two houses of parliament, and yet will not deliver him: for his will in this matter of keeping and delivery is not at all respected in the treaty and compact betwixt the two kingdomes, but only the act or acts of the two kingdomes. Therefore, what is this else, but to say, you will, and you will not; you will neither receive him nor will refuse him; you will not deliver him, nor will you keep him.

Now, whereas (as you say) you are so willing that he should come of his own accord to the two houses, and you would not hinder him, wee pray you tell us whether you would suffer him, provided his intent were unknown unto you; or whether you would judge it suitable to the interest of Scotland, that the two houses, or their armie, should receive him upon such termes? Doubtlesse you would hinder the one and condemne the other; for no reasonable man can judge otherwise by your present practice and papers. You have received him without the consent of the two houses, and (as you would make

us believe) without any fore-knowledge of his intent at his coming; therefore, are not yourselves condemned by yourselves; even justifiers of that in yourselves which you would condemne in others?

But you say he came to you without capitulation. If so, deare brethren, then why did Montrevill goe before-hand to Lesley's army to take order for his reception there? And how came the king to have the faith and honour of the Scots engaged to him in the businesse of the militia? How came the information of Thomas Hanmer, June 12th, 1646, (at the committee for the army, and after reported to the house of commons,) since, by experience, to have been confirmed in the most particulars thereof? We could be much more inquisitive with our brethren about this matter, but it may be they have learned of Lieutenant-col. John Lilburne and Mr Overton, the two prerogative archers of England, and some others, not to answer to interrogatories concerning themselves; and therefore we shall forbear at this time further to question the faith and sincerity of our brethren in this particular; only we shall desire (because our brethren, in their papers, are verbally so tender over the harrassed, oppressed, plundered North) wherefore, besides the extraordinary losses and charges thereof, their ordinary cessments, where the forces are quartered, are levied or paid at the rate of about 140,000 pounds a-month upon the whole county; which is twenty times as much as they ought to levy by the ordinance of parliament, as appears by a letter, June 26th, 1646, from sundry of the committee of Yorke to the committee of the lords and commons. We will assure you, brethren, that this dealing, together with your severall rapes, murthers, oppressions, and abuses, which hath bin, and are dayly acted upon the well-affected in those parts, are farre from the first professed intentions of the Scots army at their first coming into England, 1640, where, page 11, you do declare that you would not take from your friends and brethren of England from a thread even to a shooe-latchet; so that our brethren are not the same, or else they are much changed, for from the beginning it was not so. However, this will we say of our brethren, that as they tell us (page 6.) that the oath communicated to them for the disposal of the kings person by the two houses may suffer a benigne interpretation, and be understood of the disposing of the kings person favourably and honourably; yet, as the words stand, they are comprehensive and capacious of more then is fit to be expressed; so answer we our brethren, that, though their unreasonable cessments, their daily rapes and murthers, robberies, oppressions, and insufferable abuses upon their dear brethren and sisters in the north may, out of a brotherly construction, receive a benigne interpretation, and be understood but as escapes of their armie; yet, as the deeds so stand, they are comprehensive and capacious of more than is fit to be done.\*

\* Montreville, the French resident, was employed by the king to procure him some security for the safety of his person, when he was about to take the desperate resolution of entrusting it to the Scottish army: and the assurances which he received were such as, in his own opinion, to warrant him in becoming their guarantee, by the following engagement:—

“ I do promise, in the name of the king and queen regent, (my master and mistress,) and by virtue of the powers that I have from their majesties, that if the king of Great Britain shall put himself into the Scots army, he shall be there received as their natural sovereign, and that he shall be with them in all freedom of his conscience and honour; and that all such of his subjects and servants as shall be there with him shall be safely and honourably protected in their persons; and that the said Scots shall really and effectually joyn with the said king of Great Britain, and also receive all such persons as shall come in unto him, and joyn with them for his majesty's preservation; and that they shall protect all his majesties party to the utmost of their power, as his majesty will command all those under his obedience to do the like to them; and that they shall employ their armies and forces to assist his majesty in the procuring of a happy and well-grounded peace, for the good of his majesty and his said kingdoms, and in recovery of his majesties just rights. In witness whereof, I have hereunto put my hand and seal, this first of April, 1646. *De Montrevil, Resident pour sa Majestie tres Chretienne en Ecosse.*”

—CLARENDON'S *History*, III. 14.

\* On this subject the Scottish and English accounts differ considerably. Baillie represents Lesley's army as straitened for quarters, without a sixpence of money, and so hemmed in by Pointz's forces, as if it were intend-



And therefore, deare brethren, we cannot but justly wonder why you should be so unbrotherly and unkind to your brethren of England, notwithstanding these great oppressions of yours upon them, now to capitulate with them for such vast summes of money, and that upon such high termes, as not to surrender their garrisons, and quit their kingdome of your armies, without 200,000 pounds downe in your hands. Indeed, brethren, let us tell you, we can judge it as yet little better then invasion upon our land, to capitulate with us upon termes before you will resign us possession of our owne garrisons, forts, castles, countrys, &c. : for upon no termes whatsoever have you any right or property unto any of the forts, castles, garrisons, or countries of the kingdome of England, or any wise to attempt possession thereof, or upon any termes to refuse the resignation thereof; for so long and so much are you invaders of our land; for not an hare-breadth of England, nor a minutes possession thereof is yours, by any legall, equal, or national right, unless you will say that you our brethren of Scotland are now become kings of England; and indeed your actions and usurpations are equivalent thereto; for as well as to doe what you doe, you may possesse it for ever, and make invasion upon the rest of our land; for protraction of time and increase of quantity cannot alter the equity of your title, it being as much to the whole kingdome as to a part, and as well for ever as for a minute. But indeed, and in truth, it is neither in the one or yet in the other.

But you tell us, page 16, reasonable satisfaction must be first given to your armies for their pains and charges, before you will surrender. Why, brethren, must you therefore take possession of our garrisons, castles, &c., because in equity we are bound to give reasonable satisfaction to you for your mercenary assistance? Our garrisons, castles, forts, countries, &c., were not put into the bargaine, neither were they ever as yet set over to you, as a pledge for your payment; but, notwithstanding covenant, treaty, or any other obligation whatsoever betwixt us, they are still the absolute interest and proprietie of England, which, by this your refusall to quit them, is absolutely invaded and usurped; and your continuance of their possession upon these termes is a continuance of hostile invasion and incursion upon England, and is as much as if you had entred by force; for (*dolus an virtus quis in hosti requirit,*) it is all one to the nature of the thing, whether by force or by politick deceit, for both can be but possession: So that this your possession of our countries, castles, &c., under the colour of expectation of pay before you depart, is, in the nature of the thing, as absolute invasion and incursion, as if you had

ed to provoke an action; but protests, in the midst of these very heavy temptations, the Scots continued to be very true to the common cause. The following letters give a less favourable account of their conduct.

"That some former letters from the parliament seemed to comfort our dying hopes that the Scots were to have two hundred thousand pounds to be gone. Since the bruit thereof, the army hath been prejudicial to these parts twice the sum. We hear and read of their good language they give at London, but we feel contrary effects by their actions here. We hoped, when the earl of Newcastle was gone away, our greatest miseries had been past; but the contrary. He only sucked some of our blood, but these devour our flesh, and are now picking our bones. Our slavery is far greater than any of those under the Turks, both for our persons and estates. They in Turkey are quit for a fifth part; we, in a year, pay our revenues several times over by ordinance of parliament. Since the Scots came into Yorkshire, the whole county was assessed per month ten thousand pounds, seven thousand, now three thousand five hundred pounds a-moneth; but we pay now for billet and soss to the Scots army here after the rate of about a hundred thousand. A part of this hundred pays a thousand pounds a-week to two regiments. We are the absolutest slaves that ever were read of; for they assess us at their pleasure, levy as they please, bid us go or ride; who dares refuse. They kill us in hot blood, beat us in cold blood, and killed a captain this week for but only seeking to rescue his neighbours from their robberies. In a word, we are threshing out for the Scots, and they eating our last bread. We desire the parliament to bestow upon us two or three moneths allowance out of our own estates, having had nothing these five years out of them. Four thousand pounds a-moneth are paid to the Scots army constantly since they came into this little wapentake. The Lord, have mercy upon us. Amen.

Your most humble servants, many thousands."

SANDERSON'S *History of the Life and Raigne of King Charles.* London, 1658, fol. p. 924.

entred and over-run those places by force of armes : For though we be bound to give you reasonable satisfaction, yet by that obligation we are not bound to forfeit our garrisons, castles, countries, &c., into your hands till it be given. We will grant you that reasonable satisfaction is due ; but what is that ? whether a certain summe of money, or else our garrisons, castles, countries, &c. ? Your selves only make claime to the first ; and therefore, and in respect of your owne interest, we will be so bold as not to disclaime and yeeld up our right in the second, upon any pretence whatsoever. And in case reasonable satisfaction should be denyed, it could be but a falsitie and breach of faith : It would not therefore follow that our garrisons, castles, countries, &c., were become forfeit into the hand of our brethren the Scots : Or because we should doe evill, it doth not therefore follow that they should doe evill for evill againe ; for that were contrary to sound doctrine and the power of godlinesse, a clause of the second article in the covenant ; from which our brethren tell us, that no perswasion, terror, plot, sugestion, nor combination, shall never, directly nor indirectly, withdraw them. And in this covenant there is no such clause expressed, intended, or implied, that in case we should not give them satisfaction, according to agreement, that then our garrisons, castles, and countries should be forfeit to our brethren of Scotland. Therefore, if you would but deale friendly, and as becometh brethren, (whereof you make such profession.) with us, you would not take advantage at your brethren's necessitys, to deale thus unkindly and unbrotherly with them, (as if they had entertained so many Turks, pagans, and infidells into their bosomes, instead of brethren,) as to sease upon their possessions, their garrisons, forts, castles, countries, &c., because this reasonable satisfaction cannot be provided as soon as you would have it, and as they desire and endeavour it. This is not a doing as you would be done to ; this is no brotherly bearing of one anothers infirmities, or of one anothers burthen ; but instead of a brotherly easing, this is an unfriendly oppressing, besides the great scandal it casteth upon your brother nation of England ; as if the parliament and people thereof were so unfaithfull, unnaturall, and false-hearted, not to be trusted, upon their faith and honour with their brethren of Scotland, (with whom there is such obligations of unity and brother-hood,) for the payment of the said sum of money with their utmost expedition. Doubtlesse we should never have been so ungratefull and unfaithfull with our brethren, as to have dealt unjustly with them therein.

But we are afraid that this money demand was but a foreign invention to catch us upon the lurch ; supposing, by reason of the unreasonableness of the matter, and the invasive manner thereof, the two houses would not assent thereunto ; and so, by such menacing, provoking termes, as the detaining of our garrisons, under the pretence of acquiring reasonable satisfaction, to pick a quarrel with us ; or else you would not thus have demanded the same upon such high provoking termes, nor detaining of our garrisons, castles, countries, &c. ; for to deliver them unto us you will not, till you have money. †

† Baillie, who viewed this matter in a different light, thus states the situation of the Scottish army :—"What will become of us God knows ! but certainly the Scots do yet continue, in the midst of all those very heavy temptations, to be very honest to the English and the common cause. We thought the king his coming to us would quickly have settled all ; but yet the danger is great. This people are very jealous, and the sectarian party, intending only for private ends to continue the war, entertain their humour. ' Let the Scots do and say what they can, yet certainly they cannot be honest. They have a design, with the king and foreign nations, to betray and ruin England ; therefore let us be rid of them with diligence : if they will not immediately be gone, let us drive them home with our armies.' To these foolish and mad counsels the king's unhappiness does daily contribute. Some twenty days before he came out of Oxford, he wrote to Ormond, of his design to go to the Scots army, upon confidence to work them to his designs, since the parliament were resolute to ruin him. This letter is sent to Monro by Ormond, and by Monro delivered to the English commissioners, who send it to the house of commons, where it is read publicly, and a vote passed on it, that the king's intentions in coming towards us was to divide the nations. This was but a preface to a harder vote against him ; and had we not pre-

Yes, you tell us, that if the £5000 at Nottingham, already accounted unto you, with some other competent portion of money, be not sent unto your armie, you must be forced (forsooth) to enlarge your quarters, for the ease of the countrie; so that we plainly see, by this liberty of enlargement, which you usurp unto your selves, that you intend that your enlargement, of your quarters shall be as large as our bounds, in the case of procrastination; and all under the colour (forsooth) of easing the country. Indeed, brethren, by that means you would ease us of all. But if in your hearts you be intended to ease us, then why doe you not rather tell us that you will enlarge homewards, to your owne native country; for that were indeed an easement; this is but a further enlargement of our burthen. But we know your meaning by your gaping. Gude brethren, doe not thus take advantage at your brethren's necessities. As becometh brethren, we tell you, it doth not become you to deale thus unkindly with your brethren; for it is an unnaturall, unbrotherly part, to make a prey of their extremities. Yet here is not all they say of this matter, for they menacingly tell us, that in case Sir Thomas Fairfax's armie shall march northwards, that their Scottish armie shall enlarge their quarters southward; whereby (they say) it is easily to be seen that those kingdomes may unhappily be againe embroyled in new and greater troubles then yet they have been. Now how can we judge this otherwise but as a shaking of the sword over our heads; a dare, a threat; even as much as to say to our armies, come northwards if you dare, and if you doe, we will advance southward, and then you may expect greater broyles and troubles then ever? But, brethren, for the love of God, and the peace of the kingdomes, forbear such threatening language for the future, that wee may live together as brethren, in love, peace, and tranquillity: For, brethren, we doe assure you, that evill words corrupt good manners. Tread on a worme, and it will turne again; and surely Englishmen have as much courage as wormes.

And now that you see that the two houses have conditioned to your demands, you enter into dispute with us about the disposall of the person of the king, in such a manner as is not possible in honour and justice for this kingdome to accept of; and you propose wayes and meanes of delays and protraction of time, as sending of commissioners againe unto the king, in the name of both kingdomes, with power to heare his desires, and the like; when as indeed the matter belongeth to them joyntly to advise, determine, and conclude how they will dispose of him, and what they will compell him to doe, being conquered and fallen into their hands: Therefore sending to, or treating with him now, is beside the matter in hand; so that those various devices of yours give us great cause of suspicion and jealousies of you, that these are but wayes to beare us in hand, for the better facilitation of your design. But we should be glad to heare of your innocency of those things, and should be willing to judge better of our brethren: But they must excuse us, if we judge the tree by its fruit, and may rather blame themselves, for bringing forth such fruit, then us, for so judging when it is brought forth. Therefore, to remove all scruple and difference from betwixt us, we desire them to let their good workes so shine before men, that we may justly say that

vented it by a paper, contrary to that letter, declaring, with great confidence, the sincerity of our nation, and freedom from any capitulation with the king, it is like, they, who had stolen through a vote, of the usefulness of our army in England, had proceeded farther to make us odious still, and to discredit our most solemn protestations of our innocency. Their committee, with their army at Newark, make a most base report of our army's miscarriages. The party intended to have had that a part of a declaration against us; for the great work of some was, by all means, to have us once engaged. For this end they hemmed us in a corner of the north, and made Pointz to lie in our nose, giving us not a six-pence of money; being assured that being straightened in quarters, and having no money, that the country, exhausted before, would be so grieved with us, that we and they would fall foul, and Pointz's army being at hand, there should be a yoking, and so a necessity of war. Yet we abhor war so far, that, by the great mercy of God, our army hitherto has given no provocation to those that watched for it, but has drawn from it many testimonies for our credit."—*Baillie's Letters*, II. 212.

God is in them indeed, and that they are our faithfull brethren and friends, who are resolved to live and dye with us in the better sense, though we are now justly afraid of the worst.

---

*A List of divers Persons whose Names are to be presented to the King's Majestie, to Dye without Mercy: Also, a Declaration of the Kingdoms of England and Scotland, for the Vindication and Defence of their Religion, Liberties, and Laws. The Honourable House of the Parliament of England, and the Honourable Convention of the Estates of the Kingdom of Scotland.*

London, printed for V. V., MDCXLVII.

---

This is one of the lists of proscription which the parliamentary party, now victorious, were expected, by the more violent part of their partizans, to insist upon.

---

RUPERT, Count Palatine of Rhine.  
Maurice, Count Palatine of Rhine.

The Marquis of Winchester.  
George, Marquis of Huntly.

James, Earl of Derby.  
John, Earl of Bristol.  
William, Earl of Newcastle.  
Edward, Earl of Worcester.  
James, Earl of Montross.  
The Earl of Traquair.  
Robert, Earl of Nithsdale.  
Lodowick, Earl of Crawford.  
James, Earl of Airby, (Airy.)  
Robert, Earl of Carnwarth.  
The Earl of Castlehaven.

James, Viscount Aboyne.

Francis, Lord Cottington.  
George, Lord Digby.  
Lord Brewdnel.  
Lord Harris.  
Lord Arundel of Warder.  
James, Lord Ogley.  
Lord Audley.  
Lord Roe.  
James, Lord Itham.

Matthew Wren, late Bishop of Ely.  
John Maxwell, pretended Bishop of Ross.  
Dr Bramhall, Bishop of Derry.

Sir Robert Heath.  
Sir William Wodrington.  
Sir Ralph Hopton.  
Sir John Byron.  
Sir Francis Doddington.  
Sir John Strangeways.  
Sir George Ratchiffe.  
Sir Marmaduke Langdale.  
Sir Henry Vaughan.  
Sir Francis Windebank.  
Sir Richard Greenvile.  
Sir Edward Hide.  
Sir John Marley.  
Sir Nicholas Cole.  
Sir Thomas Reddel, junior.  
Sir John Culpeper.  
Sir Richard Lloyd.  
Sir George Strode.  
Sir George Carteret.  
Sir Charles Dallison.  
Sir Richard Lane.  
Sir Edward Nicholas.  
Sir Edward Herbert.  
Sir Francis Howard.  
Sir John Winter.

Sir Charles Smith.  
 Sir John Preston.  
 Sir Basil Brook.  
 Sir Henry Beddingfield.

Colonel George Goring.  
 Colonel John Cockram.  
 Henry Jermin, Esq.  
 John Ashburnham, Esq.  
 Carel Mollineux, Esq.

William Sheldon of Ucely, Esq.

Mr Endimion Porter.  
 Mr David Jenkins.  
 Alester Mageonald, (Alexander Macdonald,  
 called Colquitto.)  
 Irwing, yonger of Drumim, (Drum.)  
 Gordan, yonger of Gight.  
 Lesly of Achentoal.  
 Graham of Gorthie.

All papists and popish recusants, who have been, now are, or shall be actually in arms, or voluntarily assisting against the parliament, or estates of either kingdom.

All such as, being processed by the estates for treason, shall be condemned before the act of oblivion be past.

And all persons who have had any hand in the plotting, designing, or assisting the rebellion in Ireland, except such persons who, having only assisted the said rebellion, have rendred themselves, or come to the parliament of England.

An act is to be propounded to the king's majesty, to be passed in the parliaments of both kingdoms respectively, for the establishing the joint declaration of both kingdoms, bearing date the 30th day of January, 1643, in England, and 1644 in Scotland, with the qualifications expressed in the propositions from both kingdoms to his majesty. In which declaration of the kingdom of England and Scotland, (joyned in arms for the vindication and defence of their religion, liberties, and laws,) against the popish, prelatial, and malignant party, by the honourable convention of estates of the kingdom of Scotland, it is declared thus:—

I.

We do declare, concerning those who are are, or shall be found by the supream judicatories of the kingdoms respectively, or their committees appointed for that effect, to be such; that as the conscience of their own had deservings hath made them to despair of favour, and thereby uncessantly to work more and more mischief against their religion and native country, so are they to look for such execution of justice as is due to traytors and enemies of religion, of the king, and his kingdoms, for terror and example to others, in all times to come.

II.

And it is further now declared, that the whole estates, real and personal, moveable, and inheritance of those that shall not come in at the times before limited in the sixth article, and of the persons before excepted from pardon, (as of papists in arms, Irish rebels, and those who shall be found to come within the compass of the precedent article,) shall be forfeited, and employed for paying the publick debts, relieving the common burdens of the kingdoms, and repairing of particular losses.

III.

And this declaration we make, not from any presumption or vain-glorying in the strength of our armies and forces, but, from the sense of that duty which is required and expected from the high places and publique relations wherein we stand, and from the assurance we have of the assistance of God, by whose providence the trust and safety of these kingdoms are put into our hands at this time, have, after long and grave

consultation, resolved and decreed never to lay down arms till truth and peace, by the blessing of God, be settled in this island, upon a firm foundation, for the present and future generations; which shall be esteemed of us an abundant reward of all that we can doe or suffer in this cause.

---

*A Plea, delivered in to the Earl of Manchester and the Speaker of the House of Commons, sitting in the Chancery at Westminster; which was read by their Command, in open Court, the 14th of February, 1647, and there avowed: Whereunto is added, his Judgment in the Law, concerning a Gentleman that was Condemned for the late rising at Canterbury.*

By David Jenkins, Prisoner in Newgate.

---

The following tracts relate to the memorable conduct of Judge Jenkins. It is but fair to give Anthony Wood's account of this undaunted loyalist, because the account was the means of bringing Anthony himself into much trouble.

“ David Jenkins received his first being in this world at Hensol, in the parish of Pendeylwyn, called, by some, Pendoylon, in Glamorganshire, became a commoner of S. Edmond's Hall in the year 1597, at which time several Welshmen were students there. After he had taken one degree in arts, he retired to Gray's Inn, studied the common law, and, when barrister, was resorted to by many for his counsel. In the first of Car. I., he, being then a bencher, was elected summer-reader, but refused to read. Afterwards, he was made one of the judges for South Wales, continued in that office till the rebellion broke out; at which time he either imprisoned divers persons in his circuit, or condemned them to die, as being guilty of high treason for bearing arms against the king. At length, being taken prisoner at Hereford, when that city was surpris'd by the parliament forces, 18th Decemb. 1645, he was hurried up to London, and committed prisoner to the Tower. Afterwards, being brought up to the bar in Chancery, he denied the authority of that court, because their seal was counterfeited, and so consequently the commissioners thereof were constituted against law; whereupon, being committed to Newgate prison, he was impeached of treason, and brought to the bar of the commons house; but denying their authority, and refusing to kneel, was, for his contempt, fined 1000*l.*, and remitted to his prison, and thence translated to Wallingford Castle. About that time he used his utmost endeavours to set the parliament and army at odds, thereby to promote the king's cause; but it did not take effect according to his desire. Afterwards passed an act for his tryal in the High Court of Justice, *an.* 1650; so that our author Jenkyns, thinking of nothing but hanging, was resolved, if it should come to pass, to suffer with the Bible under one arm, and Magna Charta (of which he was a zealous defender) under the other. But Harry Marten (as 'tis said) urging to his fellows that *sanguis martyrum est semen ecclesie*, and that that way of proceeding would do them mischief, they thought good not to take away his life. Afterwards he was sent to Windsor Castle, where remaining till the month of January, *an.* 1656, was set at liberty, and then lived for a time in Oxon, where he became a constant auditor of the sermons of Dr Edw. Hyde, at Halywell, (then lately ejected from his rectory of Brightwell, near Wallingford,) to whom all the loyal party of that city flocked, to hear his doctrine. After the restoration of King Charles II., 'twas expected by all that he should be made one of the judges in Westminster-hall; and so he might have been, would he have given money to the then lord-chancellor; \* but our author scorning such an act after all his sufferings, he retired to his estate in Glamorganshire, then restored to him, after the loss of it, and all he had, for many years. He was a person of great abilities in his profession, and his counsel was often used by Sir Jo. Banks and Will. Noy, in their attorneyships.

\* This being interpreted as a libel on the memory of the earl of Clarendon, poor Anthony Wood was fined, and expelled the university.

He was also a vigorous maintainer of the rights of the crown, a heart of oak, and a pillar of the law; sole author of his sovereign's rights, England's laws, and the people's liberties, when they were invaded and trampled under feet by restless and base men."—Wood's *Athens*, II. 328.

I HAVE been required to appear in Chancery the 12th of this instant February, before commissioners appointed by the two houses for the keeping of their great seal, and managing the affairs of the Chancery.

I cannot, nor ought, nor will submit to this power. I am a judge sworn to the laws. 4 Part Instit. fol. 79.  
The law is, first, that this court is *coram rege in cancellaria*: Secondly, the chancellor, 8 Ed. 4. fol. 5.  
or keeper of the great seal, is, by delivery of the great seal to him by the king, and by 9 Ed. 4. fol. 13.  
taking of an oath.

*The oath followeth, in these words :*

1. Well and truly to serve our sovereign lord the king, and his people, in that office. 4 Part Instit. fol. 79.
2. To do right to all manner of people, poor and rich, after the laws and usages of the realm. 10 R. 2. Rot. Parl. num. 8.
3. Truly to counsel the king, and his counsel to conceal and keep.
4. Not to suffer the hurt or disheriting of the king, or that the rights of the crown be decreased by any means, as far as he may let it.
5. If he may not let it, he shall make it clearly and expressly to be known to the king, with his true advice and counsel.
6. And that he shall do and purchace the king's profit in all that he reasonably may, as God him help, and the contents of God's book.

The said commissioners, among others, have imprisoned their king, have declared to the kingdom that they will make no addresses or applications to him, nor receive any from him : Declar. 17 Jan. 104.

Have counterfeited a new great seal, and after destroyed the true old great seal, which belonged, by the law, to the king's custody. Articul. sup. Chartas, chap. 8.

These commissioners have had no seal delivered to them by his majesty, have taken no such oath, or full ill kept it. And for these evident reasons, grounded upon the fundamental laws of this land, these commissioners have neither court, seal, or commission, and therefore I ought not, against the laws, against my knowledge, and against my conscience, submit to their power.

To affirm that they maintain the king's power and authority, in relation to his laws, (as they often do,) and restrain only his person, is strange.

They must be remembered, that the house of commons, this parliament, gave in charge to Mr Solicitor, upon the prosecution of the bill of attainder against the earl of Strafford, to declare the law to be, that machination of war against the laws or kingdom is against the king : they cannot be severed. Mr Solicitor, p. 27.

Mr Pym had in charge likewise, upon the same prosecution, to declare that the king and his people are obliged, one to another, in the nearest relation : He is a father ; and the child (in law) is called *pars patris* : He is the husband of the commonwealth : They have the same interests ; they are inseparable in their condition, be it good or evil : He is the head, they are the body : There is such an incorporation, as cannot be dissolved without the destruction of both. This agrees with our laws and the law of this land. 30 H. 7. fol. 7.  
8 H. 7. fol. 13.  
1 R. 5. fol. 3.  
In that argument of Mr Solicitor, and discourse of Mr Pym, directed by the house of commons, are contained the true rights, liberties, and laws of the people, deduced from our ancestors in all ages, and wherein there is no line or word but is agreeable to the laws, and is a necessary and useful book to be perused and followed by all ; which book was published by order of the house of commons. If the doctrine of that book had 4 Ed. 4. fol. 25.  
5 Ed. 4. fol. 29.

been followed, we had not been so miserable as we are, neither had those great evils ensued, for the which the land mourns.

Collect. of Ordinances, 1. Part. fol. 68, 67, 61.

In this month of February, six years now past, the only difference between his majesty and the prevailing party in both houses was touching the power of the militia; which, in plain English, is power over sea and land: this was the sole quarrel. The king and his progenitors have had it in all times; the laws have fixed it upon them; they have used it for the weale of the people: None of the subjects ever had it or claimed it; the laws deny it them; for the time they have had it, our pressures have been miserable.

His majesty hath a numerous issue, and so hath his father. Many great persons of England and Scotland are of the blood-royal, and all the kings of Christendom are of the same blood. So long as the laws last, or any of the said persons, or their descendants, be living, this people shall have neither peace nor profit, but all the confusions that are imaginable will attend them.

And therefore (at length) be good to yourselves, restore our king, receive from him an act of oblivion, a general pardon, assurance for the arrears of the soldiery, and meet satisfaction to tender consciences.

12 February, 1647.

DAVID JENKINS, prisoner in Newgate.

*Judge Jenkins his Judgment in the Law, concerning a Gentleman that was condemned for the late Rising at Canterbury.<sup>1</sup>*

27 Hen. 8. c. 24.

1. Protest against the judges, because they are no judges; for not being made by the king, who only can make judges, they are no judges; and being not made by patents under his great seal, which was broken by the two houses: and this, which they call his great seal, is not, but a counterfeit seal; the making of which was and is high treason by the laws of the land.

25 Ed. 3. c. 2.

*For Justification.*

7 Ed. 4. 20.  
8 Ed. 4. 3.  
9 Ed. 4. 27.  
4 Hen. 7. 18.  
27 Hen. 8. 29.

2. By the law of the land, when treason or felony is committed, it is lawful for every subject who suspects the offenders to apprehend them, and to secure them, so that justice may be done upon them, according to the law.

But to imprison the king is the most high and transcendent treason that may be. Therefore, for subjects to rise for his deliverance, against such traitors as imprisoned him, was justifiable by the laws of this realm.

That the king is a prisoner appears clearly by the guards that are set upon him, and by the late votes of the houses, which makes it treason for any subject to address himself to the king.

*Witnesses.*

1 Ed. 6. c. 11.  
5 Ed. 6. c. 11.  
3 Part Instit. fol. 25.

There must be two lawful witnesses upon the indictment of treason, and so upon the arraignment.

*Counsel.*

9 Ed. 4. fol. 22.  
1 H. 7. fol. 23.

For matter of law, counsel ought to be assigned.

<sup>1</sup> At the time the crisis of the king's fate approached, the loyalty of his subjects began to revive, but to so little purpose, as only to hasten his fate. In Kent, in particular, the cavaliers rose, under Hales and L'Estrange, but were soon suppressed by the disciplined and veteran forces sent against them by the Parliament.



*The Matters of Law are,—*

1. The indictment not of a form usual.
2. The indictment comprehends not matter sufficient to make the offence treason.
3. Statutes to plead, and other exceptions, as counsel shall advise.

*Challenge.*

He who is arraigned of high treason may challenge thirty-five jurors peremptorily, without giving any reason, and may challenge without number, shewing of cause.

Every juror ought to have four pound per annum in land of freehold; and if he have not, it is a good challenge in treason: And the prisoner may require that such juror he excepts against in this kind may, upon his oath, declare whether he hath so much or no.

Jurors ought to be *omni exceptione majores*, for our lives, liberties, estates, and fames rest upon them.

We acted nothing contrary to our allegiance to the king; which allegiance is due to his natural person invested with the royal power, which is indivisible from his natural person.

*The King's natural Person and his Power are indivisible.*

1. Liegeance is due to the natural person of the king, being every subject is sworn to the king, which cannot be done but to his natural person; and likewise the king swears to his subject: his power cannot swear.

2. Indictments are against King Charles, his peace, crown, and dignity; which proves that they are indivisible, because Charles imports his natural person. If the word Charles be omitted, the indictment is void.

3. Homage is done to the king with bended knees before him, and with hands complicated in his hands.

There is no kneeling to his power, for it is invisible; and his power hath no hands.

4. Liegeance is to royal blood that descends: Authority and power hath no blood: It is due to the heir of the king by descent: Power hath no heir nor descent.

5. The oath of allegiance is to a body visible and tangible: Power and authority is neither visible nor tangible.

The king's natural person and his authority are indivisible and inseparable.

6. The king, in his minority, is able to make grants; which sheweth that the power and his person are together.

All power begins with the king, and ceases with the king; as his parliament, judges, justices, sheriffs, &c. When the king dieth the power ceaseth; which would not cease, if it did not necessarily relate and depend upon the natural person of the king.

Arundel's case.  
6 Part Coke,  
fol. 4.  
3 Part Instit.  
fol. 137.  
Stanford, 158.

32 Hen. 6. fol.  
26.

14 H. 7. fol. 19.  
1 and 2 P. and  
Mar. c. 10.

3 Part Instit.  
fol. 27.  
1 Part Instit.  
fol. 156.

2 H. 5. c. 3.  
27 Eliz. c. 6.  
Stanford, fol.  
161.

1 Part Instit.  
fol. 156.

7 Part Coke.  
Calvis's case,  
fol. 11.

Little. cap. Ho-  
mage.

Calvin's case.  
Calvin's case.  
33, 1. 8. crown,  
Fidelity, 51.

Powd. fol.  
212. Vid St  
Johns and  
Pym's Speech-  
es against Straf-  
ford.  
4 Part Instit.  
fol. 46.  
1 Eliz. Dyor,  
165.

*A Remonstrance to the Lords and Commons of the two Houses of Parliament, at Westminster, the 21st of February, 1647.*

By David Jenkins, Prisoner in Newgate.

I desire that the lords and commons of both houses would be pleased to remember, and that all the good people of England do take notice of an order of the house of commons, this session, for publishing the Lord Coke's books; which order they may find printed in the last leaf of the second part of his Institutes, in these words:—

*Die Mercurii, 12 May, 1641.*

Upon debate this day, in the commons house of parliament, the said house did then desire, and held it fit that the heir of Sir Edward Coke should publish in print the Commentary upon Magna Charta, the Pleas of the Crown, and the Jurisdiction of Courts, according to the intention of the said Sir Edward Coke; and that none but the heir of the said Sir Edward Coke, or he that shall be authorised by him, do presume to publish, in print, any of the foresaid books, or any copy thereof.

H. ELSYNGE, *Cler. Dom. Com.*

And I would further desire them that they would read and peruse Mr Solicitor Saint John, and Mr John Pym, their books, published likewise this session, whose titles are as followeth, viz.

An 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.

By Mr Saint John, his Majesties Solicitor-General.

Published by Order of the Commons House.

London, printed by G. M., for Jo. Bartlet, at the sign of the Guilt Cup, neer St Austin's Gate, in Paul's Church-yard, 1641.

And the Speech or Declaration of John Pym, Esquire,

After the Recapitulation, or Summing up of the Charge of High Treason against Thomas, Earl of Strafford, 12 April, 1641.

Published by Order of the Commons House.

London, printed for John Bartlet, 1641.

1. Nothing is delivered for law in my books but what the house of commons have avowed to be law, in books of law published by their command this session, and agreeable to the books of law and statutes of this realm in all former times and ages.

2. The supposed offence charged on me is against the two houses; and none ought to be judges and parties, by the law of this land, in their own case.

3. I desire the benefit of Magna Charta, the Petition of Right, and other good laws of this land, which ordain that "all mens tryalls should be by the established laws, and not otherwise."—They are the very words of the petition of right.

An ordinance of both houses is no law of the land, by their own confession, and by the books of the Lord Coke, published by their order, as aforesaid, this session, in six different places.

For sedition, in my books there is none but such as they have authorised, this session, to be published and printed. To publish the law is no sedition. These positions following I do set down for the law of the land in my books; and they themselves have justifi-

1 Part Col. of Ordinances, fol. 72S.

2 Part Instit. fol. 47, 48, 157, 643.

4 Part Instit. 25, 239, 298.

4 H. 7. 18.

fed and avowed them, as aforesaid. We agree the law to be, and to have been, in all times, in all the particulars following, as here ensueth:—

1. To imprison the king is high treason.
2. To remove counsellors from the king by force is high treason.
3. To alter the establish'd laws, in any part, by force, is high treason.
4. To usurp the royal power is high treason.
5. To alter the religion established is high treason.
6. To raise rumours, and give out words to alienate the people's affections from the king, is high treason.
7. To seess soldiers upon the people of the kingdom, without their consent, is high treason.
8. The execution of paper orders by soldiers, in a military way, is high treason.
9. To counterfeit the great seal is high treason.
10. The commission of array is in force, and none other.
11. None can make judges, justices, sheriffs, &c., but the king: The king makes every court.
12. The great seal belongs to the king's custody, or to whom he shall appoint, and none other.
13. Ordinances of one or both houses are no laws to bind the people.
14. No privilege of parliament holds for treason, felony, or breach of the peace, not for twenty parliament men, forty, nor three hundred.
15. To subvert the fundamental laws is high treason.
16. To levy war against the person of the king is high treason.
17. To persuade foreigners to levy war within this kingdom is high treason.
18. To impose unlawful taxes, to impose new oaths, is high treason.
19. The king can do no wrong.
20. It is a pernicious doctrine to teach subjects they may be discharged from the oath of allegiance. Then what means the doctrine of the votes of both houses of the 11th of Feb. 1647.

21. A necessity of a man's own making doth not excuse him. The requiring and forcing of the militia brought the necessity of arming upon the houses.

22. None can levy war within this realm without authority from the king, for to him only it belongeth to levy war, by the common law of the land: to do otherwise is high treason, by the said common law. The only quarrel was and is the militia, for the which so much blood hath been spent and treasure. At whose door doth the sin lie?

23. No parliament without the king: he is *principium, caput et finis*.

24. Presentment, or tryal by jury, is the birthright of the subject.

There is no doubt but that many in both houses are free from this great sin, and that most of the prevailing party had at first no intentions to proceed so far; but the madness of the people, (who are very unstable, and so they will find them,) and the success of their arms, (having this great rich city to supply them with all accommodations,) have so elated them, that the evil is come to this height.

For myself, to put me to death in this cause is the greatest honour I can possibly receive in this world: *Dulce et decorum est mori pro patria*. And for a lawyer and a judge of the law to die *dum sanctis patrie legibus obsequitur*, for obedience to the laws, will be deemed by the good men of this time a sweet-smelling sacrifice; and by this and future times, that I died full of years, and had an honest and honourable end: and posterity will take knowledge of these men who put some to death for subverting of the laws, and others for supporting of them, &c.

Yet mercy is above all the works of God. The king is God's vicar on earth. In Bracton, who was a judge in Henry III. time, you shall find the king's oath: to shew mercy is part of it: You are all his children; say and do what you will, you are all his

3 Part Instit.  
p. 12.  
Mr. Solicitor,  
p. 12.  
3 Part Instit.  
p. 9.  
Mr Pym, p. 28.  
3 Part Instit, 3,  
10, 12, 16.  
3 Part Instit.  
p. 9.  
Mr. Solicitor,  
p. 30, 31, 36.  
Mr. Solicitor,  
p. 9.  
Mr. Solicitor,  
p. 9.  
Mr. Solicitor,  
p. 24.  
4 Part Instit.  
p. 125.  
Justice Hutton's argument,  
fol. 39, 40.  
4 Part Instit.  
2 Part Instit.  
artical. super  
Chartas, c. 5.  
1 Part Col of  
Ordin, and  
Coke, ut supra,  
4 Part Instit.  
p. 25.  
Mr. Solicitor,  
p. 8, 10.  
Mr. Solicitor,  
p. 12, 21.  
Mr. Solicitor,  
p. 28.  
Mr. Solicitor,  
p. 31.  
Mr. Pym, p. 8.  
Mr Pym, p. 17.  
Mr Pym, p. 24.

3 Part Instit.  
p. 9.  
Mr. Solicitor,  
p. 70, 71.  
4 Part Instit.  
p. 1, 3, 4.  
4 Part Instit.  
48, 356.

Bracton, lib. 3.  
cap. 9, p. 107.  
4 Part Instit.  
342, 343.  
Staunford, 99.

subjects, and he is your king and parent: *Pro magno peccato paululum supplicii satis est patri*: And therefore let not the prevailing party be obdurate, out of a desperation of safety. That which is past is not revocable. Take to your thoughts your parents, your wives, your children, your friends, your fortunes, your country; wherein foreigners write there is *mira aeris suavitas et rerum omnium abundantia*. Invite them not hither. The only way to be free of their company will be to restore his majesty, and receive from him an act of oblivion, a general pardon, assurance for the arrears of the soldiery, and meet satisfaction to tender consciences.

God preserve the king and the laws.

DA. JENKINS, prisoner in Newgate.

---

*Lex Terræ; or, Laws of the Land.*

By Judge Jenkins.

---

It is a remarkable example of the veneration in which the people of England hold their established laws and government, that long after the civil sword had been drawn, the advocates of each party continued to appeal to those municipal institutions which, in any other country, would have been silenced by the first clash of arms. And it is no small argument of the courage of Judge Jenkins, that being a prisoner, and in the power of the parliament, he ventured thus boldly to arraign their authority. The tract appears to have gone through several editions, from the first of which I restore the original dedication, omitted in the former edition of this collection.

*To the honourable Societies of Grayes-Inne, and of the rest of the Innes of Court, and to all the Professors of the Law.*

I have now spent forty-five years in the study of the lawes of this land, being my profession, under and by the conduct of which lawes this common-wealth hath flourished for some ages past, in great splendor and happinesse, (*jam seges est ubi Troja fuit.*) The great and full body of this kingdom hath of late yeares fallen into an extreame sicknesse. It is truly said, that the cause of the disease being known, the disease is easily cured. There is none of you, I hope, but doth heartily wish the recovery of our common parent, our native country, (*moribus antiquis stat res Britannica.*) I call God to witness that this discourse of mine hath no other end then my wishes of the common good. How farr I have been from ambition, my life past, and your owne knowledge of me, can abundantly informe you: and many of you well know that I ever detested ship-money and monopolies; and that, in the beginning of this parliament, for opposing the excesses of one of the bishops, I lay under three excommunications, and the examination of seventy-seven articles in the high commission court. His sacred majesty (God is my witness) made mee a judge in the parts of Wales against my will, and all the meanes I was able to make; and a patent for my place was sent mee, for the which I have not paid one farthing: and the place is of so inconsiderable a benefit, that it is worth but 80*l.* per annum, when paid; and it cost me, every yeare I served, twice as much out of mine owne estate, in the way of an ordinary and frugal expence. That which gave me comfort was, that I knew well that his majestie was a just and a prudent prince.

In the time of the attorneyships of Master Noy and the lord Banks, they were pleased to make often use of me; and many references concerning suits at court, upon that occasion, came to my knowledge: and, as I shall answer to God upon my last account, this is truth, that all, or most of the references which I have seen in that kind (and I have seen many) were to this effect:—That his majesty would be informed by his counsell if the suits preferred were agreeable to the lawes,

and not inconvenient to his people, before he would pass them. (What could a just and pious prince do more?) Gentlemen, you shall find the cause and the cure of the present great distemper in this discourse, and God prosper it in your hands, thoughts, and words, as the case deserves. Hold to the laws, this great body recovers; forsake them, it will certainly perish. I have resolved to tender myselfe a sacrifice for them as cheerfully, and, I hope, (by God's assistance,) as constantly as old Eleazer did for the holy lawes of his nation.

Your well-wisher,  
DAVID JENKINS, now prisoner in the Tower.

THE law of this land hath three grounds: First, custom: secondly, judicial records: thirdly, acts of parliament. The two latter are but declarations of the common law and custome of the realme touching royall government; and this law of royall government is a law fundamentall.

The government of this kingdome by a royall sovereign hath been as ancient as history is, or the memoriall of any time. What power this sovereignty alwayes had, and used in warre and peace in this land, is the scope of this discourse. That usage so practised makes therein a fundamentall law, and the common law of the land, is common usage. *Plowden's Commentaries*, 195.

The kings prerogative is a principal part of the common law. Com. Littl. 344.

For the first of our kings sithence the Norman conquest, the first William, second William, Henry the First, Stephen, Henry the Second, and Richard the First, the customs of the realme touching royall government were never questioned: The said kings enjoyed them in a full measure. In King John's time, the nobles and commons of the realme conceiving that the ancient customes and rights were violated, and thereupon pressing the said king to allow them, in the seventeenth of King John, the said liberties were by King John allowed, and by his son, Hen. the Third, after, in the ninth yeere of his reign, confirmed, and are called Magna Charta, and Charta de Foresta, declared foure hundred twenty-two yeares sithence by the said charters.

Now rests to be considered, after the subjects had obtained their rights and liberties, which were no other then their ancient customes, (and the fundamentall rights of the king, as soveraigne, are no other,) how the rights of sovereignty continued in practise from Henry the Thirds time until this present parliament of the third of November, 1640; for before Henry the Thirds time, the sovereignty had a very full power.

*Rex habet potestatem et jurisdictionem super omnes qui in regno suo sunt, ea quae sunt jurisdictionis et pacis ad nullum pertinent nisi ad regiam dignitatem, habet etiam coercionem, ut delinquentes puniat et coerceat.* This proves where the supream power is, A delinquent is hee who adheres to the kings enemies *com sur.* Littl. 261. This shewes who are delinquents.

Bracton, temp. H. 3. lib. 4. cap. 24. sect. 1.

*Omnis sub rege, et ipse sub nullo nisi tantum Deo, non est inferior sibi subjectis, non parem habet in regno suo.* This shewes where the supream power is.

Sect. 5. Bract. libid.

*Rex non habet superiorem nisi Deum, satis habet ad penam quod Deum expectat ultorem.* This shewes where the supreme power is.

Bracton, lib. 5 tract 3. de tallis, cap. 3. Bracton, lib. 5. cap. 7.

Treasons, felonies, and other pleas of the crowne are *propria causa regis.* This shewes the same power.

By these passages it doth appeare what the custome was for the power of sovereignty before that time; the power of the militia, of coyning of money, of making leagues with forreigne princes, the power of pardoning, of making of officers, &c. All kings had them: the said powers have no beginning.

*Sexto Ed. I. om sur.* Littl. 85, liege homage every subject owes to the king, (viz.) *faith de membro, de vita, de terreno honore.* The forme of the oath, *inter vetera statuta*, is Ed. 1. down. We read of no such, or any homage made to the two houses, but frequently of such made by them.

It is declared by the prelates, eates, barrons, and commonalty of the realm, that it belongeth to the king and his royall signiory straitly to defend force of armour, and all other force against the kings peace, at all times when it shall please him, and to punish them that shall doe contrary, according to the law and usage of the realme; and hereunto they are bound to ayde their soveraigne lord, at all seasons when need shall be. Here the supream power, in the time of parliament, by both houses, is declared to belong to the king.

7 Ed. 1.  
statutes at large-  
ful, v4.

7 Ed. 2. 4 Pars  
Instit. 14. 1 Ed.  
2. de Militibus.

At the beginning of every parliament all armes are, or ought to be forbidden to be borne in London, Westminster, or the suburbs. This condemnes the multitudes coming to Westminster, and the guards of armed men.

All who held by knights service, and had twenty pounds per annum, were distraynable, *ad arma militaria suscipienda*. This agrees with the records of ancient time, continued constantly in all kings times: but at this parliament, three November, 1640, the king, out of his grace, discharges this duty; which proves that the power of warre, and preparation thereto, belongs not to the two houses, but only to the king.

Ed. 3. Calvins  
Case. Cook, lib.  
7. fol. 1.

The two Spencers, in Ed. II. time, hatched (to cover their treason) this damnable and damned opinion, (*viz.*) That liegeance was more by reason of the kings politiquae capacity then of his person; upon which they inferred these execrable and detestable consequences: First, if the king demeaned not himselfe by reason in the right of his crown, his lieges are bound by oath to remove him: Secondly, seeing the king could not be removed by suit of law, it was to be done by force: Thirdly, that his lieges be bound to govern in default of him.

All which tenets were condemned by two parliaments; the one called *Exilium Hungonis*, in Ed. II. time; the other by 1 Ed. III. cap. 2. All which articles against the Spencers are confirmed by this last statute. The articles are extant in the booke called *Vetera Statuta*. The separation of the kings person from his power is the principall article condemned, and yet all these three damnable, detestable, and execrable consequences are the grounds whereupon this present time relies, and the principles whereupon the two houses found their cause.

Plowden, Com.  
322. 27. ass. pl.  
49.

The villeine of a lord, in the presence of the king, cannot be seized; for the presence of the king is a protection for that time to him. This shewes what reverence the law gives to the person of a king.

33 Ed. 3. ayd  
de roy, 103.

*Reges, sacro oleo uncti, sunt capaces spiritualis jurisdictionis.* But the two houses were never held capable of that power.

Fitz. 10 H. 7.  
16.

*Rex est persona mixta cum sacerdote, habet ecclesiasticam et spiritualement jurisdictionem.* This shewes the king's power in ecclesiasticall causes.

Com. Sur. Littl.  
sect. 4.

The lands of the king is called, in law, *patromonium sacrum*. The houses should not have meddled with that sacred patromony.

3 Ed. 3. 19.

The king hath no peere in his land and cannot be judged; *ergo* the two houses are not above him.

The parliament 15 Ed. III. was repealed, for that it was against the king's lawes and prerogative. 4 Pars Instit. fol. 32. This shewes cleerly the propositions sent to Newcastle ought not to have been presented to his majesty, for that they are contrary to the lawes and his prerogative.

4 Pars Cookes  
Instit. fol. 14.  
42 E. 3. Par-  
liament Rol.  
num. 7.

The lords and commons cannot assent in parliament to any thing that tends to the disinherision of the king and his crowne, to which they are sworn. This condemnes the said propositions likewise.

Lex et consuetudo  
Parliam nti.

To depose the king, to imprison him untill he assent to certain demands, a war to alter the religion established by law, or any other law, or to remove councellers, to hold a castle or fort against the king, are offences against that law, declared to be treason by the resolutions herein after-mentioned. By that law men are bound to ayd the king when war is levied against him in his realme. King, in this statute, must be intend-

25 Ed. 3. cap.  
2.

ed in his naturall body and person, that can only die; for to compass his death, and declare it by overt act, is declared thereby treason. To incounter in fight such as come to ayde the king in his wars is treason.

Compassing of the queenes death, of the king's eldest son, to coyne his money, to counterfeit his great seale, to levie warre against him, to adhere to such as shall so do, are declared, by that act, to be high treason. This statute cannot refer to the king in his politique capacity, but to his naturall, which is inseparable from the politique; for a body politique can have neither wife nor child, nor levie warre, nor do any act but by the operation of the naturall body. A corporation, or body politique, hath no soule or life, but is a fiction of the law; and the statute meant not fictitious persons, but the body naturall, conjoynd with the publike, which are inseperable.

21 Ed. 4. 14.

The clause in that act, that no man should sue for grace or pardon for any offence condemned, or forfeiture given by that act, was repealed by a subsequent act; in 21 R. II. holden unreasonable, without example, and against the law and custom of the parliament. This condemnes the proposition for disabling the king to pardon. 4 Pars Instit. fol. 42. The act of 11 R. II., so much urged by the other side, was an act to the which the king consented, and so a perfect act; yet note the army then about the towne; note that that law is against private persons; and by the 3. cap. thereof the treasons there declared are declared to be new treasons made by that act, and not to be drawne to example. It was abrogated 21 R. II., and revived by an usurper, 1 H. IV., to please the people, and by the tenth chap. thereof enacts, that nothing shall be treason but what is declared by 25 Ed. III.

R. 2. 11. anno, cap. 13. 4 Pars Instit. fol. 42.

The regality of the crown of England is immediately subject to God, and to none other. Plaine words, shewing where the supream power is.

16 Ed. cap. 5.

The commission of array is in force, and no other commission; Rot. Parlm. 5. H. IV., numb. 24; an act not printed. This act was repealed by 4 and 5 P. and M. cap. 2; this repealed by the act of 1 Jacobi; and so it is of force at this day; for the repealing statute is repealed, 4 Pars Instit. fol. 51 and 125, published sithence this parliament, by the desire of the house of commons. Their order is printed in the last leafe of the Commentaries upon Magna Charta.

Sir Edward Cooke, by their party, is holden for the oracle of the law who wrote the said fourth part, in a calme and quiet time, and, I may say, when there was no need to defend the authority of the commission of array.

A booke allowed by Sir Nat. Brent, called the Reason of the War, fol. 65.

For that objection, that the commission leaves power to the commissioners to tax men *secundum facultates*, and so make all men's estates arbitrary, the answer is, that in levying of publick ayds upon mens goods and estates, which are variable, and probably cannot be certainly knowne by any but the owners, it is impossible to avoid discretion in the assessments; for so it ever was, and ever will be. By this appeares that the votes of the two houses against the commission of array were against the law.

The death of the king dissolves the parliament. If kings should refer to the politique capacity, it would continue after his death; 4 Pars Inst. 46; which proves that the king cannot be said to be there when he is absent, as now he is: there is no interregnum in the kingdome. The dissolution of the parliament by his death shewes that the beginning and end thereof refers to the naturall person of the king, and therefore he may lawfully refuse the propositions.

H. 5. 2 H. 5. 4. Pars Inst. 46.

2 H. V., chap. 6, to the king only it belongs to make leagues with forraigne princes. This shewes where the supream power is.

8 H. VI., numb. 75. Rott. Parl. Cookes 4 Pars Instit. 25, no privilege of parliament is grantable for treason, felony, or breach of the peace: If not to one member, not to two, not to ten, not to the major part; 19 H. VI., 62. The law is the inheritance of the king and his people, by which they are ruled, king and people: and the people are by the law bound to ayde the King: and the king hath an inheritance to hold parliaments,

and in the ayds granted by the commonalty. If the major part of a parliament commit treason, they must not be judges of it; for no man or body can be judge in his owne cause; and as well as ten or any number may commit treason, the greater number may as well.

The king by his letters patents may constitute a county palatine, and grant regall rights. This shewes where the supream power is.

17 Ed. IV. Rot. Parl. numb. 39, no priviledge of parliament is grantable for treason, felony, or breach of the peace: If not for one, not for two or more, or a major part.

The same persons must not be judge and party. A corporate body can commit no treason, nor can treason be committed against a corporate body; 21 E. IV. 13 and 14; but the persons of the men who make that body may commit treason, and commit it against the naturall person of him who, to some purposes, is a body corporate; but *quatenus corporate*, no treason can be committed by or against such a body: that body hath no soul, no life, and subsists only by the fiction of the law, and for that reason the law doth conclude as aforesaid: Therefore the statute of 25 E. III. must be intended of the kings naturall person conjoynd with the politique, which are inseparable; and the kings naturall person being at Holmby, his politique is there also, and not at Westminster; for the politique and naturall make one body indivisible.

If all the people of England should breake the league made with a forreigne prince without the kings consent, the league holds, and is not broken; and therefore the representative body is inferior to his majesties.

The king may erect a court of common pleas, in what part of the kingdom he pleaseth, by his letters patents. Can the two houses do the like?

1 Ed. V., fol. 2, it cannot be said that the king doth wrong, declared by all the judges and serjeants at law then there.

The reason is, nothing can be done in this common-wealth by the king's grant, or any other act of his, as to the subjects, persons, goods, lands, or liberties, but must be according to established lawes, which the judges are sworn to observe and deliver between the king and his people, impartially to rich and poor, high and low; and therefore the justices and the ministers of justice are to be questioned and punished if the laws be violated; and no reflection to be made on the king. All counsellors and judges, for a yeare and three months, untill the tumults began this parliament, were all left to the ordinary course of justice. What hath beene done sithence is notorious.

For great causes and considerations an act of parliament was made for the surety of the king's person. If a parliament were so tender of King Rich. the III., the houses have greater reason to care for the preservation of his majestie.

The subjects are bound by their allegiance to serve the king for the time being, against every rebellion, power, and might reared against him within this land: That it is against all lawes, reason, and good conscience, if the king should happen to be vanquished, that for the said deed and true duty and allegiance they should suffer in any thing: it is ordained they should not: and all acts of processe of law hereafter to be made to the contrary are to be void. This law is to be understood of the naturall person of the king, for his politique capacity cannot be vanquished, nor war reared against it.

Relapsers are to have no benefit of this act.

It is no statute if the king assent not to it; and he may dis-assent. This proves the negative voice.

The king hath full power, in all causes, to do justice to all men. This is affirmed of the king, and not of the two houses.

The commons in parliament acknowledge no superiour to the king under God: the houses of commons confesse the king to be above the representative body of the realme.

32 H. 6. 13.  
Plowd. 394.

Edw. 4.

Calvins Case,  
7 pars, fol. 11,  
12.

Plow. Com.  
213.

19 Ed. 4. 46.  
22 Ed. 4.  
Fitz. Jurisdic  
tion, last  
placite.

Ed. 5.  
4 Ed. 4. 25.  
5 Ed. 4. 29.

R. 3.  
1 R. 3. cap.  
15.

H. 7.  
14 H. 7. cap.  
1.

12 Hen. 7. 20.  
H. 8.  
24 H. 8. c. 12.  
25 H. 8. c. 21.



Of good right and equity, the whole and sole power of pardoning treasons, felonies, &c., belong to the king, as also to make all justices of oyer and terminer, judges, justices of the peace, &c. This law condemns the practise of both houses at this time. 27 H. 8. c. 24. Note.

The king's royall assent to any act of parliament signed with his hand, expressed in his letters patents under the great seale, and declared to the lords and commons, shall be as effectull as if he assented in his owne person. A vaine act, if the king be virtually in the two houses. 33 H. 8. cap. 21.

The king is the head of the parliament, the lords the principall members of the body, the commons the inferior members, and so the body is composed; therefore there is no more parliament without a king, than there is a body without a head. Dier. 98 H. 8. fol. 59, 60.

There is a corporation by the common law, as the king, lords, and commons are a corporation in parliament, and therefore they are no body without the king. 14 H. 8. fol. 3.

The death of the king dischargeth all mainprise to appear in any court, or to keep the peace. 24 Ed. 3. 48. 1 Ed. 4. 2. 2 H. 4. 8. 1 H. 7. 10. 1 Ed. 5. 1. Ed. 6.

The death of the king discontinues all pleas by the common law: Which agreeth not with the virtual power insisted upon now. 1 Ed. 6. c. 7.

Writs are discontinued by the death of the king; patents of judges, commissions for justices of the peace, sheriffs, escheators, determined by his death. Where is the virtual power?

All authority and jurisdiction, spiritual and temporal, is derived from the king, therefore none from the houses. 1 Ed. 6. c. 2.

His majesties subjects, according to their bounden duties, ought to serve the king in his wars of this side, or beyond the seas. Beyond the seas is to be understood for wages. This proves the power of wars, and preparation for war, to be in the king. 2, 3 Ed. 6. cap. 2. 11 H. 7. c. 1. Calvinus Case. Sa. Pars Cooke.

It is most necessary, both for common policy and duty of the subject, to restrain all manner of shamefull slanders against their king, which, when they be heard, cannot but be odible to his true and loving subjects, upon whom dependeth the whole unity and universal weale of the realm. This condemns their continuing of the weekly pamphlets, who have been so foul mouthed against his majesty. 5, 6 Ed. cap. 11.

The punishment of all offenders against the laws belongs to the king; and all jurisdictions do, and of right ought to belong to the king. This leaves all to his majesty. Q. Mary. 1 Mar. Pl. 2. cap. 2. 4, 5 P. & M. c. 3. Q. Eliz. 10 Eliz. Pl. 315.

All commissions to levy men for the war are awarded by the king. The power of war only belongs to the king.

It belongs to the king to defend his people, and to provide arms and force. No speech of the two houses.

*Roy ad sole government de ses subject. Corps naturall le roy et politique sunt un corps;* that is, the king hath the sole government of his subjects. The body politique and the naturall body of the king make one body; and not divers, and are inseparable and indivisible. Plow. 234, 242, 243. Calvinus Case, 7 pars. fol. 12. Plow. Com. 213. Plow. 954, 245, 215. Calvinus Case, 7 pars. fol. 13.

The body naturall and politique make one body, and are not to be severed. Liegance is due to the naturall body, and is due by nature. God's law and man's law cannot be forfeited nor renounced by any meanes: it is inseparable from the person.

Every member of the house of commons, at every parliament, takes a corporall oath, that the king is the supreme and only governour in all causes, in all his dominions, otherwise he is no member of that house. The words of the law are,—in all causes, over all persons. 1 Eliz. cap. 1. Cawdries Case. 5 pars. fol. 1.

The said act of 1 Eliz. is but declarative of the ancient law: Cawdrie's case, *ibid.*

The earle of Essex and others assembled multitudes of men to remove counsellors; adjudged treason by all the judges of England. 43 Eliz. 3 Pars Instit. fol. c. 2.

To depose the king, or take him by force, to imprison him untill he hath yielded to certain demands, adjudged treason, and adjudged accordingly in the lord Cobham's case. 39 Eliz. Hil. 1 Jacobi. *ibid.*

A rising to alter religion established, or any law, is treason; so for taking the king's castles, forts, ports, or shipping. Brooke, *Treason*, 24; 3 and 4 Philip and Mary; Dier; Strafford's case concerning Scarborough.

The law makes not the servant greater than the master, nor the subject greater than the king; for that were to subvert order and measure.

The law is not known but by usage, and usage proves the law; and how usage hath been is notoriously knowne.

The king is our only rightfull and lawfull liege lord and soveraigne. We doe, upon the knees of our hearts, agnize constant faith, loyalty, and obedience to the king and his royall progeny, in this high court of parliament, where all the body of the realme is eyther in person or by representation: We do acknowledge that the true and sincere religion of the church is continued and established by the king; and doe recognize, as we are bound by the law of God and man, the realme of England, and the imperiall crowne thereof doth belong to him by inherent byrth-right, and lawfull and undoubted succession; and submit our selves and our posterities for ever, untill the last drop of our blood be spent, to his rule; and beseech the king to accept the same, as the first fruits of our loyalty and faith to his majesty and his posteritie for ever: and for that this act is not compleat nor perfect without his majesties assent, the same is humbly desired. This proves that the houses are not above the king; that kings have not their titles to the crowne by the two houses, but by inherent byrth-right; and that there can be no statute without his expresse assent; and destroys the chymera of the king's virtuall being in the houses.

To promise obedience to the pope, or any other state, prince, or potentate, other than the king, his heirs and successors, is treason; and therefore those persons who call the houses the estates offend this law.

Such bills as his majesty is bound in conscience and justice to passe are no law without his assent.

To designe the ruine of the king's person, or of monarchy, is a monstrous and injurious charge.

*Ubi lex non distinguit, non est distinguendum*, all the aforesaid acts and lawes-doe evidently prove the militia to belong to the king: that the king is not virtually in the two houses: that the king is not considerable separately, in relation to his politique capacity: that the king is not a person trusted with a power, but that it is his inherent byrth-right from God, nature, and lawe; and that he hath not his power from the people. These lawes have none of those distinctions of naturall and politique, *abstractum et concretum*, power and person. In Cæsar's time this island had kings, and ever since, which is almost seventeen hundred yeeres agoe.

No king can be named, in any time, made in this kingdom by the people. A parliament never made a king, for they were kings before. The parliaments are summoned by the king's writ, which, for the knights, citizens, and burgesses, begins thus, viz.

*Rex vic, Wilts. Saltem. Quia nos de avaisamento et assensu consilii nri. pro quibus. arduis et urgentib. negotiis nos statum et defensionem regni nri. Ang. et eccles. Anglic. concernentibus quoddam parlamentum nrum, apud B. teneri ordinavimus et ibid cum prelati magnatib. et proceribus dicti regni nri. colloqui, habere et tractatum, ipsi vicecomiti precipimus firmiter injungendo qd. facta proclamatione in prox. comitatu tuo post receptionem ejusd. brevis, duos milites gladius cinctos, &c. eligi facias ad faciendum et consentiendum his que tunc ibidem de communi concilio nro. Angl. faventi Deo contigerit ordinari super negotiis antedictis, it à quod pro defectu potestatis hujusmodi seu propter improvidum electionem milium, civium, et burgensium pred. dicta negotia nra. infecta non remanent.*

The king is *principium, caput et finis parliamenti*. The body makes not the head, nor that which is posterior that which is prior. *Concilium non est preceptum, conciliarii non*

39 Ed.  
Bradf. Case, c.  
9 and 16.  
By all the  
judges of Eng-  
land, ib.  
10 Eliz.  
Plow. 316.  
10 Eliz.  
Plow. 319.

K. James.  
1 Jac. cap. 1.  
9 Ed. 4. fol. 8.

3 Jac. cap. 4.

K. Charles.  
Collection of  
Ordinances,  
fol. 127. 1  
pars ib. fol.  
729.  
Ibid. fol. 865.

4 Pars Instit.

*sunt præceptores.* For counsell to compell a consent hath not been heard of to this time in any age; and the house of commons, by the writt, are not called *ad concilium*. The writts to the twelve judges, kings counsell, twelve masters of the Chancery, are *concilium impensury*, and so of the peers: the writts for the cominality, *ad faciendum et consentiendum*. Which shewes what power the representative body hath: they have not power to give an oath, neither do they claime it.

The oath of the justices, 18 of E. 3. among statutes of that yeere.

The king, at all times when there is no parliament, and in parliament, is assisted with the advice of the judges of the lawe, twelve in number, (for England at least hath two sergeants, when fewest,) an attorney and solicitor, twelve masters of the Chancery, his counsell of state, consisting of some great prelates, and other great personages versed in state affaires, when they are fewest, to the number of twelve. All these persons are atwaies of great substance, which is not preserved but by the keeping of the lawe: The prelates versed in divine lawe, the other grandees in affaires of state, and managery of government: the judges, kings sergeants, attorney, solicitor, and masters of the Chancery versed in the lawe and customes of the realme: All sworn to serve the king and his people justly and truly. The king is also sworn to observe the laws; and the judges have in their oath a clause, That they shall do common right to the kings people, according to the established laws, notwithstanding any command of the king to the contrary, under the great seal or otherwise. The people are safe by the lawes in force, without any new. The law finding the kings of this realme assisted with so many great men of conscience, honour, and skill in the rule of common-wealth, knowledge of the lawes, and bound by the high and holy bond of an oath upon the Evangelists, settles, among other powers, upon the king, a power to refuse any bill agreed upon by both houses, and power to pardon all offences, to passe any graunts in his minority, (there are many great persons living hold many a thousand pound a-yeare by patents from Edward the Sixt, passed when he was but ten yeares of age,) not to be bound to any law to his prejudice, whereby he doth not binde himselfe, power of warre and peace, coyning of money, making all officers, &c. The lawe, for the reasons aforesaid, hath approved these powers to be unquestionable in the king, and all kings have enjoyed them till 3 Nov. 1640.

It will bee said, notwithstanding all this fence about the lawes, the lawes have been violated, and therefore the said powers must not hold; the two houses will remedy this.

The answer to this is evident. There is no time past, nor time present, nor will there be time to come, so long as men manage the lawe, but the lawes will be broken more or lesse, as appears by the story of every age. All the pretended violations of this time were remedied by acts to which the king consented before his departure, 10 Jan. 1641, being then driven away by tumults. And the houses, for a yeare and almost three moneths, from 3 Nov. 1640 to 10 Jan. 1641, as aforesaid, being a yeare and almost three moneths, had time and liberty to question all those persons who were eyther causes or instruments of the violation of any of the lawes.

Examine how both houses remedied them in former times. First, touching religion. What hath been done this way? Both houses, in Henry the Eight's time, tendred to him a bill to bee passed, called commonly the bill of the six articles. This was conceived by them to be a just and a necessary bill. Had not Henry the Eight done well to have refused the passing of this bill? Both houses tendred a bill to him to take the reading of the Scriptures from most of the laity. Had not King Henry the Eight deserved much prayse to reject this bill? In Queene Maryes time both houses exhibited a bill to her to introduce the popes power and the Roman religion. Had not Queene Mary done well to have refused this bill? Many such instances may be given. The two houses, now at Westminster, I am sure, will not deny but the refusall of such bills had beene just, the king being assisted as aforesaid; and why not so in these times?

For the civil government, what a bill did both houses present to Richard the Third,

to make good his title to the crowne. Had it not beene great honour to him to have rejected it? What bills were exhibited to Henry the Eighth, by both houses, for bastardizing of his daughter Elizabeth, a queen of renowned memory, to settle the crowne of this realme, for default of issue of his body, upon such persons as he should declare by his letters patents, or his last will; and many more of the like? Had not this refusal of passing such bills magnified his virtue, and rendred him to posterity in a different character from what he now hath?

And by the experience of all times, and the consideration of human frailty, this conclusion is manifestly deduced, that it is not possible to keepe men at all times, (be they the houses, or the king and his counsell,) but there will be sometimes some deviation from the lawes; and therefore the constant and certaine powers fixed by the ancient law must not be made void, and the kings ministers. The laws do punish where the law is transgressed; and they only ought to suffer for the same.

In this parliament the houses exhibited a bill to take away the suffrages of bishops in the upper house of parliament, and have sithence agreed there shall be no more bishops at all. Might not the king, if he had so pleased, have answered this bill with *le roy s'avisera*, or *ne veult*; (it was against *Magna Charta*, *Articuli Cleri*, and many other acts of parliament;) and might have farther given these reasons, if it had so pleased him, for the same: First, that this bill destroyes the writt whereby they are made two houses of parliament; the king, in the writt to the lords, being *cum prelatibus colloquium habere*: Secondly, they have been in all parliaments since we had any, and voted, but in such wherein they themselves were concerned: and there have beene bishops here ever since we were Christians, and the fundamentall law of the kingdome approves of them: If any of them were conceived offensive, they were left to justice, and his majestie would put in inoffensive men in their places: But sithence his majestie hath passed the bill for taking away their votes in parliament, it is a law that binds us so fast.

Upon the whole matter, the law hath notably determined that bills agreed by both houses, pretended to be for the publique good, are to be judged by the king; for in all kings reigns bills have been preferred by both houses; which always are pretended to be for the publique good, and many times are not, and were rejected with *roy s'avisera* or *roy ne veult*.

This parliament beganne the third of November, 1640. Before that time, in all the kings reigne, no armed power did force any of the people to do any thing against the law: What was done was by his judges, officers, referees, and ministers. From that time untill the tenth of January, 1641, (when the king went from London, to avoyde the danger of frequent tumults, being a yeare and three months,) privy-councillors, and all his justices and ministers, were left to the justice of the law: There wanted no time to punish punishable men.

The saphere of the house of commons is to represent the grievances of the countrey, to grant aydes for the king, upon all fit occasions extraordinary, to assent to the making or abrogating of lawes; the orb of the house of lords to reforme erroneous judgements given in the Kings Bench, to redresse the delays of courts of justice, to receive all petitions, to advise his majestie with their counsell, to have their cotes in making or abrogating of lawes, and to propose for the common good what they conceive meete.

*Lex non cogit ad impossibilia*, subjects are not to expect from kings impossible things. So many judges, counsellours, sheriffes, justices of the peace, commissioners, ministers of state, that the king should over-look them all cannot be: it is impossible.

The king is virtually in his ordinary courts of justice, so long as they continue his courts: Their charge is to administer the lawes in being, and not to delay, deferre, or sell justice for any commandment of the king. We have lawes enough, *instrumenta boni sæculi sunt boni viri*: good ministers, as judges and officers, are many times wanting. The houses propose new lawes, or abrogation of the old; both induce novelty. The law,

for the reasons aforesaid, makes the king the only judge, who is assisted therein by a great number of grave, learned, and prudent men, as aforesaid.

For the considerations aforesaid, the kings party adhered to him: The law of the land is their birth-right, their guide: no offence is committed where that is not violated. They found the commission of array warranted by the law; they found the king in this parliament to have quitted the ship-money, knight-hood-money, seven courts of justice, consented to a triennial parliament, settled the forest bounds, tooke away the clerke of the market of the household, trusted the house with the navie, passed an act not to dissolve this parliament without the houses assent. No people in the world so free, if they could have been content with laws, oaths, and reason; and nothing more could or can be devised to secure us, neither hath been in any time.

Notwithstanding all this, we found the king driven from London by frequent tumults; that two-thirds and more of the lords had disserted that house for the same cause, and the greater part of the house of commons left that house also for the same reason; new men chosen in their places, against law, by the pretended warrant of a counterfeit seale; and in the king's name, against his consent, levying war against him, and seizing his ports, forts, magazines, and revenue, and converting them to his destruction, and the subversion of the law and land; laying taxes on the people, never heard of before in this land; devised new oaths, to oppose forces raised by the king not to adhere to him, but to them, in this warre; which they call the negative oath, and the vow and covenant.

By severall wayes, never used in this kingdom, they have raised monies to foment this warre, and especially to enrich some among them; namely, first, excise; secondly, contributions; thirdly, sequestrations; fourthly, fift parts; fifthly, twentieth parts; sixthly, meale-money; seventhly, sale of plundered goods; eighthly, loans; ninthly, benevolences; tenthly, collections upon their fast-dayes; eleventhly, new impositions upon merchandizes; twelfthly, guards maintained upon the charge of private men; thirteenthly, fifty subsidies at one time; fourteenthly, compositions with such as they call delinquents; fiftenthly, sale of bishops lands, &c.

From the kings party meanes of subsistence are taken; before any indictment, their lands seized, their goods taken. The law allows a traytor, or felon attainted, *necessaria sibi et familiae suae in victu et vestitu*. Where is the covenant? Where is the petition of right? Where is the libertie of the subject?

First, We have ayded the king in this warre, contrary to the negative oath and other votes. Our warrant is the twenty-fifth of Edward the Third, the second chapter, and the said resolutions of all the judges.

Secondly, We have maintained the commission of array by the kings command, contrary to their votes. We are warranted by the statute of the fifth of Henry the Fourth, and the judgement of Sir Edward Cooke, the oracle of the law, as they call him.

Thirdly, We maintained arch-bishops and bishops, whom they would suppress. Our warrant is Magna Charta, and many statutes more.

Fourthly, We have maintained the Booke of Common Prayer; they suppress it. Our warrant is five acts of parliament in Edward the Sixth and Queen Elizabeths time, *5 Pesche, 35 Elizabeth inter placita coronae in Banco Regis*, New Booke of Entries, fol. 252. Penry, for publishing two scandalous libels against the church government, was indicted, arraigned, attainted, and executed at Tyburne.

Fifthly, We maintained the militia of the kingdom to belong to the king; they the contrary. Our warrant is the statute of the seventh of Edward the First, and many statutes sithence, the practice of all times, and the custome of the realm.

Sixthly, We maintained the counterfeiting of the great seale to be high treason, and so of the usurpation of the kings forts, ports, shipping, castles, and his revenue, and the coyning of money, against them. We have our warrant by the said statute of the twen-

1 R. 3. cap. 3.  
Bract. lib. 3.  
c. 8. Stanford,  
192. Sir G.  
Fleetwoods  
Case. 6. Para  
Cook. 7 H. 4.  
last leaf.

ty-fifth of Edward the Third, chapter the second, and divers others since, and the practise of all times.

Seventhly, We maintaine that the king is the only supreme governour in all causes; they, that his majesty is to be governed by them. Our warrant is the statutes of the first of Q. Elizabeth, chapter the first, and the fifth of Q. Elizabeth, the first.

9 Ed. 4. fol. 4.

Eighthly, Wee maintaine that the king is king by an inherient birth-right, by nature, by Gods law, and by the law of the land: they say his kingly right is an office upon trust. Our warrant is the statute of the first of King James, chapter the first, and the resolution of all the judges of England, in Calvins case.

Ninthly, We maintain that the politick capacity is not to be severed from the natural; they hold the contrary. Our warrant is two statutes, (viz. *exilium Hugonis*, in Edward the Seconds time, and the first of Edward the Third, chapter the second,) and their oracle, who hath published it to posterity, that it is damnable, detestable, and execrable treason. Calvins case, pars 7. fol. 11.

Tenthly, We maintain that who aids the king at home or abroad ought not to be molested or questioned for the same; they hold and practise the contrary. Our warrant is the statute of the eleventh of Henry the Seventh, chapter the first.

Eleventhly, We maintain that the king hath power to disassent to any bill agreed by the two houses; which they deny. Our warrant is the statute of the second of Henry the Fifth, and the practise of all times, the first of King Charles, chapter the seventh, the first of King James, chapter the first.

Col. of Ord.  
fol. 31.

Twelfthly, We maintain that parliaments ought to be holden in a grave and peaceable manner, without tumults: They allowed multitudes of the meanest sort of people to come to Westminster, to cry for justice, when they could not have their will, and keep guards of armed men to wait upon them. Our warrant is the statute of the seventh of Edward the Second, and their oracle.

Thirteenthly, We maintain that there is no state within this kingdome but the kings majesty, and that to adhere to any other state within this kingdome is high treason. Our warrant is the statute of the third of King James, chapter the fourth, and the twenty-third of Queen Elizabeth, chapter the first.

Fourteenthly, We maintain that to levy a warre, to remove councillours, to alter religion, or any law established, is high treason; they hold the contrary. Our warrant is the resolutions of all the judges of England in Queen Elizabeths time; and their oracle agrees with the same.

Fifteenthly, We maintain that no man should be imprisoned, put out of his lands, but by due course of the law; and that no man ought to be adjudged to death but by the law established, the customes of the realm, or by act of parliament; they practise the contrary in London, Bristol, Kent, &c. Our warrant is Magna Charta, chapter the twenty-ninth, the Petition of Right, the third of King Charles, and divers lawes there mentioned.

We of the kings party did and do detest monopolies and ship-money, and all the grievances of the people, as much as any men living: We do well know that our estates, lives, and fortunes are preserved by the lawes, and that the king is bound by his lawes: We love parliaments. If the kings judges, councill, or ministers have done amisse, they had from the third of November, 1640, to the tenth of January, 1641, time to punish them, being all left to justice. Where is the kings fault?

The law saith the king can do no wrong; that he is *medicus regni, pater patriæ, sponsus regni, qui per anulum* is espoused to his realm at his coronation. The king is Gods lieutenant and is not able to do an unjust thing:—These are the words of the law.

11 Pars Cooks  
Reports. Mag-  
dalen Coll-ge  
Case.

One great matter is pretended, that the people are not sure to enjoy the acts passed this parliament; a succeeding parliament may repeal them. The objection is very weak. A parliament succeeding to that may repeal that repealing parliament. That feare is

endlesse and remedlesse; for it is the essence of parliaments, being compleat, as they ought to be, of head, and all the members, to have power over parliaments before. Parliaments are as the times are. If a turbulent faction prevails, the parliaments are wicked, as appears by the examples recited before, of extreme wicked parliaments; if the times be sober and modest, prudent, and not biassed, the parliaments are right, good, and honourable, and they are good medicines and salves: but in this parliament *excessit medicina modum*.

In this cause and warre between the kings majesty and the two houses at Westminster, what guide had the subjects of the land to direct them but the lawes? What means could they use to discern what to follow, what to avoid, but the lawes? The king declares it treason to adhere to the houses in this warre: The houses declare it treason to adhere to the king in this warre. The subjects, for a great and considerable part of them, (treason being such a crime as forfeits life and estate, also renders a mans posterity base, beggarly, and infamous,) looke upon the lawes, and find the letter of the law requires them to assist the king, as before is manifested. Was ever subject criminally punished, in any age or nation, for his pursuit of what the letter of the law commands?

The subjects of the kingdome find the distinction and interpretation now put upon the lawes of *abstractum et concretum*, power and person, body politique and naturall, personall presence and virtuell, to have beene condemned by the law. And so the kings party hath both the letter of the law and the interpretation of the letter cleared to their judgments, whereby they might evidently perceive what side to adhere to. What satisfaction could modest, peaceable, and loyall men more desire?

*A verbo legis in criminibus et poenis non est recedendum*, hath been an approved maxime of law in all ages and times. If the king be king, and remain in his kingly office, (as they call it,) then all the said lawes are against them, without colour. They say the said lawes relate to him in his office: they cannot say otherwise. Commissions and pardon in the kings name, and the person of the king and his body politique cannot, nor ought be severed, as hath been before declared. And the members of both houses have sworn constantly in this parliament, that the king is the only supreme governor in all causes, over all persons at this present time.

Coll. of Ord.  
nances, 777.

5 Elizabeth,  
cap. 1  
1 Eliz. cap. 1.

For that of verball or personall commands of the king, which is objected, we affirm few things to be subject thereto by the law: But his majesties command under his great seale, which in this war hath been used, by the kings command, for his commission to leavy and array men, that is no personall command, (which the law<sup>s</sup> in some cases disallows,) but that is such a command, so made, as all men hold their lands by, who hold by patents: all corporations have their charters, which hold by charters; and all judges and officers their places and callings.

It is objected, the king cannot suppress his courts of justice, and that this war tendeth to their suppression.

The answer is, the king cannot, nor ought to suppress justice, or his courts of justice, nor ever did: But courts of justice, by abuser or non-user, cease to be courts of justice. When judges are made, and proceedings in those courts holden by others than judges made by the king, and against his command under the great seal, and his majesty is not obeyed, but the votes of the houses, they cease to be the king's courts, and are become the courts of the houses; and his judges breaking that condition in law, of trust and loyalty, implied in their patents, are no longer his judges: they obey and exercise their places by vertue of writs and processes under a counterfeit seale. The king only can make judges, the twenty-seventh of Henry the Eighth, chapter the twenty-fourth; justices of the peace, &c., twenty-eighth of Henry the eighth; Dier, the eleventh, the king's patent makes judges. The cheefe-justice of the King's Bench is made by the king's writ only, of all the judges.

Sol.  
1 part the  
Earl of West-  
moreland's  
Case, 1 Eliz.  
Dier, 165.  
7 pars Cooke.

The Case of  
Discontinu-  
ance of Pro-  
cesses.

The great seale is the key of the kingdome; and meet it is that the king should have

Articuli super  
Chartas, cap.  
5.  
Britton, fol.  
23.

the key of his kingdome about him ; 2 Pars Instit. 552 ; which confutes their saying, that the king got the seale away surreptitiously.

The king, and he only, may remove his courts from Westminster into some other place. At Yorke the termes were kept for seven years in Edward the First's time. But for the court of Common Pleas, the place must be certain. For the King's Bench and Chancery, the king, by the law, may command them to attend his person always, if it seeme so meet unto him ; but the removing of the Common Pleas must be to a place certaine, and so notified to the people.

34 Assis. pl.  
24. 22 Ed. 4.  
Fitz. Jurisdic-  
tion, last  
placit.  
6 H. 7. g.  
6 Eliz. Dier,  
226.

All the books of law, in all times, agree that the king may grant conuance of all pleas at his pleasure, within any county or precinct, to be holden there only, and remove the courts from Westminster to some other place, (for the Common Pleas, the place must be certaine, and so notified to the people,) and adjourne the termes as he sees cause. All which the two houses have violated. *Plebs sine lege ruit.*

*Some seeming Objections of Master Prinn's, scattered in dvoers Books, answered, and the Truth thereby more fully cleared.*

- 1 Ob. The first of Henry the Fourth reviveth the statute of the eleventh of Richard Second, and repeales to the twelfth of Richard the Second, whereby certain persons were declared traitors to the king and kingdome, being of the king's party.
- Sol. True ; but note the eleventh of Richard the Second, a parliament beset with forty thousand men, and the king assents to it ; so an act : And besides, the first of Henry the Fourth declares, that the treasons mentioned in the act of the eleventh of Richard the Second, being but against a few private men, shall not be drawn into example ; and that no treason should be, but such as the twenty-fifth of Edward the Third declares. All these are acts passed by the king and the three estates ; not to be drawn into example in a tumultuous time, by a besieged parliament, with an army : And the confirmer of Henry the Fourth being an usurper, makes that act, of the first of Henry the Fourth, to secure himselfe : Also, what is this in the votes of the two houses only at this time ?
- 2 Ob. The court of parliament is above the king, for it may avoid his charters, commissions, &c., granted against the law.
- Sol. And the law is above the king.
- By the same reason you may say that the courts of Chancery, or any of the courts of law at Westminster, are above the king ; for they make of no effect the king's charters which are passed against the law : and the king is subject to law, and sworn to maintain it. Again, it is no parliament without the king, and the king is the head thereof : He is *principium caput et finis* of a parliament, as *Modus tenendi Parliament* hath it : and two houses only want *principium caput et finis* of a parliament : and it is a sorry parliament that wants all these : And therefore to say that parliaments are above the king, is to say that the king is above himself.
- 3 Ob. The parliament can enlarge the king's prerogative, therefore it is above him.
- Sol. If the king assent, otherwise not ; and then it is an act of parliament, and otherwise no act.
- 4 Ob. Bracton saith, God, the law, and the king's court, (viz.) his earles and barons, are above the king, (viz.) in parliament, as Master Prynne expounds it.
- Sol. Where is then the house of commons ? Indeed, take God, the law, and earles and barons together, it is true ; but to affirm that the earls and barons in parliament are above the king, (the king being the head of the parliament, and they one of the members,) how an inferior member is above the head, is hard to conceive : Besides, that position destroys all M. Prynne's discourse, who attributes so much to the house of commons.



The king is but one of the three estates of parliament, and two are greater than one, *5 Ob.* therefore above.

The legs, arms, and trunk of the body are greater than the head, and yet not above, *sol.* nor with life, without it. The argument holds for quantity, but not for quality; And, in truth, the king is none of the three estates, but above them all. The three estates are, the lords spiritual, the lords temporal, and the commons. Coke, their oracle, in his Chapter of Parliaments, fol. 1.

In corporations the greater number of voyees make all the acts of the corporation *6 Ob.* valid; therefore so in parliament.

By this reason the king's assent is needlesse, and to no end, and all the acts of parliament formerly mentioned, and law-books have quite mistaken the matter, which, with unanimous voyce, requires the king's assent as necessary: Besides, the corporations are so constituted by the king's charters, that the greater number of votes shall make their acts valid.

The king, as king, is present in his parliament, as well as in all other his courts of justice, *7 Ob.* howbeit he is not there.

In his other courts of justice he hath no voyce; he is none of the judges: in the parliament he hath: If his presence be not necessary, his voyce is not, nor his assent. *sol.*

The originall prime legislative power of making laws, to bind the subjects and their posterity, rests not in the king, but in the kingdom, and parliament, which represents it.

Master Prynne, in the same leafe, affirms, and truly, that the king's assent is generally requisite to passe lawes and ratifie them. The king is the head of the kingdom and parliament; how then can a body act without a head? *8 Ob. Sovereign Power of Parliaments, 46, 47. sol.*

A major part of a corporation binds; therefore the major part in parliament and so *9 Ob.* by-laws.

The corporation is so bound, either by the king's charters, or by prescription, which sometimes had the king's concession; but prescription, and law, and practise, always left the king a negative voyce. *sol.*

The king cannot alter the bills presented to him by both houses, *g°.* *10 Ob.*

True; but the king may refuse them. *sol.*

Acts of parliament, and laws ministered in the reigns of usurpers, bind rightfull *11 Ob.* kings, *g°.*

What is this to prove the two houses power only, which is the question? A king, *de facto,* must be obeyed by them who submitted to him; and they are his subjects by their submission, and not subjects, *de facto,* to the true king; and such, being traytors and rebels to the regent king, (having renounced the true king,) when the lawfull king is restored, may be punished by him for their treason against the usurper. But here is a king still in both cases, and the proceedings at law holds; the judges having their patents from the being kings in the reignes of kings, *de facto* or *de jure*; for all kings are bound and sworn to observe the lawes. *9 Ed. 4. 12.*

A king dies without heir, is an infant, *non compos mentis,* &c., the two houses may establish laws, *g°.* *12 Ob.*

There is no inter-regnum in England, as appears by all our books of law; and therefore the dying without heir is a vain supposition: and by their principle he is considerable in his politike capacity, which cannot die at all. The protector, assisted by the counsell of the king at law, his twelve judges, the counsell of state, his attorney, solicitor, and two sergeants at law, his twelve masters of the Chancery, hath, in the king's behalf, and ever had a negative voyce. But what is this to the present question? We have a king of full age, of great wisdom and judgement: The power of the two houses in such a case to be over the king cannot be shewn. *sol.*

The king cannot dis-assent to publique and necessary bills for the common good, *g°.* *13 Ob.*

Nor ever did good kings. But who shall be judge, whether they be publique and necessary? The major part in either of the houses, for passing of bills so pretended, *sol.*

may be but one or two voyces, or very few, and perhaps of no judicious men. Is it not then fitter, or more agreeable to reason, that his majesty and councill of state, his twelve judges, his sergeants, attorney and solicitor, twelve masters of the Chancery, should judge of the conveniencie and benefit of such bills for the publique good, rather than a minor, (of which sort there may be in the houses,) or a weak man, or a few, who oftentimes carry it by making the major part, which involves the consent of all? Let reason determine.

14 Ob. The kings of England have been elective; and the king, by his coronation-oath, is bound to maintain *justas leges et consuetudines quas vulgas elegerit*, g<sup>o</sup>.

Sol. Pöperie hath bene in the kingdome, and therefore to continue it still will not be taken for a good argument. When things are settled for many ages, to look back to times of confusion is to destroy all repose. The act of parliament of the first of K. James, chapter the first, and all our extant lawes say that the king's office is an heritage inherent in the bloud of our kings, and their birth-right.

Ed. 4. c. I. And usurpers, that come in by the consent of the people, are kings *de facto*, but not *de jure*, as appears by the acts of parliament declaring them so. And by all our law-bookes, and the fundamental constitution of the land, regall power is hereditarie, and not elective.

1 H. 7. For the words (*vulgas elegerit*;) if *vulgas* be applied to the house of commons, they of themselves can make no lawes. The peeres were never yet tearmed *vulgas*: but allowing they be so called, the lawes to be made must be just; and who is fit to judge thereof is before made evigent.

Customes cannot referre to future time, and both are coupled, lawes and customes.

15 Ob. Princes have bene deposed, and may be, by the two houses, g<sup>o</sup>.

Sol. The deposers were traytors, as appears by the resolution of all the judges of England, Coke, chap. Treason, in the Second Part of the Institutes. And never was king deposed but in tumultuous and mad times, and by the power of armies; and they who were to be the succeeding kings in the head of them, as Edward the Third and Henry the Fourth.

16 Ob. The appeale to the parliament for errors in judgements in all courts is frequent, g<sup>o</sup>.

Sol. This is onely to the house of lords, and that is not the parliament; the house of commons have nothing to doe therewith: and in the house of peeres, if a writt of error be brought to reverse any judgement, there is first a petition to the king for the allowance thereof: And the reason of the law in this case is, for that the judges of the land, all of them, the kings councill, and twelve masters of the Chancerie assist there, by whose advice erroneous judgements are redressed.

17 Ob; The parliaments have determined of the rights of kings, as in Henry the Sixts time, and others; and parliaments have bound the succession of kings, as appears by the statute of the thirteenth of Q. Elizabeth, chapter the first: and the descent of the crowne is guided rather by a parliamentarie title than by common law, g<sup>o</sup>.

Sol. If this objection be true, that the title to the crowne is by parliament, then we had no usurpers, for they all had parliaments to back them, yea, Richard the Third, that monster. All our bookes of law say they have the crowne by descent; and the statutes of the land declare that they have the same by inherent birth-right: And the statute of the thirteenth of Elizabeth, the first chapter, was made to secure Q. Elizabeth against the Qu. of Scots, then in the kingdome, clayming the crown of England, and having many adherents. And that statute, to that end, affirms no such power in the two houses, (which is the question,) but in Q. Elizabeth and the two houses; which makes against the pretence of this time.

Master Prynne, fol. 104. of his book, intituled, the Parliaments Supreme Power, &c., objecting the statute of the first of Queen Elizabeth, and his own oath, that the king is the onely supreme governour of this realme, answers, the parliament is the supreme power, and the king supreme governour: and yet there he allows him a negative

voyce; and, fol. 107, confesseth the acts of parliament translated the crowne from the right heires at common law, to others who had no good title. Then the parliamentary title makes not the king. So powerfull is truth, that it escapes from a man unawares. To make a distinction between supreme governour and supreme power is very strange; for who can governe without power?

The king assembles the parliament by his writ, adjourns, prorogues, and dissolves the parliament by the law, at his pleasure, as is evident by constant practise: The house of commons never sate after an adjournment of the parliament by the kings command. Where is the supreme power?

Wide Speed,  
645. 4 Pars  
Instit. 27, &c.

The king, by his oath, is bound to deny no man right, much lesse the parliament, to agree to all just and necessary lawes proposed by them to the king. This is the substance of the discourse against the kings negative voyce.

The king is so bound as is set downe in the objection; but who shall judge whether the bill proposed be just and necessary? for all that they doe propose are so pretended and carried in either house, sometimes by one or two voyces, or some few, as aforesaid: and certainly, as hath been shewen, the king, his councill of state, his judges, sargeants, attorney, solicitor, and twelve masters of the Chancery can better judge of them then two or three, or few more.

Mr Pryn, fol. 45, in his book of the parliaments interest to nominate privie-councillors, calleth the opinion of the Spencers, to divide the person of the king from his crowne, a strange opinion, and cites Calvins case, but leaves out the conclusions therein mentioned, fol. 11. Master Prynne saith there, But let this opinion bee what it will, without the kings grace and pardon it will goe very far; and two acts of parliament there mentioned are beyond an opinion. And in his book of opening of the great seale, fol. 17, the parliament hath no jurisdiction to use the great seale for pardons generall or particular. Where is the supreme power?

Calvins  
Ca 6, 7  
pars, fol. 11.

Mr Prynne, (opening of the seale,) pag. 19. saith, the noblemen and state, the day after the funerall of King Henry the Third, (King Edward the First, his sonne, being in the Holy Land,) made a new great seale, and keepers of the same: and in Henry the Sixths time, in the first yeere of his reigne, the like was done in parliament.

19 Ob.

*A facto, ad jus*, is no good argument; for that in Edward the Firsts time it was no parliament, for King Henry the III. was dead; which dissolved the parliament, if called in his time: and it could be no parliament of Edward the Firsts time; for no writ issued to summon a parliament in his name, nor could issue, but under that new seale, it was so sodainly done after Henry the Thirds death. King Edward the First being then in the Holy Land, it was the first yeere of his reign; and no parliament was held that yeere, nor the second yeere of his reigne. The first parliament that was in his reigne was in the third yeere of his reigne, as appears by the printed acts. Also, the making of that seale was by some lords then present: What hand had the commons in it? Concerning the seale made in Henry the Sixths time, the protector was vice-roy, according to the course of law; and so the making of that seal was by the protector, in the kings name: and that protector, Humphrey, duke of Gloucester, as protector, in the kings name summoned that parliament, and was protector made by the lords, and not in parliament, as appeareth plainly; for that parliament was in the first of Henry the Sixth, and the first holden in his time, and power given by commission to the said duke, then protector, to summon that parliament. Prynne, *ibid.* fol. 19. But the new counterfeit seale was made when the king was at Oxford, in his own kingdome, and not in the Holy Land.

Mr Prynne, in his book of the two houses to impose taxes, restraines malignants against any *habeas corpus*, &c., saith, that the parliament is above Magna Charta; and, fol. 15. *ibid.*, the parliament hath power over Magna Charta, to repeale the same when there is cause.

20 Ob.

Sol.

This argument supposeth that they have the kings power, which hath appeared formerly they have not. But suppose they had, Magna Charta contains many morall lawes, which, by the law of the land, a parliament cannot alter; 21 H. 7. 2.; D. & Student, 2 dialogue. For example, it saith, cap. 18, justice shall not be sold, delayed, nor denied to any man. But by this argument the parliament may make law to delay, deny, and to sell justice; which surely is a very ill position to maintaine.

What they would have doth now, by the propositions sent to New-castle to his majesty, appeare; whereby they would have him divest himselfe, and settle in them all his kingly power by sea and land; and of themselves to have power, without him, to lay upon the people of this land what taxes they think meet, to abolish the common prayer-booke, to abolish episcopacie, and to introduce a church government not yet agreed, but such as they shall agree on.

His majesty finding a prevailing party in both houses to steere this course, and being chased away with tumults from London, leaves the houses, for these reasons, (viz.)

First, because to alter the government for religion is against the kings oath.

Secondly, against their oathes; for every of them hath sworne, in this parliament, that his majesty is the onely supreme governour in all causes ecclesiastical, and over all persons.

Thirdly, this course is against Magna Charta, the 1 chap. and the last. *Salvo suis episcopis omnes libertates suce*, confirmed by thirty-two acts of parliament, and in the two and fortieth of Edward the Third, in the first chapter enacts, If any statute be made to the contrary, it shall be holden for none. And so it is for judgements at law, in the 25 of Edward the I., chap. 1, 2. The great charter is declared to bee the common law of the land.

Fourthly, they endeavour to take away, by their propositions, the government of bishops, which is as ancient as Christianity in this land, and the booke of common-prayer, settled by five acts of parliament, and compiled by the reformers and martyrs, and practised in the time of foure princes.

Fifthly, these propositions taking away from his majesty all his power by land and sea, rob him of that which all his ancestours, kings of this realme, have enjoyed. That enjoyment and usage makes the law, and a right by the same to his majesty. They are against their owne protestation, made this parliament, (viz.) to maintaine his royall person, honour, and estate: They are against their covenant, which doth say that they will not diminish his just power and greatnesse.

For these reasons his majesty hath left them, and, as is beleevved, will refuse to agree to the said propositions, as, by the fundamentall law of the land, hee may, (having a negative voyce,) to any bills proposed.

The result of all is, upon the whole matter, that the king thus leaving of the houses, and his denyall to passe the said propositions, are so farre from making him a tyrant, or not in a condition to governe at the present, that thereby hee is rendred a just, magnanimous, and pious prince: So that by this it appeares clearly to whom the miseries of these times are to be imputed. The remedy for all is, an act of oblrivion and a generall pardon.

God save the King.

DAVID JENKINS, now Prisoner in the Tower, 28 Aprilis, 1647.

---

*The Cordial of Judge Jenkins for the Good People of London; in Reply to a Thing, called an Answer to the Poysonous, Seditious Paper of Mr David Jenkins, by H. P., Barrester of Lincolnes-Inne.*

Printed in the yeare 1647.

---

Sanderson the annalist, after making some extracts from Judge Jenkins's preceding tract, entitled *Lex Terræ*, has this passage: "We must confess that H. P., a barrister of Lincolnes-Inn, made a slight answer to Jenkins; but, being ashamed to set down his name, we will not trouble the reader with it, but leave it to the lawyers."—*Life and Raigne of Charles I.*, p. 978. Judge Jenkins, however, deemed the answer worthy of a reply, which is now, for the first time, inserted with his other tracts.

---

*The Cordial of Judge Jenkins for the Good People of London, &c.*

After the said Mr H. P. hath made a recitall of the heads of my vindication, hee deduceth his answer unto these eight particulars, which follow *verbatim*.

1.

It cannot be denyed but the parliament sits by the kings writ; nay, if statute law be greater then the kings writ, it cannot be denyed but the parliament sits, or ought to sit, by something greater then the kings writ: and if it be confessed that the parliament sits by the kings writ, but does not act by the kings writ, then it must follow that the parliament is a void vaine court, and sits to no purpose; nay, it must also follow that the parliament is of lesse authority, and of lesse use, then any other inferiour court; forasmuch as it is not in the kings power to controule other courts, or to prevent them from sitting or acting.

2.

This is a grosse *non sequitur*. The kings power is in himselfe, *ergo* it is not derived to, nor does reside virtually in the parliament: for the light of the sun remains embodied and unexhausted in the globe of the sun, at the same time as it is diffused and displayed through all the body of the ayre: and who sees not that the king, without emptying himselfe, gives commissions daily of oier and terminer to others, which yet he himselfe can neither frustrate nor elude? But for my part, I conceive it is a great error to inferre that the parliament has onely the kings power, because it has the kings power in it; for it seems to mee that the parliament does both sit and act by concurrent power, devolved both from the king and kingdome: and this in some things is more obvious and apparent then in others: for by what power does the parliament grant subsidies to the king? If onely by the power which the king gives, then the king may take subsidies without any grant from the parliament; and if it be so by a

power which the people give to the parliament, then it will follow that the parliament has a power given both by king and kingdome.

3.

The sending propositions to the king, and desiring his concurrence, is scarce worth an answer; for subjects may humbly petition for that which is their strict right and property; nay, it may sometimes beseech a superiour to preferre a suite to an inferiour for matters in themselves due: God himselfe has not utterly disdained to beseech his owne miserable, impious, unworthy creatures: Besides, tis not our tenet, that the king has no power, because he has not all power, nor that the king cannot at all promote our happnesse, because hee has no just claime to procure our ruine.

4.

We affirme not that the kings power is separated from his person, so as the two Spencers affirmed, neither doe we frame conclusions out of that separation, as the two Spencers did, either that the king may be removed for misdemeanours, or reformed *per aspertè*, or that the subject is bound to govern in ayde of him. Wee onely say that his power is distinguishable from his person; and when he himselfe makes a distinction betwixt them, commanding one thing by his legall writs, courts, and officers, and commanding another thing extrajudicially by word of mouth, letters, or ministers, we are to obey his power rather then his person.

5.

We take not from the king all power of pardoning delinquents: We onely say it is not proper to him *quarto modo*; for if the king pardon him which hath murdered my sonne, his pardon shall not cut me off from my appeale: and 'tis more unreasonable that the kings pardon should make a whole state, which hath suffered, remedlesse, then any private man. So if the king should denie indemnitie to those which, in the furie of warre, have done things unjustifiable by the lawes of peace, and thereby keepe the wounds of the state from being bound up, 'tis equitable that an act of indemnitie should be made forcible another way. And if this will not hold, yet this is no good consequence. The king is absolute in point of pardons, therefore he is absolute in all things else: and the parliament hath no power to discharge delinquencies, therefore it hath no power in other matters.

6.

The parliament hath declared the king to be in no condition to governe: but this must not be interpreted rigidly, and without a distinction; for if the king, with his sword drawne in his hand, and pursuing the parliament and their adherents as rebels, be not fit for all acts of government, yet 'tis not hereby insinuated that he is divested of the habit or right of governing. If he be unqualified now, he is not unqualified for the future: If he may not doe things destructive to the parliament, he is not barred from returning to the parliament, or doing justice to the parliament. This is a frivolous cavil and subterfuge.

7.

We swear that the king is our supreme governour, over all persons, and in all causes; but we doe not swear that he is above all law, nor above the safetie of his people, which is the end of the law, and indeed paramount to the law itselfe. If he be above all law, or lyable to no restraint of our law, then we are no freer then the French or the Turks; and if he be above the prime end of law, common safetie, then we are not so free as the French or the Turks; for if the total subversion of the French or the

Turks were attempted, they might, by Gods law, imprinted in the booke of nature. justice a self-defence; but we must remedilessly perish, when the king pleases to command our throats. Besides, how atchieved the king of England such a supremacie above all law, and the communitie itselſe, for whose behoofe law was made? If Gods donation be pleaded, which is not speciall to him, or different from what other kings may pretend to, then to what purpose serve our lawes, nay, to what purpose serve the lawes of other countries? for by this generall donation, all nations are condemned to all servitude as well as we. If the law of the land be appealed to, what bookes hath M. Jenkins read? Where hath he found out that *lex regia*, whereby the people of England have given away from themselves all right in themselves? Some of our bookes tell us that we are more free than the French; that the king cannot oppresse us in our persons or estates, by imprisonment, denying justice, or laying taxes without our consents: Other bookes tell us that the safetie of the people is the supreme law, and that the king hath both God and the law for his superior. But all this is nothing to learned M. Jenkins.

8.

We admit that no acts of parliament are compleat, or formally binding, without the kings assent; yet this is still to be denyed, that therefore, without this assent, particularly exprest, the two houses can doe nothing, nor have any virtuall power at all, no, not to examine M. Jenkins, nor to doe any other thing of like nature, though in order to publike justice and safetie. I have done, and wish M. Jenkins would call in and lick up againe his black, infamous, execrable reproaches, so filthily vomited out against the parliament.

To the First.

I was examined by a committee appointed by the house of commons. I say, and said, that the house of commons have no power to examine me, for that it is no court. Every court hath power to examine upon oath; this power the house of commons never claimed. The court of pie-powders, court baron, hundred court, county court, and every other court of record, or not of record, hath power to examine upon oath; and an examination without oath is a communication onely: examination in law is upon oath.

5 H. 4. c. 3.  
3 H. 6. 46.  
91 H. 6. 43.  
5 H. 6. 5.

There is no court without a power of tryall. The house of commons have no power to try any offence, nor ever practised it, by bill, inditement, information, plaint, or original, to deduce it to tryall, nor to try it by verdict, demurrer, or examination of witnesses upon oath, without which there can be no condemnation or judgement; and that which can attaine to no reasonable end the law rejects, as a thing inutile and uselesse: *Sapiens incipit à fine.*

Sir Anthony Maynes Chse. Cook, 5 Par Reports. Lit. 2 lib. sect. 194. 6 H. 4. 1.

The writ whereby they are called gives them power *ad faciendum et consentiendum*. To what? To such things *quæ ibidem de communi consilio ordinari contigerint*, (viz.) in the parliament. This makes nothing at all for a court for the house of commons. That *consilium* which that writ intends is cleared, partly by the writ for choosing knights, &c.; for the king by that writ is said to resolve to consult and treat with the prelates and peeres of the kingdom, for, and touching the great concernments of the commonwealth; (for the king never sits in the house of commons;) and this also is made evident by the writs to the prelates, peeres, judges, and to his councill at law. The words in their writs are, to appeare and attend the parliament, *consilium impensuri*. The one doth *consulere*, the other *facere et consentire*.

4 Pars Instit. fol. 4 & 9.

The house of lords, where the king sits in person, assisted by his lords, judges, serjeants, attorney, solicitor, masters of the Chancery, is a court of record to many pur-

7 H. 6. 23.  
1 H. 7. 20.  
14 E. 3. ca. 5.

4 Pars Instit.  
pag. 21.

poses, set down in the bookes of the law and the statutes of the land ; and that court is onely in the house of lords, where the king sits.

Plowd. Com.  
319.

A court must either be by the kings patent, statute law, or by the common law, which is common and constant usage. The house of commons hath no patent to be a court, nor statute law to be a court, nor common usage : they have no journall-book, but since E. 6th's time. Was there ever fine by the house of commons estreated into the exchequer ? For murder or felony they can imprison no man, much lesse for treason. That house which cannot doe the lesse, cannot doe the greater.

25 E. 3. c. 4.  
3 Car. Petition  
of Right.

It is ordained that no man shall be imprisoned, or put out of his franchise by the king or his counsell, but upon indictment, or presentment of his good and lawfull neighbours where the deed is done, or by original writ at the common law ; and so is *lex terræ*, the law of the land, mentioned in Magna Charta, cap. 29, expounded : and the said Magna Charta and Charta de Foresta are declared, by the stat. of 25 E. I., c. 1, to be the common law of the land. All judges and commissioners are to proceed *secundum legem et consuetudinem regni Angliæ*, as appears by all proceedings in all courts, and by all commissions ; and therefore the house of commons, by themselves, proceeding not by indictment, presentment, or original writ, have no power to imprison men, or to put them out of their franchise.

4 Pars Instit.  
pag. 1.  
3 Pars Instit.]  
p. 23.  
12 H. 7. 20.  
Princes Case.  
8 Pars Cook.  
1 Pars Instit.  
p. 159.  
14 H. 8. 3.  
Dier. 38 H. 8.  
60.  
1 Pars Instit.  
p. 19, b.  
4 Pars Instit.  
ca. Parl.

This no way trenches upon the parliament, for it is in law no parliament without king and both houses. I have onely in my paper delivered to Mr Corbet applied my selfe to that committee, that they had no power to examine me ; but I never thought, said, or wrote, that the parliament had no power to examine me. The law and custome of this land is, that a parliament hath power over my life, liberty, lands, and goods, and over every other subject ; but the house of commons of it selfe hath no such power.

For the lord Cookes relation, that the house of commons have imposed fines and imprisoned men in Queene Elizabeths time, and since, (few facts, of late time never questioned, make no legall power nor court,) *à facto ad jus*, is no good argument ; for the words of the statute of 6 H. 8. c. 16, that a licence to depart from the house of commons, for any member thereof, is to be entred of record in the booke of the clarke of the parliament, appointed, or to be appointed for that house, doth not conclude that the house of commons is a court of record.

Fitzh. Nat.  
Br. 70.

Fitzh. Nat.  
Br. 13.  
14 H. 4. 23.  
32 H. 6. 49.

For first, that law of 6 H. 8. c. 26. handles no such question as that, Whether the house of commons be a court ? It is a maxime in all lawes, *lex aliud tractans nil probat* : The word (record,) there mentioned, is onely a memoriall of what was done, and entred in a booke. A plaint removed out of the county court to the court of the common pleas hath these words in the writ of remove : *Recordari facias loquelam*, &c. ; and yet the county court is no court of record : and so for ancient demesne, in a writ of false judgement, the words are *recordari facias loquelam*, &c. ; and yet the court of ancient demesne is no court of record ; and so of a court baron, the law and custome of England must be preserved, or England will bee destroyed, and have neither law nor custome.

Let any man shew me that the court of lords, or the house of commons, in any age, hath made any man a delinquent, (*rege dissentiente*,) the king contradicting it under his great seale. Sir Giles Mompesson, Mitchell, and others, of late were condemned by the prosecution of the house of commons in King James his time. Did King James ever contradict it ? And so of ancient times, where the house of peeres condemned the lord Latimer, in 50 E. 3., the kings pardon freed him : Which shewes that the kings expresse or implied assent must of necessity be had to make a delinquent.

The gentleman saith that the parliament sits, or ought to sit, by something greater then the kings writ, &c.

No parliament did ever sit without the kings writ, nor could ever parliament begin without the kings presence in person, or by a guardian of England, by patent under



the kings great seale, the king being in *remotis*, or by commission under the great seale, to certain lords representing the kings person, and hath beene thus in all ages, unto this session of parliament; wherein his majesty hath been pressed, and hath passed two acts of parliament; one for a triennall parliament, and another for a perpetuall, if the houses please, to satisfie their desires. How these two acts agree with one another, and with the statute in E. the Thirds time, where parliaments are ordained to be holden every yeare, and what mischiefes to the people of this land such length of parliaments will produce, by protections and priviledges to free them and their meniall servants from all debts during their lives, if they please to continue it so long, and how destructive to mens actions against them, by reason of the statute of limitations, which confineth their actions to certaine yeares, and many other inconveniencies of greater importance, is easie to understand.

4 E. 3. c. 14.  
36 E. 3. c. 10.  
21 Jac. the Act  
of Limitation  
of Actions,  
cap. 26.

How can any man affirme that the two houses doe act now by the kings writ, which relates to counsell and treaty with the king concerning the king, the defence of his kingdome, and of the church of England. These are the three points which it tends to, as appears by the writ. They keep their king prisoner at Holmby, and will not suffer him to consult and treat with them: They have made a vow and covenant to assist the forces raised and continued by both houses against the forces raised by the king without their consent, and to the same effect have devised the oath which they call the negative oath. Is this to defend the kings kingdome, or their kingdome?

4 Pars Instit.  
p. 14.

Vow and Co-  
venant, p. 11.

When, by their solenne league and covenant, they extirpate bishops, deanes, and chapters, root and branch, is this to defend the church of England? (That church must necessarily be meant, that was the church of England when the said writ bore test.) They were not summoned to defend a church that was not in being. To destroy and defend the church are very contrary things. The church is not defended, when they take away and sell the lands of the church.

The gentleman saith, the king cannot controule other courts of justice, or prevent them from sitting or acting, and therefore not the two houses, &c. It is true the king cannot controule or prevent his other courts, for that they are his ordinary courts of common justice, to administer common right unto all men, according to the fixed lawes. The houses make no court without the king: they are no body corporate without the king, nor parliament without the king: they all make one corporate body, one court, called the parliament, whereof the king is the head: and the court is in the lords house, where the king is present: And as a man is no man without a head, so the houses, severed from the king, as now they are, have no power at all; and they themselves, by levying war against the king, and imprisoning of him, have made the statute for not dissolving, adjourning, or proroguing this parliament of no effect, by the said acts of their owne. They sit to no purpose without his assent to their bills. They will not suffer him to consult with them, and treat and reason with them; whereby he may discerne what bills are fit to passe, and what not; which, in all ages, the kings of this land have enjoyed as their undoubted rights; and therefore they sit to no purpose, by their owne disobedience and fault.

3 Pars Cook.  
Deane and  
Chapter of  
Norwich.

14 H. 3. S.  
36 H. 3. Dier,  
60.

4 Pars Instit.  
p. 1.

For the ordinarie courts at Westminster, the judges in all those courts are judges by the kings patent or writ, otherwise they are no judges. The houses can make no judges: they are no judges at all who are made by them: the whole and sole power of making judges belongs to the king. The king cannot controule or prevent his owne judges from sitting or acting, but the houses hee may; for they are not the kings judges, but the judges of the two houses. In his other courts, the king commits his power to his judges by his patent, and they are sworne to doe common right to all men, and the king is sworne not to let them from so doing. The king cannot judge in those courts, nor controule; but the king is both judge and controller in the court of parliament; *quoad*, acts for his assent or dissent doth give life or death to all bills. Many lawyers have

27 H. 3. c. 24.  
28 H. 3. 11.  
Dier.

2 R. 3. 11.

much to answer to God, this kingdome, and to posteritie, for puzzling the people of this land with such fancies, as the gentleman who wrote the answer to my paper, and others, have published, in these troubles, which hath been none of the least causes of the raying and continuing of them. And so I have done with the first part of his answer.

## AD. 2.

For the *non sequitur* in the second section of the gentleman's answer, the antecedent and the consequent are his owne.

*Quem recitas meus est (ó Fidentine!) libellus:  
Sed malè dum recitas incipit esse tuus.*

My words are, that the king is not virtually in the two houses at Westminster, to enable them to grant pardons; for that whole and sole power, by the law, belongs to the king. My paper hath no such thing, as that the kings power cannot be derived to others, or the vertue of his power; for his power, and the vertue of his power, is in all patents to his judges, in charters to corporations, in commissions of all sorts, and in the parliament, assembled by force of his writ of summons, so long as they obey him; but when they renounce that power, and claime it not from the king, and declare to the kingdome that he is not in condition to governe, and imprison him, and usurpe to themselves all royall authority, as the two houses now doe, no reasonable man can affirme that they act by the power of their prisoner, who hath no power to give them, that, by force of armes, take all the power to themselves.

The gentleman sayth, the king grants commissions dayly of oyer and terminer, which he cannot frustrate nor elude. The king may revoke and discharge the commission by his writ, as he may remove all judges, and place other men in their roome; and any kings death determines all the judges patents of Westminster-hall, commissions of oyer and terminer, &c.; and so he might dissolve both houses, in all times, by his writ under the great seale, untill that by this parliament, by his owne concession, the king, of his goodnesse, hath secluded himselfe; which goodnesse hath been full ill requited.

The gentleman affirms that the power the parliament hath is concurrent from the king and kingdom; which, he conceives, is proved by the grant of subsidies to the king by the parliament. The mistaking of this word (parliament) hath beene mischievous in these times to this land; and it is affectedly mistaken, which makes the sinne the greater; for the two houses are not the parliament, as before is declared; and at this time so to inculcate it, when all men know, that of the 120 peeres of the kingdome who were temporall peeres before the troubles, there are not now above 30 in the lords house, and in the house of commons above 200 of the principall gentlemen of the kingdome left the house, and adhered to his majesty, who is imprisoned by them, shewes no such candour as is to be desired.

It is true that no tallage can be layd upon the people of this land but by their consent in parliament, as appeareth by the lawes mentioned in the margent; but you shall finde in M. Seldens learned booke, called *Mare Clausum*, a number of presidents, in Henry the Thirds time, for ship-money, justly condemned this parliament, to the which his majesty assented: and, in truth, that ship-money was condemned before, by the said two statutes of 25 E. 1. and 34 E. 1., *de tallagio non concedendo*. Dane-gelt, Englitery, and many grievous burthens were layd upon the people, and borne untill that memorable princes time. But I am of opinion that the common law of the land did alwayes restraine kings from all subsidies and tallages, but by consent in parliament: which doth appeare by Magna Charta, the last chapter, where the prelates, lords, and communitie gave the king the fifteenth part of their moveables. In truth, it is no manner of consequence, because the king cannot take what he pleaseth of the subjects goods, that

4 E. 4. 39.

6 E. 4. 4.

1 Eliz. Dyer,

165.

1 Mar. Brooks

Case, 447.

4 Paris Instit.

p. 1.

25 E. 1. Con-

firmatio Chur-

tarum, cap. 6.

34 E. 1. c. 1.

De Tallagio non

concedendo.

therefore they have a concurrent power in parliament. There have been many parliaments and no subsidies granted. Parliaments may be without subsidies, but subsidies cannot be without parliaments. Of ancient time parliaments rarely granted any, unless it were in the time of forraine warres; and in my time, Queen Elizabeth refused a subsidy granted in parliament; and in the parliament of 1 Jac., none were granted. The gentleman should make a conscience of blinding the people with such untrue colours, to the ruine of king and people.

## AD. 3.

The gentleman affirms that the sending propositions to the king, and desiring his concurrence, is scarce worth an answer, for subjects may humbly petition for that which is their strict right and propertie, &c. The propositions sent to Newcastle are in print; wherein the two houses are so farre from humbly petitioning, that they stile not themselves his majesties subjects, as appeares by the propositions.

That they have a strict right or propertie to any one of these propositions is a strange assertion, every one of them being against the lawes now in force. Have the two houses a strict right and propertie to lay upon the people what taxes they shall judge meet? To pardon all treasons, &c., that is one of their propositions. Have they a strict right and propertie to pardon themselves? And so for all the rest of their propositions.

These propositions have been voted by both houses: the kings assent (they being drawne into bills) makes them acts of parliament. Hath the king no right to assent or dis-assent? Was the sending but a complement? All our law-bookes and statutes speake otherwise. This gentleman and others must give an account, one time or other, for such delusions put upon the people.

15 H. 7. 20.  
1 Jac. cap. 1.  
1 Car. cap. 7.

## AD. 4.

The gentleman sayth, they affirme not that the kings power is separated from his person, so as the two Spencers affirmed, &c. His majesties person is now at Holmby, under their guards. Have they not severed his power from him, when, by no power they have left him, hee can have two of his chaplaines, who have not taken their covenant, to attend him for the exercise of his conscience?

For the three conclusions of the Spencers, doe not the two houses act every of them? They say his majestie hath broken his trust, touching the government of his people; they have raysed armies to take him; they have taken him, and imprisoned him; they governe themselves; they make lawes, impose taxes, make judges, sheriffes, and take upon them *omnia insignia summæ potestatis*. Is not this to remove the king for misdemeanours, to reforme *per aspertè*, to governe in aide of him; the three conclusions of the Spencers? Doe they thinke the good people of England are become stupid, and will not at length see these things?

15 Ed. 2. *Est-  
ium Hugonia.*  
1 E. 3. c. 2.  
Calvin's Case.  
7 Pars Re-  
ports, 11.

The gentleman saith, they doe not separate his power from his person, but distinguish it, &c. His power is in his legall writs, courts, and officers. When they counterfeit the great seale, and seale writs with the same, make judges themselves, courts, and officers, by their owne ordinances, against his consent, declared under his true great seale of England, (not by word of mouth, letters, or ministers onely,) their seale is obeyed, their owne writs, their owne judges, their owne courts, their owne officers, and not the kings. The time will come when such strange actions and discourses will be lamented.

Plowd. 4 Eliz.  
213, the kings  
power and his  
person are in-  
divisible.

## AD. 5.

The gentleman goes on Wee take not from the king all power of pardoning delin-

quents: Wee onely say it is not proper to him *quarto modo*, &c. What doe you meane by *quarto modo*? I am sure, *omnis rex Anglia, solum rex et semper rex* can do it, and none else. Read the booke of the law to this purpose, collected by that reverend and learned judge Stanford, from all antiquity to his time, who dyed in the last yeare of King Philip and Queen Maries reigne, you shall finde this a truth undeniable: and this power was never questioned in any age, in any booke, by any, untill this time, that every thing is put to the question. You gentlemen who professe the law, and maintaine the partie against the king, returne at length, and bring not so much scandall upon the law, (which preserves all,) by publishing such incredible things.

We hold only what the law holds. The kings prerogative and the subjects liberty are determined, and bounded, and admeasured by the written law, what they are. Wee doe not hold the king to have any more power, neither doth his majestie claime any other but what the law gives him. The two houses, by the law of this land, have no colour of power, either to make delinquents, or pardon delinquents, the king contradicting: (and the army under Sir Thomas Fairfax (howbeit but souldiers) doe now understand that to be law, and doe now evidently see, and assuredly know, that it is not an ordinance of the two houses, but an act of parliament, made by the king, lords, and commons, that will secure them; and let this army remember their executed fellow-souldiers;) and the law was alwayes so taken by all men, untill these troubles, that have begot monsters of opinions.

## AD. 6.

The gentleman sayes, the parliament hath declared the king to be in no condition to governe, &c.

There is no end of your distinctions. I and you professe the law. Shew me law for your distinctions, or letter, syllable, or line, in any age, in the booke of the law, that the king may in one time be in no condition to governe, and yet have the habit of governing, and another time he may, (viz.) when the two houses will suffer him. The law saith thus: *Ubi lex non distinguit, non est distinguendum*.

Hee sayes, the king is not barred from returning to his parliament, (as he calls the two houses.) Hee knowes the contrary; the whole city knowes the contrary. *Nos juris consulti sumus sacerdotes*, (as Justinian, the emperour, hath it, in the first booke of his Institutions,) and therefore knowledge and truth should come from our lips. Worthy and ingenious men will remember and reflect upon that passage of that good and wise man Seneca, *Non qua itur, sed quacundam*; follow not the rayes of the lawyers of the house of commons. God forgive them: I am sure the king will, if they be wise, and seek it in time.

## AD. 7.

The gentleman sayes, wee sweere that the king is our supreme governour, over all persons, and in all causes, &c. Why hath he left out the word (only?) for the oath the members now take is, that King Charles is now the onely and supreme governour in all causes, over all persons; and yet they keep their onely supreme governour now in prison, and act now in parliament by vertue of their prisoners writ, and by a concurrent power in this parliament, and by their owne strict right and property, (as the gent. affirms in his answer.) These things agree well with their oath, that the king is the onely supreme governour in all causes, over all persons. This oath is taken now in the parliament time, by all the members of the house of commons, and is required by the law to be taken in all parliaments; otherwise they have no power nor colour to meddle with the publike affaires.

This oath being taken in parliament, that the king is the onely and supreme governour in all causes, then it follows in parliament causes; over all persons, then over the

Stanfor. Pleas,  
99.  
27 H. 8. c. 24.  
Dier, 163.

1 Pars Instit.  
pag. 344.  
Plowd. 3 Eliz  
236, 237.

5 Eliz. ca. 1.  
Cawdres  
Case,  
5 pars, fol. 1.

This oath is  
allowed by the  
common law  
of the land.

two houses. Let them keep this oath, and wee shall bee sure of peace in the land: And good lawyers ought to desire peace, both for the publike good and their private, and not dishonour that noble profession, as many doe in this miserable time.

The gentleman sayes, wee doe not sweare that the king is above all law, nor above the safety of his people: neither doe wee so sweare; but his majesty and wee will sweare the contrary, and have sworne, and have made good, and will, by Gods grace, make good our oath to the world, that the king is not above the law, nor above the safety of his people. The law and the safety of his people are his safety, his honour, and his strength.

AD. 8.

The gentleman concludes, that acts of parliament are not formally binding, nor compleat, without the kings assent; yet the houses have a virtuall power, without the kings particular assent, to doe things in order to publike justice and safety, (viz.) in setting up the excise, in raising and maintaining of armies, in taxing the people at pleasure with fifth and twentieth part, fifty subsidies, sequestrations, loanes, compositions, imprisoning the king, abolishing the common prayer-booke, selling the churches lands, &c: All these are in order to publike justice and safetie.

Mr H. P., you are of my profession. I beseech you, for the good of your countrey, for the honour of our science, perswade yourselfe and others, as much as in you lyes, to beleave and follow the monition and counsell of that memororable, reverend, and profoundly-learned in the laws and customes of the land, the lord Coke, who writes, as becomes a great and a learned judge of the law, (a person much magnified by the two houses,) in these words:—Peruse over all bookes, records, and histories, and you shall finde a principle in law, a rule in reason, and a tryall in experience, that treason doth ever produce fatall and final destruction to the offender, and never attaines to the desired end, (two incidents inseparable thereunto;) and therefore let all men abandon it, as the poisonous bait of the devill. and follow the precept in Holy Scripture,—Serve God, honour the king, and have no company with the seditious.

3 Para Instit.  
p. 36.

CONCLUSION.

I say againe, that without an act of oblivion, a gracious generall pardon from his majesty, the arreares of the souldiers paid, a favorable regard had to tender consciences, there will bee neither truth nor peace in this land, nor any man secure of any thing he hath.

THE END

---

*A Discourse touching the Inconveniencies of a long-continued Parliament, and the Judgement of the Law of the Land in that Behalfe. By David Jenkins, now Prisoner in the Tower of London.*

Printed in the year 1647.

1.

A PERPETUALL parliament is repugnant to the act, made this parliament, for a trien-

niall parliament; for how can every three years a parliament begin, if this be perpetuall, which may be so, if the two houses please?

2.

An adjournment of the parliament makes no session. 4 Pars Institut. fol. 27. Howbeit, before the adjournment, the king gives his royall assent to some bills. Cooke, *ib.*

3.

There is no session till a prorogation or dissolution of the parliament.

4.

This parliament, as appears by the act for not dissolving thereof, set downe in the printed statutes of this parliament, fol. 138. cannot be prorogued but by act of parliament. There hath beene as yet no act of parliament present, and therefore all the acts of this parliament are acts of one session.

5.

All the acts of one session relate to the first day of the parliament, and all the acts of such a parliament are acts of one day: so the act of the trienniall, and the act of this perpetuall, are two acts of one day by the law.

6.

4 Ed. 3. cap. ( ) and 36 Ed. 3. cap. 10. a parliament is to bee holden once every yeere, and more often if need shall be. Those acts are confirmed by the act for the trienniall parliament. How doth a perpetuall parliament agree with a parliament once every yeere, or with the intention of those lawes? How doth a parliament every three yeeres agree with a parliament for ever, which may be, if the two houses please?

7.

The result is this:—At one day, in law, this parliament, two acts have passed; (for howbeit the one was in 16 Carol., and the other in 17 Carol., yet both, in law, are acts of one day:) The one saith there shall be a trienniall parliament after the end of the sitting of this parliament; the other, this parliament shall sit for ever, if they please. The one will have a parliament with an end; the other, a parliament without an end.

8 pars Doct.  
Bonhams Case,  
fol. 11.  
8 Ed. 3. 30.  
39 1. 5.  
cessavit 32.  
27 H. G. An-  
nuitly, 41.  
14 Eliz. Dier,  
3 1.

When an act of parliament is against common right or reason, or repugnant, or impossible to bee performed, the common law shall controle it, and adjudge this act to bee void: They are the words of the law.

An act of parliament, that a man shall bee judge in his owne cause, is a void act. Begin with common right. It is against common right that indebted men should not pay their debts: that if any member of the house of commons doe any subject wrong, by disseising him of his land, or dispossessing him of his goods, or blasting of his fame, or doing violence to his person, that such persons, during their lives, should not be questioned by a priviledge of parliament, and that extended also to many others besides themselves. Common right doth abhorre these enormities, which a perpetual parliament doth beget, besides the utter destruction of all mens actions, reall, personall, or mixt, who have to doe with parliament men, by the statute of limitation, which confines suits to certain years.

21 Jac.

For common reason. Parliaments were ordained for remedies to redresse publike grievances: it is against reason they should make publike and insufferable grievances. The law of the land allowes no protection for any man employed in the service of the kingdome, but for a yeare, to be free from suits, and in many suits none at all, howbeit

hee be in such service; but a parliament perpetuall may prove a protection, not for a<sup>39</sup> H. 6. 39. yeare, but for ever; which is against all manner of reason.

For impossibility. The death of his majesty (whose life God prolong) dissolves it necessarily; for the writ of summons is, *Carolus rex in hoc individuo*; and *Carolus rex* is, in this particular, *habiturus colloquium et tractatum cum prelatiis et proceribus*, &c.; King Charles being to have conference and treaty with his prelates and peeres. *Carolus rex* cannot have *colloquium et tractatum*, conference and treaty, when he is deceased; and therefore it is as impossible for any parliament to continue as long as they please, as for a parliament to make a dead man alive.

2 H. 5. Cooke,  
title Parliam.  
8 pars.

For repugnance. That which is but for a time cannot be affirmed to have continuance for ever: it is repugnant.

The end of the act of 17 *Caroli regis*, which is to continue at pleasure, is, in the said act, expressed to be, to raise credit for money, for these three purposes: First, for reliefe of his majesties army and people in the north; secondly, for preventing the imminent danger of the kingdome; thirdly, for supply of other his majesties present and urgent occasions. These ends are ended. The reliefe of that army, the imminent danger supposed, was sixe years agoe; the supply of his majestie hath bene a supply against him. Take away the end, the meanes thereto are to no purpose; take away the cause, the effect ceaseth: and therefore, the three ends of this act being determined, it agreeth with law and reason the act should end. The law rejects things unprofitable and unlesse.

Sir Anthony  
Mays Case, 5  
pars. 1 H. 4. 6.  
Litt. cap.  
Villem.

A perpetuall parliament (besides that it incites men to self ends, destructive of the publike, of which the whole kingdom hath had sufficient experience) will be a constant charge to the kingdome; for that every county and borough who send members to the parliament are, by the law, to pay wages to their parliament men; which, to many counties, will amount above some subsidies yearely. There are many poore burrough-townes in each county of this kingdome, who, being to maintaine two burgeses in parliament, will be quickly beggered, if the parliament have no end. For all which reasons it is cleare that such long continuance of parliaments will, instead of a remedy, (which is, and ought to be the proper and true end of parliaments,) become an insufferable grievance and oppression to all the people of the land.

The writ of summons, this parliament, is the basis and foundation of the parliament. If the foundation be destroyed, the parliament falls. The assembly of parliament is for three purposes. *Rex est habiturus colloquium et tractatum cum prelatiis, magnatiis et proceribus super arduis negotiis concernentibus*, 1. *Nos*; 2. *Defensionem regni nostri*; 3. *Defensionem ecclesie Anglicane*. This parliament hath overthrowne this foundation in all three parts. 1. *Nos*. The king, they have chased him away, and imprisoned him; they have voted no prelates, and a number of other lords; about 40 in the city must not come to the house, and about 40 more are out of towne: *colloquium et tractatus* are made void thereby; for the king cannot consult and treat there with men removed from thence. 2. *Defensionem regni nostri*. That is gone: they have made it their kingdome, not his; for they have usurped all his soveraigntie. 3. *Defensionem ecclesie Anglicane*. That is gone. That *ecclesia Anglicana* must be understood necessarily that church, that, at the test of the writ, was *ecclesia Anglicana*. They have destroyed that too. So now these men would be called a parliament, having abated, quashed, and made nothing of the writ whereby they were summoned and assembled. If the writ be made void, all the processe is void also. That house must needs fall where the foundation is overthrowne. *Sublato fundamento opus cadit*, the foundation being taken away, the worke falls, is both a maxime in law and reason.

For some yeares past there is no crime, from treason to trespasse, but they are guilty of. All treason, felonies, robberies, trespases, are *contra pacem, coronam, et dignitatem regis*, against the peace, crowne, and dignitie of the king, as appears by all indictments

in all ages. *Pax regis*, the king's peace, *corona regis*, the king's crowne, *dignitas regis*, the king's dignity, are all trod under foot, and made nothing. *Pax regis*, the peace of the king, is become a warre against the king, his dignitie put into prison, and the crowne put upon their owne heads.

Nevills Case, 7  
part, 34.  
§ Jacobi.

All the judges of England have resolved that noblemen committing treason have forfeited their office and dignitie. Their office is to counsell the king in time of peace, to defend him in time of warre; and therefore those men, against the duty and end of their dignity, taking not onely counsell, but armes also to destroy him, and being thereof attaint by due course of law, by a tacite condition annexed to the estate of their dignitie, have forfeited the same. They are the words of the law; and therefore they have made themselves incapable to be members of the upper-house.

### The Oppressions of the People.

Briberies, extortions, monopolies ought to be inquired after by the house of commons, and complained of to the king and lords. What have they done?

The house of commons cannot by the law commit any man to prison, who is not of the said house, for treason, murder, or felony, or any thing, but for the disturbance of the publique peace, by the priviledge of the whole body.

They have no power, by the writ which the king issueth to elect and returne members of that house, so to doe; for the writ for them is onely *ad faciendum et consentiendum* to those things, whereof his majestie shall consult and treat with his prelates and nobles; *et de communi consilio regni* shall be there ordained, as appeares by the writ. Here is no separate power given over the kings people to them, but onely *ad faciendum et consentiendum*; and in all times this hath bene expounded and restrained to that which concerned their owne members in relation to the publique service, as he is a member of the corporate body of the parliament, whereof the king is the head.

4 Pars Institut. 23, 24, 25.

But that the house of commons have committed any man for treason, murder, or felony, or for any offence that had no relation to a member of the house of commons, as it is against law and reason, so no instance can be given till this parliament.

19 H. 6. 43.  
22 E. 4. 29.  
5 H. 4. cap. 8.  
3 H. 6. 46.

All questions and trials where witnesses are examined, the examination is upon oath, by the law, by all our bookes, statutes, and every dayes practice. Examination without an oath is but a loose discourse; therefore the house of commons not claiming power to give an oath, have no power to examine any man.

25 E. 3. c. 4.  
Petition of  
Right, § Car.

No man shall be imprisoned by the king or his counsell, unless it be by inditement, presentment of his good and lawfull neighbours where such deeds be done, in due manner, or by processe made by writ original at the common law. This statute rehearses Magna Charta, p. 29, and expounds *lex terre*, the law of the land there mentioned. This law binds all men, and the house of commons (for they say they are of the kings counsell) in all points, but onely against the disturbers of the service of the parliament; and therefore the imprisonment of severall persons who are not their members, and fornd disturbance to their members, is utterly against the law of the land, and the franchise of the freemen of this realme.

*Cui non licet minus, non licet quod majus*; he who may not doe what is lesse, may not doe what is greater. They cannot commit a man for murder or felony, much lesse for treason.

3 Pars Cook,  
130.  
27 H. 6. 8.

No court can fine and imprison but a court of record. The house of commons is no court of record: The house of the lords, where the king is in his person, his nobles, and his judges, and counsell at law, the masters of the Chancery assisting, is a court of record; and that is the court of parliament, where the *colluquium et tractatus* is. The house of commons may present grievances, grant or not grant aydes, consent or not consent



to new lawes; but for fining and imprisoning any, but as aforesaid is but of a late date; and no ancient usage. They have no journall booke but sithence Ed. 6. time. 6 Hen. 8. c. 15. doth not prove the house of commons to be a court of record: it mentions onely to be entered on record in the booke of the clerke of the parliament, if any member depart into the country. There is no journall there but sithence Ed. 6. time, or it is a remembrance or memoriall, as 12 H. 4. 23.

The whole parliament is one corporate body, consisting of the head and three estates. The court is only there where the *consilium et tractatus* is, where the consult and treaty is with the king, which is in the house of lords onely.

The house of commons claime not to examine upon oath any man. No court can be without a power to give an oath. Courts baron, court of pipowders, county court, may and doe give oath. No court can bee without a power to try; no tryall can be without oath; and therefore the house of commons not claiming power to give an oath, can bring no matter to tryall, and consequently can be no court.

The behaviour of the commons at a conference with the lords: The commons are always uncovered, and standing, when the lords sit with their hats on; which shewes they are not colleagues in judgement; for fellow judges owe no such reverence to their companions.

When was ever fine imposed by the house of commons estreated in the exchequer? The ejecting of a member who hath sitten is against the law; for they cannot remove a man out of the house unduly returned, much lesse a man returned duly. 11 H. 4. c. 1.

By these lawes it appears that if any undue returne be made, the person returned is to continue a member; the sheriffes punishment is 200 pound, one to the king, another to the party duly elected, imprisonment for a yeare, without baile or mainprise; and that person who is unduly returned shall serve at his owne charge, and have no benefit at the end of the parliament, by the writ *de solutione feudorum militum, civium et burgensium parliament*; and the tryall of the falsity of the returne is to be before the justices of assises in the proper county, or by action of debt in any court of record. This condemnes the committee for undue elections, which hath been practised but of late times; for besides these lawes, it is against a maxime of the common law. An averment is not receivable against the returne of the sheriffe; for his returne is upon oath; which oath is to be credited in that suit wherein the returne is made. 1 H. 4. cap. 1. 1 H. 5. cap. 1. 8 H. 6. cap. 7. 23 H. 6. c. 15. 3 Ed. 4. 20. 5 Ed. 4. 41.

The said statutes condemne and make those members no members which were not resident in the county or boroughs for which they were elected at the time of the test of the writ of the summons of the parliament; and any abusive practice of late times to the contrary is against the law, and ought not be allowed.

*Assault upon Parliament Men.*

If a parliament man, or his meniall servant, be assaulted, beaten, or wounded, in the parliament time, proclamation shall be made where the deed is done, that the offender shall render himselfe to the Kings Bench within a quarter of a yeare after proclamation made, and the offence there to be tryed. For default of appearance the offender is declared attainted of the misdeed: and it is accorded that thereafter it be done likewise in the like case. 5 H. 4. cap. 6. 11 H. 6. c. 11.

Serving of processe upon a lord of the parliament punished in the lords house.

Serving of processe upon Thornsby inquired of in the Chancery, and there the offenders were convicted.

Bogo de Clare, 18 E. 3. 4 Paris Inst. fol. 24. John Thornsbyes Case, clerk of the parliam. ibid. 10 E. 3.

The premisses prove that breaches of priviledge of parliament may be punished els where than in parliament.

Upon all this discourse it is easie to discern what fruits may be expected from this parliament, continuing as long as the two houses please; and that there is no safety for

this commonwealth, but by the observations of their ancient franchises, customes, and lawes.

*Conclusion.*

I say againe, that without an act of oblivion, a gracious generall pardon from his majesty, the arrears of the souldiers paid, a favorable regard had to tender consciences, there will be neither truth nor peace in this land, nor any man secure of any thing he hath.

---

*A true and just Account of what was transacted in the Common House at Westminster, anno Dom. 1648, when that House voted David Jenkins, Esq., a Welch Judge, and Sir Francis Butler, to be guilty of High Treason against themselves, without any Trial: And also an Account of what the Committee of that House proffer'd the said Judge, if he would own their Authority to be Lawful; and his noble Answer to all their Proposals: And likewise an Account of an excellent Speech that the said Judge intended to have spoken at the Place of his Execution. All which Matters and Things D. T., Esq., had from the Mouth and Notes of the said Sir Francis Butler.*

*A faithfull Account of what Sir Francis Butler related to me concerning what was done and said by the late famous David Jenkins, Esq., one of the Judges in Wales, in the Reign of King Charles the First.*

In the year 1682 I went and resided in the town of Hertford, and there continued for about five years, during which time I became acquainted with many gentlemen of Hertfordshire, who were loyal; among whom was Sir Francis Butler, whose seat was about a mile from Hatfield; a gentleman of great knowledge and ingenuity, and of inflexible loyalty, and who was in the commission of the peace, and was one of the burgeses of the commons house in parliament for the town of Hertford; and I have been informed, that, in his younger years, he was educated under the influence of the late great earl of Strafford, (that martyr for King Charles the First.) It was my good fortune to be intimately acquainted with this worthy gentleman, who seem'd to be then above seventy years of age. He told me that Judge Jenkins and he were prisoners together, in the time of the rebellious house of commons, in the Tower of London, and after in Newgate. And I having desired him to give me an account of the proceedings against them, he acquainted me as followeth:—That Judge Jenkins and he having been taken out of the Tower, and committed to Newgate, were, by an order of that rebellious house of commons, brought before them, where, being both at the bar of that house, Lenthall, the speaker, made a speech to them to this effect:—

That it was notorious that they two had been most violent malignants, and traitors to that honourable house; wherefore the house intended to proceed against them as traitors to the parliament, (meaning their wicked house only.) And, in particular, he said to Judge Jenkins, that his behaviour was taken notice of by the house, in his not paying any obeysance to the chair when he came to the bar; which was the greater fault in him, seeing he pretended to be knowing in the laws of the land. Sir Francis said, during this speech of Lenthall's, Judge Jenkins had pray'd him softly not to speak much; so to let all their malice fall on him only, since he was in years, and Sir Francis but young, in respect to him. And when the speaker's speech was ended, Judge Jenkins

ask'd, whether they wou'd now give him liberty to speak ? Yes, answer'd Lenthall, so you be not very long. No, said the judge, I will not trouble either myself or you with many words. In your speech, Mr Speaker, you said the house was offended at my behaviour, in not making any obeysance to you at my coming here, and this was the more wonder'd at, because I pretended to be knowing in the laws of the land. In answer to which, Mr Speaker, I say, that, I thank God, I not only pretend to be, but am knowing in the laws of the land, (having made it my study for these five-and-forty years,) and because I am so, that was the reason of such my behaviour ; for as long as you had the king's arms engraven on your mace, and acted under his authority, had I come here I wou'd have bowed my body in obedience to his writ and authority, by which you were first called ; but, Mr Speaker, since you and this house have renounc'd all your duty and allegiance to your sovereign and natural liege lord the king, and are become a den of thieves, shou'd I bow myself in this house of Rimmon, the Lord wou'd not pardon me in this thing. Upon which the whole house fell into such an uproar and confusion, that for half an hour they could not be reduc'd into any order, for sometimes ten, sometimes twenty, wou'd be all speaking together ; but at length the fury abated, and the house voted, they were both guilty of high treason, (without any trial at all,) and shou'd suffer as in cases condemn'd for treason. So they call'd for the keeper of Newgate, to know the usual days for execution in such cases : He told them it was usually on Wednesdays or Fridays ; and then was debated whether it should be done on next Wednesday or Friday. Then stood up Harry Martin, (the droll of that house,) who had not spoken before. He said he would not go about to meddle in their vote, but as to the time of execution he had something to say, especially as to Judge Jenkins. Mr Speaker, says he, every one must believe that this old gentleman here is fully possess'd in his head : that he is *pro aris et focis mori* : that he shall die a martyr for this cause : For otherwise he never would have provok'd the house by such biting expressions ; whereby it is apparent that if you execute him, you do what he hopes for, and desires, and whose execution might have a great influence upon the people, since not condemn'd by a jury : Wherefore my motion is, that this house wou'd suspend the day of execution, and in the mean time force him to live in spite of his teeth. Which motion of his put the house into a fit of good humour, and they cry'd, Suspend the day of execution. So they were return'd back to Newgate : And being there, Sir Francis ask'd the judge, whether he had not been too hardy in his expressions to the house. Not at all, said he ; for things of a rebellious nature have been so successful in this kingdom, and have gotten such a head, that they will almost allure the weak loyal man to comply therewith, if some vigorous and brave resistance is not made against them, and to their very faces ; and this was the cause why I said such home things to them yesterday. And altho' I have oppos'd rebels and traitors all my life hitherto, yet I persuade my self, that at the time of my execution, on the day of my death, I shall be like to Sampson, and destroy more Philistines than ever I did in all my life ; that is, confound their rebellious assertions. And in this thought of mine I am so wrapp'd up, that I hope they won't totally suspend my execution. I will now, said the judge, tell you all that I intend to do and say at that time : First, I will eat much liquorish and gingerbread, thereby to strengthen my lungs, that I may extend my voice far and near ; for no doubt there will be great multitudes at the place : And then I will come with Bracton's book hung upon my left shoulder, with the statutes at large hung on my right shoulder, and the Bible with a ribband put round my neck, and hanging on my breast. Then I will tell the people that I was brought there to die for being a traitor. Indeed, if this be true, I was not fit to live. And, believe the words of a dying man, I heartily wish that all the rebels and traitors in the kingdom would come to my fate. But to inform you all better that I never was a traitor, is this, that even the house of commons itself did not think I was a traitor ; for had they believed this, they would have

had me try'd for the same in a fair and legal manner, according to the constant custom used in this kingdom for a thousand years; that is to say, to be try'd by a jury; which they feared to let me have; for they well knew no honest jury would ever have found me guilty of treason, for being only loyal and true to our lawful and rightful sovereign the king. For this cause it was they debarred me of my birthright—a trial by my peers; that is, by a jury, although in a case of life and death. So it is notorious they did not think me guilty according to law; but yet, thirsting still after my blood, they found out a new unheard-of way to bring me to my death, and that was by voting me guilty of high treason. And by the same detestable way they may vote ten thousand of you at once guilty of treason, then hang you, like me, and seize all your estates: And this they will do when they find it convenient to support their tyrannous power. Yet notwithstanding my known innocence in their own conscience, they, against all right and conscience, have sentenced me to die for treason.

Well then, since they will have me a traitor, right or wrong, and here must die for the same, I thought it was but just to bring my counsellors with me, who have all along advis'd me in what I have done. That these, I say, ought therefore to be hang'd as well as I, for they are as much guilty as I. Then, said he, I will first take Bracton, who I will inform them was one of our most famous ancient lawyers, (who wrote in the reign of King Henry the Third, towards the latter end of it.) He says, lib. 4, cap. 24, sect. 1, *rex habet potestatem et jurisdictionem qui in regno suo sunt ea quæ sunt jurisdictionis et pacis ad nullam pertinent, nisi ad regiam dignitatem, habet etiam coercionem, ut delinquentes puniat et coeret, &c.* Which proves the supreme power to be in the king. Again, at sect. 5, too, he says, *omnis sub rege, et ipse sub nullo nisi tantum Deo, &c. Non parem habet in regno suo.* Which further proves he is supreme, and others are subordinate and subject to him. Again, lib. 5, &c., Tract. 3, cap. 3, &c., *rex non habet superiorem nisi Deum, satis habet ad penam quod Deum expectat ultorem.* Which undeniably proves him to have the supreme power, and that one or both houses of parliament had no supreme power, but were under obedience and duty, as being his subjects. So then I will tell the people this book was one of my evil counsellors, so was to be hang'd with me. Then, said the judge, I will open the statute book that hangs on my right shoulder, and read to the people what is enacted, and declared to be law, in the oath of supremacy made in the first year of Queen Elizabeth, which oath the subjects of this kingdom are obliged to take, especially all parliament men. They therein do swear, testify, and declare, in their conscience, that the queen (or king) is the only supreme governor of this realm, as well in all spiritual and ecclesiastical things and causes, as in temporall, &c.; and do promise to bear faith and true allegiance to the king, his heirs and lawful successors, &c. Where I will note to them, that the word lawful is not put before the word heirs, for that would have been tautology only, since no person can have an heir but who is lawful, for the law nominates who is heir to every one. But the epithet lawful is placed immediately before the word successors: and it is too well known that several of our lawful kings have had unlawful successors, and to such this oath doth not extend, nor are they within the intent or meaning of the said oath. Then, said the judge, I will open to the people the oath of allegiance made in the third year of King James; where again the subjects swear to bear faith and true allegiance to the king, his heirs, and successors, and them will defend to the utmost of their power, against all conspiracies whatsoever, against their person, crown, or dignity, &c.: And also, that they believe in their conscience, and are therefore resolv'd, that neither the pope, nor any person whatsoever, hath power to absolve them of this oath, (where other excellent matters are contain'd,) &c. Which makes it clear to a demonstration, that they who have taken the said oaths, (and all the commons house have taken them,) and yet do not pay allegiance and obedience to the lawful sovereign, all such subjects are not only rebels and traitors to the king, but also are perjurd, at least forsworn, into the

bargain. So then, said the judge, this book of statutes being another of my evil counsellors, I think it should also be hang'd with me. Then I will open the Bible that is upon my breast, and read to them, out of the 13th chapter to the Romans: "Let every soul be subject to the higher powers, for there is no power but of God: the powers that be are ordain'd of God. Whosoever, therefore, resisteth the power, resisteth the ordinance of God; and they who resist shall receive to themselves damnation," ver. 5. "Wherefore you must needs be subject, not only for wrath, but also for conscience sake." Then I will open and read to them also the 2d chapter of St Peter's first epistle, and 13th: "Submit yourselves to every ordinance of man for the Lord's sake, whether it be to the king as supreme, or unto governors, as unto them who are sent by him for the punishment of evil doers, and for the praise of them that do well; for so is the will of God, that with well-doing ye may put to silence the ignorance of foolish men." And then I will observe to them, from St Paul, "That the higher powers, to whom all are to be subject, are the king;" for St Peter here saith, in express words, "That the king is the supreme;" so must be the "higher powers" mentioned by St Paul. Again, where St Paul saith, "There are no powers but of God, and the powers that be are ordained of God," those powers here mentioned must of necessity be understood to be such powers as are lawful, and not such power as thieves, pyrates, banditti, rebellious men, or usurpers, sometimes acquire. Surely such are not to be obey'd for conscience sake, under the penalty of damnation; for by so doing we should be partakers of their notorious sins, and would thereby be accomplices in their guilt. And our Saviour himself says, "Render to Cæsar the things that are Cæsar's." He don't say, render to the senate of Rome any thing; and yet they had much better pretence to rule than our house of commons. So, good people, this holy and sacred book has also been another of my evil counsellors, and therefore shall also hang with me, for I will not part with it whilst I have breath. So, said the judge, when they shall see me die affirming these things, it will cause thousands to inquire further into this matter; and having found all I told them to be true, they will loath and detest the present tyranny. But no day of execution was ever appointed; yet afterwards they sent a committee from the commons house to Newgate, to the judge, and made this offer to him, that if he wou'd own their power for lawful, they wou'd not only take off the sequestration from his estate, (which was about £500 per ann.) but wou'd also settle a pension on him for life, of £1000 a-year. To which he answer'd, far be it from him to own rebellion (although it was successful) to be just and lawful; so he desired to see their backs. Then the chief of them made another proposal to the judge, and said he should have the same was mentioned above, if he wou'd but permit and suffer them to put in print, that he did own and acknowledge their power to be lawful and just, and wou'd not gainsay it. To this he answer'd, he would not connive at their so doing for all the money they had robb'd the kingdom of; and shou'd they be so impudent to print any such matter, he wou'd sell his doublet and coat, to buy pens, ink, and paper, and wou'd set forth the commons house in their proper colours, (that is, wou'd make them appear to be scandalous, impudent, and lying rebels.) When they found him so firm, one of the committee used this motive:—You have a wife and nine children, who all will starve, if you refuse this offer; so consider for their sakes: they make up ten pressing arguments for your compliance.

What, said the judge, did they desire you to press me in this matter? I won't say they did, replied the committee-man; but I think they press you to it without speaking at all. With that the old man's anger was heightened to the utmost, and, in a passion, said, Had my wife and children petitioned you in this matter, I would have looked on her as a whore, and them as bastards. Upon this the committee departed, and he continued in Newgate unto the restauration; soon after which, I have been informed that

this most heroical and loyal judge died, whose memory and doings ought never to be forgotten by loyal men.

---

*The Power of Kings discussed; or, an Examen of the Fundamental Constitution of the Free-born People of England, in Answer to several Tenets of Mr David Jenkins, 1649.*

By WILL. BALL of Barkham, Esq.

*Sat patriæ priamoque datum*——

---

I can find no memorial of Mr Ball, who, like H. P. of Lincoln's-Inn, stepped forward to combat the tenets of royalist Judge Jenkins.

---

THE free-born people of England live, or ought to live, by or under a law of common consent, the supreme ruler or highest magistrate whereof is the king; whose oath is to conserve and maintain, *justas leges et consuetudines quas vulgus elegerit*, &c., the just laws and customs which the common people shall chuse, (as many do expound it.) Others will have the verb *elegerit* to signifie hath chosen, according to the French *auran choisy*; and Mr Jenkins alledgeth this reason for it: 'Customs cannot refer to future time, and both are coupled together, laws and customs; so that *elegerit* must be taken in the preterperfect tense. But, by the favour of Mr Jenkins, albeit customs are not properly alterable, as are laws, and though laws and customs are coupled together, yea, alterable laws are nominated and placed before customs, yet may the verb *elegerit* be taken in the future tense; for the reason why laws are inserted in the king's oath, or propounded to the king in his oath, before customs, is, first, because laws are more worthy and noble than customs; for that laws are rules or regulations of the whole or entire people, but customs are rules only of some, or of a part of the people; and that in some things only.

Secondly, laws are more ancient, to speak generally, than customs; for it's very probable that the Saxons, coming out of Germany into Britain, brought the common law with them, as a rule agreeable to the law of nature and reason, which they had learned, or had delivered unto them from their fathers; yet customs they could not bring with them; for customs have relation to place as well as to persons; but neither the Saxons, nor any other people, could have relation to a land or country before they possessed it: So that the coupling of laws and customs together, or nominating or placing laws before customs in the king's oath, is no amiable reason, from whence a direct consequence may be deduced, that the verb *elegerit* must or ought to be taken in the preterperfect tense, or that it may not be taken in the future tense; and consequently that the king may not be strictly tied and obliged, *in foro conscientiæ*, to conserve and maintain such just laws as the common people shall at any time make choice of. But admitting the verb

*elegerit* to be taken and expounded in the preterperfect tense, albeit there be difference in grammar, yet is there no great difference in logick or reason; for the king taking his oath to maintain the just laws and customs which the people or common people have chosen, taketh his oath by an implicit or tacite condition, to conserve and maintain the just laws which the people shall chuse: For at the first making of that oath, and at our kings their taking of it ever since, the common people had then chosen, and have ever since conserved such choice, that not only there should be no laws *de futuro*, for the time to come, without their consent, but also that, upon their request or petition, our king should redress such grievances as they should complain of, and likewise propagate such just laws as they should propound, conducing to their general good or welfare; and that was the reason why heretofore it was inserted in many statutes, "Be it therefore enacted, by the king's majesty, with assent of the lords, &c., and at the request of the commons," &c.; wherein two things are to be noted: first, that the commons did request, not command or enforce our kings to pass such acts; secondly, that our kings did, upon such requests, usually pass them. And albeit the king have a negative voice, or rather a voice for advice, or to advise, as the words *le roy s'avisera* import, yet I conceive that he is strictly tied, *in foro conscientia*,<sup>†</sup> according to his oath, and the end of his government, (which is the good of the people,) to pass such acts for civil government as the commons shall request him to pass. But Mr Jenkins<sup>‡</sup> and others make a quære, and ask, who shall be judges? Whether such laws as the commons shall request be just or no, the king is tied or obliged by oath only to propagate and maintain the just laws which the common people chuse or request. In Mr Jenkins his opinion, the judges and the masters of Chancery, with the lords or peers assisting the king, ought to be judges of the common people, or of their representatives or trustees, their requests, rather than two or three, or a few commoners, who sometimes are not learned in the laws of the land. To this quære, and the allegations, I answer, that the commons, *primario*, or in the first place, are, and ought to be the judges, even as customary tenants are, and ought to be their own evidences. Although one man ought not to be judge in his own case, yet all in a kingdom or common-wealth can have no judges of their common interest but themselves, or some amongst themselves, at least-wise no competent judges. And where the common interest is controverted, there they who have the greatest interests, or whom it most concerns, ought to be judges *primario*, or in the first place; and surely the common people in general have the greatest interest in their common interest, and the laws of the land most concern them; wherefore they, or their representatives or trustees, ought to be judges *primario*, or in the first place. And as touching that many in the house of commons are not sometimes learned in the laws, nor have any great knowledge in state affairs, it may be so; and it may be wished that none but such as have sound judgments might sit in that honourable house; and I believe that the words *habiles homines*, in the writ of burgesses, intend such men, and not men of great estates, who are sometimes men of mean understandings, and yet by feasting, (I will not say bribing,) or by flattering, or by an over-awing power, attain to be parliament men. Howsoever, for as much as such men, being chosen, are capable to consult and advise with others wiser than themselves, and are, in matters of great concernment, guided by the discretion of others, their votes going along with the votes of others, they may be accounted competent judges of what may be beneficial or prejudicial to the common-wealth. Howsoever, I do not exclude the lords or the house of peers from being judges *secundario* of such matters as generally concern the kingdom; for although Mr Jenkins<sup>‡</sup> conceives them not to be *vulgus*, truly I conceive the lords in England to be but *vulgus superlatum*, even as bishops are but *clerici prelati*, and aldermen but *cives elati*. In England, the nobles have no distinct or different laws, as in Germany, Poland, and some

<sup>†</sup> Jenk. Resp. ad Prin.

<sup>‡</sup> Jenk. *ibid*.

other countries : these here inherit by the common law, or laws common to others : they also contract, bargain, and sale by the same laws, and are subject to the same laws : Some privileges they have which make rather a titular or circumstantial, than an essential or specifical difference between them and the inferior common people. But it may be some will say, why should not the lords, being dignified or noble, be judges *primario*, or in the first place, rather than the commons ? I answer that the lords are not intrusted by the people, as are the commons ; and therefore, in matters of general concernment, the commons ought to precede them : notwithstanding, *de se et suis*, in things that merely concern the lords, as also concerning matters of fact,<sup>1</sup> or controversy which shall happen, by writs of error, or otherwise, to come into that most honourable house, therein the lords, *de jure*, precede the commons. But Mr Jenkins will have the house of peers to be judges of the laws rather than the house of commons, because the king, by his writ, saith that he will consult and treat with the peers and prelates of the kingdom, for, and touching the great concernment of the common-wealth ; (for the king never sits in the house of commons.) The peers do *consulere*, and consequently (as saith Mr Jenkins) judge of the concernments of the common-wealth ; the commons do but *facere et consentire*, according to such consultation or judgement : Which power, *ad faciendum et consentiendum*, Mr Jenkins saith, the king gives them by his writ ; and to strengthen his opinion, he quoteth a great lawyer. But by the favour of Mr Jenkins, and such as adhere to his opinion, albeit the king say in his writ, that he will consult and treat with the prelates and peers, touching the great concernments of the common-wealth, for that they are properly his assistants, he sitting with them, doth he therefore say that he will not treat with the commons ? Nay, doth not the king treat with the commons, by messengers, when he desireth aids and subsidies ; and have not the commons a negative voice therein ? Can the king and the peers make an act of law without the commons ? Are the commons tied or obliged necessarily to do and consent to what the king and the lords shall determine, as Mr Jenkins seems to intimate ? Surely no : Our laws and customs speak them absolutely free in these things. And whereas Mr Jenkins saith that the king, by his writ, gives power to the commons, *ad faciendum et consentiendum*, therein he is greatly mistaken. The king by his writ only appoints the place and time, and instances the words, *ad faciendum et consentiendum*, to shew the cause or end of their convention or assembling together ; but the people give them their power, who elect or nominate them, and also transact their power unto them, by their parole, at their elections, and by their indentures, wherein they insert the words, *ad faciendum et consentiendum*, as from themselves to the parties whom in the said indentures they nominate and intrust. And indeed, were the power of the knights, citizens, and burgesses derived to them by the king's writ, such indentures were needless and frivolous : the sheriffs might only make their return, *se fecisse electionem secundum breve receptum*, and such like. Moreover, it is against reason, that a people shall have power to nominate and intrust some about their affairs, and shall, for that end, allow them wages, (as do the counties, cities, and towns corporate, to the knights, citizens, and burgesses,) and yet that such trustees or stewarts should derive no power from the people, their trustors, neither as their judges delegate nor allegat ; that is to say, neither as judges for them according to law, nor as judges for them according to reason and conscience. But Mr Jenkins conceiveth the house of commons to be no fit judges of law, or acts for the people's good, because they are not called *ad consiliandum*, but the house of peers : And furthermore, that the house of commons are no court,<sup>2</sup> at least-wise no court of record, nor can give an oath, or examine upon oath : and that house which cannot do the less, cannot do the greater. By Mr

<sup>1</sup> And for this cause, as also to advise the king, are the judges and masters of Chancery called to the house of peers.—JENKINS, in his *Cordial*, &c.

<sup>2</sup> Jenkins, in his *Lex Terræ*, p. 41, and his *Cordial*.



Jenkins, and other his adherents favour, is it not of greater moment and concernment to be called *ad faciendum et consentiendum*, than *ad consiliandum*, or *consilium dandum*? He or they who are called to counsel are called only to advise with; but he or they who are called *ad faciendum et consentiendum* are called to act with, or to be co-enactors.

Therefore the king, by his writ, invites the people to do and consent (by their representatives) touching such difficult and urgent affairs as concern himself, the state, and defence of the kingdom of England, and church of England, of which he intends to consult with his peers. And great reason it is that the commonwealth should, at the least, have free power in herself to acknowledge her own *finalem concordantiam*, her own *facere et consentire*, albeit she were in nature of *femme covert baron*, (as Mr Jenkins would have her.) The king being *sponsus regni, qui per anulum*,<sup>1</sup> is espoused to his realm at his coronation. And certainly the king conceives such power inherent in the commonwealth, when he declares in his writ, *ita quod pro defectu potestatis hujusmodi, seu propter improvidam electionem militum, civium et burgensium, &c.* Moreover, I could tell Mr Jenkins, that commonwealth hath greater power. The king receives the ring at his coronation, as doth *femme covert baron*; and consequently the commonwealth rather espouses the king, than the king the commonwealth: so that the commonwealth is *regina sui ipsius*, the king *rex regens*, as was Philip the Second of Spain in England, albeit *modo differente*; for he was king meerly of courtesy, but our kings are kings by descent. And whereas Mr Jenkins doth in several places except against the power of the house of commons, affirming that they are not fit to be judges of the laws of the land, for that they cannot punish felony nor treason, nor give an oath, nor are a court of record, &c.; it maketh no matter whether they can do these things, or whether they are a court of record or no, in relation of their being judges of the laws of the land, so far forth as they are to judge of them; for the commons are not called and chosen chiefly to judge of matters *de facto*, according to the laws in being, (for that the courts of justice may determine of,) but to judge of the laws themselves, *de facto et de fieri*, whether they be convenient or inconvenient, fit to be continued, or repealed; or whether new laws ought to be made, for the good of the commonwealth, or no; and these things they may do as judges *allegate*, or *umpires* for the people, although the house of commons were no court of record. Moreover, I conceive that he or they who covenant with others to do any act, or acts, which shall be reasonably advised or devised by the covenantees, or their council, or the like, doth make such covenantees, their council, or arbitrators, judges *primario*, or in the first place, of such act or acts: and such covenanters make themselves, or become passive to the end, and active to the means of such covenant; that is to say, they are to do or act what the covenantees will (with reason) have them do or act, albeit the acts which they do are their own acts. Even so that potentate who covenanteth by oath (for his oath is *vice contractus vel compacti*) to conserve and maintain the just laws and customs which the people shall chuse, or otherwise the just laws and customs which the people have chosen, (it being one of their chosen laws, that their potentates shall *de futuro*, upon their request, redress their grievances, be it by repealing acts inconvenient, or enacting some *de novo*;) such potentate doth surely make the people, their representatives or trustees, judges *primario*, or in the first place, of such act, and makes himself, or becomes passive to the end, and active to the means of such his contract by oath; that is to say, he is to do what the people will (with justice and reason) have him to do or act, albeit the acts which he doth are his own acts. But Mr Jenkins saith, that both houses have many times tender'd unto our kings unjust and unreasonable bills, which it had been better for our kings to have denied, or not have passed, then to have consented to, and have passed; and Master Jenkins instanceth, touching religion, bills

<sup>1</sup> Jenkins, in his *Lex Terræ*, p. 41.

tender'd to Henry VIII. and to Queen Mary; bills tender'd unto Richard III., and also to the aforesaid Henry VIII., concerning civil government, &c. I conceive Mr Jenkins' might have instanced enough, and too many such bills; but what of all this? Is there not *bonum reale* and *bonum apparens*, *secundum tendentium vellietatis*, real good, and seeming good, which may be in itself evil? And is there not *verum reale* and *verum formale*, *secundum quod ad se fert intellectus*, a real truth, or a true real being, and an apprehended truth, or a true apprehended being, which may be no true real being. Even so there is *justum reale* and *justum apparens*, or *formale*, an act, or being really just, and seemingly or formally just, as it is apprehended by understanding, and embraced by the will, which may be in itself unjust. Wherefore, if the people, (to whom the king is tied by oath,) or their representatives or trustees, so long and so far as they intrust them, shall, on behalf of the people, tender to the king a bill of civil government, to them seeming just and reasonable, but to the king seeming unjust and unreasonable, and it may be so in itself, the king, notwithstanding, is, by an implicit condition of his oath, tied or obliged to pass such a bill, if it deprive not himself of his own just rights; for, *id juris est quod nationis est*, if a nation or people will induce themselves into an inconvenience, conceiving it convenience, the king cannot help it: He may use the best means he can, by advice, arguments, and the like, to prevent it; but if the people, and their representatives, will persevere in their desire or request, the king (as aforesaid) is obliged to pass it. The king is the supreme ruler, or highest magistrate for the people, or over the people, *ad agendum*, to put the laws in execution; but the king is not chief judge of the rules or laws by which the people will be governed: the people themselves, and those whom they intrust, so far as they intrust them, are, or ought to be judges thereof, *jure primitivo*. Moreover, if a covenantee will desire or require of a covenanter an act, (of which the covenantee is judge *primario*, or in the first place,) no way beneficial, but rather detrimental to him the covenantee, the covenanter is obliged to grant or perform such an act, tending to the end of his covenant, not otherwise to endamage himself. Even so it is between the king, who is covenanter by oath, and the people, who are covenantees, concerning laws and statutes touching civil government, to be enacted, or repealed and abolished.

But some, it may be, will say, suppose the commons, or both houses of parliament, should tender unto the king a bill, or bills, destructive to his own just rights, is he bound to pass such? Truly no. He may justly refuse them; for the end of his oath is to conserve and maintain the just laws which the people have chosen, or shall chuse, for their good; not the unjust laws which they shall chuse, to destroy or deprive him of his royal right. *Jus regnandi* is the king's by descent, even as *jus regni* (to speak properly) is the people's by birth-right, (no way excluding the king from any benefit thereof.) The people promise, or covenant by oath, to obey the king as their supreme governor, or highest magistrate, and to maintain him, his heirs, and lawful successors, in his and their just rights and dignities; and as the king's oath tyeth and obligeth him to the people, certainly the people's oath tyeth and obligeth them to the king. Although our king in England be not a personal monarch, to make laws and govern at his pleasure, as some affirm that the great Turk, the King of Persia, and such like tyrannical princes do, (albeit, I conceive, that even those potentates are in some things limited,) yet our king is a legal monarch, to reign and govern by laws made and consented unto by the people; so that although the king have not an absolute power to make laws, he hath an absolute power to administer the laws; and I hope there are none that will think or attempt otherwise.

Having said that the king is tied, by an implicit condition of his oath, (admitting the verb *elegerit* to be understood in the preterperfect tense,) to pass such bills concerning

† Jenkins, in his *Lex Terræ*.

civil government as the commons or both houses shall tender unto him, (not destructive to himself,) and having said, notwithstanding, that the king hath a negative voice, or a voice to advise, and consequently not to pass such bills until he have advised; some, it may be, will say that there is a contradiction or opposition in these assertions; but there is none; for even every covenantor may, by the courtesy of the law, advise with himself and his own council, as well as with the council of his covenantee, before he make or do acts tending to the end of his covenant: and great reason it is that the king should have as great, or rather greater freedom, in that he is the supreme ruler, or the highest magistrate of the commonwealth. A freedom to advise, or to deny until advice be taken, doth not nul *nec in foro conscientie, nec in foro juris*, the tie or obligation of oath or covenant, so far forth as such oath or covenant tieth or obligeth.

Furthermore, concerning the king's oath aforesaid, although he be tied and obliged by vertue thereof to pass bills touching civil government, (as aforesaid,) yet I conceive that he is not tied and obliged, by vertue of his said oath, to pass bills touching religion, tender'd unto him by the commons, or both houses of parliament; for at the making of that oath, neither the commons, nor their representatives or trustees, nor the king, or his lords or peers, had any thing to do, or did meddle with matters touching religion, to define, frame, or alter any thing therein: such things were then altogether performed by ecclesiastical councils and assemblies: nor would the people, nor did they tie or oblige the king by oath to do that which (as then) they conceived he had no power to do: and the kings who have successively taken that oath since the first making thereof, have taken their oaths according to the intent and meaning of that oath when first compiled, and no otherwise; so that I do not conceive the king to be obliged, by vertue of his said oath, to pass bills touching religion, tender'd unto him by the commons, or both houses of parliament.

But some (it may be) will say that the king is tied otherwise, *ex officio*, to pass such bills touching religion as the commons or both houses shall tender unto him. It may be so; but if so, yet both the king and both the houses ought to be very cautious and conscientious how they make acts touching religion, in which they may err themselves, and by which they may ensnare and molest other men's consciences. However, the kirk-men having borrowed (I suppose) some infallible night-caps from the Roman bishops, dream exceedingly that they interpret the Holy Scriptures without error of the least *iota*.

Master Jenkins' saith that the king is *principium caput, et finis parlamenti*. The king is *principium*, I grant him, for that the king, by his writ, appoints the time and place of parliamentary conventions; and that the king is *caput*, I also grant it him, in that the king is the supreme ruler, or highest magistrate in the commonwealth; but that the king is *finis*, at least-wise, *finis integer aul totalis parlamenti*, I deny it; for *finis, or causa finalis, is causa propter quod, the cause for which a thing is ordained; and certainly salus populi, which is suprema lex, the safety of the people, their general good and welfare, is the end, at least-wise, the principal end of parliamentary conventions; and Master Jenkins seemeth (in his Cordial to the good People of London) to acknowledge as much; for whereas Master H. P., barrister of Lincoln's-Inn, affirmeth that the safety of the people is the supreme law, (as indeed it is,) Master Jenkins, \* replying to him, sayth, Neither do we swear, but his majesty and we will swear to the contrary, and have sworn, and have made good, and will, by God's grace, make good our oath to the world, that the king is not above the law, nor above the safety of his people: the law and the safety of the people are his safety, his honour, and his strength. These are Mr Jenkins his words, whereby he acknowledgeth that the safety of the people are the king's safety, honour, and strength; so that if the*

\* Jenkins, in his *Les Terres*.\* Jenkins, in his *Cordial*.

king be the end, or a partial end of the parliament, according to his assertion, the people's safety must needs be the principal or ultimate end.

Master Jenkins saith that it cannot be said the king doth wrong, and that it was declared by all the judges and serjeants at law, [*tempore.*] The reason is, (saith Master Jenkins,) nothing can be done in this commonwealth by the king's grant, or any other act of his, as to the persons, goods, lands, liberties of the subjects, but must be according to the established laws, which the judges are sworn to observe and deliver between the king and his people, impartially to rich and poor, high and low; and therefore the justices and the ministers of justice are to be questioned and punished, if the laws be violated, and no reflection to be made on the king.

By Master Jenkins's favour, if it be granted that the king doth not wrong in ministering the laws, but that the ministers of the laws, whom the king intrusteth, do the wrong, will it therefore follow, that it cannot be said that the king doth the wrong otherwise, both in his natural and politique capacity? Surely no. The king may usurp, (and yet be a king *de facto*.) as did Henry I., his brother Robert being alive; and William II. also, notwithstanding his father's will; Stephen; Richard I., and John, his brother, (for Arthur, son of Geoffry, Duke of Britain, third son of Henry II., was right heir to the crown, Richard being the fourth son, and John the fifth son of the said king Henry;) Edward III., while his father lived, (for though his father were a dissolute prince, yet the son ought not to have usurped his right; and albeit a people may (as did the petty kings and people of Sodom and Gomorrah, the Jews, Athenians, Romans, and divers other nations) free themselves from tyranny and slavery, yet they ought not to depose their king for vice;) Henry IV., that subtle usurper; Richard III., that politique tyrant.

The king may break his faith and promise with his own people and others, as did the Norman, and some of his successors very constantly, as if it had descended to them with the crown.

The king may break his oath, as did Henry III. and some others.

The king may, through his own covetous and ambitious desire, impose illegal taxes upon the people; he may also engage himself and his people in unnecessary wars and broils, as kings have done either: And if it be said that kings are in such things many times misled by their councils, and therefore they themselves ought to be excused, I answer no; for kings ought not to be misled by their councils, *privatio rectitudinis in debito esse actus peccatum est*. Kings have the means not to be misled in such matters, if they will make use of it; but many times kings will be led by cabinet councillors, creatures of their own making, who depend upon them, and endeavour to humour and please their princes for their own ends, and not to counsel them according to prudence and justice: and sometimes kings have done what liketh themselves without council.

The king may, by an over-awing power, or by a kind of menacing, or high carriage, enforce, or cause the representatives of the kingdom to do or agree to that, to which (if such unjust and indirect means were not used) they would not agree unto; as did Henry VIII., in obtaining the lands of abbies and monasteries; for admit the abbies and monasteries deserved to be dissolved, yet, for as much as their lands were *terre regni non regis*, they ought to have been applied and employed to the good of the kingdom, not of the king, there being then neither law, reason, nor president for it. But King Henry, partly by frowns, mutterings, and threatenings, and partly by promising that he would, with those lands, maintain an army for the defence of the kingdom, and ease the people from other taxes and payments, (which how well he performed all men know,) obtained and got into his hands those lands, by consent of both the houses of parliament; wherein how justly or unjustly both houses dealt, I will not dispute it at this time.

But to go on:—Mr Jenkins himself instanceth,\* that in King John's time the nobles and commons of the realm conceiving that the ancient customs and rights were violated, &c., *et paulo post*, after the subjects had obtained their rights and liberties, which were no other than their ancient customs, &c. By which two instances of his, he, in some sort, acknowledgeth that the people were wronged in their customs and rights, from the time of the Norman conquest to the reign of Henry III. And who did the wrong? Surely the Norman and his successors, who severally violated them; not such judges and justices of the laws who then were, for they did but as they were commanded. To conclude, the king may, in these and the like things, both according to his natural and politique capacity, *peccare contra Deum, contra proximum, et seipsum*; and if it be said, notwithstanding, he can do no wrong, certainly that tenet, if it be *ens legis*, it is scarce *ens rationis ratiocinata*.

That the king can do no wrong, (*in curiâ*,) nor the pope err, (*in cathedrâ*,) I take them to be axioms much alike. For my part, I pretend not to the knowledge of the laws, but honour the knowledge thereof. Thus much I know, *non jurari in verba magistrî*. I have heard say, that the greatest clerks are not sometimes the wisest men; and I must tell Mr Jenkins and others, that sometimes, also, the greatest lawyers are not the soundest schoolmen; for if they were, some of them would not have said and written what they have. Mr Jenkins saith,<sup>2</sup> the law and custom of this land is, that a parliament hath power over my life, liberty, lands, and goods, and over every other subject, &c. *Pax cum pedibus*, good Master Jenkins, not so fast. What doth Master Jenkins mean by the word power? If he mean, by the word power, that the parliament hath power to protect the lives, liberties, &c., of the people, I grant it him; or if he mean, by the word power, that the parliament hath power *applicare in necessitatem regni* the proprieties of the people, I also grant it him; but if Master Jenkins mean, by the word power, that the parliament (including the king) hath an absolute power to dispose of the people's estates, *mere ad placitum*, I absolutely deny it: and touching this, I have formerly inserted reasons in two printed books. Moreover, the parliament cannot *tradere populum Angliæ alieno juri*, deliver over the free people of England to a foreign government, or to laws imposed by foreigners, or composed and continued in relation to foreigners; nor can the parliament, by any ordinance or act whatsoever, deprive the free people of England of their innate right of electing knights, citizens, and burgesses for parliament. In these things, and things of the nature of these, tending to the fundamental rights and laws of the people, the parliament cannot, nor ought not any way to violate the people or nation: If they do it, they do not only fall and fail from the protection of the people, but they become *proditores et hostes patriæ*. The king is to consider, that although he have his *jus regnandi*, his crown by descent, and holds à *Deo ordinariâ per successionem*, God himself being the efficient cause primarily, yet he holds it *in ordine ad populum*, in relation to the people, who tie him by oath, &c. In England, *salus populi*, not *majestas imperiî*, is the chief object and end of government. The representatives or trustees of the people are also to consider that they are *creati in ordine ad populum*, not *nati in ordine ad se*, as are the Venetian senators; that they are entrusted by the people, according to the king's writ, *pro quibusdam arduis et urgentibus negotiis*, not made unlimited or absolute in all things: so that the king and both the houses of parliament ought to endeavour for the general good of the commonwealth.

I am of Master Jenkins his opinion in this, that the safety of the people is the safety of the king, and that the honour of the king is supported by the honour of the people or nation.

WILLIAM BALL.

\* Jenkins, in his *Lex Terræ*.

<sup>2</sup> Jenkins, in his *Cordial*.

---

*Impropriations purchased by the Commissioners sitting at Goldsmiths-Hall, for Compositions with Delinquents; by Ordinance of both Houses of Parliament: With a List of the Names of such Persons from whom they have purchased any Revenue for Augmentation of the Maintenance of Preaching Ministers in several Parishes within this Kingdom. Published for the satisfaction of those whom it doth concern.*

London, printed by Richard Cotes. 1648.

---

- "The house this day ordered, 'That the ordinance for stating and perfecting the accompts of officers and soldiers, and widows of officers and soldiers, be forthwith printed and published.'
- "They farther ordered, 'That the committee of sequestrations at Westminster should appoint certain rooms in Worcester-House, under sequestration, for the auditors that are appointed to audit their accompts.'
- "The house declared that their intentions were, That all impropriations of the lord Cottington, and all others assigned for Ireland, do continue and be disposed of for augmentations to ministers, or any part thereof that hath been or shall be assigned by the committee of plunder'd ministers.
- "The committee of Goldsmith's-Hall was ordered to certifie what impropriations of delinquents are purchased by them upon allowance in their compositions, and what impropriations are, in pursuance thereof, settled according to the law of the land."—RUSHWORTH, VII. 1248.
- 

*Die Veneris 1 Septembr. 1648.*

Ordered, by the commons assembled in parliament, that the committee at Goldsmiths-Hall do certifie unto this house, on this day seven-night, an accompt what impropriations of delinquents are purchased by them upon allowances therefore made to said delinquents, upon passing their fines, and what impropriations are, in pursuance thereof, settled effectually by law.

H. ELSYNGE, Cler. Parl. D. Com.

*23 Decembris, 1645.*

Humphrey Walcot of Walcot, in the county of Salop, Esq., to settle 160*l.* per annum; viz. 40*l.* per annum a-piece for the maintenance of four ministers in the several chappels in the parish of Clun, in the said county; for which he is to be allowed 447*l.*; and so his fine of 947*l.* is reduced to 500*l.*

*10 Januarii, 1645.*

Sir John Harpur of Swarkeston, in the county of Derby, knight, to settle 110*l.* per annum; viz. 20*l.* per annum upon the vicar of Barrow, 40*l.* per annum upon the church of Ticknall, and 50*l.* per annum upon the church of Repton; for which he is to be allowed 583*l.*; and so his fine of 4583*l.* is reduced to 4000*l.*

*24 Februarii, 1645.*

Sir Walter Wrottesley of Wrottesley, in the county of Stafford, knight, to settle 15*l.* per annum for ever upon the minister of Tetenthal; for which he is allowed 180*l.*; and so his fine of 1512*l.* 10*s.* is reduced to 1332*l.* 10*s.*

*3 Martii, 1645.*

Arthur Caley of Brompton, in the county of York, gent., to settle 20*l.* per annum upon the minister of Sneyton, and his successors for ever; for which his whole fine of 150*l.* is remitted.

*7 Martii, 1645.*

Sir Richard Tancred of Whixley, in the county of York, knight, to settle 40*l.* per annum upon the vicar of Whixley, and his successors for ever; for which he is allowed 400*l.*; and so his fine of 746*l.* remains 346*l.*

*Eodem die.*

Edward Page of Oundle, in the county of Northampton, gent., to settle 40*l.* per annum upon the minister of Oundle, and his successors for ever; for which he is allowed 400*l.*; and so his fine of 500*l.* is reduced to 100*l.*

*Eodem die.*

Sir John Goodricke of Hunsingoe, in the county of York, knight, to settle 40*l.* per annum upon the minister of Hunsingoe, and his successors for ever; for which he is allowed 308*l.* 14*s.* 8*d.*; and so his fine of 1508*l.* 14*s.* 8*d.* is reduced to 1200*l.*

*18 April, 1646.*

John Bulloke of Darleigh, in the county of Derby, Esq., to settle 130*l.* per annum for ever; (viz.) 90*l.* per annum upon Derby, and 40*l.* per annum upon the vicar of Norton; for which his whole fine of 1300*l.* is remitted.

*Eodem die.*

Gregory Armitage of Nether Shitlington, in the county of York, gent., to settle 8*l.* per annum for ever upon the church of Dewsbury, where the vicar hath but 90*l.* per annum; for which he is allowed 82*l.* out of his fine of 482*l.*; and so his fine remains 400*l.*

*26 Aprilis, 1646.*

James Pennyman of Ormesby, in the county of York, Esq., to settle 100*l.* per annum for ever; (viz.) 50*l.* per annum upon the vicar of Maske, and 50*l.* per annum upon the minister of Gisborough; for which he is allowed 1000*l.*; and so his fine of 1750*l.* is reduced to 750*l.*

*4 Junii, 1646.*

Thomas Savage of Elmely Castle, in the county of Worcester, Esq., to settle 60*l.* per annum, for three lives, upon the vicar of Elmely; for which he is allowed 400*l.*; and so his fine of 1500*l.* is reduced to 1100*l.*

*20 Junii, 1646.*

Sir Charles Bolles of Lowth, in the county of Lincoln, to settle 36*l.* per annum, for two lives, upon the church of Alford; for which he is allowed 270*l.*; and so his fine of 670*l.* is reduced to 400*l.*

14 *Julii*, 1646.

Sir Thomas Badd of Fairham, in the county of Southampton, knight, to settle 30*l.* per annum, for five years, upon the minister of Lemington; for which 60*l.* is allowed him out of his fine of 530*l.*, and so there remains 470*l.*

23 *Julii*, 1646.

Christopher Byerley of Midridge Graunge, in the county of Durham, Esq., and Anthony Byerley, his son, to settle 200*l.* per annum for ever upon the church of St Andrew's Auckland, and upon the four chappels thereunto belonging; for which there is allowed 2001*l.* out of the fine of 6391*l.*; and so there remains 4390*l.*

28 *Julii*, 1646.

Settled. Sir Thomas Hammer of Hammer, in the county of Flint, knight, to settle 80*l.* per annum upon the vicar of Hammer; for which the latter moiety of his fine, being 500*l.*, is accepted.

30 *Julii*, 1646.

Settled. Sir Henry Anderson of Penley, in the court of Hertford, knight, to settle 25*l.* per annum for ever upon the minister of Bitterley, in the county of Salop; and his fine remains 2110*l.*

6 *Augusti*, 1646.

Settled. Alexander Hill of Taunton, in the county of Somerset, gent., to settle 20*l.* per annum for ever upon the church of Mary Magdalen in Taunton aforesaid; for which his whole fine of 192*l.* 8*s.* is remitted.

20 *Augusti*, 1646.

Settled. Robert Kirham of Finished, in the county of Northampton, Esq., to settle 110*l.* per annum upon the ministers of Cotterstoke and Glapthorne; for which he is allowed 1000*l.*; and the fine remains at a third, 1905*l.*, at a sixth, 763*l.*

25 *Augusti*, 1646.

Settled. Thomas Audley of St Ives, in the county of Huntington, Esq., to settle 30*l.* per annum for ever upon the minister of St Ives; for which he is allowed 300*l.* out of his fine of 500*l.*; and so there remains 200*l.*

4 *Septembr.* 1646.

Marmaduke Wilson of Dighton, in the county of York, gent., to settle 50*l.* per annum, for three lives, upon the minister of Munckfriston; for which his fine of 320*l.* is wholly remitted.

7 *Septembr.* 1646.

Settled the 180*l.* per annum, but he hath not settled the 60*l.* per annum. Sir Michael Warton of Beverly, in the county of York, knight, to settle 180*l.*, for four lives, upon the ministers of Cottingham and Skidby, and also 60*l.* per annum for ever upon such place as this committee shall appoint; for which he is allowed 1680*l.*; and so his fine of 4000*l.* rests 2320*l.*

18 *Septembr.* 1646.

Settled. Sir Richard Grosvenor of Eyton, in the county of Chester, baronet, to settle 130*l.* per annum for ever upon the ministers of such places as this committee shall appoint; for which he is allowed 1300*l.*; and so his fine of 2590*l.* remains 1290*l.*



24 Septembr. 1646.

George, Lord Chandois, to settle 100*l.* per annum for ever upon the minister of Harefield, in the county of Middlesex; for which he is allowed 1000*l.*; and so his fine of 4976*l.*, at a tenth, remains 3976*l.*, and at a third, his fine of 12,440*l.* rests 11,440*l.*

26 Septembr. 1646.

William Thomas of Swanzey, in the county of Glamorgan, Esq., to settle 45*l.* for ever upon the minister of Landilo Tallopont, in the said county; for which he is allowed 450*l.*; and so his fine of 786*l.* is reduced to 336*l.*

1 Octobris, 1646.

Sir Richard Leveson of Trentham, in the county of Stafford, knight, to settle 380*l.* per annum for ever; (*viz.*) upon the minister of Trentham 90*l.* per annum, upon the minister of Barlaston 50*l.* per annum, upon the minister of Sheriffs-Hall 40*l.* per annum, upon the minister of Treasall 60*l.* per annum, all in the county of Stafford; as also 80*l.* per annum upon the minister of Lilleshall, 10*l.* per annum upon the minister of Shawbury, and 10*l.* per annum upon the minister of Clarely, in the county of Salop; and the remainder to be settled upon such places as this committee shall appoint; for which he is allowed 3846*l.*; and so his fine of 9846*l.* is reduced to 6000*l.*

*Eodem die.*

Sir Henry Griffith of Agnes Burton, in the county of York, baronet, to settle 178*l.* per annum, for two lives, upon such places as the parliament shall appoint; for which is deducted 1246*l.*; and so the fine of 8793*l.* is reduced to 7547*l.*

6 Octobris, 1646.

Sir Charles Gaudy of Crowes-Hall, in Debenham, in the county of Suffolk, knight, to settle the rectory and tythes of Ashfield, Thorpe, Debenham, and Kenton, valued at 150*l.* per annum, for the maintenance of the ministry there; for which is deducted 1260*l.*; and so the fine of 1789*l.* is reduced to 529*l.*

*Eodem die.*

Henry Bunbury of Stanney, in the county of Chester, Esq., to settle 25*l.* per annum upon the minister of Stoake, and his successors for ever; for which he is allowed 250*l.*; and so his fine of 1950*l.* is reduced to 1700*l.*

8 Octobris, 1646.

Richard, Lord Viscount Mollineux, to settle 357*l.* for ever; (*viz.*) 100*l.* per annum upon the minister of Shipley, 47*l.* per annum upon Southover, near Lewis, in Sussex, 60*l.* upon Honyborn, and the remainder upon such places as the parliament shall appoint; for which he is allowed 3570*l.*; and so his fine of 9037*l.* is reduced to 5467*l.*

9 Octobris, 1646.

Richard Cabell of Buckfastliegh, in the county of Devon, Esq., and Richard Cabell, his son, to settle 30*l.* per annum for ever upon the minister of Buckfastliegh, and his successors; for which there is allowed 300*l.*, and the fine to remain 1430*l.*

13 Octobris, 1646.

Isaac Mountagne of Westow, in the county of York, Esq., and George Mountagne, his son, to settle 91*l.* 13*s.* 4*d.* per annum for 14 years; (*viz.*) 50*l.* per annum upon the

church of Buttercrambe, and the remainder upon the church of Westow; for which is allowed 500*l.*; and so the fine of 790*l.* remains only 290*l.*

15 *Octobris*, 1646.

George Rawliegh of Farnborough, in the county of Warwick, Esq., to settle 50*l.* per annum, for two lives, upon the minister of Mollington; for which is deducted 445*l.* 12*s.* 6*d.*; and so his fine of 735*l.* is reduced to 289*l.* 7*s.* 6*d.*

20 *Octobris*, 1646.

Settled.

Sir Charles Berkeley of Bruton, in the county of Somerset, knight, to settle 156*l.* per annum for ever, and the reversion of 50*l.* per annum, now in lease for two lives; (*viz.*) 100*l.* per annum upon the minister of Bruton, 30*l.* per annum upon the minister of Pitcomb, and 30*l.* per annum upon the minister of Bruham; and then his fine to be 400*l.*

27 *Octobris*, 1646.

William Blythman of Newlaths, in the county of York, Esq., to settle 50*l.* per annum, for 26 years, upon the minister of Peniston; for which he is allowed 350*l.*; and so his fine of 508*l.* 10*s.* is reduced to 158*l.* 10*s.*

*Eodem die.*

Settled.

Edmund Ashton of Chatterton, in the county of Lancaster, Esq., to settle 140*l.* per annum for ever; (*viz.*) 40*l.* per annum upon the chappel of Shaw, and the residue upon the chappel of Oldham; for which his whole fine of 1414*l.* is remitted.

*Eodem die.*

Settled.

Robert Melsh of Ragnall, in the county of Nottingham, Esq., to settle 130*l.* per annum for three lives, after the expiration of two years; (*viz.*) upon the minister of Astham 40*l.* per annum, upon the minister of Dayton 30*l.* per annum, and 60*l.* per annum upon the minister of Ragnall; for which he is allowed 900*l.*; and so his fine of 1800*l.* is reduced to 900*l.*

19 *Octobris*, 1646.

Settled.

Sir Walter Smith of Great Bedwin, in the county of Wilts, knight, to settle 40*l.* per annum upon the church of Islington; for which he is allowed 400*l.*; and the fine of 1085*l.* is reduced to 685*l.*

*Eodem die.*

Settled.

Ralph Sneade of Keel, in the county of Stafford, Esq., to settle 100*l.* per annum for ever upon the two chappels of Keel and New-Chapel; that is, 50*l.* per annum to each of them; for which he is allowed 1026*l.*; and his fine remains 1000*l.*

31 *Octobris*, 1646.

Settled.

Bryan Cooke of Doncaster, in the county of York, alderman, and Bryan Cooke, his son, to settle 87*l.* 6*s.* 8*d.* per annum for ever (over and above the 12*l.* per annum already allowed) upon the church of Arkesey; for which there is allowed 873*l.*; and so the fine remains 1460*l.*

3 *Novembr.* 1646.

Sir William Robinson of Newby, in the county of York, knight, to settle the rectory of Baldersley, of the value of 80*l.* per annum, for the maintenance of a preach-

ing minister in that parish where the tithes arise; for which he is allowed 798*l.*; and so the fine of 2175*l.* is reduced to 1377*l.*

*Eodem die.*

Sir James Thynne of Longleate, in the county of Wilts, knight, to settle 50*l.* per annum upon the church of Froom for ever; for which he is allowed 500*l.*; and so his fine of 3586*l.* is reduced to 3086*l.* He is also to settle the impropriation of Lullington, in the county of Somerset, for the maintenance of the minister there; for which a proportionable allowance has been made.

7 *Novembr.* 1646.

Sir Francis Fane of Ashton, in the county of York, knight of the Bath, to settle the impropriation of Mether-Kennogg, in the county of Brecknock, of the value of 160*l.* per annum for ever, according to order of the committee of plunder'd ministers, dated 4 *Novembris*, 1646; for which he is allowed 1642*l.*; and so his fine of 2442*l.* is reduced to 800*l.*

12 *Novembr.* 1646.

Sir Francis Hawley of Buckland-Sorum, in the county of Somerset, knight, to settle 50*l.* per annum for ever upon the minister of Durston; for which he is allowed 507*l.* 18*s.*; and so his fine of 757*l.* 18*s.* is reduced to 250*l.*

19 *Novembris.* 1646.

John Minshull of Vale-Royal, in the county of Chester, Esq., to settle 30*l.* per annum upon the minister of Minshull for ever; for which he is allowed 300*l.*; and so his fine of 1040*l.* is reduced to 740*l.*

24 *Novembris.* 1646.

Sir John Munson of South Carleton, in the county of Lincoln, knight, to settle 30*l.* per annum, for two lives, as the parliament shall appoint; for which he is allowed 351*l.*; and so his fine of 3027*l.*; is reduced to 2676*l.*

*Eodem die.*

Richard Kirkby of Kirkby, in the county of Lancaster, Esq., to settle 50*l.* per annum (more than what is already paid) upon the minister of Haweshead and his successors; for which he is allowed 501*l.*; and so his fine of 751*l.* is reduced to 250*l.*

28 *Novembris.* 1646.

Mountjoy, Earl of Newport, to settle 40*l.* per annum for ever upon such place as the parliament shall appoint; for which he is allowed 400*l.*; and so his fine of 4579*l.* is reduced to 4179*l.*

*Eodem die.*

Thomas, Earl of Southampton, to settle 250*l.* per annum for ever upon such as the parliament shall appoint; for which he is allowed 2500*l.*; and so his fine of 6466*l.* is reduced to 3966*l.*

1 *Decembris.* 1646.

Orlando Bridgman of the city of Chester, Esq., to settle 140*l.* per annum for ever; settled (viz.) 50*l.* per annum upon Whitegate, and the residue upon such places as the parliament shall appoint; for which he is allowed 1660*l.* 1*s.* 5*d.*; and so his fine of 2246*l.* 7*s.* 2*d.* is reduced to 586*l.* 5*s.* 9*d.*

3 Decembris, 1646.

Sir Vincent Corbet of Moreton-Corbet, in the county of Salop, knight, to settle 80*l.* per annum upon the church of Linslade for ever; for which he is allowed 800*l.*; and so his fine of 2822*l.* is reduced to 2022*l.*

5 Decembris, 1646.

Settled. Thomas Cholmondley of Vale Royal, in the county of Chester, Esq., to settle 120*l.* per annum upon the vicars of Over-Whittenhal and Whitegate, for sixteen years to come; for which he is allowed 719*l.*; and so his fine of 1169*l.* is reduced to 450*l.*

8 Decembris, 1646.

Settled. Richard Spencer of Orpington, in the county of Kent, Esq., to settle 40*l.* per annum upon the vicar of Orpington for three lives; for which he is allowed 330*l.*; and so his fine of 630*l.* is reduced to 300*l.*

*Eodem die.*

Settled. George Penruddock of Broad-Chalke, in the county of Wilts, Esq., to settle 110*l.* per annum for ever; viz. 40*l.* per annum upon the church of Great Wenlock, in the county of Salop, and 40*l.* per annum upon the church of Brombrough, and 30*l.* per annum upon the church of Eastham, in the county of Chester, for eighteen years to come; for which he is allowed 900*l.*; and so his fine of 1000*l.* is reduced to 100*l.*

*Eodem die.*

Settled. Edward Dymock of Kime, in the county of Lincoln, Esq., to settle the rectory of South Kyme and North Kyme, and the rectory of Billingham, of the value of 200*l.* per annum, upon the two churches or chapels where the tithes do arise; viz. 100*l.* per annum a piece; for which he is allowed 2000*l.*; so his fine of 7133*l.* is reduced to 5133*l.*

12 Decembris, 1646.

Settled. Randolph Egerton of Betley, in the county of Stafford, Esq., to settle 70*l.* per annum for ever; viz. 20*l.* per annum upon the church of Betley, 20*l.* per annum upon the church of Audley, 30*l.* per annum upon the chappel of Talke; for which he is allowed 705*l.* 10*s.*; and so his fine of 1411*l.* is reduced to 705*l.* 10*s.*

15 Decembris, 1646.

Settled. James, Duke of Richmond and Lennox, to settle the rectory of Leighton, in the county of Huntington, valued at 182*l.* per annum, upon the two churches where the profits arise for the term of two lives; for which he is allowed 1274*l.*; and so his fine of 9810*l.* is reduced to 8536*l.*

23 Decembris, 1646.

Settled. Edward Kirton of Castle-Cary, in the county of Somerset, Esq., to settle 20*l.* per annum upon the vicar of Castle-Cary for three lives; for which he is allowed 150*l.*; and so his fine of 504*l.* is reduced to 354*l.*

7 Januarii, 1647.

Edward Kinaston of Oatley, in the county of Salop, Esq., to settle 50*l.* per annum upon the chappel of Duddleston for ever; for which he is allowed 500*l.*; and so his fine of 2000*l.* is reduced to 1500*l.*

21 *Januarii*, 1647.

Sir Henry Frederick Thynne of Cause Castle, in the county of Salop, knight, to settle the impropriate parsonage of Kempsford, of the value of 100*l.* per annum, for ever, and the rectory of Buckland and Laverton, of the value of 100*l.* per annum, for eighty years, upon such places as the parliament shall appoint; for which he is to be allowed 2000*l.*; and so his fine of 7160*l.* to be reduced to 5160*l.*

23 *Januarii*, 1647.

Sir Richard Newport of High Ercall, in the county of Salop, knight, to settle 173*l.* 18*s.* 8*d.* per annum for ever upon the several places where the tithes arise; for which there is allowed 1739*l.* 6*s.* 8*d.* out of the fine of 10,000*l.* imposed on the said Sir Richard Newport, and Francis Newport, his son, and heir-apparent.

*Eodem die.*

Francis, Lord Dunsmore, to settle 70*l.* per annum for ever; viz. 50*l.* per annum upon Settled. Dunchurch, and the residue upon the church of Lawford; for which he is allowed 840*l.*; and so his fine of 3694*l.* is reduced to 2854*l.*

28 *Januarii*, 1647.

Edward Wilsford of Kingston, in the county of Kent, to settle 40*l.* per annum upon Settled. the church of Flamborough, in the east riding of the county of York, for ever; for which his whole fine of 400*l.* was remitted.

11 *Februarii*, 1647.

Edward Whitcrott of Bishops-Norton, in the county of Lincoln, Esq., to settle 50*l.* Settled. per annum upon the minister of Harpswell for ever; for which he is allowed 500*l.*; and so his fine of 1013*l.* 10*s.* is reduced to 513*l.* 10*s.*

25 *Februarii*, 1647.

Gilbert Atkinson of Newark, in the county of Nottingham, gent., and John Atkinson, his son, to settle 50*l.* per annum, for two lives, upon the church of Wellingore; for which there is allowed 275*l.*; and so the fine of 629*l.* is reduced to 354*l.*

6 *Martii*, 1647.

John Lynn of Southwick, in the county of Northampton, Esq., to settle 40*l.* per Settled. annum upon the church of Southwick for ever; for which he is allowed 400*l.*; and so his fine of 641*l.* is reduced to 241*l.*

11 *Martii*, 1647.

Richard Brown John of Burgh-Cleare, in the county of Southampton, gent., to settle Settled. 20*l.* per annum upon the minister of East Kennet, in the county of Wilts, for ever; for which he is allowed 200*l.*; and so his fine of 245*l.* is reduced to 45*l.*

13 *Martii*, 1647.

Robert, Lord Viscount Kilmurry, to settle 120*l.* per annum for ever upon the several Settled. ministers of Wrenbury, Burlodam, and Acton; for which he is allowed 1200*l.*; and so his fine of 3560*l.* is reduced to 2360*l.*

18 *Martii*, 1647.

Thomas Owen of Shrewsbury, in the county of Salop, Esq., and Edward Owen, his

son, to settle 30*l.* per annum for ever upon the church where tithes lie; for which the whole fine of 294*l.* is remitted.

20 *Martii*, 1647.

Montague, Earl of Lindsey, to settle 150*l.* per annum for ever upon such places as the parliament shall appoint; for which he is allowed 1500*l.*; and so the fine of 4260*l.* is reduced to 2760*l.*

23 *Martii*, 1647.

\* William Orme of Longdon, in the county of Stafford, gent., to settle the tithes of Upper Mayfield, of the value of 36*l.* per annum; for ever, upon such place as the parliament shall appoint; for which he is allowed 360*l.*; so his fine of 1395*l.* is reduced to 1035*l.*

30 *Martii*, 1647.

Sir Edward Osborn of Kiveton, in the county of York, baronet, to settle 100*l.* per annum for ever upon such places as the parliament shall appoint; for which he is allowed 1000*l.*; and so his fine of 1649*l.* is reduced to 649*l.*

12 *Maii*, 1647.

Settled.

William Fitzherbert of Tissington, in the county of Derby, Esq., to settle 55*l.* for ever upon the church of Tissington; for which he is allowed 550*l.*

7 *Julii*, 1647.

Settled.

Timothy Tourneur of Bould, in the county of Salop, Esq., to settle 22*l.* per annum upon the vicar of S. Almonds for ever; for which he is allowed 308*l.*; and so his fine of 1000*l.* is reduced to 692*l.*

13 *Julii*, 1647.

Settled.

George Walker of Salt, in the county of Stafford, gent., to settle 30*l.* per annum, for his life, upon the church of Weston; for which he is allowed 150*l.*; and so his fine of 166*l.* 17*s.* is reduced to 16*l.* 17*s.*

14 *Julii*, 1647.

Timothy Pusey of Selton, in the county of Nottingham, Esq., to settle 50*l.* per annum for ever upon the church of Crych, in the county of Derby; for which he is allowed 500*l.*; and so his fine of 967*l.* is reduced to 467*l.*

15 *Julii*, 1647.

Sir Thomas Smith, and Sir Thomas Delves, of the county of Chester, knights, to settle the impropriation of Wybunbury, in the said county; and the same to be employed, 50*l.* per annum to Wybunbury, and the rest to Namptwich; for which they are to be allowed according to the usual rates of this committee.

\* Yet, afterwards, upon review, was increased 500*l.* more, besides decimation; the reason whereof was, that he did in effect garrison and furnish with provisions the close of Litchfield, (at the request of the church,) upon the first besieging thereof; by which, and his being plundered before the retaking, and oft marching with the king at his own charge, a personal estate of 2000*l.* was consumed; he having no profits of his real estate of 500*l.* per annum for four years, though, betwixt 1637 and 1654, he had by one wife fourteen children: And further, in revenge of his steady loyalty, was barbarously taken out of his bed, when sick of a palsy, and imprisoned at Stafford, so long as to bring him to distraction.

*Note*, that his son, Thomas Orme, labours under these misfortunes (and others of the like kind, before the revolution) to this very day.

20 Julii, 1647.

Thomas Glasiour of Lea, in the county of Chester, Esq., to settle 50*l.* per annum, <sup>Settled.</sup> for 14 years, upon the church of Shapwick; for which his whole fine of 314*l.* is remitted.

22 Julii, 1647.

William Hardcastle of Larton, in the county of York, gent., to settle the rectory of Coverham, and the chappel thereto belonging, for ever; for which he is to be allowed out of his second payment.

*Eodem die.*

Sir Roger Jaques of the city of York, knight, to settle 80*l.* per annum, for three <sup>Settled.</sup> lives, upon the ministers of Thuske and Raschall; for which he is allowed 600*l.*; and so his fine of 840*l.* is reduced to 240*l.*

29 Julii, 1647.

The lord Savile having compounded for the rectory of Morley and Woodchurch, in the county of York, at the yearly value of 60*l.*, which is much under-valued, it is ordered, that if the said rectory be of the value of 136*l.* per annum, (as is affirmed,) that then the overplus be settled upon the church of Woodchurch aforesaid.

21 Octobr. 1647.

Richard Baddeley of the city of Durham, gent., to settle 16*l.* per annum upon the <sup>Settled.</sup> church of Auckland for ever; for which his whole fine of 160*l.* 10*s.* is remitted.

*Eodem die.*

Henry Mansell of Randewy, in the county of Glamorgan, Esq., to settle the tythes of Knoilston for the term of seven years, for the maintenance of the minister there; for which he is allowed 21*l.* 8*s.* 4*d.*

24 Novembr', 1647.

Edward, Earl of Dorset, to settle 164*l.* per annum for ever; (viz.) 80*l.* per annum <sup>Settled.</sup> upon St Dunstans in the West, and 84*l.* upon the church of Lullington, in the county of Derby; for which he is allowed 1640*l.*; and so his fine of 2415*l.* is reduced to 775*l.*

*Eodem die.*

Sir Edward Alford of Offingham, in the county of Sussex, knight, to settle the rectory of Cheltenham and Charleton, in the county of Gloucester, valued at 75*l.* 13*s.* 4*d.* per annum, for his life, upon such place as the parliament shall appoint; for which he is to be allowed according to the usual rates of this committee, out of his fine of 2908*l.*

*Eodem die.*

Sir Sutton Coney of Northstoak, in the county of Lincoln, knight, to settle 13*l.* 6*s.* 8*d.* per annum upon the minister of Bassingthorpe for ever; and Sir William Thorold of Marston, in the said county, knight, to settle 36*l.* 13*s.* 4*d.* per annum, for ever, out of the rectory of Siston, in the said county, for the minister's maintenance there; for which they are to be allowed 500*l.*

1 Decembr. 1647.

Sir\* Thomas Bridges of Kaynsam, in the county of Somerset, knight, to settle 40*l.* per <sup>Settled.</sup> annum upon the church of Kaynsam for ever; for which he is allowed 400*l.*; and so his fine of 1268*l.* is reduced to 868*l.*

20 Decembr. 1647.

Settled.

William, Lord Brereton, to settle 80*l.* per annum for 215 years; (viz.) 40*l.* per annum upon the church of Brereton, (besides the 20*l.* per annum already paid,) and 40*l.* per annum upon the chappel of Church-holm, belonging to the parish of Sanbach; for which he is allowed 800*l.*; and so his fine of 2538*l.* 18*s.* is reduced to 1738*l.* 18*s.*

17 Januarii, 1648.

Robert Laurence of Creech-Graunge, in the county of Dorset, Esq., to settle 140*l.* per annum for ever upon such places as the parliament shall appoint; for which he is allowed 1400*l.*; and so his fine is reduced to 28*l.* 15*s.*

28 Januarii, 1648.

John Fanshaw of Parslowe, in the county of Essex, Esq., to settle 40*l.* per annum, for 21 years, upon the church of Dagenham; for which he is allowed 280*l.*; which leaves his fine 210*l.*

25 Februar. 1648.

Settled.

Sir Gervase Scroope of Cockerington, in the county of Lincoln, knight, and Adrian Scroope, Esq., his son, to settle 80*l.* per annum for ever; (viz.) 50*l.* per annum upon the church of Grimbleby, and 30*l.* per annum upon the church of Holbedge; and also to settle 40*l.* per annum upon the church of Cockerington for three lives; for which there is allowed 1100*l.*; and so the fine of 4682*l.* is reduced to 3582*l.*

*Eodem die.*

Baptist, Lord Viscount Campden, to settle 100*l.* per annum, for three lives, upon the church of Langham, and 50*l.* per annum, for his own life, upon the church of Hampstead; for which he is allowed 1000*l.*; and his fine remains 900*l.*

28 Februar. 1648.

Settled.

Francis Watson of London, merchant-taylor, to settle 56*l.* per annum upon the church of Great Dawly, in the county of Salop; for which his whole fine of 523*l.* 13*s.* 4*d.* is remitted.

*Eodem die.*

Sir Henry Compton of Bramble-Tye, in the county of Sussex, knight of the Bath, to settle 50*l.* per annum upon the church of Lemington, in the county of Gloucester, and 20*l.* upon the church of Stretton, in the county of Warwick; he is also to settle 396*l.* 13*s.* 4*d.* per annum, for three lives; (viz.) 100*l.* per annum upon the church of Caton, in the county of Lancaster, and the residue as the parliament shall appoint; for which he is allowed 3675*l.*; and so his fine remains 1614*l.*

1 Martii, 1648.

Settled.

Edward Savage of Nobery, in the county of Worcester, Esq., to settle 50*l.* per annum upon the minister of Quointo, in the county of Gloucester; for which the whole fine of 445*l.* 16*s.* 8*d.* is remitted.

6 Martii, 1648.

Robert Morley of Fulforth, in the county of York, Esq., to settle 6*l.* per annum, for three lives, upon the minister of Cawood; for which he is allowed 457*l.* 10*s.*; and so his fine of 885*l.* is reduced to 427*l.* 10*s.*



*Eodem die.*

Sir Lewis Watson of Rockingham, in the county of Northampton, knight, to settle <sup>settled.</sup> 100*l.* for eight years; (*viz.*) 60*l.* per annum upon the minister of Keitering, 20*l.* per annum upon the minister of Yaxley, 10*l.* per annum upon the minister of Holm, and 10*l.* per annum upon the minister of Winwick; for which he is allowed 1000*l.*

15 *Martii*, 1648.

\* Sir Clement Fisher of Packington, in the county of Warwick, baronet, to settle <sup>settled.</sup> 60*l.* per annum for ever; (*viz.*) 30*l.* per annum upon the minister of Packington, and 30*l.* per annum upon the minister of Buckenball; for which he is allowed 600*l.*; and so his fine of 1140*l.* 13*s.* 4*d.* is reduced to 540*l.* 13*s.* 4*d.*

*Eodem die.*

Laurence Winnington of the Armitage, in the county of Chester, Esq., to settle <sup>settled.</sup> 40*l.* per annum for ever upon the minister that shall officiate at the chappel of Goosetree; for which his whole fine of 411*l.* is remitted.

13 *Martii*, 1648.

George Warner of Woolston, in the county of Warwick, Esq., to settle 80*l.* per annum; (*viz.*) 36*l.* per annum upon such minister as shall live and officiate at Stretton, and 44*l.* per annum upon the church of Woolston; for which he is allowed 800*l.*; and so his fine of 1660*l.* is reduced to 860*l.*

17 *Martii*, 1648.

Thomas Fanshaw of Jenkins, in the county of Essex, Esq., to settle 20*l.* per annum for ever upon the church of Lowlayton, in the said county; for which he is allowed 800*l.*; and so his fine of 1300*l.* is reduced to 500*l.*

*Eodem die.*

John Leukenor of Westdean, in the county of Sussex, Esq., to settle the rectories of <sup>settled.</sup> Chilgrove, Binderton, Singleton, Dudling, East-Dean, and Charleton, of the value of 150*l.* per annum, upon such places as the parliament shall appoint; for which his whole fine of 1000*l.*, as also his mother's fine, being 522*l.*, in all 1522*l.*, is remitted.

22 *Martii*, 1648.

John Crook of Mothcombe, in the county of Dorset, Esq., to settle 120*l.* per annum for ever; *viz.* 50*l.* per annum upon Christ-Church, 35*l.* per annum upon Ellingham, and 35*l.* per annum upon Ripley, all in the county of Southampton; for which he is allowed 1200*l.* out of his fine of 4885*l.*

31 *Martii*, 1648.

Mary, Countess-Dowager of Northampton, to settle 170*l.* per annum for her life; *viz.* <sup>settled.</sup> 30*l.* per annum upon the church of Henstaunton, 20*l.* per annum upon Hilton, 20*l.* per annum upon the church of Hartford, 30*l.* per annum upon the church of Paxton, 10*l.* per annum upon Winwick, 50*l.* per annum upon the minister of Yaxley, and 30*l.* per annum upon the church of Huntington, all in the county of Huntington; for which she is allowed the remainder of her fine, being 495*l.*

17 *Martii*, 1648.

Sir Robert Banister of Passenbam, in the county of Leicester, knight, to settle 50*l.* per annum upon the church of Hungerton for ever; for which he is allowed 500*l.*

21 Aprilis, 1648.

Andrew King of London, merchant, to settle 30*l.* per annum, for seven years, upon the minister of Wickardisbury, in the county of Bucks; for which the residue of his fine, being 120*l.*, is allowed.

23 Junii, 1648.

Settled.

Sir Robert Tracy of Toddington, in the county of Gloucester, knight, to settle 7*l.* per annum for ever upon the minister of Winchcombe; for which he is allowed 70*l.* out of his fine of 1510*l.*

5 Septembris, 1648.

Alexander Middleton of Drayton, in the county of Somerset, gent., to settle 35*l.* 14*s.* 3*d.* per annum for three lives; for which his whole fine of 250*l.* is allowed.

Settled.

Warwick, Lord Mohun, baron of Oakhampton, to settle 80*l.* per annum for ever upon such place or places as either the parliament or this committee shall appoint; for which he is allowed 800*l.* out of his fine of 2090*l.*

Settled.

Sir Thomas Smith of the city of Chester, knight, to settle 110*l.* per annum upon such places as this committee shall appoint; for which allowance is made according to the usual rates allowed by this committee.

Settled.

Richard Seabourn of Hereford, Esq., to settle 29*l.* per annum, for 99 years, upon the minister of Felton; for which the remainder of his fine is allowed; and so his fine remains 300*l.*

The whole revenue in fee, for lives and years, which is ordered to be settled, is, per annum, 9389*l.* 6*s.* 3*d.*

The abatements for the several augmentations, according to the rate of ten years purchase for a fee, and so proportionably for other estates, amount unto 84544*l.* 11*s.* 3*d.*

This is set forth by the parliament, that every parish to which any augmentation is appointed may view this, and if the revenues be not settled according to the intention of the parliament, that the parishes concerned may repair to Goldsmith's-Hall, that course may be taken for settling the same accordingly.

ANTHONY IRBY, Chairman.

---

*The Independent's Loyalty; or, the most barbarous Plot (to Murther his sacred Majesty) very fully discovered: With a cleere and perfect Answer to the Lord Wharton's Evasions.*

*VIR SAPIENS QUI PAUCA LOQUITUR.*

Printed anno Domini 1648.

---

This tract relates to a singular transaction, when Charles I. was confined in Carisbrooke Castle, in the Isle of Wight, of which the following are the outlines, abridged from Clarendon.

The king, previous to the treaty, and after the votes and declarations of no more addresses, exasperated by the barbarous usage he received, resolved to make an escape, which he was very

nearly accomplishing. A young man of the name of Osborne, had been, by the recommendation of Lord Wharton, placed near the person of the king, in the situation of gentleman-usher, by Colonel Hammond, in consequence of which he usually held the king's gloves when he was at meat. Wrought upon by the dignity and affability of the king, he was resolved to do him any service in his power, and first communicated his offers by putting a little billet into one of the fingers of his glove. The king was, however, at first suspicious, but, after long observation, and some conference with Osborne, he resolved to trust him, and carried on his correspondence by the same expedient of the gloves. A fellow of low extraction, of the name of Rolph, a captain of a foot company, had been placed near the king by Cromwell, with whom he was in great confidence. He often railed against the king, and one day, entirely trusting Osborne, expressed his wish to make the king out of the way, which he saw could not be done in the castle, and therefore wished to get him from thence. He observed that the safest way would be to warn him of some approaching danger, and thus to decoy him into an escape. Osborne communicated this information to the king, who willingly consented to the plot, and recommended a soldier of the name of Doucet, whom he knew to be attached to him, to assist in his escape. Some other soldiers were also engaged for the same purpose. At the appointed time, the king had, with great labour, sawed through an iron bar in the window, and being thus ready to get out, the night was appointed. Unfortunately one of the soldiers informed Rolph of more particulars than Osborne had done, and thus roused his suspicion. He collected some soldiers, armed with pistols, and stood near the place of rendezvous. At midnight the king opened the window to make his escape, but, observing the unusual number of persons below, suspecting a discovery, he shut it again, and retired to bed. Rolph then acquainted Hammond with the plot, and the latter immediately went into his chamber, where he found the king in bed, but the bar of the window taken out. Doucet was immediately apprehended, but Osborne escaped, and concealed himself. The latter wrote letters to Lord Wharton, his patron, and then to the speakers of both houses, from the place of his retirement, offering to prove that Rolph had intended to murder the king. The house of commons took no notice of the information, but the peers sent to them, desiring that Rolph might be apprehended, and a safeguard, for forty days, be allowed to Osborne, to appear and prosecute. Both he and Rolph appeared at the lords' bar, but the house of commons had no inclination to have the matter investigated. They were, however, forced, by the clamour of the people, to vote that it should be tried at the assizes at Winchester. There the defendant, contrary to law, had two counsellors assigned to him; and Serjeant Wild, who had been expressly appointed sole judge of that circuit, warned the jury that this was not a time when words and intentions were treason, and that Osborne and Doucet themselves might have intended to kill the king, and that Rolph might have charged his pistol to preserve him. The grand jury in consequence found an *ignoramus* upon the bill.

---

*Truth drawn out of a Saw-Pit.*

Vice hath an ugly visage, and is so conscious thereof unto itselfe, that it alwaies keepe in the darke, and will never appeare in its own colours unto the world; nay the more transcendent it is, the more it hardeneth its brow with impudence, to out-brave all testimony, and conceale itselfe. Wee have of late a cleere instance of this truth, in those persons who were of the councill, or did conceale the resolution to murder his majesty.

The fact is so horrid, that the law of this kingdome hath made all fences against it possible: The lawyers doe account, in the notion of the law, that the least attempt or endeavour, which doth but look that way, is interpreted as if the wickednesse were accomplished, because the persons which would be so wicked as to begin, could never thinke themselves secure, but by the perfection of that villainie; as the lord-chiefe-justice Popham, and the rest of the judges, in the case of Robert, earle of Essex, in the reign of Queen Elizabeth: Nay, in other kingdomes, where princes have bene jealous, the verie dreame of it hath been made capitall; and the reason given of it, that

they would never have dreamt of it in their sleepe, if sometimes they had not thought of it when they were awake.

And though a worke of such darknesse very seldome hath had more light, (being testified by the oath of one witness, if not more, and confirmed by varietie of circumstances, and as strong presumptions as such a case can afford,) yet wee see with what a brow of brasse Capt. Rolfe durst present himselfe to the house, how confidently Col. Hammond writes on his behalfe, how boldly the lord Wharton dares anticipate the world, and himselfe first publish the letters which were sent unto him and the house of lords, with a delusive answer. All of them decry the fact (if you will take their words) as boldly as the whore in the Proverbs, "who wiped her mouth, and said, What evill have I done?" Therefore, that wee may take off the maske, and expose the businesse and persons to the world, to be judged of, wee shall,

1. Set down the letters.
2. Give you a character of the persons mentioned in them.
3. A narrative of the matter of fact, and the proceedings thereupon.
4. Answer the lord Wharton's vindication.
5. And lastly, draw some necessary inferences, or corollaries, which we shall confirme by further evidences; in all which we promise so much candor and integrity, as not to swerve a tittle from the truth, so farre as our information (which I have severely endeavoured to bottome well) shall hold out.

*The Letter to the Lord Wharton, June the First.*

My Lord,

Though I cannot but imagine I stand so highly condemned in your lordshippes and many persons thoughts, that any thing of vindication from me must come with all the disadvantage and prejudice that may be, yet, (my lord,) being conscious of my owne integrity, and confident that I shall be judged by your lordshippe by no other rules but those of justice and reason, I cannot doubt but, when I have discovered the grounds and reasons of my actions, that it will appeare to your lordshippe that what I have done hath been agreeable to the severall duties I stand engaged in, as I am supposed to have acted contrary before I am heard.

Not to detain your lordship in circumstances, I shall make this protestation, that as no other thing but the danger of the kings life could in reason excuse such attempt, so I doe protest that no inferior consideration did, or could have moved to such an action. But, my lord, having had such particular and well-grounded information that so horrid a designe was intended, and moved from those that could, when they pleased, have had the power to put it in execution, I hope I shall not be censured for having postponed all other considerations to that loyalty which cannot be questioned but I owe to the king.

But not to leave your lordshippe unsatisfied with this generall account, the intelligence I speak of, concerning this designe, I received from Captaine Rolfe, a person very intimate with the governour, privy to all counsells, and one that is very high in the esteeme of the army. He, my lord, informed me, that, to his knowledge, the governor had received severall letters from the army, intimating they desired the king might, by any meanes, be removed out of the way, either by poyson or otherwise: And that another time the same person perswaded me to joyne with him in a designe to remove the king out of that castle, to a place of more secresie, proffering to take an oath with me, and to doe it without the governours privity, who, he sayd, would not consent, for losing the allowance of the house. His pretence to this attempt was, that the king was

in too publique a place, from whence hee might be rescued; but if hee might bee conveyed into some place of secrecie, hee said wee might dispose of his person, upon all occasions, as wee thought fit; and this hee was confident wee could effect without the governours privity. My lord, considering all these pregnant circumstances, I thinke it will appeare that there were, if there are no such intentions concerning his majesties person as may well justifie my endeavours, that have been made for his remove from so much danger. And for my own part, my lord, I must be so plain as to declare, concerning my own actings in relation to this businesse, that had I not done this, (having such grounds,) I must believe I had then verified all these aspersions of disloyalty and breach of trust which I am contented to suffer from those whose interest is, perchance, opposed to my indeavours to prevent such damnable designes.

My lord, I have spoken nothing heere but what I shall be ready to testifie upon oath, when ever I shall be called to it, with promise of freedome and security: Till then I must be content to support all censures, and satisfie my selfe with the vindication I receive from my owne conscience.

I am your lordships humble servant,  
 RICH. OSBORNE.

1st June, 1648.

For the Right Honourable the Lord Wharton.

*The Letter to the Earle of Manchester.*

I did, by a letter of the first of June, acquaint my lord Wharton with what I send here inclosed, expecting it would before this have been communicated to both houses. What should be the reason of concealing a businesse of this nature I know not, except it be to give those time that are concerned in it, better to thinke of some stratagem to evade this discovery.

I humbly desire your lordship, upon sight of this relation, to communicate it to the house of peeres; which I shall be ready to attest upon oath, on every particular, when ever their lordships shall please to allow me that freedome and security which ought to be afforded to any gentleman and Christian, in witnessing a truth.

My lord, I am  
 Your lordships most humble servant,  
 RICHARD OSBORNE.

June 16, 1648.

For the Right Honourable the Lord Manchester, Speaker of, &c.

*An Account of the Persons who are Named.*

Captaine Rolfe, (or rather Major Rolfe,) is one of no great head-piece, but of a turbulent and busie spirit, who, for his zeale to new light, and activitie to promote that way, hath bene advanced from an obscure condition, (having bene bred but a poore shoemaker, and, as wee are informed, not yet out of his apprenticeship,) to bee an officer of the army, by the lieutenant-generall, and is employed as a councillor with, and a spie upon Col. Hammond, by the same person; for you must know that it is the custome of Cromwell never to send a whale without a pilot fish, nor preferre any commander-in-chiefe to a place of eminencie and trust, but he pinneth one or two more petceets upon his sleeve, who are to infuse the sence of the lieu-gen. with the junto into the commander, keepe them in some awe, and informe if they find any tendencie towards the disadvantage of their private cause. And of this nature was Major Rolfe at the Isle of

Wight, who, being a captain in Col. Hammond's regiment when his majestie was jugled into that place, was sent thither with his company to bee a guard unto the king, and hath beene ever since at the governours elbow, and, in a manner, deputy-governor there.

Mr Osborne.

Master Osborne is of a good familie, eldest sonne to a gentleman of good repute and estate, who hath beene a friend to the parliament through this whole contestation.

This young man hath beene in armes also in their quarrell, never observed guiltie of any personal vice, long known to the lord Wharton, and was preferred unto the charge about his majestie by that lords power and interest.

Hammond.

The governor, or Col. Hammond, is a younger brother, but hath some expectation from his mother, a widdowe, and a furious enemie unto his majestie, which drove him out, at the beginning of these warres, into the service, where, untill the new modell of this army, hee could ascend to no higher pitch then a major. Hee hath had his hands in murder already, and of one of his own party, for which being in Gloucester likely to suffer, was helped off by Colonell Massey, whom he hath requited well; but being afterwards taken notice of, to bee stout enough, and pliable also, was taken into favor by the lieutenant-general, preferred to bee a colonell, and when the designe was on foote to conveigh the king to the Isle of Wight, by his power and interest, promised thither for his majesties entertainment.

Lord Wharton's character.

The lord Wharton is known well enough through all the kingdome to have runne high in, and beene one of the prime heads of the independents junto; of a most inveterate malice unto majesty, and that against the bonds of gratitude; one that had a minde to have done this act with his own hand, if the king had fallen into the saw-pit where his lordship hid himself;\* but his lordship finding that course dangerous, and being frighted at the first fight, quickly left it, and betooke himselfe to act in a safer way.

*The Narrative of Matter of Fact, and Proceedings in this.*

How long Rolfe had beene hatching this villainie, who drew him in, or who hee had drawn into the designe, is known only to God and their consciences. It was not many moneths after his first acquaintance with Osborne but hee threw out his lure, insinuates the merit of the action, the meanes whereby it might be done, and the authority of the armie, which would protect the instrument, and invited him to be one; but Osborne being startled with the horror of the fact, imparts it to some better acquaintance of his in the isle, consults with them what course is best to be taken. It is resolved to acquaint his majestie therewith, and take his advice; where it is concluded, to discover it to any person in command about the king were to hale on the mischief sooner, and involve themselves in the danger. There could bee no way so safe to the kings person, nor more honourable for themselves, then to deliver him from such bloody hands; whereupon they provide horses and boats, deal with some sentinells to winke at his passing, prepare his way, by fretting an iron barre with aquafortis, in his windowe, to pass out by, and were ready to put it in execution; but one of the sentinells discovering the designe, Osborne flieth out of the isle, and so soone as he can cleare himself of the danger, writes first unto the lord Wharton, as you see; but after his lordship had stifled this information longer than a fortnight, to discharge a good conscience towards God, performe his allegiance to his majestie, and dutie to the kingdome, he writes a letter to the speaker of either house: That to the house of lords you may reade; that to the house of com-

\* The anecdote alluded to may explain the motto in the title,—

*Vir sapit qui pauca loquitur.*

This miserable pun, like better things, has been usurped and appropriated by modern wits,

mons was the same upon the matter. These being delivered on Saturday, June 18, in the house of commons, the speaker takes an advantage of a thinne house, and which consisted of most that inclined his way, communicates these letters; where, after a little debate, Major-General Skipon riseth up, and desireth, that whereas this seemed to bee but an idle paper, it might not hinder their more serious affaires which were before them, but be laid aside: whereupon it was accordingly voted, and laid up in lavender, with an intention to call upon it at doomes-day. Upon Monday, the lords (who, in business of this consequence, give the house of commons leave to make them a president,) tooke the letter into debate also, wherein the lord Say struck in presently with Major Skipons motion, that it might be laid aside there too, and had neere obtained the same effect; but some lords that had some sparkes of honour left within them, tooke so much courage as to presse the horror of the villanie, the duty of their places, and how much it would reflect upon their house if they should neglect to make enquiry after it. This wrought so much. The businesse being foule upon the lord Wharton, hee escaped imprisonment with some difficulty: the house of commons are acquainted therewith, by which meanes the businesse is resumed into new debate in that house: many messages passe betweene the houses: At last, there is an order concluded upon, for Osborne to appeare and make good his accusation, at any time within fourtie daies; and this is commanded to bee published by the sheriffe, with as much pompe and shew of zeale, as little intention in the most, either to inquire into the fact, punish the authors, or rescue his majestie from the like danger.

The lord Wharton finding these transactions would see the sun now, and having had experience that copies would multiply, if they were bought up too fast, (as he went once about to do by a pamphlet which discovered another ignoble action of his,) steeres another course in the compasse, and causeth the letters to be published himselfe; but with an answer, whereby he might anticipate the credulity of the people, and make his own defence among them. Not long after, Mr Osborne discovers himselfe, enters his appearance, makes affidavit of his discovery, and confirms it by such pregnant circumstances, that most men are convinced of the truth. Rolfe being by this time acquainted with the passages, comes up unto the house, presents himselfe, with a letter from the governour, dated June 21, which pleads his case, denies the designe, chargeth Osborne with treachery, and very much extolleth his owne care of his duty, and tender usage of his majesty, for which he citeth his owne testimony. Notwithstanding, the lords finde cause to commit Rolfe to safe custody, where hee remains until he be forgotten, or, by the policy and strength of his partie, quitted from the charge, or released out of prison.

*The Lord Whartons Answer examined.*

His lordships whole answer may be reduced into foure heads, which shall be brought unto the test in their order.

The first is, that Osborne is a traytor by the lawe of the land, because hee entertained communication divers times with one that intended to take away the kings life by poyson, about that action, and concealed it; whence he would inferre that Osborne is to have no credit given to his testimony.

*To this is Replyed.*

First, That if the letter of the lawe were truly urged, yet it cannot reach Osborne, because, first, it is supposed the lawe is in force, and can take place where this commu-

nication is had. Secondly, The persons who are possessed of the authority or power in that place bee not guilty, nor accessary to the treason.

Thirdly, That the witness can, with safety of his owne life and the kings, make his addresse to those persons. But let all England judge whether lawe bee in force in that place where the king is kept in prison, which is treason in itselfe by the law, and by lawyers is interpreted a designe against his life; where soldiers (one of which once answered a statesman, What! doe you talke to us of your lawe, that weare our swords by our sides?) rule all the rost.

The persons in most power there were either principalls or accessories, (in the most favourable construction, to be suspected of it.) In the designe, Rolfe was in command there and principall, the governour in command of the island in chiefe, and at least likely to bee of the councill. Rolfe suggested that hee had received letters from the army to that purpose; that hee was unwilling to concurre, (not out of horror of the wickednesse,) but feare of his pay. Master Osborne could not choose but understand, by their familiarity, that their interest was all one; that such actions are never owned by all that are of the conspiracy. Often times great men, who are the first movers, can stand behinde a curtaine during the execution of their owne designes, (and as the ape that thrust the catts paw into the fire, to take the chesnut out for his owne palat,) put an inferiour instrument to act the disgracefull or dangerous part of their contrivance. The suspition may bee great against the governor, since hee pleads in his defence, and did himselfe suppress the letter which Osborne wrote to the lord Wharton, which his lordship tells his friends, and did tell the house, upon his honour, that hee sent immediately to Hammond; yet hee suppressed for above ten daies, without securing Rolfe, or acquainting the houses therewith. Now, let all the world judge whether it had beene best for Osborne, in relation to the kings safety or his own, to complaine unto these men, or, by holding them in suspence for a while, in the meane time endeavour the prevention.

2. Master Osborne did reveale this, the hazard considered, as soone as he could unto the lord Wharton.

3. Hee did reveale it to his majestie and some other, who might assist him in the prevention thereof.

4. Graunt that Osborne were as guiltie as the lord Wharton doth suggest, hee might as well be allowed for a competent witness as Master Edward Waller was against his brother, Tomkins, and others.

*The second Head is,*

That Osborne did this, not out of any good intent, or love unto the king, but to free himselfe from his perfidiousnesse to the trust reposed in him by the parliament, in his attempt to carry away the king, (God knows whether,) to the danger of his person, and to procure for himselfe libertie and freedome from justice, which he fled from.

*To the negative Part hereof it is Answered,*

1. That is spoken gratis, and upon his lordships own presumption.

2. Against common reason. Can any man thinke the gentleman should run that hazard, endure so much reproach, loose so great friends, for one he wished noe good, bare no affection unto?

3. Graunt this for true, it argues the conscience of his allegiance, and sence of so great a sinne to bee the more, in that he would endure so much for to avoid it.



*To the First Part of the Affirmative wee Answer,*

1. That every man ought to bee sensible of, and desire to vindicate his honour from an unjust aspersion: We wish the lord Wharton as able to doe that, as willing to quit himselfe of the true charge.

2. That surely the matter of trust which the parliament and generall reposed in the kings attendants was not (I know not what it is in his lordships constructions) to assist in the murther of his majestie, nor stand by spectators thereof, without his rescue, but to use all meanes for preservation thereof, which was done by him.

3. That all superior trust doth null and invalidate a subordinate engagement, when they are incompatible. Now, whether a trust which a man is obliged to by expresse oath, (as that of allegiance, to omit all other bonds, doth or should cause all subjects to preserve the life of their prince,) to a supream governor of the kingdome, enjoyned by law, bee not first to be satisfied, before a verball promise (or perhaps but an implicit trust) to fellow-subjects, in a questionable, if not unlawfull action, (as the imprisonment of the king is,) let all wise men judge.

4. That the intention of his majestie might bee to come, and these gentlemen to bring him up unto his parliament, for all is yet known. He hath often desired that of late; and surely the kingdome is convinced where the impediment is, as wee may gesse by their petitions.

5. That the kings person could not possibly be at so much danger in the power of the grim Tartar or Turkish pirates, as in those hands he hath beene trusted, and it is easie for to prove it.

*To the Second Part of the Affirmative wee Answer,*

1. That if it bee meant, by his lordships freedome and libertie, to come into the face of justice to make good his charge, that is granted, and wee know not why it should wring his lordship so much, unlesse there bee some sore thereabout.

2. That if it be general libertie and freedom which his lordship meanes, that cannot be so; for in both his letters he limits his desires of either, but to testifie that which hee had writ, and, according to law, bee admitted unto his oath.

3. Hee fled not from the face of justice, but violence and oppression: So soone as that was but pretended unto, hee presents himselfe unto it. Wee have had many examples of discouragement, imprisonment, and plundring of such as have formerly offered their testimonies to truth of like nature, and hee could not bee blamed to fortifie himselfe against the like.

*The Third is, that Osborne doth personate Rolfe onely as guiltie of the Act, and brings no other Witsesse.*

*To which is Answered,*

That this was a worke of darknesse: there are few admitted into such councells: for the most part one man is made the instrument; and when the villanie is done, hee dispatched also, that hee may tell no tales; therefore, in the civil law, *presumptio fortis in delictis secretis sufficit pro probatione*; in crimes which are committed in secrecie, a strong presumption is a good prooffe. But in this case heere is not the affirmation, but the oath, and all other concurrence of circumstances imaginable, as shall hereafter bee fullie cleared.

*The Fourth is, that Osborne was guiltie of that Action of which he accuseth Rolfe, to carry away the King, when as the Governor and Rolfe were active in the Prevention thereof.*

*To this is Answered,*

That hee would have done part of that action; rescue his majestie from the place, but not the villanie. Rolfe his designe was to murder, where therè might bee no noise, noe helpe presse in to the rescue; Osborne, to deliver the king from that danger. It is no wonder that the governor or Rolfe should hinder it, that were to keepe the prey in their tallons still; and the king in their own power and disposition.

Whereas his lordship writes that Rolfe offered an oath of secesie, but tooke it not, the sentinells did, notwithstanding an oath, discover it. I know not to what purpose that is inferred. Cromwell, the sultan of the faction, hath given testimony to all the world, of how little obligation such pettie toyes are, who is observed to make most fervent promises, lard them deepest with imprecations and oathes, when hee meanes the contrarie, and is nearest the execution thereof; and others have observed that they are allowed to take the sacrament with you, make any oathes unto you, which they never intend to keepe, for the advantage of their cause. It was no wonder then he neither accepted it from Rolfe, or found the sentinell noe better principles.

The letter of the governor is not worth an answer: Noe man could expect but hee must deny the fact, if hee had bene principall, or can thinke his cause the better, for either that his defending of Rolfe, or bitterness against Osborne. How hee hath dealt with his majestie, after times will declare: there are witnesses enough of his barbarous incivilities towards him.

If the king doe acquit him, (as he boasteth,) truly the greater is his goodnesse: their whole gang will not afford a paralell.

*The Corollaries or Inferences are,*

1. That there was, and is a designe in the army to murder his majesty, if it bee not prevented by Providence: And that there is so, is not only to be inferred from the suggestion of Rolfe, but multitudes of other people. Of very many I shall present a few, and shall be ready to make proofe of these, and more, if I may obtaine that libertie which is afforded Osborne.

At the same time (to goe no higher) that the armie pretended to right his majesty in their printed proposalls, wherein they pressed his majestie's person, his queene, and royall issue may bee restored to a condition of freedome, honour, and safety in this kingdome, without diminution to their personall rights.

There were many in the army that urged his majestie might be decoll'd by them, and that there never could be peace in the kingdome untill that were done: their grandees did daily discourse of the convenience, the advantage, and disadvantage that might come to their cause thereby.

In their march towards London, they gave it out that if the king did declare against them, they would quickly cut him short; that if they must perish, they would upon him. A little after, a member of the army, Major Scot, did, at Caversham-House, in the presence of the king, speake openly, that things could never be well untill that man (meaning his majesty) were shorter by the head, without punishment or reproofe of any of his company. Some agitators were a while after that taken by the watch, as they came late from supper and councill, and being searched, papers were found about them, wherein it was concluded to make away his majesty: And though these were delivered to Alderman Wollaston, yet the men were dismissed, and never further questioned.

Rainsborough made no bones to presse this in counsell of war and publique meetings. The lieut.-generall himselfe writ to Col. Whaley, (as he confessed to some commissioners,) that he heard that there was a design against his life suddainly to be executed upon him. Their apostle, Mr Peters, hath often belched out this venome, that the king was the only grievance now left; that it was of noe difficultie to remove him; hee was but a dead dogg already. The lieutenant-generall hath divers times himselfe spoken words to that purpose: once, Are the people so mad upon a king, they shall have a May-pole for their king, as soone as him again. At his first access to the king, coming down Sir John Cutts his staires, neere Cambridge, shaking his head, he said, This meet is not fit to reigne. This was more than King Henry the Fourth did speake to encourage Tyrrell to assassinate King Rich. the Second.

Nay, the generall himselfe cannot be excused from some concurrence. His lordship being taxed by some ministers, that there was such indulgence shewed to the king and malignants, answered, Oh, they need not joy in that, if they knew what measure is intended them. In Sept. 2, from Putny, 1647, hee writ letters of intercession to the parliament, for such men as, by the law, were cast into prison, for such words as imported as much as his murther; as, in particular, of one Symball, who had said hee hoped to see the kings head upon the Tower block; and Robt. White, who said, if hee meet the king, hee would kill him as soone as another man. In the late march of the armie through Southwarke into Kent, when the people cried out, Bring home the king, bring home the king, — I will bring his head upon my pike, said one; upon my sword-point, said another; and while a woman, presuming upon her sex, ventured to call him villain, shee hardly got off with her braines in her scull. Of late it hath beene so frequent in the mouthes of the parliament men, members of the army, that hardly any member of the house hath beene a stranger thereto. Are you so earnest for your king, you may have him to bury; you may have him shorter by the head; and many more words unto this purpose. Doe but add the placing of Joy, and such principled men at Portsmouth, and other places neere the kings residence; commending Rainsborough to the navie; discharging all the kings old servants which he knew, or any new, in whome hee seemed to have any contentment, (perhaps rather such as they found not for their turne,) and settling such a retinue about him, every one of which, in probabilitie, would not scruple to bee his assassinate, so it might bee done in private.

I know that this is answered by the pretence of safe custodie; but let any one consider, 1. The strength and fastnes of the castle; 2. The situation of the isle in which it stands; 3. The guards by land, perpetually attendant, and sentinells; 4. The guard by sea, and other advantages; and he shall finde that there needed not this superaddition of care, but for some other purpose; and that neither King Ed. II. was under a safer custody, either at Kenelworth or Barkely, nor Richard the Second at Pomfract. God divert the omen.

2. *That the Lord Wharton is a Traitor by his own Rule, for the Concealment, if hee be not of the Conspiracie, in this wicked Intendment.*

It is cleere that his lordship was informed of this fact in writing, and that he concealed this, for above a fortnight after, from the houses of parliament, though hee had opportunity, and daily resorted thereunto, and that hee did not so much as give intimation thereof in any court of justice, or to any person of power, to inquire thereinto.

His lordship answered, upon his honour, (a great obligation,) in the house, that hee sent this letter immediately to Hammond, for prevention of the fact, if there was any such danger. But this excuseth not his silence, only involves Hammond in the guilt also, and may well be interpreted not to be intended for prevention, but either to speede the businesse, or give the conspirators time and warning to evade the accusation.

Why did not his lordship write to the king, or send a letter to him, or desire the governor to shew it to his majesty?

And if hee would have the world beleieve him to be innocent, let him declare the contents of the letter he writ to Hammond, or with what hast, or post, he sent it, or by whom. Hee might have remembered that 'tis adjudged treason to hinder any that are going to aid the king.

That Sir Nicholas Seagrave, A°. 33 Ed. I., was in parliament condemned to loose his life, but for withdrawing himselfe from the kings host, and from the kings aid, by going to the court of Paris, in France, about a discord and contention which hee had moved against John de Crumblewell, and leaving the king amongst his enemies.

Whosoever will add unto this that exact correspondence which his lordship holdeth with Cromwell and that juncto; the malice which his lordship expresseth upon all occasions against his majestie; his cowardize, which all the kingdome talketh of, and is allwaies coupled with crueltie, even in the highest degree, where it can obtaine an opportunity; his ingratitude, which seldome makes a stop untill it ascend the highest pinnacle of guilt; they may suspect that this young gentleman was sent into such company as fit wex to take their impression, and become assistant in that intended and horrid villainy.

3. *That a great Party in either House are conscious of, and readie to promote that Wickednesse.*

For how else durst any one bee so impudent as Skippon was, to move that this information might bee laid aside, and demie to his majestie that common justice which was due to every lacquy, or fellow in New-gate? How could it bee carried in the house of commons to that purpose, or admit so long a debate in the house of peeres, whether it should bee considered? How could the lord Wharton escape imprisonment, and bee suffered to revell it up and down, and solicit all waies to make his evasion from the charge? Whosoever will but reflect upon former passages shall be convinced as in particular.

One Hall, being a suitor for a ship in the late fleete, was informed against, as one under accusation in the committee for the admiralty. It was asked what that was? Answer being made, that hee had said that the parliament were fools, that they hired not some bold man to have killed the king when hee was in the hands of the Scots: But Sir Henry Mildmay replied, Oh, if you have noe more against him, let him goe to choose! Yet Sir Henry Mildmay was never so much as reprehended for this: but Hall, although for the present, upon a farther accusation, that hee was a mutineere, and denied obedience to his superior officer, for that time was suspended; but within a little while the command of a better ship was given him.

Divers indictments have beene put in at the sessions in the Old Bailie, to the number of seventeen or eighteen, of men, for traitorous speeches within these seven last years; amongst which, against one Pym, an inn-keeper in Bishops-gate Streete, who said hee hoped to wash his hands in the blood of the king, were withdrawn by a power from thence, and the men dismissed without any punishment.

Cole, the speakers secretarie, hath beene heard more than once to say, that rather than the king should want one to hang him, he would bee his executioner: And though the speaker had intimation thereof, yet this man was harbored in his bosome to his death: but that was no wonder, when

The speaker, and his independent brother, the tradesman, have divers times declared the king was not fit, and should not be trusted to sit upon the throne again.

Mr Lilburne, and divers other agitators, being surprized, upon the information of Mr

Masterson at Shore-ditch, did, a little while after, declare unto the house of commons the causes of their meetings, and passages thereupon, petitioning for a discharge; in which they doe expresse, that a member of the house of commons urged that the king was to be made away, and rather then he should not, hee offered himselfe a Felton for that fact; yet this man never so much as inquired after.

The frequent expressions to that effect of many of the members, especially the lord Denby, Coll. Edw. Popham, Ludlow, Martin, Morley, Sir Hen. Mildmay, Sir G. Norton, &c., (to passe by the impudence of their ladies and wives,) even publicly in the houses themselves every day,

And the declaration of Mr Abraham Dowcet, who also attended upon the kings person, delivered under his hand, the third day of this instant July, 1648, in the house of peeres,—That the said Major Rolfe came unto him whilst hee was a prisoner in Carisbrooke Castle, touching the kings intended escape, and in a jeering manner asked him, why the king came not down according to his appointment? and afterwards, in great indignation and fury, said, hee had waited three houres under the new platforme, with a good pistoll ready charged, to have received him, if hee had come,—are sufficient to manifest their most ungodly purposes.

That base and scandalous libell, or declaration of lyes, which, by their authorities, was published in all churches, and since, with all diligence, in Dutch and French,—what was it but an antidedated sentence, before his majestie was heard one word; and what conclusion can be parrallell therewith, but execution as preposterous? What could it prestage but an assault upon his person, after the murther of his honour.

That unworthie usage, and those vile affronts they have continually offered unto him, will make any considerate man conclude they never dare looke him in the face again, whom they have so provoked. The speaker of the house of commons dreamt (and told it himselfe) that his majestie came to the house of commons doore, and knocking thereat, all the members ran away and hid themselves; at which hee awaked, and was verie glad, for he was heartilie affraid also. Dreames are the revolutions of the daies thoughts. If hee were affrighted at a vision of the night, how would hee bee appaled at the reality and performance? A lord, in the debate of a petition for a treatie in their house, was not ashamed to say, they had as good petition we should hang ourselves. There are very few men that can be spoken withall, but thinke they doe intend to cover their shame in his blood, and intercept that feare by the height of this farther guilt.

4. *That notwithstanding all Pretences to the contrarie, there is like to be but a sleight Search of this Villanie, and a lesse Punishment of the Authors.*

How can any man expect other measure at their hands? The world hath experience how close they stick to one another; how hard it is to have justice against any one of the fraternity, in what cause soever; how one man may interrupt, by captious and pushing interposures, the proceedings of any commitee, nay, of the whole house. What straines of art and finenesse of wit must wee looke for in this case, where so many of the tribe are concerned? Their cause lies at stake. For my part, I give up the poore gentleman who makes the affidavit as a victim, and foreseee bayes provided for the head of the assassinate, according to former practises and events in the like case; at least, the business shall bee huffed in a silent forgetfulness, untill the sence of the people is worne out, and this tempest blown over, at which time they may securely dismisse their associate, and revenge themselves by some advantage upon their adversaries.

5. *That wee their Fellow-Subjects (or rather Vassalls) can expect but poore Justice at their Hands, when wee have occasion.*

If it fare thus with the cedar, how shall it with the shrub? If they doe thus by their king, how shall the subjects speede? Take but the paines to turne over their journalls, to examine their committees, to tread upon their heeles in their eccentricall actings in their several counties. I doubt it will bee a hard matter to finde one act of justice which hath beene done this whole seaven yeares, unlesse a member or an entire friend have had the right, and selfe-interest beene the spurre unto it. It must needs bee a question, when a confident of their own, even Mr Lilburne, hath proclaimed it in priat; and many more of their friends, nay, their members, when they are out of the walls, and in an impartial-fit, doe daily confesse; and for injustice and oppression, you shall see such mountaines, that it may be boldly averred, that all the courts of justice, all the persons in judicature since the conquest, did never commit so many (if they were mustered together) by the one halfe. If these men do behave themselves thus whiles they are but probationers and candidates of soveraignty, we must expect that our judgments must be unrighteous, our justice turned into gall and wormewood. Their finger shall bee heavier then their loynes, and whips turned into scorpions, when there empire is setled over us: Our hands are tied and our mouthes choaked up.

6. *That the King is a rare example of Wisdome, Patience, Fortitude, and other Vertues.*

Although most vertues bee strongly concenter'd in his majestie, yet these are the more eminent, because they had the greatest objects; because his majestie hath beene clothed with the contrarie vices by his enemies, and exposed into that deformity to the world by them; as the Christians, in former times, were covered with the skinnes of beares and wools, that doggs might bee the better invited to teare and worry them.

For his wisdome. Marke, without prejudice, his messages, his answers, his declarations, even as they print them in their own books. Read his letters which were writ in private, even as they are exposed in as bad scraps as they could break them, and joynd with a distorting comment, and you shall be convinced of what one of their own members said,—that one line of his was more worth then a volume of their owne.

Consider those transactions of his since they bought him of the Scotts, and you shall confesse, that in so little you never read more.

Take notice of his equal deportment in all his conditions, and how he hath won upon most persons, even his deadly enemies, who have conversed with him. Cromwell said that he employed Huntington as the man about him, yet hee is so bewitched with the king, that I am afraid of him.

Col. Whaley was under jealousie also, for the expressions he many times let fall. The very governor of the Isle of Wight hath given him a large character, for all honor and accomplishment, unto very many.

Master Carill, their chaplain, wrote home to his wife from Newcastle, that he found him another Solomon.

Master Hinderson found this in his last discourses and disputes with his majesty, and therefore, at his poenitential expiring, declared him to bee a most pious and a learned prince, and was sorry hee had beene so farre injured.

Their tub-preachers, Master Kiffen and others, upon their little acquaintance, have done him that right, and for that beene so enamored with him; nay, the houses have no other reason, nor none so great, for their feare to treat in person with him, suffering him to come into play, then that he is too wise. If you did on the other side surveigh their ac-

tions and counsellors, (which sometimes you would not thinke but they had their rise in Bedlam,) it would render his worth the more conspicuous, and you must confesse that my lord the king is even as an angell of God.

For patience. Though Satan and his instruments have winnowed him almost as much as Job; though he have passed through the furnace of sorrow; though so many indignities and affronts have beene offered him by his vassals, such as have beene fed with his bread, such as would have beene glad to have fed with the dogs of his flock; yet he indured all like a lamb, and never, that I could heare, so much as offended with his lips, in impatient expression, when the whole house of commons is many times in great dis-temper, (to use their own expressions,) upon the wagging of a straw, as it were, and the smallest occasions.

His fortitude is almost above a miracle. Hee was never observed to breake one nights rest, though his chamber were beset with armed and spitefull enemies; never to discover any feare, when their confused noises might suggest just matter to the best resolution.

Witnessse those passages at that time of night when Joyce offered that violence upon his person at Holmby, and they all confessed did neither daunt nor put him out of the carriage of a king. He never baulked one dish of meate, if he liked it, though it were cooked by the hands of a mortal enemy, and passed through the hands of many more.

When, on the other side, the whole house of commons startled at the falling of a little seeling, and were likely to stifle one another, for feare least the skie should fall. Many of them lately, at St Martins, did the like, nay, broake through the windowes, upon the fall of a board; nay, their Goliath, Sir Thomas Fairfax, with his other champions, were ready to die for feare of being poysoned. Because it hath some mirth in it, you shall have the storie at length:—A pragmaticall cooke, which had formerly served the lady Crisp in her prosperitie, hearing the generall wanted one of his trade, presumes to invite him, with some other officers, in his ladies name, to her house in Hammersmith, where hee might shew his skill at his owne charges, and what a feast he could make for fourtie shillings. The generall and his company, after they had eaten, and discovered that the invitation was not from the lady, fell into a great fright: some of them fell verie sick, and into vomitings, purging, for all the cordials they could take; claps up the poore cooke by the heeles, for his requitall, and keeps him there untill many weekes had made it evident there was no danger.

His devotions are more fervent and frequent than those of their best saints amongst them.

His temperance so signal, that themselves acknowledge it.

His clemencie so great, that his finger was never dipt in the blood of his worst enemies, (more then they drew upon themselves in the field;) nay, when they have beene at his mercy, he hath shewed them favour. But this subject would fill a volume: wee must bee short. If his majestie were a stranger, and had not such an undoubted right and inheritance in these kingdomes, and that they were elective, his wisdome and profound virtue would represent him like Saul, (in that point,) higher by the head then the rest of the people, and most worthie to be chosen their king.

*7. That his Majestie ought to bee pittied above all Men, and deserves to be rescued from this Danger by his Subjects.*

It is treason by law to imprison the person of the worst king; but so good a prince, in so barbarous a way, to be in so much hazard of his life, is an act of unparalleld wickednesse in those that doe, or allow of it. The oath of allegiance, (which was, by the law of the land, before the Conquest, to be taken by every male above twelve yeares old in the

kingdome, and hath beene actually by most of us,) obligeth us to it: Wherein wee sweare,

That wee will beare faith and true allegiance to the kings highnesse, his heires and lawfull successors, and to our power shall assist and defend all jurisdictions, priviledges, preheminences, and authorities, graunted or belonging to his majestie, his heires and successors, or united and anexed to the imperiall crown of this realme.

In the protestation wee promise, vow, and protest to maintaine and defend, as farre as lawfully wee may, with our lives, powers, and estates, according to the duty of our allegiance, his majesties royall person, honour, and estate.

In the solem league and covenant wee sweare sincerely, really, and constantly, through the grace of God, in our severall vocations, to endeavour, with our estates and lives, to defend and preserve the kings majesties person and authoritie, &c., and that we have no thoughts or intentions to diminish his majesties just power and greatnesse.

The protestation which these verie men contrived, took, and enjoyed others to take, engageth us.

The vow and covenant exacteth as much from us.

And yet wee know, in the debate upon the framing thereof, the obligation to the king was minced upon these reasons:—That there were other ties of dutie towards him, and others for the performance, and that making so many and full expressions thereof might harden him against any just compliyanse.

History tells us of subjects, nay, slaves, that have thrust themselves betwixt the stroake of death and their princes and masters, (who have not beene of eminent desert;) nay, of brute creatures which have at the same cost defended their owners; and shall wee, the people of England, who are obliged by duty, by so many oathes and engagements, to preserve the person of the king, suffer his life to bee engaged every day by such men, who, by his murther, would make way to set their feet upon our owne necks, and, at their pleasure, prey upon our liberties, our lives, and estates.

Could loyall Uriah say, Shall I go home to my wife, and take my rest or comfort, when my lord Joab, the captaine of the kings host and the kings army are in the field. And shall not every man rather say as much, or more, now that my lord the king is undone, and put out of all hee hath; now that my lord the king is kept from his wife and children, and scorned and reviled, and more ballads made of him, and abuses put upon him, than ever King David had; now that my lord the king is a prisoner.

Now that my lord the king neither sleepes nor wakes, nor eates nor drinckes in any manner of safety; and now that my lord the king is in danger every hour to be murdered or poisoned, shall we now give our eye-lidds any rest? And shall we not now helpe to save the king? Curse ye Meroz; (nay, now, Mr Marshall, doe you better expound that place of Scripture;) curse her bitterly, for not helping him: and if wee cannot afford to helpe him, for the oathes wee have made unto him, and benefits wee have received from him, yet let us rescue our lawes, liberties, and estates, and our own soules, which will otherwise altogether most certainly die and perish with him.



---

*A Declaration of the Commons of England, assembled in Parliament, expressing their Reasons for the Adnulling and Vacating of these ensuing Votes.*

15 Januarii, 1648.

Ordered by the commons, assembled in parliament, that this declaration and votes be forthwith printed and published.

H. SCOBEL, Cler. Parl. D. Com.

London, printed for Edward Husband, Printer to the honourable House of Commons, Jan. 18, 1648.

---

Upon 6th December, 1648, took place the memorable violence upon the parliament, known by the name of Col. Pride's purge; because that officer commanded the forces by whom the presbyterian members of the house, and all such as were known to favour a treaty with the king, were secluded, and imprisoned. The house being thus modelled, to the satisfaction of the army and the independant faction, immediately proceeded to improve their advantage over the presbyterians. Eleven leading members of that body, who had been active in the opposition made by the presbyterian to the independant party, had been disabled by former votes from sitting in the house, but had been restored during the short predominance of their own party. It was now the object of the independants to renew their disability, and to break off all treaty with the king.

---

*A Declaration of the Commons of England, assembled in Parliament, expressing the Reasons of these ensuing Resolutions; viz.*

*Die Martis, 12 Decembr. 1648.*

Resolved, &c.

That the vote of the 8th of June, 1648, for the revoking of the orders of the 7th of Sept., the 9th of Sept., and the 27th of Jan. 1647, for disabling Commissary Lionel Copley, Denzil Hollis, Esq., Sir John Clotworthy, Col. Edward Massey, Mr Walter Long, and others, from being members of this house, was of a dangerous consequence, and tending to the destruction of the justice and peace of this kingdom, and is hereby repealed.

Resolved, &c.

That the vote of 30 Junii, 1648, whereby this house did concur with the lords, that for opening a way towards a treaty with his majesty for a safe peace, that the votes of the 3 of January, 1647, forbidding all addresses to be made to or from the king, be taken off, was highly dishonourable to the proceedings of parliament, and apparently destructive to the good of the kingdom.

*Die Mercurii, 13 Decembr. 1648.*

Whereas the 17th of August, 1648, this house did concur with the lords, that, for opening a way towards a treaty with his majesty for a safe and well-grounded peace, these votes following should be, and were revoked, and taken off, viz.

1. Resolved, That the lords and commons do declare that they will make no further addresses or application to the king.

2. Resolved, by the lords and commons assembled in parliament, That no application or address be made to the king, by any person whatsoever, without the leave of both houses.

3. Resolved, by the lords and commons assembled in parliament, That the person or persons that shall make breach of this order shall incur the penalty of high treason.

Resolved, That the lords and commons do declare that they will receive no more any message from the king; and do enjoyn, that no person whatsoever do presume to receive or bring any message from the king to both or either of the houses of parliament, or to any other person.

Resolved, &c. That that vote for revocation of the said votes was highly dishonourable to the proceedings of parliament, and apparently destructive to the good of the kingdom.

Resolved, &c. That the vote of 28th Julii, 1648, that a treaty be had in the Isle of Wight with the king in person, by a committee appointed by both houses, upon the propositions presented to him at Hampton-Court, was highly dishonourable to the proceedings of parliament, and apparently destructive to the good of the kingdom.

Resolved, &c. That the several votes of 10th November, 1648, concerning the banishment of George, Lord Goring, the earl of Holland, the lord Capel, Sir Henry Lingen, Henry Hastings, Esq., now call'd the lord Loughbrough, Major-general Rowland Langhorn, and Sir John Owen, are destructive to the peace and quiet of the kingdom, and derogatory to the justice of the kingdom, and are hereby revoked and made null.

Resolved, &c. That the vote of the 10th of November, 1648, that James earl of Cambridge be fined the sum of 100,000*l.*, and that he be kept close prisoner until he make payment of the said fine, be and is hereby revoked, and he left to justice.

Resolved, &c. That the vote of the 2d of August, 1648, that the commissioners intended to be sent unto his majesty, to treat with him, shall have power to treat with his majesty in the Isle of Wight, upon such propositions as shall be offered by him, was destructive to the peace of the kingdom, and is hereby repealed, and made null and void.

Resolved, &c. That the vote of 5th Decembr. 1648, that the answers of the king to the propositions of both houses are a ground for the house to proceed upon for the settlement of the peace of the kingdom, is highly dishonourable to the parliament, and destructive to the peace of the kingdom, and tending to the breach of the publique faith of the kingdom.

*The Declaration upon the precedent Votes.*

The greatest service which a parliament can do to a king is to let him understand the disorders of his state, that by wisdom they may be amended; for as every disease ends either by death or curing, so do disorders (which are the diseases of a state) either end with the subversion of that state, or else by a universal reformation.

Upon serious consideration whereof, and to exonerate the people of this land from the sundry exorbitant oppressions daily multiplied upon them, which threatned the

ruine of many private families, and the publike desolation of the kingdom,—we, the commons of England, in this present parliament assembled, having, with much faithfulness and affection to the publike good of this realm, labored for these eight yeeres last past, with many great fears and dangers, undergone many difficulties and calamities, and suppressed many distempers and disorders, in opposition to a malignant party in this kingdom, who would have enslaved the bodies and souls of the people of this nation, by the bringing in of popery, and setting up of tyranny; both which we have so amply manifested to the whole world, in our former declarations, as we judge it needless here again to repeat: yet we cannot be so injurious to truth, as not to remember how, for the redress of which abuses, and for bringing the contrivers thereof to condign punishment, we did often make our just complaints to the king; first, by many humble petitions, then by remonstrances and declarations; which not taking any effect, but justice being still denied us, the main obstructions whereof did constantly flow from the kings immediate design; which divers ways will most evidently appear, if we do but call to remembrance how he did not only require the English army, raised by his command, in opposition of the Scots, to march up against the parliament and the city of London, but practised with the same Scottish army itself to do the same; offering to corrupt them, by the donation of the four northern counties, and the plunder of the city of London: in the second place, how suddenly and unexpectedly he went into Scotland, notwithstanding our earnest endeavours and desires to the contrary: thirdly, how he countenanced, if not contrived and authorized that horrid rebellion in Ireland, wherein were murdered in the province of Ulster onely, (not to speak of the rest of that kingdom,) and that in the space of eight weeks only, above one hundred and forty thousand protestants, by so many varieties of cruel deaths, as all the first ten persecutions against the primitive Christians could never parallel: and lastly, his withdrawing from the parliament, and setting up of his standard against it, the like never before practised by the worst of our kings; by which means the regal power (which was intended for the weal and defence of the people) being hereby turned against them, rendering thereby Ireland (the purchase of our ancestors) in apparent hazard of being utterly lost, our trade by sea and land to be decayed, our estates to be wasted, and some hundreds of thousands of our nation slaughtered and massacred.

We hereupon despairing of any good return of justice from the king, did appeal unto the great God of heaven and earth for the same; who, after four years wars, did give a clear and apparent sentence on our side, by delivering into our hands all the castles, towns, and persons of our opposites, even of the king himself, or forcing them to fly the land, and in forraign parts to remain as exiles.

And whereas it pleased God, by these his mercies, to put us into such a condition of power, that if we did not make England the happiest nation in the world, not onely this present age, but all posterity would judge, that either we wanted wisdom to do it, or will to effect it; yet here again we were encountered with unexpected difficulties, by the apparent defection of some of our own members, who (not regarding the glory of God, nor good of the commonwealth, but being carried away by base avarice and wicked ambition) did labor the bringing in of the king again, with all his faults, without the least repentance, or acknowledgment of his former transgressions, either against God or his people.

And having to that purpose, by many subtilties of theirs, improved their party amongst us to a considerable number, they endeavored to do that by fraud which by open force of arms our greatest enemies had so often failed in.

To which end, finding that nothing but the army could obstruct their design, in whom they had observed more than a bare mercenary spirit, as having by the extraordinary blessing of God finished the war in so short a time after their undertaking of it; manifesting thereby that their affections to the publike exceeded that of their parti-

cular employment, doing so much service in a few moneths for the parliament, as if they had plotted to have made themselves incapable of serving them any longer.

Whereupon they first attempted to send the greatest part of it into Ireland; the Scottish army being at the same time possessed of the four northern counties; the person of the king himself being also in their power; the two keys of this kingdom, Barwick and Carlisle, in their hands; besides the town of Newcastle (being the main and most necessary support of London and the southern parts for firing) wholly at their devotion. All which signified nothing else then that we should abandon those of our own blood and country, (who had faithfully and religiously served us,) to cast ourselves into the protection of a forraign nation, who had besides a forraign interest.

But failing in this their first attempt, in the second place (after the going home of the Scots) they labor'd to break this army, by disbanding it, which otherwise (as they feared) would have broken their designs.

But that not succeeding, their next work was to raise the city of London in actual arms against it; wherein being likewise disappointed of their expectations, some of them for the same being charged by us with high treason, and other high crimes and misdemeanors; most of them so charged having left the land, and some others for the same being imprisoned; the king in the mean time shewing no maner of contrition, or giving the least hopes of any good accommodation, after seven addresses made unto him in vain.

We thereupon judging it not fit that the obstinacy of any one man (how great soever) should ruine so many thousand good people of this kingdom, did vote no further addresses to be made unto him, (as being a person incapable of any further trust;) but did declare that we would settle the present government in such a way as might best stand with the peace and happiness of this kingdom.

And which we had long since (by Gods assistance) happily effected, had not a malignant party amongst the seamen, the like in the counties of Essex, Surrey, Sussex, and the city of London, (many of which have since been in actual arms against us, by their pressing and urgent petitioning of the parliament for a personal treaty with the king at London, and to disband the army,) thereby diverted and frustrated our earnest and hearty desires.

Which petitions of theirs, though most of them delivered in a tumultuous manner, and all of them in such a way as if they were resolved to admit of no denial, yet were so countenanced by a disaffected number amongst us, (who, in all probability, did correspond with them in their engagements,) as some of the petitioners had thanks given them, after they had manifestly broken the priviledges of parliament; besides the matter being so repugnant to all reason, that the granting of it, as the case then stood, (Wales being in some measure revolted, the Scots hourly expected to come in, Kent and Essex in arms, and a very considerable part of the navy abandoning of their trust,) had been at one stroke to undo all that ever God had done for the parliament, and to render all his mercies vain and fruitless.

And that we might be the more diverted from settling the peace of this distracted kingdom, the said persons (taking advantage of the sundry ingagements the army was then employed about, and that at once, in divers remote parts of the realm, and of the absence of sundry well-affected members, acting in their several respective counties, for the quenching of that flame which these persons, in all likelihood, by their artifices, had kindled,) did, by the subtilty of many terrifying arguments and threatening petitions, (making the world believe as if there was an impossibility to settle the peace of the kingdom without the king,) not onely recal those votes of non-addresses to the king, (made upon such and so many reasons of great weight and high concernment for the good of the people, as unto the least of which they never gave any answer,) but did likewise recal such members of this house as stood charged (as aforesaid) with high

treason and other high crimes, without answering or giving any satisfaction to the least part of their charge.

And notwithstanding that God, by the settlement of Wales, the miraculous and speedy reducing of Kent, the defeat of the earl of Holland, the containing of the major part of the city of London in their due obedience, the confusions arising in the revolted navy, the rendring of Colchester, and, lastly, the most incomparable defeat of Duke Hamilton and his army, did manifest to earth that heaven was opposite and displeas'd with those their counsels, and that once more God, from above, had given sentence for the parliament, against the king ;

Yet these members (as if they would resist the will of Heaven, and, in despite of God himself, bring the king home with honor, safety, and freedom) did notwithstanding proceed to make such propositions to the king, at the Isle of Wight, for a safe and well-grounded peace, as, if they had been granted and kept, (of which there was no probability,) would but have returned the people again to their former slavery ; forasmuch as by these propositions neither this parliament, nor any succeeding one, was put into a capacity of ever being able to make any good laws, the king being still suffer'd to continue his negative vote, so long opposed, and so strongly voted and declared against by this parliament ; thereby leaving still in his power a check to any just desire of the people.

Which personal treaty, thus carry'd on, without any one previous proposition for the honor of the traitors, or security of the things treated for, (both which were once thought necessary by those very men who now gave way to this,) as it could not chuse but abundantly satisfy and delight the disaffected party of the kingdom, so the good and honest-minded people thereof (who had ventured their lives and fortunes with us in the common cause) did apprehend it with much horror, even trembling, to consider, that whereas they expected a happy peace should have been the price of their blood, and the reward of their labors, a peace thus concluded would have proved but the beginning of their future miseries ; and did not stick to complain, that hereby we had left them in a far worse estate, after all their victories, then when they undertook the wars with us in our lowest condition.

Which we cannot condemn them for, when we remember withal, that this treaty was entertained upon such propositions as the king himself also should make ; which was formerly held to be so destructive to any well-settled peace, as neither the houses of parliament, nor the commissioners for the kingdom of Scotland, did think it fitting to admit, when he was in his greatest height of power.

Neither can we believe that any agreement we could have made with the king in the Isle of Wight (in the condition he was then in) would ever have been observed, either by himself or any of his party ; for setting aside the bare name of honor, safety, and freedom, which the treaty did pretend unto, neither the king, nor any of his, did ever hold him in any other condition then that of a prisoner.

For clearing whereof, besides that, in his message sent to both houses, October 2, he proposeth to have liberty to come to Westminster, and to be restored to a condition of absolute freedom and safety ; which can import no other, then that he judg'd himself at that present (being in the time of treaty) to be deprived of both. And his letters to a prime magistrate of the city of London declare, that he held himself at that time as great a prisoner as ever. And the prince, in his declaration made at Goree, says plainly, that the king in truth is still in prison ; and invites the earl of Warwick to joyn with him to rescue his father from his unworthy imprisonment.

And since inforced oaths are (in many mens judgments) not necessary to be kept, what assurance could we have that he (who so often had fail'd of his promises, made to us when he was free, and at his own disposal) would make that good to us, when he came to be re-established in his royal power, which he had oblig'd himself to do when he was in durance, and a prisoner ?

And since hardly any example can be produced, either forraign or domestick, of any prince, once engaged in a war with his subjects, that ever kept any agreement which he made with them, longer then meer necessity did compel him thereto: the examples whereof to the contrary are so many and so manifest, and the late bloody violation of the peace betwixt the crown of Spain and those of Naples is so fresh in our memories, as we cannot expect any propositions agreed upon at the Isle of Wight should binde the king more then the fundamental laws and coronation oath; besides his often protestations and engagements, in the name of a king and of a gentleman, which he hath so often violated.

And if we had disbanded our army, is there any thing more probable upon earth, then that the king would have raised another? Which if he should have done, and we not endeavored to do the like, what were that neglect, but an apparent betraying of our cause and trust; giving up that without a stroke which we had acquired and made good by so many victories. And if we should have taken up arms, what were it but putting of the realm again into a new combustion; wherein, whether God would bless us as before, since we made no better use of his former mercies, as it is onely in his divine wisdom to determine, so it would be little human providence or policy in us (if it be not a bold temptation of God) to put it any more to the tryal.

And notwithstanding that it pleased God so to harden the kings heart, that he would not abolish episcopacy, but onely suspend it; and consented that the bishops lands should be let for a long term onely, the old rents being still reserved for their maintenance; whereas we had sold the said lands out-right, and the old rents were all that many had bought of the bishops estates; yet so willing were these men to comply with the king, as they were not onely contented that the buyers (who adventured upon the publike faith of the parliament) should be defrauded of their bargains, (some of them wholly, all of them in part,) but that episcopacy itself, which they had covenanted to extirpate, should yet remain in the root, and a more then probable conjecture that it might recover itself again.

And whereas the king would not consent to the capital punishment of any one delinquent, (there being onely one offered unto him, namely, David Jenkins, the rest being beyond the seas, and out of our power,) yet, contrary to their covenant, and contrary to the main (if not onely) end of making this war (which was to bring delinquents to condign punishment,) they did in this also acquiesce in the kings answer.

Which, in plain terms, was to decline the cause of the people, and to assert that of the king; betraying thereby our own cause, and justifying his; making that good, by this onely action, which our greatest adversaries have ever constantly upbraided us withal; which was, that we had no justice on our side, because we durst never bring any of them to judgment.

Which actions of theirs being apparently contrary to all that which the parliament had from the beginning of their troubles held out to the people, and which were the onely motives to induce them to undertake this war; so as by this means episcopacy remaining still in the root, wanting onely a little warmth of fair weather to make it bud forth again, and in the interim no care taken at all for the constant settlement of religion; and, on the other side, for want of justice upon the capital offenders, all good men discouraged, and even repenting that they had ever undertaken the cause; which would have been by this agreement so vilely and unequally stated, as if the kings party should be an hundred times beaten, they must be an hundred times indemnified; but, on the other side, if the parliaments party should happen to be at the loss but once, all the godly people in the land should have been destroyed for the present, and the very cause of liberty and religion itself endangered to be lost irrecoverably for the future.

And whereas God having so eminently owned this cause, that the enemy could never prevail against it, either by open force of arms or any secret machination of their own

devising; hereby, through the treachery of some, unto whose trust the defence thereof was committed, the cause should not onely at this time be utterly lost, but all posterity for ever discouraged to take up arms, or joyn with a parliament again; against whom, if for the king any should get the victory, all honors, profits, and worldly felicities would consequently offer themselves to be the reward of their labors; and if they should happen to be overcome, there would be no tribunal on earth whereby to punish them, or call them to account for their actions.

Wherefore, unless we should deny the goodness of our cause, which God hath adjudged on our side, by the gracious blessings of so many signal victories; unless we should betray our friends, who have engaged with us upon our votes of non-addresses, to the hazard of their lives and fortunes; unless we should value this one man, the king, above so many millions of people, whom we represent, and prefer his honor, safety, and freedom before the honor, safety, and freedom of the whole nation; unless we should scorn and condemn any peace which the great God of heaven and earth (our assured help in our greatest distresses) hath given us, and that we must relie onely upon such a peace which the king (a mortal man, and our implacable enemy) shall allow us; unless we should give ourselves up to the slaughter, and suffer our own members to undermine the parliament and the kingdoms cause; unless we should stake all which we have to the kings nothing, and treat with him who hath not any thing to give us; and after God hath put us in possession of all, and more then we asked, then we must treat with the king, whether we shall have it or no; lastly, unless we should value the blood of so many innocents, and the army of so many martyrs, who have dyed in this cause, less then the blood of a few guilty persons, by what name or title soever stiled, we could do no less then repeal those votes before specified, as being highly repugnant to the glory of God, greatly dishonourable to the proceedings of parliament, and apparently destructive to the good of this kingdom.

Yet we are resolved, (by Gods assistance,) and that speedily, so to settle the peace of the kingdom by the authority of parliament, in a more happy way then can be expected from the best of kings.

---

*Die Veneris 20 Aug. 1647.*

*An Ordinance for declaring all Votes, Orders, and Ordinances passed in one or both Houses, since the force on both Houses, July 26th, untill the sixth of this present August, 1647, to be null and void.*

Whereas there was a visible, horrid, insolent, and actual force upon the houses of parliament, on Monday the 26th of July last, whereupon the speaker, and many members of both houses of parliament were forced to absent themselves from the service of the parliament; and whereas those members of the house could not returne to sit in safety before Friday the sixth of August,—it is therefore declared, by the lords and commons in parliament assembled, that the ordinance of Monday, the said 26th July, for the repealing and making void of the ordinance of the 23d of the said July, for the settling of the militia of the city of London, being gained by force and violence; and all votes, orders, ordinances, passed in either or both houses of parliament since the said ordinance of the 26th of July to the said 6th of August, are null and void, and were so at the making thereof, and are hereby declared so to be, the parliament being under a force, and not free. Provided alwayes, and be it ordained, that no person or persons shall be impeached or punished for his or their actions, by or upon, or according to the aforesaid

votes, orders, or ordinances, unless he or they shall be found guilty of contriving, acting, or abetting the aforesaid visible and actual force, or, being present at, or knowing of the said force, did afterwards act as the said votes so forced, or were guilty of entering into, or promoting the vote of parliament for bringing the king to the citie, upon the termes and conditions expressed in his majesties letter of the 12th of May last.

JOHN BROWN, *Cler. Parl.*

---

*A briefe Memento to the present Unparliamentary Junto, touching their present Intentions and Proceedings to Depose and Execute Charles Steward, their lawful King; by William Prynne, Esquire, a Member of the House of Commons, and Prisoner under the Armes Tyranny; who, it seems, have leavyed Warre against the Houses of Parliament, their quondam Masters, whose Members they now forcibly take and detain Captives during their lawlesse Pleasures.*

PROVERBS, xxiv. 21, 22.

My son, feare thou the Lord and the king, and meddle not with those who are given to change; for their calamity shall rise suddenly, and who knoweth the ruin of them Loth?

GAL. i. 10.

If I yet pleased men, I should not be the servant of Christ.

Printed in 1648.

---

We are now approaching the last scene of this tragedy, the following tracts relating principally or entirely to the death of the king. The following expostulation in his favour is the composition of one from whom such interference could hardly have been expected.

William Prynne was born at Swainswick, near Bath, in Somersetshire, in the year 1600. He became a commoner at Oriell College, Oxford, in 1616, took one degree in arts in 1620, and afterwards studied the common law at Lincoln's-Inn, where he was made successively barrister, utter barrister, bencher, and reader. He became a great follower of Dr John Preston, a noted puritan, then lecturer there; and by him was urged on to write several violent attacks against the manners of the times, as well as against the church and the court. Having, in his work against players, entitled *Histrionastix*, published in 1632, reflected strongly upon the court, and peculiarly upon the queen, he was committed to the Tower, and, in February 1633, sentenced to be fined £5000 to the king, to be expelled the university and Lincoln's-Inn, to stand in the pillory in Palace-Yard and in Cheapside, in each of these places to lose an ear, (which part of his sentence was executed only in part,) to have his book burnt before his eyes, and to be imprisoned for life. He, however, continued writing libels, particularly against the bishops; and, the 14th of June, he was again sentenced to be fined £5000, to lose the remainder of his ears in the pillory, to be branded on both cheeks with the letters S. L., for a schismatical libeller, and to be perpetually imprisoned in Caernarvon Castle; from whence he was removed to Mont Orgueil, in Jersey. In 1640 he was released, by order of the house of commons. Soon after he was elected member for Newport, in Cornwall. He was the chief actor in the prosecution and final execution of Laud. In 1648, he, with other presbyterian members, was turned out of the house by the army, and imprisoned, for forwarding the restoration of the king's power; whereupon he became a determined enemy of Oliver Cromwell. In 1659, as one of the secluded members, he was restored to sit again, and became instrumental in the restoration of King Charles II. He was afterwards made keeper of the records of the Tower; but that place could not prevent him from employing his pen in bold invectives, particularly against the bishops. Having, in 1661, written a paper against the bill for governing and reforming corporations, he fell under the lash of power; but, in a very humble manner, acknowledged and recanted his seditious opinions, and was thereupon allowed to resume his seat. During the remainder of his life he restrained his pen, and only wrote some theological tracts. He was the author of above two hundred books



and pamphlets, which are preserved, in forty volumes, in Lincoln's-Inn library. He died the 24th of October, 1669, and was buried in the walk under the chapel of Lincoln's-Inn. The following tract appears to have been written by Mr Prynne under the influence of resentment against the army, by whom he had been secluded from attendance on parliament, and made a prisoner, during the operation of that severe medicine administered to the house of commons, and commonly known by the name of *Colonel Pride's Purge*.

## GENTLEMEN,

It is the observation of King Solomon, Prov. xxv. 11, That a word spoken in due season is like apples of gold and pictures of silver. And seeing I, (and above two hundred members more,) being forcibly secluded from you by the officers of the armies unparalell'd violence upon our persons and the house, cannot speak my mind freely to you in, or as the house of commons, I held it my duty freely to write my thoughts unto you, only as private persons, under a force, consulting in the house, without your fellow-members advice or concurrence, about the speedy deposing and executing of King Charles, your lawfull sovereigne, to please the general officers and grand councill of the army, (who have unjustly usurped to them the supreme authority both of king and parliament,) or rather the jesuits and popish priests among or neare them, by whose counsell they and you are now wholly swayed, and whose traiterous designes you really execute in most of your votes and actings.

I have only a few words and considerations to impart unto you, *dictum sapienti sat est* :—

First, I shall minde you, that, by the \* common law of the realme, the statute of 25 E. 3., and all other acts concerning treasons, it is no lesse then high treason for any man, by evert act, to compass or imagine the deposition or death of the king, or of his eldest son and heire, though it be never executed, much more if actually accomplished ; that many have bene arraigned, condemned, executed for such intended treasons in former ages ; as the earle of Arundel and others, by judgement in parliament, 21 R. 2. *Plac. Coronæ*, N. 4, 6, 7, and the Gunpowder Traytors, 3 Jacobi, to omit others, whose examples should be others admonitions, the heads and quarters of some of them yet hanging on the houses where now you meet and sit.

2dly, That in the oath of allegiance which you have all taken, immediately before your admission unto the house as members, " You doe truly and sincerely acknowledge, professe, testify, and declare, in your consciences, before God and the world, that our sovereign lord King Charles is lawfull and rightful king of this realme, and of all other his majesties dominions and countries ; and that the pope, neither of himselfe, nor by any authority of the church or see of Rome, or by any other meanes, nor any other, hath any power or authority to depose the king, or to dispose of any of his majesties kingdomes or dominions, or to discharge any of his subjects of his allegiance and obedience to his majesty, or to give leave to any of them to offer any violence to his majesties person, state, or government : And that, notwithstanding any sentence or declaration of deprivation made by the pope, &c., or any absolution of the said subjects from their obedience, you will beare true allegiance to his majestie, his heirs and successors, and him and them will defend to the uttermost of your power, against all attempts and conspiracies whatsoever, which shall be made against his or their persons, their crown and dignity, by reason or colour of any such sentence or declaration, or otherwise : And do therby further swear, that you do from your hearts abhor, detest, and abjure, as impious and heretical, that damnable doctrine and position, that princes which be excommunicated or deprived by the pope may be deposed or murdered by their subjects, or any other.

\* Cook, 3. Institut. 4, 1. Stamfords Plea of the Crown, 1, c.

whatsoever: And that you do believe, and in conscience are resolved, that neither the pope, nor any person whatsoever, hath power to absolve you of this oath, or any part thereof: And that all these things you did plainly and sincerely acknowledge and swear, according to these expresse words, and their plain and common sense, without any equivocation or mentall evasion, or secret reservation whatsoever: And that you did make this recognition and acknowledgment heartily, willingly, and truly, upon the true faith of a Christian." Now, whether your present actings and intentions against the king be not diametrically repugnant to this solemn oath, which most of you have sithence these wars, and some of you since the treaty, when sworn serjeants at law, &c., let God and the world, before whom you swear, and your owne consciences, in which you then swore, determine, you acting herein the popes and jesuits designs.

3dly, That yourselves, among other members, have, in above one hundred remonstrances, declarations, petitions, ordinances, and printed papers, published in the name, and by the authority of one or both houses of parliament, professed, both to the king himselfe, kingdom, world, and forraigne states, that you never intended the least hurt, injury, or violence to the kings person, crowne, dignity, or posterity, but intended to him and his royall posterity more honour, happinesse, glory, and greatnesse then ever was yet enjoyed by any of his royall predecessors: That you will ever make good, to the uttermost, with your lives and fortunes, the faith and allegiance which, in truth and sincerity, you have always borne to his majesty: That you have proposed no other ends to yourselves, but the performance of all duty and loyalty to his majesties person: That all contributions and loanes upon the publicke faith should be employed only to maintain the protestant religion, the kings authority, his person, his royall dignity, the lawes of the land, peace of the kingdom, and priviledges of parliament, and not to be employed against his majesties person or authority: That the armies and forces raised by the houses were raised for the safety and defence of the kings person, and of both houses of parliament, &c.: That his majestyes personall safety, honour, and greatnesse, are much dearer to you then your own lives and fortunes, which you doe most heartily dedicate, and shall most willingly imploy for the maintenance and support thereof: That the parliament will ever have a care to prevent any danger which his majesty may justly apprehend to his person: That both houses are resolved to expose their lives and fortunes for the defence and maintenance of the true religion, the kings person, honour, and state, the power and priviledges of parliament: That notwithstanding his majesties proclamations against their generall and army, as traytors, yet, to witnesse their constant and unshaken loyalty to his majesty, both houses do solemnly declare, That, upon his disbanding his forces, and return and harkning to the advice of his great council, they will really endeavour to make both him and his as much beloved at home, and feared abroad, as any prince that ever swayed this scepter; which is their firm and constant resolution, from which they will not be diverted for any private or self respects whatsoever: That they will faithfully endeavour to secure his majesties person and crown from all dangers; inculcating the apparent danger to his royall person among his popish and malignant armies and ill councillors, and upon what reason; perswading and inviting him to desert them, and close with his parliament; protesting, that the parliament hath been, is, and ever will be more ready than they to secure and uphold the authority, prerogative, and honour of the king, and preserve the safety of his royall person; which they have oft times testified by many humble petitions and declarations to him, the world, and kingdom; with many other such like expressions. Which whether your present actings and councilis do not directly oppose, contradict, and give the lye

<sup>†</sup> Exact Collections, p. 16, 19, 21, 59, 66, 6, 83, 102, 103, 118, 123, 125, 141, 142, 143, 173, 180, 195, 219, 259, 281, 307, 308, 312, 360, 376, 457, &c.

<sup>\*</sup> A Collection, &c., 18, 23, 41, 43, 44, 49, 51; 61, 64, 96, 181, 182, 310, 321, 424, 425, 496, 599, 623, 696, 806, 807, 879. Appendix, p. 16.

unto, to your eternall infamy, and breach of publike faith, as much as in you lyes, let both houses, the world, and all men judge, as they will do in due season.

4thly, Consider, that when the <sup>a</sup>king and his party did tax the houses for insinuating, that if they should make the highest presidents of other parliaments their pattern, there would be no cause to complain of want of modesty or duty in them; that is, they may depose the king when they will, and are not to be blamed for so doing; and that the army raised by the parliament was to murder and depose the king,—both houses, by two solemne declarations, did most professedly declare and protest against it, as the falsest and most malicious accusation that could be imagined: That the thoughts of it never entred nor should enter into their loyall hearts: “That as God is witness of their thoughts, so shall their actions witness to all the world, that, to the honour of our religion, and of those who are most zealous in it, they shall suffer far more for and from their sovereign than they hoped God would ever permit the malice of his wicked councillors to put them to, since the happiness of the kingdom doth so mainly depend upon his majesty and the royall authority of that root:”<sup>b</sup> that they hoped the contrivers of these false and scandalous reports, or any that professed the name of a Christian, could not have so little charity as to raise such a scandall, especially when they must needs know the protestation made by the members of both houses, whereby they promise, in the presence of Almighty God, to defend and preserve his majesties person; “the promise and protestation made by the members of both houses upon the nomination of the lord of Essex to be generall, and to live and dye with him, wherein is expressed, that this army was raised for the defence of the kings person;”<sup>c</sup> their often, earnest, and most humble addresses to his majesty, to leave that desperate and dangerous army wherewith he is now encompassed, raised and upheld to the hazard of his owne and the kingdomes ruine, and to come in person to his parliament, where he should be sure to remain in honour and safety; and their humble petition directed to be presented to him by the hands of the earl of Essex, before any blow be given, to remove his royal person from the army; a request inconsistent with any purpose to offer the least violence to his person, which hath, and ever shall be dear unto them. Now, put it to your soules and consciences, whether yours and the armyes present counsell and actions do not really justify the kings and his parties former suggestions, and give the lye to these declarations of both houses? who certainly, whenever restored to a condition of freedom, and liberty of meeting together again, will crave publik reparations and justice against you, if you violate both their honour, faith, and engagements to the king, kingdom, and foreigne states, against these their declarations and protestations too.

5thly, Remember<sup>d</sup> that the lords and commons assembled in parliament, October 12, 1642, did, in the presence of Almighty God, (which is the strongest obligation that any Christian, and the most solemne publike faith that any state, as a parliament, can give,) for the satisfaction of their own consciences, and discharge of that great trust that lyes upon them, make this protestation and declaration to all this kingdom and nation, and to the whole world:—That no private passion or respect, no evil intention to his majesties person, no designe to prejudice his just honour and authority, engaged them to raise forces to take up armes: “that if he would returne to his parliament in peace, and by their counsell and advise compose the distempers and confusions abounding in his kingdomes, they would receive him with all honour, yeeld him true obedience and subjection, and faithfully endeavour to defend his person and estate from all danger, and, to the uttermost of their power, establish him in all the blessings of a glorious and happie reigne;” and that they had no intention or desire to hurt or injure his majesty, either

<sup>a</sup> Exact Collections, p. 298, 695, 696, 657, 659, 991.

<sup>b</sup> Which they oft professe, both of the army under the earle of Essex and Sir Thomas Fairfax, to Collection of all Orders, &c., 8, 13, 41, 43, 44, 49, 51, 61, 64, 96, 99, 623, 696, 879. Appendix, p. 15.

<sup>c</sup> Exact Collections, p. 663, 664, 666, 687, 686, 607, 911.

in his person or just power. Which they seconded by many subsequent declarations. Since which, both houses, and the three kingdomes of England, Scotland, and Ireland, have entred into<sup>a</sup> a solemne league and covenant, for the honour and happinesse of the kings majesty and his posterity, (among other ends therein specified,) that they shall sincerely, really, and constantly endeavour, with their estates and lives, to preserve and defend the kings majesties person and authority, in the preservation and defence of the true religion and libertics of the kingdoms, that the world may beare witness with their consciences of their loyalty; and that they have no thoughts nor intention to diminish his majesties just power and greatnesse: that they will, with all faithfullnesse, endeavour to discover all evill instruments and incendiaries<sup>b</sup> dividing the king from his people, that they may be brought to publike tryall, and receive condigne punishment: and shall never suffer themselves, directly or indirectly, by whatsoever combination, perswasion, or terrour, to be withdrawne from this blessed union, &c., which so much concerneth the glory of God, the good of the kingdomes, and the honour of the king, but shall, all the dayes of their lives, zealously and constantly continue therein, against all opposition: And conclude, this covenant we make in the presence of Almighty God, the searcher of all hearts, with a true intention to observe the same, as we shall answer at the great day, when the secrets of hearts shall be disclosed. This covenant you have all taken yourselves, (some of you often,) and<sup>c</sup> imposed it on all the three kingdomes: And will it not stare in your faces, your consciences, and engage God himselfe, and all the three kingdoms, as one man, against you, if you should proceed and depose the king, destroy his person, or disinherit his posterity? yea, bring certaine ruin upon you and yours, as the greatest<sup>d</sup> covenant breakers, and most perjured creatures under heaven. O think, and think most seriously upon it, before you proceed to further perjuries. In 24 Edward 3., William Thrope, chiefe-justice of the King's Bench, for taking £80 bribes of severall persons, was, by special commission, indicted, convicted, and condemned to be hanged, and to forfeit all his lands, tenements, goods, and chattels to the king, because thereby *sacramentum Domini regis quod erga populum habuit custodiendum fregit, maliciose, falso, et rebelliter, quantum in ipso fuit*: which judgement was affirmed to be just and reasonable in full parliament, where it was openly read by the kings command, as is evident by 25 E. 3. Rot. parl. nu. 10. If, then, this chiefe-justice, for breaking his oath to the king and his people, as a judge, only in taking two or three small bribes, deserved to be hanged, and to forfeit all his lands, goods, and life, by the judgement of a full parliament; then what will such members deserve to suffer, who shall violate, not only their oathes of allegiance and supremacy to the king and his heires, but likewise the severall protestations, solemn league and covenant, and the multiplied publique faith, engagements, declarations, remonstrances, and promises of both houses of parliament, made to God, the king, the whole kingdome and people of England, Scotland, and Ireland, the states of the United Provinces, and all the world, and that maliciously, falsely, and rebelliously, as much as in them lies, and their owne private faith, oathes, votes, and covenants, involved in them, in deposing and executing the king, disinheriting the prince, violating the priviledges, usurping the power of the parliament to themselves, when most of the other members are violently secluded by the army, to the subversion of the freedome and libertyes of all parliaments? This being one article against King Rich. the Second, in 1 H. 4. Rot. parl. n. 25, 66, 70, when he was deposed, "That in the parliament held at Salop, intending to oppress his people, he did subtilly procure, and cause to be granted, by consent of all the states of the kingdome, (which you have not,) that the power of

<sup>a</sup> A Collection, &c., p. 327, 359, 399, 404, 416, 420 to 423, 806, 807, 808, 873, 879, 889.

<sup>b</sup> Those who depose, or divide his head from his shoulders, must be most guilty of this dividing.

<sup>c</sup> A Collection, &c., p. 420, &c.

<sup>d</sup> 2 Tim. iii. 3, 4.

<sup>e</sup> Rot. Pet. An. 24 E. 3. m. 2. in ders. Rot. Par. An. 25 E. 3. Par. 1. m. 17. Cooke's 3 Insit. p. 14, 223.

the parliament should remaine with certaine persons, ( Lords and commons, ) to determine certaine petitions then delivered, but not dispatched, after the parliament ended; by colour whereof, the said deputed persons proceeded, by the kings pleasure and will, to other things generally concerning the said parliament, to the great derogation of the state, and priviledges of the parliament, and the great inconvenience and pernicious example of the whole realme; and to gaine some colour and authority to their doings, the king caused the parliament rolls to be altered and delected, according to his vote, contrary to the effect of the foresaid commission;” as you have presumed to null, repeale, and unvote divers votes, orders, and ordinances of both houses, made in pursuance of the foresaid oaths, protestations, the solemn league and covenant, remonstrances, declarations of both houses, and the treaty, when the houses were full, and not under the armies force or violence. And if their proceedings, and the whole parliament of 21 R. 2. were declared<sup>2</sup> null and void, and the king worthy to be deposed for such proceedings, then let Serjeant Thorpe, and other lawyers now acting with you, consider and informe you what punishment you deserve for such breach of faith, priviledges of parliament, and usurpation of a monopoly of parliamentary power to yourselves now, whiles under the armies force, and most members forced thence: in which case you ought not to sit, vote, or conclude any thing, but only to<sup>3</sup> adjourne till the force be removed, and all members may freely meet in full parliament, as is clear by that memorable record of 6 E. 3. parl. apud Ebor. n. 1, 2. Dors. Claus. 6 E. 3. n. 4. 6 E. 3. apud West. Parl. 2. n. 1. 13 E. 3. Parl. 2. n. 4. 15 E. 3. n. 5. 17 E. 3. n. 2, 6. 18 E. 3. n. 1, 2, 5. 20 E. 3. n. 5. 21 E. 3. n. 4. 22 E. 3. n. 1. 25 E. 3. n. 1. 29 E. 3. n. 4. 36 E. 3. n. 1. 37 E. 3. n. 1. 42 E. 3. n. 1. 50 E. 3. n. 1. 51 E. 3. n. 3. 1 R. 2. n. 1. 2 R. 2. n. 1. 3 R. 2. n. 1. 4 R. 2. n. 1. 5 R. 2. Parl. 1. n. 1. Parl. 2. n. 1. 6 R. 2. Parl. 1. n. 1. Parl. 2. n. 1. 8 Hen. 4. n. 28, 30, 54. 9 Hen. 4. n. 1. 13 H. 4. n. 1. and many more rolls; where the parliament, when any considerable number of the members of either house were absent, was constantly adjourned, and refused to sit, or do any thing, (though not under any force,) till the houses were full; much more then, when under the armies sword; it being against Magna Charta, as the<sup>4</sup> barons declared in parliament, anno Dom. 1257, in the reign of K. H. the Third, for a few members to sit, when the rest are absent.

6thly, Consider, that though many of the kings of Judah and Israel were extraordinary sinfull and idolatrous, bloody and tyrannical, great oppressors of their people, yea, shedders of priests, of prophets, and other good men’s innocent blood, not only in the wars, but in peace; yet there is not one president in the Old Testament of any one king ever judicially impeached, arraigned, deposed, or put to death by the congregation, sanhedrim, or parliaments of Judah and Israel: that those who slew any of them, in a tumultuous or treacherous manner, were, for the most part, slaine themselves, either in a tumult, or<sup>5</sup> else put to death by their children, who succeeded to the crowne, or people of the land; and that the Israelites, after the revolt from Rehoboam, had never any one good king, or good day almost amongst them, but were overrun with idolatry, prophanesne, tyranny, invaded by enemies, involved in perpetuall warre, civill or forraigne, and at last all destroyed and carried away captives into Babilon, as the books of Kings and Chronicles will informe you: that the rule in the Old Testament is, not to take any wicked kings from their thrones, and behead them, but,<sup>6</sup> “ Take away the wicked from before the king, and his throne shall be established in righteousnesse;” and the rule in the New Testament,<sup>7</sup> “ To be subject to kings and the higher powers, and to submit unto them, even for conscience and the Lord’s sake; and to make prayers, supplications, and intercessions for them, that under them we

<sup>1</sup> 21 R. 2. c. 16.

<sup>2</sup> 1 H. 4. c. 3.

<sup>4</sup> Matthew Paris, p. 882, 885, 818. Dan. p. 172.

<sup>6</sup> Prov. xxv. 5.

<sup>3</sup> As the house did in the case of the five members. Exact Collect. p. 35 to 36.

<sup>5</sup> 2 Kings, xiv. 6. c. xv. 10, 14, 25, 30. c. xxi. 24.

<sup>7</sup> Rom. xiii. 1, 2, &c. Tit. iii. 1, 2. 1 Pet. iii. 13, 14, 17. 1 Tim. ii. 1, 2.

may lead a peaceable and quiet life, in all godlinesse and honesty; for this is good and acceptable in the sight of God our Saviour;<sup>3</sup> not to depose or shed their blood, for which there is no precept. And is not this plaine way of God the safest for you and the army to follow, yea, the only short cut to peace and settlement? Ruminat upon it, and then be wise, both for your soules good and the kingdomes too.

7thly, Consider that you now meet and sit under the armed force and violence of a mutinous army, who have leavyed warre against the houses, to dissolve them, imprisoned many of your members, forcibly secluded more, and driven away almost all from the houses: that till the removall of this horrid force, and re-assembling of all your scattered members, with freedom and safety in the houses, all you vote, act, order, or ordaine, by the armies own doctrine, in their remonstrance of August 18, and the declaration and ordinance of both houses, (made at the armies instance,) August 20, 1647, is null and void, even at and from the time it was voted, acted, ordered, ordained, and so declared by yourselves, even by this unrepealed ordinance, and by former parliaments too, as 25 R. 2. c. 12. 1 H. 4. c. 3. 31 H. 6. c. 1. 39 H. 6. c. 1. And however you may take upon you the name and power of the houses of parliament, and unvote, vote, order, and ordaine what you please, yet take it for an infallible truth, that none of the<sup>2</sup> secluded and absent members, none of the counties, cities, and burroughs for which they serve, nor those for whom you serve and represent, nor yet the kingdomes of England, Scotland, and Ireland, (who have as great or greater a share and interest in the person of the king, as their lawfull soveraigne, and are engaged by oaths, covenant, and all the fore-cited premises, to protect his person and crowne, with their lives and estates, against all violence and danger, with his queen, children, and allies in forraigne parts, of what religion soever,) will never own you (in your present condition and constitution) to be a parliament, but rather a conventicle or junte, nor any thing you vote, order, or ordaine, to be<sup>2</sup> valid: And therefore whatever you vote, order, or ordaine concerning the treaty, the deposing or executing the king, the dis-inheriting or banishing the prince, dissolving the present parliament, setting up a new confused representative, or new forme of state government, only to please the officers and army, or rather those jesuits and popish priests who have over-reached and instigated them forcibly to prosecute those their treasonable designes, and accomplish this their long-expected desire and work, you must do only as private men, not as a parliament: And if so, what lesser offence then high treason against the king, parliament, and kingdom, your present actings and proceedings will prove in the conclusion, if you persevere and persist in them, I leave to a free parliament, the learned judges, and all lawyers now sitting and voting among you, to consider and resolve. Which the officers and councill of the army considering, would cast the odium and danger of all upon you, the better to exempt and acquit themselves, if after reckonings should come, as probably they may, and certainly will, in Gods due time, if you and they repent not, give over, and crave pardon ere it be over late.

8thly, Remember that no protestant kingdom or state ever yet defiled their hands, or stained the purity and honour of their reformed religion, with the deposition or blood of any of their kings or princes, much lesse of a protestant king or prince, of a temperate and sober life, as the king is; who never immediately imbrued his own hands in any one mans blood, in any tyrannical or bloody way, before or since the wars, (for ought I can heare.) but only in a military. And for a reforming protestant parliament, pretending the most of any to piety and religion, to stain their profession or honour by the deposition, or defile their hands with the blood of a protestant king, or for an army of saints to doe it, or they, to please a saint-seeming army, and that against so many fore-mentioned oaths, protestations, declarations, remonstrances, solemn leagues and covenants, one after another, to the contrary, would be such an unparalleled scandal to the protestant religion, and professors of it, (who have upbraided

<sup>2</sup> See their Protestation, Dec. 11, 1648.

<sup>3</sup> See a Collect. &c., p. 93, 221, 222, 225, 253.

the jesuites and papists with this perfidious and treasonable practice, of which they have bin deeply guilty, and themselves innocent,) both in our own three kingdomes and the whole Christian world, as would give the greatest occasion, advantage, and encouragement to the jesuites, papists, and all licentious persons, to joyne their hands, heads, purses, to suppress and extirpate it, and all the professors of it, both at home and abroad, that ever yet they had, and make parliaments for ever hereafter execrable and detestable, both to kings and people.

9thly, Consider that Scotland and Ireland are joynt tenants, at least-wise tenants in common with us in the king, as their lawfull soveraigne and king, as well as ours; and that the Scots delivered and left his person to our commissioners at Newcastle, upon this expresse condition, that no violence should be offered to his person, &c., according to the covenant. How then you can unking or depose him as to them, or take away his life, upon pretext of justice, without their concurrent assents, is worthy your saddest thoughts. If you doe it without asking or receiving their consents, you engage both kingdoms to make a just warre against you, to proclaime and to crowne the prince of Wales their king, (though you should lay him aside,) as being next heir-apparent. And no ordinance you can now make will be any legal barre against him to the crown of England, where he will find ten thousand persons for one, who will joyn with Scotland and Ireland to set him upon his fathers throne, as king of England, and avenge his blood upon all who shall be ayding or assisting in its spilling, or his dethroning. And what then will become of you and your army, when thus deserted by most, opposed by all the three kingdomes, and all the kings, queens, and princes, allies, united forces? Where will you, where will your St Cromwell, St Ireton, St Pride, St Peters, (that fast and loose carnall prophet, and arch-jesuited incendiary in these present tumults,) with other grand saints of the army, who now force you, the generall, army, and whole kingdome, upon such dangerous counceils as these, (by the jesuites principles and practises,) then appear, to save either themselves or you, or your posterities, from exemplary justice, without mercy, or hopes of pardon? Consider this then seriously, if not as Christians, yet as politicians and self-ended men, and then repent and be wise in time.

10thly, Remember that you have neither law nor direct president for what you are going about. Edward the Second and Richard the Second were forced, by Mortimer and Henry the Fourth, to resigne their crowns in a formall manner, the one to his son, the other to his conquering successor, neither of them to the parliament, and then deposed by a subsequent sentence in parliament, as unfit to reigne, without any formall legal tryall or answer; and that not in an empty parliament, under a force, as now, when most members were forced away and secluded, but in a full parliament, wherein the articles drawn up against them were never so much as read, and their depositions made (upon their own voluntary concessions only) to confirme their precedent resignations. Besides, neither of these kings, though very bad, and papists, were ever condemned to loose their heads or lives, but were to be well and honourably treated: And those proceedings were only by popish parliaments, in times of ignorance, who had no such oathes, voves, covenants, protestations, and other fore-mentioned considerations, to tye their hands, as you and we all have now. Yea, this very parliament hath solemnly and particularly protested<sup>a</sup> that they did never suffer these presidents to enter into their thoughts, and they should never be their practise, whatever they suffered from the king or his, and that for the honour of our religion, and the most zealous in it. But that which is very observable, Roger Mortimer, the principal actor in deposing King Edward the Second, and crowning his sonne, Edward the Third, king in his stead,

<sup>a</sup> Walsingham, Hist. Ang. p. 107, 108, 109. Polychron. 1. c. 44. See Speed, Holinshed, Grafton, in Ed. 2. and Rich. 2. Hen. the 4th. 1 H. 4. Rot. Parl. n. 1 to 60, where the whole proceedings are at large related.

<sup>b</sup> Exact Col. p. 695, 696.

(as you must now crowne the prince of Wales in his father's stead, if you depose the king, else you pursue not this president as you should do,) in the parliament 1 Ed. 3., (in which I find no record concerning this deposal,) was, in a full parliament, within four yeares after, with some of the confederates impeached, condemned, and executed, as a traytor, and enemy to the king and kingdome, by the judgement of the lords, and that by King Edward the Third his owne assent, without any legall hearing or tryall, (just as he had there deposed this king without it,) for murthering King Edward in Berkley Castle, after his deposal. And Sir Thomas de Berkley, in whose house he was slain, being indicted of treason likewise, for the same murther, before the lords in parliament, pleaded not guilty thereunto, and was tried at the lords bar, in a legall manner, by a jury of twelve knights, there sworn and impanelled, and by them acquitted, upon full evidence and tryall: When as Sir Simon de Bereford was impeached, condemned, and executed, by a judgement given against him by the lords alone, without any triall, for murthering this deposed king; and Thomas de Gourney and William Ocle adjudged traytors by them for the same offence, without any evidence appearing on record.\* These presidents, then, will be of very hard digestion, and not parallell'd to our times or the kings case; who having, upon the late treaty, granted us, for the speedy settlement and security of our bleeding kingdomes, churches, and religion, whatever we could in honor, justice, or reason desire, and farre greater advantages and security than any of our ancestors, or any kingdom under heaven, from the creation to this present, demanded or enjoyed from any of their princes, (as I dare make good to you and all the world,) and that which the commons house, after two whole daies and one nights debate, thought and voted a sufficient ground for them to proceed with the king to the speedy settling of the kingdoms peace. How you or the army, after such large concessions, contrary to the votes of both houses, when full and free, can, in honor, justice, reason, discretion, or conscience, proceed to depose or decapitate the king, as a violator of his faith, a traytor, &c., without making yourselves more perjured, treacherous, and greater traytors in all kinds than he, and incurring the same judgement and execution as you shall passe and inflict upon him, I leave to your saddest consultations to advise of. I have thus freely, faithfully, and plainly discharged my mind and conscience to you, without feare or flattery, for the kings, kingdomes, parliaments, protestant religions, I am certain Irelands, (almost irrecoverably lost,) your owne and the armies weale and safety too, if God in mercy please to give you heads or hearts to make tymely use of it, and not suffer yourselves to be jesuit-ridden any longer. Consider you have most of you estates, all of you heads or lives, and soules to save or loose, both here and hereafter. If this, and all the precedent considerations, will not prevaile with you, to take you off from your present desperate counceles and proceedings, for your owne, the kingdoms, churches, religions, Irelands, parliaments, your owne posterities, and the armies safety too, ride on triumphantly still, in Ignatius Loyola his fiery chariot, like so many young Phaetons, till you fall and perish: it is sufficient for me, however you digest this present friendly memento to you, that I can truly say, *liberavi animam meam*, whatever becomes of you or me; who doe here solemnly protest to all the world against these your proceedings, as altogether null, void, unparliamentary, illegal, unchristian, if not perfidious and treasonable in these respects.

I shall close up all with that golden sentence of God himselfe, and the wisest of men, King Solomon, which is twice repeated *verbatim*, that it might be the better remembered and considered by you, and all others in such exigencies of publique affaires as we are now fallen into, Prov. xxii. 3, and xxvii. 12, "A prudent man foreseeth the evil, and hideth himselfe, but the simple passe on, and are punished;" and with that which is parallel to it, Prov. xiv. 14, 15, 16, "The simple beleeveth every word, but the prudent man looketh well to his goings: A wise man feareth and departeth from evil, but

\* 4 Ed. 3. Rot. Par. n. 1 to 7. 4 E. 3. n. 16.

\* 4 E. 3. n. 35.



the foole rageth and is confident, and shall be filled with his own wayes;" which is thus interpreted, Prov. i. 8, 38, 32, 33: "They lye in wait for their own blood, they lurk privily for their owne lives; whose feet run to evill, and who make haste to shed others blood; for the turning away of the simple shall slay them, and the prosperity of foolles shall destroy them. But whoso hearkeneth unto me shall dwell safely, and shall be quiet from the feare of evil."

From the Kings Head in the Strand, Jan. 1, 1648.

Your affectionate friend and servant, as farre as you appear to be Gods, your soveraignes, the kingdomes, the parliaments, religions, theirs who have intrusted you, or your owne true friends.

WILLIAM P RYNNNE.

PROV. xxviii. 23.

"He that rebuketh a man, afterward shall find more favour than he that flattereth him with his lips."

*A Postscript.*

I am confident that if the members now meeting at Westminster will but persuade the general and his protestant officers immediately to tender the oath of supremacy and allegiance, the solemn league and covenant, and the new oath of abjuration, for the better discovery and speedier conviction of jesuits, popish priests, and papists, consented to by the king in the late treaty, to all the officers, agitators, and souldiers in the army, they will presently discover an whole conclave of jesuits, popish priests, and jesuited papists amongst them, who have instigated them to disobey and force both houses, imprison their members, to impeach, try, depose, execute the king, dissolve the present parliament, subvert the present government and constitution of parliaments, betray Ireland to the rebels, and bring us to present confusion; the practises, designs, and studies of none but jesuits and papists; which all true protestants cannot but abhor.

---

*Mr Prynne's Letter to the General, the third of January, 1648, demanding what Kind of Prisoner he is, and whose Prisoner? With an Appearance to his Action of false Imprisonment, which he resolves to Prosecute against those who have Imprisoned him, for the publick Interest and Freedom of the Members and Subjects.*

---

This letter or expostulation refers to the expulsion of the presbyterian members from the house of commons, familiarly termed Colonel Pride's purge. The majority of the parliament, tired of the long war, and having it now in their power to dictate to the king what terms they thought proper, had resolved, after twenty-four hours debate, "That the king's concessions were ground for a future settlement." But the republican party had the army on their side, and availed themselves of their advantage. Ludlow gives a distinct account, of their measures.

"The day following, some of the principal officers of the army came to London, with expectation that things would be brought to this issue; and consulting with some members of parliament and others, it was concluded, after a full and warm debate, that the measures taken by the parliament were contrary to the trust reposed in them, and tending to contract the guilt of the blood that had been shed upon themselves and the nation: that it was therefore the duty of the army to endeavour to put a stop to such proceedings; having engaged in the war not simply as mercenaries, but out of judgment and conscience, being convinced that the cause in which they were engaged was just, and that the good of the people was involved in it. Being come to this resolution, three of the members of the house, and three of the officers of the army withdrew into a private room, to consider of the best means to attain the ends of our said resolution; where we

agreed that the army should be drawn up the next morning, and guards placed in Westminster-Hall, the Court of Requests, and the lobby, that none might be permitted to pass, into the house, but such as had continued faithful to the public interest. To this end we went over the names of all the members, one by one, giving the truest characters we could of their inclinations; wherein, I presume, we were not mistaken in many: For the parliament was fallen in such factions and divisions, that any one who usually attended, and observed the business of the house, could, after a debate upon any question, easily number the votes that would be on each side, before the question was put. Commissary Ireton went to Sir Thomas Fairfax, and acquainted him with the necessity of this extraordinary way of proceeding; having taken care to have the army drawn up the next morning, by seven of the clock. Colonel Pride commanded the guard that attended at the parliament doors; having a list of those members who were to be excluded; preventing them from entering into the house, and securing some of the most suspected under a guard provided for that end, in which he was assisted by the lord Grey of Grooby, and others, who knew the members. To justify these proceedings, the army sent a message to the house, representing, that whereas divers members had been expelled the house, upon account of the violence done to the parliament by the city of London, and others, in 1647, yet, upon the absence of several well-affected members, by reason of their employments, in the army and elsewhere, against the enemy, the said persons were re-admitted, without any trial or satisfaction in the things whereof they were accused; whereby the Scots had been drawn to invade this kingdom, and the house prevented, by the intruders and their accomplices, from declaring against the invaders, who had made up the number of ninety odd votes to that purpose: And whereas, by the prevalency of the same corrupt counsels, justice had been obstructed, and a settlement of affairs hindered, and, lastly, the king's concessions declared to be a ground for the settlement of peace, notwithstanding the insufficiency and defects of them; they therefore most humbly desired that all those members who are innocent in these things would, by a public declaration, acquit themselves from any guilt thereof, or concurrence therein; and that those who shall not so acquit themselves may be excluded or suspended the house, till they have given satisfaction therein; that those who have faithfully performed their trust may proceed without interruption to the execution of justice, and to make speedy provision for an equal succession of representatives, wherein differences may be composed, and all men comfortably acquiesce; as they, for their parts, there-by engaged and assured them they would. The house, wherein there were about six score, was moved to send for those members who were thus excluded by the army; which they did, as I presume, rather upon the account of decency, than from any desire they had that their message should be obeyed; and that it might clearly appear that this interruption proceeded from the army, and not from any advice of the parliament; to the end that what they might act separately might be esteemed to be only in order to prevent such inconveniencies as might otherwise fall upon the nation, if the whole power should be left in the hands of an army; and that their actions appearing to be founded upon this necessity, they might the better secure the respect and obedience of the people. Upon such considerations, when the serjeant returned, and acquainted them that the excluded members were detained by the army, the house proceeded in the business before them."—LUDLOW'S *Memoirs*, 232—235.

Such is the account of this celebrated transaction, by one of its prime movers, who afterwards did, notwithstanding, feel himself at liberty to protest to Monk, "that he had always endeavoured to assert the authority of the civil magistrate, in opposition to the tyranny of the sword."

Prynne was, as we have seen, among the secluded and imprisoned members; and, besides his appeal in favour of the king, appears to have published the following expostulation, or remonstrance, against the force employed by the army against the representatives of the people.

My Lord,

It is now a full months space since I (with other members of the commons house) have been forcibly apprehended, and kept prisoners by some of your officers and marshal, against the privileges of parliament, the liberty of the subject, the laws and statutes of the realm, and all rules of justice, conscience, and right reason; without the least shadow of authority, or any cause at all yet made known to me; of which (were there any) neither God nor man ever yet made your lordship or your officers judges. I therefore desire to know, from your lordship, what kind of prisoner I am, and whose? If a prisoner of peace, neither your lordship nor your officers are any justices of

peace or civil magistrates in this place, to restrain me for any civil crime, were I guilty of it, much less without proof or hearing, in case I were no member: But being neither guilty, nor accused of any such crime, and a member too, no magistrate can, nor ought to imprison me upon any pretext, at least without the houses license first obtained. If a prisoner of war, which I cannot probably be, being never in arms, and apprehended near the commons house door, going peaceably and unarmed thither, to discharge my duty, then you and your officers thereby acknowledge that you have levied war against the parliament and its members; and what a capital offence this is, and what a punishment it deserves, I need not inform your lordship or your council, who have for this very crime condemned and shot some to death, as traitors, and demanded speedy justice and execution for it upon the king himself. I have but one thing more to trouble your lordship with, and that is, to demand whose prisoner I am? having yet seen no warrant nor order, from yourself or your officers, for my restraint, though I have oft demanded it of your marshal. If your lordship's prisoner, there appearing yet no legal authority, cause, or warrant for my restraint, I must then crave so much justice from your lordship, (being but a subject, and not yet paramount to all laws,) to order your attorney to give an appearance for you in the King's Bench, the first return of the next term, to an action of false imprisonment, for this my unjust restraint; which I intend (by God's assistance) effectually to prosecute. If your officers prisoner only, and not yours, which I conceive, who yet abuse your name and authority herein, though it be a rule in law and divinity too, *qui non prohibet malum quod potest, jubet*, yet I shall be so just as to set the saddle upon the right horse, and commence my action only against such of your officers who have been most active in my imprisonment, for damage and reparations, which if there be any justice remaining under heaven, I doubt not but I shall recover in God's due time, in this publick cause, which so highly concerns the honour, freedom, privileges of parliament, and subjects liberties; for defence and maintenance whereof, as I have hitherto spent my strength, adventured my life, body, liberty, and estate, so I shall now again engage them all, and all the friends and interests I have in heaven and earth, rather than they should suffer the least diminution, prejudice, or eclipse, by my stupid patience under this unjust captivity; though I can as willingly forgive and put up private injuries, when the publick is not concerned, as any man. All which I thought meet to inform your lordship of, whom I am heartily sorry to see so much dishonoured, abused, and misled by rash, ill-advised officers, and dangerous, destructive (and I dare say jesuitical) counsellors, to the parliament's dissipation, the kingdom's prejudice, Ireland's loss, most good mens and ministers grief, your best friends astonishment, your enemies and the papists triumph, our religious scandal, and your own dishonour; which I beseech you, as an Englishman, a Christian, a professor of piety and religion, a soldier, a general, to lay sadly to your heart, as the earnest request of,

Your lordship's faithful friend and monitor,

WILLIAM PRYNNE.

*From my Prison, at the sign of  
the King's Head, in the Strand,  
3d of January, 1648.*

To the Honourable Thomas Lord Fairfax, General of the present Army, these present.

*An additional Postscript.*

We read, Luke iii. 15, that when the soldiers demanded of John Baptist, saying, And what shall we do? he said unto them, Do violence to no man, [or put no man

in fears,] neither accuse any falsely; and be content with your allowance; not imprison, depose, or murder kings, pull down parliaments, imprison, violently shut out and drive away parliament-men, and then lay all false accusations and scandals upon them, to colour your violence, subvert kingdoms, alter states, break all bonds of laws, oaths, covenants, obligations, engagements to God and men, usurp all civil, military, and ecclesiastical power, and the king's royal palaces into your own hands, as supreme lords and kings, raise what new forces, and levy what new taxes you please, take up what free quarters and houses, seize and plunder what public treasuries and monies you please, without commission or authority, obey neither God nor man, neither parliament nor magistrate, and be content with nothing, but alter and subvert all things. These are St Peter's new doctrines and revelations to our officers and soldiers now, and those jesuits who lurk amongst them; not John the Baptist, whose canonical advice is now rejected, as apocryphal, even among the army saints, who prefer every *ignis fatuus*, though from Doway or Rome itself, before this burning and shining old light, and are guided only by a new-minted law, of pretended providence or necessity, of their own forging, and not by the revealed will and law of God, the sacred light whereof their present works of darkness dare not approach, lest they should be reproved and condemned by them. But some forty-three actions of false imprisonment by the imprisoned, and one hundred and fifty actions of the case by the secluded members, brought against these domineering, lawless officers and grandees of the army, wherein good damages will be recovered, and some twelve indictments of high treason against them, for laying violent hands upon the king's person, and the members, and levying war against the parliament, will teach them more obedience, humility, and modesty, than either John Baptist, St Paul, St Peter, or St Peters will do, and be like Gideon thorns and briars of discipline to these men of Succoth, with whom no fair means will prevail; who might have learned so much law and justice from a heathen soldier and governor, Festus, Acts xxv. 27: "It seemeth unto me unreasonable to send (much more to commit) a prisoner, and not withal to signify the crimes laid against him:" And come short of that ingenuity of the heathenish chief captain who seized upon Paul, thereby to appease the tumult at Hierusalem, Acts xxii. 27; 29, who, as soon as ever Paul told him he was a Roman, and free-born, then straightway "they departed from him who should have examined him; and the chief captain also was afraid, after he knew that he was a Roman, and because he had bound him." And should not the false imprisoning of a parliament-man, and free-born Englishman, be as formidable to our chief captains (being a Christian, I say, sworn and vowed to defend the houses privileges, members person) as the imprisonment of a Roman was to this chief captain, and they as ingenious and just as he, who shall rise up in judgment against them and condemn them, at the last.

---

*Mr Prinns Charge against the King; shewing, That the King's Design, Purpose, and Resolution, his Endeavours, Practice, and Conversation, have alwayes been engaged, byassed, and tended to settle, establish, confirm Popery, Tyranny, and Slavery in, among, over, his Dominions, Subjects, People; and in order to that Design, End, and Purpose, he writ to the Pope of Rome, (stiling him his Most Holy Father, Catholique Majesty, Thrice Honoured Lord and Father,) engaging himself to the said Pope, to endeavour to settle the Popish Religion only in his Dominions; and since his coming to the Crown, hath extended extraordinary Favours upon, and Protection of notorious Papists, Priests, and Jesuits, against all Prosecution of Lawes enacted against them;*

notwithstanding all his Protestations to the contrary, hath raised up a most horrid, unnatural, and bloody Warre, arming his Roman Catholique Subjects to Massacre, Plunder, Torture, Imprison, Ruine, his loyall, faithfull, pious Protestant Subjects; to burn, sack, and spoile their Cities, Towns, and Villages. Collected from the Bookes written by William Prinne of Lincolns-Inn, Esquire; being but a very small Taste from that main Ocean of that which he hath Written concerning the King, and his ill Behaviour since his coming to the Crown: As also with References unto clear, satisfactory, convincing Answers unto severall Objections, concerning resisting, censuring, suspending, depriving Kings for their Tyranny, yea, capitally proceeding against them; by the said Author. 1648.

The opposition of Mr William Prynne to the proceedings against Charles was so little to the taste of the independent faction, against whose measures it was directed, that they seem to have lost no time in endeavouring to confute him out of his own previous publications. As he had always been amongst the foremost of the parliamentary advocates, it was not a difficult matter to extract from his various apologies a set of tenets much less favourable to royal authority than those expressed in his remonstrance. It is very singular that Wood should have conceived this "Charge" the voluntary publication of Prynne himself, whereas the concluding passage plainly shews that the selection was made from his works, in order to fix upon him the stigma of verisatilly, and inconsistency with his former principles, in his present defence of the king.

WHICH objections are taken, 1. Out of the Old Testament; 2. Out of the New Testament; 3. From reason; 4. From the example of primitive Christians.

Vide the 3d part of the Sovereign Power of Parliaments and Kingdoms, page 83.

1. From the Scriptures of the Old Testament.

Object. 1. Numb. xvi. Corah, Dathan, and Abiram, for their insurrection of that very divine authority which God himself had delegated to Moses and Aaron, without any injurie and injustice at all once offered to them, or any assault of them, &c. Answered, page 84. Ibid.

Object. 2. Exod. xxii. 28. Thou shalt not revile the gods, nor curse the ruler of the people; Eccle. x. 20. Curse not the king, no not in thy thought, &c.; Prov. xvii. 26. It is not good to strike princes, &c. Answered, page 84. Ibid.

Object. 3. Deut. xxxii. 35. Vengeance is mine, &c. Answered, page 85.

Object. 4. Eccl. viii. 2, 3, 4. I counsell thee to keep the king's commandment, and that in regard of the oath of God: be not basty to go out of his sight. Stand not in an evil thing, for he doth whatsoever pleaseth him. Where the word of a king is, there is power, and who may say unto him, what doest thou? Answered, page 85, 86. Ibid.

Object. 5. Psal. cv. 14, 15. Touch not mine annoynted. Answered, page 89, 90, 91, 92, 93.

Object. 6. 1 Sam. xxiv. 6, 10. David's words concerning Saul:—The Lord forbid that I should do this thing unto my master, the Lord's annoynted, to stretch forth my hand against him, seeing he is the Lord's annoynted. I will not put forth my hand against him, for he is the Lords annoynted. And so of David to Abishai, 1 Sam. xxvi. 9, 11, 23. And David said to Abishai, destroy him not, for who can stretch forth his hand against the Lords annoynted, and be guiltlesse? The Lord forbid that I should stretch forth my hand against the Lords annoynted. The Lord delivered thee into my hand to-day, but I would not stretch forth my hand against the Lords annoynted. How wast thou not afraid to stretch forth thine hand against the Lords annoynted. Thy blood shall be upon thy head; for thy mouth hath testified that thou

hast slaine the Lords annoynted. Answered very learuedly and diuinely, page 93, 94, 95, 96, 97.

Vide the 3d  
part of the So-  
uerain Power  
of Parliaments  
and Kingdoms,  
page 83.

*Object. 7.* 1 Sam. viii. 11. Samuel tels the people how they should be oppressed under kings, yet all that violence and injustice that should be done unto them is no just cause of resistance, for they have no remedy left them but crying unto the Lord. Answered, page 98.

*Object. 8.* This was Doctor Ferns, sect. 2, 3. None of the prophets in the Old Testament, reprehending the kings of Israel and Judah for their grosse idolatry, cruelty, oppression, did call upon the elders of the people for the duty of resistance, neither do we find the people resisting, or taking up armes against any of their kings; no, not against Ahab or Manasseh, upon any of these grounds; ergo, resistance is unlaw-ful. Answered, page 99, 100, 101, 102.

Ibid.

*Object. 9.* Out of the New Testament. Rom. xiii. 1, 2. Let every soule be subject to the higher powers, for there is no power but of God: the powers that be are ordained of God: whosoever, therefore, resisteth the power, resisteth the ordinance of God; and they that resist shall receive to themselves damnation, &c.; with Doctor Ferne's enforcement of this text from the context. Answered very strongly, page 103, 104, 105, 106, 107, 108, 109, 110, 111, and that passage of Tertulian much insisted upon, *Colimus ergo et imperatorem sic, quomodo et nobis licet, et ipsi expedit, ut hominem à Deo secundum, et quicquid est à Deo consecutum, solo Deo minorem hoc et ipse volet, sic enim omnibus major est, dum solo vero Deo minor est, sic et ipsis Diis major est, dum et ipsi in potestate sunt ejus.* Answered, page 11, 12, &c.

Ibid.

Again, from Dr Ferne, That the efficient cause of royal and monarchical power is only from God, not the people; that kings receive no regall authority or power from the people, but from God alone; that the power of kings is not a humane, but a divine power, of which God onely is the efficient cause; that the people do not make the king, but God, properly and absolutely; this power, right, and authority, he hath from God; that the king hath no dominion and power from his subjects by way of trust, but from God, from whom he hath his kingdome and power; so that by idolatry and oppression he breaks not the trust reposed in him by his subjects, because the people have committed nothing to his charge, but God onely: proof whereof see, Prov. viii. 15, By me kings reigne; Dan. ii. 21, God removeth kings, and setteth up kings; Dan. iv. 17, 25, The Most High ruleth in the kingdome of men, and giveth it to whomsoever he will, and setteth up over it the basest of men; Hosea, xiii. 11; 1 Sam. x. 1; Jer. xxvii. 5, 6, 7; Isaiab, xlv. 1, 2, and other texts. Answered with very great paine, good distinctions, and cleare satisfaction, page 115 to 128.

Ibid.

*Object. 10.* 1 Pet. ii. 13, 14, 15, 16. Submit yourselves to every ordinance of man for the Lord's sake, whether it be to the king as supreme, &c. Answered, page 128, 129, 130, 131. Thus for the answers of scriptures from the Old Testament add from the New.

#### The next are Objections from Reason.

*Object. 11.* As, first: Kings are the fathers, heads, lords, shepherds of the commonwealth; therefore the sonnes, members, vassals, flocks, must not resist them. Answered, page 131, 132.

*Object. 12.* The invasions and oppressions of evil kings and tyrants are afflictions and punishments inflicted on us by God, therefore we ought patiently to submit, and not forcibly to resist. Answered, page 133.

*Object. 13.* Saints forcible resistance of tyrants begets civil wars, great disorders

and many mischiefs in the state; *ergo*, it is unlawful and inconvenient. Answered, page 134.

The last and grand objection is the testimony of fathers, as

First, that speech of Saint Ambrose, lib. 5. *Orat. in Auxentium, coactus repugnare non audeo, dolere potero, potero flere, potero gomere, adversus arma, milites Gothos lachrymæ mæ armasant, talia enim sunt munimenta sacerdotum, aliter nec debeo, nec possum resistere.* Answered, page 135, 136.

The second is that of Nazianzen, *Oratio 2. in Julianum.* Answered, page 137, 138.

The third, that of Bernard, epist. 121. to King Lewis of France. Answered, page 138, 139.

The fourth authority, was the example of primitive Christians, who submitted themselves willingly to their persecuting governours, without resistance in word or deed. Answered, page 140, 142, 143.

After all which he concludes the said third part "of the Sovereign Power of Parliaments and Kingdoms, &c." with personal, natural, and publike authorities, proving the same which Mr Prinne had maintained in the said book, from page 143 to the end thereof.

If any man desires more satisfaction of this nature and subject, he may be very richly and plentifully furnished herewith from several other books and labours of the said author, Mr William Prinne, who hath more engaged and endeered his country unto him, by detecting the king and his ill government, clearing the scruples, answering of questions, touching the lawfulness of opposing and resisting kings and rulers in their tyranny and cruelty, then any lawyer, divine, gentleman, or other, in the whole kingdom besides, as his foure large and learned books, concerning the Sovereigne Power of Parliaments and Kingdoms, Romes Master-peece, the Popish Royall Favourite, and other of his writings do witness.

1. That the present King Charles, (king of England, Scotland, &c.) when he was prince of Wales, did maintain correspondency with the then pope of Rome, by letters, wherein he stiled him the most holy father catholick majesty, thrice honoured lord and father; professing that he did not esteeme it a greater honour to be descended from great princes, then to imitate them in their great piety, having exposed their estates and lives for the exaltation of the holy chair; esteeming the protestant religion but a novelty and faction; engaging himself, by promise to the pope, that he would employ himself for the time to come to have but one religion, viz. the Roman catholique; and that he would spare nothing that he had in the world, but that he was resolved to suffer all manner of discommodities, even to the hazarding of his estate and life, for a thing so pleasing unto God, as the advancement of the Romish religion.

Popish Royall Favourite, page 40.

2. That the said king hath taken two solemn oaths; upon both his treaties of marriage with Spain and France, to protect and maintain, to the utmost, throughout his dominions, the Romish catholick church and religion; yea, to suspend and abrogate all laws against them; and is thereby deeply engaged, by vertue of these oaths, to protect, favour, and defend the same; and in conscience of the oaths and articles, (consented unto in the said matches,) he holds himself bound (what ever his outward protestations and pretences be) to side with the Roman catholique subjects, both in England, Ireland, and Scotland, and arm them against his protestant subjects and parliaments in all the three kingdoms, of purpose to make good these his oaths and articles.

Ibid. p. 40.

3. That the said present King Charles, since his coming to the crown, (in prosecution of the aforesaid engagements to the pope and church of Rome,) hath raised most bloody and unnatural war against the protestant cause and party in his dominions, in which he hath sustained many incommodities, hazarded both his estate, life, and realms, for the reducing all his subjects to one religion, viz. the Roman catholique; and upon this ground he hath issued out proclamations, declarations, remonstrances against the

Ibid. p. 41.

Ibid. p. 51.

View the 3d part of the Sovereign Power of Parliaments and Kingdoms, page 83.

Scots; the former and present parliament, proclaimed them traytors, rebels, no parliament, a faction: he brake up all former parliaments since his raign, by discontinuance, and endeavoured to dissolve this parliament by the sword of papists and atheists, against the very act of parliament assented unto them by himself. And the aforesaid engagements of the king to the pope, &c., are the reall ground of the late horrid Irish conspiracy, massacre, rebellion, pacification, toleration, and the said kings connivance at, if not approbation of these horrid, bloody, execrable practices, as also the extraordinary favour lately indulged to these cursed barbarous rebels by the king, and his most gracious entertainment of them, not only into his royall favour, but court, army, and realm of England, as his securest guard.

Popish Royall  
Favourite,  
page 51.

Ibid. p. 57, 58.

4. The said king did permit the papists, priests, and jesuits, during the Scottish troubles, (a little before the beginning of this parliament,) to call a parliament and generall councill of state among themselves, even in London; wherein the popes own nuncio sate president; in which parliament the chief papists out of all parts of England and Wales assembled, made severall lawes and ordinances for imposing taxes, and raising monies upon all Roman catholiques, for maintenance of the Scottish warres; which were seconded with the queens own letters and instructions to the catholiques, what great liberties and favours her highnesse had procured for them from his majesty, exciting them to a liberral contribution towards those warres. And this popish parliament was permitted without interruption, when the protestants and kingdom might hold none at all, or, at least, are presently dissolved in discontents; and the popes own nuncio sit lord-president, to rule the rost: which parliament was thus openly tolerated to be held, to make and maintain a warre against the religious protestant subjects, even with the kings own actual consent.

Epistle to the  
Reader before  
the Popish  
Royal Favour-  
ite.

5. That the said king, dissembling with God and men, opposing papists in words, yet cherishing and protecting them (all he may) in deeds, exhibited many royall orders, expresses, letters of grace, protection unto popish recusants, seminary priests, during all his raign, to stay all manner of proceedings and executions of the law against them, contrary to the judges and justices oaths. And since this unhappy civil warre, the papists, both in England and in Ireland, have been armed against the parliament by the said kings commission, yea, put into places of great command and trust, admitted free access to his camp and court, where they have bin in favours, and preserved from all violence, injury, &c., notwithstanding his many printed declarations, proclamations, protestations, vows against popery and papists, to blind and delude the over-credulous vulgar: and notwithstanding his brave, real, royal defence of the protestant religion, so often promised, the best and most zealous protestants, ministers, people, both in England and Ireland, have bin every where most cruelly massacred, plundered, tortured, imprisoned, ruined, by the blood-thirsty popish cavaliers, many of their houses, and almost whole towns fired, sackt by his special commission.

Rome's Mas-  
ter-piece,  
page 31.

6. That the said king did admit Can, the popes legate, and that under the very name, notion, and authority of the popes legate, into familiar accesse to, and conference with him, by all arts, policies, and arguments, to pervert and draw him, with his three kingdoms, to a new subjection to the see of Rome, as Cardinal Pool, the popes legate extant in England before this, in Queen Maries raign, reconciled her and the realme to Rome, to their intolerable prejudice; an act so inconsistent to the lawes of this realm, with the kings ancient and late remonstrances, oaths, protestations to maintain the protestant religion, as may ever amaze the world, which ever lookes more at real actions than verball protestations.

7. That the king (after Endimain Porter had gained the custody of the great seal of England) did issue out divers proclamations under the great seal, proclaiming the parliament traytors and rebels; yea, did grant commissions to Irish and English papists, contrary to his former proclamations, to raise popish forces, both at home and in for-



raign parts, for his defence, as his trustiest and most loyall subjects, and did send letters and commissions of favour to the Irish rebels, and hinder all supply from hence to the protestant party there.

8. That the said king, after the bloody Irish rebels had destroyed the precious lives of above a hundred and forty thousand protestants in Ireland, and were like to be overcome by the parliaments forces, (sent from hence and from Scotland to relieve the protestant party,) condescended to articles of pacification with these rebels, contrary to an act of parliament, and both houses consents; wherein the said wicked rebels are declared his majesties good catholick subjects, and no rebels at all.

9. That the said king did send for many thousands of the said rebels into England, to massacre the protestant English here, and fight against the parliament, as they did in Ireland heretofore. Rome's Mas-  
ter-Peece,  
page 51.

Whereas it flies up and down in the mouths of the over-credulous vulgar, that Mr Wil. Prinne (since his admission into the honourable house of commons) hath most petulently exclaimed against the armies late remonstrance, wherein they desire justice may be done against the king, (as the grand delinquent of the kingdom,) and furiously inveighed against the same, as if he was newly become the kings advocate,—these, therefore, are to stop the current of such reports, and to desire that men may deffen their ears thereunto; considering that not only their tender care of the priviledges of parliament, (requiring no notice to be taken of any mans speech within these walles,) but also their respects and love unto Mr Prinne; (that hath written so much of the peoples and kingdoms interest and power to call their kings and governours to account for their unjust, wicked, and tyrannical government,) doth require the same; for if occasion be offered, the present proceedings of the army, in requiring justice to be done upon the king, and all other delinquents, as those that lately fomented a second war, invited the Scots into this kingdom to that end, &c., shall be clearly, fully, convincingly asserted, argued, and maintained, from the severall labours, pains, and writings of the said author, Mr William Prinne.

---

*A Proclamation for Tryal of the King, Proclaimed by sound of Trumpets and Drums, in Westminster-Hall, at the Exchange, and in Cheapside: With the Proceedings of the High Court of Justice against him: Also an Act of the House of Commons for further Prosecution against the King, Jan. 8, 1648.*

*Die Martis, 9 January, 1648.*

Ordered, by the commons assembled in parliament, that the said proclamation that was made this morning, touching the tryal of the king, be made at the Exchange, and in Cheapside, in London.

HEN. SCOBELL, Cler. Parl. Dom. Com.

Printed by Robert Ibbitson, 1648.

---

This is the preface to that remarkable tragedy which, in our own time, we have seen re-acted in a neighbouring kingdom. The actors in that of Charles were the leaders of the victorious army

<sup>2</sup> From this it was seen that Prinne's "Remonstrance" was not yet published.

which, having beaten the royalists out of the field, and new-modelled, according to their pleasure, the parliament by which it was levied, now completed the triumph of the sword by the murder of the king, and the extirpation of monarchy, in order to found upon its ruins a military despotism. No one will, or can vindicate the motives of those persons, who only took the king's life, to establish in the room their own usurped and despotic authority. Those, therefore, who contend that Charles met no more than his deserts, must be compelled to admit, that had his punishment been inflicted by private assassination, the perpetrators might have been equally vindicated. But the open and daring manner in which the trial was conducted, (although it only evinces the triumph of an armed force over a subdued people,) had something in it so dazzling and imposing, as has "served," says Mr Fox, "to raise the character of the English people in the opinion of Europe in general." *Audax quidem facinus et inauditum!* Such, however, as examine this shining piece of history, with reference to its immediate effect and future consequences upon the British nation, will hardly be dazzled by the reputation which it is said to have gained them. The immediate consequences were, a government by the sword; "condemned," says the right honourable historian, "by reason equally and prejudice: by reason, as wanting freedom, and by prejudice, as an usurpation." And the more remote effects of the general detestation occasioned by this atrocity were, the restoration of Charles II., without any stipulation for the liberty of the subject, and attended with an undue predilection for royal authority, which gave birth to all the misfortunes of the subsequent reigns. Neither have our neighbours been more successful in a similar experiment, which no doubt was occasioned by their emulation of the high renown which the English nation had gained by the condemnation and execution of their lawful king, before the windows of his own palace. In both cases, those who sowed the wind have, in the emphatic words of Scripture, reaped the whirl-wind.

At the same time, those who recollect the high strain of prerogative adopted in the commencement of this unfortunate reign, cannot but sympathize with the reflections of Coke, which, home-spun and simple as they are, breath much more the spirit of real justice and constitutional freedom, than the ill-suppressed exultation of Mr Fox.

"If it be misery to have been happy, to what a miserable state have these cursed minions, flatterers, and sycophants, brought one of the greatest and most high-born princes in the western world, to gratify their ambition, lust, and avarice; for this prince, whom they would have here-to rend his subjects from their laws, has now no subjects who dare protect him by the laws: He who before so often gloried that to him belonged the power of proroguing, adjourning, and dissolving parliaments who never did him wrong, but met to assist him against those who wronged him, and to have reconciled him to all his subjects, has now no power to dissolve this rump of a parliament, which will not be reconciled to him: He who before so often called his truly loyal subjects undutiful, seditious, and vipers, (terms unusual in princes,) shall hear himself called tyrant, murderer, and traitor, by his implacable subjects: He who before so often gloried he was only accountable to God for all his actions, shall be now called to an account by a company of men, for actions whereof they themselves were much more guilty, and be sent to God, to pass his accounts there also."—ROGER COKE'S *Detection*, I, 194.

---

*Die Luna*, 8 Jan. 1648.

At the high court of justice appointed by an act of the house of commons, for tryall of Charles Stuart, king of England, met this day in the Painted Chamber, near the lords house at Westminster,

An act of the house of commons was brought before this high court of justice, for tryall of Charles Stuart, king of England, by authority whereof they met. And first called over the names of the members of this high court, which are in number one hundred and fifty; there being at this time present nigh one hundred of them. After which the foresaid act of the house of commons, in parliament assembled, was read,

\* This prejudice has been rather general; for since the downfall of Richard Cromwell, I believe, the right honourable historian is the first of any party whatsoever, whose liberality was so very extensive, as to doubt that an authority assumed without a shadow of right, and resting solely upon brute force and the imperative legislation of a military council, can be termed any thing short of usurpation.

giving power to the said committee for present tryal of the said Charles Stuart, king of England, and to adjudge him according to law, and this to be finished within one month's space. But as for the time and place, they are to adjourn from time to time, as they please.

After the commissioners were called, and the commission read, this high court proceeded to election of officers, and chose then four lawyers to be assistants, two clerks, four messengers to send into the country, and two messengers to wait on them where they shall sit from time to time. And it was ordered that all those of this high court of justice who are in counties shall be forthwith sent for, to join with them, and the messengers to bring the positive answers of each of them.

The commissioners are a hundred and fifty, some members of the house of commons, some officers of the army, viz the lord general, and chief of his officers, some citizens of London, and some from all the countiees of England.

Counsellors assistant to this court are four, viz.

Mr Dorislow.	Mr Ash.
Mr Steel.	Mr Cooke.

Clerks chosen by the court are two, viz.

Mr Philips.	Mr Graves.
-------------	------------

Messengers to attend the court are six, whereof four are for sending forth abroad, and two to attend the sitting of the court: And they are,

Mr Walford.	Mr Paine.
Mr King.	Mr Powell.
Mr Coomes.	Mr Hull.

The court agreed upon a proclamation to be published for the kingdom to take notice of the tryal of the king, concerning which they sent to Serjeant Dendy, serjeant at arms, for publication thereof accordingly, as followeth.

*The Copy of a Commission from the High Court of Justice to Serjeant Dendy, Serjeant at Arms, for Tryal of the King.*

We the commissioners whose names are hereunto subscribed, do hereby authorize and appoint Edmond Dendy, serjeant at arms, to cause this to be proclaimed, according to the tenour thereof, and to make due return of the same, with a precept of the said court, at the time and place therein mentioned.

Signed by forty-six of the Commissioners of the Court,  
in the name of all the rest.

*By the Commissioners of the High Court of Justice for the Tryal of the King, by Authority of an Act of the House of Commons,*

#### A PROCLAMATION.

By vertue of an act of the commons of England, assembled in parliament, for erecting of an high court of justice for the trying and judging of Charles Stuart, king of England.

We, whose names are here under-written, being commissioners (amongst others) nominated in the said act, do hereby appoint that the high court of justice mentioned in the said act shall be holden in the Painted Chamber in the palace of Westminster, on Wednesday the 10th day of this instant January, by one o'clock in the afternoon; and this we appoint to be notified by publick proclaiming hereof in the great Hall at West-

minster, to-morrow, being the 9th day of this instant January, betwixt the hours of 9 and 11 in the forenoon.

In testimony whereof wee have hereunto set our hands and seals, the 8th day of January, *anno Domini* 1648.

Signed and sealed by forty-six of the Commissioners,  
in the name of the whole Court.

*Die Martis, January 9, 1648.*

This day, according to the commission aforesaid, Serjeant Dendy caused the afore-said proclamation to be made, according to his instructions from the court, which was done in this manner:

Serjeant Dendy rid into Westminster-Hall, with the mace belonging to the house of commons on his shoulder, and some officers attending him, all bare; and the guard of horse and foot being in both the palaces, six trumpeters were sent to attend him.

*The Names of the Trumpeters.*

Mr Bret, the lord-general's trumpeter, and of the lieutenant-general's regiment; Mr Thomas Williams, of Captain Blackwel's troop; Mr Henry Balkly, and Mr Oliver Holms, belonging to Captain Ainrer's troop; Mr Robert Hadrey, and Mr John Reynolds, of Captain Canon's troop, of Colonel Whaly's regiment.

These six trumpeters sounded on horseback in the middle of Westminster-Hall, and the mean time the drums did beat in the Palace-Yard, after which proclamation was made.

The aforesaid proclamation was read by Mr King, one of the messengers of the high court of justice.

After publick proclamation made in Westminster-Hall, the house of commons ordered that the like should be done in the city of London, according to an order of the house, hereunto annexed; which accordingly was done in this manner:

First, Serjeant Dendy rid, with his attendants and a troop of horse before him, with the mace of the house of commons on his shoulder, and proclaimed it in Cornwall, against the Exchange, and afterwards in the middle of Cheapside in London.

It was read and published by Lieutenant Chellington and Mr King, the aforesaid messenger, in the presence and by order of Serjeant Dendy, in Cornwall, before the Exchange, and by Mr Chellington, in the presence and by the command of the said Serjeant Dendy, in Cheapside, according to the order of the house of commons, herewith annexed.

The aforesaid Painted Chamber, which is appointed for the high court of justice to sit, is near unto the house where the lords sit.

Here followeth an act, ordered by the house of commons, for publishing the aforesaid proclamation in London, at the several places aforesaid.

*An Act of the Commons of England, in Parliament assembled, for publishing a Proclamation in London for the Tryal of the King.*

*Die Martis, 9 Janua. 1648.*

Ordered, by the commons assembled in parliament, that the same proclamation that was made this morning in Westminster-Hall, touching the tryal of the king, be made in the Old Exchange, and in Cheapside, forthwith, and in the same manner; and that Serjeant Dendy, the serjeant at arms, do proclaim the same accordingly: and that the guard that lyeth in Paul's doe see the same done.

HEN. SCOBELL, Cler. Parl. Dom. Com.

*A perfect Narrative of the whole Proceedings of the High Court of Justice, in the Tryal of the King, in Westminster-Hall, on Saturday the 20th, and Monday the 22d of this instant January: With the severall Speeches of the King, Lord President, and Solicitor-Generall. Published by Authority, to prevent false and impertinent Relations.*

To these Proceedings of the Tryal of the King, I say, *Imprimatur*, Gilbert Mabbot.  
Printed January 23, 1648.

This is the most authentic account which we possess of the memorable trial of Charles I. The greater part of it has been *verbatim* transferred to the Collection of State Trials, in supplement of the journal read in the house of commons, and attested by Philips, the clerk to the house.

Reader,

THERE being some impertinent and imperfect narratives of these two days proceedings of the high court of justice, concerning the king, spread abroad, I have, for the greater satisfaction of the nation in their proceedings, thought fit (by leave of authority) to publish this subsequent relation and account.

C. W.

January 20, 1648.

At the high court of justice sitting in the great hall at Westminster, Sergeant Bradshaw lord president, about 70 members present, [O yes] made, silence commanded.

The act of the commons in parliament (for the tryal of the king) was read, after the court was called, and each member rising up as he was called.

The king came into the court (with his hat on;) the sergeant usher'd him in with the mace: Col. Hacker, and about thirty officers and gentlemen more, came as his guard.<sup>1</sup>

*Lord President.* Charles Stuart, king of England, the commons of England, assembled in parliament, being sensible of the great calamities that have been brought upon this nation and of the innocent blood that hath been shed in this nation, which are referred to you as the author of it, and according to that duty which they owe to God, to the nation, and to themselves, and according to that power and fundamental trust that is reposed in them by the people, have constituted this high court of justice, before which you are now brought; and you are to hear your charge, upon which the court will proceed.

<sup>1</sup> " Being thus brought up in the face of the court, the serjeant at arms with his mace receives him, and conducts him straight to the bar, having a crimson velvet chair set before him. After a stern looking upon the court, and the people in the galleries on each side of him, he places himself in the chair, not at all moving his hat, or otherwise shewing the least respect to the court; but presently riseth up again, and turns about, looking downwards upon the guards placed on the left side, and on the multitude of spectators on the right side of the said great hall; the guard that attended him in the mean time dividing themselves on each side of the court, and his own servants following him to the bar, stand on the left hand of the prisoner."—*State Trials*, I, 1017.

Mr Cook, *Solicitor-General*. My lord, in behalf of the commons of England, and of all the people thereof, I do accuse Charles Stuart, here present, of high treason, and high misdemeanours; and I do, in the name of the commons of England, desire the charge may be read unto him.

*The King*. Hold a little.

*Lord President*. Sir, the court commands the charge to be read; if you have any thing to say afterwards, you may be heard.

*The Charge of the Commons of England against Charles Stuart, King of England, of High Treason, and other high Crimes, exhibited to the High Court of Justice, Saturday, the 20 of January, 1648, (with Col. Lilburne's Notes.)*<sup>\*</sup>

The court being sate, and the prisoner at the barr, M. Cook, solicitor-general, spake thus:—My lord, in behalf of the commons of England, and of all the people thereof, I do accuse Charles Stuart, here present, of high treason, and high misdemeanours; and I do, in the name of the commons of England, desire the charge may be read unto him. Which the clerk then read, as followeth:—

That the said Charles Stuart, being<sup>\*</sup> admitted king of England, and therein trusted with a limited power, to govern by and according to the laws of the land, and not otherwise; and by this trust, oath, and office, being obliged to use the power committed to him for the good and benefit of the people, and for the preservation of their rights and liberties; yet, nevertheless, out of a wicked design to erect and uphold in himself an unlimited and tyrannical power to rule according to his<sup>\*</sup> will, and to overthrow the rights and liberties of the people, yea, to take away, and make void the foundations thereof, and of all redress and remedy of mis-government, which, by the fundamental constitutions of this kingdom, were reserved, or the people's behalf, in the right and power of frequent and successive parliaments, or national meetings in council,—he, the said Charles Stuart, for accomplishing such his designs, and for the protecting of himself and his adherents, in his and their wicked practices, to the same

<sup>\*</sup> The celebrated Lilburne, commonly called *Free-born John Lilburne*, was chief leader of the sect called levellers, whose designs had been crushed very effectually by Cromwell and his military council. After this event he became such a steady and thorough-paced opponent of Cromwell, that he expressed his willingness to join even the royalists against him. Among many tracts levelled against the protector's authority, he published the notes here subjoined to the charge against Charles I., by which he plainly proves that those who prosecuted to the death that unhappy prince, were, upon their own principles, equally guilty of treason against the liberties of the English people. That Lilburne was about this time inclined to the royal cause, appears from his own expressions:—"And upon such terms, I do not see but you may justifiably, before God and man, joyne with the prince himself, who, if we must have a king, I, for my part, had rather have the prince than any man in the world, because of his large pretence of right; which, if he came not in by conquest, by the hands of foreigners, the bare attempting of which may barely hazard him the loss of all at once, by glewing together the now divided people, to joyne as one man against him, but by the hands of Englishmen, by contract upon the premises aforesaid, (which is easily done,) the people will easily see, that presently thereupon they will enjoy this transcendent benefit, (he being at peace with all foreign nations, having no regal pretended competitors,) viz. the immediately disbanding of all armies and garrisons, saving the old Cinque Ports; and so those three grand plagues of the people will cease, viz. free quarter, taxations, and excise, by means of which the people may really say they can enjoy something they can in good earnest call their own; whereas, for the present army to set up the pretended false saint Oliver, (or any other,) as their elected king, there will be nothing thereby but wars and the cutting of throats, year after year."—*Biographia Britannica*, V. 2959.

<sup>2</sup> Then his induction is better than theirs, that come in by absolute conquest, and now govern us by the sword, as slaves.—*Lilburne*.

<sup>3</sup> But H. Peters saith there is now no law but the sword, and the will and pleasure of those that now rule by it. See his Discourse with mee, 25 May, 1649, p. 4, 5.—*Lilburne*.

<sup>4</sup> Cromwell's and the rest of the great swordmens constant practice.—*Lilburne*.

ends hath trayterously and maliciously levied war against the present parliament, and the people therein<sup>1</sup> represented.

Particularly, upon or about the 13 day of June, in the year of our Lord 1642, at Beverly, in the county of York; and upon or about the 30 day of July, in the year above-said, in the county of the city of York; and upon or about the 24 day of August, in the same year, at the county of the town of Nottingham, (when and where he set up his standard of war;) and also, on or about the 23 day of October, in the same year, at Edg-hill and Keinton-field, in the county of Warwick; and upon or about the 13 day of November, in the same year, at Brainford, in the county of Middlesex; and upon or about the 30 day of August, in the year of our Lord 1643, at Cavesham Bridge, neer Reading, in the county of Berks; and upon or about the 13 day of October, in the year last mentioned, at or neer the city of Gloucester; and upon or about the 13 day of November, in the year last mentioned, at Newbery, in the county of Berks; and upon or about the 31 day of July, in the year of our Lord 1644, at Cropredy Bridge, in the county of Oxon; and upon or about the 30 of September, in the year last mentioned, at Bodmin, and other places neer adjacent, in the county of Cornwall; and upon or about the 30 day of November, in the year last mentioned, at Newbery aforesaid; and upon or about the 8 day of June, in the year of our Lord 1645, at the town of Leicester; and also upon the 14 day of the same month, in the same year, at Naseby-field, in the county of Northampton. At which several times and places, or most of them, and at many other places in this land, at several other times within the yeers afore-mentioned, and in the year of our Lord 1646, he, the said Charles Stuart, hath caused and procured many thousands of the free people of the nation to be slain; and by divisions, parties, and insurrections within this land, by invasions from forraign parts, endeavoured and procured by him, and by many other evil wayes and meanes, he, the said Charles Stuart, hath not only maintained and carried on the said war, both by land and sea, during the yeers before mentioned, but also hath renewed, or caused to be renewed, the said war against the parliament, and good people of this nation, in this present<sup>2</sup> year 1648, in the counties of Kent, Essex, Surrey, Sussex, Middlesex, and many other counties and places in England and Wales, and also by sea; and particularly, he, the said Charles Stuart, hath, for that purpose, given commissions to his son the prince and others; whereby, besides multitudes of other persons, many such as were by the parliament intrusted and employed for the safety of the nation, being, by him or his agents, corrupted, to the betraying of their trust, and revolting from the parliament, have had entertainment, and commission for the continuing and renewing of war and hostility against the said parliament and people, as aforesaid. By which cruel and unnaturall wars, by him, the said Charles Stuart, levied, continued, and renewed, as aforesaid, much innocent blood of the<sup>3</sup> free people of this nation hath been spilt, many families have been undone, the public treasury wasted and exhausted, trade obstructed and miserably decayed, vast expence and damage to the nation incurred, and many parts of the land spoyled, some of them even to desolation.

<sup>1</sup> And so hath Cromwel and Ireton, &c.; which I will prove upon my life; and therefore, as traitors, ought to dye, much more than the king, who, till now, hath, by parliaments, &c., themselves been often declared not to be subject to the penall part of the law.—*Lilburne*.

<sup>2</sup> Of which yeers war Cromwel and Ireton, by their cheating, juggling, and hindering the settling the liberties of the nation, are and were more guilty of, by thousands of degrees, than the king, or any of his party; and if they had been but honest to their primitive engagements, the wars had never been; upon whose heads alone principally all the blood shed in those wars lyes, say I, John Lilburne.

<sup>3</sup> But I am sure the chief prosecutors of this charge have made us now perfect slaves, and are most superlatively guilty of all that in the next words followeth.—*Lilburne*.

And for further prosecution of his said evil designs, he, the said Charles Stuart, doth still continue his commissions to the said prince, and other rebels and revolters, both English and forrainers, and to the earl of Ormond, and to the Irish rebels and revolters associated with him; from whom further invasions upon this land is threatened, upon the procurement, and on the behalf of the said Charles Stuart.

All which wicked designs, wars, and evil practises of him, the said Charles Stuart, have been, and are carried on<sup>a</sup> for the advancing and upholding of the personall interest of will and power and pretended prerogative to himself and his family, against the publick interest, common right, liberty, justice, and peace of the people of this nation, by and for whom he was entrusted, as aforesaid.

By all which it appeareth that he, the said Charles Stuart, hath been, and is the occasioner, author, and contriver of the said unnaturall, cruel, and bloody wars, and therein guilty of all the treasons, murders, rapines, burnings, spoiles, desolations, damage, and mischief to this nation, acted or committed in the said wars, or occasioned thereby.

And the said John Cook, by protestation, (saving, on the behalf of, the<sup>b</sup> people of England, the liberty of exhibiting, at any time hereafter, any other charge against the said Charles Stuart; and also, of replying to the answers which the said Charles Stuart shall make to the premises, or any of them, or any other charge that shall be so exhibited,) doth, for the said treasons and crimes, on the behalf of the said people of England, impeach the said Charles Stuart, as a tyrant, traitor, murderer, and a public and implacable enemy to the common-wealth of England; and pray that the said Charles Stuart, king of England, may be put to answer all and every the premises, that such proceedings, examinations, tryals, sentence, and judgment may be thereupon had, as shall be agreeable to justice.

The king smiled often during the time, especially at these words: Tyrant, traitor, murderer, and publique enemy of the common-wealth.<sup>c</sup>

*Lord President.* Sir, you have now heard your charge read, containing such matters as appears in it. You finde that in the close of it it is prayed to the court, in the behalf of the commons of England, that you answer to your charge. The court expects your answer.

*The King.* I would know by what power I am called hither. I was not long ago in the isle of Wight: how I came there, is a longer story then I think is fit at this time for me to speake of; but there I entered into a treaty with both houses of parliament, with as much publique faith as it's possible to be had of any people in the world. I treated there with a number of honourable lords and gentlemen, and treated honestly and uprightly: I cannot say but they did very nobly with me: We were upon a conclusion of the treaty. Now I would know by what authority, I mean, lawful, (there are many unlawful authorities in the world, theeves and robbers by the highways,) but I would know by what authority I was brought from thence, and carried from place to

<sup>a</sup> Mark this well.—*Lilburne.*

<sup>b</sup> Which, as they carry their business, they judge to be no more but Cromwell, Ireton, Bradshaw, and Halesrig, all the rest being really their slaves in several degrees.—*Lilburne.*

<sup>c</sup> "The king's deportment was very majestick and steady, and though his tongue usually hesitated, yet it was very free at this time, for he was never discompoed in mind. And yet, as he confest himself, to the bishop of London, that attended him, one action shocked him very much; for whilst he was leaning in the court upon his staff, which had an head of gold, the head broke off on a sudden: he took it up, but seemed unconcerned; yet told the bishop, 'It really made a great impression upon him; and to this hour, says he, I know not possibly how it should come.' 'Twas an accident, I confess, I myself have often thought on, and cannot imagine how it came about, unless Hugh Peters (who was truly and really his gaoler, for, at St James's, nobody went to him but by Peters's leave) had artificially tampered upon his staff: but such conjectures are of no use."—Sir P. WARWICK'S *Memoirs of Charles I.*, Lond. 1701, 8vo, p. 339.



place, (and I know not what;) and when I know what lawful authority, I shall answer. Remember I am your king, your lawful king, and what sins you bring upon your heads, and the judgment of God upon this land: think well upon it; I say, think well upon it, before you go further from one sin to a greater: therefore let me know by what lawful authority I am seated here, and I shall not be unwilling to answer. In the mean time I shall not betray my trust: I have a trust committed to me by God, by old and lawful descent: I will not betray it, to answer to a new, unlawful authority; therefore resolve me that, and you shall hear more of me.

*Lord President.* If you had been pleased to have observed what was hinted to you by the court at your first coming hither, you would have known by what authority; which authority requires you, in the name of the people of England, of which you are elected king, to answer them.

*The King.* No, sir, I deny that.

*Lord President.* If you acknowledge not the authority of the court, they must proceed.

*The King.* I do tell them so. England was never an elective kingdom, but an hereditary kingdom for near these thousand years; therefore let me know by what authority I am called hither. I do stand more for the liberty of my people than any here, that come to be my pretended judges; and therefore let me know by what lawful authority I am seated here, and I will answer it, otherwise I will not answer it.

*Lord President.* Sir, how really you have managed your trust, is known. Your way of answer is to interrogate the court, which beseems not you in this condition: you have been told it twice or thrice.

*The King.* Here is a gentleman, Lieut.-col. Cobbot, (ask him) if he did not bring me from the Isle of Wight by force? I do not come here as submitting to the court. I will stand as much for the privilege of the house of commons, rightly understood, as any man here whatsoever. I see no house of lords here that may constitute a parliament, and (the king too) should have been. Is this the bringing of the king to his parliament? Is this the bringing an end to the treaty, in the publique faith of the world? Let me see a legal authority, warranted by the word of God, the Scriptures, or warranted by the constitutions of the kingdom, and I will answer.

*Lord President.* Sir, you have propounded a question, and have been answered: seeing you will not answer, the court will consider how to proceed: in the mean time, those that brought you hither are to take charge of you back again.

*The court desires to know whether this be all the answer you will give, or no.*

*The King.* Sir, I desire that you would give me, and all the world, satisfaction in this. Let me tell you, it is not a slight thing you are about. I am sworn to keep the peace, by that duty I owe to God and my country, and I will do it to the last breath of my body; and therefore you shall do well to satisfy first God, and then the country, by what authority you do it: if you do it by a usurped authority, you cannot answer it. There is a God in heaven, that will call you, and all that give you power, to account. Satisfie me in that, and I will answer, otherwise I betray my trust, and the liberties of the people; and therefore think of that, and then I shall be willing: For I do avow, that it is as great a sin to withstand lawful authority, as it is to submit to a tyrannical, or any otherways unlawful authority; and therefore satisfie me that, and you shall receive my answer.

*Lord President.* The court expects you should give them a final answer: Their purpose is to adjourn till Monday next. If you do not satisfie your self, though we do tell you our authority: we are satisfied with our authority; and it is upon God's authority and the kingdoms: and that peace you speak of will be kept, in the doing of justice; and that's our present work.

*The King.* For answer, let me tell you, you have shewn no lawful authority, to satisfie any reasonable man.

*Lord President.* That is your apprehension: we are satisfied, that are your judges.

*The King.* 'Tis not my apprehension, nor yours neither. (that ought to decide it.)

*Lord President.* The court hath heard you; and you are to be disposed of as they have commanded.

The court adjourns to the Painted Chamber, on Monday, at 10 of the clock in the forenoon, and thence hither.

It is to be observed,

That as the charge was reading against the king, the head of his staff fell off; which he wondered at; and seeing none to take it up, he stoops for it himself.

As the king went away, facing the court, said, I do not fear that, (meaning the sword.) The people in the hall, as he went down the stairs, cried out, some, God save the king, and most for justice.

*At the High Court of Justice sitting in Westminster-Hall, Munday, January 22, 1648,*

O yes made; silence commanded; the court call'd, and answer'd to their names.

Silence commanded, upon pain of imprisonment; and the captain of the guard to apprehend all such as make disturbance.

Upon the king's coming in a shout was made.

Command given by the court to the captain of the guard to fetch and take into his custody those who make any disturbance.

*Mr Solicitor.* May it please your lordship, my lord president,

I did, at the last court, in the behalf of the commons of England, exhibit and give into this court a charge of high treason, and other high crimes, against the prisoner at the barre, whereof I do accuse him in the name of the people of England; and the charge was read unto him, and his answer required. My lord, he was not then pleased to give an answer, but, instead of answering, did there dispute the authority of this high court. My humble motion to this high court, in behalf of the kingdom of England is, that the prisoner may be directed to make a positive answer, either by way of confession or negation; which if he shall refuse to do, that the matter of charge may be taken *pro confesso*, and the court may proceed according to justice.

*Lord President.* Sir, you may remember at the last court you were told the occasion of your being brought hither, and you heard a charge read against you, containing a charge of high treason, and other high crimes, against this realme of England: you heard likewise, that it was prayed, in the behalf of the people; that you should give an answer to that charge, that thereupon such proceedings might be had as should be agreeable to justice: you were then pleased to make some scruples concerning the authority of this court, and knew not by what authority you were brought hither: you did divers times propound your questions, and were as often answered, that it was by authority of the commons of England, assembled in parliament, that did think fit to call you to account for those high and capitall misdemeanours wherewith you were then charged. Since that, the court hath taken into consideration what you then said: they are fully satisfied with their owne authority, and they hold it fit you should stand satisfied with it too; and they do require it, that you do give a positive and particular answer to this charge that is exhibited against you: they do expect you should either confesse or deny it: if you deny, it is offered, in the behalfe of the kingdome, to be made good against you. Their authority they do avow to the whole world: that the whole kingdome are to rest satisfied in, and you are to rest satisfied with it; and therefore you are to lose no more time, but to give a positive answer therunto.

*The King.* When I was here last, 'tis very true, I made that question; and truly, if

it were onely my own particular case, I would have satisfied myself with the protestation I made the last time I was here, against the legality of this court, and that a king cannot be tryed by any superiour jurisdiction on earth; but it is not my case alone: it is the freedom and the liberty of the people of England; and do you pretend what you will, I stand more for their liberties: For if power without law may make lawes, may alter the fundamentall lawes of the kingdome, I do not know what subject he is in England that can be sure of his life, or any thing that he calls his owne; therefore, when that I came here, I did expect particular reasons to know by what law, what authority you did proceed against me here; and therefore I am a little to seek what to say to you in this particular, because the affirmative is to be proved; the negative often is very hard to do: but since I cannot perswade you to do it, I shall tell you my reasons as short as I can.

My reasons why, in conscience and the duty I owe to God first, and my people next, for the preservation of their lives, liberties, and estates; I conceive I cannot answer this, till I be satisfied of all the legality of it.

All proceedings against any man whatsoever——

*Lord President.* Sir, I must interrupt you, which I would not do, but that what you doe is not agreeable to the proceedings of any court of justice. You are about to enter into argument, and dispute concerning the authority of this court, before whom you appear as a prisoner, and are charged as an high delinquent. If you take upon you to dispute the authority of the court, we may not do it, nor will any court give way unto it: You are to submit unto it. You are to give a punctuall and direct answer, whether you will answer your charge or no, and what your answer is.

*The King.* Sir, by your favour, I doe not know the forms of law: I doe know law and reason, though I am no lawyer professed; but I know as much law as any gentleman in England; and therefore (under favour) I do plead for the liberties of the people of England more then you doe; and therefore, if I should impose a belief upon any man, without reasons given for it, it were unreasonable; but I must tell you, that that reason that I have as thus informed, I cannot yeeld unto it.

*Lord President.* Sir, I must interrupt you: You may not be permitted. You speak of law and reason: It is fit there should be law and reason; and there is both against you. Sir, the vote of the commons of England assembled in parliament, it is the reason of the kingdome, and they are these that have given to that law, according to which you should have ruled and reigned. Sir, you are not to dispute our authority: you are told it again by the court. Sir, it will be taken notice of, that you stand in contempt of the court, and your contempt will be recorded accordingly.

*The King.* I doe not know how a king can be a delinquent: but by any law that ever I heard of, all men, (delinquents or what you will,) let me tell you, they may put in demurrers against any proceeding, as legall; and I doe demand that, and demand to be heard, with my reasons: if you deny that, you deny reason.

*Lord President.* Sir, you have offered something to the court: I shall speak something unto you the sence of the court. Sir, neither you or any man are permitted to dispute that point: you are concluded: you may not demurre the jurisdiction of the court: if you do, I must let you know, that they over-rule your demurrer: they sit here by the authority of the commons of England, and all your predecessors, and you are responsible to them.

*The King.* I deny that: shew me one president.

\* In this the unfortunate prince did himself no more than justice; and "pity it is," says Wellwood, "that any of his ministers should have advised him to make breaches in what he so well understood." But to this ill-fated monarch the best qualities brought misfortunes. His courage degenerated into rashness, his religious zeal into bigotry, and his legal knowledge into casuistry.

*Lord President.* Sir, you ought not to interrupt while the court is speaking to you. This point is not to be debated by you, neither will the court permit you to do it: if you offer it by way of demurrer to the jurisdiction of the court, they have considered of their jurisdiction; they doe affirme their owne jurisdiction.

*The King.* I say, sir, by your favour, that the commons of England was never a court of judicature: I would know how they came to be so.

*Lord President.* Sir, you are not to be permitted to go on in that speech and these discourses.

Then the clerk of the court read as followeth.

Charles Stuart, king of England, you have been accused on the behalf of the people of England of high treason and other high crimes: the court have determined that you ought to answer the same.

*The King.* I will answer the same so soone as I know by what authority you do this.

*Lord President.* If this be all that you will say, then, gentlemen, you that brought the prisoner hither, take charge of him back againe.

*The King.* I doe require that I may give in my reasons why I do not answer; and give me time for that.

*Lord President.* Sir, 'tis not for prisoners to require.

*The King.* Prisoners! Sir, I am not an ordinary prisoner.

*Lord President.* The court hath considered of their jurisdiction, and they have already affirmed their jurisdiction: if you will not answer, we shall give order to record your default.

*The King.* You never heard my reason yet.

*Lord President.* Sir, your reasons are not to bee heard against the highest jurisdiction.

*The King.* Shew me that jurisdiction where reason is not to be heard.

*Lord President.* Sir, we shew it you here,—the commons of England; and the next time you are brought you will know more of the pleasure of the court, and, it may be, their finall determination.

*The King.* Shew me where ever the house of commons was a court of judicature of that kind.

*Lord President.* Sergeant, take away the prisoner.

*The King.* Well, sir, remember that the king is not suffer'd to give in his reasons, for the liberty and freedome of all his subjects.

*Lord President.* Sir, you are not to have liberty to use this language. How great a friend you have been to the lawes and liberties of the people, let all England and the world judge.

*The King.* Sir, under favour, it was the liberty, freedome, and lawes of the subject that ever I took—defended my selfe with armes: I never took up armes against the people, but for the lawes.

*Lord President.* The command of the court must be obeyed: no answer will be given to the charge.

*The King.* Well, sir.

And so was guarded forth to Sir Robert Cottons house.

Then the court adjourned to the Painted Chamber, on Tuesday, at twelve a clock; and from thence they intend to adjourne to Westminster-Hall, at which time all persons concerned are to give their attendance.

*A Continuation of the Narrative, being the third and fourth Days Proceedings of the High Court of Justice sitting in Westminster-Hall, on Tuesday, January 23, concerning the Tryal of the King: With the severall Speeches of the King, Lord President, and Solicitor-General.*

O YES made; silence commanded; the court called; seventy-three persons present. The king comes in with his guard, looks with an austere countenance upon the court, and sits down.

The second O yes made, and silence commanded.

Mr Cook, *Solicitor-General*. May it please your lordship, my lord president,

This is now the third time that, by the great grace and favour of this high court, the prisoner hath been brought to the bar, before any issue joined in the cause. My lord, I did at the first court exhibit a charge against him, containing the highest treason that ever was wrought upon the theatre of England; that a king of England, trusted to keep the law, that had taken an oath so to do, that had tribute paid him for that end, should be guilty of a wicked designe, subvert and destroy our laws, and introduce an arbitrary and tyrannicall government, in the defence of the parliament and their authority, set up his standard for war against his parliament and people; and I did humbly pray, in the behalf of the people of England, that he might speedily be required to make an answer to the charge.

But, my lord, instead of making any answer, he did then dispute the authority of this high court. Your lordship was pleased to give him a further day to consider, and to put in his answer; which day being yesterday, I did humbly move, that he might be required to give a direct and positive answer, either by denying or confession of it; but (my lord) he was then pleased for to demurre to the jurisdiction of the court, which the court did then over-rule, and command him to give a direct and positive answer. My lord, besides this great delay of justice, I shall now humbly move your lordship for speedy judgment against him. My lord, I might press your lordship upon the whole, that, according to the known rules of the-law of the land, that if a prisoner should stand as contumacious in contempt, and shall not put in an issuable plea, guilty or not guilty of the charge given against him, whereby he may come to a fair tryal, that, as by an implicate confession, it may be taken *pro confesso*, as it hath been done to those who have deserved more favour than the prisoner at the bar has done. But besides, my lord, I shall humbly press your lordship upon the whole fact. The house of commons, the supream authority and jurisdiction of the kingdom, they have declared that it is notorious that the matter of the charge is true, as it is, in truth, (my lord,) as cleare as chrystal, and as the sun that shines at noon-day; which if your lordship and the court be not satisfied in, I have, notwithstanding, on the people of England's behalf, severall witnesses to produce: And therefore I do humbly pray, and yet I must confess it is not so much I, as the innocent blood that has been shed, the cry whereof is very great for justice and judgment; and therefore I do humbly pray that speedy judgment be pronounced against the prisoner at the bar.

*Lord President*. Sir, you have heard what is moved by the council on the behalf of the kingdom against you. Sir, you may well remember, and if you do not, the court cannot forget what delatory dealings the court hath found at your hands. You were pleased to propound some questions: you have had your resolution upon them. You were told, over and over again, that the court did affirm their own jurisdiction: that it was not for you, nor any other man, to dispute the jurisdiction of the supream and

highest authority of England, from which there is no appeal, and touching which there must be no dispute; yet you did persist in such carriage, as you give no manner of obedience. nor did you acknowledge any authority in them, nor the high court that constituted this court of justice.

Sir, I must let you know from the court, that they are very sensible of these delays of yours, and that they ought not, being thus authorized by the supreme court of England, be thus trifled withall, and that they might in justice, if they pleased, and according to the rules of justice, take advantage of these delays, and proceed to pronounce judgment against you; yet, nevertheless, they are pleased to give direction, and on their behalves I do require you, that you make a positive answer unto this charge that is against you. Sir, in plain terms, for justice knows no respect of persons, you are to give your positive and final answer, in plain English, whether you be guilty or not guilty of these treasons laid to your charge.

The king, after a little pause, said,

When I was here yesterday I did desire to speak for the liberties of the people of England: I was interrupted. I desire to know yet whether I may speak freely or not?

*Lord President.* Sir, you have had the resolution of the court upon the like question the last day, and you were told, that having such charge, of so high a nature, against you, and your work was, that you ought to acknowledge the jurisdiction of the court, and to answer to your charge. Sir, if you answer to your charge, which the court gives you leave now to do, though they might have taken advantage of your contempt, yet if you be able to answer to your charge, when you have once answered, you shall be heard at large: make the best defence you can. But, sir, I must let you know from the court, as their commands, that you are not to be permitted to issue out into any other discourses, till such time as you have given a positive answer concerning the matter that is charged upon you.

*The King.* For the charge, I value it not a rush: it is the liberty of the people of England that I stand for. For me to acknowledge a new court, that I never heard of before, I, that am your king, that should be an example to all the people of England for to uphold justice, to maintain the old lawes, indeed I do not know how to do it. You spoke very well the first day that I came here, (on Saturday,) of the obligations that I had laid upon me by God, to the maintenance of the liberties of my people. The same obligation you spake of, I do acknowledge to God that I owe to him, and to my people, to defend, as much as in me lies, the antient lawes of the kingdome: therefore, untill that I may know that this is not against the fundamentall lawes of the kingdome, by your favour, I can put in no particular charge. If you will give me time, I will shew you my reasons why I cannot do it, and this—

Here being interrupted, he said,

By your favour, you ought not to interrupt me. How I came here I know not. There's no law for it to make your king your prisoner. I was in a treaty upon the publike faith of the kingdome, that was the known—two houses of parliament, that was the representative of the kingdome; and when that I had almost made an end of the treaty, then I was hurried away, and brought hither; and therefore—

Here the lord president said, Sir, you must know the pleasure of the court.

*The King.* By your favour, sir.

*Lord President.* Nay, sir, by your favour, you may not be permitted to fall into those discourses. You appear as a delinquent: you have not acknowledged the authority of the court: the court craves it not of you, but, once more, they command you to give your positive answer.—Clark, do your duty.

<sup>1</sup> This is the king's expression, but I suppose he meant answer.

*The King.* Duty, sir!

The clerk reads.

Charles Stuart, king of England, you are accused, in the behalfe of the commons of England, of divers high crimes and treasons, which charge hath been read unto you: the court now requires you to give your positive and final answer, by way of confession or deniall of the charge.

*The King.* Sir, I say againe to you, so that I might give satisfaction to the people of England, of the cleerness of my proceeding, not by way of answer, not in this way, but to satisfie them that I have done nothing against that trust that hath been committed to me, I would do it; but to acknowledge a new court, against their privileges, to alter the fundamentall laws of the kingdome, sir, you must excuse me.

*Lord President.* Sir, this is the third time that you have publikely disown'd this court, and put an affront upon it. How far you have preserved privileges of the people, your actions have spoke it; but, truly, sir, mens intentions ought to be knowne by their actions. You have written your meaning in bloody characters throughout the whole kingdome.—But, sir, you understand the pleasure of the court.—Clerk, record the default; and, gentlemen, you that took charge of the prisoner, take him back again.

*The King.* I will only say this one word more to you:—If it were only my own particular, I would not say any more, nor interrupt you.

*Lord President.* Sir, you have heard the pleasure of the court, and you are (notwithstanding you will not understand it) to find that you are before a court of justice.

Then the king went forth with his guard; and proclamation was made, that all persons which had then appear'd, and had further to do at the court, might depart into the Painted Chamber, to which place the court did forthwith adjourne, and intended to meet in Westminster Hall by ten of the clock next morning.

*Cryer.* God blesse the kingdome of England.

*Wednesday, January 24, 1648.*

This day it was expected the high court of justice would have met in Westminster-Hall about ten of the clock, but at the time appointed, one of the ushers, by direction of the court, (then sitting in the Painted Chamber,) gave notice to the people there assembled, that in regard the court was then upon the examination of witnesses in relation to present affairs, in the Painted Chamber, they could not sit there; but all persons appointed to be there were to appear upon further summons.\*

*A Continuation of the Narrative, being the last and final Dayes Proceedings of the High Court of Justice sitting in Westminster-Hall, on Saturday, January 27, concerning the Tryal of the King: With the several Speeches of the King, Lord President, and Solicitor-General: Together with a Copy of the Sentence of Death upon Charles Stuart, King of England.*

O YES made; silence commanded; the court called.

First, the lord president, (who was in a scarlet vesture, besitting the business of the day;) after him 67 members more answered to their names.

\* The court sat privately while examining evidences against the king, perhaps that the witnesses might not be daunted at delivering their testimony in the presence of their sovereign. The evidence may be found at length in the State Trials. Whitlocke barely says, "The high court of justice met, and proceeded in examination of witnesses, to prove the charge against the king. Some proved that they saw him present at the setting up of his standard; others, that they saw him in the field in several fights, with his sword drawn."—WHITLOCKE, *ut supra*, p. 367.

The king came in, in his wonted posture, (with his hat on.)

A cry made in the hall (as he passed to the court) for justice and execution.

O yes made, and silence commanded. The captain of the guard commanded to take into custody such as made any disturbance.

Upon the king's coming, he desired to be heard.

To which the lord president answered, that it might be in time, but that he must hear the court first.

The king prest it, for that he believed it would be in order to what the court would say; and that an hasty judgement was not so soon recalled.

Then the lord president spake as followeth:

Gentlemen, It is well known to all, or most of you here present, that the prisoner at the bar hath been several times convented, and brought before this court, to make answer to a charge of treason, and other high crimes exhibited against him in the name of the people of England. To which charge being required to answer, he hath been

<sup>1</sup> Here a malignant lady interrupted the court, (saying, not half the people,) but she was soon silenced.—*Orig. Note.*

This was Lady Fairfax, wife of the celebrated general. Sir Purbeck Temple, an eye-witness, gave the following account of this and other remarkable incidents during the trial, in his evidence against Colonel Axtell, who commanded the guard upon that occasion, and suffered as a regicide at the restoration.

"*Sir Purbeck Temple.* My lord, being present, and engaged by some persons of honour, servants of his late majesty, to be present when that horrid murder was acting before this court of justice, (as they called it,) I was present at all the trials of the king, and very near him. I heard the king demand from Bradshaw, by what authority and commission they proceeded thus strangely to try him. Then I heard the lady Fairfax, and one Mrs Nelson, my sister, after the exhibiting of the charge in the name of the commons assembled in parliament, and the good people of this kingdom, against Charles Stuart, king of England; I say, I heard the lady cry out, from a gallery over the court, 'Not half the people: it is false: where are they, or their consents? Oliver-Cromwell is a traitor.' Upon which I heard the prisoner at the bar cry out, 'Down with the whores: shoot them!' which made me take notice of him. Seeing him in Westminster-Hall, commanding the soldiers there, I saw him the most active person there; and, during the time that the king was urging to be heard, he was laughing, entertaining the soldiers, scoffing aloud; whilst some of the soldiers, by his suffering, and (I believe) procurement, did fire powder in the palms of their hands; that they did not only offend his majesty's smell, but enforced him to rise out of his chair, and, with his hands, turn away the smoke; and after this he turned about to the people, and smiled upon them, and those soldiers that so rudely treated him: then turning himself to Bradshaw, said to him and the court, 'There are some sitting here (fixing his eyes upon some persons near Bradshaw) that well knew if I would have forfeited or betrayed the liberties and rights of the people, I need not have come hither, (or words to this effect; but their liberties and rights are dearer and nearer to me than my three kingdoms, nay, than my life itself; therefore I desire you to hear me, and to remember that I am your lawful king, that have done you many acts of grace and favour.

"After which, this person, Mr Axtell, prisoner at the bar, commanded his soldiers to cry out, 'Justice; which the soldiers not readily obeying of him, I saw him beat four or five of them with his cane, until they cried out, (with himself,) 'Justice, justice; execution, execution;' which made me turn to a noble lord, by whom I then stood, and say, Pray, my lord, take notice, there is not above four or five that cry out 'Justice.' I heard also of their spitting in the king's face; and I think nobody's sufferings have been so like those of our Saviour Christ Jesus, as his majesty's were. After this, this person crying 'Justice, justice; execution, execution,' a second time, the court proceeded to pass sentence; the which his majesty pressed hard against, and said, 'Sir, before you pass that ugly sentence, (which I very well understood you are determined to do,) I desire you to hear me, hear me, hear me; passionately and most affectionately expressing it; which they denying the king, and the noise of 'Justice, justice; execution, execution,' being repeated, they proceeded, and read that ugly sentence of death: After which his majesty was immediately hurried away from the bar, into a common sedan, where he was carried by two common porters; which sedan I followed to the middle of King's Street, where I saw the two porters, in reverence, go bare, till the soldiers (under the command of the prisoner at the bar) beat them, and would not suffer them to go bare when they carried him. After this, the people cried out, 'What, do you carry the king in a common sedan, as they do such as have the plague? God deliver your majesty out of such enemy's hands.' In which street I was forced to leave the sight of his majesty, occasioned by the injuries and hurts I received in my person, from the soldiers under Axtell's command; they carrying him through the streets, shouting in triumph. A short time after, I received an importunate command, from a lady of great honour, (a servant of his majesty's,) that I would endeavour to find out where the body of the martyr'd king was, and to give her an account where it then was. Applying myself to Whitehall, after two or three score intreaties, I was denied; but understanding that money would do it, I gave the person then under the command of Mr Axtell, that then kept it, half-a-piece to shew it me, who, in a scoffing manner, took me by the hand, and said, 'If thou thinkest there is any sanctity or holiness in it, look here; where I saw the head of



so far from obeying the commands of the court, by submitting to their justice, as he began to take upon him reasoning and debate unto the authority of the court, and to the highest court that appointed them, and to try and to judge him; but being overruled in that, and required to make his answer, he was still pleased to continue contumelious, and to refuse to submit to answer: hereupon the court, that they may not be wanting to themselves, nor the trust reposed in them, nor that any man's wilfulness prevent justice, they have thought fit to take the matter into their consideration: they have considered of the charge; they have considered of the contumacy, and of that confession which in law doth arise upon that contumacy; they have likewise considered of the notoriety of the fact charged upon this prisoner; and upon the whole matter, they are resolved, and have agreed upon a sentence to be pronounced against this prisoner; but in respect he doth desire to be heard before the sentence be read and pronounced, the court hath resolved that they will hear him: Yet, sir, thus much I must tell you before-hand, which you have been minded of at other courts, that if that which you have to say be to offer any debate concerning the jurisdiction, you are not to be heard in it: you have offered it formerly; and you have struck at the root, that is, the power and the supreme authority of the commons of England, which this court will not admit a debate of, and which, indeed, it is an irrational thing in them to do, being a court that acts upon authority derived from them. But, sir, if you have any thing to say in defence of yourself, concerning the matter charged, the court hath given me in command to let you know they will hear you.

Then the king answered,—

Since that I see you will not hear any thing of debate concerning that which, I confess, I thought most material for the peace of the kingdom, and for the liberty of the subject, I shall waive it; I shall speak nothing to it; but only I must tell you, that this many a day all things have been taken away from me, but that that I call dearer to me than my life, which is my conscience and my honour: and if I had a respect to my life more than the peace of the kingdom, the liberty of the subject, certainly I should have made a particular defence for myself; for by that, at least-wise, I might have delayed an ugly sentence, which, I believe, will pass upon me; therefore, certainly, sir, as a man that hath some understanding, some knowledge of the world, if that my true zeal to my country had not overborne the care that I have for my own preservation, I should have gone another way to work than that I have done. Now, sir, I conceive that an hasty sentence, once past, may sooner be repented of than recalled: and, truly, the self same desire that I have for the peace of the kingdom, and the liberty of the subject, more than my particular ends, makes me now at last desire that I have something to say that concerns both. I desire, before sentence be given, that I may be heard in the Painted Chamber, before the lords and commons. This delay cannot be prejudicial unto you, whatsoever I say: if that I say no reason, those that hear me must be judges: I cannot be judge of that that I have: if it be reason, and really for the welfare of the kingdom, and the liberty of the subject, I am sure on't it is very well worth the hearing; therefore I do conjure you, as you love that that you

that blessed martyr'd king lie in his coffin with his body, which smiled as perfectly as if it had been alive. This is the sad account of the martyr'd king, and of this horrid prisoner, Mr AXTELL.

"*Axtell.* My lord, may I ask that gentleman a question?"

"*Lord Chief Baron.* Yes, yes."

"*Axtell.* My lord, he seems to say, that I bid the soldiers cry out for justice: he doth not say at all I was there in command, but he saith, a lady, by report, the lady Fairfax, spoke some words, and that I should bid the soldiers silence her: truly, I desire to know the certainty of the place where I stood."

"*Sir Purbeck Temple.* My lords, and gentlemen of the jury, I saw this person standing within a pike or two's length, as I can guess it: (I remember the place, within a yard of the ground, in Westminster-Hall.) I do say this person sat in the court as a principal officer, that did then hold his majesty prisoner at the bar. I did not say it was a lady unknown, or reported to be such a one, but I said; it was the lady Fairfax, and my own sister, Mrs Nelson; and he cried, 'Shoot the whores.'—*State Trials*, II., 371.

pretend, (I hope it's real,) the liberty of the subject, the peace of the kingdom, that you will grant me this hearing before any sentence be past. I only desire this, that you will take this into your consideration: it may be you have not heard of it before-hand. If you will, I will retire, and you may think of it; but if I cannot get this liberty, I do protest, that these fair shews of liberty and peace are pure shews, and that you will not hear your king.

The lord president said, that what the king had said was a declining of the jurisdiction of the court, which was the thing wherein he was limited before.

The king urged, that what he had to say was not a declining of the court, but for the peace of the kingdom, and liberty of the subject.

*Lord President.* Sir, this is not altogether new that you have moved unto us, though it is the first time that, in person, you have offered it to the court: and afterwards, that though what he had urged might seem to tend to delays, yet, according to that which the king seemed to desire, the court would withdraw for a time, and he should hear their pleasure.

Then the court withdrawing into the court of wards, the sergeant at arms had command to withdraw the prisoner, and to give order for his return again.<sup>1</sup>

The court, after about half an hours debate, returned from the court of wards chamber; and the king being sent for, the lord president spake to this effect:—

Sir, you were pleased to make a motion here to the court, touching the propounding of somewhat to the lords and commons in the Painted Chamber, for the peace of the kingdom: you did in effect receive an answer before their adjourning, being *pro forma tantum*; for it did not seem to them that there was any difficulty in the thing; they have considered of what you have moved, and of their own authority. The return from the court is this,—that they have been too much delayed by you already; and they are judges appointed by the highest authority; and judges are no more to delay, than they are to deny justice. They are good words in the great old charter of England, *nulli negabimus, nulli condemus, et nulli deferemus justitiam*: but every man observes you have delayed them in your contempt and default, for which they might long since have proceeded to judgement against you: and notwithstanding what you have offered, they are resolved to proceed to sentence and to judgement; and that's their unanimous resolution.

*King.* Sir, I know it is in vain for me for to dispute. I am no sceptic, for to deny the power that you have: I know that you have power enough. Sir, I must confesse I think it would have been for the kingdome peace, if you would have taken the pains for to have shown the lawfulness of your power. For this delay that I have desired, I confesse it is a delay, but it is a delay very important for the peace of the kingdome; for it is not my person that I look at alone; it is the kingdome welfare and the kingdome peace. It is an old sentence, That we should look on long before we have resolved of great matters suddenly; therefore, sir, I do say again, that I do put at your doors all the inconveniency of a hasty sentence. I confesse, I have been here now, I think, this week: this day eight daies was the day I came here first; but a little delay of a day or two further may give peace, whereas an hasty judgment may bring on that trouble and perpetuall inconveniency to the kingdome, that the child that is unborne may repent it;

<sup>1</sup> "Upon this," says Whitlocke, "the court withdrew into the court of wards, and the king to Sir Robert Cotton's house; and after about an hour's debate, they returned again into Westminster-Hall.

"The court resolved that what the king had tendered tended to delay; yet, if he would speak any thing for himself in court before sentence, he might be heard.

"Many of the commissioners in the debate were against this resolution, and pressed to satisfy the king's desire and themselves, to hear what the king would say to them in the Painted Chamber before sentence; but it was voted by the major part in the negative. Upon which Colonel Harvey and some others went away in discontent, and never sat with them afterwards. This proposal of the king's being denied, the king thereupon declared himself, that he had nothing more to say."—WHITLOCKE'S *Memorials*, p. 368. It is generally believed, that as a last stake for his own life, Charles intended to proffer to parliament to resign his crown to his son.

and therefore againe, out of the duty I owe to God and to my country, I do desire that I may be heard by the lords and commons in the Painted Chamber, or in any other chamber that you will appoint me.

The president replied, that what he desired was no more than what he had moved before, and therefore the court expected to heare what he would say before they proceeded to sentence.

*King.* This I say, that if you will heare me, I do not doubt to give satisfaction to you and to my people, and therefore I do require you (as you will answer it at the dreadfull day of judgment) that you will consider it once againe.

*President.* The court will proceed to sentence if you have no more to say.

*King.* Sir, I have nothing more to say, but I shall desire that this may be entred, what I have said.

The lord president then proceeded to declare the grounds of the sentence; that the court were resolved to discharge their duty; that he had spoken of a precious thing call'd peace, and it were to be wish't that God had put it into his heart, that he had effectually and really indeavoured and studied the peace of the kingdome, as now in words he seem'd to pretend; that it appeared to the court that he had gone upon very erroneous principles; the kingdom had felt it to their smart; that the court was very sensible of it, and so he hoped the understanding people of England would be; that the law was his superiour, and that he ought to have ruled according to the law; the difference was, who should be the expositors of the law, whether he and his party, out of the courts of justice, or the courts of justice, nay, the soveraigne and high court of justice, the parliament of England, that is not only the highest expounder of the law, but the sole maker of the law; and that for him, and those that adhere to him, to set themselves against it, was not law; that what some of his owne party had said, *rex non habet parem in regno*, was granted; but though he was *major singulis*, yet he was *universis minor*; that the barons of old, when the kings playd the tyrants, called them to account; that they did *iremum ponere*; that if they did forbear to doe their duty now, and were not so mindfull of their owne honour and the kingdomes as the barons of old were, certainly the commonalty of England would not be unmin'tfull of what was for their preservation and their safety; that if the king went contrary to that end, he must understand that he is but an officer in trust, and they to take order for the punishment of such an offending governour; that this is not a law of yesterday, upon the division of him and his people, but of old; and that the king's oath implied as much; and where the people could not have any other remedy, the parliament were to do it, who were ordained to redresse the grievances of the people. The parliament were to be kept, we find in old authors, twice in the year, that the subject might, upon any occasion, have a ready remedy. That his designe had beene to destroy parliaments; and that, when they would not ingage against his native kingdom of Scotland, he dissolved the parliament; that, as Caligula, the great Roman tyrant, wisht the people of Rome had but one neck, that at one blow hee might cut it off; and this king's proceedings had beene somewhat like his; for the body of the people of England is no where represented but in parliament; and could hee but have consiouded that, hee would soone have cut off the head and neck of England; that it was no new thing to cite presidents, where the people (when power was in their hands) have made bold to call their kings to account; that it would be too long a time to mention either France, Spaine, the emperour, or other countreyes; but he instanc'd in the kingdome of Aragon, where there was a man *tanquam in medio positus*, betwixt the king and the people, and he is acknowledged to be the king's superiour, and is the grand preserver of the people's priviledges; and what the tribunes of Rome were heretofore, and the ephori to the Lacedemonian state, that was the parliament of England to the English state; that he needed not to mention those forraigne stories, if he look'd

but over Tweede; there was enough in his native kingdome of Scotland, if they look'd upon their first king Tergusius, who left two sons in their minority, and the elder seeming disaffected to their peace, and opposing his uncle, who ruled well, they chose the younger; that of 109 kings of Scotland, he need not make mention how many of them the people had made bold to deale withall; some to banish, and some to imprison, and some to put to death; no kingdome had more plentiful experience then that kingdome hath of the deposition and punishment of their offending and transgressing kings; and not to go farre for example, the king's grandmother set aside, and his father, an infant, crowned: And there wants not examples here, in England, both before and since the conquest, as King Edward the Second and King Richard the Second were so dealt with by the parliament; and whosoever looks into their stories, should not find the articles that are charged upon them to come neare to that heighth and capitalnesse of crimes that were laid to his charge: And for succession by inheritance, it was plaine, from the conquest, that of 24 kings, one halfe of them came in by the state.

That the oath at his coronation did shew there was a contract and bargain made by the people.

After the lord president had cited many things to this purpose, in relation to the power of kings, and their being called to account for breach of trust, and expressed in what sence this present king had been guilty, according to his charge of being a tyrant, traytor, murtherer, and public enemy to the common-wealth, he further declared, in the name of the court, that they did heartily wish that hee would be so penitent for what hee had done amisse, that God might have mercy, at least-wise, upon his better part; for the other, it was their duty to do it, and to doe that which the law prescribes: They were not there *jus dare*, but *jus dicere*. That they could not but remember what the Scripture said: For to acquit the guilty it is equal abomination as to condemn the innocent. We may not acquit the guilty. What sentence the law affirms to a traytor, a tyrant, a murtherer, and a public enemy to the countrey, that sentence he was to hear read unto him.

Then the clerk read the sentence, drawn up in parchment.

*That whereas the commons of England, in parliament, had appointed them an high court of justice, for the trying of Charles Stuart, king of England, before whom he had been three times convented, and at the first time a charge of high treason, and other crimes and misdemeanours was read, in the behalf of the kingdome of England, &c.*

Here the clerk read the charge.

Which charge being read unto him as aforesaid, he, the said Charles Stuart, was required to give his answer, but he refused so to do, and so exprest the several passages at his triall in refusing to answer.

*For all which treasons and crimes, this court doth adjudge that he, the said Charles Stuart, as a tyrant, traitor, murtherer, and a public enemy, shall be put to death, by the severing of his head from his body.*

After the sentence read, the lord president said,

This sentence now read and published, it is the act, sentence, judgment, and resolution of the whole court. Here the court stood up, as assenting to what the president said.

*King.* Will you heare me a word, sir?

*Lord President.* Sir, you are not to be heard after the sentence.

*King.* No, sir!

*Lord President.* No, sir, by your favour, sir. Guard, withdraw your prisoner.

*King.* I may speake after the sentence.

By your favour, sir, I may speak after the sentence ever.

By your favour, (hold,) the sentence, sir——

I say, sir, I do——

I am not suffered for to speak : expect what justice other people will have.

O Yes. All manner of persons that have any thing else to do are to depart at this time, and to give their attendance in the Painted Chamber, to which place this court doth forthwith adjourne itselfe.

Then the court rose, and the king went with his guard to Sir Robert Cottons, and from thence to Whitehall.<sup>1</sup>

<sup>1</sup> To complete this narrative, the following extract from Sir Philip Warwick's Memoirs is subjoined, containing some interesting particulars respecting the king's execution. "Though he was brought to St James's by Saturday noon, and though the bishop was in town, and, by their own directions, and upon his desire, called thither to attend him, in order to the preparation for his death, yet they admitted him not until Sunday evening, though they murdered him on Tuesday. The bishop himself told me the manner of his reception. As soon as he came in, the king very open-ly and cheerfully received him: the bishop began to make some condolence: 'Leave off this, (says he,) my lord; wee have not time for it: let us think of our great work, and prepare to meet that great God, to whom, ere long, I am to give an account of myselfe; and I hope I shall do it with peace, and that you will assist me therein. We will not talk (says he) of these rogues (for that was his term) in whose hands I am: they thirst after my blood, and they will have it, and God's will be done. I thank God I heartily forgive them, and I will talk of them no more.' And so for two or three hours the bishop and he conferred together; and though they shut the door, a soldier would open it once in half a quarter of an hour, and see whether the king was there, and so shut it again: and then the next day, which was Monday, they spent much of their time together in like manner; and then they parted late that night, the murder being to be committed the next day. I have this comfort, that of himselfe, without any occasion to move him into the discourse, 'My lord,' says he, 'I must remember one that hath had relation to you and myselfe: Tell Charles,' (for so he was pleased to call the prince,) 'he hath been an useful and honest man unto me.' He required Mr Herbert (a gentleman who was appointed to attend him, and who had been very civil to him, and whom he recommended likewise to the present king) to call him at four of the clock in the morning: and Mr Herbert slept little himselfe, lying by him on a pallet-bed; but I observed, through the whole night, that the king slept very soundly, and at his hour awak'd of himselfe, and drew his curtain. He soon got up, was about an hour at his own private devotions, and then called to be dressed; and Mr Herbert, who was wont to comb his head, combed it that day with less care than usually. 'Prethee,' says he, 'though it be not long to stand on my shoulders, take the same pains with it you were wont to do: I am to be a bridegroom to-day, and must be trimm.' Afterwards the bishop came in to him, and they were together until Hacker led him through the park to Whitehall: and one of the commanders, by the way, thinking to disturb him, askt him, whether he were not consenting to his father's death? 'Friend,' says he, 'if I had no other sin, (I speak it with reverence to God's majesty,) I assure thee I would never ask him pardon.' When he was come to Whitehall, they conveyed him into a room, which is that they now call the green chamber, betwixt the king's closet and his bed-chamber, as I think.

"There they permitted him and the bishop to be alone for some time; and the bishop had prepared all things in order to his receiving the sacrament: and whilst he was at his private devotions, Nye and some other bold-faced ministers knockt at his door, and the bishop going to open it, they told him they came to offer their service to pray with the king: he told them the king was at his own private devotions; however, he would acquaint him: but the king resolving not to send out to them, they, after some time, had the modesty to knock again: the bishop suspecting who they were, told the king, it would be necessary to give them some answer: the king replied, 'Then,' says he, 'thank them from me for the tender of themselves; but tell them plainly, that they that have so often and causelessly prayed against me, shall never pray with me in this agony. They may, if they please, (and I'll thank them for it) pray for me.' When he had received the eucharist, he rose up from his knees with a cheerful and steady countenance: 'Now,' says he, 'let the rogues come; I have heartily forgiven them, and am prepared for all I am to undergo.'—It was a very cold day, and they at Whitehall had prepared two or three dishes of meat for him to dine upon; but he refused to eat any thing; and the bishop told me he resolved to eat nothing after the sacrament; but the bishop expostulated with him, and let him know how long he had fasted, how sharp the weather was, and how some fit of fainting might take him upon the scaffold; which he knew he would be troubled at, for the interpretation his murderers would put upon it; which prevailed with him to eat halfe a mouthful of bread and drink a glass of wine; and thus prepared, he marcht to the scaffold; and a gentleman of my acquaintance, that had so placed himselfe in Wallingford House, that he could easily discern all that was done upon the scaffold, protested to me, he saw him come out of the Banqueting-House with the same unconcernedness and motion that he usually had when he entered into it at a masque-night. And another gentleman, whom I'll name, Dr Farrer, a physician, (a man of a pious heart, but phantastical brain; for this was he that would have had the king and parliament have decided their business by lot,) had gain'd such a place up on the stage, that he assured me, that as he had observed him before very majestic and steady, so when he had laid down his neck upon the block, he standing at some distance from him, in a right line, he perceiv'd his eye as quick and lively as ever he had seen it.

"His speech before this time unto the people (for me, who relate too many things to be long upon any, to say no more) was very worthy of himselfe. This part of it became his great wisdom, when he told them, 'They

*His Majesties Reasons against the pretended Jurisdiction of the High Court of Justice, which he intended to deliver in Writing, on Monday, January 22, 1648. Faithfully transcribed out of the original Copy, under the King's own hand.*

This paper was drawn up by Charles, for the vindication of his character to posterity. His only purpose in making such a defence must have been to die with decency; for he could not suppose that his fate was undecided. That he entertained no such expectations, appears from the following anticipations of his fate in the Icon Basilicon. "That I must die as a man is certain; that I may die a king, by the hands of mine own subjects, a violent, sudden, and barbarous death, in the strength of my years, in the midst of my kingdoms, my friends and loving subjects being helpless spectators, my enemies insolent revilers and triumphers over me, living, dying, and dead, is so probable in human reason, that God hath taught me not to hope otherwise, as to man's cruelty; however, I despair not of God's infinite mercy.

"I confess it is not easie for me to contend with those many horrors of death wherewith God suffers me to be tempted; which are equally horrid, either in the suddenness of a barbarous assassination, or in those greater formalities whereby my enemies (being more solemnly cruel) will, it may be, seek to add (as those did who crucified Christ) the mockery of justice to the cruelty of malice. That I may be destroyed, as with greater pomp and artifice, so with less pity, it will be but a necessary policy to make my death appear as an act of justice done by subjects upon their sovereign; who know that no law of God or man invests them with any power of judicature without me, much less against me; and who, being sworn and bound, by all that is sacred before God and man, to endeavour my preservation, must pretend justice, to cover their perjury."—SANDERSON, *ut supra*, p. 1111.

Having already made my protestations, not only against the illegality of this pretended court, but also, that no earthly power can justly call me (who am your king) in question as a delinquent, I would not any more open my mouth upon this occasion, more than to refer my self to what I have spoken, were I alone in this case concerned. But the duty I owe to God, in the preservation of the true liberty of my people, will not suffer me at this time to be silent; for how can any free-born subject of England call life, or any thing he possesseth, his own, if power without right daily make new, and abrogate the old fundamental law of the land; which I now take to be the present case: Wherefore, when I came hither, I expected that you would have endeavour'd to have satisfied me concerning these grounds which hinder me to answer to your pretended impeachment; but since I see that nothing I can say will move you to it, (though negatives are not so naturally proved as affirmatives,) yet I will shew you the reason why I am confident you cannot judge me, nor, indeed, the meanest man in England; for I will not, (like you,) without showing a reason, seek to impose a belief upon my subjects.

mistook the nature of government; for people are free under a government, not by being sharers in it, but by the due administration of the laws of it." After having prayed with the bishop and by himselfe, he submitted cheerfully unto the providence that was dispens'd unto him; but he took notice of some engines his murderers had made, that in case he would not willingly submit, they might by violence have pulled him down; at which he smiled, as if he had been contented that they shewed the world the barbarities of their natures, and the equanimity of his own. And indeed I had almost omitted one other evidence of it; for the chapter of the day fell out to be that of the passion of our Saviour; wherein it is mention'd, that 'they led him away for envy, and crucified their king; which he thought had been the bishop's choice; but when he found it was the course of the rubrick, he put off his hat, and said to the bishop, 'I bless God it is thus fallen out.' At last he laid down his head, stretcht out his hands as the sign, and the executioner let drop the hatchet, which sever'd it from his body. And thus this saint and martyr rested from his labour, and follows the Lamb.'—SIR P. WARWICK'S *Memoires*, p. 340—346.

There is no proceeding just against any man, but what is warranted either by God's laws, or the municipal laws of the country where he lives. Now, I am most confident that this day's proceedings cannot be warranted by God's law; for, on the contrary, the authority of obedience unto kings is clearly warranted, and strictly commanded, both in the Old and New Testament; which, if denied, I am ready instantly to prove. And for the question now in hand, there it is said, that "where the word of a king is, there is power, and who may say unto him, what doest thou?" Eccles. viii. 4. Then for the laws of this land, I am no less confident that no learned lawyer will affirm that an impeachment can lie against the king, they all going in his name; and one of their maxims is, that the king can do no wrong. Besides, the law upon which you ground your proceedings must either be old or new: if old, show it; if new, tell what authority, warranted by the fundamental laws of the land, hath made it, and when. But how the house of commons can erect a court of judicature, which was never one itself, (as is well-known to all lawyers,) I leave to God and the world to judge; and it were full as strange that they should pretend to make laws without king or lords house, to any that have heard speak of the laws of England.

And admitting, but not granting, that the people of England's commission could grant your pretended power: I see nothing you can shew for that; for certainly you never asked the question of the tenth man of the kingdom; and in this way you manifestly wrong even the poorest ploughman, if you demand not his free consent: nor can you pretend any colour for this your pretended commission, without the consent, at least, of the major part of every man in England, of whatsoever quality or condition; which I am sure you never went about to seek; so far are you from having it. Thus you see that I speak not for my own right alone, as I am your king, but also for the true liberty of all my subjects, which consists not in sharing the power of government, but in living under such laws, such a government as may give themselves the best assurance of their lives, and propriety of their goods. Nor in this must or do I forget the privilege of both houses of parliament, which this day's proceedings doth not only violate, but likewise occasion the greatest breach of their public faith that I believe ever was heard of, with which I am far from charging the two houses: For all the pretended crimes laid against me bear date long before this late treaty at Newport; in which I having concluded as much as in me lay, and hopefully expecting the two houses agreement thereunto, I was suddenly surprised, and hurried from thence as a prisoner; upon which account I am, against my will, brought hither; where, since I am come, I cannot but to my power defend the ancient laws and liberties of this kingdom, together with my own just right. Then, for any thing I can see, the higher house is totally excluded.

And for the house of commons, it is too well known that the major part of them are detained or deterred from sitting; so as, if I had no other, this were sufficient for me to protest against the lawfulness of your pretended court. Besides all this, the peace of the kingdom is not the least in my thoughts: and what hopes of settlement is there, so long as power reigns without rule of law; changing the whole frame of that government under which this kingdom hath flourished for many hundred years; (nor will I say what will fall out in case this lawless, unjust proceeding against me do go on;) and believe it, the commons of England will not thank you for this change; for they will remember how happy they have been of late years under the reign of Queen Elizabeth, the king my father, and myself, until the beginning of these unhappy troubles, and will have cause to doubt that they shall never be so happy under any new. And by this time it will be too sensibly evident that the arms I took up were only to defend the fundamental laws of this kingdom, against those who have supposed my power hath totally changed the ancient government.

Thus having shewed you briefly the reasons why I cannot submit to your pretend-

ed authority, without violating the trust which I have from God, for the welfare and liberty of my people. I expect from you, either clear reasons to convince my judgment, shewing me that I am in an error, (and then truly I will readily answer,) or that you will withdraw your proceedings.

This I intended to speak in Westminster-Hall, on Monday, 22d January, but, against reason, was hindered to shew my reasons.

---

*King Charles his Case; or, an Appeal to all rational Men, concerning his Tryal at the High Court of Justice: Being, for the most part, that which was intended to have been delivered at the Bar, if the King had pleaded to the Charge, and put himself upon a fair Tryal: With an additional Opinion concerning the Death of King James, the loss of Rochel, and the blood of Ireland. By John Cook of Gray's-Inn, Barrister. 1619.*

Justice is an excellent virtue:  
Reason is the life of the law.  
Womanish pity to mourn for a tyrant,  
Is a deceitful cruelty to a city.

---

The following intended charge is of a nature which shews a consciousness in the accuser's mind, that he was unable to bottom his plea upon any known or established grounds in law, but was reduced to make it up from current reports, insinuations, and aggravations, joined to instances of maladministration, which cannot be defended or palliated; thus extracting a general conclusion of guilt from a variety of charges, some of which were false, or incapable of proof, while others, though proved, fell short of the penal consequences which were to be attached to the accusation. The scurrilous violence with which the charge is expressed is likewise the attribute of one who wishes to drive his audience farther than his own conviction has been able to carry himself.

---

*To the Reader.*

The righteous Judge, whose judgment is not only inevitable, but infallible, must shortly judge me, and all that concurred to bring the capital delinquent to condign punishment; but, in the interim, I desire to be judged by all understanding men in the world, that suffer their judgments to be swayed by reason, and not biassed by private interest, whether ever any man did so much deserve to dye. Cain for the murder of one righteous Abel, and David for one Uriah, had been men of death, had not God pardoned them. Those thirty-one kings which Joshua hanged up, and Saul's seven sons, which were but, at the worst, (as it seems to me,) evil counsellors, were they not innocent, nay, saints, in comparison of this man? Those that crucified Christ did it ignorantly; for had they known him, they had not crucified the Lord of Glory. The saints under the ten persecutions suffered by the hands of heathens; the Sicilian vespers, the Parisian massacre of the protestants, and the gun-powder plot, were acted and intended by papists, out of a conceit of merit; but for a protestant prince, stiled



the Defender of the Faith, in a time of light, that had sworn to keep the peace, received tribute to that end, and might have had the very hearts of the people, if they could have given him them without death, (the strongest engagements;) I say, for such a one to persecute the faithful, destroy and enslave the people by oppressing cruelties, and, when Machiavel could not do it, to levy a war to that wicked end, which never any of his ancestors durst attempt; that might at any time, with a word of his mouth, have stopt all the bleeding veins in the three kingdoms, but would not; and for the satisfying of a base lust, caused more protestant blood to be shed than ever was spilt, either by Rome, heathen, or antichristian. Blessed God, what ugly sins lodge in their bosoms, that would have had this man to live! But words are but women, proofs are men: it is reason that must be the chariot to carry men to give their concurrence to this judgment: Therefore I shall deliver my thoughts to the courteous reader, as I was prepared for it if issue had been joyned in the cause, but with some addition, for illustration sake, desiring excuse for the preamble, because there is some repetition in matter.

*May it please your Lordship;*

My lord president, and this high court, erected for the most comprehensive, impartial, and glorious piece of justice that ever was acted and executed upon the theatre of England, for the trying and judging of Charles Stuart, whom God, in his wrath, gave to be a king to this nation, and will, I trust, in great love, for his notorious prevarications and blood-guiltiness, take him away from us; he that hath been the original of all injustice, and the principal author of more mischiefs to the free-born people of this nation than the best arithmetician can well enumerate, stands now to give an account of his stewardship, and to receive the good of justice, for all the evil of his injustice and cruelty. Had he ten thousand lives, they could not all satisfy for the numerous, horrid, and barbarous massacres of myriads and legions of innocent persons, which, by his commands, commissions, and procurements, (or at least all the world must needs say, which he might have prevented; and he that suffers any man to be killed, when he may save his life without danger of his own, is a murderer,) have been cruelly slain, and inhumanely murdered in this renowned Albion. Anglia hath been made an Akeldama, and her younger sister Ireland a land of ire and misery; and yet this hard-hearted man, as he went out of the court, down the stairs, January 22, said (as some of his guard told me, and others) that he was not troubled for any of the blood that hath been shed, but for the blood of one man, (peradventure he meant Strafford.) He was no more affected with a list that was brought in to Oxford of five or six thousand slain at Edgehill, than to read one of Ben. Johnson's tragedies. You gentlemen royalists that fought for him, if ye had lost your lives for his sake, you see he would have no more pitied you, by his own confession, than you do a poor worm; and yet what heart but would cleave, if it were a rock, melt, if it were ice, break, if it were a flint, or dissolve, if it were a diamond, to consider that so much precious protestant blood should be shed in these three kingdoms, so many gallant, valiant men, of all sorts and conditions, to be sacrificed, and lose their lives, and many of them to dye so desperately, in regard of their eternal conditions, and all this meerly and only for the satisfying and fulfilling of one man's sinful lust and wicked will. A good shepherd is he that lays down his life, or ventures it to save the sheep; but for one to be so proudly wedded to his own conceits, as so maliciously to oppose his private opinion against the publick judgment and reason of state, and to make head against the parliament, who acknowledged him to be the head thereof, so far as to give him the honour of the royal assent, in settling the militia and safety of the people; I say, for a protestant prince, so beloved at home and feared abroad, that in love and gentle means might have had any thing from the parliament; for him to occasion the shedding of so much blood, for a pretended prero-

gative, as hereafter will appear nothing, in effect, but to fix and perpetuate an absolute tyranny; I can say no less, but, O Lucifer, from whence are thou fallen; and what hereticks are they in politicks, that would have had such a man to live; much more, that think his actions to have merited love and praise from heaven and earth? But now to dissect the charge.

I. That the kings of England are trusted with a limited power to govern by law, the whole stream and current of legal authorities run so lumpid and clear, that I should but weary those that know it already, and trouble those that need not know the particular cases; for it is one of the fundamentals of law, that the king is not above the law, but the law above the king. I could easily deraign it from 1 Edward III. to the jurisdiction of courts, that the king has no more power or authority than what by law is concredited and committed to him: but the most famous authority is Fortescue, chancellor to Henry VI., (and therefore undoubtedly would not clip his master's prerogative,) who most judiciously makes a difference between a government wholly regal and seignioral, as in Turkey, Russia, France, Spain, &c., and a government politic and mixed, where the law keeps the beam even between sovereignty and subjection, as in England, Denmark, Sweden, and Poland: the first, where the edict of a prince makes the law, resembles an impetuous inundation of the waters, whereby the corn and hay, and other fruits of the earth are spoiled, as when it is mid-winter at mid-summer; the latter is like a sweet, smooth stream, running by the pleasant fields and meadows. That by the law of England the king ought not to impose any thing upon the people, or take any thing away from them, to the value of a farthing, but by common consent in parliaments or national meetings; and that the people, of common right, and by several statutes, ought to have parliaments yearly, or oftener if need be, for the redress of publick grievances, and for the enacting of good and wholesome laws, and repealing of old statutes of Omri, which are prejudicial to the nation; and that the king hath not by law so much power as a justice of peace, to commit any man to prison, for any offence whatsoever, because all such matters were committed to proper courts and officers of justice: And if the king, by his verbal command, send for any person to come before him, if the party refused to attend, and the messenger endeavouring to force him, they fell to blows, if the messenger killed the party sent for, this, by the law, is murder in hiur; but if he killed the messenger, this was justifiable in him, being in his own defence, so as to sue forth a pardon of course. These, and many other cases of like nature, are so clear and well known, that I will not presume to multiply particulars.

That the king took an oath at his coronation to preserve the peace of the nation, to do justice to all, and to keep and observe the laws which the people have, himself confesses. And it was charged upon the late arch-bishop, that he emasculated the oath, and left out very material words,—*which the people shall chuse*;\* which certainly he durst not have done without the king's special command: and it seems to me no light presumption that from that very day he had a design to alter and subvert the fundamental laws, and to introduce an arbitrary and tyrannical government. But though there had been no oath, yet, by special office and duty of his place, every king of England is obliged to act for the people's good; for all power, as it is originally in the people, (he must needs be extream ignorant, malicious, or a self-destroyer, that shall deny it,) so it is given forth for their preservation, nothing for their destruction. For a king to rule by lust, and not by law, is a creature that was never of God's making, not of God's

\* It was clamorously urged against Laud, that he had counselled the omission of the following clause from the coronation oath: "*Ac de faciendis pro ipso Dominum regem eos esse protegendos et ad honorem Dei corroborandum quos vulgo juste et rationabiliter eligerit.*" But this omission was of an earlier date, as was proved by comparing the oath of Charles with that of his father James, with which it agreed *verbatim*. As this appeared on Laud's trial, it was the height of injustice to revive a confuted accusation against his master Charles. Probably James I. had been himself the author of the alteration which was objected to his son.

approbation, but his permission: and though such men are said to be gods on earth, 'tis in no other sense than the devil is called the god of this world. It seems that one passage which the king would have offered to the court (which was not permitted him to dispute the supreme authority in the nation, and standing mute, the charge being for high treason, it is a conviction in law) was, that 1 Sam. viii. is a copy of the king's commission, by virtue whereof he, as king, might rule and govern as he list: that he might take the people's sons, and appoint them for himself, for his chariots, and to be his horsemen, and take their daughters to be his confectionaries, and take their fields, and vineyards, and olive yards, even the best of them, and their goodliest young men, and their asses, and give them to his officers, and to his servants; which, indeed, is a copy and pattern of an absolute tyrant and absolute slaves, where the people have no more than the tyrant will afford them. The holy spirit in that chapter does not insinuate what a good king ought to do, but what a wicked king would presume to do. Besides, Saul and David had extraordinary callings; but all just power is now derived from, and conferred by the people: yet in the case of Saul it is observable that the people, out of pride to be like other nations, desired a king, and such a king as the heathens had, which were all tyrants; for they that know any thing in history, know that the first four monarchs were all tyrants at first, till they gained the people's consent. Nimrod the great hunter was Ninus that built Nineveh, the first tyrant and conqueror that had no title; and so were all kingdoms, which are not elective till the people's subsequent consent; and though it be by dissent, yet 'tis a continuation of a conquest. Till the people consent, and voluntarily submit to a government, they are but slaves, and in reason they may free themselves, if they can. In France the king begins his reign from the day of his coronation: the arch-bishop asks the people if he shall be king; the twelve peers, or some that personate them, say yes: they girt the sword about him; then he swears to defend the laws. And is any thing more natural than to keep an oath? And though virtuous kings have prevailed with the people to make their crowns hereditary, yet the coronation shews the shell that the kernel hath been in. Samuel was a good judge, and there was nothing could be objected against him, therefore God was displeas'd at their inordinate desire of a king: and it seems to me that the Lord declares his dislike of all such kings as the heathens were, that is, kings with an unlimited power, that are not tied to laws; for he gave them a king in his wrath; therein dealing with them as the wise physician with the distemper'd and impatient patient, who desiring to drink wine, tells him the danger of inflammation, yet wine he will have; and the physician, considering a little wine will do but little hurt, rather than his patient by fretting should take greater hurt, prescribes a little white wine; wherein the physician doth not approve his drinking of wine, but of two evils chooseth the least. The Jews would have a king for majesty and splendor, like the heathens: God permits this; he approves it not. It seems to me that the Lord renounces the very genus of such kings as are there mentioned: and the old word *conning* (by contraction *king*) does not signify power or force to do what he will, but a knowing, wise, discreet man, that opens the peoples eyes, and does not lead them by the noses, but governs them with wisdom and discretion, for their own good. Therefore, gentlemen-royalists, be not so mad as to misconstrue, either the oaths of allegiance or supremacy, or any league or covenant, that any man should swear to give any one leave to cut his throat. The true meaning is, that the king of England was supreme in this land, in opposition to the pope, or any other prince or potentate, as the words of the oath do import. that no foreign state, prince, or potentate, &c. In case of any foreign invasion, the king was by law to be generalissimo, to command the people for their own safety; and so it was expounded by the parliament in 13 Eliz., which, for some reason of state, was not permitted to be printed with the statutes. Besides, God told those kings whom he had formerly anoynted what their duty was; not to exalt themselves over-much above their brethren, to delight

themselves in the law of God ; out of which I inferr that the Turks, Tartars, Muscovites, French, Spaniards, and all people that live at the beck and nod of tyrannical men, may and ought to free themselves from that tyranny, if, and when they can ; for such tyrants, that so domineer with a rod of iron, do not govern by Gods permissive hand of approbation or benediction, but by the permissive hand of his providence suffering them to scourge the people, for ends best known to himself, until he open a way for the people to work out their own enfranchisements.

But before I speak of the war, it will be necessary, for satisfaction of rational men, to open and prove the kings wicked design, wherein he stands charged. Now, that he had, from the beginning of his reign, such a design and indeavour so to tear up the foundation of government, that law should be no protection to any mans person or estate, will clearly appear by what follows.

1. By his not taking the oath so fully as his predecessors did, that so, when the parliament should tender good laws to him for the royal assent, he might readily answer that he was not by oath obliged to confirm or corroborate the same.

2. By his dishonourable and perfidious dealing with the people at his coronation, when he set forth a proclamation, that in regard of the infection then spread through the kingdom, he promised to dispense with those knights, that, by an old statute, were to attend at the coronation, who were thereby required not to attend ; but did, notwithstanding, within few months after, take advantage of their absence, and raised a vast sum of money out of their estates at the council table ; where they pleading the said proclamation for their justification, they were answered, that the law of the land was above any proclamation ; like that tyrant that, when he could not by law execute a virgin, commanded her to be defouled, and then put to death.

3. By his altering the patents and commissions to the judges, which having heretofore had their places granted to them so long as they should behave themselves therein, he made them but during pleasure ; that so if the judges should not declare the law to be as he would have it, he might with a wet finger remove them, and put in such as should not only say, but swear, if need were, that the law was as the king would have it ; for when a man shall give five or ten thousand pounds for a judges place during the kings pleasure, and he shall the next day send to him to know his opinion of a difference in law between the king and a subject, and it shall be intimated unto him, that if he do not deliver his opinion for the king, he is likely to be removed out of his place the next day ; which if so, he knows not how to live, but must rot in a prison for the money which he borrowed to buy his place ; as was well known to be some of their cases who under-hand and closely bought great places, to elude the danger of the statute. Whether this was not too heavy a temptation for the shoulders of most men to bear, is no hard matter to determine ; so as upon the matter, that very act of his made the king at the least a potential tyrant ; for when that shall be law which a king shall declare himself, or which shall be declared by those whom he chooses, this brings the people to the very next step to slavery.

But that which does irrefragably prove the design, was his restless desire to destroy parliaments, or to make them useless : And for that, who knows not but that there were three or four national meetings in parliament in the first four years of his reign, which were called for supply, to bring money into his coffers in point of subsidies, rather than for any benefit to the people, as may appear by the few good laws that were then made ? But that which is most memorable, is the untimely dissolving of the parliament in 4 Car., when Sir John Elliot and others (who managed a conference with the house of peers concerning the duke of Buckingham, who, amongst other things, was charged concerning the death of King James) were committed close prisoners to the Tower, where he lost his life by cruel indurance : Which I may not pass over without a spe-

cial animadversion; for sure there is no Turk or heathen but will say, that if he were any way guilty of his fathers death, let him die for it.

I would not willingly be so injurious to the honest reader, as to make him buy that again which he hath formerly met with in the parliaments declaration or elsewhere: in such case a marginal reference may be sufficient. Nor would I herein be so presumptuous as to prevent any thing that happily may be intended in any declaration for more general satisfaction; but humbly to offer a students mite, which satisfies my self; with submission to better judgments.

How the king first came to the crown, God and his own conscience best knew. It was well known and observed at court, that a little before he was a professed enemy to the duke of Buckingham, but instantly upon the death of King James, took him into such special protection, grace, and favour, that upon the matter he divided the kingdom with him. And when the Earl of Bristol had exhibited a charge against the said duke, the 13 article whereof concerned the death of King James, he instantly dissolved that parliament, that so he might protect the duke from the justice thereof, and would never suffer any legal inquiry to be made for his fathers death. The Rabbins observe, that that which stuck most with Abraham about Gods command to sacrifice Isaac, was this: "Can I not be obedient, unless I be unnatural? What will the heathens say, when they hear I have killed my only son?" What will an Indian say to this case? A king hath all power in his hands to do justice. There is one accused, upon strong presumptions at the least, for poisoning that king's father; the king protects him from justice: whether do you believe that himself had any hand in his fathers death? Had the duke been accused for the death of a begger, he ought not to have protected him from a judicial trial. We know that by law it is no less than misprision of treason to conceal a treason; and to conceal a murder strongly implies a guilt thereof; and makes him a kind of accessory to the fact. He that hath no nature to do justice to his own father, could it ever be expected that he should do justice to others? Was he fit to continue a father to the people, who was without natural affection to his own father? Will he love a kingdom, that shewed no love to himself, unless it was that he durst not suffer inquisition to be made for it? But I leave it as a riddle, which at the day of judgment will be expounded and unriddled; for some sins will not be made manifest till that day; with this only, that had he made the law of God his delight, and studied therein night and day, as God commanded his kings to do, or had he but studied Scripture half so much as Ben. Johnson or Shakespear,<sup>2</sup> he might have learnt that when Amaziah was settled in the kingdom, he suddenly did justice upon those servants which had killed his father Joash: he did not, by any pretended prerogative, excuse or protect them, but delivered them up into the hands of that justice which the horridness of the fact did undoubtedly demerit.

That parliament 4 Car. proving so abortive, the king sets forth a proclamation, that none should presume to move him to call parliaments, for he knew how to raise monies enough without the help of parliaments; therefore, in 12 years, refuseth to call any: in which interval and intermission, how he had oppressed the people, by incroachments and usurpations upon their liberties and properties, and what vast sums of money he had forceably exacted and exhausted by illegal patents and monopolies of all sorts, I refer the reader to that most judicious and full declaration of the state of the kingdom, published in the beginning of this parliament. That judgment of ship-money

<sup>2</sup> The mingling an insinuation of so black a nature, and so totally alien to the king's temper and disposition, seems intended by the orator to poison his arrow, as it were, by bespeaking the public antipathy against the accused. Some remarks on the falsehood of the charge will be found prefixed to Dr Elishams's Fore-runner of Revenge.

<sup>3</sup> This is the second time that Mr Cooke upbraids the unhappy prince with his taste for polite learning, and for the poetry of Shakespear and Johnson. This reproach was quite in character from a rigid and puritanical lawyer. But what shall we say, when it is re-echoed by the immortal Milton, who taunts Charles's memory with a quotation from "the closest companion of his solitudes—William Shakespear!"

<sup>2</sup> Kings, xii.  
<sup>30</sup>; xiv. 1, 5.

<sup>27</sup> Mar.  
<sup>5</sup> Car.

did, upon the matter, formalize the people absolute slaves, and him an absolute tyrant ; for if the king may take from the people in case of necessity, and himself shall be judge of that necessity, then cannot any man say that he is worth *6d.* ; for if the king say that he hath need of that *6d.*, then by law he must have it: I mean that great Nimrod that would have made all England a forrest, and the people, which the bishops call his sheep, to be his venison, to be hunted at his pleasure.

Nor does the common objection, that the judges and evil counsellors, and not the king, ought to be responsible for such male-administrations, injustice, and oppression, bear the weight of a feather in the ballance of right reason ; for, 1. Who made such wicked and corrupt judges ? Were they not his own creatures ? And ought not every man to be accountable for the works of his own hands ? He that does not hinder the doing of evil, if it lies in his power to prevent it, is guilty of it, as a commander thereof. He that suffered those black stars to inflict such barbarous cruelties and unheard-of punishments, as brandings, slitting of noses, &c., upon honest men, to the dishonour of the protestant religion, and disgrace of the image of God, shining in the face of man, he well deserved to have been so served. But, 2. He had the benefit of those illegal fines and judgments. I agree, that if a judge shall oppress I. S., for the benefit of I. D., the king ought not to answer for this, but the judge, unless he protect the judge against the complaint of I. S., and in that case he makes himself guilty of it. But when an unjust judgment is given against I. S., for the king's benefit, and the fine to come immediately into his coffers, he that receives the money must needs be presumed to consent to the judgment. But, 3. Mark a Machiavel policy. Call no parliaments, to question the injustice and corruption of judges, for the people's relief, and make your own judges, and let that be law that they declare ; whether it be reasonable or unreasonable, it is no matter.

But then how came it to pass that we had any more parliaments ? Had we not a gracious king, to call a parliament when there was so much need of it ; and to pass so many gracious acts to put down the star-chamber, &c. ? Nothing less. It was not any voluntary free act of grace, not the least ingredient or tincture of love or good affection to the people, that called the short parliament in 1., but to serve his own turn against the Scots, whom he then had designed to enslave. And those seven acts of grace which the king past were no more than his duty to do, nor half so much, but giving the people a take of their own grists ; and he dissents with them about the militia, which commanded all the rest : he never intended thereby any more good and security to the people, than he that, stealing the goose, leaves the feathers behind him. But to answer the question : thus it was :

The king being wholly given up to be led by the councils of a jesuited party, who indeavoured to throw a bone of dissention among us, that they might cast in their net into our troubled waters, and catch more fish ; for St Peter's see perswaded the king to set up a new form of prayer in Scotland, and laid the bait so cunningly, that, whether they saw it or not, they were undone : if they saw the mystery of iniquity couched in it, they would resist, and so merit punishment for rebelling ; if they swallowed it, it would make way for worse. Well, they saw the poison, and refused to taste it : the king makes war ; and many that loved honour and wealth more than God assisted him : down he went with an army, but his treasure wasted in a short time : fight they would not, for fear of an after-reckoning : some commanders propound that they should make their demands ; and the king grants all, comes back to London, and burns the pacification, saying it was counterfeit : they re-assume their forts : he raises a second war against them ; and was necessitated to call a parliament, offering to lay down ship-money for twelve subsidies : they refuse : the king, in high displeasure, breaks off the parliament, and in a declaration commands them not to think of any more parliaments, for he would never call another.

There was a king of Ægypt that cruelly opprest the people : the poor slaves com-

plaining to one another, he feared a rising, and commanded that none should complain, upon pain of cruel death: spies being abroad, they often met, but durst not speak, but parted with tears in their eyes, which declared that they had more to utter, but durst not: this struck him to greater fears: he commanded that none should look upon one another's eyes at parting; therefore, their griefs being too great to be smothered, they fetcht a deep sigh when they parted, which moved them so to compassionate one another's wrongs, that they ran in and killed the tyrant. The long-hatching Irish treason was now ripe, and therefore it was necessary that England and Scotland should be in combustion, lest we might help the Irish protestants. Well, the Scots get Newcastle: he knew they would trust him no more, he had so often broke with them, therefore no hopes to get them out by a treaty. Many lords and the city petition for a parliament. The king was at such a necessity, that yield he must, to that which he most abhorred: God had brought him to such a strait. He that a few months before assumed the power of God, commanding men not to think of parliaments, to restrain the free thoughts of the heart of man, was constrained to call one; which they knew he would break off when the Scots were sent home, therefore got a confirmation of it, that he should not dissolve it without the consent of both houses, of which he had no hopes, or by force, which he suddenly attempted: and the English army in the north was to have come up to confound the parliament and this rebellious and disloyal city, as the king called it, and for their pains was promised thirty thousand pounds and the plunder, as by the examinations of Colonel Goring, Legge, &c., doth more fully appear.

And here, by the way, I cannot but commend the city malignants: He calls them rebels; they call him a gracious king: he, by his proclamation at Oxford, prohibits all commerce and intercourse of trade between this populous city (the life and interest whereof consists in trade, without which many thousands cannot subsist) and other parts of the kingdom: still they do good against evil, and, petitioning him so often to cut their throats, are troubled at nothing so much as that they are not reduced to that former and a worse bondage than when there was a lord-warden made in the city, and the king sent for as much of their estates as he pleased. But surely the Oxfordshire men are more to be commended; for when the king had commanded, by his proclamation, that what corn, hay, and other provision in the county of Oxford could not be fetcht into the said city, for his garrison, should be consumed and destroyed by fire, for fear it should fall into the hands of the parliaments friends, (a cruelty not to be paralleled by any infidel, heathen, or pagan king, nor to be presided amongst the most avowed and professed enemies, much less from a king to his subjects,) they resolved never to trust him any more.

15 Apr.  
20 Car.

But the great question will be, What hath been the true ground and occasion of the war? Which unless I clear, and put it out of question, as the charge imports, I shall fall short of what I chiefly aim at, viz. That the king set up his standard of war for the advancement and upholding of his personal interest, power, and pretended prerogative, against the publick interest of common right, peace, and safety; and thus I prove it.

1. He fought for the militia by sea and land, to have it at his absolute dispose, and to justify and maintain his illegal commissions of array; and this he pretended was his birth-right by the law of England: Which, if it were so, then might he, by the same reason, command all the money in the kingdom; for he that carries the sword will command the purse.

2. The next thing that he pretended to fight for was, his power to call parliaments when he pleased, and dissolve them when he list. If they will serve his turn, then they may sit by a law to enslave the people; so that the people had better choose all the courtiers and king's favorites at first, than to trouble themselves with ludicrous elections, to assemble the freeholders together, to their great labour and expence, both of time and coin; and those which are chosen knights and burgesses to make

great preparations, to take long journeys to London, themselves and their attendants, to see the king and lords in their parliament robes ride in state to the house, and, with Domitian, to catch flies; and no sooner shall there be any breathings, or a spirit of justice stirring and discovered in the house of commons, but the king sends the black rod, and dissolves the parliament, and sends them back again, as wise as they were before, but not with so much money in their purses, to tell stories to the freeholders of the bravery of the king and lords.

3. Well, but if this be too gross, and that the people begin to murmur and clamour for another parliament, then there goes out another summons, and they meet, and sit for some time, but to as much purpose as before; for when the commons have presented any bill for redress of a publick grievance, then the king hath several games to play to make all fruitless; as, first, his own negative voice, that if lords and commons are both agreed, then he will advise; which (I know not by what strange doctrine) hath been of late construed to be a plain denial; though, under favour, at the first it was no more but to allow him two or three days time to consider of the equity of the law; in which time, if he could not convince them of the injustice of it, then ought he, by his oath and by law, to consent to it.

4. But if by this means the king had contracted hard thoughts from the people, and that not only the commons, but many of the lords, that have the same noble blood running in their veins as those English barons whose swords were the chief instruments that purchased Magna Charta; then, that the king might be sure to put some others between him and the peoples hatred, the next prerogative that he pretended to have was, to be the sole judge of chivalry, to have the sole power of conferring honours, to make as many lords as he pleased; that so he may be sure to have two against one, if the house of commons (by reason of the multitude of burgesses, which he likewise pretended a power to make as many borough-towns and corporations as he pleased) were not pack'd also. And this is that glorious privilege of the English parliaments, so much admired for just nothing; for if his pretended prerogative might stand for law, as was challenged by his adherents, never was there a purer cheat put upon any people, nor a more ready way to enslave them, than by privilege of parliament; being just such a mockery of the people as that mock parliament at Oxford was, where the king's consent must be the figure, and the representative stand but for a cypher.

5. But then out of parliament the people are made to believe that the king hath committed all justice to the judges, and distributed the execution thereof into several courts; and that the king cannot so much as imprison a man, nor impose any thing upon, nor take any thing away from the people, as by law he ought not to do: But now see what prerogative he challenges.

1. If the king have a mind to have any publick-spirited man removed out of the way, this man is killed, the murderer known: a letter comes to the judge, and it may be it shall be found but man-slaughter: if it be found murder, the man is condemned, but the king grants him a pardon; which the judges will allow, if the word murder be in it: but because it is too gross to pardon murder, therefore the king shall grant him a lease of his life for seven years, and then renew it, (like a bishop's lease,) as he did to Major Prichard, who was lately justiced; who being a servant to the earl of Lindsey, murdered a gentleman in Lincolnshire, and was condemned, and had a lease of his life from the king, as his own friends have credibly told me.

2. For matter of liberty:—The king or any courtier sends a man to prison; if the judge set him at liberty, then put him out of his place; a temptation too heavy for those that love money and honour more than God to bear; therefore any judgement that is given between the king and a subject, 'tis not worth a rush; for what will not money do?

Next, he challenges a prerogative to enhance and debase moneys, which by law was



allowed him, so far as to ballance trade, and no further; that if gold went high beyond sea, it might not be cheap here, to have it all bought up and transported. But under colour of that he challenges a prerogative, that the king may by proclamation make leather currant, or make a sixpence go for twenty shillings, or a twenty shillings for sixpence: Which, not to mention any thing of the prospect of farthings, or brass money, he that challenges such a prerogative is a potential tyrant; for if he may make my twelve-pence in my pocket worth but two-pence, what property hath any man in any thing that he enjoys?

Another prerogative pretended was, that the king may void any grant, and so may couzen and cheat any man by a law, the ground whereof is, that the kings grants shall be taken according to his intention; which, in a sober sense, I wish that all mens grants might be so constructed according to their intentions, exprest by word or writing: But by this means it being hard to know what the king intended, his grants have been like the devils oracles, taken in any contrary sense, for his own advantage.

1. R. In the famous case of Altonwoods there is vouched the lord Lovels case, that the king granted lands to the lord Lovel and his heirs-males, not for service done, but for a valuable consideration of money paid: The patentee well hoped to have enjoyed the land, not only during his life, but that his heirs-males, at least of his body, should have likewise enjoyed it: But the judges finding, it seems, that the king was willing to keep the money, and have his land again (for what other reason no mortal man can fathom,) resolved that it was a void grant, and that nothing passed to the patentee. I might instance in many cases of like nature, throughout all the reports; as one once made his boast, that he never made or past any patent or charter from the crown, but he reserved one starting hole or other, and knew how to void it, and so meerly to couzen and defraud the poor patentee. So that now, put all these prerogatives together,—1. The militia by sea and land; 2. A liberty to call parliaments when he pleased, and to adjourn, prorogue, or dissolve them at pleasure; 3. A negative voice, that the people cannot save themselves without him, and must cut their own throats, if commanded so to do; 4. The nomination and making of all the judges, that, upon peril of the loss of their places, must declare the law to be as he pleases; 5. A power to confer honours upon whom, and how he pleases; (a covetous, base wretch, for five or ten thousand pounds, to be courted, who deserves to be carted;) 6. To pardon murderers, whom the Lord says shall not be pardoned; 7. To set a value and price of moneys as he pleases; that if he be to pay ten thousand pounds, he may make leather, by his proclamation, to be currant that day, or a five shillings to pass for twenty shillings; and if to receive so much, a twenty shillings to pass for five shillings; and, lastly, a legal theft to void his own grants;—I may boldly throw the gantlet, and challenge all the Machiavels in the world to invent such an exquisite platform of tyrannical domination, and such a perfect tyranny, without main or blemish, as this is, and that by a law, which is worst of all. But the truth is, these are no legal prerogatives, but usurpations, incroachments, and invasions upon the peoples rights and liberties, and this easily effected, without any great depth of policy; for 'tis but being sure to call no parliaments, or make them useless, and make the judges places profitable, and place avarice upon the bench, and no doubt but the law shall sound as the king would have it. But let me thus far satisfie the ingenuous reader, that all the judges in England cannot make one case to be law that is not reason, no more than they can prove a hair to be white that is black; which if they should so declare or adjudge, it is a meer nullity; for law must be reason adjudged, where reason is the genus; and the judgment in some court makes the *differentia*: and I never found that the fair hand of the common law of England ever reached out any prerogative to the king, above the meanest man, but in three cases: 1. In matters of honour and pre-eminence to his person, and in matters of interest, that he should have mines-royal

of gold and silver, in whose land soever they were discovered; and fishes-royal, as sturgeons and whales, in whose streams or water soever they are taken; which very rarely happened; or to have tythes out of a parish that nobody else could challenge; for says the law, The most noble persons are to have the most noble things: 2. To have his patents freed from deceit, that he be not over-reached or couzened in his contracts, being employed about the great and arduous affairs of the kingdom: 3. His rights to be freed from incursion of time, not to be bound up by any statute of non-claim; for indeed possession is a vain plea, when the matter of right is in question, for right can never die; and some such honourable priviledges of mending his plea, or suing in what court he will, and some such prerogatives, of a middle, indifferent nature, that could not be prejudicial to the people: But that the law of England should give the king any such vast, immense, precipitating power, or any such god-like state, that he ought not to be accountable for wicked actions, or male-administrations and mis-government, (as he hath challenged and averr'd in his answer to the petition of right,) or any such principles of tyranny, which are as inconsistent with the peoples liberties and safety as the ark and dagon, light and darkness, in an intensive degree, is a most vain and irrational thing to imagine; and yet that was the ground of the war, as himself often declared; and that would not have half contented him, if he had come in by the sword. But some rational men object, how can it be murder, say they, for the king to raise forces against the parliament? since there is no other way of determining differences between the king and his subjects but by the sword; for the law is no competent judge between two supreme powers: and then if it be only a contending for each others right, where is the malice that makes the killing of a man murder? Take the answer thus: First, How is it possible to imagine two supreme powers in one nation, no more than two suns in one firmament? If the king be supreme, the parliament must be subordinate; if they supreme, then he subordinate. But then it is alledged that the king challenged a power only co-ordinate; that the parliament could do nothing without him, nor he without them. Under favour, two powers co-ordinate is as absurd as the other; for though in quiet times the commons have waited upon the king, and allowed him a negative voice in matters of less concernment, where delay could not prove dangerous to the people, yet when the commons shall vote that the kingdom is in danger, unless the militia be so and so settled, now, if he will not agree to it, they are bound in duty to do it themselves: and 'tis impossible to imagine that ever any man should have the consent of the people to be their king upon other conditions, (without which no man ever had right to wear the diadem;) for conquest makes a title amongst wolves and bears, but not amongst men.

When the first agreement was concerning the power of parliaments, if the king should have said, Gentlemen, are you content to allow me any negative voice; that if you vote the kingdom to be in danger, unless such an act pass, if I refuse to assent, shall nothing be done in that case? Surely no rational man but would have answered, may it please your majesty, we shall use all dutiful means to procure your royal assent; but if you still refuse, we must not sit still and see our selves ruined; we must and will save our selves, whether you will or no. And will any man say that the kings power is diminished, because he cannot hurt the people, or that a man is less in health that hath many phisitions to attend him. God is omnipotent, that cannot sin; and all power is for the peoples good; but a prince may not say that is for the peoples good, which they say and feel to be for their hurt. And as for the malice, the law implies that; as when a thief sets upon a man to rob him, he hath no spite to the man, but love to the money: But it is an implied malice, that he will kill the people, unless they will be slaves.

*Q.* But by what law is the king condemned?

*R.* By the fundamental law of this kingdom, by the general-law of all nations, and

the unanimous consent of all rational men in the world, written in every mans heart with the pen of a diamond, in capital letters, and a character so legible, that he that runs may read, viz. That when any man is intrusted with the sword for the protection and preservation of the people, if this man shall employ it to their destruction, which was put into his hand for their safety, by the law of that land he becomes an enemy to that people, and deserves the most exemplary and severe punishment that can be invented: And this is the first necessary fundamental law of every kingdom, which, by intrinsical rules of government, must preserve it self: And this law needed not be express, That if a king become a tyrant, he shall die for it, 'tis so naturally implied. We do not use to make laws which are for the preservation of nature, that a man should eat and drink, and buy himself cloaths, and enjoy other natural comforts; no kingdom ever made any laws for it: And as we are to defend our selves naturally, without any written law, from hunger and cold, so from outward violence; therefore, if a king would destroy a people, 'tis absurd and ridiculous to ask by what law he is to die. And this law of nature is the law of God, written in the fleshy tables of mens hearts, that, like the elder sister, hath a prerogative right of power before any positive law whatsoever: and this law of nature is an undubitable legislative authority of it self, that hath a suspensive power over all human laws. If any man shall, by express covenant, under hand and seal, give power to another man to kill him, this is a void contract, being destructive to humanity; and by the law of England, any act or agreement against the laws of God or nature is a meer nullity; for as man hath no hand in the making of the laws of God or nature, no more hath he power to marr or alter them. If the pilot of a ship be drunk, and running upon a rock, if the passengers cannot otherwise prevent it, they may throw him into the sea to cool him; and this question hath received resolution this parliament. When the militia of an army is committed to a general, 'tis not with any express condition that he shall not turn the mouths of his canons against his own souldiers, for that is so naturally and necessarily implied, that it's needless to be express; insomuch, as if he did attempt or command such a thing, against the nature of his trust and place, it did, *ipso facto*, estate the army in a right of disobedience, unless any man be so grossly ignorant to think that obedience binds men to cut their own throats, or their companions. Nor is this any secret of the law, which hath lain hid from the beginning, and now brought out to bring him to justice; but that which is connatural with every man, and innate in his judgment and reason, and is as ancient as the first king, and an epidemical binding law in all nations in the world: For when many families agree, for the preservation of human society, to invest any king or governor with power and authority, upon the acceptance thereof, there is a mutual trust and confidence between them, that the king shall improve his power for their good, and make it his work to procure their safeties, and they to provide for his honour, which is done to the common-wealth in him, as the sword and ensigns of honour carried before the lord-mayor are for the honour of the city. Now, as when any one of this people shall compass the death of the governor, ruling well, this is a treason punishable with death, for the wrong done to the community, and anathema be to such a man; so when he or they, that are trusted to fight the peoples battels, and to procure their welfare, shall prevaricate, and act to the enslaving or destroying of the people, who are their liege lords, and all governors are but the peoples creatures, and the work of their hands, to be accountable as their stewards, (and is it not senseless for the vessel to ask the potter by what law he calls it to account,) this is high treason with a witness, and far more transcendent than in the former case; because the king was paid for his service, and the dignity of the person does increase the offence. For a great man, of noble education and knowledge, to betray so great a trust, and abuse so much love, as the parliament shewed to the king, by petitioning him as good subjects, praying for him as good Christians, advising him as good counsellors, and treating with

him as the great council of the kingdom, with such infinite care and tenderness of his honour, (a course which God's people did not take with Rehoboam: they never petitioned him, but advised him; he refused their council, and hearkened to young counsellors, and they cry, "To thy tents, O Israel," and made quick and short work of it;) after all this, and much more longanimity and patience (which God exercises towards man, to bring him to repentance) from the Lord to the servant, for him not only to set up a standard of war, in defiance of his dread sovereign, the people, (for so they truly were in nature, though names have befool'd us,) but to persist so many years in such cruel persecutions, who with a word of his mouth might have made a peace,—if ever there were so superlative a treason, let the Indians judge: And who-soever shall break and violate such a trust and confidence, *anathema maranatha* be unto them.

*Q.* But why was there not a written law to make it treason for the king to destroy the people, as well as for a man to compass the king's death?

*Resp.* Because our ancestors did never imagine that any king of England would have been so desperately mad, as to levy a war against the parliament and people; as in the common instance of paricide, the Romans made no law against him that should kill his father, thinking no child would be so unnatural as to be the death of him who was the author of his life. But when a child came to be accused for a murder, there was a more cruel punishment inflicted than for other homicides; for he was thrown into the sea, in a great leather barrel, with a dog, a jackanapes, a cock, and a viper, significant companions for him, to be deprived of all the elements, as in my Poor Man's Case, fol. 10. Nor was there any law made against parents that should kill their children; yet if any man was so unnatural, he had an exemplary punishment.

*Obj.* But is it not a maxim in law, that the king can do no wrong?

*Resp.* For any man to say so is blasphemy against the great God of truth and love; for only God cannot err; because what he wills is right, because he wills it; and 'tis a sad thing to consider how learned men, for unworthy ends, should use such art to subdue the people, by transportation of their senses, as to make them believe that the law is, that the king can do no wrong.

First, for law, I do aver it with confidence, but in all humility, that there is no such case to be found in law, that if the king rob, or murder, or commit such horrid extravagancies, that it is no wrong. Indeed the case is put in H. 7., by a chief judge, that if the king kill a man, 'tis no felony to make him suffer death; that is to be meant in ordinary courts of justice: But there is no doubt but the parliament might try the king, or appoint others to judge him for it. We find cases in law, that the king hath been sued even in civil actions.

In 43 E. 3. 22, it is resolved, that all manner of actions did lie against the king, as against any lord; and 24 E. 3. 23, Wilby, a learned judge, said, that there was a writ *præcipe Henrico rege Angliæ*.

Indeed E. 1. did make an act of state, that men should sue to him by petition; but this was not agreed unto in parliament. *Thekwall, title Roye Digest of Writs, 711.* But after, when judges places grew great, the judges and bishops began to sing lullaby, and speak placentia to the king, that "my lord the king is an angel of light." Now angels are not responsible to men, but God, therefore not kings. And the judges, they begin to make the king a God, and say, that by law his stile is sacred majesty, though he swears every hour; and gracious majesty, though gracious men be the chief objects of his hatred; and that the king hath an omnipotency and omnipresence.

But I am sure there is no case in law, that if the king levy a war against the parliament and people, that it is not treason. Possibly that case in H. 7. may prove, that if the king should in his passion kill a man, this shall not be felony to take away the king's life; for the inconveniency may be greater to the people, by putting a king to death for one offence and miscarriage, than the execution of justice upon him can ad-

vantage them. But what is this to a levying of war against a parliament? Never any judge was so devoid of understanding, that he denied that to be treason. But suppose a judge that held his place at the king's pleasure did so, I am sure never any parliament said so. But what if there had, in dark times of popery, been an act made, that the king might murder, ravish, burn, and perpetrate all mischiefs, and play reaks with impunity, will any man, that hath but wit enough to measure an ell of cloth, or to tell twenty, say that this is an obligation for men to stand still, and suffer a monster to cut their throats, and grant commission to rob at Shooters-Hill; as such, and no better, are all legal thefts and oppressions. The doctor says, that a statute against giving an alms to a poor man is void. He is no student, I mean was never bound prentice to reason, that says a king cannot commit treason against the people.

*Obj.* But are there not negative words in the statute of 25 Ed. 3., that nothing else shall be construed to be treason, but what is there exprest?

*Resp.* That statute was intended for the peoples safety, that the king's judges should not make traytors by the dozens, to gratifie the king or courtiers; but it was never meant to give liberty to the king to destroy the people: And though it be said that the king and parliament only may declare treason, yet, no doubt, if the king will neglect his duty, it may be so declared without him; for when many are obliged to do any service, if some of them fail, the rest must do it.

*Obj.* But is there any precedent, that ever any man was put to death that did not offend against some written law? For where there is no law, there is no transgression.

*Resp.* 'Tis very true, where there is neither law of God, nor nature, nor positive law, there can be no transgression; and therefore that scripture is much abused, to apply it only to laws positive: For

First, *Ad ea quæ frequentius, &c.* 'Tis out of the sphere of all earthly lawgivers to comprehend and express all particular cases that may possibly happen, but such as are of most frequent concurrence; particulars being different, like the several faces of men, different from one another; else laws would be too tedious; and as particulars occur, rational men will reduce them to general reasons of state, so as every thing may be adjudged for the good of the community.

2. The law of England is *lex non scripta*; and we have a direction in the Epistle to the 3 Rep., that when our law books are silent, we must repair to the law of nature and reason. Holinshed, and one other historian, tells us, that, in 20 H. 8., the lord Hungerford was executed for buggery, for which there was then no positive law to make it felony: and before any statute against witchcraft, many witches have been hanged in England, because it is death by God's law. If any Italian mountebank should come over hither, and give any man poison, that should lie in his body above a year and a day, and then kill him, as it is reported they can give a man poison that shall consume the body in three years, will any make scruple or question to hang up such a rascal? At Naples, the great treasurer of corn being intrusted with many thousand quarters, at three shillings the bushel, for the common good, finding an opportunity to sell it for five shillings the bushel, to foreign merchants, enriched himself exceedingly thereby; and corn growing suddenly dear, the council called him to account for it; who proffered to allow three shillings for it, as it was delivered into his custody, and hoped thereby to escape; but for so great a breach of trust, nothing would content the people but to have him hanged: and though there was no positive law for it, to make it treason, yet it was resolved, by the best polititions, that it was treason to break so great a trust by the fundamental constitution of the kingdom, and that for so great an offence he ought to die, that durst presume to enrich himself by that which might indanger the lives of so many citizens; for as society is natural, so governors must of necessity, and in all reason provide for the preservation and sustenance of the meanest member, he that is but as the little toe of the body politique.

But I know the ingenuous reader desires to hear something concerning Ireland, where there was no less than 152,000 men, women, and children, most barbarously and satanically murdered in the first four months of the rebellion, as appeared by substantial proofs, at the King's Bench, at the tryal of Macquire. If the king had a hand, or but a little finger in that massacre, every man will say, let him die the death; but how shall we be assured of that? How can we know the tree, better than by its fruits? For my own particular, I have spent many serious thoughts about it; and I desire in doubtful cases to give charity the upper hand; but I cannot in my conscience acquit him of it. Many strong presumptions, and several oaths of honest men, that have seen the kings commission for it, cannot but amount to a clear proof. If I meet a man running down stairs with a bloody sword in his hand, and find a man stabbed in the chamber, though I did not see this man run into the body, by that man which I met, yet if I were of the jury, I durst not but find him guilty of the murder. And I cannot but admire that any man should deny that for him, which he durst never deny for himself. How often was that monstrous rebellion laid in his dish? And yet he durst never absolutely deny it. Never was bear so unwillingly brought to the stake, as he was to declare against the rebels; and when he did once call them rebels, he would suffer but forty copies to be printed; and he hath since above forty times called them his subjects, and his good subjects, and sent to Ormond to give special thanks to some of these rebels, as Muskerry and Plunket, (which I am confident, by what I see of his height of spirit and undaunted resolution at his tryal, and since, acting the last part answerable to the former part of his life, he would rather have lost his life, than to have sent thanks to two such incarnate devils, if he had not been as guilty as themselves.) Questionless, if the king had not been guilty of that blood, he would have made a thousand declarations against those blood hounds and hell-hounds, that are not to be named but with fire and brimstone, and have sent to all princes in the world for assistance against such accursed devils in the shape of men. But he durst not offend those fiends and fire-brands; for if he had, I verily believe they would soon have produced his commission, under his hand, and seal of Scotland, at Edinburgh, 1641; a copy whereof is in the parliaments hands, attested by oath, dispersed by copies in Ireland, which caused the general rebellion.

*Obj.* He did not give commission to kill the English, but to take their forts, castles, towns, and arms, and come over and help him.

*Resp.* And is it like all this could be effected without the slaughter of the poor English? Did the king ever call them rebels, but in forty proclamations, wrung out of him by force, by the parliaments importunity? murdering the protestants was so acceptable to him; and with this limitation, that none should be published without his further directions; as appears under Nichols his hand, now in the parliaments custody. But the Scots were proclaimed rebels before they had killed a man, or had an army, and a prayer against them enjoined in all churches, but no such matter against the Irish.

Well, when the rebels were worsted in Ireland, the king makes war here to protect them, which, but for his fair words, had been prevented, often calling God to witness, he would as soon raise war on his own children; and men, from popish principles, assist him. Well, we fought in jest, and were kept between winning and losing. The king must not be too strong, lest he revenge himself, nor the parliament too strong, for the commons would rule all, till Naseby fight, that then the king could keep no more days of thanksgiving so well as we. Then he makes a cessation in Ireland, and many Irish came over to help him: English came over with papists, who had scarce wiped their swords since they had killed their wives and children, and had their estates.

But thus I argue:—The rebels knew that the king had proclaimed them traitors, and forty copies were printed; and the first clause of an oath enjoined by the general council of rebels was, to bear true faith and allegiance to King Charles, and by all means

to maintain his royal prerogative, against the puritans in the parliament of England. Now, is any man so weak in his intellectuals, as to imagine, that if the rebels had, without the king's command or consent, murdered so many protestants, and he thereupon had really proclaimed them rebels, that they would after this have taken a new oath, to have maintained his prerogative? No, those bloody devils had more wit than to fight in jest. If the king had once in good earnest proclaimed them rebels, they would have burnt their scabbards, and would not have stiled themselves the king and queens army, as they did. And, truly, that which the king said for himself, that he would have adventured himself to have gone in person into Ireland to suppress that rebellion, is but a poor argument to enforce any mans belief that he was not guilty of the massacre; for it makes me rather think that he had some hopes to have returned in the head of 20 or 30,000 rebels, to have destroyed this nation: For when the earl of Leicester was sent by the parliament to subdue the rebels, did not the king hinder him from going? And were not the cloaths and provisions which were sent by the parliament for the relief of the poor protestants there seized upon by his command, and his men of war, and sold or exchanged for arms and ammunition, to destroy this parliament? And does not every man know that the rebels in Ireland gave letters of mart, for taking the parliaments ships, but freed the kings, as their very good friends? And I have often heard it credibly reported, that the king should say, that nothing more troubled him, but that there was not as much protestant blood running in England and Scotland as in Ireland. And when that horrid rebellion begun to break forth, how did the papists here triumph and boast, that they hoped ere long to see London streets run down in blood? And yet I do not think that the king was a papist, or that he designed to introduce the popes supremacy in spiritual things into this kingdom: But thus it was:—A jesuitical party at court was too prevalent in his councils; and some mungrel protestants, that less hated the papists than the puritans, by the queens mediation joynd altogether to destroy the puritans, hoping that the papists and the Laodicean protestant would agree well enough together. And lastly, if it be said that the king and the rebels were never falln out, what need had Ormond to make a pacification or peace with them by the king's commission, under the great seal of Ireland? Truly there hath been so much daubing, and so little plain dealing, that I wonder how there comes to be so many beggars.

Concerning the betraying of Rochel, to the enslaving of the protestant party in France, I confess I heard so much of it, and was so shamefully reproac ed for it in Geneva, and by the protestant ministers in France, that I could believe no less than that the king was guilty of it. I have heard fearful exclamations, from the French protestants, against the king and the late duke of Buckingham, for the betraying of Rochel. And some of the ministers told me, ten years since, that God would be revenged of the wicked king of England, for betraying Rochel. And I have often heard Deodati say, concerning Henry the Fourth of France, that the papists had his body, but the protestants had his heart and soul; but for the king of England, the protestants had his body, but the papists had his heart: Not that I think he did believe transubstantiation, (God forbid I should wrong the dead,) but I verily believe that he loved a papist better than a puritan.

The duke of Roan, who was an honest, gallant man, and the king's godfather, would often say, that all the blood which was shed in Daulphin would be cast upon the king of England's score; for thus it was:—The king sent a letter to the Rochelers, by Sir William Brether, to assure them that he would assist them to the uttermost against the French king, for the liberty of their religion; conditionally, that they would not make any peace without him: and Mountague was sent into Savoy, and to the duke of Roan, to assure them, from the king, that 30,000 men should be sent out of England, to assist them against the French king, in three fleets; one to land in the isle of Ree,

a second in the river of Bourdeaux, and a third in Normandy : Whereupon the duke of Roan, being general for the protestants, not suspecting that the French durst assault him in Daulphin, (because the king of England was ready to invade him, as he had promised,) drew out his army upon disadvantage : Whereupon the French king implored all his army into Daulphin against the protestants, who were forced to retreat, and the Duke of Roan to fly to Geneva, and the protestants to accept of peace upon very hard conditions, to stand barely at the king's devotion for their liberties, without any cautionary townes of assurance, as formerly they had : being such a peace as the sheep make with the wolves, when the dogs are dismissed. And the protestants have ever since cryed out, to this very day, it is not the French king that did us wrong, for then we could have borne it, but it was the king of England, a profest protestant, that betrayed us. And when I have many times intreated Deodati and others to have a good opinion of the king, he would answer me, that we are commanded to forgive our enemies, but not to forgive our friends.

There is a French book printed about two years since, called *Memoires du Monsieur de Roan*, where the king's horrid perfidiousness and deep dissimulation is very clearly unfolded and discovered. To instance but in some particulars : The king having solemnly engaged to the Rochelers that he would hazard all the forces he had in his three kingdoms, rather than they should perish, did, in order thereunto, to gain credulity with them, send out eight ships to sea, commanded by Sir John Pennington, to assist the Rochelers, as was pretended, but nothing less intended ; for Pennington assisted the French king against the Rochelers ; which made Sir Ferdinando Gorge to go away with the great Neptune, in detestation of so damnable a plot ; and the English masters and owners of ships refusing to lend their ships to destroy the Rochelers, whom with their souls they desired to relieve, Pennington, in a mad spite, shot at them.

Subise being agent here in England for the French protestants, acquainted the king how basely Pennington had dealt, and that the English ships had mowed down the Rochel ships like grass, not only to the great danger and loss of the Rochelers, but to the eternal dishonour of this nation, scandal of our religion, and disadvantage of the general affairs of all the protestants in Christendom. The king seems to be displeased, and says, What a knave is this Pennington ? But whether it was not fained, let all the world judge. But the thing being so plain, said Subise to the king, Sir, why did the English ships assist the French king, and those that would not, were shot at by your admiral ? The French protestants are no fools : how can I make them believe that you intend their welfare ? The king was much put to it for a ready answer, but at last thus it was patcht up :—that the French king had a design to be revenged of Genoa for some former affront ; and that the king lent him eight English ships, to be employed for Genoa ; and that sailing towards Genoa, they met with some of the Rochelers accidentally ; and that the English did but look on, and could not help it, not having any commission to fight at that present ; wherein the Rochelers might and would have declined a sea-fight, if they had not expected our assistance. But still the poor protestants were willing rather to blame Pennington than the king ; who, in great seeming zeal, being surety for the last peace between the French king and his protestant subjects, sends Devick to the duke of Roan, to assure him, that if Rochel were not speedily set at liberty, (which the French king had besieged contrary to his agreement,) he would employ his whole strength, and in his own person see it performed ; which being not done, then the king sends the duke of Buckingham to the isle of Ree, and gives new hopes of better success to Subise ; commanding the admiral and officers in the fleet, in Subise's hearing, to doe nothing without his advice. But when the duke came to land at the isle of Ree, many gallant English men lost their lives ; and the duke brought back 300 tunns of corn from the Rochelers, which he had borrowed of them, pretending a necessity for the English men ; which was but fained, knowing it was a city impregnable, so long as they had provi-



sion within. I confess the Rochelers were not wise to lend the duke their corn, considering how they had been dealt with. But what a base thing was it so to betray them, and to swear unto them that they should have corn enough sent from England, before they wanted it: And for a long time God did miraculously send them in a new kind of fish, which they never had before. But when the duke came to court, he made the honest English believe that Rochel would suddenly be relieved, and that there was not the least danger of the loss of it. But Secretary Cook, an honest, understanding gentleman, and the only friend at court to the Rochelers, labou'ring to improve his power to send some succour to Rochel, was suddenly sent away from court, upon some sleeveless errand, or, as some say, to Portsmouth, under colour of providing corn for Rochel; but the duke soon after went thither, and said, his life upon it, Rochel is safe enough. And the next day, Subise being at Portsmouth, he prest the duke of Buckingham most importunately to send relief to Rochel, then or never: The duke told him that he had just then heard good news of the victualling of Rochel, which he was going to tell the king; which Subise making doubt of, the duke affirmed it by an oath; and having the words in his mouth, he was stabb'd by Felton, and instantly dyed. The poor Rochelers seeing themselves so betrayed, exclaimed of the English, and were constrained through famine to surrender the city; yet new assurances came from the king to the duke of Roan, that he should never be abandoned, and that he should not be dismay'd nor astonish'd for the loss of Rochel.

But Subise spoke his mind freely at court, that the English had betrayed Rochel, and that the loss of that city was the apparent perdition and loss of 32 places of strength from the French protestants in Languedock, Piedmont, and Daulphin; therefore it was thought fit that he should have a figg given him, to stop his mouth. Well, not long after, two capuchins were sent into England, to kill honest Subise, and the one of them discovered the other. Subise rewarded the discoverer, and demanded justice here against the other, who was a prisoner, but by what means you may easily imagine: That assassinate rascal, instead of being whipt, or receiving some more severe punishment, was released, and sent back into France, with money in his purse: And one of the messengers that was sent from Rochel, to complain of those abominable treacheries, was taken here, and, as the duke of Roan writes, was hang'd, for some pretended felony or treason: And much more to this purpose may be found in the duke of Roan's Memorials. But yet I know many wise sober men do acquit the king from the guilt of the loss of Rochel, and lay it upon the duke, as if it were but a loss of his reputation: They say that the duke of Buckingham agitated his affairs neither for religion nor the honour of his master, but only to satisfie his passion in certain foolish vows which he made in France, entred upon a war; and that the business miscarried through ignorance, and for want of understanding to manage so difficult a negotiation, he being unfit to be an admiral or a general.\*

\* It is impossible to acquit Charles of great negligence or treachery in the affair of Rochelle; of which Wellwood produces the following evidence:—"King Charles did not only assist the Rochelers after the war was actually begun, but we have reason to believe that he encouraged them to it at first, if we look into the duke of Roan's Memoirs and Apology; where that great man acquaints the world in what manner he was brought into that war, in these words, as near as I can translate them from the original:—'When all our privileges were violated, and our religion brought to ruin, and the city of Rochel in the greatest danger, I could see no possibility to escape, but was upon the sad thoughts of submitting ourselves to the mercy of the king, (meaning Lewis the XIII.) Being in this desperate state, there came a gentleman to me, from the king of England, who told me, from his master, that he seeing our privileges were violated, and our religion in danger of being subverted, had taken compassion on our sufferings, and thought himself obliged in honour and conscience to assist and protect us; which he was resolved to do, by employing all his kingdoms, and his own person in so just a war, provided we would join our arms with his, and not enter into any treaty with the king (meaning the French king) without him; and for that effect he would make war against the French king, both by sea and land: Intreating me (continues the duke of Roan) not to abandon my party in so just and honourable a war.' And

I confess that for many years I was of that opinion, and thought that the king was seduced by evil council; and some thought that Buckingham and others ruled him as a child, and durst do what they list: But certainly he was too politique and subtle a man to be swayed by any thing but his own judgement. Since Naseby Letters, I ever thought him principal in all transactions of state, and the wisest about him but accessaries. He never acted by any implicit faith in state matters: the proudest of them all durst never cross him in any design, when he had once resolved upon it. Is any man so soft-brained to think that the duke or Pennington durst betray Rochel without his command? Would not he have hanged them up at their return, if they had wilfully transgressed his commands? A thousand such excuses made for him are but like Irish quagmires, that have no solid ground or foundation in reason. He is well known to be a great student in his younger days; that his father would say, he must make him a bishop: He had more learning and dexterity in state affairs, undoubtedly, than all the kings in Christendom. If he had had grace answerable to his strong parts, he had been another Solomon; but his wit and knowledge proved like a sword in a mad man's hand. He was a stranger to the work of grace and the spirit of God, as the poor creature confest to me soon after he was condemned; and all those meanders in state, his serpentine turnings and windings, have but brought him to shame and confusion. But I am fully satisfied none of his council durst ever advise him to any thing but what they knew before he resolved to have done; and that they durst as well take a bear by the tooth, as do, or consent to the doing of any thing but what they knew would please him: they did

a little after, in the same Apology, he has these words: 'I refer it to all the world if I can be justly called the author of the third war, considering I was solicited to it by the king of Great Britain.'

"But suppose there were no credit to be given to the duke of Rhoan, whose honour and veracity even his very enemies never call'd in question, and suppose it were false, which all the world knows to be true, that King Charles did actually assist the Rochellers again and again against their prince; yet we have authentick accounts of several speeches made by the duke of Buckingham's secretary to the Rochellers, and of several messages sent to them from the duke, in name of the king his master, all to the same purpose; and likewise a manifesto published by him, and sign'd with his own hand, dated July 21, 1627, aboard the admiral ship; in which he has this expression: 'No private interest,' says he, 'has obliged my master to make war against the French king, but merely the defence of the protestant church. My master's design is the re-establishment of the church; the good is his interest, and their contentment his end.'

"We have also authentick copies of the league betwixt King Charles and the people of Rochell; in which there is this expression: 'That the Rochellers may be delivered from the oppressions they groan under.' And to sum up all, there were two letters writ by King Charles, with his own hand, to the Rochellers, which are mentioned by Monsieur Mervault, a syndic of that town, and who was active in the whole matter, and present during the whole siege, of which the copies follow:—

"To the mayor, sheriffs, peers, and burgeses of the city of Rochell.

"Gentl-men,

"Be not discouraged though my fleet be return'd. Hold out to the last; for I am resolv'd that my whole fleet shall perish rather than you be not reliev'd. For this effect I have order'd it to return back to your coasts, and am sending several ships to reinforce it. With the help of God the success shall be happy for you.

Your good friend,

CHARLES R.

At Westminster, May 19, O. S. 1628.

"The other letter, directed as before, runs thus:—

"Gentlemen,

"I have been very much troubled to hear that my fleet was upon the point of returning home without obeying my orders in supplying you with provisions, cost what it will. I have commanded them to return to your road, and not to come away till you are supplied, or at least till they are reinforced, which I have ordered to be done with all diligence. Assure yourselves that I shall never abandon you, and that I shall employ the whole power of my kingdom for your deliverance, until God assist me to obtain for you an assured peace.

Your good friend,

CHARLES R.

Given at our palace of Westminster, May 27, O. S. 1628."—WELLWOOD'S *Memoirs*, London, 1702, p. 35—58.

but hew and square the timber; he was the master builder, that gave the form to every architecture, and being so, able and judicious to discern of every man's merits. Never think that the duke, or Pennington, or any judge or officer, did ever any thing for his advantage, without his command, against law or honour.

Upon all which premises, may it please your lordship, I do humbly demand and pray the justice of this high court, and yet not I, but the innocent blood that hath been shed in the three kingdoms, demands justice against him: This blood is vocal, and cries loud, and yet speaks no better, but much louder than the blood of Abel; for what proportion hath the blood of that righteous man to the blood of so many thousands? If King Ahab and Queen Jezabel, for the blood of one righteous Naboth, (who would not sell his inheritance for the full value,) were justly put to death, what punishment does he deserve, that is guilty of the blood of thousands, and fought for a pretended prerogative, that he might have any man's estate that he liked, without paying for it? This blood hath long cried, How long, parliament, how long, army, will ye forbear to avenge our blood? Will ye not do justice upon the capital author of all injustice? When will ye take the proud lyon by the beard, that defies you with imperious exultations? What's the house of commons? What's the army? As Pharaoh said, "Who is the Lord? And who is Moses?" I am not accountable to any power on earth. Those that were murdered at Braintree, knocked on the head in the water, and those honest souls that were killed in cold blood at Bolton and Liverpool in Lancashire, at Bartomley in Cheshire, and many other places, their blood cries night and day for justice against him; their wives and children cry, Justice upon the murderer; or else, Give us our fathers and husbands again. Nay, should the people be silent, the very stones and timber of the houses would cry for justice against him. But, my lord, before I pray judgment, I humbly crave leave to speak to two particulars:—1. Concerning the prisoner. When I consider what he was, and how many prayers have been made for him, (though I know that all the world cannot restore him, nor save his life, because God will not forgive his temporal punishment, yet if God in him will be pleased to add one example more to the church, of his unchangeable love to his elect in Christ, not knowing but that he may belong to the election of grace,) I am troubled in my spirit, in regard of his eternal condition, fear that he should depart this life without love and reconciliation to all those saints whom he hath scorned, under the notion of presbyterians, anabaptists, independents, and sectaries. It cannot be denied but that he hath spent all his days in unmeasurable pride; that, during his whole reign, he hath deposed himself as a god, been depended upon, and adored as God; that hath challenged and assured an omnipotent power, an earthly omnipotence; that with the breath of his mouth hath dissolved parliaments; his *non placet* hath made all the councils of that suprem court to become abortives: *Non curo* hath been his motto; who, in stead of being honoured as good kings ought to be, and no more, hath been idolized and adored, as our good God only ought to be: A man that hath shot all his arrows against the upright in the land, hated Christ in his members, swallowed down unrighteousness, as the ox drinks water, esteemed the needy as his footstool, crusht

\* This comparison is about as blasphemous as that of the celebrated Hugh Peters, who, preaching upon the passage where the Jews desired the release of Barabbas, made the following practical application to the trial of Charles I., then in dependence. "It was a very sad thing that this should be a question amongst us, as among the old Jews, whether our Saviour Jesus Christ must be crucified, or that Barabbas should be released, the oppressor of the people. 'O Jesus,' saith he, 'where are we, that that should be a question amongst us?' Says he, 'And because that you should think, my lords and gentlemen, that it is a question, I tell you it is a question. I have been in the city, which may very well be compared to Hierusalem in this conjuncture of time; and I profess, these foolish citizens, for a little trading and profit, they will have Christ' (pointing to the red coats on the pulpit stairs) 'crucified, and the great Barabbas at Windsor released,' says he; 'but I do not much heed what the rabble say. I hope,' says he, 'that my brethren of the clergy will be wiser: the lips of the priests do use to preserve knowledge. I have been with them too in the assembly, and having seen and heard what they said, I perceive they are for crucifying of Christ, and releasing of Barabbas. O Jesus, what shall we do now?' With such like strange expressions, and shrugging of his shoulders in the pulpit."—*State Trials*, II. 362.

honest, publick-spirited men, and grieved when he could not afflict the honest more than he did, counted it the best art and policy to suppress the righteous, and to give way to his courtiers so to gripe, grind, oppress, and over-reach the free people of the land, that he might do what he list; (the remembrance whereof would pierce his soul, if he knew the preciousness of it.) But all sins to an infinite mercy are equally pardonable; therefore my prayer for this poor wretch shall be, that God would so give him repentance to life, that he may believe in that Christ whom he hath imprisoned, persecuted, and murdered in the saints; that he which hath lived a tyrant, and hated nothing so much as holiness, may die a convert, and in love to the saints in England; that so the tears of the oppressed and the afflicted may not be as so many fiery stinging serpents, causing an eternal despairing, continual horror to this miserable man, when all tyrants shall be astonisht, and innocent blood will affright more than twelve legions of devils. All the hurt I wish to him is, that he may look the saints in the face with comfort, for the saints must judge the world. And however may be he or his adherents may think it a brave Roman spirit, not to repent of any thing, nor express any sorrow for any sin, though never so horrid, taking more care and fear not to change their countenance upon the scaffold, than what shall become of them after death; yet I beseech your lordship that I may tell him and all the malignants now living but this:—Charles Stuart, unless you depart this life in love and reconciliation to all those saints and godly men whom you have either ignorantly or maliciously opposed, mockt, and persecuted, and still scorn and jeer at, as heretiques and sectaries, there is no more hopes for you ever to see God in comfort, than for me to touch the heavens with my finger, or with a word to annihilate this great building, or for the devil to be saved, which he might be, if he could love a saint, as such. No, sir, it will be too late for you to say to those saints whom you have defied, Give me some of your holiness, that I may behold God's angry countenance. You can expect no answer, but, Go, buy, sir, of those soul hucksters, your bishops, which fed you with chaff and poison, and now you must feed upon fire and brimstone to all eternity.

2. Concerning my self, I bear no more malice to the man's person, than I do to my dear father; but I hate that cursed principle of tyranny that has so long lodged and harboured within him, which has turned our waters of law into blood; and therefore upon that malignant principle I hope this high court (which is an habitation of justice, and a royal palace of principles of freedom) will do speedy justice, that this lion, which has devoured so many sheep, may not only be removed out of the way, but that this iron scepter, which has been lifted up to break this poor nation in pieces, like a potters vessel, may be wrested out of the hands of tyrants; that my honourable clients, (for whom I am an unworthy advocate,) the people of England, may not only taste, but drink abundantly of those sweet waters of that well of liberty which this renown'd army hath digg'd with their swords; which was stopt by the Philistines, the fierce Jew, and uncircumcised Canaanite; the hopes whereof made me readily to hearken to the call to this service, as if it had been immediately from Heaven; being fully satisfied that the prisoner was long since condemned to die by God's law, (which being more noble and antient than any law of man, if there had been a statute that he should not die, yet he ought to be put to death notwithstanding,) and that this high court was but to pronounce the sentence and judgment written against him. And though I might have been sufficiently discouraged, in respect that my reason is far less than others of my profession, yet, considering that there are but two things desirable to make a dumb man eloquent, namely, a good cause and good judges; the first whereof procures the justice of Heaven, and the second justice upon earth; and thinking that happily God might make use of one mean man at the bar, amongst other learned council, that more of his mind might appear in it, (for, many times, the less there is of man, the more God's glory does appear, and hitherto very much of the mind of God hath

appeared in this action.) I went as cheerfully about it, as to a wedding. And that the glory of this administration may be wholly given to God, I desire to observe, to the praise of his great name, the work of God upon my own spirit, in his gracious assistance and presence with me, as a return of prayer, and fruit of faith; believing that God never calls to the acting of any thing so pleasing to him as this most excellent court of justice is, but he is present with the honourable judges, and those that wait upon them. I have been sometimes of council against felons and prisoners; but I never moved the court to proceed to judgment against any felon, or to keep any man in prison, but I trembled at it in my thoughts, as thinking it would be easier to give an account of mercy and indulgence, than of any thing that might look like rigour; but now my spirits are quite of another temper, and I hope is meat and drink to good men, to have justice done, and recreation to think what benefit this nation will receive by it.

And now, my lord, I must, as the truth is, conclude him guilty of more transcendent treasons, and enormous crimes, than all the kings in this part of the world have ever been. And as he that would picture Venus must take the eyes of one, the cheeks of another beautiful woman, and so other parts, to make a compleat beauty; so to delineate an absolute tyrant, the cruelty of Richard the Third, and all the subtilty, treachery, deep dissimulation, abominable projects, and dishonourable shifts that ever were separately in any that swayed the English scepter, conspired together to make their habitation in this whited wall: Therefore I humbly pray, that as he has made himself a precedent in committing such horrid acts, which former kings and ages knew not, and have been afraid to think of, that your lordship and this high court, out of your sublime wisdoms, and for justice sake, would make him an example for other kingdoms for the time to come, that the kings of the earth may hear and fear, and do no more so wickedly; that he which would not be a pattern of virtue, and an example of justice in his life, may be a precedent of justice to others by his death.

Courteous reader, for thy full satisfaction in matter of law, how the late king was by the law of the land accountable for his tyrannous and trayterous exorbitancies, I refer thee to my lord president's most learned and judicious speech, before the sentence read. And I have one word to add: That high court was a resemblance and representation of the great day of judgment, when the saints shall judge all worldly powers, and where this judgment will be confirmed and admired; for it was not only *bonum* but *bene*; not only good for the matter, but the manner of proceeding. This high court did not only consult with Heaven for wisdom and direction, (a precedent for other courts to begin every solemn action with prayer,) but examined witnesses several days upon oath, to inform their consciences, and received abundant satisfaction in a judicial way, (which, by the law of the land, was not requisite in treason, the prisoner standing mute,) as judges, which before was most notorious and known to them as private persons; and having most perspicuously discerned and weighed the merits of the cause in the ballances of the sanctuary, law and right reason, pronounced as righteous a sentence as ever was given by mortal men. And yet what action was ever so good but was traduced? not only by unholy men, but by the holy men of the world; that professors should pray for justice, and then repine at the execution of it. Blessed Lord! How does the god of this world storm, now his kingdom is shaking? An enlightened eye must needs see that it is the design of Heaven to break all human glory with an iron scepter; that will not kiss his golden scepter, and to exalt justice and mercy in the earth. I confess, if the greater part of the world should approve such high and noble acts of justice, it might be suspected, because the most people will judge erroneously; but that Christians, that have fasted and prayed many years for justice, should now be angry to see it done, what is it? but, like foolish passengers, that have been long at sea in dangerous storms, as they are entring into the quiet haven, to be mad

with the pilot, because he will not return into the angry seas. But I shall observe one passage in the lord president's speech, as a scholar may presume to say a word after his master, concerning the many menaces and minatory dangerous speeches which are given forth concerning this high court. If men must be kill'd for the faithful discharge of their duties to God and their country, I am sure the murderer will have the worst of it in conclusion, if he should not be known here; (though murder is a sin that seldom goes unpunisht in this world; and never did any jesuite hold it meritorious to kill men for bringing tyrants and murderers to justice, or to do such horrid acts in the sight of the sun.) It was a noble saying of the lord president, that he was afraid of nothing so much as the not doing of justice; and when he was called to that high place which was put upon him, he sought it not, but desired to be excused more than once: Not to decline a duty to God and the people, for fear of any loss or danger, (being above such thoughts by many stories, as actions testifie,) but alledging that of himself, out of an humble spirit, which if others had said of him, I am sure they had done him a great deal of wrong. And though he might have been sufficiently discouraged, because it was a new, unpresidented tribunal of condemning a king; (because never did any king so tyrannize and butcher the people: find me but that in any history, and on the other side the leaf you shall find him more than beheaded, even to be quartered, and given to be meat to the fowls of the air;) yet the glory of God and the love of justice constrained him to accept it: and with what great wisdom and undauntedness of resolution, joined with a sweet meekness of spirit, he hath performed it, is most evident to all, the malignants themselves being judges. Concerning this high court:—To speak any thing of this glorious administration of justice, is but to shew the sun with a candle: (the sun of justice now shines most gloriously, and it will be fair weather in the nation; but, alas! the poor mole is blind still, and cannot see it; but none so blind as they that will not see it.) However, it is not proper or convenient for me at present to speak all the truth that I know (the generations that are to come will call them blessed) concerning the integrity and justice of their proceedings, lest I, that am a servant, should be counted a sycophant, which I abhor in my soul, as my body does poison. And this I will be bold to say, (which I hope God guides my hand to write,) this high court hath cut off the head of a tyrant; and they have done well; undoubtedly it is the best action that they ever did in all their lives; a matter of pure envy, not hatred; for never shall or can any men in this nation promerit so much honour as these have done, by any execution of justice comparable to this: and in so doing, they have pronounced sentence not only against one tyrant, but tyranny it self; therefore if any of them shall turn tyrants,\* or consent to set up any kind of tyranny by a law, or suffer any unmerciful domineering over the consciences, persons, and estates of the free people of this land, they have pronounced sentence against themselves. But good trees cannot bring forth bad fruits; therefore let all desperate malignants repent, ere it be too late, of any such ungodly purposes, and fight no longer against God. Every man is sowed here as a seed or grain, and grows up to be a tree: It behoves us all to see in what ground we stand. Holy and righteous men will be found to be timber for the great building of God in his love, when tyrants and enemies to holiness and justice will be for a threshold or footstool, to be trodden upon, or fit for the fire.

Lastly, for myself, I bless God I have not so much fear as comes to the thousand part of a grain: It is for a Cain to be afraid that every man that meets him will slay him. I am not so much solicitous whether I dye of a consumption or by the hand of Ravilliacks: I leave that to my heavenly Father:† If it be his will that I shall fall by

\* Coke seemed to anticipate the fate of Dorislaus, and others of the regicides, who fell by the daggers of the royalists.

the hand of violence, it is the Lord; let him do what he pleaseth. If my indentures be given in before the term of my apprenticeship be expired, and that I be at my Father's house before it be night, I am sure there is no hurt in all this: If I have but so much time left, I shall pray my Father to forgive the murderer. The blood of Christ can wash away sins of the deepest stain, but when he sees his children's blood sprinkled upon the bloody wretch, he loves every member as he loves himself. But know this, ye that have conceived any desperate intentions against those honourable justices who have made you freemen, unless you will return to Egypt:—If God, in wrath to you, and love to any of his people, should suffer you to imbrue your hands in any of their innocent blood, either you will repent or not: if you repent, it will cost you ten times more anguish and grief of heart than the pleasure of the sin can cause delight; and what a base thing is it to do that which must be repented of at the best? But if you repent not, it had been better for you to have never been born. But let every man be faithful in doing his duty, and trust God with the success, and rejoice in Christ, in the testimony of a good conscience; for he that hath not a soul to lose, hath nothing to lose. But, blessed be God, I have no soul to lose; therefore I desire only to fear Him, whom to fear, is the beginning of wisdom. And for all malignants to come in, and joyn with honest men in settling this nation upon noble principles of justice, freedom, and mercy to the poor, will be the best and greatest understanding.

---

*King Charles's Case truly stated: In Answer to Mr Cook's pretended Case of that blessed Martyr. By Mr Samuel Butler, Author of Hudibras.*

---

The history of the ingenious and witty author of *Hudibras* is so little known, that it is impossible to say whether he was really the author of the following tract, or whether, like many others, it was imputed to him without grounds. There is reason to believe that it may have been written by Birkenhead, then the Coryphæus of the royal party, whose style it resembles more than that of Butler.

---

MR COOK,

HAVING lately seen a book of yours, which you are pleased to call *King Charles's Case*, or an Appeal to all Rational Men concerning his Tryal, I was much invited to read it, by the ingenuity promised in your title: For having heard you stile yourself solicitor-general for the king's dread sovereignty, and your own honourable client the people, I was much taken with your impartiality, that not only exempts all rational men from being your clients in this case, in making them, by your appeal, your judges, (for no man, you know, can be judge in his own case,) but acknowledge your high court (from which you appeal to all rational men,) to consist of no such. But indeed I had not read many lines before I found mine own error, as well as yours, and your proceedings nothing agreeable to the plain dealing I expected from you; for you presently fall to insult upon the unhappiness of your undeserved adversary, and that with so little moderation, as if you strove to make it a question whether his incomparable patience, or your own ungoverned passion, should be the greater wonder of men; preposterously concluding him guilty, before, with one syllable, you had proved him so: A strange way of doing justice! Which you endeavour to make good by a strange, insolent

railing, and more insolent proceeding to the secret council of Almighty God, from whence you presume to give sentence on him ; a boldness no less impious than unjust in you, were it true, since we can never know it to be so.

But indeed it is hard to say whether you have shewn more malice or vanity in this notable declaration of yours ; for he that considers the affectation and fantastick lightness of your language (such as Ireland, a land of ire ; bite-sheep for bishops, and other such ingenious elegancies of quibble) must needs confess it an oratory more becoming a fool in a play, or Peters before the rabble, than the patrons of his sovereign's sovereign, or the gravity of that court which, you say, right wisely, shall be admir'd at the day of judgement. And therefore you do ill to accuse him of reading Johnson's and Shakespear's plays, which, it seems, you have more been in yourself, to much worse purpose, else you had never hit so right upon the very dialect of their railing advocates ; in which (believe me) you have really out-acted all that they could fantasie of passionate and ridiculous outrage.

For certainly, sir, I am so charitable to believe it was your passion that imposed upon your understanding, else, as a gentleman, you could have never descended to such peasantry of language, especially against such a person, to whom (had he never been your prince) no law enjoyns (whatsoever his offences were) the punishment of ribaldry. And for the laws of God, they absolutely condemn it ; of which I wonder you, that pretend so much to be of his council, should be either so ignorant or forgetful.

Calamity is the visitation of God, and (as preachers tell us) a favour he does to those he loves : wherever it falls it is the work of his hand, and should become our pity, not our insolence. This the ancient heathen knew, who, believing thunder came from the arm of God, reverenc'd the very trees it lighted on.

But your passion hath not only misled you against civility and Christian charity, but common sense also, else you would never have driven your chariot of reason (as you call it) so far out of the road, that you forget whither you are going, and run over every thing that stands in your way ; I mean your unusual way of argument, not only against reason, but yourself, as you do it at the first sally ; for after your fit of raving is over, you bestow much pains to prove it one of the fundamentals of law, that the king is not above the law, but the law above the king. And this you deraign, as you call it, so far, that at length you say the king hath not by law so much power as a justice of peace, to commit any man to prison ; which you would never have done, if you had considered from whom the justice derives his power, or in whose name his warrants run ; else you may as well say, a man may give that which he hath not ; or prove the moon hath more light than the sun, because he cannot shine by night, as the moon doth. But you needed not have strained so hard, for this will serve you to no purpose, but to prove that which was never denied by the king himself ; for if you had not a much worse memory than men of your condition should have, you could not so soon have forgotten, that, immediately after the reading of that charge, the king demanded of your high court, by what law they could sit to judge him, (as offering to submit, if they could produce any ;) but then silence or interruption were thought the best ways of confessing there was no such thing. And when he undertook to shew them both law and reason too, why they could not do it, the righteous president told him plainly, he must have neither law nor reason ; which was certainly (as you have it very finely) the most comprehensive, impartial, and glorious piece of justice that ever was played on the theatre of England ; for what could any court do more than rather condemn itself than injure truth ?

But you had better have left this whole business of the law out of your Appeal to all Rational Men, who can make no use of it, but against yourself ; for if the law be above the king, much more is it above the subject ; and if it be so heinous a crime in a king to endeavour to set himself above law, it is much more heinous for subjects to set themselves above king and law both. Thus, like right mountebanks, you are fain to



wound and poison yourselves to cheat others; who cannot but wonder at the confidence of your imposture, that are not ashamed to magnify the power of the law, while you violate it, and confess you set yourselves really above the law, to condemn the king, but for intending it.

And indeed intentions and designs are the most considerable part both of your accusations and proofs, some of which you are fain to fetch a great way off, as far as his coronation oath, which you next say, he, or the archbishops, by his order, emasculated, and left out very material words, (which the people shall choose.) Which is false; for these words were not left out, but rendered with more sense, (which the commonalty have;) and if you consider what they relate to, (customs,) you will find you cannot, without open injury, interpret *elegerit*, (in the Latin oath,) shall choose, not, hath chosen; for if you will have *consuetudines quas vulgus elegerit*, to mean customs, which are to be not only use, which must be often repeated before it become a custom, but choice, which necessarily precedes use.

But suppose it were as you would have it, I cannot see with what reason you can presume it to be a design to subvert the laws, since you know he had sworn to defend them before, in the first article of the oath, from which I wonder how you can suppose that so wise a prince (as you acknowledge him to be) could be so irrational to believe himself absolute by this omission. But you are not without further contradiction yet; for if he were so perfidious a violator of oaths as you would have the world believe, what reason had he to be conscientious of taking them? Certainly he hath little cause to be nice what oaths he takes, that hath no regard what oaths he breaks.

Nor can I possibly understand your other construction of his refusal to take the oath as his predecessors had done, which you will have a design to refuse his assent to such good laws, rather than bad ones, as the parliament should tender; for besides the absurd conceits, that he must still like the bad better than the good, if you consider what you say afterwards, the charitable sense will appear by your own words to be truest; for you confess he gave his assent to any bad one, else you had been fain, for want of such, to accuse him of a few good ones, as you do there. Which of these is most probable, let every rational Christian judge.

Your next argument, to prove the king's design to destroy the law, is thus ordered. Those knights that were by an old statute to attend at the king's coronation, being promised, by his proclamation, (in regard of the infection then spread through the kingdom,) a dispensation for their absence, were after fined at the council-table, (no doubt by the procurement of some of your own tribe;) where they, pleading the proclamation for their indemnity, were answered, that the law of the land was above any proclamation. Your conclusion is, therefore, the king had a design to subvert the laws. Sure there is no man in his wits, but would conclude the contrary. Such arguments as these are much like the ropes that Oæneus twisted, only for asses to devour.

But if this should fail, you know you are provided with another not less substantial, and that is, his alteration of the judges commissions, who heretofore had their places granted to them during their good behaviour; but he made them but during pleasure. Of this you make a sad business of a very imaginary evil consequence. But if you had considered before, what you say presently after, that the king, and not the judges, is to be accountable for the injustice and oppression of the government, &c., you would have found it very just that he should use his pleasure in their dismissal as well as choice; for men of your profession, that have lived long enough to be judges, are not such punies in cunning, to play their feats of iniquity above-board: And if they may still sit, they can be proved to have misbehaved themselves. The prince, that is to give account for all, may sooner know he is abused, than how to help himself.

§ All the inconveniency which you can fancy possible to ensue it, is only to such bad judges as buy their places; of whose condition and loss you are very sensible, as if they

had too hard a bargain of injustice. Believe, they may have reason enough to give unjust judgement, rather than lose their places and their money too, if they shall receive such intimation from the king. But you forget yourself, when you put this in your Appeal to all Rational Men; for they will tell you this was a bold affront done to your high court of justice: For if it were potential tyranny (as you will have it) in the king to have but a design to endure the judges to give sentence against the law, (which you say brings the people the very next step to slavery,) what is it in those who presume to give sentence themselves, not only contrary to law, but the declared opinion of all the judges, and those of their choosing too? And (I beseech you) whither, by your own doctrine, does this bring the people that submit to it? Certainly, if you, that can accuse the king of this, had been a Jew heretofore, you would not only have stoned your fellows, but your Saviour too.

But if all your arguments should miscarry, you have a reserve left, that does (as you say) irrefragably prove the design. What's that?—He is restless to destroy parliaments, or make them useless. Believe me, this is right *ignotum per ignotius*, excellent consequence, to prove his design by his desires: You should have proved his desires first, (if you would prove his thoughts by his thoughts;) for certainly if ever he designed it, he desired it first. You had better have concluded plainly, he did it because he designed it, for that is all one sense. But if I might be but half so bold with your designs, I should, with more reason, guess you have one to make us believe your familiar acquaintance with the secret councils of God, (which you so often pretended to;) else certainly, he has given the desires of men so private a lodging, that, without his own discovery, (which you can give us no account of,) you have no other way to know them. You do well; and, if I may advise you, you shall give over this unlucky thing called reason, and betake yourself wholly to revelations.

How these arguments might prevail with your high court of justice, I cannot tell; but, in my opinion, they had little reason to thank you for this last; for while you make the king a traitor, and prove his meer desire to destroy the parliament, or make it useless, a purpose to subvert the laws, you do but tell them what they are that have already done it, and the people what a deal of law they are to expect hereafter. All you can justly, in your own sense, accuse the king of, is but discontinuance, or untimely dissolution of parliaments; which I wonder with what sense you can interpret a design to destroy the parliaments, since all the world knows he parted with his power to dissolve the parliament too. But see how doubly unjust you are. You accuse him for not calling parliaments so often as he was bound to do by the law (once a-year, as you say, or oftner,) but never consider how that is impossible to be done, without dissolving them as often; for doing which, notwithstanding, with so much clamour you condemn him. Thus you charge him with inconsistencies, and may with much more reason accuse him for calling parliaments; because if he had not called them, he could never have dissolved them; which is very like your way of argument.—

But much better than you commonly use; for your next (to remove an objection out of your way) is thus managed: The king, and not the judges and evil counsellors, ought to be accountable for the male-administrations, injustices, and oppressions of the parliament. Your reasons are, because he made such wicked and corrupt judges. Were they not his own creatures? And ought not every man to be accountable for the work of his own hands? Believe me, this were something, if you could prove he made them wicked, as well as judges. But if this plea hold, you have argued well for your honourable clients the people; for if they made the king, as you say they did, you have cleared him of all such horrid crimes, murders, and massacres, which you take so much pains, to no purpose, to accuse him of; and, like a right man of law, have undone your clients, upon whose score you set them. Your next business will be, to prove God guilty of the sins of wicked men; for they are his creatures, and the work of his own.

hands, I take it. But this is your perpetual method of doing him right, to make him sole author and owner of all his ill-ordered or unhappy actions, and not allow him a share in any good deed or act of grace.

And these are the fundamentals of the charge, only suppositions of intentions and designs, which how far you have proved just or profitable, let any man but your self judge. The course you take afterwards is much worse, in my opinion; for you make your own grounds, and either not prove them at all, or (which is worse) prove them upon their own bottom; as when you take upon you to state the ground of your wars, and prove the king to be the cause of it, you do it thus:

The king (you say) set up his standard of war for the advancement and upholding of his personal interest, power, and pretended prerogative, against the publick interest of common right, peace, and safety. How do you prove this? Because he fought for the militia, for a power to call and dissolve parliaments, a negative voice, to make judges, confer honours, grant pardons, make corporations, inhance or debase money, and void his own grants. These you call his personal interest, power, and prerogative, which you say he fought for. Now put the position and proof together, and see what sense it will make: Truly none but this, that he made war for his prerogative, because he fought for his prerogative. Is not this fine logick? But suppose it were sense, how do you prove he fought for his prerogative? To this you have not one word to say; and why then should we rather take your word than the king's, who protested he took arms in defence of the protestant religion, the liberty of the subject, priviledges of parliament, and the laws of England? Certainly there is no man in his wits, but would rather believe his words than your arguments, if he does but consider that the most improbable part of all (he protested to fight for the defence of the priviledges of parliament) is found by experience to be no paradox. How true the rest is, time will instruct you. But yet I cannot see why we should not rather believe them than the pretences of the parliament, which were more to fight in defence of his person, and their own priviledges; which how they have performed your self can tell. But all this while you mistake your own question, which was not the right of the cause, but the cause, or (as you have it) the occasion of the war; and if you had a purpose to know that, actions had been the only guide of your inquiry; for intentions and words are uncertain; and if they make no assaults in private quarrels, I know not why they should in publick; and therefore, since we can never agree about the truth of more remote causes, 'tis most just for us to place the cause of the war where we find the first breach of the peace. Now that the king was cleared of this, all indifferent men, who had the unhappiness to be acquainted with the method of their own undoing, can very well testify. And if the parliament should deny it, their own votes would contradict them, as well as their actions; for when they first raised horse and arms, they pretended to do so, because it appeared the king, seduced by wicked council, intended to make war against the parliament; whereby they confess he had not then done it; and they had so little ground to make it appear he ever would, that they were fain to usurp the right of his cause, to justify their own, and they say, took arms for the defence of the king; which if we grant, it must follow they first made war against him; for no body else ever did, against whom they could possibly defend him. Nor did their actions, in offering the first violence, less declare who began the war, when, having an army ready to invade him before he set up his standard, they both followed and set upon him, as they did at Edge-Hill. Go as far as you can, you will still find the Scots (whose quarrel the parliament took up at the second hand, as well as they followed their examples) were the first beginners of all.

This being granted, how the king could afterwards do less than he did, I cannot understand. First, he was bound by the law of nature (which you say is legislative, and hath a suspensive power over all human laws) to defend himself; secondly, by his co-

ronation oath, which he took to keep the peace. And how could he do that, but by his raising power to suppress those who had already broken it? Thirdly, by the laws of the land, which, you say, trusted him with the power of the sword. And how could he preserve that trust, if he had sate still, and suffered others, not only to take it from him, but to use it against him?

But it is most probable that he never intended it, else he was very unwise to let them be before-hand with him, in seizing upon his castles, magazines, and ships; for which there can be no reason imagin'd, but that he was loath to give them any occasion (in securing them) to suspect he did but intend a war. And by all this, I doubt not but it appears plain enough to all rational men, that he was so far from being the cause of the war, that he rather fell into it by avoiding it; and that he avoided it so long, till he was fain to take arms at so great a disadvantage, as he had almost as good have sate still, and suffered. And in this you have used the king with the same justice the Christians received from Nero, who, having set Rome on fire himself, a sacrifice to his own wicked genius, laid the odium of it on the Christians, and put them to death for it.

But this way you found too fair and open for your purpose, and therefore declined it; for having proved his intentions by his desires, and his actions by his intentions, you attempt a more preposterous way yet to prove both, by what might have been his intentions: And to this purpose you have the confidence (in spite of sense) to make contingencies the final cause of things, and impolitick, accidental, possible inconveniencies (which all the wit of man can never avoid) the intended reasons of state: As when you will have the king fight for the militia, only to command the purse of the people; for a power to make judges, only to wrest the laws; to grant pardons, that publick-spirited men (as you call them) may be made away, and the murderers pardoned, &c. All which being creatures of your own fancy and malice, (and no part of his quarrel,) you are so far from proving what he fought for, that when you have strained your ability, all you can say is but this, in your own sense, that he fought for power to do that which he never would do when it was in his power. But if you take liberty, I can't but think how you would bestir yourself, if you could but get your God, as you have done your king, before such an impartial high court of justice as this! How would you charge him with his misgovernment in nature; for which, by the very same logick, you may prove he made us all slaves, in causing the weaker to hold his life at the pleasure of the stronger; that he set up a sun to dazzle our eyes, that we might not see, and to kindle fevers in our veins; made fire to burn us, water to drown us, and air to poison us; and then demand justice against him; all which you may easily do, now you have the trick on't; for the very same reason will serve again, and with much more probability; for 'tis easier to prove that men have been burnt, and drowned, and died of the plague, than to make it appear the king ever used your finer device to remove publick spirited men; or can you, without extreme injustice, suppose he ever would? For 'tis so much as very well known, he highly favoured and advanced his greatest opposers, (for such you mean, I know,) whom he found owners of any eminent desert; as he did the earl of Strafford and the attorney-general Noy, (and for other honest men, as you will have them,) whom frenzy or sedition set against him: By your own confession, he did not suffer those black stars (very strange ones) to slit their noses, and crop their ears.

But now I think these honest, publick-spirited men, certainly some of them, have not so good an opinion of the honesty of your publick proceedings, but they would willingly venture, not only their ears again, (if they had them,) but their heads too, in defiance of your most comprehensive piece of justice; whose cause while you take upon you to plead, against their consent, as you have done your honourable clients the people, you deserve in reason to be thrown over the bar by your own party; for you but

confess your own injustice, while you acknowledge the publick honesty of those that most oppose it.

How solid or pertinent those arguments of yours have been, let any man that is sober judge. But you are resolved, right or wrong, they shall pass; to let us know how easily he that has the unhappiness to be judged by his enemies is found guilty of any thing they please to lay to his charge; and therefore, satisfied with your own evidence, you proceed to sentence and condemn the king with much formality, by the fundamental laws of the kingdom, by the general law of all nations, and the unanimous consent of all rational men in the world, for employing the power of the sword to the destruction of the people, with which they intrusted him for their own protection. How you got the consent of rational men to this sentence, I cannot imagine; for 'tis most certain (by your own confession) that he never employed the sword but against those who first fought to deprive him of it; and, by that very act, declared they did not trust him, and consequently absolved him both from the obligation that he had to protect them, and the possibility too; for no man can defend another longer than he defends himself: So that if you will have your sentence to be just, you must confess it to be nonsense; for you must not only prove that those who fought against him were the people that trusted him, not those who fought for him, but the lesser, or less considerable part of the people; (the people, as you have the confidence to call your honourable clients, being not the twentieth part of the very rabble;) which if you can do, you are much wiser than Solomon; for it is easier to divide a child in two parts, than to make one of those two parts a whole child. And if you have the trick on't, you shall be next allowed to prove, that take four out of six, there remains six. Nor is there more justice or reason in the sentence than in the course you take to uphold it; for while you deny the old maxim of law, that the king can do no wrong, you maintain a new one, much worse, that he may suffer any; and having limited this power to act only according to law, expose him to suffer, not only without, but against law. Truly it is hard measure; but, rather than fail of your purpose, you will make as bold with Scripture as you have done with reason, if it stand in your way; as you do when you interpret that place of the apostle, "Where no law is, there is no transgression," to mean, where there is neither law of God, nor nature, nor positive law. I wonder where that is. Certainly you had better undertake to find out a plantation for Archimedes his engines to move the earth, than but fancy where that can be; which you must do before you can make this scripture to be understood to your purpose. And I cannot but smile, to think how hard a task that will be for such a strong fancy as yours, that cannot conceive what your self affirm; for when you deny it possible to suppose two supreme powers in one nation, you forget that you had acknowledged much more before; for you confess the king to be supreme, when you say, very elegantly, he made head against the parliament, who acknowledged him to be head thereof; and yet you say the parliament is the supreme authority of the nation. Thus you affirm that really to be, which you think is impossible to imagine.

But such lucky contradictions of your self, as well as sense, are as familiar with you as railing; for besides the many before mentioned, (and your common incongruities of speech is as far from construction as the purpose,) there are others, which, for your encouragement, ought not to be omitted. And when you would prove the king the most abominable tyrant that ever people suffer'd under, yet you say he was beloved by some, and feared abroad. His judges you compared to the saints sitting in judgment at the last day; and yet, by your own doctrine, they are more like bears and wolves, in sitting by a commission of force: Their high court is a royal palace of the principles of freedom; and yet, till the people voluntarily submit to a government, (which they never did to that,) they were but slaves. The parliament (you say) petitioned the king, as good subjects; and yet, immediately after, you make them his lords, and himself ser-

vant: So they give him the honour of his own royal assent, and yet they often petitioned him for it. His trial you call most impartial, and yet cannot deny all his judges to be parties, and his profest enemies. But you hit pretty right, when you say he caused more protestant blood to be shed than ever was spilt either by Rome, heathen, or antichristian; for grant that partly to be true, and confess as much protestant blood as ever was spilt by the heathen Romans, unless they could kill protestants eight hundred years before there were any in the world; which eloquent piece of nonsense we must impute to your ignorance in chronology, or confusion of notion, which you please. Nor are those riddles of contradiction only in your words, but in the whole course of your proceedings; for you never do the king any right, but where you do him the greatest wrong; and are there only rational, where you are most inhuman; as in your additional accusations since his death; for there you undertake to prove something, and give your reasons (such as they are) to make it appear; which were fair play, if you do not take an advantage too unreasonable, to argue with the dead. But your other impeachments consist only of generals, prove nothing, or intentions, which can never be proved, or your own forc'd constructions of actions, or what might have been actions, but never were; all which you only aggravate with impertinency and foul language, but never undertake to prove. And if we should grant all you would say, and suppose you said it in sense or order, it would serve you to no purpose, unless you have, by proof or argument, applied it to him; which you never went about to do.

But if this were the worst, you might be borne with, as a thing more becoming the contempt than the anger of men; but who can preserve any patience, that does but think upon that prodigy of your injustice, as well as inhumanity, to accuse the king, after his death, of what you were ashamed to charge him with when alive? For what you say concerning the death of King James, you will become the scorn of your own party; for they never us'd it farther than they found it of advantage to some design they had in hand; as when they would move the king to grant their propositions, they made it serve for an argument to him: if he would sign, he should be still their gracious king; if not, he killed his father. But when they found he would not be convinced with such logick, they laid it utterly aside; for (without doubt) they had not lost an advantage so useful as they might have made it in the charge, had they not known it would have cost them more impudence to maintain, than they should need to use in proceeding without it. But let us consider your student's might, with which you first say you are satisfied, and yet after have it as a riddle. First, he was observed to hate the duke, but instantly, upon the death of King James, took him into his special grace and favour; of which you conceive this art must be the cause. Believe me, your conjecture is contrary to all experience, and the common manner of princes, who use to love the treason, but hate the traitor. And if he had been so politick a tyrant as you would describe him, he would never believe his life safe, nor his kingdom his own, while any man lived (much less his enemy, whom such a king would never trust) of whose gift and secrecy he held them both: Nor is it likely that he, who would not spare the life of his father to gain a kingdom, should spare the life of his enemy to secure it. As for his dissolving the parliament, I believe not only all wise men, but all that ever heard of this will acquit him: Whether he did it to avoid the duke's impeachment, you cannot prove: but if you could, you must consider, that, in such cases, princes may as well protect their favourites from injury as justice; since no innocence can save them, if they lie as open to the question as they do to the envy of men.

But for the better satisfaction of those you appeal to, I shall add this: It is most certain that this humour of innovation began to stir in the first parliament of this king, and grow to an itch in the commons for the alteration of government; to which end,

they first resolved to pull down the chief instrument thereof, the duke of Buckingham, But having then no Scotch army, nor act of contiuanance to assure their sitting, all the wit of malice could never invent more politick course than to impeach him, and put this article (true or false) into his charge; for thus they were not only sure of the affections of the people, who (out of the common fate of favourites) generally hated the duke, and are always pleased with the ruin of their superiors, but secured from the king's interposition, whom they believed, by this means, bound up from protecting the duke, (tho' he knew his innocency,) lest the envy and fancy of all should fall upon himself. But the king, who understood their meaning, and knew this was but in order to their further attempts, (which always begin with such sacrifices,) suddenly dissolved the parliament, and, by his wisdom and policy, kept that calamity sixteen years after from the people, which the very same courses and fate of these unhappy times have since brought upon them. But you have taken more pains to prove him guilty, since his death, of the rebellion in Ireland, altho' with as little reason or ingenuity; only you deal fairly in the beginning, and tell us what judgment and conscience we are to expect from you, when you say, as a ground of all your proofs, if you meet a man running down stairs with a bloody sword in his hand, and find a man stabbed in the chamber, though you did not see this man run into the body by that man which you met, yet if you were of the jury, you durst not but find him guilty of the murder. I hope not, before you know whether the man killed were sent by the king to fetch the man you met, for then you may say it must be in his own defence. Truly you are a subtil enquirer.—But let us hear some of the clear proofs. First, he durst never deny it absolutely. Besides the notorious falsehood of that, it is most senseless to imagine that he who had wickedness enough to commit so horrid an act, should have the innocent modesty not to deny it, when he durst not own it.

He sent thanks to Muskerry and Plunket by Ormond; which you are confident his height of spirit would never have done, if he had not been as guilty as themselves. And may not Ormond, that carried the thanks, be, by the same reason, as well proved guilty as the king? What's next? If he had not been guilty, he would have made a thousand declarations, and have sent to all the princes in the world for assistance against such hell-hounds and blood-hounds, &c. That was impossible to be done, without sending to the pope, and then you would have proved it clear indeed. But the copy of his commission to the Irish rebels is in the hands of the parliament. 'Tis most certain they never believed it themselves, else it had not been omitted in the charge. But now for an argument to the purpose. After the Irish were proclaimed traitors and rebels by the king, their general council made an oath to bear true and faithful allegiance to King Charles, and by all means to maintain his royal prerogative, against the puritans in the parliament of England; which they would never have done, unless he had commanded or consented to the rebellion. But observe then what will follow. After the two houses at Westminster were proclaimed rebels and traitors by the king, they made a solemn covenant to defend his royal person, rights, and dignities, against all opposers whatsoever; and therefore, by the same reason, he did command or consent to the war raised by the parliament against himself. But did they not say they had his commission, and call themselves the king and queen's armies? But then you forgot who they were that said so:—hell-hounds and blood-hounds, fiends and fire-brands, and bloody devils, not to be named without fire and brimstone. Do you think such are not to be believ'd, (especially when they speak for their own advantage,) rather than the people of God, the faithful of the land at Westminster; who likewise, when they raised forces, said, they did it for the king and parliament? Can any man in his wits deny but the king is to be believed before either of these? And yet you cannot be perswaded but his offer to go in person to suppress the rebellion was a design to return at the head of 20 or 30,000 rebels, to have destroyed this nation. That's very

strange ! - But first, how shall we believe what you say before, (to shew your breeding.) Never was bear so unwillingly brought to the stake, as he to declare against the rebels, if he offer'd to adventure his person to suppress them. When you have made this agree in sense, let us know how you can suppose the samē person the wisest king in Christendom, and yet so foolish to study his own destruction ; for who could suffer so much in the ruin of this nation as himself ? For his hindering the earl of Leicester's going into Ireland, he had much more reason to do so than the parliament had to hinder him ; and therefore you may as well conclude them guilty, as him, of the rebellion.

That he sold or exchange'd for arms and ammunition the cloath and provisions sent by the parliament to the protestants in Ireland, you must either accuse the parliament, which seiz'd upon his arms first, and used them against him, or prove them above the law of nature, (which I believe you had rather do,) that commands every man to defend himself. But the rebels in Ireland gave letters of mart for taking the parliament's ships, but freed the king's, as their very good friends. I see you are not such a wizard at designs as you pretend to be ; for if this be the deepest reach of your subtilty, had you been a senator in Rome, when Hanibat invaded Italy, and burnt all the country of the Roman dictator, you would have spared no longer to have proved him confederate with the enemy. But I fear I may seem as vain as your self in repeating your impertinencies. There is one argument that would have served instead of all to convince you of wickedness and folly in this business, and that is the silence of the charge, which, by your own rule, ought to be taken (*pro confesso.*) There was never any such thing.

I will not trouble my self nor any body with your French legend, as being too inconsiderable to deserve any serious notice, built only upon relations and hear says, and proved with your own conjectures, which how far we are to credit from a man of so much bias and mistakes, any of those you appeal to shall determine ; to whom I shall say but this, that you do but acknowledge the injustice of the sentence, while you strive to make it good with such additions ; for if you had not believed it very bad, you would never have taken so much pains to mend it : And I hope your high court will punish you for it, whose reputation your officious indiscretion hath much impaired, to no purpose : For tho' we should grant all your additions to be true, as you would have it, it does not at all justify the king's death, since he did not die in relation to any thing there objected ; and all you can possibly aim at by this pitiful argument is but to prove him guilty, because he was punished ; for you can never prove him punished, because he was guilty.

For your epilogue, I have so much charity to believe it, being of a different thread of language, none of your own, but either penn'd for you by your musty Peters, or else you writ short-hand very well, to copy after the speech of his tongue. However you came by it, sure I am, it could come from no body else ; and having said so, I hope I shall need to say no more ; for I shall be loth to commit the sin of repeating any of it. But since it is but a frippery of common places of pulpit-railling, ill put together, that pretend only to passion, I am content you should use them your self, and be allowed to say any thing, with as little regard as if you wore your priviledge : Yet, lest you should grow so conceited as to believe your self, I will take Solomon's advice, and answer you, not in your own way of railing or falsehood, but in doing some right to truth, and the memory of the dead, which you have equally injured.

---

*The Character of King Charles I. By Mr Butler.*

That he was a prince of incomparable virtues, his very enemies cannot deny, (only they were not for their purpose,) and those so unblemish'd with any personal vice, that



they were fain to abuse the security of his innocence, both to accuse and ruin him. His moderation (which he preserved equal in the extremity of both fortunes) they made a common disguise for their contrary impalations, as they had occasion to miscall it, either an easiness to be misled by others, or obstinacy to rule by his own will. This temper of his was so admirable; that neither the highest of temptations, adoration, and flattery, nor the lowest of misery, injuries, the insolency of fools, could move him. His constancy to his own virtues was no mean cause of his undoing; for if he had not stated the principles of government upon unalterable right, but could have shifted his sails to catch the popular air when it grew high, (as his enemies did,) they had never undone him with empty pretendings to what he really meant. His wisdom and knowledge were of so noble a capacity, that nothing lay so much out of his reach as the profound wickedness of his enemies, which his own goodness would never give him leave to suspect, nor his experienced power to discover; for they managed the whole course of his ruin, as they did the last act of it, in disguise; else so great a wit as his had never been circumvented by the treachery and cheat, rather than policy of ignorant persons. All he wanted of a king was, he knew not how to dissemble, unless concealing his own perfections so, in which he only deceived his people, who knew not his great abilities, till their sins were punished with the loss of him. In his death, he not only out-did the high resolution of the ancient Romans, but the humble patience of the primitive martyrs; so far from the manner of tyrants, who use to wish all the world their funeral pile, that he employed the care of his last thoughts about the safety of his very enemies, and died not only consulting, but praying for the preservation of those whom he knew resolved to have none, but what was built upon their own destruction.

All this, and much more, the justice of posterity (when faction and concernment are removed) will acknowledge to be more true of him than any of those slanders you (or the mad wickedness of this age) have thrown upon his memory, which shall then, like dung cast at the roots of trees, but make his name more flourishing and glorious, when all those monuments of infamy you have raised shall become the trophies of his virtue, and your own shame. In the mean time, as your own conscience, or the expectation of divine vengeance shall call upon you, you will see what you have done, and find there is no murder so horrid, as that which is committed with the sword of justice; nor any injustice so notorious, as that which takes advantage both of the first silence of the living, and that of the dead. In this last you have been very sinful, and, in accusing the dead, have not behaved yourself so like a saint at the day of judgment, as the devil, whose office is to be solicitor-general in such cases. I will not judge you, lest I should do worse—imitate you. But certainly you will find it the worst kind of witchcraft to raise that devil by sacrificing to your own malice, especially to so bad a purpose as you have done, that you might invade the judgment-seat of Christ, and usurp his jurisdiction before his coming; which you have presumed to do with more rudeness than Hacket used, and less formality, in not sending your fore-runner to proclaim (in a turnep-cart) your coming to judgment. But the worst of all is, you seem to glory in your sins, and assert the martyrdom of your wickedness, for having supposed a possibility you may fall by the hands of violence. You arm yourself with a forced resolution, which you may be confident you will never have need of; for you have no reason to think any man can believe you have deserved a violent death: no, you have deserved rather to live; long, so long, till you see yourself become the controversy of wild beasts, and be fain to prove our scare-crow; unless you shall think it just, that, as you have been condemned out of your own mouth, so you should fall by your own hand. Indeed there was not a hangman bad enough for Judas, but himself. And when you shall think fit to do yourself so much right, you shall be your own soothsayer, and fall by the hand of a Raviliac; to whom, with more likeness, compare

yourself, than to Henry IV., for you are no king. What Raviliac was, is very well known; what you are, I leave to your own conscience.

*A true Narration of the Title, Government, and Cause of the Death of the late Charles Stuart, King of England. Written for the satisfaction of all those that are not wilfully obstinate for a Regal Government, and neglecters or contemners of their own just Liberties. 1649.*

THE title of William the Conqueror, (by some surnamed the Bastard,) who first compelled our English necks to bear his Norman yoke, (whatever others may pretend,) was by his sword only, by power whereof his successors (even to this Charles Stuart, late king of England.) have, as it were, forced the suffrage of the people to their several elections and coronations, and by the same power have maintained all their actions, howsoever unjust, tyrannous, and illegal, contrary to that ancient, known, and received opinion in law, that the king is *singulis major, universis minor*; by which unjust, usurped, and tyrannous power of kings, they are become indeed (instead of shepherds, careful to defend their flocks) most ravenous wolves, whose paunches are never longer full than they are devouring the silly sheep; as may most plainly appear in the late bloody and tyrannous reign of this Charles Stuart, whose boundless prerogative (had his sword prevailed) had, like a general inundation, at once swallowed up both the laws of the land, the liberties of the subject, the priviledges of parliament, and turned the sweet and pleasant streams of the gospel (into that sea of antichrist) into popish superstition. In the times of peace he was the most covetous P. that ever reigned in England, not caring how his subjects were impoverished or abused, so his private coffers were enriched. He never cared to maintain the laws, except such as conduced to his own particular profit, or to the augmenting his prerogative to that unlimited power, that his will, like the great Turk's, might command the lives and fortunes of all his subjects. In point of religion, his intents may be easily discerned, by intruding the new liturgy on the kirk of Scotland, and that too immediately after his coronation there; he well knowing that it could be no way consistent with the covenant by them taken, and maintained for some ages before; as also by enjoying and compelling the communion-tables in England to be removed, and set altar-wise, with altar-worship, (thereby making way for the introducing of popery,) it being contrary to the known laws of this kingdom. We let slip his ambition of rule, though by common fame sealed in his father's blood, and fall to the point of that unparalleled piece of tyranny begun against the Scots, and since prosecuted against us, his late subjects of England. To begin therefore with the Scots, who, after many humble petitions, and fruitless answers, were forced, for their own safeties, to take arms, yet, with all submission, (upon a treaty,) taking the king's solemn engagement, laid them down, notwithstanding the great charge they had been put to, and their inability to bear the same. After which peace, the end of war being then expected, the conditions of the treaty were so well kept, that, the spring following, they were again forced (for their refuge) to take arms; in which their success is so notorious to all men, that the king, not able to raise or maintain an army able to oppose them, was, by necessity, compelled to call a parliament, only (as by the issue it appeared) to borrow monies, (without any intent to satisfie the subject;) which when he found he could not accomplish, he not only suddenly dissolved and imprisoned the members, but, by power of his own royal prerogative, as he calls it, (without consent of parliament,) endeavoured to impose on the free people of England the heavy tax of tunnage and poundage; which when he found that he could not wade through, the Scots at that time being come into the kingdom, necessity once more compelled him to call another parliament; who, in their wisdoms, contracted with the

Witness the monopolies and ship-money; witness the long vacancy of parliaments, and the illegal proceedings against the earl of Castlehaven; the overawing the judges about ship-money, and the tyrannical proceedings of the star-chamber.

The Scots by still liable to be questioned

Scots, for a great sum of money, to depart the kingdom, and willingly condescended that the king should go into Scotland to compose and settle businesses there; which was no sooner effected, and he well rid of the Scots, and received into the city of London with joy and triumph, but he had presently his design on foot, how to be rid of this parliament also; which, by reason of the act of continuation, could not be otherwise effected than by bringing up his northern army, not then disbanded; which failing, he resolved to render his act of continuation (of grace he called it) as fruitless as possible might be; whereupon, he first makes way to send the queen beyond seas with the chief jewels of the crown, endeavouring, through her means, to move foreign princes to send him aids to make war upon his rebellious parliament, as he called them; after whose departure, contrary to all laws, or the precedent of any of his predecessors, he associated with a company of rude and uncivil fellows armed, came to the house of commons to demand the five members, and, notwithstanding he received the assurance of the house for their forth-coming, never so much as brought in any charge against them; but finding himself frustrated in that his tyrannous design, immediately left the parliament, and repaired to Windsor, where he mustered together many deboused persons and cavaliers, with promise of great preferments and monies, if they would attend him at York, which they accordingly did; he in the mean while trifling out the time, under the pretence of a treaty about settling the militia, with the parliament, first at Tybals, after at Newmarket, and at last at York; in the mean time demanding the town of Hull, and providing arms, money, and men to make an army, (the parliament not yet dreaming of any such matter,) which he soon after performed, by setting up his standard at Nottingham.

for their first coming into England, not being authorized by king nor parliament.

And as this army was treacherously raised, under the cunning pretence of a treaty, so he hath proceeded with them to destroy the good people under the same colour ever since, so long as he had an army; in which time, on both sides, above an hundred thousand of the good people of England have been murdered and destroyed. And since the said armies, by him raised, have been routed and dispersed, and he himself as a prisoner at the dispose of parliament and army, how many new commotions (in Wales, Scotland, Kent, Essex, Surry, and the West) he hath contrived (as much as in him lay) to the utter destruction of this whole nation, is sufficiently manifest to all men who are not more blinded in affection to the name of king than in love with their own just liberties. And, in the last treaty in the Isle of Wight, it did most evidently appear to the high court of justice, upon the examination of sufficient witnesses, that Charles Stuart (what pretences soever he made, or what assurances soever he pretended to give) never did, nor ever would decline the late murder of his subjects, but would ever prove it as an act most just. Yet, notwithstanding all these tyrannies, so unwilling were the parliament to depose him, much more to take his (long since forfeited) life, that had he not sent his two sons beyond sea, with commission to invade this nation, and to rob and murder his good subjects both by sea and land, (and at this very instant time of treaty, plotted and endeavoured a new disturbance by all means, labouring to engage the city of London to joyn with him in the same bloody design) he might have yet remained unquestioned.

Witness the falling on at Brainschford, on Col. Hollis his regiment.

Thus having given the reasons that forced on the king's ruin, and in him the disabling the Norman line for the future, all those that are true lovers of liberty, the laws, religion, and the kingdom's welfare, may both feel and see themselves unloosed from the Norman yoke, under which our forefathers have suffered for the space of five hundred sixty and two years; for which let all true Englishmen rejoice, and with the author cry, *Vivat lex, exercitus, vera religio, senatus populusque Angliæ.*

*The Declaration of the Reverend Mr Alexander Henderson, Principal Minister of the Word of God at Edinburgh, and chief Commissioner from the Kirk of Scotland to the Parliament and Synod of England, made upon his Death-bed.*

This declaration is imputed to the celebrated Alexander Henderson, the apostle of the Scottish covenant. As he had distinguished himself during the Scottish disturbances which preceded the great civil war, by his zeal for presbytery, he was judged by his brethren the most fit person to convince Charles I. of the *ius divinum* of that mode of church government. He accordingly attended the king while he was with the Scottish army, officiated as his chaplain, and exchanged several papers with him upon the comparative merits of presbytery and adepiscopacy. But ere this debate was concluded, Henderson was taken ill, and obliged to retire to Edinburgh, where he died about the middle of August, 1646. The royal party affirmed, that upon his death-bed he drew up the following declaration, which, to say the least, is contrary to the tenour of his whole life and doctrine. But the general assembly considering it as a forgery by some of the Scottish episcopal clergy, issued the following counter-declaration :

“ The general assembly of this kirk having seen a printed paper intituled the Declaration of Mr Alexander Henderson, Principal Minister of the Word of God at Edinburgh, and Chief Commissioner from the Kirk of Scotland to the Parliament and Synod of England, made on his death-bed ; and taking into their serious consideration how many gross lies and impudent calumnies are therein contained, out of the tender respect which they do bear to his name, (which ought to be very precious to them and all posterity) for his faithful service in the great work of reformation in these kingdoms, (wherein the Lord was pleased to make him eminently instrumental;) and least, through the malice of some, and ignorance of others, the said pamphlet should gain belief among the weaker sort, they have thought fit to make known and declare concerning the same as followeth :

“ That, after due search and trial, they do find that their worthy brother Mr Alexander Henderson did, from the time of his coming from London to Newcastle; till the last moment of his departure out of this life, upon all occasions, manifest the constancy of his judgment touching the work of reformation in these kingdoms ; namely, in all his discourses and conferences with his majesty, and with his brethren who were employed with him in the same trust at Newcastle, in his letters to the commissioners at London, and particularly in his last discourse with his majesty, when departing from him at Newcastle, being very weak and greatly decayed in his strength. When he came from Newcastle, by sea, to this kingdom, he was in such a weak, worn, and failed condition, that it was evident to all that saw him that he was not able to frame any such declaration ; for he was so spent that he died within eight days after his arrival : And all that he was able to speak in that time did clearly shew his judgment of, and affection to the work of reformation and cause of God, to be every way the same then that it was in the beginning and progress thereof, as divers reverend brethren who visited him declared to this assembly, particularly two brethren who constantly attended him from the time he came home till his breath expired.

“ A further testimony may be brought from a short confession of faith under his hand, found among his papers, which are expressed as his last words ; wherein, among other mercies, he declareth himself ‘ most of all obliged to the grace and goodness of God, for calling him to believe the promises of the gospel, and for exalting him to be a preacher of them to others, and to be a willing, though weak instrument in this great and wonderful work of reformation, which he earnestly beseeches the Lord to bring to a happy conclusion.’ Other reasons may be added, from the levity of the style, and manifest absurdities contained in that paper ; upon consideration of all which, this assembly do condemn the said pamphlet, as forged, scandalous, and false : And further, declares the author and contriver of the same to be void of charity and good conscience, and a gross liar and calumniator, led by the spirit of the accuser of the brethren.”—*STEVENSON'S History of the Church and State of Scotland*, vol. iii, p. 1144.

The controversy was revived in the dispute between the learned Ruddiman and Logan, the latter addressing an epistle to the former, in vindication of Alexander Henderson from the charge of recanting his principles on death-bed. Judging from internal evidence, there is every reason to believe that the reverend assembly and Mr Logan are completely justified in challenging the authenticity of the document in question.

---

Whereas the greatest part of the distempered people of these miserable distracted kingdoms have been, and are woefully abused and misled with malicious misinformations against his sacred majesty, especially in point of religion and moral wisdom; whereof I confess, with great grief of heart, myself to have been none of the least who, out of imaginary fears and jealousies, were made real instruments to advance this unnatural war,—I conceived it the duty of a good Christian, especially one of my profession, and in the condition that I lie, expecting God Almighty's call, not only to acknowledge to the all-mercifull God, with an humble sincere remorse of conscience, the greatness of this offence, but also, for the better satisfaction of all others, to publish this declaration to view of the world; to the intent that all those (especially of the ministry) who have been deluded with me, may, by God's grace, and my example, not only be undeceived themselves, but also stirred up to undeceive others with more alacrity and facility. I do therefore declare, before God and the world, that since I had the honour and happiness to converse and confer with his majesty with all freedom, especially in matters of religion, that I found him the most intelligent man I ever spoke with; as far beyond my expression as expectation, grounded upon the information that was given me (before I knew him) by such as I thought should have known him. I profess, that I was oft-times astonished at the solidity and quickness of his reasons and replies; wondered how he, spending his time so much in sports and recreations, could have attained to so great knowledge. I must say, that I never met with any disputant of that mild and calm temper, which convinced me the more, and made me think that such wisdom and such moderation could not be without an extraordinary measure of divine grace. I observed all his actions, more particularly those of devotion, which, I must truly say, are more than ordinary. I informed myself of others, who had served him from his infancy, and they all assured me, there was nothing new or much enlarged, in regard of his troubles, either in his private or publick way of exercise. O that those who sit now at the helm of these weather-beaten kingdoms had but one half of his true piety and wisdom! I dare say the poor oppressed subject should not be plunged into so deep gulphs of impiety and misery, without compassion and pity. I dare say, if his advice had been followed, all the blood that is shed, and all the rapine that is committed, should have been prevented. If I should speak of his justice, magnanimity, charity, and sobriety, chastity, patience, humility, and of all his both Christian and moral virtues, I should seem to flatter him to such as do not know him, if the present condition I lie in did not excuse me from any suspicion of worldly ends, when I expect every hour to be called, and the discharging my conscience before God and men did not oblige me to declare the truth simply and nakedly. Never man heard him complain or bemoan his condition, in the greatest durance of war and confinement. When he was separated from his dearest consort, and deprived of the comfort of his innocent children, the hopefulest princes that ever were in these ingrate kingdoms; when he was denied of his counsellors and domestick servants, and stripped of all council and help of man, and used so harshly as would have stupified any other man, then did his undaunted courage and transcendant wisdom shew itself more clearly, and vindicate him from the obloquy of former times, to the astonishment of his greatest enemies. I confess, this did so take me, that I could not but see the hand of God in it,

which will render his name glorious, and (I greatly fear) ours ignominious to all posterity.

N. B. It is to be observed, that this gentleman, when he came from Newcastle to Edinburgh, did design to unbosom himself in the great church at Edinburgh, as to the virtues of King Charles I., and the reasons of this change of his opinion of him; which being understood by some leaders in the assembly, they hindered his preaching; after which he fell sick, and, no doubt, to unburthen and ease his mind, drew up in this declaration what he intended to preach, had he been permitted. This was one of many of the loyal converts the king made, who wanted only to be known to be admired, and was still the more admired the better he was known.

---

*The Sentiments of Mr Vines (another eminent Presbyterian Minister) of King Charles I.*

---

This recantation seems to be as apocryphal as that of Mr Alexander Henderson.

---

When Mr Vines returned from the treaty at Uxbridge, Mr Walden being at London with Mr Nathaniel Gilbert, news was brought to them that Mr Vines was returned; whereupon they both went to Mr Vines, who, after usual ceremonies between friends, said, with great affection, Brother Walden, how hath this nation been fooled? We have been told that our king was a child and a fool; but if I understand any thing by my converse with him, which I have had with great liberty, he is as much of a Christian prince as ever I read or heard of since our Saviour's time. He also said, he is a very precious prince, and is able of himself to argue with the ablest divines we have. *Item*, that he gave such undeniable reasons for episcopacy, &c., that the world could not answer them: That he had convinced him that it was agreeable to the primitive times. As for his (meaning the king's) clergy, there is no fence against their flails; they are a great deal too hard for us. In short, that among all the kings of Israel and Judah, there was none like him.

---

*A Declaration from his Highness the Prince of Wales, concerning the illegal Proceedings of the Commons of England, and his Resolutions to endeavour the Settlement of the ancient knowne Lawes of the Kingdome of England.*

London, printed 1648.

---

Charles II. appears to have used every exertion to prevent his father's fate. The following is a private letter which he contrived to convey to the king, notwithstanding his strict confinement, and is a favourable commentary on his public declaration.

"Having no means to come to the knowledge of your majesty's present condition, but such as I receive from the prints, or (which is as uncertain) report, I have sent this bearer, Seamour, to wait upon your majesty, and to bring me an account of it: That I may withall assure your majesty, I do not only pray for your majesty, according to my duty, but shall alwaies be ready to do all which shall be in my power to deserve that blessing which I now humbly beg of your majesty upon, sir, your majesty's most humble and most obedient son and servant,  
*Hague, 23d January, 1648.*

CHARLES."

SANDERSON'S *History of King Charles*, Lond. 1658, fol. p. 1135.

Having religion and reason to guard my actions, I need not be timorous to declare my intentions; neither doe I intend to act any thing that shall infringe the subjects liberty, or subject myself to that illegal, and never-before-heard-of, authority which is lately crept out of the womb of faction. I confesse I cannot accuse all, nor excuse some: Those which I accuse are they who unjustly condemned my royal father, whose blood cannot be washed out of their spongius soules without an inundation of repentance: Those which I excuse are they which really endeavoured the prevention of so great a mischief.

1st, Let us consider their cruelty in imprisoning his person.

2dly, Their audaciousnesse in bringing him to an unjust trial.

3dly, Their barbarousnesse in condemning him without law or justice, not permitting him the liberty of speech.

I leave it to the world to judge whether these proceedings could be polished either with religion or justice? Or whether I (who have as great a portion of grief as any) can in justice wink at these enormities? No, I cannot, nor will not. I am, therefore, resolved to hazard that which is most deare to me, to recover and propagate the ancient lawes and liberties of the kingdome of England, whose crowne I may and will claime by lawful inheritance, in despite of those that pretend the greatest good to the kingdome, and intend the least; they have already acted their parts, and now (God assisting me) I will act mine, in opposing that spurious offspring, which is now more potent than just. Therefore, let them expect and prepare themselves to heare the alarums of justice, which shall suddenly rattle in their eares. I am well assured that my cause is balanced with justice, and that all unbribed hearts will be assistant to my designes. I will not waste so much time as to expostulate, or guild my intentions with plausible oratory; but with as much brevity as my cause will afford me, declare the reasons of my proceeding, which are as follow:

#### I.

1st, It is sufficiently knowne that my royall father (during the time of his life) was alwaies willingly active to subscribe and condescend to any thing that was conducing to the peace and welfare of the kingdome; and without any sinister ends, agreed to a personal treaty with his two houses of parliament, protesting (and at last sealed his protestation with his blood) that nothing was more predominant in his thoughts than the preserving of his subjects liberties, and the priviledges of parliament; the reality of which his last declaration from the Isle of Wight doth abundantly manifest.

#### II.

2dly, After his concessions were voted satisfactory, yet they were disavowed by that pregnant and pernicious party of independents, who endeavoured to enervate monarchy by the advancing democracy, and to regulate the kingdome according to their owne unlimited desires.

## III.

3dly, Did not the army under the command of General Fairfax protest and covenant to maintain the privileges of parliament; and now have deviated from their protestations, by their late barbarisme perpetrated on them, by imprisoning and subjugating those that were their first masters, and all this for the liberty of the subject? If these things can be consonant either to law or justice, let the world judge.

## IV.

Lastly, Did they not promise to make my royal father a glorious king, whom they have inhumanely murdered by a new-bred authority of their own instituting, and warp their protestations by the fire of their owne ambitious desires; pretending to prevent great mischiefs by enacting greater?

These, and other abominations under which the land groanes, are sufficient motives to incite my resolutions, and draw the world about their ears. And I hope all Christian princes (after they are fully acquainted with the particulars of my designes) will be ready to afford me their timely assistance, by which they shall engage me hereafter to shew myself ready in the performance of any thing which shall conduce to their peace and welfare.

I must now declare myself to the world, that I am an absolute enemy to the proceedings of those that title themselves the commons of England; and am resolved (by the grace of God) to employ the uttermost of my endeavours to reduce them to their former lawes, or else subvert them and their adherents. It is well known with what milde importunities my royal father accosted them, and yet could not woe them into an accommodation. 'Tis not unknown with what unfained alacrity he declared (even at his death) that he valued his subjects liberty more than his own life; and yet all these expressions made no impression on their obdurate hearts; therefore, I am confident that it is impossible to conquer them with any language but the language of the sword, with which I intend suddenly to treat. And I protest, that I will not willingly injure any that shall desert them, or are already oppugnant to their wicked designes; but will with my life and fortune protect them. And they that will in time repair to me shall be respected, and rewarded for their loyalty.

I further declare, that I am free from the thoughts of inducing any tyrannical or arbitrary government, or breaking the privileges of parliament, or infringing the subjects liberty; but will absolutely endeavour to re-establish the ancient and knowne lawes of the land: For the effecting whereof, I shall desire all real hearts to shew their readinesse in promoting so excellent a work, and joyntly pray with me that God would prosper our designes, that we may once more sit under our vines and our fig-trees, and eat the fat of our land in peace and unmoled tranquillity.

---

*Letters from the States General, &c. to the Parliament of England, &c., to desist from executing King Charles.*

---

It seems obvious that the High and Mighty States, who here hold communication with the parliament, for the purpose of establishing a good correspondence between the two countries, and for



that of interceding for King Charles, had the former much more at heart than the latter. They were civilly received by the parliament, and their expostulations were listened to, but without receiving any satisfactory answer.

*Messieurs,*

Ayans tousjours en singuliere recommandation le bien de vostre repos, nous avions estimé convenable à nostre ancienne amitié et bienveillance envers le royaume d'Angleterre de charger le Sieur Pauw, Chevallier Sieur d'Heemstede, Hogersmilde, Niewerkerck, Rietwyck, Premier Conseillier et Maistre des Comptes des Domaines de Hollande et Wesfrise, Deputé extraordinaire de la Part de cette Province en nostre Assemblée; et le Sieur Joachimi, Chevallier Sieur d'Oestend en Oedekerkerck, nos Ambassadeurs Extraordinaires et Ordinaires, de faire entendre à vos Seigneuries, ce qui est de nos bonnes intentions, avec quelque chose de particulier, que nous affectons pour le benefice mesme et tranquillité du royaume, et pour icelles tousjours rendre preuve de la bonne volonté que nous portons à vos seig. Sur quoy nous aurons à plaisir que vos seig. adjoustiez, foy et creance en ce que les Sieurs de Heemstede, et Joachimi de vive voix vous représenteront de nostre part. Finissants nous prions Dieu, messieurs, de vous conserver en sa sainte et digne garde.

De vostre seig.

humbles et très affectionnés

pour vous faire service,

Les Estats Generaux des Provinces  
Unies du Pais Bas.

Par Ordonnan. d'iceux,

Ccoen. Mulz. 1649.

A la Haye, le 29 de Jan. 1648.

*A Messieurs,*

*Messieurs l'honorable Maison  
des Communes du Parlement  
d'Angleterre.*

*Monsieur,*

Envoyants par de là le Sieur Pauw, Chevallier Sieur de Heemstede, Hogersmilde, Rietwyck, Niewerkerck, Premier Conseillier, et Maistre des Comptes des Domaines de la Hollande et Westfrise, Deputé Extraordinaire de la part de cette Province en nostre Assemblée; et le Sieur Joachimi, Chevallier Sieur d'Oestend en Oedekenskerck, nos ambassadeurs extraordinaires et ordinaires, nous leur avions donné charge de vous aller trouver de nostre part, et communiquer le sujet de cette ambassade, qui n'a but que d'avancer le restablissement du repos et tranquillité du royaume d'Angleterre. Priants de toute nostre affection qu'il plaise à vostre ex. d'accorder audience aux sieurs nos ambassadeurs: et leur atjoster foy et creance en tout ce qu'ils proposeront de nostre part, comme à nous mesmes, ce que nous attendrons indubitablement de vostre

équité et bienveillance ; et sur ce là nous prions Dieu, monsieur, de vous tenir en sa sainte et digne garde.

J. Van, gent.

De vostre ex.

tres humbles et tres affectionnés.

à vous faire service,

Les Estats Generaux des Provinces  
Unies du Pais Bas.

A la Haye, le 29 de Jan. 1649.

*A Monsieur,  
Monsieur Olivier Cromwell, Lieu-  
tenant-General de l'Armée du  
Parlement d'Angleterre.*

*Monsieur,*

Nous vous envoions icy les lettres de creance, qu'il a pleu à Messeigneurs les Estats Generaux d'escrite à l'honorable Maison des Communes, et vous prions de les vouloir rendre le plustost, à fin qu'on puisse resoudre encore ce matin, s'il est possible, sur nostre audience, la quelle nous demandons avec tant plus d'instance, pour avoir à proposer des choses, qui concernent le bien, la tranquillité, et la seurté de ce royaume, et de l'Etat des Provinces Unies, dont les interests, pour plusieurs considerations, doivent estre tellement unis, que malaisement peuvent ils estre separez. Sur ce nous prions Dieu, monsieur, de vous tenir en sa sainte garde, et demeurons,

Vos très affectionnés serviteurs,

Adrien Pauw. Ath. Joachimi.

ce 29 Janv. 1648  
8 Fev. 1649

*A Monsieur,  
Monsieur Guillaume Lenthall, Esquier,  
Orateur de l'honorable Maison des Com-  
munes du Parlement d'Angleterre.*

*Monsieur,*

Envoyants par de là le Sieur Pauw, Chevallier Sieur d'Hermstede, Hogersmilde, Ruetwyck, Nieuwerkerck, Premier Conseillier, et Maistre des Comptes des Domaines de la Hollande et Westfrise, Deputé Extraordinaire de la Part de cette Province en nostre Assemblée, et le Sieur Joachimi, Chevallier Sieur d'Ostende en Oedekerkenskerck, nos ambassadeurs extraordinaires et ordinaires, nous leur avions donné charge de vous aller trouver de notre part, et communiquer le sujet de cette ambassade qui n'a but que d'avancer le restablissement du repos et tranquillité du royaume d'Angle-

terre. Priants de toute notre affection qu'il plaise à votre Ex. d'accorder audience aux nos Sicurs Ambassadors, et leur adjoüster foy et creance en tout ce qu'ils proposeront de notre part, comme à nous mesmes. Ce que nous attendons indubitablement de votre equité et bienveillance. Et sur cela nous prions Dieu, monsieur, de vous tenir en sa sainte et digne garde.

J. Van Gent.

De votre Ex.

très humbles Serveiteurs,

Les Estats Generaux de Provinces  
Unies du Pais Bas.

Par Ordonniam. d'iceux,  
Cocœn. Mulz. 1649.

A la Haye, en Hollande, le 29 de Jan. 1649.

A Monsieur,  
Monsieur Thomas Fairfax, Baron,  
General de l'Armée en Parlement  
d'Angleterre.

---

*The Declaration of the Most Christian King of France and Navarre, against the most horrid Proceedings of a rebellious Party of Parliament-men and Soldiers, in England, against their King and Country. Translated out of French by P. B.*

---

This is one of those pieces of declamation which sovereigns often substitute for an effectual effort in favour of a distressed friend or ally. It may be compared with some similar declarations issued by the late Empress of Russia, at the beginning of the revolutionary war with France, and was not followed with more serious consequences. The Cardinal Mazarin, then at the head of the French administration, had no serious intention of assisting the king in his extremity, and was, on the contrary, one of the chief purchasers of his plundered and confiscated property.

---

*Lewis XIV., by the Grace of God, the Most Christian King of France and Navarre, to all Christian Kings, Princes, States, and People, sendeth Greeting.*

Whereas we are informed, by our dear aunt, the Queen of England, of the distressed estate of the king her husband, forced upon him by a rebellious party of his meanest subjects, under the command of the Baron of Fairfax, who is likewise countenan- ced by a small handful of the basest of the people, crept into the lower house of par- liament, but not being a tenth part thereof, the worthiest being either imprisoned or banished by the tyranny of the army, have a design to proceed against the person and

life of their king; which is an action so detestable, and so destructive to the national rights of princes and people, who are like to be enslaved thereby, and to know no law but that of the sword, that we conceive ourselves obliged, by the laws of God and man, in the duty of a Christian, as well as the rights of a king, either to redeem from bondage the injured person of our neighbour king and uncle, or to revenge all outrages already done, or hereafter which may happen to be done thereupon.

Therefore, with the advice of our dear mother the queen regent, and council, we do publish and declare our detestation of all such proceedings; and vow, in the presence of God and his holy angels, a full revenge upon all actors or abettors of this odious design, to the utter extirpation of them, their wives and children, out of all parts of Christendom, wherein our power or interest can prevail, if they proceed to this damnable fact; we conceiving it fit to root out from human society such a spurious and viperous generation of men. And we do therefore prohibit all such persons, their wives and children, to come into any of our dominions, unless they will be proceeded against as traitors to God and nations.

And we do likewise invite all our neighbour kings, princes, and states in amity with us, or with whom we have any difference, to an honourable peace, that we may all join in God's cause and our own, to revenge these hypocritical proceedings of enraged villains, who, we hear, take the cause of God for their pretence to destroy his ordinance.

And we desire all our neighbour kings, princes, and states, to make the same proclamation we have done, against any of these, or their adherents, from coming into their territories; that when, by God's justice, and ours and others endeavours, they shall be chased out of their native country, they may wander like vagabonds in heathenish places, with the odious brands of regicides upon them. And, further, to consider, whether that, if the like madness took any of their armies, they would not implore our helps, as now this afflicted queen and aunt of ours hath occasion to do theirs, against persons who are now twice rebels; first, against their lawful sovereign, upon pretence of reformation of government, and now against the very men and authority which raised them for that pretended occasion: Wherein God's justice is so apparent, that we are confident he will bless this work intended by us; and which, we hope, will be seconded by all persons of honour and justice, both at home and abroad, to help to suppress these rebels against their raisers; who yet presume, upon the success of their arms, to erect their own base thoughts and fortunes above the limits of religion or reason, to suppress that authority which God hath set over them.

(Signed) LEWIS.  
(And below) BRYAN, Secretary of State.

Published at Paris, the 2d day of January, stylo novo, 1649.

---

*The Dissenting Ministers Vindication of themselves from the horrid and detestable Murder of King Charles I., of glorious Memory, with their Names subscribed, about the 20th of January, 1648.*

ISAIAH, lxii, 1.

For Zion's sake I will not hold my peace, and for Jerusalem's sake I will not rest, until the righteousness thereof go forth as brightness, and the salvation thereof as a lamp that burneth.

PROVERBS, XXIV, 21, 22.

\* My son, fear thou the Lord and the king, and meddle not with them that are given to change; for their calamity shall rise suddenly, and who knoweth the ruin of them both?

---

The presbyterians, who saw the rise of the independents with jealousy and abhorrence, and whose tenets were grounded upon monarchy, began now to bestir themselves in behalf of Charles, whom they had been the primary means of reducing to his present extremity. Their leaders exclaimed against the trial of the king; nor were their teachers idle, according to a historian with whom the sect is no favourite.

"The presbyterian ministers (now too late) declaim against it; and many more of other sects, by their sermons, conferences, protestations, and remonstrances, publish and beseech, "That against the dreadful ties of so many oaths, against the public and private faith, backed by declarations and promises, against the law of the land, against the more sacred dictates of divine Scriptures and religion, nay, against the good of the commonwealth, they would not distain their own hands and the kingdom with the king's blood."—SANDERSON, *ut supra*; p. 1121. Neither did they content themselves with protestations against the fact before it was committed, but joined in the following vindication of their sect from any concern with it after the execution. It seems, from the notes written by some zealous cavalier, that the copy used for this collection had been reprinted after the restoration.

---

It cannot be unknown how much we, and other ministers of this city and kingdom, that faithfully adhere to the parliament, have injuriously smarted under the scourge of evil tongues and pens, ever since the first eruption of the unhappy differences and unnatural war between the king and parliament, for our obedience to the commands and orders of the honourable houses, in their contests with his majesty, and conflicts with his armies.

We are not ignorant of the over-busy intermeddlings of prelates and their party heretofore, in over-ruling civil affairs, to the great endangering of kingdoms, and of this in particular, when private interests, ambitious designs, revenge, or other sinister ends, engaged them beyond their sphere. Howbeit, it cannot reasonably (as we conceive) be denied, that ministers, as subjects, being bound to obey the laws, and to preserve the liberties of the kingdom; and having an interest in them, and the happiness of them, as well as others, may and ought (without incurring the just censure due to busy-bodies and incendiaries) to appear for preserving the laws and liberties of that commonwealth whereof they are members; especially in our case, when it was declared by the parliament, that all was at stake, and in danger to be lost. No, nor, as ministers, ought they to hold their peace in a time wherein the sins of rulers and magistrates, as well as others, have so far provoked God, as to kindle the fire of his wrath against his people. And yet, for this alone, the faithful servants of God have, in all ages, through the malice of Satan and his instruments, been traduced, as arch-incendiaries, when only their accusers are indeed guilty of both laying the train and of putting fire to it, to blow up a kingdom.

An Ahab and his sycophants think none so fit to bear the odium of being the grand troubler of Israel as Elijah. Thus the popish device was, to charge the gun-powder treason, had it taken effect, upon the puritans. And, if you believe Tertullus, even a Paul is a pestilent fellow, a mover of sedition throughout the world, a ringleader of a sect, and what not, but what he is? Yea, Christ himself, though a friend to monarchy, even of heathenish Rome, is proclaimed an enemy to Cæsar, to open a way to his destruction, by their malice, who never cared for the interest of Cæsar.

Wherefore, although with us, who have had experience of like usage, it be a small

thing to be thus judged of men, when we regard only our own particular persons; for if they call the master of the house Beelzebub, how much more those of his household? Yet when we consider how much it concerns the honour of our Master, and the good of all, to preserve our ministerial function immaculate, (our good names being, in that relation, as needful to others, as a good conscience to ourselves,) we dare not but stand by and assert the integrity of our hearts, and the innocency of all our actings, in reference to the king and kingdom, for which we are so much calumniated and traduced.

This we are compelled to at this time, because there are many who very confidently, yet most unjustly, charge us to have been formerly instrumental toward the taking away the life of the king; and because, also, there are others who, in their scurrilous pasquils and libels, as well as with their virulent tongues, present us to the world as a bloody, seditious sect, and traiterous obstructors of what all the godly people of the kingdom do earnestly desire, for establishing of religion and peace, in that we stick at the execution of the king, while yet we are, as they falsely affirm, content to have him convicted and condemned: all which we must and do from our hearts disclaim before the whole world.

For when we did first engage with the parliament, which we did not till called thereunto, we did it with loyal hearts and affection towards the king and his posterity; not intending the least hurt to his person, but to stop his party from doing further hurt to the kingdom; not to bring his majesty to justice, as some now speak, but to put him into a better capacity to do justice,—to remove the wicked from before him, that his throne might be established in righteousness; not to dethrone and destroy him; which, we much fear, is the ready way to the destruction of all his kingdoms.

That which put on any of us at first to appear for the parliament was, the propositions and orders of the lords and commons in parliament, (June 10, 1642,) for bringing in of money and plate, &c.; wherein they assured us, that whatsoever should be brought in thereupon, should not be at all employed upon any other occasion than to maintain the protestant religion, the king's authority, his person in his royal dignity, the free course of justice, the laws of the land, the peace of the kingdom, and the privileges of parliament, against any force which shall oppose them.

And in this we were daily confirmed and encouraged more and more, by their many subsequent declarations and protestations; which we held ourselves bound to believe, knowing many of them to be godly and conscientious men, of public spirits, zealously promoting the common good, and labouring to free this kingdom from tyranny and slavery, which some evil instruments about the king endeavoured to bring upon the nation.

As for the present actings at Westminster, since the time that so many of the members were by force secluded, divers imprisoned, and others thereupon withdrew from the house of commons, (and there not being that conjunction of the two houses as heretofore,) we are wholly unsatisfied therein; because we conceive them to be so far from being warranted by sufficient authority, as that, in our apprehensions, they tend to an actual alteration, if not subversion, of that which the honourable house of commons, in their declaration of April 17, 1646, have taught us to call the fundamental constitution and government of this kingdom; which they therein assure us (if we understand them) they would never alter.

Yea; we hold ourselves bound in duty to God, religion, the king, parliament, and kingdom, to profess before God, angels, and men, that we verily believe that which is so much feared to be now in agitation, ~~the taking away the life of the king,~~ in the present way of trial, is not only not agreeable to any word of God, the principles of the protestant religion, (never yet stained with the least drop of the blood of a king,) or the fundamental constitution and government of this kingdom; but contrary to

them, as also to the oath of allegiance, the protestation of May 5, 1641, and the solemn league and **Covenant**; from all or any of which engagements, we know not any power on earth able to absolve us or others.

In which last we have sworn, **with hands lifted up to the Most High God**, that we shall, with sincerity, reality, and constancy, in our several vocations, endeavour, with our estates and lives, mutually to preserve and defend the rights and privileges of the parliaments, and the liberties of the kingdoms; and to preserve and defend the king's majesty's person and authority, in the defence of the true religion and liberties of the kingdoms; that the world may bear witness, with our consciences, of our loyalty, and that we have no thoughts or intentions to diminish his majesty's just power and greatness.

And we are yet further tied, by another article of the same **Covenant**, not to suffer ourselves, directly or indirectly, by whatsoever combination, persuasion, or terror, to be divided or withdrawn from this blessed union and conjunction; whether to make defection to the contrary party, or to give ourselves to a detestable indifferency or neutrality in this cause, which so much concerns the glory of God, the good of the kingdoms, and honour of the king; but shall, all the days of our lives, zealously and constantly continue therein, against all opposition, and promote the same according to our power, against all lets and impediments whatsoever. And this we have not only taken ourselves, but most of us have, by command of the parliament, administered it to others, whom we have thereby drawn in to be as deep as ourselves in this public engagement.

Therefore, according to that our **Covenant**, we do, in the name of the great God, (to whom all must give a strict account,) warn and exhort all who either more immediately belong to our respective charges, or any way depend on our ministry, or to whom we have administered the said **Covenant**, (that we may not by our silence suffer them to run upon that highly-provoking sin of perjury,) to keep close to the ways of God and the rules of religion, the laws, and their vows, in their constant maintaining the true reformed religion, the fundamental constitution and government of this kingdom, not suffering themselves to be seduced from it, by being drawn in to subscribe the late models or agreement of the people,<sup>1</sup> which directly tends to the utter subversion of the whole frame of the fundamental government of the land, and makes way for an universal toleration of all heresies and blasphemies; (directly contrary to our **Covenant**, if they can but get their abettors to cover them, under a false guise of the Christian religion;) as also in preserving the privileges of both houses of parliament, and the union between the two nations of England and Scotland: to mourn bitterly for their own sins, the sins of the city, army, parliament, and kingdom, and the woeful miscarriages of the king himself, (which we cannot but acknowledge to be many and very great,) in his government, that have cost the three kingdoms so dear, and cast him down from his excellency into an horrid pit of misery, almost beyond example: and to pray that God would both give him effectual repentance, and sanctify that bitter cup of divine displeasure that the Divine Providence hath put into his hand; and also, that God would restrain the violence of men, **that they may not dare to draw upon themselves and the kingdom the blood of their sovereign.**

And now we have good reason to expect that they who brought us under such a bond, and thereby led us into the necessity of this present **vindication**<sup>2</sup> and manifestation of our judgments and discharge of our consciences, should defend us in it. How-

<sup>1</sup> Declared by both houses, for the substance of it, to be destructive to the being of parliaments, and to the fundamental government of the kingdom, in December 1647; yea, condemned heretofore by the general and his council of war, and one of the soldiers shot to death for promoting it.

<sup>2</sup> Query, Whether 'tis any testimony of the sincerity of this vindication, the not observing the 30th of January, as the laws have appointed? Or, Whether the present dissenters have not outran their forefathers?

Lev. 26.  
Ezek. 17.  
2 Sam. 21.

ever, we resolve rather to be of their number that tremble at his terrors who is a consuming fire, and will not fail to avenge the quarrel of his covenant upon all that condemn it, than to be found amongst those who despise the oath, by breaking his covenant, (*after lifting up the hand,*) although it had been made but in civil things only, and that with the worst of men.

C. Burges, D. D., preacher of the word in Paul's, London.  
 Will. Gouge, D. D., pastor of Blackfriars.  
 Edm. Stanton, D. D., pastor of Kingston.  
 Tho. Temple, D. D., pastor of Battersey.  
 Geo. Walker, pastor of John Evang.  
 Edm. Calamy, pastor of Aldermanberry.  
 Jer. Whitaker, pastor of Mag. Bermonsey.  
 Dan. Cawdrey, minister of Martins in the Fields.  
 Will. Spurstow, minister of Hackney.  
 La. Seaman, pastor of Alb. Breadstreet.  
 Simeon Ashe, minister of Michael, Basingshaw.  
 Thomas Case, minister of Magd. Milkstreet.  
 Nich. Proffet, minister at Foster's.  
 Thomas Thorowgood, minister of Crayford.  
 Edward Corbet, minister of Croyden.  
 Henry Robourough, pastor of Leonard's, Eastcheap.  
 Arthur Jackson, pastor of Michael's, Woodstreet.  
 Ja. Nalton, pastor of Leonard's, Foster Lane.  
 Thomas Cawton, pastor of Bartholomew's, Exchange.  
 Charles Offspring, pastor of Antholins.  
 Sa. Clark, minister of Bennet Fink.  
 Jo. Wall, minister of Michael, Cornhill.  
 Fran. Roberts, pastor of the church at Austin's.  
 Mat. Haviland, pastor of Trinity.  
 John Sheffield, minister of Swithin's.  
 William Harrison, minister of Gracechurch.  
 William Jenkyn, minister of Christ-church.  
 John Viner, pastor of Botolph, Aldgate.  
 Elidad Blackwell, pastor of Andrew, Undershaft.  
 John Crosse, minister at Matthew's, Friday-street.

John Fuller, minister of Botolph, Bishops-gate.  
 William Taylor, pastor of Stephen's, Coleman-street.  
 Peter Witham, pastor of Albane's, Woodstreet.  
 Fran. Peck, pastor of Nich. Acorn.  
 Christopher Love, pastor of Anne, Aldersgate.  
 John Wallis, minister of Martin, Ironmonger-Lane.  
 Tho. Watson, pastor of Stephen's, Walbrook.  
 William Wickins, pastor of Andrew, Hubbard.  
 Thomas Manton, minister of Stoke, Newington.  
 Thomas Gouge, pastor of Sepulchre's.  
 William Blackmore, pastor of Peter's, Corahill.  
 Robert Mercer, minister of Brides.  
 Ra. Robinson, pastor of Mary, Woolnoth.  
 John Glascock, minister at Undershaft.  
 Thomas Whately, minister at Mary-Wool-Church.  
 Jonathan Lloyde, pastor of James Garlick, Hithe.  
 John Wells, pastor of Olaves, Jury.  
 Benjamin Needler, pastor of Margaret-Moses.  
 Nath. Staniforth, minister of Mary, Bowthaw.  
 Stephen Watkins, minister of Mary, Overies.  
 Jacob Tice, pastor of Botolph, Billings-gate.  
 John Stileman, minister at Rotherhithe.  
 Josias Bull, pastor of North Cray.  
 Jonathan Deverux, late minister at Andrews, Holborn.  
 Paul Russel, preacher at Hackney.  
 Joshua Kirby, minister of the word.  
 Arthur Barham, pastor at Hellens.



*Iter Carolinum; being a succinct Relation of the necessitated Marches, Retreats, and Sufferings of his Majesty, Charles the First, from January 10, 1641, till the time of his Death, 1648. Collected by a daily Attendant upon his sacred Majesty during all the said time.*

Printed in the year 1660.

To the Loyal Reader.

I do here present you with a compendious collection of thy late sovereign's afflictions, which are many and unparalleled; in so much, that I may truly say, (though there is contradictory to the wise man, who saith, There is nothing new under the sun,) that there was no such deed done or seen, from the beginning of the world until this day.

Look not hereon, I conjure thee, unless with tears; nay, indeed, how canst thou? to see the king driven from place to place, affronted, neglected, despised, hungry and thirsting, reviled, persecuted, and defamed; so that he may justly take up that of the apostle, 1 Cor. iv, 9, 10, &c. And indeed *hinc fons ille lacrymarum*; from this fountain came all our future sorrows. This, this, I say, was the cause of our succeeding miseries, our inestimable loss, and almost inexpiable ruin; but *propitiatur Deus*, so infinite is God in his mercy, that he not only can, but will pardon, though his justice severely denounceth this sentence: The soul that sins shall die.

But our present time speaks better things: We have the Pool of Bethesda, whereat many have lain groaning, even despairing for help; and now God hath sent his angel, and moved the water; and the whole nation, by stepping in, are healed of the disease they too long laboured under. *O terque quaterque beatus!* Thrice happy he whose loyal actings by Heaven have crowned been with such a blessed success, that afterwards shall call him, and confess he was his country's honour, and his prince's shield. Pardon, I pray, good reader, this zealous digression; and in the short ensuing tractate please to take notice, that it begins at the 10th of January, 1641, when his majesty was forced by tumults from Whitehall, and is continued till his death, after the manner of a diary; pointing out his travel from place to place, with their distances from each other; his abode therein, and entertainment succinctly withal; yet mystically relating the most remarkable passages and battles occurring in that time. I need say no more, but let it speak for itself: I suppose there are many who will remember much thereof. I know the author, my father, and self, were *testes oculati*, speaking only what we had sorrowfully seen and known. Oh! that posterity may never know the like! but for ever rest satisfied in their undoubted sovereign, that his generation may never fail to sway the scepter in these kingdoms, while the sun and moon endureth: Which is the cordial prayer of his majesty's most faithful subject,

THOMAS MANLEY.

*A List of his Majesty's Marches and Removes, since his coming from London, on Monday the 10th of January, anno Dom. 1641.*

## January, 1641.

	Nights.	Miles.
10. From Whitehall to Hampton-Court,	2	12
12. To Windsor,	28	10

## February.

9. To Hampton-Court, riding somewhat out of the way,	1	12
10. To Greenwich,	1	14
11. To Rochester,	1	20
12. To Canterbury,	4	22
16. To Dover,	9	12
25. The queen went aboard to Holland, in the Lyon.		
25. To Canterbury,	1	12
26. To Greenwich,	2	42
28. To Theobald's,	4	16

## March.

3. To Royston,	5	21
7. To Newmarket,	5	20
14. To Huntingdon,	1	24
15. To Stanford,	1	21
16. To Grantham,	1	16
17. To Newark,	1	10
18. To Doncaster,	1	28
19. To York,	110	28

## July, 1642. Lincoln Journey.

7. To Beverley,	5	22
12. To Doncaster,	1	28
13. To Newark,	1	28
14. To Lincoln,	2	12
16. To Beverley,	2	45

## Leicester Journey.

21. To Nottingham,	1	60
22. To Leicester,	4	16
26. To Doncaster,	1	32
7. To Beverley,	3	28
30. To York,	17	22

## August, 1642.

16. To Nottingham, Earl of Clare,	2	55
18. To Leicester,	1	16

	Nights.	Miles.
19. To Stonely Abby, Sir Thomas Lee,	3	20
23. To Nottingham, Earl of Clare, where his majesty set up his royal standard,	21	

September.

13. To Derby,	3	12
16. To Utoxeter,	1	
17. To Stafford,	2	
19. To Wellington,	1	
20. To Shrewsbury,	3	
23. To West-chester,	4	28
27. To Shrewsbury,	15	27

October.

12. To Bridgnorth,	3	
15. To Wolverhampton,	3	10
17. To Bremichem Aston, Sir Thomas Holt's,	2	
18. To Packington, Sir Robert Fisher's,	1	
19. To Killingworth,	1	
21. To Southam,	2	10
22. To Edgcott,	1	9

Edgehill Battle.

23. Octob. The great battle at Edgehill was stricken; the Earl of Lindsey, general for his majesty, who was killed in the field; and his majesty, notwithstanding the treachery of his chief gunner, the loss and retaking his standard, with the death of Sir Edmund Verney, the over-eager pursuit of the parliament's wing of horse by Prince Rupert, (whose soldiers, too, soon fell to plunder,) remained sole master of the field, and the next day had the advantage of the rout.
- |                           |   |    |
|---------------------------|---|----|
| 26. To Aynow on the Hill, | 4 | 10 |
| 28. To Woodstock,         | 2 | 10 |
| 29. To Oxford,            | 4 | 6  |

November.

3. To Benson,	1	10
4. To Reading,	4	10
8. To Maidenhead,	2	
10. To Colebrook,	2	
12. To Hounslow,	2	5

Brentford Fight.

After Edge-hill battle, his majesty having continued his marches, as aforesaid, towards London, in the way, at Brentford, met with some forces of the parliament's there, falling into their quarters, and with much courage putting them to the worst, till, re-

*Tracts during the Reign of King Charles I.*

lieved by other regiments lying near, it became a hot fight in the fields, lanes, and streets; his majesty's forces still valiantly maintaining their ground they had at first got, until, by intelligence, understanding the vast supplies, both of horse and foot, that were coming out of London, finding it impossible to be absolute victors, it was thought fit to retreat with honour and safety; which they did, marching away through Kingston.

	Nights.	Miles.
13. To Hampton-Court,	1	
14. To Oatlands,	1	4
18. To Bagshot,	4	8
19. To Reading, which, immediately upon the king's recess, was surrendered to the Earl of Essex,	9	10
29. To Wallingford, dinner; Oxford, supper, and there during pleasure.		

November, 1644.

*A List of his Majesty's Marches from Oxford to Bristol, Gloucester Siege, &c., beginning the First of August, 1643.*

	Nights.	Miles.
8. From Oxford to Farrindon, dinner; to Malmsbury, supper and bed,	1	12, 16
Bristol taken by the King.		
2. To Bristol,	6	22
8. To Tedbury, dinner; to Cirencester, supper and bed, Sir William Masters,	1	20, 8
9. To Pansweck,	1	11

Gloucester Besieged.

10. To Macseon, Mr Selwin's, near Gloucester,	26	4
---	----	---

September.

5. To Pansweck,	1	4
6. To Bantley Hill, dinner; to Coverley, supper and bed,	1	8
7. Dinner in the field; to Sudely Castle, supper and bed,	4	12
11. Dinner in the field; to Evisholme, supper and bed,	1	14
12. To Parshall,	2	4

The Earl of Essex approaching with his army, the king raised his siege from Gloucester, and marched.

14. To Evisham,	2	4
16. To Snowhill,	1	6
17. To Norlich, dinner; Alscoc, supper,	1	12
18. To Faringdon, dinner; to Wantage, Sir George Wilmot's, supper and bed,	1	10

	Nights.	Miles.
19. Dinner in the field; Newbury to supper and bed, Mr Cox's; and on Wednesday the 20th, the great battle was struck there,	4	10
23. To Oxford, during pleasure,		20

April, 1644.

9. From Oxford to Childrey, the Lady Fettiplace's,	1	12
10. To Marlborough, the Lord Seymer's,	1	13
11. To Wantage, dinner; to Oxford, supper and bed, during pleasure,	15	10

May, 1644.

16. To Coley, near Reading,	2	22
18. Dinner to Compton; Oxford, supper and bed, during pleasure,	12	13

*A List of his Majesty's March with his Armies towards the West, &c., beginning on Sunday the 2d of June, anno Dom. 1644.*

June, 1644.

	Nights.	Miles.
Sunday the 2d day, in the afternoon, we went from Oxford to Woodstock, and returned back that night; and on Monday morning, the 3d, about six o'clock, his majesty came back again to Oxford,	1	6
Monday the 3d, and Tuesday the 4th, about nine o'clock at night, his majesty marched again toward Woodstock, but left it on the right hand; to Burford to supper; the 4th day, and that night, lodged at Burton on the Water, at Dr Temple's,	2	18
Wednesday the 5th, to Evisham, Mr Alderman Martin's,	1	15
Thursday the 6th, to Worcester, the Bishop's Palace,	6	12
Tuesday the 11th, to Bewdley, Sir Thomas Littleton's,	3	12
Saturday the 15th, to Worcester again, the Bishop's Palace,	1	12
Sunday the 16th, to Bradway, Mrs Savage's,	1	17
Monday the 17th, to Burford, the George,	1	12
Tuesday the 18th, to Whitney, the White Hart,	3	6
Friday the 21st, to Blechington, Sir Thomas Coghil's,	1	7
Saturday the 22d, to Buckingham, Sir Thomas Richardson's,	4	12
Wednesday the 26th, to Brackley, the College there,	1	2
Thursday the 27th, to Culworth, Sir Samuel Danvers's,	1	8
Friday the 28th, to Grymsbury, a yeoman's house,	1	7
Saturday the 29th, to Williamscoth, a very poor man's house,	2	4

July, 1644.

Monday the 1st, to Dedington, the Parsonage,	1	2
Tuesday the 2d, to Morton Hinmarch, the White Hart,	1	12
Wednesday the 3d, to Evisham, Alderman Martin's,	9	10
Friday the 12th, to Coverley, the Earl of Down's, by Bradway and Sudely,	1	16
Saturday the 13th, to Sapperton, Sir Henry Poole's, near Cirencester,	1	7
Sunday the 14th, to Bodmyngton, the Lord Herbert's of Ragland,	1	14

	Nights.	Miles.
Monday the 15th, to Bath, Sir Thomas Bridges, the governor's,	2	11
Wednesday the 17th, to Mells, Sir John Horner's, the king's by at- tainer,	2	8
Friday the 19th, to Bruton, Sir Charles Bartley's,	2	10
Saturday the 20th, to Ilchester, Mr Dawes's house,	4	12
Wednesday the 24th, to Charde, Mr Barcroft's, a merchant of London,	1	12
Thursday the 25th, to Hunington, Dr Marwood's, a physician,	1	12
Friday the 26th, to Exeter, Bedford-House, Sir John Bartley's, the go- vernour,	1	15
Saturday the 27th, to Crediton, dinner; to Bradinch, Mr Seuter's, supper,	1	16
Sunday the 28th, to Crediton, Mr Tucker's house,	1	8
Monday the 29th, to Bow, Mr Philips's, a mean quarter,	1	10
Tuesday the 30th, to Oakhampton, at Mr Rotenbury's,	1	8
Wednesday the last, to Lifton, the Parsonage-house,	1	8

## August, 1644.

Thursday the 1st, to Trecarrol, Mr Manington's house in Cornwall,	1	9
Friday the 2d, to Liskard, Mr Jeane, a commissioner's house,	6	8
Thursday the 8th, to Boconnock, the Lord Mohun's, but called from thence to make ready at Mr Glin's of Glinford; affrighted from thence by the militia, his majesty lay in the field all night in his coach on Boconnock Down, a heathy place,	1	5
Friday the 9th, to Boconnock again, where his majesty quartered,	21	5
Saturday the last day, to Lestithiall, thence toward Foy; his majesty lay in the field, his meat and drink dressed at Mr Hixt's; the militia disarmed; E. fled the field; the articles confirmed,	2	5
And here his majesty's clemency was most eminent; when, having all the infantry at his mercy, he not only pardoned the soldiers in gene- ral, but admitted the chief officers to kiss his hand; only refused that favour to Major-General Skippon, as being too great an enemy to his majesty's honour and safety,	2	5

## September, 1644.

Monday the 2d, to Boconnock, the Lord Mohun's, again,	2	5
Wednesday the 4th, to Liskard, Mr Jeane's,	1	7
Thursday the 5th, to Tavistock, the Lady Glanvil's,	5	15
Tuesday the 10th, to Widey, near Plymouth, Yeoman Heale's house,	4	10
Saturday the 14th, to Tavistock, the Lady Glanvil's,	3	10
Monday the 16th, to Oakhampton, Mr Rottenbury's,	1	12
Tuesday the 17th, to Exeter, Bedford House, the governor's, at Cre- diton,	6	20
Monday the 23d, to Chard, Mr Barcroft's; at Honiton, dinner,	7	27
Monday the last day, to South Parrat, Mr Gibs; dinner in the field,	1	8

## October, 1644.

Tuesday the 1st, to Mayden Newton, Mr Osborne's; dinner in the field,	1	8
--	---	---

	Nights.	Miles.
Wednesday the 2d, to Sherborn Lodge, the Lord Digby's; dinner in the field,	6	12
Tuesday the 8th, to Stalbridge, the Earl of Cork's; dined there,	1	5
Wednesday the 9th, to Stirmister Newton, Mr Reeves; dinner in the field,	1	3
Thursday the 10th, to Brianstone, near Blandford, Mrs Rogers,	4	7
Monday the 14th, to Cranborn Lodge, the Earl of Salisbury's; dinner in the field,	1	10
Tuesday the 15th, to Salisbury, Dr Sadler's, chancellor; dinner in a little lodge,	3	10
Friday the 18th, to Andover, the White Hart; dinner in the field,	1	15
Saturday the 19th, to Whitechurch, Mr Brooke's; dinner in the field,	2	7
Monday the 21st, to King's Cleer, Mr Tower's; dinner at Whitechurch,	1	5

*His Majesty's March from the West, in October.*

October, 1644.

Tuesday the 22d, to Newbery, Mr Dunce; dinner at King's Cleer,	5	6
Sunday the 7th, a great and second battle betwixt his majesty's army and the parliament's, by the same hands his majesty had disarmed and shewn mercy to at Lestithiall; wherein his majesty had much the better of the day, and yet was advised to desert the field; whereby, &c., his majesty marched to meet Prince Rupert at Bath. Prince Maurice, General Goring, and most of his majesty's household, about nine o'clock that Sunday night, marched from Denyngton Castle to Wallingford, and the next day, Monday the 28th, came all to Oxford, waiting for his majesty,	1	25

*His Majesty's March from Bath to Oxford.*

Sunday the 27th, from Denyngton Castle, marching all night, and on Monday the 28th, came to Bath, and there,	2	50
Wednesday the 30th, to Churchston, a widow's house,	1	
Thursday the last, to Cirencester, Sir William Masters's, bart.,	1	26

November, 1644.

Friday the 1st, to Oxford, supper; and there during pleasure.

*A List of his Majesty's Marches from Oxford towards Denyngton Castle, both to relieve it, and to draw off the Ordnance left there the 27th of October before.*

	Nights.	Miles.
Wednesday the 6th, to Bullington Green, the rendezvous, dinner; Oxford, supper, where Prince Rupert was declared general, with great acclamation,	2	1

	Nights.	Miles.
Thursday the 7th, to Wallingford, Colonel Blagues, the governor,	12	1
Friday the 8th, to West Illesley, the Bishop of Gloucester's, <i>in com-</i> <i>mandam,</i>	8	1
Saturday the 9th, to Denyngton Castle, where was a great skirmish with the parliamenteers, in Newbury Field; whence we retreated, and lay on the Castle all night,	8	1

## November, 1644.

Sunday the 10th, to Lamborn, Mr Garret's,	8	2
Tuesday the 12th, to Marlinborough, the Lord Seymer's,	8	5
Sunday the 17th, to Hungerford, the Bear,	8	2
Tuesday the 19th, to Shelford, Mr Brown's, the king's birth-day,	6	2
Thursday the 21st, to Charlton, near Wantage, Sir George Wilmot's,	6	1
Friday the 22d, to Farrington, Sir Robert Pye's,	7	2
Saturday the 23d, to Oxford, dinner; and there during pleasure all winter,	14	

## Anno XXI. Regis Caroli, May.

*A List of his Majesty's several Marches, beginning upon Wednesday the 7th of May,  
anno Dom. 1645.*

	Nights.	Miles.
Wednesday the 7th, from Oxford to Woodstock,	1	6
Thursday the 8th, to Stow in the Wole, Mr Jones's,	1	13
Friday the 9th, to Evisham, Alderman Martin's,	1	12
Saturday the 10th, to Inkeborow, the Vicarage,	1	6
Sunday the 11th, to Droitwich, Mr Barret's,	3	9
Wednesday the 14th, to Coftonhall, Mrs Skinner's; Hawkesly House taken by Prince Maurice in our march, a garrison,	1	10
Thursday the 15th, to Hemly, near Wolverhampton, Mr War's,	1	12
Friday the 16th, to Bishberry, near Sturbridge, Mr Grosvenor's,	1	6
Saturday the 17th, to Chetwin, near Newport, Mr Pigot's,	3	12
Tuesday the 20th, to Beaton, near Drayton, Mr Church's,	2	8
Thursday the 22d, to Park-hall, near Stone, Mr Crompton's,	2	10
Saturday the 24th, to Eaton in the Clay, Sir Thomas Millware's,	1	10
Sunday the 26th, to Tutbury, dinner, Lord Loughborow's,	2	6
Tuesday the 27th, to Ashby de la Zouch, Earl of Huntingdon's,	1	9
Wednesday the 28th, to Coat's, near Loughborow, Sir H. Skipwith's,	1	9
Thursday the 29th, remarched to Elstone, near Leicester, which we faced with soldiers, the R. defaced with fire,	2	10
Saturday the last, to Leicester, which was taken by his majesty at two; many soldiers rewarded with the plunder; the slain equal on both sides: the Countess of Devonshire's we demolished with fire,	4	3

## June, 1645.

Wednesday the 4th, to Wistow, Sir Richard Halford's,	1	5
Thursday the 5th, to Lubenham, near Harborow, Mr Collin's,	2	7



	Nights.	Miles.
Saturday the 7th, to Daventree, the Wheatsheaf, from whence Oxford was relieved from a siege, and victualled, - - -	6	14
Friday the 13th, remarched again to Lubenham, Mr Collin's, - -	1	14
Saturday the 14th, an alarm affrighted the king and army from Lubenham at two o'clock in the morning, to Harborow, the general's quarter; thence, about seven, towards Naseby, where the parliament's army quartered; rashly fought with them; were utterly defeated, through the cowardice of the horse, which fled to the walls of Leicester, 16 miles; never faced nor rallied till there, whereby many of the horse, all the foot, were either slain or taken prisoners, with some of his majesty's servants; all the ordnance, ammunition, the king's stuff, household carriages, and all the baggage of the army, were totally lost; the parliament having the clearest victory given them from the beginning; the king himself in person being necessitated, with his own troop only, to charge through their body for his escape. From Leicester we marched to Ashby de la Zouch in the night, and came thither about break of day, and halted there, - - -	1	28
Sunday the 15th, to Litchfield, the governor's in the close, - -	1	12
Monday the 16th, to Wolverhampton, Mrs Barnford's, a widow, - -	1	12
Tuesday the 17th, to Bewdley, the Angel, - - -	2	13
Thursday the 19th, to Bramyard, dinner; to Harriford, supper, - -	12	24

July, 1645.

Tuesday the 1st, to Campson, dinner, Mr Pritchard's; to Abergaveny, supper, Mr Guncer's, - - -	3	15
Thursday the 3d, to Ragland, supper, Marquis of Worcester's, - -	12	7
Wednesday the 16th, to Tredegar, dinner; Cardiffe, supper, Sir T. Tirrel's, defrayed at the country's charge, - - -	1	20
Thursday the 17th, to Tredegar, Sir William Morgan's, to bed, - -	1	8
Friday the 18th, to Ragland, dinner, &c.; on Tuesday the 22d, to Mr Moore's, of the Creek, near Black-rock, and came back to Ragland, supper, but came in so late as made us doubtful of his majesty's return. The Scots approach, and our own causeless apprehension of fear, made us both demur and doubt; on the first what to resolve, and in the latter, how to steer our resolutions; which involved us in a most disastrous condition, &c., - - -	6	12
Thursday the 24th, from Ragland, to Mr Moore's, of the Creek, to pass over at the Black-rock for Bristol; but his majesty sitting in council, and advising to the contrary, marched only with his own servants and troop, that night, to Newport on Uske; lay at Mrs Pritty's, - - -	1	21

*His Majesty's March in July, 1645.*

Friday the 25th, to Ruppera, Sir Philip Morgan's, - - -	4	5
Tuesday the 29th, to Cardiff, dinner, the governor's, at our own charge, - -	7	7

*Tracts during the Reign of King Charles I.*

	Nights.	Miles.
August, 1645.		
Tuesday the 5th, to Glancayah, Mr Pritchard's, dinner; at Brecknock, the governor, supper,	1	29
Wednesday the 6th, to Gurnevit, Sir Henry Williams's, dinner; to Old Radnor, supper, a yeoman's house; the court dispersed,	1	18
Thursday the 7th, to Ludlow Castle, no dinner, Col. Woodhouse,	1	14
Friday the great fast, the 8th, to Bridgnorth, Sir Lewis Kirke's, the governor's,	1	14
Sunday the 10th, dinner near Wolverhampton, <i>in campis</i> ; at Litchfield, supper, the governor's in the close,	2	22
Tuesday the 12th, to Tutbury Castle, Pr. in camp, and lying at the Lord Loughbrough's,	1	12
Wednesday the 13th, Ashborn in the Peak, Mrs Cakaine's,	1	14
Thursday the 14th, to Chattford, near Bakewell, Earl of Devonshire's,	1	14
Friday the 15th, to Welbeck, Marquiss of Newcastle's,	2	12
Monday the 17th, to Edlington, Mr Boswel's,	1	11
Monday the 18th day, to Doncaster, the Three Cranes,	2	3
Wednesday the 20th, to Redford, Mr Lane, a lawyer,	1	14
Thursday the 21st, to Newark, the Lord Danecourt's,	1	14
Friday the 22d, to Belvoir, the Earl of Rutland's,	1	12
Saturday the 23d, to Stanford, the George,	1	12
Sunday the 24th, to Huntingdon, the George,	1	16
Monday the 26th, to Woborn, the Earl of Bedford's,	2	21
Wednesday the 27th, to Ascot, near Winge, the Earl of Carnarvon's,	1	20
Thursday the 28th, to Oxford, at Christ-Church, and there,	2	20

*A second List of his Majesty's Marches from Oxford, on Saturday the 30th of August, 1645.*

	Nights.	Miles.
Saturday the 30th, to Morton Hin. the March White Hart,	1	24
Sunday the last, no dinner; supper at Worcester; a cruel day,	3	24

*September, 1645.*

Wednesday the 3d, Bramyard, Mrs Baynham's,	1	10
Thursday the 4th, to Hereford, dinner, Bishop's Palace,	1	10
Friday the 5th, to Lempster, dinner at the Unicorn; to Webley supper, the Unicorn,	1	14
Saturday the 6th, to Hereford, dinner, Bishop's Palace,	1	7
Sunday the 7th, to Ragland Castle, supper, 17; Monday the 8th, to Abergain, dinner, Ragland, supper, 14; Thursday the 11th, to Ragland, supper, Abergaveny, dinner, 14,	7	45
Sunday the 14th, to Monmouth, dinner, the governor's; to Hereford, supper; Monday the 15th, we marched half way to Bramyard, but there was <i>Leo in uinere</i> , and so back to Hereford again,	3	10
Wednesday the 18th, the rendezvous was at Athurstone, there dined; 10 miles, to Hamlacy, supper, Lord Scudamore's,	1	26
Thursday the 18th, to a rendezvous five miles from Hamlacy, with intention for Worcester, Poins, and Roscester, in the passage, where-		

	Miles.	Nights.
upon we remarched towards Hereford, so to Leominster, then to Webbley, thence to Prestine, there halted, at Mr Andrew's: this march lasted from six in the morning till midnight, &c.,	1	28
Friday the 19th, to Newton, Mr Price's; a long march over the mountains,	2	14
Sunday the 21st, to Llanvillin, supper; dinner, Mr Price's,	1	20
Monday the 22d, to Chirk Castle, Sir John Watt's, the governor's,	1	14
Tuesday the 23d, to Llangollen, 4; to Wrixham 8; to Chester: a great fight between Chester and Tarvin, the king victor, but made no use of it, leaving Chester unrelieved. This was performed by the same horse that fled at Naseby, on Rowton Heath, against Colonel Poyntz, and the army under his command,	2	20
Thursday the 25th, dinner at Chester; marched to Hawarden Castle, halted there; thence to Northop, to Skiviock, to Potvary, to Denbigh, William Salsbury, of Bohambed, governor,	3	20
Sunday the 28th, dinner at Denbigh; supper, late, at Chirke Castle,	1	18
Monday the 29th, dinner at Chirke Castle; supper at Halton, in Montgomeryshire, Mr Lloyd's,	1	26
Tuesday the last, <i>prand. in camp.</i> ; supper at Bridgnorth, the governor's,	2	30

October, 1645.

Thursday the 2d, dinner at Ridgheath, the rendezvous; supper at Litchfield, the close,	1	22
Friday the 3d, no dinner at Tongue; supper, Mr Sutton's,	1	15
Saturday the 4th, no dinner at Newark; supper, Lord Danecourt's,	9	26
Sunday the 12th, to Tuxford's, the White Hart,	1	12
Monday the 13th, dinner in the field at Welbeck; supper, Marquis of Newcastle's,	1	12
Tuesday the 14th, no dinner at Newark; supper, Lord Danecourt's,	18	12

November, 1645.

Monday the 3d of November, <i>anno Dom.</i> 1645, his majesty, about 11 o'clock at night, went out of Newark, marched all that night; all the next day, being Tuesday; at 12 o'clock that night, halted at Codsbury; Wednesday, about 10 o'clock in the morning, came to Banbury, made an halt, and dined there, at the Castle; and afterward, the same Wednesday, the 5th of November, about 5 o'clock in the evening, came to Oxford to supper, and continued there during pleasure,	4	90
--	---	----

His majesty went from Oxford the 27th of April, 1646, towards Newark, to the Scottish leaguer there; but in regard of the privatness of his going away, Oxford being at that time beleaguered by Sir Thomas Fairfax's army, and the fewness of his attendants, being at the most but two, we have no certainty where he staid by the way; but shortly after he appeared in the Scots army, who pretended to protect him from his English rebels: and for the better securing his majesty's person from danger, as was pretended, they staid not long after at Newark, but, by easy marches, removed with his majesty's person from Newark to Newcastle; where the solemn argument between his said majesty and Mr Henderson happened, concerning episcopacy and

church government, to his majesty's everlasting honour. But such was the horrid perfidy of those treacherous Scots, that, instead of the expected safety of his majesty's person, Judas like, for money, (though a far greater sum,) sold and delivered their sovereign lord and king into the hands of his English rebels; who, by this means, had, under God, a power to resettle the kingdom's peace: but they were blinded to their own destruction; and having taken the Lord's anointed in their pits, they now used him as they listed, carried him whither they pleased; and, indeed, treated him no otherwise than as their prisoner; for, with a strong guard of horse and foot, in the month of February, 1646, the depth of winter, they begin to remove him from Newcastle, in manner following:

*His Majesty's Gests from Newcastle to Holdenby, in February, 1646.*

	Nights.	Miles.
3 day, from Newcastle to Durham,	1	12
4 From thence to Aukland,	1	
5 From thence to Richmond,	1	
6 From thence to Rippon,	2	
8 From thence to Wakefield,	1	
9 From thence to Rotherham,	1	
10 From thence to Mansfield,	1	
11 From thence to Nottingham,	1	12
12 From thence to Leicester,	1	16
13 From thence to Holdenby, during pleasure.		

Long had not his sacred majesty continued there, but he was, by a part of the army, under one Joyce, violently taken from thence, and brought to his honour of Hampton-Court; where, for a while, he seemed to begin to reassume his pristine majesty, being admitted to see and to be seen: But Cromwell, fearing the frequency of so great resort might spoil his traitèrous designs, with much serpentine craft and devilish subtilty, persuaded and insinuated into his majesty's heart doubts and suspicions of mischief intended against him; the only way for preventing whereof, he affirmed to be, the withdrawing his person from thence to a place of more strength and security; and to that purpose nominated the Isle of Wight; to which place his majesty, led by the innocency of his spotless conscience, was decoyed, and at his arrival found himself overreached; for he was immediately secured by Colonel Hammond, who then was governor in the said island, and kept a long time a prisoner there, in the castle of Carisbrook, until afterwards, upon the petitions of most counties of England, a personal treaty was appointed to be held in the said isle, at Newport; for which end commissioners were sent thither with instructions, and the treaty begun, and prosecuted with so good effect, that his majesty's concessions at that time were voted by the parliament a sufficient ground to proceed on for the settlement of the peace of the kingdom. But here again his majesty is violently and traitèrously seized by the army, then under Fairfax's command; by whom, December the 1st, 1648, he was brought to Hurst Castle, in Hampshire, and there kept as a prisoner till the 21st of the same month, when he was brought to Winchester; thence, the 23d, to Windsor, where for a little time he staid, attended by strong guards of soldiers, till about the 9th of January following, when they removed him towards London, and brought him to his own house at St James's, and consequently to perfidious London; (Oh unfortunate monarch!) where, not long after, with hellish effrontery, even in despite of Heaven, at noon-day, before his own house, Whitehall, in the open street, with armed multitudes of soldiers, they sacriligi-

ously murdered that blessed, though unfortunate prince, Charles the First: There being actually guilty of that horrid murder, by giving sentence, and signing the warrant for his beheading.

John Bradshaw, president,  
 John Lisle,  
 William Say,  
 Oliver Cromwell,  
 Henry Ireton,  
 Sir Hardresse Waller,  
 Valentine Walton,  
 Thomas Harrison,  
 Edward Whaley,  
 Thomas Pride,  
 Isaac Ewers,  
 Lord Gray of Groby,  
 Sir John Danvers, knight,  
 Sir Thomas Maleverer, bart.  
 Sir John Bouchier, knight,  
 William Heveningham,  
 Alderman Pennington,  
 William Purefoy,  
 Henry Martin,  
 John Barkstead,  
 John Blackiston,  
 Gilbert Millington,  
 Sir William Constable, bart.  
 Edmond Ludlow,  
 John Hutchinson,  
 Sir Mich. Livesey, bart.  
 Robert Titchbourne,  
 Owen Roe,  
 Robert Lilburn,  
 Adrian Scroop,  
 Richard Deane,  
 John Okey,  
 John Hewson,

William Goffe,  
 Cornelius Holland,  
 John Carey,  
 John Jones,  
 Miles Corbet,  
 Francis Allin,  
 Peregrine Pelham,  
 John Moore,  
 John Aldred,  
 Henry Smith,  
 Humphrey Edwards,  
 Gregory Clement,  
 Thomas Woogan,  
 Sir Gregory Norton, knight,  
 Edmond Harvy,  
 John Venn,  
 Thomas Scott,  
 Thomas Andrews, alderman,  
 William Cawly,  
 Anthony Stapley,  
 John Downes,  
 Thomas Horton,  
 Thomas Hammond,  
 Nicholas Love,  
 Vincent Potter,  
 Augustine Garland,  
 John Dixwell,  
 George Fleetwood,  
 Symon Mayne,  
 James Temple,  
 Peter Temple,  
 Daniel Blagrove,  
 Thomas Waite.

Counsellors assistant to the court, and to draw up the charge against the king, Dr Dorislaus, Mr Aske, Mr Steele, attorney-general; Mr Cook, solicitor-general; Mr Broughton, Mr Phelps, clerks to the court.

#### Officers of the Court.

Sergeant Dandy, sergeant at arms; Colonel Humphrey, sword-bearer.

Messengers, Door-Keepers, and Criers, were these, viz.

Mr Walford, Mr Radley, Mr Pain, Mr Powel, Mr Hull, Mr King.  
 Sir Hardress Waller, Colonel Harrison, Commissary-General Ireton, Colonel Deane, and Colonel Okey, appointed the place to be the street before Whitehall, and the time the 30th of January.



---

**TRACTS**  
**DURING**  
**THE REIGN OF KING CHARLES I.**

---

**THIRD CLASS.**

**MILITARY TRACTS.**

---





KING CHARLES I.

THIRD CLASS.

MILITARY TRACTS.

---

*Experimental and exact Relation upon that famous and renowned Siege of Newcastle, the divers Conflicts and Occurrances fell out there during the Time of ten Weeks and odde Dayes ; and of that mightie and marveilous Storming thereof, with Power, Policie, and prudent Plots of Warre : Together with a succinct Commentarie upon the Battell of Bowdon Hill, and that victorious Battell of York, or Marston Moore, never to bee forgotten.*

By him who was an Eye-witnesse to the Siege of Newcastle, WILLIAM LITHGOW.

Edinburgh, Printed by ROBERT BRYSON, 1645.

*Cum privilegio.*

---

Some account of Lithgow the traveller, author of the following tract, may be found in Vol. IV. of this collection, p. 535.

The present piece contains some interesting particulars of the northern campaign undertaken by the Scottish nation, with the ambitious hope of establishing presbytery in England. The Scottish army, commanded nominally by old Lesly, Earl of Leven, but, in effect, by his more able and enterprising namesake, David Lesly, invaded England during the midst of the winter 1644. The gallant Earl of Newcastle, after some indecisive skirmishing, found it necessary to retreat, for the protection of the city of York, which was shortly after blockaded by the joint forces of Lesly, Fairfax, and Manchester. The approach of Prince Rupert compelled the united armies to raise the siege. Encouraged by this success, the prince hazarded and lost the celebrated battle of Long Marston Moor; a signal defeat, which the king's party in the north never effectually recovered. After this engagement the Scots returned to secure Newcastle, in order at once to relieve London from the distressing scarcity of fuel experienced by that city's remaining in the

hands of the royalists, and to secure a communication with Scotland. "An obstinate defence," says Laing, "was maintained by Morley, the governor; and the subterraneous approaches of the besiegers were almost countermined, when their mines were hastily sprung, and the town was taken by a desperate assault. Their loss was considerable; yet such was the excellence of their military or religious discipline, that no cruelty, rapine, or lust, was indulged; and the town was redeemed from pillage by an equitable ransom, when taken by storm. The castle surrendered at discretion; Tinemouth capitulated; and Musgrave and Fletcher were defeated in Westmoreland, and their forces dispersed by Lesly during the siege."—*History of Scotland*, I, 248.

*A just and exact Discourse upon the Siege and Storming of Newcastle; with a succinct Commentarie upon the two Battells of Bowdon Hill and Marston Moore,*

IN these turbulent times, when opinions grow variable, and the diversity of doubtful reports more voluble than the rushing wind, yet have I adventured (like to an old practitioner in prose, poesie, and unparalleled peregrination) to cast in my myte of known experience upon the brazen faces of ignorant understanders, that, with the knowledge of my quotidian inspection, I may either enlighten their blindness, or give truth the glory of a just deserving. And why? Because now too many calumnious criticks, being more prone to censure other mens labours than to do any thing themselves worthy of censure, yet dare to upraid that which hardly their sinistrous judgment can rightly construct; the world being turned to such a crabbed and crooked condition, that either they will approve what they conceive, though never so erroneous, or otherwise disprove that which they affect not, though never so illustrious. Wherefore, damnifying the one, and villifying the other, I come to court my present purpose, and thus I begin :

This long cross'd labour now it comes to light,  
 And I and my discourse set in my right,  
 Which reason crav'd; for where can truth prevaile,  
 But where sound judgement may it countervaile.  
 For what seek I? in what these times afford,  
 But of my countries praise a just record;  
 Which God allows: And what can contraires bring,  
 But man for men, the light of truth may sing;  
 Else after ages would be borne as blinde,  
 As though our time had come their time behinde;  
 For curious penmen and the paper scroule,  
 Theya re of memorie the life and soule.

After our first army (levyed in the hollow time of winter, 1644, and led by the earl of Leven, lord-general) had, with certain oppositions, recoured over Tyne, and thence falling downe to Sunderland, situate upon the river Weir, (Durhams dallying and circulating consort;) after, I say, they had bene provoked by the lord Newcastle and Lieutenant-Generall King, upon the Sabbath day, to give them battell, it was skirmished and fought two dayes together, at Bowdon Hill, March 20, 21, 1644; where, by the great mercy of the Divine Providence, that laudable victory fell to our armie, and the enemie in a retyring way flying for Durham, fled shortly thereafter in a confused march unto York. To which place (their refuge) his excellence with our army mainly advancing, beleagured the greater halfe of the towne; the earle Manchester and Lord Fairfax envyroning the rest.

Where diverse weeks and dayes being spent in advancing their works, their achievements, and other approaches, there fell out (*interim*) certaine accidentall skirmishes and countermatching assaults; in one of which that mirrour of Mars and manhood, Lieutenant-Colonell Ballantine, was deadly wounded, whereof he dyed. A large subject have I here to handle, if time might suffer me; but true it is, hee was a cavalier of such extraordinary fortune, (being onely 28 years of age at his last vale,) that in Germany, Ireland, and twice in England, hee became exceeding auspicious in martiall affaires; though, indeed, he was best understood under the name of Major Ballantine. All which discourse, and this epitomized memoriall, I purposely abandon till a fitter time; and so I returne to my former commentary, and thus:

This siege of Yorke continuing still, with many fortunate and misfortunate adventures, at last our several armies were enforced to incorporate themselves in one maine body, and that on Long-Marston Moore; where, the day following, Prince Rupert imbracing their left field, our armie, upon advertisement thereof, were engaged to make a speedy returne, for rancountring the enemy, and to recover that ground which formerly they had freely forsaken: which, in the end, amongst many difficulties and mighty oppositions, they both adventerously and advantagiously obtained, to the enemies absolute overthrow, and their own victorious safety. The summarie whereof I now involve in these following lynes, as unwilling to imbarke my selfe within the lists of intricated passages, or too peremptory and punctuall particulars. And why? Because I was not there an ocular testator, and so to build upon the wings of flying report were merely erroneous, (the diversities whereof being already innumerable and incredible.) but only done by way of introduction, to bring me the more easily upon the face of Newcastle, or otherwise, more properly, to enlighten memorie for present and future times. And thus,

In July last, the second day, and more,  
 One thousand six hundred fourtie and foure,  
 On Marston Moore two awfull armies met,  
 Oppos'd then stood, one 'gainst another set,  
 To quarrell for religion, and that light  
 Which far excels all humane power and might.  
 (And yet the darknesse of these dangrous times  
 Would faine ecclipse God's glory and mens crymes.  
 But here I stay, lest that in straying much,  
 I gall the mighty, and the loftie touch.)  
 Then cease, sad muse, returne, and let me show  
 This sequell stroke, for now begins the blow.  
 To worke they go, well ordred on both sides,  
 In stately posture; experience divides,  
 In regiments and brigads, horse and foot,  
 Two mightie armies; then began to shoot  
 The roaring cannon, and their ecchoing worce  
 Made hills and dales rebound their violent force,  
 That fell on fatall breasts; the musket shoures  
 Went off like thunder; pryde and strife devoures

<sup>2</sup> The presbyterians and independents differed respecting the merit due to the forces engaged in the battle of Long Marston Moor, the former claiming for Fairfax and Lesly the laurel which the latter awarded to Cromwell. Lithgow prudently has recourse to poetical licence, which might emancipate him in some measure from the charge of partially narrating that to which he had not been an eye-witness.

The saiklesse standers; the naked sword and pyke  
 Commanded crueltie to push and strike;  
 Which been obeyd, the drum and trumpet sounded,  
 Some here, some there fell downe; some deadly wounded:  
 On all hands there was slaughter; and what worse,  
 Some of our foot were troad by our owne horse,  
 And Fairfax too. But true it is, that course  
 Brought fame to some, to others sad remorse,  
 Which sorrow felt. And yet our staille stood fast,  
 And wrought a passage on their foes at last,  
 That made opposers quake. Wings and reserves,  
 By hard pursuit, on their part shortly swerves;  
 For truth enragd, these Romish butchers fled,  
 Gorg'd with atheisme; their bastard bloud they shed,  
 Like Jezabels, on ground, and there was left,  
 For dogs to glut on. So their lives were left,  
 With admiration, that the world might see  
 The heavens and Scots gaynd both one victorie,  
 Which in them was engrossd; and wondrous too;  
 For what could valour more for valour do,  
 Than they that mannd this battell. It is true,  
 That valiant men would have a gratefull due  
 To cherish fame. So they, our northren hearts,  
 (As stout as steele,) dischargd their manly parts,  
 Where noble Lindesay, Earle of Crawford now,  
 Stood bravely to it, made his foes to bow,  
 And left no ground, nor did his foote remove;  
 Such was his courage, graft in Jesus love:  
 Then here his badge, which well his worth may yeeld;  
 A lamb at home, a lyon in the field:  
 And so he prov'd: where then all happie he  
 Seald up his name in tymes eternitie.  
 So forward Eglintoun, he acted his part,  
 And fiercely road, with a conragious heart,  
 To front his foes: where in that conflict he  
 Installd his name 'mongst peeres of chivalrie:  
 Where his brave sonne behav'd himself so well,  
 Some may come near, but none his worth excell:  
 Which if we had, as Romanes wont to have,  
 A twofold triumph might their merit crave.  
 What should I speak of Baillie, but admire  
 How th' heavens his mynde with noble gifts inspyre;  
 For manners, manhood, wisdom, skill, and wit,  
 Both Mars and Pallas in his bosome sit;

\* The staille signifies any body of men in battle array, but properly the centre. The right wing of the parliamentary army, commanded by the younger Fairfax, was totally routed, and in their flight broke and trampled down a part of the Scottish infantry.

\* The poet, if he can be called so, alludes to the slaughter of the earl of Newcastle's regiment, called *white-coats*, who were chiefly catholics. They fell without swerving from the ranks in which they were drawn up, and deserved a more honourable, as well as a more poetical commemoration than Litgow has afforded them.

Their throne his heart, their honour his desert.  
 Where judgment reignes, there knowledge bears a part,  
 And understanding too; for now these three  
 Crowne all his gifts with love and modestie.  
 For laureat Lumsdale, fixt in Bellones camp,  
 Procured what hee deserves; became that lamp  
 Which crownes a chiftayne, and his fame to blaze;  
 Still as he acts, the world may sing his praise:  
 There, there he stay'd, and stood so stronglie to it,  
 'Mongst mortal men no champion more could do it.  
 Then gallant Leslie, leader of our trowpes,  
 Travers'd alwhere; mad spyte to valour stoupes:  
 Where he! adventrous he! spurred up and downe,  
 And cleard the field; regayn'd that Delphian crowne  
 Which courage fought for: and what worth allows,  
 A laurell garland, may decore his browes.  
 Last, here and there the ground with slaughterd corps  
 Was cled from York to five adjacent Dorps:  
 The blood lay on the grasse like shoures of rayne  
 That fill the furies: the heapes of them were slaine  
 Like dunghills were; that on the wearie fields  
 Some fought, some fled, some stood, and many yeelds;  
 That even, me thought, the groans of Rome and Spayne  
 Were heard the coast about, on shoare and maine;  
 And Father Falsehood swore their jesuit plots  
 Could not prevail gaynst our triumphant Scots.  
 The enimie thus quell'd, and scatterd round  
 Alwhere about; nay, some in everie ground,  
 In came the Lord of Hostes, and he proclaim'd  
 The field was his, or what more could be nam'd,  
 For person, place, or time; for he alone  
 Beat downe that Dagon, Babels idoll throne,  
 And buryed superstition and blynd rites  
 Within the gulf of ever-gnashing sprites:  
 For which be praise; to whom all thanks and power,  
 From this time forth, and so for ever more.

Within a few days thereafter, upon considerable conditions, the citie of York yeeld-  
 ing, and the lord Fairfax made governour thereof, our most victorious general and his  
 redoubted army, with great expedition, returned through Yorkshire and bishoprick, for  
 Newcastle, to assist that noble and judicious chiftayne; of whom now (as it is my  
 mayne purpose) I begin to discourse of his and their proceedings; and as impartially  
 as an honest heart may do, without either flatterie or favour.

In this last springtydes second expedition, 1644, for England, our parliament then  
 sitting, James, Earle of Calendar, Lord Almond, was selected and appointed by them  
 to be lord-lieutenant-general of all our Scottish forces in Scotland and in England:  
 whereupon a considerable armye being levyed, consisting of six thousand foote, and  
 eight hundred horse, he advanced for Northumberland, and courting Tweed, crossd  
 the Tyne at Newburne; where his armye reposing ail night, made me call to minde  
 these following lynes I wrote upon that former conflict fought there four yeares agoe,  
 1640.

Let Conway bragge of armes, and his great horses,  
 Let papists boast of men, and their fled coarses,  
 Let Newburne rayle on Tweed, and curse their Tyne,  
 Let prelates swear the fault was thine and mine;  
 I'll tell you newes,—their popish drifts and plots  
 Were curbd and crushd by our victorious Scots.

The day following, our aforesaid armie accosted Lumley Castle; where sojourning certaine dayes, the lord Calendar, with a number of horse and foot, (in this time,) set face for Hatlepool and Stocktoun; where, when come, and after a promiscuous parley, seizing upon both townes, he left garrisons there, and governours to overrule them. Whence returning to the residue of his armye, lying at Lumley, he set forward to Osworth: From which place my lord Calendar sending some horse and foote, to clear the way for the Gatesyde, they were rancountred with the enemye at the tope of the Wynde-mill Hill; where, being prevented by night, and the enemye stronger than they, they were constrained to turn back: whereupon, the next day, the lieutenant-general himselfe came up with the residue of his armye, and fiercelie facing the enemy, beat them from the hill, chased them downe the Gatesyde, and hushing them along the bridge, closed them within the towne. Hereupon he forthwith commanded the Gatesyde; and then the next day he begun to dispute for the enjoying of the bridge, with the fierie service of cannon and musket; which, indeed, was manfully invaded, and as courageously defended; yet, at last, in despite of the enemy, he gained the better half of the bridge, and with much adoe fortified the same with earthen rampiers and artilerie; which still so defensively continued, untill the towne was taken in by storme. His being regardfully done, he caused to erect five batteries along the bank head, and just opposite to the towne, from whence the cannon did continually extreame good servite, not onely against the walls and batteries, but also against particular places and particular persons; besides the frequent shooting of potpieces, and other fireworkes of great importance, which daily annoyed the inhabitants within the towne. At the most of which fire employments the lord Calendar himself was ever personally directing them; to the which dexterity of charge I was often both an eye-witness and observer.

By this time, or there about, his excellency arryving here from York, and accoasting the Tyne, he caused immediately build a bridge over the river, of keill boats; over the which his armie having safely and peaceably past, he caused lay down their severall quarters with great promptitude and expedition: and so beleaguering the west and north-west parts of the town, they enclosed all that circuit, till they joyned with the lord Sinclairs regiment; Sheefield Fort (belonging to the towne) only dividing them: and so this rebellious towne was manly blocked up on all quarters. Now, and at this time also, the earle Calander re-crossing Tyne, tooke presently in Sandgate, the one end whereof standing contiguous with the towne wals: where, setting sundrie regiments there, and about that place, he forthwith caused to construct a strong bridge of keill boats over Tyne, (and within his quarters,) for the passing and repassing of his forces to both sides, and fixed the same a pretty way below the glasse-house. This advantageous passage became very steedable, not onely for the souldiers, but also for the cuntry people that brought in daily provision for the armie. The bridge it self (being daily guarded with my lord Kenmoores regiment at both ends, and a strong centrie set at each of them, within two redoubts,) had also three watrrie guards of keill boats, tyed with cable ropes, from banke to banke, to secure it from any sudden surpris

Now, as for the manner of the common souldiers lying here in their severall leaguers,

and in all parts about the towne; their mansions or domiciles, I meane their houts, are composed of tuff, clay, straw, and wates; where their halls, chambers, kitchines, and cellars are all one; and yet the better sort (I mean their officers) are overshadowed with circulating pavillions, more ready to receive the blustering winde than the sinking raine. Then, at last, all things being orderly done, and their batteries at sundrie advantages erected; then (I say) begun they to play with cannon and musket at others faces, and often also tempering their naked swords in others bloody bodies; where courage cassiering despair, and valour desirous of honour, they exposed themselves unto all hazards and dangerous attempts: neither did they feare death (I meane our owne) more then an auspicious fortune; for being clad with consorts, each provoked another to the uttermost of extremities; and some of them esteeming of the good cause more than of their owne lives, reserved the one, and lost the other. So also the inveterate enemy, making now and then diverse sallies from towne (issuing at posterne gates) upon our flanking trenches, engaged themselves into great jeopardies, and our souldiers to as desperat a defence: where, indeed, they both often tasted of mutual fatalitie; till, in the end, the lord Sinclairs regiment desygned these debordering hyrelings a narrower precinct; which was, to keep their falling bodies more safely within their sheltring walls; which, indeed, they constrainedly observed: for the enemy within were more affrayed of the lord Sinclairs souldiers without, then of any one regiment of the army lying about; and they had just reason, recogitating seriously their sanguine blowes and fatal rancounters, which they disdainfully felt.

And now, before I go any further, I thinke it best to shew the unacquainted reader how the towne is situate, from whence such mortalitie proceeded: And thus it standeth mainly upon the devaling face of a continuing hill, falling downe steep to the bordering river, where one narrow street runneth along from Sandgate to Clossigate; the Sandhill (from which the bridge bendeth over to Gateside) being the pryme market-place; whence the two ascending passages court distinctly High Street and Pilgrime Street, the two chiefest streets of the towne; to the bowels of which there bee other three market-places annexed. Now, besides these, there are other two back streets, with five or six contrades, and a number of narrow devaling lanes. The walles about the towne are both high and strong, built both within and without with *saxo quadrato*, and maynely fenced with dungeon towres, int plarded also with turrets, and alongst with them a large and defensive battlement, having eight sundrie ports, and four parochiall churches: The which walles the defendants within had marvellously fortified, rampiring them about, at most eminent parts, with interlynings and mountynes of earth. The streets that were answerable to their barrocaded ports and in frequent passages were also casten up with defensive breastworkes, and planted with demi-culverines of iron. And, above all other workes, the towne castle itself was seriously enlarged, with diverse curious fortifications, besides breastworkes, redoubts, and terrenniat demilunes, and withall three distinctive hornworkes; two of which exteriorly are strongly pallosaded, and of great bounds. Nay, the very capstones of the battlements round about the towne were surged and underdropped with little stones, that, in case of scalleting, they might have tumbled them over upon the assailants: Which, indeed, for the facility of the action, schoole boyes might have performed. Yea, and all the gapes of the battlements were shut up with lime and stone, having a narrow slit in each of them, through which they might murder our souldiers, and secure themselves from a just revenge. The graffe about and without was digged deeper, and the exterior root of the wails were steeply lyned with clay mixt earth, to intercept any footing for ledclars, or climbing thereon. All the ports about were closed with lyme and stone, and strongly barrocaded within; having no passage, save at little posterne doores, where they had their quotidian intercourses.

The townes mayne constructure rysing upwards, divides it selfe in two corners; the one north, at Weavers Tower, the other southwest, at Hatmakers Tower; decyphering two hornes, like unto Calabrian females with their bogling busks; but, indeed, more like unto the Novacastrians themselves, that retrögradingly adorne their cuckolds frontespieces with the large dimension of Acteons monstrous-made hornes. Upon the townes north-east side, and a little without, there was a fortresse erected, called Sheef-field Fort, standing on a moderate height, and champion-like commanding the fields; the modell thus: It standeth squarely quadrangled, with a four-cornered bastion at every angle, and all of them thus quadrate: they are composed of earth and walles; having the north-east side of one bulwarke pallosaded, the rest not; save, along the top of the worke about, they had laid masts of ships, to beat down the assailants with their tumbling force. At the entrie whereof there is a wooden draw-bridge, and within it two courts du guard: the graffe without is dry, and of small importance, save onely that repugnancie of the defendants within, which commonly consisted of three hundred men.

And now, to close this topographical description, the invention, policie, nor wit of man could have done more than they did within and without for their own safetie, either for military discipline or manely prouesses, in their owne desperat defence. Of whom our owne countrey men were the cheeffest actors, both for the one and for the other, and the onely cause of so much bloodshed and losse of lives as we sustayned; which makes me recall this Italian proverb: *Iddio mi guarda dall' odio di mei amici, percioche so bene a guardar mi stesto dall' odio di mei inimigi.* The Lord keep me from the hurt of my friends, for I know well how to keep me from myne enemyes:—A thing now adayes so frequent, that where all should stand for *amoris patriæ*, there many stand now for *doloris patriæ*; and declyning from that auncient and native duety *pugno propatria*, they involve themselves, (without either honestie or honour,) to exterminate the lyves and libertye of their *patria*; where, strugling with their owne strife, they often deservingly fall in the extreame madnesse of desperation: Where now leaving them to their left selves, I revert to my purpose. The walles here of Newcastle are a great deale stronger than these of Yorke, and not unlyke to the walles of Aviacon, but especially of Jerusalem; being all three decoared about the battlements with little quadrangled turrets; the advantage resting onely upon Newcastle, in regard of seventeen dungeon towers fixt about the walles, (and they also wonderfull strong,) which the other two have not. Yet what availeth either towers, walles, or turrets, where the force of armyes command? Nay, just nothing; for, indeed, these walles, with their pendicles, were first erected to resist the Scottish invasions, and yet in vayne; for now we have shaken their foundations, and by the same strength they relyed upon, we have by the self-same meane overthrowne them, all glorie be to the God of glorie therefore.

As for the inhabitants resyding within, the richest or better sort of them, as seven or eight common knights, aldermen, coale-merchants, pudlers, and the like creatures, are altogether malignants, most of them being papists, and the greater part of all, I say, irreligious atheists. The vulgar condition, being a masse of silly ignorants, live rather like to the Berdoans in Lybia, (wanting knowledge, conscience, and honesty,) than like to well-disposed Christians, plyable to religion, civill order, or church discipline. And why? Because their brutish desires being onely for libertinous ends, avarice, and voluptuousnesse, they have a greater sensuality in a pretended formalitie than the savage Sabunks, with whom I leave them here engrossed. And now, forsaking this present introduction, I come back to my continuing discourse. The siege growing daily more and more hotter and hotter, at all quarters and in all places, as wele in the one side as in the other, then, and at which tyme, I must ingeniously confesse that these indefatigable pains my lord Callendar took were more than praise-worthy; for late and



early, and at all times, he was extraordinary carefull, paynesfull, and diligent, in over-seeing, here and there, his mynes, in directing his batteryes, in managing privat and prudent ends for a publick good, in dispatching of messengers and messages, and in ordering of his souldiers atchievements, by night or by day, as they were employed; insomuch that his industrious and vigilant actions became a marvellous amazement to all these that were acquainted with his paynes; and for my part, to shunne ingratitude, worthy of deserved memorie.

The chief cannoneers that were upon his five batteryes in the Gatesyde were, William Hunter, captain of the trayne of artillerie, James Scot, Robert Spense, and William Wallace, men of singular skill, and many moe, which I purposely (to avoyd prolixitie) omit. And now, from here and hence, the lieutenant-generall traversing hourly the river, to his other batteryes and workes at Sandgate, being onely two, he was ever in a fastidious action. One of which batteries beat downe the top, face, and upmost parts of Carpenters tower unto the dust: the other batterie had been newly erected, for repulsing the enemy from intercepting our mines: yet notwithstanding whereof, the Nullifidians within discovered the lowest myne, next to the river-syde: the which my lord Calendar perceaving, and thrusting a pyke, with his own hand, through the renting division, and to prevent the drowning thereof, gave presently order that the next morning it should be sprung: which accordingly done, it tumbled over the demi-hornewark, disappointed the enemye, and became a shelterage to our encroaching souldiers. The other three adjacent mynes were not as yet reddey neither, now to be employed, as after you shall heare.

About this same time, September 29, the lord-lieutenant-generall Baillie, upon the townes north syde, and near to St Andrew's church, gave order (for there his batterie lay) to brash downe a part of the towne wall; which in three hours space was fortunatly accomplished; where the wall fell down within half a yard of the roote, and so large, that ten men might have marched through it in a front. This tryall gave indeed a great encouragement to our armye. And why? Because then our commanders were assured that if their mynes should be disappointed, the brashing of the walls should be their last advantage. And yet this breach was never pursued, in regard the enemy, under the shaddow of a blynd of canvesse, reenforced or barrocaded it with trash and timber. Upon Weddinsday following, at morne, October 3, the enemy discovered and drowned two of our mynes with watter; and the next day ensuing another also: whereat the enemy growing insolent, gave order for ringing of bells all night, to console (as it were) the distressed mindes of the starving communitie, who rather fed upon violent necessitie than any other kinde of cherishing or comfortable reliefe; being whiles flattered with impossibilities, and otherwhiles tyrannized over, by the malicious malignitie of the mercilesse, and now miserable maior.

For true it is, that this Sir John Marley, their governour, an oconomick politician, more wilfull than skilfull, did so inveigle and blindfold the common multitude, that these letters which hee sent to our lord-generall were all read by him in publike to them, being too peremptorie and impertinent; but for the answer of his excellence, that came to him, he concealed them all; making them to believe that he would admit of no condition, nor grant any safety, longer than the revenging sword might overreach their necks.

All which being falsly and perfidiously spoken, was onely to irritate their doubtfull dispositions, and to incense their desperate condition with the deceit of a treacherous despaire, to make them bolder for their dreadfull defence; for, indeed, there was an order condescended upon by the committee, some five weeks before their ruine approached; which was, that if they should render in time, and prevent the greater

effusion of blood, they should have faire and free quarters, and all these liberall conditions that people in the like case could either look for or require. But all these profers or offers were by the maior vilified, and by him concealed from the people, till their day of desolation was declared. And now the coppies of these intercouring letters being lately published to the vulgar world, and striving to relinquish unnecessary particulars, or any obvious ranconter of small consequence, I come to the maine point, and thus:

After ten weeks siege, and odde dayes, with many disastrous affronts following on all hands, there was a parley appointed, being Fryday, October 18; where, in the forenoone, our three commissioners, the lord Humble, the laird of Wedderburne, and John Rutherford, provost of Jedburgh, went in, (the three hostages from the towne being formerly come forth;) ours, I say, accoasting the maiors presence, there were diverse propositions and answers by both parties delivered, but to no purpose nor effect; the maior ever dallying, with drifts and delays, to procrastinate time, till they had discovered our two chiefe mines; which, indeed, were very near the point. Yet, neverthelesse, (in a jeering way,) our commissioners being dismissed, after five houres conference, and their pledges returned, the next morning early the untimely preventing maior sent forth a drummer to the lord Sinclair, with two letters:—The contents of one was thus: My lord, I have received diverse letters and warrants subscribed by the name of Leven, but of late can heare of none that have seen such a man; besides, there is a strong report hee is dead: therefore, to remove all scruples, I desire our drummer may deliver one letter to himselfe; thus wishing you could thinke on some other course to compose the differences of these sad distracted kingdoms, than by battering Newcastle, and annoying us, who never wronged any of you; for if you seriously consider, you will finde that these courses will agravate, and not moderat distempers. But I will refer all to your own consciences, and rest your friend. John Marlay. Newcastle, 19 October.

Now, let the judicious reader observe how detestable a thing it was to see this improvident man brought to such extremity, (that he could neither pitle himself nor yet a populous towne,) when he was just upon the point of life or death, to wryte thus; for, indeed, long before night, (for all his base derision,) he knew his excellence to be alive, and found deservedly the smart of it. And now, not to forget any maine circumstance, the maior, the former night, recalled the souldiers from Sheeffield fort, to strengthen the defendants within towne; but, ere they left the fortresse, they despihtfully burned their two courts du gard to the ground, and so retired. Now the sequell day come, being Saturday, October 19, (and that day which, from age to age, Newcastle should never forget,) there were certaine commanded men, from every regiment, drawne up: the officers, I say, having first, in their owne quarters, throwne the dyce, who should goe in the adventure. (fewest Blacks destinated thereto,) they marched away to all their severall stands about the walls, againe ten of the clocke in the forenoone. Meanewhile, the night before, was the earl of Calendars cannon carried about, to supply and strengthen the four batteries that were to brash the wals; where, with the rest, they did exceeding good service.

Now the mynes being ready to spring, and the batteries brought to their greatest perfection, about three a clock in the afternoone, the two most available mynes were sprung; one at the Whytethiers tower westward, and the other neare Carrés fort, or Sandgate, eastward; (notwithstanding there were other two sprung here, one of which miscarried :) so, also, I say, the breaches of the walles by the batteries being made open and passable, and leiddars set to at diverse parts for scalleting, then entred, mainly and manfully, all the regiments of our commanded men, at all quarters, but

more easily and lesse dangerous where the mynes sprung. The greatest difficultie and mightiest opposition, nay, and the sorest slaughter we received, was at the climbing up of these steep and stay breaches; where, truly, and too truly, the enemy did more harme with hand garnads, then either with musket, pyke, or Herculean clubs. This club hath a long iron-banded staffe, with a round falling head, (like to a pomegranate,) and that is set with sharpe iron pikes, to slay or strike with; the forehead whereof being set with a long-poynted pyke of iron, it grimely looketh like to the pale face of murther.\* The first of the foure breaches was neare to Weavers tower; where Lieutenant Colonell Henderson, a reformeir, and Major Mophet were killed, with many others of speciall and common note. The second batterie was conjoynd with Black Bessies tower; where Major Hepburne, Captaine Corbet, Captaine John Home, an Edinburgensen, and that renowned officer Lieutenant-Colonell Home were slaine. The memorie of whom last now mentioned I here in this epitaph involve:

Woe to that breach, beside Blacke Bessies towre;  
 Woe to itselfe, that bloody butchering bowre,  
 Where valiant Home, that sterne Bellonaes blade,  
 And brave commander fell; for there he stayd,  
 Arraign'd by death. Where now that heart of Mars  
 Deserves a tombe, on it a sable herse.  
 Yet here's the end of valour, (fortunes thrall,)—  
 The most adventrous nearest to his fall:  
 And so was he; though well might he have done,  
 For worth and valour, worn the laurell crowne.  
 But this crownes all—he dyed for Christ; and more,—  
 Christ now shall crowne him with a crowne of glore.

The third batterie was contiguous with that dungeon of Westgate; where these two captains, John and Thomas Hamiltons, were slaine, with sundrie other of our Cliddisdale regiment. The fourth and last was low by Clossigate; where the earle Buckcleugh and Lowdons regiments entred, both at their batteries and with scalleting leddars; whereupon their fell a fierce conflict, and the falling enemye repulsed, both with the courage and resolution of our souldiers: and yet we received there but small losse, either of officers or others; albeit one had been too many, the divine pleasure and providence excepted.

Now, our men being entred, and fighting for enterie at all quarters round about, let me pause a while, and consider how grievous and how dreadfull hot that cruell conflict was, for a long houres space; that truelie it was more than admirable to behold the desperat courage, both of the assailants and defendants: the thundering cannon roaring from our batteries without, and theirs rebounding from the castle within; the thousands of musket-balls flyeing at others faces, like to the droving haylestones from septentrion blasts; the clangour and carving of naked and unsheathed swords; the pushing of brangling pykes, crying for blood; and the pittifull clamour of heart-fainting woemen, imploring for mercie to their husbands, themselves, and their children; that, me thought, (when now seriously pondered,) their reverberating ecchoes piercing the clouds, that terrible noyse of fyrie incensed martialists, and that loathsome inspection upon the brazen faces of desperation, had conjured (I say) the heavens to confound and dissolve the earth; the earth to overwhelme the infernall pit; the carkases of men to lye like dead dogges upon the groaning streets; and man

\* This sort of club was called by the Germans, with whom it was in great use, a *morgen-stern*, or morning star. The ancient implements of warfare were not, it would seem, as yet entirely out of use.

against man to become the object of homicidious and barbarous cruelty. O! loathsome sight of despayre. Neither was this all; for our people, in this selfe tyme, set a house on fire at Clossigate, whereon there fell a meritorious destruction. So had the whole towne bene served, (and a small revenge; although it had bene so,) if it had not bene speedily prevented, by the reienting pittie of the earle Calendar. So was there likewise, at this present combustion, a ballenger-boat set floting on the flood, full of flaming fire, (by Captaine Andrew Abirnethe,) to have burned the key-lockt ships lay there.

Insomuch that there was no policie left undone, for the destroyer to destroy destruction, nor for a speedy revenge, to bring the ruines of ruine to nothing. Yet now, returning to observe my methodicall order:—In this most dreadful conflict, when the commanded brigade of that renowned commander, the lord Calendar, had breasted and overpassed that blowne-up myne connexed with Carres fort, (where Captaine Sinclair, and other two of lesser note, lost their lives;) then, I say, they marched celeriously along to the Sandhill, with flyeing colours and roaring drummes. Meane while, and at this instant, the lieutenant-general Calendar entering the towne, dispatched and directed the lord Levingston, and Killhead, the earle of Quensberrys brother, with their two regiments, to possesse the walls, and to beat the enimie off, all along, betwixt and their passages unto the next breache north-westward; which was accordingly done. So, and at this tyme, the aforesaid brigade having attained to the Sandhill, where ran-ounering the exasperate enimie with a bloodie salutation; the rest of our westerne and northern brigads pursuing hotely these shrinking fugitives from the walles to the choaking market-place; where being distressed (as it were) betweene Scylla and Charibdis, they presentlie called for quarters, and laying downe their armes without assurance, some were taken, some were shaken, some stood still, and some fled away, to hyde their bleeding bodyes in some secret shelter; yea, some sate downe by their fathers fire-syde, as though they had caryed no armes.

Upon this surrender, (the major being formerly fled to the castle, with some others of greater and lesser note,) they caused quickly pull downe the red flag on the castle tope, and set up the whyte flag of peace, signifying subjection. This done, the earl Calendar having formerly entered the towne with great expedition, gave presently order for quiescing of tumults, and managing disorders; after a considerable way, returned that same night to the Gatesyde. So, as he was the first lay downe before the towne, so he was duely the first that entred it; and that to the great comfort of the inhabitants, because of that unspeakable favour and undeserved mercy they then suddenly received, far beyond their merit, and our expectation.

Then began the whole armie, commanded and uncommanded, (observing King Davids ancient rule, that they who stayd with the baggage, and they that fought in the field should share the booties alike,) to plunder, I say, for twenty-foure houres time; being an act of permission, although to no great purpose. And why? Because the common souldiers being onely able to plunder the common people, (although they might have justly stretched their hands further,) had, for the greatest part of them, but small benefite, excepting only household stuff, as bed-cloaths, linnings, tanned leather, calve skins, men and womens apparell, pans, pots, and plates, and such like common things. But our prime officers, I say, and others of that nature, by infringing the common souldiers, infringd themselves, and spoyled both their fortunes; for they investing themselves in the richest malignants and papisted houses, by way of safeguard, had but small compositions; for all their protection and compelled centries; where, otherwise, they might have justly and lawfully seized upon all their enjoyments. But this ancient proverb holdeth good here, that Scottishmen are aye wise behinde the hand; and so were they: and as they abused their victorie, in storming the towne with too much undeserved mercy, so they as unwisely and imprudently

overreached themselves, in plundering the towne with an ignorant négligence and carelesse ommission. And as they thus defrauded themselves, with a whistle in their mouths, so they pitifully prejudged, by this their inveigled course, the common souldiers of their just due, and dear-bought advantages.

For, by your leave, if a souldiers industrie be not quickned and animated with bountifull rewards, hee hath lesse will to performe any part of martiall service, than a dead coarse hath power to arise out of the grave. For what can bee more precious to man than his bloud, being the fountaine and nurse of his vitall spirits, and the ground of his bodily substance, which no free nor ingenious nature will loose for nothing. And whosoever shall argument or discourse upon sound reason and infallible experience, may easily prove and perceive that these commanders have ever best prospered, which have most liberally maintained and had in singular regard militarie arts and souldiers: Otherwise the honourable minde would account it a great deale better to have death without life, than life without reward; yea, and the noble commander desiring rather to want than to suffer true worth unrecompenséd.

I could instance here many examples of ingratitude in great persons, that, by their too much wretchednesse to souldiers, have first lost themselves, and then their kingdoms and principalities; but I desist; ouely lamenting what I saw here, the recitation of which (*amoris patriæ*) I forbear to touch. And, as the Spaniard saith well, *nella bocca serrada non ci entra las muscas*; that is, when the mouth is shut, the flies cannot enter in the throat; so saith the Italian, to this same purpose, *assai sa, che nõ sa, chi sia*; hee knoweth enough that can misknow the thing he knoweth. And the poetick proverb is thus:

*Dic pauca, multa vide, disce quam plurima pati,  
Nam multum juvant, hæc tria sæpe viros.*

Speake little, see much, learne to suffer more;  
For these three oft help men the world all o're.

And now, closing these comparisons, I proceed to my methodicall discourse. As for the number of our souldiers that were lost at the storming of this obstinate and unhappie towne, (not reckoning the fatalitie of other times,) they extended to three hundred lacking one; of whom there were thirtie-eight officers, of six distinctive kindes, besides seven or eight hundred that were diverse wayes ill hurt; of which wounds some have lately dyed since that time, And now I recall that these three sieges of Breda, York, and now Newcastle, were all of one dyet, though not at one time, and did each of them so nearly sympathize one with another, in the computation of ten weekes and odde dayes, that they may all three rest now contented to live under the substant shadow of an honest and honourable subjection. Yet, when I consider here the malicious obstinacie of Newcastle, and thereupon the storming of it, I am ravished with admiration to behold how, in the heat of bloud and goaring slaughter, they got so soon mercie and quarters; that, me thinketh, there was not the like mercie showne, in such a case, since the deluge of the world; nay, and (alas) showne unto an impenitent and pernicious people. When, contrariwise, the lives and goods of man, wife, and child, within that refractarie towne (for their railing and blasphemie daile abounded) were in the power and pleasure of our victorious arme. The which favour, I dare avouch, may be a paterne to all succeeding ages enduring time, for pity, pardon, and piety.

And to instance heere the contrary example, you shall see, and that within these twenty years past, how the populous and once-famous city of Madenburg, in Germany, (being all protestants,) was beleagured with the imperiall forces: where, after diverse parleyes and subtile drifts, the enimie on a sudden stormed the town; where,

forthwith, they slew eleven thousands, of men, woemen, and children: And the next morning, their divelish despight growing wearie of that murdering slaughter, unnaturally and unmercifully threw headlong eighteene thousands of them in the river: So that none escaped in the whole city, of young or old, save onely foure hundred, that fled into a church. And striping these starke naked, sent them away, and plundering all the goods of the towne, at last razed it to the ground.

By which crueltie this famous universitie, as it was first sacked, and then burned with fire, so the people were both slayne with the sword and drowned with the watter. O! pittifull destruction. And that river which formerly had brought them profit and pleasure, was then suddenly become their death and sepulture.

This fragrant flood, that wont to serve and please  
 Their trade with gayne, their paines with pleasant ease;  
 Yea, filld their hearts with pleasure, beauteous strays,  
 To see a river passing free allwayes;  
 The banks along adornd with stately trees,  
 That daylie payd kynd tribute to their eyes;  
 Where flourie meeds, round hills, salubrious fields,  
 Enclosd this closure, and their custome yeelds,  
 With swelling brookes to help it. This rare piece  
 Became more sweet than Tempian streames in Greece;  
 And gracd their schooles and science, lib'ral arts,  
 Where learning flourishd, vertue light imparts.  
 Yet, fatall Elue, was now thy glutting wombe,  
 That fed their lust with fish, become their tombe  
 And swallowing grave: Art thou, sad dismall hounds,  
 That plunging sepulcher, ingulfd with wounds,  
 Hatchd from thyne Euripus, gaynst natures tract,  
 As death had summond thee to doe this fact.  
 No, no, I grant (this losse) their detriment  
 Sprung not from thee, dumb, senses element;  
 But from these cruell hands, that straind thy strength  
 To murder natures glorie; where, at lenth,  
 They sunk within thy bosome: Then thou roard,  
 And all thy brinks about their fall deplord;  
 And sought the heavens, as judges, to revenge  
 This parricide, and that slayne cities change.

Now, miserable Newcastle! what canst thou say? that was not dealt at all with such tyranicall crueltie, when thou hadst deserved a worsor destruction than they, who stood out onely for religion, you having little or none at all. Then what shall I say, but that your desolation may come yet on a sudden, unlesse you amend your wicked lives, and, with Ninivie, turne to the Lord with prayer and fasting; ever acknowledging the great goodnesse and clemencye of Scotsmen, so undeservingly exposed upon you, a headstrong and sedicious people. Yet, notwithstanding whereof, thy sydes are shaken and torne, thine edges broken downe, and the burden of thy miserie lying sore upon thy shrinking shoulders: Which makes me now call to minde the miserable effects of warre, (howsoever deservinglie fallen upon thee;) the nature of which I here involve in these lynes:

O woefull warre! that lessens wealth and strength,  
 And brings the ruines of ruine at lenth:

It doth dishonour honour, and degrade  
 The mightie man from what his greatnesse had;  
 Then quells the poore, and spoyles the pleasant lands,  
 Where peace and pleasure joynd with other hands:  
 Which weight let Tyrus, sometimes stately plumd,  
 With Troy and Thebes, both alike consumd;  
 Swelld Ninivie, whose fragments nought imparts;  
 And learned Athens, once the source of arts;  
 With sightlesse Carthage, Lacedemon rent,  
 Jebus and Bagdat, in a manner shent;  
 Sardis, Syracuse, Adrianople lost;  
 Nay, now stressd Almaine, with such sorrows crost;  
 (And Britanes ile, the Irish bounds, and Spayne,  
 Where thousands fall, and many thousands slaine;)   
 Denote and shew what tyme and warres have wrought,  
 That crushd their might, from flattring pryde, to nought:  
 Nay, monarchies, great kingdomes, th' universe,  
 Are prest to change, erectd, throwne downe by Mars.  
 Like to the rage of the impetuous flood,  
 Debording from his banks, leaves slyme and mood,  
 To choake the fertile playnes; supplants the rootes  
 Of hearbes and trees; defaceth quyte the fruits  
 Of grapes and grayn; and often breaks the walls  
 Of strongest townes, whereon destruction falls:  
 Even so the furye of the bloodie warre,  
 In breaking downe the bonds of peace; debarre  
 The links of love and alliance; quite defaceth  
 The libertie of nature, and disgraceth  
 The ornaments of tyme; and cuts the throat  
 Of martiall darlings; then casts up the lot  
 Of desolation; which destroyeth all  
 That can to meane or mighty men befall:  
 So, so Newcastle to itselfe became  
 A treachrous foe, when friends besiegd the same.

And I may not forget here, how a despiteful jest was suddenly revolved in sad earnest; that, even when the towne was a-storming, there was a child baptized, and a number of thirty persons at the baptisme feast; I meane in Newcastle: and making merrie with the best cheare they had, they begunne to drink a health about the table; and that was, to the confusion of the Scots rebels; and knew of no danger, till a dosson of our souldiers came in upon them, (to digest their confused health,) with drawn swordes and pistolls: At which the rayling and jeering tablers falling downe beneath the boord, (as it were,) distracted of their wits, our adventurers fell a plundering their pockets, leaving the greatest part of them stript of their apprell, and the house utterlie spoyled of domestick furniture; and with this salve they solemnized their frolick feast: Being, I say, a just reward for such a malicious misregard.

Now, the towne being ours, upon Sunday morning, October 20, 1644, his ever-happy and auspicious excellencie entered the towne, a triumphant victor, and repairing to S. Nicholas church, accompanied with the earle of Calendar, Lieutenant-Generall Baillie, and the generall of artillerie, with a few others, (for it was not a daye for men of fortune to dalleye with time,) there was thankes given to God, (by that reverend

pastor Master Robert Dowglas,) for that our famous and renowned victorie. And now, to seale up all, the clouds fell impetuously a-weeping three dayes together, for that great fatalitie (as I may say) of so many brave cavaliers as we lost. And with this same deluge the two keill-bridges, above and below, were broke downe, and dissembled for passage, with the violent rapt of Tynes debording streame: But happye it was that the greatest part of our armie got then shelterage within the town, otherwise they had found, by this dissolving rayne, sommersed quarters.

Upon the fourth day after the towne was stormed, there issued from the castle three-score twelve officers, ingeniers, and prime souldiers, under the custodie of our perforce, and were incarcerat within the towne, as many of their kinde were served so before. The maior and some of our noble countrey men were also then dismissed from the castle, but not enlarged; and the day following, (being Wednesday,) the maior was returned from his house, unto a dungeon-trance within the castle: Where now that presumptuous governour remaineth, till the hangman salute his neck with a blow of Straffords courtesie; where now I leave him till he enjoy his merit.

As for the number of the enemy, either souldiers or townesmen, that carried armes during the siege, indeed it is no part of my intention to meddle with them, although they meddled too much with us; neither with their hungrie troupes, and, far worse, their hungered horses. Yet, neverthelesse, (as I was informed,) they were but eight hundred of the traind band, and some nine hundred, besides, of voluntiers, prest men, coliers, keillmen, and poore tradesmen; with some few experimented officers to overtopp them, which were at last overtopped themselves.

And now, meanwhile, we found great penurie and scarcitie of victuals, amunition, and other necessaries within this dejected towne; so that they could not have holden out ten dayes longer, unless the one halfe had devoured the other. And now the encroaching winter commanding expedition, our armie was sent to their garrisons abroad, (reserving onely a proper garrison for Newcastle;) some to Darnton, Haukland, Durham, Chester, Morpet, Exome, and other near adjacent places. Yet, neverthelesse, the plague was raging in Gatesyde, Sandgate, Sunderland, and maney countrey villages about. Upon the eight day after the taking in of Newcastle, the lord-generall rode downe to Tinmouth Castle; where, after a short parley, young Sir Thomas Rid-dell, governour thereof, surrendered it upon easie conditions. The occasion why was thus: The pestilence having been five weeks amongst them, with a great mortalitie, they were glad to yeeld, and to scatter themselves abroad; but to the great undoing and infecting of the countrey about, as it hath contagiously begun.

And now, before I draw to finis, I must water my muse a little in the Poeneian springs; and gargarizing her throat with Newcastle, I will bath her old inventions in Permessis streame, fixt under that Heliconean forked hill, where Soron, breasting Parnassus, saluteth with the pleasures of Pindus all aged poets, as I am now, in my climaterick-yeare.

Now in this treatise thou hast seen the mape  
Of revolution, and that sudden clappe  
Of ever-changing tyme, and how the fates,  
And sterne-fac'd destinie, ravurse the mates  
Of stubbornnes and pryde; and how the wind  
Brecks downe the tallest cedar that we find  
On Libans flowrie banks; and how the oake,  
Though fensd with boughs, must yeeld unto the stroake  
Of a septentrion blast. Heavens constellations  
Concurred in one, to judge these execrations



Flew forth from steep-bankd Tyne. What filthie rayling  
Burst from her gutts? even when we were assailing  
Her girded sides with walls; that even, methought,  
Sterne Radamanthus had their forginga wrought.  
Then in came Judgement, in this cracking thunder,  
And facd with terrour, did produce a wonder,  
That vomits spyte and blood: Next, headlong comes  
(Backd with shrill trumpets, and lowd roaring drummes)  
Base stinking Pryde quite stript; where, being naked,  
The shryne of Fortune blushd, and Blindnesse quaked.  
But now to wheele about: Behold and see  
The divyne justice, with an awfull eye,  
Declaring sentence, punishment, and yoake,  
To thrall their necks with a correcting stroake.  
How long did Pittie knock at their shut gate,  
And offerd mercy to their desprat state?  
Yet would they not receav't; nor could they pitty  
Themselves, brought under a judiciall dittie;  
But sufferd death to stand where justice stood,  
And they delinquents to a gen'ral good.  
Yet in came Mercy, from their friendly foes,  
And pleaded for their pardon: Mercie goes  
Along with us to them; which, when they see,  
They grew ashamd, to find such clemencie.  
For what sought we, but their de:yd good?  
And to prevent the effusion of blood,  
Proposd them courteous proffers; all to wonne  
Their hearts and souls to seek salvation,  
And to professe that word (religious lamp)  
Where light and truth have both one heavenlie stamp.  
Yet this they would not, and as hardly will  
Consent, unforced, to leave their fioward ill.  
Now vanquisht, they, and from their duty swervd,  
May swear our Scots shew mercie undeservd  
To hardned hearts like flint. And what rests more,  
But practise must the fall of pride deplore,  
Which cankerd natures keeps. But they're so blinded,  
As if disdayne had all their malice winded  
With stiffnesse and contempt. Yet for their words,  
Sometymes they're fair, and sometimes sharp like swords.  
But what is that? We have them under feet,  
And needs not weigh their breath, be't sowre or sweet;  
For where the victors rule, the vanquisht stand  
Like Bajazet to Tamberlanes strong hand:  
And freedome thrald by just disdaine, then pryde  
Stoupes like a slave: the sword must things decyde.  
Yet mercy keeps some measure, curbing reason  
With generous lenitie, actd out of s'ason;  
Yea, sometimes it's more honest for to save,  
Than to expide the vanquisht to the grave.  
What though they bark like to Hircanian doggs,  
Or bleating stand, like winter-beaten hogges,

Yet there's compunction and revenge to use,  
 (Accordingly) as tymes may time excuse ;  
 And sealing Mercie, with a sworded hand,  
 Makes foes more loath to flie, than forced to stand.

And now, to close the summary of this tragical discourse, I heartily beseech Almighty God to preserve and prosper our armie, and to be their guard, guide, and governour, whithersoever they go, and to imprint the fear of his holy name in their hearts. And now, most good and gracious Lord, blesse so and sanctifie the hearts of their chief commanders and leaders, with wisdom, courage, and magnanimity of minde, that they never decline, neither to the right nor to the left hand ; but keeping a straight course, in honour, honesty, and holinesse, they may ever, in all their proceedings, have the glory of thy great and glorious name before their eyes, that the life and light of peace and truth may in all true beleevers abound. Amen.

FINIS.

---

*A true and impartial History of the Military Government of the Citie of Gloucester, from the Beginning of the Civil War between the King and Parliament, to the Removall of that most faithfull and deserving Commander, for the Defence of his Country, in their greatest Necessity, Colonel Edward Massey ; who was removed from that Government to the Command of the Western Forces, where he performed most faithfull and gallant Service.*

*Oderint dum metuant.  
 Veritas odium.  
 Virtus invidiam.*

The second Edition. Published by Authority.

London, Printed for ROBERT BOSTOCK, in Pauls Church-yard, at the Signe of the Kings Head. 1647.

---

The siege of Gloucester, of which the reader has here a curious and detailed account, was one of the events upon which, and its consequences, the issue of the civil war seems in a great measure to have turned. The success of the king's Cornish army, and the taking of Bristol, had struck such terror into the parliament, that had Charles approached London with his victorious and united forces, he might at least have engaged them in a favourable treaty, if he could not have dictated the terms. Yet there were other, and important reasons which seemed to recommend an attack upon Gloucester, which it was not supposed would be seriously held out. These are detailed by Clarendon.

" There was not a man who did not think the reducing of Gloucester, a city within little more than twenty miles of Bristol, of mighty importance to the king, if it might be done without great expence of time, and loss of men. It was the only garrison the rebels had between Bristol and Lancashire, on the north part of England, and if it could be recovered, his majesty

would have the river Severn entirely within his command; whereby his garrisons of Worcester and Shrewsbury, and all those parts, might be supplied from Bristol, and the trade of that city thereby so advanced, that the customs and duty might bring a notable revenue to the king; and the wealth of the city increasing, it might bear the greater burden for the war. A rich and populous country, which hitherto rather yielded conveniences of quarter than a settled contribution, (that garrison holding not only the whole forest division, which is a fourth part of the county of Gloucester, absolutely in obedience, but so alarm'd all other parts, that none of the gentry, who, for the most part, were well affected, durst stay at their own houses,) might be wholly the king's quarters; and by how much it had offended and disquieted the king more than other counties, by so much the more money might be raised upon them. Besides the general weekly contributions, the yeomanry, who had been most forward and seditious, being very wealthy, and able to redeem their delinquency at a high price, (and these arguments were fully pressed by the well-affected gentry of the county, who had carried themselves honestly, and suffered very much by doing so, and undertook great levies of men, if this work were first done,) there was another argument, of no less, if not greater moment than all the rest. If Gloucester were reduced, there would need no forces to be left in Wales, and all those soldiers might be then drawn to the marching army, and the contributions and other taxes assigned to the payment of it. Indeed the king would have had a glorious and entire part of his kingdom to have contended with the rest.

" Yet all these motives were not thought worth the engaging his army in a doubtful siege; whilst the parliament might both recover the fear that was upon them, and consequently allay and compose the distempers, which, if they did not wholly proceed from, were very much strengthened by those fears, and recruit their army; and therefore that it was much better to march into some of those counties which were most oppressed by the enemy, and there wait such advantage as the distraction in and about London would administer, except there could be some probable hope that Gloucester might be got without much delay: And to that purpose there had been secret agitation, the effect whereof was hourly expected."—CLARENDON, II. 241.

These hopes, which proved very delusive, were founded upon the supposed inclinations of Colonel Edward Massey, the governor of the city. He was a soldier of fortune, and, although a Scotchman and a presbyterian, had first offered his services to the king. Meeting with some disgust, he embraced the opposite party, and continued to discharge his duty to the parliament with great spirit and fidelity; making a considerable figure upon various occasions, until he was set aside, with other officers of the presbyterian religion, by that ingenious state-engine called the self-denying ordinance. Massey was, indeed, one of the persons against whom this memorable piece of political artillery was principally levelled. He was supposed to have great influence with the earl of Essex. He afterwards embraced the royal cause, and was lieutenant general under Charles II., in 1651.

This tract appears to have been the work of a presbyterian, jealous for the honour of the sect to which Massey belonged. It contains some curious particulars of military history.

*To the Right Worshipfull the Mayor, Aldermen, and Common-Councell, with the Burgeses of the City of Gloucester.*

GENTLEMEN,

SILENT and calme times, and an equal stream of secular affairs, are more acceptable to men of the present age, because they are times of enjoyment; whereas the greater changes and confusions of the world do more delight posterity, or such as survive the trouble of those changes: For 'tis a pleasure to behold at such a distance the risings and falls of nations and their governments, as to see the raging sea from a secure land. And it doth not seldome come to passe that an universal concussion, and the shaking of the pillars of the earth, doth cast it into better frame, and settle it on a firm basis: So that the men of the former age doe labour, and those of the latter enter into their labours. Even so 'tis the calamity of these dayes to be engaged in such a warre, and the woefull attendants thereof; yet their felicity to be engaged for the highest interests in this life, which will exalt them, whatsoever the successe be; and, if pros-

perous, will make the faithfull in the land a perpetual excellency, and the joy of many generations. The action of these times transcends the barones warres, and those tedious discords betweene the houses of Yorke and Lancaster, in as much it is undertaken upon higher principles, and carried on to a nobler end, and effects more universall. And in this you have acted not the least part, for a particular government, to your owne safety and honour, and, by a generall acknowledgement, not a little to the preservation of the whole kingdome. Wherefore, out of abundant respect to my deare native place, having collected some memorials of its fidelity and industry, I humbly present them to your view, who were witnesses of, and bore a part in those performances. I remember my own thoughts when we were in the height of danger, and ready to fall into the depth of misery, that I did seeme to refresh myselfe in the conceipt of the future joyous remembrance thereof, when we should outlive those extremities. And you also must needs be abundantly satisfied in reminding those manifold hazards and exegencies which you, by patience and perseverance, have in good measure overcome. For which cause this historical relation, though it, tenders itself to the review of all serious men, yet unto yours chiefly, that your joy might be yet more full. Neither ought we to be so injurious to Divine Providence, as to bury or keep secret the influence and working thereof upon the endeavours of a willing people. Hitherto you have runne well; nothing remains but perseverance, that the concluding part may be blessed and honourable. Let your city ever flourish and prosper under the protection of the Highest.

Gentlemen, your humbly devoted servant,

JOHN CORBET.

*Leges historiae civilis aperte satis innuit Franciscus Verulamius notanda plurima quae eam circumstant vitia. Dum plerique narrationes quasdam inopes et plebeias conscribant; alii particulares relationes, et commentariolos opera festinata, et textu inaequali consariant; alii capita tantum rerum gestarum percurrunt; alii contra minima quaeque et ad summas actionum nihil facientia persequantur: Nonnulli, nimia erga ingenia propria indulgentia plurima audacter constringunt: Ast alii non tam ingeniorum suorum, quam affectuum imaginem rebus imprimant et addant, partium suarum memores, rerum parum fideles testes; quidam politica in quibus sibi complacent, ubique inculcent, et diverticula ad ostentationem quaerendo narrationem rerum nimis leviter interrumpunt: Alii in orationum et concionum aut etiam actorum ipsorum prolixitate parum cum iudicio nimii sunt.*

*Haec omnia cantè vivantur in historia legitima et numeris suis absoluta.*

*De Augment, Scient. l. 2, c. 5.*

*Verses on the Siege of Gloucester and Colonell Massey, since Major-General of the West, and voted Lieutenant-General of the Horse for the Relief of distressed Ireland, and a Member of the Honourable House of Commons.*

So stands a rock, (rooted within the main,)  
In spite of tempests, whilst the waves in vain,  
In curled heaps, which on his bosome beat,  
Fall back in foam, and make a faint retreat;

As Gloster stood against the numerous powers  
 Of the besiegers, who with thunder-showers  
 Charg'd her old ribs, but vanisht like a storm,  
 With their own losse, and did no more perform,  
 Then squibs cast in the air, which throw about  
 Some furious sparks, and so in smoke go out.  
 'Twas not her trenches which their force withstood,  
 Nor river, purpled with malignant blood,  
 Canon, nor bulwarks, rais'd with martiall art,  
 That did secure her, but great Massey's heart;  
 That was the fort no engine could beat down,  
 Nor mine blow up; more strong then was the town:  
 Impregnable as a rock, they sooner might  
 Plunder the fire of heat, the sun of light,  
 Then him of virtue; neither could reward,  
 Nor battery of court-honours break his guard;  
 Nor promises nor threats an entrance got,  
 But did return as fruitlesse as their shot;  
 And when the fuell for defence was wasted,  
 Even to the last extremes his valour lasted;  
 For formidable Essex, from afar,  
 Upon the mountains, (like a blazing-star,  
 Appears to the malignants, and portends  
 Ruine and death; but his distressed friends  
 With animating vigour he inspires,  
 And warms at distance by auspicious fires;  
 As when the sun with his ascent doth cleer  
 The winter tempests, and recruit the year.  
 'Tis said the satyr fled from man aghast,  
 When he perceiv'd his breath at the same blast  
 To cool and heat: had here that satyr been,  
 He might from flames the like effects have seen.  
 These courage got, and those their courage lost,  
 And what to these gave heat, to these was frost.  
 'Stead of granadoes, curses now they dart,  
 With vollies of God-dammes, and so part.  
 Gloster is freed, her being and her name  
 Made monuments (brave Massey) to thy fame;  
 Her temples and her pyramids now turn  
 Thy trophies, which were like to be thy urn;  
 Whilst we dispute which to ascribe to thee,  
 An active or a passive victory;  
 And are in doubt in which thou wert most brave,  
 When thou didst thousands kill, or thousands save.

Printed according to Order. 1647.

*An Historical Relation of the Military Government of Gloucester.*

AMIDST the variety of action in the present age, the course of this military government was conceived not unworthy to be knowne unto more than them that acted, or beheld at a nearer distance; only the care of a true and meete representation held

his thoughts who hath now brought it to the publick light, and hazarded the censure of these knowing times. If I have fallen below the story, I shall neither begg acceptance nor crave pardon for a deliberate error; nevertheless, to give an account of the designe is no more then that due which all may expect and challenge; onely the princes of learnings empire are authentick in the very name, and require an uncontrolled passe, without a preface, to usher them; but whosoever owes respect and duty to the world, his observance will plead for the necessity of a reall introduction.

The relation, therefore, brings to remembrance the affaires of a particular command, which as yet hath not been the meanest part of the present warfare, the event whereof all Christendome may expect with admiration and horreur. 'Tis one branch of the history of these times, which happily may be viewed in severall parcels, better then in one entire body; for such a chronicle, if it shall duely expresse the rise and progresse of things, must needs be perplexed with multiplicity of interwoven discourses, when three kingdomes are engaged, and no part in either of them stand free, as spectators onely, of the common calamity; that the worke must either swell into a bulke mishapen and burdensome, or lye too narrow to comprize the severall parts in their just and perfect measures. But many single narrations doe more exactly delineate, give the truest colours, and put upon things the most unsuspected visage. General histories doe seldome approach the fountaine of action, and their glosse, though beautifull, yet more dull, cannot hold forth that native grace and lustre; whereas there appeare in particular branches those lively sparklings, and more secret motions of life and heate, which strike upon that fancy and intellect that can behold and reach them: Besides, they that gather up so many divided plots (as are now acted) into one modell, are wont to endeavour after a smoothen path, a greater harmony, and more exact symmetry of parts; whereas the face of things is conscious of more disproportion, sometimes a confusion of business, and the severall scepes may easily awerve from the originall plot; but the divided parts, drawne in severall, are not so constrained and rackt, but come naked and more simple, and shew that the reason of the same counsells is one in the senate or conclave, another in the field; discovers the failing or the crosse-working of contrivances: how, in the midst of action, the maine land-markes are waved, and many grand projects never reach their period. Out of all which the comparing faculty of a judicious observer may collect the mis-guidance or defects of policy, and see how the pearcing subtities of wit are broken and shattered by the course of things more knotty, rude, and violent: And this is the life of history, that ought to declare the delinquency of state, as well as its accomplishment and perfection.

If the materialls of the worke be questioned, whether fit to be drawne up into one regular and compacted whole, and to make a standing monument, we also know that nothing in this kinde is to be thrust upon the world, since history doth intend to gratifie the future times with the remembrance of those things onely which prudent men desire and claime from such as pretend an interest and portion in the treasures of knowledge: It beares, therefore, before it nothing more then the thing itselfe gives forth, and which may finde acceptance with severer wits; for not onely the remarkable changes of the universe, the grand periods of kingdomes and common-wealths, the chiefe and turning points of state-affaires, but particular plat-formes, lives, examples, and emergent occasions also, are to be observed, and laid up for posterity. More yet:—Those particularities and minute passages are they that come home to mens businesse, approach their experience, and guide their course; but things more grand and lofty seeme to be turned upon the wheeles of providence, too high for the imitation of men. The worke of a politick or martiall man is to fixe his designe, and then to expect the accomplishment, not by one sudden or great atchievement, but by a series of many particles, and through an infinite variety of emergent occasions,

and at last the maine turning point falls in by the over-ruing power of the universall cause: Such are properly the workes of men, into which they ought to enquire and search. Besides, the chiefe skill is not the general knowledge of the maine undertaking, but a certaine dexterity in meeting every point, in working through many mazes and windings, since sundry passages of small purport intervene, to disturbe or promote it. Experience tells that many universall schollars are the most uncouth persons to civill employment; which so happens, because they study bookes more then the course of businesse, in which they gaze upon high objects, and binde themselves to the rigid observance of received canons; that if they venture amongst men, upon a slight accident unexpected, they sticke in the mire, or runne a wrong course. We dislike not the taking up of well-tryed principles: Onely by examples of all sorts must we learne to except and distinguish, and, by consequence, to use or abate the rigour of politicall maxims: neither doth it seldome come to passe that inferiour things overrule, and a circumstance may be predominant. From such a low bottome and meane beginning are great things raised, and as their verticle point come in an instant, so may they be turned upon a weake and slender hinge; yet we meane not those circumstances that are the inseparable attendants of every naturall action, but onely such as are worthy, and have a morall influence; all which shun their understandings who respect onely great and excelse objects; which, peradventure, may flourish with ostentation and pompe, but if applied unto the life of man, bring forth an effect like the birth of the mountaines. And here we tender a naked comentary and true rehearsall of those things as deserve not wholly to be forgotten. If it be not full of rare changes, which may grace the composure, and affect the reader; yet doth it give the full draught of a martiall command, and a true copy of the things it intends to expresse: It hath this advantage, in common with others of the like nature, that it can come forth to the censure of the present age without the guilt and shame of mistakes or flatteries. Authors more universall could never gaine to be stiled the writers of unquestionable verities, for they see at a greater distance, and by a more obscure and duskey light: Certainly a nearer approach, and some kind of interest, is required of him that desires to shew not onely some tracke and foot-steps, but the expresse image of things; for whatsoever passes from hand to hand, though upon the most undubitable authority, proves at the best but the image of a picture; for the best wit that takes things, though upon the surest trust, must needs fall short of the copy by which he writes; if not in beauty, yet in the truth and life thereof. The onely danger in such as are intressed is, least they be partiall to their own side, or make the discourse more lofty then the stage can reach; which mischief the deliberate thoughts of a serious man can prevent, and tell him that the unvayling of the defects and misfortunes of his owne party doth evince the sincerity of the relation, and graceth it with more variety then what the continuall streame of the height of gallantry and successe can yeeld; and, which is most of all, doth demonstrate, that, at some times, the designe was laid upon the principles of reason, and prosecuted with industry; whereas continuall victory is attributed to a certaine hidden felicity, and the bounty of Providence. Affection, therefore, receives a check from that man who is more true to his owne faction and ends then to transgresse against the honour of that worke he takes in hand.

As for this military government, the power hereof hath rested in one command, and therefore doth more easily close into a single frame, yet not in a smooth and equall straine, but distinguished by many rises and falls: 'Tis a branch almost divided from the maine stocke, and hath been put to live and act of itselfe; neverthelesse a branch still, and enlivened by the authority of the kingdomes soveraigne power, from which it receives an influence, both of support and guidance: But its distance from the fountaine of power had derived upon the trustee a more free command, and made

way for the perfect worke of a souldier, both counsell and action; which is the surest way to make such commands both active and prosperous.

The seate hereof lyes in the heart of the enemies country, like a forlorn hope, and is maintained, not so much for its owne sake, or that so much ground might lye under a parliament power, but to divide the king's association, to stop his recrules, to scatter his forces, and continually to distract the designes of that army. Experience is witness of how great concernment it hath been to the safety of the commonwealth: Not one place in the kingdome of England hath so much exhausted the enemies army, nor hath the like advantage to ruine it: It can paine them at the heart: 'Tis a fire kindled in their bowels, that might eat out their strength, had it been the felicity of the state to have sent hither a part of those great supplies which have been else-where expended, and done little towards the conclusion of the great worke.

If this collection shall present any thing that comes home to a civill life, or the employment of a souldier; if it shall bring to minde acceptable services, and cause the people to remember the day of small things, with the power of active and faithfull endeavours, that observe and follow the Divine Providence, I shall not faile of my end: and I know that this my adventure is no more then what the action doth deserve, and the world may challenge.

THE ingagement of the city of Gloucester in this common cause of religion and liberty first began when the houses of parliament declared to the kingdome their resolution of a defensive war; neither were its principall and active men drawne in by inferiour and accidentall motives, but quickened by the same principles, in the maine, that did enliven and actuate the supreme court; expressing in themselves the very motions of a parliamentary spirit, by an absolute and greedy compliaunce with every act that breathed towards the perfect health of the state: the severall remonstrances of both houses were received with all due respect, whereas no declaration sent from the other party found the courtesie of a formall entertainment. It hath bene the honour of that civill government, never to be guilty of the least act of disservice against that cause which their hearts wish might prevaile and prosper: Therefore, when the fire kindled and fomented by jesuited papists and their adherents was blowne up into a flame, and the heads of two parties appeared within this realme, the city of Gloucester determined not to stand neutrall in action, but to adhere unto one party, with which they resolved to stand or fall; necessity requiring no lesse; which affection improves into vertue. The acknowledgement of its owne advantage in situation and strength importuned a more timely declaration, least, by itselfe neglected, it should be seized by the enemy, whose eye was upon it, and so cast into perpetuall bondage. Also, the greatest part of the country consented, and resolved to maintain their birth-rights, in the defence of the priviledges and power of parliament, against all invasions of usurpation and tyranny.

During the kings preparations in the north, they attempted (according to the slendernes of al beginnings) to put themselves into a posture of defence, and expected the instructions of parliament. And whereas the ordinance of militia was the first pretended ground of difference betweene his majesty and the houses, (they desiring such officers in whom the state might confide, and the king refusing to deprive them that by himselfe were intrusted,) when the rent was once made, a greater necessity impleaded the execution of that ordinance: Whereupon the Lord Say was, by order of parliament, appointed lord-lieutenant: A comission was likewise granted unto divers gentlemen for deputy-lieutenants; many whereof drew back, and shunned the employment, that the power for the most part rested in the members of the house of commons for this county, by whose countenance many companies of volunteers were raised, then called the militia bands, and led by such captaines as the embryo



of the warre could afford. But the first undertaking was more joyous then the progresse; as oft times it comes to passe that a military pompe and appearance of bravery doth affect and raise up many feeble spirits, who quickly lye flat, when they begin to feele the stubbornesse and cruelty of warre.

The commission of array did not adventure to tender itselfe to the people: It was about to be offered to their liking at Cirencester, by the lord Chandos and some other disaffected gentlemen, but was stifled in the birth, and crushed by the rude hand of the multitude, before it saw the light. The chiefe abettor thereof was like to suffer violence by the meanest of the people, whose fury constrained him to promise, and give, under his hand, that he would never more deale in the businesse. But when they saw that this lord had escaped their hands by a secret conveyance, they were the more enraged, and waxed cruell against his accoutrements and furniture, and whatsoever of his was left behind; delighting in a contumelious revenge and rustick triumph. Such were the effects of that fury that tooke hold on the ignoble multitude, in whom not alwaies the deepe sense of their owne interests doth provoke this extasie of passion, but, peradventure, a slighter accident and unexpected turning of the fancy sets them in a hurry, when their insolency becomes intollerable, and they glory to vent their humours, by reason of an usuall restraint and subjection. Neverthelessse, they have produced good effects; and oft times a more undescerned guidance of superiour agents turns them to the terrour of the enemy, and an unexplecable selfe-ingenagement upon the common people, which prudent men promote and maintaine; yet no farther then themselves can over-rule and moderate. Hereupon the full streame of the country runnes for the ordinance of the militia, and against the kings declarations and commission of array. But since we are now upon the beginning of action, it will not be from the matter to declare the grounds of that affection which the country did expresse, and were common unto them with many parts of the kingdome that were devoted to the same cause, but might appeare in a greater degree, and have a clearer evidence in the present example. Most men, therefore, did undoubtedly foresee greater hopes of liberty from the parliament then the kings party; in so much that there appeared in all the states adhearents an iubred propensity to freedome; but a desire of vast dominion, dignity, revenge, or rapine in them that tooke the contrary faction; by which this country did seeme well disposed to comply with the parliaments grand designe; for there was no excessive number of powerfull gentry; who, for the most part, care not to render themselves the slaves of princes, that they also might rule over their neighbours as vassalls: But the inhabitants consisted chiefly of yeomen, farmers, petty free-holders, and such as use manufactures that enrich the country, and passe through the hands of a multitude; a generation of men truly laborious, jealous of their properties, whose principall ayme is liberty and plenty; and whilst in an equal ranke with their neighbours, they desire onely not to be oppressed, and account themselves extremely bound to the world, if they may keepe their owne. Such, therefore, continually thwart the intentions of tyrannie, unto which they onely are moulded, who, detesting a close, hardy, and industrious way of living, doe eate their bread in the sweat of other men, and, neglecting a secure estate, rejoyce rather in the height of fortune, though inconstant and dangerous. Such is the predominant humour of gentlemen in a corrupted age. Besides, the country-man had of his owne, and did not live by the breath of his great land-lord; neither were the poore and needy at the will of the gentry, but observed those men by whom those manufactures were maintained that kept them alive. By which meanes it came to passe that neither they of the middle ranke nor the needy were devoted to the examples of the gentlemen who turned back, betrayed their trust, (and are alwaies more apt to be corrupted, or mistaken in judging of the common interest,) but had learned to reverence their liberties, and to acknowledge their native happinesse.

But some higher cause had a greater influence on the endeavours of many for a well-bounded freedom and regular priviledges—a knowledge of things pertaining to divine worship, according to the maine principles of the Christian profession. Which religion is not according to the will of man, but grounded upon an unchangeable and eternal truth, and doth indispensably binde every soule to one law perpetuall and constant. This, therefore, doth strongly implead the necessity of external priviledges in her professors; and though it doth not destroy the kingdomes of the world, nor usurpe a greater liberty than humane lawes will easily grant; yet it will not give away its native right; and it hath, moreover, in its nature, an irreconcilable enmity against arbitrary government, and will worke its selfe out of bondage, when the felicity of the times shall give power, and a lawfull call. And in this kind of knowledge this city and county was more happy than many other parts of the kingdome, by means of a practical ministry; which hath not only its powerful working in divine things, but doth also inable vulgar capacities more fitly to apply themselves to such things as concerne the life of a moral man: And although each person thus informed reacheth not the depth of reason, yet he can comprehend the truth thereof, and jealousie makes him the more quick-sighted. Thus have we found that the common people addicted to the kings service have come out of blinde Wales, and other dark corners of the land; but the more knowing are apt to contradict and question, and will not easily be brought to the bent. For this cause the ambition of the times hath endeavoured the undermining of true religion, to promote a blind and irrational worship, that might bring forth an ignorant and slavish generation of men; which kinde of bondage the meanest person that performs a reasonable service cannot but resent and feare.

Yet something there was that might debase and infeeble their spirits, (the plague and mischief of the whole realme,)—a grosse ignorance and supine neglect of military discipline; there being no ground for the study and exercise of armes, that might keepe the body of the state in health and vigour. Nor is it unlikely that extreme vassalage was the end of that long sluggish peace; when the nation could not have been more happy then in some just and honourable warre with forraigne parts, though now none more miserable, by reason of these civil broyles, that teare the bowels, and eate up the strength of the kingdome. 'Tis no shame, in the progresse of time, to look backe upon the beginnings of action. The trained bands, accounted the maine support of the realme, and bulworks against unexpected invasions, were effeminate in courage, and uncapable of discipline, because their whole course of life was alienated from warlike employment; in so much that young and active spirits were more perfect by the experience of two daies service. Wherefore these men might easily repine at oppression, and have a will to preserve themselves; yet a small body of desperate cavaliers might overrunne and ruine them at their pleasure. Some professed souldiers were sent downe from the parliament to settle these and the militia bands; who had this onely according to the rules of warre—to be gathered under severall captaines, and many of them into the forme of a regiment; which disposition might fit them for a suddaine service, and the very posture conferre something of a warlike spirit.

Within the city of Gloucester one company of volunteers was added to the trayned band, and some peeces of ordinance obtained from London and Bristol, which were then received with universall amazement by an inland people, though not long after they grew familiar with their terrible execution. Meane while the city was open on three parts at least, and had no considerable defence, onely capable thereof by advantage of situations. The citizens did mainly shew their care and affection in fortifying the towne; a worke both expensive and tedious; being of great compassse, and raised from the ground. During these things the enemy came not neere our dwellings; we heard of them afarre off, but little thought that the cloud of blood should be blowne from the north, and settle over us, upon whom it afterwards brake into so many

showres; that this place should become the seate of warre, and the stage of action; that then lying open to a free commerce with the world, it should be shut up sometimes in strict custody, but still under a larger confinement, and beleagured at a distance, in the midst of the kings head garrisons.

At that time the rumours of warre and first acts of hostility quickly filled the eares and tongues of people: Alarms were then taken at a greater distance; and the first was given from the neighbour city of Worcester, by five hundred of the kings horse, which entered the towne, and at that season were not the least part of his majesties forces: His whole strength could not amount to the number of a just army, according to the slender proportion of those times; neither could they march like a set and perfect body, but flasht through the land, as the lightning that strikes from one quarter of the heaven to the other. The noyse of a nearer enemy raised the volunteers of the country, who marched, under the conduct of some gentlemen, towards Worcester, expecting to meete colonell Nathaniel Fiennes with a strength of horse; but colonell Fiennes had faced the towne, and drawne off before the advance of our foote; and they also retreated, having done nothing, but so meanelly prepared for the service, that they were much bound to the enemy that they fell not out of the city, and cut them in peeces. The same volunteers came on the second time, and were to joine once more with colonell Fiennes, who returned with a greater strength of horse and dragoones, under the command of colonell Sands, and now also prevented our foot: They attempted the onset, and approached the towne with much speed and confidence, on the Welch side of the Seaverne; supposing the earle of Essex at hand to assault the other side; but were meerly deluded by a false message from the enemy, with a signal accordingly given; at which instant of time prince Rupert arrived at Worcester. By meanes of this deceit the horse rush upon an ambuscado, when, through the straightnesse of the passage, first over a bridge, then through a narrow lane, neither the reare could be brought up, nor the van make a retreat. 'Twas an hot skirmish, and performed with sufficient gallantry on our part, by them that came up; where persons of value were slaine and taken, the rest wholly routed, and fled, in confusion, farre beyond the reach of a persuite. This victory was of great consequence to the enemy, because the omen and first fruits of the warre. Upon this the kings forces, hearing of the approach of the parliament army, immediately quitted the towne: So they shifted from place to place, since their inconsiderable number would scarce allow them to erect any garrison: Yet they increased by their motion and quick dispatch, gathered the strength of the countries as they passed along, and withall overcame the contempt of their small numbers, and by frequent execution gained the repute of a party not easily to be vanquished. This they acted while the parliament army lay still, or marched according to the slow paces of a greater body. The day after the skirmish, the earle of Essex entered Worcester with his whole power, and there continued a moneths space; sent forth severall parties, as the lord Stanford to Hereford, to prevent the forces of South Wales, whilst the king lay about Shrewsbury, and raised himselfe to such an army as was able to deale with, and endauger that maine power raised by the parliament.

After the famous battaile at Edge-hill, the first large field of bloud in these civill warres, though the kings army was there much broken, yet his strength increased, and multitudes began to looke towards him, as one at least-wise possible not to be overcome; and in this strange confluence of men, his army seemed like that fabulous generation that sprung out of the teeth of the Cadmean serpent buried in the earth. The neglected enemy becomes formidable, and the parliament forces may desire their first advantage, but have sufficiently learned that to give the first blow is not against the law of a defensive warre: The hopes of a subitaneous service are lost, and the kingdom is made sensible that their peace and liberty will cost much bloud. Both the

armies begin to take up their winter quarters in the most defensible places, and for the most part are settled according to the affections and engagements of the people. Colonell Thomas Essex marched into Gloucester, with the command of two regiments of foote, as governour of the towne; but as yet the deputy-lieutenants had the sole command of the county. Four weeks had not passed in this government, but colonell Essex was commanded to Bristol, to secure and settle that city, of so great concernment, both by sea and land, and at that time much distracted between the well-affected and malignant parties. So it was that the kings cause and party were favoured by two extreames in that city; the one the wealthy and powerfull men, the other of the basest and lowest sort, but disgusted by the middle ranke, the true and best citizens. Thus the present state of things had taught men to distinguish between the true commons of the realme and the dreggs of the people; the one the most vehement assertors of publicke liberty, but the other the first rise of tyrannicall government, and the foot-stoole upon which princes tread when they ascend the height of monarchy. In that city many of the rich men were disaffected to reformed religion, and some more powerfull were conscious of delinquency; others upbraided themselves with their owne publicke disgrace, and therefore did much distaste the waies of the parliament; and the needy multitude, besides their natural hatred of good order, were at the devotion of the rich men. These, therefore, began to raise commotions, and hearing of the advance of the forces from Gloucester, flocked together after a tumultuary manner, shut up the gates, but chiefly guarded that port where they expected an entrance would be made, and planted many ordnance against the approach of our men, with a full resolution to fire upon them. They were expected in the evening; but colonell Essex had intelligence of these preparations, and from a party within was directed to march that night to another gate, (then neglected by the multitude,) that should be set open. This was performed accordingly; and betimes in the morning he entered the city with his two regiments, besides great numbers out of this county, and in an instant surprized the mutineers, and quashed the businesse without drawing of blood.

The city of Gloucester was againe left naked, till the earle of Stamford marched hither with his regiment of foot, and two troopes of horse, from Hereford. The earle himselfe was commanded into the west upon his first arrivall, but his regiment designed for this city, under the command of lieutenant-colonell Massie; first as deputy-governour under the lord Stamford, afterwards with the power in himselfe; which, for the space of two yeares and six moneths, continued an uninterrupted and happy government: The providence of God and the felicity of the place so over-ruling, that that country which should endure the brunt, sustaine so many violent shocks, and beare up under the kings whole army, should be defended by a commander whose experience, fidelity, and valour, with indefatigable care and industry, might answer the expectation of so great a trust; assisted with that regiment, whose very name proved a terror to the enemy, and long enjoyed the honour of the most ancient regiment in the parliament army, though broken, torne, and worne out with extraordinary duty and service. And because the mere pomp of military preparations, and the hopes of a sudden victory being now past, the warre hath put on a blacker visage, and the sad effects thereof come home to these parts, it is meete to expresse what was the state of the country at that time. The inhabitants of this county had openly engaged themselves in the state service, nor as yet had they any thought of repenting, though cast into the midst of an enraged enemy. Oxford is the kings head garrison; Herefordshire possessed by his forces, upon the first removal of the earle of Stamford into Gloucester; Worcester hath already entertained a strength; Wales rise on the kings behalfe, by the power of the lord Herbert; the earle of Essex, with his army, is drawne towards London; the parliament forces in the west have their hands full; and there remaine in these parts of the kingdome onely two broken regiments at Bristol, which

was much distracted by intestine divisions, and one regiment at Gloucester; so that the most slender guard was left upon these parts where the enemy resolved their chiefe game for the winter action. And if this country must be preserved, it must be done by the volunteers, which were yet as a cake not turned; a kinde of souldiers not wholly drawn off from the plow or domesticke employments; having neither resolution nor support suitable to the service. But the greatest defect was the want of able and experienced officers; neither had they any commander-in-chiefe upon whom the hearts of the people might fasten.

Amidst these things the strength of the county was drawne to Cirencester, a frontier towne towards the kings head quarters then made a garrison, to prevent the incursions of the enemy, as well to preserve the country from ruine, as to advance the publicke service. Colonell Fettiplace had the command of this garrison, under whom some trained bands and volunteers were drawne into a regiment; and two companies of the lord Stamfords regiment were added, to encourage the businesse: A few horse and dragoones were raised at the free charge of the country; and the rest of the militia were to assist upon all appearance of danger. All things were transacted in a more voluntary, but lesse regular way. The businesse chiefly rested on sir Robert Coske, sir John Seamore, master Nathaniel Stephens, master Edward Stephens, master Thomas Hodges, with the rest of the deputy-lieutenants; and setting aside these men, with some gleanings of the gentry, the yeomen, farmers, cloathiers, and the whole middle ranke of the people were the onely active men. The gentlemen in generall denied their concurrence; discerning their country either by open enmity or detestable neutrality; and from the major part no better fruit was to be looked for in a degenerate age; when in many of them they appeared an hatred of the commons, and a strong disposition to the ends of tyranny. Others there were not wholly averse from the good of the commonwealth; whose enmity was grounded in religion, which obtained the most eminent place in the parliaments cause. The superstitious adoring of their old way imbittered their spirits against reformed religion, which to them seemed a peevisch affectation of novelty, besides the hatred and feare of ecclesiasticall discipline. But the greatest number, neither driven by ambition nor the spirit of blind zeale, onely resolving to be true to themselves, deserted the state, with some inclinations to the contrary faction; reflecting on their estates invironed with the kings country, neare the heart of his strength, and farre from parliamentary supplies: Besides, the violence and quick dispatch of the kings army, with the slow performances of our country agents, after the space of an ordinary legall course in those extremities, did much deterre them. The country complained of their principall men, for the neglect of taxes, and the gentlemen might happily see the grudgings of the country in the payment of those taxes, (for the common people are alwaies covetous, though well affected,) and forbore to urge whatsoever might distaste the people, or crosse the parliaments accustomed moderation. Which slow deliberations did lessen the esteem of the service in the hearts of many.

The secession of the disaffected gentlemen did cast an aspersion that could not stick, that the businesse was deserted by knowing men, and prosecuted by a rash and confused multitude: Whereas by no one thing could it more evidently appeare to be the cause of the commonwealth, then by the acknowledgement of the whole body of the commons, which is more honest and wise in things of publicke concernement; for though they be very weake one by one, yet, brought together, they ballance each other; and when no man hath power to impropriate much, each man expects only a proportionable share in the publicke interest. Neither is their judgement and foresight to be undervalued, who are apt to discern any thing that concernes themselves, and, being united, are not like to faile; for they have the best experience, and are neerly affected with the woe or weale of the state, and so may sometimes judge better then

those that guide it; as he that useth the house can better judge thereof than the builder, and the pilate of the sterne then the carpenter. And although they have not the first and most excellent part of knowledge to finde out, and by themselves to understand the rules of government, yet have they the second part, which is also excellent, to judge aright of things proposed; and if not made fit for the yoke, by dependence on the gentry, can discover the fraud that lies under the fairest pretext. But the gentlemen, by depriving the meaner people of their due protection, blemished the reputation of their families, and crossed the end of their honours and possessions, which, in a well-ordered state, are given for a shelter to the under shrubs, that some generous spirit neerer the commons might keepe off the invasion of princes; and whose power was most desired in such an exegence, to gather up the scatterings of the people, and keepe them united; who, for want of this concurrence, were of lesse strength and vigour.

Such was the face of this country, now ready to receive the first shocke of the enemies fury. About the first of January, 1642, the maine strength of the kings army came before Cirencester, prepared and resolved to storne it; yet they onely faced the towne, and after two daies were strangely taken off; either disabled by the extreame cold on the hills, or some suddaine misfortune, or daunted by the shew of unanimity and resolution in the people, or else clouded in their thoughts, by the secret will of God, in the nick of action, that they made not the least attempt, but threatened an after-clap. A few daies after, our forces had their designe upon Sudely castle, at that time kept by captaine Bridges, in the behalfe of the lord Chandos. Lieutenant-colonell Massie was intrusted with the manage of this action; who drew from Gloucester a party of three hundred musketeers, with two sakres, assisted with fourescore horse, and foure companies of dragoones from Cirencester, by order of a counsell of warre held there, and consent of the deputy-lieutenants. There were in the castle neere threescore souldiers, with provisions and ammunition sufficient. Our men drew up before it in the evening, made several shots, and the canon did some execution. The same night summons was given: the enemy refused to render upon quarter, but craved time till the next day, which in part was granted: Guards were set upon them all night. The next morning our men were drawne out to make an assault: Beds and wool-packs were fetched out of the neighbourhood, which they tumbled before, and saved themselves from shot. The horse and dragoones came up before the foot approached the wall, and possesst themselves of a garden under the castle, and got hay and straw, which they fired, that the smoake, driven by the wind, smothered the house, in the shadow of which the ordnance were brought up undiscovered, and planted against the weakest part of the castle; which, when the enemy perceived, they sounded a parley; and immediately rendred upon agreement. The conditions were, that all might have liberty of person, and passe to their own houses, leaving their armes behind, and taking an oath never to serve against the parliament: They compounded also for the goods in the house, for which they were to pay five hundred pounds within sixe daies, or to leave them a free prize to the souldiers.

Within two daies after, prince Rupert faced Sudely with about foure thousand horse and foote, pretending an attempt to regaine it, but in the meane time marched his artillery towards Cirencester. Lieutenant-colonell Massie made provision to maintaine the castle, by taking in water, and store of hay and corne; and having left there lieutenant-colonell Forbes, with a sufficient guard, himselfe retreated to Gloucester. The prince, with his forces, kept the hills, and after three daies fell before Cirencester, a stragling and open towne, neither well fortified nor capable of defence. The champaigne country round about was most advantageous to the horse, in which the enemies strength did chiefly consist, and which was then wholly wanting to that garrison; for their horse and dragoones were sent to the taking of Sudely; most of their

officers were drawne out upon that service, except the captaines of the volunteers; and lieutenant-colonell Karre was the onely experienced souldier left there; their canoneers were wanting; the common souldiers quite off the hinges; either cowardly or mutinous. The storme rose when least feared by the miserable people, who had not ended the joy of their late deliverance from as great a power, but strangely diverted; and though they were still in the same danger upon the reverse of the army, yet were they not capable of the least distrust, till the storme hovered againe; either supposing themselves invincible, or by defiance to have baffled a wary enemy, that falls baeke, and waites his time, to returne with greater fury. On the second of February the towne was assaulted and taken. The first and maine assault was made on a house a slight-shot from the town, which was defended by a hundred musketeers for an houres space, against two regiments of foot and a regiment of horse, which were led on by the prince; till at length, having drawne up their musketeers, and by granadoes fired the barnes and ricks, and smothered the guard, the enemies horse drove their foote before them, entered the streetes by maine force, and possess themselves of the garrison within two houres. Yet it cost them the lives of many, amongst whom the Welchmen were reported to suffer the greatest slaughter, who in that army were a continual sacrifice to the sword. Each guard made resistance according to the officers valour and experience. The souldiers of the earle of Stamfords regiment had acted the best part, but that they were most put to the sword when the towne was entred, except those that by flight had their lives given them for a prey. Some few besides defended their guards a while; but the passages were many and open, and the enemy soone came upon their backs. As for the country men, their heure was not yet come, neither had they quitted such employment as did enfeeble their spirits, nor entred the schoole of war, to study indignation, revenge, and bloud, that alone can overcome the terrour of an army.

It so fell out, that, in the midst of the service, they were at their wits end, and stood like men amazed: Feare bereft them of understanding and memory, begat confusion in the minde within, and the thronging thoughts did oppresse and stop the course of action, that they were busied in every thing, but could bring forth nothing. Few of ours were slain in the fight, but many murdered after the taking of the towne, eleaven hundred taken prisoners, and at least two thousand armes lost, which the country had there laid up, as in a secure magazine. The miserable captives were entertained with all despight and contumely, according to the enemies accustomed cruelty in the beginning of the warre: Commanders and gentlemen had no better quarter then the common souldiers, but were all thrust into the church, to be reserved for a triumph, and trampled upon in a base and impotent revenge. Whether the first tury of a civill warre, and the jarres of brethren, prove most outrageous, or the cause of religion had blouded their minds, not a man could be released, though the price of his redemption were paid, till he had first attended the triumph at Oxford; that an unfortunate king might view the aspect of such innocent subjects that should presume to claime those rights wherein they were borne; when reason might easily evince that no slight matter could engage such a people in an open warre, as were ever willing to deceive themselves into a supererrogation of loyalty.<sup>2</sup>

The whole country was quickly full of this disaster, and in vaine did thinke to recover what was lost, by weakness of spirit, or error in the chiefe manage of the businesse. Thousands of men, armed and unarmed, flocked together, and resolved to undertake the enemy, under the conduct of a grave and well-minded patriot; but the

<sup>1</sup> See the "True Relation of the Taking of Cirencester, and the cruel Dealing of the merciless Cavaliers towards the Prisoners they took there, in their Passage as they went to Oxon, and at Oxon," Vol. IV., p. 510.

<sup>2</sup> See the Tract *ubi supra*, Vol. IV., p. 511, and Note.

desired leader was conscious of the peoples madnesse, and knew well that they made a loude cry afaire off, but if once brought up to the face of the army, they would never abide the fury of the first onset: Wherefore he refused to engage himselfe and them upon a certaine destruction: nevertheless, the people bitterly railed against him, and curst him, as a traitor to his country; neither could the experience of these times dispossesse them of that absurd conceite.

The very next day after the losse of Cirencester, the city of Gloucester was demanded by prince Rupert: The summons found the people extreamly dashed at the strange turning of things, and so much amazed, that they could not credit the report of this blow, though confirmed by sundry eye-witnesses. The hearts of many sunke very low, and began to lye flat: zeale and religion upheld some: all had a kinde of will; but the strong fidelity and resolution of the souldier at that time, and in all extreme hazards, upheld the garrison. The prince therefore received a short answer from lieutenant-colonell Massie and the principall-officers, that they were resolved with their lives and fortunes to defend the city, for the use of the king and parliament, and in no wise would surrender at the demand of a forraigne prince. Another answer was returned from the mayor of the city, (for the martiall command was not fully settled,) that he was resolved, according to his oath and allegiance, to keepe the city in his majesties behoofe, and would not deliver the same, according to this summons: Whereupon a second summons was sent from the prince, which could not alter the case in their judgment who held the towne, and seeming withall to persuade and sollicite them out of their hold, did easily beget an opinion of the enemies weaknesse, and their owne considerable strength; since neither religion nor modesty could withhold from blood that enraged party, but only the conscience of a selve insufficiency: The souldier therefore began to acknowledge the remainder of power, which did not appeare contemptible with the kings army.

Hitherto the city had been lodged in the midst of many out-garrisons, as the heart in the body, but now it hath enough to doe in its owne safety, and the remote parts must be pared off, that a liberali nourishment might preserve and foster that place, which was the seate and fountain of life unto these parts of the kingdome. Sudely castle was deserted; the garrison of Tewksbury (which was defended onely with such slender forces as Gloucester could spare out of its penury before the enemy fell on the county) was already surpris'd with feare: Both places could not be maintained, when so great a power did urge and beare downe on every side. Those of Tewksbury sent an expresse to the city, to informe them of the state of their towne, and to request more aide; likewise they dispatched messengers to the villages round about, to acquaint them with the state of things, and to try whether the inhabitants would come in person, or send in their armes; but there came neither the one nor the other; and it was resolved by the counsell of warre at Gloucester, that the forces, ordnance, and ammunition, with all well-affected persons, should forthwith repaire thither. In the heate of this debate there came an invitation from Worcester, by a letter from sir William Russell, with intimation of conditions of peace; all which disposed that towne to compliyançe with the enemy. Hereupon a common counsell being held, and the officers present, was determined that the Gloucester order was to be obeyed. The towne, thus deserted, was willing to provide for its own safety, and chused rather to obtaine some reasonable termes of peace, then suffer itselfe to be quite ruined; wherefore they drew up some propositions, to be sent to sir William Russell; yet before the dispatch, they sent to Gloucester a second message, by the minister of the towne, and an officer of the garrison, with sir William Russells letter, and their answer. These promised an early return, but failing some houres of the time appointed, in the meanwhile the propositions were sent to Worcester. This message brought a countermand,



when there sprung an alarm that Cirencester was regained, and the spoile and prisoners recovered backe. For this cause the souldiers were detained a while; but when the report was found untrue, of themselves they began to quit the towne. In the evening the messenger returned from Worcester, with the propositions granted. The subjection seemed unfortunate and dishonourable in them whose affections were engaged to this cause; neither did there appeare a meanes to prevent it; for the transmigration of the whole towne was impossible, nor as yet did the condition of the warre require any such thing from one particular place; for the parliaments adherents, as also the malignant faction, did never at once forsake their habitations, to be gathered into one body. For a suddain conclusion, but were brought peece-meale into action; and many lye under covert in the enemies country, reserving themselves for future service. Thus the people entertained gladly those conditions, which, though performed in part, yet were a sufficient bondage, did impoverish their spirits, coole their zeale of religion, and lessen the former inclination to liberty; after which, by frequent changes under many lords, they became so feeble, that they never durst confide in themselves to vindicate the towne into its former happinesse, but a long time remained averse to the fairest opportunities, yea, necessities of ingagement, and desired an everlasting neutrality. The deserting of this towne increased the forces of Gloucester by two hundred foote and dragoones, and tooke off the feare of a greater mischiefe; for though the quitting of the place caused us to resent our great distresse, yet the taking thereof would have confounded our thoughts, and hazarded the maine chance where the whole strength did not lye at stake.

The enemy breathed out threatnings; many false friends sought cunningly to make us afraid; the country-men, in general, were taken off; who, in their jocund beginnings, still concluded on the victory, but never prepared for a blow, that the whole businesse was dashed at one clap, and especially when Cirencester was taken, in which they did repose so much trust. The issue discovered the weaknesse of the former proceedings, in committing the whole fortune of the country, and the lives of so many men, to such a poore defence, and hazarding the maine rest where the strength of the game could not be managed. Besides, the enemy had this great advantage in overpowering the minds of men; who, since their cause could not lay claime to justice, nor themselves procure love, sought to prevaile by terrour, and by their late cruelties became dreadfull; so that such spirits as wanted greatnesse of minde, or strong fidelity to persevere, did greedily comply with that party; supposing themselves secure from this side, at least in respect of a deep personall suffering; which supposals were grounded upon the parliaments lenity, and unto which, peradventure, they were bound, that they might gaine affections in a voluntary warre. The more zealous and active had no head under whom they might unite and grow strong. The power of the deputy-lieutenants was quite fallen, (a kind of command suitable onely to the infancy of military affaires,) and the whole businesse was devolved on the souldier, whom the people then beheld as the professed servants of fortune, and trusted not till after manifold experience; so they sunke under the burden, and gave up themselves to spoile and rapine. The clouds gathered round the city; the enemy lay strong at Cirencester and Tewksbury; our men were confined to the towne walls; the workes not halfe finished; the souldier within mutinous and desperate; no monies came from the state, and but small supplies out of the country, that the vilest mutineers were to be dealt with by intreaty, their insolencies to be suffered with patience; who tooke so great advantage by our extremity, that their humours had a full vent, and ran forth into incorrigible wickednesse: The city was constrained to free quarter and great disbursements by way of lone, and the governour to use his skill in keeping together the male-contented souldiers.

The army raised in Wales, by the power of the earle of Worcester, and his son, the lord Herbert, begins to appeare,<sup>1</sup> is designed for Gloucester, and comes on at Cosford, in the Forrest of Deane, three miles from Monmouth, where colonell Berrowes regiment had made a kind of loose garrison, for the defence of the Forrest, in an open towne, and with slender preparations. Here the Welch fell on; but their officers with strange fury drove our party before them, which was borne downe by their multitudes, yet with a greater losse on their part. Divers officers were slaine, and with the rest their commander-in-chiefe, sir Richard Lawly, major-generall of South Wales: Of ours few slaine, but lieutenant-colonell Winter, and some inferiour officers, with about forty private souldiers, taken prisoners.<sup>2</sup> All the strength of these parts are now driven into the walls of Gloucester, onely Barkly castle is held still, for an intercourse between us and Bristoll. This city was accounted one of the chiefe holds of the kingdom, and far from the well-spring of succour; yet was there no care of a competent brigade or magazine; a common defect, by which the state hath received much detriment; that through the penury of men, armes, and amunition, remote garrisons are left in dispaire, or the intention of the maine army must be diverted, for their relief. Our succours were yet to be raised, or selected out of severall commands, and come on slowly: The people were held up by false reports; and to stave off the enemy, the governour was to put the best face on a bad matter.

Meane while a great power of the Welch army advance towards Gloucester, and settled at Higham House, within two miles of the city, and began to intrench. The governour placed a guard at the bishops house, to keepe them at a distance. Sir Jerome Brett, their major-generall, had the confidence to demand the towne; but the summons was received with scorn from a Welch brigade, and became ridiculous when Prince Rupert had beene twice refused: Besides, an inveterate hatred, derived by fabulous tradition, had passed betweene the Welch-men and the citizens of Gloucester. Such slight and irrational passages prevaile much with the common people, in whom opinion beares rule. Those forces were said to expect Prince Ruperts approach on the other side, else it cannot be imagined to what end they lay five weekes in a stinking nest. They were basely baffled, never attempted our out-guard, never undertooke the least party that issued forth. Meane while the prince was conceived to waite upon other designes. The Bristoll plot offered it selfe, upon which his person did attend before the gates of that city. Thence he was drawne off to stop Sir William Wallers advance for our reliefe; who deceived the prince by strong reports and night marches, and happily drilled along his small army to the place of action. The governour could attempt nothing, but onely make good the guard at the bishops house, and flourish with some slender sallies: He had not an hundred horse, and the enemies foot were double the number of those in the garrison. At length an addition of two hundred

<sup>1</sup> These Welch forces, which lord Clarendon, on account of the sudden manner in which they were raised and dispersed, terms a mushroom army, consisted of about 1500 foot and 500 horse; levied chiefly at the expence of the marquis of Worcester, then one of the richest men in England. He had, unfortunately for his master, the affectation of desiring a separate army, and distinct command of his own. After the account of their being totally surprized and dispersed by sir William Waller, the noble historian judiciously adds, that if the expence of these raw levies, computed to amount to 60,000*l.*, had been brought into the general military expences, and employed to the best purpose, it would, in his opinion, have ended the war next summer.

<sup>2</sup> Lord Clarendon gives the following account of the marquis's army, officers, and approach to Gloucester: "The horse he put under the command of his brother, the lord Somerset, a maiden soldier too; and the foot under colonel Lawly, whom he made his major-general; a bold and sprightly officer. About the middle of February he marched towards Gloucester, with an ill omen at his setting out; for a rabble of use country people being got together, without order or officer of name, barricaded a little village in the forest of Deane, called Cover, (through which he was to pass,) and refused to give him entrance; and out of a window killed colonel Lawly and two officers more, without hurting a common soldier; whereby that body was destitute of any person of experience to command them."—*Clarendon*, II. 118.

horse and dragoones from Bristol, under the command of captain John Fiennes, gave some life to the businesse. Hereupon severall parties, at sundry times, were drawn out, which never failed to beat the enemy into their works, kill and take prisoners, although treble the number of our strongest party; so that the name of our blew regiment became a terrour to those miserable Welch-men, who were partly constrained to take up armes, partly allured with the hope of plunder. Certainly they were deceived out of their owne country, not to fight, but to take Gloucester; by which means they could act an impotent villany and cruelty, but nothing of a souldiers gallantry.

Immediately after the taking of Malmesbury, Sir William Waller bent his course towards Gloucester, and laid his designe for the surprize of the Welch army. He gave notice of his advance unto lieutenant-colonell Massie, with directions instantly to draw forth both horse and foot before Hignham, and to keepe them in continuall action, that they might not understand his approach. He gave order, likewise, that those flat-bottomes which were brought from London upon carriages, for service upon the river Seaverne, should be sent downe to Frampton passage, sixe miles below Gloucester; where both horse and foot were arrived by noone, passed over the river before night, and unawares of the enemy, got between them and home, tooke them in a snare, and intercepted their flight. The governour performed according to the intention of the plot, drew forth all the horse, and a party of five hundred foot, brought up the ordnance neere the house, and kept them in the heate of play till the evening. At night he set guards round the house, with that straitnesse and confidence, that the enemy durst not stirre, nor a spy steale out, although they lay fiteene hundred strong. At sunne-rising they had a fresh alarme by our ordnance, and were held to it by our musket-shot. This morning their horse issued out, attempting to force their way through the horse guard; which they did, and put some of our horse, rashly charging, and upon disadvantage, to a disorderly retreat; but comming up to a foot guard, received a repulse. And to the reliefe of that guard, which was thought too weake, a party was drawne from the artillery, and that againe by this meanes much neglected; in so much that the same instant the enemy fell out upon our ordnance, then like to be deserted, but were beaten backe by the gallantry of some few that kept their ground. In this point of action Sir William Waller came up, and shot his warning-peece on the other side; which dasht the enemy, and so revived our men, that they ran up with fury, stormed a redoubt, and tooke in it two captaines and above thirty private souldiers; which service had a maine influence upon the surrender of the house. Sir William placed his army to the best advantage for shew, and displayed the colours of two-foot regiments, reduced to a hundred and fifty men; drew neere the house, and made some few shot with his canon. After his approach, not a man of the enemy was slaine or hurt; yet the common souldiers would doe any thing but fight, when they were well fortified, and had a sufficient magazine. They sounded a parley, and sent forth some officers to treat, which had this result—that they should render the house and themselves as prisoners, and the officers should receive respect and quarter, according to their quality. Upon the returne of these terms, some advised to break through; which the common souldiers utterly refused, and neglected the advantage of a dark and rainy night. The persons that treated dealt the second time in a kind of begging way, but at last accepted the former conditions, and gave up the Welch army into the hands of men quite spent with continuall marches and watching. Divers persons of quality were here taken, the most powerfull gentry of Herefordshire; some of those that in some were stiled the nine worthies; who, in the first opening of the great breach, affronted the parliament with a scandalous remonstrance. The next day, being the twenty-fifth of March, neere fiteene hundred were led captive into Gloucester; as great a number as Sir William Wallers army, with the garrison

forces, could rise unto. Thus the first fruites of Wales were blasted, the strength of the nearer parts almost vanquished, and the effects of this victory had been more lasting, had it been used to the best advantage. The kings party had a notable faculty in the improvement of victories by strict imprisonment, and inhauncing the rate of their captives: Their usuall fiercenesse did extract great ransomes, or unequal exchanges, and disposed them to detaine their captives in extreame misery, and to neglect their owne friends in the like thralldome, of which those that were taken at Cirencester gave a full testimony. But the parliament garrisons knew not how to keepe a correspondence in this case, but groaned under the burthen of miserable prisoners, were prone to exchange, or set free upon easie termes. And by this meanes most of the common souldiers then taken, within tenne daies were sent backe into their owne country, with an oath never to serve against the parliament: others that tendred themselves were entertained in the service; who, for the most part, proved runnegadoes. The commanders and gentlemen came off, some with a ransom, and oath which they quickly violated; and the residue were wholly lost at the surrender of Bristol.

The whole successe of the former action happily complied with the maine plot, and extremly dashed the kings affaires in these parts. The generall fame did increase and heighten the repute of Sir William Waller, and the enemy, possessed therewith, began to draw back on all sides. Sir Matthew Carew forthwith quitted the towne of Tewkesbury, which, within twelve houres, was repossessed by our forces: Captaine John Fienes was commanded thither, with a slender strength of horse and dragoones; with whom the well-affected of the town that abode in Gloucester began to returne. The undertaking was hasty and confused, without the observance of the enemies motion or distance, or any rational assurance of defending the place. Our party had no sooner saluted the towne, but received an alarme that the former forces were returned with a greater power. 'Twas a gallant brigade of horse, commanded by the lord Grandeston, which immediately came from Cheltenham, whereof our men had not the least intelligence. It seemed, by the event, that the enemy expected none from Gloucester. However, there was quicke dispatch on both sides; yet captaine Fienes, with his whole party, had bin surpris'd, had not those horse been kept off at a miles distance by a ridiculous accident. It so fell out that they met a man comming alone from the towne, whom they fell to question whether any forces were there, of what strength, and by whom commanded. The man intending nothing lesse then the escape of our party, but supposing them a part of the parliament forces, and willing to curry favour, begins to talke of a maine strength, and vast numbers, with so many guns, and all kind of preparations, and withall defies the cavalliers, with much affected indignation; which words so farre prevailed, that they presently held a counsell of war, and once were about to fall back. This delay gave an houres respite to those within to prepare for a flight; who had no sooner recovered the end of the towne, but the enemy had entred, amazed to see themselves so miserably deluded.

When Sir William Waller had refreshed his men some few daies, about the first of April, 1643, he advanced towards Monmouthshire, at the solicitation of divers gentlemen of that country, with a promise of concurrence in reducing those parts to the obedience of king and parliament. When he came neere the towne of Monmouth, where the lord Herbert had began to place a garrison, the souldiers did not abide his comming, but all shifted for themselves by flight: Sir William entred the naked and open towne, where he stayed a while, and sent many parties abroad the country for supplies of money; thence marched to Uske, where he set free some prisoners kept there. But the reducing of the country came to nothing; for the gentlemen did not perform; and he found there what usually comes to passe in such cases, that men desirous of alterations invite upon ample promises, but never make good, and seldome appeare in the businesse till the souldier hath done the worke to their hands, or they

have gotten some stronge hold to secure their ingagements. So that the well-affected would not declare themselves, because a running army could be no lasting support, and they had no strong hold, nor the stream of the people, which were at the devotion of the earle of Worcester; almost an universall land-lord in that county.

Whilst these things are acted, prince Maurice enters Tewksbury, with a power of horse and foot added to those former under the command of the lord Grandeston; resolving to make after sir William Waller, and to intercept his return out of Wales; for he was gotten into such a nooke of the land in the enemies country, that the prince might easily drive him to a *non ultra*. Wherefore a bridge of boates was made over Seaverne at Tewksbury, that they might passe to and fro nearer the retreat of our army. Here the prince marched over, with a body of two thousand horse and foot, confident of this designe, and therefore too remisse and slow in his advance. Sir William was nimble in the retreat, caused his foot and artillery to passe over Seaverne at Chopstow; and himselfe, with his horse and dragoones, passed through the lower part of the Forrest of Deane, neare the river side; and before the enemy had notice of his march, sent forth two parties, to fall upon two of their maine quarters; which was performed whilst the maine body slipt between both; and a party was left to face them, and make good the retreat; which came off something disorderly, and with the losse of a few private souldiers. Twas an exquisite conveyance and unexpected felicity that brought them out of the snare through those intricate waies. This alarme quickly reached Gloucester, and lieutenant-colonnell Massie drew out three hundred foot, and two troops of horse, to fetch off our men; but if he found them dis-ingaged, for a further designe. This party met them within two miles of the towne; where the governour made knowne to sir William Waller his purpose to set upon Tewksbury; and taking the opportunity of the princes absence, and the enemies jollity at our supposed totall defeate, instantly advanced upon them, and by break of day brought up his men before the towne; one part whereof fell into the Ham, seased upon the guard left with the bridge of boats, and cut off that bridge. The horse, with the rest of the foot, came up Gloucester way. The forlorne hope surpris'd and slew the sentinell, climbed over the workes, and cut down the draw-bridge; whereupon both horse and foot rushed in, and the party on the other side of Avon ready to enter. There were left in the towne neere three hundred men, commanded by sir Matthew Carew; whom the triumph of yesterdaies conceived victory laid asleepe, and the sudden alarme roused up, first into a shuffling fighting posture, and after halfe an houre to a nimble escape. Sir Matthew Carew fled, and many escaped the hands of our men, who wanted numbers to surround the towne; but most of the common souldiers, and some valuable officers were taken. Oxford was as miserably gulled in these passages, and in a few houres extremely affected with contrary reports; for the jocund newes of the vanquishing of sir William Waller arrived early in the morning, but before noone an expresse came of the losse of Tewksbury; which was cast upon the heat of the first report like cold water into a boyling pot.<sup>1</sup>

The same day a party of prince Maurice his horse appeared from the top of a hill neere Tewksbury, and intimated the approach of his whole army; whereupon sir William Waller marched thither that evening, and resolved to breake downe or make good the bridge at Upton upon Seaverne, besides which there was no passe nearer then Worcester; but the scouts gave notice that the prince had recovered the bridge, and set a guard upon it. The next morning sir William advanced towards the prince, and found him in Ripple field, with his army drawn up, and divided into three bodies, besides the hedges lined with musketeers. Here our forces faced the enemy in a large

<sup>1</sup> It was this train of success that gained the active and enterprising Waller the epithet of William the Conqueror, which he lost in his battles against the loyalists of Cornwall.

field, and could hardly reach the third part of the princes strength; brought up their gunnes; having neither shot prepared, nor cannoneers that understood the businesse, nor the assistance of foot, save only a part of the governours owne company: besides, the wind and sun were against them, and no retreat, if need were, but through a narrow lane of two miles long. And whereas they might stand upon the top of a rising ground, to deceive the enemy with the semblance of a greater power behind, they descended a little on the side of the hill, and discovered their weaknesse to a full view. In this posture some perswaded to fight, and began to make some shot with the ordnance, which gave no shew of the least execution; but some other officers examined the cannoneere, and finding neither fit bullet, nor any convenient shot, but all things at randome, earnestly dissuaded either to make the onset, or expect the enemy in that place; and advising likewise the tryall, discovered their ambuscadoes within the hedges. Hereupon sir William Waller fell back, and entred the narrow lane, commanding a party of dragoones to face the princes army, and the musketeeres to stand at the corner of the lane, within the hedges, to make good the retreat. The enemy fell on. Not a man of those dragoones would stand to receive the charge, but hurried away, broke over the hedge, fell among and disordered our owne musketeers; the enemy clapt in after them, cut down foure or five of the foot, and tooke as many prisoners. Lieutenant-colonell Massie kept close to his foot, and instantly dispatcht to Tewksbury for a supply; and sir Arthur Hazelrigg prevailed with his owne troope to charge,\* and in his owne person performed gallantly. The foot, with those horse, put the enemy to a stand, and in part tooke off the foulnesse of the retreat through that strait passage. When they came to the next open place, our men had the advantage of a ditch to stay the persuit; and in the heat of the chase, one foot-souldier, at the command of the governour, turned upon the enemy a gate then cast off the hinges; which barred their entrance, and enabled our men to draw up for a charge. Here for a while they stood in a maze, but on a suddain faced about, ran flock-meale, the enemy upon their backs; and the close of this action was like to be miserable; but at the entrance of a strait passage neere the Myth hill, a supply of foot from the town opportunely met them, gauled the enemy, and put them to a stand once more; whilst the governour charged the leader of the forlorne hope hand to hand, and was rescued by the gallantry of some officers; when of ours onely a small party of horse remained in the field, the rest being got off in great confusion. Yet the escape might equall a victory, and the saving of the forces passe for cleare gaine. Prince Maurice did not attempt the regaining of Tewksbury, the government whereof was intrusted to sir Robert Cooke, who had newly raised a regiment of foot, by commission from sir William Waller.

At that season the main strength of the kings army was drawn from these parts, when Redding was beleaguered by the earle of Essex; by which means the parliament forces had a large and free game in this countrey, went on with a full stream of success, driven with a gentle gale of providence, and a kinde of unimitable happinesse, in unbloody victories. The fortune of the former did over-rule the event of the succeeding action, and the name and presence of sir William Waller did include more then a thousand men. Neither was he wanting to himselfe, but made the best use of his present fame, and kept it up by constant active endeavours, lest a little intermission might permit the enemy to recollect himselfe, or the real weaknesse of this army be discerned. It was therefore suddenly resolved for Hereford, whither he advanced with a thousand horse and dragoons, assisted by the governour, with the greatest part of the lord Stamfords regiment: There were also the beginnings of colonell

\* Sir Arthur Haslerig commanded a regiment of five hundred cavalry, so completely armed with corslets, that they were called the *Lobsters*. This was the first body of cavalry in the service of the parliament which could be brought to endure the shock of the king's horse.

Thomas Stephens his regiment. The maine body of horse and foot were drawn up before Bisters-gate, on the north side of the town, stood aloof off, and shot at random, till the lieutenant-colonell commanded captain Grey, with a party of musketers, over the river, towards Wie bridge; whose march was secured by a rising bank under the walls. These were ordered to make shew of an assault, and, if need were, to fall back unto the water-side, where seconds were placed for their reliefe. The enemies horse sallied out upon them, whom that party having gallantly kept off, and forced back into the city, withdrew thence, and gained a church within pistol-shot of St Owens-gate, whence our musketers plaid on the walls, and exceedingly terrified those within. But the main rest of the businesse was the name of a conquering army, which sir William Waller improved to the best advantage, by all expedition and industry. And to help forward, Massie drew up two sakers<sup>\*</sup> in a strait line against Wigmarsh gate; not without extream hazard, by shot from the walls; himselfe gave fire; and the first canon-shot entred the gate, took an officers head from his shoulders, and slew some few besides. More shots were made, each of which scoured the streets, and so daunted the enemy, that they presently sounded a parley, which was entertained by sir William Waller, and hostages given on both sides. The parley lasted almost the whole day, whilst most of the common souldiers ranne over Wie bridge into Wales: only the commanders and gentlemen remained, and were reported to be held in by the townsmen, to sweeten the surrender, and obtaine better quarter. Next morning they rendred. The chiefe prisoners here taken were, the lord Scudamore, colonell Coningsby, sir William Crofts, &c.; few horse and private souldiers, but store of armes and ammunition. The town compounded, was secured from plunder, and after fourteen dayes deserted. Sir William Waller obtained many faire victories, but had no power to make them good, because his field was too large for that strength, and the state made an inconsiderable number of men the only stay of the remote parts. These could over-run the enemies countrey, but get no ground, master no strong hold, nor reduce a people naturally malignant, that were dashed at present, but did flourish again in the reverse of the kings army. The next attempt was made upon Worcester, whither all the horse and the greatest part of the blue regiment were drawn. They at Oxford were said to have yeilded that town for lost, and to give out that sir William was gone to take possession of his purchase; for at that time treason was the pretended cause of every losse on both sides, especially if weak and unworthy. Both horse and foot came up before the city, where they lay a day and a night, effected nothing, and were drawn off at the noise of the lord Capels advance; at which instant sir William Waller was taken off these parts, and ordered to march into the west with all speed, to prevent the joyning of sir Ralph Hoptons forces with the rest of the kings army. Sir Robert Cooks regiment was called off from Tewksbury for the western expedition, and that town once more slighted.

Hitherto Lieutenant-Colonell Massie governed the city of Gloucester, by deputation from the earle of Stamford, whose returne was not expected; wherefore the thoughts of the citizens began to enquire after a governour. They thought well of a man neare home, and cast their eye upon a knowne patriot. Neverthelessse, more intelligent men, upon the serious review of the cities continuall hazard, found that the necessity of this place did require a tried souldier, and that such a one might possibly be found faithfull, but a timorous or unskilfull man must needs ruine all: Wherefore they reflected on Massie, whose good services gave them also a competent assurance of his fidelity; that, by the happy choice of the citizens, and the lord-generals commission, he was appointed governour. To enable the city to defend it selte, a foot

<sup>\*</sup> The sakers were small pieces of artillery, which, like the falcons and falconets, took their name from a particular kind of hawk.

regiment was raised, by commission from sir William Waller, out of the townsmen, for the major part, both officers and souldiers, under the command of colonell Henry Stephens. The first intention of this regiment was to defend the city only within the walls, according to the infancy of warre; but the hard service of this place did suddenly require and exact the full duty of souldiers. At this instant the city was well becalmed, only there hapned one passage of inferiour nature, but full of the fortune of warre. The governour, with a party of an hundred and twenty horse and dragoons, advanced towards Stow in the Wold, to beat up the enemies quarters. By break of day he fell into Slaughter, took a lieutenant, twelve troopers, horse and armes, and thence marched to Odington, a mile beyond Stow, where he surpris'd a capitaine of a troop, with forty men and horse, and so made homewards; neglecting the residue of the enemy, who drew out of their quarters with all speed. The remainder of their regiment fell upon the reere of our men, neare unto Slaughter, with some slight execution, but were beaten back. The governour being confident he was able to fight with them upon any ground, made no haste to march off, till the enemy had received a supply of horse from Sudely Castle, and again charged him at Andovers foord; whom our men received gallantly, and repulsed without any losse. The capitaine that led the van was slain by the governours hand, and the rest wheeled about; whereupon the governour dismounted the dragoons, and divided his men into three bodies; the horse to the right and left wing; in this posture resolving to march up to the enemy, (who would gladly rid their hands of the businesse;) but having advanced a little distance, and looking back to bring on his men, saw the greater part in a strange hurry, occasioned by the facing about of some cowardly spirits, and himselfe with those dismounted men desperately engaged. For a while he shuffled amongst the enemies troopes, till observing himself eyed by some, he sprang forth, fired in their faces, and came last off the field, upon the maine roade. He offended here, by affecting too much gallantry, and was deceived in his new-raised men, who were not hardened by the sight of an enemy. Besides, no ordinary care was had of securing the prisoners, who were all recovered back. Four of ours were slaine, many wounded; Colonel Stephens, a lieutenant, with five-and-twenty private souldiers, taken prisoners. The springing hopes of colonell Stephens failed, unfortunately, when his eager minde engaged him in the action without order, and against the will of the commander-in-chiefe. He had no command in the action, but hasted after, as greedy of the service. He was led captive to Oxford, and a while after breathed his last in that poysonous ayre, where many gentlemen were observed in those dayes to expire.

Amidst these things, sir John Winter, a zealous papist, began to declare himselfe: —A subtile wit, that pretended innocency till his houre was come, and had almost perswaded the world that he durst deny himselfe, and commit an unpardonable sinne against the catholike cause. His house in the Forrest of Deane was at first neglected, when it was in the power of this garrison to ruine his designe. But under-hand he prepared for defence, suddenly clapt in his owne confidants, and with a little labour made it inaccessible, but with apparent great losse, and maintained his den as the plague of the Forrest, and a goad in the sides of this garrison. These things were acted about the time of that blow, almost fatal to the parliaments cause, in the vanquishing of sir William Wallers army at the Devices;\* which defeat cast these parts of the kingdome into a miserable plight, when the state had placed the whole game in the successe of this army; never providing a reserve. The king became master of the field, the parliament left without an army that could check the enemy, who came

\* Commonly called the battle of Roundway Down, in which sir William Waller sustained a severe defeat from the forces under Lord Wilmot; losing his whole arms, ammunition, and baggage, and himself escaping with the greatest difficulty.



up to our gates, and by threats would seeme to shake the walls of the city. Many began to prepare for flight, whose presence no reall necessity, but the peoples opinion did require. They at Bristoll disclosed their feares, and gave no good presages: And when that city was yeelded, Gloucester did stand alone, without help and hope. The lord generals army pined away: Sir William Waller at London for a recruit: The earle of Stamford shut up within the walls of Exeter: The kings countrey reached from the utmost Cornwall to the borders of Scotland; and he was able to divide his army; one part for Exeter, and the other for Gloucester.

That sudden surrender of Bristoll, which was almost beyond our feares, brought forth a dark gloomy day to the city of Gloucester. The mindes of people were filled with amazement, and the failing of such a promising government made most men infidels, or at least to question all things. But here was the greatest mischief of all: Many were not wanting to debate upon the maine cause of the kingdom; malignant spirits took the advantage of our misery; and unstable mindes, who, beholding only the surface of things, and led by the common voice of their equals, were flushed in prosperous times, now became crest-fallen, and questioned the passages of state; conceiving each miscarriage a fundamentall error, and accounting their present sufferings, not for religion and liberty, but some scruples of state policy. The state of things required strong resolution; the usuall posture could not pretend to the safety of the place. The souldiers therefore acted with mindes more sturdy and vigorous as desperate concerning the enemy, but not in despaire of their owne party. The commanders reserved no place of retreat; and if causelesse jealousies over-clouded any, they put themselves upon a free declaration. The old and carefull souldiers who were unlucky in the censures of the people, upon the first arrivall of the sad newes from Bristoll, vented themselves in sharp and cutted speeches, which, busting from the fulnesse of the thoughts, did imprint and pierce, were received for good prognosticks, and repaired likewise that credit which the presumption of a conceived opinion bore down, and an ordinary good behaviour could hardly raise up, but happily regained by one violent and severer passage. The officers were to give in a full resolve that no place be left for an after dispute; wherefore they vowed never to see within the gates the face of a conquering enemy. But chiefly the hearts of the people were to be held up; wherefore the governour appeared in publike, rode from place to place with a cheerfull aspect, and bearing before him no change in the sudden alteration of fortune. To them that enquired into his very thoughts, hee gave assurance of safety; concealing the danger, or lessening its esteem. Fear did not beget confusion, but things were transacted in a calm and constant order. The presages of misery were exquisitely shunned, and the least shew of distraction and weaknesse forbidden. Money, plate, valuable goods, or any kinde of riches were not suffered to passe the gates, but here to rest, as in a safe treasury, that the people might resolve upon a happy deliverance, or an utter destruction. Neverthelesse, whosoever was weak and faint-hearted had leave to depart the city. Meane while the enemy dealt under-hand, and, by the mediation of seeming friends, affectionately solicited a surrender; with terrible information of our manifold losses abroad, of the rage of the kings army, and inevitable desolation; and withall tendred the opportunity of an accommodation between his majesty and the citizens. The mouthes of the viler people were filled with curses against the authours of our engagements. We received strange intimations of dreadfull things concerning the state. The whole countrey forsook us, and employed some to represent their desires and thoughts of the busnesse; who, in the generall, had so farre revolted from themselves, as to perswade us to make our peace with the enemy, and to befool and execrate our perseverance; for they conceived the standing-out of Gloucester, however advantagious to the common-wealth, yet miserable for them; because, by the falling down of a great army, they expected a destruction of corn and

cattle; and if, at last, the king should not take in this place, to stoop perpetually under two burthens, and be cast into a remedlesse condition of misery and poverty: Whereas if the enemy should prevaile, they were sure to rest in the heart of the kings country, farre from spoile and plunder, and have as free and ample trade as in times of peace. The citizens examined their own strength and grounds of perseverance; a common councill was held, the officers being present; their late protestation brought to remembrance, by which they were all obliged never to act or comply with the adverse faction; and upon that pretext joyntly refused the tender of peace. Neverthelessse a great number of the inhabitants were only not malignants, but born up by the zeale of the rest, and the souldiers power; and those stuck most to the businesse who were held up by the deep sense of religion, or acknowledged a necessity to withstand a malicious and enraged enemy, whose implacable hatred urged them to offend against their own designs, and by horrid threatnings to make the attempt more desperate. A den of rebels was the common language. A few dayes respite recovered the city, and reports of a sudden reliefe did reare up the spirits of the common people. No crosse, show, or doubtfull resolutions did hinder the businesse: all suspended their private cares; and the women and children acted their parts, in making up the defects of the fortifications. The strength of Gloucester was no more then two regiments of foot, an hundred horse, with the trained bands, and a few reformadoes: there were besides about an hundred horse and dragoons from Berkley Castle; in the whole about fifteen hundred men: forty single barrels of gunpowder, with a slender artillery: the works of a large compasse; not half perfect. From the south gate eastward almost to the north port, the city was defended with an ancient wall, lined with earth to a reasonable heighth; thence to the north gate, with a slender work upon a low ground, having the advantage of a stone barn that commanded severall wayes. Upon the lower part of the city, from the north to the west gate, (being a large tract of ground,) there was no ancient defence, but a small work newly raysed, with the advantage of marish grounds without, and a line drawn within, from the inner north gate, under the colledge wall, to the priory of St Oswalds. From the west, towards the south gate, along the river-side, no more defence then the river it selfe, and the meadowes beyond, level with the town: From the castle to the south port, a firme and lofty work, to command the high ground in the suburbs. The ditches narrow, but watered round. In this posture did the city stand when the kings forces houvoured over the hills, and now and then skirted upon the town, before a close siege was laid. Upon the tenth of August they came down like a torrent, full of victory and revenge, with indignation that a forlorne city should stand before them. Neverthelessse, they would faine overcome without bloud and the losse of time, then pretious, in their full career of victory. For which end his majesty came in person before it, that the terror of his presence might prevaile with some, and the person of the king amaze the simple, and seem to alter the case. Thus they began to work, because the mayor had answered a former summons from prince Rupert, that according to his oath he kept the town in his majesties behoof; and some whisperers gave a malignant intimation that the kings presence would sway the people.\* And it was so, that the town was held for

\* Clarendon assigns as a reason for the king's approach to Gloucester, the hopes of a private treaty with Massey the governor, and gives the following account of the foundation on which they were reared. "The governour of that garrison was one colonel Massey, a soldier of fortune, who had, in the late northern expeditions prepared by the king against Scotland, been an officer in the king's army, under the command of one colonel William Leg; and in the beginning of these troubles had been at York, with an inclination to serve the king; but finding himself not enough known there, and that there would be little gotten but the comfort of a good conscience, he went to London, where there was more money and fewer officers, and was easily made lieutenant-colonel to the earl of Stamford; and being quickly found to be a diligent and stout officer, and of no ill parts of conversation, to render himself acceptable among the common people, was, by his lordship, when he went into the west, left governour of that city of Gloucester, where he had behaved himself actively and

the use of his majesty, but according to the sense of the houses of parliament; and the citizens put no difference between a command in person or deputation: Whereupon his majesty gave this honorable summons, by two heralds at armes.

CHARLES REX.

OUT of our tender compassion to our city of Gloucester, and that it may not receive prejudice by our army, which we cannot prevent, if we be compelled to assault it, we are personally come before it to require the same; and are graciously pleased to let all the inhabitants of, and all other persons within that city, as well souldiers as others, know, that if they shall immediately submit themselves, and deliver this city to us, we are contented freely and absolutely to pardon every one of them without exception; and doe assure them, in the word of a king, that they, nor any of them, shall receive the least damage or prejudice by our army, in their persons or estates: But that we will appoint such a governor, and a moderate garrison to reside there, as shall be both for the ease and security of that city and the whole county. But if they shall neglect this offer of grace and favour, and compell us, by the power of our army, to reduce that place, (which, by the helpe of God, we shall easily and shortly be able to doe,) they must thanke themselves for all the calamities and miseries that shall befall them. To this message we expect a cleare and positive answer, within two houres after the publishing hereof; and by these presents doe give leave to any persons safely to repaire to, and returne from us, whom that city shall desire to imploy unto us in that businessse: And we do require all the officers and souldiers of our army quietly to suffer them to passe accordingly.

The king by this time drew into the field before the towne, attended by prince Charles, the duke of Yorke, prince Rupert, and generall Ruthen; faced us with about six thousand horse and foote on that side, and two thousand horse on the other side. After some debate upon the message, an answer was drawn, consented unto both by citizens and souldiers, and presented to his majesty by serjeant-major Pudsey and a citizen.\*

successfully. There was no reason to despair that this man (not intoxicated with any of those fumes which made men rave and frantic in the cause) might not be wrought upon: And William Leg, who had the good opinion of most men, and the particular kindness of prince Rupert, had sent a messenger, who was like to pass without suspicion to Gloucester, with such a letter of kindness, and overture to Massey, as was proper in such a case from one friend to another. This messenger returned when the king's and the army's motion was under debate, and brought an answer from the governour to colonel Leg in a very high style, and seeming to take it much unkindly that he should endeavour to corrupt him in his honesty and fidelity, and to persuade him to break a trust, which, to save his life, he would never do; with much discourse of his honour and reputation, which would be always dear to him. But this messenger said withall, that after the governor had given him this letter, and some sharp reproaches before company, he was brought again, a back way, to a place where the governor was by himself, and then he told him, that it was most necessary he should write such an answer as he had done; which was communicated to those who else would have been jealous what such a messenger should come to him about: but that he should tell William Leg that he was the same man he had ever been—his servant; and that he wished the king well: That he heard prince Rupert meant to bring the army before that town: If he did, he meant to defend it as well as he could; and his highness would find another work than he had at Bristol; but if the king himself came with his army, and summoned it, he would not hold it against him; for it would not stand with his conscience to fight against the person of the king; besides that in such a case he should be able to persuade those of the town, which otherwise he could not do."

—CLARENDON, II. 242. The event shews that this was a *Ruse de guerre* on the part of Massey.

\* Clarendon gives the following picturesque account of Serjeant-Major Pudsey and his companion in office. —“ Within less than the time prescribed, together with the trumpeter returned two citizens from the town, with lean, pale, sharp, and bad visages; indeed faces so strange and unusual, and in such a garb and posture, that at once made the most severe countenances merry, and the most cheerful hearts sad; for it was impossible such ambassadors could bring less than a defiance. The men, without any circumstances of duty or good manners, in a pert, shrill, undismayed accent, said, they had brought an answer from the godly city of Gloucester to the king; and were so ready to give insolent and seditious answers to any question, as if their business were chiefly to provoke the king to violate his own safe conduct.”—CLARENDON, II. 243.

WE the inhabitants, magistrates, officers, and souldiers within this garrison of Gloucester, unto his majesties gracious message return this humble answer: That we do keep this city, according to our oath and allegiance, to and for the use of his majesty and his royall posterity, and doe accordingly conceive ourselves wholly bound to obey the commands of his majesty, signified by both houses of parliament; and are resolved by Gods help to keep this city accordingly.

His majesty with all mildnesse seemed to receive this answer, onely to wonder at our confidence, and whence wee expected succour; adding these words:—"Waller is extinct, and Essex cannot come." The enemy advanced forward into the suburbs on the east side, where they lost a commander in the first skirmish, and the rest were fired out; for upon the returne of the messengers the suburbs on each part of the city were all in a flame; which did secure and more strongly engage us, and which the enemy beheld as the act of desperate rebells; for those dreadful sights doe seeme to heighten and bloud the minds of men. The next day we discovered that they had begun their entrenchments on the south and east parts the night before, in the shadow and shelter of the houses which the flames had not caught, within musket-shot of the walls. They in the trenches plyed their worke whilest the musketeers played hard on both sides. Yet our men from the walls could doe little to retard their pioners, but by severall sallies with small parties, fell into their trenches, beate them out, gained some working-tooles, armes, and prisoners; and retreated without losse. Our ordnance likewise from the east gate killed some few, and among the rest a lieutenant-colonell and captaine of the queens black regiment. Sir Jacob Ashley was then shot in the arme; and upon severall approaches we beat off the enemy, killed and wounded many.

By that time the Welch forces under the command of sir William Vavasour were advanced to the bishops house, halfe a mile from the west gate; one of our out-guards, by us intended to keep off the approach of the Welch, but now deserted for want of men, and that nothing might be lost which we purposed to defend. Here they left a sufficient guard, and passed over the river, to joyne with the forces that newly arrived from Worcester, who made their leager on the north-west side of the city. Generall Ruthen placed his leager behind the priory of Lanthony, on the south side, very neere, but sheltered from our shot by a rising ground. Sir Jacob Ashley, with a strong party, quartered in some part of the suburbs on the east side. The east and south ports were dammed up, and rammed with a thickness of earth cannon prooffe; and the walls on that side, from port to port, were lined to the battlements, since there we thought to receive the maine shock.

Three dayes after the siege laid, an hundred and fifty musketeers, commanded by captaine Gray, sallied over the workes, upon the Worcester forces, with whom the Welch had not yet joyned, fell into their quarters, marched up to their maine-guard, killed a captaine, with eight or nine common souldiers, tooke five prisoners, divers armes, burnt their guard, and retreated without the losse of any. Within a day after, upon some suspicion and kinde of intelligence that the enemies ordnance lay undiscovered in some grounds neere the north gate, Captain Mallery was commanded forth,

<sup>1</sup> Clarendon thus details the preparations for the siege on the part of the royalists.—"At the same instant orders were dispatched to Sir William Vavasour, who commanded all the forces in South Wales, (the lord Herbert having been persuaded so far to comply with the indisposition of the people as to decline that command, or at least for a time to dissemble it,) to draw all his men to the forest-side of the town, where the bridges being broken down, a small strength would keep them in, and any from going to them; which within two days was done. Thus the king was engaged before Gloucester, and thereby gave respite to the distracted spirits at London to breathe and compose themselves; and, more methodically than they had hoped to have done, to prepare for their preservation, and accomplishing their own end; which at that time seemed almost desperate and incurable."—CLARENDON, II, 244.

with a hundred and fifty musketers, to surprise it; but finding none, retreated without losse; having killed some, taken a few prisoners, and fired some of their quarters. Upon the sixteenth of August another party, of an hundred and fifty musketers, commanded by Captaine Crispe, sallied forth at the north port, fell into their trenches under the town-wall on the east side, marched above halfe way through them, performed gallantly, killed above an hundred men, as was confessed by some of the enemy, wounded many, beat them out of their workes, and, by the helpe of our musketers from the walls, retreated without the losse of any, only two wounded, after a very hot skirmish, for the space of halfe an houre, the cannon and musquets on both sides playing most furiously. These executions put those within on a desperate straine, and heated their minds with blood.

The enemy was indefatigable and swift in the entrenchments. The workes from the south and east gates hasted to meete each other. Their preparations seemed more tedious, yet effectually and certaine, and tended withall to save the lives of their men: Wherefore they chused not a sudden storme on the lower and weaker parts of the city, but rather to prepare the assault on the strongest side, yet most easy to their intention; for there only could they raise the workes without the annoyance of the water-springs that issued in the lower grounds; there only could they make battery within pistoll-shot of the walls that wanted flankers; and when they once had entred a breach there, they were instantly possesset of the highest part of the town. On this side, therefore, were their ordnance brought up; and first two culverins of sixteen pound bullet were planted on the east side, a little out of musket-shot, where they made some store of shot, but did no execution. Next they planted three pieces of ordnance, of fourteene and five-and-twenty pound bullet, upon their battery in a square redoubt on the south side, and began to batter the corner point of the wall, and a brick house adjoining; where one of our men was killed, without more harme. Then they played upon our ordnance mounted against their battery point blank, and made some slight breach, which was quickly stopped up with wool-packs and cannon-baskets. By this time they had drawne the trench neer the moate, where they made a kind of mine to drain it, and sunk much of the water, and attempted to cast faggots into the moate, but were beaten off by our musketers. At several times they shot large granadoes out of their mortar-pieces: Many fell into houses and brake, but did no harme; and one that fell in the street had the fuz quenched before it came to ground, was taken up whole, and found to weigh three-score pound.

After the Welch and Worcester forces came up, foure peece of ordnance were drawn a good distance before the place of their leager, and one planted against the Awne-gate, and the sconces thereunto adjoining: Wherefore a party, of about foure hundred musketers, commanded by major Pudsey and captaine Gray, assisted by captaine Faulkner and captaine Massey, sallied forth of the north gate. Meane while a lieutenant, with fifty musketeers, was sent over the works to give them an alarm, whilst the greater party got behinde their cannon and breast-workes, fell upon their mane guard, slew many officers, two canoneers, with about a hundred common souldiers mortally wounded, took a lieutenant, with foure more prisoners, nayled their cannon, and retreated with the losse only of two slaine, and about foure taken prisoners.

The enemy having planted three pieces of ordnance against the south-side, and now three more on the east side, and two more neer the east gate, within pistoll-shot of the town wall, began a most furious battery upon the corner point, and made above an hundred and fifty great shot against it, whereby the stones were sorely battered, but the earth workes stood firme. By all this shot only two persons were hurt; for the battery was so neare, that if the bullet missed the wall, it flew quite over the town, or lighted at randome; yet in the intervalls of the great shot, after each discharge, our musketers playd hard, and killed foure principall canoneers: Neither were the

people daunted at the noyse of cannon, which, by the slender execution, became so contemptible, that at that very time women and children wrought hard in lining the walls and repairing the breaches. The enemy continued the storme by sending grenades, which were guided by the hand of Providence into by-places, and sometimes falling upon the houses, did rend and teare the buildings, when the people within were preserved.

After ten dayes siege, two severall parties were designed for the nayling of the enemies cannon. These were commanded to fall into the trenches, and march on till they met each other. The one party, of about two hundred musketers of the town regiment, commanded by capitaine Stevenson and capitaine Moore, sallied forth at the north gate, to have fallen into their trenches at the east port; but by the mistake of their guide, over a marish ground, and full of ditches, were brought round about to sir Jacob Ashleys quarter, where most of them came not up. Only forty musketers encountered with five colours of the enemy, slew divers of them, took two lieutenants prisoners, forced back the rest, and marching a little farther, faced, and fired at eight colours more, and so retreated. In the retreat two troopes of the enemies horse came on the reare, whom our men facing about and charging, forced to fall back, and made good their own retreat. In this distracted skirmish two of ours were killed, three hurt, and a sarjeant taken prisoner. The other party of the lord Stamfords regiment, commanded by capitaine Blunt and capitaine White, sallied by boat down the river, on the south part of the town, towards the maine leagre, marched up to a square redoubt, (our cannon in the mean while playing upon the houses in the suburbs,) beat them thence, killed a major, with some common souldiers, and advanced to meet the other party. But the design failing, through the misguidance of the other party, they were called off, and by the help of our ordnance made a faire retreat, without losse of any, onely two wounded. The failing of the enterprize crossed a brave exploit and feasible: They might have scoured the trenches, under the shelter of our walls; neither did the enemy take care to prevent them, by turning the mouthes of any one piece of ordnance upon the entry of the entrenchment. Nevertheless, the crosse event did much amaze them, that a small party should runne up to their head-quarters, force their men, and recover back without a sensible losse. Certainly the care of a higher Providence preserved and brought off those many severall parties, when the vanquishing of any one of them must needs run the city upon extream hazard; for our whole strength remained upon the works day and night, except the reserve of a hundred and twenty men at the maine guard. One rare and slender rank were to receive the storme without seconds; yet the safety of the whole did require those frequent sallies, (a desperate remedy to a despairing city,) not only to cast back the enemies preparations, but to amaze them, that the souldiers should be held up in such height of resolution, and cause them to expect more hot service from within the works. Our men likewise were to be kept in the heat of action, to prevent the fainting of the spirits; their hands also imbrued in blood, did the more enrage them; nor by safer meanes could they overcome the terrour, which, by the reputation of the kings army, might possesse their minds. The enemy were kept waking by continuall alarums, to waste and weary them; and 'twas the care of the governour to cause a perpetuall noise; that whensoever their cannon had been silent for a while, one or two of our guns gave fire, to disturbe the calm, and signifie to the country that we were yet alive; for the besiegers ever and anon scattered reports of the taking of the town, with a purpose to prevent our reliefe. All things within did presage a deliverance. The sadness of the times did not cloud the countenance of the people; they beheld their fortunes with a clear brow, and were deliberate and chearfull in the endeavours of safety. No great complainings were heard in our streets; no discontent seized on the souldiers, at other times prone to mutiny; men of suspected fidelity did not faile in action; every va-

luable person was active in his own place; the usuall outcries of women were not then heard, the weaknesse of whose sexe was not overcome by the terrible engines of warre; and our becalmed spirits did implore divine assistance without confusion. The governour personally performed, ready at every turning of affairs, and gracing the businesse with speech and gesture. Upon the least intimation of diffidence, he pretended ratioll hopes of successe; adding withall, that our late yeelding could not mollifie the kings army; and if in the close we must needs be lost, no surer means of safety then by the utmost gallantry to constraene honourable conditions.

The enemy still prepared for a general storm, mean while seeking to waste our magazine, which they knew must needs suddenly fayl, expended their own store, and dayly acted to the terrour of the inhabitants; shooting granadoes, fire-bals, and great stons out of their mortar-peeeces, and had now planted a battery on the south side westward, unto which the lower part of the town was open. Thence in one night they shot above twenty fiery melting-hot iron bullets; some eighteen pound weight, others two-and-twenty pound weight, which were seen to fly through the ayre like the shooting of a starré. They passed through stables and ricks of hay, where the fire, by the swiftnesse of the motion, did not catch, and falling on the tops of houses, presently melted the leads, and sunk through; but all the skill and industry of the enemy could not set one house on fire.

They still played their great shot against the wals, and wrought hard in filling up the moat with faggots and earth at the place where they battered, where also they built a gallery over the head of the trench, the breadth of foure abreast; in the shelter whereof they had almost workt themselves over the moat. Then we found that they had sunk a mine under the east gate; whereupon the governour commanded a counter-mine in two places; but finding the springs, left off, conceiving for the same reason the endeavour of the enemy to no purpose. To discover or interrupt this work, a sergeant, with five daring men, were put forth at a port-hole in the dungeon at the east gate, came close to the mouth of their mine, took off the board that covered it, and for a while viewed the miners. One of these cast in a hand-granado amongst them, whilst the foure musketiers played upon them as they ran forth, and with the noise of our men from the walls gave the whole leager a strong alarm, and crept in at the port-hole without harm. Wherefore, discovering that the enemy, notwithstanding the springs, went on with their mine, we renewed our counter mine; for they had sunk a great depth under the moat, and extremely toyled in drawing up the spring water, till at length they had gotten under the gate, that our miners could heare them work under them, and did expect to spoyle them, by pouring in water, or stealing out their powder.

For a remedy to this mischief, and withall the enemy having planted store of canon baskets within half musket-shot of the east gate, point blank, intending a battery there upon the springing of their mine, we made a very strong work crosse the street, with a large trench before it, and filled it with water, intending to raise it up to the eaves of the houses, and to plant some canon there. We answered their severall approaches by so many counter-works. A sponce was built upon a rising ground that looked into their trenches, where we could plant foure piece of ordnance, to cleare within the wals a ground called the Friars Orchard, southward, and scoure their flank upon their entrance at the east gate, and so northward. Also an inner work was drawn from the south side along the middle of the Orchard, and all passages stopt between that and the east port. And to hinder their gallery, we began to undermine, for a place to put forth a peece of ordnance at the bottom of the wall, to batter the flank thereof; which was perfected, and a saker there placed. Commanded men were drawn out upon the walls, granadoes provided, and when the great gun played upon the gallery, the musketiers sent plenty of shot, and cast divers granadoes into their trenches. In the mean while (they firing their ordnance against the top of the wall) we cut off a maine beame of the gallery

with our bolt shot: But the same day the enemy had sunk a piece against the port-hole of our mine, and forced us to withdraw the saker; yet we cast them back three dayes work.

And because all this side of the town had no flankers, nothing did more offend the enemy in their entrenchments then an old barne at a corner point near the north port, in which was mounted a peece that commanded three severall wayes, and obliquely looked into their trenches, and oft times did good execution upon the pioners. This was the chiefe strength of that side, conceived the weakest part of the town. Upon the key-head an halfe-moon was rayed, with a breast-work upon Seavern side, under the castle, to defend an assault from those high grounds beyond the river, which was ever feared by those within.

His majesty constantly residing at a miles distance, would not solemnly invite by publique summons, lest hee should detract from the honour of his enterprize: neverthelesse, those about him dealt under-hand, by sundry advertizements of the kings displeasure, threatnings, perswasions, and many intimations of possible grace and favour. Some of our neighbours in their own names desired admission to a conference, and perswaded the surrender of the city, in regard of the great power and terrible menacings of the enemy, with the small hopes, and, in a manner, impossibility of reliefe; adding withall the heavy burthens under which the country groaned. The governor made answer, that we were sufficiently conscious of our own strength and the ground of our resolution, and that we did not think ourselves obliged to the enemy for the hopes and offers of favour. These manifold perswasions made the besieged more obstinate, and enabled them to understand themselves as a people worthy of entreaty, a prize worth the purchase, and in no wise lost or desperate; the enemies themselves being judges.

As the souldiers within were heated with their own performance, so the enemy without being wasted in a lingering design before the houre of service came, grew feeble in their own thoughts, and to us contemptible. Our common souldiers took to themselves a liberty to revile, prevented and confounded the enemy with the self-same language in which they were wont to abuse and scorne our party; which contumely, though it begets a more deadly hatred and desire of revenge in generous mindes, at that time did deject exceedingly and debase the spirits of their private souldiers, who had never performed one gallant atchievement, and to whom the sturdinesse of our men was well known. The slownesse of their design in that form of a leaguer proceeded from the desire of saving their foot, with this presumption, that there was no power to raise the siege; which confidence deceived them till too late; for their foot, after those many knockes, and the first fury spent, were not so capable of the service, without the help of many tedious preparations. Wherefore, besides their mine and battery, they framed great store of those unperfect and troublesome engines, to assault the lower parts of the city. Those engines ran upon wheels, with planks, musket-proof, placed on the axel-tree, with holes for musket-shot, and a bridge before it; the end whereof (the wheels falling into the ditch) was to rest upon our breast-works.

Our reliefe seemed slow, and the straitnesse of the siege debarred all intelligence. Only two spies which we sent out returned from Warwick, and brought newes of the advance of the lord-generall. The report of his excellency, who then lay under a cloud, did give no great assurance. The truth is, the sense of the depth of our distresse did not reach us. Sir William Waller, upon whom the citizens of London cast their favour, had not the reliques of an army: the generals army crumbled away: the malignants of London fomented tumults in the city; and insurrections in Kent distracted the business. The house of lords voted a treaty with the king; the house of commons debated the matter. The resolution of Gloucester turned the stream, whose succour was resolved upon, as the kingdoms safety. The recruit of the army was too slow for the service. The London trained bands, or none, must relieve us, but could not agree



who should undertake the business. Essex was not favoured, but the more prudent saw that he must be the man. That none might decline the service upon whom the lot fell, the shop windows were commanded to be shut up, and trading for a time suspended. The expedition was hastened in every pulpit, carried on with continuall fasting and prayer. An army was framed in an instant, and marched with incredible swiftnesse. Prince Rupert, with the greatest part of the kings horse, drew from Gloucester, to retard their march, but still appearing in the van, did no more then drill them along. The enemy stayed before us till the last houre, judging every particle of time a great advantage, not knowing what a moment might bring forth. They within, not satisfied with the former intelligence, sent out two other spies with a double signall; first one fire on the side of a hill, to signifie their escapes, and two fires on the same place, if they heard good newes; which latter was accordingly performed, and beheld by us.

The fifth of September was appointed for a public fast, to be kept by such as might be spared from labour. This day we discovered their carriages marching from the leaguer, and their horse and foot marching after; yet we were not confident of the raising of the siege till the men were drawn out of the trenches, and the reer-guard fired their huts. We then perceived that God had sent a deliverance, and that in the close of a solemn fast, as a gracious returne of prayer.

This evening the lord-generall came to the brow of the hills seven miles from the town, and fired a warning piece; but by reason of the contrary winds the report was not heard, neither did the newes reach us that night: Wherefore we did not venture upon the reere of the enemy with our slender and wearied forces, but kept as strong and watchfull guards as any time before; presuming that reliefe at hand had raised the enemy, yet suspecting that in point of honour they would attempt something worthy of a royall army. But abiding before us to the last extremity, they were driven away with great confusion, after so many vowes of victory and revenge, when their mines, batteries, and engines were in readinesse. This hurly preserved the countrey from injury, which by them was devoted to ruine. His majesty was forced to leave the town behinde him, and constrained to a tedious march in that tempestuous rainy night; their carriages were not got up the hills till the next morning, which distraction was not known to us; and the generals army was tired with long and continuall marches. The admirable care of Providence was beheld in the season of our reliefe, when all things were prepared by the enemy for a generall storme; our ammunition consumed; but three single barrels of powder left in our magazine, and not so much more elsewhere: in the little harm done by their cannon and mortar-pieces, that sent amongst us so many terrible messengers. Our lost men, taken or slain, did not amount to the number of fifty, and of these but two officers were slain—captain Marcus and the governors ensign; yet we killed of the enemy (who never ventured an assault) above a thousand men, by the lowest confession. The king expended much in ammunition, engines, and keeping together the discontented souldiers, besides the losse of his pretious time in that full tyde of victory. Here was a bound set to the swelling of those proud waves, and the rock that split that army; when the queen was sayd to be transported with passion because her counsell was not followed; who advised the king to wave Gloucester, and advance for London, whilst the parliament had no army in the field, the number of malignants in the city did equall the rest, began to rayse tumults, and the actions of state were unresolved. This city diverted the enemies thoughts from that rare opportunity; which, not so conscious of the kingdoms weaknesse, held up beyond reason, and gave a breathing-time to the state to effect its own reliefe. Great was the falling of the kings hopes in this defeat; who by the gaining of this town would have held an undivided, uninterrupted command, and the granary of the kingdome in the heart of his country; on the west bounded with the sea, cleare through the middle of the land to the northerne parts, where also the earl of Newcastle's army prevailed, and in breadth reach-

ing from the utmost Wales to the London association, and backed with Ireland, with whom an accommodation was then preparing.

Nevertheless the raising of the siege was but an unperfect deliverance. The success of the generals army, with the supply of our wants, were to make it compleat; for the enemy continually lay at our doores, commerce was clean taken away, and we farre distant from the fountaine of future supplies; wherefore, during the stay of his excellency, parties of horse were continually sent abroad to fetch in provisions out of the enemies quarters and malignants estates. The granary was quickly filled. The generall left three culverins, forty single barrels of gunpowder, and set the garrison in order.

The London train-bands and auxiliaries supposing the work already done, and the date of their commission expired, earnestly contended homewards; yet must they break their way through the kings army, and give him some further blow, to secure and perfect the reliefe of this garrison: For so confident were the enemy of their own strength, that many thought his majesty ill-advised in not fighting with the earl of Essex neare Gloucester: Wherefore the generall was to secure his retreat, to take heed lest he be penned up in these parts; and with that speed made after the kings army, (which by this time had gotten some miles in the van of our army,) that some horse and foot out of the remote quarters marched above thirty miles before they rested. They came up before Cirencester, where the king had left a strong party. The forlorne hope entered the town whilst the rest surrounded it, killed the sentinell sleeping, marched up to the market-place without opposition, (the enemy supposing them Prince Maurice his forces, that night expected,) till they entred the houses, and surprized them in bed; took foure hundred men, and thirty cart-loades of bread, cheese, and other provisions; a great reliefe in a wasted cuntry, and the only support of the souldiers against the battle at Newbery.

The success of which battell did close up with honour that happy and gallant undertaking of the lord-generall and the citizens of London: as brave a service as these warres can shew forth; enobled by its wonderfull rise, lively progresse, nimble expedition, admirable fortune, and honourable conclusion. Notwithstanding his excellency had hereby disabled and broken the kings army, and secured the garrison of Gloucester from a sudden reverse, yet his own army was sorely bruised, and retiring to London, left but a little burthen upon the enemy on that side: By which meanes they were free to molest these parts, and this garrison left to bear the brunt, provide for it selfe, and run the danger, though not of an other siege, yet of blocking up and ruine, by the spoyle of our cuntry, which that party decreed to destruction; and the enemy at the doore, and the distance of our friends, did threaten no lesse. Not a man could be left by the generall to encrease our strength, nor money to content the souldier: there was only an assurance of help from the parliament. When the arrears of officers and souldiers were large, the governor made certaine propositions to the parliament concerning the support of this place:—that since at such a distance he could not expect a constant supply, they would send down at once ten thousand pounds and a thousand men, (farre below the places due according to the terms of the souldiers entertainment,) which might set things in a thriving way, and enable the souldiers to act of themselves, without those continuall cravings and outeryes against the state. Upon which terms the activeness of this government gave assurance of the framing of an army to master the cuntry, then enthralled to the enemy; yea, to lie upon the enemies quarters, consume their store, distresse their chiefe garrisons of Bristoll and Oxford, and endanger the rest, as Hereford and Worcester, and stop their supply of men and money. Such a strong beginning had been more than halfe way to the end of the work.

But the state seemed to walk in a frugall course, and desire a daily dropping of reliefe, rather then to entrust much; which is not the way of great performance, nor can bring to the end of the design; when as this rationally adventure might give the increase

of an hundredfold ; and upon the failing hereof the greatest mischief could bee no more then the losse of that expence. Wherefore they voted a supply and raised men and moneys in a languishing way, that those five hundred listed for Gloucester were reduced to fifty ere they could reach us, and the greatest part of the money squandered away without a sensible advantage to this garrison.

After Newbery fight, Sir William Vavasour was sent to Hereford with a strong party, to raise forces in those parts, with commission to command in chiefe in the counties of Gloucester and Hereford, and a command from his majestie to distresse Gloucester on the Welch side, and to garrison Tewkesbury.

Colonell Massie was not satisfied in keeping his own garrison, but eager of continuall service, to destroy or disable the enemy, for which no other place in the kingdome was conceived capable of the like advantage : Wherefore by himselfe urged, he set upon the parliament with importunate complaints, that for lack of strength great opportunities of service to us and disservice to them were lost. And a greater mischief did exercise this government—the want of men and money, and ammunition to defend it selfe ; upon which extreme scarcity of provision was like to follow ; and in these hopes did the enemy blesse themselves ; so that the advantage and honour of maintaining the city against the violence of an army was like to vanish in the lingring death of the place : And the governour was about to embrace another command in the generall's army, yet reserving a submission to the parliaments pleasure, who required him to continue his service in this government. This charge was surrounded with difficulties, and each day brought forth some new birth. When the enemy begirt us in their winter quarters, the hopes of our promised succours were past, without the convoy of an army. Not one gentleman of the countrey durst be seen to assist us : No member of parliament did reside here, to encourage the business. All things rested upon the governours sole care, both to store the garrison with provisions, and raise money out of that small pittance of the countrey out of the enemies hands. The discontent of the souldier was now heightned, and ready to cause a disbanding. To make good the place was the parliaments command ; and inevitable necessity was the chiefest law to support it : Wherefore, apprehending more misery then in the late siege, the governour was constrained to lay some easie taxation on the countrey, to supply the present exigence, whilst the enemies power extended on all sides almost to the gates of Gloucester. Hereupon daily complaints were brought before him, that the taxes were unequally rated by the officers of the severall parishés ; that such as were broken by the enemy were rated as high as if their estates were entire. The governour represented these things to the parliament, earnestly begged their direction in his intended course, which by them was not in one syllable contradicted : Wherefore, at a councell of warre, the condition of the countrey was debated upon, and an order made that some officers and citizens should be intreated as a committee, to hear and rectifie the complaints concerning assessments, and to use that moderation which reason did require. Not long after a petition was presented to the governour in the name of the countrey,—that one monthly rate, without other charge, might be imposed upon them ; likewise, that the rate might be made according to equity, and the poore spared ; that the money might bee paid in to the common treasurer, whence it should issue as necessity required ; and that a choyce committee might be appointed to over-see all the money rated, received, and disbursed. The governour, to manifest his desire of the peoples satisfaction, and that things might be carried in a just and equal way, ordered, by the consent of a councell of warre, that a committee of officers, citizens, and countrey gentlemen, should regulate the assessments of the countrey according to their desires. Some of which gentlemen not long after were of the committee for these counties by order of parliament.

Moreover, this committee moved, at a councell of warre, for a further power to heare and determine such businesses as by the governours speciall order should be referred unto them; to examine upon oath, and commit all such persons (officers and souldiers only excepted) as should offer contempt; and this they enforced with these reasons: 1. Because there was no committee of parliament then in being, nor would any adventure such an undertaking in an oppressed and distracted countrey; and the necessities of the garrison did admit of no delay; 2. That this committee, consisting of souldiers, citizens, and countrey gentlemen, would give satisfaction, both to the countrey-men who payed their money, when themselves were acquainted with its necessity and disposal, and to the souldiers, who, being privy to the receipt of the money, and the countreys indigence, might be contented with a slender entertainment: that at once it seemed to prevent discontent in the countrey, and mutiny in the souldier; 3. That the petitions of the countrey pressed upon the governour in such multitudes, that a great part of his time, which might be spent against the enemy to better purpose, was taken up herewith, or many persons must needs be exposed to injury and oppression; 4. Because all course of law from Wesminster was then stopped, not a lawyer left in the countrey, no court of equity to relieve the oppressed, or curb the extremity of the law, whose present want was not so much in setting estates and determining right, as in providing for the support of the garrison. then like to be ruined; of which the kings party had as great a confidence as before the siege. No landlord could receive his rent, no intercourse of trade between man and man, whereby to enable them to pay taxations. And for these reasons such an order by the counsell of warre was then assented unto.

In this the people never groaned under the governours power; their voluntary submission was a witness of his moderation. And this authority had more of entreaty then constraint, only the sword had some influence of feare upon the injurious; the proceedings of the town-court not suspended, but sometimes entreated to forbear, upon equitable considerations. And when the governour began to observe some derogation from his intentions by this committee, he instantly sent a prohibition. 'Twas never his thought to rule by the sword, but in a desperate case by the same to cut out a way wherein the rules of law and justice might freely passe. He was ever unwilling to take the charge upon him, and by severall letters requested the parliament that the burthen of government might be layed upon some other; or if that charge must rest upon him, that they would send down a committee, that might take off the former cares, and permit him to look to the well-ordering of his forces for the safety of this place, and to enlarge his quarters, that the service here might not bee only to keep Gloucester, but weaken the enemy, and beget friends daily to the parliament.

Such was the face of government within the city, whilst the enemy acted his part without, and bore down by force on all sides. From Hereford Sir William Vavasour, with about seven hundred horse and foot, marched into Tewksbury, with a purpose to garrison that town, then a wide and open place, not easy to be held by us, who had neither competent strength nor time to fortify, the kings forces continually lying upon us. Sir William made shew of setting the garrison, styled himselfe governor of Tewksbury, invited the countrey, with promises of moderation and candor in all his proceedings. Yet these Welch forces had scarce taken up their quarters, but received an alarm from Gloucester, by a party that went up in a friggot: And the common souldiers, partly discontented with their officers, who had often deceived that innocent people, and betrayed them to the sword, and partly repining for want of pay, fell into a desperate mutiny, forced their commanders, chose rather to be kild then to fight, and constrained their flight out of the town; hasted over Upton bridge, and did scarce look back till safe in their own countrey: And twas to be suspected that many late knocks

had beaten out their spirits, but chiefly that they were afraid of this countrey ayre, in which they could never thrive. By this means the exorcence of Sir William Vavasours government was pared off, and himself driven to retire into Hereford.

Nevertheless we are cooped-up with the enemies garrisons round about, and wholly divided from the rest of the parliaments army. Sudely Castle was maintained by the lord Chandos; a great stop to our entercourse with Warwick, which was the only way of commerce with London, that a scout could not passe without extream hazard. Berkley Castle was held for the king by a Scottish captain, and subdued the richest part of the county. In the heart of the Forrest Sir John Winter strongly fortified and defended his own house: And now the enemy had put a garrison into Beverstone Castle, resolving withall not to leave one strong house unguarded, both to enlarge their own quarters, and to stop our markets and contribution. Our governour began to look forth, and first, for want of quarters, was enforced to send abroad his own company, which were placed in a defenceable house at Frampton upon Severn. These were a stop to the incursions from Berkley, and furthered the safety of that side of the countrey. An hundred and fifty foot of Colonell Devereux his regiment garrisoned a strong house at Presbury, within foure miles of Sudely Castle. These sorely vexed the enemy in those parts, did a little open the passage towards Warwick, and the house proved a good resting-place in the repasse. Another guard was set at Westbury, on the edge of the Forrest, to affront Sir John Winter; a most active enemy, and one chiefe agent of the popish faction. Sir John, assisted with the lord Herberts horse, threatened us out of the Forrest, and had made a passage over Seavern at Newnham, to afflict those parts beyond the river. Notwithstanding all this, our small party by continuall action upheld their reputē. Some weeks after the raising of the siege, the governour marched with his two troops and two hundred musketiers before Berkley castle. The musketiers faced and kept in the enemy, whilst the horse fell into the countrey beyond, to fetch in the persons of some principall malignants; but in stead of them met with the lords Herberts troops, and an hundred and forty horse besides, which came to relieve the Castle. Our horse, with some few musketiers, fell upon them, put them to a retreat, and slew some few, without any losse to our party, who drew off, expecting the opportunity of a greater strength.

About this time Sir John Winter entred upon the government of Newnham; whereupon he took the courage to plunder the villages neare Gloucester: his horse came within three miles of the city, and drove away store of the countrey cattle. The governour receiving intelligence, drew forth his small number of horse, not exceeding seventy, made after and pursued them to the entrance of their new garrison, where they had already secured their plunder. In the retreat, five troops of the lord Herberts regiment fell on the rearē: our men drew up in a narrow lane, ready to receive the charge, fired upon them, and put them to a running retreat. An officer, with twelve troopers, made the pursuit, took one horse colours, and some prisoners, and killed a cornet and quarter-master; which event made Sir John Winter for present quit that government with much distraction.

At that time there was no lofty stage of action, because the present enemy did yeeld no gallant opportunity. Sir John Winter was wise for himselfe, nimble in inferior busineses, delighted rather in petty and cunning contivance then open gallantry, referred all his industry to his own house, or the limits of the Forrest, vexed his neighbours more then weakened his enemy, and advanced the catholike cause no other way then by the plague and ruine of the countrey.

On the other side of the city the enemy was imboldned to erect new governments at Fedbury and Wotton Underedge. These did invite the governours march that way, who withall had his eye upon Beverstone Castle, newly garrisoned, and commanding the rich clothiers of Stroodwater: hither he advanced, with a party of three hundred foot and foure score horse. These horse, sent before, were so formidable to the enemy

at Tedbury, that the governour, Horatio Cary, with his whole regiment, were put to flight and dissipated, with the losse of fourteene of their men slaine and taken prisoners.

Colonell Massey brought up his men and two sakers against Beverston Castle; where having surrounded it, hee planted his guns within pistoll-shot of the gate, and gave fire severall times. Fifty muskietiers ran up to the gate at noone-day, and fixed a petarre, which, nevertheless, failed in the execution. Those from within threw granadoes amongst our men, but hurt none; who, although thereby forced from the gate, yet they ran up the second time, being open to the full shot of a secure enemy, and brought off the petarre with much gallantry. The design was not feazible for a quick dispatch, for the gate was barricado'd within; the night came on, and those remote parts did promise no security to so small a party; likewise, the state of the city required them nearer home: Wherefore, after twelve houres, the party was drawn off, and, in the retreat, advanced towards Wotton Underedge, where the enemy had placed a kind of temporary garrison, with a regiment of horse. They prepared for the coming of our forces, drew up on a hill before the town to face them, and at night retreated to their garrison, where our men arrived somewhat late, and found the enemy all mounted, fell upon them, and put them to flight; of whom about six were slaine, and twelve taken prisoners, the rest escaping to Bristol.

The next day, by an over-ruling hand of Providence, our party was led back to Gloucester, contrary to the hope of sir John Winter and his complices. These having intelligence of the governours absence with a stronge party, and supposing the garrison thereby weakned, sent to all the quarters of the forrest, Monmouth, and Herefordshire, to draw together, and advance for the surprisall of Gloucester. It was afterwards suspected a complotment, to be managed by the assistance of malignants in the city. Late at night the governour had notice of the enemy in the forrest; thereupon he commanded captain Crispe to draw fifty muskietiers from the guards, and march three miles that way, making good a house that stood on the passage. As yet there was no suspicion of a plot; but before our party had passed a mile and halfe, they encountered the enemy, who were drawn up, horse and foot, in a broad lane neare Highnam house, instantly fired upon them, slew a captaine and some foure common souldiers. The enemy were amazed at the sudden and unexpected encounter, forced back with feare, and retreated to Huntly, where sir John Winter had secured his own person; but, distracted by the strange repulse, marched off in great confusion, at the approach of fifteene horse that fell in amongst the whole brigade, slew seven or eight, and took ten prisoners.

This discomfited the enemy, and dashed the designe; yet the Hereford and Monmouthshire forces kept their randevouz at Coford in the forrest, and still threatned the city. No meanes for the reducing of this place is left unattempted; and at this present treachery was the grand design, and over-ruled all their proceedings, and prevented many mischievous acts of open hostility, which might easily have destroyed us; for divers malignant gentlemen of this county went about to cast this city into extreme poverty and exigence, by the countreys ruine: Wherefore, conceiving the present enemies not sufficiently cruell, they importuned his majesty that colonell Charles Gerrard might quarter upon us with his brigade, to devour, spoyle, and burn, besides the expectation of all the mischiefe the lord Herbert and Vavasour can doe. But this malicious councill and instigation, though most opportune for the kings purpose, was afterwards crossed by their own party waiting upon the success of a close design.

About this time was the act of pacification made by the king with the Irish rebels, which began to undeceive the world, and wipe off the varnish of the former oathes

and protestations. The world could not believe that any command or power could so soone allay and quell those Irish stormes, but that word which raised them up. Then did the effect declare the cause of those rare and slow proclamations against that bloody rebellion, and strange intercepting of reliefe sent from the state to the distressed protestants. The greatest admirer of the kings declarations could judge no lesse then that those rebells did better comply with his intentions then the parliament of England. Since his majesty, having two enemies, is resolved to make peace with one, to crush the other, he will fall in with that party that carries least contradiction to his maine designe; and this was the rebell of Ireland; whose chiefe aime likewise his majesty must not abhorre; for there can bee no lasting compliance without a mutuall engagement. Besides, the heads of that rebellion were brought over, not as accessaries, but principals in the kings warre, and admitted to the secret councill. And to colour the pacification, the losse of that kingdome, and all the sufferings of the English protestants, were charged upon the parliament. The English forces in Ireland were possess with the opinion of neglect in the state, and were taken off the per-suite of a just revenge upon those cursed rebells, to warre against their native country, and teare the bowels of the mother that bare them, and therein act a part, and cast in their lot with the rebells themselves.

Some of these Irish forces landed at Bristol, and thence fell down upon Gloucestershire. Colonell Min and sir William St Leger, with both their regiments, making up eight hundred or a thousand foot, and a hundred horse, all resolved men, with eight piece of ordnance, advanced to Thornbury. Colonell Massey proclaimed entertainment to all such as would tender their service to the parliament; and many private souldiers, resenting the difference of the cause, came over daily. About the twentieth of December, a party of two hundred horse and dragoones, commanded by capitaine Backhouse, were designed to beat up their quarters at Wotton, where they were lately arrived from Thornbury: Wherefore the party advancing thither, suddenly fell in among them, and found eight hundred men; charged up to the maine guard, and for a while were masters of foure piece of ordnance; but over-matched and borne down by their numbers, were forced to retreat; yet having first slaine, wounded, and taken many of them, without the losse of a man. At the same time some of colonell Vavasours forces undertook to settle at Upton upon Seaverne, but at the first shew of an approach from Gloucester, quitted those quarters.

Once more doe the clouds gather round about: the storm threatned by the enemies fury, and more violently driven by the malice of some country gentlemen, begins to arise. The malignant gentlemen of Cotswold provide armes, and garrison strong houses; forces from Oxford were expected at Painsewick and Stroud; the Irish were to lie on this side Berkley, the lord Herbert and sir John Winter in the forrest, the lord Chandos at Cheltenham, sir William Vavasour and sir Walter Pie at Tewkesbury; so that by them our destruction is decreed, and seemes as a thing done.

Every corner of the country is pestered with the enemies garrisons; as Newneham, Lidney, Monmouth, Hereford, Worcester, Dimmock, Newent, Highleadon, Tainton, Tewkesbury, Sudely, Saperton, Beverston, and Berkley. Opposite to these was the governour constrained to erect petty garrisons, as many and as neare as possible; for the kings forces were againe advanced out of Herefordshire with a greater strength, and well prepared. Sir William Vavasour, sir Walter Pie, and colonell Wroughton are arrived at Tewkesbury, and began to fortifie, having a great power with them till the town was settled and made strong; yet still disturbed by continuall alarums from Gloucester, though the land-flouds hindred our design upon them. The Irish regiments rose from Wotton, and thence made over the hills for Tewkesbury: And because their march was interrupted by our parties, the lord Chandos horse joyned with them, to strengthen and secure their advance to Cheltenham; whither they came, with foure

small piece of ordnance. Our men still flirted upon them; and a party of horse and dragoons, commanded by major Gray, fell that night into Charlton kings, and had surprized the lord Chandos in his quarters, had he not made a private escape; where the search after him caused the losse of seven or eight private souldiers; yet they slew some of the enemy, took ten prisoners and some few horse. The next day the horse and foot bended their course to Tewkesbury: our men waited upon the march, and kept them up close, that those parts of the country received but little damage. When these had joynd with the other regiments, they were supposed to make neare upon two thousand six hundred horse and foot.

After a little stay, a part of these forces were drawn off towards Warwickshire, to joyne with the enemy that there waited the intercepting or surprizall of our supplies from London, then long and earnestly expected and noised abroad; our powder being wel nigh spent, and necessity constraining us to use a kind of match made of bast. Sir Walter Pies foot and colonell Wroughtons horse remained at Tewkesbury, to block up the city on that side; in and about which town fifteen hundred horse and foot were constantly quartered; colonell Washingtons regiment kept garrison at Evesham; and a regiment of horse lay at Parshore, besides a considerable strength at Sudely. These thought to swallow up our approaching succours, or if they did not come, speedily to compell us to yeeld up the city; for it was reported with the enemy, and believed by many, that we suffered extream penury.

And though provisions were not much wanting, being in a fat country, yet the reall exigences of the garrison were great. For lack of pay the discontents of the souldiers were desperate and endless; in most of the officers a generall neglect of duty; who for the least check would throw up their commissions, to the governours great discontent and trouble. Many inferiour officers forsook us, and common souldiers ranne to other places, that yielded a large and constant entertainment, and required lesse service; whilst honest and gallant men, that did not desert their colours, were exposed to misery and want: Yet could we not want men, who daily offered themselves to the service, had wee moneys to pay them. Neither had wee any power of men to raise moneys for the garrisons maintenance. Our out-guards, as Presbury, Westbury, Essington, Frampton, Froster, set to preserve the country, and keep the markets open, did eat up the greater part of the contribution, and consume our men and ammunition, besides the daily sending out of parties. 'Twas a kind of shifting life, and wonderfull that the officers command should finde the least measure of obedience. Some officers did expend their own meanes to keep their companies entire: The governour was necessitated at his own charge to billet above threescore souldiers, besides the charge of a troop. The country was impoverished; the commission of excise was not settled, and brought in no considerable summe; the citizens were restrained of trade, and the ways of commerce stopped up, and therefore at present they were quite left to the garrison: Besides, the slownesse and low reports of our succours did exceedingly dishearten the people. Many country gentlemen, that were not the confidents of the contrary faction, were about to comply with this government, especially upon the parlaments declaration of pardon; but the notice of those slender supplies, and the thought of the states supposed neglect, turned them off, and made them more violent against us: For this lasting suspense and bondage under two parties did vex them; wherefore his majesty was again importuned to destroy and fire the country, if he could not lodge his forces so neare as to block us up.

The garrison, neverthelesse, did not only defend its own territories, but made sundry adventures and inrodes upon the enemies quarters; staved off, and kept them within their bounds. The governour had built a friggot for service upon the river, to secure the country near Gloucester, on that side Seavern, because the enemy commanded greatest part of the river, and landed at their pleasure upon our quarters, from Bristol



and Wales. This friggot was sent down Seavern, manned with seamen and a party of souldiers, for whatsoever attempt sudden opportunity should offer; and arriving at Chepstow, our musketeers hasted ashore, and entred the town, where they surprized most of the officers of colonell Oneales regiment, rayseed under the command of the lord Herbert. These never dreamed of an enemy from Gloucester in that corner of the land, at such a distance. And this was the advantage of the service, that, by the surprizall of the officers, it prevented the raying of that regiment of horse, which shortly after would have plagued the country. Our men having secured their prisoners, and ready to make homewards, another prize fell into their hands, where they took a vessell laden from Bristoll with oyle, wine, sugar, and other commodities. These little services were answerable to the times, and upheld the esteem of the garrison in that low ebbe. This expedition gave an alarm to Bristoll and all Wales, who, to prevent the like inrode, sent up divers friggots to guard the river.

At this time sir William Vavasour began to appear from Tewksbury, and made an attempt upon Bodington House, a petty garrison of ours, only to preserve the country. Hither he came up with five hundred foot and two peeces of ordnance, fired his gunnes against the house, and engaged himselfe in an assault. The place was maintayned by them within till a small party drew from Gloucester; the report of which (at three miles distance) caused colonell Vavasour to draw off, and return back to Tewkesbury, with the losse of eight or ten men before the house. Neither did Vavasour seem to act with that violence which the out-side of the enemies design did look for; whether retarded by the dulnesse of nature, or the notice of some close contrivance. However, the slownesse and ill successe of his actions rendred him obnoxious to the jealousies of his own party; which suspition was easily increased by the intercourse of civility between him and colonell Massie; when the known fidelity and constant indeavours of the one could inable him, without offence to his own side, to disport with an enemy, in such complements as the other had not the liberty to use. Such neglected passages have a great weight in the ballance of reputation and honour, since the munde is not revealed by itselfe, and wise men as well as fooles oft-times have only, the event to guide their judgements.

On the other side of the town we had continuall skirmishes with colonell Veale, newly made governour of Berkley Castle, and assisted with the lord Inchequeens regiment of horse. This enemy was no way formidable nor mischievous in any thing save the plunder of the country; by whom hee was oft-times beaten back and kept in awe, by the assistance of Frampton garrison. The church at Newnham was againe fortified and defended by sir John Winter, with a sufficient strength of men and foure peeces of ordnance; whence hee might runne up to the gates of Gloucester, rob the country, and take mens persons at pleasure; only we kept a guard at Arlingham, to hinder his passage over Seavern.

Colonell Min lay strong at Newent, Highleadon, and Tainton. The governour could doe little on that side, only he placed a garrison at Hartpury Court, both to preserve Cosselawne, and to endeavour the engagement of colonell Min. Our garrison at Frampton was removed to Slimbridge, within foure miles of Berkley: We had other guards likewise at Essington and Froster, to preserve and enable the people to contribution. Thus was the city pestered on every hand, and fetched its livelihood out of the fire; with continuall hazard forcing the enemies quarters, and defending its own. Parties were daily drawn out by the governour, who then could not aime at victory, nor expect any great performance, though the common people repined that he did not alwayes conquer, when it was conquest enough to keep the enemy in action, and prevent their extravagances; to beare up the hearts of our friends, and signifie to the world that we were yet alive. Though the governour was not invited abroad, yet he strove to make opportunities, according to the stock of ammunition that was left

him, that counsellors might spring out of the midst of action. He drew out upon Tainton with two hundred musketers, and with a hundred horse faced the house, only to keep in or amaze them; but when the horse marched off, some of their troopes fell on the reare-guard, and charged the governour, who re-encountred and charged home some distance before the rest of the troop; and, by the breaking of the curb, his horse carried him amongst the enemies troopes, with whom for a while he grappled, and was rescued by the gallantry of a common trooper; by which time our musketers were brought up, and beat them back without losse to us.

The governour choosed rather to make work for the enemy, and to seek him in his own quarters, then lie at home to expect the challenge: Yet did he play a wary game, and though zealous of honour, yet more true to the maine chance and tender of the lives of men: Wherefore hee advanced againe with foure hundred musketers and fifty horse, came before Tainton, and with a small party faced the house; having laid some ambuscados, with a purpose to allure them into the snare, and cut off their men, as well to encourage the countrey as weaken the enemy; but they did not adventure out. When we drew thence, our men beheld a faire body of horse at Highleadon; whereupon a forlorne hope of our musketers, with twenty horse, advanced upon them, and found their horse and foot drawn-out of Highleadon house: These were to joyn with colonell Min, who at that instant was marched out of Newent, with a purpose to fall on Hartpury garrison. Here, at the first, some few of our horse gave the charge, hurried the enemy, and beat up their ambuscadoes: then they drew out their whole garrison, and fell on. Their horse did not stand to it, but with their foot there was an hot skirmish almost an houre. And though our seconds were slow in coming up, yet did the forlorne hope drive them from hedge to hedge; and after a while our body coming on, beat them in, and pursued them up to the very house, took some few prisoners, and came off with the losse only of two men.

Such multitudes of the kings forces lay upon us, to oppress the countrey, and intercept our reliefe, that they were extremely straitned of quarter, and enforced to look forth for livelihood: Whereupon two thousand horse and foot marched from Tewkesbury to Painsewick, to gather contribution, and rob the countrey about Stroudwater. The governour drew out two hundred musketers, with an hundred horse, and marched to the top of Bruckthrop hill, expecting the enemy, whom he found divided into three bodies, and himselfe borne down by their multitude; for whilst two parties faced him, the third stole down an hollow lane, and had almost surrounded him unawares, by the negligence of the scouts; so that our whole body was brought into great danger, driven to a sudden and confused retreat, and the governour himselfe left deeply engaged. Yet most of our men got off, being preserved only by the gallantry of a few resolved men that stood in the breach; and of them captaine George Massie striving to retard the pursuit, grappled with three together, hand to hand, received a sore wound in the head, and was happily rescued by a serjeant of the company. Of ours, two lieutenants and sixteen private souldiers were taken prisoners; the rest in disorder ran down the steep, through a rough and narrow lane, and recovered an house at the foot of the hill; where a party was left to make good the retreat, and the enemy durst not pursue; by which meanes all the bottome was preserved from spoyle. Next day they retreated to Tewkesbury, laden with plunder.

Suddenly after this repulse we lost two small garrisons at Westbury and Huntly, by the treachery of captaine Thomas Davis, who sold them at a rate to sir John Winter. This Davis commanded the guard at Huntly, where himselfe by night, some distance from the house, attended the enemies coming, went in before them, as friends from Gloucester, gave them possession, and having accomplit that peece of treason, immediately marched to Westbury, where he was received for a friend, and led in his traine of cavaliers; that both places were surprized in two houres, and above eighty

men and armes lost in that great exigence. This villaine was posted on the gallows in Gloucester, and the lord-generall was desired that his name might stand upon the gibbet in all the parliament garrisons.

During these things a treason of higher nature was plotted by the enemy, to a self-delusion in the close: A greater birth required more time to bring forth. It was first conceived the nineteenth of November, and for near ten weeks had the prime influence on their whole course in these parts, and is now ripe for action. All the force they can make from Oxford and the Irish are drawn together. The lord Herbert, colonell Vavasour, and sir John Winter lie upon us, and prince Rupert himselfe lying at Newent, hoping to effect this great design. Fifteen colours of horse arrived at Cirencester, and five hundred horse and foot advanced to Saperton and Musarden, within ten miles of this garrison. There were of the enemies forces round about near six or seven thousand.

The failing of their endeavours and hopes in the late siege brought forth a despair of reducing the city by storme, and put them upon the wayes of treachery; who therein illuded themselves, and were over-acted in their own counsels. One Edward Stanford, an esquire, and a grand papist, assaulted the fidelity of captain Backhouse, once his friend and acquaintance. He presumed that former friendship might make way to admit the plot, and Backhouses power and interest in the governour made it (in his conception) very feasible. Wherefore, in a private letter, he tendred the renewing of ancient love, not only to the procuring of the kings pardon, but a greater advancement and fortune then the condition of those whom he served could raise him to. This might be purchased by the delivering of Gloucester into their hands, which was not hard for him to perform, considering the nature of his employment and the honesty of the enterprize was grounded on the old proverb, *Fallere fallentem non est fras*. An hasty and abrupt temptation, and the tempters irrational confidence, did befool him in the first onset; who knew not either to propose or expect such grounds of assurance as the thing did require, but set upon a knowing man, without the knowledge of any inbred inclination to treason or present provocation. Except a strange levity, a minde set on mischief, the conscience of delinquency, or desire of revenge, vain glory or riches are the sole aimes of a traytor, and the hopes of either must appear large and certain; but here an attempt is made on such a one who neither by feare was compelled to provide for himselfe, nor engaged against his own party, but acknowledged a present felicity in the work in hand; as though it were possible to perswade a man wittingly to contrive his own overthrow.

The letters were no sooner received but communicated to the governour, who advised to embrace the business, and hold a correspondence with that party; practicing that rule by themselves propounded, for these reasons: First, twas a delight and glory to take them in the snare which themselves had layd; and the advantage was great; 2. That this treason (already secured) might prevent other conspiracies against the city, so long as they had faire hopes of prevailing by this; lest the contrivance of a second should confound the disposition of the first; 3. That the country under the command of this garrison, which, upon the petition of the malignant gentry, was devoted to destruction, might be preserved and spared by the enemy, in hope to enjoy the benefit thereof themselves; for the embracing of this plot did not draw on the enemy, but held his hand, and suspended the execution of his fury; 4. To spin out the plot, and feed their expectation till the country had vented in the markets their spare provisions of corn and cattle; 5. That the enemy, possess and taken up with the gaining of the city, might give the parliaments forces in other parts of the kingdome a greater freedom to execute their designes; 6. That a flattering promise might allay their fury till the winter were past, or our reliefe come, and we be able to feed them with harder meat; and that themselves might taste the cursed fruits of treason, to a self-shame

and confusion. The design was communicated to captain William Singleton, alderman, and captain Read.

For these and the like reasons, Backhouse undertook the businesse, and returned an answer in a liberal garb; protesting that he honoured his majesty with his soule, and was ready to perform all reall service. He seemed withall to promote the plot, by requiring sworn secrecy, and agreeing upon a trusty messenger; and that he might seem more deeply to relish the matter, catch hold on the promise of reward, and required some unquestionable assurance, that he might not play an after-game poorly. Thus the fraud is returned upon them, by one that strives to maintayn the repute of integrity; conceiving it no transgression of military honour to deceive them into a snare by verbal equivocation, as well as by a doubtful action; the common way of the stratagemes of warre. This confident reply, and the palpable discovery of a sudden change, did not render him suspected, but, beyond all reason, gave the complotters great contentment; who did not enquire into the conviction and change of his thoughts by due degrees. Stanford desired him forthwith to expresse his conditions, propose the way, and descend unto the particulars of the service; assented to constant intercourse, and assured him that none but the lord Digby should be privy to the design. Captain Backhouse drew the modell of the plot in this following letter to Mr Stanford.

SIR,

You desire my conceit in proposall of particular propositions, and of my reward: To both which I shall thus propose unto you, to present to more mature judgments. Whether I may not, by drawing out my troop in an evening, (as I can doe at any time,) meet with your forces, and bring them in at the gate on the sudden, in a moonshine night, and so master the first guard; which may easily be done, and not discerned till too late; my troop being above three score, who may be all in the reare, and at your mercy, though I myselve shall lead in the force, which cannot give the alarme in the night so soon as to prevent the designe. Whether, if I perswade the governour, with a strong party of horse and foot, upon some designe to lie out all night eight or ten miles distant from the garrison, (as I know I can doe,) and I my selfe stay at home; in whose absence you may safely advance in the evening to the towns side, when I can come out to you, and so bring you in under colour of our owne forces. Whether, if I finde out a place slenderly guarded, and somewhat easie to come in at, I may draw off the sentinels upon some pretence, as I can do, being known unto them all, and there direct your entrance. Whether, if I send for hay, and give you notice of the very time of its comming in, which must be in the night, I may not after the carts bring in some men as carters, who may have snaphance muskets in the carts, and some dragoons to fall in in the reare of the carts, who may master the first guards, and possesse the ordnance there, and so let in both horse and dragoons, who with such ordnance may march through all the streets in the town. These severall wayes I propose for the present; but I conceive that those who have been versed in the taking of towms may make more choice of propositions, any of which, if I apprehend it feazible, I shall gladly undertake, or render a reason of my dislike. As for my reward, I am right sensible of how great concernment the businesse is to your side; and although it be utterly against my spirit to indent beforehand, especially with such gallant and noble personages, (but the straits I have beene put into for lack of money, having received no pay for my selfe from those whom I serve, and my estate and charge bids me look to that,) I shall expect two thousand pound to bee secured; two or three hundred whereof I shall desire you, as my friend, to procure in hand, that I may bee enabled to beare up my port and credit, especially among the common souldiers and under-officers of the garrison, to whom I must be open-handed, and engage affection, that they may be ready at my call; secondly, to

engage mine owne troop, and to binde such unto me with a silver cord as I shall finde fittest for my purpose; and withall plentifully to reward the entercoursers between you and me, that they may execute our commands with all celerity and trust. This I leave to your consideration and mannage, and hope that ere long we shall meet to discourse it, when all the world shall not know.

R. B.

These propositions are sent to Oxford, entertained by the kings cabinet-councell; the lord Digby becomes the great undertaker and ratifies the proposall of captaine Backhouse in the following letter:

SIR,

You having so farre declared your desires to serve his majesty unto my very good friend master Stanford, I thinke it fit you should now receive some more authentick assurance of his majesties gracious acceptance thereof, then perhaps you will thinke his bare assurance to be: Therefore I doe here solemnly engage my word unto you, both as a minister of state and a gentleman, that if you shall performe faithfully what you promise there, you shall punctually receive, immediately after, such a pardon as your selfe shall desire, and the summe of two thousand pounds. As for the three hundred you desire in present, such a confidence I will have in your word, that as soon as ever I shall have received your answer to this, under your hand, it shall be forthwith paid into whatsoever place you shall appoint, or to what person. As for the particular waies of effecting our designe, those you propose are very rationally, but the choice and disposition thereof must be between you and those that are to execute it, with whom, if it were possible, you should procure a meeting at some unsuspected place. I doe propose unto you the choyce of severall men; and whom of them you shall like best, and thinke fittest, by reason of the place where his command is, to him alone, and to no other, the businesse shall be imparted; whether sir William Vavasour, commander-in-chiefe of the forces now in Gloucestershire, or colonell Myn, commander of a brigade of the English that come out of Ireland, or colonell Washington, who is at Evesham, or, lastly, whether the governour of Berkley Castle. As soon as you shall send me an answer, you shall receive satisfaction, from him who hopes you will so behave your selfe as to make me

Your-assured friend,

G. D.

Here this degenerate lord sells his honour, and betrayes the esteeme of gallantry, by promoting and engaging himselfe to reward the vilest treason, and to insinuate himselfe into the close workings thereof, when many brave spirits, out of their abundant justice, have disdaind the proffer of so base a service. And herein did hee derogate from the repute of an able statesman, in relying upon the doubtfull expressions of an unknowne person, and whose condition could not invite any of the least ground of beliefe.

Hereupon a correspondency was held with the lord Digby; unto whom Backhouse made his reply, that his lordships directiones suted with his owne former proposals made unto master Stanford; to wit, that the commander of the forces to be employed herein must be conscious of the designe. And as touching the choice of a chiefe actor on their part, he conceived sir William Vavasour the fittest man, because he was neereest the businesse; his men lying at Ledbury, when the rest were more remote, and of inconsiderable strength; as also, because he had the best advantage to make his approach undiscovered, there being no suburbs nor house neere the city from his quarters, nor any out-guard to give the alarm. And for himselfe, upon a few daies notice

he would comply with their expectation, as the actors should agree upon all circumstances.

Upon this they returned large expressions of reward and honour; but the present payment of the three hundred pound was waved by Stanford as much as possible, upon pretence of the danger of mis-fezance in the maine plot. Backhouse would not admit the excuse, importuned the payment, as well to have something in hand, as to let them know the great wheele that turned him about, that the palpable shew of corruption might make them more confident. Neither could they well keepe backe the earnest of this guerdon, lest they should render themselves capable of his dislike or jealousy, or seem to suspect his trust; whose adventure (if reall) in every line was sufficient to ruine him, and he left to bewaile his owne mis-fortune: wherefore it was resolved that this Stanford and capitaine Backhouse should debate upon the businesse by word of mouth. They met accordingly in Coslawne at an houre appointed, without armes or attendants, where Backhouse received two hundred pounds in hand, with a promise from Stanford to discharge a bond of fifty pounds, and was not once urged in the whole conference to an asseveration of fidelity, by protestation or oath. He received likewise the contrivance of the plot laid by master Stanford, sir William Vavasour, and others that were lately come to Tewkesbury, which ranne thus:—That colonell Massie should be drawne out of the garrison with a strong party towards Berkley Castle, having assurance that the castle should be rendered; which was really intended by them, that the gaining of Gloucester might be the more facile. In the absence of the governour, capitaine Backhouse was to open the gate, and deliver the word. Thus was the plot proposed and approved by Backhouse, but with additional advise, that their forces might with all speed relinquish Tewkesbury, because he should never perswade the governour to draw forth such a party whilst they lay so strong upon us. This also was assented unto by the complotters, being secure of their agent, and blinded with extreame desire and confidence. And had not the proposall of the enemy been by themselves deserted, we had possest Berkley Castle, and placed a garrison in Tewkesbury. Yet so farre did they prosecute the businesse, that sir William Vavasour sent to require the governour of Berkley to draw out his whole garrison, (which was refused, without the kings or prince Ruperts speciall command:) Himselfe also commanded a great part of his foot to Parshow, professed his endeavours to march with the residue and all the horse; but that his majesties commissioners were so averse, as by no meanes to consent or permit, unlesse they might know and approve the designe; whom he professed to leave unsatisfied, lest he might doe Backhouse a disservice, and prevent or disturbe the motion. Notwithstanding, Backhouse knew well enough that the councill of-warre at Tewkesbury, and the whole court at Oxford, are full of this complement; and so close was the businesse carried, that the London Mercury had blazoned him for a traytor. Wherefore, upon this pretence they runne backe to one of the former propositions; to wit, that he would draw forth his owne troope, with one more, which should be put in the reare of their horse, and himselfe lead the forlorne hope into the towne. But he exquisitely declined this way; pretending himselfe not a little dashed at the disturbance of the first intention, which in his owne thoughts ranne so feazeble; and alledged the governours watchfulness in observing the garrison of Tewkesbury; that he had given private commands to the officers, both of horse and foot, to be instantly ready upon the first advance of their forces, and kept abroad night and day good parties of horse, to bring intelligence: So that he could not joyne with them without suspicion or discovery: And as he should be glad to confirme their opinion of his reall performance, for whom he did thus hazard his life and fortune, so should he be infinitely unwilling to put them upon any enterprize which to themselves might prove prejudiciall. He minded them withall that the true frame of the plot was the life of the action; that one misfezance in a

businessse of this nature was never to be repaired, but crossed the perfection of such an enterprize; wherein he protested himselfe happy if he might sacrifice himselfe to accomplish the same according to his desires. In the close hee gave his opinion that the governours absence was the chiefe requisite to prepare the businessse; that his presence was not consistent with the safety of their side, especially if the alarm be taken at the first entrance: Wherefore he was once more confident to urge the relinquishing of Tewkesbury, and upon the removall promised to possessse the governour with a private intelligence of the surrender of Berkley, and perswade him to imbrace the supposed opportunity, whilst himselfe should remaine at home with the command of the horse left for scouts, and act the businessse with more ease and safety.

This motion effected its intended purpose, to bring them on at the west port, to our best advantage against them; and sir William Vavasour seemed to incline, but craved a little patience, till the contributions were brought in to satisfie the souldiers. Master Stanford required a particular information of the state of the garrison, and received an account of the severall ports, forts, great guns, draw-bridges, provisions, and ammunition. This was taken for a pregnant testimony of Backhouse his fidelity, and made them the more bold to come on; who were gulled with such a slender notice of triviall things, that the meanest boy which passed through the streetes might give a great satisfaction. But whatsoever was of concernment he represented to the best advantage of the garrison.

After much variety of entercourse, sir William Vavasour urged the execution, in regard the parliaments army grew so strong, that what they attempted was to be done out of hand. The plot was thus disposed by captaine Backhouse, as well to secure his owne person within the gates, as to render the desigue more probable:—That whereas, being commander of the horse, he could require the keyes of the city for the sending forth of scouts, he proposed this way to their liking:—That the very night of their approach he might provide scouts out of his owne troope, who should not be ready till the businessse were acted. Meane while himselfe would take the keyes, repaire to the west gate, and pretend to stay for their comming, and set the guard, which is usually slender, to drinke in an ale-house; in which time they might advance, finde no living soule but himselfe at the gate, or a few drunken men, and pretend withall to be our owne men from Churcham, where we had a guard of horse and foot, which, if they did not disturbe, would continue there a while, and further the performance.

Thus the safety of the countrey and our small garrisons was still interwoven in each part of the plot, and they deceived with so great a semblance of reason, that they could not suspect, though in every motion hee constantly waved selfe-ingagement and personall danger. The maine care of the businessse is to draw them on to a selfe-destruction; and the last modell complies with their fauicy in each particell, and to their second thoughts likewise appears still more rationall. On the fifteenth of February the set time is come: Nine of the clocke at night is the houre appointed: The guards are to be drawn off from the further bridge, and the sentinells to be taken in: Prince Rupert is to advance with fifteen hundred horse and foot; and it would be very satisfactory if captaine Backhouse met them with his own troop, pretending to beat up a horse quarters; but this they urge not, if it be found inconvenient. In the evening a messenger is dispatched from Gloucester to the enemies quarters, with the watchword, for their assurance, and some private directions for their march up the town; while himselfe waited at the gate, which he undertook to set open, if they came by nine of the clock, or within half an houre after.

After the messengers dispatch, the ports were shut up round the city, carefull sentinells set: The governour called a counceell of war; acquainted the officers with the plot; gave order that as well citizens as souldiers should continue that night in armes;

drew to the west gate three peeces of ordnance, and a strong guard of musketers, well provided with granadoes; and commanded foure stout men in a boate under Owers bridge, halfe a mile distant from the gate, to lie under the maine arch, with direction, that upon the firing of the first ordnance, they should cut a cable-rope, which being done, the bridge would fall into the river: By which meanes they had all been killed, drowned, or taken, being cooped up in an island open to our shot, without possible meanes of escape. In this preparation and posture we continued all night, watching the time to have delivered ourselves from the future mischief of such bloud-thirsty enemies. They advanced with their whole body of horse and foot, but before they came within a mile and a halfe of the city, it was open day; when, having lost the time by the slownesse of their march, they durst not come on, but instantly retreated to Newent. From thence captaine Backhouse was informed by letters of the reason of their faylings, which induced us to believe that the enemy did not yet know that their designe was destroyed: Wherefore we endeavoured secrecy, and the next day suffered no man to passe the ports; desired to salve the matter, and bring them on once more; but the whole frame quickly fell asunder, though the languishing enemy gave some cold entertainment to a few patching letters, because they were ashamed to acknowledge such a strong delusion.

As they had all justly perished in their own hellish mischief, so are they deservedly branded with notorious folly in the whole mannage: And the chiefe undertakers might have learned not to indulge their hopes of faire conclusion, by their own subtile cogitations, and the shew of a neate contrivance, when nothing beneath a like mutuall engagement and strong necessity doth deserve assurance and confidence. Nevertheless, the pregnant hopes of this maginary treason, as it brought forth a lie to the contrivers thereof, so it wrought much good for this garrison, and the common service of the state. The embracing of the motion held up the desires of the enemy, and made them lesse active else whete. It preserved the country till our succours came, which were every day expected. Neither was this plot the cause that the power of the enemy did beare hard on the country, (for here was the confluence of their winter quarters,) but since we must beare their burden, it made it the lesse grievous. 'Twas impossible to keep out an enemy, but all the skill was to allay his fury, and hinder the acting of mischief; which was carried on with violence by the malignant gentry, and that party that were not privy to, or disliked the plot; in so much that Sir William Vavasour was complained of, reviled, and cursed, and at once lost the opportunity of action and advancement in the king's service.

The enemy swarms in every corner, except the county of the city and Whitstone hundred: That each day creates new troubles, and the governour constrained on one side or other continually to draw out strong parties to defend our selves, maintain our markets, and encourage that part of the country which is yet clear. All advantages were taken to ingage the people; (and herein did the governour's industry put forth itselfe, in settling the country in a posture of defence, when the command of the city did not reach above three miles some wayes, and not above seven miles on the best side;) at several rendezvouzes published the nationall covenant and declaration of both kingdomes; expressing their mutuall care of repaying our breaches, and perseverance in their maine undertaking; which gave great satisfaction to such as were damnyfied in this cause, and confirmed unto them the vigour and strength of the parliament: By which meanes the nearer part became wholly ours; not only yielding a supply of maintenance, but engaging themselves on their own and our defence. And some of them that did not seem to confide in the state were drawne in, being first enraged by the enemies cruelty; which discontent and desire of revenge the governour cherished, and raised to an open declaration, and, unawares of the multitude, put them beyond the hopes of a faire retreat: So that these men observed the enemy upon every mo-



tion, sent alarms to the city, and, in a great part, took off the feare of a sudden surprizall.

Amidst these things; the expectation of the London supply, and the dayly hopes of money, strongly upheld the common souldiers by a meere delusion: Its delay became a greater advantage, since its reall strength had before bin crumbled to dust. No part of the kingdome was capable of better service by a considerable number; yet a meane and slender reliefe did not onely not shake off the burthen, but disgrace the businesse and contract, and sinke the mindes of men, when hope doth enlarge and beare up.

The governour therefore advised the stay of the coaroy, and was willing to expect such a party as might inable him to beate off the enemy fifteen miles round about. Want of ammunition was the greatest exigence, and the preserving thereof till a supply came, was the maine hinderance of all designes. Neverthesse we had perpetuall bickerings, that the enemy might not grow upon us; and our dayly nimble performances were unto them as a continual dropping. Amongst others, a party of horse and dragoons issued forth as far as Marshfield, fell upon a troope of horse quartered there, and brought thence a lieutenant, cornet, and quarter-master, with a few common prisoners, and such horse and armes as the troop did yield. Whilst colonell Veale's foot and the lord Incheequeene's horse lay in and about Berkley, and sorely oppressed the country, we fell into a horse quarter of Incheequeene's regiment, and took a major and two captaines, three lieutenants, two cornets, with two colours, and other inferior officers and souldiers, to the number of three-and-twenty. All this while, the strength of the king's army is lodged between us and Warwick, to intercept our relief, and in thought have already divided the spoyle.

Sir William Vavasour, willing to act something in the latter end of the day, to repaire his credit in the kings army, desired a greater strength, with a sufficient artillery, to distresse and straiten Gloucester; and having obtained two culverins from Oxford, with a proportion of powder, he advanced with a strong brigade towards Painswick, with unusual preparations and expectation. Their march afflicted the country, and indangered our out-garrisons. The enemy were confident to the last that extremity would compell us to yield up all to their mercy. Sir William Vavasour entered Painswick with as gallant horse and foot as the kings army did yield. Here the governour had placed a guard in a house neer the church, into which the church also was taken in by a breast-work of earth. The intention of the guard was to command contribution, and keepe off a plundering party: and order was given to the lieutenant which commanded to maintaine it against a lesser party, but if the maine body and artillery advanced upon them, to relinquish it, and retreat down the hill to Bruckthrop, { where the governour had set a guard, to prevent the enemies falling down into the bottome; } for which purpose they were assisted with a troop of horse, to make good such a retreat, if need were. But the lieutenant, more confident of the place, and not understanding the strength of the army, and not willing to draw off before the last minute, was enforced by the enemy to engage himselfe and many willing people of the neighbourhood in that weak hold, and upon the first onset deserted the house, being the stronger part, and betook himselfe to the church, which wanting flankers, the enemy had quickly gained, by firing the doores, and casting in hand-granadoes. Some few were slaine in defending the place, and the rest taken prisoners. We lost three inferior officers, seven-and-thirty common souldiers, and many country men. At that season the governour had commanded to Stroud another guard of fifty musketers, to support and strengthen the place in its own defence; but ammunition was their only cry, which struck us dead, and constrained the governour to withdraw that party to the garrison at Essington; for our magazine did then yield no more then six single barrells of powder, by which meanes he was wholly disabled to encounter the enemy: Only, to preserve the bottome, he drew forth the greatest part of both regiments, with their colours displayed, to flourish at a

distance, and summoned the volunteers of the country, whom himself had engaged in a posture of defence. These were to increase the appearance of strength by day, and at night to guard the several passages. So that the enemy durst not adventure below the hills, nor seek us in our advantages; nor was it safe for us, who wanted horse, to set upon them in those large and open places: Either party kept their own ground. They wasted the hill countries, whilst we secured the vale; and the souldiers sustained hard duty in marching to and fro, to give the country satisfaction. Where the enemy prevailed, they plundered to the bare walls. And this was the accomplishment of the great service so long expected from Sir William Vavasour.

This brigade, upon the defeat of sir Ralph Hopton's army by sir William Waller, at Charrington Down, was commanded hence, and instantly marched for Cirencester, and so to Oxford. Our horse made after them, but could not recover the reare; only they lighted upon some straglers; and, in the whole businesse, we killed and took near fifty men. This diversion relieved Gloucester, which else had bin blocked up to the gates, and cast into as great necessity as ever. In this pinch we received twelve horse loads of ammunition, strangely conveyed between the enemies garrisons, only by the carriers and a foot post; when their designed convoy, that set forth a little after, and missed them, gave them for lost, and returned to Warwicke. The residue of the relief was stolne by parcels through the enemies quarters; for though their greater body was drawn off, yet were we still vexed with their garrisons. Not long after, there arrived another portion, and three troopes of horse, to make up the governours regiment. At length came lieutenant-colonel Ferrar, that had the command of these succours, with a little long-expected pay for the garrison. As for the foote soldiers that came with him out of London, in regard they came severall wayes, and at severall times, in a lingering march, with want of pay, and some taken prisoners, about fifty came to Gloucester, and of the rest no good account could be given.

When Vavasour was called off, the enemy revived, and grew bold under a more active leader, colonell Nicholas Min, who commanded the Irish brigade. In the first entrance hee began to lash out, and made assays of action; cut down the bridge at Masemore, alarmed the city from the Winniet Hill, and took divers of our men, that issued out upon a sally over the river in a boate.

At this present there came dayly cries for the reliefe of Brampton Castle, in the remote parts of Herefordshire; which held out a long time in the midst of the enemies country, to the expense of much time and bloud. And their succour was the more importuned by the rage of the enemy, which had lately acted their cruelties upon forty prisoners of the same command, taken by colonell Woodhouse in Hopton Castle, which were basely murdered after the surrender. Colonell Massie had no forces under his command, to undertake a march through the midst of the enemy, when they pressed hard on our own borders; and the brigade of horse assigned for the convoy, and commanded by commissary-general Bher, were unwilling to undertake the service. Yet while these horse remained here, the governour desired to set them a worke, that they might not act only to the spoyle of the country. Wherefore they joyned with a party of our foot, and made an attempt upon Newent, colonell Mins garrison, but were called off in the midst of the service, by a speciall order from the lieutenant-general.

The enemy have lost the hopes of their winter action; and this garrison made the best of a bad game, in continuall petty services and small parties, yet beyond the strength of the place; not to conquer, but live, nor to destroy the kings forces, but to stave off or delude them. But to enable colonell Massie to march with a better strength, colonell Purefoy, with his regiment of horse, about the first of April, 1644, was, by the committee of both kingdoms, commanded into these parts; and the maine designe was to remove or take in the garrisons that lay round the city. These horse having brought but a slender part of the ammunition, and none of the armes that were

sent from London, were remanded to Warwick, for the convoy of match and powder; the governour resolving not to undertake a march or action of time without a proportion of powder, both for the field and garrison. Upon their second arrivall, these horse, with a party of foure hundred foot, were drawne out, with two small pieces of ordnance, and advanced into the enemies quarters; first, with a purpose to seeke out colonell Min, who was lodged in the nearer parts. But upon the report of our march, he fell back from Newent, and hastened to Rosse, where he began to fortify the church with his own and sir John Winter's regiments. The governour made forwards into Herefordshire, and kept his head quarters at Ledbury, to appeare unto the enemy, and in their own country provoke them to action, and in the meane while, to fetch in monies for the supply of the souldiers, and to ease our neighbourhood, which, till then, did beare the whole burden. Our horse that lay neer upon their garrisons had some encounters, but with no considerable party. From Ledbury an hundred and fifty musketers, with the whole strength of horse, were drawn towards Hereford, to command the country, and face the garrison, which feared our approach, and for that cause fired a lone house neer the city; but none did adventure to sally forth, or fall on the reare in our retreat; so we marched through the greatest part of the county; but the grand malignants were fled, with the best of their substance. The governour resolved to attempt the lesser garrisons; but the noyse of our march had reached prince Rupert, who thereupon was come to Evesham, with as great a strength of horse and dragoones as he could draw together, with a purpose to fall over Upton bridge, and get between Gloucester and our forces, whilst colonell Min, and sir John Winter held us in play in these parts. Wherefore, being advertised of the prince's march, and suspecting his intention, he drew back the party, as well to refresh and preserve his men, as to make the enemy secure.

But within foure daies the like number were againe drawne out towards the forrest side, to attempt and act something upon Myns forces; and first they came up upon Westbury, once our owne garrison, but betrayed into the hands of sir John Winter. Here the enemy held the church, and a strong house adjoining. The governour observing a place not flanked, fell up that way with the forlorne hope, and secured them from the danger of shot. The men got stooles and ladders to the windowes, where they stood safe, cast in granadoes, and fired them out of the church. Having gained the church, he quickly beat them out of their workes, and possess himselfe of the house, where he tooke about foure score prisoners, without the losse of a man. The enemy had an other guard at Little-deane, whether the governour commanded a party of horse to give them alarms, whilst he fell upon Westbury. These horse found the enemy stragling in the towne, and upon the discovery of their approach shuffling towards the garrison, which the troopers observing, alighted, and ran together with them into the house, where they tooke about twenty men. Neere unto which guard, lieutenant-colonell Congrave, governour of Newnham, and one captaine Wigmore, with a few private souldiers, were surrounded in some houses by the residue of our horse. These had accepted quarter, ready to render themselves, when one of their company from the house kils a trooper, which so enraged the rest, that they broke in upon them, and put them all to the sword. In which accident this passage was not to be forgotten, that expressed, in one place, an extreame contrariety in the spirits of men under the stroke of death:—Congrave died with these words, "Lord receive my soule;" and Wigmore cryed nothing but "Dam me more, Dam me more;" desperately requiring the last stroke, as enraged at divine revenge.

Colonell Massie pursued the successe, (whilst his owne men were full of life and hope that the confidence of the enemy might be dashed by a quicke surprisall,) and the very next day came before Newnham, where a strong party of sir John Winter's forces kept garrison in the church and the fort adjoining, of considerable strength; who, at that instant were much daunted and distracted by the losse of Congrave, their gover-

nour. Our men were possest of the towne without opposition, and recovered the houses, by which they got neere the workes. The governour commanded a blind of faggots to be made athwart the street, drew up two pieces of ordnance within pistoll-shot, and observing a place not well flanker'd, where he might lead up his men to the best advantage, himselfe marched before them, and found that part of the worke fortified with double pallisadoes; (the souldiers being provided with sawes to cut them down;) and having drawn these close within a dead angle, and secure from their shot, and drawing the rest of his force for a storme, the enemy forthwith desires parley, and to speake with the governour; which he refused, and commanded a sudden surrender. In this interim some of the enemy jumpt over the workes, and so our men broke in upon the rest, who ranne from the out-worke into the church, hoping to cleare the mount, which we had gained. But our men were too nimble, who had no sooner entered the mount, but rushed upon them before they could reach home, and tumbled into the church all together. Then they cryed for quarter; when, in the very point of victory, a disaster was like to befall us:—A barrell of gunpowder was fired in the church, undoubtedly of set purpose, and was conceived to be done by one Tipper, a most virulent papist, and Sir John Winters servant; despairing withall of his redemption; being a prisoner before, and having falsified his engagements. This powder blast blew many out of the church, and sorely singed a greater number, but killed none. The souldiers enraged fell upon them, and in the heate of blood slew neere twenty, and amongst others this Tipper. All the rest had quarter for their lives, (save one captaine Butler, an Irish rebell, who was knocked downe by a common souldier,) and an hundred prisoners taken. The service was performed without the losse of a man on our side.

After this dispatch the governour marched to Lidney house, with purpose to attempt according to what he should finde meet; and, in the first place, summoned the same to a surrender; which being refused, and he finding the house exceedingly fortified, and no lesse provided with victuall than force, engaged not upon it: And understanding that col. Myn, with a considerable strength of horse and foot, assisted by the lord Herbert's forces and sir John Winter, was come as far as Coford, he was enforced with more expedition to draw off, for the gaining of the hill towards them; there expecting the enemies advance till towards evening, when he marched off his wearied men to Gloucester; first having fired sir John Winters iron-mills and furnaces, the maine strength of his estate and garrison.

After these things many gentlemen of the county began to looke towards the parliament, and tender their obedience, desiring protections from this government, to secure themselves from spoyle and the souldiers violence. Nevertheless, as the personal estates of all knowne delinquents within the reach of this command were seized, and the profits of their lands sequestred, so these men were not to be ignorant or insensible of the value of their peace. Concerning some, the governour desired the direction of the houses, yet granted protections, with strict provisos onely to preserve their persons from the violence, and their estates from the plunder of the common souldier, for the advantage of the publike, till a full conviction, or the pleasure of the houses were, by themselves or their committee, made known. And this he did according to the parliament's undeniable justice, and the example of other generall officers. As for the moderate offenders, unlesse the estate of things did require or permit their utter destruction, he had no other way but to endeavour to make them our friends and confidants; and since it was resolved they must live amongst us, hee desired, by love and gentle dealing, to hold the way secure and open, that they might imbrace the condition without discontent or feare. And for these protections hee reserved nothing to himselfe, but caused the moneys to be paid in to the publike treasurer, for the use of the garrison.

Neither was he sluggish in the spring of action, but immediately fell upon another

designe—the surprisal of Tewkesbury, by an unexpected onset: For the enemy, by the number of their men, and the naturall strength of the place, with the workes well begun, were sufficiently provided to receive an expected and open storme; and the governour shun'd all desperate hazzards, because he did not march with supernumerary forces, but the maine strength of Gloucester. Wherefore, to deceive the enemy, the foot were drawne forth at the west gate, bearing the shew of an advance into Herefordshire, and the horse kept their rendezvouz, and looked the same way. But in the evening the horse came backe, and marched through Gloucester towards Tewkesbury, having first sent a guard to Upton bridge, while the foot came on beyond Severne. The designe had taken effect, had not the foot, by their slow march or mis-guidance, passed the houre, which was breake of day; for they came not before the towne till an houre after sunne-rising, when we were found not fit to assault a waking and prepared enemy. To withdraw, neverthesse, did seeme but a feeble businesse for such a faire body of horse and foot displayed before the towne, and carried before it the appearance of a baffle; yet the governour, though naturally jealous of honour, could digest such mis-fezance, when the safety of his owne men required; knowing that the opportunity of service would in good time cancell a mis-grounded ignominy; and in his whole course, whensoever the present exigence did not urge a greater hazzard, neglected the hopes of those victories that could not be gained without the weakning of that party on which the maine rest did lie.

This party was presently sent over the river, and marched toward Rosse, to prevent the joyning of colonell Myn (now made commander-in-chiefe, in the roome of sir Williamavasout) with sir John Winter and the Welsh forces, as also to raise moneys for the garrison out of the remoter parts, to enlarge our owne quarters, engage the countrey with us, or to lie ready for all occasions of service. There our horse and foot arrived, with two pieces of ordnance, and found Wilton bridge guarded by capitaine Cassie and thirty musketiers from Gudridge Castle. A party of our horse advanced upon them, forced the river, and got beyond them; after some dispute, beat off the guard, wounded and tooke the capitaine, slew many of his men, and tooke the rest in the chase almost up to the castle. Our forces rested here a few daies, and summoned the countrey to appeare; it being the governours constant endeavour to adde daily friends unto the parliament, and to put the countrey into such a posture, that upon all alarms they might gather to an head for their owne defence: and hereupon many came in and declared themselves, by taking the nationall covenant. Whilst the engagement of the countrey was thus prosecuted, some emergent occasions drew the governour to Gloucester, where he found a prisoner, capitaine Ogleshorpe, governour of Beverston Castle; a man rendred odious to the countrey by strange oppressions and tyranny, and who lost himselfe basely; being taken by some of our scouts in a private house courting his mistresse, and when once taken, not so high and sterne before, but now as vile and abject. By which meanes the governour was made sensible of the weaknesse of the castle, but much divided in his owne thoughts, whether to leave the countrey, that came on so fairely to a selfe-engagement, and neglect the contribution already levied, but not payd in, or desert the hopes of a gallant service; till at last, considering the great command of the castle; that the gaining of it would free the clothiers of Stroudwater from the bondage and terrour of that government, and might prove a great detriment and annoyance to the enemy, in stopping or disturbing their passage from Oxford to Bristol, he turned his thoughts to the businesse, put on, and resolved to try for it. Wherefore he drew from Rosse without delay, and commanded his foot over Severne, at Newnham passage, whilst the horse marched through Gloucester. The next day he came before Beverston, and demanded the castle, in the name of the king and parliament.

The lieutenant that commanded at the first returne sent an answer of compliange,

farre from the language of a souldier, and without one confident expression. They quickly came to a parley, and rendered, upon conditions that both officers and common souldiers, leaving their armes, ammunition, lagge and baggage, should freely passe to whatsoever garrison of the kings themselves desired; onely foure officers had the privilege to take each man his horse: So that without losse or danger we were possesst of Beverston Castle, to the great content and satisfaction of the countrey round about. 'Twas lost unworthily on the enemies part, who might have held it with ease. Of so great simplicity was he conscious that commanded the garrison, as to aske the place whether our forces intend the next march; expressing his doubts of Malmesbury, and feare of being taken the second time. Nevertheless they required a conduct thitherward, and were guarded along by two troops of horse; and that very day our forces fell before it.

Whilst the horse faced the towne, colonell Massie sent in the summons; but this enemy put on the appearance of bravery, fired upon the horse, and colonell Henry Howard, governour of the garrison, sent backe a resolute answer. Thereupon our foot and artillery were brought up from Tedbury, and within two houres, drawne into the suburbs and lower part of the towne. The foot broke their way through the houses, till they came almost up to the workes, and the onely place of entrance into the towne, which is built upon the level of a rocke. Colonell Massie caused a blinde to be made crosse the street, to bring up the ordnance within carbine-shot; when, on the sudden, the fancie of an alarm seized upon our men, in the heate of the businesse, that the enemy were sallying out upon them; which was nothing so. This unexpected accident stricke those men, that at other times would brave it in the face of an enemy, with such distraction and feare, that they all fled, and left their cannon in the open street. This meere conceit was like to overturne all; but they within observed not. After a while the souldiers recovered themselves, regained and kept their ground; and the governour resolved to storme the towne in three places at once. The severall parties were drawne out to the places of assault; but this desigüe miscarried, through the misunderstanding of the signall. The parties returne unto the governour, who resolved to make the assault at breake of day, in one place where himselfe kept the onely passage into the town; having no draw-bridge at the entrance, but onely a turn pike; whereas the other parts were almost inaccessible, guarded by a steepe descent and double channell round about. The houses within pistol-shot of the workes were our maine advantage, by which meanes our men were brought safe under the shelter of their workes. And the governour observing the late effects of a panick feare amongst his owne men, gave the charge that they should fall on all together, with a sudden and confused noise, to amaze the enemy, and disturbe the command of the officers. The forlorne hope advanced, seconded with a good reserve; all put on together, came up to the turn-pike, and threw in granadoes. The enemy made many shot at randome, in the disadvantage of a rainy night, and their muskets lying wet on the workes: So that our men came all in a croude to the narrow passage, and thronged in, and not a man slaine or wounded in the storme: one onely was killed the night before, in helping to make the blinde. Colonell Howard was taken at the workes, after three shots received in severall parts of his garment, each of which missed his body. An hundred musketers were taken prisoners, many having escaped, besides those of Beverston Castle, who came hither for refuge the day before. This service was performed gallantly by our men, after three daies continuall march. Upon the first entrance colonell Massie preserved the town from plunder; nor at any time did he suffer his souldiers to ransacke any place that he took by storme; giving this reason—that he could judge no part of England an enemies countrey, nor an English town capable of devastation by English souldiers. After a little stay, to settle the garrison and countrey, and to command in some moneys, for the satisfaction of the souldiers, and present sup-

ply of the brigade, he returned to Gloucester, and the Warwickshire horse were called off into their owne countrey.

After few daies the governour having breathed himselfe and his men, resolved to attempt the taking of Tewkesbury; a bad neighbour to our head garrison, and where he had suffered the repulse twice before. He was able to draw forth an hundred and twenty horse, and about thirty dragoones, with three hundred foot; for his strength was no more then the standing forces of the city, a great part of which were now swallowed up by the garrisons lately taken in. The horse and dragoones, commanded by major Hammond, advanced some few houres before the foot and artillery, and were to alarm the enemy till the foot came up. They made a hault a mile from the town, and drew out a pretty strong forlorne hope; conceiving they might possibly surprize them, if they had not as yet tooke the alarm. And first three men were sent before, to espy if the draw-bridge were down, and six more behind went undiscovered; next unto these marched the forlorne hope, and the maine body in the reare. In this posture they advanced up to the town, where they found the bridge down, the guards slender, the enemy without intelligence, and supinely negligent. On went the first party, killed the sentinels, a pikeman and a musketier without match, and made good the bridge: The forlorne hope rushed in, and after them a full body of horse and dragoones; fell upon the guards, came up to the maine-guard before the alarm was taken, overturned their ordnance, and charged through the streets as farre as the bridge, Worcester way, where they tooke major Myn, the governour of the towne. The enemy threw down their armes: many escaped by flight, and many were taken prisoners. Colonell Godfrey was slain in the first charge, as also colonel Vavasours quarter-master-generall, and a lieutenant, all papists, besides a sergeant, with about six common souldiers. Our officers and souldiers supposing themselves wholly victorious, dismounted, and went into the houses; some in the vanity of their humour, others for plunier; whilst all slighted their owne guards, and the making good of the bridge at which they entered, and neglected the taking and disarming of the maine-guard, which lay in the heart of the towne, and cleared every street. Whereupon those at the main-guard observing the horse not seconded with foot, took courage to charge some of our horse, now in confusion; and many of the enemy out of the houses ran to the guard, and so strengthened it, that they issued out upon our men, put them to a retreat, beat them out of the towne, and took some few prisoners. But before they were beaten out they had cut down two draw-bridges, and secured the governour, major Myn, who was passed over Severne with a snail party, that tooke him beyond the town. By this time colonell Massie was come up, with a few horse, halfe a mile in the van of the foot, which trusted after, to make an assault in this instant of time. But the bridge towards Gloucester was againe drawn up, and the workes manned on that side. Here the governour placed his company of dragoones, and gave order to fire upon them, whilst he drew his men round the towne, it being now darke night; but before he could reach the farther end, where he entered about midnight, the enemy were fled towards Worcester, being daunted at the first assault made by the horse; observing withall our foot now brought up, their owne governour lost, their officers slaine, and most of the common souldiers already runne away. The townsmen, through feare, durst not give the least intelligence of what had happed; by which means they were past the recovery of our horse, already tyred: Besides, the night and darke weather hindred the pursuit: Onely we tooke some scattering foot, to the number of foure-and-twenty, with a lieutenant. Upon our entrance we found eighteen barrels of powder, left by their haste, an hundred and twenty skeyns of match, two hundred new pikes, foure-and-thirty large hand-granaadoes, good store of musket-shot, and two brasse drakes. Most of their muskets were thrown about in the fields, ditches, and rivers, many of which were afterwards found. But the place it selfe was

of greatest consequence, and worthy of the service, being now a strong frontier town, securing that side of the county, and commanding a good part of Worcestershire, and in this nicke of time extreamly crosse to the intentions of the kings army. The enemy confest themselves to be neer seven hundred strong, when our whole body could not reach that number. That very day colonell Myn was to march from Hereford to ayd this town, but prevented by our possession.

These things were acted here, while the earle of Essex and sir William Waller lay neere Oxford with both their armys, and compelled his majesty to withdraw himselfe from his strongest hold. The king having shifted between them both, by a close and nimble conveyance, and being on a swift march over Cotswood hills, had this town of Tewkesbury in his thoughts for his owne passe, and a stop to the pursuing army; not understanding his losse till within a daies march of the place. The intelligence of this surprisall, and that Upton bridge was made unpassable, perplexed the king, and turned aside the course of his flight towards Evesham, where he quartered for a night, and rose thence in great distraction, and caused all the bridges in those parts to be broken down after him, to hinder sir William Waller in the pursuit, whom he expected in the reare every hower. In such a hurry, confusion, and feare did the enemy run, that a smaller party of horse, only with the report of the foot coming after, in a constant and close pursuit, might have consumed and dissipated the whole army; which, nevertheless, remained a body with life in it selfe, and quickly grew up to the perfection of parts.

The governour had reduced these parts into a reasonable condition of ease and security, made a convenient passe for the parliaments forces through the heart of the kings country, and blocked up the course of the enemy almost on every side, unless the maine army did march. Malmesbury and Beverston Castle lie in the roade from Oxford to Bristol, and inforce the lesser parties to fetch a compassse by Worcester and Hereford, thence round about into Wales, and at last to passe the river of Severne below Berkely Castle.

When the king had winded himselfe out of the snare, sir William Waller could not well follow the chase with his foot and a traine of artillery, though the horse might performe gallantly, to the ruine of those who resolved rather to flie before them then fight upon any tearmes. Wherefore he made some pause by the way, with a purpose to march his great ordnance to Gloucester; and appointed colonell Massie to meet him before Sudeley, where he performed an acceptable service to this country. The governour forthwith faced the castle, beat in the enemy, and took twenty horses from under the Castle walls; expecting the arrivall of sir William Waller, who came up within few houres, with a strong party of horse.

The enemy within discharged their ordnance, and fired their out-houses, like men resolved upon extremities, rather then to yield up or lose the garrison. In the evening sir William Waller summoned the governour of the castle; and it fell out that the very name of his army and presence strooke them to the surrender of that hold that might have expended the lives of many, and much time, then pretious, in that great advantage on the kings distressed army: Yet they refused to render at the first summons. The battery was planted within halfe musket-shot; but the great pieces did little execution upon the soft and yielding stone, nor could the castle be taken by battery; but one shot by chance took off the head of their cannoneer, and exceedingly daunted the common souldier; and the governour, sir William Morton, did in his owne thoughts incline to a surrender, whether out of a naturall feare or free choice. He was knowne to be active and violent in the kings service, of an high spirit and bold, bearing before him the semblance of valour, and supposed by an high degree of enmity most obnoxious to the justice of the parliament; one that had the repute of a knowing man, able in the profession of the law, and versed in the ways and actions



of men. He was likewise more strongly linked unto that cause by the late honour of knighthood, which by the state is held no better then a note of infamy, to stigmatize those persons that have been eminent in the disservice of the commonwealth. Notwithstanding this, being lost and desperate in the opinion of the parliament, he gave up that strong hold and himselfe into their hands, having not provided for the indemnity of his own person; when by his own party, likewise, he must needs be branded with treachery or cowardize, and so lost on all hands. So that no faction seemes to be assured of its principall confidants, and that no resolved nature or judgement can secure the strongest enterprize to a wise and honorable conclusion. After the surrender, sir William advanced thence to seek out the kings army, and left the castle to be kept by the Gloucester forces.

By this time the enemy had no footing in the county, save Berkley Castle and Lidney House. And as this government had by maine force gained every step of its command, so no lesse skill and vertue is required to maintaine the victories. We have the possession of Gloucester, Tewkesbury, Sudely, Newneham, Beverston, and Slimbridge; all to be defended and maintained, at so great distances, only by two regiments of foot: For Malmesbury was kept by colonell Deveraux his regiment, who was appointed governour, under the command of colonell Massie, unto whom the disposition and settlement of that garrison was intrusted by the parliament. For want of money the city regiments were weake and uncertaine in duty and service, and the souldiers ranne dayly to other garrisons, where they found alwayes constant pay and lesse hardship: But the governour could find none so rationally as to clap them in irons, or give them back to his justice. For this cause he was perplexed in each designe, uncertaine of the atchievement, and could not waite for a regular disposition and traine of circumstances; but nimble in the secret and sudden motions of the time and season, and sometime resolving upon the sole guide of Providence; but in this never running a greater hazard then the shame of a non-performance. These many garrisons having taken up the whole strength, for want of a marching brigade, we were deprived of the fruit of our labours, in the supplies of monies to be commanded out of the enemies quarters, and disabled to relieve the remote parts that were by this time united under the power of this government: So that the first fruits were nipt in the bud, and we remaine miserable after so great enlargements; being inforced to cry to the parliament for help, which we should have held a disparagement, had we received a stock to improve to a larger support and livelyhood. Wherefore the house of commons taking notice of the many good services of colonell Massie, made an order for the recrute of his regiment of horse and foot in the first place; and to make up a competent brigade, colonell Thomas Stephens had commission for a regiment of horse, and colonell Edward Harley for a regiment of foot. In which businesse the governour advised not to raise men and horse at London, whither the refuse of the army, runnegadoes, and such as disliked the conditions of their former entertainment were wont to repaire, but only to procure monies to be sent into the country, where horses might be rayzed at a cheaper rate, and able men were easy to be found, and chiefly where we might robbe the enemy of their maine strength; from whom great multitudes were ready to flow in, upon the hopes of entertainment. And before this time, since the late siege, at least a thousand of the enemy, that here tendred themselves to the service, went from us for lack of pay. This was a speedy course, and effectual, which might carry on the worke whilst we were in a thriving way.

At that time the affaires of the garrison were a little enterwoven with some passages of the greater army. Sir William Waller was led into the northerne parts in the pursuit of his majestie, straining to reach or get beyond him. But the king doubled in the chace, hasted back by Worcester towards Oxford, and left sir William a few dayes march in the rear; who nevertheless made after with all speed, but was constrained

to rest at Gloucester, to refresh his weary souldiers; and purposing to fall upon the kings army, importuned the governour to lend his assistance; which was extracted out of the extreme penury of these parts onely for a quick dispatch. Two hundred and seventy muskettiers, with a company of dragoons, were sent from Gloucester, and a hundred muskettiers from Malmesbury; which did not a little necessitate the place, and stop the actions of this command, which had so many garrisons to make good, and defend the countrey from the neighbouring enemy, that began to threaten from every quarter.

At this time there happened a dispute between the kings army and sir William Waller, at a bridge neer Banbury, where some few were slain and taken on both sides; but on ours the chief miscarriage was the losse of some ordnance. After this brush the king marched off into the borders of Worcestershire, and sir William Waller towards Buckingham, to joyn with colonell Browne. Our countrey is in danger of ruine, by the falling down of the kings army, whose main body lay for a while about Breedon, three miles from Tewkesbury; where his majestie being informed of the weaknesse of the place, drew neer, with a purpose to storme it, advanced the ordnance within a mile, and sent out parties to skirmish. Colonell Massie, upon the first intelligenc. clapt into the town two hundred muskettiers for an additional strength, and to encourage those within: Himself in the mean while, with a hundred and fifty muskettiers in Coslawne, waited to encounter with an other party of the Worcester forces, whom he staved off, with the losse of five or six men, neer Upton bridge, and passed over Seavern to Tewkesbury. Upon notice hereof, the enemy drew thence, and retreated towards Parshowe and Evesham. There the king pretended to passe over the river into Herefordshire and Wales, and gave command that all the bridges should be made up; but his designe lay westward. Wherefore he made up the hills, marched the first day, in the view of Sudely Castle, over the downes, and came that night to Cubberly, seven miles from Gloucester, and from thence marched the next day by Beverstone Castle to Sodbury. They went on like a flying army, surprised the countrey; but they onely touched and away; and our weak troops drove in the stragling plunderers: For the governour commanded a party of horse to follow the reare of the enemy, whilst the rest were employed in a necessary defence in sundry places. These did seem to give them a gentle convoy over the hill countrey towards Bristol; and though the van of their horse were too nimble for us, and drove great store of the garrison cattell, that lay in their way, yet the country men were saved from any great matter of losse, and the parties of horse brought into our garrison between 50 and 60 prisoners, officers and souldiers; and though they could not retard the march, yet made them passe forward with much warines and fear.

In the mean while colonell Min, together with sir John Winters forces, take the advantage of our weakness, to spoil and destroy our friends on the Forrest side; sir William Russell and the governour of Worcester make incursions on that side; and the garrison, oppressed with many out-guards, and multitudes of prisoners within, had much ado to preserve the neighbours from ruine. Colonell Min advanced from Rosse, where he quartered his regiment, within half a mile of the city, drove away the countrey cattell, and took the persons of many: And the forces of Berkley Castle act a sufficient part in the generall mischief. The governour looks round about him, and though he cannot hope to lay them flat, and subdue their spirits, yet he can check their insolence, and make them stand on their guard. He commanded a party of horse and dragoons towards Berkley, who fell upon the guard of the town, beat them into the castle, slew eight or ten, took prisoners captain Sandys, with a lieutenant, ensigne, sargeant, and seven common souldiers; whence, likewise, they brought away forty or fifty arms, and took from out of the park under the castle wall about fiftie horses, with other cattell. An other party was commanded within foure miles of

Worcester, and surpris'd in their quarters sir Humphrey Tracy, lieutenant-colonnell Hely, and captain Savage, and brought them prisoners to Gloucester.

By this time an increase is added to the garrison forces, by the arrival of collonell Stephens with three troops of horse, and two troops of collonell Harlyes regiment, which did inable the governour once more to appear in the field, and draw out against collonell Min, a serious and active enemy, and a perpetuall terror to the countrey; whose ruine was again contriv'd, and resolv'd upon; and for this designe strong preparations were made by the enemy round about. The governor had some discovery out of their own quarters, and upon advertisement that some forces out of Hereford and Wales went over the river at Aust passage, advanced with his horse towards Berkley Castle, and thence to the passage, where they missed not half an hour of the surprisall of the lord Herbert. The notice of the march of our horse into the remote parts of the county hastned Mins expedition for Gloucestershire. And our intelligence abroad gave a timely advertisement of the work in hand, which a little after was fully confirmed by letters taken out of collonell Mins pocket; to wit, that Hereford and Worcestershire were to joyn their forces about Cosselawne, and with an overpowering army to march up to the gates of Gloucester, to the utter devastation of the parts adjacent with fire and plunder, and to burn up the corn on the ground, it being then neer harvest. Hereupon the governor marched back with his troops to Gloucester, from whence he commanded two hundred and twenty muskettiers, and ordered an hundred muskettiers from Tewkesbury to meet him on the march, to prevent this great-noised army.

Whilist the orders for the march were giving forth to the officers of horse and foot, there fell out a sad accident between major Gray and major Hammond, which was like to dash the whole action. The heat of a quarrell then brake forth, by occasion of a verball contestation at a councill of warre the same day, when both had orders to march, and were commanded to their particular charges. Major Gray began to question Hammond for his hasty language, and to require satisfaction. This challenge at the present was refused, or sleighted; wherefore, impatient of the supposed injury, and full of revenge, he smote him on the face with his fist. Upon this to swords they went in the street; and after a little clashing, Gray received his deaths wound by a thrust in the neck, and expired in the place. This miserable accident was like to beget a greater mischief among the souldiers, who being in arms, and ready to advance, came back with full streame of violent resolution for the present revenge of Grays blood; that the whole city and garrison was not farre from an uproar. It rested on the governors sole care to allay that violence of the souldier; who used his best art and industry to appease them, whilist the officers, indulging their own discontent at the losse of their major, fell quite off the hinges. After an houres dispute and intreaty, the tumult was in some measure qualified, that the most were perswaded to march, as it was high time, when the enemy came on within three miles of the city, with a resolution, if not to lay waste by fire, (as they threatned,) yet to plunder, and take away the persons of men, their goods and cattell. The business was put forwards, but with little help from the discontented officers. Late in the afternoon our party began to advance, and at Highleaden passage got over the brook. The enemy were quartered in Hartpury field, and commanded to lie close. Our men came up to a bridge within a quarter of a mile of them in the dark night, gave them an alarme, and took ten prisoners; and an other party of our horse, that quartered near the Lawne, took divers that were sent that way to plunder. But their main body evaded us, and with great speed marched that night to Redmarley; and we, after a tedious wandring to find them out, came to Eldersheld, two miles from their quarters, where we rested two or three houres, to refresh ourselves and horses.

At break of day we prepared to advance upon the enemy, when the beating of their drums minded us of an early march; and by six of the clock we came up to their rendezvous. Their horse consisted of an hundred and sixty, and their foot of eight hundred and fifty, and of them six hundred and forty muskettiers, by their own confession; all drawn up into battalions, and the hedges lined with muskettiers. To beat them out of their advantages, the governor divided the foot into two bodies, and drew out the horse into single troops, because the frequent inclosures would not make room for a larger forme, (the enemy in the mean while plying us with small shot;) and having disposed of his own troop, with the hundred muskettiers from Tewkesbury newly come in, and many of the country inhabitants armed with muskets and good resolutions, to one part of the town he drew the Gloucester muskettiers, about an hundred and sixty, (for the rest remained at home, ready to raise a mutiny for the misfortune of Grayes death,) and the greatest part of the horse to an other place of best advantage. Himself advanced with this party, and led the van, which consisted of three troops: these were seconded with three other troops, left to the command of captain Backhouse. Some of the foot were placed in each flank of the horse, and one single troop, with the rest of the foot, brought up the reare. They were drawn out into this posture, marched up to the face of the enemy, the governour in the van: Next unto him colonell Harley, in the head of his own troop, gallantly, and in good order, gave the charge, beat them from their ambuscadoes, put their horse to flight, and in the instant of time got into the van of their foot, cut down, and took them prisoners, that few escaped our hands. The horse and foot, both officers and soldiers, plaid their parts with resolution and gallantry. The enemy was left to our execution, and their whole body broken and shattered; many wounded and slain, but more taken. Major-generall Min was slain on the place, with an hundred and seventy. Among the officers, leiftenant-collonel Passy, then mortally wounded, major Buller, seven captains, foure leiftenants, five ensignes, twelve serjeants, and neer three hundred common soldiers were taken prisoners. Some troops advanced in the pursuit five miles from the place of the fight; but upon the view of a strong party from Worcester. that came to joyn with collonel Min, they were enforced to leave the pursuit, and prepare for a second encounter. And a strange hand of Providence kept asunder the Hereford and Worcester forces, whose joyning would have proved unto us an inevitable destruction: For leiftenant-collonel Passie, who commanded this fresh partie, of an hundred and fiftie horse, and five hundred foot, just upon the beginning of the fight, was riding up to Min's brigade, to bring news of their arrivall, but happily intercepted, and wounded by our scouts, and left for dead: So that neither enemy had the knowledge of each others condition. But the Worcester forces advanced within two flight-shot of the place, whilst our men were scattered here and there in the chase of a vanquished enemy; nor did the governor, when the first brunt was over, expect an after-birth.

The first discovery was made by collonel Broughton and captain Backhouse, upon whom a blunt fellow charged up from the head of the main body, in the entrance of a crosse-lane. Him they surpris'd in the name of friends, drew him aside from the view of the company, and informed themselves of the strength at hand. Forthwith they make a noise in the enemies hearing, pretending to fall on with a body of ours ready for a charge; by the sudden out-cry daunted and drove back that strong party, and made way for the governor's retreat, and those with him, which were now dispersed, secure of the victory, and following the chase. Our stragling persuers were gathered together, drew back to the place of the fight, and there expected the charge; choosing rather to make good the victory atchieved upon so great hazard and disadvantage, then venture all, by seeking out a fresh and doubtfull enemy with our few and weary soldiers. Onely three or foure slain, five or six wounded, amongst whom collonel Harley

received a shot in the arme. The successe of this designe cut off the maine strength of the king's forces in South Wales, and secured the cuntry from our plundering neighbours on the Welch side. The body of collonel Min was brought to Gloucester, and vouchsafed an honorable buriall. His death was by his own party much lamented, together with the losse of a brave regiment, that were commanded from Ireland, to fight here against the justice of that cause upon which the Irish war was held up and owned by the whole kingdom. And it hath been observed, that as the Irish pacification was unlucky and reproachfull to the outside of the king's actions amongst his protestant party, so the commanders that came thence were unfortunate in all their designes, and in the end miserable.

When the governor had settled his affaires at home in reasonable security, his desires and aime was to put in for the advantage of a more generall service, and pitched upon these two proposals: the one to make a diversion from the lord-generals army, then blocked up in the west; the other to keep back prince Ruperts stragling forces, which then lay between Shrewsbury and Worcester, a little after the great northern defeat. And these the prince earnestly desired, that upon this rubbish he might frame an army for the close of the summer action.

Wherefore, if possible, to endeavour a diversion from the west parts, the governor drew towards Bath, with nine hundred horse and foot, (the forces lent to sir William Waller being in part returned,) with a purpose to disturbe the kings quarters, and withdraw a part of the maine army to mable Bristol and Bath. On the hills, likewise, he might expect to encounter prince Rupert from Bristol, who fled thither with about three hundred horse, presently after the discomfit in the north. But within a few dayes, upon advertisement of the miscarriage and disaster of the lord-generals army, he drew back, and the rather, having intelligence that the prince had commanded collonel Charles Gerrard out of Wales, and the reliques of his own army to break their way through our cuntry into the western parts. These were reported to lie near Worcester, waiting there for a clear passe, and by all means to escape collonel Massie. They were to take their course over Coltswold hills, or by the borders of Herefordshire to make into the Forrest of Deane, and thence over the river at Aust. Wherefore the governors maine businesse was to prevent this conjunction, and block up either passage. In his retreat towards Gloucester, he fell down before Berkely, and lodged his men two dayes in the town, summoned the castle, and made shew of an assault; but this was taken up in the way, besides the intention of the designe. And though the losse of six or eight men, by their own folly, gave collonel Veale occasion of boasting, yet for all the pretended great service, in maintaining the place that was never attempted, he was immediately after cashered that government by the princes order. But before collonel Massie drew thence, he caused the boats to be fired at Aust passage; and intending to passe over Seaverne at Frampton, to meet prince Ruperts forces, received an alarme that they were already in Cosse Lawne; whereupon our marching brigade hasted to Gloucester, where they found that many of those troops under the command of sir Marmaduke Langdale were newly come into Herefordshire, and that a party of them, joyning with collonel Lingers horse, had advanced within six miles of the city, to spoil and plunder those parishes that were joyned in one association to a mutual defence, and the aid of this government.

The governor perused his designe, drew forth towards the Lawne, and stopped their course on that side Seaverne: Whereupon they took their course through Worcester, where they obtained an additional strength from collonel Sandys his horse, and sir William Russels horse and foot, with all the foot that Dudley Castle and those parts could afford them. And now conceiving themselves able, both in power and advantage of the march, having (as they suppose) left collonel Massie beyond Seaverne, and too farre in the reare to reach them, resolved to break forth; hoping both to passe clear, and re-

lieve Banbury in the way. But the governor being certified of their march, forthwith conveyed his men over Seaverne at Tewkesbury, and recovered the hills as farre as Stanway, and got before them; in the meane while gave notice to the major of the earle of Denbighs horse, that lay neer Tewkesbury, in Worcestershire; who the same day brought up two hundred horse, to joyn with our party on the hills. Nevertheless, the governor understanding nothing, but that the enemy was marched to Stratford upon Avon, and so beyond his reach, sent back the foot, almost tyred with tedious and continuall marches, and with his horse resolved to joyn with collonel Fines at Banbury. But he found, at the return of the scouts, that about five hundred horse neer at that instant got over the river on this side Evesham, and made their approach neer his quarters, and that a party of foot were left at the bridge, to make good the repasse; one half of the forces in the mean while, lying at Evesham, and the other neer Parshowe. Our men appearing on the hills, the enemy took the alarme, retreated suddenly, and for a while lodged themselves beyond Worcester. Their number was computed, by such as beheld them, to be about five-and-twenty hundred horse, ill armed, and the surviving part of the ruines of the northern army. Again to prevent their incursions into the remote parts of the country beyond Seaverne, a competent strength of horse and foot were commanded over, and withall to attend the enemies motion.

In the midst of this and other designs of consequence at that time depending, the governor, with all the officers of horse and foot, were much distressed for lack of that support which the necessity of the service did require; and the extreme want of the common troopers drove them daily away. Every performance in the whole course of this government was filled with much distempers; and though the exigence of the souldier hath been great in many places, yet the gleanings of other brigades have been better then our vintage. No officer had any portion in the contribution money; no pay for the troops for many moneths together; no allowance for scout, spie, or intelligencer, who observe onely the liberrall and open-handed; nor the hopes of reward to encourage the souldiers gallantry;—that the indeavours of the governor, in keeping together and increasing the forces, were nigh lost. Neither was any means allotted to the supply of the necessary attendants and officers of a marching brigade: And in the heat of service, the nature and terms of the governors command were disputed; and twas very questionable whether to provide for the attendants of a march; that onely a proportion seemed to be cared for, that might live within the walls of Gloucester, and nothing to further such action that might restrain and lessen the strength of the enemy, preserve the country, and passe withall to the relief of remote garrisons. Nevertheless, the establishment of such a power was required in these parts as might check the enemy in all his marches and recruits, and this strength far greater then the stint of that constant number which the garrisons took up.

In this extremity the governor was constrained to act, and marched on in the pursuit of the enemy, who kept randevous neer Hereford, with forty-two troops of horse; resolving to passe the Severne at Aust, not daring to adventure over the hill country. And to guard the passage, prince Rupert sent into the Forrest a commanded party of five hundred horse and foot. These began to fortifie Beachly for a lasting guard; a place of extreme difficult approach, being a gut of land running out between Seaverne and Wye, and the onely commodious passage from Wales to Bristol and the western parts; being the maine entercourse of the kings army, and a strong reserve for the last exigence. It was high time therefore to crush this designe, and nip the bud of so great hopes. The governor advanced upon them some foure dayes after they began their fortifications, and had drawn the trench half way from the banks of one river to the other; when the other part was well guarded with an high quick-set hedge, (which they lined with muskettiers,) and a ditch within, with a fair meadow beyond, where-in they had made a re-intrenchment. The strength consisted neer of six hundred horse

and foot, which, at the first coming on, lighted upon a partie of horse from Chepstow, took some, and drove the rest into the river; then faced the enemy within musket-shot that evening, and so continued the next morning, waiting the opportunitee of an assault; for at high water the place was inaccessible, by reason of their ships, which guarded each river with ordnance, lying levell with the banks, and clearing the face of the approach from Wye to Seaverne. Wherefore the governor taking the advantage of lowe water, drew forth a party for the on-set. These were brought near the place of entrance, where the enemy intended a draw-bridge, with order to storme the works which as yet were not finished. Out of the forlorn hope the governor had selected ten musketers to creep along the hedges, and thence to fall into the very breach. These gave the first alarme, and caused the enemy (according to the meaning of the plot) to spend their first shot in vain. And when the first volly was given, ere they could recharge their muskets, the governor gave the signall, by the discharge of a pistoll. On went the forlorn hope, and the reserve following, the trumpets sounding and the drums beating; run up to the works, rushed in among them, and fell upon the hack; when the whole and each part of the action was carried on without interruption, and the souldiers went up in such a regular march, and so great solemnity, that it seemed more like the pomp of a triumph then the confused face of a fight. Of the enemy some were killed, and the rest taken prisoners, besides some few that recovered the boats; and many of them that took the water were drowned. And to grace the service, it was performed in the full view of a multitude on Chepstow side, whilst the great guns plaid from each river; which, cast beneath the banks by the lowe ebbe, did no execution, but, by their noise and semblance of terror, both raised the souldier, and conduced to the majesty of the victory.

This good successe and the season held forth a fair opportunitee to compasse an other designe at that time in agitation. Some overtures were made by lieutenant-collonel Kyrle of the delivering of Monmouth into our hands. Many did urge the present acceptance of the plot, and an hasty performance, and were discontented in that which they called slacknesse in the governor; when as neither the method of the plot was propounded in the generall, (the circumstances being left free,) nor the present state of things gave leave to manage the businesse, when the following army of prince Rupert was to be intercepted; a work of greater concernment, and more beeseing a publick spirit then this latter. But at that time twas the usuall mistake of particular associations to confine every enterprise to their own counties, and divide the common-wealth into so many petty kingdoms. And in this did collonel Massie deny himself, in spending the latter part of the summer in prosecuting a lesse plausible and appearing service, though of larger concernment. But having now pursued the princes horse into Wales, and destroyed the enemies project in fortifying Beachly, he quartered with his horse and foot near Monmouth, on the forrest side; and receiving an answer to a message lately sent to lieutenant-collonel Kyrle, propounded unto him, and followed this way:—That he would feigne a post from Gloucester side, to desire a sudden return with his forces thitherward, to secure that part of the countrey from the enemy, which was already fallen out from Bristol and Berkley. And this message was to come to his hands at Mr Halls house of High-meadow, a grand papist, where it would take wings for its dispatch to Monmouth; by which means Kyrle, commanding the horse, might easily draw forth some troop to follow the rear of our party. Hereupon the governor feigned a sudden retreat to Gloucester; and having marched back three miles, lodged his forces in a thicket of the forrest, and sending his scouts abroad, prevented the enemies discovery. In the mean while the intelligence reaches Monmouth, and lieutenant-collonel Kyrle draws out; whom the gouvour surprised at midnight in High meadow house, with his troop of thirty horse; and with as little noise as pos-

sible advanced thence to Monmouth. Neverthelesse, twas not so deep a silence but the alarme was given by the cornet of the troop, who escaped the surprisall; and the attempt made the more difficile, if not desperate. The town took the alarme, stood upon their gnard, expecting an enemy. Notwithstanding this, Kyrle, with an hundred select horse, arrived at the towns end, confidently came up to the draw bridge, pretended a return, with many prisoners taken; perswaded the guards, and prevailed with collonel Holthy, the governor of the town, by the officers of the guard, to let down the draw-bridge; which was done, but with much jealousy and a strong guard, and the bridge presently drawn up again; insomuch that the first party were like to be held prisoners in the town. Our forlorn hope saw that it was time to lay about them: They declare themselves, over-power the guard, and make good the bridge. And in this there wanted not those that kept a strict watch over Kyrles' department, who acted his part with dexterity and valour. Our body of horse and foot were at hand, had a large entrance, subdued the town in a moment, and spared the blood of the surprised souldiers. But the dark and rainy night fitted the governour of Monmouth, with the major part of the garrison, for an escape over the dry graff. We took one major, three captains, and divers inferior officers, threescore common souldiers, five barrels of powder, and some arms. But the town it self was the best prize, being the key of South Wales, and the onely safe entercourse for the kings army between the west, Wales, and the northern parts.

The taking of Monmouth gave a fearful alarme to the whole country, especially to the earl of Worcester, at Ragland castle; who raised the country, and called in prince Ruperts horse to their assistance. The Ragland papists made the poore Welch believe that we came to put man, woman, and child to the sword, and filled their fancies with as many strange conceits of the Roundheads, as the poore Spaniards had of the English after their revolt from Rome; it being easie to persuade an irrational and stupid people. Forthwith they appear in arms against us: Wherefore, two dayes after our entrance, the governor sent out a small party of muskettiers, commanded by captain Rochford, to quash the rising of the country. Our men find out the randevous, with a kind of guard defended by captain Gainsford with his ragged regiment. These, upon the first onset, were all put to flight, ran an hundred wayes, like a barbarous people, were pursued by our horse, about twenty knocked on the head, and sixteen taken prisoners. To revenge this losse, sir William Blaxton, with his brigade of horse, joyns with the country train-bands and the forces from Ragland and Chepstow, making (according to the best relations) five hundred horse, and twelve hundred foot. Of this preparation we were not advertised till they fell upon one of our horse quarters in a strong house neer Monmouth, where we lodged two troops, and, by good hap, ten muskettiers, to secure the quarters. The house was made good by the resolution of captain Bayly and lieut. Page, till the major of the horse had drawn up the troops, and faced the enemy, whilst the governor commanded out of Monmouth a hundred and fifty muskettiers. But before our foot could reach the house, their horse drew thence, encountered with a party of ours, and being recharged by major Backhowse, were beaten back to the foot. By this time our muskettiers were brought up, and in the first charge put the enemy to a confused running retreat, slew seventy, and wounded many; took threescore prisoners. Of the officers, a major of horse and two captains were slain, one taken, and sir William Blaxton shot in the thigh. But the pursuit had an early stop, by a small river which the enemy passed, and plucked up the bridge, or their

\* Kyrle, who thus betrayed Monmouth, and Backhouse, often mentioned as one of Massey's best officers, were both killed at a skirmish at Lidbury, in the beginning of 1645, when Massey was beaten by prince Rupert.



foot had been wholly routed and taken. The prisoners that were of the countrey people the governor entreated kindly, and after a few dayes sent them home by parcels, and each man with a little note, or letter, directed to his master, or the several parishes, to signifie that the intention of the parliament and the present government was not to destroy or enslave their persons, or take away their livelihoods, but to preserve their lives and fortunes, to open the course of justice, and free them of their heavy burthens under the forces of Rupert, a Germane prince. At the free discharge of the captives, they began to resent the governors humanity, as before, by the slaughter of their men. They had felt the force of arms; and the dispersed papers did in part undeceive the people, and dislodge their fears; our horse marching peaceably, and doing no spoil or violence.

After the appeasing of the countrey tumults, the indeavours of the governor were to reduce that people to a willing and cordiall obedience. He dispatched many letters of invitation to the gentlemen of the countrey, and gave assurance to the best affected, of his purpose to defend and make good the town. But all were silent, and not two valuable persons did own the business. On the other side, they did not stir a foot at the summons of the earl of Worcester; and in confidence of the justice of this party, they frequented our markets; whereas at our first approach they drove away all their cattell into the remote parts of the county: Yet most of the gentlemen fled from their houses. The greatest part of prince Ruperts forces lie still under our arrest in Wales, where they decrease and drop away, discontent and burden the countrey, between whom there arise perpetuall quarrels. And the truth is, even those people whose affections comply with the kings designe could never correspond with the souldier of that faction, with whom there is no dealing for very friends, insomuch that the generall hatred of the souldier might drive in to the parliament a moderate enemy, and such as breathe a more cool spirit of malignity, when the state shall reach out the hand to clear the way, and make good the engagement.

Colonel Massie seems now to have spread the branches of his government beyond the sap and strength of the root, and the extreme parts grow burdensome to the main body. He had neither horse nor foot to maintain what was gotten, considering the strivings of the enemy to repossesse themselves of Monmouth: For which end the whole power of South Wales that is fit for the march, under the command of colonel Gerrard, are come as far as Abergenny, Uske, and Ragland. Sir John Winter must bring forth his master-peece to the world, and once more, assisted with four hundred from Bristol, purchased at a high rate, and added to a hundred of his own men, with all the aid prince Rupert can send, undertakes to fortifie Beachly. The noised strength of the enemy round about did contribute to the designe with all fierceness, since the want of a guard upon this passage did render all South Wales of little-value. And it highly concerned us to indeavour the preventing this project, which threatned the ruine of the Forrest, the intercepting of the passage between Gloucester and Monmouth, and to render that garrison in great part uselesse. The governor had a hard game to play, always put upon desperate hazards, without a sufficiency to accomplish or make good. For the case was questionable, whether to desert Monmouth, or seek to maintain it; having no competent number for a town yet unfortified, generally malignant, in an enemies countrey, at a great distance, and with a difficult passe; but that the wonderfull successe of Beachly, twice fortunate, determined the doubt. The businessse was not capable of deliberation; nothing but a quick dispatch had the shew of safety. Gerrard was to be kept from joyning his forces with these in the Forrest, who, when once fortified, were not to be beaten out, having all the advantages of sea and land. And although his forces hovered about the countrey, pretending to fall upon Monmouth, yet about midnight, October 13, one hundred muskettiers were drawn thence, with eight

troops of our poore horse, unto Clurewall, expecting there to meet the Newnham foot, drawn off for this designe; the garrison supplied in the interim by the country volunteers. In the close of the next evening they approached neer the enemy, where no good presage did favour the busines. The horse failed six houres of the time appointed; whom the constant want of pay, and hands bound up from plunder, made irregular, and disabled the commander-in-chief to reward or punish. Himself must manage the designe, not by advice onely, but personall action, and act a part in the duty of each inferior officer. That night we beat up their ambuscades, forced them within their works, and by frequent alarms kept them waking, yet as much as possible from working. The next morning at break of day was the time reserved for a storme; but the foot were all stragling; and could not be gathered up; insomuch that the governors own troop, with no more then fourscore muskettiers, made the onset, and by Gods help performed gallantly. They found the enemy well prepared, the works followed with dexterity and diligence, with much art and cost on pallisadoes and breast-works, and the most defective places, from Wye to Seaverne, defended with a tall quick-set hedge, and a ditch within; the pinnaces riding in each river with ordnance to play upon us, and the line so strongly guarded with hammer guns, and murtherers placed on the flanks at either end, that it seemed impossible to storme the same by day, without apparent great losse. Yet was the governour to wait for lowe water, that the guns from the ships might not reach us; which happily fell out at the opening of the day: Yet were we in the reach of the ordnance planted on the Welch shore, and equall to our height. He laid hold on the instant of season, with a small party, in a silent march, came close to the works; wherupon, after the taking of the alarme, when the enemy had spent many shot, our men forced two or three pallisadoes, that some of the foot and the forlorn hope of horse brake in; but finding themselves at a stand between the pallisadoes, and the quick-set hedge lined with muskettiers, began to face about, when there was no looking back nor passing forwards, by reason of the continuall shot. In this party was the governour engaged, who now became the leader of the forlorn hope, and with not a little difficulty forced his own horse over the hedge, fell in among them, was recharged furiously, his head-peece knocked off with the but-end of a musket, and strangely preserved, till three or foure foot and some horse brake over the hedge after him: Then there came up a full body of horse and foot, and by maine force bore down before them a resolved and prepared enemy, slew thirty, and tooke prisoners a lieutenant-colonell, one major, two captaines, three lieutenants, three ensignes, with other officers and common souldiers, to the number of two hundred and twenty. They forced sir John Winter downe the clift into the river, where a little boate lay to receive him, and convey him thence into the ships, riding within musket-shot of the shore, with many musqueteers and great shot. Many tooke the water, some whereof were drowned, and others saved themselves by recovering the boates. Prince Rupert, the patron of this designe, was expected there the next high water, being then upon the river, but extreemely prevented and crossed in the height of his desire and confidence.

It was a brave exploitte and true victory, upon such an eminent disadvantage over a formidable enemy. They were stronger within the fortifications then sixe times the same number in the open field. The storme that hovered was blowne over, and we calme, and secure in the possession of Monmouth. But as for this necke of land, so fortunate and famous to the government of Gloucester for two remarkable victories, though sir John Winter and the Welch forces had their eye continually upon it, yet the neglect of the place was no oversight in our garrison, but caused by the incapacity of the place it selfe; it being impossible to be held by us till we were masters at sea, because at every floud the ships on the Seaverne lay level with the highest ground.

Wherefore it was resolved, by a councell of warre, that the buildings should be demolished, and all trees and hedges cut downe. The taking and securing of Monmouth was a faire beginning, and almost the possession of halfe Wales. But as yet the county became unserviceable to us, and we made loosers by enlarging our bounds.

The substance of Gloucestershire was expended in maintaining the garrison foote, and the horse left wholly unfurnished, yet bounde up from plunder and rapine; neither did we finde that assistance in the county as was expected and promised; considering which, with our meane forces and slender pay, no progresse could be made in gaining the countrey, but the time was spent in light skirmishes and surprizals betweene petty parties on both sides: And we sustained some losse by colonel Broughtons captaine-lieutenant, who, with fifty souldiers, undertooke to garrison a house neare Godridge Castle, neither obvious to reliefe, nor caring to fortify or store the place with victuals: This was done in the governours absence, without order, disavowed by all, and owned onely by the captaine himselfe; whose plea was, that he had no support for his men, and was enforced to get his living there. But within a few dayes his house was fired upon him, and he and all his carried prisoners to Hereford, before reliefe could reach them.

Notwithstanding our necessitous condition, the parliament were informed of great multitudes, and a burden of supernumerary officers and souldiers, and seemed to require out of the superfluity of those parts an assistance more ample then the maine strength of the place. It was hard to take a just and full view at such a distance; and peradventure perpetuall action, and the great things effected here, might multiply the numbers of the garrison, and represent things in the largest forme. But the voyce of the people gave out that we were kept low by the malice of misinformations; and that the souldiers cry could not be heard, because they were apt to be thought ever craving and querulous. Wherefore at that season there came some particular commands from the powers above, which did not correspond with the state of our affaires, or the ground of the enjoyed service. November the tenth, colonell Massie received instructions from the committee of both kingdomes to march, with all the strength he could make, into the borders of Oxfordshire, to prevent the joyning of the Welsh forces, under the conduct of colonell Gerrard, with the rest of the kings army, or to take advantage of the enemy, or joyne with the parliaments army, as occasion did offer. This command found him overwhelmed with manifold employments; and in that instant of time some Monmouthshire gentlemen tendred their assistance to the taking in of Chepstow Castle, which the governour was ready to embrace, (that Wales might fall under the power of the parliament,) but with much warinesse, having many irons in the fire. Nevertheless, lying under a greater weight of envie, he resolved to obey the former orders, against the progresse and reason of his affaires; wherefore he called off his owne regiment of horse from about Monmouth, where the enemies vigilancie was not little, and the malignity of the towne wondrous great. With the regiment of horse he hasted towards Evesham, where the enemy had arrived before, whose march he could not interrupt or retard, since they were eight for one. But before this march, having drawne a small party out of Monmouth, he commanded from Gloucester his own company, and another company of the same regiment, to the security of that garrison, and committed the charge of the towne in his absence to major Throgmorton, then serjeant-major to colonell Harley, who, by order of parliament, was designed to that government, but with no power to command out a partye upon any designe, having no thought that the forces left there were fit to be employed upon any service, more then the defence of that place: Besides, he had waved the offers of Chepstow, till he might gaine an assurance of making good so much ground in an enemies country; for it was alwayes his desire, in ingaging any people to those masters whom he served, to foresee a possibility of continuing that engagement, least hee might doe

them a greater disservice, by dashing the resolution of others who intended the same course, and, by grasping beyond his reach, take off their inclinations who might be gained in due time. Notwithstanding the governors expresse order, at the earnest solicitation and promises of some well affected in the country, and the vehemence of others, who thirsted after the glory of some atchievement in the governors absence, the major yeilded to the drawing out of a party for Chepstow, and stretched his power beyond the known discipline of warre; fearing either the brand of cowardice, or the censure of a man unwilling to doe his country service, though he declared his judgement against it. Wherefore he advanced towards Chepstow with three hundred commanded men, having some conceived assurance of gaining the castle by surrender or onset. The newes is conveyed forthwith to the enemy, who draw together all the strength they can make, of horse and foote, from Ragland, Abergeweny, Hereford, and Godridge; and November the nineteenth, about breake of day, came neere the towne, and lay undiscovered behind a rising ground, at a quarter of a miles distance, never thinking to make an attempt, much lesse to surprize it; but as the governors inavoydeable absence, and the impertinent enterprize of Monmouth garrison, did cause their approach, there being not above a hundred and fifty left there, so the negligence of the captaine to whom the keyes were intrusted in the majors absence gave up the towne into their hands. So remisse were the slender guards, that the trevally was beaten, and none tooke the alarme. The enemy observed it, and tooke the courage to attempt the surprisall; came upon the higher side of the towne, that looked towards Hereford, having onely a sloping banke cast up to a reasonable height, with a dry graft of no depth; insomuch that the guards and sentinells being all asleepe, or supinely negligent, above forty men presently climbed over, and fell downe to the next port, where they found no more than sixe men, who fled from the guard upon their comming on. With that one takes an iron barre, breakes the chaine, forces the gate, and sets it open to the whole body of horse, who ride up the towne with full career, seased upon the maine guard before one man could be ready to give fire, and tooke the rest in their beds. It was done in a moment, where wee lost colonell Broughton, foure captaines, lieutenants, and ensignes, some of the committee, together with common souldiers, in all, about one hundred and threescore prisoners, two sakers, besides a drake, and nine hammer guns taken at Beachly, with ammuition and provision, and at least foure hundred muskets.

The newes of the taking of Monmouth reached colonell Massie neere Burford, prosecuting the commands of the committee of both kingdomes, and there abiding to meete the lord Grandeston, with the Worcester forces, who endeavour for Oxford. Hence he makes haste to the reliefe of the party sent out against Chepstow, and to bring off the rest that remaine upon their guards in that county; and at Gloucester understood that the party sent for Chepstow were safely landed on this side Wye, having effected nothing of their designe. The governor met them in the forrest, and thence marched to Rosse, where he hoped to have passed the bridge, to the releefe of Pembridge Castle, which was made an out-guard to the garrison of Monmouth; but found the bridge broken downe, and the river made unpassable, by the sinking of boates on the other side, and a guard of horse to defend it. Here we had some disputes with the enemy for two dayes; but those in the castle having no meanes of a longer subsistence, were enforced to surrender upon quarter, and the freedome of their persons. Most of the common souldiers revolted, being formerly of the kings army, and our prisoners.

The base neglect of the officers had not the least share in the unfortunate losse of Monmouth, and daily wants increased the neglect, and weakened the governours hand in inflicting condigne punishment. And as the parliaments service was by many degrees cast backe by this misfortune, so the forrest, in speciall, was hereby sorely plagued,

being left open to the spoyle of the enemy, against whom they were preingaged by colonell Massie, and of late had declared themselves more freely. And though the generall multitude seemed to be brought in by the hatred of sir John Winter, whose name and faction the people did abhorre, yet at that time the tye of affection and necessity drew them to a strong combination. To provide for their safety was the governours maine care; wherefore, instead of one good baracadoe, the towne of Monmouth, sundry garrisons are erected in the Forrest, for want of an ample strong-hold, and these expended greater portions of men and ammunition, though the limits of the government were much contracted. The garrison of Highmeadow did affront Monmouth, and furthered the preservation of that side; Ruerdeane was a stoppe to the plunderers from Hereford; and those at Lidney were kept in by another party at Nast. These lesser places distracted the governour on every side, willing, but not able, to preserve all them that desired to live under his protection.

Some weekes before, the governour had commanded a party to Yate-court, within ten miles of Bristoll, to secure the neighbourhood, being a well-affected people; but in this distraction he resolved to call off those men, who, peradventure, might maintaine themselves in a kinde of imprisonment, but in no wise preserve a cuntry that was then filled with the kings forces, so neere Bristoll, and farre from reliefe, especially in the winter: Nor at that season could they draw off without a stronger guard and convoy. To this end the governour marched to Kingscoate with three hundred horse and dragoones, intending to send a party to bring off that garrison; but receiving advertisement of a regiment of horse quartered that night in Sodbury, he fell downe thither, where he found an enemy there arrived to the assistance of colonell Gerrard against Yate House. Here he resolved to undertake them that night, and had no sooner appeared at the townes end, but the first guard fledde, and our men marched into the town one by one, because of the enemyes baracadoes, went up to the maine guard, consisting of forty horse, who being surprized and daunted at the sudden entrance of our men, and not confiding in their owne strength, quitted the place, and left the rest in their quarters, most of which escaped on foote by the backe side of the towne. We tooke fourescore horses, many armes, twenty prisoners, and of them two captaines, and the next morning brought off the forlorne garrison.

In the depth of winter, when each parcell of the parliaments army had retired into London, or the securer parts of that association, and the kings forces were dispersed into the severall quarters, Cirencester and the hill country of Gloucestershire was assigned to sir Jacob Ashley, having the command of three brigades of foote, and assisted with the queenes, prince Ruperts, prince Maurices, and the lord Wilmots regiments of horse, with others. His designe was to destroy the cuntry, and live upon the ruines thereof; whose incursions on that side, and the Bristoll forces about Berkely, with the Worcester, Hereford, and Monmouth forces on the other side, act something daily to the spoyle of a miserable cuntry, which is left as the kingdomes forlorne hope, and croucheth daily betweene two burdens. The distressed neighbourhoode did seeme to challenge those severall armyes then in being, which lay rusting in their quarters, to keepe the associated countyes where no feare was, when they might prevent the ruine of their friends, and starve the enemy, who live upon our fatnesse; when they might hinder the kings recruits, disturbe their winter calmes, and make them fight for the possession and enjoyment of their owne territoryes. But in the deepe silence of that part of the kingdome, these parts are borne downe by the maine bulke of the kings army, without the least inablement at present, or the hopes of future reliefe.

The enemyes whole burden rests upon this government. Colonell Massie placed a guard at Lypiatt; commanded a party of horse and dragoones to Stroude, a place most exposed to spoyle; and set guardes of horse at severall places of advantage. These

guardes affronted sir Jacob Ashley in the stoppe of contribution and plunder, the indignation whereof drew him out of Cirencester, with foure regiments of horse, to Hampton roade, where he divided his men, and sent them out three severall wayes to surprize our horse in their quarters, and plunder the countrey. Each party fayled of the designe, through the favour of Providence to that well-affected people. At each guardes some few that tooke the alarme did encounter and stave off the enemies first violence, till the rest of a few slender troopes were drawne up, and, encouraged by the governours fortunate arrivall from Gloucester at that instant, charged and overcame a farre greater power, which were also engaged to fight by their heavy plunder and difficult returne. In the whole, about eight or nine slaine, and twenty of the best men of the queenes and princes regiment taken prisoners, and of these one captaine and cornet. The successe did revive and engage the countrey.

Yet after a few dayes sir Jacob Ashley marched out of Cirencester with a greater power of horse and foote, and assaulted the guard at Lypiat in the absence of the captaine that commanded there, with instructions from the governor to draw off, if at any time an army fell downe. But the house being unfortified, was soone taken, and uncapable of defence, where we lost a lieutenant and fifty private soldiers. At which very time we had lodged three hundred foote within Muserden House, sent thither the day before, with orders to defend it as a garrison; who had no knowledge of the enemys approach till they came within halfe a mile. They remained in the house according to command, but in no defensible posture, neverthesse expecting the onset every moment. The surprisal of these men was prevented by a meere accident of the governours arrivall, who faced the great body with no more then sixty horse, till the foote were drawne off the hills.

That the strength of the kings army should lie upon us was not strange, but that no care was had of a competent provision for a deserving country, was beyond the conceit of them that beheld our misery. The enemy were strong in horse, and our few divided into so many parcells, and swallowed up in the petty guards, that no sooner could we drawe to the rescue of one side, but the forces on the other hand fell on to the ruine of the poore people. The governor knowes no remedy but by daily shifting motions, and becomes an ubiquitous: He can attempt no designe, but first in his owne person faceth the enemy on the contrary side, and fills them with the alarme of his presence. Sir Jacob Ashley sends warrants for contributions to the gates of Gloucester. The forces from Hereford were marched forth to Canon-Froome towards Lidbury; whereupon the governor advanced with a party of horse and foote as farre as Bosbury, waiting for action, but staid onely for a night, having placed guards towards Worcester and Hereford, in the most passible wayes for the enemies approach, and fell into one of their quarters, took a captaine and his cornet, with some common troopers, and fifteen horses. The enemy falling downe from Cirencester, suddenly fetches home this party.

While these things happened, the governor received a command from the committee of both kingdoms to attempt Campden House, newly garrisoned by the kings forces, under sir Henry Bard; and the horse of Warwick and Coventry, by command of the same committee, were to aide and receive orders from him in the prosecution of this designe. Colonell Massie tooke courage to resolve them of the incapacie of that service for the present, since it could not be done without greater losse to the state then the fortune of the action could countervale; for it was a worke of continuance, that required our whole strength; and that side of the country from which we drew must be given up to destruction; and the enemy waited no greater advantage than to fasten the governour upon a tedious enterprize: besides, the intendment was unvailed in all those parts that were required to send aid; and before the orders of the grand committee came to his hand, the London Mercuries had proclaimed it to the world.

The earl of Worcester, the lord Herbert, and their agent, sir John Winter, bestirre themselves to patch up the lingering life of the garrison at Lidney, and have procured from prince Maurice, at Worcester, a regiment of horse and dragoones, by whose assistance he was confident to have beaten up our small guards in the Forrest, and enlarge his owne quarters; to bring the Forrest once more under his power, to the destruction of the people, and the great advantage of the kings army, and Bristol in speciall; furnishing them with iron, wood, and coales. The reminding of so great a mischief to the parliaments service made the governour carefully to prevent him, and with an answerable number of horse and foote advanced into the Forrest towards Lidney, where sir John and his party got in before him. But after a few small skirmishes, to no valuable losse on either side, the governour set guards upon all the passages, and imprisoned the enemy in their own strong-hold, and again drew off the maine body in the view of the garrison. The enemy observing his march, and supposing the expedition for Gloucester, sallied out upon Sully House, at a miles distance, and a temporary garrison for the blocking up of Lidney. In the instant of time the governour returns to this guard, and understanding by the scouts their neere approach, drew out a forlorne hope, faced and charged them, retreated a little, and faced them againe, with the exchange of few shot; till the enemy were brought up so high, that they discovered our body. Hereupon they make a sudden retreat, our forlorne hope fall on, and the body followes, turned their horse to flight, who forsooke the foote, and left most of them to our mercy. Here wee tooke one captaine, with five-and-twenty common souldiers, having slaine a captaine, two lieutenants, and twenty-six souldiers. The whole action upon those forces from Worcester was performed onely with the losse of twenty horses, and a few men surprised in their quarters; which, nevertheless, cost the enemy the life of a major. The passages from Lidney are all guarded by our horse, to starve those within, and preserve the Forrest from their plunder.

The governour having his hands and thoughts filled with these distractions, was yet more perplexed by a fresh and unknowne engagement of colonell Stephens in Wiltshire. It happened that about this time the enemy had garrisoned an old, but repaired castle at the Devizes: And to prevent the spoyle of the country neere Malmesbury, colonell Deveraux had erected a garrison at Rouden House, between the Devizes and Malmesbury; and before it was settled, or well furnished with ammunition and provision, it was set upon, and sorely straightened. Colonell Stephens being newly made governour of Beverston Castle, was desired to give aide to the reliefe of the house, and sets upon the service without colonell Massies order, or knowledge in those his manifold preengagements; wherefore he advanced to succour the besieged, with three troopes of his owne regiment and some Malmesbury foote; and though he failed of a party of horse to be sent from colonell Deveraux, undertooke the businesse, broke through the enemy with much difficulty and hazard, and relieved the house with provision and powder, but failed in the concluding part; for when he might, with farre lesse difficulty, have forced the way back, through a troubled enemy, he alighted unawares, and went into the house to refresh himselfe; thereby giving the besiegers time to rally, and to cast up a breast-worke before the passage, that hee, with the rest, being four hundred horse and foote, were all cooped together, and the poore besieged are most desperately straitned by this kinde of reliefe. They without are five hundred strong. The newes runnes to Gloucester, and calls for helpe; which had not needed, had colonell Stephens imparted the businesse to the governour, as he ought, and waited to have set the country in a posture on all sides to face the enemy, whose inroads in the meane while were expected from each quarter. They were already drawne out of Cirencester, Farfard, and Lechlade, and kept their randevouz on the hills by Cirencester. From Hereford they stirre with a great strength on that side, and in the Forrest; those that are penned up in Lidney strive to breake prison.

Notwithstanding this, at our first alarme the governour sent his owne capitaine-lieutenant, and threescore of the choise horse, well appointed, and all that could be spared, unlesse he would ruine the forrest. And now the worke of relieving this place is made more difficult, the enemy round about being drawne together, with a purpose to swallow them up, or more gladly to fight with colonell Massie, at such advantage, on the hills, and farre from home: yet the best face is put on a bad matter. The threescore horse were to joyne with an hundred horse and dragoones from Malmesbury, to breake through the enemy; and these, added to the foure hundred and thirty within the house, were conceived able to force a passage through the midst of the first five hundred. But now a greater power are come up to the house, at least three thousand men. Sir Jacob Ashley did contribute much to the strength of the besiegers, by draining his quarters at Cirencester; whom the governour could not prevent, nor follow, except with the losse of his interest in the forrest; onely he raised the country about Stroudwater, to face the garrison of Cirencester. Our horse advanced up to the first guard, and slew the sentinell, hoping by this alarme to draw backe the residue from Rowden House. And though the weather dispersed and drove backe the country forces, yet such hopes did revive the businesse, that two rainy nights might be an opportune and active season for colonell Stephens to breake through, and then which no greater could be expected. Our second party of horse went on for Malmesbury, to relieve the besieged at Rowden, and by the way releevd Beverston Castle with ammunition, but came too late for the maine designe; for the more potent enemy had so strongly guarded the passages, that the reliefe of the house became desperate, and they within presently surrendered, upon quarter for their lives.

The regiments of horse are much broken, and reduced to an inconsiderable number; the enemy grows strong, and a streame of ill successe flowes in upon us. Colonell Hopton, for whom the governour procured a commission, upon his promise of raising foure hundred horse and armes at his owne charge, without the helpe of the state or country, having got together about threescore horse, and forty foote, undertooke with these men to garrison Castle-ditch, neere Ledbury, in Herefordshire; having neither order nor directions from the governour, who conceived the house not to be defended, and required him to desist the enterprize. The order is neglected: But not many dayes after, a party drawne out of Hereford had not lain before it foure-and-twenty houres, but he, with his forty foot and twenty horse, were taken, and carried prisoners to Hereford, ere the governor could come with reliefe; who lighted, neverthelesse, upon a few straglers in the reare, and tooke thirteene prisoners.

Meane while sir John Winters reliefe lyes under the arrest, yet so as we would gladly riddé our hands; for the guards set round his house, to the safety of the forrest, did alwayes distract our designs. These horse are impatient of a longer imprisonment, and after a sore distresse, breake their way through our quarters, into the utmost parts of the forrest towards Chepstow, and joyne with a partie of foote from Chepstow, landed at Lancaught; where they intended to fortify and to make good the passe over Wye; by which means they might issue out of Wales at their pleasure. The place contains foure hundred acres, having a very straight entrance. Hereupon our several guards drew together, and summoned the country to aide, and came up to the enemy, who were divided in opinion: One part held it meete to make good the passage, the rest perswaded to draw out into the field, and fight. These latter prevailed, and for a while both parties faced each other. Our men drew out a forlorne hope of foote, the place so requiring; next unto these a forlorne hope of horse, and the rest were appointed for a reserve. Their horse violently charged our forlorne hope of foote, who were ready to give backe, when our horse came in opportunely, and played their parts; whereat the foote tooke courage, and fell on all together, and with one charge turned the enemy to flight, that they killed few on the place, but drove them up to the river side, and fell



upon the backe in the pursuite, and so cooped them up, that few escaped their hands. About fourescore were slaine, of whom were colonell Gamme and colonell Vangerris; of the residue some adventured the river, to recover the frigate: Many were drowned, of whom colonell Poore, governour of Berkely Castle. But sir John Winter and his brother, with some few besides, escaped onely, of an hundred men from Chepstow, and an hundred and fourescore horse and dragoones from Lidney House. The remainder fell into our hands; an hundred and twenty taken prisoners, of whom two lieutenant-colonells, foure captaines, and divers inferiour officers. This was the last blow of three which sir John Winter received, one in the neeke of another.

These things happened about the time of the taking of Shrewesbury, which called off the kings forces from these parts. Sir Jacob Ashly marched from Cirencester, and prince Rupert out of Herefordshire, to relieve his brother Maurice, neere Chester. The governour was employed in observing the enemyes motion, but with a strength every day more slender; having lost most part of his owne troope, with some peeces of others, by an other miscarriage in fetching our armes and ammunition from Warwicke, and in the conveying of some clothiers packes of great value, which were taken betweene Canpden and Banbury, through the misguidance of the officer that commanded.

Nevertheless, he advanced into the neerer parts of Herefordshire, with two hundred horse and five hundred foote, to startle the enemy, or make some diversion, supposing they bent their course to the reliefe of Westchester. Here he found great multitudes of the country people appearing in armes, but standing on their owne guard, and declaring themselves for neither side. It was hoped, nevertheless, they might be made of good use; and the best affected of them gave colonell Massie that satisfaction as was meete, by whome he understood the condition of their engagements. The governour of Hereford sending for hay and contribution to his garrison, was so farre denied by the country, that it came to blows. The people rising to resist, some few men, and, as it was reported, women and children, were slaine, and some carried prisoners to Hereford; also some of the Hereford forces were taken by the country men. The next day the alarm went throughout that side of the county, and some parts of Worcestershire. The people gather into a body, and march to Hereford. Here they stayed some dayes, with a resolution to have certaine articles granted by the governour of that garrison. The summe of their demands were to this effect:—That such of theirs as were held prisoners there should be delivered forthwith; that satisfaction be given to the country for the losse they sustained by plunder, as also to the wives and children of those that were slaine; that the country might be freed from contribution, and all manner of payment to the souldier; that since the present forces of Hereford were not able to defend the county, they forthwith quit the garrison, and leave it to be kept by the country, who are able to defend the same, and the whole county, with lesse charge. These and the like trivial passages, did they discover to the world, as it is wont to happen in such popular commotions. In the meane while severall posts were dispatched to colonell Massie at Ledbury, and letters returned from him to them, and in particular to some gentlemen, the chiefeest and best affected. These letters received by the country people tooke well with some; but the generall vote was, that they needed not his helpe to gaine Hereford, which they conceived would be delivered up by the citizens, whom they knew to be of one minde with them. Other messengers came from them, with intreaties to march up to Hereford, promising concurrence in assaulting the towne: others would have him fall upon another garrison at Canon-Froome. The governour made answer to the severall messages, that he desired to conferre with some of their best-intrusted gentlemen and yemen; expecting meete security that, either by protestation or taking the nationall covenant, they give him an assurance of their standing with the parliament; requiring them to cast off the enemy, and receive orders from him; to act nothing of themselves, without the

consent and approbation of parliament, without which engagement he could not joyne or act with them. To this they replied, that they held it a thing of evill consequence, and dangerous, to declare themselves; and they knew their ability of themselves to perform what they had resolved; intreating him to march backe with his men; giving assurance that they were our friends, but could not declare for either side; this act of theirs being a just defence against the unjust proceedings of the committee and souldiers of Hereford, and to secure the country from contribution and quarter. The governour makes answer to this resolve, that the course they had taken was neither safe nor legall; for if in this confused manner they should gaine Hereford, it would doe them little service, unlesse they were able to keepe it from the kings army, and be able of themselves to beate them wholly from that side Seaverne, that no incursion could be made on their countrey from any part: that they would distresse themselves without reliefe, because their illegall way would not be owned by the parliaments forces; for though they have undertaken the preservation of the kingdome, yet they can give no protection to any that will not joyne with them in that way which the representative body of the kingdome thinks fit; for a third party cannot be in England; and therefore they have no way of safety or justification in this action, but a speedy declaration for the parliament, from whom they would finde security and protection, and, after assurance of fidelity, a setting of the countrey to their owne likings. He gave them likewise to understand, that the charge of the parliament in maintaining the souldiers, and of the countrey in contribution, did thence arise; that the people being disingaged in person, might looke to their husbandry; declaring withall, that the disunion of the country, not understanding their interest in the parliament, was the sole cause of the entertayning of souldiers; for had the whole kingdome rose in time, and expressed themselves of this opinion, that they would stand up as one man against the popish partie, and enemy of their countrey, the worke had beene long since done: But their drawing backe put the parliament upon this way of raying armes upon their stocke and expence, or the kingdome must needs fall. He minded them likewise, that if they lost this opportunity of closing with the parliament, nothing but destruction would follow; that if they closed with Hereford, and composed the difference, this compliance might last till prince Ruperts returne, and then they must looke to pay for this rebellion; but if they purpose at last to fall in with Rupert, it would hasten their bondage, yet give them no security.

This kinde of entercourse passed betweene colonell Massie and the countrey people: Meane while he drew backe to Rosse, waiting the event of this commotion, but not engaging himselfe amidst a promiscuous and doubtfull multitude. He represented, likewise, to the committee of both kingdomes, what advantage the gaining, and disadvantage the losse of this opportunity might be to the whole worke: that their expressions of their esteeme of himselfe, and his gentle dealing with them, were great: that the weakness of his forces, chiefly of horse, was the maine businesse that caused the major part to decline his invitation: importuning them, if they desired to gaine this partie, as also a leading party to the whole kingdome, to send a considerable strength of horse. And if the forces saide to be intended, had come to him when fifteen thousand appeared in armes before Hereford, and of them sixe thousand musqueteers, and some well mounted, he had gained a full testimony of compliance with the parliament, and drawne them with ease to aide him against prince Ruperts army, when they were in the moode, so farre incensed and enraged. And to compleate the designe, a recruite for the regiments of horse was necessary, and that the auxiliaries should bring along their meanes of entertainment; for the sending of strength without money did more wound then heale us; for the souldiers challenge their pay or plunder. And as it was hatefull to the governour, so the state of the countrey would not permit him to spend his time in gathering contribution. But for want of a just and

due supply, these men were lost to us and to themselves also; concluding a peace with the governour of Hereford, and obnoxious and open to the kings army.

Hereupon colonell Massie marched from Rosse, and passed the Seaverne towards Berkley, purposing to joyne with sir William Waller, who was noysed to be come into the borders of this countrey, when, the day before, some of the Berkley forces had issued out towards our garrison at Slimbridge; but ere they could retreat to the castle, the garrison forces fell upon them, slewe twelve, whereof one captain, an Irish rebell, and took twenty-five prisoners, whereof two were captaines, and one lieutenant. The governour, with his party, advanced thence towards Chipping-Sodbury, where colonell Strange, with a party of horse, began to fortify, but upon the notice of our advance retreated to Berkley.

No sooner had the Herefordshire men disbanded, and returned to their owne houses, but prince Rupert falls backe out of Shropshire, and comes upon them with his whole army. The noise of his arrivall doth hasten the governours returne to Gloucester; who drew thence two hundred horse, and five hundred foote, into the borders of Herefordshire; where many of the countrey people resorted unto him, some with fire-weapons, some with others; but the want of strength, especially of horse, render'd him of little capacity to preserve them. The people having good desires, but daunted with the greatnesse of the enemy, and the slendernesse of our forces, were wholly lost. Sir William Waller was importuned to draw this way, or to send a strong party, which might prove of the greatest advantage to the kingdome, when the princes designe was to lye on that countrey to recruite his army with men, horses, and money, for the spring action, and the approach of the parliaments army; and would not onely bring in the countrey, and make them firme to their service, but disappoint, if not destroy prince Ruperts army, at that time the greatest in the kingdome; being a confluence of the forces of prince Rupert, prince Maurice, colonell Gerard, lord Hastings, lord Ashly, and sir Marmaduke Langdale. These men beare all before them, take mens persons, spoyle their estates, disarme the countrey, reape the benefit of the late insurrection, and extract money by force and terror from the poore people, whose destruction, as well as their late rising in armes, is wholly lost to the parliament, and serve onely to make up the enemies recruite. The princes impresse men in great abundance in Hereford, Monmouth, Worcestershire; raise great summes of money; get good store of armes: necessity in part casting them upon such ways of violence and coercive power. And though the prest men were of suspected fidelity and lesse value, and had often deceived them in the heate of battell, yet they conduced to the sudden forming of an army when the kings affaires grew desperate, and, thrust in with the old volunteers, made up the bulke of a great body. Thus both the strength and the ruines of the countrey are left to the enemy, when, by the aide of twelve hundred horse in the beginning of this insurrection, the hopes of the businesse might, without vanity, promise the parliament many thousand fighting men of all sorts, besides those already in pay.

Sir John Winter, the plague of the forrest, once more importuned the reliefe of Lidney House, and obtaines from the prince about two thousand horse, and fiftene hundred foot, who breake in to destroy the countrey, and disarme the inhabitants. The governour, with what strength he can make, marched to Wesbury, and quartered within a mile and a halfe of the enemy, and gave order to the guards that beset Lidney, that the foote be drawne off to the garrison of Nast and Highmeadow, and the horse repaire to the randevouze; which was done without losse, when the forrest was full of the enemy. He preserved likewise the lower parts neere the river, but, for want of horse, wherein the enemy did abound, could not, without extreame hazard and losse, advance to the further parts, where they kept their randevouze, and which they laide wast, plundering the houses to the bare walls, driving all the cattell, seizing upon the

persons of men, and sending them captives to Monmouth and Chepstow, except such as escaped to us by flight, (as many did with their armes,) and some few that saved themselves in woods and mine-pitts. The enemy did not adventure into the lower and neerer places, where our foot lay ready, and resolved to undertake theirs, if they came on. Our neighbouring parts of Hereford and Worcestershire runne the like fortune with these in the Forrest, and looke blacke upon this garrison, which was not able to preserve them. The kings forces returned the second time into the Forrest, and tooke the gleanings of the former harvest; yet the neerer parts are still preserved. The enemy raised themselves to a great power, already reputed sixe thousand horse and foote, and seeme to endeavour northward; wherefore the governour, intending to helpe the country, by driving up the reare of their march, or to put in for any service, advanced to Lidbury, with foure hundred horse and five hundred foot, his whole marching strength, notwithstanding the addition of two hundred and fifty horse from Northampton and Warwicke, and with this party attended the enemies motion. Hither prince Rupert advanced, with the best part of his army; of whose approach neither spy nor scout from the out-guards made the least discovery, till they came within halfe a mile of the towne. horse and foote, to surprize, or at least to surround us. The governour instantly commanded the horse to mount, and drew up the foote, though not in so good order as he might, by reason of the sudden alarme; and suspecting what he afterwards founde, that the prince would endeavour to compass him in, he marched off the foot with all due speed, that the enemies right or left wing might not get before us, which they endeavoured, by sending one party to the towns end, to keep us in action there, whilst two other parties fetched a compass upon either hand. In the meane while he brought up those few horse that were not upon the out-guards, to charge the enemy at their first entrance, and placed an ambuscado of twenty musqueteeres, to make good the retreat. But the businesse was acted so, that the governour in person, with the field-officers and captaines, were enforced to entertaine the enemy with severall charges, and beare their brunt alone, till the foote had ridde some ground before them. In this part of the skirmish their losse was the greatest for number; of ours only major Backehouse mortally wounded. The governour, whom the prince aimed to charge, had his horse wounded under him by two severall shots. Our men drew off as was meete, and made good the retreat three or foure miles, to the enemies losse, till they came up to a place of shelter, when, hasting to get before the right wing of the enemies horse, they were put into some confusion; and the horse having no great desire to fight, neglected the advantage of the place, to stop the pursuit, though the governour endeavoured what he could to engage them; that the enemy fell in among the reare guard of the foote; where he lost neare two hundred men taken prisoners; many country men being taken in to make up the number. This businesse cost them the lives of some gallant officers, and the prince missed his aime of surprizing colonell Massye; but the governour supposed the stay of the princes march an advantage to the service.

Nevertheless, the army continued some dayes after betweene Hereford and Worcester, recruiting dayly, and seeme to put much confidence in the country, whom they cause, not onely to abjure the parliament, but binde over to themselves by solemne oath; swearing, in the presence of God, that they beleeve no power of pope or parliament can depose the king, and absolve them from their naturall obedience to his royall person and successors: That the two houses of parliament, without the kings consent, have no power to make lawes, or to binde or oblige the subjects by their ordinances: That they beleve the earl of Essex and Manchester, and sir Thomas Fairfaxe, sir William Waller, colonell Massie, together with all such as have already, or shall hereafter take up armes by authority or commission from the members of parliament at Westminster, pretending to fight for king and parliament, doe thereby become actual rebels,

and as such ought, with all their adherents and partakers, to be presented and brought to condigne punishment: That they will never beare armes in their quarrell, but will, if they be thereto called, assist their souveraine and his armies in the defence of his royall person, crowne, and dignity, against all contrary forces, to the utmost of their skill and power, and with the hazard of their lives and fortunes: That they will not discover the secrecies of his majesties army unto the rebels, nor hold any correspondence with them; and all designes of theirs against the kings army, for the surprizing or delivering up of the cities of Hereford or Worcester, or any other of his majesties forts, they shall truly discover to those whom it shall concern, so soone as it comes to their knowledge: That his majesties taking up armes, for the causes by himselfe so often declared in print, is justly necessary: That they shall endeavour all they can to hinder popular tumults, risings, randevouzes, meetings, confederacies, and associations of the people, townes, hundreds, and countries, which are not warranted to assemble by his majesties expresse commission, or by power derived from him by vertue of his commissions, and in the sense he meanes it; and that they detest from their heart that seditious and traitorous late-invented nationall covenant, and protest never to take it. All these particulars they vow and protest sincerely to absolve, without equivocation or mentall reservation. This protestation was strictly enjoyned by the princes to be taken by all, without exception, in the counties of Monmouth, Glamorgan, Brecknocke, Radnor, Hereford, and Worcester. Nevertheless, this constrained act could not knit the hearts of a male-contented country to the love of that side, nor could the state permit the enemies exaction and violence by this vow eternally to binde up the people from well-doing.

The princes army is the maine rest of the kings affaires, which they strengthen daily, by impressing the country, taking in lesser brigades, and draining the garrisons; and a part of Gorings army passed over the Severne, from Bristol into Wales, and so to Rupert, at Hereford. After a little stay, to perfect the recruite, the enemy drew thence. The infantry and artillery lay betweene Worcester and Beadly, commanded by sir Jacob Ashley, whilest Rupert and Maurice, with the horse and some select foote, fetch off the king from Oxford, assisted also with Gorings horse and dragoones; who left his majesty at Stow, and marched backe, over the hills, into the west, through our borders.

The governour received another dropping, by the addition of two troops from Newport-Pagnell:—the auxiliaries were in all three hundred and forty; his owne so few, weake, and ill armed, that he could scarce muster a hundred fighting horse; and those much discontented; observing the rest in good equipage, but themselves in the constant action of souldiers, naked and miserable. These are employed in attending the enemies march, to preserve the country what they may; yet they disturbe it with frequent alarmes, and sometimes beate up the lesser partyes, and, upon sundry attempts, tooke one colonell, divers captaines, with inferiour officers and souldiers.

Sir John Winter despairing of longer subsistance and livelyhoode, deserted and fired his house at Lidney, having first spoyled the Forrest, and so before-hand with revenge. By this time the counties round about are cleared of the kings army, and colonell Massie received a larger supply of horse, from the remainder of colonell Bher and D'Albeirs regiments, commanded by major Buller; and thereby inabled to undertake some important service. Evesham was beheld as the most opportune, and of greatest concernment in distressing Worcester, and establishing the committee, by order of parliament, for that county: Wherefore the governour drew before it, with five hundred foote from Gloucester, and two hundred from Warwicke, who belonged to the Worcester committee, with a strong able brigade of horse, and in the name of the king and parliament summonaed colonell Robert Legge, governour of the towne, to make a speedy surrender of the garrison, with all persons, armes, ammunition, and provision, which he there held against the justice of them both, or, upon refusal, to expect such justice

as fire and sword would inflict: And to this he expected a speedy answer. Colonell Legge sent backe the summons, with this answer:—You are hereby answered, in the name of his majesty, that this garrison, which I am intrusted to keep, I will defend so long as I can, with the men, armes, and ammunition therein, being nothing terrified by your summons. I perceive you are a stranger to our strength and resolution. Further treaties will be troublesome.

Upon this returne the governour prepared the designe, and ordered to each officer his charge in the storme. The assault was to be made on each part of the towne. The side that lookes towards Worcester was to be stormed in five places, with one place at the bridge, on the other side of the river. The commanded parties of the foote were led on by the severall captaines, and seconded by the horse, divided into three bodies. After the disposition of the designe, and the night spent in alarmes, the signall was given a little after breake of day, when both horse and foote fell on together, with life and heate, in a furious assault, broke up the pallsadoes, filled the grafts with faggots, and other preparations, made sundry passages, recovered the workes, and stood firme on the parapet, whilst the musqueteers from within played furiously. The foote having recovered the shelter of the ditch, beate off the enemy, got up by scaling ladders, stood on the breast-workes, and some entred, but were againe driven up by the horse to the top of the workes, where they stood firme, and fired, but after a while ready to be beaten off by the violent charge of the enemies horse, till a party of our horse on that side drawing up close, and having a small breach made for their entrance, fell in, and beate off the enemy from that bulwarke, whilst another party made an entrance neare the bridge. And now they tumble over the works on all sides, and charge up, both horse and foote, with equal gallantry; bore downe the enemy, and mastered the garrison. The conflict was hot and difficult for almost an houre, and maintained by the enemy with much resolution. The lives of the officers and souldiers were wonderfully preserved in that violent storme, when each man was exposed to the hazard of the most daring enemy. Of the officers two onely wounded, and ten private souldiers slaine, and twelve of the enemy. The prisoners taken in the garrison were five hundred and fifty on the list, of whom two colonells, one major, thirteene captaines, with other officers and gentlemen reformadoes, to the number of seventy. Many gentlemen and officers that charged with the governour acted their parts with courage, and spurd on the valour of the souldiers. The reserve of foote, divided into three bodies, to second the assaylants, performed as became resolved men; and the whole action was compleate, according to the idea and platforme of the designe. The evening before, to keep off an approaching enemy from Worcester, about a hundred horse were drawne out, and kept guard five miles from Evesham; faced a party of horse from Worcester; whose hasty and distracted retreat gave such an alarme to the whole city, that they fired foure peece of ordnance before day, and alarmed the countrey round about, when the conquest was already secured, and the parliament masters of Evesham.

This performance was the concluding honour of colonell Massies government, after his remove from the present command was resolved by both houses of parliament; when the desires of promoting the publike service made him to hazard the fame of his former atchievements by the doubtfull issue of the last action.

Some dayes before, hee had an honourable invitation from the westerne gentlemen, and the same day that he entred Evesham, received a commission from the lords and commons to leade an army in the west. The parliaments command found the governour absolutely free in affection and choice; willing to comply with their pleasures; neither longing to stay, nor eager of a change, but in any place ready to spend his blood in the kingdomes cause, if he might not spend it in vaine. Neverthelesse, the city and county of Gloucester did much resent it, and something repine that their go-

vernour should be snatched from such a people as had done much, and suffered much in their fidelity and resolution, without president, (considering the many assaults;) that had sacrificed their lives and fortunes in preserving this city and the kingdome therein; that had borne so much in the firing of the suburbs, in the burning of many houses neere the towne; some by the enemies malice, and some by themselves for safety, and the pressures of the country under both armies. They cast up the consequence and concernment of the place, being the center, garden, and granary of the kingdome; the blocke-house to the river of Seaverne, and a barre to all passages betweene Worcester, Bristoll, and the sea; the stop of entercourse betweene Oxford and Wales; the key to open the passage upon the Welsh and their frontiers, and the locke and barre to keepe out their incursions; the onely refuge and safety for the parliament party and friends in that part of the kingdome; and the enemies sole hinderance from the command of the whole west. Besides this, they had strong desires of retaining their governour, having so long experience of his judgement to foresee dangers, and care to prevent them; of his readinesse to issue out for offence and defence upon each incursion; of his indefatigable industry in taking the advantage of all opportunities to weaken the enemy, and happy successe in all enterprizes; of his disposition and comportment, by which he cherished the well-affected, ratified and confirmed the indifferent, reduced the very malignant, and by himselfe engaged the country to armes, and governed the souldiers from mutiny, rapine, and plunder, or other violence in the garrison or country. To all which they added an unavoidable prejudice against any stranger, though in himselfe able and faithfull, considering the many by-past plots, and the enemies implacable malice, who breath out threatnings daily. Such was the sense of the people universally. And the mayor and aldermen, with the whole city, *nemine contradicente*, did so farre honour themselves in vindicating colonell Massie, as to petition both houses of parliament for his continuance in the government; representing, in expresse termes, his noble disposition, constant and unwearied paines, blest by God with extraordinary successe, and his maine influence on the hearts of the people in general, (most of them being by him engaged in armes for the parliament,) and upon the whole souldiery, who were kept together to serve in this countrie, chiefly by the love and respect they beare to him. And this they acknowledged, not with an intention of prescribing rules to the state, but out of their care and zeale to the common cause. They likewise importuned the lord mayor, aldermen, and common-councill of London, upon the mutuall bonds of former engagement, in defending and raising the late siege of Gloucester, to represent unto the parliament the sense of their feares, and the countries distraction at the removall of colonell Massie; complaining of the sinister ends of some few persons, who brought in a crosse petition, with articles, in the name of the county of Gloucester, which no part of the county did ever acknowledge, and of which no corner thereof was conscious.

The house of commons would not accept the charge against colonell Massie, and that they might deale in the businesse without partiality, refused also the countries petition. Neverthelessse, the speaker was directed, in the name of the house, by way of answer to their requests, to let them know that they were very sensible of the dangers that might attend an alteration in that kinde, but that the governour provided to succeed might speedily give such assurance against such dangers, that there will be no cause for them to continue, much lesse to encrease their feares: That the house was confident that their constant readinesse to comply with the publike would also, in this particular of colonell Massies removall, make them rest content in the resolution of the parliament in that matter: Though Gloucester be a place they prize and care for as much as any in the kingdome, yet for the present it was thought of greater necessitie to employ him in that command of the westerne forces; and they cannot

doubt of the concurrence and submission of those well-affected parts in whatsoever is judged to be of publike advantage.

Hereupon it was ordered, the third of June, 1645, by the lords and commons, that master Luke Nurse, mayor of Gloucester, alderman Singleton, and colonell Blunt, or any two of them, shall have the command of the garrison of Gloucester, and of the forces and garrison in Gloucestershire, in as ample manner as colonell Massie had, till the appointed governour come downe to his charge there, or the houses take other order.

Colonell Massie in the meane while labours to disengage the affections of the country, and to take off discontents and mutiny, and beseeches the parliament to send downe the succeeding governour, that he might seeke to interest him in the hearts of the people, whom he never desired to indeare unto himselfe, but to those masters whom he served; which was a full testimony of a true servant to the state, upon the sole termes of conscience and honour.

FINIS.

---

*Short Memorials of Thomas, Lord Fairfax. Written by himself.*

London, printed for Ri. Chiswell, and are to be sold at the Rose and Crown, in St Paul's Church-yard. 1699.

---

This singularly ingenuous and now rare tract affords one of the few instances in which an English general of eminence has recorded his own exploits. The gallantry, military talents, and simplicity of lord Fairfax deserved perhaps a more civil commemoration than is afforded by my lord Orford, although the extent of the ruin which his want of foresight, or of political courage, brought upon his country cannot be denied.

“ One can easily believe (says his lordship) his having been the tool of Cromwell, when one sees, by his own Memoirs, how little idea he had of what he had been about. He left

“ *Short Memorials of Thomas, Lord Fairfax, written by himself.* Lond 1699, 8vo.

“ But his lordship was not only an historian, but a poet. In Mr Thoresby's museum were preserved in manuscript the following pieces :

“ *The Psalms of David, the Song of Solomon, the Canticles and Songs of Moses, Exod. xv., and Deut. xxxii., and other Parts of Scripture done into Verse.*

“ *Poem on Solitude.*

“ Besides which, in the same collection, were preserved—

“ *Notes of Sermons by his Lordship, by his Lady, Daughter of Horace, Lord Vere, and by their Daughter Mary, Wife of George, Duke of Buckingham;* and

“ *A Treatise on the Shortness of Life.*

“ But of all lord Fairfax's works, by far the most remarkable were some verses which he wrote on the horse on which Charles the Second rode to his coronation, and which had been bred, and presented to the king, by his lordship. How must that merry monarch, not apt to keep his countenance on more serious occasions, have smiled at this awkward homage from the old vic-



torious hero of republicanism and the covenant! He gave a collection of manuscripts to the Bodleian library."—*Lord Orford's Catalogue of Royal and Noble Authors*, Lond. 1806, V. p. 110.

*To the Right Honourable Thomas, Lord Fairfax.*

MY LORD,

It is with your lordship's leave that this short manuscript of my lord Fairfax, your noble predecessor, is now printed from the original, written in his own hand, and left in your study at Denton, in Yorkshire; for it was never intended by him to be published, but to remain for the satisfaction of his own relations.

But of late something has happened, which, in the judgment of your lordship, and many other persons of condition, makes it necessary that these papers should be sent to the press; which is now done, without any material alterations from the original, but only by placing them in the natural order of time.

Though no copy was ever taken by your lordship's consent, yet, I know not how, some imperfect ones are got into other hands. And this being an age wherein every man presumes to print what he pleases, of his own or other mens, we are plainly told, that my lord Fairfax's memorials are ready to be published, and by the very same person who has lately set forth some memoirs, wherein his lordship is scarce ever nam'd but with reproach; not to be excused by what the editor himself confesses, that the author was much out of humour when he writ the book.<sup>1</sup>

My lord Fairfax's true character is better known to many wise and good men, than to be blemished by such envious detractions; nor can his reputation thereby suffer with any who were acquainted with his person, and the true intentions of his actions, and knew him in the latter part of his life.

His great misfortune, and so he accounted it, was to be engaged in the unhappy wars, whereof he desired no other memorial than the act of oblivion; which few that ever needed, better deserved.

It cannot be denied, but, as a soldier, his life would furnish as noble a memoir as the age has produced, from the time that he began with a troop of horse, and a few undisciplined forces in the north, to his being general of a victorious army in the south; which he governed, not as a cypher, but with great prudence and conduct in councils of war, as well as animated by his personal courage in the field, as long as they had an enemy to oppose them.

But after that they broke into factions, and were over-run with enthusiasm, and became ungovernable by their general, when they chose their own agitators, and were managed by men of the deepest dissimulation and hypocrisy; by whose fair, but treacherous promises, some greater than himself were deceived to their own ruin.

That most tragical and deplorable part of the civil war, the death of the king, he utterly from his soul abhorred and lamented to his dying day, and never mentioned it but with tears in his eyes.<sup>2</sup>

The retired part of his life gave him greater satisfaction than all his former victories, when he lived quietly at his own house at Nun-Appleton, in Yorkshire; always earnestly wishing and praying for the restitution of the royal family, and fully resol-

<sup>1</sup> Denzil, Lord Hollis.

<sup>2</sup> Yet if Ludlow can be trusted, Fairfax himself, talking of the exceptions from the general pardon which succeeded the restoration, plainly said, "that if any person must be excepted, he knew no one who deserved it more than himself, who, being general of the army at that time, and having power sufficient to prevent the proceedings against the king, had not thought fit to make use of it to that end."—*Ludlow's Memoirs*, vol. iii. p. 8.

ved to lay hold on the first good opportunity to contribute his part towards it; which made him always look upon with a jealous eye by the usurpers of that time.

As soon as he was invited by general Monk to assist him against Lambert's army, he cheerfully embraced the occasion, and appeared at the head of a brave body of gentlemen of Yorkshire; and upon the reputation and authority of his name, the Irish brigade, of twelve hundred horse, forsook Lambert's army, and joined with him: the consequence was the immediate breaking of all Lambert's forces, which gave general Monk an easy march into England.

This was always acknowledged, not only by general Monk, but by the king himself, as a signal testimony of his zeal to make amends for what was past, and of the very considerable assistance he gave towards the restoring the royal family.

After he had waited on his majesty in Holland, as one of the commissioners sent to invite him home, and had seen the king establish'd on his throne, he retired again into his own country, where he died in peace, in the 60th year of his age, anno 1671, leaving behind him his only daughter, the lady Mary, dutchess of Buckingham.

I shall now say no more of him, but that so long as unfeigned piety towards God, invincible courage, joyned with wonderful modesty, and exceeding good nature, justice, and charity to all men in his private life, and an ingenuous acknowledgment of his public error, with hearty endeavours to make reparation, as soon as he was convinced of it, shall be esteemed in the world, so long shall the name of my lord Fairfax be honoured by good men, and be had in perpetual remembrance.

Your lordship had the good fortune to be born after the storms and tempests of that age, but you have had the honour to appear eminently in defence of our religion and civil rights, in this last happy revolution, as your noble predecessor did at the restoration.

My Lord,

I am your most affectionate uncle, and humble servant,

Apr. 22, 1699.

BRIAN FAIRFAX.

*A short Memorial of the Northern Actions in which I was engaged, during the War there, from the Year 1642 to the Year 1644.*

In gratitude to God for his many mercies and deliverances, and not to deprive myself of the comfort of their remembrance, I shall set down, as they come into my mind, those things wherein I have found the wonderful assistance of God to me in the time of the war in the north; though not in that methodical and polished manner as might have been done, being intended only for my own satisfaction and help of my memory.

My father was called forth, by the importunity of his country, to join with them in their own defence, which was confirmed by a commission from the parliament,

The first action we had was at Bradford: We were about three hundred men, the enemy seven or eight hundred, and two pieces of ordnance. They assaulted us; we drew out close to the town to receive them. They had the advantage of the ground, the town being encompassed with hills, which exposed us more to their cannon, from which we receiv'd some hurt; but our men defended those passages by which they were to descend so well, that they got no ground of us; and now the day being spent, they drew off, and retired to Leeds.

A few days after, captain Hotham, with three troops of horse, and some dragoons,

came to us : Then we march'd to Leeds ; but the enemy having notice of it, quitted the town, and in haste fled to York.

We advanced to Tadcaster, eight miles from York, that we might have more room, and be less burthensome to our friends ; and being increased to one thousand men, it was thought fit that we should keep the pass at Wetherby, for the securing of the West-Riding, or the greatest part of it, from whence our chief supplies came.

I was sent to Wetherby, with three hundred foot and forty horse. The enemy's next design from York was to fall upon my quarters there, being a place very open and easy for them to assault, there being so many back ways, and friends enough to direct them, and give them intelligence.

About six o'clock one morning they fell upon us with eight hundred horse and foot ; the woods thereabout favouring them so much, that our scouts had no notice of them, and no alarm was given till they were ready to enter the town ; which they might easily do, the guards being all asleep in houses : For in the beginning of the war, men were as impatient of duty, as they were ignorant of it.

I myself was only on horseback, and going out of the other end of the town to Tadcaster, where my father lay, when one came running after me, and told me the enemy was entering the town. I presently galloped to the court of guard, where I found not above four men at their arms, as I remember ;\* two serjeants and two pikemen, who stood with me when Sir Thomas Glenham, with about six or seven commanders more, charged us ; and after a short, but sharp encounter, they retired, in which one major Carr was slain ; and by this time more of the guards were got to their arms. I must confess I knew no strength but the powerful hand of God that gave them this repulse.<sup>a</sup>

After this they made another attempt, in which captain Atkinson (on our part) was slain. And here again there fell out another remarkable providence :—During this conflict, our magazine was blown up. This struck such a terror into the enemy, believing we had cannon, which they were before informed we had not, that they instantly retreated ; and though I had but a few horse, we pursued the enemy some miles, and took many prisoners. We lost about eight or ten men, whereof seven were blown up with powder : The enemy lost many more.

At this time the earl of Cumberland commanded the forces in Yorkshire for the king. He being of a peaceable nature and affable disposition, had but few enemies ; or, rather, because he was an enemy to few, he did not suit with their present condition. Their apprehensions and fears caused them to send to the earl of Newcastle, who had an army of six thousand men, to desire his assistance, whereof he assured them, by a speedy march to York.

Being now encouraged by this increase of force, they resolved to fall upon Tadcaster. My father drew all his men thither ; but in a council of war the town was judged un-

<sup>a</sup> One of them had a pension for his life, till 1670.

<sup>b</sup> Sir Henry Slingsby gives the following interesting account of that severe camisade :—

“ My lord of Cumberland sent out sir Thomas Glenham once again to beat up sir Thomas Fairfax's quarters at Wetherby, commanding out a party both of horse and dragoons. He comes close up to the town undiscovered, a little before sun-rise, and Predeaux and some others enter the town through a back yard. This gave an alarm quite through the town. Sir Thomas Fairfax was at this juncture drawing on his boots, to go to Tadcaster : he gets on horseback, draws out some pikes, and so meets our gentlemen : every one had his shot at him, he only making at them with his sword, and then retired again under the guard of his pikes. At another part lieutenant-colonell Norton enters with his dragoons : captain Atkinson encounters him on horseback, the other being on foot : They meet : Atkinson misseth with his pistol ; Norton pulls him off horseback by the sword-belt : Being both on the ground, Atkinson's soldiers come in, fell Norton into the ditch with the butt-end of their muskets, to rescue their lieutenant : Norton's soldiers came in, and beat down Atkinson, and with repeated blows break his thigh, of which wound he died. After this they retreated out of the town, (a sore scuffle between two that had been neighbours and intimate friends,) with the loss of more than one troopier killed, and one major Carr, a Scotchman.”—*Memoirs of Sir Henry Slingsby*, Edin. 1806, 8vo, p. 40.

tenable, and that we should draw out to an advantageous piece of ground by the town. But before we could all march out, the enemy advanced so fast, that we were necessitated to leave some foot in a slight work above the bridge, to secure our retreat; but the enemy pressing on us, forced us to draw back, to maintain that ground.

We had about nine hundred men, the enemy above four thousand, who, in brigades, drew up close to the works, and stormed us. Our men reserved their shot till they came near, which they did then dispose of to so good purpose, that the enemy was forced to retire, and shelter themselves behind the hedges. And here did the first fight continue from eleven a clock at noon till five at night, with cannon and musquet, without intermission.

They had once possessed a house by the bridge, which would have cut us from our reserves that were in the town; but major-general Gifford, with a commanded party, beat them out again, where many of the enemy were slain and taken prisoners. They attempted at another place, but were repulsed by captain Lister, who was there slain; a great loss, being a discreet gentleman.

By this time it grew dark, and the enemy drew off into the fields hard by, with intention to assault us again the next day.

They left that night above two hundred dead and wounded upon the place. But our ammunition being all spent in this day's fight, we drew off that night, and marched to Selby, and the enemy entred the next morning into the town.

Thus, by the mercy of God, were a few delivered from an army who, in their thoughts, had swallowed us up.

The earl of Newcastle now lay betwixt us and our friends in the West Riding; but to assist and encourage them, I was sent with about three hundred foot, and three troops of horse, and some arms to Bradford. I was to go by Ferry-bridge, our intelligence being that the enemy was advanced no further than Sherburne; but when I was within a mile of the town, we took some prisoners, who told us my lord of Newcastle lay at Pontefract, eight hundred men in Ferry-bridge, and the rest of the army in all the towns thereabout; so that our advance or retreat seemed alike difficult. Little time being allowed us to consider, we resolved to retreat to Selby. Three or four hundred horse of the enemy shewed themselves in the rear, without making any attempt upon us; so that, by the goodness of God, we got safe to Selby.

Three days after this, upon better intelligence, how the enemy lay, with the same number as before, I marched, in the night, by several towns where they lay, and came the next day to Bradford, a town very untenable, but, for their good affection to us, deserving all we could hazard for them.

Our first work then was to fortifie our selves, for we could not but expect an assault. There lay at Leeds fifteen hundred of the enemy, and twelve hundred at Wakefield, neither place above six or seven miles distant from us. They visited us every day with their horse, ours not going far from the town, being very unequal in number. Yet the enemy seldom returned without loss; till at last our few men grew so bold, and theirs so disheartened, that they durst not stir a mile from their garrisons.

Whilst these daily skirmishes were among the horse, I thought it necessary to strengthen our selves with more foot. I summoned the country, who had by this time more liberty to come to us. I presently armed them with those arms we brought along with us; so that in all we were about eight hundred foot.

Being too many to lye idle, and too few to be upon constant duty, we resolved, through the assistance of God, to attempt them in their garrisons.

Leeds.

We summoned the country again, and made a body of twelve or thirteen hundred men, with which we marched to Leeds, and drew them up, within half cannon-shot of their works, in battalia, and then sent a trumpet, with a summons to deliver up the town to me, for the use of king and parliament. They presently returned this answer:

That it was not civilly done to come so near before I sent the summons, and that they would defend the town the best they could with their lives.

I presently ordered the manner of the storm, and we all fell on at the same time. The business was hotly disputed for almost two hours; but the enemy being beaten from their works, and the barricades into the streets forced open, the horse and foot resolutely entred, and the soldiers cast down their arms, and rendered themselves prisoners. The governor and some chief officers swam the river, and escaped; only major Beaumont was drowned, about forty or fifty slain, good store of ammunition taken, of which we had great want.

The consequence of this action was yet of more importance; for those who fled from Leeds to Wakefield, and quitting that garrison also, gave my lord of Newcastle such an alarm at Pontefract, that he drew all his army again to York, leaving once more a free intercourse, which he had so long time cut off, betwixt my father and us.

After a short time the earl of Newcastle returned again to the same quarters, and we to our stricter duties. But we quickly found our men must have more room or more action.

Captain Hotham and I took a resolution, early one morning, (from Selby,) to beat up a quarter of the enemies that lay at Fenton: They being gone, we marched to Sherburne, intending there only to give them an alarm; but they might see us a mile or more, over a plain common which lay by the town; and they sent twenty or thirty horse to guard a pass near the town. I had the van; for at this time we commanded our troops distinct one from another, both making five troops of horse, and two of dragoons. I told captain Hotham, that if he would second me, I would charge those horse, and if they fled, I would pursue them so close, as to get into the town with them. He promised to second me. I went to the head of my troops, and presently charged them: They fled, and we pursued close to the barricade; but they got in, and shut it upon us. Here my horse was shot in at the breast. We so filled the lane, being strait, that we could not retreat without confusion, and danger of their falling in our rear; so we stood to it, and stormed the works with pistol and sword. At the end of the barricade there was a narrow passage for a single horse to go in; I entred there, others following me, one by one; and close at one side of the entrance stood a troop of horse of the enemy. So soon as eight or ten of us were got in, we charged them, and they fled. By this time the rest of our men had beat them from their barricade, and entred the town. We soon cleared the streets, and pursued those that fled. And now my horse which was shot in the lane fell down dead under me; but I was presently mounted again.

Sherburne.

The enemy in the towns about having taken the alarm, it made us think of securing our retreat with the prisoners we had got, some of them being considerable, among whom was major-general Windham. We scarce got into order before general Goring came with a good body of horse up to us; and as we marched off, he followed us close in the rear, without doing us any hurt; only my trumpet had his horse shot close by me; and thus we returned to Selby.

Colonel Pri-  
deaux escaped.

Though this did not free us wholly from a potent enemy, yet we lay more quietly by them a good while after.

In this recess of action we had several treaties about prisoners; and this I mention the rather, for that captain Hotham here first began to discover his intentions of leaving the parliament's service, in making conditions for himself with the earl of Newcastle; though it was not discovered till a good while after, which had almost ruined my father, and the forces with him; for being now denied help and succour from Hull and the East Riding, he was forced to forsake Selby, and retire to Leeds, and those western parts where I then lay.

To make good this retreat, I was sent to, to bring what men I could to joyn with

him at Sherburne; for my lord of Newcastle's army lay so as he might easily intercept us in our way to Leeds; which he had determined to do, and to that end lay with his army on Clifford Moore, having present intelligence of our march.

Whilst my father, with fifteen hundred men, ordnance, and ammunition, continued his way from Selby to Leeds, I, with those I brought to Sherburne, marched a little aside, betwixt my lord of Newcastle's army and ours; and, to amuse them the more, made an attempt upon Tadcaster, where they had three or four hundred men, who presently quit the town, and fled to York.

Here we stayed three or four hours slighting the works, which put my lord Newcastle's army to a stand, being on their march to meet us; thinking he was deceived in his intelligence, and that we had some other design upon York. He presently sends back the lord Goring, with twenty troops of horse and dragoons, to relieve Tadcaster.

We were newly drawn off when he came. My lord Goring past over the river to follow us; but seeing we were far unequal in horse to him, (for I had not above three troops, and were to go over Bramham-Moore Plain.) I gave direction to the foot to march away, whilst I stay'd with the horse to interrupt the enemy's passage in those narrow lanes that lead up to the moore. Here was much firing at one another; but in regard of their great numbers, as they advanced we were forced to give way, yet had gained by it sufficient time for the foot to have been out of danger.

When we came up to the moore again, I found them where I left them; which troubled me much, the enemy being close upon us, and a great plain yet to go over. So we marching the foot in two divisions, and the horse in the rear, the enemy followed about two musket-shot from us, in three good bodies, but made no attempt upon us. And thus we got well over this open campaign, to some inclosures, beyond which was another moore, less than the other. Here our men, thinking themselves secure, were more careless in keeping order; and whilst their officers were getting them out of houses where they sought for drink, it being an extream hot day, the enemy got another way as soon as we into the moore; and when we had almost pass'd this plain also, they seeing us in some disorder, charged us both in flank and rear. The country men presently cast down their arms and fled; the foot soon after, which, for want of pikes, was not able to withstand their horse. Some were slain, many were taken prisoners. Few of our horse stood the charge. Some officers with me made our retreat with much difficulty; in which sir Henry Fowles had a slight hurt: My cornet was taken prisoner. We got well to Leeds, about an hour after my father and the men with him got safe thither.

This was one of the greatest losses we ever receiv'd: Yet was it a providence it was a part, and not the whole forces which receiv'd this loss; it being the enemy's intention to have fought us that day with their whole army, which was at least ten thousand men, had not our attempt upon Tadcaster put a stand to them, and so concluded that day with this storm, which fell on me only.

We being at Leeds, it was thought fit to possess some other place; wherefore I was sent to Bradford with seven or eight hundred foot, and three troops of horse. These two towns were all the garrisons we had; and at Wakefield, six miles off, lay three thousand of the enemy; but they did not much disturb us: And we were busied about releasing prisoners that were taken at Seacroft; most of them being country men, whose wives and children were still importunate for their release, which was as earnestly endeavoured by us; but no conditions would be accepted; so as their continual cries, and tears, and importunities, compelled us to think of some way to redeem these men; and we thought of attempting Wakefield.

\* Seacroft Moore.

Our intelligence was, that the enemy had not above eight or nine hundred men in the town. I acquainted my father with our design, who approved of it, and sent some men from Leeds, so that we were able to draw out eleven hundred horse and foot.

Upon Whitsunday, early in the morning, we came before the town, but they had notice of our coming; and had manned all their works, and set about five hundred musketeers to line the hedges without the town, which made us now doubt our intelligence; but it was too late.

After a little consultation we advanced, and soon beat them back into the town, which we storm'd at three places; and after an hour's dispute, the foot forced open a barricado, where I entred with my own troop: Colonel Alured and captain Bright followed with theirs. The street where we entred was full of their foot: We charged them through, and routed them, leaving them to the foot, that followed close behind us. And presently we were charged again with horse led on by general Goring; where, after a hot encounter, some were slain, and himself taken prisoner by colonel Alured.

I cannot but here acknowledge God's goodness to me this day; for being advanced a good way single before my men, having a colonel and lieutenant-colonel, who had engaged themselves to be my prisoners, only with me, and many of the enemy now betwixt me and my men, I lighted upon a regiment of foot standing in the market-place. Being thus encompassed, and thinking what to do, I spied a lane which I thought would lead me back to my men again. At the end of this lane there was a corps-de-guard of the enemy's, with fifteen or sixteen soldiers, who were just then quitting of it, with a serjeant leading them off; whom we met; and seeing their officers, they came up to us, taking no notice of me, and asked them what they would have them do, for they could keep the work no longer, the round-heads (as they call'd them) came so fast upon them.

The gentlemen, who had pass'd their words to me to be my true prisoners, said nothing; and looking one upon another, I thought it not fit now to own them as prisoners, much less to bid the rest to render themselves to me; but being well mounted, and seeing a place in the works where men used to go over, I rushed from them, and made my horse leap over the work, and by a good providence got to my men again; who, before I came, had, by direction of major-generall Gifford, brought up a piece of ordnance, and placed it in the church-yard, against that body that stood in the market-place, which presently rendred themselves.

All our men being got into the town, the streets were cleared, and many prisoners taken; but the horse got off, almost entire.

This appeared the greater mercy, when we saw our mistake; for we found three thousand men in the town, and expected but half the number. We brought away fourteen hundred prisoners, eighty officers, twenty-eight colours, and great store of ammunition.

But seeing this was more a miracle than a victory, more the effect of God's providence than humane force or prudence, let the honour and praise of all be his only.

After this we exchanged our men that were prisoners, and we were freed a good while from any trouble or attempt of the enemy.

Hitherto, through God's mercy, we had held up near two years against a potent army; but they finding us now almost tired with continual service, treacherously used by friends, and wanting many things necessary for support and defence, the earl of Newcastle marched with an army of ten or twelve thousand men to besiege us, and resolv'd to sit down before Bradford, which was a very untenable place.

Hither my father drew all the forces he could spare out of the garrisons; but seeing it impossible to defend the town otherwise than by strength of men, and that we had

Adderton  
Moore.

not above ten or twelve days provision for so many as were necessary to keep it, we resolv'd the next morning very early, with a body of three thousand men, to attempt his whole army, as they lay in their quarters, three miles off; hoping by it to put him to some distraction, which could not be done any other way, by reason of the unequal numbers.

To this end my father appointed four o' th' clock next morning to begin our march; but major-general Gifford, who had the ordering of the business, so delay'd the execution of it, that it was seven or eight before we began to move, and not without much suspicion of treachery; for when we came near the place we intended, the enemy's whole army was drawn up in battalia.

We were to go up a hill to them: That our forlorn hope gained, by beating theirs into their main body, which was drawn up half a mile further, upon a plain called Adderton Moore. We being all got up the hill, drew into battalia also. I commanded the right wing, which was about one thousand foot, and five troops of horse; major-general Gifford commanded the left wing, which was about the same number; my father commanded in chief.

We advanced through the inclosed grounds, till we came to the moore, beating the foot that lay in them to their main body.

Ten or twelve troops of horse charged us in the right wing. We kept the inclosures, placing our musketeers in the hedges next the moore; which was a good advantage to us who had so few horse.

There was a gate, or open place, to the moore, where five or six might enter a-breast. Here they strive to enter, we to defend it; but after some dispute, those that entered the pass found sharp entertainment, and those who were not yet entred as hot welcome from the musketeers that flanked them in the hedges. They were all, in the end, forced to retreat, with the loss of colonell Howard, who commanded them.

Our left wing at the same time was engaged with the enemy's foot, and gained ground of them. The horse came down again, and charged us, they being about thirteen or fourteen troops. We defended ourselves as before, but with much more difficulty, many having got in among us, but were beaten off again with some loss. Collonel Herne, who commanded that party, was slain. We pursued them to their cannon. Here I cannot omit a remarkable instance of divine justice. Whilst we were engaged in the fight with those horse that entred the gate, four souldiers had stript collonel Herne naked as he lay on the ground, men still fighting round about him; and so dextrous were these villains, that they had done it, and mounted themselves again, before we had beaten the enemy off. But after we had beaten them to their ordnance, as I said, and now returning to our ground again, the enemy discharged a piece of cannon in our rear: The bullet fell into captain Copley's troop, in which were these four men: Two of them were killed, and some hurt or mark remained on the other, though dispersed into several ranks of the troop, which made it more remarkable. We had not yet martial law among us: This gave me a good occasion to declare to the soldiers how God would punish, when men wanted power to do it.

This charge, and the resolution our men shewed in the left wing, made the enemy think of retreating. Orders were given for it, and some marched off the field.

Whilst they were in this wavering condition, one collonel Skirton desired his general to let him charge once with a stand of pikes, with which he broke in upon our men; and not being relieved by our reserves, which were commanded by some ill-affected officers, chiefly major-general Gifford, who did not his part as he ought to do, our men lost ground, which the enemy seeing, pursued this advantage, by bringing on fresh troops: Ours being herewith discouraged, began to fly, and were soon routed. The horse also charged us again, we not knowing what was done in the left wing. Our



men maintained their ground till a command came for us to retreat, having scarce any way now to do it, the enemy being almost round about us, and our way to Bradford cut off. But there was a lane in the field we were in, which led to Hallifax, which, as a happy providence, brought us off without any great loss, save of captain Talbot, and twelve more, that were slain in this last encounter. Of those who fled, there were about sixty killed, and three hundred taken prisoners.

After this ill success, we had small hopes of better, wanting all things necessary in Bradford for defence of the town, and no expectation of help from any place. The earl of Newcastle presently besieged the town; but before he had surrounded it, I got in with those men I brought from Hallifax. I found my father much troubled, having neither a place of strength to defend ourselves in, nor a garrison in Yorkshire to retreat to; for the governour of Hull had declared, if we were forced to retreat thither, he would shut the gates on us.

Whilst he was musing on these sad thoughts, a messenger was sent unto him from Hull, to let him know the townsmen had secured the governour; that they were sensible of the danger he was in; and if he had any occasion to make use of that place, he should be very readily and gladly received there; which news was joyfully received, and acknowledged as a great mercy of God; yet it was not made use of till a further necessity compelled.

My father having ordered me to stay here with eight hundred foot and sixty horse, retired that night to Leeds, to secure it. Bradford.

The earl of Newcastle spent three or four days in laying his quarters about the town of Bradford, and brought down his cannon, but needed not to raise batteries, for the hills, within half musket-shot, commanded all the town. Being planted in two places, they shot furiously upon us, and made their approaches, which made us spend very much of our little store, being not above twenty-five or twenty-six barrels of powder at the beginning of the siege. Yet the earl of Newcastle sent a trumpet to offer us conditions, which I accepted, so they were honourable for us to take, and safe for the inhabitants.

We sent two captains to treat with him, and agreed to a cessation during that time; but he continued working still; whereupon I sent forth the commissioners again, suspecting a design of attempting something upon us. They returned not till eleven o'clock at night, and then with a slight answer.

Whilst they were delivering it to us, we heard great shooting of cannon and muskets: all run presently to the works, which the enemy was storming. Here for three quarters of an hour was very hot service, but at length they retreated.

They made a second attempt, but were also beaten off. After this, we had not above one barrel of powder left, and no match. I called the officers together, where it was advised and resolv'd to draw off presently, before it was day, and to retreat to Leeds, by forcing a way, which we must do, for they had surrounded the town.

Orders were dispatch'd, and speedily put in execution. The foot, commanded by colonel Rogers, was sent out through some narrow lanes, and they were to beat up the dragoons quarters, and so go on to Leeds.

I myself, with some other officers, went with the horse, which were not above fifty, in a more open way.

I must not here forget my wife, who ran the same hazard with us in this retreat, and with as little expression of fear; not from any zeal or delight in the war, but through a willing and patient suffering of this undesirable condition.

I sent two or three horsemen before, to discover what they could of the enemy; who presently returned, and told us there was a guard of horse close by us. Before I had gone forty paces, the day beginning to break, I saw them upon the hill above us, being about 300 horse. I, with some twelve more, charged them. Sir Henry Fowles, major-ge-

neral Gifford, myself, and three more, brake through. Captain Mudd was slain ; and the rest of our horse being close by, the enemy fell upon them, and soon routed them, taking most of them prisoners, among whom was my wife ; the officer, William Hill, behind whom she rid, being taken.

I saw this disaster, but could give no relief ; for after I was got through, I was in the enemies reer alone. Those who had charged through with me went on to Leeds, thinking I had done so too ; but I was unwilling to leave my company, and stay'd till I saw there was no more in my power to do, but to be taken prisoner with them. I then retired to Leeds.

The like disaster fell among the foot that went the other way, by a mistake ; for after they had marched a little way, the van fell into the dragoons quarters, clearing their way ; but through a cowardly fear, he that commanded these men being in the reer, made them face about, and march again into the town, where, the next day, they were all taken prisoners ; only eighty, or thereabout, of the front that got through, came all to Leeds, mounted on horses which they had taken from the enemy ; where I found them when I came thither ; which was some joy to them all, concluding I was either slain or taken prisoner.

At Leeds I found all in great distraction, the council of war newly risen, where it was resolv'd to quit the town, and retreat to Hull, which was sixty miles off ; many of the enemies garrisons being in the way. This, in two hours after, was accordingly done, lest the enemy should presently send horse to prevent us ; for they had fifty or sixty troops within three miles : But we got well to Selby, where there was a ferry, and hard by, a garrison at Cawood.

Selby.

My father being a mile before, with a few men, getting over the ferry, word came to us that he was in danger to be taken. I hastened to him with about forty horse, the rest following in some disorder. He was newly got into the boat, when the enemy, with three cornets of horse, entered the town.

I was drawn up in the market-place, directly before the street they came down. When they were almost half come into the market-place, they turn'd on the right hand : with part of my troop I charged them in the flank, and divided them : we had the chase of them down the long street that goes to Brayton.

It happed, at the same time, that those men I left behind were coming up that street ; but being in disorder, and discourag'd with the misfortunes of many days before, they turn'd about, and gave way, not knowing we were pursuing the enemy in their reer.

At the end of this street was a narrow lane which led to Cawood. The enemy strove to pass that way, but it being narrow, there was a sudden stop, where we were mingled one among another.

Here I received a shot in the wrist of my arm, which made the bridle fall out of my hand, and being among the nerves and veins, suddenly let out such a quantity of blood, that I was ready to fall from my horse ; but taking the reins in the other hand, in which I had my sword, the enemy minding nothing so much as how to get away, I drew myself out of the crowd, and came to our men, who turned about, and seeing me ready to fall from my horse, they lay'd me on the ground. Now when I was almost senseless, my surgeon came seasonably, and bound up the wound, and stopt the bleeding.

After a quarter of an hours rest, I got a horseback again. The other part of our horse had beaten the enemy back to Cawood, the same way they came first to us.

Thus, by the goodness of God, our passage was made clear. Some went over the ferry after my father, I myself, with others, went through the Levels to Hull ; but it proved a very troublesome and dangerous passage, being often interrupted by the enemy, sometimes in our front, sometimes in our reer.

I had been twenty hours on horseback after I was shot, without any rest or refreshment, and as many hours before. And as a further affliction, my daughter, not above five years old, being carried before her maid, endured all this retreat a horseback; but nature not being able to hold out any longer, she fell into frequent swoonings, and, in appearance, was ready to expire her last.

Having now past the Trent, and seeing a house not far off, I sent her, with her maid only, thither, with little hopes of seeing her any more alive, though I intended, the next day, to send a ship from Hull for her.

I went on to Barton, having sent before to have a ship ready against my coming thither. Here I lay down to take a little rest, if it were possible to find any in a body so full of pain, and a mind yet fuller of anxiety and trouble. Though I must acknowledge it as the infinite goodness of God, that my spirit was nothing at all discouraged from doing still that which I thought to be my duty.

I had not rested a quarter of an hour before the enemy came close to the town. I had now not above a hundred horse with me. We went to the ship, where, under the security of her ordnance, we got all our men and horse aboard; and crossing Humber, we arriv'd at Hull, our men faint and tired. I myself had lost all, even to my shirt, for my cloaths were made unfit to wear with rents and blood. Presently after my coming to Hull, I sent a ship for my daughter, who was brought the next day to the town, pretty well recovered of her long and tedious journey.

Not many days after, the earl of Newcastle sent my wife back again in his coach, with some horse to guard her; which generous act of his gain'd him more reputation than he could have got by detaining a lady prisoner upon such terms.

Many of our men, who were dispersed in this long retreat, came hither again to us. Our first business was to raise new forces; and in a short time we had about 1500 foot, and 700 horse.

The town being little, I was sent to Beverly with the horse, and 600 foot, but my lord of Newcastle now looking upon us as inconsiderable, was marched into Lincolnshire, with his whole army, leaving some few garrisons. He took in Gainsbrough and Lincoln, and intended Boston, which was the key of the associated counties; for his orders, which I have seen, were to go into Essex, and block up London on that side.

Having laid a great while still, and being now strong enough for those forces which remained in the country, we sent out a good party to make an attempt upon Stanford Bridge, near York, but the enemy upon the alarm fled thither; which put them also in such a fear, that they sent earnestly to my lord of Newcastle, to desire him to return, or the country would again be lost. Upon this he returned again into Yorkshire, and not long after came to besiege Hull.

I lay at Beverly, in the way of his march, and finding we were not able to defend such an open place against an army, I desired orders from my father to retire back to Hull: But the committee there had more mind of raising money than to take care of the soldiers; and yet these men had the greatest share in command at this time, and would not let any orders be given for our retreat; nor was it fit for us to return without order.

The enemy marched with his whole army towards us: Retreat we must not; keep the town we could not: So, to make our retreat more honourable and useful, I drew out all the horse and dragoons towards the enemy, and stood drawn up by a wood side all that night.

Next morning by day our scouts and theirs fired on one another. They marched on with their whole body, which was about 4000 horse, and 12,000 foot. We stood

<sup>1</sup> Duchess of Buckingham.

till they were come very near to us: I then drew off, having given direction before for the foot to-march away towards Hull, and thinking to make good the retreat with the horse.

The enemy with a good party came up in our rear: The lanes being narrow we made good shift with them, till we got into Beverley, and shut the gate, which we had scarce time to do, they being so close to us.

In this business we lost major Layton, and not above two more.

The enemy not knowing what forces we had in the town, stayed till the rest of the army came up, which was about a mile behind. This gave our foot some advantage in their retreat, it being five miles to Hull, and the way on narrow banks. I sent the horse by Cottingham, a more open road, who got well thither; they overtook the foot; and made good their retreat, till we got to a little bridge two miles from Hull, where we made a stand. The enemy followed close: our men gave them a good volley of shot, which made them draw back, and they advanced no further.

So leaving a small guard at the bridge, we got safe to Hull.

Thus, not only for want of military skill in the gentlemen of the committee, but, to say no more, for want of good nature, we were exposed to this trouble and danger.

My lord of Newcastle now laid siege to Hull, but at a great distance, for the sluices were let open, and drowned the land for two miles about the town.

Yet upon a bank, which was the highway, he approached so near as to shoot cannon-shot at random into the town, and for the most part hot bullets; but by the diligence and care of the governour, who caused every inhabitant to watch his own house, the danger was prevented.

Our horse was now useless, and many dyed every day, having nothing but salt water about the town. I was therefore sent over with the horse into Lincolnshire, to join with the earl of Manchester's forces, which were then commanded by major-general Cromwel, who received us at our landing with his troops.

Sir John Henderson lay within three or four miles of this place, with 5000 men, to prevent our conjunction, but durst not attempt it. He marched three or four days near unto us, but for want of good intelligence, we did not know so much; for I altogether trusted to the care of our new friends, being a stranger in those parts.

Winsby, or  
Horncastle.

At Horncastle, one morning, he fell upon our out-guards, who being but newly raised in that country, fled towards Lincoln, without giving any alarm to our quarters, that lay dispersed and secure.

Sir John Henderson marching slowly with his army, gave the alarm to some of our out-quarters, which was soon taken in all the rest; yet we were in some disorder before we could get into any considerable body. My lord Willoughby, with his horse and my dragoons, commanded by colonell Morgan, brought up the rear; and after some skirmishes, we lodged that night in the field.

The next day the earl of Manchester came to us with his foot; the day following we advanced toward the enemy, and chusing a convenient ground to fight on, we drew up the army there. The enemy did so on the side of another hill close by, having a little plain betwixt us. Lieutenant-general Cromwel had the van, I the reserve of horse, my lord Manchester all the foot.

After we had faced one another a good while, the forlorn hopes began the fight; presently the bodies met on the plain, where the fight was hot for half an hour, but then they were forced to a rout, 200 killed, and many taken prisoners.

This was the issue of Horncastle fight, or, as some call it, Winsby fight.

At the same instant we heard great shooting of ordnance towards Hull; which was a sally my father made out of the town upon my lord of Newcastle's trenches; who drew out most part of his army to relieve them: But our men charged so resolutely,

that they possessed themselves of the canon, and pursuing their advantage, put the enemy to a total rout; upon which he raised the siege, and returned again to York.

These two defeats together, the one falling heavy upon the horse, the other upon the foot, kept the enemy all that winter from attempting any thing; and we, after the taking of Lincoln, settled ourselves in winter quarters.

In the coldest season of the year I was commanded by the parliament to go and raise the siege at Nantwich, which the lord Byron, with the Irish army, had reduced to great extremity. I was the most unfit of all their forces, being ever the worst paid, my men sickly, and almost naked. I desired the parliament that they would be pleased to supply these wants; not excusing myself, as some did, who had no will to stir, though well enough accommodated.

The parliament's answer was a positive direction to march, for it would admit of no delay. But foreseeing I should have such a return to my desires, and considering the necessity of the business, I had upon my own credit got so much cloath as cloathed 1500 men, and all were ready to march when these orders came to me.

The twenty-ninth of December we set forward from Falkingham, in Lincolnshire, with 1800 horse, and 500 dragoons, and power to call the regiments of foot in Lancashire and Cheshire to make up the body of the army; which I found was not a little trouble when I came to Manchester, for some were thirty, some forty miles distant, besides the dissatisfaction of some of their collonels, who went as their particular safety or interest swayed them.

But finding more readiness in the inferior officers and common soldiers, I got up, in a few days, near 3000 foot.

With this army we marched to Nantwich, which was at the point of surrendering. When we came within a days march, I had intelligence the lord Byron had drawn off his siege, and intended to meet us in the field. I put my men into the order in which I intended to fight, and continued my march till we came within three miles of the town.

There was a pass kept with about 250 men: I sent collonel Morgan with his dragoons, who beat them off, in which his brother was slain. The major who commanded the other party, with some others, was taken prisoner.

We marched on till we came within cannon-shot of their works, where half of their army was drawn up: And we were informed, that the river which runs through the town being raised with the melting of the snow, hindered those that lay on the other side of the town from joining with them.

We called a council of war, wherein it was debated, whether we should attempt those in their works, being divided from the rest of the army, or march into the town and relieve them, and by the increase of our force be better able the next day to encounter them.

This last was resolved on; and making way with pioneers through the hedges, we marched to the town; but after we had gone a little way, word came that the enemy was in the reer. We faced about with two regiments and my own regiment of horse, commanded by major Rokeby, and relieved those that were engaged, and so the fight began on all sides.

These that fell on our reer were that part of their army that lay on the other side of the town, who had past the river. Those who were drawn up under their works fell upon our van, which was marching to the town. Thus was the battel divided, there being a quarter of a mile betwixt us in the division that first engaged. Our foot at the beginning gave a little ground; but our horse recovered this, by beating the enemies horse out of the lanes that flanked our foot; which did so encourage our men, that they regained their ground on the enemy, and made them retreat from hedge to hedge, 'till at length they were forced to fly to their works.

Their horse retreated in better order towards Chester, without much loss. Our other wing being assisted from the town, who sallied out with seven or eight hundred musketeers beat the enemy back into the same works. We presently surrounded them; and being in great disorder and confusion, they soon yielded themselves prisoners, with all their chief officers, arms, colours, and ammunition.

Thus, by the mercy of God, was this victory obtained, being the more signal, in that we were not to deal with young soldiers, but with men of great experience, and an army which had ever been victorious.

After this we took in several garrisons in Cheshire. Latham only in Lancashire held out, which was besieged by the forces of that county, but afterward the siege was raised by prince Rupert.

Having spent three or four months in this expedition, my father commanded me back into Yorkshire, that by the conjunction of our forces he might be able to take the field. We met about Ferry-bridge, he being come out of Hull thither, with intent to fall upon the enemies garrison at Selby.

I received at this time another command from the parliament to march immediately, with my horse and dragoons, into Northumberland, to join with the Scots army; the earl of Newcastle, who was then at Durham, being much stronger in horse than they, for want of which they could not advance. But it being resolved within a day or two to storm Selby, I stayed till that business was over, which proved as effectual for the relief of the Scots army.

The governour of York, collonel Bellasis, lay in Selby, with 2000 men. We drew our horse and foot close to the town. Sir John Meldrum led on the foot, which had their several posts appointed them where they should storm; I, with the horse, ready to second them. The enemy within defended themselves stoutly a good while. Our men at length beat them from the line, but could not advance further, because of the horse within. I got a barricado open, which let us in betwixt the houses and the river; here we had an encounter with their horse. After one charge, they fled over a bridge of boats to York. Their horse came up and charged us again, where my horse was overthrown, I being single, a little before my men, who presently relieved me, and forced the enemy back. They retreated also to York. In this charge we took collonel Bellasis, governour of York. By this time the foot had entred the town, and had taken many prisoners. This good success of ours put them into great distraction and fear at York; so that they speedily sent to the earl of Newcastle, to haste back thither, believing we would presently attempt them.

This news suddenly called him back, leaving the Scots, who, with cold and often alarms, were reduced to great extremity, but now they advance after him.

The earl of Newcastle gets into York; the Scots join with my father at Wetherby: altogether made 16,000 foot, and 4000 horse. They march on to York.

For the siege of York it was thought necessary to have more men, the town being large in compass, and strongly manned. The earl of Craford, Lindsey, and myself were sent to the earl of Manchester, to desire him to join with us in the siege; to which he willingly consented, bringing an addition of 6000 foot and 3000 horse.

Now the army had three generals, Lesly, Manchester, and Fairfax, who lay apart in three several quarters before the town, but the north side still remained open.

Some time was spent here without any considerable action, till, in my lord of Manchester's quarters, approaches were made to St Mary's tower, and they soon came to mine it. Collonel Crayford, a Scotchman, who commanded that quarter, sprung the mine, being ambitious to have the honour alone of it, without acquainting the other two generals, for their advice and concurrence; which proved very prejudicial; for having engaged his party against the whole strength of the town, without more forces to second him, he was repulsed, with the loss of three hundred men; for which he had

surely been called to an account, but escaped the better by reason of this triumviral government.

Soon after, prince Rupert came to relieve the town: we raised the siege. Hessey Moore was appointed the rendezvous; the whole army drew thither. About a mile from thence lay the prince, the river Ouse being betwixt us, which he that night past over at Popleton. The next day he drew his army into the same moore, which being now joined with my lord of Newcastle's army, made about 23 or 24,000 men, we something more.

We were divided in our opinions what to do: The English were for fighting, the Scots for retreating, to gain (as they alledged) both time and place of more advantage.

This being resolved on, we marched away to Tadcaster, which made the enemy advance the faster.

Lieutenant-general Cromwell, Lesley, and myself were appointed to bring up the reer. We sent word to the generals of the necessity of making a stand, or else the enemy, having this advantage, might put us in some disorder. But by the advantage of the ground we were on, we hoped to make it good till they came back to us, which they did.

The place was Marston fields, which afterwards gave the name to this battel.

Here we drew up our army: The enemy was drawn up in battalia on the moore; a little below us.

The day being most part spent in preparations, we now began to descend towards them. Lieutenant-general Cromwell commanded the left wing of the horse, and seconded by major-general Lesley: I had the right wing, with some Scots horse and lances for my reserves. The three generals were with the foot.

Our left wing first charged the enemies right wing, which was performed for a while with much resolution on both sides, but the enemy at length was put to the worst.

Our right wing had not all so good success, by reason of the furzes and ditches we were to pass over before we could get to the enemy, which put us into great disorder.

Notwithstanding, I drew up a body of 400 horse; but because their intervals of horse in this wing only were lined with musketeers, who did us much hurt with their shot, I was necessitated to charge them. We were a long time engaged one within another, but at last we routed that part of their wing which we charged, and pursued them a good way towards York. Myself only returned presently, to get to the men I left behind me. But that part of the enemy which stood, perceiving the disorder they were in, had charged and routed them before I could get to them: So that the good success we had at the first was eclipsed by this bad conclusion.

Our other wing and most of the foot went on prosperously, 'till they had cleared the field.

I must ever remember with thankfulness the goodness of God to me this day; for having charged through the enemy, and my men going after the pursuit, and returning back to go to my other troops, I was got in among the enemy, who stood up and down the field in several bodies of horse: So taking the signal out of my hat, I past through them for one of their own commanders, and got to my lord of Manchester's horse, in the other wing, only with a cut in my cheek, which was given me in the first charge, and a shot which my horse received.

In this charge many of my officers and soldiers were hurt and slain. The captain of my own troop was shot in the arm; my cornet had both his hands cut, so as rendered him ever after unserviceable. Captain Micklethwait, an honest, stout gentleman was slain; and scarce any officer who was in this charge but received a hurt. Colonel Lambert, who should have seconded me, but could not get up to me, charged in another

place. Major Fairfax, who was major to his regiment, had at least thirty wounds, of which he dyed at York, after he had been abroad again, and in good hopes of recovery.

But that which nearest of all concerned me was the loss of my brother,<sup>1</sup> who being deserted of his men, was sore wounded, of which, in three or four days after, he dyed: Buried at Marston: *Ætat.* 23.

In this charge as many were hurt and killed as in the whole army besides.

On the enemy's part there were above 4000 slain, and many taken prisoners.

Prince Rupert returned into the south, the earl of Newcastle went beyond sea, with many of his officers. York was presently surrendered, and the north now was wholly reduced by the parliament's forces, except some garrisons.

Soon after this I went to Helmesley, to take in the castle there, where I received a dangerous shot in my shoulder, and was brought back to York, all being doubtful of my recovery for some time.

At the same time the parliament voted me to command the army in the south.

But my intentions being only to keep in mind what I had been present in during this northern war, I shall put an end to this discourse, where it pleased God to determine my service there.

Yet thus with some smart from his rod, to let me see I was not mindful enough of returning my humble thanks and acknowledgments for the deliverances and mercies I received, and for which (alas) I am not yet capable enough to praise him as I ought, that may say by experience, "Who is a God like unto our God."

Therefore, not unto us, O Lord, not unto us, but unto thy name give we the praise.

But as for myself, and what I have done, I may say with Solomon, I looked on all the works that my hands had wrought, and on the labour that I had laboured to do, and behold all was vanity and vexation of spirit.

For there is no remembrance of the wise, more than the fool, for ever, seeing that which now is, in the days to come shall be forgotten.

T. FAIRFAX.

*Short Memorials of some Things to be cleared during my Command in the Army.*

By the grace and assistance of God, I shall truly set down the grounds of my actions during this unhappy war, and especially of those actions which seemed to the world most questionable.

My first engaging in the sad calamities of the war was about the year 1641, when the general distemper of the three kingdoms, I mean the difference betwixt the king and parliament, had kindled such a flame, even in the heart of the state, that before a remedy could be found, the whole body was almost consumed to ashes.

I must needs say, my judgment was for the parliament, as the king and kingdoms great and safest council; as others were averse to parliaments, because they did not go high enough for prerogative.

Upon this division different powers were set up; the commission of array for the king, and the militia for the parliament. But those of the array exceeded their commission, in oppressing many honest people, whom, by way of reproach, they called roundheads; who, for their religion, estates, and interest, were a very considerable part of the country; which occasioned them to take up arms in their own defence, and it was afterward confirmed by authority of parliament.

<sup>1</sup> Charles Fairfax.



My father being yet at his house at Denton, where I then waited on him, had notice from his friends, that it was intended he should be sent for as a prisoner to York: He resolved not to stir from his own house, not being conscious to himself of any thing to deserve imprisonment.

The country suffering daily more and more, many came and intreated him to join with them in defence of themselves and country, which was extremely oppressed by those of the array, (who after had the name of cavaliers;) and he being also much importuned by those about him, seeing his neighbours in this distress, resolved to run the same hazard with them.

Then did the parliament grant a commission to him to be general of the forces in the north; myself also having a commission under him to be general of the horse.

It is not my intention in this place to relate the services done in this cause of the parliament; for I am rather desirous to clear my actions, than declare them; and therefore I shall say no more of this three years war in the north, there being nothing (I thank God) in all that time to be objected against me in particular: But I shall say something how I came to be engaged in the south.

Some years had been spent in those parts, in a lingering war betwixt the king and parliament, and several battels so equally fought, that it could scarce be known on which side the business in dispute would be determined. Though it must be confest that the parliaments army was under the command of a very noble and gallant person, the earl of Essex, yet they found that time and delay gained more advantage against them and their affairs, than force had done. They therefore resolved to make a change in the constitution of their armies, hoping by it to find a change also in their business, which was then something in a declining condition. In this distemper of things the army was new modelled, and a new general proposed to command it; and by votes of the two houses of parliament I was nominated, though most unfit, and so far from desiring it, that had not so great an authority (which was then unseparated from the royal interest) commanded my obedience, and had I not been urged by the persuasion of my nearest friends, I should have refused so great a charge. But whether it was from a natural facility in me, that betrayed my modesty, or the powerful hand of God, which all things must obey, I was induced to receive the command.

Then was I immediately voted by the parliament to come to London, and take my charge, though not fully recovered of a dangerous wound which I had received a little before at Helmesley, and which I believe, without the miraculous hand of God, had proved mortal.

But here (alas) when I bring to mind the sad consequences that crafty and designing men have brought to pass since those first innocent undertakings, I am ready to let go that confidence I once had with God, when I could say with Job, "Till I die, I will not remove my integrity from me, nor shall my heart reproach me so long as I live." But I am now more fit to take up his complaint, and say, "Why did I not die? Why did I not give up the ghost when my life was on the confines of the grave?"

God having been pleased thus to give me my life for a prey, I took my journey southward, hoping it might be some ways serviceable to the publick: But when I came thither, had it not been in the simplicity of my heart, I could not have supported myself under the frowns and displeasures of those who were disgusted with these alterations, in which many of them were much concerned; and therefore they sought by all means to obstruct my proceedings in this new charge. Though they could not prevent what the necessity of affairs prest most to do, which was to march speedily out with the army, yet were we by them made so inconsiderable, for want of fit and necessary accommodations, as it rather seemed that we were sent to be destroyed, than to do any service to the kingdom.

Surely then, if we had had no other end but self-interest, this might have discouraged us; but it wrought no such effect on me, but rather gave me the more hopes of future success, as hapned, to the parliament's great advantage. But if any ill use hath been made of such mercies, let the mercies be acknowledged from God, but the abusers of them receive their due reward of shame and punishment.

Being thus led on by good success and clear intention of publick good, some of us could not discern the serpent which was hid under the leaves of so good fortune, nor believe the fruits of our hopes would prove as cockatrice eggs, from whence so mischiefous a brood should afterwards spring.

But how ill deserving soever we were, it pleased God still to give the army such success, in the years of 1645 and 1646, that there remained in England neither army nor fortress to oppose the parliament in settling the peace of the kingdom.

This mercy was soon clouded with abominable hypocrisy and deceit, even in those men who had been instrumental in bringing this war to a conclusion.

Here was the vertical point, on which the army's honour and reputation turned into reproach and scandal. Here the power of the army I once had was usurped by the agitators, the forerunners of confusion and anarchy.

My commission as general obliged me to act with council, but the arbitrary and unlimited power of this council would act without a general; and all I could do was ineffectual to oppose them, especially when the parliament itself became divided.

At this time the pay was withheld from the army, which increased their distempers; then followed free quarter, and that wrought a general discontent through the whole nation, which gave these factious agitators occasion to carry on their design of raising their own fortunes upon the publick ruine.

I was much troubled to see things in this condition, and rather desired to be a sufferer than a commander: But before I laid down my commission, I thought fit to consult some friends, rather than gratify my private reason and desires, especially having received it from a publick authority, which might justly expect to have notice before I laid it down.

This was the cause of my continuing in the army longer than I would have done, which did indeed preserve the parliament for some time from those violences that it afterwards suffered from these disturbers.

I shall now descend to some particulars of their agitations.

The first time I took notice of them was at Nottingham, by the soldiers meeting to frame a petition to the parliament about their arrears. The thing seemed just, but not liking the way, I spake with some officers who were principally engaged in it, and got it suppressed for that time. But this was only as the cutting off a hydra's head; for they began again, not so near the head-quarters, but in more remote corners of the army; so that before I could prevent it, they presented it to the parliament, at which they were highly displeas'd.

They now fell into differences, the consequence of which did not only prove fatal to the king, but destructive to themselves; the one striving to uphold their authority, the other, who had a spirit of unsettlement, to preserve themselves from the ruine they feared.

This, with a natural inclination to change, I believe created thoughts of new government, which in time attained the name of a commonwealth, but never arrived to the perfection of it, being sometimes democratical, then oligarchical, lastly, anarchical. And indeed all the ways of attaining to it seemed nothing but confusion; for now the officers of the army were placed and displaced at the will of the new agitators; and violence so prevailed, that it was above my power to restrain it. This made me have recourse to my friends, to get me a discharge of my command; and

several members of parliament met, and consulted about it, but none would undertake to move it to the house, as affairs then stood, believing such a motion would be displeasing to them.

This was the answer I received from them, and that I should satisfy myself, for it would be the parliament's care to compose all things for the good and settlement of the kingdom.

These hopes did a little support my spirit, but could not ballance the grief and trouble I had, that I could not get my discharge: So that if you find me carried on with this stream, I can truly say, it was by the violence of it, rather than my own consent.

The army got this power and strength by correspondence with some in parliament, who found it afterwards to their own trouble. The army marcht nearer London; and at Windsor, after two days debate in a council of war, it was resolved to remove all out of the house whom they conceived did obstruct (as they called it) the publick settlement.

I was prest to use all expedition in this march, but here I resolved to use a restrictive power, where I had not a persuasive: And when the lieutenant-general and others did urge me to sign orders for marching, I still delayed it, as ever dreading the consequences of breaking parliaments, and at a time when the kingdom was falling into a new war, which was so near, that my delaying three or four days giving out orders diverted this humour of the army from being statesmen, to their more proper duty as soldiers.

Then did collonel Poyer declare in Wales; great forces did rise with my lord Goring in Kent; and duke Hamilton came into England almost at the same time, with a powerful army of Scots; all which set out work enough that summer.

This I write to shew how by providence a few days of delay secured the parliament above a year from the violence which soon after was offered them.

I might here mention those great and difficult actions the army performed that year, which were designed for the good of the kingdom; but that factious party growing more insolent, as success made them more powerful, I shall forbear to relate them, which otherwise would have deserved a better remembrance than in modesty were fit for me to give.

In Kent, &c.

I shall rather punish myself with the continuance of this story of the irregularities of the army. But I must not forget one thing of very great concernment in the after changes, which should have been inserted before the mentioning of this second war—the king's removal from Holmby; the sad consequences whereof fill my heart with grief in the remembrance of them, as they did then with care how to prevent them.

Being at Saffron-Walden, in Essex, I had notice that Cornet Joyce, an arch-agitator, who quartered about Oxford, had seized on the king's person, removed his guards, and given such a check to the commissioners of parliament, who were ordered there to attend his majesty, that they refused to act any further on their commission, being so unwarrantably interrupted.

So soon as I heard of it, I immediately sent away two regiments of horse, commanded by colonel Whaley, to remove this force, and to set all things again in their due course and order. But before he came to Holmby, the king was advanced two or three miles on his way to Cambridge, attended by Joyce; where colonel Whaley acquainted the king, he was sent by the general to let him know how much he was troubled at those great insolencies that had been committed so near his person; and as he had not the least knowledge of them before they were done, so he had omitted no time in seeking to remove that force which he had orders from me to see done: And therefore he desired his majesty that he would be pleased to return again to Holmby, where all things should be settled again in as much order and quietness as they were

before. And also, he desired the commissioners to re-assume their charge, as the parliament had directed them, which he was also to desire them to do from the general. But the king refused to return, and the commissioners to act; whereupon colonel Whaley urged them to it, saying, he had an express command to see all things well settled again about his majesty, which could not be done but by his returning again to Holmby.

The king said positively he would not do it, so the colonel prest him no more to it, having indeed a special direction from me to use all tenderness and respect, as was due to his majesty.

The king came that night, or the next, to sir John Cutts's house, near Cambridge; and the next day I waited on his majesty, it being also my business to persuade his return to Holmby; but he was otherwise resolved.

I prest the commissioners also to act according to the power given them by the parliament, which they also refused to do: So having spent the whole day about this business, I returned to my quarters; and as I took leave of the king, he said to me, sir, I have as good interest in the army as you; by which I plainly saw the broken reed he leaned on.

The agitators could change into that colour which served next to their ends, and had brought the king into an opinion that the army was for him.

That it might appear what a real trouble this act was to me, though the army was almost wholly infected with this humour of agitation, I called for a council of war, to proceed against Joyce for this high offence, and breach of the articles of war; but the officers, whether for fear of the distempered soldiers, or rather (as I suspected) a secret allowance of what was done, made all my endeavours in this ineffectual. And now no punishment being able to reach them, all affairs were steered after this compass:—the king and his party in hopes; those of the parliament, and others, who kept to their covenant interest, in fears; so as for many months all publick councils were turned into private juntos, which begot greater emulations and jealousies among them: So that the army would not trust the king any longer with the liberty he had, nor the parliament suffer the army to undertake that which was more properly their own work—to settle the kingdom in its just rights and liberties; and the army was as jealous that the parliament would not have care enough of their security.

All things growing worse and worse, made the king endeavour to escape, which he did; but out of a larger confinement at Hampton-Court, to a straiter one in the Isle of Wight.

Here the parliament treated upon propositions of peace with the king; but alas! the envious one sowed tares that could not be rooted out, but by plucking up the corn also.

The king was the golden ball cast before the two parties, the parliament and the army; and the contest grew so great, that it must again have involved the kingdom in blood; but the army having the greater power, got the king again into their hands, notwithstanding all endeavours to hinder it.

The treaty was scarce ended, before the king was seized on by the hands of the same persons that took him from Holmby: soon after followed his trial.

To prepare a way to this work, this agitating council did first intend to remove all out of the parliament who were like to oppose them, and carried it on with such secrecy, as I had not the least intimation of it till it was done, as some of the members of the house can witness, with whom I was at that very time upon special business, when that attempt was made by colonel Pride upon the parliament, which I protest I never had any knowledge of till it was done. The reason why it was so secretly carried, that I should have no notice of it, was, because I always prevented those designs when I knew them.

By this purging of the house, (as they called it,) the parliament was brought into such a consumptive and languishing condition, that it could never again recover that healthful constitution which always kept the kingdom in its strength, life, and vigour.

This way being made by the sword, the trial of the king was easier for them to accomplish.

My afflicted and troubled mind for it, and my earnest endeavours to prevent it, will, I hope, sufficiently testify my dislike and abhorrence of the fact. And what will they not do to the shrubs, having cut down the cedar?

After this, duke Hamilton, the earl of Holland, the lord Capel, and others, were condemned to death.

It is fit for me in this place to say something for my own vindication about my lord Capel, sir Charles Lucas, and sir George Lisle, who were prisoners at mercy upon the rendering of Colchester, seeing some have questioned the just performance of those articles.

I laid siege to the town, and made several assaults; but finding their forces within much more numerous than those I had without, I was forced to take another course in blocking them up, and, by cutting off all supplies, to bring them to a surrender; which, after four months close siege, they were compelled to, and that upon mercy, being in number three or four thousand men; and delivering upon mercy is to be understood that some are to suffer, the rest to go free.

Immediately after our entrance into the town, a council of war was called, and those forenamed persons were sentenced to die, the rest to be acquitted.

This being so resolved, I thought fit, notwithstanding, to transmit the lord Capel, the lord Norwich, &c., over to the parliament, being the civil judicature of the kingdom; consisting then both of lords and commons, and so most proper judges in their case, who were considerable for estates and families. But sir Charles Lucas and sir

\* Anthony Wood, no great favourer of Fairfax, gives, however, full credit to the sincerity of his efforts to save the king's life, and a strange account of their termination.—“When the war was terminated, and no enemy, either in field or garrison, left, he went to London in November, 1646, where he was in a most high manner joyed and caressed by the citizens of London and parliament, for the great service he had done for the commonwealth, and nothing was thought too good or great for him. After his majesty was taken away from Holdenby, and conveyed to Chilterley, Newmarket, &c., he expressed himself civil to him, as he did afterwards at Hampton-Court; but then having no pious frauds in him, or dissimulation for a good end, he did not, or could not endeavour, as being no politician, to countermand the diabolical designs of Cromwell and his hell-b crew. He did not endeavour to repel or hinder the remonstrance of the army, the purging of the House of Commons of its chief members, the agreement of the people, &c., but was lulled on in a kind of stupidity. ’Tis true, before the king was beheaded, (in order to whose trial he was nominated the chief judge, but did not sit,) he did use his power and interest to have the execution deferred for some days; forbearing his coming among the officers; and did fully resolve, with his own regiment, to prevent the execution, or have it deterred till he could make a party in the army to second his design. But behold his policy! All the morning of that day on which the king was beheaded, and the time when he was beheaded, he was with certain officers in the army, at prayer, or in discourse, or both, in major Thomas Harrison’s apartment in Whitehall, (being a room at the hither end of that gallery, looking towards the Privy-garden,) and knew nothing of it, as it doth appear by this passage. When his majesty was beheaded on a scaffold joining to the Banqueting-House in Whitehall, and his corps thereupon immediately confined, and covered with a black velvet pall, bi-hop Juxon, who attended him on the scaffold, and Thomas Herbert, the only groom of his bed-chamber that was then left, did go with the said corps to the Back-stairs, to have it embalmed; and Mr Herbert, after the body had been deposited, meeting with Fairfax the general, Fairfax asked him how the king did? Whereupon Herbert looking very strangely upon him, told him that the king was beheaded, at which he seemed much surprised. Afterwards, Herbert walking farther in the gallery with the said bi-hop, they were met by another great commander, named Oliver Cromwell, who knew what had lately past; for he told them, unasked, that they should have orders for the king’s burial speedily, as I have been informed by the letters of the said Thomas Fairfax.” —Wood’s *Fasti Oxonienses*, II, 87. The common report of historians states that Harrison was employed to pray with Fairfax, by way of seeking the Lord’s will on this important occasion, and that he prolonged his devotions until the blow was struck.

George Lisle being mere soldiers of fortune, and falling into our hands by chance of war, were executed; and in this I did nothing but according to my commission, and the trust reposed in me.!

But it may be objected, I went into the court during the trial; to which I answer, it was at the earnest request of my lord Capel's friends, who desired me to explain there what was meant by surrendering to mercy: Otherwise I had not gone, being always unsatisfied with those courts.

For this I need say no more, seeing I may as well be questioned for the articles of Bristol, Oxford, Exeter, or any other action in the war, as this.

I have now related the most remarkable things that might be alledged against me during the prosecution of the war.

One thing more requires I should say something to before I conclude; that is, concerning papers and declarations of the army, that came out in my name, and the council of officers.

I say, from the time they declared their usurped authority at Triploew Heath, I never gave my free consent to any thing they did; but being yet undischarged of my place, they set my name in way of course to all their papers, whether I consented or not: And to such failings are all authorities subject. Under parliament authority many injuries have been done; so here hath a general's power been broken, and crumbled into a levelling faction.

Yet even this I hope all impartial judges will interpret as force and ravishment of a good name, rather than a voluntary consent, which might make me equally criminal with that faction. And if in a multitude of words, much more in a multitude of actions, there must be some transgressions, yet I can truly say, they were never designedly, or willfully committed by me.

All the power being got into the army, they cut up the root of kingly government; after this were engagements made to abolish that title. Then was war declared against Scotland, for assisting the king, and several leagues made with foreign princes, to confederate with their new government, which was now a commonwealth, against the kingly power.

All this I saw with grief and sorrow; and though I had as much the love of the army as ever, and was with great importunity solicited by that remaining parliament and soldiers to continue my command; and though I might, so long as I acted their designs, have attained to what height of power, and other advantages, I pleased; yet, by the mercies and goodness of God, I did, so long as I continued in the army, oppose all those ways in their councils; and when I could do no more, I then declined their actions; though I did not resign my commission, which I had from the parliament, till the remaining part of it took it from me.

Thus have I given you the sum of the most considerable things for which the world

<sup>4</sup> Lord Fairfax is severely stigmatized for the expression "soldiers of fortune," as well as for his whole conduct upon this occasion, by the author of his life, in the *Biographia Britannica*.—"Whereas Sir Charles," says that author, "was no more a soldier of fortune than his lordship; for he had an estate in Essex, till dispossessed of it by plundering rebels, and was heir to the honour and estate of his brother, John, Lord Lucas, for want of issue-male. In his letter to the parliament, his lordship seems to question whether he had not prejudiced the honour and justice of parliament in their execution.—'For some satisfaction,' says he, 'to military justice, for the innocent blood they have caused to be spilt, and the trouble, damage, and mischief they have brought upon the towne, this country, and the kingdome, I have, with the advice of a counsell of warre of the chief officers, both of the country forces and the army, caused two of them, who were rendered at mercy, to be shot to death, before any of them had quarter assured them. The persons pitched upon for this example were, sir Charles Lucas and sir George Lisle, in whose military execution I hope your lordships will not find cause to think your honour or justice prejudiced."—*Biographia Britannica*, vol. III, 1750, p. 1888.

may censure me during this unhappy war; and I hope, in all my weakness and failings there shall not be found crimes of that magnitude, to make me be numbered with those who have done these things through ambition and dissimulation.

FINIS.

*Thomas Lord Fairfax, his Epitaph, made by the Duke of Buckingham.*

Under this stone doth lie  
 One born for victory—  
 Fairfax the valiant, and the only he  
 Who e're, for that alone, a conqueror would be.

Both sexes vertues were in him combin'd;  
 He had the fierceness of the manliest mind,  
 And all the meekness too of womankind.

He never knew what envy was, nor hate;  
 His soul was fill'd with worth and honesty,  
 And with another thing besides, quite out of date,  
 Call'd modesty.

He ne're seem'd impudent but in the field, a place  
 Where impudence itself dares seldom shew its face.  
 Had any stranger spy'd him in a room,  
 With some of those whom he had overcome,  
 And had not heard their talk, but only seen  
 Their gesture and their mien,

They would have sworn he had the vanquisht been:  
 For as they bragg'd, and dreadful would appear,  
 Whilst they their own ill luck repeated,  
 His modesty still made him blush to hear  
 How often he had them defeated.

Through his whole life the part he bore  
 Was wonderful and great,  
 And yet it so appear'd in nothing more  
 Than in his private last retreat;  
 For 'tis a stranger thing to find  
 One man of such a glorious mind  
 As can despise the power he has got,  
 Than millions of the Poll's and Braves,  
 Those despicable fools and knaves,  
 Who such a pudder make,  
 Through dulness and mistake,  
 In seeking after power, and get it not.

When all the nation he had won,  
 And with expence of blood had bought  
 Store great enough, he thought,  
 Of fame, and of renown,

*Tracts during the Reign of King Charles I.*

He then his arms laid down  
 With full as little pride  
 As if had been o' th' conquer'd side,  
 Or one of them could do that were undone.

He neither wealth nor places sought ;  
 For others, not himself, he fought.  
 He was content to know,  
 For he had found it so,  
 That when he pleas'd to conquer, he was able,  
 And left the spoil and plunder to the rabble.

He might have been a king,  
 But that he understood  
 How much it is a meaner thing  
 To be unjustly great, than honourably good.

This from the world did admiration draw,  
 And from his friends both love and awe,  
 Remembring what he did in fight before.  
 Nay, his foes lov'd him too,  
 As they were bound to do,  
 Because he was resolv'd to fight no more.  
 So blest of all he di'd ; but far more blest were we,  
 If we were sure to live till we could see  
 A man as great in war, as just in peace as he.

---

*An unhappy View of the whole Behaviour of my Lord Duke of Buckingham, at the French Island called the Isle of Rhee, discovered by Colonell William Flectwood, an unfortunate Commander in that untoward Service. 1648.*

---

This is a most fierce and prejudiced impeachment of an expedition, ill planned, and unhappily terminated. It is here ranked, according to the date of its publication, in 1648, but was probably circulated, in manuscript at least, if not printed, long before. Nothing too strong can be said of the duke's ill conduct, but all good authorities allow that he behaved with personal gallantry ; whereas this disaffected officer, in the usual style of such a character, gives the valour of the troops the sole credit for any partial success, and throws the blame of every miscarriage on the cowardice of the general.

---

At a private assembly at the councill table, by the king and the lords, and to extinguish the ignominy of the former service of Cales, an attempt into France was conclu-



ded on, and the duke designed for generall; who took the honour indifferently gladly, presuming to recover his lost honour and credit by his own prowesse in this exploit.

Hereupon began a strong presse of soldiers, so large a provision of victuals, and other maintenance for them, as could not but in common reason promise a boon voyage to come, if the intent were closely carryed.

But before any souldiers were imbarqued, the duke, out of an evil will to the weal-publique, divulged the plot at court very freely, without any feare or wit; whereby the worst of our ill-willers wheresoever (taking but the pains to addresse themselves thither) might know all for an easie attention, which must needs be half a prevention of the hopes in question.

Upon the point of our first setting to sea, the duke, out of a distrust of some miserable death that might befall himself in the voyage, as of the consideration of being for a time estranged from his effeminate pleasures here at home, from which no warlike service could ever with-draw him, would willingly have relinquisht his charge, without any allegation, either of the weakness, unexperience, or insufficiency of his own person; but that he was prickt and spurred on to it afresh, by the only perswasion of his majesty: For that the eyes of all the troops were fixed on him for their chieftain.

Upon this we put forth to sea, and inclined ourselves, by the dukes direction, to the Island of Rhce, or St Martins.

Where, as well every mechanick and common souldier, as captains and collonels in our company, knew where our journey was to end. But, Lord! the dukes carriage at sea was obstinate and ridiculous, and altogether backward to his faith and credit, laid to pawn here at home in his absence; for whatsoever the circumspect commanders under him had propounded, as behoovefull, he would be sure to gain-say it; under a vile penalty to command that no invention should be so much as set on foot, but what proceeded from his study and approbation; so to be wholly enriched and dignified with the attribute of compassing all the good fortune that could any way attend the enterprize, as he now, contrariwise, surfeits of the disgrace.

The islanders, through the largeness of the dukes tongue, being too inquisitive after their fortifications, of divers plague passengers at sea, were acquainted with our meanings long before they saw us; and we arrived not there without an unlucky expectation and entertainment.

After we had viewed the fort and situation, we began to demand of the duke where-in our country could be advantaged by suppressing such a vast, strong, ill-favoured place, in that the maintenance thereof, after our conquest, would yearly expend very near as much as the profit could amount unto.

To this he replied, that through his own entreaty, upon his majesties signing of his commission, he was only put upon this island, which, if he should but recover at his return, it would redeem all his lost honour at home; and so commanded us to intrinch ourselves.

We all being confident that the expression could not but proceed from an undaunted heart, some of us presently, in a desperate manner, went on shore, (expecting the duke and his retinue at our heeles,) where we were suddenly unawares encountered very sharply by some troops of French horsemen, which (by meanes that the duke kept at sea, and came not in to our succour) so oppressed us with their multitude, that many of our company, in our return to our ships, were hewn to pieces, or drowned in the water; as sir William Hayden, Mr Temple of Lincoln Inne, and many other of good parentage.

The third day after the repulse, we renewed our strength, and went all again on shore, and there fortified ourselves for our most advantage; and in short time after, so furiously summoned the island, that the inhabitants were constrained to retire to their

fort, as their last refuge, to the gates whereof we pursued them with great terror, and took some prisoners.

Then perceiving the strength and compass of the fort, and understanding that it was well victualled for a lingering siege, we recoyled back, and intrenched ourselves anew from the annoy of their cannon; and by degrees we came at last to environ it almost round, (as far as it was any way needfull,) and yet kept out of the danger of their ordinance still, and for a good while deprived them of all succours, both by sea and land, and so planted our battery.

Thus farre we sped indifferently well, having, in recompence of our first overthrow, gained the island, and put ourselves in possession of it.

The honour and applause whereof detesteth the duke and his best merits in the whole action, and, next under God, reflects on the ever-having fame and memory of that right valiant and heroiq̄ gentleman sir John Burrows, by whose only reach it was compassed, and whole act herein, since, in a calme season, he was afterwards treacherously slain, deserves, if one may say so without presumption, to immortalize his soule.

The fort now remaining unyeilded, and standing betwixt us and a reasonable conquest, by the powerfull and searching perswasion of sir John Burrows, as well common souldiers as captains protested to have too, or else to dye in the field; which promise the very flower of all our commanders there were enforced in the end to make good, to the very effusion of their dearest blood. And thus we continued our battery for above two moneths space; and yet in all that time, through the extraordinary strength of the place, by reason of the rampiers and barricadoes that the defendants had new erected within, we could make no breach, nor take other opportunity to give an assault.

Whereupon, for that our provision held out well, it was determined by sir John Burrowes, (whose weakest advise at this time the multitude were readier to follow than the best of the dukes,) that we should beleagure the fort round still as we had begun, and without a surrender thereof by a long siege, should starve up the defendants: and (all things considered) this was the only way to surprize so impregnable a place.

The duke was infinitely incensed with this sway of sir John Burrowes, and his own neglect, and therefore by degrees hee endeavoured to allure the hearts of the souldiers from him, which bare words could not doe, nor bring to passe, till he privately had distributed to some of them assenting, the pay of the rest dissenting; whereupon such a murmuring discontent arose betwixt the faction of sir John Burrowes and the duke, that had not sir John suddenly quieted all by his wisdom, we had certainly mutined amongst ourselves, to all our confusion, and so have given the enemy an occasion of advantage; but they seemed to be reconciled, and new-celebrated the amity, the same night, by a private supper in the dukes tent.

But such is the malice of a vindicative heart, that it is never appeased, but remains still inexorable and devilish.

For the next morning sir John Burrowes (according to his daily wont) surveying his own trenches, and being clear out of all danger of the fort, was in an instant stricken dead in the place with a musket shot, by an unknown hand, and so gives up his spotlesse soul into the joyes of heaven, that had never done but good on earth.

The newes and manner of this bred a new hurly-burley in the campe, and ready we were to dye againe upon each others swords; but through fresh rewards from the duke to some, and lord-like meanes to other some, that had been formerly rewarded, all were once more quieted, and our provision was much lessened; whereupon my lord of Holland was sent to for our reliefe, but came not.

About this time there was news that the French king approached with reliefe for the fort, and to raise our siege, whereupon the duke, for the safe-guard of his own person, (whereas his retinew were the strongest already,) withdrew two of the best regiments

from the sure places where sir John Burrowes had formerly allotted them, for his own defence in particular, and so left all manesse; which the French convoys perceiving, entered there the same night, and relieved the fort in abundance, both with fresh soldiers and provision; and so nightly, for a week together, came under our noses with the like stuffe, and yet the duke would not suffer us to encounter them; pretending that hee feared the French king at his backe, when (alas) there was neither king nor French army there.

When the fort was as well manned as victualed, the defendants began divers times to confront and brave us, before their maine sally out; yet this our generall would neither permit us to encounter them, nor at last to continue our battery; so that in a very discontented manner we lay idle, riotously consuming the remainder of his majesties allowance, without attempting any thing worth the while: Insomuch that I myselfe impartially demanded of the duke what he would do with us; whether he longed to inthrall us to his owne ignoble pleasure, or to starve us up instead of the defendants; but could draw no other answer from him, but that he was our generall, and so we should know it, by the strict hand he would carry over us.

And for our further proceedings against the fort, wee should go on in our idlenesse till we heard further from him.

Wee, that were colonels and prime officers under him, could hardly brook this his untoward carriage, (as raw meat on our stomachs;) yet for quietnesse sake, to repell mutenies in the camp, we smothered our grudge, without any appearance of heart-burning to the multitude, and so lay expecting a miserable success of all our undertakings. Afterwards the duke told us that he had secret intelligence out of the fort, that most of their best souldiers had conveyed themselves away by night, for feare of a new supply by my lord of Holland; and that the remnant (if we lay still intrench) would shortly become our vassals; which news being confirmed, with as large protestations as could proceed from the heart of any Christian man, made us so far credit him, as to lie secure, and to presume that this, once done, would make us all as happy as our confidence in his word could any wayes make us miserable by the contrary.

The very next morning after this consultation, which fell out to be the day of doom to most of us, the duke being sensible of his perfidious dealings, and that was the day the defendants would encounter us to death, notwithstanding what his engagement for our safety had formerly bin to the contrary, privily, in his tent, by the help of his faction, attired one of his own followers, every way much resembling himself, in his warlike habit and colours, with instructions suitable to the deceit; and then, disguised as a faint and impotent souldier, got himself a shipboard, and not only left us ignorant of the bloody intent towards us, but also made us incapable to prevent it when we could.<sup>1</sup>

Immediately upon this, we suspecting as little this treachery, (as that which came of it,) the defendants numberlesse sallied out, and with such violence and fury assayed us in our trenches, (they taking most of us unarmed, and daunted with the sight of the multitude,) that we were glad to fly for our lives.

Which retreat cost most of us our lives, (as the assault and both fell out in the end,) to make up a conquest to the French, and an absolute overthrow to us.

The wildnesse of my lord Mountjoyes horse was the cause of his surprizall, and as well of the death of some of our own men; for that he not onely avoyded the enemies charge, but confusedly ranne upon, and beat back divers of our best horses, which otherwise to the very death would have stood it out.

In our flight we aimed at a certain narrow bridge over a great river, which if we could have recovered and passed, we had stopt the pursuit of our enemies; but through their policy we were prevented, by their overturning a loaded cart there before-hand,

<sup>1</sup> This imputation is quite absurd, in an age when men fought bare-faced.

which we must either climb over, or leape into the river or salt-pits; which most of our company being unable to doe, were instantly hewen in peeces; Sir Charles Rich, and others of great esteeme, who in the very deadly extremity were offered quarter, but would not, rather chusing to dye honourably, then longer to live with infamy and torment. I my selfe perceiving the folly of resisting any longer, having one of the best horses in the company, was forced to take an infirme salt-pit, where both my selfe and my horse stuck fast in the ground, and where I had suddenly a gashly wound in the legge with a bullet, and so I lay struggling for life. Lord, Lord, (me thought,) what paine it was to dye so; and divers of our company and commanders were in the like distresse. But in the end, the French horsemen wanting shot to reach us in the water, by the valliancy of the poore remainder of our souldiers that were gotten over the cart, wee were dragged a shoare, and so being at that time unpursued, were conveyed out of danger.

During the time of our conflict our counterfeit general fought very resolutely, and got a gash or two in his shoulder for his pains and labour, which (before we knew the deceit) made us, notwithstanding our losses, to commend him for a valourous commander; but through the dukes backwardnes, some of those that were trusted with the knowledge of this villany, we understood it all in two dayes after, in our comfortlesse journey homewards; and we had thereupon presently mortalized his carkasse for amends, but that, upon a more mature deliberation, we thought it fitter to let him die at home, by the unquestionable hand of the parliament; so he himself could not take this as his preservation, but as his reservation to a more infamous end. And; truely, should the revenge of the parliaments almost extremity seize upon him, it would be but correspondent to his merits, that would find in his heart to lye secure himself, and all the while to see us, that were his charge, knocked down, and slaughtered like dogges. O let him go to the grave, and let no man stay him, for it is a sin to pity him in his worst estate.

My lord Mountjoy was the onely man of note of our party that accepted quarter, and was since very honourably ransomed, and sent home againe; which proceeded more from the heroique clemency of the French king, than for any desert either of his own or ours.

One of our French prisoners, that we have taken at our first encounter, confessed to me, in our return homewards, that had sir John Burrowes lived one two dayes longer, the defendants were concluded to have given up the fort, and all the treasure in it, to our disposure, in respect they had so miserable experience of his vigilant intercepting of all their convoyes, and stopping of their passages; and therefore this reach could not but redownd to their utter confusion in the end, unless they submitted themselves betimes; but the news of his death was joyous unto them, as it was grievous unto us, and made them resolve to dye in their own defences; but the mistake at last cost most of us our lives.

And this is the whole description of our mis-fortunes, which, upon a due consideration, (I think,) must needs provoke the poorest affected of our nation to endeavour a revenge to be done. In all our future voyages, he must and will be still our general, and then to thrive (at least) after the old fashion, we must assure our selves.

We have not been a little famous in France, for conquest heretofore with a few; but God Almighty is omnipotent and just, and we now see it is his pleasure to make us all to suffer for the sin and lacious life of this one man. His will be done in all.

And if we can, we must be content. (Besides, too, notwithstanding,) he hath been the death of divers of the nobility, the unlucky overthrow of all our late voyages.

The unknown consumer of our treasury, and the utter confusion of the poore protestants in France, now daily massacred, without all pity, through their needlesse defence of their religion.

Yet it is the kings pleasure still to afford him his wonted grace and connivance for all this; and treason it is apparent to denounce him faulty in any thing; but let his majesty look to it, for his longer sheltering of this rich traitor, and false-hearted man, both to God and his country, which will be the ruine both of himself and his kingdom at last. Yet then I have hope (out of the integrity of his heart, now whilst it is called to-day, and before the evil day come) he will give him over to the parliament, whilst it is of strength to punish him; and that they, for their parts, will send him to H., without any more adoe.

If any hereafter shall maligne, or goe about to disprove me in any one of these points, (so I may be unquestionable for this presumption.) I will, notwithstanding my lameness, maintaine all, upon notice, to his face, to the expence of my dearest blood: In the interim, I expect good news from the parliament by the next faire wind.



---

**TRACTS**  
**DURING**  
**THE REIGN OF KING CHARLES I.**

---

**FOURTH CLASS.**  
**MISCELLANEOUS TRACTS.**

---





## KING CHARLES I.

### FOURTH CLASS.

## MISCELLANEOUS TRACTS.

---

*The Letany of John Bastwick, Doctor of Phisicke; being now full of Devotion, as well in respect of the common Calamities of Plague and Pestilence as also of his owne particular Miseric; lying at this instant in Limbo Patrum. Set downe in two Letters to Mr Aquila Wykes, Keeper of the Gatehouse, his good Angell. In which there is an universall Challenge to the whole World to prove the Parity of Ministers to be Jure Divino. Also, a full Demonstration that the Bishops are neither Christs nor the Apostles Successors; but Enemies of Christ and his Kingdome, and of the Kings most excellent Majesties Prerogative-Royall. All which hee undertaketh to make good before King and Councell, with the hazard of otherwise being made a Prey to their insatiable Indignation. A Booke very useful and profitable for all good Christians to read, for the stirring up of Devotion in them likewise.*

PROVERBS, chap. xxv. ver. 2.

It is the glory of God to conceale a thing, but the honour of the king is to search out a matter.

Printed by the speciall Procurement, and for the especial Use of our English brethren,  
in the Yeare of Remembrance, anno 1637.

---

This singular performance ought to have been inserted in the class of Ecclesiastical Tracts; but having come to the editor's hands since that department was printed off, he still judged proper to republish it, were it only to show what very insignificant implements the wisdom of Providence deigns to employ in the revolutions of great nations. Clarendon's character of the author, John Bastwick, as "a half-witted, crack-brained fellow, but one that had spent his time abroad, between the schools and the camp, for he had been in, or passed through armies," is justified by the tenour of this his once-celebrated Litany. At the time of composing this diatribe, Bastwick was in *limbo patrum*, as he calls it—the Gatehouse prison namely, to

which he had been committed for writing a work entitled, *Flagellum Pontificis et Episcoporum Latialium*, in which he was supposed to have had the bishops of England in view, rather than those of Italy. This confinement, though uncommonly rigid, was so far from taming his furious and inflexible temper, that he only employed the leisure it afforded him in new attacks upon Laud and the prelacy. Amongst these his Litany was most celebrated, and was indeed, by a mixture of violent abuse and low humour, particularly calculated to please the crowd. Laud gave way to his wrath against the author with little prudence, and less moderation. Bastwick, with Burton, and the yet better known Prynne, was tried on the 14th June, 1637, in which one of the particular charges against him was, the having written the following Litany. The sentence was cruel in the extreme, and even, in Lord Clarendon's judgment, far exceeded the offence. The three puritanical writers were fined 5000l. a man, sentenced to stand in the pillory, in the Palace Yard at Westminster, there to have their ears cut off, and thereafter to be perpetually imprisoned in remote parts of the kingdom:—A judgment more terrible than death, and which, nevertheless, the sufferers sustained with the utmost courage. Bastwick was sent to the Isle of Scilly, but in the first year of the celebrated Long Parliament he was liberated, by an order from the House of Commons. The noble historian gives the following account of the triumphant return of these sufferers in the cause of puritanism. "Prynne and Burton being neighbours, (though in distinct islands,) landed at the same time at Southampton, where they were received with extraordinary demonstrations of affection and esteem; attended by a marvellous flux of company; and their charges not only borne with great magnificence, but liberal presents given to them. And this method and ceremony kept them company all their journey, great herds of people meeting them at their entrance into all towns, and waiting upon them out, with wonderful acclamations of joy. When they came near London, multitudes of people, of several conditions, some on horseback, others on foot, met them some miles from the town; very many having been a day's journey; and they were brought, about two of the clock in the afternoon, in at Charing-cross, and carried into the city by above ten thousand persons with boughs and flowers in their hands; the common people strewing flowers and herbs in the ways as they passed; making great noise and expressions of joy for their deliverance and return; and in those acclamations mingling loud and virulent exclamations against the bishops, 'who had so cruelly prosecuted such godly men.' In the same manner, within five or six days after, and in like triumph, Dr Bastwick returned from Scilly, landing at Dover; and from thence bringing the same testimonies of the affections and zeal of Kent, as the others had done from Hampshire and Surrey, was met before he came to Southwark by the good people of London, and so conducted to his lodging, likewise in the city."—CLARENDON, vol. I. p. 160.

Bastwick appears to have had some command in the service of parliament during the civil wars; but at their very commencement he fell into the hands of the royalists, at Leicester, and narrowly escaped being hanged for high treason. He escaped, however, for the king's party durst not venture on such violence, for fear of retaliation. How long he remained in prison, I am ignorant, but he seems, from some of his copper-plates, to have been afterwards a captain of foot in the parliamentary army: See Granger, under the article *Bastwick*.

---

*John the Phisitian to the Vertuous and Elect Lady, the Lady Walgrave, at her House in Worminford, in Essex.*

MADAM, in these times of great danger, being every way invironed with the contagious sickness of the plague, and seeing all possibility taken away (without a miraculous hand of deliverance) of ever escaping the common calamity of mortality; having set my cottage in order, which was quickly done, (little, I thanke my good friends, being left unto mee;) and having bequeathed my wife and children, and all my stock and substance, to the benediction of the Grand Creator and Sovereigne Preserver of all things, and my spirit into the hands of my blessed Redeemer, nothing sollicitous for my body, (now none of mine owne;) and being most assured of a happy meeting and sweet conjunction, though wee have tasted here of much bitterness, and forced

to a violent separation;—having, I say, thus ordered all things, I gave up myself, being then full of devotion, to the meditation of the vanity of all things here beneath, and to the contemplation of celestial blessednes: In the comparing of the which two things together, I found such a surpassing excellency and transcending beauty in the one, as the other seemed nothing but meere deformity to it.

I began then exceedingly to reioice at mine owne condition, and to thinke it none of the smallest beatitudes in this life to meet with adversities, and to be confined to solitude in the middest of perill; for it was as tinder and fuell for the kindling and cherishing of all good motions, and a most excellent meanes of the soules retiration from the love of these sublunary things; the desire of the which make most men restlesly miserable. To speake the truth, in this privacy of mine, in the aparitions of my heart, meethought I was in the suburbs of the empyrean paradise, enjoying the beatifical vision; but reflecting my eye from that surpassing beauty and excellency, and looking againe into the glasse of the creature, I saw the perpetuall revolution of all things, and the inevitable inconstancy of the same: By which my affections began more to abhorre them, and more inflamedlier to love the place of permanent and glorious immortality. Withall, I came there to discover which were the best creatures, which were the worst, which were the most subject to their Maker, which were most disloyall, which were the most usefull, which were the most noysome, which were the most to be beloved, and which were most to be abominated.

And although Paules notions, in his rapture, were such as could not be expressed, yet mine were of an inferior allay and nature, and easily effable: Which I do most willingly communicate to you, madam, that you may know what things are most dangerous, and chiefly to be prayed against; what things most to be esteemed and earnestly wished, which was one of the principal causes of this nuncupating my Letany to your ladiship; though, withall, I aymed at the common good of my countrymen; and that all men might take notice how much I honour your goodness; and that as in the time of my prosperity you seemed to favour me, so now in the dayes of my bonds I might not onely shew my grateful memory unto you for the same, but also eternalise your name, and make it perennally live, while I am dying.

I most willingly confesse, I had never beene truly acquainted with the comfort of such sweet contemplations, had not great desolation come upon me on every side; for you well know, madam, I was made a prey to mine enemies, a scorne to all the prophane, and sonnes of Beliall; forsaken of all, from the king that sits upon the throne, to the peasant on the dunghill. No sooner was I strucke with the tayle of the scorpion, but all the gentry in the country abandoned me immediately, as if I had been then wounded with the contagion, so that I was a spectacle of misery, and abhorred of my very familiars. The rurall courtiers likewise were all afraid of me; and for the nobility, I was made abominable to them, though unknowne; insomuch, as if any had chanced to name me among them, they would forthwith reply, Where is that rascal? And to all this misery of desertion, and the spoyling of my goods, Satan cast me into prison, where I have now continued in strait durance almost these two yeares. All which things would drive any man to his prayers and devotions, especially the epidemical calamity also adhering so close unto him.

And little do you thinke, madam, for what I and mine suffer this misery. I desire you may not ever be a stranger to it. My wife and all my small children are deprived of all comforts, for my maintaining the religion established by publick authority, and the kings most excellent majesty's prerogative-royall, and no other cause. How good a subject I have ever been, you can well witness for me; and how ever I have maintained princely regality against papall usurpation and pontifician tyranny, I may boldly say; I have deserved better from king, church, and state, in writing that booke for which I suffer, then all the prelates in England put in one bulke can do, or then most

of them have capacity to judge of. And for the honour of God and the king, or the defence of either, I dare undergoe and suffer more then they dare thiake; and better able I am to doe my prince and country true service, both with my sword and with my pen, then a legion of them; and yet I in bonds, and they at liberty.

They pretend they are the great and faithfullest servants of the king; but I know they are his enemies, and their arrogancy unsupportable, and not farre from blasphemy, and their ingratitude to his majesty notorious. At my arraignment at Lambeth, they condemned mee onely for writing a booke against the pope and Italian bishops, and such as vindicate authority over all kings and princes and their fellow-brethren, *jure divino*: From the number of which I excluded ours, and all such bishops as acknowledge their authority from kings and emperors; expressly saying, in my booke and at the barr, that I intended no dispute against such. Withall, I alledged the statutes, confirmed by both the kingdomes of England and Ireland, by the lords temporall and spirituall, in their publick parliaments, and by all the commons, in the which it was solemnly established and ratified, that all the authority the bishops now exercise over their brethren, in both the dominions, is meerey in, through, from, and by the gracious favour of the king, and immediately derived from him to them, as supreme head; under Christ, in his kingdomes; and that whosoever did not acknowledge the same was, *ipso facto*, in a premunire, an enemy of the king, and under his displeasure and heavy indignation. I added furthermore, that I was sworne by the oath of my allegiance, which I had often taken, to maintaine, to the uttermost of my power, the kings supremacy; and that they likewise, in that publick assembly, and all the judges of the kingdome were equally bound unto the same; and that without incurring his majestyes high displeasure, and perjuring my selfe, I could do no lesse then that I did, being provoked by a papist thereunto. Notwithstanding all this, they averred the authority that they now exercised in England over their brethren was *jure divino*; and that Jesus Christ made them bishops, and the Holy Ghost consecrated them; and that they were princes, and had their thrones, and were before Christian kings, and held the crownes of princes upon their heads; and that all that were of a contrary mind, as Calvin, were base fellows, and enemies of monarchall government; and went about to overthrow kingdomes, for no bishop, no king. Whereupon, after infinite expences, they adjudged mee to pay the costs of sute, to imprisonment, till recantation, (and that is till doomesday, in the afternoone,) to the losse of my practice, and censured my booke to the fire; and after they had most unworthily bespewed mee with contumelies and reproches, and railed at me in the open sessions, and said I ought to be knocked downe with club law, (though I provoked them not in the least thing,) then they fined mee a thousand pounds, and gave mee over to the devill. A good and godly censure it was, of which I may say, as a poore, silly, old country man spake, comming once to London in the time of a greate plague, and seeing a superscription over a doore, not being acquainted with such things in the country, and reading it. It was, "Lord have mercy upon us." I promise you, (saith he,) a good and a godly saying, I would every house in the towne had as much on it; meaning no ill poore man. So I say their sentence was a good and a godly sentence; I would every prelate in England were under the same.

But now, good madame, let me intreat you to looke upon this censure of the bishops, a little passing by the untruths in it, and their ingratitude towards the king, come to the blasphemy against God, and the wrong done to the subjects. No bishop, no king, the prelates maxime; what is blasphemy, if this be not? God challegeth this prerogative, as peculiar to himselfe, saying, By me kings raigne: kisse the sonne, lest he be angry. He puts downe the mighty from their thrones, and exalts the humble and meeke. And the Lord sayes againe, A king that judgeth the poore in truth, his throne shall be established for ever: Remove the wicked from the

king, and his throne shall be established. This is the dialect of God himselfe. These things established the crownes of kings, and this is the language of Canaan, so to speake. For the prelates prattle in their courts, no bishop, no king, it is one of the solecismes of the beast; and I averre it to be injurious to God, the king, the whole nobility, and all the subjects; as if they did nothing for the upholding of his imperiall diademe. If they truly feared God, and loved and honoured the king as they ought, they would remove such wicked fellows from him, that his throne might be established for ever, as the sun in the firmament.

For the prelates to say, no bishop, no king, is as great impiety as to say, no devill, no king; which were damnable to thinke: Yea, a man may better say it, then no bishop, no king: For of all creatures, bishops, priests, and deacons are most wicked, ungratefull, disobedient, and rebellious: And disobedience is as the sin of witchcraft, and rebellion as the iniquity of idolatry; and Saul for his disobedience alone to God lost his kingdome. Now, I say, if disobedience to God be the overthrow of kingdomes, and the ruine of nations, by pulling downe plagues among them, can any man thinke that those that live in a perpetuall rebellion against God are the onely supporters of kings crownes and dignities, when they pull downe speedy destruction upon their dominions and empires? Let the histories of times be read, and you shall see how many flourishing kingdomes and monarchies have been made desolate by bishops, but none established by them: For the Lord Jesus saith, "Bring mee those mine enemies to mee hither, that I may slay them that would not that I should rule over them." If slaughter to a kingdome be the preservation of it, then the prelates are the maintayners and preservers of it; for of all creatures, they are most rebellious and impious; which that you may not thinke, most vertuous lady, I speake more out of hatred or passion then from reason, let mee intreate you to compare the obedience of the priests and prelates with all other creatures obsequy, and you will quickly be convinced of the truth of this assertion. Behold, therefore, the creatures in general, heaven, and earth, you shall find them ever most obnoxious to the great architect. Look againe upon all the elements, fire, aire, water, earth, all most morigirous. The winds and the seas obey him, exceeding not their bounds and limits; doing whatsoever he commands them, even against their owne nature, as divine authority abundantly every where testifies. See againe all the meteors of raine, haile, snow, sleet, frosts, dews, all at his command, and ever in their seasons; and every creature, as the centurion said, speake but the word, it is done, for every thing is at thy beck; yea, the very devils themselves were subject to him. What he commanded them, what he forbade them, it was equally listened unto and performed, without any reluctance, as all the gospels witness. But prelates, priests, and deacons will do nothing he bids them, nor leave undone nothing he forbids them. If God bids them feed his sheepe, as they love him, and as they will answer it at his great appearing, and before that terrible tribunall; and that they should feed the flocke which he hath redeemed with his most precious blood, preaching in season, and out of season,—they act like a dog in a manger; they will neither feed themselves, nor let others feed: they say plainly there is too much preaching. Is not this now fine obedience? If God forbids them to be lords over his inheritance, then say they, take away all government. What shall we thinke; is Christ, or are they to be beleevd? Christ and his disciples say, the princes of the Gentiles rule over them; but it shall not be so with you; you shall not be lords of Gods inheritance. Then reply the prelates, by and by these fellows would have no government. They that speake thus, would dethrone kings, when it is the place onely of kings, and the art proper to princes, so to raigne and governe; into whose hands alone God peculiarly hath committed the authority and premenency; forbidding all the apostles and their successors,

the ministers of the word and sacraments, not to meddle with it, for they cannot serve God and tables. Yet, notwithstanding, the prelates usurp this authority, to the utter undoing of millions of the dearest servants of God, and the kings obsequious subjects; and shall we say this is obedience to Christs commands, prohibition, to omit many other things?

I dare boldly maintaine, they are more disobedient and worse then the devills themselves, to say nothing in passion and perturbation. The devills obeyed Christ in all things he commanded or forbad them, as the Holy Scripture every where testifieth; and to this they added feare and trembling: For the devills beleve and tremble; as the same sacred writ witnesseth, and the prelates doe neither of all. Are they not pretty youths, I pray? I promise you, proper props to support kings crownes and dignities; rather able, I woose, to ruine kingdomes, and demolish states; to invoke a plague upon their dominions, by their disloyalty to God and the king. Nay, I most peremptorily affirme, that the prelates are worse than the devill, for he hath onely a simple suggestion in his bringing men to sin: They have also power of co-action, to constraine them to execute wickednesse: And whereas the devill doth but dallingly perswade, they inforce and compell; and where he doth easily move, they by rigerous authority constraine: when he hath propounded an error, they by their power establish it for an infallible truth, and make it a necessary article in their Christian faith and beleefe, as they have done of many things. When he hath once made a lie; as he is the father of all lies, they authorise it for an unwritten verity, like as they daily doe many. Yea, much more wickednesse may they doe, being his spiritual instruments. I beseech you, good madame, ponder seriously, therefore, what I say, and you shall find I do not falsly accuse them in any thing.

The truth is, they are Gods rebels and enemies, both by the law of God and the land, to God and the king, and, like the giants of old, warre against the clouds; and to all this they are infinitely ungratefull to both, as afterwards you shall illustriously see. And if to say so be a scandall, I will live and die in it.

They, indeed, have made certain lawes against such as speake more voluntarily and liberally of the wickedness, ignoblenesse, and impiety of men in great and eminent place, for the severe punishing of them, for their honest endeavours; which they call *scandulum magnatum*; in the number of which heres the prelates would be accounted and reckoned; especially when they have once crouded themselves into the kings service. And they, forsooth, must be recorded amongst the nobles, and called *magnates ecclesie*; and the verity of the matter is, they are *magne nates ecclesie*; the monstrosity of the church, both for pride, ingratitude, and ungodlinesse: And if for saying so I must be punished, I will most willingly undergoe it, and yet, notwithstanding, live and die in this opinion, and full perswasion that they are the worst members in church and state; and I am able by sufficient argument to make it good, where I may have a faire hearing. And it highly concernes the king and state to looke timely into their proceedings; for while they pretend service and obsequy to him, they greatly dishonour his Cesarean majesty, and miserably afflict and maccerate his poore subjects, and most wrongfully punish them for doing their duty towards God and him; all, which I can abundantly likewise demonstrate.

And mee thinks heroicall and noble princes, those Gods upon earth, should a little take it into their royall consideration, that their subjects, though many of them indigent and meane men, whose fathers have spilt and lost their blood to free them their crownes and dignities, not onely from the Egyptian darkness of popery and error, but also from the papal tyranny and servill bondage of the beast; that captivity of Babylon, deserves some small liberty of conscience to be given unto them in the service of their God, whose onely will they desire in his worship to follow, and not

to serve him after mens precepts, which is to worship him in vaine: I say, mee thinks; as they are *patris patrie*, and nursing fathers of the church, they should, out of their princely indulgence, gratify the children of those parents, by the deaths and sacrificing of whose selves they enjoy such singular immunity from pontifician servitude, under the which many pueasant monarchs yet groane, not knowing how to shake off the yoake; and graciously give unto them some freedome, for their fathers sake, and their owne loyalty, and deliver them from the unsupportable tyranny of the prelates, who exercise greater power and domination over their poore subjects and good Christians now, (as the very jesuits themselves do acknowledge,) death onely excepted; then ever the pope did, or is, at this day, where the damnable inquisition most severely rageth: and this also I am able evidently to maintaine and demonstrate. All which I am most assured our renoued king knoweth nothing of; for they continually suggest into his royall eares sinister relations against his faithfulest people, that would die a thousand deaths for the honour of his dignity. By all which you see in part, good madame, the subjects vassallage under the prelates, and their cruelty and wickednesse.

Now, I beseech you, looke upon the pride and ingratitude of these men. What is it that this world can yeild unto mortall creatures, that they possesse not? Great and mighty are their priueledges, and yet they are neither thankfull to God nor the king for the same, nor content, but would have more. They have the keys of heauen, to shut out whom they will; they have the keys of hell, to thrust in whom they please; they have the keyes also of our purses, to pick them at their pleasure; and this is purgatory. I pray looke to your purses there in the country. They have the keys likewise of all the prisons in the kingdome, to infetter any at their beck. And are not these soveraigne and imperyll prerogatives and priueledges? Yet this is but a part of their dignity.

Alkthe judges, all the sheriffs, all the mayors, all the bailiffs, all the justices of the peace and quorum, all the constables, and all other officers, are their lacqueis, to run and goe, though it be with the neglect of the king's peculiar service, upon any of their triuiall and unnecessary errands and occasions; to aide their pursuivants, or, upon their speciall commands, to the molestation and vexation of the kings best subjects and most officious: All these, I say, are their footmen; and to speake as it is, the noblemen and peeres of the kingdome, they are their gentlemen, to wait when they command an orient cloud of them together, to attend them on horse-belly.

Nay, they have power to call any of the kings leige people from the extremest part of Wales, or out of the remotest corners of the kingdome, upon the vainest information, to their court of high commission, and to make them dance attendance, through the heat of summer, and cold of winter, to the undoing of them and their poore families, as hourelly experience teacheth us. Yea, the very colliers are subject unto them; for the last winter there was a whole drove of them put into our pownd, the Gatehouse; men of such robustious natures, that at their entring into the jayle, did so shake it, that I being in my chamber, and feeling it so tremble and quaver under mee, hearing withall such a noyse, I had thought that some earthquake had beene abroad, and that the prison doores were broken open, as it happened when Faul and Sylas were in limbo; and beginning then to thinke of my liberty, and glad to enjoy it, and going downe, and meeting that black guard upon the stayres, I had thought they had been the sons of Pluto, not knowing what to conceive of the busines; but demanding a reason of our cobabitation, and what the matter was, they told mee that the lords grace of Canterbury had sent them to prison, for setting their coale-barges at Westminster staires; which they had ever done before, without any molestation, from generation to generation, till now; and onely because his holynesse lands there when he goeth to preach in the Star-Chamber. (They were first

punisht, and forbid it hereafter.) In which pulpit he is wonderfully busy and diligent; and in his sermons so zealous he is, that he preacheth off his auditors eares many times, so that they can never heare more with them. He had got one Mephibosheth there not long since; and was tampering about his eares, and would faine have been snapping at them; but poore Mephibosheth, as God would have it, came off; but, as the prelates said, very lamely: Though he could not bite him, yet he would not let him goe without a jeere, howsoever. Well-fare Annas and Caiaphas yet; they would not have their hands in bloud. He hath a long time beene nibbling at my eares; I marvell what he will say or do to them now, for this worke. The best is, madame, I am so hardened in goodnesse, as I feare neither post nor pillory; conceiving alwaies that I hold my eares by a better tenur than he holds his nose, being a loyaller subject to my prince then he hath grace to be, and better able to do him service then he hath ability to judge of. But if hee should, by his might and power, and the iniquity of the times, advance mee to that deske, I doubt not, by the grace of God, I shall make there the funerall sermons for all the prelates in England.<sup>†</sup> I hope I shall have the honour of that good worke, and, withall, shall bring such things to light, as all Europe and the whole church of God shall be the better for it to the worlds end, and the memory of them gratefull to all posterity. Remember, I pray you, madam, what I say.

Calves, you know, in old time, were good sacrifices, and well accepted of, and I doubt not but they may yet be well pleasing. Now I am an Essex calfe, and the prelates have made me one, and pent me up in a coop a-fattning. If they shall in fine, and after all this, sacrifice me upon the altar of the pillory, I will so bleat out their episcopal knaveries, as the odour and sweet smelling savour of that oblation, I hope, shall make such a propitiation for the good of this land and kingdome, as the king himselfe, and all loyall subjects, shall fare the better for it.

But, in the meane time, see what priviledges, might, strength, and overswaying dominion the prelates enjoy, heaven and earth being at their service; and, withall, take notice of their disobedience to God, who expressly says, "The princes of the

<sup>†</sup> Bastwick proved a true prophet. His eares were cut out close to his head, and with circumstances of great cruelty. Yet he was so little daunted with the execution of the sentence, that, even from the pillory, he bid defiance to his persecutors in the following speech:—"There are many that are this day spectators of our standing here as delinquents, though not delinquents, we thank God for it. I am not conscious to myself wherein I have committed the least trespass, (to take this outward shame,) either against my God or my king. And I do the rather speak it, that you, that are now beholders, may take notice how far innocency will preserve you in such a day as this; for we come here in the strength of our God, who hath mightily supported us, and filled our hearts with greater comfort than our shame or contempt can be. The first occasion of my trouble was by the prelates, for writing a book against the pope; and the pope of Canterbury said I wrote against him, and therefore questioned me: but if the presses were as open to us as formerly they have been, we should shatter his kingdom about his eares. But be ye not deterred by their power, neither be affrighted at our sufferings: Let none determine to turn from the ways of the Lord, but go on, fight courageously against Gog and Magog. I know there be many here who have set many days apart for our behalf. let the prelates take notice of it: and they have sent up strong prayer to heaven for us. We feel the strength and benefit of them, at this time: I would have you take notice of it, we have felt the strength and benefit of it all along this cause. In a word, so far I am from base fear, or caring for any thing that they can do or cast upon me, that had I as much blood as would swell the Thames, I would shed it every drop in this cause; therefore, be not any of you discouraged; be not daunted at their power, ever labouring to preserve innocency, and keep peace within; go on in the strength of God, and he will never fail you in such a day as this. As I said before, so I say again, had I as many lives as I have hairs on my head, or drops of blood in my veins, I would give them all up for this cause. This plot for sending us to those remote places was first consulted and agitated by the jesuits, as I can make it plainly appear. O see what times we are fallen into, that the lords must sit to act the jesuits plots! For our own parts, we owe no malice to the persons of any of the prelates, but would lay our necks under their feet, to do them good as they are men; but against the usurpation of their power, as they are bishops, we do profess enemies till dooms-day."—*Brief Relation of certain Passages in the Star-Chamber, at the Censure of those three worthy Gentlemen, Dr Bastwick, Mr Burton, and Mr Prynne, 1638, apud Harleian Miscellany, IV, 18.*



Gentiles bare rule over them; but it shall not be so with you." And I pray, most worthy lady, do not overlooke their ingratitude to the king their master, that although by his princelynesse and royall munificence they have such power and authority, as by which they are formidable to the subjects of all his dominions; such dignity and splendor, as it dazleth the eyes of all the beholders; and such as his majestic hath given to no other of his most noblest cosins and allies, yet they cry out in open courts, and the crowdest assemblies in the realm; the poore and despised church and clergy is in disgrace, having no power: it can but fine and imprison, and that is all the poore church can doe. Alas, for them, it seeme they would faine be at their old occupation againe, a butchering of us at Smithfield; and that is the thing, indeed, which their fierce and blond-thirsty ambition aspires to: For why, otherwise, should they make such complaints in publike, and use such expressions? Without doubt, if they had once obtayned their desire in that, they would then make as greater havock of the church of God, as ever bloody Bonner or Gardinier did.

But God be blessed for our gracious king, the Lord long preserve him, and, if it be his blessed will, put it in his royall heart to looke into the tyranny of those Pharaohs, and upon the sore afflictions and oppressions of his poore subjects, (as God once did to his inheritance,) that now groane and suffer under their cruell task-masters; and that as they have with their hot and inflamed furnaces scorched us, and in the rivers of troubles overwhelmed us; so that at last he would drowne them all in the sea of his indignation and high displeasure, that wee may all have a song of praise in our mouths, to the Lamb that sits upon the throne, and to the king his servant, whose scepter and dignity the Lord perpetuate and establish to the dayes of ever.

But now to goe on, I pray, good madam, againe consider their magnificent and stately palaces and buildings; their great revenues, their retinue, the delectacy, variety, and deliciousness of their fare; the pompe and state they wallow in, by the mere-goodness of the king, surpassing the emenency of the greatest of the most antient nobility; and take notice of the sumptuosity of their service at their meales, their dishes being ushered in with no lesse reverence then the king, their lord and master; their sewer and servants going before, and crying out, "Gentlemen, be uncovered; my lords meate is coming up;" so that all are forced to stand bare to his platters; and no more state can there be in a kings house. Yea, nobody, without penalty, may pisse within the compasse of their yards and courts; and if any chance to do, he is constraigned either to pay for it, or else he is hailed and drawne into the porters lodge as a prisoner, and tormented with those knaves as a delinquent; and this dayly experience can witness.<sup>†</sup> So that in the court itselfe, and kings family,

<sup>†</sup> It is odd enough, that a Scottish libell charges the learned Adamson, bishop of St. Andrew's, with neglecting the very etiquette which the English prelates are here censured for enforcing.

Into the palice as they past,  
Which call it is the fair Whitehall,  
the palice wall  
and wald nought spair,

Which is a thing inhibit thair.  
Ane porter soue did him persave,  
And to the bischop his blissing gave;  
Betwixt the schoulders a royall route,  
Turning him wodderschins aboute,—  
Out of the palice he was sped,  
Then to the wall again gois he,  
To part of honestie.  
The portars publictlic reprovit him,  
And doubtless they had thair mischevit him,  
Were not the gentile men excuset him,  
And thame forbade to stryke a stranger.

there is no such grandeur and state, nor in none of the kings houses, and yet they cry out the poore despised church and clergy.

To say nothing of the bishop of London, that was put into his office with such supreme dignity and incomparable majestie, as he seemed a greate king, or mighty emperour, to be inaugurated and installed in some superlative monarchy, rather then a priest; having all the nobility and the glory of the kingdome waiting upon him; all which proceeded from the overflowing bounty and debonerity of a most excellent and clement prince, and from his meere favour and gracious donation. But see the prelate of Canterbury, in his ordinary garbe, riding from Croydon to Bagshot, with forty or fiftie gentlemen, well mounted, attending upon him; two or three coaches, with foure and six horses apace in them, all empty, waiting on him; two or three dainty steeds of pleasure, most rich in trappings and furniture, likewise led by him; and wherever hee comes, his gentlemen ushers and his servants crying out, "Roome, roome for my lords grace. Gentlemen, be uncovered my lords grace is comming." And all this is true, if *vox populi* and fame may be credited, which is a good plea in their court. Now, what, I pray, could be done more to the kings majestie, or queene, or the prince of Wales, or to the royall blood?

Behold him, I beseech you againe, not onely in his journeys, but in his hourelly passing from Lambeth to the court, and looke upon his attendance and traine, and the reverence the kings household and all men give unto him; and listen to the crying out of his waiters to the people, for the making of him way, and to be uncovered, and you would think it were the king himselfe, if you saw not the priest.

Again, if you should meet him comming daily from the Star-Chamber, and see what pompe, grandeur, and magnificence he goeth in; the whole multitude standing bare wherever he passeth; having also a great number of gentlemen and other servants waiting on him, all uncovered; some of them carrying up his tayle, for the better breaking and venting of his wind, and easing of his holy body, (for it is full of holes;) others going before him, and calling to the folke before them to put off their hats, and to give place, crying, "Roome, roome my lords grace is comming;" tumbling downe and thrusting aside the little children a-playing there; flinging and tossing the poore eoster-mongers and souce-wives fruit and puddings, baskets and all, into the Thames, (though they hindered not their passage,) to shew the greatness of his state, and the promptitude of their service, to the utter undoing and perishing of those all-ready indigent creatures;—I say, you would thinke, seeing and hearing all this, and also the speed and hast they make, that it were some mighty, proud Nimrod, or some furious Jehu, running and marching for a kingdome, rather then a meeke, humble, and grave priest. Which spectacle, though in itselpe mercilesse, yet one can scarce keepe from laughter, to see the drollery of it, and considering the whole passages of the businesse, with the variety of the actions; hearing on the one side the noyse of the gentlemen, crying, Roome, and cursing all that meet them, and that but seeme to hinder their passage; and, on the other side, seeing the wayling, mourning, and lamentation the women make, crying out, Save my puddings, save my codlings, for the Lord's sake; the poore tripes and apples, in the meane tyme, swimming like frogs about the Thames, making way for his grace to goe home againe; on the other side, hearing the diversity of all mens discourse, concerning the pride, arrogancy, barbarousnes, and cruelty of the prelats—it would, I say, move laughter to men, though disposed otherwise to seriosity. Most certaine it is, his most excellent majesty goeth not in greater state, neither doth he suffer such insolency to be done to his poore subjects, wherever he becometh. And this, I say, is the ordinary deportment of the prelate.

But how magnificent and glorious will this man be, thinke you, good madam, when he goeth in state and in great power to Cambridge and Oxford, in his metropolitani-

call rogation and perambulation, and with a rod in his hand in the schooles, to whip those naughty scholars that will not learne well their lesson of conformity, and those lewd and wicked boyes that will not be reverend at devised servise, nor will not cringe to the altar, nor turne their faces to the east, nor worship the communion table, nor cap and crouch at the naming of the letters and sillables of Jesus, and doe all other ecclesiasticall and tumultuous drudgeryes. I am perswaded there will be mighty state, and crying out, Roome for my lords grace; gentlemen and scholars, be uncovered; put off your hats and caps, and be hanged; my lords grace is coming; my lords grace sees yee.

Looke on them againe in their mansions, and behold the great adoration that they have given them of all men: See them also in their courts; view the statelennesse, severity, pride of their carriage, and superciliosity. You shall find no such reverence and veneration given to any of the nobiles, nor to other of the kings majesties most honourable courts; neither shall you see any of the noble families in the kingdome carry themselves with halfe that loftinesse to the meanest of the kings subjects, that they use to the nobilitie itselfe; neither do they expect it: Yea, the king, in his owne person, neither looks for, nor hath greater observance, obedience, and state, then the prelates have, wheresoever they become; and yet they cry out, the poore despised church and clergy. Looke on them, I beseech you, in their ordinary visitations, and one would deeme that some mighty prince were comming into the country, seeing the greate preparations that are made for them, and beholding all the corporations, every where expecting them, and going out with all their bravery and artillery to meet them, and to bring them, and wait upon them into their cities and townes; making speeches unto them; presenting them with great gifts; entertayning them with mighty feasts and bankets, and making petitions to them with all submission and humble lowliness, as to kings themselves: Againe, when he shall see the whole gentry coming to worship them; sending large and munificent presents, and all manner of rarities unto them; offering their service to them, and the best entertaynement the country can afford; shewing them also all pleasures of hawking, hunting, fishing, fowling, and fooling, and what not: Againe, when he shall see their pursuivants going before them, like the kings marshalls, when his majestie goes in state to parliament, making way for the prelate; knocking the poore country courtiers hornes about their heads, and driving of them backe with cudgels, and crying, You lackeys there, you pesant, give roome to the church and clergy: Sirs, I say, you common people, you lay mén, stand backe there; give roome for my lord: Bang-whore, stand backe: I say you women there, a plague of God on you, what make you here among the clergy? what, come yee to take orders, or be shriven? get you home to spin, and learne obedience to the church, and you shall not need to follow them. Make way againe, I say, every body for my lord bishop; be uncovered all; and shew your reverence to the church and clergy. I pray, madam, hath the king any more reverence wherever he comes, from his subjects, than these have from the people? And all this they doe to the prelates for the honour and loyalty they beare unto their king, who they know esteemes them; and yet they cry out upon all occasions, the poore and despised church and clergy, and that in their open courts. O! what rebellion is this against God, who hath said to his ministers, "Learne of mee: I am humble and meeke." What ingratitude to the king? what needlesse discontentation is this? What would these men trow you have, when heaven and earth contents them not, nor the glory of the same?

But now, good madam, easting your eye off from the great masters and grand commanders, looke, I beseech you, upon their captaines inferior, their curats, the prelates, mayors, and vicegerents through the kingdome; those priests, I meane, that they send among us, and such as come before they are welcome. But when I speake of

that vermin, I would not be mis-understood; for I do not meane in all this discourse to impeach the reputation of any honest, laborious ministers and pastors, that carefully and diligently feed their flocks with the sincere milke of the word committed to their charge; but onely such who are enemies of the crosse of Christ; whose end is destruction; whose God is there belly, and whose glory is their shame; who mind earthly things. Such I meane, who glory and boast in the titles of Anti-Christes soldiers, rather then in the servants of Christ: Priests, forsooth, they will be called, and so let them be. Such a progeny there is sprung of them, in these last times, as they have not onely adulterated almost all the purity of doctrine, discipline, and manners, but they are growne so exorbitantly impious in most parishes, as there is no living by them; for they being countenanced by their great masters, and backt by them, they care not what insolency they commit against the kings subjects; and the more honest and conscionable their parishioners are, so much the more they are made-objects for their unnecessary molestations; and for the better effecting of their malicious purposes, they will take the least occasion to pick a quarrel with them; and for the more countenancing and gracing of them in what they doe, they will commonly make the best men in their parish their church vassalls, and will impudently say unto them, if they seeme unwilling to take such offices upon them: What, are you too good to serve the church? I cannot but tell you of one remarkable affront, lately put upon two of the kings servants in the towne of Colchester, the fame of which is now notorious, and almost through the kingdome. There was a prophane priest in that towne, who, to my knowledge, never was able to make a peece of true Latin; being one composed of ignorance, impudency, treachery, and dissoluteness; and for his preaching, for which amongst his pot companions he was esteemed, I can say thus much, that I never heard him make a sermon, all the time that I dwelt in the towne, that was worth the hearing, but found it printed to his hand. This fellow being lately to chose his church-wardens and sidemen, so arrogant he was, notwithstanding his unworthinesse, that none of all his parish were thought fit in his eyes to wait upon his tayle, but the mayor of the towne, the kings vicegerent, or lieutenant, and who immediately representeth his sacred person; and a justice of peace, whose office it is to see good order and the commonwealth preserved, and the kings pleasure executed; both which had no small adoe to keepe themselves for that time from being his serving-men:—An affront and contumely that is fit the king and state should be made acquainted with. And not long after, upon some other idle pretence, the justice was mounted into the high commission, to teach him obedience, and to make men of inferior order take heed how they displease their priests, and detract their obedience, and refuse to be their officers; which is servitude and bondage greate enough, besides the dishonours and disgrace of it; for they are but the priests and prelates rook-catchers, and so teamed by them among themselves. And when they jeare in corners at good men, for all those that are elevated into the sublime commission are called by their officers rooks, and in the beginning of the tearmes scorning at poore men, now, say they, we shall have the rooks come fluttering in, when they are forced and constraind to dance after their pipe. Had I been a little longer among them, I should have knowne all their filthy language. I going one day to Motershithe, the house of office for that court that defiles us, and stinches the whole kingdome, and waiting there for to goe to confession, he being my confessor, and then in a drinking schoole a-quaffing, one of the pursuants coming in, My noble boyes, sayth he, I have got a neast of rooks for our supper. It may be they had found some poore Christians at some holy meeting, or private humiliation, or Christian conference or prayer; and such men as study by all means to serve God, and to build up themselves in their most holy faith, are by them varlets called rooks. He having then made this srelation unto them, they replying, said, But are they fat? and he averring it, with an

oath, that they were plump, then said they, We will pluck them well; whereupon, giving up their names, there were articles immediately exhibited against them, and there they were tossed and tumbled about at pleasure. Now the church-wardens through the kingdome are the prelates rook-catchers; and this ignominious office would that learned priest have put upon the kings deputies. It is a trap and a snare to all men; for when the priests have a quarrel against any in their parishes, and study revenge, if he be failing in any point of conformity, if he will not kneell, or stand, or cap, or duck, at such times as they would have him, then the priests goe to the church-wardens, and they are sworne to present, and bring him up to them, and bid them take notice of it, that he is refractory to church government, and bid them doe their office; which is put in execution as they would have it.

And sometimes the priest himselfe will put up twenty at once in the high commission, and have them prosecuted *ex-officio*, and overthrow them, in spite of their faces: For if they can prove but the least of an hundred articles, be it the neglect of the meanest ceremony, and that but once, though it were ten yeares agoe, they are adjudged to pay the costs of sute; they are likewise fined, and well reviled to the bargain: And if it fall out so, that there can nothing apparently be proved against them, they will say there was a fame, and there was *materia litigandi*, and the court is bound to doe their duty; and being prosecuted *ex-officio*, there never are any costs. Is not this fine doings? Now see the devill. If the proctors and doctors of the court see the parishioners be rich and plump, as the grols said, then, for the keeping them still in the court, for the more squeezing of them, (for so they would have done by mee,) they perswade them to put in crosse articles against the priest; making them beleieve that they shall overthrow him, and get ample satisfaction from him. Now the poore men are mightily mistaken, for the more knave their priest is, the greater favour he allwayes finds there; and that which in an other would be an hainous offence, is made nothing in him, and easly wiped away. After then they have put up their articles, the court hath what it would. Then comes the priests advocate, and moves the court, that he may know his prosecutors; which, though it were denyed rigidly to the poore parishioners, yet it is granted to the priests very easily, and thought very rationall: Whereupon they are forced to enter into bounds of foure or five hundred pounds, to prosecute him; and after three or four yeares, perhaps, of tedious sute, the matter coming to a hearing, let the things be proved never so evidently against him, his advocate will plead,—they are a pack of puritans, and his enemyes, and such as hate him for his conformity; and that, all things considered, the prooffe of the allegations with which they charge him is not sufficient. Withall, he will allege many reasons to shew that there is no just cause why the honorable court should beleieve any things against him, in regard that there is a cloud of witnesses to prove his constancy and universality of conformity; and that he is *filius ecclesie*, an enemy of straglers and secteryes, and the puritannicall faction, for which he is hated by the conventuallists; and if any thing otherwise then well should be decreed against him, it would animate the faction on the one side; and discourage conformable men on the other side to stand for the honour of the church: And further, he adds, that he is so far from conceiving his clyent to be a delinquent, as he thinks he hath deserved very well from the church, and that these his prosecutors ought rather severely to be punished, for putting up such triviall and impertinent things against a man so eminent as he is, and all for the ecclipsing of his fame and reputation, to make his ministry unprofitable to all men, which is a damnable sin; and therefore humbly entreating the court to consider what the losse of a good name is, and which cannot be redeemed with too much monney; and therefore that the court would order that the long and extreme vexation of his clyent may be duly weighed, and that sufficient costs may be given him. These things, and many more, being spoke in the behalfe of the priest, the

court being willing to gratify their creature, begins very fiercely, in their sentence, to thunder against the poore men the prosecutors, and to threaten them with the Star-Chamber, for a conspiracy and combination against an elder; and after many bitter invectives against those they call puritans, they applauding their priest for his conformity, and encouraging him to an animosity in the persecuting schismaticks, and commending him likewise for a stout clarke, they adjudge his prosecutors to pay all the charges of the court, and to give him good round costs; and so they send the knave priest home in triumph, and drive the poore rooks away as naked and callow as if they had newly crept out of the shell, to the scorne and ludibry of all soule-murdering hirelings.

Such advantage, to speake the truth, wicked priests have at this day against honest men, as they will bring up any of them, of what ranke soever they be, if they can but prove he hath gone to a sermon in an other parish, though he had none in his owne, or lodged a silenced minister, or neglected the least ceremony, and make them the scorne of their court, and fine them also well for it. And if any of the kings officers, either mayors, or bayliffs, or constable, or all together, chance to clap a drunken priest by the heeles, according to the law, or punish him for his malversation and misdemeanor; as soone as ever they are out of office, they are brought up by a messenger, and there severely censured, after a tedious sute, for doing the kings service: And all these things dayly experience teacheth us. From all which I do conclude, that of all creatures, bishops, priests, and deacons are the worst, most dangerous, and most to be prayed against; for they are not onely evill in themselves, but they corrupt all others, like a contagion: So that if men have but once licked a prelates trencher, they are like rats, that though they eat not the poyson that lyes upon the tile, yet if they but once lick the tile where the bane lay, they immediately dwindle away, and purify the whole common-wealth of rats, and are never good againe: Even so, if any men once in favour, have but lickt a prelates trencher, though they never feed of his bounty and farnes, they crumble and moulder away, and fall from all goodness, and are never after truly serviceable, either for church or state: And it is an infallible note of a reprobate to all goodnes, to have lickt a prelates trencher.

And thus, good madame, I have made you acquainted with the visions of my heart, and my meditations in this solitude of mine, and shewed you which are the best creatures, which the worst. I hope that by this your devotions will now also be set a worke, and your zeale doubled, (especially seeing the evidence of my demonstration,) for the ruining of Babel, and all manner of confusion. If your ladyship shall but thinke it worthy your view, I shall have as much as I desire, and shall ever remayne,

Your poore Orator,

JOHN BASTWICK,

*In Limbo Patrum.*

*To the Courteous Reader, Health and Happines accumulated, &c.*

Sweetheart,

I being a doctor, and now in cathedra, in *Limbo Patrum*, thought it fit, not onely privately to instruct and teach the simple, but publickly also to make knowne to those that are studious the way by which they may come to know the true nature and use of the creatures, and their owne dutie toward the soveraigne creator. And because examples prevaile much in all discipline, I have set before thee mine owne; which is

chiefly to indoctrinate thee in thy serious contemplations, and by prayer to mount into the empyrean paradise, where there is the affluence and treasury of all divine knowledge, by which thou mayst be guided in thy whole Christian warfare, rightly to march, and orderly to fight and warre against all thy spirituall enimyes.\* And that thou mightest the better get up into that blessed mansion, I have sent thee the ladder of my devotions; by meanes of which, as Moses from the top of Pisgah discovered the land of Canaan, and the beauty and goodnesse of the same; so, in like manner, from thence, if thou crawlst but to the top of it, thou shalt see into the seas and gulfes of all episcopal deformity and prelatical wickednes and ungratitude; and shalt wjth as great facility descerne those Ieviathans that devour the soules, bodyes, and goods of all those that by the tempest of the world are driven into their oceans, as thou mayst see trouts playing in the lake at Geneva, standing on the banke of Lemanus. Insomuch, as I doubt not but it will be a great help to stirre up in thee a Christian hatred, not onely of the great beast that came out of the sea, and all the abominations and monstrous impieties that come ratified *sub sigillo piscatoris*; but also a pious zeale and fervent indignation against all the damnable inventions and barterings of all those fishmongers, that have bought and sold Christs best fishes<sup>†</sup> through towne and country, these many generations, like red herrings, sprats, and poore johns, and made them the mundungus and garbidge both of sea and land, and the off-scouring of all things, which the Lord of life, notwithstanding, bought with no lesse price then with his owne most blessed and precious blood. And as it will breed in thee a holy indignation against all their wicked cruelties and attempts, so likewise I doubt not but it will move thee with a concatenated unanimity to joyne with all those that wish the peace of Jerusalem and desolation of Babilon in our dayly letany; praying, from plague, pestilence, and famine; from bishops, priests, and deacons, good Lord deliver us. Fare the well.

From my Schoole in *Limbo Patrum*,

JOHN BASTWICK.

To Meester *Aquila Wyks*, Keeper of the Gate-house.

My good Angell,

I have sent you here inclosed a little of my limbo rhetoric, in which, by the law of equity, I vindicate my liberty. I have also endeavoured in the same to perswade you that your feare of my flying is needles; and while I labour to doe that, I do evidently likewise prove and demonstrate, that those whom you terme reverend fathers, and the apostles successors, deserve no such magnificent titles. I earnestly now entreat you, that, upon my honest word, you would give mee liberty to goe see my distressed consort, whose condition is, (all things considered,) more deplorable then you can imagine, and would move the hearts of any men to pity and compassion, but the prelates, who never were guilty nor capable of such noble and heroical vertues.

\* The strangely-familiar allusions of the fanatics to Scripture history was one of the most remarkable features in their oratory. The following odd example occurred while Bastwick, Burton, and Prynne were undergoing their sentence:—"The halbertmen standing round about, one of them had an old rusty halbert, the iron whereof was tacked to the staff with an old crooked nail, which one observing, and saying, What an old rusty halbert is that? Mr Burton said, This seems to be one of the halberts which accompanied Judas when he went to betray and apprehend his master."—*A Brief Relation*, ut supra, p. 24.

I must confesse, had I not been a man of intolerable patience, I could never have endured with half that alacrity the contumelies, injuries, and affronts I have suffered from bishops, priests, and deacons, those little toes of Antichrist. The honour of this, and of all other good, I ascribe evermore to the divine benediction, which I will perpetually implore, as for the continuation of his blessed assistance to mee, and to all that love the truth, and the appearing of the Lord Jesus Christ; so that at last he would drive out these buyers and sellers out of his holy temple; and that we may, with one conjoynt harmony, uncessantly, in our daily letany, pray, from plague, pestilence, and famine; from bishops, priests, and deacons, good Lord deliver us.

But now, *ad rem*, I paternally desire that the consideration of my poore family may something move you to give mee a little liberty. You know what it is to be a father, and to have children depending upon you; and you cannot bee without some bowells of compassion. For the priests, they goe to their venery *ex officio mero, in forma pauperis*, for the most part, *caute tamen si non caste*; and as they doe all other wickedness *ex officio*, so this costs them nothing; nay, they gaine; for some time they get a blow with a French coles straffe by it, and the purging of the raines. They are like cuckowes, that thrust their eggs into other birds neasts, never looking after either the hatching or the keeping of their young. But our pleasure costs us something, and we goe honestly to it, and we have the honour of lawfull posterity by it also; and therefore we must be carefull fathers, to seeke for the preservation, as well as the procreation of our of-spring: We must be loving progenitors; and although they doe, *ex officio*, abandon and renounce both honesty and storge at once, yet we may not, having learned better things. Let, therefore, the love you beare to the weaker sex, and impotent and innocent babes, move you to so much pity, as to give a little releasment to my bonds, by which I may provide for my poore indigent children and family. For my owne particular, life and death is all one to me, neither is there any condition in this world can make me happy or miserable; for my glory and rejoycing, and the hope of my blessednes is not here; the futurity of which doth no way mitigate my comfort and consolation. But now I thinke on it, if you see Father William of Canterbury, his holinesse, and William London Magnificus, rector of the treasury, my wife entreateth you to make them both acquainted with her miserable condition, and how great she is with child, and ready to lie downe; and in what desolation, desert, and wilderness of trouble she is now in, not knowing how to get out of it, by reason that they have driven away all our friends and acquaintance, so that we cannot enjoy from them the common lawes of humanity, of ordinary entertainment and ayde: Which I impute not to any evill or unnaturalnesse in them, (I know well their urbanity,) but onely to the feare that is in them of the power of the beast; so that she is now constraigned (which greives me exceedingly) to become an humble petitioner unto them: (for my part, take notice of it: it is none of my motion; for I will be beholding unto them for nothing, but for my misery, poverty, and lice, in limbo:) I say, therefore, she desires that they would, in this desertion of all our familiars and allies, be godfathers to her child. And if you can obtaine this favour at their hands, in her behalfe, that as they, *ex officio*, ruined her poore husband, so they would likewise, *ex officio mero*, do this good, as to gratify her in yeelding to, and granting her supplication, (by which she shall prettily well be provided for of godfathers,) I am most confident I shall procure the whore of Babilon, their old mistress, to be godmother, with whom they have so long committed fornication; and then we will have such a christning, as hath not been in Europe this many a blessed day. I intend speedily to write unto the secularity of that ancient city, and dedicate my Method of Physick to it, and I doubt not with my Roman oratory making them acquainted withall, that I am a catholick apostolicke Roman, (as I am indeed,) and



that I lie now in bonds, for the inveterate doctrine of that church, but they will without any reluctance grant my request.

Now, after my prayers for my selfe and for my neighbours, I come to prophecy. If you do not at this time, in condolation to my misery, shew your selfe propitious, in yeelding to my petitions, and give mee the liberty I desire, I will never solicit you more in this behalfe. But know thus much: I will soe thunder-thump your pauntry politans, as if King Charles will but joyne with mee in his favour, I will make them come tumbling downe like Phaeton, or lightning from heaven, and crawle upon their bellies, as the serpent that seduced Eve, and lick the dust, and the very memory of them stinke to the worlds duration, before I have done with them. And for the prior of Canterbury there, William the Dragon, and your abby-lubber of Yorke, that oracle of the north, who you stile with the title of grace, I will soe flang them, as I shall make it evident they never knew what it was; for if they had any grace, they would never have been persecutors of those that were most really and trulyst gracious. If I receive not this desired curtesy from you speedily, then I shall gather, that you and I shall ever be marryed together; and if we be once solemnly joyned, I will conclude hereafter, for better, for worse, for richer, for poorer, in sicknes and in health, till death us depart.

Your poor Wife, in *Limbo Patrum*,

December the 8th, 1636.

JOHN BASTWICK.

*To Meester Wiks, Keeper of the Gate-house.*

LANDLORD, all health and happiness attend you, &c. Howsoever, I have made no complaynts against you for ill usage, yet you are not ignorant there is, and hath been just cause. To omit domesticall affronts, and them many, which, by your place, you ought to have freed mee from, I cannot but complayne of that straight durance you keepe mee in, especially in these sad and dangerous times, and considering my wifes condition, who is now great with childe, and ready to lye downe, not knowing where to get a place to put her head in, except I were with her; no man daring to entertayne her; the whole world standing wondring, and affrayd of the beast.

Whatsoever you may pretend for yourself, for keeping such a strict hand over mee, yet I do not thinke it was the intention of the prelates, in putting mee into your custody, that to the spoyling of my goods, the ruine of my wife and children, the dissipation of my estate, the losse of my liberty and practice, (the onely hope and support of my now tottering family,) and the giving me over to Satan:—I say, I do not thinke, to all this misery, they would have cruelly exercised over mee which I do now suffer in a high degree. For what is cruelty, if this be not? To keepe a poore man close prisoner a yeare and a halfe, after they have first robbed him of all he hath, to the starving of him and his; and that onely for writing a booke in defence of that religion that is established by publick authority, and for the honour of the king, and the glory of his majesty, against papall usurpation, provoked thereunto by an adversary of both; and to which duty he was bound, both by the law of God and the king, and by his speciall oath; and to let jesuits and priests, the sworne enmyes of both, enjoy all immunityes and privileges, to goe and come at pleasure, from yeare to yeare, and that for the seducing of the kings subjects.

I may not, for the reliefe of my poore wife and children, every way distressed, have the liberty of my practice, for feare, for sooth, of seducing the people, and that tattling women might come unto me; for that was the babble of Saint Worrell, in his learned

speech against me at my censure; and so fiery he was in that declamation, as if he had newly come out of some drinking schoole; of which learning I thinke he is farre more guilty than divinity. But jesuits and priests, traytors to the state, and enemyes to the true religion, may have their liberty, to goe and come when they will; and count their prison their castle, and call it so, and use it for a shelter, to hide themselves from authority, when they have been roaring, and quaffing, and disorderly demeaned themselves at unseasonable times. And if this be not height of cruelty, that honest men, and the kings good subjects, shall thus be punished, and rebells to God and the king (as all jesuits and priests are) shall be kindly entertayned; I know not what cruelty is.

But I will now complayne no more. That which I desire is not freedome from bonds; for I would have the prelates know, they shall not bee so rid of mee; for I intend, before they and I part, to sue them in the Court of Equity, for costs and charges, and for my unjust imprisonment and cruell censure; where I will plead my cause my self, and discover their wickednes so at that barre, as it was never layd open in this world; and if I can have no justice there, because I must goe in *forma pauperis*, and they are mighty, I will write a booke of all their unrighteous dealings, and put it to the view of the whole world; for I am resolved to print all proceedings, one after another, that they may appeare to all men.

So that you see I desire not an absolute freedome from my bonds, but onely that I may have a little liberty to goe among the sick people that are now visited with the plague, that I may, with the hazard of my life, see if I can doe some good, which is all my ambition; and so much the rather I desire it, because I had rather fall into the hands of God then men, and it is my calling; in the which I shall be glad also if I could get some bread, to put into my poore childrens mouthes, all ready to perish for want of food. Or if this may not be granted, I intreat but this favour of you:—that I may for a fortnight goe into the countrey, to my *disconsolate wife*, and provide a place where she may be brought to bed; for as yet she is destitute. That which I demanded is so reasonable, as I thinke nobody can except against it. If you please to gratify mee in either of my requests, it will make mee forget all former unkindnesses, and proclame you, ever hereafter, my good angell, that keepes me in all my wayes. And if you shall give mee but that liberty to see my Joe, then I shall desire you to add this kindnes also:—That as the jesuits and priests, and all manner of popelins, can be credited to goe and come when they will, promising onely in the word of a priest or catholick to returne; so that I, promising in the word of a Christian, may be trusted likewise, without any more adoe: For mee thinks it should be a great disparagement to our holy profession, that Antichrists servants should be more credited then the servants of Christ. What I shall promise in the word of a Christian, you may be confident I will stand to, for I am resolved never to leave the field by flying, but to joyne battle, and fight against the great dragon, Father Antichrist, and against Gog and Magog, as long as I can stand on my legs: For had I as many lives as I have haire of my head, I would be prodigall of them all in this cause; and had I as much blood in my veins as would swell the Thames, I would spill it every drop in the quarrell I am now imbarked in, with the honour of God and my king; and therefore you can have no just ground to suspect my flying, if, by your permission, I went into the countrey for a fortnight.

Besides, flying would presage in mee either delinquency or feare, or both; as if I were guilty of crimes of stellation or malversation. Now, were there no hell nor devill, I would live and dye an honest man; neither am I conscious to myself of ever having done any thing that deserves flying, or convention before any court of judicature in the world; and therefore for mee to fly, to make my selfe a delinquent, when I am none, is so contrary to my complexion, as I abhorre the thought of it.

If Father William of Canterbury think that I am afraid of him, he is metropolitically mistaken; for I neither feare him nor love him, neither is there any affection or passion in me so contemptible, that I deeme him, or any prelate in England, worthy to be an object of it: For I know they are enemies of God and the king, and of all goodness. I feare not the face of man, neither do I tremble at the foule fiends of Acharon; wherefore, then, should there be any suspicion of my flying?

Can the prelates tell me of any thing worse then hell or death? If they cannot, it is not dreadfull to mee, for the devill hath no power over mee, and Death is my loving friend and kind neighbour. I am a physician, and have been bred in the tents of mortality, and have had Death by the hand every day: He is *solamen miserarum*. Neither have the prelates no more power over mee then the devill had over Job: they can but torment my corps: Wherefore, then, should any feare my flying?

The arch prelat might prevent all such needles feares without any close imprisonment, if he followed Saint Pauls rule, who commanded bishops to be gentle towards all men; apt to teach, patient, and in meeknes instructing those that oppose themselves; and that they by sound doctrine, should be able to exhort and convince gainsayers, and to be given to hospitality, (and not by and by to put men in prison, and ruine them that differ from them in opinion.) Now the prelat hath an ample house, fit for entertainment, and a great revenue to support his grandeur; and I have made shipwracke of all that ever I had in his troublesome and tumultuous seas, and been prodigiously pillaged by the pirats of the same; so that very little now remains for the reliefe of me, my wife, and many small children. Now, if he please, I and my family will goe and dwell with him, and by this meanes he shall exercise his hospitality and his gifts of exhortation, and convincing of meeknes and forbearing; and all men shall be put in security from ever suspecting my flying, when I shall be alwaies in his view, and attracted by so much humanity. Withall, I shall save a great deale of expenses by it, and live plentyfully, whereas now I onely breathe; and, which is most of all, by this meanes the prophecy of Isaiah will be fulfilled:—The wolfe and the lambe shall dwell together. Bellermine sayes, this prophecy is not yet accomplished. I pray, the next time you see his reverend highnes of Croydon, aske him if he will doe any good in his old dayes, for I never heard of any he did in his young: Aske him, I pray, if his holiness will accomplish any prophecyes, or obey apostolicall canons; and if he be so minded, I beseech you let me heare of it, it will be very joyfull newes to mee after a great deale of sorrow; and then you shall, at one and the same time, be freed also both of trouble and feare, which I thinke will be some comfort unto you.

But to be short, and to speake freely, the bishops, and you, and all men are mistaken in mee; for I am so far from flying, as it is not an army of prelates shall drive mee out of the kingdome. As for that question, *de paritate presbyteri et episcopi*, which is the onely cause of my bonds, and which so much displeaseth them, and by which alone I overthrow all papal usurpation, writing in defence of the kings prerogative-royall, and his supremacy against a pontifician; as for that question, I say, I will dispute with all the prelates in England, *divisim et conjunctim*, for life and liberty, for soule and body, in any place where they may not be parties, (witnesses jury and judge in their owne cause,) or with any man living, in any theatre of learning in the worlds monarchies, upon the same termes; and I doubt not, by the grace of God, but to be able to confound them all by the breath of truth and vigour of reason; which truth I will never bauke, neither for hope of the favour, nor feare of the anger of any man mortall. Yea, such is the prerogative and majesty of verity, as it is terrible ever, and truculent to its very enemies; and so far I am from fearing them, as I doubt not but to be as formidable to them all, as ever Drake was to the Spaniards: For I am resolved to seale the truth with my bloud, and to sacrifice my

selfe for the honour of God, my prince, and for the gospell; of all which the prelates are enemyes; which, if I be not able to mayntaine and make good, before king and councill, let me not onely be exposed to their merciles fury, but set upon the scaffold of infamy to eternall memory, and perish for my temerity.

It is said of Antichrist, who, in the twelfth of the Revelation, is called the Dragon, that with his tayle he swept downe the third part of the stars from heaven; that is to say, he put out and extinguished all the glorious and burning lights that shined in the church, in life and doctrine, and that illuminated men in the wayes to heaven. Now the prelates are the tayle of the beast; and is not this, I pray you, true in our horizon? Are not all the good, painfull, and laborious preachers silenced by them? And are not all our shining lights smothered by their power and authority?

Christ commands the faithfull that they should pray to the lord of the harvest that he would send labourers into his harvest, for it was great, and the labourers few. When they, in obedience unto Christs command, and in sight and feeling of their owne indigency and want, have earnestly, with prayers, teares, and fasting, besought the Lord, and he hath sent many labourers into his harvest, I pray, do not your reverend fathers (that tayle of the beast) by and by thrust them out againe, and sweep them into some prison or jayle, or obscure corner of the world, where they can never labour more in that greates harvest. Let them answer mee without fraud and collusion, and that is as much as in them lyes, whether this be not true or no. I am resolved therefore to put a few nettles under Anti-Christ's tayle, and to make him friske a little before I fly.

After I have done that and my Method of Physick, for the cure of the whore of Babilon, which I am now about, (for the prelates having taken away my practice, and not suffering me any longer to cure men, I was willing to try if I could heale beasts, and, among other, that scarlet harlot, and all those that commit fornication with her, that brutish crew,) and that worke being finished, I will then so anatomise the prelates theory, as the whole macrocosme shall see the depth of Satan in the ventricles of their hearts: And I will make it appeare that there is as little need of their government in King Charles his dominions, as was of Sampsons foxes, with firebrands in their tayles, in the Philistines corne. And after I have put an end to that volume, I will then write the practical part of the prelates; I meane their lives and morals, and the acts and monuments of their wicked courts. And if two or three drops of my latiah rhetorick, which I let fall onely upon the beast, did so much displease them, what will they say or doe, thinke you, when I open the cataracts of all my Greek and Roman oratory upon them? I doubt not but by the torrent of that to carry their wickednes to the extremest parts of the earth, and out of the confines of the Christian world; that the very pagans and barbarians may blush at their impiety and cruelty; and that they may be spewed out, as aliens and strangers, from the common-wealth of all learning and goodnes, among all such as call upon the name of God in sincerity. They pretend, indeed, and would faine have the world believe that they are the successors of Christ and his apostles; and, as you yourselfe think, they verily are. But, I pray, compare Christ and his apostles, and the prelates and priests of our age together. Christ was humble and meeke; they are proud and arrogant. No sooner was Malchus his eare cut off, but Christ put it on againe; and they cut off mens eares. Christ went about preaching and teaching, healing, and doing good, where ever he became. They neither preach, nor teach, nor cure, neither will they suffer

<sup>2</sup> The following account of the severity of this punishment, and of the constancy with which it was endured, may interest the reader. The sufferer was Burton, who was associated with Prynne and Bastwick. "In conclusion, some told him of the approach of the executioner, and prayed God to strengthen him. He said, I trust he will. Why should I fear to follow my master, Christ? who said, I gave my back to the smiters, and my cheek to the nippers that plucked off my hair: I hid not my face from shame and spitting, for the

others to doe either, by their good wills, or that which is good any where. But if I should run through all disparities, I might make a mighty volume. I beseech you now, compare them and the apostles together a little, and, for example, let us look upon Paul and Barrabas at Lystra: you shall see them so full of piety, pity, compassion, goodness, and humanity, that the inhabitants and men of Lystra concluded that gods were come downe among them in humane shape. But if wee looke upon the lives, actions, and manners of the priests and prelates of our age, and see their pride, faste, impudency, inmanity, prophanesse, unmercifullnes, ungodlinesse, &c., one would thinke that hell were broke loose, and that the devills, in surplices, in hoods, in copes, in rochets, and in foure-square cow-turds upon their heads, were come among us, and had beshit us all. Pho, how they stinke. For they open the very schooles to ungodlinesse and unrighteousnes, impiety, and all manner of licentiousnes; not onely teaching men to be wicked, and rejoycing in it, but constrayning them thereto.

And in times of greatest calamities, when fasting and humyliation and mourning is called for, and when ministers ought most of all to cry alowd, and to lift up their voyces like a trumpet, and to stirre up and awaken the people to humble themselves under the mighty hand of God, in that his plagues and judgments are gone out among us, and his hand of displeasure lifted up readyer deeply to wound; then doe they take this occasion to put downe both teaching and preaching.

And as the hypocrites in Christ's tyme, under the pretence of long prayers, devoured widowes houses, so the prelates, under the shew of advancing their common prayers and devised service, they murder and devour preaching, and hinder the publishing of the gossell, by which men should be instructed rightly to pray, and orderly to live, and learn their duty towards God and men.

Neither doe they onely suppress preaching, but they make it a crime, and matter of punishment and vexation, for Christians to discourse about points of religion, and confer and talke together of Holy Scripture and their most sacred faith and profession;

Lord God will help me; therefore shall I not be confounded; therefore have I set my face like a flint, and I know that I shall not be ashamed.

"When the executioner had cut off one ear, which he had cut deep and close to the head, in an extraordinary cruel manner, yet this champion of Christ never once moved or stirred for it, though he had cut the vein so as the blood ran streaming down upon the scaffold; which divers persons standing about the pillory seeing, dipped their handkerchiefs in, as a thing most precious; the people giving a mournful shout, and crying for the surgeon, whom the crowd and other impediments for a time kept off, so that he could not come to stop the blood. This patient all the while held up his hands, and said, Be content: it is well, blessed be God. The other ear being cut no less deep, he then was freed from the pillory, and came down; where the surgeon waiting for him, presently applied a remedy for stopping the blood, after a large effusion thereof; yet, for all this, he fainted not in the least manner, though, through expence of much blood, he waxed pale. And one offering him a little wormwood water, he said, It needs not; yet, through importunity, he only tasted of it, and no more, saying, His master Christ was not so well used, for they gave him gall and vinegar, but you give me strong water to refresh me, blessed be God. His head being bound up, two friends led him away to an house provided for him in King's street; where being set down, and bid to speak little, yet he said, after a pause, This is too hot to hold long. Now, lest they in the room, and his wife, should mistake, and think he spoke of himself, concerning his pain, he said, I speak not this of myself; for that which I have suffered is nothing to that my Saviour suffered for me, who had his hands and feet nailed to the cross. And lying still a while, he took Mr Prynne's sufferings much to heart, and asked the people how he did; for, said he, His sufferings have been great. He asked also how Dr Bastwick did, with much compassion and grief, that he, being the first that was executed, could not see how they two fared after him. His wife being brought to him, behaved herself very graciously towards him, saying, Welcome, sweetheart; welcome home. He was often brief to repeat these words, The Lord keep us, that we do not dishonour him in any thing. Amen."—*A Brief Relation, ut supra, p. 24.*

This severe punishment was the subject of bitter raillery among the profane cavaliers. Vicars, in his "God in the Mount," tells us of a profane matron who irreverently named her three cats after the three precious saints, Burton, Prynne, and Bastwick; and, moreover, cropped their ears to increase the resemblance. But she escaped not the punishment due to her profanity, for one of her grand-daughters was delivered of a monstrous and deformed infant.

and for them, privately among themselves, by reasoning and arguing, to find out the meaning of the word of God, which Christ notwithstanding commands, and the Holy Ghost commends every where, and which is, and hath been, to Christians a great and excellent means of instruction and information, and of no small comfort. This, also, so holy, so divine a duty, so usefull and profitable an exercitation, is by the prelates counted an hainous offence, and in their courts punished, and branded by the name of puritanisme, and profanation of the Scriptures.

And which is yet more, all private Christian meetings for the invocation of the name of God, and for the mutual edification of each other in their most holy faith, and for the humbling of their souls before God, under his heavy displeasure, for their owne sinnes, and for the abominations of the times; by which they might divert judgments, and procure blessings to the church and land, and mutually benefit and profit one another; these likewise are by the prelates adjudged criminall, and severely punished by them through the whole kingdom, under the name of schismaticall meetings and conventicles; when, notwithstanding, the Lord himself highly commendeth and commandeth these endeavours, and promiseth a special blessing unto them. Yea, the apostles themselves are presedents to Christians of them; who testify that, from house to house, night and day, they did not cease to admonish Christians, and to preach unto them; and commanded the ministers of the word to follow their example in so doing; and this in the most profound peace of the church, when they had the free liberty of their publick meetings: And yet then, I say, the apostles did honour with their presence, and applause these private assemblings of themselves together for holy purposes; and earnestly, in all their epistles, exhorted all the saints of God to those holy duties; and excited them in all places, and every where, to lift up pure hands and hearts; and counted it a great sinne to forsake the assemblies of the saints. And Christ Jesus, the Lord of life, hath also graciously promised, that wheresoever two or three are gathered together in his name, there he will bee with them; and for that purpose hee consecrated all places before, in the fourth of John, to make them fit for all holy Christian employments.

These pious exercises, howsoever thus renowned by the apostles, are by the prelates condemned amongst abominable things, and worthy of extreme punishment; and are matter every where of presentment and great severity and trouble to poore Christians. I pray, therefore, once again, let me intreat you to behold how little they resemble the apostles. The apostles in all things endeavoured to conform themselves to the image of Christ, and to his blessed will, and to have a uniformity with him in life and sufferings. The prelates they labour all they can to be like Antichrist, and seek a conformity with him in life and pleasures, and in persecuting and afflicting the dearest servants of God. Are these successors then of Christ and his apostles, thinke you? I trow not.

When Dick Short, my antagonist, with much daring of mee, had extorted an answer to his cavills from mee, and I expecting a replication, according to promise; his answer, to my expectation, and the prelates proceedings against mee in that business, will evidently evince whose successors they are. Heare, therefore, briefly, that one pranke of the prelates, and Dick Short's answer. That Eabilonian, having been first will informed that the prelates, by their pursuivants, had taken away all my books as soon as they arrived, and hoysted me up into the high-commission court for them, and ymprisoned also the youth, one Semner by name, a sucking sophister and student, that carryed some of them to Cambridge, to the professors of divinity there, and to some of the chief heads of houses, and taken away the books from them all, with my letters I sent with them, as if they had all been novices, or the books knives in the hands of little children, to the infinite disgrace of the university, and the immortal dishonour to the professors of theology, and the other great masters, that could suffer such contumelyes from one that knowes not so much as the bark of divine learning;

especially when it was their place to have confuted my booke; if it had been erroneous; and for which purpose only I sent to the academy, earnestly entreating, that if I had gone from the truth in any thing, they would make mee acquainted with it, and I would not only amend it, but be thankfull unto them for the same: I say, when Dick Short had heard of all this, and that the young man was, by a messenger, brought up as a malefactor, and convented for such an one before them at Lambeth, and put to a great deale of distraction, and large expences and round costs, though he knew nothing of the contents of the booke; and after all that, forced to a base and unworthy submission, as if he had done some facinorous and vile act in carrying a booke to Cambridge, writ against the pope, that vicar of hell; (a golden age of prelates, in the mean time, that make it malifite and criminall to write against Antichrist,—these must needs be the successors of the apostles!) after then, I say, the full information of all the passages, he, changing his resolution of replying, sent me word he would now save that labour; for, sayth he, the pillars of your church mayntyne my cause against you; which, I must confesse, was a thing not to be tolerated, and no way besceming them that would be thought Christ's successors.

And had not the prelates lived under a gracious prince, they would have been hanged for such doings: Nay, had not the age in which they breath been degenerating from their ancient prowess, and been cowardly and base, unworthy so renowned a king, they ought, of their love and loyalty to their prince, and for the honour of his dignity, to have knocked the hornes of those ungratefull beasts about their heads. that durst thus imprudently push downe regality and kingly dominion, to advance the papacy and prelatical usurpation in their open courts; while, notwithstanding, they cry, Haile, master, to the king, and would be thought most full of obsequy and obedience; and all those they brand with the name of puritans, the greatest enemyes of kingly authority; which is one of their notorious lyes; when there are not more loyall subjects under the heavens then they are to their kings and governors.

Such insolency was never knowne before, that obscure fellows, not borne to three halfpence a-year of inheritance, and merely advanced by the free donation of gracious princes to places of eminency and splendor in their dominions and kingdomes, should now dignify themselves above their masters, or at least be checkmate with them; for they said they were princes, and had their thrones, and that by divine authority, and were before Christian kings: Such insolency, I say, and rash impudency and swelling pride was never knowne before in our borders: And that papists shall triumph over the truth, and defend the popes supremacy, and mayntayne the synagogue of Rome to be a true church, and that in books set forth by publick authority, to the making of the king and all his subjects schismaticks and hereticks; and shall magnify and elevate the pontifical tyranny against the dignities of the kings of heaven and earth; and that the prelates should protect and mayntaine them, and punish others for their honest endeavours against them, as they have done by mee,—this, I affirme, is an unsupportable arrogancy in them, and able to provoke the heavens themselves to fight against us, and to take revenge of their apparent contumacy, that goes yet unpunished.

I cannot deny but Dick Short's petulency and boldnesse exceedingly moved mee; and whereas he sent me word, that the pillars of our church supported him; I replied, that they were the catterpillars of the church; and so they are, for they devour the church of God, and eat up his people like bread. And howsoever they glory in the name of church, and stile themselves with that dignity, excluding all others from that title, by the name of laicks, yet I boldly averre, they are so far from being the church, as they are not so much as the rubbish of that glorious fabricke; for they persecute, destroy, and ruine the true church of Christ, and afflict and weary his members continually; and for that end have their sworn servants through the kingdome, to give them information against both minister and people that are of a more godly and strict life, and that desire, in

the purity of his ordinances, to serve the Lord. I pray looke through all parishes, and you shall see, as I sayd, they have their servants in them, and such as they encourage by rewards to informe against them that feare the Almighty, and set their faces towards the heavenly Jerusalem.

The sextin and the church-wardens and sidemen, they are the prelates servants and slaves, principally and *ex officio*; and they first look to the minister, whether he bee a diligent observer of all the fopperyes of conformity, and all additional jackenapes trickes, and popish abominations, and profayne fooleryes, the bishops, by their canons and articles, impose upon him; and if he be fayling in the least, though it be without offence to any, or contempt, but out of mere conscience; let him be never so holy, so learned, so diligent in his cure; nay, let him do never so much good, both by his example and ministry, he is *ipso facto* throwne into a thousand perplexities, and tossed from one court to another, till they have quite exhausted him, and then they turne him out from house and home, and send him a-begging. Nay, which is yet to be taken notice of, if he be a diligent preacher, and a vigilant watchman, it is enough to ensnare him; and if they have no just quarrell, they will fame articles against him, and *ex officio* prosecute him; and, by virtue of their office, they will pillage and rob his study first, as they did by me, and take away all his papers and writings, to see if they can get any advantage against him out of them; and then, upon one triviall occasion or other, or if he will not cut his own throat by his answer, they forthwith suspend him; saying he is refractory to authority, and that he hath not answered fully enough; and after, upon refusal of further answer, (which is the best declining of eminent misery and danger,) they eject him out of his living and honest employments, pretending it was because of his contempt, when there was none. Againe, on the other side, if he joyne issue, and the suite be brought to an hearing, the man depending upon the goodness of his cause, and knowing the integrity of his own heart; then comes forth Doctor Satan, the accuser of the brethern, otherwise called the king's advocate; who appearing before the renowned metropolitans, that poule and shave all Christ's sheep, and the other reverend sheepshavers, he exceedingly, with many invectives and contumelyes, aggravates all the fained articles against him whom he never knew nor saw before; and many times most affectionately urgeth, for want of soldier grounds, the multiplicity of the articles; when, notwithstanding, they have made them all themselves, and in such a numerosity, that they might catch him in one or other of them; and it is easy with them to make a two or three hundred of them: it is their trade to be traducers, that cursed occupation. But this, I acknowledge, is principally done, both by the advocate and judges, when they can prove nothing against him; and then, indeed, the advocate flies to the dressar, and desires that right horrible board to take into more serious consideration, that howsoever there be no apparent proof of any of the articles against him, yet the number and multitude of the articles do sufficiently argue he is a sublime puritan; and therefore it would be very dangerous to the church for such a one to have any publick place in the ministry; upon which supposition he humbly entreats them to exercise the authority of the keyes, and to thrust out so dangerous and unprofitable a member. After, then, the prevaricator hath done his part of speech, he leaveth the definitive sentence to these grave, ancient, and musty-seniors; who, after they have well mumbled him with the stumps of their old taunts, revilings, reproaches, and with language no way beeseeming gravity, nor Christ's successors; after, I say, they have wearied him as a poore lamb among a company of wolves, then imposing upon one shoulder a great bag of round costs, and upon the other a good fine, to pay them all well; then, in mere conscience, they thrust him out of the synagogue, and make him goe seeke his living in some other country. And of these passages we have dayly experience; and by such wicked inventions as these they have rooted out and undone almost all the faithful, pious, and diligent ministers in the kingdome, and such as made conscience of their actions, and that did care-



fully instruct the people in the wayes of God, both publickly and privately, and stirred up others, by life and doctrine, so to doe: And to all this their wickedness, they raile against them to kings and nobles.

And in those good pastors and ministers places they have installed, foysted in, and put priests *secundum ordinem diaboli*; for the most part such a generation of vipers, of proud, ungratefull, idle, wicked, and illiterate asses; and such profane scornors of all piety and goodness, and so beastly lascivious and lecherous, as no pretty wench can keepe her honesty for them; and men of such conversation, for the generality of them, as they are not fit for civill society; and fellows so treacherous and perfidious, as no man can be secure in their company; and, to speak the truth, spies in the families of all the nobility and gentry where they read prayers, to give intelligence against them; withall, so brauling and contentious, as upon every petty occasion they sue their parishioners in one court or other; especially if they be honest men, they then trounce them in their spiritual courts to death, and this to drill them up in the law. As for the gospel and preaching, they never knew what it was, nor never loved it, as by their lives and manners is evidently manifest; for they will doe any thing, and be of any religion, for living and gaine: They look not what God commands or forbids, for they are prettily ignorant of that, but what the bishops and the times require and injoyne. And such as these would the prelates have every where, which are fittest for their devillish purposes.

If God sayes, Six dayes thou shalt labour and doe all that thou hast to doe, but the seventh is the Sabbath of the Lord thy God, in it thou shalt doe no manner of work, &c.; if the prelates say to the contrary, and affirme that that commandment is now abrogated, and although it were not, yet only the laborious works of their ordinary calling are forbidden, and not recreations and corporall exercises of pleasure; and therefore command and bid their priests to publish this to the people, that they may know their liberty for the profanation of the Lord's day, and the shamefull breaking of this divine precept; those master Sir Johns will incontinently doe it. Yea, if it were to teach them to break all God's commandments at once, and to cast away and abandon all piety and goodness, they are fit for this purpose. If it bring gaine, they will doe any thing, be it never so wicked, for it is their calling. If God sayes, Thou shalt not make to thyself any graven image, or the likeness of any thing that is in heaven above, or in the earth beneath; thou shalt not bow down to it nor worship it, &c.; if the prelates say, notwithstanding, I will have you make you an altar, and worship and fall down to it, or at least to worship the communion-table, or a piece of bread, and make the people doe so too; they then are for these employments likewise. If Saint Paul and the other apostles give Timothy and Titus, and all other ministers, a strict charge to preach the word, in season and out of season, and injoyne them, as they love the Lord Jesus Christ, and will answer it at his glorious appearing, that they diligently feed their flocks, &c.; if the prelates say to the contrary, and bid away with these preachments; there is too much of them already; they will most devoutly and dexterously obey it, and never preach at all; or if at any time they breake silence, it were better they held their peace; so full of ignorance, vanity, and superstition their discourses are stuffed withall, as it brings a nausea to the hearers; and all this you know to be true. I pray, what think you now of your great masters? Tell mee, in good sooth, do you think your prelates are the church of God, and those holy fathers you thought they were?

After they have got a Jeroboamit priest and a sextin for their purpose, their next study is to accomodate themselves with such church-wardens and sidemen as, joyning with them, may lie in perpetual wait for the ruine of the people and the church of God. And indeed they are so many spies in every congregation through the king-

dome and land, to give information, not onely of what themselves know, but of what they heare (for that is given them also in charge) of their parishioners proceedings in matters of religion; and they are all sworne and bound to tell truly and faithfully, upon their own perills, and as they will avoid perjury and the censure of their courts, whatsoever they know, and have heard or learned; and for this purpose they have courts of inquisition through their dioces, where all the church-wardens are summoned, convened, and examined upon the articles they were sworne to; amongst the which there is inquiry made, whether the people do diligently and reverently observe all the orders and ceremonies the church enjoynes; which is impossible for men to doe; for the church is now as full of ceremonies as a dog is full of fleas: At the entrance, in the middle, at the going out, everywhere one meets with ceremonies; so that coming into their churches, one would thinke himselfe rather in the schoole of Numa Pompilius, or in the college of the old Roman priests, then conversant in the church of Christ and the house of God.

To speake the truth, such a multitude of trumperyes and grolish ceremonies are brought in by the prelates, as all the substance of religion is thrust out; I mean true godlinesse, piety, and charity, all which they have excluded and overthrowne with their baggatelle inventions. The church-wardens therefore must first informe about their beggerly rudiments; and for that they have a strict charge given them to take notice about capping, ducking, standing, and kneeling, and whether the parishioners be diligent at divided service; (a plaguy deale of porridge!) and whether or no they doe not goe to hear sermons out of their owne parishes when they have none at home; or whether or no they doe not know, or have not heard, that they conferre among themselves at their table-meetings, or at any other privat assembly, about points of religion, and about the Holy Scripture; and whether or no they do not know, or have not heard, that any of their parish meet together where they have extemporary prayer, repetition of sermons, or expositions and interpretation of Scripture, and conferences familiar among themselves about religion: If they doe, then they are bound to informe against them, and to present them; so that sometimes forty at once, or more, are mounted and sublimated into the high-commission court, and there mercilessly tormented.

Thèse, and an hundred such like articles, are dayly every where published by the prelates; and they have their sworne servants to see the execution of them, to the ruine, not onely of the king's subjects, but of all religion and Christian conversation and brotherly society: So that there are snares set to catch the good people with thorough-out, every parish being full of spies; in so much that no honest man knows how to speake, or how to converse, nor how to live piously; for this is now a snare, as it was to Daniel; whose enemies know not how to intrap him but in the matters of his God, about his worship and religion. And with the same weapons do the prelates now fight against the true Daniels and dearest servants of God in our age, and against the church of God; and all this you know to be true. And will you yet say that they are the church of God, and the apostles successors?

But, I pray, see a little more the horrible cruelty and arrogancy of the prelates in the execution of their pontifical offices. They will have all the church-wardens sworne to them in a far stricter and more obligatory manner then subjects are sworne to their kings and rulers, as you may see in the oath that is fixed before the articles of Saint Ren, now pope of Norwice; as honest a gent as ever went over a house; of which I may say as the poore woman simply spake, coming to London, and meeting three or foure cart-loads of soules going from Newgate to Tyberne, the cure of all their diseases, *A goodly faire company; God blesse them, sayth shee: So I may say there is a faire company of them. You cannot but necessarily imagine it was some man of God that made those articles, but I will assure you it was a man of the god of this world,*

that infatuates the minds of most men, and so blinds their eyes, that they cannot see so clearly into the wickednes and satanicall projectes of the prelats, which, if they could well be looked into and deserned, would make them monstrous and abominated of all men, as they deserve; for, besides their arrogancy and cruelty, see their audacious and frontlesse wickednes, in forcing men to such an oath, and to the execution of such articles, which in themselves are nefarious, impious, and damnable; for in becoming their sworne servants, upon such conditions, they make themselves the enemyes of Christ and of all goodnes, and the calumniators of the righteous, which is the devills office; and they make those things sinnes and offences which God counts virtues, and which he commends and strictly commands; which is, that the people should heare diligently the word of God, in season and out of season, and desire the syncere milke of it, to grow thereby, and that it should dwell in them plentifully; and withall, that they should exhort one another with psalmes, and hymnes, and spiritual songs, &c.; and they should in all places lift up pure hands and hearts, and assemble themselves together; and that they should edify and instruct one another while it is called to-day; and that they should not be servants of men. All those duties, and many more, doth God command and commend unto his servants and children; all which the prelats condemne and forbid, and the performance of any which holy dutyes are presented by their sworne bond-men the church-wardens, and in their courts punished, to the perdition and undoing of thousands in a yeare through the kingdome, as is well knowne to all men.

And to this wicked and diabolicall office do they constraîne men in every parish, and make them their subjects whether they will or no, so that most through ignorance, and many out of feare and cowardise, are made the servants and attendants of the devill and Antichrist. So damnable an office this is, as if men were well informed of it, they would a thousand times rather suffer death then undertake it. To speake the truth, it is the office of Satan and Judas, that archbishop and primate of traytors, to be betrayrs of innocent blood, and accusers of the brethren, the deare servants of the Lord, and to call that evill which is good, and that good which is evill, both which are an abomination to the Lord. Yet all this the church-wardens are sworne to; and therefore they are in a miserable and damnable condition as many as put themselves into these employments under the prelats, and are made their scullions.

And howsoever, notwithstanding it is so base and unworthy an office, and so prejudicial to a mans owne soule, and so dangerous to the church of God, and advantageous to Antichrists kingdome, when he shall find all his servants, if he chance to come once againe, yet I have never knowne but one that hath, with the losse of all, refused this oath; for the prelats ruine all that will not obey them, though, while they require it, it is an infinite wrong to the kings subjects, and against the lawes, and their libertyes and privileges.

One, nevertheless, I have known, Master John Warton by name, a citizen in Bow Parish, in London, a true servant of the Lord, and a loyall subject to his prince, and a lover of the saints, who suffered the spoyling of his goods, and the losse of all that ever he had many times, and hath been tumbled into I know not how many jayles, and all for refusing the marke of the beast, and this wicked office; and hath been under the prelats persecution these thirty years. And although he be above fourescore and one yeare old, yet do they still prosecute him cruelly; and the last bitter winter they put him in prison, and had like to have slayne and murdered him with the cold. Yet nothing greived that good old father but that he had no stronger body to undergoe his trouble, and to fight in his Christian warfare against the beast. I can not but mention this worthy, who deserves to be recorded among all the primary confessors, as being a true martyr in desire, and who stands yet to the battle, and finches not, but

fight in the face of all those sucking dragons, with such constancy and courage, for the honour of God and his prince, and the good of his country, as he may be a president of valour to the worlds end, to all them that love the Lord Jesus, and desire that he should rule in their hearts, lives, and in his church. A valiant and veteran soldier he is, and I love him and honour him for it.

But once more, what doe you thinke of these cathedrall fathers, that thus torment and vex the children of God, old, young, of all sorts and sexes, and make havock of the church of God? Will you yet say they are the apostles successors, and thinke they are the church of God? I conclude the quite contrary, and that from the demonstrative reasons you have scene before. And for further elucidation and prooffe of this matter, it will not be amisse to set downe something that now comes to my mind, which I have often heard in times past, from some old acquaintance of mine, and the prelates favourits, Tom Newcomin by name, clarke, rector of Sir Romwals, in Colchester, and chaplin in ordinary to the clubbers; and Jack Danet, fogger, attorney-general of the same society and corporation of biberons and tiplers, both eminent men. These two worthyes especially, and their companions, gave mee singular information of the prelates proceedings in the dayes of my first acquaintance with them, by which I gathered they were none of Christs successors nor the apostles followers; for they being such men as seemed then cordially to bewaile the adversities, wretchednes, and evils of the times and age we lived in, were wont most confidently to affirme, that the prelates were the cause of all the miseries, desolations, and fatall calamities in church and state; the onely instruments to incense the king and nobles against all the best Christians, and his faithfulest subjects; devising foule things, and fathering the same upon them, though most innocent, and all out of an inveterate hatred they had of all goodnes, and the power and life of godlinesse.

For the most of them, as they then averred, were either papists or arminians, or worse, but all confederates in this, to suppress holynesse of life, being a thing so contrary to their impietie, pompe, and arrogancy, as they could not possibly stand together: For they sayd that their houses and palaces were the siminaryes and planetaryes of pride and luxury; their courts the schooles and nurseries of atheisme and prophanesse; their seas and shelves the ruine and shipwrecke of the saints; their gaoles and prisons the butchery and shambles of all those that with ardent affection sought reformation in the church, and wished well unto Sion, and would not be slaves unto them in all their innovations and popish inventions, with their deluding motions. Neither could there any good be looked for in this iron age of bishops, (as they termed it,) that hammered downe all piety and sanctity, under the name of puritanisme, and cobbled up superstition and will-worship, under the title of Gods service, and prophanesse, under the sirname of lawfull recreations, to the dishonour of God and the king. These, and many things more, that are not to be named, (as I am ready to depose,) have I heard these their owne prophets belch out against them, speaking then as they thought and verily believed; and who in those houres would not feare to call them the tinkers and coblers of Babel, and say, that for the re-edifying of that ruined tower, the prelates cared not if they brought confusion upon the whole church of God. And will you affirme then, that these are Christ and his apostles successors, or the church of God?

But because they are of unsound manners, and by their practices of late made infamous, you perhaps will say, such mens witness is of no validity. It is true, indeed, their testimony is not worth a louce; neither are those shabs, for any merit in themselves, (and to speak candidly of them,) worthy to give guts unto a beare. But yet the prelates actions and proceedings are apparent to the view of all men, and by their works they are knowne: And it is a common saying, Like master, like man. Let us looke upon their servants and officers therefore, and the experience of all men will

make much for the confirmation of this discourse, that the bishops are not the apostles successors. What I have learned upon my owne experience I shall briefly tell you, and in that I protest, before heaven and earth, (in the word of a soldier,) as I looke for the immortality of the better life, I will say nothing but the truth, (without hatred to any mans person,) both of what I know and beleeve. For the proceedings of their courts in generall, they are diabolical and impious, full of extortions, oppressions, and cruelty, exhausting and ruining all that come into them; so that all that have been in them can make volumes of their tyranny, neither can you be ignorant of their wickednesse there.

For their officers of all sorts, which are their serving creatures, to speake a little of them, I never saw a more prophane rabbell in any place wherever I have been, as if they had all with purpose and resolution of mind, and with an unanimous consent, conspired and made a league with hell, and set themselves to fight and wage warre against the heavens. Swearing, ribbaldry, scurrylity, bawdry, corrupt speeches, and filthy communication, (such as chaste eares cannot heare,) impious blasphemie, and scorning of all piety and godlinesse, with rayling against the wayes of God, with deridings and mockings of all them that feare the Lord, and all manner of lying, dissimulation, perjury, and false accusations, and breathing out threats and persecutions against the generation of the just, are the ordinary, dayly, and hourelly dialects and idioome of the prelats progeny and offspring.

And for their conversations, they are exorbitantly luxurious, temulent, inordinately proud, and excessively ingerdigious and exacting; and of such debauchednes of lives and manners, and so brutish and unnaturall, as the very sinnes of Sodome and the old world are revived againe amongst them. Ebriety, venery, fullnes of bread, and idlenes, are the least sins of that convocation, and accounted among them but peccadigios, yea, a theame and matter of ludibry. Greater cruelty, extortion, rapine, robbery, and bribery, (to say nothing of devillary, atheisme, and popery,) I know no where, nor more daring oppressions, (those crying and clamorous sins,) then in the dayly practices of that conclave and commons.

So that a good Christian thinks himself in the suburbs of hell all the time he is constrained by unnecessary and malicious vexation to be among them, insomuch that many honest men are compelled to fly the countrey; and others care not upon what termes it be, so that they may get out from their society, that their righteous soules may be no longer vexed with the uncleane conversation of those filthy locusts that came out of the bottomles pit; for, from the pope to the pursuivant and paritor, they are all a malignant and corrupt lineage and brood of crokers; and this is orthodox English. I could never have beleevd what I saw and heard there, and I want words to set it forth; and indeed it grieves me I must make those things a subject now of my discourse, that at other times I would scorne to make an object of my cogitations; and that I must at this instant contaminate my soule with thinking of that which, had I words and utterance to expresse, is not to be named among Christians.

I shall ever be of this opinion and persuasion, that there is never a one of the prelats courts, but the wickednes of that alone, and their vassals in it, is able to bring a continuall and perpetuall plague upon the kings three dominions. What may we then thinke of all their conventicles together, where all manner of wickednes, impietie, and uncleannes are vendible? So that if men will open their purses wide, *ad pios usus*, to buy their wives petticoats, remission of sinnes and absoluton, with a free immunity from all danger, is with great facility granted unto them. O the long-suffering and patience of our great God! It is his rich mercy we are not consumed, when there is no punishment inflicted against the violators of his most just, holy, righteous, and weightiest lawes; and when there is no severity thought great enough for those that in the least thing transgresse their apish and impious traditions, and vainest and idlest ceremonies. And shall we thinke and say, notwithstanding all this, that these are

Christs successors? *Fy, fy* upon such crying hypocrisy, and temerarious adulation! Without doubt, till all these abominations and scandalls be taken away, and rooted out by authority, we may not long promise unto ourselves continuation of heavenly benedictions; for God will come, and not tarry, with an ample reward of punishment, when men with an high hand and out-stretched arme provoke his divine highness, as the prelats dayly doe.

And thus you see, good landlord, how ample a letter and large I have writ unto you, that I might in part convince you that the prelats are neither Christs nor his apostles successors, which you confidently beleve, and endeavour to maintayne: And withall, that I might put you out of all feare (by the which you have hitherto been withheld from granting mee the least liberty) that I am in no flying mood.

And to draw now to a conclusion, take notice of what I say for ever. So far I am from flying, or fearing, as I resolve to make warre against the beast, and every limbe of Anti-Christ, all the dayes of my life. (Neither did I ever thinke that man fit to doe either God, or his king, or his countrey service, that is a son of feare.) If I die in that battle, so much the sooner I shall be sent in a chariot of triumph to heaven; and when I come there, I will, with those that are under the altar, cry, How long, Lord, holy and true, dost thou not judge and avenge our bloud upon them that dwell upon the earth. And I shall with joy then and alacrity appeare before that great tribunall, when such judges as put mee into your keeping shall wish the mountaynes and the rocks to fall upon them, and the hills to cover them from the sight and presence of the Lamb that sits upon the throne, for their impious dealing. In the meane time, leaving the prelats to the repaying of Fooles steeple,<sup>1</sup> and the dilapidating of the church of God and the kings good subjects, with my earnest entreatyes that you would gratify mee in either of my requests, I remayne your most infettered, in *Limbo Patrum*,

JOHN BASTWICK.

I add this as a corollary, that there is no man truly fearing God, and honouring the king, and that wisheth well to church and state, being well informed of the truth, can be an enemy to any honest man, that are now branded with the name of puritans, or a friend to bishops. For as many prelats in England, so many vipers in bowels of church and state; all which I speake not from any disguised passion, such as rashness and vanity furnish men withall, but from the judgement of deliberation, and which I will maintaine with my blood and life: Onely, in the discussing of these things, I shall ever appeale from the prelats dressar to the tribunall of Cæsar; for they are all delinquents, in a high degree of contumacy, both against God and the king. At which time I doubt not, by the grace of God, but so to advance the arke of truth, as all those Dagon, the prelats, that the world now worship, shall never be able to stand before it: For I will come against them in the name and in the power of the king eternall, immortal, the mighty potentate, the Lord of Hosts.

*The Obligation of John Bastwick, Doctor of Physick, to Meester Aquila Wycks, Keeper of the Gate-house, his good Angel, made the 28th of September, 1636.*

*In nomine Domini incipit omne malum episcopale.*

Be it knowne, therefore, unto all men, by these presents, that I, John Bastwick, doctor of physick, in *Limbo Patrum*, do bind myselfe in this obligation, to Mr Aquila Wicks, that if he neither delivers mee out of this Egypt and house of bondage, where now I am, by the tenth day of October next, nor will not let mee goe to sacrifice

<sup>1</sup> Subscriptions were exacted from the citizens for repairing St Paul's.

unto my beloved joe, that from that time forth I will, with a pen of iron, correspondent to the iron age of prelates, so plague the metropolicality of Yorke and Canterbury, and the hyperocality of all the other prelates, as I will never leave them, till I have sent them to the place where the two *fulmina belli* Alexander the Great cryes mustard and greene sauce, and where Julius Cæsar playes Plutoes rat-catcher. And if I be found at any time fayling in this endeavour, to pay unto the sayd Meester Aquila Wicks as much money as the tayle of the beast is worth. In witness whereof I have set my hand, the day and yeare above-written, being now resident in my diocese, in *Limbo Patrum*.

JOHN BASTWICK.

This, with the corollary, I have added to my Letany, as additional articles; the one to shew the summe of what I undertake to do, the other to demonstrate the reason of the calling I have to flang the grols, which many doubt of; and all this I have done to take away all hesitation hereafter from all men, when they shall see I am bound to it by a speciall obligation under mine owne hand.

Hearc is the end of the First Part of the Letany of Doctor Bastwick:  
there are Seaven Parts more of it to come out.

---

*The Fore-runner of Revenge, being a Petition to the Kings most Excellent Majesty: Wherein is expressed divers Actions of the late Earle of Buckingham; especially concerning the Death of King James and the Marquess Hamelton, supposed by Poyson. Also may be observed the Inconveniencies befalling a State, where the noble Disposition of the Prince is misled by a Favourite.*

---

George Eglisliam was one of the physicians who attended King James I. in his last illness, and having dropped some expressions throwing blame upon the Duke of Buckingham, as having administered medicines which hastened the death of his royal patient, he was forced to fly to Brussels, where he lived many years. It is remarkable, that in the following virulent accusation of the Duke of Buckingham, he quotes no particulars, refers to no living witnesses, nor is pleased even to state distinctly what was to rest on his own testimony. A list of persons designed for slaughter, picked up in the street, and associating with kings and nobles of the first rank, no less a person than Dr Eglisliam himself, is far too absurd a foundation for the superstructure he would rear upon it. Yet thus far is certain, that Buckingham, by tampering with the king's health, and administering empirical medicines, compounded by his mother, or the quacks whom she employed, was guilty of great imprudence, and subjected himself to the suspicions of the public, ever ready to assign some extraordinary and violent cause for the death of princes. In the articles of impeachment brought against the duke, in 1626, this charge was not forgotten, although it is so stated, as rather to infer an irregular interference with the king's treatment, than a direct accusation of poison. The charge, and answer by the duke, are thus given by Rushworth:—

“Whereas the sworn physicians of our late sovereign lord King James, of blessed memory, attending on his majesty in the month of March, in the two and twentieth year of his most glorious reign, in the times of his sickness, being an ague, did, in due and necessary care of, and for the recovery of his health, and preservation of his person, upon, and after several mature consultations, had and holden at several times of the same month, resolve and give directions. That

nothing should be applied or given to his highness, by way of physick or diet, during this said sickness, but by and upon their general advice and consents; and after good deliberation thereof first had, more especially by their like care, and upon like consultations, did justly resolve, and publicly give warning, to and for all the gentlemen, and other servants and officers of his said late majesty's bed-chamber, That no meat or drink whatsoever should be given unto him within two or three hours next before the usual time of, and for the coming of his fit in the said ague, nor during the continuance thereof, nor afterwards, until his cold fit were past. The said duke of Buckingham, being a sworn servant of his late majesty, of, and in his majesty's said bed-chamber, contrary to his duty, and the tender respect he ought to have had of his majesty's most sacred person, and after the consultations, resolutions, directions, and warnings aforesaid, did, nevertheless, without any sufficient warrant in that behalf, unduly cause and procure certain plaisters, and a certain drink or potion to be provided for the use of his said majesty, without the direction or privy of his said late majesty's physicians, not prepared by any of his majesty's sworn apothecaries or chyrurgeons, but compounded of several ingredients to them unknown. Notwithstanding the same plaisters, or some plaister like thereunto, having been formerly administered unto his said majesty, did produce such ill effects, as that some of the said sworn physicians did altogether disallow thereof, and utterly refused to meddle any further with his said late majesty, until these plaisters were removed, as being hurtful and prejudicial to the health of his majesty, yet, nevertheless, the same plaister, as also a drink or potion, was provided by him the said duke; which he, the said duke, by colour of some insufficient and slight pretences, did, upon Monday the one and twentieth day of March, in the two and twentieth year aforesaid, when his majesty, by the judgment of his said physicians, was in the declination of his disease, cause and procure the said plaisters to be applied to the breast and wrist of his said late majesty: And then also, at and in his majesty's fit of the said ague, the said Monday, and at several times within two hours before the coming of the said fit, and before his majesty's then cold fit was passed, did deliver, and cause to be delivered, several quantities of the said drink or potion to his said late majesty; who thereupon, at the same times, within the seasons in that behalf prohibited by his majesty's physicians, as aforesaid, did, by the means and procurement of the said duke, drink and take divers quantities of the said drink or potion.

“After which said plaisters and drink or potion, applied and given unto, and taken and received by his said majesty, as aforesaid, great distempers and divers ill symptoms appeared upon his said majesty; insomuch that the said physicians finding his majesty the next morning much worse in the state of his health, and holding a consultation thereabout, did, by joint consent, send unto the said duke, praying him not to adventure to minister to his majesty any more physick, without their allowance and approbation. And his said majesty himself, finding himself much diseased and affected with pain and sickness after his then fit, when, by the course of his disease, he expected intermission and ease, did attribute the cause of such his trouble unto the said plaister and drink, which the said duke had so given, and caused to be administered unto him. Which said adventurous act, by a person obliged in duty and thankfulness, done to the person of so great a king, after so ill success of the like formerly administered, contrary to such directions aforesaid, and accompanied with so unhappy event, to the great grief and discomfort of all his majesty's subjects in general, is an offence and misdemeanour of so high a nature, as may justly be called, and is, by the said commons, deemed to be an act of transcendent presumption, and of dangerous consequence.”—RUSHWORTH'S *Historical Collections*, I. §50.

The Duke's Reply:—“To this charge, which is set forth in such an expression of words as might argue an extraordinary guiltiness in the duke, who, by such infinite bounds of duty and thankfulness, was obliged to be tender of the life and health of his most dread and dear sovereign and master, he maketh this clear and true answer: That he did neither apply nor procure the plaister or posset-drink, in the charge termed to be a potion, unto his late majesty; nor was present when the same was first taken or applied: But the truth is this, That his majesty being sick of an ague, took notice of the duke's recovery of an ague not long before, and asking him how he had recovered, and what he found did him most good? the duke gave him a particular answer thereto, and that one, who was the earl of Warwick's physician, had ministred a plaister and posset-drink to him; and the chief thing which did him good was a vomit, which he wished the king had taken in the beginning of his sickness. The king was very desirous to have that plaister and posset-drink sent for, but the duke delayed it; whereupon the king impatiently asked, Whether it were sent for or not? And finding by the duke's



speeches he had not sent for it, his late majesty sent for John Baker, the duke's servant, and with his own mouth commanded him to go for it; whereupon the duke besought his majesty not to make use of it but by the advice of his own physicians, nor until it shall be tried of James Palmer, of his bed-chamber, who was then sick of an ague, and upon two children of the town; which the king said he would do: And in this resolution the duke left his majesty, and went to London; and in the mean time, in his absence, the pluister and posset-drink was brought, and applied by his majesty's own command. At the duke's return his majesty was in taking of the posset-drink; and the king then commanded the duke to give it him, which he did in the presence of some of the king's physicians, they then no ways seeming to dislike it; the same drink being first tasted of by some of them, and diverse others in the king's bed-chamber. And he thinketh this was the second time the king took it. Afterwards, when the king grew somewhat worse than before, the duke heard a rumour, as if his physick had done the king hurt, and that the duke had ministred that physick to him without advice. The duke acquainted the king therewith, to whom the king, with much discontent, answered thus: 'They are worse than devils that say it.' So far from the truth it was, which now, notwithstanding, (as it seemeth,) is taken up by some, and with much confidence affirmed. And here the duke humbly prayeth all your lordships, not only to consider the truth of this answer, but also to commiserate the sad thought which this article had revived in him."—*Ibid.* p. 389.

\*  
To the most potent Monarch Charles, King of Great Britaine.

The humble Petition of George Eglisam, Doctor of Physicke, lately one of King James his Physicians for his Majesties Person above the space of ten Yeares.

SIR,

No better motive there is for a safe government, then the safe meditation of death, (equalling kings with beggars,) and the exact justice of God requiring of them that the good, suffering misery in this life, should receive joy in the other; and the wicked flourishing securely in this, might be punished in the other. That which pleaseth lasteth but a moment; which tormenteth is everlasting. Many things wee see unrewarded or unpunished in this inferior world, which, in the universall weight of God's justice, must bee counterpoised elsewhere; but wilfull and secret murder hath seldome been observed to escape undiscovered or unpunished, even in this life: Such a particular and notable revenge perpetually followeth it to the end, that they who are either atheists or machiavelists may not trust too much to their wits in doing so horrible injustice. Would to God your majesty would well consider what I have often said to my master, King James,—the greatest policie is honesty; and howsoever any man seeme to himselfe wise in compassing his desires by trickes, yet in the end he will prove a foole; for falsehood ever deceiveth her owne master at length, as the divell (author of all falsehood) alwayes doth, leaving his adherents desolate when they have the greatest need of his help. No falshood without injustice, no injustice without falshood, albeit it were in the person of a king.

There is no judge in the world more tied to do justice then a king, whose coronation tieth him unto it by solemne oath, which, if he violate, he is false and perjured.

It is justice that maketh kings, justice that maintains kings, and injustice that brings kings and kingdomes to destruction, to fall into misery, to die like asses in ditches, or a more beastly death, eternall infamy after death, as all histories from time to time do clearly manifest.

What need hath mankind of kings but for justice? Men are not borne for them, but they for men. What greater, what more royall occasion in the world could bee offered to your majesty to shew your impartiall disposition in matters of justice, at the

first entry of your reigne, then this which I offer in my just complaint against Buckingham, by whom your majesty suffereth yourself so far to be led, that your best subjects are in doubt whether he is your king, or you his. If your majesty know and consider how he hath tyrannized over his lord and master King James, (the worldly creator of his fortunes,) how insolent, how ingrate an oppressor, what a murderer and traitor he hath proved himselfe towards him, how treacherous to his upholding friends, the marquess of Hamelton<sup>a</sup> and others, your majesty may think (giving way to the lawes demanded against him) to yeeld a most glorious field for your majesty to walk in, and display the banner of your royal virtues.

Your majesty may perhaps demand what interest I have therein? what have I to doe therewith, that I should stir, all others being quiet? Sir, the quietnes or stirring of others expecteth only a beginning from me, whom they know so much obliged to stirre, as none can bee more, both in respect of knowledge of passages, and in regard of humane obligation, and of my independency from the accused, or any other that his power or credit can reach unto. Many know not what I know therein, others are little or nothing beholding to the dead; others albeit know it as well as I, and are obliged as deep as I, yet dare not complain so safely as I, being out of their reach who are inseparable from him by his inchantments, and all to obscure myselfe until the power of just revenge upon him be obtained from God.

What I know sufficient against him, I have set down in my petition against him to the parliament; to which if your majesty dismiss him, sequestred from your majesty chiefly in an accusation of treason, you shall doe what is just, and deliver yourselfe and your kingdome from the captivity in which he holdeth them and your majesty oppressed. How easily I may eclipse myselfe from his power to doe me harme, unless he hath legions of infernall spirits at his command to pursue me, your majesty may well know, I being *ultra mare* to these dominions where he ruleth and rageth.

How far I am obliged to complain more than others, I will in few words express that neither your majesty nor any man may thinke otherwise but that I have most just reason not to be silent in a wrong so intolerable. The interest of blood which I have to any of them of whose death I complain, either by the house of Balgony, Lunday, or Silverton-Hill, albeit it is easie to be made manifest and sufficient to move me, yet it is not the sole motive of my breach of silence; but the interest of received courtesie, and the heap of infallible tokens of true affection, is more then sufficient to stirr me thereto, unlesse I would prove the most ingrate in the world, and senseles of the greatest injuries that can be done unto myselfe; for who killed King James and Marquess Hamelton? In that part of the injury which is done unto me therein, he hath done as much as robbed me of my life, and all my fortunes and friends.

With such constant and loving impressions of me as are neither to be recovered nor duly valued; for his majesty, from the third year of my age, did practise honorable tokens of singular favour towards me; daily augmented them in word, in writ, in deed; accompanied them with gifts, patents, offices, recommendations, both in privat and publicke; at home and abroad graced so far, that I could scarce aske any thing, but I could have obtained it.

How much honor he hath done unto me, there needs no witnes unto your majesty, who is sufficient for many. No less is my lord marquess Hameltons friendship established by mutual obligation of most acceptable offices continued by our ancestors these three generations, ingraven in the tender minds and yeares of the marquess and

<sup>a</sup> James, marquis of Hamilton, a person in great esteem, both with James I. and his subjects of both kingdoms, died at London in the year 1625, in the flower of manhood. He had so great influence over the king's affections, that, as we learn from Clarendon, he rivalled Buckingham himself in his favour; and it is probable that the jealousy of these two great men was the only foundation for Dr Eglissham's scandalous accusation.

me in the presence of our soveraigne king James. For when the marquese his father, who, with the right hand on his head, and the left on mine, did offer us (young in years so joynd) to kiss his majesties hand, recommending me to his majesties favour, said, I take God to witnes, that this young man's father was the best friend that ever I had, or shall have in this world. Whereupon the young Lord resolved to put trust in mee, and I fully to addict myselfe to him, to deserve of him as much commendations as my father did of his father.

This royall celebration of our friends rooted itselfe so deep in my minde, that to myselfe I purposed this remembrance, giving it to my young Lord, and to my familiar friends, and set it upon the bookes of my study, *Semper Hameltonum*, &c.

Alwayes the king and Hamelton.  
 Within thy breast conserve,  
 Whatever be thy actions,  
 Let princes two deserve.

Neither was it in vain, for both our loves increased with our age, the marques promising to engage his life and whole estate for mee, if need were, and so share his fortunes with me; and not only promising, but also performing whenever there was occasion; yea, for my sake offering to hazard his life in combat, whose minde in wishing me well, whose tongue in honouring of mee, and whose hands and means in defending me (both absent and present, unto the last period of his life) hath ever assisted me.

I should be more tedious then were fit, if I should rehearse every particular favour so manifestly knowne to the whole court, and to the friends of us both; who then can justly blame me demanding justice, as well for the slaughter of the marquesse of Hamelton, as of my most gracious soveraigne king James, seeking I know whom to accuse? My profession of physicke, nor my education to letters, cannot serve to hinder me from undertaking the hardest enterprise that ever any Roman undertooke, so farre as the law of conscience will give way.

Why should I stay at the decay  
 Of Hameltons the hope?  
 Why should I see my foe so free,  
 Unto this joy give scope?  
 Rather I pray a dolefull day  
 Set me in cruell fate:  
 Then thy death strange without revēge,  
 Or him in safe estate.  
 This soule to heaven, and to the dead I vow,  
 No fraudfull minde, nor trembling hand I have:  
 If pen it shun, the sword revenge shall follow.  
 Soule, pen, and sword, what thing but just doe crave.

What affection I bore to the living, the same shall accompany the dead: for when one (whose truth and sincerity was well knowne unto me) told me, that it was better that the chiefest of my friends, the marquesse of Hamelton, to be quiet at home in Scotland, then eminent in court of England; to whom, by the opinion of the wiser sort, his being at court will cost him no lesse then his life; with that I, stretching forth mine arme, (apprehending some plots laid against him,) answered, If no man dare to revenge his death, I vow to God this hand of mine shall revenge it; scarcely any other cause to bee found, then the bond of our close friendship, why in the

scrowle of noble mens names who were to be killed, I should be set downe next to the marquesse of Hamelton, and under these words, viz. "The marquesse and doctor Eglissham to embalme him;" to wit, to the end that no discoverer or revenger should be left: this roll of names, I know not by what destiny, was found neere to Westminster, about the time of the duke of Richmond his death, and brought to the lord marquesse by his cozen, the daughter of the Lord Oldbarre, one of the privy councill of Scotland, did cause no terrour in me, untill I did see the marquesse poysoned, and remembered that the rest therein noted were dead, and myselfe next pointed at only surviving; why stay I any more, the cause requireth no more the pen, but the sword?<sup>1</sup>

I doe not write so boldly, because I am amongst the duke's enemies, but I have retired my selfe to his enemies, because I was resolved to write and doe earnestly against him, as may very well appeare: for since the marquesse of Hameltons death, the most noble marquesse de Fiatta, ambassador for the most christian king of France, and also Buckingham his mother sent on every side to seek me, inviting me to them; but I did forsake them, knowing certainly the falshood of Buckingham would suffer the ambassador rather to receive an affront, then to be unsatisfied of his blood-thirsty desire of my blood, to silence mee with death, (for, according to the proverb, "The dead cannot bite,") if he could have found me: for my lord duke of Lenox, who was often crossed by Buckingham, with his brother, and the earle of Southampton, now dead, was one of the roll found of those that were to be murdered, well assured me, that where Buckingham once misliked, no apologie, no submission, no reconciliation could keep him from doing mischief.

Neither do I write this in this fashion so freely for any entertainment here present, which I have not, nor for any future, which I have no ground to look for; seeing Buckingham hath so much misled your majesty that he hath caused, not only here, but also in all nations, all Britain natives to be disgraced and mistrusted, your majesties most royall word, which should be inviolable, your hand and seal, which should be infringeable, to be most shamefully violated, and your selfe to be most ingrate for your kind usage in Spain, which Buckingham maketh to bee requited with injuries in a most base manner; under protestation of friendship, a bloody war being kindled on both sides, whereby he hath buried with king James the glorious name of peace-making king; who had done much more justly and advisedly if hee had procured peace unto Christendome, whereby small hope I have of obtaining justice on my most just complaint, unto which my deare affection unto my deare friends murdered, and extream detestation of Buckingham his violent proceedings hath brought me. Your majesty may finde most just causes to accuse him in my petition to the parliament, which shall serve for a touch-stone to your majesty, and a whetstone to me and many other Scotchmen; and which, if it be neglected, will make your majesty to incur a censure amongst all vertuous men in the world, that your majesty will be loth to heare of, and I am astonished to express at this time,

A serpent lurketh in the grasse.

No other way there is to be found to save your honour, but to give way to justice against that traitor Buckingham, by whom manifest danger approacheth to your majesty, no otherwise then death approached to king James.\*

<sup>1</sup> Scarce any thing in this tract renders its truth more suspicious than the very disproportionate importance assumed by Dr Eglissham himself.

<sup>2</sup> Sir Anthony Welldon gives the following circumstantial account of the death of James I. which is, however, impugned by his adversary, the author of *Aulicus Coquinaria*.

"He now goes to his last hunting journey, I meane the last of the yeare, (as well as of his life,) which he

If your majesty will therefore take any course therein, the examination upon oath of all those that were about the king and the marquess of Hamelton in their sickness, or at their deaths, or after their deaths, before indifferent judges, (no depend-

ever intended in Lent; and was seized on by an ordinary and moderate tertian ague, which at that season, according to the proverb, was physick for a king; but it proved not so to him: and, poore king, what was but physick to any other, was made mortall to him! Yet not the ague, as himselfe confessed to a servant of his now living, who cried, 'Courage, sir, this is but a small fit, the next will be none at all;' at which he most earnestly looked, and said, 'Ah! it is not the ague afflicteth me, but the black plaister and powder given me, and laid to my stomack:' and in truth the plaister so tormented him, that he was glad to have it pulled off, and with it the skin also; nor was it faire dealing, if he had faire play, (which himselfe suspected, often saying to Montgomery, whom he trusted above all men in his sickness, 'For God's sake, looke I have faire play!) to bring in an emprick, to apply any medicines, whilst those physicians appointed to attend him were at dinner; nor could any but Buckingham answer it with lesse then his life at that present, as he had the next parliament, had it not been dissolved upon the very questioning him for the king's death, and all those that prosecuted him utterly disgraced and banished the court.

"Buckingham coming into the king's chamber, even when he was at the point of death, and an honest servant of the king's crying, 'Ah, my lord, you have undone us, all his poore servants, although you are so well provided you need not care.' At which Buckingham kickt at him, who caught his foot, and made his head come first to the ground; where Buckingham presently rising, run to the dying king's bedside, and cried, 'Justice, sir, I am abused by your servant, and wrongfully accused: at which the poore king (become by that time speechlesse) mournfully fixed his eyes on him, as who would have said, 'Not wrongfully.'

"It were worth the knowledge what his confession was, or what other expressions he made of himselfe, or any other; but that was only known to the dead archbishop Abbot, and the bishop Williams, then also lord keeper: and it was thought Williams had blabbed something, which incensed the king's anger and Buckingham's hatred so much against him, that the losse of his place could not be expiatory sufficient, but his utter ruine must be determined, and that not upon any knowne crime, but upon circumstances and examinations, to pick out faults committed in his whole lifetime: but his greatest crime for the present (no question) was *lapsus linguae*; but *quod defertur non auferitur*; for although he escaped by the calme of that parliament, yet is he more ruined by this parliament and his owne folly; and truly we may observe the just judgement of God on him, for flying from the parliament his protector, to give wicked counsell to the king his former prosecutor."—*Court of King James, 1657, p. 160, et seq.*

The author of *Aulicus Coquinaria* gives us the following commentary on Wellton's text:—

"And thus, our author having hunted the king hitherto, blows his death at parting; which, he says, began with a fever; but ended by a poisoned plaister applied by Buckingham. For which being questioned, the very next parliament, it was hastily dissolved for his sake, only to save his life."

"In the entrance of the spring, the king was seized with a tertian ague, which to another constitution might not prove pestilentiall.

"But all men then knew his impatience in any pain, and always utter enmity to any physick: So that nothing was administred to give him ease in his fits.

"Which at length grew violent; and in those maladies every one is apt to offer advice with such prescriptions as have been healthful unto others; and in truth, these as various as the disease is common.

"So it was remembered (by a noble, virtuous, and untaint lady for honour and honesty, yet living) of a present case, by a plaister, approved upon several persons, which, because the ingredients were harmless and ordinary, it was forthwith compounded, and ready for application; not without serious resolution, to present it to the physicians consent.

"But the king fallen into slumber about noon, the physicians took opportunity to retire, having watched all night till that time.

"When in the interim of their absence the king wakes, and falls from a change of the fit to timelier effect than heretofore it usually happened; which to allay, this plaister was offered and put to his stomack.

"But it wrought no mitigation, and therefore it was removed by the doctors; who being come, were much offended that any one durst assume this boldness without their consents.

"But by examination, they were assured of the composition, and a peece thereof eaten downe by the countess that made it; and the plaister itselfe then in being for further tryall of any suspicion of poison. Which, if not satisfactory, it must and ought to lodge upon their score. Sir Mathew Lister, doctor Chambers, and others, who were afterwards examined herein, with very great satisfaction, to clear that calumny, and are yet living to evince each ones suspicion.

"It was indeed remembered the next parliament following; and whereof the duke was accused, as a boldness unardonable; but in the charge (which, as I remember, Littleton managed at a conference in the Painted Chamber,) it was not urged as poisonous, but only criminous."—*Aulicus Coquinaria, p. 192, et seq.*

ants on Buckingham,) will serve for sufficient prooffe of Buckingham his guiltinesse. In the mean time, untill I see what will be the issue of my complaint, without any more speech, I rest,

Your majesties daily suppliant,

GEORGE EGLISHAM.

*MERCURIUS BRITANNICUS.*

JUDICIALIS CENSURA; } Febris Judicialis.  
 Vel, }  
 CURIALIS CURIA. } Sententia Navalis.

*Tragi-Comœdia Lutetiæ, summo cum applausu publicè acta.*

Editio Secunda; accuratissimè revisa, castigata, et Præludi perquàm faceto decorata.

*Mensem terribili mandatur Typis,  
 Quo Stygii Judices appulere ripis.*

This ingenious piece represents the trial of the various judges who gave Charles I. the fatal advice to levy ship-money. From various passages, it would seem that the author, whoever he might be, was a man of moderate temper, who, while he disapproved of the king's encroachments on the liberty of the subject, was not inclined to favour the innovations in religion proposed by the Puritans.

SCENA,—*Smyrna.*

PERSONÆ.

- |   |                         |
|---|-------------------------|
| 1. <i>Euthymius.</i>  | } Duo familiares amici. |
| 2. <i>Theocritus.</i>   |                         |
| 3. <i>Heraclitus.</i>   | } Duo Philosophii.      |
| 4. <i>Democritus.</i>   |                         |
| 5. <i>Ægon.</i>   | } Coloni rurales.       |
| 6. <i>Althæa.</i>   |                         |
| 7. <i>Coriolani</i> flebile spectrum, amputato capite designatur. |                         |
| 8. <i>Claudius.</i>   |                         |
| 9. <i>Cratippus.</i>  |                         |
| 10. <i>Corticeus.</i>   |                         |
| 11. <i>Vigetti</i> defuncti debile spectrum.                      |                         |
| 12. <i>Trivius.</i>   |                         |
| 13. <i>Curvus Acilius.</i>  |                         |
| 14. <i>Ioachini</i> defuncti formidabile spectrum.                |                         |
| 15. <i>Hortensii</i> defuncti amabile spectrum.                   |                         |
| 16. <i>Antrivii</i> defuncti amicabile spectrum.                  |                         |

- |   |   |                       |
|---|---|-----------------------|
| 17. <i>Damocles.</i>                    | } | Panales Judices.      |
| 18. <i>Gliciscus Horologus.</i>         |   |                       |
| 19. <i>Chrysomitris.</i>                |   |                       |
| 20. <i>Brundusius.</i>                  | } | Arbitres Consistorii. |
| 21. <i>Primachus.</i>                   |   |                       |
| 22. <i>Cambrensis.</i>                  |   |                       |
| 23. <i>Manilius.</i>                    |   |                       |
| 24. <i>Perdiccas.</i>                   |   |                       |
| 25. <i>Euchrysius,</i> Clericus Curiae. |   |                       |
| 26. <i>Roderigo,</i> Janitor.           |   |                       |
| 27. <i>Arietus.</i>                     | } | Smyrnenses Cives.     |
| 28. <i>Priscilla.</i>                   |   |                       |
| Chorus plebeius.                        |   |                       |
| Chorus consularis.                      |   |                       |

## AD LECTOREM.

Si alias alii sub hoc titulo Editiones publicis typis mandaverint; mihi credite, de Sepe subolent; ista Editio unicè genuina et germana; omnis alia sordida est et surreptitia.

## PRÆLUDIUM.

*Intrat Satyrus Palinurum sequens.*

*Sat.* Heus Palinure, perpusille, theatricule, paucis te volo!

*Pat.* Perpaucis Satyre; ne me detineas: Moras agrò patiar; imposita est enim nobis provincia narrandi prologum.

*Sat.* Prologum, mi parvule! Quid puero cum prologo? Festina lentè; esto maturè cautus. Legas, modò intelligas hunc libellum, quem prope Regalem Banchum trans-Thamisium hoc die sparsum invenimus, priusquam prologum te agas.

*Palinurus chartam legit.*

Judices qui emunt locos,  
Malos imitantur Coquos;  
Digitos si minùs lambant,  
Circuitus quando ambiunt:  
Principi si non affari  
Concupiscunt terra, mari:  
Conscientiis vel gravi  
Putant, eò ire Navi:  
SCRIPTA timeant QUIETIS,  
Calleat artes nisi Sinon,  
Rector nunquam fiet Sion.

*Astrea furens:*

*Pat.* Quò ista ad nostrum navigium?

*Sat.* Quà maximè ad navigii vestri naufragium. Alia à vobis agenda esset Scena, si justa pœnas lueret judicis sententia.

*Pal.* Ista nos parum tangunt; universus mundus exercet histriõnem: quidni histrio purpuratum judicem?

*Sat.* Flagellaberis verò si surgant.

*Pal.* Magis vereor ne flagellentur ipsi quando resurgent.—Sed ne mihi ulterius moram facias; ultimum tubæ ediderunt sonitum, et auditores expectant prologum.

*Sat.* Prospice, profice, perface. Nos interea hoc peristylio laureolis perpulchrè ob-sito, librè dispatiando, horulam impendere statuimus. “Gratior enim nobis apparuit ambulachri arena, quàm theatri area; theatrum ambulachri, quàm simulachrum theatri: Theatri ambulachrum, quàm ambulachri theatrum.”

---

PROLOGUS.

Salvete omnes lepidi judicum testes;  
Purpurati testes, aures arrigite,  
Quot lites judicum constant sub judice;  
Hic unum cernitis exulem finibus,  
Hic alium variis agitatam fluctibus;  
Atra sub virga alium tremementem,  
Gregorii nodo<sup>1</sup> alium pendentem.  
Cardine verso volvuntur omnia,  
Huc nostra spectat lacrymosa scæna.

Sin patriæ patres contueri probos  
Gaudeat, consules proferemus pios,  
Integræ mentis, astrææ stemmatis,  
Inclytæ stirpis, speciosi ordinis.  
Hi sunt qui leges publicas statuunt,  
Bonos qui nutriunt, malos qui puniunt.  
Isti sunt nostræ Ephori Smyrnæ,  
Terræ si filii, vindices famæ.

Sedete! Joci miscentur lacrymæ,  
Lacrymis joci, salibus facetiæ,  
Ingenii nobilis castæ delitiæ.  
Hæmonii claræ portus divitiæ.

Sedete! placidus sit vobis nuncius,  
Iste Mercurius noster Britannicus.

---

ACTUS PRIMUS.

*Euthymius.* }  
*Theocritus.* }

*Euthym.* Quò tam præpropere pede cursum dirigis, mi Theocrite?

*Theo.* An nescis quid in eò optimo morum ac literarum gymnasio, instructissimo ac integerrimo eò primatum, procerum, communium, et infimatum consistorio, hoc die agitur.

<sup>1</sup> The name of the Jack Ketch of the day was Gregory.



*Euthym.* Privata negotia nos publicis planè alienos fecerunt; narra obsecro.

*Theoc.* Scito, mi Euthymie, quod hodie de iudice sub iudice lis est. Conscripti illi patres, quorum purpuram semel coluimus, febri laborant judiciali, pro eorum sententia, in gravamen subditi, gratiam Augusti, perperam prolata.

*Euthym.* Eheu! In quo statu consiti sumus; quando iudices coram iudicibus rationem reddituri sunt de eorum actionibus in terris!

*Theoc.* Crede mi Euthymie, reddituri sunt rationem, nec evasuri laqueum, ni candidatis eis ac cordatis consistorii Ephoris apprimè satisfaciunt; de facili satisfacere poterint: Eos enim lacrymarum ac litium languentis hujus insulæ plerique dicunt originem fuisse.

*Euthym.* Citò pereant laqueo, si injuriam attulerint judiciali loco; multò melius est, quòd pereat unus quàm unitas, luxurians palmes, quàm fœcunda vitis. Quædam est crudelis indulgentia cujus mollitiæ, imò mole, omnis ægrotans laborat respública. Hoc ego ipse semper asserui, nec minus expertum habuit florens nostra insula, malis parcere, est nocere bonis. Quinam autem isti?

*Intrant Heraclitus et Democritus.*

*Theoc.* Si eorum dispositiones enucleatè tibi narrarem, varios gestus ab uno affectu orientes ostenderem. Duo sunt philosophi irridentes et illacrymantes rebus in orbe gestis. Ille Heraclitus compatiens scenam agit; satur est lacrymis, homines errantes non citius suspicit, quàm eorum erroribus ingemiscit; huiusquam tamen unus vermiculus subintravit amiculum ferale quo involvantur aut funebres illi flores aruerunt quibus instruuntur: novos adire thoros, nuptiales accendere tedas apprimè didicerunt. Hæc eulogium in superliminare domus suæ inscribens:

Miserum me video, et rideo:  
Infelicem te video, nec invideo.

Multi autem exterius gaudent, qui interius gemunt; ab ore rident et plaudunt, qui in corde dolent et plangunt. Ista de eorum colloquiis mutuò habitis illic calleas.

*Hæc.* O mi Democrite, quid rides?

*Democ.* Quia tu fles; quid enim in hoc spatioso orbis theatro minimâ lacrymulâ dignum invenias? ubi serva facti sunt domini, domini servi; domini capite amputato servus exurgit: et in sellam domini ascendit. Conjuges virorum exequias deflet, lacrymas fingunt, in eorum sepulchra desilire offerunt; huiusquam tamen unus vermiculus subintravit amiculum ferale quo involvantur aut funebres illi flores aruerunt quibus instruuntur: novos adire thoros, nuptiales accendere tedas apprimè didicerunt. Hæc, hæc, hæc.

*Hæc.* Ista oculis meis lacrymas eliciunt: quæ plura mi Democrite?

*Democ.* Quæ plura interrogas? Diogenis tibi compara lucernam, et ludibrii spectacula undique invenies. Ista in conspectu principis admodum clarus, fruitur deliciis, eburneis distenditur lectulis, honoribus, uti oneribus, premitur, non querit quod minus acquirat, nihil ab eo petitur, quo non potiatur, omnes conditionem ejus spectantes, admirantur, et felicissimum quò terra se extendere poterit, profitentur: unica interim nubecula omnes hosce eminentis radiolos uno die, minutissimo imò horulæ minuto dispulit. Princeps secessit, magni hujus herois somnians gloria recessit: et iste Atlas, qui tantas moles, montes honorum dicerem, Herculeis suis portavit humeris, cum ignominia discessit; hæc, hæc, hæc. Iste tamen heros non citius perit, irrevocabile sustinendo fatum, quàm ab iis superstitem esse optatur, à quibus quamdiu vixit et floruit, acerbissimis inimicitis afflicebatur. Viventem quem oderunt, morientem deflerunt, et piis lacrymis redivivum optarunt: sed heroidum capita citius adimenda sunt quàm redimenda. In hoc tempore multò tutius insipientem fuisse quàm sapientem; sapientis enim cerebrum securi fit pabulum, insipientis securum. Visne plura?

*Herac.* Perge, mi Democrite, iste non gratiores tibi sunt facetiæ, quam nobis nostræ erunt lachrymæ.

*Democ.* Plora ineptule, plora et quò ineptius plores, vide, quomodo parentes plerumque parcius vivunt, quò filios prodigos citius reddant. Imo quomodo naturæ debitorem se facit parens, quò licentius luxuriat proles. Progredere, progredere in hanc florentissimam civitatem, circumspice, fenestras apertiores contuearis, et cerussatas facies prospicientes, fucò ad focum invitantes, omnia vanalia Novæ Troiæ invenies: perlepidas damulas, basiolo crumenæ vincula solventes: exit parens, intret pellex; hah, hah, hah. Alios reperies officia dimittentis, ni amitterent. Alios, proprios relinquentes nidos, ni unâ cum pullis perirent. Alios opibus rapinæ affluentes, miserè exhaustos. Alios alienis plumis ornatos, etiam suis exutos. Hic calones et caupones a sportâ aut sutrinâ exurgentes, ac si regii essent professores, pulsantes pulpita, nova depromentes dogmata audies, et doctissimi à plebeis tententur theologi. Cerdones sacerdotes fiunt: in cœmeteriis sepeleri horrent, in publicis verò iis, quò defuncti licet, viatore instruant, si errent. Ne manus lavare possim, quin smecticam eam Brunfeldii effigiem in pelvi suspicio. Nec in cellariam descendere valeo, quin Abelli statuam vividam comperio. Imo ne corrigiam solvere potero, quin coriaceam eam pattentam in memoriam revoco, et rideò. Homines enim nunc se verè inversas arbores ostendunt, convexos proferendo surculos, inanes fructus. Et quò in uno contextam omnia, stultorum plena sunt omnia; omnia Democriti oculis ridicula.

*Herac.* Infimæ est conditionis de aliorum latari incommodis.

*Democ.* Rectissimè; hinc est quod me totum in cachinnum verto, quia omnia proprio laborant incommodo.

*Herac.* Talla interim in sua redeunt incommoda.

*Democ.* Et æquissimè, mi Heraclite; quis enim, si compos mentis fuerit, terrestrem domum non deseret, quò ad caelestem dominum redeat? Ista autem dementes, Elysios campos in terris constituunt; futura parvi pendunt, quò præsentia possideant. Diruunt, ædificant, vestes tineis, structuræ ventis præparant. Hamum honoris non citius pendente aspiciunt, quàm avidè arripiunt; quo faucibus hærente, meritò pereunt. Nec juvenilibus ista unicè efferbuerunt annis; licet enim, ut ille testatur sculus, juveni senescere sit prodigium, seni juvenescere ridiculum: Incanescentes tamen hujus insulæ senes, sepulchro appropinquantes, et eorum canitiæ si non sapientiam, certè auctoritatem et reverentiam exhibentes, maximis delibatos esse vitii conspiceres, ita ut de iis verissime dici potest: æquè insenescent in crine ac crimine.

*Herac.* Mira canis.

*Democ.* Sed vera caninus de canis hæc canibus. Crines citius quàm mores mutabit lupus. Nec primos colores facilè amittet lana; nec infusos prius fapores testa.

*Herac.* Maxima autem spes tenet Heraclitum, quod nullos reperies senes in totâ hæc insulâ tam miserè, perdite imò delirantes, terrenis opibus Elysios amitterent campos.

*Democ.* Perge, et profice, mi lacrymabilis Heraclite, in dementiâ tuâ. Nonne multi sunt, obsecro Bourboniæ illius opinionis, qui multo citius partem in Paradiso quam in Parisio dimitterent? Hoc ipso die ista testantur Judices, venerandi isti et conscripti patres, qui sub calculo judicii summo vitæ discrimine hodiè positi sunt.

*Herac.* Eheu! Judices.

*Democ.* Imò Judices. Eò igitur conveniamus ambo: Quamplurima enim ibi audientis, tuis affiniore lacrymis, nostris accommodatiora gaudis.

*Herac.* Perlibentèr eò pergam; ubi si Judicium in Absynthium mutatum audivero, absynthiatos eos patres salugineis deflevero rivulis, imò totum me in Niobem mutavero.

*Democ.* Age, ineptule, age. Hah, hah, hah. Totus orbis, universa febris; quot jacole, tot monopole. Hah, hah, hah. [Exeunt.

*Theoc.* Sequamur, mi Euthymie;—locus est et pluribus umbris.

*Euthym.* Valde vereor, mi Theocrite, ista non concessa erit libertas eis qui alieni sunt domus consortio; membra hujus celebrioris consistorii non sumus, ergo minus admittendi.

*Theoc.* Parum te hoc moveat; nemo est qui gravi et composito aspectu, placido vultu, venusto habitu pollet, quin admittetur. Quinam vero isti?

*Intrat Rurales, Ægon et Althæa.*

*Euthym.* Rustici sunt, ut mihi apparent; simpliciori eorum colloquio arrectiorem præbeamus autem in eorum enim palliis nil Palladis suspicio. Circa varias præsentis status vicissitudines varia agent, eaque perlepidè, et eò lepidè magis quò incultè.

*Ægon.* Nova, plurima nova tibi impartiri possum, mi Althæa.

*Althæa.* Quænam ille, mi amiculè?

*Ægon.* Narrabo tibi secretum, mi Melleola. Triennale parlamentum habebimus omni anno.

*Althæa.* Quid istud triennale? An spectat ad pascendas greges? colligendos hædos? pascuales tuendas limites? depellendas gregibus lues? narra, quæso.

*Ægon.* O mi corculum, sufficiat nobis, quod triennale hoc beneficium habebimus; quantum ad me attinet, verè fateor me penitus ignorare, an illud triennale mas sit an fœmina. Novi autem quod de eo rumore in rure sparso, totam noctem in publicas pyras extruendo, sociales Cyathos propinando transivimus.

*Althæa.* Apage! Illud vocabulum me gravitèr urit, conjux iste meus, aliquando academicus, nunc armentarius, promisit se omni triennio benevolentiam suam mihi solviturum. Et placidè gratias egi, interim nescivi, quomodo illud tertio unicè anno solvendum esset.

*Ægon.* Senio confectus est, quid de eo expectes? Age verò, et appropinquemus consistorii portam, hoc enim diè multa, eaque magna circa nostros agenda sunt iudices.

*Althæa.* An passuri sunt suspendium?

*Ægon.* Nescio certe; maximum verò iis imminet periculum; fibulas, ut aiunt, posteriora faciunt.

*Althæa.* Quò illuc properemus? Talia colonis parum competunt negotia: nec eis nostra quadrant ingenia.

*Ægon.* Eamus tamen; si nil audimus, quiddam fingamus; quo rura petentes audientium auriculis majorem stuporem adferamus. [Exeunt Rurales.]

*Theoc.* Nec minor nos audiendi petat sitis; quando omnes eò confluunt, ne texamus moram; adjungamus verò nos ipsos eorum consortiis. Communi malo, communi auscultandum est fastidio.

*Euthym.* Progredere, penso huic proposito facilè acquievimus. [Exeunt.]

## ACTUS SECUNDUS.

*Reserato ostio, abducto sipario, Euchrisius Clericus Curia Codices profert; Judices nominatim accersit; Indictamenta legit; quibus perlectis, PRIMACHUS, CAMBRENSIS, et MANILIUS variis vicibus, varias quæstiones iis proponunt; quibus vicissim respondent Judices.*

*Intrat Coriolani Spectrum, abscisso capite designatum.*

O semper astet vestris Astraea fibibus,  
Obtestatur Ille qui semel floruit,  
Et hisce palmam cœpit comitiis,  
Ast præmature funere perit!

Justitiam singulis impertite Candide,  
Suffragiis gravibus miscendo lenia;  
Parcendo judices meliores isti,  
Quàm quos punire semper urget ira.  
" Non solum Oleo sanantur vulnera,  
" Vulnere crudo fundantur Balsama."

Vivat Rex, vigeat consulum gloria,  
Vincat Britannia; Coriolani vota.

Quem nec exæstuans ira communium,  
Atra nec virga, securis, theatrum,  
Fera nec mortis facies exanimem  
Fecerunt, cernite funere vividum;  
Felicem magis, morte quo miserum,  
Heroum superum cœtu conspicuum.

" Valetè omnia quæ spectant terram,  
" Mors mihi lucrum, meta sepulchrum."

[*Erit.*

*Consul. Chor.*

Dira sunt ista nostris ostenta sedibus.  
At piis culta monitis, quæ unâ tenenda voce, tuenda voto.  
Unâ gerenda manu, regenda motu.  
—Ista sed umbris reditura suis,  
Pergite officiales.

*Eucris.* Heus Roderigo, proferantur captivi.

*Roder.* Quinam sunt primò proferendi?

*Primach.* Proferantur ordinatim, uti argumenta eorum tradiderunt; ordinis ignorantia perturbat formam justitiæ. Primùm igitur à primis ordiamur: à junioribus ad seniores progrediamur judices: sicut singultim errarunt, singuli in suorum accersiantur defensionem. Multò attentiores et æquiores invenient judices, quàm se in navalem eam agendo causam ostenderunt.

*Cler. Janitor,* deducatur Claudius ad pergulam. Leva manum Claudie; indictatus es nomine Claudii, quod tu in termino Hilarii, 1637, contra Reipub. pacem, Subditi

libertatem, Conscientiæ testimonium, Deum non habens ante oculos tuos, perfidè, perditè et nephariè sententiam dedisti de navali pecunia Domino Regi solvendâ, nullâque eò impellente necessitate, principi debendâ; penes quem fuit de necessitate suâ solum judicare. Dic Claudie, reus es an non hujus criminis de quo indictatus es?

*Claud.* Me in officio claudicasse agnosco; parum verò temporis me ibi remansisse norunt omnes: ut rarior igitur fuit culpa in parcius errando, tenuior sit pœna in patièdo.

*Cambrens.* Hoc verò in defensionem causæ tuæ parum proficit, si diutius enim affuisses, præfuissem imò purpuratis eis subselliis, verisimile est, quod numerosior fuisses in vitiis; una vestrum fuit culpa, una vos Charontis spectat cymba.

*Democ.* Quam lepidè claudicat iste Claudius in officio? Heus Charon, emercare servos; ardua tibi imposita est provincia, quotidianum tibi est pensum;—in te turbamur turbida iudicum. Hah, hah, hah.

*Cler.* Secede Claudie. Heus Roderigo, ad pergulam accersiat Cratippus; leva manum Cratippe, indictatus es nomine Cratippi, quod tu in termino Hillarii 1637, contra Reipub. pacem, Subditi libertatem, Conscientiæ testimonium, Deum non habens ante oculos tuos, perfidè, perditè et nephariè sententiam dedisti de navali pecunia dom. regi solvendâ, nullâque eò impellente necessitate, principi debendâ; penes quem fuit de necessitate sua solum judicare. Dic, Cratippe, reus es an non hujus criminis de quo indictatus es?

*Democ.* Bovem in ore, vel craterem in gurgite habet ne verbum proferre valet.

*Manil.* O Cratippe, ne diuturnioris silentii finem facias; tace, desine, erubescere. Nec te quicquam magis decuit, quam tacuisse; pia vero erubescencia insueta est prævaricantibus pœna. Te obscœnis lucris semper fuisse deditum audivimus, pereas igitur laqueo, ut inhiasit lucro: corpus extenuans, quo lucrum extendas. Nulla te latuit occasio lucrandi, nulla te igitur pateat ratio pœnas evitandi. Quem enim in hoc confluvio, in hoc instructissimo circo habes, qui in defensionem tuam exurgat, aut in aliquo te justitia alumnus asserat?

*Aut unus, aut nemo.* Habuisti unum, sed tibi dissimilem, Hortensium nempè, tui consortem, iisdem subselliis piè assistentem, sed conditioni tuæ dissortem; illius enim opinio in hoc navali negotio, Curvo Acilio optimè quadravit. Non scripta quietis, nec fulmina profugi illius Chrysomitris respexerunt isti. Famæ odorem titulis honorum præposuerunt; quam famæ gloriam qui negligit, crudelis est. Ille igitur Hortensius licet mortem oppetiit, talem apud posteros memoriam reliquit, ut monumenta ex marmore, ære, ebore condita multò citius sunt peritura, quam ejus inter Britannos peritura est memoria.

*Cratip.* Non inficior me reum esse; vestro tamen candore leniatur censura. Sin minus, sicut una nostrum fuit sententia, una ad Anticyras vehat cymba. Latius extenderem vela, sed à plura loquendo me præpedivit angina.

*Democ.* Nescio an Anticyram ratio illis destinet omnem. Majores nostri domum pusillam rempublicam esse judicarunt: Isti vero totam rempublicam in propriam domum, imò domus scriniolum contraxerunt.

*Herae.* O deplorata miseri hominis miseria!

*Democ.* Ne lacrymulam promerentur ista; libentè eos insanire jubeo. Ecce enim quam merita Cratippo irroganda est pœna! sicut vœnalem linguam habuit, loquendi facultatem tantoperè amisit, ut peragrè veniam delinquenti postulet, hah, hah, hah.

*Cler.* Accersiat Craticeus ad pergulam. Leva manum Corticee, indictatus es nomine Corticee, quod tu in termino Hillarii, anno Dom. 1637, contra Reipub. pacem, Subditi libertatem, Conscientiæ testimonium, Deum non habens ante oculos tuos, perfidè, perditè et nephariè sententiam dedisti de navali pecunia dom. regi solvendâ, nullâque eò impellente necessitate, principi debendâ, penes quem fuit de necessitate suâ solum judicare. Dic Corticee, reus es an non hujus criminis de quo indictatus es?

*Cortic.* Non reus.

*Cler.* Deprehensus es reus, liberet deus.

*Cambr.* Quam plurima tecum sunt agenda? Satis eloquentiæ, sapientiæ verò parum habes. Nemo paratior fuit in leges dicendo, ducendo imò et instar cerei nasi, ad omnem modulum componendo. Quò autem ista natalis festivitas? Genii et ingenii fatalis felicitas? Initiante sine cortice natate, difficile; cœpisti evolare cum Upupa, pubescente adhuc pennâ, testulâ capiti pendente. In Circuito, præcipuè in Ducatu Lancastriæ, (eo tempore optimo illo ac integerrimo viro, Dom. Farrington vicecomitatus curam gerente) tyrannidem exercuisti; ubiq; te ostendisti fastuosum, eòq; omnibus magis exosum fecisti. Cætera enim peccata in malis operibus insidiatur ut fiant: superbia vero bonis operibus insidiatur ut pereant.

Mille virtutibus affluens propter arrogantiam felicitatem amisit. Cætera vitia deum fugiunt, sola superbia deo se opponit. Imò quâ audaciâ, insolentiâ imo, te explosiæ hujus sententiæ navalis assertorem ostentasti, ac si ingeniorum tibi unice concessum esset monopolium? Quò quisque igitur pertinacior fuit in vitiis, eò gravioribus censendus est suppliciis.

Si schisma pœnam, hæresis mereatur gehennam.

*Cortic.* Attestor superos, me et victurum et moriturum in eâ opinione, si tanti tam cordati et conspicui verè consistorii authoritati nixus non acquiescerem; tot enim codicillos, analecta, statuta, annales perlegimus, ut si narrandi detur locus, vel argumentandi concedatur aditus, ista opinio nostra optimis munienda esset fulcris.

*Camb.* Cede locum; locum enim in laqueum commutaturi sumus.

*Democ.* Mecastor! Quò profuit facundia, cum vita laqueo sit finienda?

*Cler.* Heus janitor, ubinam *Vigetius*?

*Rod.* Ne quenquam eo designatum nomine habemus.

*Prim.* Talem tamen habuimus, qui Corticei fratris sui opinioni facîle acquiescens, in nullo unquam ei adhæserit nisi in navalem hanc proferendo sententiam. Se agrotantem semper finxit, si aliquando argumenta proferret. Quando autem in arenam descenderet (argumentis in plateâ feliciter perditis) nemo unquam majore brevitate offenderit. Et in hoc unice sapientem se gessit, quod moriendo sententiam prævenit. [*Vigetii defuncti spectrum debili gestu trepidans apparet et disparet.*] De eo igitur verè dicendum est, quod semel vernavit, ab antiquâ domo processit, in quo uno laudabilis fuit, quòd patrimonium retinere magis quam augere quæsit.

*Democ.* Multi moriendo quàm vivendo sapientiores se probant. Hab, hab, hab.

*Cler.*—In pace secedat ad umbras. Deducatur *Trivius* ad pergulam. Leva manum *Trivie*. Indictatus es nomine *Trivii*, quod tu in termino paschæ, anno Dom. 1638, contra Reipub. pacem, Subditi libertatem, Conscientiæ testimonium, Deum non habens ante oculos tuos, perfidè, perditè et nephariè sententiam dedisti de navali pecunia dom. regi solvendâ; nullâque eò impellente necessitate principi debendâ; penes quem fuit de necessitate suâ solum judicare. Dic *Trivie*, reus es an non hujus criminis de quo indictatus es?

*Manil.* Quid obmutescis? an premeris?

*Democ.* Quamplurimas opulentas compressit viduas, quid ni prematur? Hab, hab, hab.

*Triv.* In defensionem meâ parum in promptu habeo.

*Manil.* Nec unquam habiturus; tace et audi. Hic ipse est, quo nemo ditior, nemo legibus imperitior; profertur tandem in publicum, quò se nomini suo faciat synonymam: licet enim cum larvis parciùs est luctandum, hanc tamen colubrem effigiare, hoc prodigium hominum vivis coloribus delineare statuimus, eâque brevitate, quò minus fastidii audientibus adferamus.

*Democ.* Astemus, et pictum hoc Gorgonis caput contueamur.

*Manil.* Iste *Trivius*, trivialis verè *Trivius*, satur viduis, viduus gratiis: habens plus

fidei in arca, quàm sagacia in aula; strenuo et sinuoso magis corpore, quàm ingenio et ingenioso pectore, se prosperum ac felicem procum faciens ab aliorum thoris majorem medullam elicit, quàm à pauperculâ eâ professionis suæ praxi unquam acceperit. Multum loquitur, parum sapit, et in voce cerebrum ponens; oceanum verborum ne guttulâ rationis conditum proferet.

*Triv.* Ad capillum me descripsisti, optime Manilie; inscium me prorsus legis fateor, meque (ut cæci solent) fratrum meorum opinionibus nitentem et eorum judiciis succumbentem, facillè acquievisse. Ad hoc igitur clamat ignorantia mea, et ei parcite; miseremini mei, cujus ipse miserebitur deus innocentis scilicet.

*Manil.* Promptiorem mihi responsionem, quàm tu aliquid in tui defensionem excudisti Trivie; ignorantia excusat à tanto non à toto. Optimum tibi propositum habuisti exemplum, Antrivium nempe; nunc defunctum, et in pace dormientem, qui testante calamo, sublinguens, adhuc in grabato, tali acquiescere noluit opinioni. Tu autem era non solum in imagine, sed in æruginè colens, portiunculam substantiæ paci conscientie præposuisti. Sicut igitur mulxisti viduas te tuis mulgeat Fiscus regius.

*Democ.* Apage! mulgendus est hircus. Inscitiæ suæ pœnas luct iste Ignoramus. Quæ multi congesserunt anni, una dies ademerit; tot conjugum fortunas Fiscus hausit regius. Hah, hah, hah.

*Herac.* Nunquam prosperè succedunt res humanæ, ubi negliguntur divinæ.

*Cler.* Seccadat Trivius, arotiore detineatur vinculo ne evadat; et clausam retine manum Roderigo, ni surreptitiâ merce libertatem acquirat.

*Prim.* Quantum ad te spectat, vir spectatissime, Curve Acilie, constantia et integritas tua te patrem patriæ, sidus curiæ, generosum germen justitiæ, radio solis descriperunt; perennemq; apud posteros memoriam, nullus temporis exitu, nullâ sequentis ævi oblivione exarandam reliquit. Edentem enim livorem, facillè vicisti, et in hac confectâ, peractâ imò ætate tua, in penetralibus viventium exexisti statuam. Cui nullum superesse poterit gratius eulogium, quàm Memoriæ Curvi Acilii Sacrum.

*Democ.* O quantum distulit Trivius ab isto Acilio? Iste ut leges apprimè scivit, ritè dispensavit; ille verò nec dispensavit nec scivit.

*Herac.* In hac supinâ et torpente ætate, sicut gramen in puteolis, vitia ex eorum inertia succrescere solent; unde expertum habuimus, omne malum incurabilius esse in senem quam in juvenem.

*Democ.* Si æquiore tamen indagine horas emeterentur suas, quantò senes sunt morti viciniore, tantò debent esse puriores. Nunc verò talis est corruptela morum, ut hominum nunquam magis terram colunt, quàm cum exituri; nunquam minùs cælum spectant, quàm cum eò, si bene vixissent, perrecturi. Tene latera, ni ex nimio solvantur risu. Senescunt juvenes, juvenescunt senes, Hah, hah, hah.

*Cler.* Exeratur Joachinus.

*Rod.* Exivit de proprio carcere, priusquam nostræ traditus fuit custodia.

*Camb.* Defunctus est. [*Joachini defuncti spectrum formidabili motu fluctuans, apparet et disparet.*] Et morti multa debuit, licet enim Delphicum se Juridicum commonstravit; in argumenta sua callidè vafre et implicite texendo; et Tytidem se plenè gessit; qui hinc et illuc fluctuans, an Achilli, vel Hectori sese adjungeret, levitèr hæsît, editâ attestans voce, "Quem fugiam scio, quem sequar nescio." Eò tamen severiore mulctandus erat pœnâ quò ad palpandam veritatem major illius fuit solertia.

*Democ.* Sed cum de manibus vestris eripuerunt manes, et præmaturam mortem opportunè moriendo sustulit.

*Cler.* Proferatur Hortensius.

*Rod.* Iste nunquam custodia nostræ traditus fuit.

*Manil.* Verum dicis, Roderigo, tam integer vitæ suæ custos fuit, ut liberum se vivens et moriens gessit; perpetuis igitur elegis viri tam probi, et sinceri memoria defenda est. [*Hortensii defuncti spectrum amabili vultu rutilans, apparet et disparet.*]

Honesti enim Judicis, et Alumni pauperis nomen emeritò adeptus est. In quo magis gloriandum fuit titulo, quam totius orbis imperio.

Invidiam virtute vicit, et honorem funere nactus.

*Herac.* Quàm piis arbitriis bonorum signanda sunt sepulchra!

*Democ.* Hinc ea originem traxerunt adagia; Nemo malus qui non stultus; Nemo malus felix; Nemo sapiens peregrinatur; stultus solus exulat.

*Herac.* Verè ille, mi Democrite, peregrinatur, qui sese non fruitur.

*Manil.* Secedat, et exemplum præbeat.

*Cler.* Evocetur Antrivius.

*Rod.* Diutius evocatus fuit.

*Cler.* Ubinam apparuit?

*Rod.* Eò quò appulit. E manibus et manicis nostris longisper fuit emancipatus.

*Prim.* Quo jure? quo privilegio?

*Rod.* A mandato cujusdam Herois, morosi admodum et imperiosi; in portam enim carceris postquam paulisper præstolatus esset, se intraturum, vel ostium compagibus inversurum jurabit: tam torvo et terribili erat aspectu, ut metu percussus ei viam dedi; ut verò captivum tradidi, illicò à crine eum surripiens, disparuit.

*Cam.* Inevitabili fato nullus est reluctari. Vir autem ille si ad ista usque supervixisset tempora, tam approbatæ fuisset in hac disceptatione opinionis, ut immunis evasisset, et confectæ ætati suæ tam feliciter transactæ colophonem attulisset. Dormiat in pace, et effloruit in luce; et eò pulchrius effloruit in luce, quò minus effloruit in lite.

*Democ.* De mortuis nil nisi bonum; sin corpore minus ægrotasset, in mente forsitan minus convalescisset.

*Herac.* Verè dicis, mi Democrite; ægrotudo enim corpus vulnerat, sed mentem sanat.

*Democ.* Quàm insani interim sunt isti, qui vegeto præstantes corpore, insaniunt mente?

*Cler.* Janitor, deducatur Damocles ad pergulam. Leva manum Damocles, indicatus es nomine Damoclis, quod tu in termino trinitatis, 1638, contra Reipub. pacem, Subditi libertatem, Conscientiæ testimonium, Deum non habens ante oculos tuos, perfidè, perditè et nephariè sententiam dedisti de navali pecunia, dom. regi solvendâ, nullâque eò impellente necessitate, principi debendâ, penes quem fuit de necessitate suâ solum judicare. Dic Damocles, reus es an non hujus criminis de quo indicatus es?

*Dam.* Neque me prorsus reum, nec innocentem fateor. Argumenta mea si quis adamussim perlegerit, me opinioni fratrum meorum maximè dissentientem reperiet. Non apertè enim talem principi deberi censum asserui; quò igitur moderatior nostra fuit sententia, eò magis lenienda est vestra censura. Nostra quibusdam circumstantiis præcincta, imò præstricta erant argumenta; vestrum sit igitur (spectatissimi viri) ætati nostræ indulgere, rude diutius donatæ, nunc senio et curis miserè confectæ.

*Prim.* O Damocles, non ita evadas; nec tamen sine piis lacrymis deplorata tua spectanda est conditio: In rebus enim forensibus, optimam adeptus es famam. Bovem in ore nunquam habuisti; clientuli causam, modò integram et probitatis fulcris innixam, strenuè et studiosè egisti. Imò, (ut nobis relatum fuerit) nil domi habes nisi rerum inopiam, foris res alienum. Hinc egestatem tuam ipsius æquitatem apertius narrasse asseruimus. Ista forsitan molliant et minuunt, nequaquam adimant.

*Herac.* O paupercule judex, nonne tua pauperies te immunem restituit?

*Democ.* Tace ineptule; iste insipiens præ omnibus gravissimas promeritus est pœnas, quando per tot annos, imò annorum series nobiscum floruit, primis subselliis incessit,



tot lucrandi occasiones, uti pendulas escas, habuit, tamen instar coci malè conditi, ne digitos paululùm elambere potuit. Hah, hah, hah.

*Camb.* Accuratà satis indagine hanc Lernæam canalem exploravimus; nunc ad alias progrediendum est sedes; nec rariores nos in eis specubus inventuros esse colubres magnoperè vereor. Quo Augæos verò hosce Stabulos melius purgatos relinquamus, et nullus vel impudentiæ vel ignorantia detur locus; quantum ad Gliciscum, Glirem potius dicerem; instar Ciphrae locum tenentem, parum verò pectoris retinentem, minùs Astræam callentem; horologus vester quia fuit, O prætectati iudices, cum in horologii custodem destinamus: Parum habet pectoris, lenior eò in suppliciis.

*Democ.* Quam arrectà Midæ auriculà ista audit.

*Cler.* Dòminationi vestræ complacuit, quod ad alias Ephori classes descendamus?

*Prim.* Quò minùs? una pœna implicat, quos unus amor in crimine ligat.

*Cler.* Heus custos atræ virgæ, efferatur Chrysomitris.

*Cust.* Excessit, erupit, evasit.

*Manil.* Ubinam gentium?

*Cust.* In aliam evolavit regionem. Nidum reliquit, ni in eo caperetur priusquam excederet; et ab eo tempore in quo hinc discessit, inter Gallos (ut aiunt) cantare cœpit.

*Manil.* O quæ dementia cepit! O quàm vividè indigitat illa Chrysomitrem sententia, Malum consilium consiliario pessimum!

*Cust.* Relicto consulari ordine, militiam exercere dicitur, et nuperrimè proditum est, se ex injuriâ sibi illatâ fortissimi pugilis officium præstitisse; inimicum enim inermem reliquit, seque non minùs fortem militem quàm facundum rhetorem narravit.

*Camb.* Quàm plurimas, easq; pereximias dotes illi contulit natura; quæ si condimentum acceperant ab humilitate et gratia, clarissimum verè fecissent. Superbienti autem nullum onus honore periculosius. Tam facilè mutant mores ut se etiam propinquis et familiaribus ignotos faciunt. Isti tumores mundi tam insuetâ rabie eorum perstimularunt mentes, ut infelicissima suorum conditio sese suis et aliis invisos reddidit. Optimè igitur magistratus magistratu acquiritur; nec ulli digniùs impertiendus est, quàm ei à quo minimè vel tepidè requiritur. Optimè hoc movuit, qui dixit, Renuenti detur, annuenti denegetur. Diu autem iste Chrysomitris in exterâ regione niduletur, priusquam revocetur, satis domi talium saluatorum habemus; talis omnis aves tenerè nimis lactavimus. E nostris exeant oris, et tardè redeant, ne matrem à cujus uberibus pendebant, perimant. Quo autem in uno arctius contexamus omnia; nemo se unquam magis ingratum Chrysomitre gessit. Principi enim, cui nemo devinctior, ea imputavit quæ ipse fecit. Quando fortis et constans animus mille citius perferret mortes, imò lepido aspectu (instar Heroici illius Spiritus nuperrimè occumbentis) mortis inexorabilis minas retorqueret, quàm principi de se tam benè merenti vel levissimam maculam aspergeret. Sed discedat ille cum eloquentiâ suâ; quo nullus unquam Judex injustior, nullus Custos iniquior nec inopior; nullus Solicitarius impurior nec importunior. Interea nos ipsi, ne sub eorum calculo recenseamur, qui mercurium in lingua non pectore gerunt; non tam accurate quàm, candidè non accordatè; non tam politè, quàm rectè et ritè de re omni nobis propositâ disseramus.

*Democ.* O misera felicitas! splendida servitus! famam, fortunam, vocem, vultum, nidum et nationem ictu oculi perdidit.

*Heracl.* O niveæ honorum pila, minimo intempestivæ mentis astu resolvendæ! Quinam autem ille qui tam turgido et elato more prodit?

*Democ.* Ipse est, quo nemo in republicâ meliorem adeptus est opinionem, priusquam magistratum obtinuit; adeptò verò, nemo infeliçius amisit. Sic—rebus mores cessere secundus. "Bonus caudicus, judex pessimus."

*Cler.* Accersi Brundisium ad pergulan. Leva manum Brundisie. Indictatus es nomine Brundusii, quod tu in termino Trinitatis, 1638, contra Reipub. pacem, Subditi

libertatem, Conscientiæ testimonium, Deum non habens ante oculos tuos, perfidè, perditè et nephariè sententiam dedisti de navali pecunia domino regi solvendâ, nullâque eò impellente necessitate, principi debendâ; penes quem fuit de necessitate suâ solum judicare. Dic Brundusie, reus es an non hujus criminis de quo indictatus es?

*Prim.* Domine Prolocutor, parce paulisper, iste enim Brundusius acriore more tractandus est. Hoc confidentèr asseram, quod nemo à republicâ pejus promeritus fuerit; cum se justitiæ antistitem omnes reputarunt, se juratissimum illius inimicum ostenderit, in talem famæ nævum, conscientiæ labem aspergendo. Vidit, et apertis oculis cecidit; æquum novit, et iniquum egit; meritò igitur perit. Si enim, ut Trivius ille, legum ignarus fuisset, in defensionem suam aliquid præferri poterit; contra expertissimam verò scientiæ suæ normam sententiam dare, ô piaculum!

*Brund.* Ingenuè fateor; nec minus ingenuum candorem vestrum obtestor, me leniore eo ac molliore susurro Chrysomitris, partim blandientis, partim comminantis, Navalem, novallem, imò meam tradidisse sententiam. Dixit enim Chrysomitris (quo nemo, ut optimè nostis, in artificium benevolentiae colligendo, nec in persuadendo feliciorum artem unquam habuit) me tali sententiæ in gratiam principis vel acquieturum, vel honorem meum amissurum; imò scriptum quietis ad summam mei ignominiam perpressurum.

*Prim.* O deliria senilis avaritiæ! vestrumne fuit scripta quietis quieti mentis præponere? an oportuit vos, quò propinquiores estis sepulchris, eò terrestribus procliviores esse desideris? pedem habere sepulchro appropinquantem, et mentem habere mundo inhiantem? O si pensaretis quàm parum nature sufficeret; et de eo parvo, quàm minimum senectuti vestræ competeret; multò levior de terrestribus cura multò altior de celestibus sollicitudo vobis incumberet!

Vos enim qui in studio legis tantoperè claruistis, maximis omnium pœnis affiendi estis: Speculum habentes justitiæ tam purum, tam integrum, Curvum nimirum Acilium, virum ætate confectâ sed mente vividâ, conscientia involatâ. Eumque habuistis in exemplum; sed (curva licet vestra fuerint vestigia) curvum sequi renuentes, justitiam rectam in obliquum convertistis. Nostis, apprimè nostis, et in eo gravius vobis impendet judicium, aureola ea Periandri monita memoratu dignissima: Nihil pecuniarum gratia agendum, judicio favor officit. Perit enim omne judicium, cum res transit in affectum. Nimius amor et nimium odium, omne pervertunt judicium.

Nec Joachinus ille nuperrimè defunctus, leviores emeritus est pœnas, nature verò debitum solvendo, parca se eis perpetuum fecerunt debitorem. Implicitus enim licet et nodosus in argumentis fuit, Gregoriano tamen nodo iste Oedipus cum ænigmate suo, si minus obstiterant fata, sese implicuisset.

*Democ.* Seni impostorem agere, quid obscœnius? Hah, hah, hah.

*Herac.* Et hoc plerunque evenit, cum senes in terris posuerunt Elysium.

*Prim.* Secedamus paululum, selecti fratres, quo maturiore adhibito consilio, sententiam in cuiusq; noxam accommodatius reddamus.

*Consistorii Secedunt Arbitres.*

*Intrat Arietus et Priscilla, &c. Smyrnenses cives.*

*Herac.* Quò ista mulierum turba confluunt?

*Democ.* Ex earum habitu facilè conjicias. Civiles sunt conjuges delicatule anates, que huc properant, quò fatalem hanc Judicium censuram audiant.

*Herac.* Eheu! an teneræ earum aures ista sine lacrymis audire poterint?

*Democ.* Credis omnes Heracliti mollitiæ esse compositos? toto celo erras. Isti muliercule fortioris sunt spiritus. Oculis enim siccis, saltem fietè humidis conjugibus suis perægrè navigantibus longum vale valent dicere; imò sepulture traditos subtristi

ore, hilari verò corde contueri, et priusquam funebres extinguantur faces, alienos in mentibus fovere ignes.

*Herac.* Miror verò quod magis hoc ipso die quam aliis huc convenerunt.

*Democ.* Ignoras causam? audi et acquiesce; aliis erant dies disceptandi, isti verò iudicium denunciandi; et nosti fœminas executionem magis quàm iudicium semper amâsse.

*Herac.* Parum ab iis expectandum est iudicibus.

*Priscilla.* Intrabo certè, si enim Capreolus ille Aulicus in curiâ sedeat, certè scio, quod mihi faciorem aperiet introitum, ut egomet ei sæpissimè dedi facilimum.

*Arietus.* Pish, pish, mi muscula, mi melleola, mi rosamella, quid tibi cum curia?

*Prisc.* Et quid nobiscum curia? Tace Ariete, tace Cornelie, actum est de amicitia, si mihi Statio non pareret in curiâ.

*Ariet.* Medius fidius, nulla tibi cum Aulico fiat Statio in proprio loco.

*Prisc.* Fuit verò et fuerit mi Penule, si mihi displiceas.

*Ariet.* Absit, longè absit, mi Lauricula, quod talis generi meo aspergatur macula; talis fronti imprimatur nota.

*Prisc.* Quidni? An te primum eo initiatum ordine autumes?

*Ariet.* Nullimodò; libenter tamen nollem gerere nocturnum meum pileum juxta novum civicum morem cum patulis auriculis; nec cervica corneis ramentis suffertum somniare.

*Prisc.* Parum te ista moveant; prævidenda citius sunt fata quàm prævenienda. Si talia tibi destinentur insignia, ne relucteris; contra stimulum enim calcitrare, insipientis est.

*Ariet.* O indomita juvene libertas! Nonne ego sum Arietaria stirpe editus; de totius civitatis antiquissimâ Corneliana familiâ ortus?

*Prisc.* Quid inde? nulla tam venerabilis familia, quæ tali fato minùs subdita. Quo tandem istæ prosunt nugæ?

—Heus, Titille, Titille.

*Ariet.* Quid tibi cum Titillo, pruriente eo Aulico?

*Prisc.* Ut facilius mihi aperiatur aditus.

*Ariet.* Perægrè tibi concedetur. In hisce publicis comitiis nullus relinquatur locus fœminis.

*Prisc.* Quid nî fœminis? acsi nos minus capaces essemus! Invenient, imò probant, nos satis esse capaces. Ascendam certè quò, attentius audiam, apertius videam.

*Ariet.* Quid audias? quid videas? quò, mi Cunicula, te tua rapit cupiditas?

*Prisc.* Videre Judices magnoperè cupio; dicunt enim (et fama an mendax sit scire vellem) eos in mentum ne plus habuisse barbæ, quam simiam caudæ.

*Ariet.* Satis subtiles sine pilis apparebunt. Istud autem tonsoris officium subeunt, quo in subselliis terribiles magis aspectus induant.

*Prisc.* Imberbes isto juvenes molli lanugine pubescentes suboleo; imberbes et imbelles verò senes, quorum pili stimulantés sunt setæ, parum sapio—quinam illi?

*Ariet.* Judices ipsi quos videre tantopere concupisti.

*Prisc.* Eheu! Quàm frigidi essent sponsi? perpetuum habent stircidium in barbâ.

*Ariet.* Tace, mi Lepusecula; quando huc veneris, et in gradus ascenderis, audi quid fiet de iis.

*Prisc.* Tradantur suspensio, parum me uret; valdè suspicor eos vix esse masculini generis. Irritum sunt genus, perfidum pecus, inimici generationis; facilè pereant cum suis iudiciis.

*Ariet.* Coerce linguam, mi Anatula, nî observeris.

*Prisc.* Obstructas habent aures, cœcutientes oculos, nec me audiant, nec videant.

[*Exeunt.*

## ACTUS TERTIUS.

*Abducto siphario sericeo, intrant Arbitres Consulares, Consistorii presidentes; Penales Judices; Euchrisius Clericus Curia, Roderigo Janitor, &c.*

*Cler.* Heus Roderigo! proferantur captivi.

*Democ.* Quàm universa febre languent corpora! Hah, hah, hah.

*Mani.* Astate judices, astate; deploratissimæ conditionis judices. Reos vos esse criminis cujus indietati estis non negastis; nec in defensionem causæ vestræ tam ex cordis et deperditæ, aliquid attentionis nostræ dignum proferre potuistis. Nostis, sat nostis, quod iudex in nullo eorum sit iudicandus, quod in alio iudicare est paratus. In quo, inquam, quàm miserè errastis? Illius enim criminis iudices fuistis et censores, cujus vos ipsi extitistis authores. Judici mercedem capere, fuit capitale. Sin tanta et tam gravis denuncianda fuerit sententia unius ob noxam, eamq; ad unicum spectantem subditum; quale eis supplicium irrogandum est, qui totius florentis insulae subditis inulerunt injuriam; principi subditum, subdito principem suspitosum faciendo; novas contra conscientia clariora testimonia, opiniones promulgando; Halcyoneos dies pacifici regis, et morigeri status insolitis nymbis perturbando; imò omnia pro viribus vestris in flammam et cinerem vertendo? Si tale incendium (ut incendiarios vos verè gessistis) non promereatur suspendium, quid æquius emereatur plane nescio. Lex primùm instituebatur ut sit salus publica, à vobis verò fit reipub. pestis teterima.

*Mida.* Scenam vos omnes apprime egistis. Fidei commissarii in gratiam principis et pupuli facti estis; quam nec minis, amicis, prece nec precio estis violaturi: illecti verò spe præmii, vel panico pavore perculti, justitiam nudam reliquistis, et conscientias n vos testantes, miserè neglexistis. Sic victi pretio, vel metu fracti, interiore cæcutescentes lumine, Midæ vos ministros verè probando.

*Omnes.* Miseremini, miseremini, spectatissimi viri.

*Democ.* Euge! Versiculum, quem toties isti aliis indiderunt iudices, ipsi coacti sunt nunc deprecari. Misereatur vestrum Deus.

*Manil.* Eadem mensurâ quâ aliis mensi estis, remetietur et vobis.

*Herac.* Eheu! Ne minima hisce miseris relicta est specula, si compar eis pensetur mensura.

*Manil.* Arrigite aures et attendite; inter succisivas horas vos sapissimè relegisse facile credo, quomodo Germani, feliciorè Drusi auspicio, victi magis quàm domiti; coque defuncto, viribus innixi suis, Vari Quinctilii libidinem ac superbiam haud secus quàm sævitiam odisse cæperunt: et quàm faciliè victores evaserunt. Quod brevi transacto certamine, sese ut barbarierant, efferos et crudeles victores gesserunt. Nèc in ea grassante sævitiâ se ulli conditioni magis implacabiles ostenderunt, quam consularis dignitatis viris, quia eorum facundiâ, vernali, ut putarunt, linguâ depromptâ, Roma nos primùm eos aggressuros, et lacrymabilis belli incommodis subdituros cogitarunt. Varus perditas res eodem quo Cannensem Paulus, et fato est, et animo sequutus; nihil illa cæde per paludes, perque sylvas cruentius, nihil insultatione barbarorum intolerabilius, præcipuè verò in causarum patronos: aliis oculos, aliis manus amputabant: unius os sutum, recisa prius linguâ, quam in manu tenens Barbarus, tandem, inquit, vipera sibilare desiste. Recoluisse etiam, vobis non incommodum erit, eum Manium Acilium, inexplebilem illam munerem voraginem, et inter Romanos præcipuum Legatum; quem Mithridates summo cum contemptu in Asinum insidere jussit, donec usque

ad Pergamum venisset, ubi elixum aurum in os ejus immitti præcepit; eò implicite Romanos censendo acceptioni munerum nimis deditos, linguis inimicitias nimis facundis. Alex. Severus hostis assentatorum maximus, Aulicum suum Turinum demandavit in publico foro sudi configendum, et fumo suffocandum, voce præconis acclamante,

*Fumo pereat, qui fumum vendidit.*

Præstat enim (Antisthenis verbis uti) *ἡ κέραια* quàm *ἡ κόλακας* incidere; coracibus prædam facere cadaverum, quàm adulatoribus viventium. Insigne igitur prudentiæ specimen esset, vobiscum agere, qui talem Reipub. intulistis pestem, et ementitis judiciis publicam imminuistis pacem; sicut ille Philippus rex Macedonum, cum duobus subditis suis, iisque pessimæ conditionis, aliquando egit. Alterum enim Macedoniâ fugere, alterum persequi jussit, quo facto, patria noxiis istis parasitis patriæ fuit liberata. Utrique datur exitus, nulli reditus.

*Brund.* Est viri boni dicere, cum perdidisse potuerit, pepercisse, quàm cum parcere potuerit, perdidisse.

*Mamil.* Malis qui parcit, bonis nocet. Attendite, quæ vobis denuncianda est sententia. Sicut leges araneorum telis fecistis simillimas, et florentem hanc rempub. nymbis et procellis distortæ vestræ opinionis, uti naviculum agitastis; nullus in hisce finibus vobis admittitur locus. Pergite igitur, pergite (talís enim est vestra definita sententia) ad fortunatas eas insulas, Arenas appellatus, Hibernico tractu sitas. Ibi enim, si venenati estis, diu respirare non poteritis: Sin verò mores, uti crines, propositum vobis fuerit mutare; in iis insulis aerem habebitis æquissimè temperatum, et corporibus vestris tam salubriter dispositum, ut peragrè moriemini, ni tale vobis fastidium adferat mundus, aut vos mundo, ut multo minus gratum fuerit vivere, quàm mori. Imò tantum temporis ex temperie aeris vobis concessum fuerit, ut residuæ redimant horæ, quicquid anteacte dissiparunt. Irrevocabilis data est sententia, nulla à vobis neccenda est mora. Paratur navigium, rudente, clave, antennâ, anchorâ destitutum, (vestri regiminis fatale judicium) hoc characterè dignoscendum.

*Censura Consulis, Cymba Charontis.*

*Judices.* In senectute æquè ac hyeme navigare, grave est.

*Prim.* Nulla in consortiis pœna gravis.

*Democ.* Citò abite, serò redite.

Tollite nunc fasces, satis ulta supina senectus.

Sedes alma Themis suscipe, Cymba senes.

[*Exeunt Judices.*

#### ACTUS QUARTUS.

*Intrat Chorus Plebeius.*

*Cho. Pleb.* Eloquere domine Pinner, pro totâ grege tuâ; enim conventiculi oraculum es nostri.

*Democ.* Hah, hah, hah. O grex egregia! egregiè asinaria! Ignavum pecus dicere—nunc Lerna reclusit fauces. Exite gemmina viperarum perfida. Hah, hah, hah.

*Cho. Pleb.* Eloquere, Domine Pinner, eloquere.

*Pinner.* Sciant omnes per presentes, (viri et fratres charissimi) quod tria à nobis veritatis assertatoribus, cæcitati temporum compatientibus, zelo animarum ardentibus et reformationi religionis anhelantibus, præcipuè requiruntur.

*Democ.* Quam placidè nobis arridet phanaticus iste religionis relegator? Hab, hah, hah.

*Pinner.* Primò, ut nullus sit in ecclesia ordo; secundò, ut omnes ritus, ceremoniæ, vestes sacerdotales, musica instrumenta aboleantur in ecclesiâ; tertio, ut nulla sit communis orationis formula.

*Herac.* O quàm miserè delirantes isti ecclesiam facerent acephalam!

*Democ.* Tace et audi, apage! quàm arrectis auribus ista rotunda capita Pinnerum oratorem suum audiunt, audiendo stupent?

*Pinner.* Sin verò prudentiæ vestræ æquius videbitur, quod ecclesia susciperet gradus majoris et minoris; hosce præpositos volumus esse laicos seniores; ad quam quidem dignitatem sortiendam, nullos æquiores, nec ex omni parte paratiores judicamus, quàm venerabiles fratres nostros, dom. calcearium, sportarium, fibularium; (cui licet Viridarius demi-castoreus ille, nuperrimè competitorum opposuit, in efficaciâ sermonis facile vicit, victorq. evasit) homines reverà mediocriter doctos, sed mirabiliter inspiratos. Ante omnia autem volumus, quod præcipiatis Francisco de Sacraquercu, apocryphum illud episcopi vocabulum dehinc cum asterisco distinguere, et inter verba obsoleta, in perpetuam rei memoriam, ponere. Quantum verò ad primum articulum querimoniam nostræ attinet, sicut nullum planè ordinem in ecclesiâ esse volumus ita omnes (ut secundum petamus articulum) ritus et ceremonias perhorruimus; quia quicquid antiquum, minus verum credimus. Vestes sacerdotales æquè in presbyterio, ut Sindonia manicas in Episcopo improbavimus; pallum illud sacrum et superpelliceum, ut Babylonice pellicis supparum, subuculam muliebrem Ægyptiacis laciniis, lenociniis imò decoratum, delibutum dicerem. Scortantes isti sacerdotes qui in linteis hisce vestimentis nobis poderunt, uti spectra è cœmeteriis prodeuntia apparent. Quantum verò spectat ad musica instrumenta, ut Babylonica tympana semper æstimavimus; imò ne propria verè diligere possumus membra, quia appellantur organa.

*Democ.* Isti certè ad pistrinum potius quàm ad religionem reformandam censendi sunt.

*Pinner.* Quoad tertium querimoniam articulum, nullum volumus communis orationis formulam, ne dominicam orationem; spiritus diffidentiam apertè innuit. Nec orantes igitur neque prædicantes paratos volumus habere pastores, ex tempore verò loquentes, quò magis in se probent efficaciam spiritus. Turneri symbolum, et glossam ejus de communione sanctorum valde approbamur. Et ut in uno complectamur omnia; quæ antiqua, licet mille consiliis approbata, rejicimus.

*Perd.* Audite dementes, tritum sed factum rhythmum quem in Britannicâ insulâ semel audivimus. In eo idiomate vobis reddetur, in quo accepimus.

Tack tent to my saw my sonnes three,

Rob. Will. and Dave.

Keep wele your pater and your ave,

And if you mind your fathers reed,

Stand close to your auld crede.

But for my daughter Gillion,

I wad she were wele belted with a bridle

That leavs her warke to play the clarke,

And lets her whele stand idle.

For it saws not for she-ministers,

Farriers nor furriers,

To descant on the Bible.

*Chorus Consul.* Mittamus nugas! querimonias vestras, viri et fratres, multo majore attentione, quam demeritæ sunt audivimus. Quantum ad episcopos refert, nudum et exsanguem titulum perægrè reliquimus; justices autem censuimus rescindi vitia quam officia. Desistite tandem à deliriis vestris; quicquid commode fiat, et ecclesiæ paci competat, ei maximè providendum est. Sin minus trabes, saltim festucæ læsis oculis sunt removendæ. Non habent in se charitatem, qui non diligunt ecclesiæ unitatem.

Ite domum, vos vestris intendite, nostrum sit communi inservire bono principi, populo, patriæ.

---

EPILOGUS.

Statutum est ab ædilibus, publicis ludis præpositis, quod proximo die (permittente Jove) Quintus Actus super Tiburem, Tiburnum dicerem, a nova societate Abellorum publice agetur.

Vive le Roi.

---

*A true Relation of some Passages which passed at Madrid, in the Year 1623, by Prince Charles, being then in Spain, prosecuting the Match with the Lady Infanta.*

*As also severall Observations of eleven ominous Presages, some of them hapning in the same Year whilst the said Prince was in Spain, the rest of them hapned from that Time untill his Death. With a Discovery of some of the Wayes which the then Popish Bishops used to bring Poperie into this Nation.*

*By a Lover of the Gospel of Jesus Christ and the Welfare of this Nation.*

London: Printed 1655.

---

Times of civil trouble and dissension have been ever remarkable for the growth and increase of superstition, and no sooner do great and unexpected events take place, than many portents occur to the recollection of the people, as having been their natural fore-runners. The general belief in astrology, which prevailed during the earlier part of the seventeenth century, had its effect likewise upon the public mind; and both parties, during the civil wars, were so much aware of this, that each had their soothsayers, who promised them conquests and victory. Lord Fairfax, as we learn from Lily the astrologer, consulted that prescient person and his yoke-fellow, John Booker, on the event of the civil wars. The following string of ominous presages seems to have been published shortly after the king's execution, probably to reconcile the minds of the people to an event, which was so remarkably intimated to be the will of Heaven.

---

## To the impartial Reader.

Reader,

I had no intent ever to have put in print these ominous presages, for they have been of an ancient standing in my head; the most part of them old things, being fit for nothing but to be forgotten, or at least laid aside. But a friend of mine knowing that I had observed them long agoe, (some of them being of thirty years standing or more,) desired me to give him a short brief of them, which I did; but when I had collected my memory, and saw the troubles that do dayly increase by some who delight to fish in troubled waters; and considering that there are many good people that are not yet settled in their hearts concerning these mutable times, but do still continue opposite to the government as now it is, and do not once think of, or it may be never heard of any of those sad presages which the Lord sent to give warning to those that would take warning or notice of them, and did lay them to their hearts; I did also then consider with myself, that if they were published to the view of all the nation, that they may give good satisfaction to some, and might draw them from their self-opinions, which of a long time they have had of these most turbulent times; so that if they will but look up to God, they shall plainly see, that the hand of God is in all the actions that hath passed untill this day: and that no one tittle of the work that the Lord hath appointed to be done, but it shall be fully effected, though men strive never so much against it. Therefore I desire thee to consider well of what thou shalt find written in these few lines, (for they are truth,) and were acted by those which sought to bring in popery to this nation, in those days when they had the reines in their own hands. And certainly these predictions are true, and were purposely sent by God to some (though not to all) that they might take notice of them. I having long agoe spoke with some that did take notice of them as well as myself, and did look upon them as from the hand of God. And I do wish in my heart that all those into whose hands they shall come, to read them carefully, and imprint them in their hearts, and be well advised how they do practise or contrive any thing tending to the shedding of any more innocent blood in this nation, for certainly they will be found out, and themselves will have as great a share in the destruction which they do practise as any of those shall have which they shall practise against, either in their lives, limbs, estates, wives, children, and all that is dear unto them; nay, which is the greatest of all, their souls will have the greatest losse when they shall lose heaven, without the great mercy of God. I will conclude with the words of the psalmist, "O that men would fear the Lord, and praise his holy name, for his mercie endureth for ever!" For certainly he will (as heretofore he hath done) overthrow the horse and his rider if they do persist in their exorbitant wayes. And I will now say with Paul, as in any other case, "My hearts desire to God is, that men would serve the Lord with fear and trembling, and sit still, and see the Lords worke done in his own good time."

Reader,

I do desire thee to consider with thyself if thou hast heard of, or seen of any of these observations following; if yea, then whether thou didst make that use of them as was expected from God's hands thou shouldst have done; for certainly they were not done in a corner, but were sent from God as fore-runners of his wrath against the late king, and all those popishly-inclined prelates, and other his abettors, that did assist him in those practises and counsels, for the bringing in of popery into this nation, as it did plainly appear by the silencing of so many godly and orthodox ministers, as then were put from their preaching and livings since his coming from Spain, at which time many



young divines, at receiving their orders for preaching, were forbidden to read certain mens works, as M. Perkins his works, Clark's sermons, and others, and were likewise limited what subject they should preach on, as the Lord's prayer, the belief, the ten commandments, and the like; and, the better to bring their practises to passe, they did cause all orthodox books that were out of print, and to be reprinted, (although the authors of them were dead many years before) to be brought to the bishops chaplains, to be reviewed by them, who were half, if not altogether, popish, or at least Arminians, and they to expunge, or put in any popish tenet which they thought fit to put in, although those men which wrote those books were men of as sound judgment as any of those that did corrupt or abuse their works, and it is very likely that if the bishops themselves were so much given to popery, they would entertain none to be their chaplains, but such as should be as themselves were, and by that means many good ministers works were corrupted, and themselves counted popish by all that should read their new revised works, which the authors were no ways guilty of. But you will say, that many of the bishops were free from popery. It is very true, some of them were so, but those that were nearest to the king in his councils were not, as Neal, Wren, Laud, and others were not; but mark, I pray you, thirty years before the angels of England did begin to fall, (which were the bishops, as Mr Brightman, a famous divine, did call them, and one whom the then bishops persecuted even to the forsaking of his native country,) he the said Brightman did prophesie the downfall of them to begin in the year 1639, which fell out very near the time, for in the year 1640, or very near it, they were expelled the parliament for their misdemeanours there, for many of them appeared then to be popish.

And after the wars began, bishop Wren's house being searched, there was found in it a new set of massing plate: it was as neat a set of plate as the pope hath any in his chappel. And Dr Pearce, the then bishop of Bath and Wells (as it was confidently spoken of, and likewise written) did send word to the then bishop of Canterbury (Laud,) and in his letter to him, did thank God that he had not left a lecture in all his diocese, (a thing very fit to thank God for!) But I pray take notice that all these things were acted after the king came from Spain by the bishops; for the late king being in the year 1623 but prince, was sent into Spain by king James, accompanied with George duke of Buckingham, and sir Francis Cottington, where, after some treaty with the king of Spain concerning the Infanta, (whom he conceived should have been his wife,) the divines of Spain opposing the match, did put many rubs in the way, but the chiefest of them was the unlawfulness of matching the daughter of Spain with an heretick, and one that they could have no assurance of, that she should have the free exercise of her religion for herself and her retinue, without good caution given for the same, and no other caution would be accepted on but the two port towns of Plymouth and Dartmouth; neither did they conceive it fit to have any farther treaty on the premises, untill approbation thereof were first had and obtained from the pope's holinesse.

And to that end the prince writes his letter to his holinesse, wherein he gives him the style of Most Holy Father; and, after compliments used suitable to the dignity of his holinesse, he makes known unto him the cause of his so suddain coming into Spain, which (as he said) was to gain the lady Infanta to be his wife; and withall related to his holinesse what a dangerous consequence it would be to the catholicks of England, if the divines of Spain should make any further scruple in opposing the match; and he did also professe, upon the faith of a christian prince, that he would hazard his life and all his kingdomes for the propagating the Roman catholick religion, with other circumstances of the like nature.

His holinesse answered his highnesse letter with the like complements, laying before him the valour of his noble ancestors, who hazarded their lives and all their fortunes, and all that was dear unto them, in defending the catholick faith, and did not only

merit unto themselves eternal glory and happinesse in heaven, but gained unto themselves also, and to their posterity, everlasting fame and renown here upon earth, and then exciting him (as his ancestors had done) to go forward in promoting the catholick faith; and so with his holinesse his benediction he bequeathed his highnesse to the protection of the Almighty.

Yet the divines were not satisfied with his highnesse so large promises to his holiness, but still opposed the match with might and main; so that the prince was constrained to send another writing to the king of Spain, of one whole sheet of paper fully written, and sent it by the hands of the duke de Olavarge, intimating what a dishonour it would be both to his person and reputation, if he should not obtain the prize which he so much aimed at, and which he did esteem above all the treasures in the whole world, and that it would be a great hindrance to the catholicks of England from attaining that which now they might obtain, if he might not have her which his soul so much desired; but he hoped that those so celebrious divines would not put him to give such caution as was desired, and as they propounded, and could not be by him with honour granted, especially in regard his father had granted the catholicks of England the free exercise of their religion seven years before his coming into Spain, and withall exciting them to consider, that neither his father nor himself had broken their words in the least tittle of any of the capitulations that had past between them; and the divines in not taking the word nor oath of his father nor of himself, for the performance of what had been capitulated, would be a means to cause his father's vassalls every day to raise new scruples and obstructions, so that the catholicks of England should not enjoy that freedom of the exercise of their religion which now they have; and that if he might enjoy her whom his soul so much desired, it would be a means that none of his father's vassalls should dare to stir.

And he doth also promise, upon the faith of a christian prince, that nothing in the world should make him break his word in the least jot or tittle of any thing that should be capitulated on, but would hazard his life and all his kingdomes, and all that was dear unto him, for the promoting of the Roman catholick religion, for he would not be joynd to one in the affinity of marriage whose religion he should hate; which promise he did faithfully keep, to the ruin of himself and all his posterity.

But the first foundation of his ruin, and all their posterity, was laid by his father king James; for in the matter of sir Thomas Overbury his death, he did send for the judges, and gave them a strict charge to examine the matter thoroughly concerning the death of sir Thomas Overbury, and did imprecate God's curse upon them if they did not discover it to the full; and did upon his knees call for a curse from God, and desired that God would never prosper him nor any of his posterity if he did spare any guilty person that had a hand in that poisonous murder: And the judges having prosecuted the businesse so far, that they found Sommerset and his lady to be the chief actors in this murder, for they found that Sommerset did write a friendly letter to sir Thomas Overbury, that he would use all the ways and means to get his enlargement that possibly he could; and in that letter he sent him a paper of powder for him to take, as being the best thing that himself took in his sicknesse, (sir Thomas being then sick of poison sent him before;) but this powder which was sent in this letter was a poison of a lingering nature, whereof (with some other poison which Mrs Turner had sent him of the like nature) he died; and after it was found out, there was justice done upon many of the actors, whereof Weston was the first, then sir Jarvis Elway, the then lieutenant of the Tower, was the next that suffered, and after him Mrs Turner was also hanged, besides others; and when it was punctually proved that Sommerset and his lady were found to be the chief actors of this murder, and that he himself had sent the poison aforesaid, the king, contrary to the curse which he had formerly called from heaven upon himself and all his posterity, did pardon both him and her

after the lord Coke had past sentence of death upon them; and the lord Coke was ever after in disgrace with the king for passing this sentence against them, and for some other small matter which he crossed the king's humour in; and so this noble gentleman was poisoned for no other cause but for opposing Sommerset in the marriage of Essex his wife. But the Lord did shew a great example upon them both, but especially upon her, for she died a more loathsome death than any woman ever died, but for civilities sake I will forbear the particulars thereof.

But let us now leave this, and speak no more of this curse, but let us look up to heaven upon him that sees all the actions that are done on earth, and that is the contriver of all marriages on earth both great and small, and you shall see how he doth frustrate the designs of all those that have plotted the downfall of the gospell of Jesus Christ, by bringing them to utter confusion in all their enterprises; and I pray observe with me, how in the very interim of this treaty the Lord did look down from heaven upon them, and did send his thunders as messengers of his wrath to give them warning, that he would meet with them, and confound all their devises.

And, in the first place, be pleased to take notice, that on Thursday the 30th of June, 1623, whilst the prince was in Spain, it being but two days after the letter was written to the pope, for it was written the 28th day of June:

I. The Lord was pleased to send one great clap of thunder, which stroke away the flag and flag-staffe from the main-top-mast-head of a ship then riding at Blackwall, and bound for Spain with provision of fresh victuals to fetch the prince home, as live muttons, capons, and other fowls fit for such a voyage, Spain being barren of such provisions (so that they could not be furnished there.) It was as fair a day as any hath been seen; it also split the main-top-mast, as one would have split an osier twig; it threw one part on one side of the ship, and the other part on the other side of the ship; it raised the main-mast down to the deck, but did no other hurt to the ship; it killed two men and one woman at Croydon, in the bishop of Canterbury's diocese, in a field where they were making hay. But you may object this was but an accident, for thunders have done many such things, the bodies being scorched, and their clothes not so much as once to smell of the fire. It is very true such things have happened many times and in many places, but look a little further, and you shall see such other prodigious things that you will not say they were accidentall.

And now I beseech you, consider with me whether these following presages be accidentall or no.

II. And see what happened on the very next Thursday, being the 7th of our July: The letter to the pope being written the 8th of their July at Madrid in Spain, it pleased the Lord to send many great claps of thunder, with abundance of raine, and withall so great a pillar of fire from heaven out of the south, (which is the due course from Spain,) that it reached from the heavens to the earth, not as a flash of lightnings gone in the very sight, but a very firme pillar of fire, which I believe did amaze any that did behold it. It was my hap to be in the parke near Southwark when it fell right before me, and so deterred me that I prayed that the Lord was not angry with this nation, for seeking to match with one whose religion was not agreeable to the gospell of Jesus Christ. But one of those claps of thunder did strike away the crown and vane from the top of the Gatehouse of St James, whereon the clock stood; it melted a piece of the bell, (which house was then the prince's house at that time) and he constantly kept his court there; it also struck down a gardener and his wife in a garden near the Neathouse, near Westminster, and brake through several houses in the Bowling-alley, near Westminster aforesaid; the man before-mentioned was dead, but the woman revived, and was well again: the body of the man was scorched, but his clothes had no hurt. It split wainscots, chaires, tables, and stools in the houses aforesaid. It killed also another man at Croydon the same time. Surely these things

cannot be accidental, when both these thunders did aim both at the head and crown, as we may say it did, for the flag is as the bat on the king's head, for all ships when they meet with any the king or states ships at sea they strike their topsails or the flag in obedience or homage to the admiral. There is no man that is not wilfully blind, but he may see that these two dayes thunders were not accidental, but from the hand of God.

There is one thing more, which a heathen or an infidell will not say was accidental, and that is this :

III. Old Thomas, earl of Arundell, a great lover of statues, had sent for the king's statue in marble out of Italy. It being come, it was landed at a little garden-house in Greenwich, which the earl then had there. His lordship with others coming to view the statue, did very much commend the workmanship of it ; but while they were discoursing of it, there fell three drops of bloud on the face of it, no man knowing how it should come there ; the earl seeing the bloud, was very much moved at it ; they used all the means they could use to get away the bloud, but could not : This questionlesse was not done by accident, but as the Egyptian sorcerers said to Pharaoh in the plague of the lice, " This is the finger of God."

Yet one thing more there is remaining, which I hope will give you full satisfaction that these presages were sent by God.

IV. For in the same year, 1623, while the prince was in Spain (for then he was but prince) promising to promote the Roman catholic religion, both to the pope and likewise to the king of Spain, there was a Buckinghamshire man, a taylor by trade, and, as he said, dwelt in Alisbury ; he was near upon forty years of age, and a very sober man ; he could not contain himself at his work in his house, but must of force in the same year while the prince was in Spain making those promises to propagate the Romish religion in England aforesaid, he did in all, or most part of all the eminent streets in London, in that very year curse the Romish religion, pronouncing woe to Rome, woe to the pope, woe to all papists, and God confound the pope and all papists, and all that did adhere to popery, by what name or title soever they were called, whether

\* The celebrated collector of the Arundelian marbles.

Lily the astrologer gives us a curious anecdote concerning this nobleman.

" The king cared not much for the earl of Arundel, being he was of a severe and grave nature, could not endure court novelties or flatterers, was potent in allies, &c. But there was one thing or cause mainly above the rest, and that was, because the earl of Arundel being lord high steward and judge in Strafford's trial, gave his voice that he was guilty of treason, &c. The earl also had but a few years before given the king a touch of his own great heart, and the king's unthankfulness to him and his family. The case was this : A priest pretends the king had a right in a rectory, the earl challenged for his, and had procured Canterbury for his friend and second. The matter had many debates, for Arundel was no fool, but stood stoutly for his right. Canterbury was as violent for the priest, and had procured the king to take cognizance, or hear the matter. The king, upon some slight evidence, maintained it was his, viz. belonged to the crown. The earl seeing the obstinateness of the king, and his siding with a petty priest against him and his proper right, out of the greatness of his heart, said, ' Sir, this rectory was an appendant to such or such a manor of mine, until my grandfather unfortunately lost both his lin and seventeen lordships more, for the love he bore to your grandmother. This was a smart speech, and home to purpose ; it so astonished the king, that he replied, pratty mildly, ' My Lord, I would not have you to think that so poor a thing as this rectory, or thing in question, shall stand in competition betwixt my respect unto you and your family, which I know to be deserving, &c. After that time the earl little liked the king's actions, and therefore took this opportune occasion of going away with the queen-mother ; and when one said unto him, his majesty would miss him, ' It is an ill dog,' said the earl, ' that is not worth whistling ; and though he is a king, he will find Arundel's affection unto him would not have been inconsiderable, &c. Some few years since, the earl died at Padua, being the last man of the English nation that maintained the gravity and port of the ancient nobility ; a great lover of antiquities and of the English nation. He brought over the new way of building with brick in the city, greatly to the safety of the city, and preservation of the wood of this nation. He was a great patron of decayed gentry ; and being lord high marshal of England, carried too strict an hand against the yeomanry and commonalty, for which he was nothing beloved, but rather hated of them. However, the gentry and nobility owe much unto his memory.' -- LILLY'S *Life of Charles I.* apud *The Lives of Ashmole and Lilly*, London, 1774, 8. p. 224.

dukes, marquesses, earls, lords, viscounts, or of what degree soever; he did constantly three or four days in the week, all or most part of the time the prince was in Spain, come to Whitehall-gate, King James being then at Whitehall for the most part; he did there make a prayer of three quarters of an hour long; it was as effectually a prayer as any divine in England could make. In that prayer he prayed that the gospell of Jesus Christ might still continue and flourish in this nation; and after praying for the gospell, he again cried these woes as formerly; and when he had made his prayer at Whitehall-gate, with his hat under his arme all the time of his praying and journey (for so he called it his journey, as you shall see by and by,) he then betook himself to march through the city, praying this prayer, and crying these woes and cursings against popery as aforesaid. He began his journey at Whitehall-gate, and marched as far as there was any house in Whitechappell, East Smithfield, Shoreditch, Islington, St Giles in the Fields, the borough of Southwark, and many other walkes, and in this manner he past through all or the most part of all the streets in London; and although he made the most part of his prayers at Whitehall-gate, King James being then there, yet no man reproved him for it, or asked him why he did so, till one day sir Harry Spiller saw him crying these woes at the upper end of Holborn, did send him to the New Bridewell near Clerkenwell, where he remained three weeks, (and then being charged, as Peter and John were by the Jewish rablins, that he should teach no more in that name, he was let go,) but he regarding not their threats, did cry these woes a long time after; at length he went to his house in Buckinghamshire, thinking to cry these woes no more, but went to fall to work at his trade; yet when he was at his work he had not the power to finish it, but threw it aside, and came up to London the second time to cry these woes, which he did a long time after.

I did once meet him near Bishopsgate-street as he was coming-back from crying these woes, where a man of his acquaintance met him, and asked him if he would drink a cup of beer? he said he would; for, said he, I have done my journey; therefore it is evident he was sent of God to cry these woes against the papists, as the Lord sent that man to Jerusalem many years before it was destroyed, and at last cried, Woe, woe to himself, and immediately was struck dead by a clap of thunder. It is much

<sup>7</sup> This story, which was probably the ground-work of the English prophet's frenzy, is thus told by Josephus.

<sup>8</sup> But I come now to a story that passes all the rest. A matter of four years before the war, when the city was in a profound peace, and flowing in plenty, there was one Jesus, the son of Ananus, a plain country fellow, who coming to the feast of tabernacles (an annual feast to the honour of God,) broke out on a sudden into this exclamation, over and over, 'A voice from the east, a voice from the west, a voice from the four quarters of the world; a voice to Jerusalem, and a voice to the temple; a voice to new-married men and women, and a voice to this whole nation!' This was his cry day and night, from place to place, through every street of the city. Some great men in the government took such an offence at so ill-boding a liberty, that they ordered the man to be taken up and severely whipt. He took the punishment without returning so much as one word, either by the by, or in his own defence, or to complain of hard measure; but still he went on and on with the same things over again, calling and denouncing as before. The magistrates began now to suspect (as they had reason for it) somewhat of a divine impulse in what he said, and that he spake by an extraordinary spirit. He was carried upon this to Albinus, the governor of Judea, who caused him to be lashed to the very bones, which he took without either tears or supplication; only in a mournful voice, as well as he could, he followed every stroke with a 'Woe, woe to Jerusalem!' Albinus, as his judge, fell then to asking him what he was, whence he came, where he was born, and what he meant by that way of proceeding? But he gave him no answer. This was his way all along, till Albinus was fain to discharge him at last as a madman. From that time to the beginning of the war, he was never known to visit or speak to any of the citizens, or to make use of any other than that doleful form of words, 'Woe, woe to Jerusalem!' He never gave an ill word to those that daily scourged him, or a good one even to those that fed him. But his answer was to all people alike, an ominous presage. He was observed to be still more clamorous upon festivals than upon other days; and at this rate he went on for seven years and five months, and neither his voice nor his strength failing him, till the siege of Jerusalem verify'd his predictions. After this, he took the tour of the wall once again, crying out with a stronger voice than ordinary, 'Woe, woe this city, this temple, and this people!' Concluding at last with a 'Woe, woe be to myself!' And in this instant he was taken off with a stone from an engine in the middle of all his forebodings.—*Works of Josephus by Sir Roger L'ESTRANGE*, Edin. 1750, vol. III. 1725.

about thirty-two years since this man did cry these woes in London, and who knows but the Lord may very speedily purge this nation of all those blasphemous opinions which do now swarme in it, and of all those that do seek to uphold popery, or any other false opinions which this nation is now over-run with; and I beseech you to consider, that this mans crying these woes just in the interim when the prince was in Spain acting against the gospel, it is necessary that we should take notice of it, and of other things of the like nature and to the same purpose; for after he was king, and had married the queen out of France, he did entertain Signior Con, the pope's nuncio, and one Price, superior of the Benedictine monks, a very great politician and statesman he was, which two men were so great with Laud, then bishop of Canterbury, that they had free access to him and Windebank at all times; and they were so great with Laud (he being a jesuiticall monke) that he gave out that he should have the cure of the church in Covent-Garden.\* This Signior Con and this Price had so much power with Laud and Windebank, that they did brave the pursavants which had commission for the apprehending priests and jesuits, and did threaten them to cause their commissions to be taken from them; and Windebank himself did revile the pursavants, calling them knaves, and threatning them, that if they did ever meddle with any more priests and jesuites, he would make them smart for it. I myself having seized a great number of popish books in English, bishop Laud would send for them to the Registers Office, for the High Commission Court, and the same night would deliver them to the owners of them, to be disperst through the nation; so that it is evident, that if the king were not popishly inclined, yet the chief bishops and the chief officers about him were absolutely popish. I could name many more that were in great places about the king that were papists, and known to be so by many that grieved to see it at that time. But let me speak a little more of this man; in all the time that he was crying these woes he was never seen to beg or receive any thing by way of relief of any man, yet he wanted nothing that ever I could hear of; he always wore one suit of cloth whole and sound; and there is no question but the Lord did keep him while he was doing his work. But if there be any that do distrust the truth hereof, there be many thousands this day living in London, that did both hear him and see him as well as myself while he was doing his work.

V. After this one of the crownes and vanes of the Tower was turned over the top of the spindle whereon it was placed, by a very small gale of winde; and so both crown and vane hung at the foot of the spindle three quarters of a year or more, at which time new ones were set up. The crown and vane did weigh one hundred weight at least, and was forelockt one to the top of the spindle with a forelock of iron: surely if a greater providence then this small gale of winde had not took it off the spindle, it might have remained there untill this time, but the Lord had ordered it so to be, that some (though not all) might look upon it as from the hand of God; for many thousands did see it, and did take notice of it as from the hand of God at that time.

VI. There is one thing more to be looked on as from the all-seeing eye of Heaven, which fell out very strangely concerning the late king. His hand and scepter broke off from his statue at the Exchange, and fell down to the ground, even at Change time, to the admiration of all beholders, the Change being then full of merchants and others at the same time, and the next day it was set up again. It was taken as a sad presage by all that beheld it: yet I believe there be many that will make no account of these remarkable passages, but will slight them as things not worthy to take notice of; but my simple thoughts do lead me to conceive, that the falling down of the hand and scepter did presage the taking of the government out of his hand, as is

\* Concerning these intrigues of the papist nuncios, see vol. IV. p. 50.

seen this day; and I could wish that all those that do so slight the former passages, to consider better, and not to slight the next that follows, which is very remarkable.

VII. There was an ancient gentlewoman, which came from Bristol, a widow, and had been the wife of one Mr Cary, a woollen draper on the back of Bristol; this woman had seen many strange apparitions of the late king at several times, as his crown all bloody, himself in black, and his head off, with many other such visions; she could not be quiet untill she came to London to acquaint himself with those visions which she had seen of him; and after two years time spent in soliciting this nobleman and that nobleman, and others, to bring her to the king, at length the Earl of Dorset (after much importunity) brought her to the king, where she told his majesty all that she had seen of him; he gave her the hearing of it, but would give no credit to what she had said, but bid take her away, she was a merry woman; then, when she had told him all that she had seen of him, she returned to Bristol again, thinking there to rest herself in peace. She had not been there many days but those visions appeared to her as at the first; whereupon she could not contain herself, but must of force come up to London the second time, to acquaint his majesty with what she had seen of him since her last being with him at Whitehall; but before she could get to London his majesty was gone to York; yet though she was in years and a weakly woman, and the journey long and tedious for such a one as herself to undertake, yet she must of necessity go after him to York, and was conveyed to York in a coach by means of a lady, which at the writing hereof is living near London, who can justify the same if any should scruple the truth hereof; and being come to York, she had admittance to his presence, where she once again related to him all that she had seen of him since her last being with him at Whitehall, with much praying and beseeching him to consider what she had seen and said of him; but he would not hearken to her, nor give credit to what she had said unto him, for certainly the Lord had hid these things from him, and would not let him understand them, because he would destroy him; for to that purpose the Lord did harden the heart of Pharaoh, that he should not believe the wonders which Moses the servant of the Lord wrought in his sight, to make his name known to all the world; for, saith the Lord, Exod. ix. 16. "For this cause have I appointed to shew my power in thee, and to declare my name in all the world." But the more plagues the Lord did send on Pharaoh the more his heart was hardened by them.

I could wish that all those into whose hands these sad presages shall come, that they would consider with themselves that there were more than an ordinary hand in causing this gentlewoman, being so ancient as she was, to take upon her two so great journeys as these were; first from Bristol to London, then to Bristol again, then to London, and so to York, and all upon her own charge; surely there must be more than an ordinary hand in it which did guide this woman, she being so ancient as she was, and no kind of distemper at all in her, but in a very good temper both in mind and words, and in her behaviour very civil, as many people in London that did talke with her concerning these visions can witness.

VIII. I have been credibly informed that his highnesse the Lord Protector that now is, being in a gentleman's house at prayer, in a room wherein the king's picture did hang, near about the midst of prayer the picture fell down to the ground, which was a sad presage to the king, and now seems to be a clear testimony of God's purpose to reject him. But how hath the Lord Protector been preserved in so many great dangers as by God's providence he hath gone through in his own person since these troubles began; and that danger which he escaped in the coach<sup>\*</sup> was not the least;

\* He seems to mean his being overturned in an attempt to drive his own coach in Hyde Park, when the protector found that four young Friesland horses were not so easily managed as three great and warlike nations.

and questionlesse the Lord hath appointed him to be the man to govern the nation this time; who can deny God's permissive providence?

IX. His majesty being one day at Causam, near Redding, playing at chesse, he playing with the white men, the head of the white king fell off, which was as ominous a presage as any of the rest.

X. When the Lord Fairfax was at St Albans, and the generall counsell of the army, drawing the grand remonstrance, in order to require justice against the king, the sign of the King's Head, beneath the hill from the crosse, that part of the board between the head and shoulders was broken out of the sign, none knowing how it came to be so, so that the head and shoulders were separated from each other. It seemed then to be an ominous thing to what did shortly befall him in pursuance of that remonstrance then drawing up against him by the army: Wherefore I would wish that all those malignant spirits that are so bitter against the government, to consider that there is no power given unto men upon earth but by God; therefore let them sit still, and see the Lords work done in truth and righteousnesse, for surely the Lord will own him so far as he doth act for the Lord, and no underhand practise shall prevail against him, maugre all the devils in hell; they shall not touch him to do him harme, for the Lord will be his protector so long as he doth act for the Lord; but if he act not of, and for the Lord, then the Lord will bring all his actions to nought, and it will fall to the ground of itself, as once Gamaliel said to the Jewish rabbins, "Refrain from these men, and let them alone, for if this counsell or this work be of men it will come to nought; but if it be of God you cannot overthrow it, least haply ye be found fighters against God." Acts v. 38, 39. And as Mr Saltmarsh said once in a sermon before the Lord Fairfax, "So long as you serve the Lord, he will be with you; but if you fall from the Lord, the Lord will fall from you." Therefore, to those turbulent spirits I will use our Saviour Christs own words to Saul, going to Damascus to persecute the people of God, "It is hard for you to kick against prickles." And I do now wish that you which are such enemies against this government, to look up to God, and lay aside your own particular interest; and if there be any thing amisse in your hearts, cast it out, and leave all unto the Lord for himself to rectify, for your plots and devises will surely come to nought.

XI. There is one thing more yet as remarkable as the rest; when the king was at the high court of justice on his tryall, the head of his cane fell off; he stooping to take it up himself, took it as an ominous presage unto himself; and so indeed he might have done all the former presages, the greatest part of them bending to the head; but, as I said before, the Lord did hide them from him. And with my heart I wish that those ominous presages, which the Lord did send as forerunners of his wrath against him in his so great fall and ruin, might deter all men, of what condition soever, to leave plotting and contriving any further tumults or seditions tending to the shedding of any more innocent blood in this nation; but let them plot what they will against this government, they will surely be destroyed in all their practises, as is evidently seen in the two last plots; for when they thought themselves secure, and the child of the devill, as I may truly say, brought to the very birth, see then how the Lord did frustrate their actions, and with the least breath of his nostrils brake them to pieces, and that in a moment, as he did all the enemies of that famous Queen Elizabeth all her life, as well before her coming to the crown as after: First, by Bishop Bonner and his crew, by setting her sister Queen Mary to take away her life, and for no other cause but for professing the gospel of Jesus Christ, had not the Lord discovered it (in his due time) to King Philip in a warrant, which the bishops had shuffled in amongst other warrants to be signed by him, for her death, but the king reading the

\* This Sir Philip Warwick supposes to have been managed, for the sake of stage effect, by Hugh Peters.



warrant, refused to sign it, and threw it aside: but before they could bring their purposes to passe Queen Mary died, and then their hopes were frustrate, for she was presently crowned queen, to the great terrour of all those that did plot her downfall, for her heart was upright unto the Lord, and the Lord kept her from all their plots and devises; for after she came to the crown, what plots and devises did they not practise to take her life away by pistols, poysonings, stabbings, and by many other hellish practises; how many lowing bulls of Bashan did the pope send against her, discharging her subjects of their allegiaunce unto her, animating her subjects to destroy her by any means whatsoever, as it was plainly seen in the treasons of those hellish conspirators, Lopus, Campion, Parry, Garnat, Banister, Summervild, Squire, and the rest of that popish rabble; and then by that never-to-be-forgotten deliverance of that invincible navy, as the Spaniards called that great armado in 88, when they made themselves sure of all this nation, and so to bring it to idolatry; for they brought with them whips of wire, gags, and many other instruments of cruelty to force this whole land to popery. But, blessed be God, the snare is broken, and we are escaped, except our sins, which are innumerable, do make us fall into the snare; for surely our sins are even ripe unto the harvest, and there wants nothing but the Lords putting in his sickle to reap us; for surely the Lords patience is very much in waiting for our repentance; therefore let us not defer it any longer, least the Lord cast us off if we repent not all the sooner; but, blessed and praised be the Lord for it, he brought that invincible armada to nought, for not one-third part of them ever came home to Spain again; and for all their malice against her, she died in a good old age, full of days, riches, and honour, for she left all her coffers full of riches and treasure, which she got from those that sought her life, by making wars against them; for the Lord did prosper all her undertakings which she took in hand, for her heart was upright unto the Lord all her days, (as the heart of Asa King of Judah was;) and the Lord did keep her in store to settle the gospel of Jesus Christ in this nation, and hath continued it here almost a hundred years, praised be his holy name for it, and grant, good Lord, that it may continue in this nation so long as the sun and moon endureth.

And now let me return unto the king in his project of bringing in of popery. He had the least cause of any in the world to have any alliance at all with papists, much lesse to link himself in the affinity of marriage with them; for look but back upon the powder-plot, and you shall see his father, himself, and all their posterity, with all the nobility, and all the chief gentry of the nation, designed to be blowne up in the aire, (the Lady Elizabeth his sister only excepted, for they had determined to marry her to some catholick gentleman, and so to have made her queen,) but God did laugh at them and brought them to nought, blessed and praised be his holy name for it.

But his father and himself very well knew that all the considerable papists in England did know of it, and were engaged in it, and did contribute to it; and for him to make a firm league with them, the enemies of Jesus Christ, was most abominable; but as the Lord said unto Ezekiel, "Son of man, turn thee, and thou shalt see greater abominations than these;" so he yet added more to all the rest in putting forth that hellish book of sports, (as his father had formerly done,) which book was put forth by the counsell and advise of the then popish bishops long after his coming from Spain, wherein he gives free liberty to the people to commit all licentiousnesse for prophaning the Lords-day, by dancing, revelling, gaming, and all that the devill could invent to the great dishonour of God and his Sabbaths; but it was contrived of set purpose to silence all conscientious ministers that did scruple the reading of it, (as many of them did,) and were put from their preaching for not reading the same, and also to draw the hearts of the rude multitude to himself, if there should be occasion offered to any that should oppose the rise of popery, which the multitude is apt to do, as the

multitude of Asia against Paul, but knew no cause for what they did, the whole city being in an uproar, but knew not for what; so this book was put forth to cause the rude multitude to rise in defence of the prophane liberty which was given them by authority, if there should be occasion. As I said before, it was one of the greatest master-pieces that ever the devill did put on foot in this nation, (to draw the people to himself) that ever was hatched in hell; far greater than the powder-plot, for that had destroyed but the bodies of a few, but this would have destroyed the souls of many thousands if it had continued longer. It was worse than Balaam's counsell for the Midianitish women to draw the children of Israel to commit folly and idolatry; but he had his reward, for he was slain shortly after by the Israelites, and so will all the enemies of Jesus Christ perish in all their wicked practises, if they desist not in the pursuance of them.

Here are pregnant examples enough to make men leave their wicked practises, if they will take notice of them; which God of his mercy give all those hearts to do that shall read these ominous presages, and the Lord give all men hearts to understand what it is to strive against God. And my hearts desire is, that the Lord would stir up the hearts of those that are in authority to put in execution that additional act for the better keeping of the Lord's-day, which is so much neglected, and the Sabbath abused in the fields and alehouses, where the people do muster at play as if it were the week-day; yea even in the time of divine prayer, to the great dishonour of God and disgrace to this city; and that it may be carefully lookt into and amended, he prayeth, who is a lover of the gospel of Jesus Christ, and the peace and welfare of this nation.

---

*Divers remarkable Passages of the Ladies at Spring-Garden, in Parliament assembled.*

---

"This piece, which contains an arch comment on the gallantries of these times, was first printed in quarto, in the year 1647, under the title of *The Parliament of Ladies, or Divers Speeches, &c.*; but very erroneously, and with many omissions, particularly the following passage in the title-page:—'Together with certain Votes of the unlawful Assembly at Kate's, in Covent Garden; both which are sent abroad to prevent Misinformation.' All which are here supplied out of a manuscript copy preserved in Lord Somers's Collection."

Thus far the former edition of Somers's Tracts. This lampoon has been somewhat extended in the present copy by assistance of a manuscript copy in possession of the editor. There are some verses subjoined to it, also alluding to the gallantries of the time, but they are too gross for publication.

---

*Vespera Veneris Martis 26, 1647.*

Ordered by the Ladies in parliament assembled, that these orders and votes be forthwith printed and published, to prevent all such misreports and scandals as either

malice, or want of wit, heightned with snuffs of ale or stummed claret, may cause, to the dishonour of the said votes in parliament.

BEATRICE KINGSMEL, Cler. Parliament.

THE rattle-headed ladies being assembled at Kate's, in Covent Garden, and having spent some time in chusing their speaker, (it having been objected against the Lady Duchess, that she had used beating up of quarters, and other sports, too frequently with Prince Rupert,) they at last resolved upon the Lady Isabella Thynne, hoping thereby, that the acts might have the greater influence upon the king's majesty.<sup>1</sup>

1st. That no roundhead should dare to come into any of their quarters.

2dly. That, on the contrary, none of the members, cavaliers, viz. do cohabit in any of the roundheads quarters, or pay any contributions to them, by way of benevolence, or loan, or otherwise.

3dly. That thanks be given to the Ladies Montague, Teynham, Craven, &c. for their courtesies and favours shewn by them to the distressed cavaliers beyond the seas.

4thly. Ordered hereupon, that the said ladies, together with the Lady Stanhope, have leave to sell, give away, or otherwise to dispose of their French commodities, without paying excise or custom.

5thly. That Mrs Phillips be forthwith sent into France from this house, to the Lord Montague, to acquaint him how his lady hath negociated with the members of both houses.

6thly. That Mrs Gamlines for the protestants, and Mrs Wyeborne for the papists, be appointed messengers to attend the house, and that they have the title given them of Messengers of the Chamber.

The said ladies, in parliament assembled, do farther declare,

That by their votes of this day, they do not in any way intend to exclude from their quarters that part of the house of peers which voted the bill for maintenance of the army out of doors, in that the said lords are understood to be well-affected, and not roundheads.—While these things were thus in agitation, in comes a serjeant from the house of ladies, at Mrs Chip's, in Spring Garden assembled, in the name of which, he pronounceth this an unlawful assembly, a junto, a mongrel parliament; commanding them to confine their votes and themselves to their own houses, there to continue during pleasure.<sup>2</sup>

<sup>1</sup> "First then, they took into consideration their own businesse, and voted, that, in consideration of their many enemies, it was fit to raise a troope, consisting of one hundred tryed and able men, which should be always ready (both in peace and warre) to obey their commands; but it was long in debate who should be commander of it in chiefe, having dependance upon none but the house; for my Lady Newport, the countess moved for the Lord George Digby, (though he were not the ablest man she had knowne by many,) yet (in regard of the favour he hath with the king) ought not to be slighted. But there was another lady which much opposed her, and was desirous that my Lord George Goring's experience might be considered; which, perhaps, the house had done, had not Mrs Kirke urged his debauchery, and put them in minde of Prince Maurice his desert and abilities, though he did not seem a courtier; but then the Duchesse of Richmond assured them, that none was to be compared to Prince Rupert, against whom nothing could be urged, but that his labour was not alwaies crowned with the desired and wish't for success; but being cleared of the imputation by Mrs Legge, (who assured the house that that did not depend upon him but his companions in armes) he was generally thought the fittest man for the employment; and it was ordered that the Lady Aubigny, attended by the Lord Haylye, should be sent into France to receive the command."—MS.

<sup>2</sup> "Hide Parke, St Jameses Parke, Spring Garden, Kate's, &c. in any wise notwithstanding."—MS.

This put their ladyships into more disorder and confusion than if they had been taken with their gallants by each of their husbands; which is the cause we hear no more of this parliament.

The ladies well-affected (being, as you heard, at their house in Spring Garden) also spent much time in the chusing of their speaker; and the major part having pitched the Lady Holland, she desired to excuse herself, alledging her husband's desertion, and intreated that all her right might be conferred on the Lady Carlisle. But the said lady not being thought fit to be trusted, the Lady Exeter was named; but it was objected by the Lady Hypsley, that the said countess was a delinquent, and formerly carried supplies to the king; pretending likewise that her husband, Sir John Hypsley, was much damaged in estate and office by the said supplies; but the Lady Salisbury coming in, this dispute soon ended, and the chair was conferred on her, *nem. con.*, who immediately named Mrs Peele messenger to attend the house; and the Lady Norton, together with Lady Stapleton, to be door-keepers, with order to keep out all *but* members. This was by all assented unto, notwithstanding some exceptions were taken at the slowness of Mrs Peele's pace, it being aggravated by one that she went slower than the masters of the Chancery when they go on messages.

Then their ladyships taking into consideration in the first place, the difficult cases that might fall out in the business of the house, ordered Mr Doctor Wederborne be sent from Holland,<sup>1</sup> Mr Doctor Davison from Paris, to be assistants to this house; ordered likewise, that Mr Doctor Hinton and Mr Doctor Chamberlaine be assistants, that so, with great secrecy and ease, their ladyships might be helped out with their most troublesome and pressing affairs.

The house then adjourned till the day following; and being met accordingly, their first business was to send the aforesaid messengers to the unlawful assembly at Kate's; and then falling upon their votes in parliament, they declared that part of their order to be an absolute breach of privilege, which forbids cavaliers to enter into the round-heads quarters; and ordered that the said she-cavaliers, shall within two days depart this city, and come not within twenty miles of the line of communication: as also, that no malignant lady presume to walk in Spring-garden after twelve o'clock at night, upon any pretence whatsoever.

Next their ladyships took into consideration the great number of malignants and delinquents, and ordered, that there be a committee for composition, to meet at the lady Kent's for protestants, and at the lady Lake's for papists.

This day complaint was brought in against sir Henry Blunt, knight, for publishing an heretical and dangerous doctrine, viz. That it is better to converse with, and resort to common women than ladies of honour: upon mature deliberation thereof, the ladies with much indignation sent for him, who being come, and having heard his accusation read, was commanded to withdraw during the debate; upon which, up starts the lady Foster, and offers to the consideration of the house the dangerous effects of this opinion which it might produce if it be suffered to spread among the people to the utter decay of trade; as also of the particular commerce of Rhenish wine,<sup>2</sup> chees-cakes, and sillibubs, whereby the profit of this house will be greatly diminished.

The speech was received with great applause of the whole house, and the said sir Henry Blunt was called in the second time, who being commanded to kneel, refused,<sup>3</sup> but appealed to all the commons of England and Wales; which suspended all proceedings therein for a time.

The house considered, in the next place, that diverse weak persons have crept into

<sup>1</sup> "Holdenby."—MS.

<sup>2</sup> "In the must, taffata tarts, cheese-cakes," &c.—M.

<sup>3</sup> "Alledging that that house was no lawful judicatory and appealed to, &c."—MS.

places beyond their abilities, and to the end that men of greater parts<sup>1</sup> might be put into their rooms, they appointed the lady Middlesex, Mrs Dunch, the lady Foster, and the lady Anne Waller, by reason of their great experience in the soldiery of this kingdom, to be a committee of tryers for that business.

The house being then ready to adjourn, there came news of a quarrel between two notorious members of this house, viz. Mrs Harris and Mrs Dunch; much good counsel was given them to agree and unite against the common enemy, their husbands; and it was at length ordered that these should be reconciled, and that Tom Temple should put up his blade.

The morning following they took into consideration all the secret garrisons of the kingdom, what were to be kept, and what not; And ordered;

First, that Northampton be continued a garrison, and that the lady Sunderland be requested to take the command of it on her; notwithstanding the self-denying ordinance.

Secondly, ordered that an English garrison be put in Carlisle, to prevent a foreign enemy getting into possession thereof; as was to be feared, by reason of some secret intelligence had with the French ambassador in that place.

Thirdly, that Leicester, Newport, and Marlborough, and all other that are either old fortifications, or otherwise useless, be forthwith slighted.

*After this they took into consideration<sup>2</sup> the standing forces in this kingdom, with their severall entertainments, and ordered,*

First, that the lord Francis Villars, Mr Slingsby, Mr Read, and Mr Tufton, have pay allowed them conditionally, that they shall be provided to draw forth upon service at the first warning.

Secondly, that colonel Cooke, Mr Henry Howard, of Berks, and Mr Nevill, have free quarter only.

Thirdly, that the prince Elector, prince Rupert, and Mr Glascock, henceforth pay their quarters.

Ordered, by addition to the first vote, that sir John Morley be forthwith paid for his service to the house, notwithstanding his delinquency; but so that if he shall break out any more, he shall be irrecoverably put into the exceptions.

Ordered, that all such forces as shall be disbanded shall be sent for Ireland, or otherwise disposed of out of this kingdom.

Their ladyships were then informed that a message waited at the door from the House of Commons; and sir Peter Wentworth and Mr Bainton, who brought it, being let in, they found it was for the relief of maimed soldiers; upon which their ladyships referred them to the lady Peterborough, to consider what relief was fit to be given them, to whom they joined Mrs Howard, sometimes a maid of honour, she having purged herself of her malignacy.

This day the house received divers reports from the committee of complaints; and, first, against the prince Elector, who was accused that he was not secret in his trust to this house, but betrayed their favours; and instead of doing them service, did his own. The consideration of this business was put off till another time, and also another accusation against the said prince, that he had deserted his employment; both which were brought in by the lady Barrington.

<sup>1</sup> "And larger reaches."—MS.

<sup>2</sup> "And that with much advisedness."—MS

The next item was some articles<sup>1</sup> against Mrs Wheeler, who was charged with holding intelligence with the enemy; and the said charge being found true, she was voted to be laundress to the prince his highness.

Thirdly, an accusation against the right honourable the lord Rich, by the lady Mary Cockain, who pretended that she had been plundered by the said lord of a jewel, and other commodities, to the value of two thousand pounds; but the lady Warwick urging, that it was done to one that had been a commander against the parliament, the accusation was cast out.

Then the house adjourned till the next day.

The first business this day was from the committee of tryers, who named, in the first place, the right honourable the earl of Denbigh, to be a man of extraordinary abilities and parts, whereupon it was ordered, that his lordship be commander in chief of all the standing forces of the kingdom, and that his head-quarters be in Andover, until the house have some other need of his forces.

Ordered,<sup>2</sup> that the said commander, in regard of his great talent, have a favourable composition at the lady Kents.

Ordered, that senior Ambrose, a politic Italian, be had in remembrance, for his extraordinary pains<sup>3</sup> to content this house; and that, when the affairs of this kingdom be settled, he be put into the duchy-office; and in the mean time, because what he had before did not content him, that he be satisfied out of Mrs Whitby's,<sup>4</sup> commonly calling herself Miss Hill, arrears, which are forfeited to the state for some petty larcenies of her's.

This business being over, up stands the zealous and well-affected lady Mildmay, and moved, that a public fast might be appointed, for imploring a blessing on men's constant affections towards the house; and also to stop the contagious infection and itching humours that are now crept in among them, and likely to overspread them all, if not timely stopped; the motion was embraced, and Mr Lambert Osbaldiston, some time a prebend of St Peter's, Westminster, together with Dr Sibbald, pastor of St James's, Clerkenwell, were mentioned to pray before the house; but one Cornelius brought in an accusation against the doctor aforesaid, for one ill-affected to the present government, he having preached lately in his house in a tub; whereupon he was rejected, and the lady Kensington desired<sup>5</sup> that Mr Saltmarsh might be substituted in his room, of whose great parts and able performances she had long experience, which presently was assented to by all.

Their ladyships, in the next place, taking into consideration the great decay of beasts<sup>6</sup> in the kingdom, during this unnatural war, thought the fittest means for a remedy to be, their ladyships sending (as they did) to the commons, to intreat them, that some of their members might join their ladyships, to consider of the said business; they presently named lady Grey, and the house of commons the lord Grey, her husband, to be a committee, to debate the fittest means to recruit the said beasts, to whom they gave these instructions:—

That they should intreat all, or most of the Morleys of England, or other men of their make, to marry.

<sup>1</sup> "That were brought in by Britannicus against, &c."—MS.

<sup>2</sup> "That the right honourable the lord Camden, in regard of his great talents, shall have a favourable composition at the lady Kents."—MS.

<sup>3</sup> "And unwearied endeavours."—MS.

<sup>4</sup> "Commonly so calling herself, and out of Mrs Hill's arrears."—MS.

<sup>5</sup> "That one tried and approved, to wit, Mr Saltmarsh."—MS.

<sup>6</sup> "Cattle and other beasts."—MS.

That all such men as have vowed (whether prisoners or freemen) never to cut their beards till his majesty return to London, be encouraged therein.

That monsieur Sabrin be intreated in the name of this house, therein used, to return to his concubine here, notwithstanding his wife be alive at Geneva, because Geneva hath not that urgent necessity of multiplying beasts as this kingdom hath.\*

The house then taking into consideration the sale of delinquents estates, ordered, that Mr Harrington, for his good services, have the earl of Newcastle's baggage; and also that the lady Devonshire have Worcester-house, notwithstanding the votes of the houses at Westminster, in favour of the earl of Salisbury, that her ladyship may be present with less trouble at her many and serious negotiations with the Scotch commissioners.

This day came a petition from the lady Stanhope, humbly desiring that she might be received into the house, pretending that she was well-affected; but it was urged to the contrary, that she affected, it was true; but a Scottish affection mixed with a French, could never make her a well-affected lady; it was farther alledged, that the said lady had been in arms under Mr Slingsby, which Mr Slingsby was ordered to be kept for the house, and so the debate was put off till another time.

A motion was then made for putting down of plays, whereupon the lady Monmouth desired it might be explained what plays were meant; forasmuch, if they should put down the game of In and In, it would prove much to the prejudice of the house, as also to Mr Young, who had deserved well of their ladyships; answer being made, stage-plays were only understood, she declared she would concur with the house in that, now sir John Suckling was dead; but truly she liked his play well.

After this it was moved by the lady Crumpton, that thanksgiving might be appointed for the recovery of the right honourable the earl of Pembroke, which was consented unto, and that master Caldicot be desired to preach, and to sing the psalm in English, and not in Hebrew.

Ordered, that thanks be given Mr Robinson for his devout prayer, that the said lord might once more climb up May Hill.

The house then appointed commissioners to go to his majesty, viz. The ladies Oxford and Stamford, together with the lady May, to move his majesty to give his royall assent, that a happy union may follow.

This day they passed an act of oblivion to the lady Dalkeith, the lady Katharine Scot, the lady Aubigny, and Mrs Roper, for their delinquency in the enemy's quarters.

Soon after the lady Norton, door-keeper of the house, complained of sir Robert Harley, a member of the house of commons, for attempting to deface her, which happen'd thus: The said lady being a zealous independent and so one of the saints, and sir Robert, having found out that she was likewise painted, pretended that he came with his ordinance of idolatry, of saints and painted crosses; but some friends of the lady door-keeper, urging on her behalf, that none did ever yet attempt to adore or worship her, she was justified; and the ladies then declared, that if any person, by virtue of any power whatsoever, pretended to be derived from the house of commons, or any other court, shall go about to impeach, hinder, or disturb any lady from painting, washing, or adorning herself to the best advantage, as also from plaiting her hair,

\* "That all such men as have vowed (whether they be prisoners or freemen) never to cut their hayre on their face untill his majestie comes to London, be encouraged herein."—MS.

\* "Under colonel Slingsbie; but some freindes answered that allegation, and said, that it was under Mr Slingsbie, who was ordered, &c."—MS.

or washing her teeth, that act shall be held a great breach of the privilege of the house, and that the offenders shall be proceeded against accordingly.

In the last place, their ladyships being to adjourn for some weeks, desired first, that a main point in divinity might be decided, viz. What is meant by the word *Due Benevolence* (in the New Testament; <sup>1</sup>) and in order thereunto, they sent to the ministers of the assembly, <sup>2</sup> intreating them to make some declaration concerning the same; the messengers found the assembly busy about their own affairs, endeavouring to bring that text, "kiss the son lest he be angry," to prove presbytery; but, understanding their ladyships request, they left it, and fell presently upon the debate of the said *Due Benevolence*, which I do not intend to set down particularly, it being not to be found in the ladies journal; only I hear, that Mr Obadiah Sedgwick's opinion was, that if a man had been absent from his spouse any time, that then the conjugal tye obliged him to solace her now, and anon too, and that twice in the compass of a natural day: but it being alledged, that no rule could be made for it, it depending on men's several constitutions and health, it was declared, that all and every man, employed in the bed of matrimony and wedlock, is engaged to content his mate and fellow-feeler, <sup>3</sup> as often as the strength of his body will permit.

Their ladyships having received this distinction, <sup>4</sup> desired them to make it (*Jure Divino*) and to publish it, that so no husband in the country <sup>5</sup> might pretend ignorance, whereupon their holinesses made this ensuing canon.

*Die Jovis Mar. 1647.*

It is by these presents decreed and declared to all the world, by the counsel called, and met at Westminster, in the kingdom of Great Britain, that all men who have, or shall take upon them the state of matrimony, are by their vows, and by the sense of holy writ, obliged to cohabit with their wives as oft as their strength of body will permit and give them leave; and though they should pretend that it stood not with their affairs, that they be obliged thereunto notwithstanding: This we enjoin and command in the said kingdom, <sup>6</sup> penalty of being debarred the sacrament, of which we hope to have the monopoly.

ADONIRAM BYEFIELD, Scribe. <sup>7</sup>

The day following in the evening, this doctrine being brought to their ladyships, they ordered that the speaker of their house should give thanks to the members of the assembly of divines, for their great care and pains in reforming of the kingdom, and in particular for this present declaration, and ordered these their votes should be printed, and so they adjourned till farther time.

<sup>1</sup> "Which the apostle speaks of in an epistle of his."—MS.

<sup>2</sup> "Sitting at Westminster."—MS.

<sup>3</sup> "As often as his vigour, strength, and constitution would possibly permit."—MS.

<sup>4</sup> "This learned decision of this point."—MS.

<sup>5</sup> "No husband whatsoever, either in the citie, suburbs, or country."—MS.

<sup>6</sup> "To be obedient hereunto, under the penalties, &c."—MS.

<sup>7</sup> "Instead of this in the MS.

"Signed

W. T. Pr.  
O. S. As.  
A. B. Sc."



---

*Wit and Loyalty revived, in a Collection of some smart Satyrs, in Verse and Prose, on the late Times, by Mr Abraham Cowley, Sir J. Berke head, and the ingenious Author of Hudibras, &c.*

*Victrix causa Deis placuit sed victa Poetis.*

London, Printed for W. Davis, 1682.

*The Publisher to the Reader.*

I have been often tempted to admire, since the publishing Mr Cowley's papers, by what fate so excellent a satyr upon the times, and so worthy the author, as the Puritan and Papist, should escape the ingenious publisher; when, at the same time, his copy upon Brutus, and that upon the Bishop of Lincoln's enlargement from the Tower, have met with the good fortune to have place there, although they are in some sort satyrs upon himself, and so unworthy his name and the good company they appear in, that, considering the loyalty of their arguments, we might, it may be, have expected them in Mr Waller's works rather than Mr Cowley's, and from thence to have been purged by the wisdom of later and more correct editions of his book, together with the Panegyrick to Oliver, and the elegy on his death called *The Storm*; both which seem, in a manner, to have inherited the lot, no less than the guilt of the usurper upon whom they were made; the former claiming the laurel, but that it wanted a better title to the crown; and the latter, to have so insensibly disappeared on a sudden, as if, by a resembling fate, it had been snatcht away in the same storm in which the tyrant himself was lost.

Whether it were an excess of modesty in Mr Cowley that condemned it as an abortive; and so, though it had appeared formerly in print, to have no place in his collection, but to take its fortune with the blossoms and unripe follies of his youth; or whether it were an excess of good nature in him that sentenced it to suffer merely as it was a satyr, and so lookt upon as a piece of persecution; and, like Draco's laws, written in blood, as we find the best natures inclined to check and be angry at themselves when once the fit of choler is over; I say whether of these were the cause of it I shall not presume to examine.

But because, under the colour of doing justice to the satyre, I may be thought to have done wrong to Mr Cowley, and only to have borrowed his name to enhance the value of what comes with it, its own recommendation; to remove such doubts, I shall observe in its justification, that it first came out in the year 1643, what time he lay at St John's College, in Oxford, signed with A. C. ; though to make the cypher plainer yet, I doubt not when the satyr is duely considered, to those that can judge aright, it will spell his entire name at length. For as the proportions, the posture, or design, serve as never-failing marks to such as are curious to discern the masterly hand of the inimitable Titian or Vandike, so, in the admired pieces of our great masters of writing, there want not the like bold strokes and life-touches in the style that evidently betray whose originals they are, in so much as to convince any who are their authors, when they discover themselves by their own light, is altogether as needless as to hold a candle to the sunne. If we believe Horace, in his *Art of Poetry*, (surely in his own

art Horace is as much to be believed as Aristotle in philosophy,) he reckons it amongst the felicities of a good style, that it cannot be imitated, when he says,

*Ex noto fictum carmen sequar, ut sibi quisvis  
Sperat idem, sudat multum, frustra que laboret.  
Ausus idem———*

Which is finely rendered by the E. of Roscommon :—

Begin with truth, then give invention scope,  
And if your style be natural and smooth,  
All men will try, and hope to write as well,  
And (not without much pains) be undeceiv'd.

Now, if this be justly esteemed a master-piece of poetry, that what it delivers comes the nearest to our understanding, at the same time as it is removed the farthest from our imitation, I am very well assured I shall be acquitted from all suspicion of cheating the world with any thing under Mr Cowley's name which hath no title to it, since his style is no lesse difficult to counterfeit than it is easie to conceive.

I cannot think it any reproach to Mr Cowley for him to walk abroad into the world in good company, the other two gentlemen being both of them celebrated wits and of the loyal party, engaged in the same interest, and active in the same cause with himself. And it is no new thing for wits and cavaliers to find out one another and associate together; indeed they were men whose mirth was so innocent, whose wit so regular, and whose conversation so entertaining and agreeable, as I cannot but persuade myself that they themselves would have made choice of no other company when they were living, as the reader can embrace no better amongst the dead.

The Puritan and the Papist, a Satyr, first published in the year 1643, by Mr Cowley.

The Character of the Assembly-man, first printed in the year 1648, by Sir J. Berkenhead.

Proposals for farming out Liberty of Conscience, first published in the year 1663, by the ingenious author of Hudibras.

---

*The Puritan and Papist, a Satyr, by Mr Abraham Cowley.*

London, Printed for W. Davis, 168½.

So two rude waves, by storms together thrown,  
Roar at each other, fight, and then grow one.  
Religion is a circle, men contend,  
And run the round in dispute without end.  
Now in a circle who go contrary,  
Must, at the last, meet of necessity.  
The Roman cath'lique, to advance the cause,  
Allows a lye, and calls it *pia fraus*.  
The puritan approves, and does the same,  
Dislikes nought in it but the Latin name.

He flows with his devises, and dares lye  
 In very deed, in truth, in verity.  
 He whines, and sighs out lies, with so much ruth,  
 As if he griev'd 'cause he could ne'er speak truth.  
 Lies have possess the press so, as their due,  
 'Twill scarce, I fear, henceforth print Bibles true.  
 Lies, for their next strong fort, ha' th' pulpit chose,  
 There they throng out at th' preachers mouth and nose;  
 And how e'er gross, are certain to beguile  
 The poor book-turners of the middle isle.  
 Nay, to th' Almighty's self they have been hold  
 To lye, and their blasphemous minister told,  
 They might say false to God; for if they were  
 Beaten, he knew't not, for he was not there.  
 But God, who their great thankfulness did see,  
 Rewards them straight with another vict'rie,  
 Just such an one as Brainford, and sans doubt  
 Will weary er't be long their gratitude out.  
 Not all the legends of the saints of old,  
 Not vast Baronius, nor sly Surius, hold  
 Such plenty of apparent lies as are  
 In your own author, Jo. Browne, Cleric. Par.  
 Besides what your small poets said or writ,  
 Brookes, Strode, and the Baron of the Saw-pit;  
 With many a mental reservation,  
 You'll maintain liberty, reserv'd (your owne.)  
 For th' publique good the sums rais'd you'll disburse;  
 Reserv'd, (the greater part for your owne purse.)  
 You'll root the cavaliers out, every man;  
 Faith, let it be reserv'd here, (if ye can.)  
 You'l make our gracious Charles a glorious king;  
 Reserv'd (in Heav'n,) for thither ye would bring  
 His royal head; the only secure roome  
 For kings, where such as you will never come.  
 To keep th' estates o' th' subjects you pretend;  
 Reserv'd (in your own trunkes) you will defend  
 The church of England, 'tis your protestation;  
 But that's New-England, by a small reservation.  
 Pow'r of dispensing oaths the papists claime;  
 Case hath got leave of God to do the same.  
 For you do hate all swearing so, that when  
 You've sworn an oath ye break it straight agen.  
 A curse upon you! which hurts most these nations,  
 Cavaliers swearing or your protestations?  
 Nay, though oaths be by you so much abhorr'd,  
 Y'allow God damn me in the puritan Lord.  
 They keep the Bible from laymen, but ye  
 Avoid this, for ye have no layety.  
 They, in a forraign and unknown tongue pray,  
 You in an unknown sence your prayers say:

Paralleled in  
holy cheats.

In publishing  
false news as  
legends.

In mental re-  
servations.

In allowing  
perjuries.

In an unintelli-  
gible worship.

So that this difference 'twixt ye does ensue,  
Fools understand not them, nor wise men you.

They an unprofitable zeal have got,  
Of invocating saints that hear them not.  
'Twere well you did so, nought may more be fear'd  
In your fond prayers, than that they should be heard.  
To them your nonsense well enough might pass,  
They'd ne'er see that i' th' divine looking-glass.  
Nay, whether you'd worship saints is not known,  
For y'have as yet of your religion none.

They by good works think to be justifi'd,  
You into the same error deeper slide;  
You think by works too justifi'd to be,  
And those ill works, lies, treason, perjurie.  
But oh! your faith is mighty, that hath been,  
As true faith ought to be, of things unseen.  
At Wor'ster, Brainford, and Edge-hill, we see,  
Only by faith y'have got the victory.  
Such is your faith, and some such unseen way  
The publique faith at last your debts will pay.

They hold free-will (that nought their souls may bind)  
As the great privilege of all mankind.  
You're here more mod'rate, for 'tis your intent,  
To make't a priv'ldg but of parliament.  
They forbid priests to marry; you worse do,  
Their marriage you allow, yet punish too,  
For you'd make priests so poor, that upon all  
Who marry scorn and beggery must fall.

They a bold pow'r o'er sacred scriptures take,  
Blot out some clauses, and some new ones make.  
Your great Lord Jesuite Brookes publicly said,  
(Brookes whom too little learning hath made mad)  
That to correct the creed ye should do well,  
And blot out Christ's descending into Hell.  
Repent, wild man, or you'll ne'er change, I fear,  
The sentence of your own descending there.

Yet modestly they use the creed, for they  
Would take the Lord's Pray'r root and branch away.  
And wisely said a Levite of our nation,  
The Lord's Pray'r was a popish innovation.  
Take heed, you'll grant ere long it should be said,  
An't be but to desire your daily bread.

They keep the people ignorant, and you  
Keep both the people and yourselves so too.  
They blind obedience and blind duty teach;  
You blind rebellion and blind faction preach.  
Nor can I blame you much that ye advance  
That which can only save you, ignorance;  
Though, Heaven be praised, 'thas oft been proved well  
Your ignorance is not invincible.  
Nay such bold lies to God himself ye vaunt,  
As if you'd fain keep him too ignorant.

Both hold  
justification by  
works, the one  
by good, the  
other by ill  
works.

Free-will one  
holds belongs  
to all men, the  
other only to  
parliament-  
men.

They agree in  
interlining  
scriptures and  
creeds.

In implicit  
faith.

Limbus and purgatory they believe,  
 For lesser sinners, that is, I conceive,  
 Malignants only; you this trick does please,  
 For the same cause ye've made new Limbuses,  
 Where we may lye imprison'd long ere we  
 A day of judgment in your courts shall see.  
 But Pym can, like the pope, with this dispence,  
 And for a bribe deliver souls from thence.

One believes purgatory hereafter, and the other erects a purgatory here.

Their councils claim infallibility,  
 Such must your conventicle synod be:  
 And teachers from all parts of th' earth ye call  
 To make't a council, oecumenical.

The assembly of divines as infallible as a general council.

They severl times appoint a fast ordain;  
 You now for the T. Wars a fast ordain:  
 And that th' kingdom might be sure to fast,  
 Ye take a course to starve them all at last.

One fasts Fry-days and eves, the other all Sundays.

Nay, though you keep no eves, Fridays, nor Lent,  
 Not to dress meat on Sundays you're content;  
 Then you repeat, repeat, and pray, and pray;  
 Your teeth keep Sabbath, and tongues working-day.

Both have their reliques.

They preserve reliques, you have few or none,  
 Unless the clout sent to John Pym be one,<sup>\*</sup>  
 Or Holleses rich widow, she who carry'd  
 A relique in her wombe before she marry'd.

Both claim to succeed St Peter.

They in succeeding Peter take a pride;  
 So do you, for your master ye've deny'd.  
 But chiefly Peter's priviledge ye choose,  
 At your own wills to bind and to unloose.  
 He was a fisherman; you'll be so too,  
 When nothing but your ships are left to you.  
 He went to Rome, to Rome you backward ride,  
 (Though both your goings are by some denyed.)  
 Nor is't a contradiction if we say,  
 You go to Rome the quite contrary way.  
 He dy'd o' th' cross, that death's unusual now;  
 The gallows is most lik't, and that's for you.

The one for church musick, the other for singing without musick.

They love church-musick; it offends your sence,  
 And therefore ye have sung it out from thence,  
 Which shews, if right your mind be understood,  
 You hate it not as musick but as good.  
 Your madness makes you sing as much as they  
 Dance, who are bit with a tarantula.  
 But do not to yourselves, alas, appear  
 The most religious traytors that e'er were;  
 Because your troopes singing of psalms do go;  
 There's many a traytor has marcht Holborn so:  
 Nor was't your wit this holy project bore,  
 Tweed and the Tyne have seen those tricks before.

Both boast their miracles,

They of strange miracles and wonders tell,  
 You are yourselves a kind of miracle;

<sup>\*</sup> Supposed to be intended to infect him with the plague.

Even such a miracle as in writ divine  
 We read o' th' devils hurrying down the swine.  
 They have made images to speak, 'tis said,  
 You a dull image have your speaker made;  
 And that your bounty in offerings might abound,  
 Y' have to that idol given six thousand pound.  
 They drive out devils they say; here ye begin  
 To differ, I confess, — you let them in.

Each hath a  
 several trans-  
 substantiation.

They maintain transubstantiation;  
 by a contrary philosophers stone,  
 To transubstantiate metals have the skill,  
 And turn the kingdoms gold to iron and steel.  
 I' th' sacrament ye differ, but 'tis noted,  
 Bread must be flesh, wine blood, if he voted.

Both infallible  
 in cathedra.

They make the pope their head, ye exalt for him  
 Primate and metropolitane, master Pym:  
 Nay White, who sits i' th' infallible chaire,  
 And most infallibly speaks nonsense there:  
 Nay Cromwel, Pury, Whistler, sir John Wray,  
 He who does say, and say, and say, and say:  
 Nay Lowry, who does new church-government wish,  
 And propheties, like Jonas, 'midst the fish,  
 Who can such various business wisely sway,  
 Handling both herrings and bishops in one day:  
 Nay all your preachers, women, boys, and men,  
 From master Calamy to mistress Ven,  
 Are perfect popes in their own parish grown;  
 For to outdoe the story of pope Jone:  
 Your women preach too, and are like to be  
 The whores of Babylon, as much as she.

Both for de-  
 posing kings;  
 the one by fair  
 means, the  
 other by foul.

They depose kings by force; by force you'd do it,  
 But first use fair means to persuade them to it.  
 They dare kill kings; and 'twixt ye here's the strife,  
 That you dare shoot at kings, to save their life.  
 And what's the difference, pray, whether he fall  
 By the pope's bull, or your Oxe General?  
 Three kingdoms thus ye strive to make your own,  
 And, like the pope, usurp a triple crown.

Their avarice.

Such is your faith, such your religion;  
 Let's view your manners now, and then I've done.  
 Your cov'teousness let gasping Ireland tell,  
 Where first the Irish lands, and next ye sell  
 The English blood; and raise rebellion here  
 With that which should suppress and quench it there.  
 What mighty summs have ye squeez'd out o' th' city?  
 Enough to make 'em poor, and something witty.  
 Excise, loans, contributions, pole-moneys,  
 Bribes, plunder, and such parliament priviledges,  
 Are words which you ne'er learnt in holy writ,  
 Till th' spirit and your synod mended it.  
 Where's all the twentieth part now which hath been  
 Paid you by some, to forfeit the nineteen?

Where's all the goods distrain'd and plunders past ?  
 For you're grown wretched, pilfiring knaves at last ;  
 Descend to brass and pewter ; till of late,  
 Like Midas, all ye toucht must needs be plate.

By what vast hopes is your ambition fed ?  
 'Tis writ in blood, and may be plainly read.  
 You must have places and the kingdom sway ;  
 The king must be a ward to your Lord Say.  
 Your inn'cent Speaker to the Rolles must rise,  
 Six thousand pound hath made him proud and wise.  
 Kimbolton for his father's place doth call ;  
 Would be like him ; would he were, Face and all.  
 Isaac would always be lord mayer, and so  
 May always be, as much as he is now.  
 For the five members they so richly thrive,  
 That they would always be, but members five.  
 Only Pym doth his natural right enforce,  
 By th' mother's side he's master of the horse.  
 Most shall have places by these pop'lar tricks,  
 The rest must be content with bishopricks.

For 'tis against superstition your intent,  
 First to root out that great church ornament,  
 Money and lands ; your swords, alas, are drawn  
 Against the bishop, not his cap or lawn.

O let not such lewd sacrilege begin,  
 Tempted by Henrie's rich succesful sin :  
 Henry the monster king of all that age,  
 Wild in his lust, but wilder in his rage.  
 Expect not you his fate, though Hotham thrives  
 In imitating Henrie's tricks for wives ;  
 Nor fewer churches hopes than wives to see  
 Buried, and then their lands his own to be.

Ye boundless tyrants, how do you outvy  
 Th' Athenians thirty, Rome's decemviry ?  
 In rage, injustice, cruelty as far  
 Above those men as you in number are.  
 What mist'ries of iniquity doe we see ?  
 New prisons made to defend libertie :  
 Our goods forc'd from us for propri'ti's sake,  
 And all the real nonsence which ye make.  
 Ship-money was unjustly ta'en, ye say ;  
 Unjustlier far, you take the ships away.  
 The high commission you call'd tyranny,  
 Ye did ; good God ! what is the high-committy ?  
 Ye said that gifts and bribes preferments bought,  
 By money and blood too they now are sought.  
 To the kings will the law's men strove to draw,  
 The subjects will is now become the law.  
 'Twas fear'd a new religion would begin ;  
 All new religions now are entred in.  
 The king delinquents to protect did strive ;  
 What clubs, pikes, halberts, lighters, saved the five ?

Their ambition

Lord Privy  
 Seal.

Pennington.

Their tyranny.

The counterfet  
 grievances of the  
 king's reign  
 compared with  
 the royal ones  
 of their usurpa-  
 tion.

viz. 1642.

You think the parl'ment, like your state of grace;  
 Whatever sins men do they keep their place.  
 Invasions then were fear'd against the state,  
 And Strode swore last year would be eighty-eight.  
 You bring in forraign aid to your designs,  
 First those great forraign forces of divines,  
 With which ships from America were fraught :  
 Rather may stinking tobacco still be brought  
 From thence, I say. Next ye the Scots invite,  
 Which ye term brotherly assistance right :  
 For England you intend with them to share :  
 They who, alas ! but younger brothers are,  
 Must have the moneis for their portion ;  
 The houses and the lands will be your owne.  
 We thank ye for the wounds which we endure,  
 Whilst scratches and slight pricks ye seek to cure.  
 We thank ye for true real fears at last,  
 Which free us from so many false ones past.  
 We thank ye for the blood which fats our coast,  
 As a just debt paid to great Strafford's ghoast.  
 We thank ye for the ills receiv'd, and all  
 Which yet by your good care in time we shall.  
 We thank ye, and our gratitude's as great  
 As yours, when you thankt God for being beat.

*The Character of an Holy-Sister.*

She that can sit three sermons in a day,  
 And of those three scarce bear three words away.  
 She that can rob her husband, to repair  
 A budget priest that noses a long prayer.  
 She that with lamb-black purifies her shoes,  
 And with half eyes and bible softly goes.  
 She that her pockets with lay-gospel stuffs,  
 And edifies her looks with little ruffs.  
 She that loves sermons as she does the rest,  
 Still standing stiff, that longest are the best.  
 She that will ly, yet swear she hates a lyer,  
 Except it be the man that will lye by her.  
 She that at christenings thirsteth for more sack,  
 And draws the broadest handkerchief for cake.  
 She that sings psalms devoutly next the street,  
 And beats her maid, i' th' kitching where none see't.  
 She that will sit in shop for five hours space,  
 And register the sins of all that pass :  
 Damn at first sight, and proudly dares to say,  
 That none can possibly be saved, but they :  
 That hangs religion in a naked ear,  
 And judge mens heart according to their hair :  
 That could afford to doubt who wrote best sence,  
 Moses or Dod on the commandments.



She that can sigh and cry, queen Elizabeth;  
 Rail at the pope, and scratch out sudden death.  
 And for all this can give no reason why:  
 This is an holy sister, verily.

---

*The Assembly-Man, written by Sir John Birkenhead, in the Year 1647.*

ΘΕΟΦΡΑΣΤ. Χαζαντ. ιψ. περί ΠΕΡΙΕΡΓΙΑΣ.

Αισχύνει τους μαχημέντους, και ης ου γινώσκει άρταπυδ ήγχεσθαι και ήρύναι μάλλον, ήπαις πρής τους περιουσιέταις.  
 ήτι τον πρότατος πολλούς ήμάματα.

*He seditiously stirs up men to fight; he'll teach others the way whereof himself is most ignorant; and persuades men to take an oath, because himself had sworn it before.*

London, Printed for W. Davis, Anno Dom. 168 $\frac{1}{2}$ .

---

Sir John Birkenhead was born about the year 1615, at Northwich, in Cheshire, where his father was a saddler. He was sent to Oxford, and having been recommended by Dr Lloyd, afterwards Bishop of Bangor, to the celebrated Archbishop Laud, became the amanuensis of the latter. During the residence of King Charles at Oxford, he was employed to write the *Mercurius Aulicus*, a kind of political journal, in support of the royal cause. He was subsequently chosen reader of moral philosophy in the university, but was expelled by the parliamentary visitors in 1648; upon which he retired to London, and aided the royal cause by several ingenious pamphlets. After the restoration, he served in parliament for the borough of Wilton. He was knighted in 1662, and succeeded sir Richard Fausshaw in his office of Master of Requests. He died December 4, 1679, leaving a large and curious collection of pamphlets behind him. Besides "The Assembly-Man," which was written in 1647, though not printed till 1662-3, he wrote "News from Pembroke and Montgomery," 1648. 4, being a humorous speech, which he put into the mouth of the earl of Pembroke; "Paul's Church-Yard," 1649. 4; a catalogue of books with feigned titles, and several other pamphlets and ballads.

This character of an Assembly-Man, meant to be the representative of that celebrated body of divines who met at Westminster for the establishment of church discipline upon the presbyterian plan, was much admired at the time; and contains that profusion of quips and cranks, and forced strains of wit, which was then thought essential to satirical composition.

---

Reader,

This pamphlet was torn from me by those who say they cannot rob, because all is theirs. They found it where it slept many years forgotten; but they wakened it, and made false transcripts. They excized what they liked not; so mangled and reformed, that it was no character of an assembler, but of themselves. A copy of that reforming had crept to the press; I seized and stopt it, unwilling to father other mens sins. Here therefore you have it (as it was first scribed) without addition of a syllable; I wish I durst say, here is nothing lopt off. But men and manners are

changed, at least they say so. If yet this trifle seem born with teeth, you know whose hands were knucle-deep in the blood of that renowned chancellor of Oxon (Arch-bishop Laud); though when they cut up that great martyr, his two greatest crimes were the two greatest glories Great Britain can boast of, St Paul's Church, and the Oxford Library. Where you find no coherence, remember this paper hath suffered decimation: Better times have made it worse, and that's no fault of

J. BERKENHEAD.

*The Assembly-Man.*

An Assembler is part of the states chattels; nor priest, nor burgess, but a particeps that sharks upon both. He was chosen as sir Nathaniel, because he knew least of all his profession; not by the votes of a whole diocese, but by one whole parliament-man. He has sate four years towards a new religion, but in the interim left none at all: As his masters, the commons, had a long debate whether candles or no candles, but all the mean while sate still in the dark; and therefore, when the moon quits her old light, and has acquired no new, astronomeres say she is in her synodes. Shew me such a picture of Judas as the assembler, (a griping, false, reforming brother; rails at waste spent upon the anointed, persecutes most those hands which ordained him, brings in men with swords and staves; and all for money from the honourable Scribes and Pharisees.) One touch more (a line tyed to his name-sake elder-tree) had made him Judas, root and branch. This assembly at first was a full century, which should be reckoned, as the scholiast's hecatomb, by their feet, not heads; or count them by scores, for in things without heads six score go to an hundred. They would be a new Septuagint; the old translated Scripture out of Hebrew into Greek, these turn into four shillings a day. And these assemblers were begot in one day, as Hercules's fifty bastards all in one night. Their first list was sprinkled with some names of honour, (Dr Sanderson, Dr Morley, Dr Hammond, &c.,) but these were divines too worthy to mix with such scandalous ministers, and would not assemble without the royall call: Nay, the first list had one archbishop, one bishop and an half, (for bishop Brownrigg was then but elect;) but now their assembly (as philosophers think the world) consists of atoms, petty small Levites, whose parts are not perceptible. And yet these inferior postern teachers have intoxicated England, (for a man sometimes grows drunk by a glister.) When they all meet, they shew beasts in Africk by promiscuous coupling. engender monsters. Mr Selden visits them (as Persians use) to see wild asses fight: when the commons have tyred him with their new law, these bretheren refresh him with their mad gospel. They lately were gravelled betwixt Jerusalem and Jericho; they knew not the distance betwixt those two places; one cried twenty miles, another ten, it was concluded seven, for this reason, that fish was brought from Jericho to Jerusalem market. Mr Selden smiled, and said, Perhaps the fish was salt fish; and so stopt their mouths. Earl Philip<sup>\*</sup> goes thither to hear them spend; when he heard them toss their national, provincial, classical, congregational, he swore damnably, that a pack of good dogs made better musick. His allusion was proper, since the elder's maid had a four legged husband. To speak truth, this assembly is the two houses tiring-room, where the lords and the commons put on their visards and masques of religion. And their honors have so sifted the church, that at last they have found the bran of the clergy. Yet such poor church-menders must reform and shuffle, though they find church-government may a thousand wayes be changed

<sup>\*</sup> Philip, earl of Pembroke and Montgomery, whom we have had repeated occasion to notice. His peculiarities afforded a great fund of satire to the royalists. There is a ballad by sir John Birkenhead, on the disgusting story next alluded to, which may be found in the collection entitled *Rump Songs*.

for the worse, but not one way for the better. These have lately published Annotations on the Bible, when their first note (on the word *Create*) is a libel against kings for creating of honors. Their annotation on Jacob's two kids, is, that two kids are too much for one man's supper; but he had (say they) but one kid, and the other made sauce. They observe upon Herod, what a tyrant he was, to kill infants under two years old, without giving them legal trial, that they might speake for themselves. Commonly they follow the Geneva margin, as those sea-men who understood not the compass crept along the shore. But I hear they threaten a second edition, and in the interim thrust forth a paultry catechism, which expounds nine commandments and eleven articles of the creed. Of late they are much in love with chronograms, because (if possible) they are duller than anagrams: O how they have torn the poor bishops names, to pick out the number 666! little dreaming that a whole baker's dozen of their own assembly have that beastly number in each of their names, and that as exactly as their Solemn League and Covenant consists of 666 words. But though the assembler's brains are lead, his countenance is brass; for he damned such as held two benefices, while himself has four or five, besides his concubine lecture. He is not against pluralities, but dualities: He says it is unlawful to have two of his own, though four of other mens; and observes how the Hebrew word for *life* has no singular number. Yet it is some relief to a sequestered person to see two assemblers snarl for his tithes; for of all kind of beasts none can match an assembler but an assembler. He never enters a church by the door, but clambers up through a window of sequestration, or steals in through vaults and cellars by clandestine contracts with an expecting patron. He is most sure no law can hurt him, for laws died in England the year before the Assembler was born. The best way to hold him, is (as our King Richard bound the king of Cyprus) in silver chains. He loves to discourse of the New Jerusalem, because her streets are of fine gold; and yet could like London as well, were Cheapside paved with the philosopher's stone: Nay, he would say his prayers with beads, if he might have a set made of all diamonds. This, this is it which tempts him to such mad articles against the loyal clergy, whom he dresses as he would have them appear; just as the ballad of Dr Faustus brings forth the devil in a frairs weed. He accused one minister for saying the blessed Virgin was the mother of God, (*Θεοτοκος*, as the ancients call her.) Another he charged for a common drunkard, whom all the country knows has drunk nothing but water these twenty-six years. But the Assembler himself can drink widows tears, though their husbands are not dead. Sure, if Paracelsus's doctrine were true, (that to eat creatures alive will perpetuate man's life,) the Assembler were immortal; for he swallows quick men, wives, and children, and devours lives as well as livings; as if he were born in that pagan province where none might marry till he had killed twelve Christians. This makes him kneel to lieutenant-general Cromwel, (as Indians to the devil;) for he saw how Oliver first threw—, then—and can with a wink do as much for—: Like Milo in the olympicks, by practising on a calf, grew strong enough for a bull, and could with ease give a lift to an ass. The great Turk was sending his ambassador, to congratulate the assemblies proceedings against the Christians: he ordered them thanks for licencing his Alcorn to be printed in English; but hearing Ottoman Cromwel had talked of marching to the walls of Constantinople, that embassy was stopt. The only difference twixt the Assembler and a Turk is, that one plants religion by the power of the sword, and the other by the power of the cymeter. Nay, the greatest strife in their whole conventicle is, who shall do worst; for they all intend to make the church but a sepulchre, having not only plundered, but anatomized all the true clergy, whose torment is heightened in being destroyed by such dull instruments; as the prophet Isaiah was sawn to pieces

\* These blanks may perhaps be filled up—Essex, Manchester, Fairfax.

with a wooden saw. The Assembler wonders that the king and his friends live still in hope; he thinks them all in St Clement's case, drowned with an anchor tyed about his neck. He has now got power to visit the universities, where these blinking visitors look on eminent scholars (as the blind man who saw men like trees) as timber growing within the root-and-branch ordinance. The Assembler has now left scholars so poor, they have scarce rags wherewith to make paper. A man would think the two houses intend to transport the universities, since they load asses with colledge-revenues. For though these assemblers made themselves heads, they are rather hands of colledges, for they all are takers,\* and take all. And yet they are such creeping tyrants, that scholars are expelled the two universities, as the old Thracians, forced from their country, by rats and mice. So that learning now is so much advanced, as Arrowsmith's glass eye sees more then his natural. They never admit a good scholar to a benefice, for the assemblies balance is the Lake of Sodom, where iron swims and feathers sink. Their divinity disputations are with women or laymen; and tis only on one question (episcopacy) where the Assembler talks all that he and his friends can say, (though his best medium to prove presbyters more antient than bishops, is, that scribes, pharisees, priests, and elders were before the apostles :) Yet, if a scholar or good argument come, he flies them as much as if they were his text. This made him curse Dr Steward, Dr Laney, and Dr Hommond, and had he not had more brass in his face than in his kitchen, he had hanged himself at Uxbridge, and ended with that treaty; for he has naught of logick but her clutched fist, and rails at philosophy as beggars do at gentlemen. He has very bad luck when he deals in philologie, as one of them (and that no mean man) who in his preface to the reader sayes, that St Paul had read Eustathius upon Homer, though the apostle dyed a thousand years before Eustathius was born. The Assembler's dyet is strangely different, for he dines wretchedly on dry bread at Westminster, four assemblers for 13 pence: But this sharpens and whets him for supper, where he feeds gratis with his city landlord, to whom he brings a huge stomach and uews; for which cramm'd capons cram him. He screws into families where is some rich daughter or heir; but whoever takes him into their bosom will dye like Cleopatra. When it rains he is coached, (a classis of them together,) rousing his eyes to mark who beholds him. His shortest things are his hair and his cloak. His hair is cut to the figure of 3; two high cliffs run up his temples, whose cap of shorn hair shoots down his forehead, with creeks indented, where his ears ride at anchor. Had this false prophet been carryed with Habbakuk, the angel had caught fast hold of his ears, and led him as he leads his auditory. His eyes are part of his tithe at Easter, which he boyles at each sermon. He has two mouths, his nose is one, for he speaks through both. His hands are not in his gloves, but his gloves in his hands, for twixt sweatings, that is, sermons, he handles little else, except his dear mammon. His gown (I mean his cloak) reaches but his pockets; when he rides in that mantle, with a hood on his shoulders, and a hat above both, is he not then his own man of sin with the triple crown? You would swear some honest carpenter dressed him, and made him the tunnel of a country chimney. His doublet and hose are of dark blew, a grain deeper than pure Coventry: but of late he's in black, since the loyal clergy were persecuted into colors. His two longest things are his nails and his prayer. But the cleanest thing about him is his pulpit cushion, for he still beats the dust out of it. To do him right, commonly he wears a pair of good lungs, whereby he turns the church into a belfry; for his clapper makes such a din you cannot hear the cymball for the tinkling. If his pulpit be large, he walks his round, and speaks as from a garrison, (his own neck is palizadoed with a ruff.) When he first enters his prayer before sermon, he winks and gasps, and gasps and winks, as if he prepared to preach in another world. He seems in a slumber, then in a dream, then rumbles a while, at last sounds forth, and then throws so much dirt and nonsense

towards heaven, as he durst not offer to a member of parliament. Now, because Scripture bids him not curse the king in his thought, he does it in his pulpit by word of mouth, though heaven strike him dumb in the very act, as it did Hill at Cambridge, who while he prayed, Depose him, O Lord, who would depose us, was made the dumb devil. This (one would think) should gargle his foul mouth. For his only hope why God should hear him against the king is, the devil himself (that great Assembler) was heard against Job. His whole prayer is such an irrational bleating, that (without a metaphor) 'tis the calves of his lips; and commonly 'tis larded with fine new words, as savingable, muchly, Christ-Jesusnes, &c., and yet he has the face to preach against prayer in an unknown tongue. Sometimes he is foundered, and then there is such hideous coughing; but that is very seldom, for he can glibly run over nonsense, as an empty cart trundles down a hill. When the king girt round the earl of Essex at Lestythiell, an Assembler complained that God had drawn his people into the wilderness, and told him, he was bound in honour to feed them; for, Lord, said he, since thou givest them no meat, we pray thee, O Lord, to give them no stomachs. He tore the liturgie, because, forsooth, it shackled his spirit, (he would be a devil without a circle;) and now if he see the book of Common-Prayer, the fire sees it next, as sure as the bishops were burned who compiled it. Yet he has mercy on Hopkins and Sternhold, because their meeters are sung without authority, (no statute, canon, or injunction at all,) only like himself, first crept into private houses, and then into churches. Mr Rous moved those meeters might be sequestred, and his own new rithms to enjoy the sequestration, but was refused, because John Hopkins was as ancient as John Calvin. Besides, when Rous stood forth for his trial, Robin Wisdom was found the better poet. 'Tis true they have a directory, but 'tis good for nothing but Adoniram, who sold the original for 400*l*. And the book must serve both England and Scotland, as the directory needle points north and south. The Assembler's only ingenuity is, that he prays for an *extempore* spirit, since his conscience tells him he has no learning. His prayer thus ended, he then looks round to observe the sex of his congregation, and accordingly turns the apostle's men, fathers, and brethren, into dear brethren and sisters; for his usual auditory is most part female; and as many sisters flock to him as at Paris on Saint Margaret's day, when all come to church that are, or hope to be, with child that year. He divides his text as he did the kingdom, makes one part fight against another; or as Burges divides the Dean of Paul's House, not into parts, but tenements, that is, so as 'twill yield most money. And properly they are tenements, for each part must be dwelt upon, though himself comes near it but once a quarter; and so his text is rather let out than divided. Yet sometimes (to shew his skill in Keckerman) he butchers a text, cuts it (just as the Levite did his concubine) into many dead parts, breaking the sence and words all to pieces, and then they are not divided, but shattered like the splinters of Don Quixote's lance. If his text be to the occasion, his first dish is apples of gold, in pictures of silver; yet tells not the people what pictures those were. His sermon and prayer grin at each other, the one is presbyterian, the other independent; for he preaches up the classes, yet prays for the army. Let his doctrine and reason be what they will, his use is still to save his benefice and augment his lecture. He talks much of truth, but abhors peace, lest it strip him as naked as truth; and therefore hates a personal treaty, unless with a sister. He has a rare simpering way of expressions; he calls a married couple saints that enjoy the mystery; and a man drunk is a brother full of the creature. Yet at wedding sermons he is very familiar, and (like that picture in the church at Leyden) shews Adam and Eve without fig leaves. At funerals he gives infallible signs that the party is gone to heaven; but his chief mark of a child of God is, to be good to God's ministers. And hence it is he calls his preachment *mana*, fitted not to his

hearers necessity, but their palat; for 'tis to feed himself, not them. If he chance to tire, he refreshes himself with the peoples hum,\* as a collar of bells to cheer up a pack-horse. 'Tis no wonder he'll preach, but that any will hear him, (and his constant auditors do but shew the length of their ears;) for he is such an *Ἀβυσσοπλάγιος*, that to hear him makes good scholars sick, but to read him is death. Yet though you heard him three hours he'll ask a fourth, as the beggar at Delph craves your charity because he eats four pound of bread at a meal. 'Twas from his larum the watch-makers learned their infinite skrew. His glass and text are equally handled, that is, once an hour. Nay, sometimes he sallies and never returns, and then we should leave him to the company of Lorimers, for he must be held with bit and bridle. Whoever once has been at his church can never doubt the history of Balaam. If he have got any new tale or expression, 'tis easier to make stones speak than him to hold his peace. He hates a church where there is an eccho, for it robs him of his dear repetition, and confounds the auditory as well as he. But of all mortals I admire the short-hand-men, who have the patience to write from his mouth; had they the art to shorten it into sense, they might write his whole sermon on the back of their nail; for his invention consists in finding a way to speak nothing upon any thing; and were he in the Grand Seignior's power, he would lodge him with his mutes, for nothing and nothing to purpose are all one. I wonder in conscience he can preach against sleeping at his opium-sermons. He preaches indeed both in season and out of season; for he rays at popery, when the land is almost lost in presbytery; and would cry out fire, fire, in Noah's flood. Yet all this he so acts with his hands, that in this sence too his preaching is an handicraft. Nor can we complain that plays are put down while he can preach; save only, his sermons have worse sence and less truth. But he blew down the stage, and preached up the scaffold; and very wisely, lest men should track him, and find where he pilfers all his best similes, (the only thing wherein he is commendable, St Paul himself having culled sentences from Meander's *Thais*, though it was his worst, that is, unchast, comedy.) Sometimes the Assembler will venture at the original, and then (with the translator of *Don Quixote*), he mistakes sobs and sighs for eggs and collops.\* But commonly, for want of Greek and Latin, he learns Hebrew, and straight is illuminated, that is, mad; his brain is broke by a brick-bat cast from the Tower of Babel. And yet this empty, windy teacher has lectured a war quite round the kingdom; he has found a circulation of blood for destruction (as famous Harvey for preservation,) of mankind. It was easie to foresee a great mortality when ravens were heard in all corporations; for, as multitude of froggs pré-sage a pestilence, so croaking lecturers foretold an assembly; men come to church, as the great Alexander went to sacrifice, led by crows. You have seen a small elder-tree grow in chinks and clefts of church walls; it seems rather a weed than a tree, which, lend it growth, makes a rent in the wall, and throws down the church. Is not this the Assembler? grown from schisms, which himself begot; and, if permitted, will make the church but a floor or church-yard. Yet, for all this, he will be called Christ's minister and saint, as the rebels against King John were the army of God. Sure when they meet they cannot but smile, for the dullest amongst them needs must know that they all cheat the people; such gross low impostors, that we die the death of the Emperor Claudius, poysoned with mushrooms. The old hereticks had skill and

\* There was a sort of reverential *hum* of applause, by which the congregations of that period were wont to express their approbation of particular passages in a sermon.

\* "*Duelos y quebrantos*, (the Saturday's supper of the Knights of La Mancha,) is literally in English, griefs and groans. Cæsar Andin, the famous French translator, will have it to be eggs and bacon, as above. Signor Sobrino says it is pease-soup. Mr Jarvis will have it to be brains fried with eggs."—Ozzell's *Don Quixote*, Edinburgh, 1766, 8. vol. I. p. 1.

learning, some excuse for a seduced church; those were scholars, but these assemblers, whose very brains (as Manichæus's skin,) are stuffed with chaff; for they study little and preach much, ever sick of a diabetes. Nor do they read but weed authors, picking up cheap and refuse notes, that with Galigula they gather cockle-shells, and with Domitian retire into their studie to catch flies. At fasts and thanksgivings the Assembler is the state's trumpet; for then he doth not preach but is blown, proclaims news very loud, the trumpet and his forehead being both of one metal, (and yet, good man, he still prays for boldness.) He hackneys out his voice like a cryer, and is a kind of spiritual agitator, receives orders and spreads them. In earnest, the states can't want this tool, for without him the saints would scarce assemble; and if the zealots chance to fly out, they are charmed home by this sounding brass. There is not on earth a baser sycophant; for he ever is chewing some vote or ordinance, and tells the people how savory it is, like him who licked up the emperor's spittle, and swore it was sweet. Would the two houses give him cathedral lands, he would prove lords and commons to be *jure divino*; but should they offer him the self-denying ordinance, he would justify the devil and curse them to their faces: his brother kirk-man did it in Scotland. It is pleasant to observe how finely they play into each others hands; Marshall procures thanks to be given to Sedgwick (for his great pains.) Sedgwick obtains as much for Marshall, and so they all pimp for one another. But yet, to their great comfort be it spoken, their whole seven years sermons at Westminster are now to be sold in Fetter-lane and Pye-corner. Before a battalion the Assembler ever speaks to the souldiers, and the holding up of his hands must be as necessary as Moses's against the Amalekites. For he pricks them on, tells them that God loves none but the valiant; but when bullets flye, himself runs first, and then crys, all the sons of Adam are cowards! Were there any metempsychosis, his soul would want a lodging; no single beast could fit him, being wise as a sheep and innocent as a wolf. His sole comfort is, he cannot out-sin Hugh Peters; sure as Satan hath possessed the Assembler, so Hugh Peters hath possessed Satan, and is the devil's devil. He alone would fill a whole herd of Gadarens; he has sucked blood ever since he lay in the butcher's sheets, and now (like his sultan) has a shambles in his countenance, so crimson and torrid you my there read how St Laurence dyed, and think the three children were delivered from his face. This is St Hugh, who will level the Assembler, or the devil's an asse. Yoke these brethren, and they two couple like a Sadducee and a Pharisee, or a Turk and a Persian, both Mahumetans. But the Assembler's deepest, highest abomination, is his solemn league and covenant; whereby he strives to damn or beggar the whole kingdom, out-doing the devil, who onely persuades, but the Assembler forces to perjury and starving. And this (whoever lives to observe it) will one day sink both him and his faction; for he and his oath are so much one, that, were he half-hanged, and let down again, his first word would be, Covenant! covenant!

But I forget, a character should be brief (though tedious length be his best character;) therefore, I'll give ye (what he denyes the sequesterd clergy) but a fifth part; for weigh him single, and he has the pride of three tyrants, the forehead of six gaolers, and the fraud of twelve brokers. Or take him in the bunch, and their whole assembly is a club of hypocrites, where six dozen of schismatick spends two hours for four shillings apiece.

*A Proposal humbly offered for the Farming of Liberty of Conscience.*

This tract is said to have been composed by the celebrated author of *Hudibras*, with whose fate Dryden upbraids the church of England :—

Unpitied Hudibras, your champion friend,  
Has shewn how far your characters extend ;  
This lasting verse shall on his tomb be read,  
He shamed you living, and upbraids you dead.

HIND AND PANTHER.

The proposal seems to have been written at that ominous juncture, when the sect of presbyterians wished to extend their church-government over their allies the independents. The royalists saw, with all the pleasures of gratified revenge, an approaching quarrel between these two powerful divisions of their enemies; and such a satire as the following was not unlikely to spur on their mutual jealousy and hatred,

SINCE nothing can be dearer unto poor Christians than liberty, or the free exercise of their judgments and conscience, which hath kindled that fire in the bowels of the three kingdoms which all the precious blood that hath been shed, during those late troubles, hath not been able totally to extinguish. And since many of us, whose names are affixed, were so profitably instrumental in those late combustions, as appears all along in our sermons before the honourable house of parliament, in the years 1642, 43, 44, 45, 46, in exciting the good people of this nation to seek and maintain their Christian liberty against all prelatical and antichristian imposition whatsoever. And considering that the little finger of apostasie from our first love would be a greater burden upon our tender consciences than the loyns of episcopacy; we, being more bound in honour than conscience, cannot totally desist. Neither need any man fear, or so much as suspect, least any inconvenience or alteration should happen in religion by the great diversity of opinions, tongues, and languages, tolerated amongst us, unless in the great Babel of episcopacy, that may possibly be pulled down and destroyed by this our notable confusion; for, if the gospel was wonderfully spread abroad by every mans speaking in his own language, and the very enemies thereof astonished, and miraculously wrought into a belief of it, how is it likely to be now obstructed in the free exercise of our spiritual gifts with these our cloven and divided tongues. And since many worthy persons, from whom we might little expect it, but far less deserve it, out of their goodness and clemency are pleased to incline to some liberty, did not some persons, aliens and strangers to the commonwealth of Israel, take up a reproach against us, as persons reprobated into an impossibility of submission to principles of concord, peace, and order in church and state, never being able hitherto to come to any consistency amongst ourselves; the ark of God having, for twenty years toge-



ther, been exposed to by-ways, streets, and worse places, for want of an agreement amongst our own brethren where to rest it, or how to entertain it. If this be our case, and could we be sure of so much favour as Saul once desired of Samuel, that the bishops would but honour us before the people, we would, in a private Christian way, lay our hands upon our hearts and acknowledge the hand of God, and the justice thereof, in turning us out of his vineyard as wicked and unprofitable servants, and to suffer the iniquity of our heels to overtake us, crying out with the Reverend Mr Calamy, "The ark of God is justly departed from us." But being not yet thus assured, do hope the people will yet believe these to be only bears-skins lap'd about us by episcopal hands; and, therefore, to the end that a consistency and oneness of judgment of the whole separating brethren, and their moderation, may be known unto all men, and that the world may know that there is a spirit of rule and government resting in us:

It is humbly proposed that the sole power of granting licences and indulgences for liberty of conscience, within the kingdom of England, dominion of Wales, and town of Berwick, may be vested in the persons under named for the term of seven years, under the farm-rent of an hundred thousand pounds per annum, to commence from the twenty-fifth day of March next, under such rates and qualifications as are hereafter specified.

*The Names of the Grand Commissioners and Farmers of Liberty of Conscience; proposed on Monday, March 2d, 1662, being the Day of a private Fast kept by Mr Calamy, Mr Baxter, and others, at Mr Beal's House, near my Lord of Ely's Chappel in Holborn.*

Mr Edmund Calamy.  
 Mr Tilham, late of Colchester.  
 Mr Philip Nye.  
 Mr Feak.  
 Mr Stanley of Dorchester.  
 George Fox, executor of the last will and testament of James Nailor, deceased.  
 Doctor Lazarus Seaman.  
 Mr Dell, late of Cambridge.  
 Doctor Owen.  
 Mr Bryan, late of Coventry.  
 Mr Mathew Mead.  
 Mr John Coppin.  
 Dr Manton.  
 Mr Kiffen.  
 The executor of Mr Venner, lately executed.  
 Mr Thomas Case.  
 Mr Reynor, late of Lincoln.  
 Mr Ralph Venning.  
 Mr Rogers.  
 Mr Benn, late of Dorchester.  
 Mr George Griffith, late of Charterhouse.

The executor of Hugh Peters, lately executed.  
 Mr George Newton, late of Taunton.  
 Mr Dan. Dyke, late of Hertfordshire.  
 Mr William Jenkins.  
 Mr Fisher, late of Kent.  
 Dr Thomas Goodwin.  
 Mr Hamond, late of Newcastle.  
 Mr Peter Sterry.  
 Mr Bridges, late of Yarmouth.  
 Mr Joseph Carryll.  
 Mr Tombes, late of Lemster.  
 Mr Leegh, late of Lombard-street.  
 Mr Mayo, late of Kingston.  
 Mr Joshua Sprigg.  
 Mr Henry Jessey.  
 Mr Newcomen of Dedham, in Essex.  
 Doctor Tuckney of Cambridge.  
 Doctor Cornelius Burges.  
 Mr Zachary Crofton.  
 Doctor Holmes.  
 Mr John Cann.  
 Mr Thomas Brooks.

That the persons aforesaid may be constituted grand commissioners and farmers of liberty of conscience, within the kingdom of England, dominion of Wales, and town of Berwick; and may be impowered to set up one publick office within the city of London, and to nominate and elect a convenient number of registers, clerks, and other officers. And, for the more certainty of all certificates to be granted as is hereafter appointed, the said grand commissioners and farmers may form a common seal, to be known and called by the common name of The publick Seal of the Grand Commissioners and Farmers of Liberty of Conscience; engraven, an ass without ears, braying; with this motto encircled, *stat pro ratione libertas*. And the said grand commissioners and farmers, or any twenty-four of them in the said office assembled, may, from time to time, compound and agree for liberty of conscience, with any person or persons, under such rates and qualifications as are hereafter specified.

That the said grand commissioners and farmers, or any twenty-four of them, may constitute and appoint, under the publick seal of the office, sub-commissioners and other officers for every county within the said kingdom, not exceeding the number of twelve for each county, whereof seven to be a quorum, who may compound and agree for liberty of conscience with any person or persons, select congregations, cities, towns corporate, parishes, hamlets, and villages, by the great or otherwise, within their respective counties, not exceeding the rates hereafter mentioned.

*Rates to be observed in all Compositions for Liberty of Conscience.*

	Per Annum.
A presbyterian minister,	£5 0 0
A ruling elder,	4 0 0
A deacon,	3 0 0
A hearer, male or female, in fellowship to all ordinances,	2 0 0
A common hearer only	1 0 0
An independant pastor	5 0 0
A teaching elder	4 0 0
A helper in government	3 0 0
A deacon	3 0 0
A hearer male or female fellowship to all ordinances	2 0 0
A common hearer only	1 0 0
A baptist admitted to to the administration of all ordinances	5 0 0
A preaching assistant	4 0 0
An elder in office	3 0 0
A deacon	2 0 0
A hearer in fellowship male or female to all ordinances	2 0 0
A common hearer only	1 0 0
A fifth monarcher admitted to hold forth	5 0 0
An elder under the same administration	3 0 0
A deacon under the same administration	3 0 0
A hearer male or female in fellowship according to the value of his or her estate, 2s. per l. per annum.	
A common hearer male or female according to the value of his or her estate, 12d. per l. per annum.	
A speaking male quaker	4 0 0
A speaking female quaker	3 0 0
A common quaker male or female	2 0 0

A confessor	6	0	0
A seminary of mass-priest at large	5	0	0
A private mass-priest	4	0	0
A Roman catholick in any other order	3	0	0
A Roman catholic not in order male or female	1	0	0
An officer under any administration not mentioned in the rates aforesaid, being a native of England, such only excepted as stand conformable to the church of England,	5	0	0
A common person under any administration not mentioned in the rates aforesaid, being a native of England, such only excepted as stand conformable to the church of England,	2	0	0
An officer under any administration whatsoever, not a native of England, except conformable to the church of England,	10	0	0
A private person under any administration whatsoever, not a native of England, except conformable to the church of England,	5	0	0

*Rates to be observed in compounding for Liberty of Conscience in the Particulars following, viz.*

For liberty to assert the pope's suprémacie	10	0	0
For liberty to write, speak, or preach against the government, as they shall be inwardly moved	5	0	0
For liberty to keep on their hats before magistrates, or in courts of judicature	2	0	0
For liberty to rail publicly against the bishops and common-prayer	1	0	0
For liberty to refuse all manner of oaths, of allegiance and suprémacie, or in cases civil or criminal	2	0	0
For liberty to deny tithes and other church duties	1	0	0
For liberty to expound the Revelations and the book of Daniel	1	0	0
For liberty to disturb any congregation after sermon	0	10	0
For liberty to assert the solemn league and covenant	1	5	0
For liberty to instruct youth in the short catechism, set forth by the assembly of divines	0	10	0

That any person or persons gifted for any the particulars abovesaid, may have liberty therein, either as an itinerate, in private or publick, at the rates abovesaid.

That no person or persons be admitted to compound for liberty of conscience, until he or they have first taken, and subscribed to the solemn protestation following, before the said grand commissioners and farmers, or their sub-commissioners respectively :

I A. B. do here solemnly protest, That I judge myself still bound by the solemn league and covenant, by the engagement, by private church government, or by any other oath which I have taken ever since the year 1641. And that so far as with safety to my person and estate I may, I will endeavour the utter extirpation of episcopacy, and to the utmost of my power, will abett and promote all schism, faction, and discord, both in church and state, according to the best form and manner, prescribed and laid open in the sermons of many of the grand commissioners and farmers, before the parliament, appointed to be printed, and now called the homilies of the separated churches. And that I will never by what conviction of authority soever, whether legal or episcopal, ever consent to the establish'd doctrine and discipline of the church of England.

And I do likewise believe, That liberty of conscience was a mysterious, yet profitable talent committed to the churches, and that it may be lawfully farmed out for advantage and improvement.

That no person within the kingdom of England, dominion of Wales, or town of Barwick, may, from and after the twenty-fifth day of March next, use or exercise any manner of liberty of conscience, except persons standing conformable to the church of England; untill such person or persons shall first take the solemn protestation, and shall compound with the said grand commissioners and farmers for liberty of conscience; nor shall he be admitted or permitted to be a speaker or hearer, in any meeting or assemblies whatsoever.

That the said grand commissioners and farmers of liberty of conscience may have power to constitute, under the publick seal of the said office, a convenient number of spiritual gagers, who may have and exercise all such powers, priviledges, and authorities, as the gagers for excise of beer and ale have, or ought to have and enjoy, and may, at any time, in case of suspection, enter into any house or place, publick or private, to gage, and try the spirits and affections of any person or persons; and by praying, preaching, or other good exhortation, dissuade from episcopacy, and the common prayer, the better to fit and prepare them to compound for liberty of conscience.

That the said grand commissioners and farmers of liberty of conscience may have power to fine any person or persons (not exceeding the sum of twenty pounds for every offence,) who shall, after composition for liberty of conscience, and subscribing the solemn protestation, be present in any church or chappell, within the kingdom of England, dominion of Wales, and town of Barwick, in the time of any part of divine service, unless at the funeral of his father, or some other like occasion, he shall either respond, be uncovered, or carry himself reverently, in the time of divine service aforesaid.

That the said grand commissioners and farmers of liberty of conscience, or any twenty four of them assembled at the office aforesaid, may have and exercise a jurisdiction of appeal in all matters relating to liberty of conscience, within the said kingdom of England, and shall have a conclusive power in all matters brought before them, by way of appeal as aforesaid.

That for the better management of all such matters as shall be brought judicially before the said grand commissioners and farmers of liberty of conscience, by way of appeal, the said grand commissioners and farmers shall have power to constitute and appoint Mr Oliver St Johns, and such others as they judge fit for their said service, to be of standing-council with the said grand commissioners and farmers: And the said Mr Oliver St Johns, being so constituted and appointed under the publick seal of the said office, shall, and may be exempted and discharged from being in any public office, or place of trust or profit, for the said term of seven years, any thing to the contrary notwithstanding.

That if any person or persons shall happen to be proceeded against in any of the ecclesiastical courts of the bishops of this kingdom, for contumacy, for non-conformity, for non-payment of tythes, and other church-duties, for publick rayling against the bishops, the common prayer, or the government of the church of England, or shall speak opprobriously or scandalously against the doctrine or discipline thereof, as antichristian, or shall maintain any positions or doctrines contrary thereunto; every such person, producing a certificate from the said grand commissioners and farmers under the public seal of the said office, that such person or persons are under composition for liberty of conscience, shall actually be discharged, and all farther proceedings stayed, any thing to the contrary notwithstanding.

That if any persons shall happen to be indicted, or criminally proceeded against in any of his majesties courts at Westminster, or elsewhere within the kingdom of England, either for treasonable speeches, or practices, for publick railing at the government, or for scandalous words against either or both houses of parliament, or for transgressing any of the penal laws and statutes of this kingdom, every such person or persons producing a certificate from the said grand commissioners and farmers under the publick seal of the said office, that such person or persons are under composition for liberty of conscience, and that such words or practices were not spoken or acted *malitiosè*, but were only the natural and proper effects and product of liberty of conscience, shall be discharged, and all further proceedings stayed; any thing to the contrary notwithstanding.

That the said grand commissioners and farmers of liberty of conscience may have power from time to time, to ordain pastors, elders, and deacons, or any other officers under any administration whatsoever, by the laying on of the public seal of the office: which said imposition of the said publick seal being received with a certificate, shall be as lawfull an ordination as if every such person had received imposition from the hands of the presbytery; any late usage or custom to the contrary notwithstanding.

That the said grand commissioners and farmers may have power from time to time, to set apart days of public fastings, and humiliation, and thanksgiving; on which days it may be lawful for any person or persons appointed, to officiate before the said grand commissioners and farmers, to stir up the people to a holy indignation against themselves, for having, by their want of zeal and brotherly kindness one towards another, lost many precious enjoyments; and above all, the never-to-be-forgotten loss of the late power and dominion, which, with the expence of so much blood and rapine, was put into the hands of the saints. And to take up for a lamentation, and great thoughts of heart, the divisions of Reuben, that having our sacks full, such an evil spirit should be found in the midst of us, as to fall out by the way; might it have been with those that abode by the stuff, as with those that went out to the battel, it had not been with us at this day. Some starting aside like a broken bow, in the year 48, others continue to bear the burden and heat of the day until 60, being harness'd, did then turn their backs in the day of battel: as was most sweetly handled at the fast kept yesterday, at Mr Beale's, by Mr Calamy, Mr Baxter, and others.

That the twentieth day of April next, commonly called Easter Monday, be kept as a day of solemn fasting and humiliation, for a blessing upon these gospel undertakings; and that Mr Edmund Calamy, Mr Peter Sterry, Dr Lazarus Seamon, and Mr Feake, be desired to carry on the work of the day in prayer and preaching, before the said grand farmers; and that the particulars following be recommended to their consideration in the work of the day.

- |               |   |                                 |
|---------------|---|---------------------------------|
| 1. To Bewail, | { | 1. All our court sins.          |
|               | { | 2. Our bishops sins.            |
|               | { | 3. Our monks sins.              |
|               | { | 4. Our common prayer sins.      |
|               |   |                                 |
| 2. To Divert, | { | 1. Westminster hall judgments.  |
|               | { | 2. Our Old-Baily judgments.     |
|               | { | 3. Our Tower-Hill judgments.    |
|               | { | 4. Our Charing-Cross judgments. |
|               | { | 5. Our Tyburn judgments.        |

Lastly, for deliverance from the hand of Dun, that uncircumcised Philistine.

That the said grand commissioners and farmers of liberty of conscience may have power to build churches and chappels in any place or places, except upon such ground

where churches or chappels do already stand, in regard of the inconvenience of setting up altar against altar: and forasmuch as the custom of reading some part of the holy Bible before sermon, commonly called First and Second Lessons, hath been found fruitless, that therefore the said grand commissioners and farmers may have power to appoint, instead thereof, the annual reading of those sermons preached by many of the said grand commissioners and farmers, before the parliament, upon special occasions of thanksgiving and humiliation, from the year 1641, to the year 1648, which said sermon may be called the homilies of the separating churches.

That the said grand commissioners and farmers may have power to require Mr Gilbert Millington, and Mr Luke Robinson, the lame evangelist, to deliver up all such articles, orders, books, papers, and other writings, as were transacted before the late committee for plundered ministers; and likewise all such as were passed and transacted before Mr Philip Ney and some others of the now grand commissioners and farmers, and heretofore called commissioners, or spiritual tryers, to the end the said articles, orders, books, and other papers, may be printed and published, and may be kept at the said office upon record for ever, and appointed to be the book of canons of the separated churches.

All this being done, we may, upon Scripture grounds, expect that the door of hope may yet be open to us, and our children after us, to see the travel of our souls, and to set us into the promised land, and to reap some of those clusters of the grapes of Canaan, which with so much labour and toyl of body and mind, were planted, especially in the years 1641, 42, 43, 44, 45, by many of us and other precious saints and ministers of the gospel, who are since fallen asleep, and have, we hope, reaped the fruits of those labours; the Lord having in that day put a mighty spirit into us, and set us as watchmen upon the towers of Israel, to cry mightily, Curse ye Meroz, curse ye bitterly. Grant that those heart-breaking labours of ours, those king-destroying labours, those kingdom-ruining labours, those gospel-scandalizing labours, those church-subverting labours, those soul-confounding labours of ours may never be forgotten, but may be written, as with the point of a diamond, upon the heart of the king, upon the hearts of the bishops, upon the heart of the parliament, and upon the hearts of all the people from Dan to Beersheba, that so, in God's good time, we may receive our reward seven-fold into our own bosoms, and that the generations to come may hear and fear, and do no more so wickedly.

So prays

S. BUTLER.

---

*The Roundheads Resolution.*

Whereas we are, through our great ignorance and obstinacy, grown to a most seditious and malignant head, and the horns of that head, (though of a main length,) not able to support our arrogant faction, as appears by our last being soundly slashed and bastinadoed by a mad crew called the cavaliers. And whereas a great part of us have shut up our shops, because we could no longer keep them open, which kind of shutting up proceedeth commonly from our vast expence in white-broths, custards, and other luxurious dishes provided for the edification one of another. And whereas the multitude, called true protestants, endeavour to hold up bishops to maintain good order, discipline, and orthodox preaching in the church, learning and arts in the universities, and peace in the commonwealth; all which is nothing but idolatry, superstition, profaneness, and plain popery. And further, whereas we (who are nothing properly but roundheads and fanatics) are in most scandalous manner termed holy brethren, the zealots of the land; and which, in sincerity, we never were or ever will be.

And forasmuch, likewise, as the prophane world of true protestants are a stiff-necked generation, and will not yield unto us the preheminance of doctrine and religion, notwithstanding the many senceless two hours of those spiritual trumpets of our faction, the sanctified clergy-lecturers, or of our more divine lectures of our supreme shee-lecturers, whose bowels do even yearn for the getting in of the saints unto us, and have, as it were, even a zealous lusting after us.

And forasmuch as the religion professed by us in the purest and most decent, as appears by the great love and community betwixt the brethren and the sisters, the conveniency of the woods, saw-pits, and dark places, the putting out lights, and defying those tapers of iniquity, which cause us to behold our own wicked deeds, the goodly bigness of the ear, with the shortness of the hair, which hindereth not the sound of the shepherds voice, but easily heareth him call to a great feast, amongst the rich saints, the length and sharpness of the nose, which not only smelleth the sweet savors of the holy plum-broth, but also promiseth an eager appetite to some good work towards the younger sisters, the roundness of the band, the length of the dublet, and the shortness of the breeches, being a habit correspondent to the pictures of the apostles in the Geneva print, the mightiness of our faith, which is able to remove a church into a wood, the transparency of our charity, that is so invisible, that neither the right hand nor the left ever knew it, the multitude of our good works, which no man living can number, the goodly works of our tautological prayers, and the zeal thereof, which brings us even to divine consumption; whereby we look like the prodigal son at his return home, or the priests in the arras, the defying of all fathers, bishops, and doctors, conformable persons, canonical robes, ecclesiastical gestures, and utensils, all learning, liberal arts and degrees, as the raggs of superstition, the dreggs of popery are abominable in the goggle eyes of a right round-head; and yet this simple innocent profession is scorned and baffled, and by whom? But by scholars, and such as profess learning, which is no more necessary to religion than a publick church, which verily is but a den of thieves when we are absent.

All which grievances do stand with much reason, and therefore are utterly against our tender consciences, and never were allowed by any synod of More-fields or Westminster.

That therefore which we do now resolve to maintain, and desire have confirmed, and never to be alter'd (till some new toy tickle us in the *pericranium*, which will be very shortly) is,

1. That our religion, tenants, and manners, before-mentioned, be established and maintained against all reason, learning, divinity, order, discipline, morality, piety, or humanity whatsoever.

2. That the very name of bishops shall be a sufficient jury and judge to condemn any of them, without any further evidence or circumstance.

3. That if any man whatsoever, having knowledge in the Latin tongue (being a popish language) shall presume to think he can save a soul by preaching, he be excommunicated both in this world and in the world to come; unless it be some certain lecturers, of whose approved rayling and ignorance we are well assured, and have known to stand six hours on a fasting day.

4. That the felt-maker and the cobbler, two innocent cuckold, may be instituted primates and metropolitans of the two arch-provinces, and the rest of the sect preferred, according to their imbecillities of spirit, to such bishopricks and other livings, as will competently serve to procure fat poultry, for the filling of their insatiate stomachs, in which regard, church-livings had more need to be increased, than diminished.

5. That no man whatsoever, who bears the name of cavalier, may be capable of making any of the brethren a cuckold, unless he cut his hair, and alter his profession; but be excluded from the conventicles, as the king's friend and a reprobate.

6. Lastly, That there be two whole days set apart to fast and pray for the confusion of all that are not thus resolved.

*A Caveat to the Round-Heads.*

I come to charge yee  
That slight the clergy,  
And pull the miter from the prelat's head,  
That you will be wary,  
Least you miscarry  
In all these factious humours you have bred ;  
But as for Brownists we'll have none,  
But take them all, and hang them one by one.

Your wicked actions,  
Joyn'd in factions,  
Are all but aims to rob the king of his due.  
Then give this reason  
For your treason,  
That you'll be rul'd, if he'll be rul'd by you ;  
Then leave these factions, zealous brother,  
Least you be hanged one against another.

Your wit abounded,  
Gentle round-head,  
When you abus'd the bishops in a ditty,  
When as you sanged,  
You must be hanged,  
A timpinee of malice made you witty,  
And though your hot zeal made you bold,  
When you are hang'd, your arse will be a cold.

Then leave confounding,  
And expounding  
The doctrine that you preach in tubbs,  
You raise this warring,  
And private jarring,  
I doubt, in time, will prove the knave of clubbs.  
It's for your lying, and not for your oaths,  
You shall be hang'd, and Ketch shall have your cloaths.

FINIS.



To the Honourable the Lords and Commons now assembled in the High Court of Parliament.

The Humble Petition of the University of Cambridge,

Humbly presenteth to your honourable consideration the sad dejected estate of the said university; how our schools daily grow desolate, mourning the absence of their professors and the wonted authorities. How in our colleges our numbers grow thin and our revenue short; and that subsistence we have abroad is for the most part involved in the common miseries. How frighted by the neighbour noise of war, our students either quit their gowns, or abandon their studies. How our degrees lie disesteemed, and all hopes of our public commencement are blasted in the bud; besides sundry other pressing inconveniencies, which we forbear to mention.

We cannot but conceive your honourable piety (out of a noble zeal to learning) will cordially pity our said condition, and (as the present general calamities give way) afford us some succour and encouragement. Your wisdoms best know what privileges and immunities have been in all good times afforded to the seats of learning and the professors of it; and even in the fury and heat of war, places of religion and devotion have usually not only (on both sides) been spared from ruin, but supported, and esteemed as sanctuaries. Hence it is that the members of our university (by charter confirmed by act of parliament) stand expressly freed from all preparations and contributions to war. Hence it is, that in neighbour territories, where the excise is most in use, the universities, with all their students, are exempt.

May it not therefore be displeasing to your pious wisdoms, if in all humility we crave at your hands a tender commiseration of our case, that you will be pleased to exempt our poor estates from all such rates and impositions; to vouchsafe such freedom to our persons (not giving just offence) as may enable us the better to keep together, and daily to offer up our joint prayers to God for a blessed union betwixt our gracious sovereign and you, and the blessing of peace upon the land.

*Rustica Academiae Oxoniensis Nuper Reformatæ Descriptio, In Visitazione Fanatica Octobris sexto, &c. Anno Domini 1648, cum Comitibus ibidem Anno sequente: Et aliis notatu non Indignis.*

“ John Allibond, of Magdalen College, was created the same day, Oct. 17, [1643]. This worthy doctor, who was a Buckinghamshire-man born, and lately the chief master of the free-school joyning to Magdalen College, was a most excellent Latin poet and philologist, and hath published, *Rustica Academiae Oxoniensis Nuper Reformatæ Descriptio: una cum comitiis ibidem*, 1648. *habitis*. 'Tis a Latin poem, and was twice printed in 1648. He died at Bradwell in Gloucestershire, of which place he was rector, *an.* 1638.—WOOD'S *Fasti*, II. 40.

We have subjoined a translation of this lamentation over the ruined state of the university, by Edward Ward, who, though celebrated for dulness in the *Dunciad*, possessed some coarse talent for writing Hudibrastic verse.

- 1 Rumore nuper est delatum,  
Dum agebamus ruri,  
Oxonium iri reformatum  
Ab iis qui dicti puri.
- 2 Decrevi itaque confestim,  
(Obstaculis sublatis)  
Me Oculatum dare testem  
Hujusce novitatis.
- 3 Ingressus Urbem juxta morem,  
Scrutandi desiderio:  
Nil præter maciem, et squalorem  
Fœdissimum comperio.
- 4 A Decio in specum jacti,  
Qui tantum dormierunt,  
Post seculum expergefacti  
Tot mira non viderunt.
- 5 Erectas illi crebras cruces,  
Et templa conspexere,  
Quæ prisci pietatis duces  
Tunc primum construxere.
- 6 Nos autem sanctiora nuper  
Incidimus in secula,  
Qui tollunt ista tanquam super-  
stitutionis symbola.
- 7 Ad Scholas primum me trahebat  
Comitiorum norma,  
Queis olim quisque peragebat,  
Solenniter pro forma.
- 8 Expecto Regios professores,  
Comparuere nulli:  
Nec illic adsunt Inceptores,  
Nec Fogæ, nec Cuculli.
- 9 Calcavi Atrium Quadratum,  
Quo juvenum examen  
Confluxit olim; video prætum,  
Quod densum tegit gramen.
- 10 Adibam Iubens Scholam Musices,  
Quam Fæminæ et joci  
Ornassent pridem, sed Tibicinis  
Jam nusquam erant loci.
- 11 Conscendo orbis illud decus,  
Bodleio fundatore;  
Sed intus erat nullum pecus,  
Excepto Janitore.
- 12 Neglectos vidi libros multos,  
Quod minime mirandum;  
Nam inter Bardos tot et Stultos  
There's few cou'd understand 'em.
- 13 Dominico sequente die,  
Ad sacra celebranda,  
Ad ædes proprio Mariæ:  
Nam Divæ vox nefanda.
- 14 Tenebar mox intrandi metu,  
Sollicitus ut ante;  
Sed frustra prorsus, nullo cœtu  
Introitum negante.
- 15 Ingressus sedes senioribus  
Togatos destinatas:  
Videbam Cocis, et Sartoribus,  
Et Lixis, usurpatas.
- 16 Procancellarius, <sup>1</sup> recens prodit,  
Cui satis literarum;  
Quod vero quisque probus odit,  
Est conscientiæ parum.
- 17 Procuratores sine clavibus,  
Quærentibus ostendas:  
Bedellos novos sine Stavibus;  
Res protinus ridendas.
- 18 Suggestum conscendebat fungus <sup>2</sup>  
Insulsa quæque fundens;  
So dull a fool was ne'er among us,  
Pulvinar si contundens.
- 19 Quicquidin buccam evenivit,  
Minaci utens dextra,  
Boatu magno effutivit,  
Et nunquam fuit extra.
- 20 Defessus hac Dulmanitate,  
Decrevi venerandos,  
Non adhuc pulsos civitate,  
Amicos visitandos.

<sup>1</sup> Dr Reynolds.<sup>2</sup> Dr Stanton.

- 21 Collegium petii Animarum,  
Nunc proprie sic dictum.  
Nam rerum hic corporearum  
Vix quicquam est relictum.
- 22 Hic quæro <sup>1</sup> virum suavitate  
Omnimoda politum ;  
Responsum alibi ingrâte,  
Custodem Custoditum.
- 23 Ad Corpus Christi flecto gressum,  
Qua brevitate possum ;  
Jurares novis probris pressum,  
Et furibus confossum.
- 24 Ecclesiam Christi susque deque  
Jactatam, mox et versam ;  
Et sobolem heu ! longe lateque  
Percipimus dispersam.
- 25 Rogavi ubi fit <sup>2</sup> Orator,  
Divinæ plane mentis :  
Proh facinus ! incarceratur  
Facundæ decus gentis.
- 26 Hinc domum peto Præcursoris,  
Quem triste passum fatum,  
Recenti narrant Vi Tortoris  
Secundo Decollatum.
- 27 Tam sancto <sup>3</sup> Præsîde cadente,  
Discipuli recedunt ;  
Et <sup>4</sup> Cacodæmone regente,  
Nec bibunt jam, nec edunt.
- 28 Heu ! pulchra domus, nuper læta  
Dulcissimis fluentis,  
Nunc cœno penitus oppleta  
Canalis putrescentis.
- 29 Adire nolui Trinitatem,  
Quam nostis, prope stare ;  
Hæreticam societatem  
Ne videar damnare :
- 30 Nam tanta desolatione,  
Quam quis nefandam dicet,
- Occurrunt nusquam tres personæ,  
Scruteris usque licet.
- 31 Reverso tristis fertur casus,  
Et miserandum omen  
Collegii cui Rubens Nasus  
Præ foribus dat nomen.
- 32 Dederunt <sup>5</sup> illi Principalem  
Rectore hi severi  
Distortis Oculis, et qualem  
Natura vult caveri.
- 33 Mox Ædes ingredi conatus  
Non unquam Senescentes,  
Stupescens audio ejulatus  
Horrenda <sup>6</sup> sustinentis.
- 34 Quod dulce nuper domicilium  
Ingenuis alendis ;  
Nunc merum est ergastulum  
Innocuis torquendis.
- 35 Ad fentem me recipio tandem  
Flens ipse Magdalenam ;  
Et gemens video Eandem  
Vacuitate plenam :
- 36 Quæ felix dudum ornabatur  
Frequentibus alumnis ;  
Quæ suaviter innitebatur  
Doctissimis columnis :
- 37 Nunc lapsis fuleris, queis vigebat,  
Videres humi stratam ;  
Et prole densa, qua gaudebat,  
En misere orbatam.
- 38 Hæ sedes, comptiores Musæ  
Quas habuere sibi ;  
Nunc densis tenebris offusæ  
Et <sup>7</sup> Zim, et Ozim ibi.
- 39 Pro <sup>8</sup> Præsîde (cui quinquam parem  
Vix ætas nostra dedit)  
En vobis <sup>9</sup> stultum Capularem,  
Ad clavum jam qui sedet

<sup>1</sup> Dr Sheldon postea Cant. Archiepisc.

<sup>2</sup> Dr Hammond.

<sup>3</sup> Dr Bayly.

<sup>4</sup> Mr Channel.

<sup>5</sup> Dr Greenwood Lippus.

<sup>6</sup> Mr Collier, postea Bedellus qui tortus fuerat per Chiliarch. Kelly.

<sup>7</sup> Isai. xliii. v. 21.

<sup>8</sup> Dr Oliver.

<sup>9</sup> Dr Goodwin, vulgo vocatus Dr Nine Caps.

- 40 Quam vereor! ne diro omine  
Septem regrediantur  
Dæmonia, divino numine  
Quæ quondam pellebantur.
- 41 Quocunq̄e breviter flectebam,  
Aut dirigebam visum;  
Id totum induit, quod videbam,  
Aut lacrimas, aut risum.
- 42 Ingemui, dum viros video  
Doctissimos, ejectos:  
Et contra, alternatim rideo,  
Stolidulos suffectos.
- 43 O probam reformandi Artem!  
Quæ medicina datur?  
Quæ curat, ut curamus partem,  
Cum Totum excindatur;
- 44 Quadratos homines quæ jubet  
Et doctos extirpandos;  
Et nebulones, prout lubet,  
Retundos surrogandos.
- 45 Collegia petis? Leges duras  
Habes; nil fas videre,  
Præter ædes et structuras:  
Scholares abiere.
- 46 Culinas illic frigescentes,  
Capellas sine precibus,  
In cellis cernas sitientes,  
Et aulas sine Messibus.
- 47 In templis quæres conciones,  
Aut quicquid est decorum?  
Habebis hæsitaciones  
Extemporaneorum.
- 48 Interea quid Oppidani;  
With all their quaint devices,  
Qui novas hasce (mali sani)  
Exoptavere vices?
- 49 Erecta cornua gerebant,  
Dum montes hi parturiunt:  
Et nunc fastidiunt, quæ volebant,  
Et fortiter Esuriunt.
- 50 Heu! ingens rerum ornamentum,  
Et ævi decus pridem:  
Quo tandem pacto hoc perventum,  
Ut Idem, non sit Idem.
- 51 Nam viâ quoquam, quod narratur  
Obventum olim somnio,  
Compertum erit, si quærat  
Oxonium in Oxonio.

*A Rustical Description of the University of Oxford, lately reformed, in a fantastical Visitation upon the 6th of October, &c. in the Year of our Lord 1648, with the same Committees in the following Year; and other Things not unworthy to be noted.*

Printed in the Year 1717.

This translation of the preceding verses was made by the facetious Edmund Ward, one of the poets satirized in the *Dunctad*.

- 1 Whilst out of town strange news alarm'd  
My ears, which sounded oddly,  
That Oxford was to be reform'd  
By dunces call'd the godly.
- 2 I soon resolv'd, if no ill-chance  
Should cross my inclination,  
To make my eyes the evidence  
Of this new reformation.
- 3 Ent'ring the city to inspect  
These blessed regulators,  
There only found a meagre sect  
Of formal ugly creatures.
- 4 Those who had slept in Decius' den  
An age, and then awaking,  
Sure never found such ill-look'd men,  
Or monsters of God's making.

- 5 Crosses and temples they' beheld  
In early days erected,  
Which pious guides took care to build  
When virtue was respected.
- 6 But in these holier times, our saints  
Hold temples in derision,  
And pull down crosses with pretence  
They're signs of superstition.
- 7 First drawn to th' schools b' assemblies  
rules,  
I found 'em much polluted,  
Where scholars once, instead of fools,  
In solemn form disputed.
- 8 I king's professors did expect,  
As usual, but I found none,  
Nor young inceptors, but the elect,  
With neither hood nor gown on.
- 9 Then cross the quadrangle I pass,  
Where youth were wont to prattle;  
But found the same o'errun with grass,  
Enough to feed lean cattle.
- 10 To th' music-school I next repair'd,  
By ladies once frequented;  
But saw no sport, no music heard,  
The place seem'd quite absented.
- 11 Mounting the Bodleian pile, I step'd  
To view the kingdom's glory,  
There only found the knave that kept  
That fam'd repository,
- 12 Where piles of books, in woful case,  
Neglected lay at random,  
Because the saints had not the grace  
Or wit to understand 'em.
- 13 Next Sunday I to Mary's went,  
To hear the text expounded;  
Plain Mary's, for the style of saint,  
Was plunder'd by the roundhead.
- 14 Being over-careful, first I fear'd  
A dangerous introduction,  
But finding no great flock appear'd  
I pass'd without obstruction.
- 15 And ent'ring where the seniors us'd  
To loll and hear the sermôn,  
Saw cooks and scullions sit confus'd,  
With botchers and such vermin.
- 16 In pomp appear'd the new morose  
Book-learn'd *Procancellarius*,<sup>2</sup>  
Hated by all good men, because  
His conscience was nefarious.
- 17 Next, what I ne'er observ'd before,  
Saw proctors *sine clavibus*,  
And that which made me laugh the  
more,  
New beadles *sine stavibus*.
- 18 At length, a little mushroom,<sup>3</sup> stuff'd  
With nonsense, climb'd the pulpit,  
Sure cushion ne'er before was cuff'd  
By such an empty dull-pate;
- 19 Who bawl'd aloud whate'er came next  
'Thout rub or hesitation,  
With *dexter* fist drove on his text,  
And threaten'd his congregation.
- 20 Tir'd with dull cant, much tongue, no  
brains,  
And looks enough to fright ye,  
I mov'd to see my rev'rend friends,  
Not yet expell'd the city.
- 21 To All-Souls' college first I steer'd,  
Whose name was well adapted,  
For few corporeal things appeared,  
The house itself excepted.
- 22 I sought the warden<sup>4</sup> that sweet man,  
Polite in every knowledge,  
But heard with grief my friend was't'en  
To prison from the college.
- 23 I then to *Corpus-Christi* went,  
S' oppress'd with malediction,  
That you'd have sworn, 'twixt thieves  
they meant,  
The second crucifixion.
- 24 Christ's-church was tumbled up and  
down,  
By sanctified ill nature,

<sup>1</sup> The sleepers.<sup>2</sup> Dr Reynolds.<sup>3</sup> Dr Stanton.<sup>4</sup> Dr Sheldon, afterwards archbishop of Canterbury.

- And all her children of the gown  
Were forc'd abroad to scatter.
- 25 I Hammond sought, divine his sense,  
But found incarceration  
Eclips'd that son of eloquence  
And glory of the nation.
- 26 Hence to St John's, who'd undergone  
One sad decapitation,  
There found tormentors carrying on  
A second decollation.
- 27 Their holy president being lost,  
The schollars quit their college,  
And, whilst a hell-born<sup>\*</sup> rul'd the  
roast,  
Were barr'd of food and knowledge.
- 28 Alas! fair house, delightful once,  
Where pleasant streams abounded,  
Now poyson'd by a dirty dunce,  
Foul Channel,<sup>2</sup> and a roundhead.
- 29 Old Trinity, tho' near I came,  
I pass'd for her impiety,  
Because 'twas dang'rous to condemna  
That heretick society.
- 30 For in these wicked times, so blind  
Were youth, and those that taught  
'em,  
That no where could a churchman find  
Three persons, had he sought 'em.
- 31 Then musing on the wretched case,  
And miserable omen  
O' th' college, from whose nose of brass,  
The house derives its *nomen*.
- 32 Here their harsh rulers plac'd a dull  
Damn'd principal,<sup>4</sup> t' enslave 'em,  
Whose eyes distorted in his skull,  
Made nature start that gave 'em.
- 33 Ent'ring New College, by and by,  
Whose age can find no quarter,  
Amaz'd! I heard the horrid cry  
Of one that suffer'd torture.<sup>3</sup>
- 34 A pleasant house, built with intent  
Our free-born youth to cherish,  
But now a bridewel to torment  
The loyal till they perish.
- 35 To weeping Magdalen I stole,  
Myself a weeping brother,  
There sighing find that college full  
As empty as each other.
- 36 Which happy place was once adorn'd  
With young attentive scholars,  
And well supported by a learn'd  
Supply of worthy pillars.
- 37 But those fair props are tumbled down,  
In which her strength consisted,  
Herself a-ground, her offspring flown,  
Of all her joys divested.
- 38 These walls, where once the muses  
smil'd,  
And us'd to dwell and thrive there,  
Are now with dolesome dulness fill'd,  
And bats and howlets live there.
- 39 In room o' th' president,<sup>5</sup> a man,  
No age produc'd a greater,  
A hum-drum dotard leads the van,<sup>7</sup>  
And reigns a *gubernator*.
- 40 These direful omens made me ev'n  
Dread all those devils together,  
Driven out by heaven, in number sev'n,  
Were now returning hither.
- 41 Where'er I stroll'd, or whatsoe'r  
I thought worth looking after,  
Induc'd me still to shed a tear,  
Or else provok'd my laughter.
- 42 I wept to see the learn'd deny'd  
Th' enjoyment of their places,  
But smil'd to see the same supply'd  
By dull unthinking asses.
- 43 O rare! O fine reforming art!  
Whose med'cines are so fatal,  
They cure, as empiricks cure, a part,  
When they destroy the total.

<sup>\*</sup> Dr Bayly.<sup>2</sup> Mr Channel.<sup>3</sup> The name of the new master.<sup>4</sup> Dr Greenwood Lippus.<sup>5</sup> Mr Collier, afterwards beadle, who was tortured by Chiliarch Kelley.<sup>6</sup> Dr Oliver.<sup>7</sup> Dr Goodwin, vulgarly called Dr Nine-caps.

- 44 Square heads they plague and persecute,  
Till learning's quite confounded,  
And in their places constitute  
Each canting rebel roundhead.
- 45 Survey the colleges, you'll find  
Hard laws, but nothing rightful,  
Except the buildings now resign'd  
By th' scholars to the spiteful.
- 46 Cold kitchens, where no meat they dress,  
Chapels without devotion,  
Dry cellars, halls without a mess  
To keep their jaws in motion.
- 47 No sermons in their churches heard,  
From decent rites they vary,  
For hums and haws of picked beard,  
And pray'rs extemporary.
- 48 Meanwhile, what is't the townsmen do,  
Amidst these reformations?  
But madly with the saints pursue  
Their sanctified mutations.
- 49 Thus whilst the mountain's bringing forth,  
Th' exalt their horns with gladness,  
But soon disdain the foolish birth,  
And bite their thumbs for madness.
- 50 The world's great ornament, alas!  
The age's pride and honour:  
O tell me how it comes to pass,  
The same's the same no longer.
- 51 For, as 'tis said, 'twas once made known,  
By some old dreaming author,  
Oxford should not in Oxford town,  
Be found by those that sought her.

FINIS.

---

*Certain Observations touching the two great Offices of the Seneschalsey or High-Stewardship, and High-Constableship of England.*

---

The probable reason of publishing, in 1641, this account of the nature and privileges of the Lord High Stewards of England, seems to have been the attention with which the public regarded the state trials, in which that officer presided. The trial of Strafford had already taken place, that of Laud was expected; and if, as remained probable until the king's departure from Hampton-Court, a civil war could be avoided, the parliamentary proceedings made it obvious that others among the king's ministers and advisers were to experience prosecution. It was therefore very natural that such a tract as the following, which explains the powers and privileges of the presiding judge in the house of peers, should be judged seasonable by the writer and publisher.

---

THE seneschalsey or high-stewardship of England is known to be the greatest office in England, by reason of the authority it hath over all other offices; which, since the Norman conquest, hath long continued by descent inheritably in the family of the ancient Earles of Leicester, was after translated to the house of Lancaster, and by King Henry the Fourth, of that stock, when he had obtained the crown, was incor-

\* Grant of this office, Harleian MS. No. 493, article 88, 186.

porate into the same, as all other the honours, lands, and hereditaments of that house were. For the plainer manifestation thereof, it will serve wel to the purpose, before the office itself be described, to shew the first institution thereof, and to recount in order the succession of the officers whilst it passed inheritably.

It is, therefore, to be understood, that amongst the persons of chiefest account which entered this kingdome with Duke William of Normandie, and were assistant unto him in the conquest thereof; one Hugh Grauntmesuell,<sup>1</sup> a baron of Normandy, was of special reckoning, whose father, Robert of Grauntmesuell, one of the chiefest noblemen of all Normandy, retained at home with him, for his own comfort, and for the preservation of this stock, the elder of them named Robert, who succeeded him in all the inheritance of Normandy; but sent with the duke his second son; called Sir Hugh of Grauntmesuell, who so demeaned himselfe in the enterprise, that, when by conquest and strong hand the whole kingdome was subdued by the Normans, their duke regarding the good service of those that adventured and laboured with him, forgot not the praise-worthy deserts of this nobleman, whom therefore he rewarded liberally with sundry great territories and portions of land in many shires of the realm; as, namely, with those great lordships, Peberworth, Merestone, Quenington, Weston and Wilcot, in Gloucestershire; with divers lands in Ferendow, Meristow, Thorp, Welington, Staverton, Mereford, Newbottle, Middleton, Sutton, Biveld, Wodeford, Edgdow, and Ceroilton, in Northamptonshire; with Wichingston and Hinkley, in Leicestershire; with divers lands in Edwolton and Sandyacre, in Nottinghamshire; and with Ley in Suffolk, as appeareth by the record in the Exchequer, commonly called Domesday. Moreover, he made him high seneschal or steward of the whole kingdom, according to the Norman usage, a dignity never heard of in this land before; did further advance him in marriage with a great lady, inheretrix of sundry possessions, named Adalisa, or Alice, on whom he gat two daughters, his heirs; the elder of them, called Petronelle, or Pernal, was married unto Robert Earle of Leicester, surnamed *avec les blanches mains*, that is, Robert with the white hands, that was the son of Robert le Rossa, Earle of Leicester, who was the son of Robert of Beaumont, Lord of Pont Adomare and Earle of Mellent in Normandy, brother to Sir Henry of Newburgh, the first Earle of Warwicke after the conquest, unto whom the said Parnell brought the one moyty of her fathers possessions; and withall, for increase, because she was the eldest daughter, together with the honours of Hinkley, the office of seneschalsie or high-stewardship of England, which were not partable as the other inheritances were.

The younger of the said Sir Hugh Grauntmesuels daughters, called after her mother Adalisa, was given in marriage unto one Roger Bygot, a Norman, with the other moyty of her fathers possessions, unto whom she bare divers sons and daughters, from the eldest whereof, named Hugh Bygot, that was the first earle of the East-Angles of this family, containing Norfolk and Suffolk, the other Bygots, that were after Earls of Norfolk, are lineally descended; between which two families contention had often been about the office of stewardship, whereof in this place to note what is set down in the record of the exchequer, called the Red Booke, is not impertinent to this purpose; where it is said, that on the Sunday before Candlemas day, in the 20th yeere of the raigne of King Henry, the son of King John, commonly called King Henry the Third, at the coronation of his wife Queen Elenor, that was the Earle of Provinces daughter, Simon of Montford, then Earle of Leicester and high steward of England, lineally descended of the before-named Parnell, being ready the day of the coronation to execute his office of high steward, which by right apertained unto him, was forbidden and gainsaid by Roger Bygot, then Earle of Norfolk, who, being descended from the before-named Adalisa, the yonger of Sir Hugh Grauntmesuels daughters, alleaged

<sup>1</sup> Of Grantmesnil.



that it was his right to exercise that office; which controversie (as also divers others then moved) was heard judicially before the king, unto whom Earl Simon replying, answered, that it was true that contention had been heretofore moved between their ancestors for the same matters, in the daies of King John, the kings father, which was compounded and pacified for the service of ten knights, or rather ten knights fees, given by the Earle of Leicester unto the Earle of Norfolk, who therefore released all his title and right to the high stewardship.

Whereunto, because Earle Roger of Norfolk alledged that there rested of these knights fees two and a halfe to be assigned unto him, Earl Simon made answer, that he might well recover them with the arrearages by the laws of the land, in the kings court, and ought not therefore to hinder him in the execution of his office, seeing he acknowledged the former accord; and, by virtue of the same, was already in quiet possession of seven knights fees and a half. And so was Earl Simon, by the kings own doom and sentence, admitted to the quiet exercise of the seneschalsie at the same coronation.<sup>1</sup>

And now to return where we left, Robert Earle of Leicester, that wedded Dame Parnell, was high seneschall or steward of England, and was the man for whose greatness of stomacke the wals of the town of Leicester were rased to the ground, because he took part with the young King Henry against his father King Henry the Second, as histories make mention, begat on her sons and daughters; and after, in King Richards daies the First, warring in the Holy Land, was slain at the siege of Acon, in the yeere of our Lord God 1190; whose eldest son Robert, surnamed after his mother Fitz Parnell, was after his death Earle of Leicester and high steward of England, of whom many worthy acts are by history remembered, both of his prowesse in the field and fidelity to King Richard the First, with whom he continued as a most faithfull companion during the Palestine wars, was partaker of his evill fortune by being taken there prisoner, compelled to pay for his redemption 2000 marks of silver, and therefore constrained to sell his castell of Palsey in Normandy.

But to be brieve, and not to stay upon the narration of these things, it serveth only to the purpose to note, that he was one of the high seneschals; and dying without issue of his body, in the yeere of our Lord God 1204, was buried in the Abbey of Preux neere Leicester, leaving his two sisters to be his heires, between whom the whole inheritance was divided, in the daies of King John. Amicitia, the eldest sister, was married to Simon of Mountfort, younger brother to Almabrick, Earle of Eureux, in Normandy. And Margaret, the yongest, was wife unto Saher of Quencie, whom King John made Earle of Winchester, unto whom she brought the one-halfe of the earledome of Leicester, and of the honour of Hincley; and among other lands, the mannor of Gröbye, Quitwicke, Shepeshend, Hales, Brackly, South Keston, Timisbury, and Chimnomere. Simon of Mountford, according to the law and custom of the land, was in the right of his wife, being the elder sister, made Earle of Leicester, and high seneschall of England, in the daies of King John; but he enjoyed not long those honours, being for his contumacy and disobedience, both he and his children, shortly after banished the land, and his honours and possessions bestowed on

<sup>1</sup> An old ballad of the period states the Earle of Leicester's hatred to the Earl of Norfolk, which it places very civilly to the account of Montfort's patriotism.

Sir Simon de Montfort hath sworn by his cop,  
 Hevede hi nou here Sire Hue de Bigot  
 Al he shulde grante here twelvemenethe scot,  
 Shulde he never more with his sot pot  
 To help Wyndesore.

Earle Randolph of Chester, who held them a great time, except onely the patronage of the Abbey of Preux neere Leicester, and the office of the stewardship of England, which the king kept in his own hands.

This Earle Simon, a great warrior, was head and leader of the yong French King Lodowicks forces, fighting against the Albigenes about the city of Tholosa, where he was after slaine. These Albigenes, because they began to smell the popes treachery, and to controle the inordinate proceedings and discipline of the see of Rome, the pope therefore accounting them as people heretical, excited the French king to lay siege against the said city of Tholosa to expugne those Albigenes his enemies. But such was the mighty protection of God, fighting for his people against the might of man, that the French could doe no good with all their engines and artilleries against the city, but were forced to retire with great losse of people; among whom this Earle Simon of Mountfort, general of the army, to whom the pope had given, a little before, the Earle of Tholosas land, was slaine with a stone before the gate of the city, in the yeere of our Lord God 1219: as likewise was a brother of his besieging of a castle neere unto Tholosa, at the same time. He left two sons of great fame, Earle Almarick of Mountfort, constable of France, that was taken prisoner in the Holy Land, and, after his redemption, in returning homewards dyed at Idruntum in Italy, anno 1241. And Simon, the younger, that after obtaining the good grace and favour of King Henry the Third, whose sister he married, was restored to the earledom of Leicester, and to the integrity of his fathers lost honours and patrimonies in England: a man was he of great courage and renown, well experienced in the wars and in matters of government; for a long time had he been seneschall and governour of the country of Gascoigne, for the King of England his brother-in-law, which of his own accord he resigned, contrary to the kings mind, that greatly desired to retain him in good affection towards him, both because he was a man of great power, wise and valiant, and for that the French laboured to make him their seneschall; but such was the earles hap, that in the new begun variance between King Henry and his nobles, for not observing the laws of the land, especially such new decrees as had been made at Oxford for the expelling of strangers out of the realm, he was chosen chiefe captaine and leader of the nobility, and for the time so much prevailed in the interprize, that the king was by them taken in the battaile neere Lewes in Sussex, together with his eldest son, and the king of the Romans his brother; howbeit, Edward, the kings eldest son, escaping out of their hands, renewed the war, and at Evesham in battell slew this Earle Simon, and delivered his father from the hands of his enemies in anno 1265, which was the 48 yeere of the raigne of King Henry Third.

Those that tooke part with Earle Simon were disinherited, and their lands given to such as stood with the king; divers fled the realme, and amongst them Simon and Guy, and the other sonnes of this earle, which escaped into France, leaving no posterity in this land.

The king afterward gave the earledome of Leicester to his younger son Edmond, that was the first of Lancaster, and to his heirs, which ever afterward continued in the house of Lancaster, who beare the title of Leicesters earldome, and withall held and enjoyed the office of high stewardship of England, untill the same, with all other the honours, lands, and hereditaments thereunto belonging, was united to the crowne in the daies of King Henry the Fourth, being of that stock, till that now of late it pleased the most noble and vertuous princesse Queene Elisabeth, our gracions soveraigne, to revive the honour and title of Leicesters earldom, in the person of the right noble Lord Robert of Dudley, younger brother and heire to the right noble Lord Ambrose, Earle of Warwick and viscount Lisle, both sonnes to the high and mightie Prince John, late Duke of Northumberland, lineally descended and heire in blood of the bodies of Robert of Beaumont, Earle of Mellent, auncestour to the before-mentioned Earles of Leicester and

of Hen. of Newborough, Earle of Warwick, ancestour to the earles sonne, both brethren, as before hath been declared, and living in the time of the Norman conquest, as more plainly is shewed by pedegrees deduced.

Thus much declared by way of preface or ingression to the matter in hand, and to shew that the office of high stewardship of England hath heretofore passed inheritably in diverse families, as other great offices have done.

It remaineth now to declare what these stewardships are, with the authorities and prerogations to them belonging, and to produce such notes and observations as are extant touching the same.

And to begin with the chiefest, the seneschalsey, or stewardship of England, as it is <sup>Seneschall:</sup> not to be doubted of, but that it took beginning from the Normans, and was by them first established in this land after their great conquest and victory over the English Saxons in the year of our Lord God 1066, by their example of their home government in Normandy, where the duke had under him, for his chiefest officer, a seneschall or steward, so cannot the right of this office be better or in briefer sort described then by setting down the dukes steward faithfully in such sort, as it is to be seen written in the old customary booke of the duchie of Normandy, in these words following:

In times past there was to wander throughout Normandy a certaine justicier greater then these before mentioned, who was called the princes seneschall or steward: he was wont to perfect and amend that which the other justiciers had left undone; he kept the prince, his land; the lawes and rights of Normandy he caused to be observed and amended; all that was not right done by the bailiffes, whom he removed from the prince his service, if he saw it expedient so to doe.

He was once to visit the prince his forrests and inclosures, to keepe courts of the forrests, to enquire how they were used, their customes he commanded to be observed; delivering right to everie one as the same by antiquity grew due, or by charter had been confirmed unto them, so discreetly conserving the prince his rights, that in the observation of them he notwithstanding hurt none of his subjects. Such as upon diligent enquire he found faulty and to forfeit, within the forrest, either in trees, or in wilde beasts, or in free fowle, he was wont to punish by the purse, or for want of ability that way, by long imprisonment. He chiefly gave his minde to keep the country in peace, and so wandering hither and thither throughout Normandy once every three yeares, did visit all the parts and bailiages thereof. To him it belonged to make inquiry in every bailiage of the excesse and wrongs done by the under justiciers, and likewise of common robbers, of violent deflowerers of virgins, of murthers, of burnings, and of all those things which belong to the pleas of the sword, whereof peace and reformation had not been had in courts. Of all other criminall facts he likewise diligently searched, and upon enquiry caused justice to be done throughout. He caused enquiry to be made of treasure digged under ground, of wrekcs cast upon sand, and other the prince his rights; the removing of waters, and the stopping and hindering of their courses did he reduce into their old forme, so as their passage might be hurtfull to nobody: if any man were minded to turn the course of any water running through his own grounds, the banks whereof, on either side, were situated within his own fee, he might lawfully doe it, so as the said water when it passed out of his ground might be conveyed into his old channel without any mans hurt or hinderance. It is to be understood notwithstanding, that none may stop the course of any ordinary running streames within his banks or ditches longer then from the rising to the going down of the sunne. Neither may any one stay the course of waters with any new ponds, ditches, or sluices; but shall permit them to run their course, lest the mills standing upon their streams, or men in their affairs, tanners, diers, and such like, should thereby suffer losse and detriment. If any shall stay them for the filling up of pools, or ponds, they shall be bound to restore such losses as the milners, or others living by the passage of those

waters, shall have sustained by the with-holding of them, and waters shall be suffered to run their accustomed course. No man may erect a fishing, or build a mill, unlesse the water-banks on either side be within his own fee, wherein he hath liberties, weares, or other such like things : for fishings may not be made in running streames, because by them oftentimes the waters are corrupted; yet notwithstanding they may bring the waters by ditches and trenches out of the running river into their grounds, so as the same return not back into the running stream.

It belongeth also unto the steward to cause the bounds and limits of towns and villages, the streets and paths to be revoked to their antient state, and to see that old accustomed highways be opened; for no man may in these cases alledge for excuse any lett or hinderance, wherefore he ought not to make amends unto the prince. As for towne ditches and common streets, which serve to no private persons possessions, but are common unto all; if they be by any usurped or incroached upon, they ought to be restored to the common benefit, and they that doe occupie them ought not to escape punishment.

All these things appertaine unto the office and charge of the seneschall, for the due execution whereof there needeth not plea nor assise, but wheresoever he found cause, and he did therein, and provided as he saw needful and expedient.

This farre forth is the high stewards office described in the old customarie booke of the duchie of Normandy, from whence came the first institution of the same with us in this kingdome, established no doubt with no lesse authoritie and priviledge here under the kings of this land, then the same was then practised under the dukes of that duchy, whereof there is an especiall title written, though nothing clerk-like, among other matter in an old booke of parchmine belonging, as it is said, unto the learned lawyer and skilful antiquarie, master William Fleetwood, Esquire, one of the serjeants at the law, and recorder of the citie of London, which word for word followeth.

*Here is shewed who is to be High Steward of England, and what his Office is.*

The seneschallie, or high stewardship of England, belongeth to the earldome of Leicester, and of old time did thereunto appertaine; and it is to be understood, that it is his office, and immediately after the king to oversee and governe the whole kingdome of England, and all the offices of the justice within the same kingdome, in all times both of peace and warre, in manner following.

*The Manner how and when the Lord High Steward ought to exercise his Office by Duty and Oath of Fealty is such.*

Whensoever any man or woman shall come into the kings court, in whatsoever court it be, and possibly unto the king himselfe, to seeke for redresse against injurie done unto them, and he or she be not able in due season to obtaine remedie, then the high steward of England ought and is bound to receive their petitions and complaints, and to keepe them untill the next parliament then after to be holden, and to assigne unto such complainants, if he thinke good, a day wherein they may exhibite and prosecute their petitions, and in full parliament, in the presence of the king, to reprehend and blame that officer, or those officers, whoever they be, that so have failed in doing of justice, and those thereof call to accompt, unto whom in such cases every one throughout the kingdome is bound to answer, the king only excepted.

If the chancellour of England have failed of making originall remedie and amends,

and the justices, treasurers, barons, and chamberlain of the exchequer, steward of the kings house, escheators, coroners, sheriffs, clerks, bayliffs, and other officers of what places and respects soever they be in their processes, judgements, executions of judgements, and justice to be made to the favour of the one and losse of the other party, for gifts, bribes, or other procurements, shall fail or give over at the least-wise if any justicier, when as both parties pleading before them shall stand in judgement, shall by such false procurements deferre judgement, contrary to justice, and the lawes and customes of the land: If then the chancellour of England, or any other of the kings officers, in such case shall alledge in parliament, and say for their excuse, that in that case such hardnesse and doubtfulnessse of the law and rights did arise, when the same was heard and propounded before them, that neither he nor the court of chancerie, or any other court wherein he is an officer, were able or knew to attaine unto the safe determination of the right, then shall he open and declare the same ambiguitie and doubt in parliament; then if it bee found that the law was doubtfull in that case, the chancellour or other officer shall be held excused, and then shall the high steward of England, together with the constable of England, in the presence of the king and other of the parliament, make choice of twentie-five persons, more or lesse, according as the case shall require, together with such other cases in that parliament rehearsed, amongst whom shall bee earles, barons, knights of the shire, citizens and burgesses, who there shall ordaine, agree upon, and establish remedy by law in all such cases, for ever after to endure; and those lawes shall be recited, written, and allowed in full parliament, and sealed with the great seale, and delivered forth to all places of law and justice, from thence forward to be holden for lawes, and in publick places, where it shall be thought expedient, they shall be proclaimed and divulged; whereas all other common lawes, and chiefly statute lawes, throughout all the whole kingdome, ought to be publickly proclaimed.

If so it happen that there was in such like case either common law or statute law, so that the kings steward, and other of the parliament, may understand and perceive that such default and delays in processes and judgement doe happen by such officers, when as the deceit and malice of such officer hath openly and often before bene apparent, then shall he be removed out of his office, and some other-fit officer shall be put in his place; if they shall presume against the justices and such other officers, as by excusing themselves shall say, that they have not heretofore known themselves and the courts, whereby they are in such cases to deliberate and take advisement; then shall they be admonished by the steward, on the behalfe of the king and the parliament, to studie and search better the common law, that no such ignorance or negligence bee found in them in the like cases afterward.

If they shall happen to offend in the like againe, they then to be put out of their offices, and other discreeter and more diligent persons shall by the king and his counsell be assigned to their roomes.

Likewise it is the stewards office, if the king have evill counsellours about him, that advise him to doe things tending openly and publickly to his dishonour, or to the disheritance or publicke hurt and destruction of his people, then the steward of England, taking with him the constable and other great estates, and other of the commonaltie, shall send to such a counsellour, forbidding him in such sort to lead and counsell the king, and of such his evill counsell shall make rehearsall, enjoyning him to depart from the kings presence, and longer not to abide with him to his dishonour and the publick hurt, as is aforesaid, which, if he shall not doe, they shall send unto the king to remove him from him, and to give no more eare unto his counsell, for that amongst the people he is esteemed to bee an evill counsellour to the king against his subjects.

If hereupon the king do not put him away, again and often shall they send aswell unto the king as unto him.

If, at the last, neither the king, nor such counsellor of his, have regard unto the messages and requests made unto them, but shall refuse to doe thereafter, then, for the weale publick, it is lawfull for the steward, constable of England, noble men, and other of the commonaltie of the realme, with banner in the king's name displayed to apprehend such counsellour as common enimie to the king and the realme, to commit his body to ward untill the next parliament, and in the mean time to seize upon all his goods, lands, and possessions, till judgement be pronounced of him, by the advise of the whole kingdome in parliament, as it happened unto Godwine, Earle of Kent, in the dayes of King Edward the Confessour, next predecessour to William, Duke of Normandie, conquerour of England, who, for such ill acts and counsels of his, was deprived of his earledome, escheted to the aforesaid king; notwithstanding, at the king's and noble mens permission, Godwine came againe into England, and did after forfeit as before.

And as it happened likewise to Hubert of Burgh, Earle of Kent, in the time of King Henry, that was sonne of King John, who for his evill deeds and bad counsell was apprehended, and by the high seneschall and other peers deprived of his earldome, by the allowance and consent of the whole parliament.

And likewise did it befall unto Pierce of Gavestone, who in the dayes of King Edward, the sonne of King Henry, for such his evill acts and counsells was banished out of all the king of England's dominions, as well on this side as beyond the seas; which Pierce of Gavestone afterwards, by the king's means, and by the favour and permission of the nobilitie, returned into England, and had of the king's gift the earledome of Cornwall; yet was he after that for his evill deeds and counsells banished the realme again by the nobles and commons, and his aforesaid earledom eschated to the king; but returned afterwards without the noblemens leave and consent, and did resort and associate himselfe unto the king as before he had done; which when the high-steward, constable, and others of the nobilitie understood, he was by them apprehended, and beheaded at Blacklow in Warwick-shire, as a publicke enemy to the king and to the realme.

So have you as much as in the said old booke is to be seene touching the office of the high-steward of England.

After the death of any king or queen absolute of this land the high-steward of England, by vertue of his office, sitteth judicially, and keepeth his court in the Whitehall of the kings palace at Westminster, neere unto the kings chappell, and there receiveth the bills and petitions of all such of the nobilitie and others, as by reason of their tenure or otherwise claime to doe services at the new kings coronation, and to receive the fees and allowances therefore due and accustomed. As did John Duke of Lancaster, Earle of Leicester, high-steward of England, &c. at the coronation of King Richard the Second, and Tho. Pierce, Earle of Worcester, who exercised the same office of the coronation of King Henry the Fourth, as substitute and deputie to Thomas, the sonne of the said King Henry, then being very young, unto whom his father had assigned that office, being parcell of his owne inheritance, who before hee had obtained the crowne, was not only duke of Lancaster, as his father John of Gaunt had, but also was Earle of Darbey, Lincolne, Leicester, Hereford, and Northampton, and, by the earldome of Leicester, inheritably also lord high steward of England.

And since the time that the said office hath bene extinct in the crowne by the descent of the same unto King Henry the Fourth, as heire to dame Blanch his mother, daughter and heire to Henry Duke of Lancaster, Earle of Leicester, and high steward of England: experience sheweth that, upon the arraignment and tryall of any peer of the

realm, that is to say, duké, marquesse, earle, viscount, or baron, or any of their wives or widdows upon indictment of treason or felony, then to grant the office of the high stewardship of England (*pro illa vice tantum*) to some peer of the realm by letters patents, the tenour whereof hereafter ensueth, who, instead of the lord high steward, that by ancient law hath been holden for a competent and indifferent judge betweene the king and such peers, ought and always hath used to be judge and give sentence of acquittall or condemnation upon the peere arraigned.

#### The Tenor of the Patent.

*Regina, &c. præclarissimo consanguineo et consiliario suo A. B. &c. saltem sciatis quod cum G. D. marchio E. indictat. existit, &c. ac pro eo quod officium seneschall. Angliæ cujus presentia pro administratione justitiæ et executionis ejusdem in hac parte faciendâ requirit, ut accepimus jam vacat: de strenuitate, fidelitate, provida circumspectione et industria vestris plurimum confidentes, ordinavimus, et constituimus vos ex hac causa seneschallum Angliæ, ad officium illud cum omnibus eidem officio in hac parte debitis sive pertinent. hac vice gerendis, occupandis, et exercendis. Dantes et concedentes vobis tenore presentium plenam potestatem indictamentum prædictum cum omnibus eidem tangendis a præfat. justitiâ nostris recipiendis et inspiciendis, ac ad certos diem et locum quos ad hoc provideritis ipsum marchionem, &c. coram vobis evocandum et ipsum superinde audiendum, examinandum et respondere compellendum ac sine debito terminandum, nec non tot et tales dominos, proceres, et magnetes hujus regni nostri Angliæ; ejusdem marchionem. &c. et alios pares per quos rei veritas in hac parte melius scire poterit, ad diem et locum prædictum ex causa prædictæ. coram vobis comparere astringendum, &c.*

Thereupon the lord high steward directeth forth a precept to the justices before whom the indictment is taken, willing them to certifie the same indictment at a day and place by him assigned.

And doth likewise direct another precept to one of the serjeants at arms, for the summonition of the peeres against the day of tryall in these words:

*A. B. comes, &c. I. N. servienti domini regis ad arma salutem: tibi præcipio quod summon. tot et tales dominos, proceres, et magnetes, hujus regni Angliæ predict. C. D. marchionis: E. &c. et aliorum pares, per quos rei veritas melius scire poterit, quod ipsi personaliter compareant coram me apud Westmon. 1. die Junii, &c. ad faciend. ea quæ ex parte domini regis, tunc ibidem in præmissis injungent, &c.*

The like precept doth he also send to the lieutenant of the Tower of London, for bringing forth the peere, being prisoner, to his tryall and judgment.

It appeareth that at the common law, before the twentieth yeere of King Henry the Third, a subjects having title to lands, which are in the kings possession, might have a writt to the sheriff of the county, where the land doth lie, against the king, after this manner:

*Præcipe H. regi Angliæ quod reddat S. L. centum acras ter. in D. &c.*

But whether the writt should be a ward under the teste of the high steward or constable of England, that is to be doubted of.

#### Touching the Office of the Lord Steward of the Queens House.

Of the lord steward his office of the queens house, being thorowly well known to the chiefe officers of the houshold, it seemeth needlesse to set down any notes, or observations at all, by reason of the daily and continual execution thereof still in prac-

tice, howbeit, because there is left unto us, from elder age, a forme thereof, is greatly to be regarded in these our days, this place serveth fitly for the exemplification of the same, so in such sort as it is set down in an old book of record, called *Domus Regis Angliae*, preserved in the counting-house of the household, wherein the whole state of the kings house is orderly described. And this office among the rest, after this manner ensuing.

*The Steward of the Kings Houshold.*

The steward of the kings houshold receiveth his charge of the kings high and proper person, and the houshold staffe in those words following:—Seneschall *venetz le baston de nostre maison*, by which forthwith he is also steward of the marshalsey, that is, the court of houshold, of which he is a judge of life and limbe; and, except those cases, the treasurer, comptroller, cofferer, two clerks of the Green-cloth, and the chiefe clerk of controllment, for any matters else done within the houshold, or appertaining thereto, they sit with him at the board of Doome, that is, at the Green-cloth in the compting-house, as recorders and witnesses of the truth.

The state of all this excellent houshold is wholly committed to be ruled and guided by his discretion, and all his commandements in court to be obeyed and observed.

Also within the houshold, except the kings chamber, alway to be observed, covered out of the kings presence, what great estate else that be present, as for a cup, a cup-board, and dishes, but none assay.

Also, while he is present in court, there ought no new commandement, charges of officers, or any other person, be made without commandement first of his person, for the offices more sure discharge.

Also, in the houshold rules and judgments, hee representeth the kings estate, his staffe is taken as for a commission.

Also he may in houshold, of his power adnull any custome not medled with worship and profit, or change it, and erect a new, such as shall seem to his wisdom, by advise taken at Compting-board, for the better, and to the king and his houshold of more honour and profit.

And in that he is head officer; he giveth example to all others to be of governance with inordinate rule, to be contented with moderate costages within the court in liveries and services, taking dinners and suppers in the hall and in his chamber, or in any other office, as often as it pleaseth him to search and see the good said rules, and the directions in them.

He hath daily in the hall eating, one chaplain, two esquires, foure yeomen; and in his chamber daily for his breakfasts, and his chamberlains meat at supper and livery for all night, eight loaves, foure messes of great meat, two rewards of roast, two pitchers of wine, six gallons of ale from Hollandtide till Easter, one torch to attend upon himselfe, one tortays to fetch his livery by three perches of wax, six candles of wax, eight candles per 5. vij tallow, foure faggots, litter and rushes all the yeer: of the serjeant usher of the hall and chamber, and after winter season, foure shyddes, two faggots; and, when him liketh to have more largely in any thing, then his chamberlain that doth fetch it, or receive it, must record thereof by taile or bill into the compting-house.

Also the steward taketh of the compting-house, for his fee at Easter and Michaelmasse, twenty marks, and for his robes for winter and summer, at the feasts of Christmas and Whitsontide, sixteen marks, and for his napery, at the foure feasts of the yeere by even portions, three pieces of linnen cloth in the great spicery, or in money therefore of the compting-house, in all 1*l.* 1*s.* 4*d.*



And he hath one yeoman of his chamber still abiding, whilst himself is out of court to keep his staffe, taking for his livery daily one cast of bread, two messes of great meat for noon and night, one gallon of ale.

The steward and treasurer of this honourable household represent within it the state of an earle.

*Item*, The steward or treasurer, or one of them, is bound to be at the compting-house, at the awayt of the daily attempts of household; and by the writing of noble King Edward the Thirds statutes, in case it passe for lack of them three days unaccompted, that then they two shall acquite the costages of the kings household for one day of their own proper costs.

The steward and treasurer make a warrant yeerly at Michaelmas to the chiefe butler of England, assigning him for how much wine, and in what places of the kings house, he shall lodge the same for the yeer following, for the daily expence of his household, which hath and must with good oversight be sure of three hundred tuns; and for other things look the statute of noble Edward, *anno* 15. Edw. 3. *cap.* 21.

Thus much out of the book called *Domus Regis Angliæ*. Sir William Stamford the judge, in his book of the pleas of the crowne, under the title of *Qui Judgera Treason, &c.* who shall judge of treason and felony, by reason of their offices without commission, and who not, mentioneth the statute made *anno* 33. 44. 8. *cap.* 12.; whereby it is ordained that the great master or lord steward of the kings house only, and in his absence, the treasurer and controller of the household, with the steward of the Marshalsey, or two of them, whereof the steward of the Marshalsey to be one, may without commission heare and determine of treasons, of misprision of treasons, of murders, man-slaughters, and bloudsheds perpetrated within the kings house; for these, saith hee, are great and chief personages, in whom the king reposes such trust, that hee hath ordained them especially, for the safety and good government of his realm and household.

More hereof is to be read in the volumes of the statutes, 25 of Edw. 3. *cap.* 21. 3. H. 7. *cap.* 14. 33. H. 8. *cap.* 12.; wherein the preheminesces of the lord steward of the kings household are rehearsed, needlesse therefore in this place to be recited.

---

*The Liberties, Usages, and Customes of the City of London, confirmed by especiall Acts of Parliament, with the Time of their Confirmation. Also, divers ample and most beneficiall Charters, granted by King Henry VI. King Edward IV. and King Henry VII. and not confirmed by Parliament as the other Charters were, and where to find every particular Grant and Confirmation at large. Collected by Sir Henry Colthrop, Kt. sometime Recorder of London, for his private Use, and now published for the Good and Benefit of this Honourable City.*

London : Printed by B. Alsop, for Nicholas Vavasour, 1642.

---

It is easy to conceive the purpose for which this tract was published at the commencement of the great civil war, when the parliament party, leaning so much weight upon the power and influence which they possessed in the city, spared no pains to inculcate into their partizans in common council a sufficient idea of their own privileges and importance.

---

*All the Liberties, Usages, and Customes hereafter following, are confirmed by an especiall Act of Parliament at Westminster, Anno Septimo Regni Regis, R. 2. albo libro, 43, a.*

*Abrokers.*

That the abrokers of any merchandize of this city shall not be, except the same be chosen by merchants of the mistery, in which the same abrokers shall have their exercise of their office, and the same abrokers also to be sworn before the lord mayor of the city of London, *libro albo, 38, a. 12 H. 3.*

*Abroceators, or Brokers.*

Brokers are to be chosen by merchants of their own misteries, and they shall take their oath before the mayor of London, *lib. albo fol. 57. b. 3. E. 3.* per Charter and Parliament.

*Acquittances of Murder.*

The citizens are acquitted as well for any murder committed within the city, as within the portsoken, viz. they shall not be amerced as they have been in old time, if the murderer did escape, *fol. 35. albo lib. 11. H. 3.* so that the statutes of Englishshere, *Anno 14. E. 3. cap. 4.*

*Acquittances.*

That the citizens of London shall be for ever acquitted of pavage, portage, and murrage, through all the kings dominions, *lib. albo fol. 36. b, c. Anno 12. H. 3.*

*Aldermen and their Election.*

Upon the feast-day of St Gregory, yearly shall every alderman be removed from their place, and new in their place shall be chosen, *lib. alb. fol. 42. a. b. 50. E. 3.* Note, that this is changed since by act of parliament.

*Aldermens Goods.*

That aldermens goods shall be taxed in aids, tallages, or other contributions amongst other mens goods, *lib. alb. f. 36, b.*

*Allowances of Liberties.*

It shall suffice that one writ in one kings time shall serve in the kings exchequer, and in all other places for the allowance of the liberties, *lib. alb. f. 4. b. 1. E. 1.* Learn for what cause at every change the city is put to so great charges, as to procure a new confirmation. I think it be only for the profit of chancery-men.

*Amerciaments.*

The sheriff shall not be amerced for any offence above 20*l.* *lib. alb. f. 34. anno 11. H. 3.*

That the sheriffs of London shall not be charged or amerced for escape of any felon, but as other sheriffs have used on this side Trent, *lib. alb. f. 39. b. 1. E. 1.*

None shall be otherwise amerced, but according to law used in the time of *H. 1. lib. al. f. 35. 11. H. 3.*

*Aids and Contributions.*

That the citizens of London in all aids, grants, and contributions to the kings use, shall be taxed and contribute with the commonalty of England, as men of the counties, and not as men of cities and burrows, and that they shall be free from all other tallages, and therefore clearly acquitted, *lib. al. f. 40. 1. E. 1.*

*Bakers and Millers.*

There is a statute in French granted by the king for the punishment of bakers and millers, and tryed by weight, whether the millers do deceive the owners of the corn, and that *ob.* to be yielded for every quarter of corn that is ground, *lib. al. f. 42. b. c. 1. E. 1.*

*Battaile.*

A citizen shall not be enforced to wage battaile, nor shall in the pleas of crown be tryed by any other order, but only according to the ancient custome of the city, *lib. al. fol. 35. anno 11. H. 3.*

*Bean-pleader.*

None shall be amerced for mispleading, the which the book calleth miskenning, *lib. al. f. 35. 11. H. 3.*

*Bridge-masters.*

The bridge-masters shall be chosen by the commons: there must be put two, and they must be approved sufficient men of the city, being no aldermen, *lib. al. fol. 38. 12. Hen. 3.*

*Butlerage.*

And of the wines of the citizens, no prizes or takings shall be had or made by any

of the kings ministers of their heirs, or of any other against their will, that is to wit, of one tun before the mast, and of another tun behind the mast, nor in any other manner, but they shall be thereof acquitted for ever, *br. at. fol. 40. lib. 1. E. 3.*

*Certionary, or Writ of Priviledge.*

Note, That the king chargeth his treasurer, and the barons of the Exchequer, and other his ministers of the same court, that from henceforth the kings writ shall not be granted to remove the body of any imprisoned in the gaol of Newgate, or elsewhere within the liberties of the city of London, for debts or damages in any action adjudged to any citizen to answer to the king, or other in the said court of Exchequer, for the kings debt, or for the debt of any of the ministers of the said Exchequer, except the said barons do first find the said action to be feigned or untrue, *lib. alb. fol. 44. anno 1. R. 2.*

*Chamberlain, Town-clerk, and common Serjeant.*

That these three officers are eligible and removeable by the commons, and at the will of the commons, *lib. albo, fol. 38. b. 12. Hen. 3.*

*Colouring of Strangers Goods.*

That citizen which coloureth strangers goods, shall lose his freedom, *lib. albo, fol. 37. b. c. 12. Hen. 3.*

*Confirmation.*

All the aforesaid liberties are confirmed by act of parliament, and by charter, *lib. alb. fol. 36. anno 5. E. 3.*

*Corporation of London.*

In the 11th year of King Henry III. he granted unto the citizens of London, the counties of London and Middlesex in fee farm. Note, that the grant was made unto the citizens only, and not to the mayor and citizens and commonalty of London, as the usage is at this day; but this maketh no doubt, because the charter is confirmed by parliament the 21st of November, in the 5th year of the king, *N. 2. lib. albo 34. a, b. & fol. 45. a.*

*Customs paid.*

If any sell his ware before the custome paid, it shall be forfeited, *lib. albo fol. 36. b. 30. Hen. 3.*

*Customs expounded, and new Laws made.*

That it shall be lawful for the mayor and aldermen, with the assent of the commons, to expound obscure customes, and when need requireth, to make new laws, the which shall be consonant to reason, *lib. albo fol. 39. 15. E. 3.*

*Debts.*

All manner of debts lent in London shall be sued for in London, *lib. alb. fol. 35. b. 11. Hen. 3.*

*Elections.*

That the mayor of London and the sheriffs shall be chosen and elected in such sort, as they were appointed by the ancient charter, and in no otherwise.

*Escheator.*

That no escheator or other minister of the king, shall exercise their offices within the city, but that the mayor for the time being shall be escheator, and he shall yield unto the king his oath, that he shall duly exercise and make a true account for the same office, *lib. alb. fol. 4. a. 1. E. 1.*

*Exposition.*

If any difficulty or ambiguity do arise upon any article, within any of the kings charters, granted unto this city, so that the same article may be taken to divers meanings, the king granteth that he, by the advisement of his council, may make thereof such interpretation as shall be best with equity and reason, *lib. alb. 44. a. b. 1. R. 2.*

*Felons Goods.*

That the citizens shall have infangtheff and outfangtheff, and the goods of all felons that shall be adjudged before them, within their liberties there, *lib. alb. fol. 39. b. 1. E. 3.*

*Fee Farm.*

Where the counties of London and Middlesex were let to farm for 300*l.* and yet notwithstanding the office of the exchequer, by encroachment, compelled them to pay 400*l.*; now it is granted by parliament that the city shall pay no more than 300*l.* according to their former charters, *lib. albo, fol. 39. b. 1. E. 1.*

*Fee Farm apportioned.*

If the king do grant to any other any thing that belongeth to the fee farm, then shall the fee farm, for so much yearly, be apportioned and abated at the Exchequer, *fol. 34, lib. albo 11. Hen. 3.*

*Fee Farm of London and Middlesex.*

The fee farm of London and Middlesex, that is to say, for 300*l.* by the year, is granted to the citizens of London by 11. *Hen. 3.*, and confirmed by parliament in the 7th of *R. 2. lib. albo fol. 34, a. b. and fol. 45. a. lib. 4.*

*Farm bought and Farm sold.*

The statute of *anno 9. E. 3. cap. 1.* Rastall tile-merchants, No. 2. is, forasmuch as concerneth London, expounded and repealed, and the liberties of *Magna Charta*, as touching London, are revived; and the intent of the law-makers was not to touch London, nor yet infringe the liberties of the great charter, *lib. alb. 41. a. b.* the aforesaid statute, *anno 9. E. 3.* hath been very often objected against the city of London in parliaments by such as are ignorant of our charters and statutes, *vide alibi lib. alb. fol. 43. a. b.* a notable grant by parliament for the same matter.

*Foren bought and Foren sold.*

No stranger shall foren buy and foren sell within this city, any statute to the contrary notwithstanding, *lib. alb. fol. 57. b. and per parliament.*

*Foren bought and Foren sold.*

Both by charter and parliament it is granted, that from henceforth no merchant, being a stranger to the liberties of this city, shall buy or sell any merchandize within the liberties of this city, to any like stranger merchant, upon the pain of forfeitures of such merchandizes so bought or sold, *lib. alb. f. 43, a. b. 1. R. 2.*

*Forest of Middlesex disforested.*

King Henry 3, *anno* 11. *Regni sui*, did by his charter disforest the warren of Stanes, and the forest of Middlesex, the which was a singular benefit both to the country, and also for the city. Note, also in the same place, a man may gather some notable points touching the forrest law, *lib. alb. fol. 35. b. c.*

*Forfeiture or Seizure of the Liberties of the City.*

That the liberty of the city shall not be seized in the king's hands for any personal trespasse, or judgment personal of any minister of the city, or for any such cause any warden called *Custos* shall be by the king deputed to rule the city; but every minister shall answer for his own fault, and shall, according to the quantity and quality of the same fault, receive condigne punishment, *lib. albo. fol. 40. b. 1. E. 3.*

*Form of Justice.*

That the citizens of London, in the eyes before the justices of the Tower, shall be measured, guided, and governed by the laws and customes, by the which they were guided in the eyes holden in the times of King John and King Henry III. *lib. alb. f. 40. b. 1. E. 3.*

*Forestallers.*

Forestallers and forestallments made by the merchants, for or concerning merchandize or victuals, either by land or by water, shall be punished by forfeiture or imprisonment, *lib. alb. 36. b. 50. H. 3.*

*Freemen, and making Freemen.*

No stranger born shall be made free of this city but in the court of hustings, *lib. alb. fol. 37. b. 12. H. 3.* How free denizens, and Englishmen that never were apprentices, shall be made free; and how every one ought to put in for himself sufficient sureties to be true to the conservation of the city; but this order is not used at this day, therefore I omit to speak any more of it in this place, and yet is this form of making freemen by redemption appointed by parliament, *lib. al. fol. 37. b. 12. Hen. 3.*

*Hunting.*

The citizens of London may have their fugations, viz. their hunting, in all such places as they had the same in the time of King Henry I. *lib. alb. fol. 35. b. 11. Hen. 2.*

*Hustings.*

That as well foreigners as others, being either plaintiffs or defendants, may make their attorneys in the hustings in London, *lib. alb. f. 36. b. 60. Hen. 3.*

The hustings shall be holden but once in a week, *lib. alb. 35: 11. Hen. 3.*

*Inquisitions.*

All inquisitions to be taken before the king's ministers by men of this city, shall be taken at St. Martin's Le Grand, and not elsewhere, except the inquisitions of the yeres of the Tower and gaol-delivery of Newgate, *lib. alb. 41. a. 1. E. 3.*

All inquisitions of the customable payments, customes, impositions and purpresures within the city, shall be inquired of by citizens and not by others. See the words of record more at large, *lib. alb. 45. b. c. 7. R. 2.* See the statute of 28. *E. 3. cap. 10.*

*Jurisdiction of Pleas.*

No citizen shall be impleaded out of the walls of the city of London, but for pleas of the land being without the city, always excepted the moniers and the king's ministers, *lib. al. f. 35. a. 11. H. 3.*

*Inquisitions of the Gaol of Newgate.*

That the mayor of London for the time being, shall, in every commission for the gaol delivery of Newgate, be named one of the justices, *lib. al. f. 39. b. 1. E. 1.*

*Justices in London.*

The king is restrained by his charter, confirmed by parliament, to assign any justices in London, except the justices of eyre at the Tower of London, and justices of gaol delivery of Newgate, and for errors at St Martins to be corrected; except any thing do chance within the same city that do touch the king or his heirs, *lib. al. 37. a. 12. Hen. 3.*

*Kiddles, viz. Weares.*

It is granted that all the weares of the Thames and Medway shall be put down; and he that setteth up any hereafter shall forfeit 10*l.* *libro al. fol. 35. a.*

That the citizens shall remove and take away all keddles, stops, and wears in the waters of Thames and Medway; and that they shall have all such punishments in that behalf to the king, *lib. al. fol. 39, b. 1. H. 1.*

*Liberties and Free Customes.*

Free liberties and free customes used in the time of King Henry I. are by charter, and after by parliament, ratified and granted to the city, *lib. al. fol. 35. b. c. 11. Hen. 3. and 37. Hen. 3.*

*Liberties and Franchises.*

The king granteth and doth allow that the citizens of London, their heirs and successors, shall have their liberties and free customes, and may use and enjoy the same as they have done in ancient time. And also that they may record the same before the king's justices and ministers, as they have been wont to do, any statutes or judgments to the contrary notwithstanding, *lib. al. 40. a. b. 1. E. 1.*

*Liberties confirmed.*

All manner of liberties granted by King Henry III. are confirmed by *E. 1. anno 12. lib. albo fol. 31. a.*

*Liberties confirmed.*

First, Whereas in the great charter of the liberties of England, amongst other things it was ordained, that the city of London should have all their ancient liberties and customes; and that the same citizens, at the time of the making of the same charter, and in the time of St Edmond the king and confessor, and William the Conqueror, and of other the progenitors of King Edward III., had and used divers liberties and customes, as well by charters as without charters, of ancient custome. Of which liberties in divers eyres, and in other courts of the realm, the same citizens have been impeached, and sundry of them fore-judged, King Edward I., by charter, *confirmat. anno Regni sui primi*, hath granted that the citizens shall have their liberties according to the form of the great charter, and that all impediments and usurpations to them, in that behalf made, shall be revoked and disanulled, *lib. albo fol. 39. a. b. anno primo H. 1.*

*Mayor to be presented.*

The lord mayor being chosen must be presented unto the court of Exchequer, and after to the king himself, *lib. albo. f. 36. a. 37. Hen. 3.*

*Mayor.*

That the mayor of London, during his mayoralty, shall have no more offices belonging to the city, but only the office of the mayoralty, nor hold any plea vicountil within the chamber of the city, nor any other but such as by the ancient custom of the city he as mayor ought to hold plea of. Fleetwood, recorder, doth expound these words, vicounty pleas, to be such pleas as the sheriffs, by the common laws of this realm, may hold pleas of in his hundred, the which be actions of debt under 40l. and of such like causes, *lib. alb. f. 37. b. 12. H. 3.*

*Marshal.*

The marshal shall not within the city nor the portsoken, by force nor otherwise, take up any man's house, *lib. alb. f. 35. a. 11. Henry 3.*

*Markets.*

No market from henceforth shall be granted by the king, to be kept within seven miles of this city, *lib. alb. f. 41. a. 1. E. 3.*

*Marshalsee and Clerk of the Houshold.*

The steward of the Marshalsee, and the clerk of the market of the king's house, shall not sit nor execute their office within the liberties of this city, nor shall draw into plea any citizen of the city, for any cause arising or growing within the liberties of the same city, *lib. albo. folio 40. a. 1. E. 1.*

*Merchants Strangers free Hosts.*

It is commanded by charter, and parliament, that all merchants strangers coming into England, shall make sale of their merchandizes within forty days after their arrival; and that they shall abide and be at the table of free hosts of this city of London, and of all other cities and towns of England, without keeping of houses of societies by themselves, *lib. albo. fol. 39. b. c. 1. E. 1.*

*Mortmain.*

That the city, and their heirs and successors, may devise their lands as of ancient time they were accustomed, *lib. albo folio 30. b. 1. E. 1.*

*Non-User.*

Although before this time any of the ancient liberties have not bin put in ure, yet from henceforth it shall be lawfull to put them in execution, *lib. albo. fol. 39. a. 15. E. 3.*

*Officers of the City.*

All lands or tenements without the freedom of the city, whereof any citizen is or shall be owner, now or hereafter, which are, or shall be ministers of the city, shall be obliged to the conservation or saving harmlesse, the same city against the king and his heirs, for matters concerning their offices in like manner, as their tenements within the same city were wont to be, *lib. al. folio. 40. b. c. 1. E. 1.*

Note, by this article, that all the ministers of this city ought to be freemen.



*Oasts.*

No stranger shall be an oast, or keep oasterie for strangers, *lib. al. fol. 57. a. b. per Charter, 38. E. 3. and per Parliament.*

*Oasts and Oasts.*

That all that keep common oastery in the city or suburbs, although they be not free, yet shall they be at all manner of charges for the maintenance of the city, as ample as any other that be free oasts, *lib. al. folio. 31. a. b. 12. Henry 3.*

*Oath.*

The mayor of London shall not be compelled to take any other oath at the Exchequer than hath bin used in the time of King Edward the Third, any law, statute, or ordinance notwithstanding, *lib. al. folio 44. b. c. 7. R. 2.*

*Parliament.*

All the aforesaid articles, charters, grants, and ordinances, are to this place confirmed by act of parliament, in manner and form as they be before expressed, *anno 7. R. 2.*

*Pleas in Fairs and Markets.*

Because the citizens of London in all good and great fairs of England were wont to have wardens of themselves, to hold pleas concerning such citizens as shall have conference to the said fairs, it is granted by charter, that the same citizens shall have their wardens of their citizens for the holding of such pleas as of ancient they have had, excepting pleas of the land, and of the crown, *lib. al. 40. 1. E. 1.*

*Precepts to the Citizens.*

By parliament that is allowed to the citizens of London, not to be subject to the precepts or commandements of the constable of England, steward, marshall, admirall, clerk of the market, or of any other officer or minister of the king, but onely to the king's commandements or precepts, which shall be made in the king's name still, and under the king's seals, and liberty is allowed by act of parliament, *sout use come ad estre devant tempes, lib. albo f. 43. b. 1. R. 2.*

*Presenting of the Sheriffes.*

Such sheriffes as the citizens shall make choice of, shall be presented to the king's justices. And the said sheriffe shall answer to the king, or to his justices, or his Exchequer, of such things as to his sheriffedome do appertain, *lib. al. fol. 34. a. b. 11. Henry 3.*

*Processe and serving of Processe.*

That no summons, attachment, or execution, by any of the king's ministers, by writ or without writ, within the libertie of the city aforesaid, shall be made but by the only ministers of the city, *lib. albo. 40. b. 1. E. 1.*

*Protections.*

The king granteth that all the protections of him and his heirs, given to and for the service of the king, either to go forth, or to abide in any places of the king's service from henceforth, shall take no place in any plea or debt for any viutuals taken or brought from the voyage or service; whereof any mention is made in any such protection, nor any such protection shall be allowed for any pleas or trespasses, or con-

tracts, made and done after the date of such protection, in such cases as the plaintiffe is or shall be a freeman of this city, *lib. albo. f. 44. anno primo. R. 2.*

*Purveyors.*

That no purveyor-taker, officers, or other ministers, shall make or take any prises or takings in the city of London, or without, of the goods of any citizen of the same city, against their wills; except immediately their indelayed payment be made, or else that respect of payment be therefore taken with the good will of the party, *lib. albo 40. b. 1. E. 3.*

*Purveyors or Officers of the King.*

It is prohibited that no officer or purveyor of the king shall merehandize by himself, or by other within the said city or without, of any thing touching or concerning his office, *lib. albo. fol. 43. b. 1. E. 3.* Remember how the purveyors of poultry to keep shops in London, and nothing is said against them.

*Restitution.*

There is a free restitution granted, as well by charter as by parliament, unto the citizens of London, of all and singular their liberties and franchises, as ever any of their predecessors enjoyed the same, any non-user, or absurer, or statute-judgment, or charter to the contrary notwithstanding. And that the same citizens may enjoy the same without impeachment of the king his justices or ministers whatsoever, *lib. albo 40. 7. R. 2.*

*Right.*

That equal right be done both for lands and leases, that be within the city, viz. *infra urbem*, according to the ancient custome of the city, *lib. albo 85. 1. Henry 3.*

*Right Owner.*

Every rightfull owner of lands, leases, gages, pledges, and debts, shall enjoy the same lawfully, *lib. albo 35. a. 11. H. 3.*

*Sanctuaries.*

That the citizens shall not be otherwise charged then they have bin accustomed, touching the scapes of such as have taken sanctuary in the church or churchyards, *lib. alb. f. 39. b.*

*St Pauls.*

There is 8. l. parcell of the fee-farm abated to the city, for the liberty of St Pauls in London, *lib. albo f. 36. a. 37. H. 3.*

*Scot and Lot.*

That freemen within the city, and such as dwell without the city, and occupie merchandize within the city, shall be subject to scot and lot with the commons of the same city, for and touching, &c. *lib. alb. fol. 38. a. 11. Henrie the Third.*

*Seals of the King.*

There doth appear 11. *Hen. 3.*, that in a charter made for the putting down of kiddles or weares, that the king did set his hand to the charter, and also his seal, the which I did never hear nor read of in any book before this time: the words are these, *Quod ut firmum et stabile perseveret imperpuum putis pagine inscriptio Commun.*, &c. *lib. albo fol. 35. a, 11. H. 3.*

*Seal of the City.*

The common seal of this city shall remain in the custody of two aldermen and two commoners, and the same seal shall not be denied neither to the poor nor to the rich commoner, when need shall require; provided that such request shall be upon reasonable causes, and that nothing shall be taken for the setting of the same seal thereto, *lib. alb. f. 38. a. 12. H. 3.*

*Sergeants at the Chamber.*

That no sergeant of the chamber of Guildhall shall have any fee of the commonalty of the city, nor shall make any execution but only by the commons of the city for that purpose to be chosen, *lib. alb. fol. b. 12. H. 7.*

*Sergeants at the Mace.*

For the augmentation of the name and honour of the city, it is granted that our sergeants shall, and may bear and carry maces of gold, of silver, with the king's arms upon the same, within the city and Middlesex, and all other places belonging to the same city; and also when they be sent to the king, his mother or children, *lib. alb. fol. 42. a. 28. E. 3.*

*Sheriffes.*

The sheriffes of London shall not be destreined to make an oath at the Exchequer, but only upon the yielding up their accompt, *lib. alb. fol. 40. a. 1. E. 1.*

That none of the sheriffes shall have but seven clerks and two sergeants, by reason of his office.

*Sheriffes and their Elections.*

It is granted to the citizens of London to make elections of their sheriffes, and after to remove them at their pleasures, *anno 11. Hen. 3. lib. alb. fol. 34. a. b.*

*Sheriffe.*

That the sheriffe of London shall be amerced in the king's court according to the quantity of their offence, like as all other sheriffes of England have bin, *lib. alb. fol. 31. a. lib. 1. 12. Edw. 3.*

*Sheriffe.*

That the sheriffe for the time being shall commit the collection of tolls and customes belonging to the fee farm, and all publique offices to them belonging, and by them to be exercised, unto sufficient persons, for whom they will answer; and that such officers as they shall appoint shall be removed upon their misbehaviour, *lib. alb. fol. 38. anno 12. Hen. 3.*

*Sheriffes.*

That the sheriffes of this city for the time being shall have, towards the farm of the same city, the full forfeiture of victuals and other things. And also of merchandizes after the tenor of the charters to the citizens granted and made. And that from henceforth the sheriffes shall not be hindred or molested for the same, against the tenor of the same charters, *lib. alb. fol. 40. 1. E. 1.*

*Southwarke.*

The town of Southwark is granted for a fee farm unto the city, to the intent to  
VOL. V.

conserve the peace of the same town, and to suppress felons in that place. And this is by act of parliament and charter, *lib. alb. 41. a. 1. E. 3.*

*Subsidies, Tallages, or Aids.*

That those be assessed according to the custome of the city, by men of their wards appointed to be sessors by the mayor and aldermen, or by others, to pay any tallage or aid to the king, shall not be set higher but by the mayor or commons, *lib. alb. fol. 37. b. 12. Hen. 3.*

*Successors in London.*

The habend of the fee farm of London and Middlesex is to the citizens and their heirs, do signifie their successors, *lib. alb. fol. 34. a. b. 11. Hen. 3.*

*Sureties for the Sheriffes.*

The whole citizens of London must answer to the king, and satisfy both the fee farm and also the amerciaments, if the sheriffes do make default, *lib. al. f. 34. a. b. 11. Henry 3.*

*Sutes against Citizens.*

None of the liberty of this city shall be impleaded or occasioned at the king's exchequer nor elsewhere by bill, except it be for matter which belongs to the king or his heires, *fol. 41. anno 1. E. 3.*

At this day all our citizens do implead one another out of the city, the which is against our liberties, being confirmed by parliament.

*Taxes and Tallages.*

That the taxes and tallages for the necessity of the city, by common consent or common-counsell, may be assessed and levied as well upon rents as other things, and as well upon misteries as by any other means, *lib. alb. folio 38. b. 12. H. 3.*

*Toll.*

The citizens of London are discharged of toll and lastage, and of all other customes, as well by land as by seas, within the kings dominions, *lib. alb. fol. 35. u. 37. Hen. 3.*

*Tower of London.*

That the constable of the Tower for the time being, shall not, either by land or water, take or make any prisages of any victuals, or other things whatsoever, of the people of the same city; nor of any others coming or going towards or from the said city, nor by any manner of means shall arrest or cause to be arrested any ships, vessels, or boats bringing to the said city any victuals or any other such goods, *lib. alb. fol. 40. a. 1. E. 1.*

The constable of the Tower of London shall not take any thing for the suffering of warres in the Thames or Medway, *lib. albo fol. 35. 11. H. 3.*

The constable of the Tower of London, in the default of the barons of the Exchequer being absent from Westminster, and also of the king at such time as the mayor ought to be polluted, must take the oaths of the mayor and the sheriffes without the Tower gates, *lib. albo f. 36. b. anno 12. H. 3.*

*Warres.*

That the citizens from henceforth shall not be compelled to go or send to the warres out of the city, *lib. alb. f. 40. a. 1. H. 1.*

*Weights and Measures.*

That the weights and balances amongst merchants, by the which any profit doth grow, and the correction of the same doth belong to the commonality of this city, and that they shall be in the custody of approved and sufficient men, expert in the same office, being chosen by the commons.

*Whitherman.*

If any toll or custome be taken from any citizen of the kings dominions, the sheriffes of London shall, at London, take pledge or Whitherman, *lib. alb. f. 35. b. 11. Henry the Third.*

*Wines sold by Retail.*

That no merchant that is not free of this city shall sell any wines by retail within the same city, *lib. alb. fol. 38. a. 12. Henry 3.*

*Wines and Victuals.*

By charter and by parliament is granted, that the lord mayor and aldermen for the time being, shall have the rule and government of the vintners, viz. of all manner of wines which shall be sold within the same city, and of all manner of victuals, as well sellers of fish as of all other dwelling within the same city, and to the same bringing any victuals there to be sold, *lib. alb. fol. 44. b. 7. R. 2.*

Note, how that the vintners of this city did exhibit a bill to the counsell at Greenwich, *termino pasche, an. 18. Eliz. Regni*, affirming that they were not under the government of the mayor and aldermen; the which I learn to be drawn by one Land, an attorney of the Guild-Hall.

*Hereafter do ensue divers ample and most beneficial Charters, granted by King Henry IV., Edward IV., and King Henry VII.; but these Charters are not confirmed by Parliament as the other Charters were. Note, that the Charters of Henry VI. and Edward IV. are all one, with little alteration.*

*Beer-brewers.*

The correction of the beer-brewers, and of the measurages likewise, is granted to the city, *lib. albo. f. 50. b. c. 23. Hen. 6.* Note, at this time there was beer-brewers in England.

*Certioraries for Recognisances.*

It is granted, that when a certiorary is sent for any indictment of felony, trespasse, extortion, or any other offence, or for any recognisance for the peace broken, that we shall not send the record itself, but onely the tenors of the same, and that shall suffice, *lib. albo. 49. b. 23. Henry 6.*

*Commission of the Peace.*

The commission of the peace is at large set down, with all the articles that are to be inquired, *lib. albo. 47. 23. H. 6.*

*Confirmation.*

King Henry VII. *Anno 20.* did grant unto the city of London most large and ample ratification of all and singular their liberties, franchises, and customes, and all such like things expressed in any of their charters whatsoever they were, *lib. albo 58. a.*

*Confirmation.*

King Henry V. by act of parliament, and a special charter, dated the 7<sup>ber</sup> anno 7. hath also confirmed the liberties aforesaid, *lib. albo folio 47. a.*

*Confirmation of all and singular.*

All and singular the aforesaid liberties are most amply confirmed by a great charter, made by King Henry IV. in the first year of his reign; but they are not by him confirmed by parliament, but by charter; and this is the charter that the commons of this city do use to call the great charter of London, *lib. alb. fol. 46. a. b. 1. primo H. 4.*

*Elections of Officers.*

That the citizens shall have the choice of all under-sheriffes, clerks, bayliffes of sheriffes, for whom they will answer for, as well in the county of Middlesex as within the city of London; in which grant there is a saving or proviso for the sheriffes of London for the right, &c. *lib. alb. 49. b. c. 23. H. 6.*

*Exemption for the Aldermen.*

It is granted that the aldermen of this city shall not be put in assizes, juries, attaints, recognitions, or inquisitions, although the king himself be party; nor they shall be without the liberties of the city, collectors, or assessors of tenths and fifteens, *lib. alb. f. 54. a. b.*

*Fines and Amerciaments.*

All fines, amerciaments, issues forfeited, redemptions, forfeitures, penalties of all offences inquirable by the commissions of the peace, are granted to the citizens of London, *lib. alb. f. 49. a. 23. H. 6.* And in the same place the premises are also granted, if they be forfeited before the justices in the pleas of the crown, or before any other justices, or minister whatsoever. *Ibid.*

*Foren bought and Foren sold.*

That the forfeiture of foren bought and foren sold shall belong to the mayor and commons of this city, without any accopt to be therefore yielded, *lib. alb. f. 59. b. c.* This article is most largely and beneficially set forth in the book.

*Gates and Posterns.*

All the gates and posterns of this city, and the custody of the same, are granted unto the city, *lib. alb. f. 46. fol. 8. 1. H. 4.*

*Ganger.*

The office of the gangership is granted to the city of London, with all the fees, profits, and enrolements to the same belonging, *lib. alb. f. 60. b. 20. H. 7.*

*Justices of Peace.*

That the mayor for the time being may nominate to the chancellor of England the names of two aldermen, the one to be a justice of peace in Surrey, and the other in Middlesex, *lib. alb. f. 60. b. 20. H. 7.*

*Justices of the Peace.*

That the mayor, and the recorder, and all the aldermen that have been mayors,

shall be justices of peace in London; and that the mayor and the recorder shall be two of the quorum, *lib. al. 47. b. c. H. 6.*

*Mortmain.*

The king granteth license to the commonalty to purchase lands and tenements to the value of 200 merks by the year, the statute of mortmain, or any other thing to the contrary, notwithstanding, *lib. alb. f. 59. a. b. c. 18. E. 4.*

*Non-user and Abuser.*

Non-user and abuser of the liberties are by the king pardoned, *lib. alb. 50. anno 25. H. 6.*

*Notanda.*

All the aforesaid matters expressed in the aforesaid charter, 23. *H. 6. lib. alb. 47, 48, 49, 50, 51, and 52,* are by like charter granted again by 2. *E. 4. lib. alb. fol. 52, 53, 54, 55.*

*Packer.*

The offices and guift of the same, viz. of the packer and surveyor, ships of all measures, weights, and of merchandizes, and of the garblers office, and wine-drawers, and the collection of all manner of victuals, and all such like offices, do belong to the lord mayor and his disposing, *lib. alb. f. 50. a. b. 23. H. 6.*

*Recorder.*

That the recorder shall or may *ore-tenus*, that is to say, by open speech, record and certifie the customs, being traversed; and his certificate shall be as strong in the law as the verdict of twenty-two men, *lib. alb. f. 49. a. 23. H. 6.*

*Recognizances.*

The forfeiture of recognizances for the breach of peace or good abearing, is also granted to the city, *lib. al. f. 49. 23. H. 6.*

*Seizure of the Liberties.*

I find that King Richard II. *anno 16 regni sui*, did by vertue of a statute, 28. *E. 3. cap. 10,* the which statute in King Richard's days, was by a bye-word, *flagellum comit London,* that is, the whip and scourge of the city of London; the statute shall be hereafter set down at large.

I say, by this statute the king very easily found a quarrel against the city, and did by commission seize the liberties of the said city. The fault was, for that the mayor and aldermen of the city did not correct nor punish, and this was all. But after, in *anno 16 and 20,* the same king restored the liberties again to the said city, *lib. alb. f. 45. a. b. c.*

*Search.*

The general search of survey government, correction and permission of all people, within this city, as well denizens and strangers in their sellings, cuttings, workings, measurings, weighings, and in all and singular their other doings, done not only by custome, but also by charter, belonging to the mayor of London for the time being, *lib. alb. f. 58. a. b. c. d. 20. H. 7.*

This matter especially is most excellently well set down in the said book. And King Henry VII. hath granted for him, his heirs and successors, that neither the kings

of this realm, nor any other person, shall interrupt the mayor of London in the due execution and exercising of the premises: if this charter were well looked unto, then enquire of what force all and singular these charters are, to whom the king hath granted to be searcher, not only over their own companies but also over others; as the girdlers do attempt to search the haberdashers and clothworkers, the blacksmiths do attempt to search the ironmongers, and such like others.

*Southwark.*

A large charter is granted for the liberties of Southwark, and for correction of offences there, and a view of frank-pledge with arrests, and to bring the offenders to Newgate, and to have as ample liberties in Southwark as the king had, *lib. alb. f. 41. b. c. d. e. 23. H. 6.*

*Toll.*

The offices of the gathering of the toll, and of the custome in Cheap, Billingsgate, and Smithfield, is granted to the city, *lib. alb. 46. b. 1. H. 4.*

*Treasure-trove.*

Treasure-trove, wair and fellons goods, and for-stallers of victuals, and regrators, both in London and upon the Thames, are granted to the city, *lib. alb. f. 49. a. 23. H. 6.*

*Tronage.*

Tronage, that is to say, the weighing of lead, waxe, pepper, allom, madder, and of such like merchandize, are granted to the city, *lib. albo f. 46. b.*

*Waste-grounds.*

All the waste ground, or common grounds, purprestures, and approvements, and the rents reserved of the same, are granted to the city, as well in the land as in the Thames, *lib. alb. fol. 49. 23. H. 6.*

*Wools. Leaden-hall.*

The tronage or weighing of wools shall be at Leaden-hall, which was wont to be at Westminster, *lib. alb. fol. 55. 3. E. 4.*

---

*Certain Proposals for regulating the Law, to make the same more plain and easy to be understood, and lesse chargeable and expensive than heretofore.*

First, I take for an undeniable principle, that the law which so much concerns every man, ought not to be a mystery, but as much as possible be made most perspicuous and evident to the meanest capacity, nothing being more unjust than for a man to be judged by a law of which he was unavoidably ignorant: For, if we consider the rise and originall of all laws, because men knew not when they did well, when they did evil; what was theirs, what not theirs; they instituted laws, to the end every man might know his duty, and the penalty of transgressing. Moreover, it is a maxim in



our own law, that ignorance thereof excuseth no man, but every man is presumed to be connasant thereof; and it is a true saying, *miserā est servitūs ubi jū est vagum aut incognitum*; it is a miserable slavery where the law is uncertain or unknown; a wonder it was to all wise men, even to the ingenuous of the professors of the law themselves, that the law should be so close lockt up in an unknown tongue, when the reason why the laws were first written in that brackish French, was because that language was then best understood of those whom those laws most concern'd, (viz.) the Normans.

Therefore, blessed be God, it hath been and still is the wisdom and integrity of the parliament, to make the laws so plain and obvious to every understanding, that every man might know his duty and his property.

The laws of this land are either criminal or civil; as for the criminal laws, they are not so many or mysterious, but with a little study a man may attain to a competent knowledge thereof; but for the civil laws, especially those which concern lands, they are infinitely intricate, mystical, and expensive. Now, because when a disease is known it is half cured, that which I conceive is the cause thereof, is multiplicity and diversity of tenures and conveyances, together with the secret and clandestine making of conveyances. There are not so little as ten several ways whereby men may convey estates of inheritance, upon every of which depends such innumerable quirks and intricacies, all of them having several operations, that men, which make it their whole studies all their lives long, can hardly, if at all, come to some reasonable knowledge thereof.

*Now that which I propose for the remedy of this evil is,*

That all estates of inheritance, as well freehold as copyhold, might be but of one tenure, to wit, fee-simple. Entails, my lord Cooke being judge, having so fettered and intangled mens estates, that infinite are the controversies which do arise thereupon; and to the end no man might be a loser hereby, nor any man's property destroyed, certain commissioners, not of the same county, might be authorised to assign and apportion to every lord of a manor, some part of the tenancy in lieu of his chief rents, heriots, and perquisites of courts, &c. in case the lord and tenant did not agree between themselves.

2. That there might be but one kind of conveyance for all estates of inheritance (viz.) a feofment in fee executed with livery and seisin, or attornment and inrollment in the proper county.

3. That every lease longer than for seven years, and all wills that concern lands, should be by writing, to be inrolled likewise, as aforesaid.

*If this were done, I am persuaded the Law—*

1. Would be reduced into one considerable volume, which now a small library doth not contain; and there being but one tenure and one kind of conveyance, every man almost, without Herculean labour, might attain to some competent knowledge thereof. And I would gladly know why there should be so many sorts of conveyances when one will serve the turn, unless it be to make the law more mystical.

*Frustra fit per plura quod fieri possit per pauciora.*

2. The excessive expence and chargeable ceremonies of fines and recoveries would be saved.

If in like manner all conveyances were inrolled, then woud there be plain-dealing above-board, the commonwealth (1) should be sure of their escheats and forfeitures upon any treason committed or otherwise.

2. Purchasers should deal upon sure grounds, and not purchase a multitude of suits and troubles instead of an estate.

3. Farmers should be sure of their bargains, when they are sure their landlords have good estates.

4. Creditors should be sure of their debts, whereas now men of very great estates in lands, so convey and intangle them, that a creditor can take no advantage against them.

5. Men, upon marriages of their daughters, shall be much more sure of jointures; and in general, in all contracts and bargains, there would be much more certainty, which is the mother of quiet and repose; whereas now who sees not the innumerable controversies do arise upon secret and clandestine conveyances: also what abundance of suits are commenced upon supposition that they have right, but cannot come to know the certainty, because they cannot come to sight of evidence. How many poor widows, orphans, and others lose their right, by reason their evidences are imbezelled. These and many more mischiefs would be remedied by inrollment of conveyances in the county.

Now next of all, let us consider what may be the inconveniences which may arise hereupon.

And first it may be objected, that for copyholds the alteration would be very great; and that all copyholds pass by surrender, which do amount to as much as the inrollment mentioned.

For answer therunto, it is confessed that copyhold estates, by reason thereof, are not liable to fraudulent conveyances, and therefore there do not so many suits arise concerning copyholds as of freehold. Yet notwithstanding, they being not extendible for debts (which is a thing very unreasonable in my judgment, that a man should have any estate not liable to the payment of his debts,) but chiefly, because they remain in them as yet more of villenage and slavery, by reason of the arbitrary fines, herriots, oaths, and suits of court due to the lord, than is well consistent with the freedom and liberty of Englishmen. And to the end the law might be the more easy and plain to be understood, and all occasions of controversies as much as possible might be removed, I suppose it best that, as aforesaid, all estates of inheritance of copyhold might be made free, and all lesser estates made only liable to certain rents, as of freehold lands.

2. It may be objected, that it would be inconvenient to take away entails, whereby some would lose the benefit of reversions after those estates ended. As to that, we know every tenant in-tail at this day, may at his pleasure make it fee-simple. And for any thing else may be said therein, my lord Cooke, in his first Institutes, fol. 19. b. shall answer for me in these words: "When all estates were fee-simple, then were purchasers sure of their purchases, farmers of their leases, creditors of their debts, the king and lords had their escheats, forfeitures, wardships, and other profits of their seigniories; and for these and for other like causes, by the wisdom of the common-law, all estates of inheritance were fee-simple; and what contentions and mischiefs have crept into the quiet of the law by these fettered inheritances, daily experience teacheth us." So that for this change there is a sufficient precedent, the ancient common-law of this land, and the advice of him who knew the laws of this land as well as most that ever studied the same, (*viz.*) the Lord Cooke.

*Then also concerning the inrolments aforesaid,—*

1. It may be objected, That a man cannot borrow money upon a mortgage without letting the country know thereof; now as for that I conceive it no great matter, if he that is rich be so esteemed, and he that is poor be so reputed.

2. But then the main objection will be, There be many conveyances, which, if examined, would be found defective; whereby estates which have long continued in

a family might be carried away to others; which, instead of ending controversies, would beget new.

For answer to which, that, admit it were so, yet they would be but only for the present, and after the first suit, it would be settled for posterity. Moreover, it would but help those to possession to whom the law had given most right.

But for remedy of such like inconveniences was a profitable statute made in the 21st year of King James, *viz.* That after twenty years quiet possession no action should be commenced, unless in case of infancy, coverture, or the like; which statute, if it were enlarged and put in execution, would salve that sore sufficiently.

The next proposal for to remedy delays in suits, and to take away excessive charge, is to take away arrests in the beginning of suits. It would require a volume of itself to shew the excessive expence, the great delays of justice, the briberies and extortion by sheriffs and bayliffs, the batteries, barbarous cruelties, and many times, murders, and many other inconveniences which doe flow from this wicked fountain of arrests.

As, for example, a nobleman or great man owes me 10 or 20*l.*, perhaps for wages or some other thing; for twice, it may be, ten times my debt, I cannot get him arrested, and until he be arrested, I can never so much as proceed in my suit; and if after disbursement of a great sum I get him apprehended, I shall have some five shillings allowed towards it by the court; so if a man live in some priviledged places, or rather which usurp such priviledges, there they secure themselves, and be their estates never so great, can by no means be laid hold on to pay their just debts. It would be too tedious to give instances of sculking, wandring persons, and of some that secure themselves by the company of lewd and desperate fellows, that they cannot be apprehended without abundance of charge, and oftentimes danger of life: these mischiefs are so well known that I need not further set them forth. I appeal to many mens experience, whether if the arrest of divers persons would not cost them more than all the charges of suit besides, nay, and their proper debts to boot; and how many years men may wait through the corruption of under-sheriffes and their bayliffs, before they can get a debtor arrested, when, if they were once taken, the suit would come to execution in three quarters of a year at most, without much charge.

Now for a remedy hereof: I suppose a sufficient summons might serve turn well enough, and so in default of not answering, the plaintiff, upon proof and evidence given, might proceed to judgment and execution. For my own part, I confess I see no reason but that every man, as well as tradesmen, might be brought within the statute of bankrupts. All that ever a tradesman hath must be sold to pay his his debts; and why other mens estates, who are as justly indebted as they, should not, in true reason I doe not understand. The law seems to me too mild and remiss against the estates of debtors, and against their persons as much too rigid and severe.

Another proposal is, that experience doth shew what very great delays and intolerable charges arise from being tossed from court to court, *viz.* from Chancery to common-law, and so back again: nay, I am persuaded that not one cause of ten, especially if of any consequence, but first or last comes into Chancery merely for delays; by which means peaceable-minded men will rather give away half their right than be troubled to sue for it.

Now the remedy hereof I suppose might be to impower the common-law court with equitable jurisdiction, that the same court might as well determine the equity as the law of every case.

Another thing very necessary would be, that the act for the relief of debtors might extend to persons which now are, or hereafter shall be, imprisoned.

Lastly, it were to be wished that the committee for the regulating of the law would procure some learned in the laws, who might be well fee'd for their pains, to argue and set forth before them the inconveniences on the one side, with the profit and

commodity on the other which may arise on these or the like alterations, their work would be much more easy, and they themselves the better able to ponder and judge what is fit to be done; it would not be time, labour, or money ill spent, to procure good and wholesome laws for ourselves and posterity.

---

*A Synopsis, or Contract View of the Life of John Armand, Cardinal of Richlieu, great Favourite and Minister of State to Lewis the 13th, King of France. To be engraven on his Tombe.*

First written in Latin, and now *verbatim* rendered English.

*Quis leget hæc? —————  
Vel duo, vel nemo.*

PERSIUS.

Printed in the Year 1643.

---

The severity of the following satire is certainly beyond all bounds. Cardinal Richlieu was one of the most profound statesmen whom the world ever saw. He completely broke the aristocracy of France, which had been only shaken by Mazarine, and raised her influence in the councils of Europe to a degree hitherto unknown in her history. Yet it may be justly questioned whether, while he gratified the ambition and flattered the vain-glory of the French nation, his administration really contributed to the increase of internal concord and domestic happiness through her empire. It is seldom that the talents of a politician or of a conqueror are directed towards the real furthering of national happiness.

---

THE first thing requested of thee, O passenger! is, that thou wouldest blesse Almighty God, that in France thou maist now read these lines securely.

Next, wonder, that he whom the earth was too angust for when he was alive, should be imprisoned in so small a space of ground, now he is dead.

When he had commoved earth, he aspired to rule even heaven itself; as appears by his arrogating to himself this symbolum or motto, *Mens Sidera rotvit.*

And that thou maist understand what kind of intelligence this was, know that he was of a sagatious industry, but unquiet; an enemy both of the publike and of his private tranquillity.

In a great wit, by many revered, not a few that knew him found a great mixture of madnesse.

He had a mind that was made worse by every thing, bettered by nothing.

He stood thus long, not so much through favour as his power with a mighty king; and was happy in the event of things, rather than in a prudent manage of them.

Only he was unhappy in the disfavour of Almighty God : For, having continually conflicted with noisome diseases, he was ignorant of the seat of happiness, which yet, to the rendring both himself and others unhappy, he sought after.

Nor did he ever seem happy even in his own eyes, as not honest in the eyes of those who called him happy.

He was vexed with two great tormentors of life, choler and melancholy. In the flames of the former, and the fumes of the latter, he continually suffered.

So that venome which he spit out to the perdition of others, he could not keep in without hurt to himself.

He outwent most men in covetousness, all men in ambition; a waster of the royall exchequer, but a niggard of his own purse; cruell if offended, but more cruell where he offended others.

By the conferrings of the queen mother he was made rich, by her plottings preferred, and by her power made more potent. Yet her did he deprive of the king's favour, of her liberty, of her estate, of France, and at last of her life, she being an exile at Colleine. And, lest he should spare her when she was dead, he null'd her last will, and caused her corps to lie five months (at the end of which himself followed her) in her chamber unburied.

The honour of monseiar, the king's brother, he violated, and endeavoured to supplant even his person.

He not only withdrew the affections of 'son from mother, and of 'brother from brother, but of 'husband from wife.

Marilliack he caused to be beheaded by the greatest wrong; Montmorancy by the greatest right; Ciuckmart partly by right, partly by wrong; M. de Thow, whether by right or wrong no man knows.

Some noblemen he condemned to perpetual imprisonment, more to banishment; but those he drave from court were innumerable.

He prosecuted many lest they should hinder his designes; nor did milder France ever behold so frequent punishments.

Building upon the power of a great king, (whom with a great deal of art and study he deceived;) and, suppeditated with the wealth of a most fruitfull kingdom, he spent an infinite number of arrows in aiming to hit the main marke which he had missed.

A continual working and agitation of mind, backt with many mad attempts, together with a rigid severity and an all-trying boldness, produced a few fortunate issues; but he had soon been supplanted if among foreign enemies he had found some more wary, or among Frenchmen (scarce any of whom but were averse to him) had met but with one adversary.

It well besteded him, that hardly any body knew him, or believed those that did.

He was so fortunate that those of the nobility, as well as of the army, whom he had irritated, did yet for his honour shed their own and others blood, whilst himself mingled his with the kings.

He had perished in the same design in which Sejanus had once perished, had he not taken out of the way (O grief to think on!) the royal Count of Soisson.

Germany, Spain, Italy, and the Low-Countries, but especially France, will hardly be able in a whole age to efface the bad impressions of so hurtful an authority.

Taking pleasure in the miseries both of the citizens and suburbers, that, he might fleece these, he lanced the very entrails of those.

Nor did he any whit indulge to the sacred health of the king, but disturbed that, whilst with anxieties and various passions of the mind he wore out his own.

The divine justice first ulcerated his arm, which he had stretched out against

\* King of France.

heaven. Next it took from him the use of his right hand, which he had subscribed to unnecessary wars. His arm, eight months before his death, rotted, by reason of which his hand withered.

And yet (which is a sad thing) he that so plainly felt God an avenger, would not plainly enough acknowledge him.

This appears in that he more hotly exercised his fury upon his private enemies.

In that, death approaching, rather out of a politick prudence than a Christian piety, he commended his favourites to the king more than his soul to God.

In that, a few days before the catastrophe of his tragick life, he caused a play of his own devising (which he called *Europa Triumphata*)<sup>1</sup> to be acted in the most royal pomp that could be, though himself could not behold it.

In that, being a cardinal, he afflicted the church; being a priest, he shed blood; being a Christian, he forgave no injuries; and being a man, he yet would not remember himself to be mortal, even when the worms, crawling out of his many ulcers, did admonish him to how frail and noisome a mortality he was obnoxious.

When by all ways (the most impious not unassaid) he had for the space of eighteen years prosecuted his private ends to the undoing of the publick, he at length arrived to the ordinary end of men, by a death to appearance peaceable, but more lingring then that of many whom he had sent before him.

<sup>1</sup> Mr D'Israeli gives some anecdotes concerning the play in his very entertaining and well-selected miscellany. "He attempted to rival the reputation of Corneille's *Cid*, by opposing to it one of the most ridiculous productions ever exhibited in the theatre. It was the allegorical tragedy called *Europe*, in which the minister had congregated the four quarters of the world. Much political matter was thrown together, divided into scenes and acts. There are appended to it keys of the *dramatis personæ*, and of the allegories. In this tragedy Francion represents France; Ibere, Spain; Barthenope, Naples, &c.; and these have their attendants. Lilian (alluding to the French cities) is the servant of Francion, while Hispale is the confidant of Ibere. But the key of the allegories is much more copious:—Albione signifies England; three knots of the hair of Austrasia means the town of Clermont, Stenay, and Jamet, these places once belonging to Lorraine. A box of diamonds of Austraisie is the town of Nancy, belonging once to the Dukes of Lorraine. The key of Iberie's great porch is Perpignan, which France took from Spain; and in this manner is this sublime tragedy composed! When he first sent it anonymously to the French academy it was reprobated. He then tore it in a rage, and scattered it about his study. Towards evening, like another Medea lamenting over the members of her own children, he and his secretary passed the night in uniting the scattered limbs. He then ventured to avow himself; and having pretended to correct this incorrigible tragedy, the submissive academy retracted their censure: but the public pronounced its melancholy fate on its first representation. This miserable tragedy was intended to thwart Corneille's *Cid*. Enraged at its success, Richelieu even commanded the academy to publish an abusive critique of it, well known in French literature. Boileau on this occasion has these two well-written verses:

*En vain contre le Cid, un ministre se ligue ;  
Tout Paris, pour Chimene, a les yeux de Rodrigue.*

To oppose the Cid in vain the statesman tries ;  
All Paris for Chimene has Roderick's eyes,

"It is said that, in consequence of the fall of this tragedy, that French custom is derived of securing a number of friends to applaud their pieces at their first representation. In the *Recherches sur la Theatre*, p. 142, I find the following droll anecdote concerning this droll tragedy.

"The minister, after the ill success of his tragedy, retired unaccompanied to his country house at Ruel. He then sent for his favourite, Desmarests, who was at supper with his friend Petit; Desmarests, conjecturing that the interview would be stormy, begged his friend to accompany him.

"Well! (said the cardinal, as soon as he saw them,) the French will never possess a taste for what is lofty: they seem not to have relished my tragedy.' 'My lord, (answered Petit,) it is not the fault of the piece, which is admirable, but that of the players. Did not your eminence perceive that they not only knew not their parts, but that they were all drunk!' 'Really, (replied the cardinal, somewhat pleased,) I observed they acted it dreadfully ill.'

"Desmarests and Petit returned to Paris, flew directly to the players to plan a new mode of performance, which was to secure a number of spectators; so that at the second representation bursts of applause were frequently heard."—*Curiosities of Literature*, II. 232—235.

He died at Paris, where he had been born fifty-seven years and three months before.

Forsaking France and his own house, he seemed to endeavour the combustion of them both; of that, by an extorted declaration against the king's brother; of this, by a will framed to a woman's fancy.

For the rest, nor did the kingdom of France (being opulent) ever deal with any so bountifully; nor (being of a genius impatient) did it ever bear with any so continuedly; nor (affecting quietment) did it ever part with any so gladly.

I assert these things openly which thou, O passenger! didst privily suspect, and in wisdom keptst to thyself.

If thou encounterest any one who still doubts, entreat him not to give credit to abused men, nor to corrupted flatterers; but rather to me who speak nothing but truth, and that out of a conscientious sincerity.

And I would have all men persuaded, that the least justice is more acceptable to God than the greatest power; that a name is to be esteemed, not for being far and wide diffused, but for being good; that to trouble and unsettle many things is not to do much, but being unsettled, to compose them, more; to keep them from being unsettled, most of all.

Prosperous wickednesses are by the multitude accounted for virtues; but do thou (on the contrary) think nothing more wretched than such thriving impieties.

This egregious artisan of cheats (Richlieu) deceived many for a while, and himself haply to eternity.

Who, alas! shall reduce to order that infinity of things which he hath confused? Who deemed of peace, because it suited not with his turbulent brain, that it was disagreeable even to his fortune. From whence sprang those many evils which for these last fifteen years have so oppressed the Christian world.

Pray that God would not eternally avenge it upon the author, who needed much mercy and many of God's compassions, amid his many and great crimes.

Do thou, O Christian! seriously perpend, what a nothing that is which is subject to a momentary vanish. "None of those whom thou seest clad in purple is therefore happy, no more than they whose part in a comedy allows them a robe and scepter; who having buskind and on tip-toes strutted it before the staring spectators, as soon as they come to their exit, are unpantoffled, and return to their own stature."<sup>2</sup>

Furthermore, see how small an ash-heap he now is, who once was so great a fire; how fetid a stream he now sends forth, who lately darted a splendor so coruscant that every ones eyes was thereby dazzled.

I wish he prove not a fire-brand to himself in another world, who was so to Europe in this.

Poor Europe now hopes for peace, the fuel of her wars being extinct.

I should entreat thee, O passenger! to pray for peace to this so mortal an enemy even of his own peace; but that I fear thou wouldst but trouble him, in wishing a thing to him he so greatly hated. Yet pray, notwithstanding, in that thou art commanded—to love thy enemies. If the peace thou prayest for reach not him, it will return unto thyself. Such was the commandment of our Saviour, in whom I wish thee peace whilst thou livest, that thou mayst sweetly rest in him when thou dyest. In the mean time, farewell.

<sup>1</sup> The Duchesse of Eguillon.

<sup>2</sup> Seneca.

<sup>3</sup> Luke x.

---

*The Irish Cabinet; or his Majesty's Secret Papers, for establishing the Papal Clergy in Ireland, with other Matters of high Concernment, taken in the Carriages of the Archbishop of Tuam, who was slain in the late Fight at Sligo, in that Kingdom. Together with two exact and full Relations of these several Victories obtained by the Parliament's Forces, through God's Blessing, in the same Kingdom. Printed 1654.*

Ordered by the commons assembled in parliament, That his majesty's papers taken at Sligo be forthwith printed and published.

H. ELSYNGE, Cler. Parl. D. Com.

WHEREAS much time hath been spent in meetings and debates betwixt his Excellency James, Lord Marquis of Ormond, lord lieutenant and general governor of his majesty's kingdom of Ireland, commissioner to his most Excellent Majesty, Charles, by the grace of God, King of Great Britain, France, and Ireland, &c. for the treating and concluding of a peace in the said kingdom with his majesty's humble and loyal subjects, the confederate and Roman Catholicks of the said kingdom of Ireland of the one part, and the Right Hon. Donnogh, Lord Viscount Muskerry, and other commissioners deputed and authorised by the said confederate Roman Catholick subjects, of the other part; and thereupon many difficulties did arise, by occasion whereof sundry matters of great weight and consequence necessarily requisite to be condescended unto by his majesty's said commissioners, for the safety of the said confederate Roman Catholicks, were not hitherto agreed upon, which retarded, and doth as yet retard, the conclusion of a firm peace and settlement in the said kingdom. And whereas the Right Hon. Edward, Earl of Glamorgan, is intrusted and authorised by his most excellent majesty, to grant and assure to the said confederate Catholick subjects further grace and favours, which the said lord lieutenant did not as yet in that latitude as they expected grant unto them; and the said earle having seriously considered of all matters and due circumstances of the great affairs now in agitation, which is the peace and quiet of the said kingdom, and the importance thereof, in order to his majesty's service, and in relation to a peace and settlement in his other kingdoms; and hereupon the place having seen the ardent desire of the said Catholicks to assist his majesty against all that do or shall oppress his royal right or monarchick government; and having discerned the alacrity and chearfulness of the said Catholicks to embrace honourable conditions of peace, which may preserve their religion and other just interests. In pursuance, therefore, of his majesty's authority, under his highness's signature royal and signet, bearing date at Oxon, the 12th day of March, in the twentieth year of his reign, granted unto the said Earl of Glamorgan, the tenour whereof is as followeth; viz. Charles Rex. Charles by the grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith, &c. To our trusty and right well-beloved cousin Edward, Earl of Glamorgan, greeting. We, reposing great and especial trust and confidence in your approved wisdom and fidelity, do by these (as firmly as under our great seal to all intents and purposes) authorise and give you power to



treat and conclude with the confederate Roman Catholicks in our kingdom of Ireland, if upon necessity any thing be to be condescended unto, wherein our lieutenant cannot so well be seen in, as not fit for us at the present publicly to own; therefore we charge you to proceed according to this our warrant, with all possible secrecy, and for whatsoever you shall engage yourself upon such valuable considerations as you in your judgment shall deem fit, we promise, in the word of a king and a Christian, to ratify and perform the same that shall be granted by you, and under your hand and seal; the said confederate Catholicks having by their supplies testified their zeal to our service; and this shall be in each particular to you a sufficient warrant. Given at our court at Oxford, under our signet and royal signature, the 12th day of March, in the twentieth year of our reign, 1644. To our right trusty and well-beloved cousin Edward, Earl of Glamorgan. It is therefore granted, accorded, and agreed by and between the said Earl of Glamorgan, for and on the behalf of his most excellent majesty, his heirs and successors, on the one part, and the Right Honourable Richard Lord Viscount Mountgarret, lord president of the supreme council of the said confederate Catholicks, the said Donnogh, Lord Viscount Muskerry, Alexander Mac Donnell, and Nicholas Plunket, Esquires, Sir Talbot Barronet, Dermot O'Brien, John Dillon, Patrick Darcy, and Geoffrey Brown, Esquires, commissioners in that behalf appointed by the said confederate Roman Catholicks subjects of Ireland, for and in the behalf of the said confederate Roman Catholicks subjects of the other part, in manner and form following; (that is to say)

1. *Imprimis*, It is granted, accorded, and agreed by the said earl, for and in the behalf of his most excellent majesty, his heirs and successors, that all and every the professors of the Roman Catholic religion in the kingdom of Ireland, of whatever estate, degree, or quality soever he or they be, or shall be, shall for evermore hereafter have and enjoy within the said kingdom the free and publick use and exercise of the said Roman Catholicks religion, and of the respective function therein.

2. *Item*. It is granted, accorded, and agreed by the said earl, for and on the behalf of his majesty, his heirs and successors, that the said professors of the Roman Catholic religion, shall hold and enjoy all and every the churches by them enjoyed within this kingdom, or by them possessed at any time since the twenty-third of October, 1641. And all other churches in the said kingdom, other than such as are now actually enjoyed by his majesty's protestant subjects.

3. *Item*. It is granted, accorded, and agreed by the said earl, for and in the behalf of his most excellent majesty, his heirs and successors, that all and every the Roman Catholicks subjects of Ireland, of what estate, condition, degree, or quality soever, shall be free and exempted from the jurisdiction of the protestant clergy, and every of them; and that the Roman Catholic clergy of this kingdom shall not be punished, troubled, or molested for the exercise of their jurisdiction over their respective Catholic flocks in matters spiritual and ecclesiastical.

4. *Item*. It is further granted, accorded, and agreed by the said earl, for and on the behalf of his most excellent majesty, his heirs and successors, that an act shall be passed in the next parliament to be holden in this kingdom, the tenour and purport whereof shall be as followeth, viz. An act for the relief of his majesty's Catholic subjects of his highness's kingdom of Ireland. Whereas by an act made in parliament held in Dublin the second year of the reign of the late queen Elizabeth, intituled, An act restoring to the crown the ancient jurisdiction over the state ecclesiastical and spiritual, and abolishing all foreign power repugnant to the same; and by one other statute made in the said last mentioned parliament, intituled, An act for the uniformity of common-prayer and service in the church, and the administration of the sacrament; sundry mulcts, penalties, restraints, and incapacities, are and have been laid upon the

professors of the Roman Catholick religion in this kingdom, in, for, and concerning the use, profession, and exercise of their religion and their functions therein, to the great prejudice, trouble, and disquiet of the Roman Catholicks in their liberties and estates, and the general disturbance of the whole kingdom. For remedy whereof, and for the better settling, increase, and continuance of the peace, unity, and tranquillity of this kingdom of Ireland; his majesty, at the humble suit and request of lords and commons in this present parliament assembled, is graciously pleased that it may be enacted, and be it enacted by the king's most excellent majesty, the lords spiritual and temporal, and commons in this present parliament assembled, and by authority of the same, That from and after the first day of this session of parliament, it shall and may be lawful to and for all the professors of the Roman Catholick religion, of what degree, condition, or quality, to have, use, and enjoy the free and publick exercise and profession of the said Roman Catholick religion, and of their severall and respective functions therein, without incurring any mulct or penalty whatsoever, or being subject to any restraint or incapacity concerning the same; any article or clause, sentence or provision in the said last mentioned acts of parliament, or in any other act or acts of parliament, ordinances, law, or usage to the contrary, or in any wise notwithstanding. And be it also further enacted, that neither the said statutes, or any other statute, acts, or ordinance hereafter made in your majesty's reign, or in the reign of any of your highness's most noble progenitors or ancestors, and now of force in this kingdom; nor all, nor any branch, article, clause, and sentence in them or any of them, contained or specified, shall be of force or validity in this realm, to extend to be construed, or adjudged to extend in any wise to inquiet, prejudice, vex, or molest the professors of the said Roman Catholick religion, in their persons, lands, hereditaments, or goods, for any thing, matter, or cause whatsoever, touching and concerning the free and publick use, exercise, and enjoyings of their said religion, function, and profession. And be it also further enacted and declared by the authority aforesaid, That your majesty's Roman Catholick subjects in the said realm of Ireland, from the first day of this session of parliament, shall be, and be taken, deemed, and adjudged capable of all offices of trust and advancement, places, degrees, and dignities, and preferment whatsoever within your said realm of Ireland, any acts, statutes, usage, or law to the contrary notwithstanding. And that other acts shall be passed in the said parliament, according to the tenour of such agreement or concessions as herein are expressed; and that in the mean time the said Roman Catholick subjects, and every of them, shall enjoy the full benefit, freedom, and advantage of the said agreements and concessions, and of every of them.

5. *Item.* It is accorded, granted, and agreed by the said earl, for and in the behalf of his majesty, his heirs and successors, That his Excellency the Lord Marquis of Ormond, lord lieutenant of Ireland, or any other or others authorized or to be authorized by his majesty, shall not disturb the professors of the Roman Catholick religion, and their present possession and continuance of the profession of their said churches jurisdiction, or any other the matters aforesaid in these articles agreed and condescended unto by the said earl, until his majesty's pleasure be signified for confirming and publishing the grants and agreements hereby articulated for, and condescended unto by the said earl.

6. *Item.* And the said Earl of Glamorgan doth hereby engage his majesty's royal word and publick faith, unto all and singular the professors of the said Roman Catholick religion within the said kingdom of Ireland, for the due observance and performance of all and every the articles, grants, and clauses therein contained, and the concessions herein mentioned to be performed to them.

7. *Item.* It is accorded and agreed, that the said publick faith of the kingdom shall

be engaged unto the said earl by the said commissioners of the said confederate Catholics, for sending ten thousand men to serve his majesty, by order and public declaration of the general assembly now sitting, and that the supream council of the said confederate Catholics shall engage themselves to bring the said number of men armed, the one half with musquets, and the other half with pikes, unto any port within this realm, at the election of the said earl, and at such time as he shall appoint, to be by him shipped and transported to serve his majesty in England, Wales, or Scotland, under the command of the said Earl of Glamorgan as lord general of the said army, which army is to be kept together in one intire body, and all other the officers and commanders of the said army are to be named by the supream council of the said confederate Catholics, or by such others as the general assembly of the said confederate Catholics of this kingdom shall intrust therewith. In witness whereof the parties to these presents have hereunto interchangeably put their hands and seals the 25th day of August, 1641.

GLAMORGAN.

Signed, sealed, and delivered in the presence of

JOHN SOMERSET,  
JEFFERY BARRON,  
ROBERT BARRY.

*Copia vera colata fideliter cum originali*, Thomas Cashell, Franc. Patricius Waterford de Lismore.

This is a true copy of the original copy, found in the Archbishop of Tuam's carriage, compared by us.

ARTHUR ANNESLY,  
ROBT. KING.

*Articles of Agreement made and concluded upon, by and between the Right Honourable Edward, Earl of Glamorgan, and in pursuance and by virtue of his Majesty's authority, under his Signet and Royal Signature, bearing date at Oxford, the twelfth day of March, in the twentieth year of his Reign, for and on the behalf of his most excellent Majesty of the one part, and the Right Honourable Richard Lord Viscount Mountgarret, Lord President of the Supreme Council of the Confederate Catholics of Ireland, Donnogh, Lord Viscount Muskerry, Alexander M'Donnell, and Nicholas Plunket, Esquires, Sir Robert Talbot, Bart., Dermot O'Brien, John Dillon, Patrick Darcy, and Jeffery Browne, Esquires, for and on the behalf of his Majesty's Roman Catholick Subjects, and the Catholick Clergy of Ireland of the other part.*

*Imprimis*, The said earl doth grant, conclude, and agree on the behalf of his majesty, his heirs and successors, to and with the said Richard, Lord Viscount Mountgarret, Donnogh, Lord Viscount Muskerry, Alexander M'Donnell, and Nicholas Plunket, Esquires, Sir Robert Talbot, Bart., Dermot O'Brien, John Dillon, Patrick Darcy, and Jeffery Browne, Esquires, that the Roman Catholick clergy of the said kingdom shall and may from henceforth for ever hold and enjoy all and every such lands, tenements, tithes, and hereditaments whatsoever by them respectively enjoyed within this kingdom, or by them possessed at any time since the three and twentieth of October; one thousand six hundred forty-one; and all other such lands, tenements, tithes, and hereditaments belonging to the clergy within this kingdom, other than such as are actually enjoyed by his majesty's protestant clergy.

*Item*. It is granted, concluded, and agreed on by the said Richard Lord Viscount Mountgarret, Donnogh, Lord Viscount Muskerry, Alexander M'Donnell, and Ni-

cholas Plunket, Sir Robert Talbot, Dermot O'Brien, John Dillon, Patrick Darcy, and Jeffery Browne, on the behalf of the confederate Roman Catholicks of Ireland, that two parts in three parts to be divided of all the said lands, tythes, and hereditaments whatsoever, mentioned in the precedent article, shall for three years next ensuing the feast of Easter, which shall be in the year of our Lord God 1646, be disposed of and converted for and to the use of his majesty's forces, employed or to be employed in his service, and the other third part to the use of the said clergy respectively, and so the like disposition to be renewed from three years to three years by the said clergy during the wars.

*Item.* It is accorded and agreed by the said Earl of Glamorgan, for and in the behalf of his majesty, his heirs and successors, that his excellency the Lord Marquis of Ormond, lord lieutenant of Ireland, or any other or others authorised or to be authorised by his majesty, shall not disturb the professors of the Roman Catholick religion in their present possession and continuance of the possession of their churches, lands, tenements, tythes, hereditaments, jurisdiction, or any other the matters aforesaid in these articles agreed and condescended to by the said earl, until his majesty's pleasure be signified for confirming and publishing the grants and herein articulated for, and condescended unto by the said earl.

*Item.* It is accorded, granted, and agreed by the said earl, for and in the behalf of his majesty, his heirs and successors, that an act shall be passed in the next parliament to be held in this kingdom, according to the tenour of such agreements or concessions as herein are expressed; and that in the mean time, the said clergy shall enjoy the full benefit, freedom, and advantage of the said agreements and concessions and every of them.

And the said Earl of Glamorgan doth hereby engage his majesty's royal word and public faith unto the said Lord Viscount of Mountgarret, and the rest of the said commissioners, for the due observation and performance of all and every the articles, agreements, and concessions herein contained and mentioned, to be performed to the said Roman Catholick clergy, and every of them. In witness whereof the parties to these presents have hereunto interchangeably set their hands and seals, the 25th day of August, Anno Dom. 1645.

GLAMORGAN.

Signed, sealed, and delivered in the presence of

JOHN SOMERSET,  
JEFFERY BARRON,  
ROBERT BARRY.

Whereas in these articles touching the clergy-livings, the Right Honourable the Earl of Glamorgan is obliged in his majesty's behalf to secure the concessions in these articles by act of parliament: We, holding that manner of securing those grants as to the clergy-livings to prove more difficult and prejudicial to his majesty than by doing thereof, and securing those concessions otherwise as to the said livings, the said earl undertaking and promising in the behalf of his majesty, his heirs and successors, as hereby he doth undertake to settle the said concessions, and secure them to the clergy, and their respective successors, in another secure way, other than by parliament at present, till a fit opportunity be offered for securing the same, do agree and condescend thereunto. And this instrument by his lordship signed, was before the perfecting thereof intended to that purpose, as to the said livings, to which purpose we have mutually signed this indorsement. And it is further intended that the Catholick clergy shall not be interrupted by parliament, or otherwise, as to the said livings, contrary to the meaning of these articles.

GLAMORGAN.

*Copia vera colata fideliter cum originali*, Thomas Cashell; Fra. Patricius Waterford et Lismore.

This is a true copy of the original copy, found in the Archbishop of Tuam's carriage, compared by us,

ARTHUR ANNESLY, ROBERT KING.

I, Edward, Earl of Glamorgan, do protest and swear, faithfully to acquaint the king's most excellent majesty with the proceedings of this kingdom, in order to his service, and to the indeerment of this nation, and punctual performance of what I have (as authorised by his majesty) obliged myself to see performed, and in default not to permit the army intrusted into my charge to adventure itself, or any considerable part thereof, until conditions from his majesty, and by his majesty, be performed.

GLAMORGAN.

September the third, 1645.

*Copia vera concordans de verbo ad verbum fideliter cum originali*.

THOMAS CASHELL.

This is a true copy of the original copy found in the Archbishop of Tuam's carriage, compared by us,

ARTHUR ANNESLY, ROBERT KING.

*A Copy of a Letter in Cypher.*

Honourable Sir,

There are some passages which we omitted in our letters to the committee, because we judge it expedient to express them in cypher. The rebels grew higher in their demands since the king's affairs have been in a declining condition, which with their abusing the king's and authority in the taking our garrisons in Connaght, and turning the English out of some of them, hath so incensed the Marquis of Ormond, that he desires but power and opportunity to break off all treaty and fall upon them; and in order thereunto we have had an overture by one that came from him to us, for the British and Scots forces to join with him against the rebels upon these conditions.

First, That the treaty between England and Scotland should be observed.

Secondly, That the covenant should not be prest upon the forces under his lordship's command, and that it should be left free for those of them that would to use the common-prayer-book, and the established government, till the king and parliament settle some other.

Thirdly, That the British army be left to the chief governor for the time being, he appointing them a governor of their own chusing.

Fourthly, That every party out of his estate or charge be restored.

Fifthly, That none be sent out of the kingdom without consent on both parts.

Sixthly, That some ammunition be lent to them of Dublin.

Sevently, For our security, Drogheda should be given into our hands, we giving assurance that use should not be made of it against his lordship.

Eighthly, Both parties to swear to perform. We suppose some good effect might be produced from these beginnings; but without the Scots commissioners we have no power, and therefore expect your directions therein, and desire that in the mean while they may be kept secret; for if any notice of a transaction in this kind come to the rebels, it would hazard the putting Dublin and those parts into their hands; the proposition is the more considerable, because your armies here will much want a port in

Leinster for a magazine. But we shall do nothing in it, till we hear from you, but what may keep them on having nothing more to advertise you of at present, we remain,

Your most humble servants,

Belfast, this nineteenth  
of November, 1645.

ARTHUR ANNESLY,  
ROBERT KING,  
WILLIAM BEALE.

If you think fit to proceed we doubt not but to bring the business unto far better conditions than are proposed.

SIR,

The same letter which we have written to the committee of both kingdoms, we have also written to the lords and commons, and if either give redress to the wrongs complained of, it is well. What we wrote to you of the nineteenth of this month in character, might as well have been done with less trouble, for Master Galbreth, that delivered to us the same under an injunction of great secrecy, hath since communicated it to most of the colonels of the British army, so that it was evidently a plot to draw this army under the command of the marquis. I was jealous of it at first, and we took bonds of him to appear before the committee when the Scots commissioners shall land; but it was not thought fit to commit him till then, because there be divers other malignants whom we intend at that time to lay up together, who perhaps would not appear then if there were any very strict course taken now.

We think the strength of the army stands well affected; but both armies have known malignants in them, who being removed, there will be no danger. Since my former, Sir Patrick Wemyse is come from Dublin, and brought his whole family with him, I think he hath done his part exceeding well, and if it be not effectually prosecuted you shall plainly know where the fault lies. We want our money and meal extremely, without them we are as it were wind-bound. We intend to visit the major-general shortly. He saith he has no commission to command the army; but you may see by his warrant that we have sent to the committee, he wants not a commission to levy money. Our letters lie here for want of a vessel to waft them over, nor have we heard a word thence since our landing, but I will forbear that further trouble till there be more cause.

Your most humble and most affectionate servant,

ROB. KING.

Belfast, 26th Nov. 1645.

*Postscript.*

SIR,

You receive herewith copies of such papers as were found in the Archbishop of Tuam's carriage. They are of very high consequence, for they shew you what his majesty grants the papists here, and how far the peace with the rebels is advanced. Be pleased to read them I pray you.

*The News from Sligo.*

On the Lord's day, October 17, 1645, the rebels (before the Ulster forces from the Laggan were come to Sligo) surrounded the town with about two thousand foot and

three hundred horse. The garison seeing little hopes of the Ulstermen's advance (not knowing they were then at Bundrours) conceived it of absolute necessity to hazard the fighting with the rebels with their own strength and Sir William Cole's troop, rather than to lose themselves and the out-garisons, which were in a manner all blocked up, by the rebels lying between them and Sligo. Captain Richard Coote, and Captain Cole commanded the horse, being near two hundred; and after some skirmishing with the rebels horse, fell pell-mell into their several divisions of foot, routed them and pursued them: and Lieutenant-Colonel Sanderson sallying out of the town with his foot, and Sir Francis Hamilton coming in the nick of time with his troop, they had all execution upon the rebels for five miles; and at the end thereof left slain the popish Archbishop of Tuam, the rebels president of Connaught, for a memorable mark. They took one hundred and fifty horse, with their arms, their tents, and all other baggage and ammunition, and had much spoil; several colours of horse and foot, and many officers of note, to the number of about twenty-eight prisoners; about two hundred killed; and our loss but of one man and six hurt. Many more of the rebels might have been killed, but that our foot left the chace and fell to plunder.

Their whole army being thus defeated, one thousand foot and three troops of horse, that were coming to join with them, upon the news thereof returned. And our men, with the Laggan army joined with them, have since entered the barony of Tereragh, and taken thirteen castles there well provided with corn, which was our chief want, and like to be the loss of that whole province, if God, in this miraculous manner, had not supplied it. The oxen which drew the enemy's waggons drew our ordnance for the taking in of the said castles. And now our men have good quarters for this winter about the said castles, which keep the country under contribution.

The Archbishop of Tuam was a principal agent in these wars, and one of the supreme council of Kilkenny. He attended their army at this time, to visit his diocese, and to put in execution an order for the arrears of his bishoprick, granted to him from the council at Kilkenny; which order, together with the pope's bull, and several other letters of correspondence between him and his agents from Rome, Paris, and several parts of this kingdom, were found about him. The particulars of which letters (in order to the Irish affairs) are as followeth:

That the pope would not at the first engage himself in the sending of a nuntio for Ireland, till the Irish agents had fully satisfied him that the establishment of the Catholick religion was a thing feasible and attainable in this kingdom; whereupon he was content to sollicite their cause with Florence and Venice, &c., and also to delegate Farmano his nuntius to attend this kingdom; who, the said nuntius, after some delays in France, was at last expedited thence by express order from the pope; and he arrived at the river of Kilmora in a frigate of one-and-twenty pieces, six-and-twenty Italians of his retinue, Secretary Belinges, and divers regular and secular priests, October-22. The Irish are much encouraged with these supplies which he hath brought, the list whereof found about the archbishop is:

*Imprimis*, Two thousand muskets, four thousand bandeliers, two thousand swords, five hundred petronels, and twenty thousand pound of powder, (all which arrived in another bark by itself at Brook-haven, October 10.) together with five or six desks or small trunks of Spanish gold, the sum uncertain.

These letters likewise inform us, that the king's hopes are from the Irish nation, and if they desert him, he is like to be in a hard condition very speedily. Several other things they contain concerning Prince Rupert, Col. Legg, the king's losses at Bristol and Chester. Something there is also of the treaty of peace. Ormond (says one) is found a Machevilian. Dillon, Muskerry, Talbot, are for peace. *Conditionibus quibuscunque iniquis*, says another; our public affairs are *in via, non in termino*, says

a third. The propositions high, the answers high and sly. There are some mysteries of state in this business, which I cannot commit to paper. Yet morally certain it is, there will be peace, saith a fourth. It seems also there were some differences among the rebels themselves, as between Muskerry and Brown, insomuch that Brown is dispatched from Dublin to Kilkenny, between Castlehaven and Preston; insomuch that Father Scaramppe went from the supreme council to reconcile them. There was also a private letter of suspicious informations against Dominico Spinola, an agent in Ireland, wherein he is said to hold correspondence with the Queen of England in France, and to be a lover of their enemies.

*Prisoners at Sligo.*

Great Morah ne Dom. ò Flaherty, lieutenant-colonel, to Richard Bourk, cousin-german to the Earl of Clanrickhard, and his next heir.

John Gerdy, lieutenant-colonel, to Sir Tibbot Bourk, eldest son to the Lord of Mayo.

Richard Bourk, major, to Richard Bourk aforesaid.

Captain William ò Shaghmise, brother to Sir Roger ò Shaghmise.

Captain Garet Dillon, son to Sir Lucas Dillon, who saith that his father was shot in the thigh.

Captain Costologh, with divers other inferior officers.

The Titular Archbishop of Tuam was slain.

Captain Brown, brother of Geffry Brown the lawyer, who brought one hundred muskets from Galloway, was also killed.

*A true and fuller Relation from Ireland of the Service performed by the Men of Iniskillin, of Sir William Cole's Regiment and Troop at Lowthers-town, upon Thursday, November 27; 1645, about one of the clock in the night; wherein they did not only (by God's providence) rescue their prey, but having there routed a party of four or five hundred men of the Rebels, did likewise put the whole army of Owen Mac Arte ò Neale to flight, viz.*

Sir William Cole, upon Sunday morning, November 23d, received a letter from Sir Charles Coot, lord president of Connaught; who, to satisfy his lordship's desires, commanded his troop to march unto him, to be at Sligo on Thursday night, November 27th, to join in some expedition, by his lordship's orders, against the rebels in that province.

The greatest part of his troop, with their horses, were then in the island of Baawe, sixteen miles northward from Iniskillin, who, upon his notice, did march away upon Monday, November 24, together with almost all the foot soldiers of two companies of his regiment that quartered, with their cattel, and many of the cows of Iniskillin in that island, unto Balleshanon, which was their place of rendezvous.

The cornet of that troop, upon Tuesday, November 25, with about twenty horsemen, marched from Iniskillin to the westward of Loghern, with a resolution to lodge that night by the way, within fifteen miles of Sligo; but a little snow falling altered their determination, and so took their course to Balleshanon without appointment; God in his high providence, for the advancement of his own glory and our good, directing them thither; where, as soon as they got their horses shod, they were still hastning towards Sligo, whither sundry of their foot companies aforesaid on horseback rid before them; and a great part of the troop were advanced as far as Bun-



drowis, where the alarm overtook them, with orders to return to resist the enemy, to the number of four or five hundred men of Owín Mac Artes army, under the conduct of several captains, led by Roury Mac Guire in chief, who, upon Wednesday morning, November 26, being provided with two of our own boats by the treachery of one Bryan ó Harran and others of our bosom-snakes, protected Synons, had entered the said island of Baawe at the south end of it, and was burning, spoiling, preying their goods; whereín they prevailed, even to the stripping naked of all our women, plundering and taking theirs and our then absent soldiers cloaths, victuals, and arms away.

That party of our horsemen speedily returning to Ballehanon, whence with the cornet, the rest of the said troop, some of the foot soldiers on horseback, and Capt. John Folliot, accompanied with as many horsemen as he could make, hastened towards the north end of that island, which is distant from the south end thereof three English miles; but the enemy having driven the prey of cows, horses, and mares forth at the south end, our horsemen, with Captain Folliot, followed by Termon Castle, whence they marched thorough very inaccessible woods and boggs in the night, to the Cash, (distant sixteen miles from Bellashanny) being the first place that they could guide themselves by the track of the enemy and prey, which they still pursued with cheerfulness to Lowthers-town, where, overtaking them about one of the clock in the morning of November 27, 1645, their trumpets sounding a charge, they followed it home so resolutely, that after a fierce conflict, in a short time they routed the enemy, and had the execution of them for a mile and a half, slew many of them in the place, took some prisoners, rescued most part of their prey, recovered their own soldiers that were then the enemy's prisoners, with some of the rebels knapsacks to boot: which sudden and unexpected fright did so amaze Owen Mac Arte and his army, consisting of about two thousand foot and two hundred horse, (as prisoners do inform,) who, after they had made their bravado on the top of an hill within a mile of Tuiskillin in the evening of Nov. 26, to keep the town from issuing forth to resist or stay the prey, encamped that night at Ballenamallaght, within four miles of this town, that they all in a most fearful and confused manner ran away to the mountains, so vehemently scared and affrighted that their van thought their own rear were my troops; and their rear likewise imagined (those that escaped the fight by flight from Lowthers-town) to have been also my party that pursued them; whereby their mantles, cloaks, and all that could be an impediment to their more speedy flight, were cast upon the ground and left behind them; and so continued until they passed the mountains of Slewbagha into the county of Monaghan, where they are quartered upon the county Creaghts which lies from Arthur Blany's house, and from Monaghan Duffe, near the town of Monaghan, all along to Drogheda, consisting of the banished inhabitants of Tyrone, Ardmagh, Monaghan, and Lowth.

My troop returned with captain Folliot in safety (praised be God) without hurt of man or beast, save one horse of lieutenant Edward Graham's, that was shot and killed under him. And having put the said prey again into the said island, upon Friday November 28th, they marched to Bellashanny, whence again they came home to Iniskillin, on the north side of Logern, the 30th of November, 1645.

Among those that were slain, the grandson of Sir Tirlagh mac Henry ó Neal was one.

One captain killed. Two lieutenants killed.

And I find there is some man of more eminent note than any of these killed, but as yet cannot learn certainly who it is. Lieutenant Tirlagh ó Moylan, of captain Awney ó Cahan's company, taken prisoner, who, upon examination, saith, that Inchiquin hath given a great blow of late unto Castlehaven and Preston in their quarters near Yoghel; and also saith that the intent of this army was, that if they could come off

with our said prey without check, they purposed then to have besieged this town, and according as fortune favoured them, to have proceeded against the Lagan and other places of Ulster.

And yet I find by the answer of some others of the prisoners, that by direction from the supreme council of Ireland, this army of Owen mac Artes are to serve in nature of a running party to weaken our forces of Iniskillin, Laggan, and Clanebyes, by sudden incursions, to kill, spoil, and prey upon us upon all occasions of advantage, according as by their successes therein they shall assume encouragement to themselves to go forwards against us, but especially against Iniskillin, which they conceive is worse able to resist their attempts.

Capt. Folliot had sixteen horsemen, with four of Manner Hamilton's men, and four of Castle-Termon horsemen, that joined very fortunately in this service with my troop; for which God Almighty be ever glorified and praised by

WILLIAM COLE.

*Die Lunæ, 12 Januarii, 1645.*

Ordered by the commons assembled in parliament, that the committee of lords and commons for Irish affairs, do take care that the relation of the late good success in Ireland be forthwith printed.

H. ELSYNGE, Cler. Parl. Dom. Com.

---

*The State and Dignity of a Secretary of State's Place, with the Care and Peril thereof, written by the Right Honourable Robert, late Earl of Salisbury. With his excellent Instructions to the late Earl of Bedford, for the Government of Barwick. A Work worthy of Memory. Printed 1642.*

---

The original of the following treatise is to be found among the Harleian MSS. 305 and 354. It was written by that accomplished statesman Robert Cecil, Earl of Salisbury, who had the rare fortune not only to succeed his father Lord Burleigh in the office of prime minister, but to retain it under a change of dynasty, and enjoy under James, the same authority first intrusted to him by Elizabeth. As to the instructions to the Earl of Bedford, the publisher of the tract, not having chosen to use his eyes, has imputed to Robert, Earl of Salisbury, the letter in which they are contained, though really written by his father William Cecil, whose name is subscribed to it.

---

All officers and counsellors of princes have a prescribed authority by patent, by custom, or by oath, the secretary only excepted; but to the secretary, out of a confidence and singular affection, there is a liberty to negotiate at discretion at home and abroad, with friends and enemies, in all manners of speech and intelligence.

All servants of princes deal upon strong and wary authority and warrant, in dis-

bursements as treasurers, in conference with enemies as generals, in commissions in executing offices by patent and instructions, and so in whatever else; only a secretary hath no warrant or commission, no, not in matters of his own greatest particulars, but the virtue and word of his sovereign.

For such is the multiplicity of actions, and variable motions and intents of foreign princes and their daily practices, and in so many parts and places, as secretaries can never have any commission so long and universal as to secure them.

So as a secretary must either conceive the very thought of a king, which is only proper to God, or a king must exercise the painful office of a secretary, which is contrary to majesty and liberty; or else a prince must make choice of such a servant of such a prince, as the prince's assurance must be his confidence in the secretary, and the secretary's life his trust in the prince.

To deal now with the prince, *tanquam infirmum futurum*, cannot be a rule for a secretary; for all that he hath to trust to is quite the contrary, which is, that his prince will be *semper idem*.

All strange princes hate secretaries, all aspirers, and all conspirers, because they either kill those monsters in their cradles, or else trace them out where no man can discern the print of their footing.

Furthermore, this is manifest, that all men of war do malign them except they will be at their desires.

Their fellow-counsellors envy them, because they have most easy and free access to princes; and, wheresoever a prince hath cause to delay or deny to search or punish, none so soon bear so much burthen.

Kings are advised to observe these things in a secretary:

*First*, That he be created by himself and of his own raising.

*Secondly*, That he match not in a factious family.

And, *Lastly*, That he hath reasonable capacity and convenient ability.

On the other side, the place of secretary is dreadful, if he serve not a constant prince; for he that liveth by trust, ought to serve truly; so he that lives at mercy, ought to be careful in the choice of his master, that he be just *et de bona natura*.

If princes be not confident on those whom they have made choice of, they shall ill trust the work of a strange hand; and if the rule hath failed in some of those that have sinned in ingratitude to those princes, it is to those of the highest order, *ero similis altissimo*.

But, for those of private quality, who have no other consistence, nor can ever look for equal blessedness, there the jealousy of a prince hath never beheld suspect, but mere contempt.

As long as any matter of what weight soever, is handled only between the prince and the secretary, those counsels are compared to the mutual affections of two lovers, undiscovered to their friends.

When it cometh to be disputed in council, it is like the conference of parents, and solemnization of marriage; the first matter, the second order; and indeed the one the act, the other the publication.

If there be then a secretary, whose state can witness that he coveteth not for profit; and if his careful life and death shall record it, that love is his object; if he deal less with other men's suits, whereby secretaries gain, than ever any did; if he prefer his majesty, and despise his own.

If such an one should find that his hope cannot warrant him, no, not against the slanders of these wicked ones, whom he must use only, then surely that secretary

must resolve, that the first day of his entry is the first day of his misery; if he be not worthy of trust, he is less worthy of life; and a suspicion of a secretary is both a trial and condemnation, and a judgment.

*Mr Secretary's Answer to the Earl of Bedford.*<sup>1</sup>

SIR,

I am sorry, that I find in myself, that I am neither able to satisfy your lordship's request nor my own desires; and yet yourself, perchance, will better accept my doings, then I shall myself allow them. Your lordship would have me, by your letters, give you advice for your affairs and service there. It cometh of your too much good opinion of me, that your lordship thinks me able thereunto, which, surely, I am not: and though my desire be to do this, as you would, yet cannot I satisfy myself as I would; and, if I should spend any words to declare my own inability, your lordship would not like them; and, to enterprise to do that which I know not, I am not therein like myself: Yet, notwithstanding, I had rather please your lordship with my folly, than altogether myself with silence. If I write foolishly or unseasonably, the lack is mine; but the occasion of my fault is your lordship's. I heard so good report of your doings, the best is, I can give you, to go forward, and countenance your own example; and the next advice thereunto is, that when you see one day coming, to amend the day past; my meaning is, to have you, in all your actions, do as all other natural things do, and most plainly. Things growing, which daily, from time to time, do increase; whose example, if a man would follow, he should, as his body groweth in age, so see his wit with knowledge, his conditions with virtues, should amend; and, as we do live we grow towards death by moments of time; so should we grow towards heaven, by multiplying of virtues and good gifts. You see I am at the *first step of divinity*; and so might I seem, to many others of your estate, to be of small discretion to fall in preaching to him that must be occupied in musters, with looking to fortifications, and such-like worldly affairs. But, my lord, I know to whom I write; to him who considereth between things worldly and heavenly; to him that knoweth the fear of God is the beginning of wisdom; and therewith I end.

Now to your external care; where certainly God is served and pleased with them that accomplish the same to their powers; and, if wisdom lack, they may ask it of him, who hath the treasure of wisdom and goodness. Your lordship hath there a great charge of government; I know you think yourself unmeet thereunto, especially in knowledge; and surely to know that amendeth your ability; for more hurt comes of men's securities and presumption of wisdom, than in mistrust. It is a good thing for you to bethink yourself of some nobleman, whom you have either read or heard, whose doings have been worthy of commendations in such service as this.

And to make a pattern and example to yourself, daily in your doings, practising the imitation of him throughout all your life; and, in this point, may you choose many noble properties of your own natural good father to follow: whereunto nature shall bend, and make you soonest inclinable. If you have heard of any nobleman famous in justice, not being led by affection on the one side or on the other, not being strict in severeness of law, it were good to follow him. If, also, you have heard the same to be merciful, to have had compassion on others in adversity, and willing to end all causes with quietness and charity, the example will be good. You may also propound to yourself the example to follow such a one as hath liberality in expences, without

<sup>1</sup> The person addressed is Francis, second Earl of Bedford, who, in the 6th of Queen Elizabeth, was constituted governor of the town and castle of Berwick upon Tweed, and warden of the East Marches.

prodigality, remembering, that the property of virtue is, to continue in well-doing; and, therefore, to hold the mean is hard. As certainly in these, or other like virtues, you shall see the fault on both sides so nigh standing to the virtues, that, unless you keep yourself in your doings very upright, it is easy to err on the one side or the other: As for example; in your expences, if you keep not a measure in your giving, you shall fail on the one side, and shall lack to give when most gladly you would give: On the other side, if you forbear to give where you may and when you ought, then do you, as the scripture saith, "Heap up stones for your grave." The like is in the virtue of justice; wherein it shall suffice to remember of one Byas, that, when he had given judgment on one, wept himself; and, being asked of the cause, he said, in weeping I satisfied nature, in my sentence, the law; his pity was natural, and hindered not justice; his justice was lawful, and not unnatural. Thus I might spend your lordship's time in reading a long and weary letter, if I would continue in that moral advertisement, I will, therefore, draw more to particulars of your charge; and, as I guess, thereby more aptly to satisfy your lordship's request. The foundation of your services there is your commission, and under seal of discharge; the force thereof is the end of your charge: Wherefore you shall do well by frequent reading and consideration thereof, to understand it well, and keep it in memory; for which purpose it shall be expedient to have some conference with some learned man in the law, for the behalf of the law; and of some other discreet men, for the execution of the same. In like case, this know, as you see time convenient, so you may perform the commandments.

But methinks you wilt say, I took upon me the easiest parts of advertisement, that is, to do discreetly; but shew you not how, but remit you to others; and then will you think that I do, as one that may bid a sick man be whole, be quit, shake off your sickness, but how to do he teacheth not.

Forsooth, my lord, my excuse is two ways; first, I know not your commission, and that you know is true; next, if I did know it, yet I have no such knowledge (especially in law) to inform you withal more particularly than I do; but these, I think, content you not, for you will (according to your old mirth) call this a reason that cometh from Colliweston; and, therefore, to keep you occupied with scribbling, I will follow on with a hotch-potch of sentences.

In your commission, I think, many things be committed to your discretion, which maketh the burthen greater than if you had been expressly commanded what to do; therefore must you needs consider what is meant by discretion; which, as we term it in our language, seemeth to be a knowledge to discern and judge one thing from another. And this part, truly, is properly pertaining to wisdom; for, before a man can discern, he must know it; and he that will perform this part must measure and judge of these things: and therefore, before you shall conclude of any thing of weight, you must discern often thereupon; and, before you can do that, you must know the thing that is discerned; and then, for the election of these, it is very profitable, to imagine a pair of balances, and in the one to lay reasons on the one side, and in the other to lay the contrary, and then judge which is the heaviest; I mean, which balance hath the best reasons, not the most.

And, touching your own person, see things pertaining thereto be meet for the place which you keep; neither too negligent, neither too curious; to the one of these peradventure you are more subject than to the other, and, therefore, you must regard yourself the more.

Your household must be governed as it may be an example of virtue to others, and an ornament to your office; let your officers have good ancient rules for order, and see they be not neglected; you must order yourself so with the same as your servants may know you are acquainted with their doings; and yet not seem to strangers to

meddle therewith. If you have cause to blame your officer, and have a mind to keep him, do it secretly, that he may know his fault, but not be known to the servant underneath him; in any wise cause not idleness to remain among your people; let not your servants exceed in apparel their degree, for the charge at length will be to your purse or estimation; let them understand, that you love them best who live best in order; and them next who live nearest order; and them nothing at all who live far from order; let them, which do well in your house, feel both your love and reward.

At your table, let no matter of princes affairs, or princes regiments, be disputed; nor of religion; for meat and drink requireth meaner talk; to keep men occupied of the common talk of the country, or other honest merry talks. Lastly, note, let Job serve in his degree,<sup>a</sup> your lordship can well enough, with a few questions, set men occupied in talk.

For your fare (your lordship must give me leave to be bold) I can very well like, that, in respect of your degree, your service be both in order and service honourable, and in substance plenteous, and in art curious; but, considering the prouess of this age to excess, I can best allow the first without the last: And in any wise whatsoever you shall like do in other places, let not your orders belonging to your estate (especially in common assemblies) at your table be neglected; and if your table be also plenteous, it is also serviceable for the poor; but the last, to have many devices of counterfeit meats, and also spiced, maketh waste in the household, gaineth little, giveth ill example to be followed, and is not wholesome to your guests, and, in the end, serveth small to hospitality.

Now for the usage of men there in those parts, as you find them at your coming, so as little as you may seek to alter their estate, (unless you see some cause,) let it not appear you use any man with singular affection above the rest, and yet you may use (indeed) as you see cause, men either for wisdom, or credit, with respect of others envies, not them whom you shall make choice of.

In your consultations give every man leave to speak, and bear with their lacks, so that you make choice of the best; do what you can to make every one live according to his own estate; the gentlemen to live of their own without reproach; and, if you see any young gentleman towards wasting, confer with his friends, for the stay thereof; especially if his be of any continuance; likewise see that poor men have their right, not for importunity of clamour, but for pity and truth.

Touching the lawyers of the country, esteem them of learning, see they lack not too much honesty, but in no wise seem to favour these demy-lawyers, except you see perfection of honesty, for in all countries they have least skill and do most harm.

Do what you can to make the gentlemen accord amongst themselves; and to extinguish old factions, either by some device of marrying, or by redemption of titles of lands, or such like incumbrances, which commonly be the seeds of discord. For termination of poor men's suits, remit them (as much as you may) to indifferent arbitrators to end; do not intermiddle therewith yourself, for so shall your labour be bot-tomless.

Whilst you be in that country (if you take any servants) let them be gentlemen's sons, and, if you may, their heirs, that, by their education with you, they may know you and yours.

Set up artillery, and neglect not the game of wrestling; let there be frequent games, as shooting, running on horse and foot, and wrestling, in my country, have been used always for such purposes; and in this behalf I mean not to have you induce new

<sup>a</sup> The application of this phrase seems obscure, but I presume refers to the patience with which a great man must sometimes endure frivolous discourse; or it may have some reference to the modern use of the word *job*, of which the etymology is obscure.

devices in that country, if they have others of their own. But some might ask me this, is this the true use of holy-days forsooth? Touching that part of the day, where the civil magistrate hath power, I think it not much amiss; but, for the time the ecclesiastical minister doth appoint to pray and teach a sermon, I think it not meet to be put to this use. But therein I will not much dispute, for it belongeth to divinity, whereunto your commission extendeth not; for hereof the bishops and others have their charge.

Surely, my lord, it would be time now to leave my scribbling, lest I shall be like the singers, who are dainty to begin, and know not when to leave; I think your lordship shall be weary of reading, wherefore I will leave with a few lines like to my beginning.

Your doings here have deserved praise, see you continue your distance; so far of your acception here I mean as I know. You were wont, and have professed unto me, that is, to serve uprightly and truly, and to do therein as you can, and then may you be bold of praise; and if you miss of that, yet of no dishonour; for nothing un-deed is honourable but well-doing: The weal of your country (I mean the quietness of such as you have authority to govern) is your mark; shoot thereat, guiding your purpose with the fear of God, and so shall you gain the love of God and man. If you do sometime (as you see cause) advertise the queen's majesty of the good estate of that country, and of the gentlemen there (so it be by short letters) referring, if you have any long declaration of things, to your letters to the privy-council: If any thing to be misliked, or tedious to be advertised, procure others also to write thereof, and in no-wise write thereof alone: For, you know, fortunate things are welcome from any man, but how the contrary may come from you you may doubt.

It is full time for me to end my folly, and your lordship to end your labour; beseeching you to make my will, in satisfying your request, answer the other lack fault: And that I may be humbly remembered to my lady, to whom I acknowledge much duty, and am ashamed of my small deserving of her great goodness to me wards.

From my poor house at Wimbleton.

WILL. CECIL.

*A most certaine and true Relation of a strange Monster or Serpent, found in the left Ventricle of the Heart of John Penmant, Gentleman, of the Age of 21 Yeares By Edward May, Doctor of Philosophy and Physick, and Professor elect of them, in the College of the Academy of Noblemen, called the Musæum Minervæ: Physitian also, extraordinary unto her most Sacred Majesty, Queene of Great Britany, &c. 1639.*

To the Right Honourable Lord and highly renowned Peere of this Kingdom, Edward Earle of Dorset, &c. Knight of the most Noble Order of the Garter, Lord High Chamberlaine unto her most Sovereigne Majesty, Queene of Great Britaine, &c. and one of the Lords of his Majesties most Honourable Privy Councell.

Edward May wisheth all health and glory.

My Lord,

For this treatise I seek no patronage, for if the relation and the author cannot defend themselves, let them both suffer. A swallow flies better than a swanne, though his wing be lesse: And one little diamond will buy 17 of those stones that were drawne to St Pauls church of 17 tunnes: yet whether this description of mine be good or great, worthy or otherwise, it is not dedicated to your honour as a matter presuming towards your worth or presence, but as a publick obligation in the face of the world, of my future and more solid gratitude: You have honoured me before the noble peeres and highest councillors of the kingdom: You have otherwise done me real favours; what am I, or what is in me that you have not conquered? and not by these benefits to me only, but these many years my observations of your most noble nature, your more than human partes, your vast and incredible comprehension of all things, both essentiall and accidentall to your place and dignity. Your intumerable merits, and that universall acclamation of all men whatsoever, have made me more your humble servant than you know, and when after a short space God shall give me to sit a little quiet, tending mine own affairs, your lordship shall see, not by my writings but by my doings, that I am more your lordships then any French or thrice devoted servant.

*A Preface to the Reader.*

What my designs are in the publishing of this history, the reader may find every where in it to be no other than the conservation of the workes of God and nature, and preservation of men: But for the printing of it in English, I have neither end nor intent: For these two years it hath been neglected by me, and perused up and down in the hands of the best and best learned, who have desired satisfaction touching so rare an ostent: for the young gentleman in whom it was found, deceas'd the 6th of October, in the year of our Lord 1637. My intention in this description was for the



continent, and not for our islands only, wherefore I stayed my hand till some opportunity to publish some other Lattine treatises of my own with it; which many yeares have been desired: But now this being still out of my hands, and licenced for the presse before any notice given me, for the satisfaction of our own nation, and for the benefit of them who desired the printing of it, I have freely given way to pleasure any who shall desire to read it: wherefore, if platonick and specificall ideas do correspond, and the readers honest mind answer my sincere truth and good wishes, I have my end.

### The Contents.

- § 1. The Preface.
- § 2. The History itself.
- § 3. The occasion of this description: and who were present.
- § 4. How Hippocrates and the ancients are to be understood, who said that the heart was not subject to any disease, as also an enumeration of diseases of the heart.
- § 5. How such monsters are begotten or bred in the heart.
- § 6. That these strange generations are caused by the temperament individuall.
- § 7. What light and help men may have by such relations, and such resolution of this difficulty as in the former paragraph is set downe; and how that in latent causes some exteriour signature, or beames, discover the disease.
- § 8. That all creatures, things in the world, and diseases, have their radij, as well as the starres of Heaven: provided by Friar Bacon, and that most learned philosopher Alkindus, and by reasons and experience, and that there is no action but *per radios*, and that there is no action *immediate suppositi*, but onely *immediate virtutis*.
- § 9. How some phisitians have prescribed against such diseases
- § 10. One reason why these occult maladies are so seldome found, and never cured, the many benefits of frequent dissections.

To the Right Worshipfull Sir Theodore Maiherne, Knight, Chief Physitian unto his Most Sovereigne Majesty, King of Great Brittain, &c.

Edward May wisheth all health.

### § 1.

SIR,

Among those many favours you have afforded me, your private, sweet, most familiar and long colloquies with me have been singular; while you, laying aside important affaires, out of an admirable candour and love to learning, (in which few excell you,) vouchsafe sometimes to treat with me concerning occult philosophy and most sacred medicines; in one of which meetings, as I had laid open what I had found in the sinister ventricle of the heart of a young gentleman, which you desired me to describe while the species were yet fresh in my memory, as others many both phisitians and friends have done also: so here I have done it; and do first communicate it unto your selfe, as a small *recompensio* of my certaine knowledge of your great and admirable perfections in many sciences necessary to him who is phisitian to princes, and of my singular estimation of them; as also to sow some seeds of future discourses, both new and worthy of that saving and divine magick which we both professe; well knowing

that good use may bee made of this history by all physitions; and profit unto many, as I have partly declared in the subsequents.

It is an ostent and prodigy, strange and incredible, which I am to paint; and if in many physitions of best esteeme and sincerity I had not found relations very like it, mine owne heart would not have given credit to mine own eyes and hands when first I found it. But you have found one like it in the heart of a noble lord; but when you have seen this, I shall know whether so grown, or of this forme, or otherwise: Let the vulgar and ignorant believe it, or not believe it, physitions and knowing men (as you do) will receive it; and, therefore, briefly the certaine history and true relation is this.

§ 2.

The seventh of October this yeare current, 1637, the Lady Hennis, wife unto Sir Francis Hennis, Knight, came unto me, and desired that I would bring a surgeon with me, to dissect the body of her nephew, John Pennant, the night before deceased, to satisfie his friends concerning the causes of his long sickness and of his death; and that his mother, to whom my selfe had once or twice given helpe some yeares before concerning the stone, might be ascertained whether her sonne died of the stone or no? Upon which intreaty, I sent for Master Jacob Heydon, surgeon, dwelling against the Castle Taverne, behind St Clements Church in the Strand, who with his man-servant came unto me; and, in a word, we went to the house and chamber where the dead man lay. We dissected the naturall region, and found the bladder of the young man full of purulent and ulcerous matter; the upper parts of it broken, and all of it rotten; the right kidney quite consumed, the left tumified as big as any two kidneys, and full of sanious matter; all the inward and carnosse parts eaten away, and nothing remaining but exterior skins.

No where did we find in his body either stone or gravell. The spleen and liver not affected in any discernable degree, only part of the liver was growne unto the costall membranes by reason of his writing profession.

Wee, ascending to the vitall region, found the lungs reasonable good, the heart more globose and dilated than long; the right ventricle of an ashe colour, shrivelled and wrinkled like a leather purse without money, and not any thing at all in it; the pericardium and nervous membrane, which conteyneth that illustrious liquor of the lungs in which the heart doth bathe itself, was quite dried also; the left ventricle of the heart being felt by the surgeons hand, appeared to him to be as hard as a stone, and much greater than the right, which, upon the first sight, gave us some cause of wonder, seeing (as you know) the right ventricle is much greater than the left; wherefore I wished M. Heydon to make incision, upon which issued out a very great quantity of blood; and, to speake the whole verity, all the blood that was in his body left was gathered to the left ventricle, and containd in it.<sup>4</sup>

<sup>4</sup> Here those men may be handsomely questioned, who say that the pulse is nothing else but the impulse of blood into the arteries or the systole of the heart. What was become of the pulse in this man all the while that the whole blood betook itself into the heart? Here was either a living man without pulse, or pulse without the systole of the heart; for what could the arteries receive where nothing was to be received? Or how could there be pulse where there was no impulse into the arteries? The pulse then doubtlesse is from another cause, and is a farre other matter than most men conceive; for there are in a sound man 4450 pulsations in an houre, in a sick man sometimes, in some percute fevers and diseases, above 3500, and more, which cannot be from so many severall expressions and receptions of blood; for it is impossible the heart should make compression, and the arteries apertion, so often in that space: Nay in *Dicrot. Caprizant*, and other inordinate pulses, diverse pulses strike in lesse space than the open mouth of an artery can goe, much more than in lesse times than it can open, shut, and open againe, which three acts are requisite to the beginning of a second pulse. But of this I have largely treated in my 3d Booke *De Febribus.*—*Orig. Note.*

No sooner was that ventricle emptied, but M. Heydon still complaining of the greatnesse and hardnesse of the same, my selfe seeming to neglect his words, because the left ventricle is thrice as thicke of flesh as the right is in sound men for conservation of vitall spirits, I directed him to another disquisition; but he, keeping his hand still upon the heart, would not leave it, but said again that it was of a strange greatnesse and hardnesse; whereupon I desired him to cut the orifice wider, by which meanes we presently perceived a carnouse substance, as it seemed to us wreathed together in foldes like a worme or serpent, the selfe same forme expressed in the first *Iconography*; at which we both much wondred, and I intreated him to separate it from the heart, which he did, and wee carryed it from the body to the window, and there layed it out in those just dimensions which are here expressed in the second figure.

The body was white, of the very colour of the whitest skin of man's body; but the skin was bright and shining as if it had beene varnished over; the head all bloody, and so like the head of a serpent, that the Lady Herris then shivered to see it, and since hath often spoken it, that she was inwardly troubled at it, because the head of it was so truly like the head of a snake.

The thighs and branches were of flesh colour, as also all these fibraes, strings, nerves, or whatsoever else they were.

After much contemplation and conjectures what strange thing that part of the heart had brought forth unto us, I resolved to try the certainty, and to make full exploration, both for mine owne experience and satisfaction, as also to give true testimony to others that should heare of it: and thereupon I searched all parts of it, to finde whether it were a pituitose and bloody collection, or the like, or a true organically body and conception. I first searched the head, and found it of a thicke substance, bloody and glandulous about the necke, somewhat broken (as I conceived) by a sudden or violent separation of it from the heart, which yet seemed to me to come from it easily enough.

The body I searched likewise with a bodkin betweene the legs or thighs, and I found it perforate, or hollow, and a solid body, to the very length of a silver bodkin, as is here described: at which the spectators wondered, and, as not crediting me, some of them tooke the bodkin after me, made triall themselves, and remained satisfied that there was a gut, veine, or artery, or some such analogicall thing that was to serve that monster for uses naturall; amongst whom the Lady Herris and the surgian made tryall after me with their owne hands, and have given their hands that this relation is true. This lady dwelleth at the signe of the Sugar Loafe, in St James Street, in the Convent Garden.

## § 3.

This strange and monstrous embryo borne in the said ventricle, which, as Hippocrates saith, is nourished neither with meats nor drinks, *Sed pura et illustri substantia*, taking aliment from the blood purified out of the next cisterne, made mee (imperturbed with other occasions then) to leave this new and rare spectacle in the charge of the surgian, who had a great desire to conserve it, had not the mother desired that it should be buried where it was borne, saying and repeating, As it came with him, so it shall goe with him; wherefore the mother staying in the place, departed not till she had seene him sow it up againe into the body after my going away.

Which as soon as I heard, I presently described the forme of it at home, *inter rariora à me reperta*. And thus this history had alwayes beene buried from the world, (the mother having thus buried the creature) if your selfe and others had not desired a figure and narration of it, which caused me to take the hands and mindes of some of

them who were present, who being nearest the young man, were most likely to say the best, and therefore, being besides people of good fame and reputation, might be credited; considering that they would say nothing at all, either against their own house or against verity, more than what apparent and cleare truth should necessitate them unto; which, from themselves and under their hands, here I have done.

There were also divers others, such as dwelled in the house, and some that came in, who beheld it, after whom I have no leisure to enquire; but such who will scarce believe their creed, or any true man's word, or that men have senses, (which have alwaies bene reputed incorrupted witnesses,) may go into the high buildings upon the street in Saint Giles parish, and at the corner house next the Greece Dragon, where the young man died, they may make further inquisition.

Since which time the mother hath removed her selfe into Bloomesbury, neare unto the house of one Master Nurse, who directed me to her lodgings, a man well knowne in all that region.

Mistris Gentleman dwelleth neare unto St Clement's Church in the Strand, and the chirurgeon or his man can direct them to the house.

Moreover, that day all of us that were present at this sight related to our friends, wives, or husbands, what we had found, as they will testifie.

The history, therefore, being verified by as much testimony as humane perswasion need require; except nothing but oath will content some, which, if it shall be found necessary to authority, it will most readily come forth also and obey. It is most requisite that something be said of this or any such like matters generated in man's heart, both for the manner of their generation and the way of their cure, and by what means such rare and incredible causes of death may be found out in time and taken away.

## §. 4.

Such matters as these were worthy of your selfe and a man of your long experience. Yet because this strange generation was found by me, I will consult with your learning, rather then by any hasty resolution determine and discourse a little to state a question of no small difficulty; since Hippocrates first hath given the occasion, which was this, *Cor nullo morbo laborat*; the heart laboureth of no disease. And Prince Avicen, *cor longinquum a nocumentis*; the heart is far remote from dangers. And yet, contrary to these, very many physitions enumerate these diseases of the heart; the *marasmus*, *syncope*, the *cordiack* passion, *lypothermy*, *apostems*, *ulcers*, *botheralia*, *corrosion of sublimate*; and I dare adde, diseases which afflict the heart by reason of distillations from the head in some who have had the unction. Tremors also and palpitations of the heart, as Peter Ebanus in his booke *de Venenis*, and the *paralysis* of the heart, as old Aurelianus in his second booke of *Slow-passions*. After Hærophiylus and Erasistratus have observed.

And now of late Skinkius and others have found worms in *cordis capsula*, which is the *pericardium*. But I speak more precisely and punctually, that now in the left ventricle of the heart this worne or serpent hath bene found; which the mother of the young man saith, was at least three yeares growth, for so long he complained of his breast, and, as shee saith, would never button his doublet in a morning, but be open breasted in all weathers, till he had washed his hands and face, and was subject to palpitations.

Now then, that wee may judge whether Hippocrates and Avicen direct their speeches, these reasons are to be admitted:

1. First, from the situation of the heart, *in medio medij pectoris*, saith Avicen, in the middle of the middle of the brest: which mathematically is not true: for so the basis

or upper part, or *caput* onely, is placed in an equidistance from the *diaphragma* (the inferior *furcula*;) and the *Claviculae*, (and *furcula superior*) and betweene the *vertebra* of the backe and the *anterior Sternon*.

2. The second is, that the heart dwelleth in a strong pannicle, and such an one, <sup>Hipp. l. de Cord.</sup> that *non invenitur panniculus compar ei in spissitudine, ut sit ei clypeus et tutamen*: that no pannicle is comparable unto it, that it may be a shield and defence unto the heart.

3. Thirdly, Avicen addeth, that the heart it selfe is created of strong flesh, that it may be *longinquum a nocuentis, in quo contexta sunt species villarum fortium*: diverse strong strings admirably woven together do bind and strengthen the heart, and give it aptitude for motion, and yet resistance. Hippocrates long before Avicen saith the same, and things of greater consequence: *Cor est musculus fortis, &c.* The heart is <sup>Hipp. ubi supra.</sup> a strong muscle, *non nervo, sed densitate carnis et constrictione*: not by his nervous nature, but by solidity of flesh and constriction: and in the heart there lye hidden diverse skins like spiders webs extended, which do so bind and shut the endes of the aorts, that no man ignorant, knows how to take out the heart, but will take up one for an other. Neither can water or wind penetrate into the heart: and more; *Cor tunicam habet circumdatum, et est in ipsa humor modicus, &c.* *Ut cor sanum in custodiâ florescat: habet autem humiditatem tantam quantâ satis est astuanti in medelam: hunc humorem cor emungit bibendo ipsum assumens et consumens, pulmonis nimirum potum lambens.* He speaks further of the cover called the Epiglottes, that nothing may enter that way but what is convenient: so that seeing the heart is fortified with such strength of ribs, with such covers, such skins, such fortitude of substance, such density of flesh, such excellence of liquor, such curious filaments, that nothing can enter, hurt, or come neere the heart to make it sicke; but that it is able to defend it selfe, both by its owne situation, strength, and happy condition in very many respects, and keep out or put backe whatsoever also by force shall come neere unto it: it remaineth that the heart is not, neither can be, subject to any disease, or at least not easily.

Yea those other men who enumerate the diseases of the heart, grant, as chiefly Valescus de Tharenta, and the Arabians all confesse that a *syncope* hapneth, or else death, as soone as any disease approacheth, or hurt toucheth the substance of the heart; also Avicen, Petrus de Ebano, relate that the forementioned diseases kill as soone as any of them touch the substance of the heart: so also Herophylus confessed that sudden death followed if a paralysis once surprized the heart: and for *bothors* or *phlegmo's*, or *erisipelas*, or the like, they say that they are diseases of the heart *initiativè* only, and not *subjectivè*, to dwell there any time.

And indeed I am fully perswaded that the heart suffereth a *marasmus privative*, by negation of due transmission from other parts, rather then that *marcor* should follow *ad cordis substantiæ ariditatem*; for if any part have good substance in it, the heart hath: and therefore Hippocrates saith, that *quando fontes resiccati fuerint homo moritur*; that the ventricles have the last humidity in them: wherefore Galen seemeth to desert his master in saying *a cordis ariditate incipere malum, viz. veram senectutem et interitum naturalem*. Whereas hee should have said the contrary, that the aridity of the heart followeth the desication and want of due transmission of other parts: yea, if I may speake my minde freely, Hippocrates is not to be taken simply, that the heart cannot be any wayes affected, but perhaps in the sense of Galen, that the heart suffereth little or no paine by reason the substance of the heart hath but little sensation, having but one little nerve for feeling from the sixth conjugation, and that is somewhat obscure also. Or if hee meane, as indeed I am sure hee doth, that diseases doe not affect the heart, hee is to be understood that ordinarily they doe not, but very seldome, by reason of the carnos parts, *Cor solidum ac densum ut ab humore non agrotet, et propterea nullus morbus in corde abortitur, caput autem et splen maximè sunt morbis abnoxia*, his speech is evidently comparative; else wee see very often that which hee never saw in

all his long life and experience: and indeed we see now very frequently the heart affected with imposthumes, with wormes, with abscesses, with fleamy concretion both in the eares of the heart and ventricles, yea, and now with a serpent: and yet men live divers yeares with them, and many other diseases both *per essentialiam et consensum*, all kinde of distempers both equall and unequal, of which the ancients have left no memory nor mention unto us, with which the books of late physitions are replete. Wherefore the propositions of the ancient physitions must have a friendly interpretation, or else men's hearts now a daies are more passible and obnoxious into diseases then in former ages, which by me as yet cannot easily be admitted: wee are forced, therefore, to conclude, that the heart *per essentialiam et primarid et subjectivè* may be afflicted with a disease and cause of death, and it cannot otherwise be conceived, seeing such creatures are begotten in it; yet doubtless exterior diseases kill sooner then innatè.

## § 5.

But this then begets a greater question, how this monster or such as this should bee begotten or bred in the heart, so defended, as hath beene said, more than all the body, and in the most defended part of the heart, the left ventricle, three times thicker of flesh and substance then the right, as also of what matter, seeing that cell is possessed and replenished with the best, purest, and most illustrious liquor in the body, the blood arteriall and the vitall spirits?

There are who conceive that previous passages may be found for little wormes and the like to enter into the heart; but they must give a better way then any that I have yet seene doe, as also the wormes must be very little. Others say, that such matters are caused by the ill habit of the heart; by which, if they meane the substance of the heart, it is not to be received, till the heart hath beene hurt by ill distributions and transmissions, which in our case is otherwise: for halfe of the heart, the left ventricle, (the matrix of this serpent) was solid and still good: wherefore it is not in the ill habit of the substance.

Others thinke that those wormes, which create sometimes the *mal della luna*, as the Italians term it, living in the *pericardium*, and gnawing the heart: of which there are innumerable stories.

*Hebenstrait lib de peste* telleth us one, of a prince to whose heart a white worme was found cleaving with a sharp and horny nose.

*Alexius pe demont anus, lib. 1. secret.* telleth us of another: and so *Math: Corvar: lib. 2. c. 28. consult. med.*

In Stowe's *Cronicle ad annum 1586* of Q. Elizabeth, a matter of this nature in an horse is recorded as a memorable thing in these wordes:

"The seventeenth day of March, a strange thing happned, the like whereof before hath not beene heard of in our time. Master Dorington of Spaldwick, in the county of Huntington, Esquire, one of her majesties gentlemen pensioners, had an horse which died suddenly, and being ripped to see the cause of his death, there was found in the hole of the heart of the same horse, a worme which lay on a round heape in a kall or skinn, of the likenesse of a toad; which being taken out and spread abroad, was in forme and fashion not easie to be described: the length of which worme divided into many graines to the number of fifty (sprèd from the body like the branches of a tree) was from the snout to the end of the longest graine seventeene inches, having four issues in the graines, from which dropped forth a read water: the body in bignesse round about was three inches and a halfe, the colour whereof was very like a mackerel. This monstrous worme, found in manner aforesaid, crawling to have got away, was stabbed in with a dagger and died; which being dryed, was shewed to many honourable personages of this realme."

If this horse-worme or serpent be chronicled, how much more may this be memorialized for posterity? or that which you have, or that which you told me was found in the heart of the Lord Boclew?

By reason these were found in men, that in an horse; and this found by me of greater length, and more certain forme, than that which they could not tell how to describe.

As also those peeces of black flesh-generated in the left ventricl, of which Benivenius historizeth one, *C. 35. de abditis*, in forme of a medler, upon the artery; and *Vesalius, lib. 1. c. 5. de humani corporis fabrica*, speaketh of a most noble and learned personage, in the left ventricl of whose heart two pounds of blacke glandulous flesh were found; the heart extended like a pregnant wombe.

Yea and those *pituotose* carnosities and other matters, so often scene in the left ventricl, by *Neretus Neretius*, that famous physitian of Florence, and *Erastus*, part 5. *disputat. de feb. putrid.* may be generated in the *pericardium*, either by drinke of ill condition sliding into the *trachea*, and so into the arteries, and the heart: and sometimes some small seedes or attomes of creeping creatures; which *Cornelius Gemmal* setteth forth sufficiently, and historiseth many strange matters in this kinde, as some to vomit yeeles and serpents of strange formes: and it is a common saying of the *Pedemontanes*, and such as drinke the waters of the Alps, that every such man borne hath a frog to his brother. Such things may passe into the stomak, but rarely into the heart.

*Cornelius Gemmal de Naturæ divinis characteribus.*

§ 6.

But that which I have to say is this; that these strange and extraordinary generations are caused from the temperament individuall, for you well know that there is a double temperament; the one specificall, the other individuall; the one is *fixum* and unalterable, the other is *temperamentum fluxum*, and accidentall.

As for the specificall temperament, although the vitall acts cease, yet the specificall act is never changed; for you see that the parts of this or that animall, retaine their specificall vertue when they are dead: as herbes, or those parties of herbes, as leaves, seedes, or rootes, keepe their property, and retaine their owne heates or savours, when they are cut away, or taken up from the ground: yea, and there are certaine specificke attoms which always continue after putrefaction and extreame drinesse in the fixed salt.

*† Sunt igitur solida primordia simplicitate  
Quæ minimis stipata coherent partibus arcte,  
Non ex utrorum conventu conciliata,  
Sed magis æterna pollentia simplicitate:  
Unde neque avelli quidquam, neque deminui jam.  
Concedit natura reservans semina rebus.*

This temperament is proper to every creature: for man hath his temperament, the lyon his, hysop his, and the rose his owne: for God made every thing, *secundum species suas, et in genere suo producat aqua in species suas, et omne volatile secundum genus suum.*

*Et Deus fecit bestias juxta species suas et omne reptile terra in genere suo et producat terra animam in genere suo, &c.*

Wherefore the specificall temperament of *Socrates* doth not differ from the temperament of *Hippocrates*, *Plato*, *Cato*, or any other man: which may be well put against *Aristotle*, who thought the soules of men did differ in nobility one from another: which difference can no way be founded upon the temperament specifically,

*†* *Lucret. lib. 1.*

but rather upon the individuall, which is but the accidentall constitution of the individualls of the same species; which followeth some peculiar determination of the horoscopant; or else upon some other special helpe, or hinderance; as from the singular scite of Heaven, ascension of starres, aspect in flux, the aliment of parents, either more or lesse elaborate; and many other matters every creature borne hath according to the felicity or infelicity of his generation; especially man, who of all other creatures is nourished with most variety of meates and drinkes. We also see every day that such men are more hot and vivacious, who are borne either in the starres of Leo, or the Sun Orientall: they also to be of more succulent habit who are born within the second *quadrante* of the moon: and such to be least vital who are born in the silence of the moon: herbs also gathered, moon decreasing, have lesse force: and the very soile often doth either so augment, or dwarfe plants and herbes, and give them such strange conditions, that they are found degenerat, and scarcely the same herbes. As for the prolifick matter, it breedes (as physitians say) a male or female, as it is more or lesse concocted. There are also diverse conjunct matters, which helpe or hinder generation, as such matter doth which differeth much *a punctis specificis*, or *à semine*, for the *sperma* may be much, which is *materia augmentativa*, but the seed is so little of which a giant is generated, that, as *novum lumen* saith, it can be no greater at first moment of conception, than in proportion to the 8200 part of a grains of wheate; which confirmeth that of Aristotle, that the fortieth day after conception, *homo formicid non major*; from which augmentative matter it is (which is made of various and alterative aliment) that children differ so much from both their owne parents; hence one sweates and sweares at the sight of a cat, and another forsakes the table at the sight of a pigge or goose. The reasons of which antipathies and diversities are founded in the latent matter spermatike, as if the mother of one, somewhat before her soune was begotten, had eaten a mouse, and the other fed upon the eares of a Jew.

All which is said to illustrate, that there is in many men a certain connate matter and obedientall, susceptible of divers diseases and infelicities; wherefore it was not so anciently, as worthily said, *Felicissimum est bene nasci*, it is a most happy thing to be well borne.

And from this *diatheses* and ill dispositions may many a strange sicknesse in after-ages spring, as time, diet, and other accidents doe alter or intend the heat, cold; or acrimony of the humour and blood, or some other quality.

I pray, sir, note well the faithfull relation of a most understanding and sincere man, Mr John Whistler, one of the benchers of Graies-Inn and recorder of Oxford, who, upon my narration of this history of John Pennant, (the very same day or the next that I found the serpent,) told me, that in his younger daies himselfe was a great cock-master, and one of his old fighting cocks beginning to droope, he thought it best to cut off his head, which, as soone as it was done, there appeared and shot out betweene the skins another head and neck like that of his cock, but it was a kinde of gelly (as hee conceived) with a very fine skin upon it, with a bill and a little combe; the reat was not searched, which perhaps was bred of some egg in the body of the cock, which kind of conceptions are very rare; yet the sacred scripture maketh mention of cockatrices, which doubtlesse cannot be bred but of some humour or blood exalted to some extraordinary or preternaturall degreè of heat, cold, or sharpnesse, or some other quality; which, first, the naturall heat and valour of that bird proveth; secondly, his martial profession and terrible battells performed almost to death all his life long; as also being begotten of such like ancestors, himselfe also excelling in heat and fiery spirits accidentall.

Compare this young man's state also with this history. His right kidney wholly consumed, his left tumified as big as any two kidnies, or three, full of ulcerous matter; so likewise his bladder full of ulcer and rottennesse; and nothing in his body to be



found the cause of this. Wherefore the sharpnesse and extraordinary heate of the blood, or some such like quality, was the cause of the ulcers, and so also, consequentially, of that extraordinary production in the heart; for nothing els appeareth, whatsoever may be conceived. And this accidentall temperament of the blood I take to be the cause of this which we found in the heart; for in the heart (if any where) was the greatest heat, and, if in any part of the heart, in the left ventricle, the principall receptacle of arteriall blood and spirits. And I have more to confirme me in this opinion, having certaine knowledge both of the diet of his mother and grand-mother also, and of his owne; which I am not willing to make publique, but to make private use of it to myselfe.

All which shall not by me bee intended to prejudice any other better judgment concerning other like conceits, by reason that passages to that ventricle may be sometimes pervious, although very rarely; but to informe you of some peculiar knowledge that I have of this man's history, which may give us great light concerning others of like condition.

I could here discourse how the imagination produceth strange things in men, and worketh not only in our owne bodies, but also in *hyle mundi*, as Fryer Bacon proveth, and Prince Avicen; but this I will not attempt, except you shall judge this relation may be beneficiall to any, and then I shall discusse it out at large.

Ro. Bacon. l. de  
Cale et mundo.

§ 7.

But to me the resolution of this matter seemeth very profitable to know how these things may be bred in men; for, I suppose, men from hence will take speciall care to alter the accidentall temperament of humours, if they find them excell in any high degree of heate, cold, sharpnes, or the like, such as have in them inconvenience and danger, and to deal with learned physitions in time.

So also is the knowledge of singular use and benefit to know when men are affected with any such disease, and how they may be cured.

As for the knowledge of abstruse and secret affections, where perhaps no dolor gives certitude of the place affected, as in diseases by consent, when some other parts are more afflicted, such skill is worthy of a physitian, and at any rate to be procured: But how or where shall we have it? Who writeth of it? Who hath so much as ever dreamed of any such help to mankind? For mine own part, I never yet read of any *signa pathognomonica* of any such disease; neither do I know where to find one grain of instruction in this, as also in divers other diseases (which I can nominate) more than from mine owne observation and care. Wherefore, if I set downe one thing which is not common, nor els where to be found, I hope you will take it as my good wish unto the common wealth of physitions, and I will lay my ground upon two histories of mine own, the one was in December, anno 1634. For, being sent for to a yong gentleman, whose name was Arthur Bukeridge, son unto Mr Arthur Bukeridge, now of Tottenham, gentleman, who was sick of that kind of pox which our country people call the floeks, which were many, flat headed, white, and wrought along, as if worms had made certain crooked furrows among them, which when at first I beheld I was very diffident in myself of doing any cure, because I never knew any of that disease and manner saved. Yet while the friends of the youth declared unto me what an ingenious child and schollar he was, and what hopes all his friends had of him, I still beheld the variegation, or vermiculation of that kind of *variola*; and because no physitian in all my reading ever gave me the least light or helpe to cure them, I more studiously searching the cause of their forme, strongly apprehended that that outward work and waving could proceed from no cause but from putrefaction caused of worms; and that God and nature did assist in so great a difficulty, shewing by this external

signature the internall cause; taking, therefore, my indicative from the conjunctive (as Galen counselleth very well) I prescribed chiefly against worms and inward putrefaction, and in very short space he was restored to his health. And while I write these things, the young man (whom I never saw since) commeth into my house to search after me, and to give me thanks so long after, being shortly to goe for Oxford. Wherefore, to confirme this history, I sent unto the young man's apothecary to see what was yet upon file, to ascertain what I say, and it is returned me that two of my bills are yet there remaining. As also one honest gentleman remembreth well that I then expressed as much, and told his friends that I intended to prescribe against the worms principally.

The other history was of this Johu Fennant, whom we dissected; who was well known unto me, as his friends and others well can assure it, in whom, as is likewise sufficiently knowne, I very often noted this, that he had an excellent eye, but extraordinarily sharpe, and like the eye of a serpent; and so much I have spoken of it, that divers gentlemen and good schollers did make answer unto me, that heard of his long diseases of the supposed stone, or ulcer of the bladder, that pains and griefes did sharpen mens aspects. But finding what we have seene in him, thus much shall mine owne observation teach me ever, let others doe or believe as little as they please; that secret, unusuall, and strange inward diseases doe send forth some radios, or signatures from the center, analogicall to the circumference, by which we may finde the causes if we be diligent and carefull. And this is that which I would commend, of which I know no man that hath written one word as yet; which although at first it seemeth new, yet if men will well consider it, and what I shall say, I doubt not but they will be confirmed, that it is an accurate and a most necessary observation, and a chiefe window to see into the most secret diseases and closets of the body and heart also.

And, first, as an introduction to believe what helps physitions may have from beames and signatures, all learned physitions will thus farre goe with me, that this was that admirable way of the old magitians to find out the natures of medicines, from their peculiar beams, signatures, and similitudes; and that there is no simple or medicine specificall (as they say) or excellent for any disease, or very few, but we are able to make the *radii* or signatures to appeare, from which those learned *magi* did or might find out the properties and virtues of those simples or medicines, and this you know to be true; and this way you all know that *sponsa solis* or the *kiranuides* of the *synas* went, as that book of the King of Persia sheweth which I lent unto you; and you have no doubt many volumes of physitions, as well as others who have written of this argument. Wherefore, seeing it is so cleare that signatures and beames have so excellently and clearly discovered the virtues of all medicines latent and abstruse, shall we conceive that God and nature are deficient in affording outwardly some helps to know the inward, secret, and strangest maladies? It cannot be. For to what purpose is it that the simples have virtues medicinall, and for every disease, if some diseases may not be discovered? And how can they bee discovered within, to which no eye can come, from which nothing is received, as in some other diseases? Some are knowne by time, as fevers, keeping period; some by place or part affected, as cholick, angine, stone in the reynes, and the like; some by excretions, as dysenteries; some by such like and others more or lesse. But there is no meanes to discover such a thing as this that hath given occasion of all this discourse, for nothing was excerned of it any waies, or from it, that could give any light. No topicall grieve so great as that in his reynes and bladder, he did complaine of his breast and of a beating there sometimes; but *palpitatio cordis* is *signum commune*. Neither did this man complaine, as he did alwaies of his other affections. Neither can it be imagined how such a substance, growing and receiving daily augmentation in his heart, could be discovered by the

wit of man, but by some outward thing singular and unusual, as a special *radius* of what was within.

## § 8.

I trust then that this speculation and practise will in time be thought of, and that it may, I will set this signature upon it (although seldome or scarce ever noted by any, except by Friar Bacon, in his booke *de Cælo et mundo*, &c.) More especially by that incomparable sage Alkindus, the most learned man that the east since his time, or long before, hath brought forth unto the world; that every thing hath his *radios proprios*, as well as the starres of heaven have. Alkindus his words are these, in his treatise *de radijs*, as a firme conclusion, and sufficiently therè by him confirmed, *Agite ergo cum mundus elementaris sit exemplum mundi, ita quod quælibet res in ipso contenta ipsius speciem continet. Manifestum est quod omnis res hujus mundi sive sit substantia, sive accidens, radios facit suo modo ad instar siderum, alioquin figuram mundi syderici ad plenum non haberet.* But this we will manifest to the sense in some few, (saith he.) The fire transmitteth his beames to a certain distance; the earth sends out her beames of colde, of medicine, and of health; and medicines taken into the body, or outwardly applied, diffuse their beames through the whole body of him that receives them. The collision of solid bodies makes a sound which diffuseth itself by the beames of the thing moved; and every coloured body sendeth out his beames, by which it is perceived, and this is subtly knowne in most other things; by which, by *vive* reason, it is certainly knowne to be true in all things. Taking this therefore for truth, we say that every thing which hath actuall existence in the elementary world sends forth his beames, which fill the elementary world after their manner, where, upon every place of this world containeth the beames of all things which are actually existent in every place. And as every thing differeth from other, so the beames of every thing do differ, in effect and nature from the beames of all other things, by which it comes to passe that the operation of the beames is diverse in all diverse things. Thus far and much more Alkindus to the same and like effect; yet I will add some few instances more. The severall smelles of all things in the world are their severall *radij*, which doe discover themselves unto us, and we perceive them to be many times where we see them not; wee smell roses, musk, civit, amber, quinces, apples, plantes, and herbes of all sortes, and very many other things in roomes or boxes, before we come neere them; and we are most times assured of such things to be neere us by their proper and peculiar emanations, or irradiations, which are their specifick beames darting out and diffusing themselves from one center unto a certaine distance, according to the vertue of the species, or his proper nature, which may doubtlesse also be intended, or remitted, or varied, and so make strong projection, according to the rectitude of line, or else be debilitated according to the proportion of obliquation; but this I insist not upon.

Petted things also have their *radios*, according to their owne proper nature, and there is the same reason of them in all points according to their species: The colours of other things are also beames: and the very truth is, that as all things in the world have their proper *radios*, so all the actions that they have is by virtue of these *radii*: and as Alkindus saith, by these beames is exercised in *conjunctum localiter, aut in sepe- ratum*: which the schoole-men call *immediatio virtutis, or immediatio suppositi*; in both nothing is done *sine radiis*, nor truly knowne: As for example, if two men come close together, one cannot strike another, *immediatione suppositi*, except the *animales radii* actuate the nerves and muscles of the hand, and therefore *immediatio virtutis* is sup-

posed. These spirits are the *radii animales*, and by these every action arbitrary or not arbitrary is effected in or by man, and every other creature.

And as cleare to us is that actione which is performed *immediatione virtutis* in other creatures; for we see an adamant to draw yron at a distance, a looking-glasse to represent the images of things separated from the glasse; and this we know must bee by some emission or projection of beames one towards another, as well as by the emission of the animall spirits from the braine into the nerves; and a marvellous wonder it hath beene to me to see how mineralls purified and defecated from heterogeniall mixtures, finding themselves free, doe strike out themselves in any liquor into branches and starrs, as is acknowledged by phisitians, calling them *medicinas stellatas*, as *regulus stellatus*, *regulas antimonii stellatas*, &c. : And not only minerals doe thus, but the salt of vegetables and animals I have made so that they will doe the like; so that it is evident that every thing in the world hath his beames; and it cannot nor ought not to be otherwise, sith the nine times most blessed and most glorious Essentiator of all things, who hath been so diffusive as to branch out himselfe into every thing visible and invisible, that any thing should not have some likenesse unto him who made all things *summa ratione*, and with as great perfections as their several species were capable of. And for them therefore not to shew themselves, and who was their father, it is impossible.

*Cælum est in terra, sed modo terrestri :*  
*Terræ est in Cælo, sed modo Cælesti :*

Yea, even putrid humours and materiall causes of diseases, as being naturall things, though corrupted, are good; and having their beames and their signatures in savours, pustles, bubos, spots, and tokens without, of divers sorts, according to the severall species of the humour putrified within, or from the commixtion with other causes, by which a phisitian is much instructed what is within and how to take heed himselfe; and, to come home to the very point and cause of *all this discourse*, we see in all kind of animals in the world, (and I doubt not but your incredible desire to know an excellent naturall sagacity hath often observed,) that, according as their arteriall blood is exalted, such *radii* are in their eyes as we see in some men more than others, and in cocks and in serpents: A cocke hath an eye whose *radii* are almost exalted to the beames of the eye of a serpent; and doubtlesse such blood had this man, and such spirits of an incredible heate or acrimony. The eye is an *index animi*, which cannot otherwise be then by the *radii* or spirits of it, much more then doth it shew the blood arteriall upon which those spirits are founded; and thus from the eye I have made it evident, that we may know much of the left ventricle of the heart where the arteriall blood is elaborated and made: And thus in other matters, if from the *radii* or signatures exterior we play the good magitians, and diligently consider them; I am perswaded we may have a singular helpe and insight to cure the most hidden and most dangerous diseases of all, and such as otherwise cannot be known. You see, sir, I have founded my sentence upon God, nature, and experience, and if it be hidden or not believed by any, it is to them incredible who have grosse conceptions, small skill, as I am sure your great insight and wisdom will and can better confirme: For what is that which makes some men wiser then others? *Magis sapiens est et dicitur qui minus perceptibilia percipit de rebus et earum conditionibus*, saith that wise man Alkindus; there is no doubt therefore (as the same man saith) but that they who are informed with an holy desire of wisdom, will labour much to comprehend the secret conditions of things as the ancient phisitians did, who with wonderful sagacity searched for that skill which we enjoy; as for such as are neither wise nor have desire of wisdom, I leave them to Ptolomey, that other miracle of knowledge, to instruct the world of them: *Reprehen-*

dunt insipientes quod non comprehendant, unwise men reprehend all that they doe not comprehend.

## § 9.

It remaines onely that something be said of the cure of such conceptions, if by any phisitian they be perceived in time, either by pulsation of the heart, or by any externall signe or signature or *syndrome*.

There are some who use no alterants, nor other piece of art, than to kill and dissolve such conceptions, and they confide in this. ℞. *Succi Allii, Nasturtii, Raphani, ana. j. detur. et statim curabitur.* So Schenckins from Stockerus; others thus, ℞. *Tanacetum ramulum in umbra siccatum, in pulverem redactum cribellatumque, cui addatur pulvis sequens.* ℞. *Rad. gentian. Rad. Paeoniae longae, ana. ʒ. j. Myrrhae, ʒ ss. misce, tere et cum uti volueris.* ℞. ʒ j. *Et cum guttula aquae ut solem madesiat misce, deinde inunge os et labra infantis aut patientis ter aut quater, et una cum cæteris medicamentis ejicientur.* So Schenckins. This I grant is good for wormes that cause epileptike fits in children, but for such as lie deeper in the pericardium and the left ventricle, it is not likely they will be sensible of at so great a distance and inclosure; I rather thinke that the use of some oyles which are more penetrative may do more good, as some drops of *Ole de Sabina in aqua juventutis, Raimundi, or Olei ex Baccis Junperi ob ejus penetrativam virtutem,* may with some continuance, or with the successe before mentioned, be more efficacious: But why am I so large speaking to you? But to lay some grounds of future discourses with you, concerning both preservation and cure of such latent maladies, rather than here to set them out.

## § 10.

Yet, for conclusion, I have onely this one thing to note unto the world, how that these, which seeme so rare, strange, and incurable mischiefes might be more familiarly knowne and easily cured, if it were not for a babish or a kinde of cockney disposition in our common people, who think their children or friendes murdered after they are dead, if a surjon should but pierce any part of their skinnes with a knife; by which it cometh to passe, that few of those innumerable and marvellous conceptions, which kill the parents in which they are bred, (as yourselfe with admiration have knowingly spoken to me of their infinite number which are generated in mans body) can ever be found out or cured; so great a monster is begotten in the blood of fooles and fearfull people, which destroyeth the common good of man-kinde in a very great proportion; whereas that knowledge of their generations, which phisitions have, is commonly from the dissections of the bodies of noble personages and of the gentry, who, with their friendes about them, have bene bred to more fortitude, and are more wise and communicative, as most of our medicinall histories you know confirme, and yourselfe likewise hath told me of some. All vertuous and heroick soules know that when their particle of divine perfection is returned to him that gave it, that then their bodies are to serve the universe (as that pious bishop knew) who when he had given away all besides his body, at last gave that also for the good of the living when it should be found dead, and therefore bequeathed it to the phisitions to dissect it; but doubtlesse our tradesmen, their wives and children, and our sugar-sop citizens are compounded of a rarer *noli me tangere*, when they are dead then when they were alive; and though nobles and princes may be cut in peeces, yet is it *piacular*, and the losse of grace for ever with them, if a phisitian should but intimate such a matter as decently but to open any part of their most intemperate impes.

But what good more frequent dissections might doe, what portentous matters they might discover, and how facile they might finde the causes and their cure, you sufficiently know, and in part others may by this history understand: And although the learning and knowledge of some physitions of our age be singular and growne to such an happy degree of perfection, yet there are by dissections every day something to be learned; and how much the internall do simbolize with externall, as in part I have discovered, and I will yet give out one illustration more; let but physitions well note their patients complexion and colours, (for this time I will only speake of the face,) and let them take afterward, if they come to dissect them, notice of their livers, and if they be diligent, in few dissections they shall be able, looking into any mans face whatsoever, to know the affections very manifestly of his liver. Sir, under favour, and with you I have thus much freedome as to tell some of my brother phisitions and surgions, that the inspections and dissections which they celebrate over the world are not to inable men to talk of names, parts, and places, but to doe, and to be able to judge of things hidden and secret, that they may not be deceived touching the causes of mens diseases; this is the chiefest end, and yet how few study out of entrails this learning I neede not intimate unto you.

The wayes of nature, by which operations are effected, as also the continuation of parts and vessels, their communication, and to finde the causes of sicknesses, their epigeneses, their metastases, their apostases, their palyndromyes.

The wayes of symptomes, reasons of revulsions, and the like, are the next; and so much subordinate to the other and of lesse necessity, as obvious inspections shewe this to be more facile, and with lesse labour to be attained than that; the other therefore not being so well perfected to our dayes, I have by this extraordinary occasion, and out of my good wishes, ventured to speake a word by you, unto such as are wise in our owne profession, since phisitions should be *ut ubi*, as our dictators words is, like Gods, what is in us in good skill and good will, for the safety of man-kind; that as it was said of his dayes, so it may of ours, *in eorum diebus raro anime descendebant ad infernum*: in their dayes soules seldome descended into hell, if any at last forsaking divine grace shall descend; yet that hell may gape a long time ere it receive them, and that others may have time to shake handes with Heaven, that our profession, the noblest and wisest of all others, (I speake of professions which concerne this life onely, not of professions supernaturall,) may still be esteemed divinest, (as the old phisitions were crowned deservedly, and related among the gods above all others,) while by our meanes miserable men are restored to the onely blessing of this life, health, and (as I said) be preserved from the great and eternal gulph of infelicity, hell (many of them not being in state of grace, because sick upon their sinnes;) and, lastly, made live till they be friends and sonnes of God, and so rich as to come to Heaven, our saviour Christ crowning us with such happy mindes, as to be made instructments and means of many mens eternal salvation, by occasion of their temporal restitution.

---

Die Lunæ, 21 Martii, 1641.

It is this day ordered, by the commons house of parliament, that Doctor Jones shall have power to print the Remonstrance of the State of the Rebellion in Ireland, presented by him to this house; and no man shall presume to reprint the same, without the permission and approbation of this house first obtained, and Doctor Jones is desired to oversee the printing of the said Remonstrance. And the master and wardens of the company of stationers are required to take care that the same may not be reprinted, but by the permission and approbation of this house first had and obtained as aforesaid.

HENRY ELSING, Cler. Parl. Do. Com.

*A Remonstrance of divers remarkable Passages concerning the Church and Kingdome of Ireland, recommended by Letters from the Right Honourable the Lords Justices and Counsell of Ireland, and presented by Henry Jones, Doctor in Divinity, and Agent for the Ministers of the Gospel in that Kingdome, to the Honourable House of Commons in England.*

---

The following particulars relate to one of the most dreadful insurrections in modern history, the general rebellion of the Irish Catholics in 1641. That the Irish had injuries to avenge will hardly be doubted by those who reflect; that they were placed under the dominion of governors to whom their very name and religion were matter of superstitious abhorrence; but the memory of these injuries is drowned in the recollection of their horrid, indiscriminating, and unutterable cruelties. The causes which led to this massacre are detailed, and the event itself described, by Hume, with even more than his usual eloquence. The dreadful tidings reached London by a communication from the justices and council of Ireland to the lords of the privy council. On the first of November, 1641, the lords laid their information before the house of commons, where it was received with the silence of profound consternation. Party rage, however, which extracts its food even from poison, soon found, in these dismal tidings, what might be converted to its own sinister purposes. It became the fashion of both parties to cast upon each other the blame of the Irish insurrection, and the reproach of having failed to use due means to suppress it. The parliament were particularly exposed to the last charge, having diverted the supplies of men and arms destined for Ireland, in order to maintain their own war with the king. But Charles, who had been always censured for a partiality towards his Catholic subjects, was more liable than his opponents to the accusation of having encouraged that spirit of insubordination to the English yoke, which prompted the rebellion: And, in publishing the following body of evidence, the parliament had it doubtless in view to impress upon men's minds a belief that the horrible scenes acted in Ireland, if not prompted, were not altogether discouraged by the king. In the *Icon Basilike*, Charles exculpates himself from this foul charge, yet allows that the rebellion fell out so as to give a most unhappy advantage of men's malice against him. In the following pages are to be gleaned the grounds of the accusation afterwards more grossly preferred against the ill-fated prince by Milton and Ludlow.

---

To our very assured loving Friend, Master Lenthall, Esquire, Speaker of the Honourable the Commons House of Parliament, in the Kingdome of England.

SIR,

There hath been presented unto us, a remonstrance of the deplorable estate of this church of Ireland, and the lamentable condition of the clergy therein, occasioned by the present rebellion. The remonstrance desiring our letters in the representing of the same to the honourable house of commons in England, unto whose grave and wise consideration they do apply themselves.

We shall not need to say much in a matter so much speaking it self, and the experience we have of the true sence they have of this distracted state gives us great assurance, that they will take to heart this our miserable church and Gods servants therein, reduced unto unexpressable extremities, both church and state being now involved in one common calamity.

The bearer hereof, Henry Jones, Doctor in Divinity, is intrusted by the clergy to negotiate in their behalf, and we have intreated him to sollicite the cause of the poor robbed English, expressed in our letters to you of the fourth of this moneth.

We therefore do crave leave to recommend him in this imployment to that honourable house, he being a person who is able to say much in this businesse, having been some while a prisoner in the hands of the rebels, and observed much of their proceedings, and being intrusted with others as a commissioner to take the examinations out of which the remonstrance now to be by him offered to that honourable house is extracted.

As for himself, he hath suffered much in his private fortunes by these troubles; and in respect of his abilities and learning, and painfulnesse in his ministry, he deserveth favour and encouragement; besides we have found him very diligent and forward in attending all occasions, for promoting the publicke services here by timely and important intelligence given to us of occurrences during his imprisonment with the rebels, and since especially in his information made to us of the approaches of the enemy to Drogheda, when we could not conceive they would rise to that boldnesse, by which information (amongst others) we had the opportunity of sending thither the present garrison, without whom it might have been in danger of surprising. \* And so we remain from his majesties castle of Dublin, the seventh day of March, 1641,

Your very assured loving friends,

W. PARSONS,	CHA. COOTE,
JO. BORLASE,	THO. RATHERHAM,
R. DILLON,	FRAN. WILLOUGHBY,
AD. LOFTUS,	ROB. MEREDITH.
J. TEMPLE,	



*To the Honourable Assembly of the Knights, Citizens, and Burgesses in the Commons House of Parliament in the Kingdome of England.*

The undernamed, in the behalf of themselves and their brethren, the poore dispoiled and distressed ministers of the gospel in Ireland, with the widdowes and orphans of such,

Humbly represent their lamentable condition,

**SHEWING,**

That by the instigation of popish priests, friers, and jesuites, with other fire-brands and incendiaries of the state, partly such of them as have been resident here in this kingdom of Ireland before, partly flocking in from forraign parts of late in multitudes, more than ordinary, and chiefly by such of them as resorted hither out of the kingdome of England, and out of that ancient and known hatred the church of Rome beareth to the reformed religion, as also by reason of the surfet of that freedome and indulgence, which, through God's forbearance for our tryall, they of the popish faction have hitherto enjoyed in this kingdom, there hath been beyond all parallel of former ages, a most bloody and antichristian combination and plot, hatched, by well-nigh the whole Romish sect, by way of combination from parts forraign, with those at home, against this our church and state, thereby intending the utter extirpation of the reformed religion, and the professors of it; in the room thereof setting up that idoll of the masse, with all the abominations of that whore of Babylon. This also ayming at the pulling down and defacing the present state and government of this kingdom under his sacred majesty, theirs, and our undoubted sovereign, and introducing another form of rule ordered and moderated by themselves, without dependance on his highnesse, or the kingdom of England, whence have proceeded such depredations of the goods, and such cruelties exercised on the persons and lives of the loyall subjects; such wasting and defacing of all monuments of civility, with such prophanation of holy places and religion, that by the most barbarous and heathenish nations, the like could not in any age be found to be perpetrated.

All which doth daily appeare unto us your suppliants appointed to enquire upon oath of the premisses, and other particulars depending thereupon, by vertue of a commission to us directed under the great seal of this kingdom of Ireland, bearing date the three and twentieth day of December, in the seventeenth year of his majesties reign; and by one other commission further enlarged concerning the premisses, dated the eighteenth of January, in the year aforesaid. Copies whereof, together with the copies of such and so much of the depositions as answer to the particulars of this our remonstrance we have hereunto annexed, that both the validity of our proceedings, and the truth of this our sayd remonstrance, may the better appear.

Upon view of all which, it doth very evidently appear, that in the present most dangerous designe against this kingdom, the popish faction therein hath been confederate with forraign states, if we may rely upon the report made thereof by the conspirators themselves, and their adherents here, whereof the following examinations are full.

It being confessed that they had their commission for what they did from beyond the seas. That from Spain they did expect an army before Easter next, consisting, if of none others, yet of the Irish regiments and commanders serving in Flanders, and else where under that king; together with a great quantity of powder, ammunition, and arms, for a great number of men to be raised in Ireland. This kingdome (as they

\* John Day, Com. Cavan. exam. Feb. 8, 1641, ex. 1.

make up their estimate) being able to make up the body of an army of two hundred thousand, or more. <sup>1</sup> From France also they look for ayd. <sup>2</sup> Being in all this further encouraged by bulls from Rome; some of these rebels requiring to the popes use, and in his name, the yeelding up of such places of strength as they had beleaguered. <sup>3</sup> In all which respects, and in allusion to that league in France, they terming themselves the catholike army, <sup>4</sup> and the ground of their war the catholike cause. And to this purpose hath this present year, 1641, been among them proclaimed a year of jubilee, and pardons beforehand granted of all sins of what sort soever that shall be therein committed, tending to this great work. <sup>5</sup> Excommunications also thundred against any that shall refuse to joyn therein.<sup>6</sup>

It doth secondly appear, that they had their correspondents in England, for raising the like rebellion there; this not being a report made to us from one part, but confirmed from all places of this kingdome, whence the passage hath not beene stopped by the present obstructions.<sup>7</sup>

That thirdly, they reported themselves to have had the like partie in Scotland; that the Scots joyned with them<sup>8</sup> and were their friends. <sup>9</sup> That the like troubles were to be raised in Scotland. <sup>10</sup> That the Scots were joyned with them in covenant, not to leave a drop of English blood in England, as they the Irish rebels would do the like in Ireland. For which they pretended a writing signed with the hands of the prime nobility of Scotland, <sup>11</sup> and that the tower of London, the castle of Edinborough, and the castle of Dublin, were to be surpris'd all upon one day.<sup>12</sup>

As for that part of that cursed faction within this kingdome of Ireland, the actors therein acknowledge it to be a plot of many years, some say two, <sup>13</sup> some eight, <sup>14</sup> some fourteen or seventeen years. <sup>15</sup> A plot wherein all the popish nobilitie and men of quality were interested; <sup>16</sup> and by Sir Phelim ð Neale, that arch-rebell, it is professed that what he did was by the consent of the parliament of Ireland, <sup>17</sup> thereby intending the popish members thereof.

Notwithstanding all which, that this appeareth to have been a long laid conspiracie, yet these traitors, for giving some colour to their rebellion, pretend as if the occasion moving them thereunto were new, unexpected, and pressing; so that with the safety of their lives, and duty which they owed God and their country, they could not do lesse then they have done; falsly pretending that there was a plot layd in this kingdome, grounded on a pretended act passed in the parliament of England, for the cutting off of all the nobilitie and others the papists in Ireland, <sup>18</sup> and all this to be done in one day; <sup>19</sup> and that to be on the 23rd or 24th of November, now last past. For preventing whereof, they laid (say they) this their counterplot a full moneth before, viz. on the 23rd of October.<sup>20</sup>

<sup>1</sup> Lucy Spell, Com. Lowth, ex. Feb. 3, 1641, ex. 2. John Biggar, Com. Dublin, exam. Janu. 29, 1641, ex. 3. John Montgomery, Com. Monaghan, exam. Janu. 26, 1641, ex. 4. Patr. Bryan, Com. Fer. Janu. 29, ex. 5. Doctor Jones, ex. 6. George Cottingham, ex. 78.

<sup>2</sup> John Biggar and John Montgomery, Præd.

<sup>3</sup> Edmond Welch, Com. Rs. Janu. 22, exam. 7.

<sup>4</sup> Lucy Spell, Præd. Feb. 5.

<sup>5</sup> Jo. Edgworth, Esq. Com. Longford, Feb. 23, exam. 8.

<sup>6</sup> Edm. Walch.

<sup>7</sup> Jo. Brooks, Com. Cavan, Jan. 5, ex. 9.

<sup>8</sup> Grace Lovet, Com. Ferm. Jan. 5, ex. 10. Eliz. Coats, Com. Fer. Jan. 4, ex. 11.

<sup>9</sup> Nicholas Willoughby, Com. præd. Feb. 23, ex. 12. Thomas Crant, Com. Cavan, Feb. ex. 13. Jo. Biggar, Com. Dublin, Jan. 29.

<sup>10</sup> Eliza. Parker, Com. Catherlagh, Jan. 13, ex. 14. Ocker Butts, Com. Wex. Ja. 25.

<sup>11</sup> Lucy Spell, ex. 15.

<sup>12</sup> Edw. Denman, Com. Ca. Jan. 27, ex. 16.

<sup>13</sup> Thomas Crant, Com. Cavan, Feb.

<sup>14</sup> Thomas Crant, Patr. Bryan, Com. Fer. Jan. 29. G. Cottingham, ex. 78.

<sup>15</sup> Geo. Fercher, Com. Fer. Jan. 4, ex. 17. Eliza. Dickenson, Com. Præd. Jan. 3, ex. 18.

<sup>16</sup> Jo. Shorter, Com. Fer. Jan. 5, ex. 19.

<sup>17</sup> Patr. Bryan.

<sup>18</sup> Thomas Knowles, Com. Fer. Jan. 3, ex. 20.

<sup>19</sup> Mr John Cardiff, ex. 21.

<sup>20</sup> George Cottingham, Edw. How, Com. Fer. Jan. 29, ex. 22. Thomas Knowles, George Cook, Com. Cavan, Jan. 22, ex. 23. Jo. Gessop, Com. Kilk. Jan. 8, ex. 24.

<sup>21</sup> John Gregg, Com. Arm. Jan. 7, ex. 25.

<sup>22</sup> Hen. Reynolds, Com. Cavan, Jan. 4, ex. 26. John Montgomery, Dr Jones, Tho. Crant, Charles Craford, Com. Meath, Jan. 22, ex. 27.

<sup>23</sup> Grace Lovet, Dr Jones, Jo. Wood, Com. Wick. Feb. 17, ex. 28.

For effecting which their wicked and devillish design, the said conspirators, and traitors have entred into a most accursed covenant, and bound themselves by an oath of confederation, the same being subscribed by the hands of the chiefest rebels, and certaine men being appointed to administer the same to all such as shall either offer themselves, or be pressed to serve as souldiers in that cause; others also being sent abroad, and in chief, the popish primate Reily, who hath compassed far and neer, to draw into this conspiracy such as had not before been therewithall acquainted, As also to satisfie any scruples, if any were that did or might retard any from entring thereinto; the popish clergie being observed for the most forward advisers and putters on of the people in this way. For whereas many of the rebels seemed to give care to a proclamation of grace, dated the first of November, 1641, they were forbidden by their priests, assuring them it would be their undoing. Hence it is that these rebels are so hardened in their course of wickednesse, that they professe against accepting of any quarter, and that they will not accept of any but a general pardon. Others again, disclaiming any pardon, casting out words to the dishonour of his sacred majesty, as if his royall word and seale were not to be relyed upon.

And yet, for making the more plausible introduction into their said wicked rebellion, the conspirators aforesaid have traiterously and impudently averred and proclaimed, that their authoritie therein is derived by commission from his highnesse. Sometimes at distance, making offer to shew a large patent or commission with a broad seale, giving out that in that their power did appear. Others taking upon them to read (some forged writing) to that purpose. All which they stick not publicly in market-places to proclaim; falsly also reporting, that his highnesse was among them in the north of Ireland, riding up and down disguised and with glasse-eyes, desiring not to be discovered. Others again pretending their commission to be from the queens highnesse, and professing themselves her souldiers, and that what they did was under the hands of the best of the nobility of England; which yet in favor of the English, they did not (say they) execute to the full.

All which they falsly reported, to the end, that thereby they might distract the mindes and discourage the hearts of the true subjects, and that therein they might gain more upon such as they desire to draw into their party; or if any should for a time stand aloofe as newters, to win a better opinion with them than to be accounted traytors, or their enterprise arebellion.

Whereas it is apparent, that allegiance or obedience to his majesty is not the thing they ayme at, the contrary being plainly confessed and professed by themselves; now that they are entred as far as they can into their diabolical practise, and that their confederates are for the most part declared and drawn unto an head.

For some of them, to the making way for their trayterous intentions, have given out that the king was dead, and that the young king was gone to masse; that they would have the prince in Ireland, whom they would make their vice-roy, tutoring him in the Romish religion, and that the king should live in Scotland; sometimes, that the Duke of York should live with them.

But others more fully unward themselves, professing, that they would have a king of their own, and him crowned within a fortnight. That they had him already: And

<sup>1</sup> Henry Süle, Com. Monagh Jan. 10, ex. 29.    <sup>2</sup> Kath. Crant, Com. Meath. Jan. 5, ex. 30.    <sup>3</sup> Edm. Walsh.  
<sup>4</sup> Patr. Bryan, Hugh Madden, Com. Wicklow, Feb. 23, ex. 31.    <sup>5</sup> Jo. Wright, Com. Fer. Jan. 12, ex. 32.    <sup>6</sup> George French, Com. Kildare, Feb. 1, ex. 33.    <sup>7</sup> Jane Mansfield, Com. Meath. Jan. 3, ex. 34.    <sup>8</sup> Henry Palmer, Com. Wexford, Jan. 12, ex. 35.    <sup>9</sup> Ocker Butts.    <sup>10</sup> Jo. Perkins, Com. Cav. Jan. 8, ex. 36.    <sup>11</sup> Lucy Spell, R. p. Hollandt, ex. 77.    <sup>12</sup> Tho. Middleborough, Com. Fer. Jan. 4, ex. 37.    <sup>13</sup> Ancé Tibbs, Co. præd. Jan. 4, ex. 38.    <sup>14</sup> Avis Bradshaw, Co. præd. Jan. 4, ex. 39.  
<sup>15</sup> Richard Knowles, Co. præd. Jan. 10, ex. 40.

that it was from their new king that they had their commission so much spoken of;<sup>1</sup> declaring also their new king according to their severall fancies, some being for the Earl of Tyrone,<sup>2</sup> others for Sir Phelim ó Neal.<sup>3</sup> If perhaps these two be not intended for one and the same, thus we find the said Sir Phelim honoured with the style of his majesty.<sup>4</sup> Others yet being rather for the Lord Maguire,<sup>5</sup> these being some that said they had a consecrated crown for the best deserver.<sup>6</sup>

But of his sacred majesty, how contemptuously do they speak? Let your king (say they) fetch you out again:<sup>7</sup> these being their words to some of his majesties subjects oppressed by them; we care not for the king of England, say others;<sup>8</sup> a third, that neither king nor queen shall govern Ireland any longer, for they would govern it themselves;<sup>9</sup> and that their religion should flourish in despite of king or state.<sup>10</sup>

In all which, having broken thorow the due bounds of their allegiance, their vain and ambitious thoughts rove without knowing any limits. It will not now content them to settle anew, and mold again this kingdom to their own modell, by calling of parliaments, making laws, and appointing their own goverours.<sup>11</sup> Thus discourse they of the modestest sort: But they will, with the assistance of Spain and France, set footing in England, and after that in Scotland;<sup>12</sup> where all things being settled to their desires, the whole forces of Ireland, in way of retribution and acknowledgement of gratitude, are intended for the king of Spain against the Hollanders.<sup>13</sup>

Unto which their disloyalty to theirs and our most gracious sovereign, they have added expressions of unheard-of hatred to his Brittish subjects of this kingdom; banishment or slavery are the greatest favours that would be afforded them; but their generall profession is for a general extirpation, even to the last and least drop of English blood:<sup>14</sup> Which, that it may be drayned to the full, such of the English as cannot prescribe a settlement in this kingdom for two hundred years are to be cut off, and that notwithstanding they be of the Romish sect. It being to that end provided, that such as do revolt to their part, should for the present be accepted of; yet so disposed, as being drawn into the list of their army, they should be set upon the most dangerous enterprises, so either to be made away, or to serve their own turns of them; and what the sword cannot for the present effect, an inquisition, like that in Spain, for finding out the Jewish and Moorish blood, shall in time thorowly accomplish.<sup>15</sup> As for the future, their covenant is, that no English should ever set footing again in Ireland;<sup>16</sup> even the very language must be forgotten, none being to speak English, under a penalty.<sup>17</sup> But that which exceeds all, not an English beast, or any of that breed, must be left in the kingdom.<sup>18</sup>

And as we finde the hearts of these men in their tongues, so in their actions, doing what they professe; and being in both beyond all measure profane and heathenish in their impious words and behaviour towards God and the holy scriptures, religion, and the places of God's publike worship.

Blaspheming our God, bidding his servants, whom they had first stripped naked, to go to their God, and let him give them clothes.<sup>19</sup>

Breaking into churches, burning pulpits, pues, and all belonging thereunto, with

<sup>1</sup> Robert Barton, Co. præd. Jan. 5, ex. 41.      <sup>2</sup> Hu. Culm, Co. Mon. Jan. 22, ex. 42.      Marth. Culm, Co. præd. Feb. 14, ex. 43.      <sup>3</sup> Eliza. Gough, Co. Cav. Feb. 8, ex. 44.      <sup>4</sup> Jo. Gregg.      <sup>5</sup> Anne Gill, Co. Fer. Jan. 29, ex. 45.      <sup>6</sup> George Cottingham, ex. 78.      <sup>7</sup> Eliz. Vause, Co. Leitrim, Feb. 9, ex. 46.      <sup>8</sup> Nicholas Michael, Co. Cav. Jan. 15, ex. 47.      <sup>9</sup> Andr. Foster, Co. Wickloe, Feb. 17, ex. 48.      <sup>10</sup> Richard Witten, Co. Wickloe, Jan. 11, ex. 49.      <sup>11</sup> Jo. Biggar, Tho. Craut, Edw. Taylor, Co. Wexford, Feb. 28, ex. 50.      <sup>12</sup> Jo. Montgomery, Nath. Higginson, Com. Ferm. Jan. 7, ex. 51.      <sup>13</sup> Doctor Jones.      <sup>14</sup> Anne Marshall, Co. Ferm. Jan. 3, ex. 52.      <sup>15</sup> Jathuell Maw, Co. Fer. 53.      <sup>16</sup> Jane Mansfield.      <sup>17</sup> Jo. Biggar.      <sup>18</sup> Hugh Maddene.      <sup>19</sup> John Montgomery, Hu. Culme, Marth. Culme.      <sup>20</sup> Rich. Cleybrook, Co. Wex. his exam. taken at the Council Table, ex. 54.      <sup>21</sup> Marg. Farmen, Co. Fer. Ja. 3, ex. 55.      <sup>22</sup> Marg. Leadly, Co. Fer. Ja. 3.

extreme violence, and expression of hatred to our religion, and triumphing also in their impiety.<sup>1</sup>

Professing, that not one protestant should be left in the kingdom.<sup>2</sup> Dragging some professors thorow the streets by the hair of the head into the church, where, stripping, whipping, and cruelly using them, they added these taunting words: If you come to morrow, you shall hear the like sermon.<sup>3</sup>

How have our sacred books of holy scriptures been used? God's book hath been, O horrible! cast into and tumbled in the kennel; thence taken up, and dashed in the faces of some professors, with these words: I know you love a good lesson, this is an excellent one; come to morrow, you shall have as good.<sup>4</sup>

They have torn it in pieces, kicked it up and down,<sup>5</sup> treading it under foot, with leaping thereon; they causing a bagpipe to play the while,<sup>6</sup> laying also the leaves in the kennel, leaping and trampling thereupon, saying, A plague on it, this book hath bred all the quarrell, hoping within three weeks all the bibles in Ireland should be so used, or worse, and that none should be left in the kingdom;<sup>7</sup> and while two bibles were in burning, saying, that it was hell-fire that was burning,<sup>8</sup> wishing they had all the bibles of Christendome that they might use them so.

But what pen can set forth, what tongue expresse, whose eye can reade, ear hear, or heart without melting, consider the cruelties more than barbarous, dayly exercised upon us by those inhumane blood-sucking tygers!

Stripping quite naked men, women, and children, even children sucking upon the breast,<sup>9</sup> whereby multitudes of all sorts in the extremitie of that cold season of frost and snow have perished. Women being dragged up and down naked; women in child-bed thence drawn out and cast into prison.<sup>10</sup> One delivered of a child while she was hanging.<sup>11</sup> One ripped up, and two children taken away, and all cast unto and eaten by swine.<sup>12</sup> One other stabbed in the breast, her child sucking.<sup>13</sup> An infant cruelly murdered, whom they found-sucking his dead mother slain by them the day before.<sup>14</sup> A childe of fourteen years of age taken from his mother, in her sight cast into a bog-pit, and held under water while he was drowned.<sup>15</sup> The forcing forty or fifty protestants to renounce their profession, and then cutting all their throats.<sup>16</sup>

What should we speak of their murthers,<sup>17</sup> their hanging, half-hanging, and that oft times reiterated; they delighting in the tortures of the miserable.<sup>18</sup> Hence some being left wounded, in vain crying out that they might be dispatched; <sup>19</sup>this being purposely done, that these wretches might languish in their miserie, their tormentors affirming that their priests commanded them so to do. <sup>20</sup>What should we speake of those 30 or 40 burnt in one house, and 50 in another; <sup>21</sup>the denying of buriall to the dead, <sup>22</sup>whereby Christians have been eaten by dogs, and dogs tearing children out of the wombe; the bloody beholders relating such things with boasting and great rejoycing; <sup>23</sup>and, to make perfect the measure of their cruelty, two were said to be buried alive, <sup>24</sup>and others that had been long buried digged up, they saying, that the churches could not be consecrated while hereticks bodies or bones lay therein.<sup>25</sup>

<sup>1</sup> Hen. Fisher, co. Wickloe, Ja. 25, ex. 56. <sup>2</sup> Jo. Greg, with infinite others. <sup>3</sup> Adam Glover, Com. Cav. Ja. 4, ex. 57. <sup>4</sup> Adam Glover. <sup>5</sup> Eliz. Taylor, Com. Fer. Ja. 8, ex. 58. <sup>6</sup> Jo. Montgomery. <sup>7</sup> Hen. Palmer, com. Wexford, Jan. 12. <sup>8</sup> Edw. Slack, com. Fer. Ja. 4, ex. 59. <sup>9</sup> Edward Dean, com. Wickloe, Ja. 7, ex. 60. Roger Holland, ex. 77. <sup>10</sup> Jo. Greg. <sup>11</sup> Katherine Bellew, com. Mona. Feb. 5, ex. 61. <sup>12</sup> Jo. Wisdome, com. Arm. Feb. 8, ex. 62. <sup>13</sup> Roger Holland, ex. 77. <sup>14</sup> Jo. Wisdome, Philip Taylor, com. Arm. Feb. 8, ex. 63. <sup>15</sup> Jo. Mandevile, co. Dublin, Feb. 3, ex. 64. <sup>16</sup> Marg. Stocks, com. Fer. examined by directions from the councill board, ex. 65. <sup>17</sup> Reynold Griffith, com. Armagh, ex. 74. <sup>18</sup> Ad. Glover, Ro. Barton, with infinite others. <sup>19</sup> Alex. Creighton. <sup>20</sup> Jo. Gregg, Alexander Creighton, ex. 76. Richard Skinner, com. Kildare, Feb. 8, ex. 77. <sup>21</sup> Nath. Higginson. <sup>22</sup> Thomas Crant. <sup>23</sup> Adam Glover, Jo. Montgomery. <sup>24</sup> Thomas Crant, Marga. Stocks. <sup>25</sup> Jo. Montgomery, Mary Woods, com. Kildare, Feb. 23, ex. 66. <sup>26</sup> Thomas Hewston, com. Kildare, Feb. 15, ex. 67. <sup>27</sup> Mary Woods, Rob. Collis, com. Kildare, Feb. 23, ex. 68. <sup>28</sup> He. Stile, Hugh Culme.

The cruell usage of those 48 poore prisoners in the gaole of Monaghan; <sup>1</sup> of those in the county of Anmagh, after drowned in the river of the Ban, to the number of 80, <sup>2</sup> or 100, <sup>3</sup> or 196, <sup>4</sup> as it is diversly reported, those 45 drowned together; <sup>5</sup> and those 179 burnt in one house. <sup>6</sup> All these we refer to the reading of the severall depositions concerning them hereunto annexed.

But how can that be forgotten, or where shall it be beleevèd, which we hear to have been done in the church of Newtown, in the county of Fermanagh, where a childe of Thomas Strettons was boyled alive in a caldron; a thing which as on bare reports we durst not, so neither can we now with confidence enough present it to that your honourable assembly, nor can we averre it for true, otherwise than as by concurring examinations we find them solemnly deposed, whereunto we desire to be referred. <sup>7</sup> To which may well be added the forcing of one Luke Ward to drinke unto drunkenesse, and then hanging him therein, to take a full revenge both on body and soul. <sup>8</sup>

Of which their aforesaid many and barbarous cruelties each day doth afford us variety of new instances; this city of Dublin being the common receptacle for these miserable sufferers. Here are many thousands of poore people, sometimes of good respects and estates, now in want and sicknesse, whereof many daily dye, notwithstanding the great care of those tender hearted Christians (whom God blesse) without whom all of them had before now perished.

In all which, as our sufferings are generall, the hatred of the enemy being expressed to the whole nation, and to all the professors of the truth; so in chief and above all others <sup>9</sup> do we finde it with the deadliest venome spit against the persons of us the ministers of the gospel, towards whom their rage is without bounds.

Of this we see enough in the miserable condition of Mr George Cottingham, a batchelor in divinity, and a painfull labourer in the Lord's vineyard. <sup>10</sup> The like we see in the cruell murder of Mr Blyth, slain with Sir Pheliom ó Neales safe conduct in his hands, it being lift up by him unto heaven as a witness of his treachery. <sup>11</sup> The same we finde in the murder of Mr Thomas Trafford and Mr William Fullerton. <sup>12</sup> Lastly, that among a multitude we may content ourselves with a few, we see it in the cruelty exercised upon Mr Sharpe, the minister of Kells. Of all which the following examinations shall speak more fully.

Such of us as have best escaped the hands of these tyrants have been turned out of all. We, with such other of our brethren, ours and their wives and children coming on foot hither, through waies tedious and full of perill, being every minute assaulted, the end of one but leading to the next danger; one quite stripping off what others had in pity left. So that in nakednesse we have recovered this our city of refuge, where we live in all extremity of want, not having wherewithall to subsist, or to put bread in our mouths.

Of those of our brethren who have perished on the way hither, some of their wives and children do yet remain. The children also of some of them wholly deprived of their parents, and left for deserted orphans. All of us being exposed to apparent ruine if not speedily relieved.

This our most miserable condition, therefore, and our brethren, and of this our whole distressed church of Ireland, we do in most humble manner remonstrate and lay downe at the feet of that your pious, charitable, and honourable assembly.

<sup>1</sup> Jo. Mountgomery.

<sup>2</sup> W. Clerk.

<sup>3</sup> Mr Philip Tayler.

<sup>4</sup> Jo. Mountgomery.

<sup>5</sup> Cha. Campbell, ex. 75.

<sup>6</sup> Marga. Parkin, of Newtown, com. Fer. Jan. 19. ex. 69. Elizabeth

Burse, of the same, ex. 70.

<sup>7</sup> Alex. Creighton, ex. 76. Geo. Cottingham, ex. 78.

<sup>8</sup> Henry

Boyne, com. Tyrone, Feb. 16. ex. 71.

<sup>9</sup> Hugh Culme, Henry Stile.

<sup>10</sup> Jo. Cardiff.

<sup>11</sup> Eliz. Trafford, com Longf. Jan. 8. ex. 72. William Clerk.

<sup>12</sup> Geo. Cooke, Margery Sharpe, com.

Meath, Jan. 29. ex. 73.

Praying, that we and all of us your suppliants, together with our brethren, may finde a place among others in your tender considerations and never exhausted bounty. So and in such manner as to your wisdoms shall be esteemed most fitting.

Humbly desiring that we, who have borne the burthen and heate of the day, may not be cast off; not having what to eate or what to put on.

That the ministry may not in our wants be rendered despicable to our own, as it hath suffered despite from our adversaries.

And that the rather we may finde this admittance into your charity, in that our sufferings are professed by our enemies to proceed (which we glory in) from that your zeal for the church of God.

God Almighty blesse and further those your honourable pious desires and designs, and restrain the fury of our adversaries, for which we desire the prayers of our brethren; and he grant that of his goodness all of them may be long preserved from knowing what we suffer, otherwise then by a brotherly and compassionate fellow-feeling.

Which are the daily prayers of

Your honors servants

and votaries,

HENRY JONES,	ROGER PUTTOCK,
JOHN WATSON,	JOHN STERNE,
HENRY BRERETON,	RANDALL ADAMS,
WILLIAM HITCHOKE.	WILLIAM ALDRICH.

*The severall Commissions whereupon the following Examinations are grounded; out of which the foregoing Remonstrance hath been extracted.*

Charles, by the grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith, &c. To our wel-beloved Henry Jones, Dean of Kilmore, Roger Puttock, William Hitchcock, Randall Adams, John Sterne, William Aldrich, Henry Brereton, and John Watson, clerks, greeting. Whereas divers wicked and disloyall people have lately risen in arms in severall parts of this kingdome, and have robbed and spoiled many of our good subjects, British and protestants, who have been seperated from their settled habitations, and scattered in most lamentable manner. And forasmuch as it is needfull to take due examination concerning the same, know ye, that we, reposing especial trust and confidence in your care, diligence, and provident circumspection, have nominated and appointed you to be our commissioners; and do hereby give unto you, or any two or more of you, full power and authoritie from time to time, to call before you, and examine upon oath on the holy evangelists, (which hereby we authorize you; or any two or more of you, to administer,) as well all such persons as have been so robbed and spoiled, as all the witnesses that can give testimony therein what robberies and spoiles have been committed on them, or any other to their knowledge, since the two and twentieth of October last, or shall hereafter be committed on them, or any of them; what the particulars were, or are, whereof they were or shall be so robbed or spoiled; to what valew, by whom, what their names are, and where they now or last dwelt that committed those robberies; on what day or night the said robberies or spoiles committed, or to be committed, were done; what traitorous or disloyall words, speeches, or actions were then, or at any other time, uttered or committed by those robbers, or any of them; what violence or other lewd actions were then performed by the sayd robbers, or any of them, and how often; and all other circumstances touching or concerning the said particulars, and every of them. And you our sayd commissioners are to reduce to writing all the exa-

minations which you, or any two or more of you, shall take as aforesaid; and the same to return unto our justices and counsell of this our realm of Ireland, under the hands and seales of you, or any two or more of you, as aforesaid. Witnesse our right trusty and wel-beloved counsellors, Sir William Parsons, knight and baronet, and Sir John Borlase, knight, our justices of our said realm of Ireland. At Dublin the three and twentieth day of December, in the seventeenth of our reigne.

CARLETON.

Charles, by the grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith, &c. To our wel-beloved Henry Jones, Dean of Kilmore, Roger Puttock, William Hitchcock, Randall Adams, John Sterne, William Aldrich, Henry Brereton, and John Watson, clerks, greeting. Whereas divers wicked and disloyall people have lately risen in arms in severall parts in this kingdome, and have robbed and spoiled many of our good subjects, British, and protestants; who have been seperated from their settled habitations, and scattered in most lamentable manner; and many others have bene deprived of their lands, rents, goods, and chattles. And forasmuch as it is needfull to take due examination concerning the same, know ye, that we, reposing especiall trust and confidence in your fidelities, care, and provident circumspection, have nominated and appointed you to be our commissioners; and do hereby give unto you, or any two or more of you, full power and authority, from time to time, to call before you and examine upon oath (which we hereby authorise you, or any two or more of you, to administer on the holy evangelists) as well all such persons as have been so robbed and spoiled, or deprived of their lands, rents, goods, or chattles, as all the witnesses that can give testimony therein what robberies and spoiles have been committed on them, or any other to their knowledge, since the two-and-twentieth of October last, or shall hereafter be committed on them, or any of them; what lands, rents, goods, or chattles, any person or persons have since that time been deprived of by occasion of this rebellion; what the particulars were, or are, in lands, rents, goods, or chattles, whereof any person or persons were or shall be so robbed, spoiled, or deprived; to what vawle, by whom such robberies or spoiles were committed, what their names are, and where they now or last dwelt that committed those robberies or spoiles; on what day or night the said robberies or spoiles committed, or to be committed, were done; what traitorous or disloyall words, speeches, or actions were then, or at any other time, uttered or committed by those robbers, or any of them; and what unfitting words or speeches concerning the present rebellion, or by occasion thereof, were spoken at any time by any person or persons whatsoever; what violence or other lewd actions were then performed by the said robbers, or any of them, and how often; what numbers of persons have been murdered by the rebels, or perished afterwards in the way to Dublin, or other places whither they fled the 23d day of October last; and all other circumstances and things touching or concerning the said particulars, and every of them, either before the three-and-twentieth of October or since. And for the better performance of this service, all incumbents, curats, parish-clerks, and sextons of churches in this kingdome, are hereby required to give into you our said commissioners, to the best of their knowledges, the names and numbers of the poore so spoyled, who have been buried in their respective parishes, and hereafter, in and about Dublin, they are to give in weekly bills under the hands of the ministers or church-wardens of such parishes of such of the said persons as shall be so buried in the said parishes. And you our said commissioners, or any two or more of you, as aforesaid, are to reduce to writing all the examinations which you, or any two or more of you, shall take as aforesaid, and the same to return to our justices and counsell of this our realm of Ireland, under the hands and seales of you,



or any two or more of you, as aforesaid. Witnesse our right trusty, and wel-beloved councellers, Sir William Parsons, knight and baronet, and Sir John Borlase, knight, our justices of our realm of Ireland. At Dublin, the eighteenth day of January, in the seventeenth yeare of our reigne.

CARLETON.

*Examinations taken before us his Majesties Commissioners thereunto appointed, by vertue of a Commission to us, or any two or more of us, directed under the Great Seal of Ireland: Dated the 23d day of December, in the 17th year of his Majesties Reigne. And by vertue of one other Commission directed as aforesaid, bearing date the 18th day of January, in the yeare aforesaid.*

*The Examination of John Day of Drumcleiff, in the County of Cavan, Weaver.*

*Ex. 1.* This examine, duely sworn, deposeth *inter alia*, That the rebels bad him open the doors of his house, otherwise they would fire his house, and they said that they had a commission from the queene and from beyond the seas for what they did, and that they would not suffer an Englishman to stay in the land.


JOHN DAY.

*Jur. 8. Feb. 1641.*

WILLIAM ALDRICH, WILLIAM HITCHCOCK.

*The Examination of Lucy Spell of Drogheda, in the County of Lowth.*

*Ex. 2.* This examine, duely sworn, deposeth *inter alia*, That at Ballendary, where she was prisoner three weeks and lodged in John Parsimers house; during which imprisonment she saw one time John Malon, a fryar, who taketh upon him the title of chaplain to the catholike army in Ireland, together with Michael Murffy, Garret Newgent of Drogheda, merchant, John Griffin and Patrick Griffin of the same, merchants, Roger Belin of the same, merchant, with others in their company; and heard them in their conference say, we will shortly have the prince of England here in Ireland and make him vice-roy, and we will tutor him and bring him up in the catholike religion, and the king himselfe shall live in Scotland, and before Easter day next we shall have an army out of Spain, and then we will go all into England, and with the helpe of the catholikes there (all whose names the said fryar said that he had) we will put all the puritans and protestants to the sword.

*The marke  of the said LUCY.*

*Jur. 5. Feb. 1641.*

WILLIAM ALDRICH, WILLIAM HITCHCOCK,  
JOHN STERNE, HENRY BRERETON.

*The Examination of John Biggar of Miltown, in the County of Dublin, Clerke.*

*Ex. 3.* This examine, being duely sworn, deposeth *inter alia*, That these words were spoken by the rebels, especially by their leader. (For the third of December) Edmond Eustace of Ballymore-Eustace, that they did give us but our own law. For whereas there was an act made by the council of England, in the absence and without the consent or knowledge of the king, for the expelling, banishing, and putting away

the papists out of England, and seizing of their goods; which, when they had there effected, would have brought the like over hither for extirpation of the Irish nation that are papists. These considerations for the defence of the religion, the queens person, and by the kings licence moved them to take arms, having the Scots for a president, they have also vowed not to leave an Englishman in Ireland; the kingdom they will have in their own hands, lawes of their own, and a deputy of their own, without molestation or interruption of any other nation.

This night, at the widdowes house of one Lawrence Purcell, I met with one George Staples, who for late years had taught the children of the chiefe of the gentry in our parts; having beene formerly acquainted with him, he began to examine me what course I intended to take; I told him I could not tell untill I came to Dublin, and therefore I desired to have his counsell and advice. He began after this manner: You intend to go to Dublin, saith he; if you do, you must go speedily, for within two days the Irish army will be before Dublin, so that you cannot passe, if you should get so much favour as to passe, yet when you come to Dublin you will not be admitted to come within the gates, and in the suburbs there are six or seven score dying daily for want of food, so that there will be no abiding place for you; if you intend to go for England, the least childe you have will not be carried under twenty shillings, and you (saith he) have not one penny; if you should find so much friendship as to passe gratis, there are such a multitude of people that are gone out of this kingdom, that England, being but a small island and populous of itselfe, is not able to receive you; if you should be received there can be no long continuing place for you, for the papists are striving in England as well as here; the queene being fled into France for some abuses offered her own person, her servants, and chaplains, which indignities the King of France intending to revenge, hath leavied an army of 40000 men to invade England, and the cardinal in Flanders hath leavied the like number, to the like end and purpose, therefore it will be to no purpose to go thither. Lord, Mr Staples (said I) what shall I do then? If you stay here you must do as they do, and turn to masse; yet they will not trust you (said he) fearing lest, if the king of England should ever be able to bring an army into this country, the turn-coat English should joyne with them and cut the Irish throats in a night, as the English once did the Danes in England. Therefore, whosoever of the English should turn to the Romish church, they would also compell to take armes, and place them in the front and eminent place of danger, that so they might fall. And for hereafter, when they had gotten the kingdom into their own hands, which they make no question but to have in a short time (having all the forts, castles, and strong-holds in Ireland in their own hands already but the castle of Dublin and Drogheda, and these two places they would not for many thousand pounds have gotten, for reasons known unto themselves,) but when they have once obtained them and the kingdom, those English that have not fallen by the sword, the holy church hath so ordered it, that they shall be cut off by the inquisition, so that they will not leave an Englishman alive whose ancestors have not been here for two hundred years, with many other like words.

JOHN BIGGAR.

*Jur. 29. Jan. 1641.*

JOHN STERNE, WILLIAM ALDRICH, WILLIAM HITCHCOCK.

*The Examination of John Mountgomery, late of Clounish, in the County of Monaghan, Gent.*

*Ex. 4.* This examine, duely sworn, deposeth *inter alia*, That in their journey and marching within the county of Monaghan, the rebels murdered, of his knowledge, at the least fourscore protestants, and committed a number of other wicked, barbarous, and notorious robberies and actions, and by their own relation, robb'd, stripped naked, kill'd, and drowned forty-five of the Scots at one time; and that the same robbers also murdered Mr Blyth and Mr Mather, (two constant protestant preachers within the county of Tiron,) and murdered one master Fullarton, parson of Loughall, in the county of Armagh, and neere fourscore more of English protestants, by drowning and throwing them all over the bridge of Partdown, in the said county, into the river of the Bann.

And further saith, that the rebels aforesaid, or some of them, confessed unto him, and so he was told also by divers Scottishmen, that they the same rebels, when they came to Armagh, Monaghan, and Dungannon, set all the prisoners at liberty, and that they broke open and defaced the church of Armagh, and burned the pewes, pulpit, and the best things in the said church.

And this deponent, whilst he was with the same rebels, saw them pull in peeces, kick up and down, deface and spoyle all the protestant bibles, and other protestant books, that they found in any place where they came; and neither this deponent nor any other protestant prisoner, nor other, durst so much do as to save or look upon any of them in their sight, nor would they willingly suffer any one to speak the English tongue.

And further it was pretended, that it was agreed in the parliament house of England, that the nobility and gentry of Ireland should be sent for to Dublin, under colour of passing patents of their lands, and there should be imprisoned until such time as they should either go to the protestant church, or should be put to death; and if they should go to the church, yet not to be released until they had given security that their followers should go to the church also, otherwise to bring them in to be censured.

And further saith, That when the rebels of the county of Monaghan had surprized or had command of all that county, some of them said that they would be governed by the Roman law and some by the English law, which they knew better: And said further, that when they had taken Dublin and Drogheda, Derry and Knockfergus, which they did not doubt but to conquer before Candlemas then next, they would have a parliament, and would settle a government, but would have no protestants amongst them, but that they would suffer English or Scottish to be deputies, lords, justices, or judges, so that one of the Irish nation might be joined with them, and so that all should go to masse.

And the same rebels publicly and generally also said, That they made no account but to keep Ireland for ever, in regard they had of their own souldiers two hundred thousand fighting men besides labourers; and they expected from the king of Spain, according to his promise, fifteen thousand souldiers, and arms and money fit for them; and from the king of France some ayd, because the queen of England, his sister, was so deprived of liberty of religion.

And the same rebels also further said in this deponents hearing, That in all forraigne parts it was agreed and resolved that all protestants or others that would not go to masse should be put to the sword.

And this deponent further saith, That he did hear Neale mac Kenny, baron of Trough, neer Glaslock, a notorious captain of the rebels say, that the king had sent directions from Scotland, that Sir Phelomy Roe ó Neale, knight, should be generall of all his majesties forces in Ireland, against the English; and that he the said Neale mac Kenny should be governour of the three counties of Tyrone, Armagh, and Monaghan; and that therefore he the said Neale mac Kenny and the rest of the Irish forces would, after their conquest of Ireland, go into England, and there, by the assistance of the English papists, also conquer the same; and that from thence they would go into Scotland, and by the like assistance subdue that kingdom, and settle their religion in all places.

And further saith, That he, this deponent, was in the county of Armagh credibly informed by some Scots, and the same was confessed and confirmed to be true by some of the Irish, that one Mr Keoon, neer Cregance, in the said county, and his souldiers, did take a Scottishman and a woman, and tortured them by hanging them up in a rope to confesse their moneys, but still before they were dead let them down again.

And saith further, That one Bryan mac Erownyn, a ring-leader of rebels, in the county of Fermanagh, and his souldiers, killed one Ensigne Lloyd and Robert Workman, both of the same county, gentlemen, and four of their servants, one of which they having wounded, but not to death, they buried quick. And this deponent was credibly informed, that the daughter-in-law of one Ford, in the parish of Clonnish, and county of Monaghan, being delivered of a childe in the hills, the rebels, who had formerly killed her husband and his father, killed her also and two of her children, and suffered their dogs to eat up and devour her said new-born childe, which they found with her in that place. And saith further, that Cole Mac Bryan, Mac Mahon the colonell, and his souldiers, did kill and murder at Mellifant, at the Lord Moores house, 18 of the said Lord Moores servants, and would not suffer the greater part of them to be buried, but to lie upon the ground and be devoured by dogs, crows, and ravenous creatures. And this deponent had and hath seen and observed the like to be done by the rebels since this rebellion began, within the county of Monaghan, to divers other protestants that they had murdered.

JOHN MOUNTGOMERY.

*Jur. 26th Jan. 1641.*

JOHN STERNE,           WILLIAM HITCHCOCKE,  
ROGER PUTTOCK,      WILLIAM ALDRICH.  
HEN. BRERETON.

*The Examination of Patrick ó Bryan, of the Parish of Galoon, in the County of Fermanagh.*

*Ex. 5.* This examine, duly sworn, deposeth *inter alia*, That Donagh mac Guye, of the county aforesaid, said, that it was against his will that this was begun, but seeing he had put to his hand, he would not give out; for if I should come in, I should be used like Tyrone, who was persecuted, notwithstanding his many pardons. Con oge mac con mac Hugh, mac Mahan, of Aghenbolagh and county of Monaghan, said, that the king knew of this rebellion, and that it was as hot in England and Scotland as here at the same time. And he further said, that all the nobles of this kingdome which were papists had a hand in this plot, as well as my Lord Maguire and Hugh oge mac Mahon, and that they expected ayd out of Spain by one Owen Roe ó Neal, viz. 10,000 men, and arms for as many. *Item*, the said deponent further saith, that he heard Colonell Plunckett say, that he knew of this plot eight yeers ago, but within

these three yeers he hath been more fully acquainted with it. The cause of this dependents knowledge is, that he was sent with a letter unto the said Colonell Plunckett from Mr Nicholas Willoughby, and heard the same from the said Plunckett as aforesaid.

PATRICK Ô BRYAN.

Deposed before us, Jan. 29, 1641.  
HENRY JONES, JOHN STERNE.

*The Deposition of Henry Jones, Doctor in Divinity, and Dean of Kilmore.*

Ex. 6. I, Henry Jones, doctor in divinity, in obedience to his majesties commission, requiring an accompt of the losses of his loyall subjects wherein they suffered by the present rebellion in Ireland; requiring also a declaration of what trayterous words, projects, or actions were done, said, or plotted by the actors or abettors in that rebellion; do make and give in this following report of the premisses, to the best of my knowledge. As for the present rebellion, howsoever the first breaking out of this fire into a flame began first on the 28th of October, 1641, yet was it smoking, as may well be conjectured, for many yeers before, God having given us many and apparent grounds for the discovery of it, had they been duely considered or fully prosecuted to a discovery, of which kinde we finde these following four particulars:

1. The first, That about three or four yeers since, amongst many books brought into Limerick from forraign parts, and seized upon by the reverend bishop of that see, as prohibited, being thereunto authorized by the state, one had a written addition to the first part, which was printed, the manuscript containing a discourse of the friars of the Augustine order, sometimes seated in the town of Armagh, in Ulster, but by reason of the times, and that present resident (as that writing imported) in the city of Limerick, in Munster, that while it flourished at Armagh, it was protected and largely provided for by the then Earl of Tyrone; since whose expulsion out of Ireland the convent was also decayed, and driven to those distresses it did for the present undergo; but that within three yeers (this is, as I remember, the time limited) Ireland should finde that he had a sonne inheriting his fathers vertues, who should restore that kingdom to its former liberty, and that convent to its first lustre, or words to that effect. This was related unto me by that zealous and learned prelate Doctor Webb, now bishop of Limerick, who saw and read the said passage, purposing, as his lordship told me, to send that book to the lord president of Munster, to be taken into further consideration.

2. Hereunto was added a second passage about the same time at Limrick aforesaid, where a popish priest gave out, that within three yeares there should not be a protestant in Ireland, or words to that purpose, with some other material circumstances which I do not now remember; yet all so concurring with the former, or the first with this (for which preceded I know not, both being about one time) that it was thought fitting to be considered of, the said priest being sent unto the lords at Dublin, and he committed to the castle.

3. The third did agree with the two former, and fell out about the same time in the county of Westmeath, in the province of Leinster, where Walter Newgent of Rathaspeck, in the said county, eldest son to Walter Newgent, Esquier, (a man of great fortunes) upbraiding an Irish protestant, who was the parish clerk of Rathaspeck aforesaid, with his religion, and both speaking Latine, the said Newgent uttered these words, *Infra tres annos veniet tempus, et potentia in Hibernia, quando tu longè* (likely meaning *diu*) *pendebis in cruce propter diabolicam vestram religionem.* The party to which this was spoken feared the power of the man, durst not speak of it, only in

private. Yet being called upon, and examined juridically upon oath, he deposed these words; and being demanded whether the words were in *Hiberniam* or *Hibernia*, the first importing an invasion, the other an insurrection at home, he deposed the later, having time given him to consider of it. These examinations were sent to Sir George Ratcliffe; Newgent was sent for and committed to the castle of Dublin, and remained in long durance, but after was dismissed.

4. Hereunto was added a fourth, about the same time, near the Naas, about twelve miles from Dublin, where a popish priest, newly arrived out of Flanders, did make his addresse to the then lord deputy, and informed his lordship of an intercourse of letters between the Earl of Tirone, with others in Flanders, and the popish primate of Armagh, Reily, concerning an invasion within a short time intended upon Ireland; the said priest offering (so his person might be secured) to direct such as should be thereunto appointed to the place where the said letters were in the custodie of the said Reily. Reily was thereupon sent for, together with the popish vicar-general of Armagh, as I remember; both were committed to the said castle of Dublin, but soon after released, and the informer dismissed with x. l. and a suit of clothes, or some such reward.

5. Hereunto may this be further added another, not so plain as the former. That about the same time the Lord Baron of Dunsany did ride disguised throughout all the parts of Munster, pretending to satisfie his curiosity in the knowledge of places and persons; he not being discovered until his return at the Birr, where, having offered himself to be bound for one of his company, he writ himself in his own stile, being loth to leave under his hand a testimony of his disguised person and assumed name.

Hereunto may be added a motion made by the recusant party in the parliament of Ireland, for hindring the sending away of certain colonels with their forces raised in the kingdom, and pretended to be for service in foreign parts, many wondring it should proceed from them; but therein, considering these their former practises, their intentions may be discovered to be far different from what others conceived thereof who assented thereunto: the employing of so many thousands abroad being a great weakning of the forces they purposed for this their soon after following rebellion.

To descend now from the antecedents of this treason to the falling in thereupon; and, lastly, to the consequents, and what thereby hath been intended, supposing it to succeed, and that it attained the desired effect, which by them was not doubted of. And, first, for the entrance thereinto; Howsoever that the ground-work were long since laid, yet would they not have it so to seeme; but new occasion must be found as the sole cause of their breaking out; this being intended for the satisfying the mindes of such of their own as have not hitherto bin acquainted with the depth and mystery of this iniquity, that they might not stand amazed at the suddennesse of the undertaking, or stand off from joyning with them, the worst part of their designes, it being an apparent rebellion. The fittest means for this must have bin by casting aspersions on the present government, which, if long tolerated, would prove extremely dangerous, not onely to their religion, but their lives and posterity. For effecting hereof, reports were cast out that in the parliament of England the cutting off of all the papists in Ireland, of what degree soever, was concluded upon, the execution of that resolution being committed to the counsell in Ireland; the lords (said they) had laid down a day for this work, being the 23d of Nov. then next following, and now last past, or thereabouts. For the better, more secure, and more secret managing of this pretended plot, such of the popish nobility and gentry of both houses as appeared in parliament at Dublin should be secured. And for the drawing together of the rest, amongst other pretences, this alledged to be one, that his majesties rents were purposely omitted, and not called upon in Easter term with that earnestnesse as for-

merly; and that such as made default should be summoned to appear in Michaelmas term at Dublin, and there surprised; such of them as were in the country, wanting the heads, being easily cut off. They say that this pretended plot was I know not how discovered to them. So that, for the safety of their lives and profession; they were enforced to stand upon their guard, and to counter-work that day of the 23d of Nov. laid for their destruction, by their declaring themselves in arms on the 23d of Oct. a month before. The serious part of this discourse was related to me by a friar intimate in their counsel, and by a priest a popish vicar-generall, thereby to give me satisfaction, and to justify their proceedings, whose names I do for the present forbear in respect of his majesties service.

By others also it was informed, that this plot was mainly intended in that session of parliament next after the Earl of Straffords beheading, and the manner concluded upon in the popish private meetings, which were then observed to be frequent, and by some suspected might prove dangerous; and that for discovery of what provision of armes and ammunition our store of Dublin afforded (it being by some suspected that most was sent before to Carrickfergus) one of the popish faction, in the house of commons, put one of the protestant members to move, that some of the Earle of Straffords men had cast out some threatening words against the parliament in revenge of his lord, which could not be conceived to end in lesse than a blowing up of the whole houses of parliament, the store lying under them: whereupon a committee of both houses, many of them prime papists, were appointed to make search in all the corners in the store; amongst these the Lord Mac Guire was one, who was observed without occasion to be liberrall in disposing of money to some of the officers of the store, in a way more than was ordinary with him.

The last session of parliament being prorogued, and the time drawing nigh for putting their designe into execution, there was a great meeting appointed of the heads of the Romish clergie, and other laymen of their faction, said to bee at the abbey of Mullifarvan, in the countie of Westmeath, where is a convent of Franciscans, thereof openly and peaceably possessed for many years last past. The day of their meeting being also on their Saint Francis's day, about the beginning of October last, but the time and place I cannot confidently affirm; yet, howsoever the severall opinions and discussions are as follow, like as I have received it from the said fryer, a Franciscan, and present there; being a guardian of that order, where, among many other things there debated, the question was, what course should be taken with the English, and all others that were found in the whole kingdom to be protestants. The councill was therein divided.

1. Some were for their banishment, without attempting on their lives; for this was given the instance of the king of Spaines expelling out of Granado, and other parts of his dominions, the Moores, to the number of many hundred thousands; all of them being dismissed with their lives, wives, and children, with some part of their goods (if not the most part;) that this his way of proceeding redounded much to the honour of Spain, whereas the slaughter of many innocents would have laid an everlasting blemish of cruelty on that state; that the like usage of the English, their neighbours, and to whom many there present owed (if no more) yet their education, would gaine much to the cause, both in England and other parts. That their goods and estates seized upon would bee sufficient without meddling with their persons; that if the contrary course were taken, and their blood spilt, beside the curse it would draw from Heaven upon their cause, it might withall incense and provoke the neighbour kingdome of England, and that justly taking a more severe revenge on them and theirs, even to extirpation, if it had the upper hand.

2. On the other side was urged a contrary proceeding, to the utter cutting off all the English protestants, where, to the instance of the dismissed Moores, it was answered,

that that was the sole act of the king and queen of Spaine, contrary to the advice of their councell, which howsoever it might gaine that prince a name of mercy, yet therein the event shewed him to be most unmercifull, not onely to his owne, but to all Christendome beside. That this was evident in the great and excessive charge that Spaine hath beene since that time put unto by these Moores and their posterity to this day. All Christendome also hath and doth still groan under the miseries it doth suffer by the piracies of Algiers, Sally, and the like dennes of theeves. That all this might have been prevented in one houre by a general massacre, applying that it was no lesse dangerous to expell the English. That these robbers and banished men might again returne with swords in their hands, who by their hard usage in spoiling might be exasperated, and, by the hope of recovering their former estates, would be incensed far more than strangers that were sent against them, being neither in their persons injured, nor grieved in their estate; that, therefore, a generall massacre were the safest and readiest way from freeing the kingdome of any such feares.

3. In which diversity of opinions, howsoever the first prevailed with some, for which the Franciscans (saith this frier, one of their guardians) did stand, yet others inclined to the second. Some again leading to a middle way, neither to dismisse nor kill.

And according to this do we find the event and course of their proceedings. In some places they are generally put to the sword, or to other miserable ends; some restrain their persons in durance; knowing it to be in their hands to dispatch them at their pleasures. In the mean time, they being reserved either for profit by their ransom, or for exchange of prisoners, or gaining their own pardons by the lives of their prisoners, if time would serve, or by their death (if the worst did happen) to satisfy their fury. The third sort, at the first altogether dismissed their prisoners, but first having spoiled them of their goods, and after of their raiment, exposing the miserable wretches to cold and famine, whereby many have perished by deaths worse than sword or halter.

Hitherto of their *councils and the effects of them*. Now for their intentions, all being reduced, which God forbid, into their power; and thereof do they, as by some law, give such peremptory conclusions, that it may well be wondred the thoughts of men professing themselves wise should be so vain. And herein I do still follow my informer:

First. Their loyalty to his majesty shall be still reserved: thus say they of the modest sort: but both his revenues and government must be reduced to certain bounds. His rents none other than the ancient reservation before the plantation, and the customes so ordered as to them shall be thought fitting.

Secondly. For the government, such as would be esteemed loyall, would have it committed to the hands of two lords justices, one of the ancient Irish race, the other of the ancient British inhabitants in the kingdom, provided that they be of the Romish profession.

Thirdly. That a parliament be forthwith called, consisting of whom they shall think fit to be admitted, wherein their own religious men shall be assistants.

Fourthly. Poinings act must be repealed, and Ireland declared to be a kingdom independant on England, and without any reference unto it in any case whatsoever.

Fifthly. All acts prejudicial to the Romish religion shall be abolished; and it to be enacted, that there be none other profession in the kingdome but the Romish.

Sixty. That onely the ancient nobility of the kingdome shall stand, and of them, such as shall refuse to conform to the Romish religion to be removed, and others put in their room. Howsoever, the present Earl of Kildare must be put out, and another put in his place.

Seventhy. All plantation lands to be re-called, and the ancient propriators to be



re-invested in their former estates, with the limitations in their covenant expressed, that they had not formerly sold their interests on valuable considerations

Eightly. That the respective counties of the kingdom be subdivided, and certain bounds or baronies assigned to the chief septs and others of the nobility, who are to be answerable for the government thereof. And that a standing army may be still in being, the respective governours being to keep a certain number of men to be ready at all risings out (as they term it;) they also being to build and maintain certain fortresses in places most convenient within their precincts; and that these governours be of absolute power, onely responsible to the parliament.

Lastly. For maintaining a correspondencie with other nations, and for securing the coasts. That also they may be rendred considerable unto others, a navie of a certain number of ships is to be maintained. That to this end, five houses are to be appointed, one in each province, accounting Meth for one of them; that to these houses shall be allotted an annual pension of certain thousands of pounds to be made up of part of the lands appropriate to abbeys, and a farther contribution to be raised in the respective provinces to that end. That these houses are to be assigned to a certain order of knights, answerable to that of Malta, who are to be sea-men. And to maintain this fleet, that all prizes are to be apportioned, some part for a common bank, the rest to be divided; to which purpose the felling of woods serviceable for this use is to be forbidden: the house for this purpose to be assigned to the province of Leinster, is Kilmainham, or rather Howth, the Lord of Howth being otherwise to be accommodated, provided he joyn with them; that place being esteemed most convenient in respect to situation, which they have small grounds to hope for.

For effecting of all which, they cast up the accounts of the forces of this kingdom, that it is able to make up readily two hundred thousand able men, wanting onely commanders, and some expert souldiers for the present, with arms and ammunition; of all which they expect a speedy supply out of Flanders, their own regiments there exercised being to be sent over, and some shipping from Spain allotted for service. That this kingdom being settled, there are thirty thousand men to be sent into England, to joyn with the French and Spanish forces, and the service in England performed, joyntly to fall upon Scotland, for reducing both kingdoms to the obedience of the pope; which being finished, they have engaged themselves to the king of Spain for assisting him against the Hollanders.

And for drawing their followers to some head, and for giving the fairer glosse to their foul rebellion, it is to be admired, what strange and unlikely rumours of their own devising they cast abroad; sometimes that many sail of Spaniards are landed, now at one port, then at another. That Drogheda was taken at such a day and hour, with all the circumstances at large, and letters to that purpose, dated from Drogheda by the rebels that besieged it. That Dublin was taken. And being infinitely ambitious of gaining the Earl of Ormond to their part, for the greater countenance to their cause, giving out that he was their own; which was so long beleev'd by the said followers, untill that noble earl giving daily those honorable testimonies to the contrary, and they finding it to their cost, though with the hazard of his own person, further than his place might well allow; they are now otherwise satisfied, and place him in the rank of their mortall enemies, together with that terror to them, Sir Charles Coote, and others.

And thus have I laid down all that I have heard to me related, omitting what I finde others more largely to insist upon. All which their treacherous, vain, and avry projects God disappoint.

As for my own private sufferings by the present rebellion, I refer them to another schedule, this being so far taken up.

HENRY JONES.

Deposed before us, March 3, 1641.  
 ROGER PUTTOCK, JOHN STERNE,  
 JOHN WATSON, WILLIAM ALDRICH.  
 WILLIAM HITCHCOCK.

*The Examination of Edmund Welsh, of Moylerstown, in the Kings County.*

*Ex. 7.* This examine, duely sworn, deposeth *inter alia*, That Piers Fitz-Gerald, of Ballisonan, in the said county, taking his peternell ready cocked, presented the same to this deponents breast, saying (when this deponent offered to draw his sword) that it was in vain for him to strive against so many, and so disarmed him, and took from him his sword and dagger, with eight guns, with certain powder and lead, alleading that there was an excommunication from the chief of their church against any of his religion that would not do the like; and if he had not done so, and that soon, some of his neighbours would have had his head; and that they would never ask any quarter, nor accept of any pardon. And these trayterous words were then and there spoken, and these hostile and outrageous acts committed as aforesaid. All which this deponent upon oath averreth.

EDMUND WELSH.

*Jur. 22. Jan. 1641.*  
 WILLIAM ALDRICH, JOHN STERNE.

*The Examination of John Edgworth, Esquire, High Sheriff of the County of Longford.*

*Ex. 8.* This examine, duly sworn, deposeth *inter alia*, That he sending abroad to know what the meaning of this insurrection was, word was brought him by one Thomas Stafford, once a servant to this examine, that he heard there was a commission come from his majesty to the Irish, by which they had power to destroy the English in this kingdom, and in so doing, to revenge the wrong done to his majesty by the puritans of England, who had not onely taken away his prerogative, but had also deposed him, and put up the Palsgrave in his stead. This examine discoursing further with the said Stafford, asked him if there were not a great meeting of friers and priests about the third or fourth of October last, being saint Francis's day, at the monastery of Multefarnam, in the county of Westmeath; to which the said Stafford answered, there was; and being further asked by this examine, what was the meeting for, he answered he did not know; onely thus much, that some of the friers told him that this was a yeer of jubilee, and that there was a plenary indulgence or bull (as he termed it) from the pope, for all the sins committed, and all that should be committed this yeer of jubilee.

JOHN EDGWORTH.

Deposed before us, Feb. 23, 1641.  
 HENRY JONES, WILLIAM ALDRICH.

*The Examination of John Brooks, of Ballyheys, in the County of Cavan, Yeoman.*

*Ex. 9.* This examine, duly sworn, deposeth *inter alia*, That by some of the rebels this deponent, and other English protestants, were threatned to be presently murdered, unlesse they would presently be gone: and if they went to Dublin, they should finde small relief there; if for England, as little there; for England was in the

same case. And further said, That they had long paid rents to the English, but they would make them pay it back again : further alledging, That what they did, they had authority for the same from the king, or words to that effect.

JOHN C. BROOKS, his mark.

Jur. 5, Jan. 1641.

ROGER PUTTOCK, JOHN WATSON.

*The Examination of Grace Lovett, Wife to Fran. Lovett, of Ballewhillan, in the County of Fermanah.*

Ex. 10. This examine, duly sworn, deposeth *inter alia*, That Patrick mac Collo-mac Donnel, Edmund mac Donnel, and the rest of their company, the 25th day of October last, entered into severall parcells of land, and outed this deponent and her children; as also took away the lease, writings, will, and escripts that this deponent had, that concerned the estate of the severall parcells of land.

And further deposeth, That she heard one of the company of Captain Rory Magwire (who, as this deponent heard, was a friar) say, That it was well that this deponent was come into their company to save her life; for if she should go for Dublin, it would be as bad; and if she went for England, it would be worse; for, said he, we have the kings broad seal for what we do: And for the reason of our rising, it is because the puritans preferred a petition against us, and would not let us enjoy our religion quietly, for we stand for our lives: And if we should not have done this, we had all lost our lives upon one day, or words to that effect.

And further this deponent saith, That she this deponent, her husband, and four children, were all stript naked by the said rebels, belonging to the said Capt. Rory, the said 25th day of October last, at Newtown, *alias* Castlecool.

GRACE U LOVETTS mark.

Deposed before us, Jan. 5, 1641,

HEN. JONES, HEN. BRERETON.

*The Examination of Elizabeth Coats, of Drumully, in the County of Fermanah, Widdow.*

Ex. 11. This examine, duly sworn, deposeth *inter alia*, That she heard some of the rebellious company say, and ask the English protestants that were there robbed what they intended to do, or whither to go, saying unto them, if they went for Dublin, that was taken by the Lord Magwire, upon Saturday before, and there they should finde small relief; if for England or Scotland, it was as bad there as here; saying further, that what they did they had the kings commission for it.

ELIZABETH M COATS, her mark.

Deposed this 4th of Jan. 1641,

before us,

RANDAL ADAMS, JOHN WATSON.

*The Examination of Nicholas Willoughby, of the Carrow, in the County of Fermanagh, Esquire.*

Ex. 12. This examine, duly sworn, deposeth *inter alia*, That Con oge mac Mahon said, that all the counties in Ireland were in action, or rebellion, as well as

Monaghan and Fermanagh, and that there was warre in England and Scotland between the papists and them.

And moreover he said, That the Irish were certainly informed that there was a course to be suddainly taken with them to make them go to church, or else to lose their lives, and that they had seen some writing, or letter, to that effect; and said that Owen mac Art ô Neal was come out of Spain, and landed about Strangford, or that side, and that he had brought store of arms and men with him, and that there were many redshanks come over out of the Highlands in Scotland, to take their parts.

NICHOLAS WILLOUGHBY.

Deposited before us, Feb. 23, 1641,  
HEN. JONES, WILL. HITCHCOCK.

*The Examination of Thomas Crant, of Cavan, in the County of Cavan.*

Ex. 13. This examinee, duly sworn, deposeth *inter alia*, That the said Donnagh Magwire expressing that he was not made privy to the general cause, until two or three dayes afore the day came, if he had been made of the councell, he would advise other wayes then to take up arms; but that now it was so, his hand was in, that he would not take it out, and that if the Lord of Eveskillin was ill used, we should be farre worse; and that if he suffered, we should all be destroyed, not one should escape; and that for his part he would never look for pardon, for that he knew well enough that they could pick a fault in any pardon, after that he was come in, to destroy him, for that how many pardons soever the Earl of Tyrone had, as yet they did him no good: Therefore he would not trust to any, but would stand out to defend his country with his blood, expressing that the Scots were and had been always their freinds, and that they had a covenant to shew, whereby it might appear the fair correspondency between them (the Irish) and the Scots in Scotland; which covenant imported that the Irish should never take part with the English against the Scots, and that the Scots should never take part with the English against the Irish; and that it was so covenanted between many of the lords of Scotland, and many of the lords and chief gentry of Ireland; and that Hugh mac Mahon had the covenant to shew;

Saying, that he was more a papist than a protestant, and that the puritan parliament of England was the cause of all this; that they had laid a plot, that at the next sessions of parliament, here in Ireland, that the papists of the house should be all committed to the castle, or murdered, and the protestants were to murder all the papists throughout the kingdom, and that they having intelligence of that, therefore they did begin first; and would now continue, and that all the whole kingdom did rise as they did, the self-same day, the 23d of October, and that all the papists in England did so that same day rise in arms against the protestants; and also, that some papist earls and lords in Scotland did likewise so too; So that there was warres in England and Scotland, as there was here in Ireland. \*

Divers women and children murdered, lying unburied, till dogs spoiled their corps, women with childe murdered; and some dyed for cold, after being stripped forth of their cloaths, lying unburied, that dogs gnawed their children forth of their wombs, which this examinee heard some of the vulgar people report with cheerfulness.

Also, there he heard reported by Con oge mac Con mac Hugh mac Mahon, Patrick oge mac Rosse Magwyre, that upon Christmas day they, with a matter of a 1000 men, went down to Enniskillin sledge, and there they burnt the house of Lisgoole, whereinto was come of men, women, and children, a matter of 50 souls of Scots,

who they burnt all in the house, except Master James Dunbarre and his sister, whom they gave quarter to; and took them forth of a window, and keepe them prisoners; as also they had burnt a castle called Tullin, wherein was a matter of 30 or 40 souls of Scots, and that as yet they could not do any good on Moone Castle nor of Eneskillin.

A poor man was met withall by a couple of Irish women, who knock'd him in the head, and killed him. The Lord of Dunsany sent for the women, examined the reason why they did so. They answered, that Barnaby Regley was hanged at Dublin, and they did it to revenge his death. The Lord of Dunsany committed them to prison. What since is done with them, this examine knoweth not.

At my being at Racaine, I heard it credably reported, that on the Sunday before Christmas day, that after Edmund mac Mulmore ó Rely had pillaged Bishop Bedle of Kilmore, and sent him with his two sonnes to Cloughwater castle to restraint, that the Romish bishop, Mac Swane, came to the church of Kilmore, and there did consecrate it anew, and set up an altar there, and so said masse, and there liveth in the bishops house.

THOM. CRANT.

*Jur.* 13, Feb. 1641.

O GER PUTTOCK, WILL. ALDRICH.

*The Examination of Elizabeth Parker, late of Battydust, in the County of Catherlagh, Widdow.*

*Ex.* 14. This examine, duly sworne, deposeth *inter alia*, That when she and others were wishing themselves in England; What should you do in England? for it was as bad as in Ireland; besides, the seas were very dangerous; And Comerford's wife further said, that the queens priest was hanged in England, which was the cause of the ansurrection in this kingdom, or to that effect.

ELIZABETH PARKER.

*Jur.* 13 Jan. 1641, *coram*

ROGER PUTTOCK, JOHN WATSON.

*The Examination of Ockar Butts, late of Bollganreagh, in the County of Wexford, Gentleman.*

*Ex.* 15. This examine, duely sworn, deposeth *inter alia*, That one of the rebels of the said company, being (as he said) the leader or commander over them, spake these words, viz. That they had full power and commission from their generall to execute such and the like exploits against the protestants; and that we should have no longer respite to remain in this kingdom, then untill the next day following; and that then all protestants should have generall warning to depart this kingdom, upon pain of death. And they then made question whether we should be permitted to land in any part of England or no; and that such straight commission was granted, and sent over unto their generall, by the queen, and some of the best nobility of England; and also, that they did not neer execute towards us protestants the tenure and rigour of their said commission; protesting, with great prophane oathes, That they shewed much favour unto us.

OCCAR BUTTS.

*Jur.* Jan. 25, 1641, *coram nobis*,  
JOHN WATSON, HEN. BRERETON.

*The Examination of Edward Denman, of Belturbut, in the County of Cavan, Merchant.*

Ex. 16. This examine, duely sworn, deposeth *inter alia*, That he asked John Rely why they did not meddle with the Scots, he said the Scots did joyn with them.

EDWARD DENMAN.

*Jurat coram nobis. 27 Jan. 1641.*

JOHN WATSON, RANDALL ADAMS.

*The Examination of George Fercher, of Toneheye, in the County of Fermanagh, Clerke.*

Ex. 17. This deponent, being duely sworn, deposeth *inter alia*, That Con oge mac Mahon, of the county of Monaghan, and barony of Dartrie, did say, that what they did against the English was done by commission from his majesty, and that all the Scottish nation was joyned with them in a covenant for the extirpation of the English; and to that effect, he said he was able to let me see the Earl of Argile his hand, together with the hands of the greatest part of the prime nobility of Scotland.

GEORGE FERCHER.

Deposed before us, Jan. 4, 1641,

HEN. JONES, RANDALL ADAMS.

*The Examination of Elizabeth Dickinson, near Clounish, in the County of Fermanagh.*

Ex. 18. This examine, duely sworn, deposeth *inter alia*, That some of Rory Magwire his company did, in the hearing of this deponent, say, that the Scots were to leave never a drop of English blood in England, and that the Irish had command to leave never a drop of English blood in Ireland; and that they were the queens souldiers. And further sayeth not.

ELIZ. DICKINSON.

Deposed before us, Jan. 3, 1641,

ROGER PUTTOCK, HEN. BRERETON.

*The Examination of John Shorter, of Callahill, in the County of Fermanagh.*

Ex. 19. This examine, duely sworn, deposeth *inter alia*, That they asked this deponent whither he would go? to whom he answered for England; then said they, this day Dublin castle is taken, the tower of London, and castle of Edinborough; and you have but four and forty hours to live, and then both English men and women and children shall be slain.

JOHN SHORTER.

Deposed before us, Jan. 5, 1641,

ROGER PUTTOCK, WILLIAM ALDRICH.

*The Examination of Thomas Knowles, of Newtown, alias Castlecool, in the County of Fermanagh, Yeoman.*

Ex. 20. This examine, duly sworn, deposeth *inter alia*, That Hugh mac Mahon and one Patrick Magwire told this deponent, that they had commission from his ma-

jesty for what they did, and that the same doings was done throughout the whole kingdom at that time, their plot having been working for two years last past; and that certainly God had a great hand in the same. All places of the protestants abode being taken and yielded, except three, viz. London-Derry, Eneskellin, and another town, this deponent not remembering the name; and that those towns could not long withstand their forces, because the Lord Magwire had taken Dublin castle (as they say) the Saturday before, otherwise, if it had not been taken, and that their plot had been discovered, the said Lord Magwire had been with them again upon Saturday aforesaid.

THOMAS KNOWLES.

Deposed before us, Jan. 3, 1641,  
HEN. JONES, ROGER PUTTOCK.

*The Examination of John Kerdiff, Rector of the Parish of Disertereagh, in the Barony of Dungannon and County of Tyrone.*

*Ex. 21.* This examine, duly sworn, *inter alia*, deposeth and saith, That the traitorous actions committed, and words spoken by the rebels against the protestants, were as followeth:

October the 23d and 24th they surprised these forts, viz.

Dungannon, Charlemont, Castle Caufield, Mountjoy, Munnymore, Castle-Blaney, Monaghan, Newry, in a word, all the chiefe forts in the counties of Armagh and Tyrone, and ransacked every town and house which belonged either to Englishman or Scottish.

They murdered the very first day Mr Mader, minister of the parish of Donoghmore, by some of the Donelies; within a while after, they murdered Mr New, curate to Mr Bradley; of the church of Ardtra, by one of the . . . . . The minister of Dungannon (Mr Blyth,) with eight more, were murdered, being first stripped and after driven out of the town, under colour of conduct; and within half a mile to the town murdered Mr Blyth, holding Sir Phelomies protection in his hand, as if he would call God's vengeance down on such treacherous truce-breakers.

It was also related to me, that Mr Fullerton, minister of Loughgale, and master Morgan Aubery, were killed at the bridge of Port of Downe, at which time about eighty or an hundred of the inhabitants of Loughgale were cast into the river, and there drowned.

Many more murders were committed on the English and Scotch.

*Robberies.*

Master Bradley was robbed to the value of one thousand pounds; and whilst he was robbing, Sir Phelim ô Neal and his company passed by, and soone after he was turned out naked out of his house; the rebels neither leaving doublet, coate, hat, nor shirt with him. His wife is falne into an extream frenzy by these outrages.

Master Dunbarre, minister of Donoghemie, with his wife, and five or six small children, with an old father and mother, were all of them stript and robbed of whatsoever goods or wearing cloaths they had; so that for awhile the man was distracted, and after compelled to tye some straw about his thighs to cover his nakednesse, and was whipt, as I was certainly informed, and what is become of him, his wife, or children, no man in the county could tell me, though I lived within three miles of him.

Master Wright, archdeacon of Dromore, had his house, which cost him much,

burnt. I saw himself, his wife, and two children, in extream misery at Charlemont, from whence they journied to Kinard.

Master Robinson, minister of Kinard, and his wife, lived miserably at Loughgale, having nothing left to satisfy nature, but what they could procure by others distressed like.

Master Hastig, minister of Tullaniskin, was turned out of his lodging, and stript starke naked, and clad in beggars cloaths, not a shoe to his foot, in which state he came to the house wherein I was lodged, where the people of the house durst not give him lodging, fearing least he should be murthered; for twice the next day there was search made for him.

Sir William Brumley had his town and castle burned, and all his goods taken away.

What shall I say more, all the English and Scotch in the counties of Armagh and Tyrone (a few onely excepted) were not left worth a farthing.

At Armagh, Archdeacon Maxwell related, that about forty men, women, and children were drowned at Cor bridge, neer Glaslough; the children going merrily hand in hand as to a place of refuge, and one of their company having license to pray, prayed so effectually, that one of his executioners went frantick with the conceit of this impious fact.

The words which I took notice of, were these: Sir Phelim ð Neal told, in my hearing, that he had commission for what he did, not only from most of the chief of the nobility of this kingdom, but from his majesty; and had also letters to that purpose from the Earl of Argile.

And that their intentions were only for the liberty of their religion and for the recovery of their lands, which should appear by the law of the land to be unjustly held from them.

Colonell Plunket told us at Armagh, that, seeing this exploit was begun, he was one of the chief plotters thereof, and was seven yeers employed in the compassing of it.

Frier Malone, of Skerries, did take the poor mens bibles, which he found in the boat, and cut them in pieces, and cast them into the fire, with these words: That he would deal in like manner with all protestant and puritan bibles.

At Master Conner's house (where the frier was) they had Hanmor's Chronicle, out of which they animated the rebells with the story of the Danes discomfiture by the Irish, though for the most part unarmed, and paralleled the history with these times.

This frier acknowledged that he was fourteen yeers employed to bring this designe to passe.

At Dongannon they reported of a vision seen a little before this insurrection began; a woman compassing about the town with a spear in her hand; when any would approach her, she would seem to go from them; when any would go from her, she would draw near unto them: the like, they say, appeared before Tyrone's former rebellion.

At Armagh, Colonell Plunket told us of another vision seen at Lisneigarvey, which he and about twenty more beheld, after the battle (wherein the Irish lost very many of their men, and most of their arms) there was an house set on fire at the end of the town; by the light of which fire, they discerned a number of horsemen riding to and fro; the number seemed to the colonell to be about a thousand or fifteen hundred: upon which relation, I was bold to enquire whether they seemed their own, or their enemies: he answered, that sometime they conceived them their own, otherwhile their enemies.

Yet I believed they could hardly seem their own, because, amongst them they had not neer so many horses. I further desired to know what they supposed them to be: he said, they were conceived to be fayries, or such like.

At Ardtra we were set upon by some of the Scots, (of whom Robert Stewart, brother to



the lord of Cas le-Stewart, was chief,) who took some of the goods out of the house, and many of our horses and arms from us.

JOHN KERDIFF.

*Jurat. ult. Feb. 1641.*

WILLIAM ALDRICH, JOHN STERNE.

*The Examination of Edward How, of the Parish of Galoon, in the County of Fermanagh, Clerk.*

*Ex. 22.* This examinee, duly sworn, deposeth *inter alia*, That he heard Donagh mac Quire say (when Hugh mac Mahon, of the county of Fermanagh, excused my Lord Magwire, and said, that others had perswaded him of late to stirre in this action,) that my Lord Magwire knew of it long before, and all the nobility and men of quality that were papists in this kingdom: Moreover I heard Con oge mac Con mac Hugh mac Mahon, of Aghnebolab, and county of Monaghan, say, that if my lord lieutenant had not been put to death, they had not made this insurrection. Further I heard him say, that there was an act made by the present parliament of England, that all papists there, or elsewhere in this kingdom, should go to church, otherwise be hanged at their own doors, and therefore they would begin with us, lest we should begin with them here, as they did in England; for he said they had hanged a jesuite in London which was the queens chaplain, and further this deponent cannot say.

EDW. HOW.

Deposed before us, Jan. 29, 1641,

HEN. JONES, JOHN STERNE.

*The Examination of George Cooke, late of Lissnegney, in the County of Cavan, Yeoman, and of John Cooke his Son.*

*Ex. 23.* The deponent, being duely sworn, *inter alia*, deposeth and further saith, That as he and his wife and children fled away towards Dublin, they met at Kells with a protestant minister, by name Master Sharpe, who had three children, and carried two of them on his back, whom the rebells perceiving to be a protestant minister, did most barbarously hack, cut in pieces, and murther, thrusting into his body three or four pikes together, and threw him into a ditch of water, where they left him; but, because the deponent fled to save his life, he cannot tell what became of the said ministers poor children. And the deponent John Cook further saith, that the same night one Tirlough Brady took away the deponents fathers goods; he the said Tirlough told the deponent, that that action was a great rebellion, and that all the papists in Ireland were in rebellion against the king and counsell, and that the Lord mac Guire had then taken the castle of Dublin, and that the protestants must be banished out of the kingdom, and the papists would have the same themselves. And about the same time one Tirlough ô Gowen, alias Smith, a popish priest, demanded the key of the church of Lará of this deponents brother, which being delivered unto him, he the said Tirlough said, that the papists would have their churches, lands, and kingdom from the English, and be no more slaves to the English as they had been, or else they would lose their lives.

GEORGE COOKE.

JOHN COOKE.

*Jur. Jan. 22, 1641.*

HEN. BRERETON, WILLIAM ALDRICH.

*The Examination of John Jesop of Cloynmoore, in the County of Kildare.*

*Ex. 24.* This examine, duely sworn, deposeth *inter alia*, That he hath credibly heard, that all the papists in the county of Wexford and Kilkenny, and in all the counties of Ireland, are actors, abettors, or at least secret well-wishers unto this rebellion.

JOHN JESOP.

*Jur. 8. Jan. 1641. Coram nobis.*

HEN. BRERETON, WILL. HITCHCOCK.

*The Examination of John Greg of Levileglis, in the County of Armagh, Yeoman.*

*Ex. 25.* This examine, duely sworne, deposeth *inter alia*, That his wife and five small children are in the rebels hands, who were most cruelly stripped before he left them, even to the childe that sucked the brest. Further he saith, that his said wife being stripped to the skin by one of the Donnells, was by him most cruelly beaten with his drawn sword in a triumphing and rejoicing manner, and with singing.

Further he saith, one captain Art ó Neal, of the parish of Levileglis aforesaid, gentleman, who pretended friendship to him, said that unlesse he would take up arms and go to masse, there was no hope of his life; unto whom he replied, that that was great cruelty, neither to suffer him the said Gregg to live a slave amongst them, nor suffer him to passe into his native cuntry; unto whom the said captain replied, that neither of those requests would be granted, affirming, that it was intended by them not to leave an English protestant alive in this kingdom, and that there was no hope of peace for tenne yeers to come.

He further saith, that in the aforesaid parish there were divers Englishmen most cruelly murthered, some twice, some thrice hanged up, and others wounded, and left half-dead, crying lamentably for some to come and end their misery by killing them out.

And further he saith, that the names of the chiefest of the rebels in those parts, are Phelomy ó Neal of Kinnaird, in the county of Tyron, knight, and Turlogh ó Neal, Esquire, his brother, and one Colonell Pluncket, and Captain Manue oge ó Caban of the county of Armagh, gentlemen, and Redmund ó Mullan of the Grange, in the county of Tyron, gentleman, and Patrick ó Mullan, now of Armagh, gentleman, who wrote proclamations in his majesties name.

And further he saith, that he heard by credible Englishmen, that the said Phelomy ó Neal affirmed, that his taking up arms was by his majesty and the queens consent, and the parliament in this kingdom; and further, that one captain Shane ó Neal, in the county of Tyron, stiled the said Phelomy ó Neal with the title and stile of his majesty.

JOHN GREG.

*Jur. 7. Jan. 1641. Coram nobis.*

WILL. HITCHCOCK, ROGER PUTTOCK.

*The Examination of Henry Reynolds of Cornemuckley, in the County of Cavan, Yeoman.*

*Ex. 26.* This examine, duely sworne, deposeth *inter alia*, That he heard one whose name, as he thinks, is Ferdoragh, (an Irish priest) say, that they had the kings hand for

what they did, and the cause of their rising was because there was a statute made in England, that all papists should go to church before a certain time or be banished.

HEN. RAYNOLDS.

Deposed before us, 4. Jan. 1641.

HEN. JONES, JO. WATSON.

*The Examination of Charles Crafford of Navan, in the County of Meath, Gentleman.*

*Ex. 27.* This examine, duely sworn, deposeth *inter alia*, That the reason generally given by them for their doing, was, that they had found a letter, wherein the English had resolved to hang the Irish at their doors if they would not go to church; and that therefore they would begin with the English first.

CHARLES & CRAFFORDS Mark.

*Jur. 22. Jan. 1641.*

ROGER PUTTOCK, JO. STERN,  
JOHN WATSON, WILL. ALDRICH.

*The Examination of John Wood of New-Rath, in the County of Wicklow, Gentleman.*

*Ex. 28.* This examine, duely sworn, deposeth *inter alia*, That these words were spoken by Nicholas Byrne, James mac Cabine, and divers other of the rebels, that they were discontented gentlemen; and having their lands unjustly taken away by the plantation, could not have any satisfaction but by the sword; therefore it was their colomell Luke Tooles pleasure, that all protestants should depart the kingdom upon pain of death: And for Dublin, if that did stand out long with them, they made no question to burn it; but if they could take it and not fire it, so they might have the head of my Lord Parsons, and three or four more of the chiefest of the city, all the rest should fare so much the better.

And they further said, that there was an act of parliament in England, that all papists in Ireland should upon pain of death either go to church or be banished the kingdom by such a day of the moneth, which, as I take it, was by the 24th of November; and therefore they desired liberty of conscience, and to enjoy all that land which their predecessors did formerly enjoy. For why should not they have their demand as well as the Scots.

JOHN WOOD.

*Jur. 17. Feb. 1641.*

JOHN STERN, RANDALL ADAMS.

*The Examination of Henry Steel, Curate of Chuntubrid.*

*Ex. 29.* This examine, duely sworn, deposeth *inter alia*, That when they were imprisoned in the dungeon in the county gaol, (all the robbers and rogues first set at liberty) they remained there in a most miserable estate, there being in number about forty-eight, more or lesse, where they had no roome to stand or lye.

And further deposeth, that he by God's great mercy being enlarged, his wife yet prisoner in Castle-Blaney, he came away with one Master Barnewell, and being in a place called Cabret, where one Master Fleming liveth, whose daughter is married to the Lord Magwire, he heard the servants of the house, and other Irish, relating that this Magwire and the popish primate, whose sirname is Rely, were a long space travelling

through the kingdom together to perswade them all to condescend to this most inhuman plot, and this Rely was then at this Fleming's house.

HEN. STEEL.

Deposed this 10. of Jan. 1641.  
WILL. ALDRICH, JOHN STERNE.

*The Examination of Katherine Graunt of Navan, in the County of Meath, Widow.*

*Ex. 30.* This examinee, duly sworn, deposeth *inter alia*, That the whole town and corporation of the Navan made good preparation for the entertainment of the northern rebels in victuals and drink for them, very many of them went to the rebels before they came to town, and generally all of them met them with great joy and welcoming of them when they came to town.

She further deposeth, that she heard the priest that came with the rebels from the north, (and the priest of the Navan, Master Fay among them, as she verily beleeveth) all charging divers of the captains not to go back nor come in upon the proclamation of pardon that came from the state, for if they did they were all undone.

KATH. ꝑ GRAUNTS mark.

Deposed this 5. of Jan. 1641.  
ROGER PUTTOCK, HEN. BRERETON.

*The Examination of Hugh Madden, late of Kirreke, in the County of Wicklow, Gentleman.*

*Ex. 31.* This examinee, duly sworn, deposeth *inter alia*, That after he had been first besieged by at least eight hundred of the rebels, having conference with some of them, they then gave out in words, that that businesse which they had begun they would pursue it till it were effected, and would not look for a pardon for the same, or to that effect.

HUGH MADDEN.

*Jur. 23. Feb. 1641.*  
JOHN WATSON, JOHN STERNE.

*The Examination of John Right, late of Newtown, alias Castlecool, in the County of Fermagh, Butcher.*

*Ex. 32.* This examinee, duly sworn, deposeth *inter alia*, That Rory Magwire shewed to him, and others whom he then robbed, a parchment or paper, with a great seal affixed, which he affirmed to be a warrant from the king's majesty for what he did. And he further deposeth, That when he and his neighbours then robbed complained of their miserable condition, being robbed and stripped, the said Rory replied, that if they were not content with what was done, they should see worse within a few days.

JOHN RIGHT.

*Jurat. Jan. 5. 1641. coram nobis.*  
RANDALL ADAMS, JOHN STERNE.

*The Examination of George French, of Karbery, in the County of Kildare.*

*Ex. 33.* This examine, duly sworn, deposeth *inter alia*, That he demanded of the rebels why they dealt so with William Coleman, to whom Luke Brumingham answered, that they had a commission from his majesty for what they did, and Gerald Fitz Gerald, of Carbery aforesaid, read the commission; that was a supposed commission from his majesty to take away all Englishmens goods.

*Jur. 1st Feb. 1641. cor.*  
JOHN STERNE, RANDALL ADAMS.

GEO. O FRENCH.  
his mark.

*The Examination of Jane Mansfield, lately of the Parish of Castle-Jordan, Widow.*

*Ex. 34.* This examine, duly sworn, deposeth *inter alia*, That she coming towards Dublin, in her way coming to one Master Philip Fitz-Gerald's house, neer Miltowne, in the county of Kildare, this deponent heard him utter these words, We are like to have great troubles, but we must all rise in arms, and not leave an Englishman in Ireland; and that the king was on their side in the north among them.

Deposed, 3d Jan. 1641.  
ROGER PUTTOCK, HENRY BRERETON.

JANE MANSFIELD.

*The Examination of Henry Palmer, late of Fetherd, in the County of Wexford, Bricklayer.*

*Ex. 35.* This examine, being duly sworn, *inter alia*, deposeth, That Dermot mac Dowling Cavanagh, head of the rebels there, and his company, said to this deponent with others, Be gone, you English dogges, for we do onely take your goods now, but worse shall follow; and they went into the church, and cut the pulpit-cloth and the ministers books in pieces, and strewed them about the church-yard, and caused the piper to play whilst they danced and trampled them under their feet, and called the minister dog, and stript him out of his clothes; and that they wounded severall persons that were in the castle of Fetherd and the town there, of which some, by reason of their wounds, cold, and want, died. And what clothes this deponent had left, being but mean, coming to Dublin, were also taken from him; and the Irish denied them lodging and relief, insomuch that they were constrayned to lie out of doors naked all night. And further saith, That one Welsh, of Killcullen Bridge, in the county of Kildare, inne-keeper, after that this deponent was robbed and stripped, told this deponent, that he the said Welsh knew that the king was in the north of Ireland and rode disguised, and had glassen eyes, because he would not be known.

*Jur. 12th January, 1641. coram nobis.*  
JOHN STERNE, WILLIAM HITCHCOCK.

HENRY PALMER.

*The Examination of John Perkins, of Sleigkogh, in the County of Cavan.*

*Ex. 36.* This examine, duly sworn, deposeth *inter alia*, That they said that the king was dead, and that the young king went to masse; and they were the queen's souldiers, and we were traytors. And the said words were affirmed by Cormack mac Cloney, parish-priest of Killan.

Deposed before us, 8th Jan. 1641.  
ROGER PUTTOCK, JOHN STERNE.

JOHN J. P. PERKINS  
his mark.

*The Examination of Tho. Middlebrook, of Leagne Caffry, in the County of Fermanagh, Yeoman.*

*Ex. 37.* This examine, duly sworn, deposeth *inter alia*, That on the 26th day of October last, he heard Cabell Boy mac Dermot say, that within one fortnight they should have a new king of Ireland crowned one of the 6 Neals, or words to that effect; which words were spoken by the said Cabell, in the presence of Alice Tibs, this deponents sister, and Avis Braishaw, wife of John Braishaw. And further, that he both heard that the rebels had murdered about threescore English protestants (that lived in good manner within the said parish.) And further saith, that there cannot be so few as one hundred English protestants (that lived in good manner within the said parish) perished and dead since the said rebels did banish and drive them from their habitations.

Deposed before us, Jan. 4. 1641.  
ROGER PUTTOCK, HENRY BRERETON.

THO. I. MIDDLEBROOK  
his mark.

*The Examination of Alice Tibs, of Ringvilly, in the County of Fermanagh, Widow.*

*Ex. 38.* This examine, duly sworn, deposeth *inter alia*, That she heard Cabell Boy mac Dermot, of Killrout, in the county aforesaid, yeoman, say, That Dublin castle was taken, and that they could afford the English two or three barrells of powder; and that the Irish within one fortnight would have a new king, or words to that effect; which words he spake in the hearing of this deponent, Avis Braishaw, wife to John Braishaw, and Thomas Midlebrook, the five-and-twentieth day of October. And did after hear another Irishman (whose name she knoweth not) say, That it was pity that any of the English or their breed should be suffered to live, for fear they should grow strong again; or words to that effect.

This deposed before us, Jan. 4, 1641.  
ROGER PUTTOCK, HEN. BRERETON.

ALICE UV. TIBS  
her mark.

*The Examination of Avis Braishaw, late of Agheruskie Moore, in the County of Fermanagh.*

*Ex. 39.* This examine, duly sworn, deposeth *inter alia*, That she heard Cabell Boy mac Dermott, of Kilrout, in the county aforesaid, say, That Dublin castle was taken,

and that they could afford the English three or four barrels of powder, and that the Irish would have a new king within a fortnight after; which words, or to that effect, he spake in the hearing of this deponent, Tho. Midlebrook, and Alice Tibs, the 25th day of October last.

This deposed before us, Jan. 4, 1641.  
ROGER PUTTOCK, HEN. BRERETON.

AVIS UU BRAISHAW -  
her mark.

*The Examination of Rich. Knowles of Newtown, alias Castle-cool, in the County of Fer-  
managh, Yeoman.*

*Ex. 40.* This examine, duly sworn, deposeth *inter alia*, That there is one hundred of the said parishioners (that lived in good rank and fashion) since they were driven out of their habitations and banished by the said rebellious Irish (being all English protestants) perished and dead. And this deponent is the rather confident that there is one hundred or more dead, by reason they dayly die in such abundance, this deponent well knowing the said parishioners, being his neighbours; and this deponent, being a butcher by trade, had some dealing with the most of them.

RICH. R. KNOWLS.  
his mark.

Deposed this 10th of Jan. 1641.  
JOHN WATSON, WILLIAM ALDRICH.

*The Examination of Robert Barton, of Newtowne, alias Castle-cool, in the County of Fer-  
managh, Blacksmith.*

*Ex. 41.* This examine, duly sworn, deposeth *inter alia*, That some Irish rebels neer unto Virginia, in the way towards Rells, did strip this deponent, and said, That they had a new king, and commission from him for what they did. And further deposeth, That he heard that Captain Rory, or some other of his company, had murdered of the said parishioners to the number of forty or thereabouts.

Deposed before us, Jan. 5, 1641.  
HEN. BRERETON, WILLIAM HITCHCOCK.

*The Examination of Hugh Culme, of Leitrim, in the County of Monaghan, Gentleman.*

*Ex. 42.* This examine, duly sworn, deposeth *inter alia*, That he was told that one Art mac Machown, who lived in the parish of Tehollan, said that they which spoke English should pay 10s. to the king; the party to whom he spoke it desired to know what king desired it? his answer was, what other king but the Earl of Tyrone.

And this deponent heard one Thomas mac Aleare's wife, of the same county and parish, say, that Captain Bryan mac Mahon, of Tehollan, said he would hang any that would speak English. And heard the priest Mac Clercy, of Tehollan, say, that all the English in Monaghan must be hanged; I asked him why? he said, meat was scarce, and they would not be at the charge to keep us.

And heard more by very honest men, that Mr Cottingham, minister of Monaghan, being in a dungeon bolted, desired for God's sake to get a little straw to lye upon, being put to such extremitie.

And that Mr Richard Blaney, justice of peace, in the county of Monaghan, was hanged in this manner.

Art Roe mac Bryan Sanaght, of Haslough, in the county of Monaghan, marshall to the rebels, came to Mr Blaney to the dungeon, and desired him to come out to speak with him; when he came out to him, he led him to my Lord Blaney's orchard in Monaghan, and said to him, do you remember how you hanged my brother, and made me flye my country for three yeers; but I will hang you before you go, but if you will, you shall have a priest; he said no, but he desired to have Master Cottingham, the minister of Monaghan, but they would not, but hanged him there, and flung him in a ditch, and he was two dayes unburied.

And this deponent heard that there was one Luke Ward, a Scotchman, which had indicted a man the quarter sessions before this rising, the same man came to him where he was in the gaol, and carried him to an alehouse, and made him drunk, and when he had done, carried him into the backside and hanged him; after he was cut down, they flung him into a river, and I could never hear that he was buried.

HUGH CULME.

Deposed before us, Jan. 25, 1641.

HEN. JONES, HEN. BRERLTON.

I heard Master Mountgomery, minister, and Master Hollis, with severall other men of good worth, report, that the Sunday before this rising of the rebels, that there was seen a sword hanging in the ayre with the point downwards, the half seeming to be red, and the point turned round.

HUGH CULME.

*The Examination of Mistresse Martha Culme, of Leitrim, in the County of Monaghan.*

Ex. 43. This examine, duly sworn, deposeth *inter alia*, That she being by the rebels forced from her dwelling, and robbed of all her goods, she was enforced to shift from place to place for safe-guard of her life; particularly at William Boy Flemings house, in the parish of Tehollan, in the county of Monaghan, where she did hear the said Flemming, in detestation of the cruelty of the rebels, to relate, that while Sir Phelomy ô Neal did lye with his forces before the Ogher, in the county of Tyrone, the Irish women would follow after the Irish rebel souldiers, and put them forward in cruelty, with these and such words: Spare neither man, woman, nor childe, God so pittie your souls, as you pity them, intending those words to cruelty.

This examine further saith, that in the said Flemings house, one Art mac Patrick mac Toole Boy mac Mahon, of the barony of Balline Cargy; in the said parish, speaking to this examine in Irish, she desired he would deliver himself in English, for she understood not Irish; he answered in English, that such as spake English should forfeit ten shillings to the king; what king, saith this examine, have we, that will not allow the speaking of English? what king, saith he, but the Earl of Tyrone; she asked where the earl was; he answered in the north, where he was landed with 40000 Spaniards, whereof 10000 were then with Sir Phelim ô Neal.

MARTHA CULME.

Deposed before us, Feb. 14, 1641.

HEN. JONES, HEN. BRERLTON.



*The Examination of Elizabeth Gough, late of Ballanenagh, in the County of Cavan, Spinster.*

*Ex. 44.* This examine, duely sworn, deposeth *inter alia*, That the Irish purposed to have a king of their own in Ireland, and that Phelomy ó Neal should be.

Deposed before us, Feb. 8, 1641.  
HENRY JONES, HENRY STERNE.

ELIZABETH O GOUGH,  
her mark.

*The Examination of Anne Gill, of Newtown, in the County of Fermanagh, Widow.*

*Ex. 45.* This examine, duely sworn, deposeth *inter alia*, That when Rory Magwire had taken the church at Newtown aforesaid, he the said Rory (in the presence and hearing of this deponent, and a great many of his neighbours, the kings majesties loving subjects) gave forth that it was to no purpose for them to fly to Dublin for succour, for Dublin was taken by the Lord Magwire, who was to be king of Ireland.

*Jur. 29,* Jan. 1641.  
JOHN STERNE, WILLIAM ALDRICH.

ANNE L GILL,  
her mark.

*The Examination of Elizabeth Vause, late of Creigs Toune Loughfield, in the County of Leitrim, Widdow.*

*Ex. 46.* This examine, duely sworn, deposeth *inter alia*, That when this deponent asked why the rebels so robbed them, they asked again, who sent you over, and being answered, that God and the king did it, they the said rebels said, let your king fetch you out again.

And saith further, that the said rebels burned divers houses and two children, and one old man in them, and that very many protestants that fled for safety and succour to the castle of Sir James Craige, Knight, being near them, were there famished, starved, and dyed for want of means.

*Jur. 9, die* Feb. 1641.  
JOHN STERNE, WILLIAM HITCHCOCK.

ELIZ. O VAUSE,  
her mark.

*The Examination of Nicholas Michael, of Farnan, in the County of Cavan.*

*Ex. 47.* This examine, duely sworn, deposeth *inter alia*, That the parties that robbed this deponent, said they have an Irish king amongst them, and they regarded not king Charles the king of England.

Deposed before us, Jan. 15, 1641.  
WILLIAM HITCHCOCK, HEN. BRERETON.

NICH. 3 MICHAELS,  
mark.

*The Examination of Andrew Foster, of Mocreidin, alias Caryetsfort, in the County of Wickloe, Gentleman.*

*Ex. 48.* This examine, duely sworn, deposeth *inter alia*, That the rebels said that they would within a week burn Dublin, and that neither king nor queen should govern Ireland any longer, for they would govern it themselves.

ANDREW FOSTER.

*Jur. 17, Febr. 1641.*

WILLIAM ALDRICH, JOHN STERNE.

*The Examination of Richard Witton, of Kilnane, in the County of Wickloe, Miller.*

*Ex. 49.* This examine, duely sworn, deposeth *inter alia*, That Luke Burne, gentleman, of Kilnane, said he would have their religion flourish, no thanks to king or subject.

RICH. WITTON.

Deposed this 11. of Jan. 1641.

WILL. ALDRICH, WILL. HITCHCOCK.

*The Examination of Edward Taylor, late of Saint Margarets, alias Ravan, in the County of Wexford, Clerk.*

*Ex. 50.* This examine, duely sworn, deposeth *inter alia*, That one Piers Synnot, of Ballyvodegg, in the said county, and his sonne David, and other their complices, before this rebellion burst out, did disposes this deponent of his goods and church livings, into which he was long since invested by his majesties presentation, for which abuse this deponent impleaded some of them in this last parliament at Dublin; and a little before the beginning of the said rebellion, he shewed the said David an order from the said parliament for this deponents quiet enjoying his said church livings and restitution of the profits thereof, by them wrongfully detained, to which the said David Synnet answered, that he cared not for that, and that it was no parliament, but meet him at Dublin in Michaelmas term next, and question him if he durst, for then they would have a parliament of their own, in which parliament, he said, the deponent durst not complain, or words to that effect.

EDWARD TAYLOR.

*Jur. 23, Feb. 1641. coram nobis.*

JOHN STERNE, HEN. BRERETON.

*The Examination of Nathaniel Higginson, of the Castle of Knockballymore, in the County of Fermanagh, Gentleman.*

*Ex. 51.* This examine, duely sworn, deposeth *inter alia*, That the rebels then said, that they had a commission or broad seal from the king for what they did, and that when they, the said rebels, had vanquished oover-runne this kingdom, they would go over into England, where they would have the assistance of Spain and France for over-running the same.

NATH. HIGGINSON.

*Jur. 7, Jan. 1641. coram.*

ROGER PUTTOCK, HEN. BRERETON.

*The Examination of Anne Marshall, of Castle-Waterhouse, in the County of Fermanagh, Widdow.*

*Ex. 52.* This examine, duely sworn, deposeth *inter alia*, That some of the rebels most cruelly murdered William Marshall, husband unto this deponent, giving him sixe several mortall wounds, then said, that the Scots were at that time sent to leave never a drop of English blood in England, and that the Irish now had authority and command from the king to leave never a drop of English blood in Ireland.

And further deposeth, that the common speech of the said rebels was, that they were the queens souldiers.

ANNE MARSHALL.

Deposed before us, 3 Jan. 1641.

ROGER PUTTOCK, HEN. BRERETON.

*The Examination of Jathmiell Mawe, of Ferringrin, in the County of Fermanagh, Gentleman.*

*Ex. 53.* This examine, duely sworn, deposeth *inter alia*, That he heard some of the rebellious Irish company say, that there should not be one Englishman, woman, or childe, left within this kingdom, and that they had the kings broad-seal for what they did.

JATHNIELL MAWE.

Deposed before us, Jan. 3, 1641.

HEN. JONES, WILLIAM ALDRICH.

*The Examination of Richard Cleybroom, of Ballyellis, in the County of Wexford, Farmer.*

*Ex. 54.* This examine, duely sworn, deposeth *inter alia*; That he heard Luke Toole say, that he intended soon after to march to Killeothery and take it, and afterwards to come to Dublin and take the castle there, and that he would not leave an Englishman or English-woman in the kingdom, but they all should be banished, and that he would not leave an English beast alive, or any of the breed of them.

He saith also, that he heard the said Luke Toole say, that he would have his own religion settled in this kingdom, and that he would pull the Lord Parsons hat from his head.

RICHARD *u* CLEYBROOK,  
his mark.

Coram me.  
JA. WARE.

*The Examination of Margaret Farmeny and Margaret Leadley, Widdows, both of Acrashaney, in the Parish of Clowish, and County of Fermanagh.*

*Ex. 55.* These examines, duely sworne *inter alia*, depose, That on the 23d day of October last, the rebels in that county, to the number of an hundred, or thereabouts, robbed the deponents of their goods and chattells, and bound their hands behind them, urging them confesse money. And that the said rebels bound one of the deponents husbands, and led and dragged him up and down in a rope, and cut his throat in her

sight with a skean, having first knocked him down and stript him. And at the same time murdered 14 persons more, all English protestants; the said rebels then alleadging, that they had the kings broad seal to strip and starve all the English, and that they were his souldiers. And as the deponents fled for succour towards Dublin, they were stripped on the way by the Irish seven times in one day, and left stark naked, being aged women of 75 years old; and the rebels that saw the deponents naked, bid them go and look for their God, and let him give them clothes.

*Jur. 3, Jan. 1641.*

JOHN STERNE, WILL. HITCHCOCK.

*The Examination of Henry Fisher, of Powerscourt, in the County of Wicklow.*

*Ex. 56.* This examinee, duly sworn, deposeth, *inter alia*, That Luke Toole, chief of the rebels in those parts, said, That there was landed at Wexford nineteen thousand of the Spanish enemy: whereupon, they leaped and danced for joy.

And this examinee further deposeth, That Bryan Lynch, of Powerscourt, revolted and fell from the protestant religion to masse; and the said Linch, with severall other rebels, entered the parish church of Powerscourt, called Staggonnell, and burnt up pues, pulpits, chests, and bibles, belonging to the said church, with extreme violence and triumph, and expression of hatred to religion; and this convert, Linch, strongly laboured to have this deponent hanged.

HEN. FISHER.

*Jur. Jan. 25, 1641.*

JOHN STERNE, WILL. HITCHCOCK.

*The Examination of Adam Glover, of Slonogy, in the County of Cavan.*

*Ex. 57.* This examinee, duly sworn, deposeth *inter alia*, That this deponent and his company that were robbed, observed, that 30 persons, or thereabouts, were then most barbarously murdered and slain outright, and about a hundred and fifty more persons cruelly wounded, so that traces of blood issuing from their wounds lay upon the highway for 12 miles together, and many very young children were left and perished by the way, to the number of sixty, or thereabouts, because the cruell pursuit of the rebels was such, that their parents and friends could not carry them further. And further saith, that some of the rebels vowed, that, if any digged graves, wherein to bury the dead children, they should be buried therein themselves; so the poor people left the most of them unburied, exposed to ravenous beasts and fowl; and some few their parents carried a great way to bury them, after they were dead; and some were hid in bushes, that the rebels should not find them. And this deponent further saith, that he saw upon the highway a woman left by the rebels, stripped to her smock, set upon by three women and some children, being Irish, who miserably rent and tore the said poor English woman, and stripped her of her smock, in a bitter frost and snow, so that she fell in labour in their hands and presence, and both she and her childe miserably died there.

And this examinee further deposeth, That James ó Rely, of or neer to the parish of Ballybeys, yeoman, and Hugh Brady, of or neer the parish of Urnagh, and divers others of the rebels, did then often take into their hands the protestant bibles, and wetting them in the dirty water, did five or six several times dash the same on the face of this deponent and other protestants, saying, Come, I know you love a good lesson,

here is a most excellent one for you; and come to-morrow, and you shall have as good a sermon as this; and used other scornfull and disgracefull words unto them.

And further saith, That one Owen Brady, of the parish of Armagh, gent. being one of the principal guard to Philip mac Hugh mac Shane o Rely, did take divers protestants (as they went by their court of guard to the church) by the hair of the head, and in other cruell manner, and, dragging them into the church, there stripped, robbed, whipped, and most cruelly used them, saying, If you come to-morrow, you shall hear the like sermon, or to that effect, with other scornfull and opprobrious words.

The mark of ADAM GLOVER.

Deposed before us, Jan. 4, 1641.

HEN. JONES, RANDALL ADAMS.

*The Examination of Elizabeth Tayler, Wife of John Tayler, of the Newtowne, alias Castlecool, in the parish of Drumuly, and Half-barony of the Coole and County of Fermanagh, Weaver.*

*Ex. 58.* This deponent, being duly sworn, deposeth, That (*inter alia*) she and her said husband, with the rest of her neighbours, fled for the more safety of their lives into the church of the Newtown, being a fair church, new built by the inhabitants of that parish, and there remained, untill the Monday following, being the 25th of October last, when, about ten of the clock in the forenoon, Captain Rory mac Quire, brother to the Lord Magwire, where they so were, came, accompanied with a great multitude of Irish, to the number of one thousand persons, and upwards; which they not being able to resist, upon his faithfull promises that they should quietly enjoy their own, and receive no harm, they let him and his company into the said church, whereinto he had no sooner entred, but, in contempt of God and his sacred word, he went up into the pulpit, and took down the English Bible that was there, and rent and tore the same in pieces, and he and his company trampled the same under their feet, and then perfidiously fell upon the English, and rifled and stript them naked, and turned them out of the town, and fired and burnt the same down.

ELIZ. TAYLOR, *q.* her mark.

Deposed before us, Jan. 8, 1641.

HEN. JONES, HEN. BRERETON.

*The Examination of Edward Slack, of Gurteen, in the County of Fermanagh, Clerk.*

*Ex. 59.* The examinee, duly sworn, deposeth *inter alia*, That, on the 24th of October last, the rebels in the county of Fermanagh aforesaid, took his Bible, opened it, and laying the open side of it in a puddle of water, leapt and trampled upon it, saying, A plague on't, this Bible hath bred all the quarrel; and they hoped that, within three weeks, all the Bibles in Ireland should be used as that was, or worse; and that none should be left in the kingdom; and also, that the said rebels burnt this deponent's house, and after, some other rebels cut and wounded him twice in the head.

EDW. SLACK.

Deposed before us, 4 Jan. 1641.

HEN. JONES, WILL. ALDRICH.

*The Examination of Edward Dean, late of Oghram, in the County of Wicklow, Tanner.*

*Ex.* 60. This examinee, duly sworn, deposeth *inter alia*, That the Irish rebels made proclamation, That all English men and women, that did not depart the country within twenty-four hours, should be hanged, drawn, and quartered, and that the Irish houses that kept any of the English children should be burned.

And further saith, That the said rebels burned two protestant Bibles, and then said that it was hell-fire that burnt.

EDW. DEAN.

*Jurat.* 7 Jan. 1641, *coram nobis*.  
ROGER PUTTOCK, JOHN WATSON.

*The Examination of Katherine Bellaw, alias Bedlew, late of Blittock, in the County of Monaghan, Widdow.*

*Ex.* 61. This deponent being duly sworn (*inter alia*), deposeth, That one Mistresse Elcock, who, being in child-bed, was, nevertheless, carried away to prison, together with the Lady Blaney and her seven children.

The  $\tau$  mark of the said KATHERINE.

*Jurat.* 5 Febr. 1641, *coram nobis*.  
WILL. ALDRICH, HEN. BRERETON.

*The Examination of John Wisdome, of Ardmagh, Parish Clerk of the Cathedral there.*

*Ex.* 62. This examinee, duly sworn, deposeth *inter alia*, That at Loughgall, in the county of Ardmagh, the English being promised a safe conduct by the rebels, from garrison to garrison, till they came to the next haven, and there to take shipping, for their own country, by the way some of them were murdered, viz. Master William Fullarton, parson of Loughgall, and two or three others, as the deponent heard, the rest which they found at Loughgall, and about the country there, to the number of eightscore persons, which they drowned at Port-a-down bridge, as the deponent is informed by one William Pitchfork, that was present at their suffering, but escaped himself, being begged by an Irish rebel to be his servant; and, about the same time, they fired many in one house near Ardmagh.

And this deponent further saith, That Master Roger Holland related to him that he was told by one John Babe, an owner of a boat in Carlingford, that Mistris Holland was hanged at Carlingford, and delivered of a child while hanging.

And further, this examinee saith, That he was credibly informed by Master Franklin, of Dublin, who came part of the way towards Dublin in the deponent's company; That, at the Newry, a man was carried out, and so wounded, that he was laid for dead, but, after recovering, he was again set upon and murdered; and his wife also having her belly ript up, and two children fell out.

And the examinee further saith, That at the Corr, in the county of Armagh, there

were drowned at once one hundred and twenty persons, men, women, and children, which the deponent heard from master Holland aforesaid.

JOHN WISDOME.

*Jur. 8 Feb. 1641, coram nobis,*  
ROGER PUTTOCK, HEN. JONES.

*The Examination of Philip Taylor, late of Port-a-down, in the County of Armagh, Husbandman.*

*Ex. 63.* This examine, duly sworn, deposeth *inter alia*, That, about the 24th of October, he was taken prisoner at Port-a-down aforesaid, by Tool mac Cann, now of Port-a-down, gentleman, a notorious rebel, and a commander of a great number of rebels, together with those rebels, his soldiers, to the number of a hundred persons, or thereabouts; at which time the rebels first took the castle and victualled it, then they assaulted and pillaged the town, and burnt all the houses on the further side of the water; and then the said rebels drowned a great number of English protestants, of men, women, and children, in this deponent's sight, some with their hands tyed on their backs.

And this deponent further saith, That the number of them that were drowned then amounted to an hundred ninety and six persons, as this deponent hath been credibly informed; and the same rebels then also threatened to shoot to death one Master Tiffin, a zealous protestant minister there, and discharged a peece a him accordingly, but, as it pleased God, they mist him, and at length he escaped from them.

And the deponent further saith, That the said rebels kept this deponent in prison at Port-a-down aforesaid, for the space of seven weeks, and set a horse lock upon his leg; but at length he got a passe from the said Tool mac Cann, and so got away from them: but whilst he staid there, many poor protestants were by the rebels murdered in severall places about Loughgall. And they also that time stript off the cloaths of one Master Jones, a minister at Segoe, neer Port-a-down aforesaid, who afterwards escaped from them to the town of Lisnegarvey.

And the deponent further saith, That he hath credibly heard, that one Master Fullarton, a minister, and another in his company, were also murdered by the rebels, before the drowning of the protestants aforesaid; and that the rebels aforesaid killed a dyer's wife, of Rossetrever, at Newry, and ript up her belly, she being with child of two children, and threw her and the children into a ditch, and this deponent drove a sow away that was eating one of the children.

Sig. PHILIP TAYLOR.

*Jur. 8 Febr. 1641.*  
WILLIAM ALDRICH, JOHN WATSON.

*The Examination of John Mandefield, late of Miltown, in the County of Dublin, Barber-Chirurgion.*

*Ex. 64.* The deponent, being duly sworn, deposeth *inter alia*, That some of the rebels in that county did strike his wife, and stab her with a skean in the breast, when she had a young childe sucking on her, which wound this deponent, being a chirurgion, with much difficulty healed.

JOHN MANDEFIELD.

*Jur. 3 Feb. 1641, coram nobis.*  
HEN. JONES, WILL. HITCHCOCK.

*The Examination of Margaret Stoaks, the Wife of Hugh Stoaks, late of Clonkelly, in the County of Fermanagh.*

*Ex.* 65. The said deponent, being duly sworn, *inter alia*, deposeth, That whilst she was in the said county, she heard credibly among the Irish, and observed by their discourses one with another, that the castle of Lissegoal, neer Eniskillin, (which belonged to the Lord Hastings, and wherein one Master Segrave dwelt,) was burned by the rebels, with all the English and Scots that were therein, which were very many; and that almost all the English and Scots that dwelt in Magberboy were likewise killed and robbed by the rebels; and that there was a woman, who, when the said castle was a fire, let down through a window her young childe, whom she gave suck unto, and after leapt out of the window herself, which the rebels observing, presently killed the said woman, and the next morning, finding the young childe alive, sucking the dead mother's breast, they cruelly murdered the childe.

This deponent further saith, That as she was coming on the way to Dublin, at Bal-lybayes, she heard for certain, that handiercraftsmen and tradesmen, and others of the English that were remaining at Belturbart, were killed and murdered by the rebels about the last of January last past, and the rebels hanged the men and drowned the women and children.

The deponent further saith, That when the rebels, or any of them, had killed any Englishman in the country, many others of them would come one after another, and every of them would in most cruell manner, stab, wound, and cut him, and almost mangle him; and to shew their further malice, would not suffer nor permit any to bury them, but would have them to lye naked for the dogs, beasts, and fowles of the aire to devour them.

The deponent further saith, When they had so killed the English, they would reckon up and accopt the number of them, and in *rejoycing and boasting* manner would often say, that they had made the *divell* beholding to them in sending so many souls to him to hell.

The deponent likewise saith, *inter alia*, That as she was coming towards Dublin about Dunshaghlin, the rebels that were in garrison there said unto her, that if they thought she and her children had but one drop of English blood in them, they would kill both her and her children.

MARGARET STOAKS.

*Jurat. coram.*

GERRARDO LOUTHER.

*The Examination of Mary Woods, late of the Town and County of Kildare, Widdow.*

*Ex.* This examine, being duly sworn and examined, *inter alia*, saith, That since the beginning of this present rebellion, she hath been stripped and robbed of her goods by the rebels in those parts, since which time the bodies of severall deceased protestants, buried in the church there, were taken up and thrown away into filthy places, exposed to be devoured of dogs, and other beasts, which was done partly by the commandment or direction of James Dempsie, a priest, Peter Sarsfield, Thomas Fitz Gerald, James Flatisbury, and John Leighe, Esquires, and others whom she knoweth not.

And further saith, That the said rebels and others about that town, did of late first strip her husband of cloaths, and after stabbed him, and after that shot him, and last



of all most barbarously buried him alive, where he remained with earth upon him above an hour before the breath went from him.

*Sig: præ:* ANNE WOODS.

*Jur. 23d Feb. 1641. Coram nobis.*

JOHN WATSON, JOHN STERNE.

*The Examination of Thomas Huetson, of the Town and County of Kildare.*

*Ex. 67.* This deponent, being duly sworn and examined, deposeth, That (*inter alia*) about a moneth or three weeks since, one John Courtis, of Kildare aforesaid, weaver, and Martin Courtis his sonne, Walter White of the same, labourer, Bonaventure Berry, of the same town, the reputed son of Will. Berry, of the same town, a popish priest, and Tho. Berry, of Kildare aforesaid, neer kinsman to the said priest, and divers other rebels of the Irish, did in the cathedral church of Kildare aforesaid, dig the graves of Dominick Huetson, this deponent's brother, who had been buried about 20 months before, and Christian Huetson, the deponent's grandmother, who had bin buried about a week before, and took their corps out of the same graves and church, and laid them both in a hole which they digged up for that purpose, within a garden, out of the walls of the church yard, which was done by the command or procurement of Rosse mac Geoghegan, titular bishop of Kildare, James Dempsie, the popish vicar generall there, the foresaid William Berry, priest, Dominick Dempsie, guardian to the fryars there, James Flanagan, a fryar, Bryan ó Gormooley, a fryar, and other fryars whose names he now remembreth not.

And the deponent also saith, That the said Berry, the priest, brought this deponent before the said titular bishop, and informed him, that the deponent was looking at the church window when the corps of his said brother and grandmother were taking up, and that he there writ down the names of those parties that so took them up, and so desired to know what must be done with this deponent, who answered, That if he found that report to be true, or that this deponent should do any thing against their catholic cause, he would imprison and hang him.

And this deponent further saith, That the parties above named, with divers others of the town of Kildare, said, that they could not sanctifie nor hallow the said church of Kildare, untill the heretickes bones were removed out of it.

THOMAS HUETSON.

*Jur. 15th Feb. 1641.*

ROGER PUTTOCK, WILLIAM ALDRICH.

*The Examination of Rebecca Collis, late of the Town and County of Kildare.*

*Ex. 69.* This deponent, being duly sworn and examined, deposeth, That since the beginning of this rebellion, she and her husband have been robbed and despoiled of their goods by the rebels in those parts. And further saith, That about Christmas last, the titular bishop of Kildare, the guardian, and other priests and fryars there, did take away the chapter-chest belonging to the cathedrall church of Kildare, and did cause the same to be carried to the house of Peter Sarsfeild, of Tully, Esquire; and shortly after a consultation had amongst the said Peter Sarsfeild, James Flatisbury, Thomas Fitz-Gerald, John Leigh, Esquires, James Dempsie, vicar generall to the said titular bishop, by whose directions or command the dead bodies of divers deceased

protestants were digged out of the church of Kildare, and cast into a filthy ditch, to be devoured by beasts and dogs.

REBECCA COLLIS.

*Jur. 23d Feb. 1641. coram nobis.*  
JOHN STERNE, WILLIAM ALDRICH.

*The Examination of Margaret Parkin, of Newtowne, in the County of Fermanagh, Widdow.*

*Ex. 69.* This deponent, being duly sworn and examined, deposeth *inter alia*, That, by the information of divers credible persons, she understood that the rebels boyled a young childe to death in a great kettle in the church at Newtown aforesaid.

MARGARET PARKIN.

*Jur. 19th Jan. 1641.*  
ROGER PUTTOCK, WILLIAM ALDRICH.

*The Examination of Elizabeth Bairsee, of Newtown, in the County of Fermanagh.*

*Ex. 70.* The deponent, being duly sworn (*inter alia*), deposeth, That she was credibly informed by a great number of people of Newtown aforesaid, that about the 23d of October last, or since, the rebels did boyl a childe of one John Strettons, about 12 years old, to death.

ELIZABETH BAIRSEE.

*Jur. 19th Jan. 1641.*  
ROGER PUTTOCK, JOHN STERNE.

*The Examination of Henry Boyne, late of Mullaghtean, in the County of Tyrone, Clerke.*

*Ex. 71.* This deponent being duly sworn, deposeth *inter alia*, and further saith, That as he was come to his own house, he found there an Irish woman that was come (out of good will) from Donaghmore, about six miles distant from his said house, to tell the deponents wife, that it were best for the deponent to be gone, least he might be killed, for (as the said woman related) the rebels there had cut off one Master Madders head, a minister, and that their chief malice was against church-men.

HENRY BOYNE.

*Jur. 16th Feb. 1641.*  
ROGER PUTTOCK, JOHN STERNE.

*The Examination of Elizabeth Trafford, late Wife of Thomas Trafford, late Vicar of Ballincormock, in the County of Longford, Clerke.*

*Ex. 72.* This deponent being duly sworn, deposeth (*inter alia*), That since the beginning of this rebellion, the rebels in those parts robbed and stript her and her said husband of all their goods and cloaths; and then one of the rebels, called John Raynolds, stabbed her husband with a sword, whereof he lay languishing three houres, and then the rebels stabbed him into the throat, and wounded him in the head, so that he dyed, and then turned her and her poor children naked away, exposed to

hunger and cold. And at the same time, the said rebels, or some of them, stabbed and killed one Francis Marshall, merchant, Matthew Baker, vintner, John Smith, Thomas Allen, John a butcher, and another who was a sadler, another that was a millner, and by report divers others.

And further deposeth, That the rebels said, that it was the king's pleasure that all the English should be banished, and loose their goods, because the queen's priest was hanged before her face.

ELIZ. TRAFFORD.

*Jur. 8th Jan. 1641. Coram.*

HENRY JONES, JOHN WATSON.

*The Examination of Margery Sharp, late Wife to John Sharp, of Kells, in the County and Diocese of Meath, Minister of God's Word.*

*Ex. 73.* This deponent, being duly sworn and examined, deposeth *inter alia*, That her said husband was by the rebels in those parts wounded, that he was deprived of his life; but in such a blessed manner that God gave him strength to pray unto him, and to expresse himself, and being ready to die, another company of Irish rebels came and wilfully murdered him in the same place where they found him, being coming towards Dublin to seek for refuge; and after breath was departed from him, this deponent sought to have him buried in Christian buryall, which the portreiffe or suffraigne of the Navan would not admit, but sent to cause the grave to be made in the same place where he was murdered. And further saith, that before her said husband was murdered, he carried away, for fear of the rebels, a good number of his best divinity books, and divers bonds, specialties, and writings. And she further saith, that the souldiers, under the command of the rebel Capt. ð Rely, meeting with him, stripped him of all his cloathes, and inforced him, being naked, to trample and tread upon his said books and papers in the water to spoil them, and then the said rebels threw them away, and tossed many of them in the winde.

*Sign. præd.* MARGERY.

*Jur. 29th Jan. 1641.*

JOHN STERNE, WILLIAM HITCHCOCK.

*The Examination of Reynold Griffith, late of Tandergee, in the County of Armagh.*

*Ex. 74.* This deponent, being duly sworn, deposeth *inter alia*, and further saith, That neer the Newry severall rebels took from this deponent's wife, a childe of hers of 14 yeers of age, and drowned it in a bog or pit, and held it down before her face with a sword whilst the said childe was a drowning.

REYNOLD GRIFFITH and ELIZ. his Wife.

*Jur. Jan. 6, 1641.*

JOHN STERNE, HEN. BRERETON.

*The Examination of Charles Campbell, late of Shamulloghe, in the Parish of Clonnisse, in the County of Monaghan, Gentleman.*

*Ex. 75.* This deponent, being duly sworn and examined, deposeth *inter alia*, That the said deponent likewise, whilst he was amongst the rebells, observed these severall passages ensuing, *viz.* First, the burning of the castle of Lisgowle, in the county of

Fermanagh, containing the number of seven score persons, men, women, and children, whereof none escaped death, except one man who was taken prisoner; which cruelty severall of the mac Mahons and mac Guires did confesse to this deponent; one Cassedy, a frier, being the chief instrument thereof. Another priest also, one Philip mac Enany, told this deponent, that it was no sinne to kill all the protestants, for that they were all damned already. And the said deponent was an œcular witness of the hanging and killing of thirty persons in one day, at Clonnisse, by Patrick oge mac Rosse mac Guire, Rory mac Mahon, Patrick mac Aperson ô Connelly, and severall others, the said deponent being likewise upon the ladder with a wyth about his neck, ready to be cast off, but delivered by the intercession of the said Rory mac Mahon and his wife. Afterwards this deponent, with Robert Aldrich and Matthew Brown, being then prisoners with the said deponent, were sent unto the siege of Drogheda by captain Rory mac Mahon his wife, conducted by an hundred rebels, or thereabouts, where they remained for the space of three weeks, untill this deponent's escape. In which time aforesaid, one Ever mac Mahon, brother to captain Redmond mac Mahon, told this deponent, that there was not a Roman catholique in Ireland that could dispend ten pounds, per an, but was accessory to the rebellious plot. This deponent likewise heard severall of the mac Mahons affirm, that the Earl of Antrim was also guilty of the said plot: and this deponent was credibly informed, that with Sir Phelim ô Neal were conversant the Lord of Gormanston, the Lord Nettervyle, the Lord Lowth, with many other the chief gentry of the pale; and did see the Lord of Dunsany frequent the said rebels company, and that the counties of Meath and Lowth did furnish the rebels there with all sorts of victuals and such necessaries.

CH. CAMPBELL.

*Jur. 2. Martii, 1641.*  
JOHN STERNE, WILLIAM HITCHCOCK.

*The Examination of Alexander Creighton, late of Glasloghe, in the County of Monaghan, Gent.*

*Ex. 76.* This deponent, being duly sworn and examined (*inter alia*) deposeth, and further saith, That when he, this deponent, was so robbed by the rebels, they imprisoned him and his brother-in-law, Andrew Lesk, Alexander Bailie, James Anderson, John Mewhead his son, Alexander Ballengall, and his son William, and kept them there in Glaslogh castle for 14 dayes, or thereabouts, in great misery, neither suffering their wives or friends to come and bring them relief. From thence the rebels sent them to the gaole of Monaghan for 14 dayes more, where they were in no lesser misery than before; from thence they were sent back to Glaslogh aforesaid, and there Art mac Bryan ô Samogh mac Maghan did gather all the whole British prisoners, aswel those aforementioned, as others, to the number of twenty-two; or thereabouts, and sent them to Corbridge; but in there going, another company, by the direction of the said Art mac Bryan, way-layd them, and slew sixteen of them, and the next morning murdered forty-six more English at Corbridge aforesaid; where this deponent escaping with his life, was admitted to go to Sir Phelim ô Neal, who gave him a protection for himself, his wife, and childe. And then this deponent heard the said Sir Phelim say, that he would make no man account for what he did, and that he had his majesties commission for what he did under the great seal of England; and being asked who did put Master Richard Blany, senescall to the Lord Blany, and one of the knights of the shire, to death, because it was reported that one Art mac Bryan ô Samagh mac Maghan put him to death, he answered, Let not that gentleman be blamed, for my hand signed the warrant for his hanging, for the prosecuting of my cousen ô Rely. And further saith, that there

were killed by the name or sept of the *ó Hughes*, twelve families of men, women, and children of English and Scottish protestants; and that Edmond Boy *ó Hugh*, foster-brother to the said Sir Phelim *ó Neal*, did at Kinard, at the entry of the said Sir Phelim's gate, shoot to death with a brace of bullets, behind his back, the Lord Cawlsfeld; and that night after killed seven families of English men, women, and children that lived on the land of the said Sir Phelim. And, as this deponent hath heard, there were above twenty families slain betwixt Kinnard and Armagh by the rebels. And after the repulse given at Lisnegarvy, Shane oge mac Canna, and a company of rebels under his command, marched thorow all the barony of Trough, in the county of Monaghan, and murdered a great number of British protestants; amongst others, Ensigne Peirce, gentleman, Ambrose Blany, gentleman, William Challengwood, gentleman, and William his sonne, David Draynan, gentleman, Andrew Carr, weaver, John Lasley, labourer, and his wife.

And this deponent heard it credibly reported amongst the rebels at Glaslogh aforesaid, that Hugh mack *ó Degan mac Guire*, a priest, had done a most meritorious act in the parish of Glanally and county of Fermanagh, in drawing betwixt 40 and 50 of the English and Scottish there to reconciliation with the church of Rome, and after giving them the sacrament, demanded of them whether Christs body was really in the sacrament or no, and they said, yea. And that he demanded of them further, whether they held the pope to be supreme head of the church, they likewise answered he was. And that thereupon he presently told them they were in a good faith, and for fear they should fall from it and turn hereticks, he and the rest that were with him, cut all their throats.

And this deponent further saith, that the wife of master Luke Ward told him, that the rebels had forced her husband to be drunk in drinking of his part of 3s. in drink, and that they, when he was so drunk, hanged him, and she shewed this deponent the place where he was executed.

And saith also, that the rebels pulled up and took away the seats in the church of Monaghan up to the quire, and carried them to the gaol, and made fires with them for the friers, and that the rebels did, at Glaslogh aforesaid, burn two or three bibles or service books, and heard them say, they would never lay down arms till their church were put into its due place, and that all the plantation lands were given to the right owners; and that if they had once gotten the city of Dublin taken, they would hold it no rebellion to follow the kings sword, in doing any act they pleased; and this deponent heard Brian *ó Hugh*, priest to the said Phelim *ó Neal*, say, that they had fifteen hundred thousand of the Irish bloud to maintain their wars begun; and the said Alexander further deposeth, that about the beginning of Feb. last, one Ensign William Pew, of Glaslogh, in the county of Monaghan, being stripped, robbed, and expelled by the rebels, was seven times in one day taken up and hanged on a tree, and taken down again for dead every time by Patrick Duff, mac Hugh, mac Rosse, a captain of the rebels near Monaghan; which cruelty was practised by the instigation of Patrick Mother mac Wade, who had informed that the said William Pew had monies, the confession and knowledge whereof was intended to be extracted by the foresaid hard usage.

ALEXANDER CREIGHTON.

*Jur. primo Martii*, 1641.

JOHN STERNE, WILLIAM HITCHCOCK.

*The Examination of Roger Holland, of Glaslogh, in the County of Monaghan.*

*Ex. 77.* The examinee, duly sworn, deposeth *inter alia*, That during his imprisonment he was credibly informed, that there were 38 persons, men, women, and children

drown'd, being thrown over into the river of Corr Bridge, in the county of Armagh; and also saith, that Sir Phelim ó Neal, under pretence of sending a convoy with many of the English of Loughgall, and thereabouts, the said convoy did drown at the bridge of Pontie Down, 68 persons, as he is credibly informed; and likewise, that he did see 14 or 15 kill'd by the Irish as he passed in the country.

And further saith, That friar Malone, when this examine arrived at Skerries, that his company shot one shot at the vessel, and that the said company asked whether we had a passe or not, which we told them we had; whereupon they replied, that if we had not we should all suffer; but so soon as we shewed them our passe, they made much of us, and told us that we should take no hurt; which they performed the next day, being Christmas-day.

The said friar took a boat to go to the boat, to see whether there were a leak in our vessel or not, and searching for the leak, he found some bibles and other prayer-books, which said books he cast into the fire, and wished that he had all the bibles in Christendom, and he would serve them all so; and demanding of him what was the reason he answered, that it was fitting for every man to have the bible by rote, and not to misinstruct them which should have it by rote; and the said Roger sitting by him alone, demanded of him, what might be the reason of their going out in such manner, as in killing and robbing the English, and perswading him to make peace; he replied, unless all men that had estates lost, by the kings giving them unto great men, that were little worth in former times, unless they had their estates given under the kings broad-seal, that they would never yield; and withall, if they had not the Duke of York for their governeur and ruler in this kingdom, and to be a papist, they would never yield as aforesaid. And further said, that they would have the whole kingdom to themselves, and that they have been about this plot this seventeen yeers past, but never had so fit an opportunity as now they had.

And the said Roger saith further, that, being in company with Colonell Pluncket, at Newry and Carlingford, the said colonell told the said Roger and many others, that this said plot was for these seventeen yeers past in plotting, and that the said fryar Malone and himself, and one of the Lord of Trimbortons sonnes, which is a fryer, with many others of the nobility of the pale, and in the north, knew it of long time, but that others of the nobles knew not of it, but of late; but as for the rest they have known of it the space and yeers aforesaid; and that they said they would have their religion or not any, or else that they would loose both their lives and estates, for in strength they were able enough, for he said all the Irish would not fail, but stick close to them, for they fought for God and their country, for certain they knew that their cause was just, and that God would not see them suffer, and that they were sure of Dublin, for there was not any thing done, but that they had such friends that they heard out of Dublin every day; and as for Sir Phelim ó Neil, he made no accompt, as he said, of all Ireland to be his own, and others, for that was their intents.

And further saith, that at Carlingford, when the aforesaid Roger was there three or four days, Sir Con Magenis sent his warrant to send away all such prisoners as came from Newry over to Green-castle; which warrant was directed to one Jo. Babe, provost-marshal, directed by Sir Con Magenis; which provost-marshal, according to his direction, sent them away; which prisoners were sent for the releasing of some prisoners that were taken at Down-Patrick: but no sooner came the foresaid prisoners unto Green-castle, but they were all cut off; and the next day following, the said Sir Con Magenis sent a convoy with all such prisoners as were there left; and what became of them this examine cannot tell.

And further saith, that an owner of a boat in Carlingford told him, that one Mrs

Holland was hang'd; and as she was hanging, was delivered of two children; and further cannot say.

ROGER HOLLAND.

*Jurat. this 4th of March, 1641.*  
WILLIAM ALDRICH, HEN. BRERETON.

*The Examination of George Cottingham, Parson of Monaghan.*

*Ex. 78.* This examine, duely sworn, deposeth *inter alia*, That about the 30th day of October, this examine, with most of the English, was cast into the dungeon, which was a place of that noysomenesse, by reason of great heaps of mens excrements, that had been there a long time, that they were almost stifled. The dungeon was so little and the people so many (being some fourty eight persons,) that they were fain to lie one upon another; so that the examine, after he had been some seventeen dayes; sometimes in the dungeon, sometimes in the gaol, got such a loosennesse, with cold and hard lodging, that he was not able to go, but as he was carried betwixt men. During their continuance in this miserable restraint, no meat was allowed the prisoners by the rebels, neither would they scarce suffer either their wives or friends to see or speak with them; but oftentimes, both in the night and day, severall of the rebels came to the prisoners with swords and skeans drawn, with pistols cocked, to the great terrour of the prisoners: and some came often and searched them; and if they found any silver, either more or lesse, they took it from them, and stripped them of their cloaths, in the very dungeon, and left many almost naked, with few or no rags to cover them: And when these prisoners were set at liberty, soon after many were murdered with skeans, some drowned, and some hanged. Master Richard Blaney, who was prisoner in another place, being bolted with irons, was taken forth suddenly and hanged, and cast into a kind of boggie place, without buriall, stark naked. The same day, one Master Luke Ward was taken and hanged in the same town of Monaghan, in the beginning of the night, and was never told he should die; but being taken by one Patrick oge ó Connelley, was brought into a house in town, and there Patrick gave him worth 12d. or more of drink, as though no hurt were intended, presently went to the back-side, and called out the said Luke Ward, and, with others of his company, laid hold on him, and hanged him, and after threw him into a little river, where he lay naked and unburied. The next morning, many of those that were let out of prison, being almost starved and famished, were murdered with skeans, and others drowned. Master Oliver Peirce, ensigne to the Lord Blaney, murdered with swords and skeans. Master John Francis, Edward Lewis, Richard Bollard, and William Jones, murdered with skeans and swords, and many others pursued, who escaped that night. Thomas West was never heard of since. A poor Englishman, unknown, came stragling to the town, having escaped from some other place, was hanged.

Some of those that were imprisoned were sent out of the town of Monaghan to Glaslough, where they had lived formerly, and there they, with others, to the number of fourty, were cast into a river at the edge of the county, men, women, and children. In the mean time, so many escaped were in great misery and fears, dayly hearing that not an English man, woman, or childe, should be left alive; that there was the like stirre in England and Scotland; and that never a protestant must be suffered to live in any of the three kingdoms; and that the seas were full of Spanish and French shipping; and that all the Irish in other parts were coming homewards to help to subdue the English in Ireland; and then they were to be in England before May, for the same purpose; and the like to be done in Scotland also. It was usually reported that none must bear rule in Ireland but only the natives; and that all the lands which were en-

joyed by any of the British must forthwith be taken from them; which was accordingly done in all parts hereabouts.

It was frequently noysed and reported that the king's majesty was dead, or not to be had; and that there was a crown consecrated for some other that should deserve it best; and when, afterwards, it was reported his majesty was in England, it was said Sir Phelim ô Neal was made generall by his majesties appointment; and that there were others that had command by the same appointment.

We dayly heard of most cruell murders of prisoners on all sides of us, besides what we saw committed in our own town. In some places neer were hanged sometimes 17, sometimes 22, at a time, as at Clownish and Carrick mac Rosse. And, within seven miles, were murdered some 25 men, women, and children, in the night; and every hour we expected the like usage, being often threatened that not any English should be left in Ireland. Convoys were sent with many, pretending to bring prisoners safe to such places as they were desired to go, and were most pitifully murdered and drowned by the way, by such as convoyed them. Others were turned out without any convoy, and so murdered.

About six weeks since, I, my wife, and four small children, with some other English, were turned out of the town of Monaghan, about three of the clock in the afternoon, the drum beating, and Art Roe mac St Patrick mac Art Moyl, who is chief governour there, went before, and declared that we must be gone forthwith, and not suffered to return, on pain of death; when we were assured, that, not past a quarter of a mile before us, there were men, with swords and with skeans, lying in wait to murder and strip us, of which we were fully assured; but it pleased God we escaped that time, by means of one Bryan mac Hugh mac Rosse mac Mahon: About a week after we had leave to come as far as within a mile of Drogheda, called Bewley; neer unto which place are encamped many rebels, which came from towards Monaghan and other places of the north; at which place Sir Phelim ô Neal was, where might be perceived, by the speeches of the rebels, that they were very confident to take Drogheda and Dublin; but, during this examine remaining there, were driven off the walls, which they assayed to assault with scaling ladders, on Sunday last was a sennight, in the morning before day; and many (praised be God) run from the walls, and left some of their muskets and pikes behinde them, as they related amongst themselves. From thence this examine was sent into Drogheda, and a prisoner released thence for him, and from thence is gotten to Dublin by sea, with his wife and four small children, neer famished and starved, being left quite destitute of all relief for the present.

GEORGE COTTINGHAM.

*Jurat. Martij 4, 1641.*

HEN. JONES, WILL. ALDRICH.

And whereas the sufferings of the loyall subjects of this kingdom of Ireland do consist as in the cruelties exercised on the persons, so in the spoiling and robbing them of their estates, fortunes, and livelyhoods, whereof the said severall commissioners do authorize and require a strict inquiry to be made. And whereas, in the foregoing Remonstrance, depredation of the goods of the subjects is one part of the charge laid to these rebels, and humbly offered by the remonstrants to be considered of by the honourable House of Commons in England.

They the said remonstrants and humble petitioners, for the fortifying of that their allegation, do here withall present the generall summes of such counties, as have answered to that particular, from the 30 of December last past, untill the 8 day of March,



1641; the whole amounting unto above six hundred thirty five thousand three hundred seventy five pounds, four shillings and ninepence; the persons thereunto appearing being in all hitherto examined but six hundred and thirty-seven: whereas this, by the following considerations, may be readily conceived hardly to be the five hundredth part of the full losses of the whole kingdom.

I.

For first, Out of the whole province of Munster, containing these following large and rich counties, viz. Tipperary; Limerick, Cork, Kerry, and Clare, no one hath yet appeared.

II.

Out of the whole province of Connaught, containing these counties, Roscommon, Mayo, Galway, Sligoe, and Leitrim, there have only eleven out of Leitrim given in their losses, being 1352*l.* 4*s.* 8*d.*

III.

Out of the province of Ulster, these alone have appeared themselves, viz.

		<i>l.</i>	<i>s.</i>	<i>d.</i>	
Out of	{ Lowth, 6. examines Cavan, 113 examines Fermanagh, 94 examines, Armagh, 8 examines Tyrone, 2 examines Londonderry, 1 examine Monaghan, 31 examines	} Their losses	4332	01	04
			47418	07	00
			26947	10	08
			3802	12	08
			1667	00	00
			1911	00	00
		36181	00	08	
None appearing out of the counties of Down, Antrim, or Donegall.					

IV.

Fourthly, For the province of Leinster, the number of the examines is as followeth:

		<i>l.</i>	<i>s.</i>	<i>d.</i>	
In the	{ County of Dublin, 72 examin. County of Kildare, 57 exam. County of Wicklow, 65 exam. County of Wexford, 38 exam. County of Catherlagh, 16 ex. County of Kilkenny, 5 exam. County of Meath, 46 examin. County of Westmeath, 7 ex. Kings County, 9 examines Queens County, 14 examines County of Longford, 28 exam.	} Their losses	120032	15	03
			98967	17	04
			132457	14	02
			62519	12	04
			10270	01	08
			8312	00	00
			33678	14	03
			3512	12	00
			11525	04	08
			18884	15	09
		16440	10	08	

V.

Fifthly, Of those counties that have come in, one being considered with another, not the five hundredth part hath appeared, there being of them,

1. Many imprisoned or besieged by the rebels.
2. Many gone into England before the beginning of this commotion and since.
3. Multitudes murdered, and none hitherto appearing for them.
4. Many thousands, by reason of the danger of the wayes, not daring to appear.

5. Many being-sick and weak, by reason of their sufferings, so not able to appear.
6. Many there are who (in time) purpose to give in the particulars of their losses, but for the present forbear, being in many respects not prepared for the doing thereof.
7. Lastly, of such as have given in their particulars, few can depose to the full of their losses, wanting the help of their papers torn from them, or of their agents, who could inform them of their estates, they being remote in the country, and there imprisoned or besieged, or, by reason of the danger of the wayes, not daring to adventure from such places of safety as they have betaken themselves unto, if perhaps they have not altogether perished by the hands of the enemy.

The same consideration may also induce any to believe, that of the other particulars in the said Remonstrance, either for words blasphemous against God, impious against religion, or traitorous towards his sacred majesty; or for actions, wicked, cruel, or barbarous; or for discovery of the minds and intents of these conspirators and their adherents, the least part hath been set forth in the said Remonstrance, and examinations thereunto annexed; and yet that alone is sufficient, and more than enough, to set forth the miserable condition of the poor distressed church and miserable wasted kingdom of Ireland.

Of all which, we, the commissioners aforesaid, do herein give up a true report, attested under our respective hands the twentieth of March, 1641.

HEN. JONES,  
 ROGER PUTTOCK,  
 JOHN WATSON,  
 JOHN STERNE,  
 WILLIAM ALDRICH,  
 RANDALL ADAMS,  
 WILLIAM HITCHCOCK,  
 HEN. BRERETON.

---

*Murder Will Out; or, The King's Letter, justifying the Marquess of Antrim, and declaring, That what he did in the Irish Rebellion was by Direction from his Royal Father and Mother, and for the Service of the Crown.*

Be astonished, O ye Heavens, at this, and be ye horribly afraid, be ye very desolate, saith the Lord. Jer. ii. 12.

For there is nothing covered that shall not be revealed, nor any thing hid, which shall not be known, or come abroad. Mat. x. 26.

---

The following tract is said to have been written by the celebrated Col. Ludlow, one of the judges of Charles I. Its object is to throw upon Charles I. the guilt of the Irish rebellion, because his son, Charles II., pardoned the Marquis of Antrim, who had been an actor in it. The fullest

state of the charge against Charles is to be met with in Cook's Case, containing what would have been pleaded against him at his trial. "But I know the ingenious reader desires to hear something concerning Ireland, where there were no less than 152000 men, women, and children, most barbarously and satanically murdered, in the first four months of the rebellion, as appeared by substantial proofs, at the King's Bench, at the trial of Magwire. If the king had a hand, or but a little finger, in that massacre, every man will say, Let him die the death. But how shall we be assured of that? How can we know the tree better than by its fruits? For my own particular, I have spent many serious thoughts about it, and I desire, in doubtful cases, to give charity the upper hand; but I cannot, in my conscience, acquit him of it. Many strong presumptions, and several oaths of honest men that have seen the king's commission, cannot but amount to a clear proof. If I meet a man running down stairs with a bloody sword in his hand, and find a man stabbed in his chamber, though I did not see this man run into the body by that which I met, yet, if I were of the jury, I durst not but find him guilty of the murder: and I cannot but admire that any man should deny that for him which he never durst deny for himself. How often was that monstrous rebellion laid in his dish; and yet he durst never absolutely deny it! Never was bear so unwillingly brought to the stake as he was to declare against the rebels; and, when he did once call them rebels, he would suffer but 40 copies to be printed, and those to be sent to them sealed; and he hath since above forty times called them his subjects, and his good subjects, and sent to Ormond to give special thanks to some of (his) these rebels, as Muskerry and Plunkett (which, I am confident, by what I see of his height of spirit and undaunted resolution at his trial, and since acting the last part answerable to the former part of his life, he would rather have lost his life than to have sent thanks to two such incarnate devils, if he had not been as guilty as themselves.) Questionless, if the king had not been guilty of that blood, he would have made a thousand declarations against those blood-hounds and hell-hounds, that are not to be named but with fire and brimstone, and have sent to all princes in the world for assistance against such accursed devils in the shape of men. But he durst not offend those fiends and firebrands; for if he had, I verily believe they would soon have produced his commission, under his hand and seal of Scotland, at Edinaburgh, 1641; a copy whereof is in the parliament's hands, attested by oath, dispersed by copies in Ireland, which caused the general rebellion."—*King Charles's Case, by John Cook, apud Ludlow's Memoirs. Edin. 1751-8. III. 350.*

Ireland, Aug. 22, 1663.

Ever honoured Sir,

LAST Thursday we came to tryal with my Lord Marquess of Antrim, but, according to my fears (which you always surmised to be in vain,) he was, by the king's extraordinary and peremptory letter of favour, restored to his estate, as an innocent papist. We proved eight qualifications in the act of settlement against him, the least of which made him incapable of being restored as innocent. We proved,

1. That he was to have a hand in surprising the castle of Dublin, in the year 1641.
2. That he was of the rebels party before the 15th of September, 1643, which we made appear by his hourly and frequent intercourse with Renny O Moore and many others, being himself the most notorious of the said rebels.
3. That he entered into the Roman-Catholick confederacy before the peace in 1643.
4. That he constantly adhered to the nuncio's party, in opposition to his majesties authority.
5. That he sate from time to time in the supream council of Kilkenny.
6. That he signed that execrable oath of association.
7. That he was commissioned, and acted as lieutenant general, from the said assembly at Kilkenny.
8. That he declared, by several letters of his own penning, himself in conjunction

with Owen Ro' Oneale, and a constant opposer to the several peaces made by the lord lieutenant with the Irish.

We were seven hours by the clock in proving our evidence against him, but at last, the king's letter being opened and read in court, Rainsford, one of the commissioners said to us: That the king's letter on its behalf was evidence without exception, and thereupon declared him to be an innocent papist.

This cause, sir, hath (though many reflections have passed upon the commissioners before) more startled the judgments of all men, than all the tryals since the beginning of their sitting; and it is very strange and wonderful to all of the long robe, that the king should give such a letter, having divested himself of that authority, and reposed the trust in the commissioners for that purpose; and likewise it is admired, that the commissioners having taken solemn oaths to execute nothing but according to and in pursuance of the act of settlement, should, barely upon his majesties letter, declare the marquess innocent.

To be short; there never was so great a rebel that had so much favour from so good a king: And it is very evident to me, though young, and scarce yet brought upon the stage, that the consequence of these things will be very bad; and if God of his extraordinary mercy do not prevent it, war, and, if possible, greater judgments cannot be far from us; where vice is patroniz'd, and Antrim, a rebel upon record, and so lately and clearly proved one, should have no other colour for his actions but the kings own letter, which takes all imputations from Antrim, and lays them totally upon his own father.

Sir, I shall by the next, if possible, send you over one of our briefs against my lord, by some friend. It's too large for a packet, it being no less in bulk than a Book of Martyrs. I have no more at present, but refer you to the kings letter, hereto annexed.

CHARLES R.

Right trusty and well-beloved cousins and *counsellors*, &c. We greet you well. How far we have been from interposing on the behalf of any of our Irish subjects, who, by their miscarriages in the late rebellion in that kingdom of Ireland, had made themselves unworthy of our grace and protection, is notorious to all men; and we were so jealous in that particular, that shortly after our return into this our kingdom, when the Marquess of Antrim came hither to present his duty to us, upon the information we received from those persons who then attended us, by a deputation from our kingdom of Ireland, or from those who at that time owned our authority there, that the Marquess of Antrim had so misbehaved himself towards us, and our late royal father of blessed memory, that he was in no degree worthy of the least countenance from us, and that they had manifest and unquestionable evidence of such his guilt: Whereupon we refused to admit the said marquess so much as into our presence, but, on the contrary, committed him prisoner to our tower of London; where, after he had continued several months under a strict restraint, upon the continued information of the said persons, we sent him into Ireland, without interposing in the least on his behalf, but left him to undergo such a tryal and punishment as by the justice of that our kingdom should be found due to his crime, expecting still that some heinous matter would be objected and proved against him, to make him incapable, and to deprive him of that favour and protection from us, which we knew his former actions and services had merited. After many months attendance there, and (we presume) after such examinations as were requisite, he was at last dismissed without any censure, and without any transmission of charge against him to us, and with a licence to transport himself into this kingdom; we concluded that it was then time to give him some instance of our favour, and to remember the many services he had done, and the sufferings he had undergone, for his affections and fidelity to our royal father and our

self; and that it was time to redeem him from those calamities, which yet doe lie as heavy upon him since as before our happy return: And thereupon we recommend him to you our lieutenant, that you should move our council there, for preparing a bill to be transmitted to us, for the re-investing him the said marquess into the possession of his estate in that our kingdom, as had been done in some other cases. To which letter you our said lieutenant returned us answer, that you had informed our council of that our letter, and that you were, upon consideration thereof, unanimously of opinion that such a bill ought not to be transmitted unto us, the reason whereof would forthwith be presented to us from our council. After which time we received the inclosed petition from the said marquess, which we referred to the considerations and examinations of the lords of our privy council, whose names are mentioned in that our reference, which is annexed to the said petition, who thereupon met together, and after having heard the Marquess of Antrim, did not think fit to make any report to us, till they might see and understand the reasons which induced you not to transmit the bill we had proposed, which letter was not then come to our hands; after which time we have received your letter of the 18th of March, together with severall petitions which had been presented to you, as well from the old souldiers and adventurers, as from the Lady Marchioness of Antrim, all which we likewise transmitted to the lords referees. Upon a second petition presented to us by the Lord Marquess, which is here likewise enclosed, commanding our said referees to take the same into their serious consideration, and to hear what the petitioner had to offer in his own vindication, and to report the whole matter to us, which, upon a third petition, herein likewise enclosed, we required them to expedite with what speed they could. By which deliberate proceedings of ours, you cannot but observe that no importunity, how just soever, could prevail with us to bring our self to a judgment in this affair, without very ample information. Our said referees, after severall meetings, and perusal of what hath been offered to them by the said marquess, have reported unto us,

That they have seen several letters, all of them the hand writing of our royal father, to the said marquess, and several instructions concerning his treating and joining with the Irish, in order to the king's service, by reducing to their obedience, and by drawing some forces from them for the service of Scotland. That, besides the letters and orders under his majesties hand, they have received sufficient evidence and testimony of several private messages and directions, sent from our royal father and from our royal mother, with the privy and with the directions of the king our father, by which they are persuaded, that whatever intelligence, correspondence, or actings, the said marquess had with the confederate Irish catholicks, was directed or allowed by the said letters, instructions, and directions; and that it manifestly appears to them, that the king our father was well pleased with what the marquess did, after he had done it, and approved the same.

This being the true state of the marquess his case, and there being nothing proved upon the first information against him, nor any thing contained against him in your letter of March 18, but that you were informed, he had put in his claim before the commissioners appointed for executing the act of settlement; and that if his innocency be such as is alledged, there is no need of transmitting such a bill to us as is desired; and that if he be *nocent*, it consists not with the duty which you owe to us, to transmit such a bill, as if it should pass into a law, must needs draw a great prejudice upon so many adventurers and soldiers, which are, as is alledged, to be therein concerned. We have considered of the petition of the adventurers and souldiers, which was transmitted to us by you, the equity of which consists in nothing, but that they have been peaceably in possession for the space of seven or eight years, of those lands which were formerly

the estate of the Marquess of Antrim and others, who were all engaged in the late Irish rebellion; and that they shall suffer very much and be ruined, if those lands should be taken from them. And we have likewise considered another petition from several citizens of London, near sixty in number, directed to our self, wherein they desire, that the Marquess his estate may be made liable to the payment of his just debts, that so they may not be ruined in the favour of the present possessors, who (they say) are but a few citizens and souldiers, who have disbursed very small sums thereon. Upon the whole matter, no man can think we are less engaged by our declaration, and by the act of settlement, to protect those who are innocent, and who have faithfully endeavoured to serve the crown, how unfortunate soever, than to expose to justice those who have been really and maliciously guilty. And therefore we cannot in justice, but, upon the petition of the Marquess of Antrim, and after the serious and strict inquisition into his actions, declare unto you, that we do find him innocent from any malice or rebellious purpose against the crown; and that what he did by way of correspondence or compliance with the Irish rebels, was in order to the service of our royal father, and warranted by his instructions, and the trust reposed in him, and that the benefit thereof accrued to the service of the crown, and not to the particular advantage and benefit of the Marquess. And as we cannot in justice deny him this testimony, so we require you to transmit our letter to our commissioners, that they may know our judgements in this case of the Lord of Antrims, and proceed accordingly. And so we bid you heartily farewell. Given at our court at White-Hall, July 10, in the 15th year of our reign, 1683.

To our right trusty and right entirely well-beloved Cousin and Counsellor, James Duke of Ormond, our Lieutenant General and General Governour of our Kingdom of Ireland, and to the Lords of our Council of that our Kingdom.

By his majesties command,

HENRY BENNET.

Entred at the Signet-office,  
July 13, 1663.

---

*A true and full Relation of the Horrible and Hellish Plot of the Jesuites, Popish Priests, and other Papists in Ireland, for the Massacring of the two Chiefe Justices, and all the Privie Councill and Protestants in that Kingdome, as it was related by my Lord Keeper in the House of Commons, November the First, 1641.*

---

This is a brief account of the communication made by the Earl of Leicester to the house of commons, respecting the first discovery of the Irish rebellion, 1st November, 1641. The full detail is given in Rushworth's Collections, part III. p. 398, *et sequent.* The names in the following tract are very incorrect.

---

THE lord-keeper declared unto the house of commons, that the lord deputy of Ireland had received a letter from the two lord chief justices and privie councill in Ireland, of

the discovery of an horrible plot by the jesuites, popish priests, and other papists in the kingdome of Ireland, for the murdering of the two chiefe justices and all the privie counsell and protestants of Ireland, as also to seaze on all the kings forts, castles, and magazens whatsoever; and moreover, that they would murder all persons that should oppose them in any of their intentions and desires, which were these:

1. First, to have their crowne not to bee dependant upon England, nor to be a conquered nation.

2. Secondly, to have their Irish laws established, and such as should bee made hereafter.

3. Thirdly, to have free liberty of the exercise of their religion.

The Earle of Leicester declared the same also, adding that hee had the originall of a proclamation which was made there, and had caused the same to be copied out. The letter beares date the twenty third of October, 1641, declaring that Hugh Ocorett<sup>1</sup> went to Dublin unto the lodging of Hugh Maymubawne<sup>2</sup> his very good friend, and he and his friend going to the lodging of the Lord Marques, understood great store of noblemen and strangers had beene there, but they were all gone abroad, and they could not finde them; wherefore they returned backe againe to his friends lodging, where his friend revealed unto him the whole plot; but swore unto him he should not stirre till it was put into execution, and therefore his friend commanded his servants to look narrowly to him: but after a while he fained some excuse of necessity for his going downe, which his friend gave way too, but sent his servants with him; when he was come downe, the servants not being so carefull to watch him as they might have beene, he leaped over a wall in the yard and made an escape, and went to Sir John Burlacy, and discovered to him the whole plot, which was this:

That at nine of the clocke the next morning, the Irish rebels (amongst whom the Lord Marques was one of the chiefe) intended at one hower and moment of time, to massacre and murder all the English and protestants in the kingdome of Ireland, likewise to murder the two lord chiefe justices and all the privy counsell at Dublin, and at the same time, to seaze upon all the kings castles, forts, and magazens throughout the whole kingdom of Ireland, as also the castle of Dublin, and that if they should finde any of the citie that would not submit to them, then they would shoote downe from the castle, the tops of the chimneys to affright them, and if that did not prevaile, they would then batter downe their houses about their eares. Hereupon the lord chiefe justice and the rest of the privy counsell of Ireland sat all night in consultation, and tooke the best course they could imagine of for the safe-guard and security of themselves, together with the castle and city of Dublin. The next morning they apprehended great store of these traytors and rebels, together with the Lord Marquis, who was gone from his lodging before day, and hid in a cockloft, and at his lodging they found great store of chaines, hammers, and hatchets without halves. The same day they had notice of several places and forts seased upon in Conno and Monno and other places, together with severall villages plundered by the rebels; but they wrote word that they did not believe that distemper was so generall as was reported to be, and then they made no question but they should with care and paines bring all to a good issue; to that end they had sent for five hundred of the horse to come and guard them at Dublin, and had likewise raised five hundred English for the securing of themselves and the city, and that out of those five hundred they had chosen an hundred to be put into the castle under the command of Sir Francis Welloughby, who they hoped would give a good accompt to his majesty

<sup>1</sup> O Conally.

<sup>2</sup> Col. Hugh Oge Mac Mahon.

<sup>3</sup> Lord Mac Guire. There seems some reason to suspect that the blunder is here intentional, and that the word Marquis is put instead of Mac Guire, to lead the readers to infer that the person here meant was the Marquis of Antrim, afterwards pardoned by Charles II. See the preceding and subsequent tracts.

of the place fees two monthes; and in the meane time, for feare least there should be some further and worsor plots then they know of, they did desire that the parliament in England would send them downe their lord lieutenant with men, money, and ammunition. They further gave us to understand, that they had taken order for their army of old souldiers, to bee in a readines, and to march in opposition to any of the rebels that should draw to a head.

---

*A Vindication of the Royal Martyr King Charles I. from the Irish Massacre in the Year 1641; cast upon him in the Life of Richard Baxter, wrote by himself; and since in the Abridgment by E. Calamy. Being a Case of present Concern, in a Letter to a Member of the House of Commons. The Second Edition, 1704.*

---

The passage, which called forth the resentment of the vehement loyalist who wrote the following tract, occurs in the life of the celebrated Richard Baxter, the Coryphæus of the Calvinist divines during the civil wars. "I had forgotten one passage in the former war of great remark, which put me into amazement: The Duke of Ormond and council had the cause of the Marquess of Antrim before them, who had been one of the Irish rebels in the beginning of that war, when in the horrid massacre two hundred thousand protestants were murdered. His estate being sequestred, he sought his restitution of it when king Charles II. was restored. Ormond and the council judged against him as one of the rebels: He brought his cause over to the king, and affirmed that what he did was by his father's consent and authority. The king referred it to some very worthy members of his privy council to examine what he had to shew: upon examination they reported that they found that he had the king's consent or letter of instructions for what he did, which amazed many: Hereupon his majesty Charles II. wrote to the Duke of Ormond and council to restore his estate, because it appeared to those appointed to examine it, that what he did was by his father's order or consent. Upon this the parliaments did adherents grew more confident than ever of the righteousness of their wars; and the very destroyers of the king (whom the first parliamentarians called rebels) did presume also to justify their cause, and said that the law of nature did warrant them.

"But it stopt not here: For the Lord Mazarine and others of Ireland did so far prosecute the cause, as that the Marquess of Antrim was forced to produce in the parliament of England, in the house of commons, a letter of the king's (Cha. I.) by which he gave him orders for his taking up arms: which being read in the house, did put them into a silence. But yet so egregious was their loyalty and veneration to majesty, that it put them not at all one step out of the way which they had gone in. But the people without doors did talke strangely: Some said, *Did you not persuade us that the king was against the Irish rebellion?* And that the rebels belied him when they said that they had his warrant or commission? Do we not now see with what mind he would have gone himself with an army into Ireland to fight against them? A great deal more not here to be mentioned was vended seditiously among the people, the sum of which was intimated in a pamphlet which was printed, called '*Murder Will Out*;' in which they printed the king's letter and animadversions on it. Some, that were still loyal to the king, did wish that the king that now is had rather declared that his father did only give the Marquess of Antrim commission to raise an army as to have helped him against the Scots, and that his turning against the English protestants in Ireland, and the murdering of so many hundred thousands there, was against his will; but *quod scriptum erat, scriptum erat*. And though the old parliamentarians expounded the actions and declarations both of the then king and parliament by the commentary of this letter, yet so did not the loyal royalists; or at least thought it no reason to make any change in their judgments, or stop in their proceedings against the English presbyterians and other non-conformable protestants."—*Reliquie Baxteriane, Lond. 1696, fol. part III. p. 83.*



SIR,

AMONG the many lewd and poisonous pamphlets of late spread abroad to debauch the nation, there is one more particularly deserves your animadversion, and of your honourable house; at this time especially, when your yearly celebration of the memory of the royal martyr King Charles I. is near at hand.

To confront you in which, there is publish'd this same year, 1702, An Abridgment of Mr Baxter's History of his Life and Times, by Edmund Calamy, with the printer's and no less than three booksellers names affix'd to it; wherein that blessed martyr is represented as the most unnatural and bloody monster, and most harden'd hypocrite, that ever the earth bore.

For all he must be, and worse, if we could find names for it, if he was the author of, and gave commissions for the barbarous massacre of the protestants in Ireland, an. 1641, and yet shou'd stand it out and deny it, not only in his publick declarations to the world, but in his soliloquies betwixt God and his own conscience, in his *ETERNAL BAPTISM*, and even to his last breath.

Yet all this is charg'd upon him, first by Richard Baxter, that arch-rebel, who had himself borne arms against him: And now by this Calamy, in his Abridgment of Baxter's Life, ch. 4, p. 44, where blasphemously he charges the discovery of this upon Providence! For, speaking of those who thought this an horribly unjust and scandalous aspersion upon his majesty, he adds, but, as Providence ordered it, a certain memorable particularity help'd to set this matter in a true light. Then he goes on to tell what this particularity was, for which I refer you to the place, being loth to transcribe it here; but it ends and is summ'd up all in this, That the Marquess of Antrim was forced to produce in the house of commons a letter of King Charles I., by which he gave him order for the taking up arms. And for this we have nothing but Baxter's word—no journal of the house of commons, or any other authority whatsoever. And had it not been in so publick a manner expos'd, sure some other besides Baxter would have taken notice of it. Something of it would have been inserted in the journals of that house, if not the letter itself.

But suppose all this was granted, what wou'd it amount to? We must see the date of this letter, what time it was when the king gave orders to my Lord of Antrim to take up arms, and to what end it was, whether to massacre the protestants, or to assist his majesty against his bloody rebels then in arms against him in England and Scotland. We know this Marquess sent forces to the glorious Montross in Scotland, where they did eminent service in reducing the unnatural rebels there. And we doubt not but he had the king's order for it. And moreover, after the cessation made by the Duke of Ormond with the Irish, many of them returned to their duty, and fought under the said Duke, his majesty's lord lieutenant there, against the rebels. And why might not my Lord of Antrim have a commission as well as others? So that, till we see the date of these pretended orders to the Marquess of Antrim, and the contents of them, no judgment can be made. They must be sent before the massacre of 1641, to answer to the diabolical malice of these tongues set in fire of hell: Therefore let them produce their evidence.

Will it not become the justice of your house to require it? To vindicate not only the memory of him whom you celebrate as a martyr, but the honour of a former house of commons of England, who are brought in here as witnesses to so horrid a scandal thrown upon the best of kings, and grandfather to her majesty, who is reproach'd in him, who is her greatest glory, and of the nation; but the eternal infamy and mill-stone of that hypocritical and bloody faction, and will one day sink them, who, after having so many years abused the unparalleled goodness and condescensions of so pious and meek a king towards such incorrigible rebels, (which was his greatest fault) at last, not content to murder him, sat formally in judgment upon him by their own authority, that

they might murder the laws with him, and all that reverence which the whole world has ever paid to crowned heads or established constitutions, by such an example of a mock-court of justice as never before was seen since the earth was made! And which exceeds all this, they still glory in it, repeat it every year in their calves-head-feasts, where they sacrifice to the legion that possesses them. And not satisfied with the royal blood they have drunk, still thirst for more; in order to which, and to justify what they have done, they are never weary in raking into the ashes of this martyr for our church and our laws; they curse his memory, and blacken it with all the lies and malice of hell can invent; of which this is the greatest, to fasten the horrid massacre in Ireland upon him, against whom it was chiefly designed, and who of all mankind was most concerned for it, and was hindered from preventing or revenging it by those who accuse him for it; and seized the money and magazines he had provided for that expedition, and made use of them to carry on their own rebellion against him in England. And then their bell-weathers first invent, and then belch out their cursed lies among the people.

This particular, as to the Irish massacre, was first broached by that black saint Baxter, in his life, published since the revolution, (a proper time!) and prosecuted by Roger Cook, Oats, and the whole, &c. of the faction; but is since more impudently revived in this reign by Calamy; because that *Life of Baxter*, wrote by himself, (whereby his sins are kept in remembrance) has been answered; and as to this point particularly of laying the massacre in Ireland upon the king, and as to this story of the Marquess of Antrim by the Rev. Mr Long of Exeter, in his *Review of Mr Baxter's Life*, printed anno 1697.<sup>1</sup> To which no answer has been given by the faction, for they cannot yet repeat the same slanders over again, as this Calamy now five years after, without taking the least notice that they have been all disproved already; for it is one maxim of these saints to lie still on,—no matter for being disproved! Some will believe them,—leave those that will not; and repeat it again in the *next company*. Print it over and over; it will come into more hands than the defences! Their authority is sufficient with their own party, and their grave impudence with others, who cannot think mankind capable of so much devil!

Mr Long has vouched letters wrote by the king himself, and others by his order, to the then lords justices of Ireland, sometime before that inhumane massacre there, giving them notice of several informations he had received of some evil designs of the Irish soon to be perpetrated, and therefore commands them to be watchful over them; and brings the testimony of the Lord Primate Usher, undeniably attested for this. And though the dissenters shew greater regard to this most learned bishop than to any other of ours, yet cannot this stop their foul mouths; they answer it not; but, as I said, lye still on.

Mr Long next shews, that the rebels in Ireland did counterfeit commissions from the king, but that the forgery was found out, and that they confessed it at their deaths, as Sir Phelim O Neal, who had his life promised him at the gallows, if he would but say that he had such a commission from the king; of which I know some witness still living, and of unquestionable credit. And therefore he argues most rationally, that if they had a real commission from the king, what need had they to counterfeit such an one; and why would they not save their lives and estates by own-

<sup>1</sup> The work here mentioned is thus characterised by Baxter in his *Life*:—"Mr Hinckley grew more moderate, and wrote me a reconciling letter; but Long of Exeter (if fame misreport not the anonymous author) wrote so fierce a book to prove me, out of mine own writings, to be one of the worst men living on earth, full of falshoods, and old retracted lines, and half sentences, that I never saw any like it; and being overwhelmed with work, and weakness, and pains, and having least zeal to defend a person so bad as I know myself to be, I yet never answered him, it being none of the matter in controversie, whether I be good or bad, God be merciful to me a sinner."—*Reliquia Baxteriana*, III. 188.

ing of it, when tempted by those who strove to blacken the king all that they could, to justify themselves.

He tells, p. 205, That the Marquess of Antrim was not named in the histories of those times either as commander, counsellor, or confederate, till the cessation was treated of, July 19, 1643; and gives his authority. If so, he could not be concerned in the massacre of 1641, at least, not so as to be taken notice of; but so great and powerful a man as he was in that kingdom could not have been forgotten, where men of much less name were remembered as actors in that bloody tragedy. The chief of whom, the Lord Muskerry, the Lord Macguire, and Sir Phelim O'Neal, did testify at their deaths, that they had no commission from the king, nor knew of any to countenance their insurrection. So that, if the Marquess of Antrim had any, he kept it to himself, and very private; for there was not a word of it till after the king was murdered.

There is not any mention made of his majesty's having the least hand in that massacre in the horrid indictment exhibited against him at his trial. If those bloodhounds could have found the smallest semblance to have charged him with this, it would have been more to their cursed purpose than all they raked together to lay upon him. But they have since exceeded themselves in wickedness, being given up to a reprobate sense! Such hardened villains never before bore the name of Christians!

Sir, you must excuse me; I follow Dr Tillotson's advice, who truly says, in his Sermons of Education, that to reprove some sort of sins mildly is to encourage them; and that the censure ought to bear proportion to the crime. This is, as near as I can remember, his words, the book not being now with me; but I am sure I mistake not his meaning. However, it is a great truth, and a man may spare his indignation in some cases faultily. He that is not moved at the treatment these men have given to that blessed king, (and still continue to do) to this church and nation, these sixty years past, can have no natural affection, nor would have any concern, if he saw his country sink, and all the churches in the world in a flame! And such an one is not fit to live upon the face of the earth. He is no citizen of the world who has no regard to its welfare; and he can be no Christian who lays not to heart the breaches of Zion.

If these sinners shewed any signs of remorse, or repentance, reason were that we should beare with them, and though their sins be as scarlet, and not so much as named among the heathen, yet charity would plead for their forgiveness.

But when they still persist, and repeat their wickedness, and stand it out against all conviction, then the apostle directs, that such evil beasts, who are always liars, should be rebuked sharply. There is no other way to reclaim them, or save others from their infection.

Calamy begins his preface with the ill treatment that Mr Baxter's Narrative of his Life has met with, yet answers not a word to Mr Long's review of it, particularly as to this diabolical calumny cast upon the king in relation to the massacre in Ireland; No; but lye still on! He repeats it again, that it might not dye at this time, especially when the faction begin to be upon their mettle, and may have use for their old artillery again.

Therefore, sir, look to it in justice to the memory of the martyr, for the safety and honour of the queen, for the preservation of the peace of the nation, and for the vindication of the house of commons hereby aspersed, to have such a letter from that king laid before them as gave orders for the massacre in Ireland, and that they took no notice of it, though they were put to silence by it, as Baxter says, (in his Life, par. 3. p. 83., quoted in the Review, p. 192, 193,) and lays it upon what he calls their egregiously loyalty, that they would, notwithstanding, support the monarchy in his

son K. Char. II. (as they who now re-publish the same mean it as egregiously to the rest of his posterity, for the reason is the same.) But hark to Baxter! which (letter of K. Char. I. says he) being read in the house (of commons of England) put them into a silence; but yet so egregious was their loyalty and veneration of majesty, that it put them not at all one step out of the way which they had gone in. But the people without doors talked strangely; some said, did you not persuade us that the king was against the Irish rebellion, and that the rebels belied him when they said they had his warrant or commission? Do we not now see with what mind he would have gone himselfe into Ireland to fight against them? Whereupon the parliament's old adherents grew more confident than ever of the righteousness of their wars; and the very destroyers of the king, whom the first parliamentarians called rebels, did presume also to justify their cause, and said, that the law of nature did warrant them.

Here is a vindication (in the third person) not only of the rebellion of this faction in 1641, but of the murder of the king in 1648. [From which some of the first saints of the presbyterians, (after they were outwitted, and wormed out by their younger brethren the independants) did endeavour, in spite, to free themselves, because not done by themselves.] And all upon account of this letter of King Charles I. to my Lord of Antrim. Therefore, sir, I hope it will appear incumbent upon your honourable house to examine into this material point, before the nation be too far infected, and more be found to feast at the Calves-head-clubbs, on the 30th of January, than to fast with you. It would set your teeth on edge to hear how this story of the Marquess of Antrim, since this last reviving of it, is carried about the party, and lapped like sweet-milk! And many who have not enquired into it know not what to say to it, and are deluded by it. I assure you it does great mischief, and tends to alienate the affections of the people from her present majesty, the whole race of that royal martyr, and monarchy in general; which are the uses the faction do make of it.

Now, sir, paper-defences come but to a few hands, and are well considered by fewer. Besides that this industrious party do print upon a publicke stocke, and have methods of dispersing their books which others have not; for, besides what they can allow to give away, and are directed to whom, they leave books at private houses, with sufficient time to peruse them, and then to return either the book or the money.

Therefore I know no way to stop the spreading of this most malicious and false story, but your honourable house taking it into consideration, and examining the bottom of it; then let the faction produce their evidence before you, and let the nation have their decision from thence.

Baxter quotes no other authority for it than a false and malicious pamphlet, called *Murder will Out*, supposed to be writ by Ludlow, one of the regicides, who not only sat in that execrable high court of justice, but was one of those who actually signed the sentence against the king for the cutting off of his head; the same who was (whileom) sent for over hither to be made a major-general, but that age of reviling and trampling upon martyrs for church or laws is over, blessed be God. When Dr Oats could be admitted to present volumes of his Billingsgate, in the Calves-head cant, against him, whom he stiled of notorious memory, (like Baxter's egregious loyalty) and was graciously received with, I thank you, good doctor! by some body that loved none of the martyr's family but one who did not deserve it.

Now, sir, since the whole of this story must centre in Baxter's authority, I desire to be heard a few words as to his credit, for I am of council for the defendant, the poor martyred king.

First, Baxter is no equal witness, he pleads for himself. He was an active rebel against this good king during that whole rebellion; and even after he was so bar-

barously murther'd, this same Baxter did canonize those as saints who brought him to the block.\*

This he did, in his *Saints Everlasting Rest*, in the edition of it printed *anno* 1649, page 83, and in the edition, 1652, part I. page 101, where, describing the joys of heaven, from the blessed company that is there, he says, "I think, Christians, this will be a more honourable assembly than ever you here beheld, and a more happy society than you were ever of before. Surely Brook, and Pim, and Hamden, and White, &c. are now members of a more knowing, unerring, well-ordered, right-aiming, self-denying, unanimous, honourable, triumphant senate, than this from whence they are taken is, or ever parliament will be. It is better to be a door-keeper to that assembly, whether Twiss, &c. are translated, than to have continued here the moderator of this. That is the true *parliamentum beatum*, the blessed parliament, and that is the only church that cannot err." And, page 82 of the first edition, and page 99 of the other, he names a number of other names, among the rest, Bradshaw.

\* Here some of the very regicides are named, as Col. White, who was one of the high court of justice, and sat upon the king, with an, &c. for all the rest of them. And Bradshaw, the president of the court, if they will not say that it was some other Bradshaw he meant, because he is set there among scholars, though some no more than himself.

But the whole rump of a parliament (having by force secluded the only true members of the house of commons, and turned out the whole house of lords, to whom, by a voluntary oath of their own making, they had sworn to render them secure, and then murther'd their king) are all together here sainted, and made a type of heaven, whose constitution they suppose, or the likest thing to it in this world, to be a parliament without a king, or an assembly of short-gray-cloak-lay-elders, all in parity, without any head or bishop over them.

This is their heaven!

The kingdom of heaven they leave to the cavaliers. But they have chosen a heaven in a parliamentary way! That's better for them. It suits better with their complexion. What should they do with a place full of kings and priests, as heaven is described in the Revelations? Why they would be all kings and bishops themselves! That is all they strove for upon earth, and would do the same in heaven, if they have not changed their principles; for there they will be higher than even there, or else it will go hard, and they are for no superior, except the Holy One! which is just the same good old cause that Lucifer fought in heaven. He would have none of God's deputies or vicegerents over him, though it were the Son of God himself.

But Baxter, in his scheme, did not consider that there is a hierarchy in heaven, of superior and inferior orders, degrees and dignities, even as here; and we must be subject there, as well as here, to those whom God has set over us.

And who are not good subjects here will not be admitted there. St Jude says that the angels who kept not (or were not content with) their first estate (or principality, as our margin reads it,) but aspir'd to an higher order, were thrown out of heaven, whither no more rebels have any entrance. And they who cannot be content with the station God has plac'd them in here, but usurp upon their superiours, as Korah and his Levites against Aaron, and Dathan and Abiram, with their company, against Moses, they descend to a place of disorder and confusion, such as they would bring upon the earth.

Heaven is no such independent place as Mr Baxter has fancied, made up all of single persons, without any government among them, or any superior but God. His

† In this charge great injustice is done to Mr Baxter. He joined, indeed, with the parliament at the beginning of the civil war, but, like most of the presbyterian party, heartily disapproved of the king's death.

principles of rebellion upon earth have corrupted his very notions of heaven; where they submit to those set over them, as the ordinance of God. They submit freely; therefore they are free subjects. The devils rebel for their freedom; therefore they are slaves.

And God has given upon earth the resemblance of his government in heaven, in a subordination of several offices under the king as supream.

And they who are rebels here against this institution of God, would be so there too, if they cou'd; and therefore they come not thither.

They will find no precedent there for Baxter's *parliamentum beatum*, his blessed parliament of 1648, without their king. Unless it be what Milton has left them upon record, in his *Paradise Lost*, where Lucifer called a convention, and was himself their speaker.

But, to leave these fooleries, I think such a man as Baxter is not to be admitted as a competent witness in the case of a martyr, whose murtherers he has sainted (which is more consenting to it than keeping the raiment of those that slew him.) No, nor Ludlow, who had embred his own hands in the royal blood; so that they could not do justice to him, without condemning of themselves, and had the strongest temptation to lying, which is, to justify themselves.

2. For secondly, This Baxter was a notorious liar in other cases, even in this same religious life of his; as page 119, of the third part, where he says "Many French ministers, sentenced to death and banishment, came hither for refuge, and the churchmen relieve not, because they are not for English dioceses and conformity." Mr Long has taken him to task for this, in his *Review*, page 211, &c. where he shews, 1<sup>st</sup>, how very liberal and compassionate the bishops and clergy were to them; and, 2<sup>dly</sup>, that they did conform, received episcopal ordination, and many of them were prefer'd to good livings, and even dignities in the church, of which he names several, and the places where they were beneficed. But we need not single witnesses for this; the whole nation knows it. It is as notorious as Baxter's *shameless impudence* in asserting the contrary. You will find several other such like instances in the *Review*, to which, for brevity, I refer you.

Now is his single testimony, and that but from hear-say, to be taken of a matter of fact out of memory, and in a cause wherein he and his saints were so nearly concerned, who had the brass to lye so egregiously in the face of the whole nation, in the instance above nam'd, and at the time when the matter of fact was fresh, and before every bodies eyes! but it was for the good old cause, which sanctifies every thing!

3. This brings me to my last topick I shall use upon this head (because I would not detain you,) which is, that lying is a fourth property of these Baxterian saints, inseparable from their essence. The history of this would fill volumes. It is the first milk that they suck. It was this which gave birth to their blessed league and covenant, nourish'd and fatted it up——— to the gallows.

Insomuch, that whatever story they tell (and they have abundance!) especially pretty little private ones,) which concerns their cause, either of saintship to their own armigers, or to blacken a king, a bishop, a clergyman, or any who are well affected to them; and where they produce not (for they never spare for vouching) some other testimony than their own, you may conclude that it is an errant lye and slander; especially when you see a secret joy and satisfaction arise in the telling of it, which they can hardly conceal; for slander is their honey, they must lick their lips.

Therefore, were there nothing to confront this story of Baxter's, no proofs against it, no circumstances to make us doubt of it, but only his telling of it, and to see how sweetly it is echo'd and repeated by the party, it is sufficient to make any man that knows them believe that there is not one word of truth in it. He that has accustomed

himself to lying is justly to be suspected, even when he tells a truth; and truth suffers by coming from such mouths.

Now, sir, I will sum up my evidence, when I have desired one thing more, which is, That the royal martyr himself may be heard in his own defence, not as to this particularity (as Calamy calls it) of his letter to my Lord of Antrim, for that was not then invented; it was never heard of in all his life; for then it could have easily been disproved; but as to that imputation, which, in the generall, had been laid upon his majesty, of his having countenanced or abetted that bloody rebellion and massacre in Ireland. Upon which he bestows the twelfth chapter of his incomparable and unimitable book of *Εἰκὼν Βασιλική*.

But, before I go on with that, let me observe with what malice and industry the faction, of late years especially, (when they had not only liberty but encouragement,) have beat their whole force, and wrote severall treatises, to rob the martyr of the glory, and save themselves from the shame and conviction that is contained in that book; and that by such honest and sincere artifices, as they have used in this, of charging the rebellion and massacre in Ireland upon the king. This from an invisible letter to my Lord of Antrim; that from an un-attested, suppos'd memorandum of my Lord Anglesey's, found or wrote after his death, in a vacant page of one of these printed books. Which is fully answered in a vindication of King Charles the martyr, proving that his majesty was the author of *Εἰκὼν Βασιλική*, against a Memorandum said to be written by the Earl of Anglesey, and against the Exceptions of Dr Walker, and others. Printed *anno* 1697.

There it is likewise shewed and undeniably proved, at the close of the second edition, that Milton and Bradshaw did foist in among the devotions in *Εἰκὼν Βασιλική*, a prayer, taken out of Sir Philip Sidney's Arcadia. And then Milton, in his scurrilous answer to the king's book, plays the buffoon upon his sacred majesty for borrowing a prayer out of a romance; and Henry Hills, who was printer to Oliver, has heard Bradshaw and Milton laughing at the jest of their inserting this prayer, and then exposing the king for it; which in the said Vindication is fully attested; insomuch, that the hissing of this seed of the serpent is at present stopp'd, and the king is suffered to enjoy his own book.

But, perhaps, five years hence we may have the same clamour renewed again, without taking any notice of this Vindication, as Calamy has revived that of Baxter in the other case.

Having thus far cleared this book to be the king's own words, let us now hear what he himself says concerning the rebellion and massacre in Ireland. And when you have read over his xiith. chapter upon this subject (if you can with dry eyes) then judge whether he or Baxter is to be believ'd! He says, "That sea of blood which hath there been cruelly and barbarously shed, is enough to drown any man in eternal both infamy and misery, whom God shall find the malicious author or instigator of its effusion. — There was nothing could be more abhorred to me, being so full of sin against God, disloyalty to myself, and destructive to my subjects." And he prays to God, "O rescue and assist those poor protestants in Ireland, whom thou hast hitherto preserved. — And deal with me, not according to man's unjust reproaches, but according to the innocency of my hands in thy sight. If I have desir'd or delighted in the woeful day of my kingdoms calamities, if I have not earnestly studied, and faithfully endeavour'd the preventing and composing of these bloody distractions, then let thy hand be against me and my father's house. O Lord, thou seest I have enemies enough of men; as I need not, so I should not dare thus to imprecate thy curse upon me and mine, if my conscience did not witness my integrity, which thou, O Lord, knowest right well."

Now consider how tender his conscience was, by the deep remorse he express'd in his second chap. upon the Earl of Strafford's death. Tho' he pass'd that bill with the consent of parliament, and approbation of the generality of the nation, indeed was press'd to it wholly by their clamours and importunity. The history tells that he intended to have done publick penance for it; but his troubles came on so fast, as not to afford him a fitting opportunity. But he did it upon the scaffold, where he publickly and solemnly did confess it; and own'd the unjust sentence against himself to be a just punishment from God, for that unjust sentence which he had suffered to pass upon another. Can any man then believe, that he could have call'd for those dreadful imprecations upon himself and family, as to the case of Ireland, and stood out in it even to his death, if he had been, in any wise, accessary to it? He knew not, when he wrote these meditations, that mortal eye should ever see them. They were the pouring out of his soul, betwixt God and him alone, when he was in prison, and none suffer'd to come near him, but whom his bloody butchers pleas'd; so that he had no temptation to act such monstrous hypocrisy with God, if he had been otherwise capable of it, which I dare say no man upon the earth does believe, and the very sons and masters of lyes dare not alledge, and have therefore endeavour'd, first to discredit (as Milton by the prayer out of the Arcadia,) and since more impudently (grown older in mischief) to overthrow the authority of the whole book, in both of which wick'd attempts they being detected, and the genuineness of the book fully vindicated, does, I think, put a full end to all this calumny as to Ireland, particularly as to that white-bear of the letter to my Lord of Antrim.

But this book of Calamy's does not only do mischief at home, but goes abroad wherever there are phanaticks; and our martyr will appear a monster to other countries, unless vindicated by some publick authority of which the world may take notice; considering that the reproach is so fresh, just now done, and made as publick as the interest of the whole faction can make it, and that in the reign of his *grand-child*, who it may be thought, and they will give it *out hereafter*, was willing to let it pass. Why may not this be thought, when in that pretended memorandum of the Earl of Anglesey's, they have presumed to bring in both his sons, K. Charles and K. James, as witnesses against their father?

If an action of *scandalum magnatum* may be brought in behalf of a private peer, even after his death, to vindicate his memory, and the honour of his family: Here are three kings vilely aspers'd after their deaths; what proportionable satisfaction ought to be made to them, the wisdom of your house best knows, and can give it; at least, I hope, that less than this cannot be done, to express their displeasure against this scandal (lest their silence may hereafter be constru'd as their approbation;) and to put such a stop to it as that it proceed no farther.

Sir, I wish your house may have the honour of punishing and suppressing the insolence of this faction (which has reign'd long enough) and you to make the motion, That the mouths of those who speak lyes, may be stopp'd. Jan. 10. 1702.

The anniversary of Arch-Bishop Laud's martyrdom, by the same hands.

#### Postscript.

This passage I have insisted upon in Calamy's Abridgement of Baxter's Life, is not the only one of this nature that is there. No, it is a virulent invective quite through against the church and the crown. The examining of all which wou'd be a work by itself.



And it is to be presumed, that the noble lord, whose name is disgrac'd by the dedication of this libel to him, knows nothing of it, and that when he does, he will do himself justice,

---

*The Irish Massacre set in a clear Light. Wherein Mr Baxter's Account of it in the History of his own Life, and the Abridgement thereof by Dr Calamy, are fully considered. Together with two Letters from Mr Chaundler, (the Dissenting Teacher of Bath, reviving the aforesaid Account) to the Reverend Mr Thomas Carte at Bath, with his two Replies to Mr Chaundler.*

---

The Rev. Mr Thomas Carte, a laborious and indefatigable historian, was born in 1686, and settled as reader at the Abbey Church in Bath after 1707. In this cure he preached a sermon on the 30th of January, vindicating the memory of Charles I. from any share in the Irish rebellion, which involved him in the following controversy with Henry Chandler, a dissenting minister of worth and abilities, but more famous as the father of the celebrated Samuel Chandler, than for his own literary productions. The tract exhibits much of the violent party spirit, which distinguished Carte's works, but something also of his minute labour. The reader, who shall consider the controversy, may be perhaps disposed to halve the dispute between the combatants, and allow Charles to have been innocent of the design of the Irish massacre; although, while he felt himself overpowered by the parliament in England, he seems to have employed both Antrim and Glamorgan in endeavouring to bring over to his succour the forces of the rebellious catholics.

---

I CANNOT allow myself to publish these letters to the world, without giving some account of writing them, which was this:—Preaching on last January 30, in the Abbey church of this place, I gave in my sermon a detail of the methods and practices, whereby the rebels of 1641 carried on their designs, and effected the ruin of the church and monarchy of England. 'Tis scarce possible for an honest man to think of those times, and of the measures then taken, without horror, and very difficult to speak of them with tenderness; but the part that I chose was merely to represent them: They carried indeed their own, and that a very heavy censure with them, and are so flagrantly impious, that nothing can, at least nothing need be added to set forth their wickedness, or raise in good men an abhorrence of them.

But what in such has this effect, raises a different kind of resentment in others: They that entertain the principles of the rebels of those days, and would be glad to see the same steps pursued, the same practices repeated, rage at a representation that makes them odious, and may thereby prevent their success. The preacher that exposes these practises, not the person who committed them, is the object of these mens indignation, and whilst some pitying expressions are offered up to their memory, some alleviated circumstances urged to lessen the horror of their crimes and greatness of their guilt, he is sure to feel the effects of their passions, and weight of their censure for setting in a just light, actions, which, execrable as they are, were yet acted many years ago: Tho' he does this on a day set apart by authority to implore God's pardon

for those very actions, and to deprecate his judgments, which still lie heavy upon this nation on account thereof; and though these very persons thus displeas'd with the remembrance of the hypocrisy, treachery, rebellion, and other impieties of a faction, and one set of men dissenting from our church, who once triumphed in the actual ruin of it, and still threaten it with their attempts, can dwell for ever on all the shocking or unjustifiable practises of another body of men, enemies indeed to our church, but so disproportioned in number, and of principles so contrary to the spirit and genius of this nation, and whose very name is so odious to the generality of even the common sort of people, who have a sense of nothing else, that a reasonable man can hardly apprehend any real danger from them.

But men's actions and censures are not always very consistent, and 'tis no unusual thing for them to condemn in others that which they allow in themselves, and to exclaim against that method which disserves their cause, which they applaud when it promotes it. And if I have met with any reproaches, or raised any resentments by a just representation of the crimes and calamities of forty one, it has been from none but such persons as these, whose indignation will make none uneasy, and it has only serv'd to convince me more clearly of the reasonableness and usefulness of such a representation, which cannot surely by any loyal or good man be thought improper, whilst there are such numbers who espouse the same principles with the rebels of those days, and who, as they justify their actions, may without breach of charity be supposed ready to re-act them.

But it is paying too much regard to this objection to take notice of it, for general charges seldom need an answer, and deserve only to be slighted. And yet nothing more particular has been objected against that discourse, no misrepresentation has been charged on it, as to any one fact asserted in it, unless as to that which Mr Chaundler, the dissenting teacher in this place, was offended at, and challenged me to prove, which, as it gave occasion for, makes also the subject of the following letters.

It cannot therefore be improper to lay before the world that passage which he accepted against, in the words wherein I *preach'd* it; of which take this account.

After shewing the reasonableness of the religious observance of the day from several topicks, as particularly, from its being a proper means to obtain God's pardon for the horrid murder committed on it, the fatal effects of which, and calamities naturally flowing from it, this nation has long groan'd under, and yet cannot see an end of; from the encouragement which the seditious doctrines that supported the great rebellion have met with of late years, from the profanation of the day by a crew of wretches at their Calves-head-feasts, from the little or no alteration in the principles and conduct of the sects and parties, the great actors in the rapines and crimes of those rebellious times, that has appeared since, where they have the power of acting, from the barbarous treatment of the episcopal clergy in a sister nation since the revolution, a thing too little known and considered in this, and from the dissenters looking on the solemn league and covenant, that grand instrument of the rebellion as still obligatory on the nation. I after this observed, how carefully they are taught to abhor the memory of the royal martyr, as Mr Wesley, who was bred up amongst them, tells us in his account of the manner of education in the dissenting academies, and laid it down for a rule, that their actions are the truest test of their sentiments in this point, and the surest way we can take to form a judgment of them: and then immediately follow these words, &c.

And do not these (their actions) shew, that they hate the memory of King Charles to the utmost degree, and that they rejoyce in their ancestors treatment of him, and transcribe their copy as far as they can? Those, we know, not satisfy'd with spoiling the royal martyr of his kingdom and life, endeavour'd to stab his honour, which was

dearer to him than both. Among other slanders which their malice threw upon him and his memory, this was one, that he had an hand in, and gave orders for the bloody massacre and rebellion in Ireland in 1641.

The malice and falshood of this charge have been sufficiently proved, and 'tis well known and attested, that when Sir Phelim Oneal, head of that rebellion, was taken, they endeavoured to perswade him to accuse the king, and at his tryal, nay, at his execution too, they offered him his life, his estate, and other advantages, would he but charge the king with it. This was a crime so horrid, that tho' themselves were villains enough to engage in it, yet Sir Phelim would not, but died, declaring the king's innocency. And yet this cursed, as well as false and malicious calumny, their sons have revived again within these eight years in the Abridgement of Baxter's Life, published by Calamy.

I insisted likewise, by way of proof of this their hatred of King Charles's memory, on the malicious, tho' impotent endeavours, used to make the *Εικόνη Βασιλέως*, that book of his, which contains the true picture of his soul, and this so exceeding lovely and beautiful an one, that it must charm all that have any taste of virtue and goodness, be suspected as spurious; and on the late republishing of all the lies and slanders that had been raised of him, and spreading them throughout the nation in Ludlow's Memoirs; and whether Mr Chaundler has by his conduct contributed any thing to the clearing of them from such an hatred of King Charles's memory, let the world judge.

What I am further to say, with regard to this passage is, that as it is the only one, the truth of which has been called in question, and which Mr Chaundler has chose for the subject of his attack, so I have quoted it fairly to a syllable as I preach'd it.

I must confess I did not imagine a clergyman of the church of England, preaching on such a day, setting forth the horror of those crimes, which occasioned the observance of it, and vindicating one of the best but most abused monarchs that ever lived, should be called to an account by a dissenting teacher for what he said from the pulpit in the execution of his office, in so just, at least so charitable, a cause, and in answering the ends for which the supreme authority of the nation enjoyed the observance of the day; such a conduct as this seeming to be no very suitable return for that toleration which our laws have graciously indulg'd the dissenters, was what indeed I did not expect; much less could I expect an attack on a point of so odious a nature, as the loading King Charles's memory with so black a crime, as being concern'd in the Irish massacre; and the world perhaps will be surprized to find any so malignant now as to suspect it possible for him to be guilty of so detestable an action, from which he has been so clearly vindicated, and which never had any the least proof to support it.

That a calumny of so gross a size should be charg'd upon King Charles, and a particular disproof of it required, one of his race sitting upon the throne, in a place of as publick a resort as any in this kingdom; a calumny which the rebels of 41 could never fix or prove upon him, tho' they used all arts to do it, tho' people were put to the rack to oblige them to accuse him as ' privy to and concern'd in the Irish rebellion, as was the case of Sir John Read; and tho' at the time of its first being charg'd upon him, it was undeniably refuted by Mr Howel and others: None of the Irish rebels that fell into the hands of the parliament offering to accuse him of it; and the Lord Macguire, than whom none was deeper engaged in the rebellion, or knew more of the persons concern'd, and of the measures to be taken in it, he, (as the king says in his declaration in answer to the parliament's resolution of no farther addresses, fol. 289,) tho' thus equally privy to all transactions, denyed to the last, that the rebels had any commission from the king, with more sense of conscience than they who examined him.

\* Lord Castlehaven's Memoirs, p. 39.

expected; tho' he was so far from giving them any commission, that he had no foreknowledge of their design, as, (says Mr Howel in his *Glance on the Isle of Wight*, p. 381.) besides a world of convincing circumstances, which may clear him in this particular, appears from the confession of the same Lord Macguire before his execution on Feb. 20, 1644, who upon the ladder, and another upon the scaffold, when they were ready to breath their last, and to appear before the tribunal of Heaven, did absolutely acquit the king in this point; and this spontaneously of their own accord, being unsought unto, but only out of a love to truth, and discharge of a good conscience; nay, so far was he from having any intimation of the insurrection in Ireland, that, as Mr Howel attests, ' the Spanish ambassador here and his confessor, a very reverend Irishman, told him the king knew no more of it than the great mogul did; and so confident was Mr Howel <sup>a</sup> of his innocence in this respect, that he dared to pawn his soul on the truth of it. That such a calumny as this, so clearly refuted on its first appearance in the world, should now be published afresh, and a particular disproof of it required at this distance of time, when the revivers of the charge might hope that all evidence to confront it was wanting, is indeed surprizing, but it is withal very unfair treatment of that excellent prince on whom the charge is laid, and is such a method of arguing against fact, that if it be allowed, there is no point in history so well attested but it may be disputed. And yet such a disproof is what Mr Chaundler has thought fit to insist on and demand from me as necessary for the clearing of the king. The words of his first letter are,

*For Mr Carte.*

Bath, Feb. 2, 1713-14.

SIR,

Whereas I am inform'd by some that heard you last Saturday, that you should say, that the charging King Charles I. with being accessory to the Irish massacre, was a thing that had been sufficiently disproved; I take the *liberty to desire* you would be pleased to let me know in what author I may find that, for I protest I should be heartily glad to find it. In justice to the memory of the royal martyr, in justice to your self and charity to me, you stand bound to do so much for one that from his heart abhors the doctrines of king-killing and country-enslaving, and is, Sir,

Your humble servant,

HEN. CHAUNDLER.

I received it at 4 in the afternoon on Tuesday, Feb. 2d, and read the contents not without wonder, that whilst the Roman Catholicks, who seem to have the strongest temptations in point of interest, and for the credit of their religion, to charge the king with giving them a commission, do (as Lord Castlehaven, Procurator Walsh, F. D'O'Leans, and other of their writers) notwithstanding this, clear him of it, and ingenuously own the insurrection to be a rebellion, which it could not have been, had they the king's commission to warrant them. Whilst truth forces this confession from them, any who call themselves protestants, and pretend to a greater purity and more religion than others who are called by that general name, should allow themselves in a practise which those abhor, should dare to repeat the horrid slander on the king and demand a particular disproof of it.

One might at least expect that this should be done with modesty, or with the appearance of it, and that, whilst the action it self might raise a clamour and (what is more) deserve it, yet there might be something in the manner, in the circumstances of

<sup>a</sup> Italian Perspective, p. 289.

<sup>2</sup> Land of Ireland, p. 217.

the action to recommend it, and procure it a fairer reception in the world. But it is the fate of error to be confident, and a bad cause seldom suffers for want of zeal, a thing very necessary to support it, where truth and justice are absent. Such was the case and conduct of Mr Chaundler. Not satisfied with writing to me a letter he fancied I could not answer, he spread it about with an industry that prudence would not have suffered him to use, had it not been sure of victory; nor charity have allowed him in, whatever his persuasions were, without much better evidence for them than he has yet produced in the dispute. He shew'd it to an alderman of this city, who spake of it publicly at a place where the members of the corporation met at dinner, on Thursday, Feb. 4th. He sent copies of it to shops to be given away gratis, that the king's reproach and the credit his performance was to gain himself, might be spread the wider, and made as publicke as possible. Three of them were the same day, at Mr Harford's shop in the church yard, put into the hands of a person who, after evening service, assured me of this particular fact, and, in general, of the multitude of copies dispersed abroad.

Such confidence and zeal in so bad a cause did not more surprize than seem to upbraid me for the want thereof in a good one, and obliged me, without the least delay, to finish my first letter to Mr Chaundler, which I had begun the day before, and sent to him that evening, and is as follows:

*For Mr Chaundler.*

Bath, Feb. 3, 1713-14.

SIR,

Yesterday I received from you a letter, wherein you tell me that you are inform'd by some who heard me last Saturday, that I should say that the charging King Charles I. with being accessory to the Irish massacre, was a thing that had been sufficiently disproved.

You have not in this point been misinformed: I did say, that the malice as well as falshood of that charge have been sufficiently proved, and I had reason for saying so; reason indeed so clear, that I thought none could have been really ignorant, either of that blessed prince's innocence, or of the evidences whereby it is proved.

But since it seems you are, and therefore require me to tell you in what author you may find it, I do now, in answer to your demand, and to give you the satisfaction you want in this matter, refer you to Dr Nalson's Collections (a book to be met with at Mr Hammond's) vol. 2, pag. 528, 529, 530; where you may, in the deposition of Dr Ker, Dean of Ardagh, see Sir Phelim O Neal clearing the king from this unjust calumny, and declaring that he could not in conscience charge the king with it, tho' he had been frequently solicited thereto by fair promises and great rewards while he was in prison. You may see Sir Phelim every day of his tryal asserting the king's innocency, rejecting the judges offers of restoring him to his estate and liberty, in case that he could bring proof that he had any commission from the king for the levying of war, and proving, in the most satisfactory manner, that the commission, which he had formerly pretended to have received from him, was drawn by his (Sir Phelim's) own orders, and the broad seal fixed to it was taken from a patent of the Lord Caulfield's, found in the castle of Charlemount; which Mr Harrison (the man who took the seal from the patent and fixed it to the commission) likewise attests. You may see offers of mercy made to Sir Phelim at his execution, upon the barbarous condition of falsely accusing King Charles in that point; and may likewise see him under all the terrors of death, and the strongest temptations man could lie under, bravely attesting that prince's innocency, and sealing the truth of his testimony with his blood.

Read the whole, and then consider whether your demand is not effectually answered, and whether any thing can more clearly disprove that (as far as I have heard) only pretence of the charge against the king, or shew at once more evidently the consummate

wickedness of that party, which accused him of so horrid a crime, and their inability to make good their charge.

Both these are still farther cleared by what Sir Roger Manley says in his History of the Rebellions of England, Scotland, and Ireland, printed at London, 1691; where, after giving an account of king Charles's causing the Marquess of Ormond to deliver Dublin, then (A. D. 1646,) besieged by the Irish army by land, and block'd up by the parliament ships on the sea side, into the hands of the parliamentary rebels rather than the Irish; and after briefly reciting Sir Phelim Oneale's attestation of that king's innocence, he expresses himself in these words, p. 92: "Nor was it only with him (Sir Phelim) but with several other prisoners, that they most impiously endeavoured by promises of life, liberty, and estate, and no less abominable artifices, to sooth them to confessions that might entitle the king to that nefarious rebellion."

Can the most prejudiced person read this without being convinced, as well of that good prince's perfect innocence, as of the exquisite malice of his enemies.

You needed not then to have press'd me in so solemn a manner, to produce my vouchers for what I had said, or have challenged me to do it, as I was bound by the very strict obligations of justice to the royal martyr and myself, as well as of charity to you. I should have gratified you in your desire on less inducements, and given you that proof which probably you did not expect, and which I hope may be to your conviction; and tho' you have hitherto laboured under a so very rare and almost singular misfortune, as not to have met with any author that has cleared the king from being accessory to the Irish massacre, (tho' there is scarce an historian that writes of those times but clears him,) and have never found that it has been sufficiently disproved; yet that now you will own the falsehood of the charge, or let me know what you will be pleased to allow as a sufficient disproof of it.

I have shewn you where it is (as any rational unprejudiced person must think) sufficiently disproved; tho' I might with better reason have demanded of you, where it was ever proved. This should have been done before a vindication could be necessary, and it was reasonable to expect it; since matters of fact, as they are too stubborn to allow of tedious cavils, are withal plain enough to admit of an easy proof. And yet what proof can be brought for the charge? None that deserves the name, or would be allowed the authority of a testimony in the most trifling instance; and therefore certainly ought not to be allowed in the case before us, against a person in the highest station, and for a charge of the blackest nature, in proportion whereto the proof ought to be the clearer.

Lord Clarendon (History of the Rebellion, vol. 1, book 4, p. 238,) says, it is a calumny without the least shadow or colour of truth. And when we consider its inconsistency with the general character of that blessed prince, and more particularly with that extraordinary tenderness and compassion of nature, which was remarkable in him, and which (says Lord Clarendon's History, vol. 3, book 11, p. 197.) restrained him from ever doing an hard hearted thing; with his sentiments in point of religion and zeal, for the constitution of the church of England, for which he died a martyr; with the whole conduct and in a manner every action of his life; with his most solemn professions and appeals to God, who knew his heart; (see his *Εὐκὸν Βασιλεῖν*, c. 12.) nay, and with his very interests too; for he never recovered the disadvantages which the very charging of this calumny brought upon him; and that it had for its support the weakest foundation imaginable, the pretence only of rebels, who would be glad at any rate to make the best of their cause, and might get a broad seal in a way easy to be accounted for, and which every charitable man's thoughts would soon suggest to him: Can we think that any man, who was very willing to believe it true, could easily receive a charge of such a nature, or demand a particular disproof of what was never proved, and is so improbable in every respect?

Tho', therefore, such a disproof be not in itself necessary, I have, nevertheless, in compliance with your desire, and in obedience to those obligations you tell me I lie under to do so much for you, laid it before you.

And now let me add, that the same considerations of justice and charity require you now to use your endeavours to vindicate the royal martyr from this calumny. You cannot but know how it has been revived within these few years; and with how degenerate and base a spirit, with how bitter a rancour, a rancour reaching even beyond the grave, which puts a period to common hatreds, some have trampled on the ashes of that blessed prince, and the calumny, probably, has found belief with many.

And since it is the duty of every one (as he has ability and opportunity) to do right to the injured, I hope it will be your business to undeceive all that you know labour under so unjust and uncharitable a mistake. Such a measure of justice may surely be expected from one who professes to abhor from his heart the doctrine of king-killing. I would fain persuade myself that in this you know your own heart, a thing which, as it is deceitful above all things, often deceives a man's self; and that you would not take up arms and fight in the field against your prince, and use your sword to slay him there whom you would not murder solemnly and deliberately out of it; and that by the doctrines of country-enslaving, you do not design, in the use of that term, to throw a reflection on any doctrine of Christianity, or to represent the duties of passive obedience and non-resistance (duties which primitive Christianity practised under the greatest trials, and which the church of England has gloried in) in an odious as well as false light: For, if you do, be assured that your pretences to abhor from your heart the doctrine of king-killing are vain, whilst you only boggle at a particular manner of doing the act; and you would do well to consider whether a duty which is enjoined by the laws of the land can enjoin this character of country-enslaving, and what he deserves that gives it.

I am, Sir,

Your humble servant,

THO. CARTE.

To what I say of Sir Phelim Oneal in this letter, I can't think it necessary to add any thing, unless it be one remark out of an account of his trial, which I have now before me, and have often heard from a very worthy clergyman, who was born in Ireland before the time of the trial, and whose uncle, from whom he had the relation, was present at it in the chancery court of Dublin, where the high court of justice sate, the commissioners whereof were directed by a committee, that sate in an adjoining room, call'd the chancery chamber, what questions they should propose to Oneal, a communication being kept up by means of a messenger who went constantly between them, and represented to the committee all proceedings in the court, and brought instructions to the commissioners on every occasion, speaking to them through a square hole in the wall; and the remark is this, That Sir Phelim seems to appear in the court with a remorse for the sins of his life and the blood he had shed in the rebellion, and with an unfeigned desire of washing away the guilt of his former crimes by a sincere repentance of them. And therefore, when the commissioners, whose barbarous endeavours to extort from him an accusation of the king, during the course of his trial, which was drawn out to the length of several days, that he might be work'd upon in that time, he had resisted with a constancy that could hardly be expected in his circumstances, owning that he had shew'd a commission, but it was of his own drawing, he having been bred in the inns of court in England, and the broad seal fix'd to it as above related. When they pressed him to plead this commission as given him by the king, he answered, That he would not increase his crimes by accusing an innocent man who was dead, herein shewing a remorse that justly upbraids the impetuosity of

those fanattick regicides who suffered here in England, and such a regard to truth and justice, and concern for the honour of an injured prince, that we have reason to wish a sort of protestants among us would imitate.

On Feb. 5th, in the morning, I received from Mr Chaundler the following letter:

*For Mr Thomas Carte.*

Bath, Feb. 4, 1713-14.

Sir,

YOURS I just now received. I thank you for the favour of a reply to mine of the 2d instant. You may assure your self, if it had contributed in the least to my satisfaction, I should not have dissembled it; but it does not touch upon the matter that occasioned my giving you the trouble of my first writing to you, which was your reflecting upon Mr Baxter and Dr Calamy his abridger, with respect unto the business of the Marquess of Antrim; a story printed in Mr Baxter's Life near eighteen years ago, and which, if it has been proved to be false, I protest I have been so unhappy as not to have met with that proof, which proof (if such there be) I declare in the presence of God I will heartily thank you for directing me to; and this, whatever you think, I think a sufficient reply to yours.

I am, Sir,

Your humble servant,

HEN. CHAUNDLER.

He calls this a reply to my letter, tho' it takes not the least notice of any one thing said in it, and refers me to a story which I never heard, and which, being founded on the conduct of a private man, might, at the distance of 70 years from the time of his actings, be hard to be confuted; or, if it was to be set in a true light, yet the doing this would require more time than I had to spare, and greater pains than my constitution was able to bear.

On these accounts, many who have the justest regard to the royal martyr's honour, thought it not proper for me to engage further in the dispute, or, at least, that it was not necessary to clear a story whose falsehood might sufficiently appear to all unprejudiced persons, by its attacking a character so well establish'd as his. But, being entered upon the controversy, and challenged, in particular, to clear this story, being made sensible of the prejudices whereby many were drawn aside to believe the horrid charge against him, their confidence in the truth of this story, the only pretence left to uphold the charge, and the triumphs that would ensue a neglect of refuting it, and being likewise verily persuaded that every member of that church for whose cause he died a martyr, owes more to the memory, the remains of King Charles, than a bare hazard of his health, I resolved, notwithstanding the precariousness of that and the business of the place, to set about refuting it; and, after reading over all the histories, pamphlets, and accounts that I could procure, relating to the Irish rebellion, and the conduct of persons during the continuance of it, I drew up the following letter at those hours which I could borrow from the night; and, as it has been thought to contain a clear vindication of King Charles from the aspersions thrown upon him in the story which gave occasion to it, I now publish it to the world without any alteration.



*For Mr Chaundler.*

Bath, Feb. 19, 1713-14.

SIR,

I received yours on the 4th instant, in which you tell me that my letter of the 3d, has not contributed in the least to your satisfaction, so that (it should seem) the black-charge against King Charles I. of his being accessory to the Irish massacre, is still in possession of you, and is not, in your opinion, sufficiently disproved. It would have been some satisfaction to me had you told me what you will be pleased to allow as a sufficient disproof of it, and what will give you any degree of satisfaction in this point. But, instead of doing this, as I pressed you to do, you, without taking any notice of what I urged, think it a sufficient justification of that very hard opinion you have entertained of King Charles, to refer me to (what you call) the business of the Marquess of Antrim. This you do without telling me that you'll be satisfied if I clear that matter, so that I am still at a loss to know what farther kind of disproof you expect, or when your scruples will end.

However, to remove (if possible) your prejudices, and to lay before you those evidences and reasons which every rational and impartial man must allow to be sufficient for conviction, I shall add some considerations to what I urged in my former, and then answer that story which you lay so much stress upon in your last.

I have already represented unto you that the charge has never been proved, that it is wanting both in external and intrinsic evidence, that it is inconsistent with the king's character and conduct on many accounts, and that the rebels pretences to a commission from him have been in the most unexceptionable manner refuted by Sir Phelim O'neal. Let me now, to make those appear in a juster as well as clearer light, desire you to consider whether Fleetwood, Ludlow, and the rest of that factious crew, who had a share in the government of Ireland at the time of Sir Phelim's tryal (Feb. 1652,) would ever have taken so base and execrable a method to stain the king's honour, and fasten that horrid charge upon him, had they had any real grounds for it, and whether their acting thus, and their disappointment in the impious attempt, must not be looked upon by all sober and good men as an irrefragable proof of the king's innocence; which, notwithstanding all the arts and endeavours, the promises and threats, the severities and rewards, the bribes and temptations, which the power and wealth of the nation could enable them to use, with the persons they solicited to accuse him, could stand the test of them all, and bear up with so glorious a success against the utmost efforts and assaults, that the most powerful wickedness, malice, and cunning could make against it. Had the king been indeed guilty, less industry, honester methods, fewer temptations, weaker inducements, would have proved his guilt; whereas nothing but the purest innocence and best establish'd truth could stand firm in such tryals as this, and against all attempts that such enemies could make. It was the force of this truth which extorted not only from Sir Phelim in particular, but from the rebels in general, from the commanders as well as fryars, a confession that they had no commission at all from the king, but (as Dr Robert Maxwell, afterwards Bishop of Kilmore, deposed upon oath, Aug. 22, 1642,) that they thought it lawful to pretend what they could in advancement of their cause, and that in all wars, rumours and lies served many times to as good purpose as arms, and that they would not disclaim any advantage.

It could be nothing else but the force of truth that extorted this confession from rebels, who (as appears from the testimonies of Dr Maxwell, and another gentleman who was prisoner amongst them, both examined upon oath)<sup>3</sup> were desirous to raise up against

<sup>2</sup> Borlace, p. 302. 304.

<sup>3</sup> Borlace Appendix, p. 126.

<sup>3</sup> See letter from the lords justices

the king as many enemies, and throw on him all the odium that they could; and who hated him to such a degree, that some of them, and they of note among them have said, that 'if they had his majesty in their power, they would flea him alive: Others, that they would give a great sum of money to have his head, that however they would have the kingdom and their will of him; that they would have an Irish king, and regarded not King Charles, the King of England; that they had a new king, and had commission from him for what they did; and that they would not be contented with the conquest of Ireland alone, but would drive King Charles with his whole posterity out of England,<sup>2</sup> so that he and his posterity should be afterwards *profugio in terrâ aliena in æternum*, wanderers in a foreign land for ever,—a work which they, thro' impotence, left to that factious race (whose inconsistent malice would pretend that the king should give this commission to those who hated him thus outrageously, the better thereby to enable them to execute their designs against himself, and to deprive him of his kingdom and life) by a more successful rebellion to prosecute, and in too great a measure accomplish.

To mention a publick act of the whole body of rebels, which evidently shews their want of any commission or countenance from his majesty. The<sup>3</sup> preamble of their remonstrance delivered (by the Lord Viscount Gormanston, Sir Lucas Dillon, and Sir Robert Talbot, to the king's commissioners, who were authorised to hear their proposals,) at Trim, in the county of Meath, March 17, 1642, quotes those words of his majesty out of his commission to hear what they had to say, in<sup>4</sup> which he expresses his utter detestation of that odious rebellion, which the recusants of Ireland had without ground or colour raised against him, his crown and dignity;—words not spoke in a corner, but under the great seal of England, and even in that commission which those false accusers were to see and hear read, words that stung them to the heart, which the king would not have used, had he not been perfectly innocent, nor they have born, had they been less guilty, and which sufficiently provoked them to plead that authority which they had so falsely pretended, had they had the least shadow for so black a calumny, and yet they quote them, without pretending in the least to the king's approbation of their rebellion, and with an acknowledgment of his real abhorrence thereof, which abhorrence therefore they use their utmost endeavours to remove.

These things, one would think, might be sufficient to prove the king's innocency, and to shew the falshood of all pretences to a commission from him: But this will farther appear, if we consider that the granting a commission or authority in the case before us to any person whatsoever, is contrary,

1. To the publick<sup>5</sup> and authentick acts of the king himself and lords justices, to the proclamations of October 30, of Jan. 1, and Feb. 8, 1641; acts of such a nature as to vacate, or at least to render useless all commissions inconsistent with them, and granted in a clandestine way, if any could be so uncharitable as to suppose that the king would grant any for the crimes of rapine, murder, and rebellion, or so senseless as to imagine that he would grant it for no end, or for one that it could serve but a day, or (strictly speaking) but a week.

2. To the king's surprize at the breaking out of this rebellion, express'd in his letter to the<sup>6</sup> Marquess of Ormand, wrote from Edenburgh, October 31, 1641, and to his care in improving every hint and intelligence he received of ill and seditious designs, for preventing them, see his letter wrote by his order to the justices of Ireland, March 16, 1640.

<sup>2</sup> R. Cox, Append. 4. p. 6, 7, &c.  
528. Sir R. Cox, Append. 5. p. 15.  
34, 65, 30. Append. 3, p. 21, 6, p. 27.  
p. 168.

<sup>3</sup> Rushworth, Abridged, vol. 4, p. 190.

<sup>4</sup> Earl of Orrery's answer to W. p. 29.

<sup>5</sup> Sir R. Cox, Append. 49. Rushworth Abridgment, vol. 3,

<sup>6</sup> Nalson, vol. 2, p.

<sup>7</sup> Borlace, p. 53,

3. To his professions of having had since the beginning of that monstrous rebellion no greater sorrow than for the bleeding condition of the kingdom of Ireland, and of his being grieved from the very soul at the calamities of his good subjects there.

4. To his repeated solemn appeals to God, and calling him to witness for the truth and sincerity of his professions.

5. To his whole conduct and actions, to his zealous endeavours and use of all means in his power, that timely relief might be sent over to the succour of the distress'd protestants; to his leaving the management of the war there to the parliament, and parting with his prerogative, already sufficiently pared, that if possible to move them by such a sacrifice, it might be carried on the better; to his consenting to all propositions (how disadvantageous soever to himself) that were offered to him for that purpose; to his sending over immediately, on the first news of the insurrection of the rebels, 1500 men to oppose them, and sending afterwards arms and ammunition in such proportion and quantities, and at such times as he could very ill spare them; to his inflexible resolution (even after the fatal battle of Naseby) when his affairs seem'd desperate, that if the condition of them were still more desperate, he would never redeem them by any concessions to the Irish rebels that must wound his honour and conscience, and that, let his circumstances be what they would, he would run any extremity, rather than do the least act that might hazard the religion of the church of England, in which, and for which he was resolved to live and dye; and to his orders sent from time to time to the Marquess of Ormond, in regard to which, that marquess expresses himself (in his answer to the address of thanks from the two houses of parliament in Ireland, for the preservation of themselves and the rest of the protestant party there, thro' his care and providence, March 17, 1646-7) so fully as to prevent all cavils that may be raised on account of any particulars thereof, and gives so remarkable an attestation of the justice, goodness, and piety of them, that I shall here set down his words, which are these, *viz.* And now, my lords and gentlemen, since this perhaps may be the last time that I shall have the honour to speak to you from this place, and since that, next to the words of a dying man, those of one ready to banish himself from his country, for the good of it, challenge credit, give me leave, before God and you, here to protest, that in all the time I had the honour to serve the king my master, I never received any command from him, but such as spoke him a wise pious protestant prince, zealous of the religion he professeth, the welfare of his subjects, and industrious to promote and settle peace and tranquillity in all his kingdoms, and I shall beseech you to look no otherwise upon me than upon a ready instrument set on work by the king's wisdom and good for your preservation.

To not only what he did, but what he would farther have done; to his unfeigned offers of venturing in his own person all the dangers of war, of hazarding his very life for the defence of his protestant subjects in Ireland, and for the chastisement of those perfidious and barbarous rebels (as he stiles them) and of pawing or even selling his own parks, lands, and houses for this service.

To not only his constant expressions of abhorrence of that rebellion, but also to his denying all knowledge of it, with the strongest asseverations and declarations of his detestation of it to such a degree, as to vow that, if his own son had a hand in it, he would cut off his head.

To this consideration likewise, which alone (says Sir R. Cox) must convince all mankind of the king's innocence in this affair; and that is, that an Irish rebellion was the most unlucky and fatal thing that could happen to his majesty at that juncture; it broke.

<sup>1</sup> Sir Robert Cox, part 2, chap. 1, p. 152.

all his measures, and was so evidently against his interest, that no body could suspect him to contrive it, that does not at the same time think he was mad.

You need but look into the king's first and other messages to the parliament about the affairs of Ireland, particularly that of April 8, 1642. His answer to a petition presented to him at York, April 8, 1642, by the Earl of Stamford and others in the name of both houses; his answer to the petition of the protestant committee for Ireland, December 1, 1642, and into Sir Robert Cox's Apparatus to the 2d part of his Hibernia Anglicana, to see every particular of these evidently proved to you.

And yet these are such contradictions as I hope there are very few of so keen and unreasonable a malice towards King Charles as to swallow them for the gratifying it; and if consider'd as they ought, together with the universal confession of the rebels, in not only single persons, but in a body, that they had no commission from him, and with the other points I have insisted on, must be look'd upon by all impartial and good men as a sufficient disproof of the charge against that prince, as such a vindication of his innocence that nothing but the directest testimony should make him ever suspected, as a defence of him too strong to be beat down by such weak attacks as are made against it in the story of the Marquess of Antrim, which I am now to consider, and which you tell me was the occasion of your writing to me your first letter.

Had you told me this before, it might have been answered in my former, but I cannot divine, and that letter has not a word of the story; a story which (as far as I can remember) I never heard of before. It is indeed printed in Mr Baxter's Life, but that is a book that I never saw till last week. It was not touched upon in my sermon on January 30, wherein I only insisted on Sir Phelim Oneal's clearing the king at his trial and execution, the truth of which I therefore thought you questioned in your first letter.

And as for Dr Calamy's Abridgment of Mr Baxter's Life, that is a book I never read, nor indeed did ever meet with except once, betwixt 2 or 3 years ago, at the house of a worthy friend with whom I had then some discourse about the revival, which some people have of late years made, (with what design they know, and honest men fear) of all the calumnies that have been ever thrown upon the royal family; and therefore, I only just mentioned it, as a book in which this very calumny has been revived.

Though therefore I am under no particular obligations to refute your story, yet since some people have their reason and faith under so absolute a command, and in so entire a subjection to their own inclinations and passions, or the interests of their cause or party, as to reject even the clearest evidences, if they have but some piece of secret history, and undated, unattested, studiously-concealed memorandum, or an uncertain story to oppose to them; and with all the confidence to call things of this nature a sufficient reply to those evidences; I shall therefore at large consider this story you refer me to, as related by Mr Baxter, and after him by Dr Calamy, and shew how little it can serve your purpose.

Mr Baxter (in his Life, part 3, p. 173, p. 83,) tells us that the Marquess of Antrim was one of the Irish rebels in the beginning of that war, (and that at the time) when in the horrid massacre 200000 protestants were murder'd. His estate being sequestered, he sought his restitution of it when King Charles the II<sup>d</sup>. was restored. The Duke of Ormond and the council judged against him as one of the rebels. He brought his cause over to the king, and affirmed that what he did was by his father's consent and authority. The king referred it to some very worthy members of his privy-council to examine what he had to shew: Upon examination they reported that they found that he had the king's consent or letter of instruction for what he did. Hereupon King Charles the II<sup>d</sup>. wrote to the Duke of Ormond and council to restore his estate, because it appeared to those appointed to examine it, that what he did was by his father's order or consent.

\*Sir Robert Cox, Hist. Ireland, Appar. 10, part 2.

This account of the story we have there; and in it we must distinguish betwixt Mr Baxter's assertions and the words of what he calls the king's letter to the Duke of Ormond. The letter says, That what the Marquess of Antrim did (by way of correspondence, compliance, &c., as I shall quote presently,) was by the king's orders, and it says no more than this: That the Marquess of Antrim was one of the rebels in the beginning of the war, when 200000 protestants were murder'd, is purely Mr Baxter's own affirmation, without any the least ground from the letter, or any just foundation in history, to support it.

The letter tells us not the time of the marquess's correspondence and actings. It fixes no date for the king's instructions. It gives no hint to guess at these but from the end and design of them, which (it says) was the king's service, by reducing the Irish to their obedience, and by drawing some forces from them for the service of Scotland. And this seems to determine the time of both to the year 1643; whereas the beginning of the war was 1641.

But had we not this reason from the letter it self to fix the date of these so late, yet a man of a charitable temper, of a Christian spirit, would have judg'd in the most favourable manner, and not have fixed the date or time thereof sooner than he had clear evidence for so doing.

But Mr Baxter's turn would not be served by so just as well as candid a way of dealing. He is resolv'd, at any rate, to make the marquess one of the first that engaged in that rebellion which begun with the massacre, and to interpret what is said of the king's instructions to him, so as to entitle King Charles to both.

Is this the practice of a good man? or is it any part of that piety and integrity which Dr Calamy tells us were so conspicuous in Mr Baxter?

But if the letter does not justify Mr Baxter, what does history? what account does that give of the Marquess of Antrim's conduct? This I am now to shew you.

But first, before I give you the detail of this, it may not be amiss to observe, as a good presumption *in favour* of the marquess, that the Court of Claims in Ireland, after the Restoration, on hearing his cause, adjudg'd him innocent; and Sir Winston Churchill, one of the commissioners of it, does, in his *Diui Britannici*, p. 347, clear the king from giving any orders for, or being any ways concerned in that rebellion. And yet he could not but know what the Marquess of Antrim's actings and what the king's instructions were: For as the marquess's actions were represented, so the king's letters likewise was laid before them.

It looks well, likewise, in the marquess's behalf, that he is not mentioned in any of the lists or accounts that we have of the rebels, nor in the account that we have of those who first appeared in the province of Ulster (in which province the county of Antrim lies) for the execution of the conspiracy (see Nalson's Collections, vol. II. p. 632,) nor in the list of the principal rebels, found among the papers, in the clerk of the commons house of parliaments office (*ib.* p. 888;) nor in the account we have of them in Dowdall's deposition (Borlace's History, p. 39;) nor in the proclamation against the rebels, published by the lords justices and council, Feb. 8, 1641, where those then in rebellion are particularly named (Borlace's History, p. 65, and appendix, from p. 27 to p. 35.) And to be named in no catalogue of them is surely a good sign of his innocence, and that he had no hand in the rebellion.

And how little he was concerned either in that, or in the massacre, may appear from Dr Maxwell's depositions before quoted, in reading which you may see some of the rebels. (who were desirous, at any rate, to have him amongst them for a credit and support to their cause,) complaining of his (the marquess's) not taking up arms. You may see others exclaiming against him, so long as the March following, at the end of the year 1641, for that their cause suffered by his non-concurrence. You may see him condemning the bloodshed and robbery which they had been guilty of, and which had.

even then spoiled their business, and would be their ruin. You may see others so im-bittered against him, as to be for detaining him prisoner, and crying out against the letting him go, after he had been taken by them. Nay, you may see them carrying their resentment so far against him, as to say he deserved to lose his head, for saying (as he went through Armagh, at the latter end of April, or beginning of May, 1642) that he saw nothing among them (the rebels) but desolation and execrable cruelty, for which God's wrath and the king's just revenge hung over their heads, and would speedily overtake them. What then did the marquess act in that rebellion, which the rebels exclaimed against him for not joining in? What hand could the marquess have in that massacre which he so abhor'd, and was so free in expressing his abhorrence of? Or with what face, on what pretence, can the king be charged with being accessory to it, through a commission given to the Marquess of Antrim, when that very marquess declares that his majesty would speedily revenge it, and his justice would fall on the heads of those that were guilty of it?

Nor are the other accounts that we have of the marquess in history inconsistent with these. For when the Irish, after they had, in March, 1641, routed Archibald Steward, animated with the success, invested Colerain, we find him using all the good offices which either his rank and condition, consanguinity or religion, could enable him to use with success, to engage them to raise the siege, and not only doing so, but also sending provisions and other relief into the town. And when the protestant army, on or about April the 4th, 1642, came near Kilocullen, the Marquess of Antrim, with the Duchess of Buckingham, his lady, and the Earl of Castlehaven, came in a coach to visit the Marquess of Ormond, and were kindly received by him, and the whole army passing by, saluted them.

This is a passage seemingly of so small a moment, that it would seem strange to have it expressly recorded in history, did not Sir Robert Cox (*Hibernia Anglicana*, part II. chap. i. p. 105, and in his Apparatus) tell us his design in mentioning it, viz. To shew the reader that the Earl of Castlehaven was *not under any necessity* of joining in the Irish rebellion, but *might have lived* quietly at home, if he had pleased. Does not this give us reason to conclude that the latter was the marquess's practice? For, would not he that so carefully marks the defection of Castlehaven, have observed the same of Antrim, had he ever joined the rebels afterwards, as it is certain he had not done before?

His sentiments in the beginning of May, with regard to the conduct of the rebels, I have already shewn; and in June, 1642, he delivered his strong castle of Dunluce into the hands of Monroe, general of the Scotch forces, who, confining his person, he broke loose from his restraint, and fled, not to the Irish rebels, but (say the parliament in their declaration of July the 25th, 1643) into the northern parts of England; and the queen having landed at Burlington, in February, 1642, and come from thence to York, he waited on her majesty there.

About this time, in the beginning of the year 1643, the army in Ireland, under the Duke of Ormond, being reduced to unspeakable extremities of want of all things necessary to the support of their persons, or maintenance of the war, and no visible means of preserving the remnant of the king's good subjects in that kingdom from utter destruction, a cessation of arms with the Irish rebels became absolutely necessary, as you may see expressly asserted in the lords justices letter to the king about the state of Ireland, May 11, 1643, and in Lord Clarendon's History, vol. II. book vii. from p. 319 to p. 337, and in the opinion of all the members of the council of Ireland, given under their hands the day that the cessation was concluded.

This being the condition of affairs in that kingdom, the king, by his letter of April the 23d, 1643, impowers the Duke of Ormond to treat with the rebels, and agree on a

cessation with them, giving further instructions likewise about it, in his letter of May the 3d.

To promote this work of the cessation, the Marquess of Antrim is sent into Ireland by the queen from York, with letters and instructions for this purpose. And his pass to go to Dublin and other parts of the kingdom is signed by the Earl of Newcastle, May the 4th, 1643, which pass, with the letters aforesaid, were found in the marquess's pocket, when he was taken by Monroe (as the parliament say in the declaration aforementioned,) in the county of Down, or as Monroe's letter from Carrickfergus (in the castle whereof the marquess was kept prisoner,) dated May 23, 1643, tells us more particularly, in a bark coming from the Isle of Man, which bark he had the good fortune to hawl, as he lay before the castle of Newcastle.

And that this was the marquess's design, and the purpose of those instructions which he had from the queen (the parliament tells us) appears not only from the confession of the marquess himself, but from that likewise of his servant, Master Stewart (who was taken with him) when they were both under examination before General Monroe and the council of war, June 12, 1643.

Some time after this he got his liberty, and coming into England, settled at Oxford. The cessation was perfected and signed September the 15th, 1643; and at the latter end of this year, the Marquess of Montross coming to Oxford, and engaging to raise such a party in Scotland for the king, as should oblige the Scotch army to return out of England, if he had but some troops to begin with, and to serve for a protection to the royalists that should join him. The Marquess of Antrim is sent to Ireland with Daniel Oneal (a wise and faithful servant of the king's, and a protestant,) with instructions to draw a body of men out of that kingdom, to serve as a foundation for Montross's raising forces in Scotland. This body was to be sent in April, 1644; but (as, in the execution of designs, unforeseen difficulties often arise to retard it) did not land in the Highlands of Scotland till about the end of July following. These forces were in number about 1500 (say Clarendon and other historians,) and were commanded by Alexander mac Donnel, brother to the marquess, and behaved themselves with the utmost bravery in all the daring actions and amazing victories that Montross won against the rebels in that kingdom.

Whitlock (in his Memoirs, p. 93,) says these forces were 2500, and makes the marquess to be with them in person (p. 99;) and all along, wherever he mentions the marquess, he still supposes him to be in Scotland (see p. 225, 231, 232,) even till the end of the year 1646. But this account of his seems not to be exact, since those who have given us the most distinct relations of Montross's actions in Scotland take not the least notice of the Marquess of Antrim's being there. And yet all the historians that we have to give us an account of the affairs of Ireland are as entirely silent as to his being in that kingdom; nor have we any mention of him, till after the conclusion of the peace, March the 28th, 1646; and therefore it would be very hard treatment to charge him with any act of rebellion in that time, since there is not the least ground for it, nor indeed can be, when we consider that the cessation lasted all this while, and was continued from time to time, from September 15, 1643, till it ended in that peace which was concluded on March the 28th, and finally perfected July the 30th, 1646.

And now (as Sir Robert Cox in his Apparatus observes) affairs took a new turn; and what passes after this concerns not the argument, and there is no pretence of the marquess's acting by any orders from the king.

However, to lay before you what history records of him, I find him sent into France by the general assembly of Kilkenny, to the queen and prince, in January, 1647, to desire a lord lieutenant might be sent over to them. They that went with the marquess proposed and obtained of the queen that the Duke of Ormond might be the man sent over, tho' in this point the marquess dissented from and opposed them, there having been long an open and declared hatred between him and the duke.

The marquess returns from France in September, and on the 29th of the same month, 1648, the Duke of Ormond lands at Cork, and in November goes to Kilkenny to treat with the supreme council about a peace, which is concluded and signed January 17, 1648: the nuncio declares against it, but is forced to fly the kingdom, February 23d. However, Owen Oneal and the Marquess of Antrim adhere to him, and stand it out against the peace, which was concluded but 13 days before King Charles was murder'd in England, whose orders therefore surely cannot be pretended for this great conduct of the marquess.

His whole conduct from this time is justly blameable, but it is as clear that it cannot be imputed to King Charles, and that it was impossible for that prince to give his consent and instructions for it. For whether his picque against the Duke of Ormond, or a desire to save his estate by compliance with the regicides, and meriting their favour, who had then all the power of England in their hands, and would soon, in all human appearance, reduce Ireland; whether either of these were the motives of his actions, 'tis certain he not only stood out against the peace with Owen Oneal (who was at last by Daniel Oneal's interest and negociation brought over to join the Duke of Ormond, October 2, 1649,) but by means of his priest Kelly, carry'd on an intrigue with Cromwell from the time of his landing, which was August 15, 1649, and from the time of the taking of Ross, which was in the beginning of October, the correspondence became the more intimate and effectual, so that, as Sir Robert Cox (*Hibernia Anglicana*, part 2. chap 2. p. 55,) says, on May the 9th, 1650, his officious desires to serve that party prevailed with him to importune a conference with Commissary General Reynolds and the Bishop of Clogher, and afterwards with that bishop and Colonel Owen. In which, tho' the design was to asperse the memory of King Charles the 1st, and to justify and encourage his enemies; and so Ireton understood it, as is manifest from the favour and kindness he thereupon shewed to that lord, yet when discoursing about a commission being granted by the late king to the Irish, for their rising and acting as they had done in Ireland, on October 23, 1641, and after; the Marquess of Antrim said that he knew nothing of any such commission.

Not long after this conference, Antrim had a pass for going into England, and an order from Ireton to go among his tenants, and levy what money he could for his journey. By virtue whereof he raised 1000l. and came to Chester, December 3, 1650, carrying with him likewise a letter from Ireton to the councill of state, importing that he the Marquess of Antrim had done the parliament army singular service since the first day they came before Ross, and so recommended him to their favour to compound for his estate (for which he had nine months time given him,) for two of which he was to be protected from all suits, and the rather, for that it did not appear that he had an hand in the beginning of the rebellion.

Having thus traced the conduct of the Marquess of Antrim thro' the whole course of those rebellious times, it will help us to explain the severall particulars contained in that letter which Mr Baxter makes the great ground of the charge against King Charles the 1st, and which he says King Charles the II<sup>d</sup>. wrote to the Duke of Ormond and council.

This letter was wrote by King Charles the II<sup>d</sup>'s order, July the 10th, is signed Henry Bennet, and passed the signet office July 13, 1663, and is to be found at length in Ludlow's Memoirs, vol 3. from p. 353 to p. 357.

In it we may observe King Charles the II<sup>d</sup>'s averseness to interpose in behalf of any, that by their miscarriages in the late rebellion in Ireland had made themselves unworthy of his grace and protection; an averseness that was notorious unto all men, and particularly shewn in the case of the Marquess of Antrim. We may observe his jealousy in this point so great, as only on a general information of the misbehaviour of



the marquess towards himself and his father of blessed memory, (the proof of which was deferr'd) to deny him admission into his presence, and to imprison him in the Tower of London, to continue him there under a strict restraint for several months, to send him afterwards to Ireland without interposing the least in his behalf, and to leave him there to undergo such a trial and punishment as should by the justice of the kingdom be found due to his crime.

We may likewise, (whilst the king was expecting that, pursuant to the information he had received, some heinous matter would be objected and proved against him,) see the marquess, after many months attendance there, and 'tis to be presumed, after such examinations as were requisite, dismiss'd without any censure, without any transmission of charge against him, and with a licence to transport himself into England. These are all good signs of the marquess's innocence, and make for him.

Nor does what follows in the letter give any just grounds for Mr Baxter's uncharitable inferences from it. It takes notice of the marquess's meriting by his former actions the favour and protection of the king, and of the many services he had done, and the sufferings he had undergone for his affection and fidelity to the kings royal father and himself; which services were (as appears from history, from the very letter before us, and from the act which restored the marquess to his estate) his reducing the Irish to obedience, drawing forces from them to send to Montross in Scotland, and not only assisting King Charles the II<sup>d</sup>. with arms and ammunition whilst he was in the west, but also furnishing him with ships to make his escape into foreign parts, when his armies were defeated in the west.

In a sense of these services, the king recommended to the lord lieutenant to move the council of Ireland for preparing a bill to be transmitted over, for the re-investing the marquess into the possession of his estate in that kingdom.

The lord lieutenant and council indeed (as appears from the letter) were of opinion that such a bill ought not to be transmitted. The reasons of which opinion they give in their letter of March 18, which they sent over to the king, with a petition from the old soldiers and adventurers.

The equity of the petition consisted only in this, that they had been peaceably possessed of the Marquess of Antrim's estate for 7 or 8 years, were very desirous to keep it longer, and should suffer if it was taken from them. And the reasons of the council were only, that they were informed, that he (the marquess) had put in his claim before the commissioners appointed for executing the Act of Settlement, and that if he was by them adjudged innocent, there was no need of the bill, but if nocent, it was not consistent with their duty to transmit such a bill, as, if pass'd into a law, would be a prejudice to so many soldiers and adventurers.

These reasons (you see) charge nothing against the marquess, and the council only desire, that his cause may be determined by the commissioners for executing the act of settlement.

The king however causes all the letters and petitions sent to him to be examined by several lords of the privy council, who, after a full hearing of what could be alledged on both sides, make this report, that they have seen several letters, all of the hand-writing of King Charles the 1<sup>st</sup> to the said marquess, and several instructions concerning his treating and joining with the Irish in order to the king's service, by reducing them to their obedience, and by drawing forces from them for the service of Scotland. That (besides the letters and orders under his majesty's hand) they have received sufficient evidence and testimony of several private messages and directions sent from King Charles the 1<sup>st</sup> and from his queen, with the privy and direction of the king her husband, by which they are perswaded, that whatever intelligence, correspondence, or actions the said marquess had with the confederate Irish catholicks, was directed or allowed by the said letters, instructions, and directions, and that it manifestly appears

to them, that King Charles the 1st was well pleased with what the marquess did, after he had done it and approved the same.

This is the passage of the letter and the report of the members of the council which Mr Baxter founds his charge against King Charles the 1st upon, and with regard to which report the king declares at the end of the letter, that he cannot but in justice, and after a strict disquisition into the actions of the marquess, declare that he finds him innocent from any malice or rebellious purpose against the crown; and that what he did by way of correspondence or compliance with the Irish rebels was in order to the service of his royal father, and warranted by his instructions and the trust reposed in him; and that the benefit thereof accrewed to the service of the crown, and not to the particular benefit and advantage of the marquess. And the whole plainly relates to the correspondence and actings which the marquess had with the rebels, in order to get forces for Montross's assistance, or to make a peace, or at least a cessation, with them, which was then absolutely necessary for the preservation of the king's army in Ireland, and the security of his good subjects there, as I have observed before, and may be seen likewise in the king's motives to a cessation, published October 19, 1643.

And the letter so expressly tells us this to be the end of all the kings instructions and the marquess's correspondence, that Mr Baxter, did he not read this letter with the blindest prejudice, or were he not resolved to prevent its true meaning, must see it.

But so fair, so just a construction would not serve his purpose. No body could blame the king for making a cessation so necessary for him in the circumstances his affairs were then in; or for endeavouring to rid his hands of one enemy in Ireland, so that he might draw his forces thence to assist him against other more powerful and dangerous, and not less implacable enemies in England, (as he did, see Borlace History p. 139,) and to procure others to be sent to Scotland.

And if he gave any body orders or instructions for treating with them for this end, every one must see that this could be no more called *giving a commission to the Irish rebels* than his empowering others to *treat with the English rebels at Uxbridge* could be called a *giving them a commission to fight against him, or an authorising their rebellion*. Nor could the marquess in justice be stiled a rebel for treating and corresponding with the Irish in order to a peace, any more than those whom the king empowered in England for the like purpose were: And therefore Mr Baxter, to blacken the king, and render him as odious as possible, makes the marquess to be concerned in the beginning of the rebellion at the time of the massacre, and insinuates, that the kings instructions related to his actings then, contrary to the words and sense of the letter, contrary also to the accounts which the histories of those times give us of the marquess's conduct, which (as I have traced it) appears to be such as shews, that the instructions from the queen (mentioned in the letter of July 10, 1663) were given to the marquess at the beginning of the year 1643, as those from the king were at the end of the same year.

And that these were those very instructions, and no other, appears undeniably (to the full satisfaction of all that reverence the royal martyr's memory, and the confusion of those who impiously load it with such heavy calumnies) from King Charles II's own words, deliver'd on this very subject of the letter, in the most authentick manner, in an act of parliament (anno 17 and 18 Car. 2.) in the 2d about the Irish forfeited estates, and which, I think, is the same with that called the Act of Explanation, passed Dec. 15, 1665, in which he declares, that the testimony of the Marquess of Antrim's innocence, which he had given in that letter of July 16, 1663, and which, at the end of that letter, the Duke of Ormond and council are required to transmit to the commissioners for executing the act of settlement, for them to regulate their proceedings by, was only to declare, that the Marquess of Antrim was employed in Ireland to pro-

cure what forces he could from thence, to be transported into Scotland for his late majesty's service under the late Maarquess of Montross, to the end, that the conversation of the said Marquess of Antrim in the rebels quarters, which was necessary for that service, might not, according to the letter of the former act, render him criminal. These are the words of that act of parliament, and is it possible for any thing more clearly to shew what the kings instructions, and what the Marquess of Antrim's correspondence and actings, pursuant thereto, were? Do they not appear to be perfectly innocent? And what then has Mr Baxter to answer for not representing them otherwise?

I shall only observe one thing farther, (*viz.*) that by the first act of settlement, those that join'd with the nuncio, and opposed the peace of 1646, or that of 1648, forfeited their estates. And as the Marquess, by his conduct in that point (which I have represented before) had, according to the letter of that act, forfeited his, the council of Ireland (who on all occasions seem to favour the cause of the adventurers) in their letter of July 31, 1663, desirous to keep the marquess from his estate, and having nothing else to charge him with, insist on that clause in the act, and the marquess's conduct in that particular, and represent to the king, that if the marquess was restored to his estate, and adjudged innocent, it would infringe the act of the settlement, which was the very foundation of the kingdom's peace and quiet. The king, therefore, sensible of the inconveniencies of breaking through that act, and of a precedent of that kind in the court of claims (that court having adjudged the marquess innocent, though condemn'd by the letter of the act) thought fit by the act of explanation to provide for the security of the adventurers in general, and as the marquess's particular case was entitled to his compassion and favour, to provide likewise for his relief, by repealing at once the judgment of the Court of Claims in his favour, and restoring him to his estate by that act.

And as for that other story in Mr Baxter about the Lord Mazarine's and others prosecuting the cause so far, as that the Marquess of Antrim was forced to produce in the parliament of England, in the house of commons, a letter of King Charles I. by which he gave him order for his taking up arms; if this letter of the king's was one of those produced before the lord referees of the council, it has been already considered and cleared, and as it relates only to the marquess's drawing forces out of Ireland for the service of Scotland, the king can be no more blameable for giving the Marquess of Antrim such order, than for giving one to the Marquess of Montross for the like purpose and for the same service; but then this does not serve the purpose of those who quote this letter, and does not in the least support the charge they lay against the king.

And yet, if it is pretended that it is none of those which were laid before the lords of the council, it will be hard to account how the marquess came not to produce it before them for his fuller vindication: A man, all whose fortune depends on his being able to clear or justify his conduct, is very rarely shy of producing what is necessary for that end; and this and other circumstances about the letter give us just grounds to suspect the story, and (till we see better reason to credit it) to look upon it as one of those lies which that faction (whose rebellion subverted our constitution, and to whose malice the king himself fell a sacrifice) have never scrupled to raise and to assert with confidence whenever they thereby could serve the interests of their cause,—a cause indeed that needed them, and could not be supported otherwise.

That the Lord Mazarine should petition against the marquess is no wonder; he had part of his estate, and was desirous to keep it; and though he and Sir John Clotworthy (whose daughter and heiress he had married) had been engaged with the faction in those times, and he then actually enjoyed the plunder of one of the king's palaces, yet, considering the usual modesty of the party, which was so egregious as hardly ever to suffer them to beg pardon of the king for their rebellion, or shew a sense of shame for what they had acted against him, we have no reason to be surprized at that lord's

petitioning that he might be allowed to retain what of the Marquess of Antrim's estate he was possessed of.

But that he should petition the parliament of England, and bring the cause before the house of commons here, is a point that may well be question'd. I cannot find it in any account but what Mr Baxter refers us to; so that (for ought appears) it stands upon the single authority of the writer of the pamphlet, called *Murder will Out*, an authority too wretched and inconsiderable to give weight and credit to the veriest trifle in this dispute.

The act of explanation, which restored the marquess to his estate, and which passed Dec. 15, 1665, mentions a solemn hearing before his majesty at the council board in England, and upon a petition exhibited by several adventurers and soldiers (of which in all probability the Lord Mazarine was one) against the marquess, and the judgment and decree of the Court of Claims in his favour, but gives not the least hint of any petition presented in the parliament of England, which surely it would have done, had any been then presented, and it would be too late to present any afterwards, when the king had by act of parliament restored the marquess to his estate, and thereby put an end to all disputes about it.

And indeed the council was the proper court for the petitioners to apply to, whereas the English parliament meddled not in the settlement of Ireland; yet the story makes them apply to a court before whom the cognizance of their cause did not properly lie, and says, that their petition was presented, but without telling us when. 'Tis dangerous to fix a time for some facts, it might discover their falshood, and therefore it is waved in this case; and those who are willing to believe the charge against King Charles are left to imagine this petition, presented some time or other, they know not when, to be a matter of fact, without any just proof or credible testimonial of it.

And as to the letter said to be produced on occasion of this petition, we are told that the original of it was once (as Dr Calamy was informed) in the Paper Office, but now it is we know not where. The time of its being wrote we are not made acquainted with, and must be therefore at a loss about the date of it, as well as about that part of the marquess's conduct, which he produced it to justify. This looks very suspicious indeed; but what more directly proves the falshood of the letter, or the representation made of it, is, that it is quoted for justifying a man for doing what he never did, (as you see by the marquess's conduct before related,) and for giving the marquess a commission to take up arms in the Irish rebellion, which the marquess himself knew nothing of, and which he was so far from pretending to or counterfeiting, that (when he was most desirous to curry favour with the English rebels, at whose mercy he lay, and to whom he could not possibly recommend himself more than by accusing the king in this point) he utterly disavows all knowledge of any commission whatever given to the Irish for taking arms; as he does expressly in his conference before quoted, which he confirmed the truth of and attested under his hand, August 22, 1650.

And is not this a fine story to ground one of the blackest charges in nature against King Charles upon! A story that is attended with such suspicions and inconsistencies, and is palmed upon us without a witness to attest it, (for an unknown one is none at all,) and stands only on the no credit of the uncertain author of a scandalous pamphlet,\* who might (for ought Dr Calamy knows) be the author also of the letter he makes the Marquess of Antrim to produce, and be guilty of an horrid imposition on the world, by representing it otherwise, and putting it to a different purpose than it really served to, and who was certainly of a party of men of the same principles with those who loaded King Charles, when alive, with so many and horrid lies, and who would not, therefore, much scruple aspersing his memory when dead, if the doing so would advance the in-

\* Abridgment of Baxter's Life, p. 44.

terest of their cause : a cause which they promoted by the most abominable forgeries that ever men were guilty of, and by the very common but villainous practice of counterfeiting authors, forging papers, letters, and petitions, and then imposing them upon the world for genuine, of which practice of theirs you may see several instances in Mr Wagstaff's excellent vindication of King Charles the martyr's title to the *Εικόνη Βασιλική*, printed 1711, from p. 416 to p. 132, and p. 12, 13, and in the Earl of Clarendon's History.

And now, sir, to consider briefly Mr Baxter's conduct and manner of expressing his sentiments in the case before us, we may observe with what a sneer he mentions (what he calls) the egregious loyalty and veneration of his majesty in the house of commons, which was such, that the letter produced before them put them not at all one step out of the way which they had gone in.

It seems it did not alter their sentiments of the king ; they still thought (because they knew) him to be innocent of this charge ; for whatever Mr Baxter may think of the sense and conduct of the royalists in this point, their judgment and testimony are not to be laughed at, but will with unprejudiced men have their weight, and be allowed as no inconsiderable vindication of him.

For who could know the king's innocence and guilt so well as they ? They were the men that were about him constantly ; they knew his councils, his secrets, his actions, and proceedings ; they were privy to all his affairs, were consulted in all the measures that he took, were necessary to the carrying on of any of his designs, and best knew the real sense of his heart ; and if they who are best able to judge of and had the greatest opportunities of knowing his mind and actions ; if they cleared the king from this charge, is it for those who had no such opportunities, no such means of knowing them, to dare to accuse him of it ?

And as for those without doors, we know that there is nothing so absurd, so unreasonable and malicious, but some of them will say it ; and we know as well a writer's meaning that quotes their seditious speeches ; they are a very convenient sort of creatures for an author's purpose ; for when he has a mind to say things he dare not own, 'tis but putting it into their mouths, and he gratifies his malice without the hazard of his credit, whilst he would be thought to relate other people's sentiments and not his own ; but the artifice is grown stale and common, every one sees through it, and who-soever the words are, we know whose sense they speak.

Now what these are brought in for, is to insinuate, that the king was not against the Irish rebellion : But how can this be imagined ? Was not that rebellion the ruin of his affairs ? Was it not inconsistent with every part of his character ? Did he not on all occasions, and with the most pathetic and vehement expressions declare, and in all his conduct shew, his abhorrence of it ? And can any honest or good man suspect him of insincerity ? No, men generally judge of others by themselves, and it is not so very strange, that a race of men all whose professions, whose most solemn appeals to God for the sincerity of their promises to make him a glorious king, were false and hypocritical, or those who inherit their principles are engaged in the same cause, and tread in the same steps, should suspect his to be so likewise ; but that they should do this without evidence to support their suspicions, in opposition to his nearest interests, against the whole tenour of his actions and all the reason of things ; this must raise, if not the wonder, at least the indignation of every fair and impartial person.

With what pretence to reason can Mr Baxter make any to suggest, that the rebels did not belie the king, when they said that they had his warrant or commission ? Were not all the interest of the Irish and all the malice and power of the English rebels too weak to shew that any commission was given them ? Did not Sir Phelim O'neal, the head of that rebellion, under the greatest trials, and with his dying words, clear him from this charge ? Did not the rebels in general own that their pretence to it was a lie ?

Did they not in a body wave all pretensions to a commission, and acknowledge the king's abhorrence of their rebellion? Does not the Marquess of Antrim also expressly clear him, and declare, that he knew not of any commission ever given to the Irish? Was ever innocence better proved? Can any thing be added to set it in a better light, or to expose more shamefully the malice of those who revive the calumny?

Nor is the next insinuation less malicious and unjust, (viz.) as if the king with a treacherous mind had offered to go himself with an army into Ireland to fight against them.

His virtues, and particularly his integrity, were too bright and manifest to all the world, to be tarnished with the base suspicions of his enemies. Treachery never made any part of his character, never appeared in any one action of his, but was notoriously the main ingredient in the composition of his enemies, and was used by them in the whole course of their conduct, so that for them to accuse him of treachery was the highest impudence, as their accusation was the basest slander.

And as for those wishes which Mr Baxter puts upon those that were still loyal to the king, viz. that King Charles II. had rather declared (viz. in the letter of July the 10th) that his father did only give the Marquess of Antrim commission to raise an army, as to have helped him against the Scots. What need of this wish, when King Charles II. has plainly done it, as I have shewn in the examination of that letter? Or of the other wish, that his (the marquess's) turning against the English protestants in Ireland, and the murdering so many hundred thousands, had been declared to have been against his (King Charles's) will? And what need likewise of that solemn addition, containing in it a vile insinuation and charge, which we have in these words: *But quod scriptum erat, scriptum erat.*

For a man to charge the Marquess of Antrim with being concerned in the beginning of the rebellion, and with having an hand in the murder of so many hundred thousand protestants, and this without a single fact in history to support the charge against the confessions and exclamations of the rebels, against the express testimony of Ireton in his behalf, is certainly a wickedness of a very heinous nature.

To do this, and to wrest the words of a letter, in order to stain the honour of one of the best princes that ever filled a throne, and to impute an impiety of such a nature to a prince of admirable virtues, a prince who had been dead many years, who, as he had led a life full of sorrows and embittered with the heaviest calamities, died also in such circumstances as must move the compassion of all that have any humanity in them, and might (one would think) melt the heart even of his most cruel enemies, he being murdered before his own palace, in all the pomp of a triumph, by the most barbarous rebels under the sun, and to treat him in this manner, to pursue him even beyond death, and not let his ashes to rest in peace, but to call him from the grave, to arraign him afresh, and murder him in his memory, has in it all the circumstances of baseness.

To do this, and to lay upon him a charge in its nature inhumane, in its circumstances incredible, without all intrinsic or outward evidence, inconsistent with the king's character, contrary to his publick acts, to his constant professions, to his repeated and vehement declarations of abhorrence, his solemn appeals to God, his whole conduct and actions, his offers, his religion, and his very interest, against the testimony of all that were about his person, and of all the historians who have wrote of those times, of friends and enemies, of rebels as well as subjects, *i. e.* against all the evidence that the nature of the thing will admit of, and in spite of ten thousand absurdities and contradictions, is a practice so full of horror, an iniquity of such a size, as I want words to express its just demerit. And yet this is what Mr Baxter has done, with what conscience let all indifferent people judge, with what end is plain

from his own words, after his false accusation of the Marquess of Antrim, and vile perverting of King Charles II.'s words and meaning in his letter. Upon this (says Mr Baxter) the parliament's old adherents grew more confident than ever (they were always confident, and among these Mr Baxter, but now more than ever) of the righteousness of their wars, and the very destroyers of the king, whom the first parliamentarians called rebels, did presume also to justify their cause, and said that the law of nature did warrant them.

Here we see the end of horrid slander on the king, and the use to be made of it, (*viz.*) to lessen the horror of his martyrdom, to shew the righteousness of the most unnatural and inexcusable rebellion that was ever raised, and to justify even the cause of the regicides.

Such causes indeed are not to be carried on but by such vile methods, by a succession of such calumnies as have been thrown on the blessed martyr; but to join in these methods, and to propagate these calumnies, whatever policy there be in it, has certainly in it abundance of impiety.

But as bad as it is, it is one degree less execrable than the calling upon Providence to justify it, and to father the horribly unjust and scandalous aspersion thrown on the king. And yet Dr Calamy (in his Abridgment of Mr Baxter's Life; p. 43; edit. 1713,) imputes the discovery of it to Providence, and says, that as Providence has ordered it, a certain memorable particularity (*viz.*) the story of the Marquess of Antrim, (which I have refuted) helped to set this matter in a just light; *i. e.* (as he thinks) to shew that King Charles was guilty of the charge. The falshood of this I have shewn already, and shall only observe farther, that to make Providence order the publishing of a story, whose weight is owing only to downright falshoods, or unfair representations of the sense of words; for so base an end, is treading in the steps of the rebels of 1648. The regicides of those days, we know, called upon God to warrant the murdering of their king in his person, as Dr Calamy does for the murdering of him in his memory.

This is a point in which Dr Calamy cannot call upon Mr Baxter to patronize him in, as he does for quoting the story of the Marquess of Antrim from him; but is there not the same reason and conscience to keep a man from spreading as from raising a lye? Is it not a very poor excuse for the injury done to the royal martyr's honour, by publishing a notorious calumny of him, for a man to say he transcribes it from another, and therefore is not to answer for it? Dr Calamy should know better what a man owes to truth and justice, and that he who spreads a lye does by that act adopt it for his own, becomes a party to it, and makes it his own act and deed, and must answer for his publishing as well as the author for his inventing it.

And as for your own conduct in this dispute; that a man at this time should dare to load the memory of the royal martyr with so horrid a slander; that this should be done by you, who have generally passed for a fairer and more moderate man than most of your sect, is what I am sorry, as others are surprised to find, and may teach us how to judge of others of the same party of men, who have more warmth in their nature and less caution in their conduct. That you should do this in the publick manner that you did, should spread your first letter with so much diligence, so much ostentation, as to place it in the shops of this town to be distributed about (of which I was assured by a person to whom three copies of it were actually offered on Feb. 4, in the afternoon, before I had sent or indeed finished my first letter to you, and which made me hasten the sending that letter) does not look as if you desired private information; but as you had made your challenge publick, so you expect a publick dispute. That you should (after I had laid before you the reasons and testimonies of King Charles's innocence, contained in my letter of Feb. 3, and represented the defective-

ness of the charge against him in point of proof, and the necessity of its being proved before it could be needful to clear him) still persist in your demand of having it more particularly disproved, send me yours of Feb. 4, and with a surprising modesty tell me, you think it a sufficient reply to what I urged in mine for the king's vindication, is, what will make me have a modest opinion indeed of the effect, which the proofs that I have now brought of the king's innocence may have on you towards your conviction.

I have, however, answered your challenge, and cleared the business of the Marquess of Antrim; I have (what has been always thought too unreasonable to be demanded) even proved a negative, and shewn that he was not concerned (as Mr Baxter charges him) in the beginning of the rebellion or massacre, and that there is not the least ground for the false and malicious interpretation made of King Charles the II.'s sense in the letter of July 10, 1663. I have therefore given you the satisfaction you desired, and all the evidence that can be expected about a matter of fact; and may therefore justly be allowed now to require you to make an acknowledgement of the royal martyr's innocence as publick as your charge against him was. This is the only satisfaction that you can make for the injury you have done his memory, and justice exacts it as far at your hands; and if you decline doing it, it will give the world no advantageous opinion either of your charity in advancing so abominable a charge against King Charles, or of your honesty in not retracting it.

I shall take notice but of one thing more, and that is, the insults and triumphs of many on the delay of this answer. Well-wishers to a cause, be, it ever so bad an one, can hardly conceal their transports at every imaginary advantage that they gain; and what little ground there was for their triumphs and confidences you may by this time be sensible of; and it can hardly be needful for me to assure you, that this delay was occasioned, not so much by the difficulty of clearing the point, which is the chief subject of this, as by the vast hurry of the business (of which they could not be ignorant) incumbent on me in this place, which has been so great, that from the receipt of yours till the date above, when I began this letter, I had not had one hour any day to myself, and which has caused me so many avocations since, so that I have been obliged to defer sending to you till this day, February 27.

I am, Sir,

Your humble servant,

THOMAS CARTE.

Mr Baxter and Dr Calamy, to support their charge against King Charles, depend chiefly (as appears from their words quoted in this letter) on two wretched authorities indeed. The one is a letter said to be produced in the house of commons in England by the Marquess of Antrim; the other is the pamphlet called *Murder will Out*; concerning which I am to observe, that I have searched for both, with all the diligence I could use, but without success; this is what I might well expect with regard to the former, since Dr Calamy expresses himself about it in such a manner,<sup>1</sup> that it looks as if he was conscious that there was no such letter in being.

And with regard to the letter, I only get this account, which is given by Mr Long, in his Review of Mr Baxter's Life, p. 207, that it is a scandalous libel, written by one of the regicides, and (as he thinks) by Ludlow, and published after the revolution, when that infamous wretch dared to return into England, in hopes of the protection of the government, when in his, and other pamphlets that were published about the same

<sup>1</sup> Abridgement of Baxter's Life, p. 44. Edit. 1713.



time, all the lies and calumnies that had been ever raised of the royal family were revived; and what regard such an authority deserves let any judge.

How far it is from deserving any in the present dispute, I have shewn already, in the letter I sent to Mr Chaundler, on February 27, from whom I have ever since waited for an answer, but that perhaps is what I have no reason to expect. I might, however, at least hope for his thanks for giving him that proof of the king's innocence which he had not seen, and called upon me to direct him to; this being what himself has offered and bid me to expect. And whoever considers his seeming regard to the doing the royal martyr justice, his protestation that he should be heartily glad to find the calumny disproved, his giving me assurance that he would not dissemble any satisfaction that is given him; his solemn declaration, in the presence of God, that he would heartily thank me for directing him to a refutation of this story, will think that these were encouragements enough to hope for thus much from him. For can it be imagined that such protestations, such solemn appeals to God, should mean nothing, and be attended with no effect. We know indeed what end they served, and what their meaning was in 1648; but sure those times are not returned, surely men will not now dare to deal freely with God and his providence, or make their appeals to him with that hypocrisy which was practised then. One would in charity hope that their assurances might be somewhat more to be depended on, and their declarations in the presence of God made with more sincerity of heart. But at present, in the case before us, we can only hope this. 'Tis performance must give us assurance of it, and the longer that it is delayed the weaker our hopes must be. For as Mr Chaundler cannot but know that justice to the martyr's memory, (an obligation which with a needless care he has put me in mind of,) requires him to publish his satisfaction in the proofs of his innocence that have been laid before him; so his desires likewise (if they are hearty, as he pretends they be) of seeing the impious calumny disproved, will not suffer him to delay this a moment, will not let him dissemble his satisfaction longer.

As for his promise of thanks to myself, that, as far as is in my power, I willingly release him, only desiring that satisfaction may be made for the injury done to King Charles's memory, as the most pleasing return that can be made to me. His obligations to this are too plain to be denied, and (may I hope! they) are too strong to be got over, and since I need not with Mr Chaundler more a knowledge than he has of his duty how to act in this case, let me at least with him have an heart to perform it.

To provide however against a neglect, and to supply what has been hitherto wanting on his part, I have taken this method to vindicate the king's honour and refute the charge against him,—a method which seems the more necessary, because this story of the Marquess of Antrim is referred to as an established truth, as an authentick piece of history, in p. 7, of a late pamphlet, entituled, 'A Letter from a Gentleman at Dunkirk to a Nobleman in London,' who, from what is said, p. 21, appears to be a bishop.

I have but one thing more to add, which is, that I hope, if the reader meets with any incorrectness of expression in my two letters, the haste and circumstances in which I wrote them may be allowed as an excuse for it. But as for the main of the argument, I desire no favour, for if I had not thought it clear, should not have troubled the world with it; and I cannot think this nation yet so generally poisoned with ill principles, or to have so little sense of gratitude to King Charles, or regard for his memory, as not to receive favourably a vindication of him, or to make it needful to use any other apology for publishing it.

Bath, May 12, 1714.

! See his 2 Letters.

*Postscript.*

Since it grates hard on human nature (such is the corruption of it) to recant any error, and scarce any thing is a greater tryal of a man's humility and regard to truth and justice, to dispose Mr Chaundler the more readily to a publick vindication of King Charles from the charge against him, and to an ingenuous acknowledgment of his error, and of the falshood of his prejudices in that point, let me recommend to him the example of some of his own brethren, not only that of Mr Henderson, whose recantation and repentance are already publick enough, and whose memory is valued nothing more than for this part of his conduct, but that likewise of Mr Vines, a very celebrated man among the presbyterians in the time of the rebellion, of whose sentiments of King Charles, after the treaty at Uxbridge, take this account as it was given about the year 1675, by Mr Nathaniel Gilbert of Coventry, in an information subscribed by his own hand, the original whereof is in the custody of my father, now living in Leicester, and minister of the church of St Martin's there, to whose grandmother the said Mr Nathaniel Gilbert was half-brother there, and what I here publish is taken from an attested copy of it, now lying before me.

When Mr Vines returned from the treaty at Uxbridge, Mr Walden being at London with Mr Nathaniel Gilbert, news was brought to them that Mr Vines was returned, whereupon they both went to Mr Vines, who, after usual ceremonies between friends, said, with great affection, Brother Walden, how hath this nation been fooled! We have been told that our king was a child and a fool; but, if I understand any thing by my converse with him, which I have had with great liberty, he is as much of a Christian prince as ever I read or heard of since our Saviour's time; he also said he is a very precious prince, and is able of himself to argue with the ablest divines we have.

*Item*, That he gave such undeniable reasons for episcopacy, &c. that the world could not answer them, that he had convinced him that it was agreeable to the primitive times.

As for his (meaning the king's) clergy, there is no fence against their flails; they are a great deal too hard for us.

That this, and much more to the same purpose, was affirmed by M. Vines to Mr Walden, is attested by Nathaniel Gilbert.

Among the other things affirmed by Mr Vines, my father well remembers Mr Gilbert told him this expression of his in relation to the king, viz. "That among all the kings of Israel and Judah there was none like him."

# INDEX.

---

## A

ADAMSON, Archbishop of St Andrews, libel on him, 415.

Adderton Moor, Fairfax defeated there, 382.

Allibond, John, account of him, 503. *Rustica Academia Oxoniensis, nuper Reformata Descriptio*, *ibid.* The same in English, by Edward Ward, 506

Alured, Colonel, takes Lord Goring prisoner, 381

Amsterdam, Socinian books burnt there, 17. Rope dancers prohibited, *ib.*

Antrim, Marquis of, accused of participating in the Irish rebellion, 618. The king's letter to him justifying the rebellion, 625. His trial, 630. Assists the Marquis of Montrose, 631, 643. Account of the restitution of his estate, 650. Endeavours to pacify the rebels, 652. Account of his proceedings, 652, 653. Imprisoned and escapes, 652. Again taken prisoner, 653. Sent over to the queen and prince, in France, *ib.* Comes over to England, 654. General vindication of his conduct, 660.

Armagh, cathedral of, defaced by the rebels, 585

Arundel, Thomas, Earl of, Lilly's account of him, 466

Ashley, Sir Jacob, wounded before Gloucester, 322. Wastes Gloucestershire, 363, 364.

Assembly Man, by Sir J. Birkenhead, 487

Atkinson, Captain, slain at Weltherby, 377

Augsburg, Confession of, quoted, 58

Axtell, Colonel, cries out for justice against the king at the trial, 206

VOL. V.

## B

Backhouse, Captain, feigns a treaty with the enemy to give up Gloucester, 338. Mortally wounded, 370

Baillie, General, his behaviour at Marston Moor, 282. At the siege of Newcastle, 287

Baillie, Rev. Mr, his account of the negotiations of the Scotch commissioners at London, 88

Ball, William, *The Power of Kings discussed, in answer to Judge Jenkins*, 132.

Ballantine, Lieutenant-colonel, mortally wounded at York, 281

Banbury, skirmish there, 352

Bastwicke, John, M. D. *Litany of*, 403. Account of him, *ib.* His speech at the pillory, 414

Baxter, Richard, accuses Charles I. of having caused the Irish rebellion, 630. His encomiums on the regicides, 635. Carte's answer to Baxter, 639.

Beachly, fortified by the royalists, 356, 359

Bedford, Earl of, Lord Burleigh's instructions to him respecting Berwick, 554.

Belgia, Confession of, quoted, 58

Bellasis, Colonel, governor of York, 388.

Berkenhead, Sir John, reasons for his being the author of the Reply to Cook's Case of King Charles, 237. *The Assembly Man*, 487. Account of him, *ib.*

Berkeley castle summoned in vain by Massie, 355

Berwick, Lord Burleigh's instructions respecting, 554

Beverstone castle attacked by Massey in vain, 332. Surrendered to him, 343.

Birmingham, houses burnt there, 34.

A. P.

- Blaney, Richard, a justice of peace, hanged by the Irish rebels, 606, 621
- Blaxton, Sir William, wounded, 358
- Bohemia, Confession of, quoted, 57
- Bowdon-hill; battle of, 280
- Bradford, action of, 376. Taken by the Earl of Newcastle, 383
- Bradshaw, Lord President of the high court for trial of the king, 195. Speech before the sentence, 209
- Brentford fight, 265
- Brett, Sir Jerome, summons Gloucester, 312
- Brightman, Dr, prophesies the downfall of prelacy, 463
- Bristol surrenders to the royalists, 319
- British Lightning, or Tumults in England, &c. from the Dutch*, 3
- Buccleugh, Lord, a snake said to have been found in his heart, 565
- Buckingham, Duke of, view of his behaviour at the Isle of Rhee, by Colonel Fleetwood, 398. Accused of poisoning James I. and the Marquis of Hamilton, 437, 442
- Buckingham, second Duke of, epitaph on Lord Fairfax, 397
- Burleigh, William Cecil, Lord, instructions respecting Berwick, 554
- Burrowes, Sir J., killed on the Isle of Rhee, 400
- Burton pilloried and banished, 408. His behaviour at the pillory, 426
- Butler, Sir F., account of what passed in the commons house when he and Judge Jenkins were voted guilty of treason; 128.
- Butler, Samuel, *King Charles's Case truly stated, in answer to Cooke*, ascribed to him, 237. His character of King Charles, 246. *Proposal for the farming of Liberty of Conscience*, 494
- Byron, Lord, besieges Nantwich, 387
- C
- Calamy, E., accuses Charles I. of the Irish massacre, 630, 633, 638. Answered by Carte, 639
- Calendar, Earl of, commander of a Scottish army, 283. Takes Stockton and Hartlepool, 284. Crosses the Tyne, *ib.*
- Cambridge, petition of the university of, to parliament, 503
- Capel, Lord, taken by Fairfax at Colchester, 305
- Carew, Sir Matthew, flies from Tewksbury, 315
- Cary, Mrs, sees apparitions of Charles I., 469
- Carte, Thomas, *The Irish Massacre set in a clear Light*, 639
- Catholics, treaty of Ormond with them, 542, 545. Their further demands, 547. Their meeting in Westmeath, 589. Resolutions passed there, *ib.*
- Chaloner, T., speech respecting the disposal of the king's person alluded to, 82
- Chancery, account of the origin of the court of equity in, 64
- Chandos, Lord, his horse join the Irish forces, 333. He is surprised, 334
- Charles I. writes a letter to the pope, 36. Howell's account of the intended Spanish match, and of his negotiations with the pope, 54, 55. Negotiations respecting him between the Scotch and English commissioners, 69. Manner of his coming to the Scotch army, 81. Account of his intended escape from Carisbrook castle, 152. Tract concerning that transaction, *ib.* His fortitude and patience in confinement, 164. *Proclamation for Trial of the King*, 191. Observations on the trial and execution, 191. *Narrative of the Trial*, 195. Continued, 203, 205. His behaviour on entering the court and during the trial, 195, 198. Charge against him, with Lilburne's notes, 206. Disclaims the authority of the court, 198. His character, 201. Speech before his condemnation, 207, 208. Report that he proffered to resign the crown to his son, 208. His sentence, 210. His execution, 211. His reasons against the pretended high court of justice, 212. *King Charles's Case, or an Appeal to all rational Men concerning his Trial*, by Cooke, 214. Answer to this, ascribed to Butler, 237. Accused of having caused his father to be poisoned, 219, of having caused the Irish rebellion, 229, 573; and of having betrayed Rochelle, 229, 231. Letters to the citizens of that town, 232. *Narration of the Title, Government, and Cause of the Death of King Charles*, 248. Alexander Henderson's character of him, 251. Another by Mr Vines, 252. *The Dissenting Ministers' Vindication of themselves from the Murder of King Charles I.*, 258. *Iter Carolinum, or Account of the necessitated Marches, Retreats, and Sufferings, of Charles I.*, 262. List of those who condemned him, 275. *Relation of some Passages when he was in Spain*, 461. *Murder will Out, or the King's Letter justifying the Marquis of Antrim*, by Colonel Ludlow, a tract accusing the king of having caused the rebellion in Ireland, 624. *Vindication of Charles I. from the Irish Massacre*, 630. *The Irish Massacre set in a clear Light*, by Carte, 639
- Charles, Prince of Wales, declaration concerning the illegal proceedings of the commons of England, 252. Letter to the king, 253. Let-

- ter to the Marquis of Antrim justifying his rebellion, 625
- Charrington down, battle of, 340
- Chandler, Mr, Letters to Mr Carte, accusing Charles I. of the Irish massacre, 642, 643, 646. Carte's answers, 642, 643, 647
- Chesne, de, King Charles's letter to the pope, printed in a book of his, 36
- Cirencester garrisoned, 307. The king's forces come before the town, and retire again, 308. The town stormed, 309; retaken by the parliamentary forces, 328.
- Cockatrices, supposed origin of them, 566
- Coford, skirmish there, 312
- Coke, Roger, observation on the execution of the king, 192
- Cole, Captain, defeats the rebels at Sligo, 549, 551
- Colchester taken by Fairfax, 395. Proceedings against the puritans there, 418
- Colerain besieged by the rebels, 652
- Colthorp, Sir Henry, liberties and usages of the city of London, 520
- Commons, house of, see Parliament
- Con, Seigneur, negotiates with Laud, 468
- Congrave, Lieutenant-colonel, killed at Westbury, 345
- Confessions of different churches quoted to shew the divine right of kings, 57
- Cooke, John, answers the advertisement for the new election of burgesses, 62. *King Charles's Case, or an Appeal to all rational Men concerning his Trial*, 214. Quotation from it, 625
- Cooke, Sir Robert, 214. Governor of Tewksbury, 316
- Corbet, John, history of the siege of Gloucester, 296
- Cowley, Abraham, *The Puritan and Papist*, a satire, 480
- Crawford, Earl of, distinguishes himself at Marston Moor, 288
- Crawford, Colonel, repulsed before York, 388
- Crispe, Captain, makes a successful sally from Gloucester, 323
- Cromwell, Oliver, recommends the murder of the king, 161. The independents claim the honour of the battle of Marston Moor for him, 281; where he commands the left wing of the horse, 289. Overturned in Hyde-park, 469
- D
- Digby, Lord, treaty with Captain Backhouse for the surrender of Gloucester, 338
- Dissenting Ministers' Vindication of themselves from the Murder of King Charles*, 258
- Divine Right and Irresistibility of Kings evidenced*, 56
- Doucet, a soldier, assists the king in his intended escape from Carisbrook castle, 163. His information against Rolfe, 163
- E
- Earthquake, supposed effects of one in 1640, 5
- Edgehill, battle of, 32, 305
- Eglinton, Earl of, his behaviour on Marston Moor, 282
- Eglisam, Dr George, pamphlet accusing the Duke of Buckingham of having poisoned King James I. and the Marquis of Hamilton, 437
- England's Petition to their King*, 33. *England's Tears for the present Wars*, by T. Howell, 37. Judge Jenkins's tract on the laws of the land, 98.
- Essex, Earl of, retakes Worcester, 305; besieges Reading, 316; appears before Gloucester, 327; Fairfax's opinion of him, 391.
- Essex, Colonel Thomas, enters Gloucester, 306
- Evesham besieged by Massey, 371; stormed, 372
- F
- Fairfax, Sir Thomas, marches towards the Scotch, 70, 84. His fear of being poisoned, 164. The presbyterians claim the honour of the victory of Marston Moor for him, 281. Made governor of York, 283. Memorials of himself, 374. His character by Lord Orford, *ib.* His sentiments of the king's murder, 375. Joins Monk at the Restoration, 376. Wounded, 384. Joins Cromwell, 386. His exploits at Marston Moor, 389. Wounded at Helmsley, 390. Reasons for his fighting for the parliament, 390. Difficulties of his army, 392. Waits on the king near Cambridge, 394. His behaviour during the execution of the king, 395. Executes Sir George Lisle and Sir Charles Lucas, 396. His epitaph by the Duke of Buckingham, 397. Believes in astrology, 461
- Lady, interrupts the trial of the king, 206. Taken prisoner by the royalists, 384. Released, 385.
- Brian, publishes Fairfax's Memoirs, 376
- Charles, mortally wounded at Marston Moor, 390
- Farrer, Dr, proposes that the king and parliament should decide their differences by lot, 211
- Fettilace, Colonel, governor of Cirencester, 307

- Fiennes, Colonel, defeated by Prince Rupert, 304  
 Fleetwood, Colonel, *View of the Behaviour of the Duke of Buckingham at the Isle of Rhee*, 398.  
 Fletcher defeated in Westmorland by the Scots, 280  
 Foliot, Captain, defeats the Irish at Lowthertown, 351  
 Fox, Right Hon. C. J. Remarks on his observations on the execution of the king, 192  
 France, absolute power of the king of, 50

## G

- Game at Scotch and English, Unhappy*, 68; written by an independent, 74  
 Gifford, Major-general, blamed by Fairfax for disaffection, 382  
 Glenham, Sir Thomas, attacks Fairfax at Wetherby, 377  
 Gloucester, *History of the Siege of*, 296. Reasons for the king's attacking it, 296. Sentiments of the inhabitants, 302. The king's army comes before the town, 320. Answer to the summons of the king, 321. Discontent of the garrison, 334  
 Goring, Lord, repulses Fairfax, 380. Taken prisoner, 381. Raises an army in Kent, 393  
 Gray, Major, killed by Major Hammond, 353  
 Gregory XV., Pope, his negotiations with Charles I., 54.

## H

- Hacker, Colonel, commands the guard at the King's trial, 195  
 Hamilton, James Marquis of, Buckingham charged with having poisoned him, 437. Account of him, 440.  
 Hamilton, Duke of, marches with an army into England, 393  
 Hammond, Colonel, prevents the king's escape from Carisbrook Castle, 153. Account of him, 156. Accused of having intended the king's death, 161. Kills Major Gray, 353  
 Haslerig, Sir Arthur, commands the first body of cavalry in the parliament's service, 316  
 Hayden, Sir W., drowned at the isle of Rhee, 399  
 Helvetic confession quoted, 37  
 Henderson, Rev. Alex., his opinion of the king's piety, 164. Account of him, 250. *Declaration upon his death bed*, *ib.* Declared a forger by the General Assembly, *ib.* Alluded to, 664  
 Henderson, Lieut. Col., killed at Newcastle, 289  
 Henderson, Sir John, attacks the rear of Fairfax, 386

## J

- James I., his instructions to Drs Mawe and Wren on his Son's going to Spain, 54. Exalts the court of chancery, 64. Buckingham charged with having poisoned him, 437, 442  
 Jenkins, David, Judge, account of him, 92. *Plea to the Earl of Manchester and the Speaker*, 92. *Argument concerning a gentleman condemned for the late rising in Canterbury*, 94. *Remonstrance to the Lords and Commons*, 95. *Lex Terra, or the Laws of the Land*, with the original dedication, 98. Refutation of some of Prynne's tenets, 110. *His Cordial for the People of London, in answer to H. P.*, 115. *Discourse on the Inconveniences of a long-continued Parliament*, 123. *Account of what passed in the Commons House when he and Sir Francis Butler were voted guilty of Treason*, 128. His answer to Lenthall the speaker, 129. Liberated at the Restoration, 132. William Ball's asswer to him, 132  
 Jerusalem, story of Ananus foretelling the destruction of, 467  
*Impropriations purchased at Goldsmith's Hall, compounding with Delinquents*, 140

- Henrietta Maria, Queen, goes to the Hague with the prince, 30  
 Herbert, —, conversation with the king previous to the execution, 211  
 Herbert, Lord, rises for the king in Wales, 306  
 Hereford, differences between the King's governor and the country people, 367, 368  
 Herne, Colonel, slain, 382  
 High Constable and High Steward of England, observations on those offices, 509  
 Highnam, taken, 318  
 Holland, corruptions in the government there, 23, 24. Treaties with the parliament, 31  
 Honorius, Phil., his observations on the English laws, 65  
 Hopton, Sir Ralph, defeated at Charrington Down, 340  
 Hopton, parliamentary Colonel, taken prisoner, 366  
 Horncastle fight, 386  
 Hotham, Captain, charges the cavaliers at Sherburne, 379. Treats with the Earl of Newcastle, 379  
 Howard, Colonel Henry, taken in Malmesbury, 348  
 Howell, James, *England's Tears for the present Wars*, 37. Account of his imprisonment, *ib.* 53. Letter to the King, 37. *The pre-heminnence and Pedegree of Parliament*, 47. Denies that Charles I. caused the Irish massacre, 641, 642  
 Hudson, Dr Michael, *his account of King Charles's coming to the Scots army*, 81

- Inchiquin, Lord, commands an Irish regiment before Gloucester, 335
- Independents Loyalty, or the Plot to murder his Majesty discovered*, 152
- Jones, Dr Henry, *Remonstrance of some Passages concerning Ireland*, 573. His deposition, 587
- Ireland, atrocities committed by the rebels, 5, 28, 31, 579, 589. Pamphlets relating to the rebellion, 542, 572, 624, 628, 630, 639. *Irish Cabinet, or his Majesty's secret Papers for\*establisshing the Papal Clergy*, 542. *Remonstrances of some remarkable Passages concerning the Church and Kingdom of Ireland*, 573. Commissions for trying the rebels, 581, 582. *True and full Relation of the hellish Plot of the Papists in Ireland*, 628. *Murder will Out, or the King's Letter justifying the Marquis of Antrim*, 624. *Vindication of Charles I. from the Irish Massacre*, 630. *The Irish Massacre set in a clear Light*, 639
- Juxon, Bishop, his conversations\*with the king at his execution, 211
- K
- Kent, rising of the cavaliers there, 94
- Kyrle, Colonel, surprised by Massey, 357
- L
- Latham, the siege raised by Prince Rupert, 388
- Laud, Archbishop, preaches against the Jesuites, 10, 11. His alterations in the Scottish liturgy, 13. Vindicated from the charge of having advised the omission of a sentence in the coronation oath, 216. *Bastwicke's libel* on him and the other bishops, 403
- Lawley, Sir Richard, slain, 312
- Lawyers, their unpopularity among the republicans, 62
- Ledbury, stormed by Colonel Massie, 345
- Leeds, stormed by Fairfax, 378
- Leg, Col. William, sent to treat with Col. Massey respecting the surrender of Gloucester, 320, 321
- Legge, Col. Robert, governor of Evesham, taken prisoner, 372
- Leicester, earldom of, 510, *et seq.*
- Earl of, delivers an account of the Irish rebellion to parliament, 629
- Lenthall, W., speaker of the Commons, speech against Judge Jenkins and Sir F. Butler, 128
- Lesley, David, real commander of the Scots army, 279. Leads them at Marston Moor, 283
- Lesley, Lord, delivers up his sword to the king at Newark, 78. State of his army, 86. Commands the Scots army only nominally, 279
- Lewis, XIV., declaration against the rebellious party in England, 257
- Lidney, skirmish there, 365. The house burnt, 371
- Lilburne, Col., account of him, 196. His notes on the charge against the king, 196
- Lisle, Sir George, taken prisoner by Fairfax at Colchester, and executed, 395
- Lissegoal Castle, burnt by the Irish rebels, 614, 617
- Lister, Captain, slain at Tadcaster, 378
- Lithgow, William, account of the siege of New-castle, 279
- London, the citizens rise against the Parliament, 170. *Liberties, Usages, and Customs of the City*, 520
- Long, Mr, answers Baxter respecting the king's causing the Irish massacre, 632
- Loudon, Earl of, his speech on the covenant, 82, 83
- Lowther's Town, the Irish defeated there, 550
- Lucas, Sir Charles, taken by Fairfax at Colchester, and executed, 395
- Ludlow, Col., his account of Colonel Pride's purging the House of Commons, 183. His inconsistency, 184. *Murder will Out, or the King's Letter justifying the Marquis of Antrim*, 624, written by Ludlow, 634, 662
- Lumsdale, Col., his behaviour at Marston Moor, 283
- M
- Macdonnell, Alexander, joins Montrose with the Irish forces, 653
- Macguire, Lord, his share in the Irish rebellion, 589, 597, 629. Denies that the king had caused the massacre, 641, 642
- Malignants, Howell's observations on the term, 52
- Malnesbury, stormed by Massey, 348
- Malon, John, chaplain to the Irish Catholic army, 583
- Manchester, Earl of, defeats the royalists at Horn-castle, 386
- Manley, *Iter Carolinum, or Relation of the Marches, Retreats, and Sufferings of Charles I.*, 263
- Sir Roger, denies that Charles I. had caused the Irish rebellion, 644
- Marston Moor, battle of, Lithgow's account, 281. Fairfax's, 389
- Martin, Henry, speech against Judge Jenkins, 129
- Massey, Col. Edward, governor of Gloucester, account of him, 297. Appointed governor, 317. Refuses to treat with the king, 320. -Removed from the government, 373, 374

- Maurice, Prince, takes Tewksbury, 315. Forces Sir W. Waller to retreat, 316
- Maxwell, Dr, Bishop of Kilmore, asserts the innocence of Charles I. with respect to the Irish massacre, 647, 651
- May, Dr E., *Account of a Serpent found in the Heart of John Pennant*, 558
- Mazarin, Cardinal, his intentions towards England, 257
- Lord, petitions against the Marquis of Antrim being restored, 657
- Meldrum, Sir John, storms Selby, 388
- Mercurius Britannicus, Tragi-comedia*, 444
- Micklethwait, Captain, slain at Marston Moor, 389
- Mildmay, Sir H., his speech respecting one Hall recommending the murder of the king, 162
- Milton, John, answers King Charles, 637
- Min, Nicholas, Colonel, commands an Irish brigade before Gloucester, 340. Wastes the country, 352. Slain, 354
- Mompesson, Sir Giles, condemned by the Commons, 118
- Monmouth, taken by Sir W. Waller, 314. By Massey, 358. Retaken by the loyalists, 362
- Monro, General, imprisons the Marquis of Antrim, 631
- Montreuil, the French agent, negotiations with the Scotch concerning the king, 78, 80, 81, 86
- Montrose, Marquis, assisted by the Marquis of Antrim, 631
- Morgan, Colonel, repulses the royalists, 387
- Morley, Sir John, his defence of Newcastle, 280, 287. Answer to the summons, 288
- Morton, Sir William, surrenders Sudley, 350
- Musgrave, ——, defeated in Westmoreland, 280
- Muskerry, Lord, treaty with the Earl of Glamorgan respecting the Catholics, 542, 545
- Nottingham, meeting of the soldiers there to sign a petition to Parliament, 392
- Nurse, Luke, appointed governor of Gloucester, 374

## O

- Odington, skirmish there, 318
- Oglethorpe, Captain, taken prisoner, 347
- O'Neal, Owen Mac Arte, defeated at Lowther's Town, 550
- O'Neal, Sir Phelomy Roe, calls himself the King's General in Ireland, 586, 618. Denies the king's causing the Irish rebellion at the gallows, 632, 641, 643. Account of his trial, 645
- Orme, W., of Longdon, his fine increased for furnishing the garrison of Lichfield with provisions, 148
- Ormond, James, Marquis of, treaty with the Irish Catholics, 542, 545. Concludes a peace with them, 654
- Osborne, endeavours to effect the king's escape from Carisbrooke Castle, 153, 156. Escapes, and prosecutes Rolph for intending to murder the king, 153, 156. Letters to Lord Wharton, 154, and to the Earl of Manchester, 155. Account of him, 156. Accused by Lord Wharton, 158. Defence of him, 159, 160
- Oxerbury, Sir Thomas, poisoned, 464
- Oxford, poem on the purging of the university, 503, 506

## P

- P. H. answers Jenkins's *Lex Terræ*, 115
- Parliament, the Pre-eminence and Pedigree of*, by James Howell, 47. *Advertisement for the Election of Burgesses*, 62. Judge Jenkins's observations on the illegality of its proceedings, 106. His discourse on the inconveniences of a long-continued parliament, 123. Triennial act passed, 124. Col. Pride's purge of the House of Commons, 167, 183. Their declaration for annulling the votes passed during the continuance of the force upon them, 167. Ordinance for this purpose, 173
- Parliament of Ladies*, 472
- Pembroke, Philip Earl of, the butt of the royalists, 438
- Pennant, John, a snake found in his heart, 558
- Persons whose names are to be presented to the king to die with mercy, 90
- Peters, Hugh, recommends the execution of the king, 161. The blasphemy of his sermons, 233. Supposed to manage the breaking of the king's staff at his trial, 470. Sir John Berkenhead's account of him, 493

## N

- Nantwich, the siege raised by Fairfax, 387
- Naseby, Battle of, 271
- Newberry, Battle of, 328
- Newcastle, taken by the Scots, 22. Lithgow's account of the siege, 279. Situation of the town, 285. Taken, 290
- Newcastle, Earl of, his regiment cut to pieces on Marston Moor, 282. Takes Bradford, 383. Besieges Hull, 385, 386. Forced to retire to York, 387, 388. Goes beyond sea, 390
- Newnham, taken by Massey, 346
- Norton, Lieut. Col., kills Captain Atkinson at Wetherby, 377
- Norwich, Wren, Bishop of, anecdote of him, 432. Accused of popery, 463



- Pie-poudres, account of the term, 64  
 Plunket, Colonel, one of the principal Irish rebels, 620  
 Pointz, Colonel, hems in the Scotch army in Yorkshire, 89  
 Pride, Colonel, purges the House of Commons, 167, 394. Account of that transaction, 183  
*Proposals for regulating the Law*, 534  
 Protestants of Ireland, petition to the House of Commons, 575. Amount of their losses, 623  
 Prynne, W., attacks Howell, 47. Some of his tenets refuted by Judge Jenkins, 110. *Brief Memento to the unparliamentary Junto, on their Intentions of deposing and executing the King*, 174. Account of Prynne, 174. His *Letter to the General demanding whose and what kind of Prisoner he is*, 183. His *Charge against the King*, 186. Not his own work, but collected from his former writings, 187. His behaviour at the pillory, 427  
 Pudsey, Serjeant Major, brings the answer of the city of Gloucester to the king's summons, 321. Makes a successful sally from Gloucester, 323  
 Puritans, satires on them, 479  
 Pym, John, his arguments respecting king and people, 93. His argument against the Earl of Strafford, 96
- R
- Read, Sir John, put to the rack to induce him to confess that Charles I. caused the Irish massacre, 641  
 Reading, besieged by Essex, 316. Taken, 317  
 Rhee, Isle of, Fleetwood's account of the Duke of Buckingham's behaviour there, 398  
 Richelieu, Cardinal of, *Synopsis of his Life*, 538. Account of his tragedy of *Europa Triumphata*, 540  
 Riddell, Sir Thomas, surrenders Tinemouth, 294  
 Robberies committed in Ireland, 597  
 Rochelle, the king accused of having betrayed the town, 229, 231  
 Rolph, a captain, endeavours to murder the king, 153, 156. Account of him, 155. Committed to custody, 157  
 Roundheads' Resolution, a satirical pamphlet, 500  
 Roundway Down, battle of, 318.  
 Rupert, Prince, overthrown at Marston Moor, 281, 389. Defeats Colonel Fiennes, 305. Takes Cirencester, 309. Summons Gloucester, 311. Prevents the London forces for some time from succouring Gloucester, 327. Wastes Herefordshire, 369. Forces Massey to retreat, 370. Oaths imposed by him upon the country, *ib.*
- S
- Saint-John, his argument concerning the bill of Attainder of the Earl of Strafford, 96.  
 Saint-Pauls, subscriptions exacted for repairing the cathedral of, 436  
 Sakers, account of those pieces of ordnance, 317.  
 Salisbury, Robert, Earl of, state and dignity of a secretary of state's office, 552.  
 Saxony, confession of, quoted, 58.  
 Say, Lord, appointed lord-lieutenant of Gloucestershire, 302.  
 Scot, Major, treasonable speeches against the king, 160.  
 Scotch and English, a game, described, 68  
 Scotland, bishops introduced there, 20. The covenant subscribed, 21. The king accused of not keeping his treaty with the Scots, 22. The confession quoted respecting the divine right of kings, 59. Demands of the commissioners respecting the king, with the answers of the parliament, 69. State of their army in Yorkshire, 86, 87. The parliament's declaration against their proceedings, 170.  
 Scudamore, Lord, taken prisoner, 317  
 Seacroft-more, Fairfax defeated there, 30  
 Secretary of state, dignity of that office by Robert, Earl of Salisbury, 552.  
 Selby, skirmish in the town, 384, stormed by Fairfax, 388.  
 Selden, visits the puritan assembly, 488  
 Seneschalsty, *Observations on the Office*, 509; 514  
 Sharpe, a protestant minister; murdered in Ireland, 599.  
 Sherburne, skirmish there, 379  
 Short, Richard, antagonist of Bastwick, 428  
 Shrewsbury, taken, 367  
 Skippon, Gen., moves that Osborne's information respecting the intended murder of the king be withdrawn, 162  
 Sligo, fight of, 548.  
 Spain, the catholics expect an army from thence, 575, 585, 586.  
*Spring-garden, Passages of the Ladies assembled in Parliament there*, 472  
 Stalle, account of the word, 282  
 Stamford, Earl of, enters Gloucester, 306  
 States-General, letters to the parliament to desist from executing King Charles, 254  
 Stephens, Col. Henry, raises a regiment in Gloucester, 318  
 Steward, Archibald, roated by the Irish rebels, 650  
 Stewards of the queen's and king's household, 518

Stockton, taken by the Scots, 284  
 Strafford, Earl of, beheaded, 26  
 Sudley castle taken by Sir William Waller, 350.

## T

Tadcaster; stormed by the royalists, who are forced to retire, 378  
 Temple, Sir Purbeck, evidence against Colonel Astel at his trial, 206  
 Tewksbury, attacked by Massey, 349. He is driven out of the town, *ib.* Abandoned by the royalists, *ib.*  
 Tinmouth capitulates to the Scots, 280, 294  
 Toole, Luke, chief of the rebels in the county of Wicklow, 610, 613. Drowns about a hundred persons, 613  
 Tracy, Sir Humphrey, taken prisoner, 353  
 Tuam, Archbishop, killed at Sligo, 542, 549  
 Tyrone, Earl of, the Irish are said to intend to make him king, 606

## U &amp; V

Uvasour, Sir William, commands the South Wales forces before Gloucester, 322. Sent to Worcester, 329. Takes Tewksbury, 330. Retires to Hereford, 331. Annoys the garrison of Gloucester, 335. Deceived by a pretended treaty to give up Gloucester, 340. Skirmish with the garrison, 339.  
 Veale, Colonel, governor of Berkley castle, 335.  
 Vines, a presbyterian minister, his character of King Charles, 252. Alluded to, 664.

## W

Wakefield stormed by Fairfax, 381.

Waldgrave, Lady, Bastwick's dedication of his *Litany* to her, 408.  
 Waller, Sir William, marches towards Gloucester, 312. Takes Monmouth, 314. Retreats before Prince Maurice, 316. Defeat at Roundway Down, 318. Defeats Sir Ralph Hopton, 340. Pursues the king to the north, 351.  
 Ward, Edward's translation of *Rustica Academia Oxoniensis Reformatæ Descriptio*, 506.  
 Warton, John, a puritan, persecuted, 433.  
 Warwick, Sir P., his account of the execution of the king, 211.  
 Wetherby, skirmish in the town, 377.  
 Wharton, Lord, *The Independent's Loyalty, with an Answer to Lord's Wharton's Evasions*, 152. His character, 156. His vindication answered, 157. Accuses Osborne, 158. Accused of having intended the murder of the king, 161.  
 Wilmot, Lord, defeats Sir W. Waller at Roundway Down, 318.  
 Winsby fight, 386  
 Winter, Lieut. Col., slain, 312.  
 Winter, Sir John, governor of Newnham, 331. Takes Westbury and Huntley, 336. Defeated by Massey, 360, 366. Relinquishes Lidney, 371.  
 Withers, George, account of his *Vox pacifica*, 62.  
 Wood, Anthony, fined for a libel on Lord Clarendon, 92.  
 Worcester taken by the king's forces, 305. Essex enters the town, 305. *Summoned by Massey*, 371.  
 Worcester, Marquis' of, his Welsh forces defeated, 312.  
 Wykes, Aquila, Bastwick's letters to him, 421, *et seq.*

## Y

York besieged, 281. Surrendered, 283.

END OF VOLUME FIFTH.



00093644







