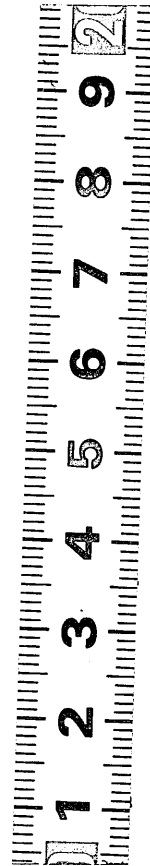


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The Legall Fundamentall
LIBERTIES
 OF THE
PEOPLE of ENGLAND
 Revived, Asserted, and Vindicated.

O-R,

An EPISTLE written the eighth day of *June* 1649, by Lieut. Colonel **JOHN LIBURN** (Arbitrary and Aristocratical prisoner in the Tower of London) to Mr. *William Lenthall* Speaker to the remainder of those few Knights, Citizens, and Burgeses that Col. *Thomas Pride* at his late purge thought convenient to leave sitting at *Westminster* (as most fit for his and his Masters designes, to serve their ambitious and tyrannical ends, to destroy the good old Laws, Liberties and Customs of England, the badges of our freedom, (as the Declaration against the King, of the .7 of March 1648, pag. 23. calls them) and by force of arms to rob the people of their lives, estates and properties, and subject them to perfect vassalage and slavery, as he cleerly evinceth in his present Case &c. they have done) who (and in truth no otherwise) pretendedly stile themselves (the Conservators of the peace of England, or) the Parliament of England, intrusted and authorised by the consent of all the people thereof, whose Representatives by election (in their Declaration last mentioned, pag. 27. they say) they are; although they are never able to produce one bit of a Law, or any piece of a Commission to prove, that all the people of England, or one quarter, tenth, hundred, or thousand part of them authorised *Thomas Pride*, with his Regiment of Souldiers, to chuse them a Parliament, as indeed he hath *de facto* done by this pretended mock-Parliament: And therefore it cannot properly be called the Nations or Peoples Parliament, but Col. *Pride's* and his associates, whose really it is; who although they have beheaded the King for a Tyrant, yet walk in his oppressingest steps, if not worse and higher.

JOHN 7. 51. *Doth our Law judge any man, before it hear him, and know what he doth?*
 ACTS 24. 23. *And he commanded a Centurion to keep Paul, and to let him have liberty, and that he should forbid none of his acquaintance to minister, or come unto him, (although in ver. 5. he was accused for a most pestilent fellow, and a mover of sedition throughout all the world.)*
 ACTS 25. 27. *For it seemeth to me unreasonable (saith the heathen Judge) to send a prisoner, and not withall to signifie the crimes laid against him.*
 ACTS 28. 30. *And Paul (IN HIS IMPRISONMENT AT ROME UNDER THE HEATHEN PERSECUTORS) dwelt two whole years in his own hired house, and received all that came in unto him.*

LONDON, Printed in the grand yeer of hypocriticall
 and abominable diffimulation. 1649.

MEMORIALS OF THE HOUSE OF COMMONS

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SIR,



Or distinction sake, I will yet stile you Mr. SPEAKER, although it be but to Col. Pride's Junto or Parliament, sitting at Westminster, (not the Nation's, for they never gave him Authority to issue out Writts, elect or constitute a Parliament for them) and you being their mouth, I could not think of any man to whom I could better direct my Lines at present to, (in my great Oppressions by You, and your Lord and Master CROMWELL, their your self: And therefore cannot now chuse but put you in minde, That the 4th. April, 1648. when I was like unjustly to be destroyed by Mr. Oliver Cromwell in my late unjust and tyrannicall Imprisonment in the Tower; I writ you a large Epistle, and stiled it in print, *The prisoners Plea for a Habeas corpus*, in the 9, 10, 11, 12, 13 pages of which, I positively accuse Mr. Oliver Cromwell for a wilfull murderer, and desire you there to acquaint your House therewith (who then had some little face of a Parliament stamp upon it) and, That I would engage upon my life to prove him to be so by Law: You your selves in your Declaration of the 4th. March, 1647, in answer to the Scotch-Commissioners Papers Declare p. 5 16. that the subduing the enemies forces in the Nation, (which then were, as you there say, wholly subdued & suppressed) though the Parliament keep up an Army, in a time of peace, when all the ordinary Courts of Justice were open, where only and alone, all Law and Justice ought to be dispensed to all Englishmen in all cases whatsoever, yea, even to Soldiers as well as others; as in the aforesaid pages, and in Mr. Overtons and My printed Epistle to the Generall (in Mr. Lockiers behalf) of the 27 April, 1649. is by Law undeniably proved; which Epistle you may read at the last end of the second Edition of my Picture of the Councell of State: And yet about or upon the 15. Nov. 1647. near Ware in Herford-shire, He, &c. wilfully and of set-malice murdered Rich. Arnell, a freeborn Englishman; and shed the blood of War in the time of Peace, which was Joabs case in reference to Abner and Amasa, 2. Sam. 3. 27. and 20. 10. of whom when David delivered his charge to his son S. Solomon, he saith thus, Moreover, thou knowest also what Joab the son of Zerviah did to me, and what he did to the two Captains of the host of Israel, unto Abner the son of Ner, and unto Amasa the son of Jeather, whom he slew, and shed the blood of war in peace, and put the blood of war upon his girdle that was about his loins; and in his shoes that were on his feet: Doe therefore (saith he) according to thy wisdom, and let not his ho. ry head goe down to the grave in peace, 1. Kings 2. 5, 6. which charge he accordingly performed; and so delivered himself and his Fathers house from the guilt of innocent blood, ver. 29, 30, 31, 32, 33. And you may also remember that upon the 19 of Jan. 1647. at your Barr I openly delivered a formal charge or impeachment of high Treason (according to your own Ordinances) against the foresaid Mr. Oliver Cromwell, and his subtil machevillian son-in-Law Mr. Henry Ireton, for their notorious doing that in reference to the King; for but the petty acting of which in comparison to theirs, they impeached Mr. Denzill Holhu, Sir Philip Stapleton, &c. of high Treason, (as appeareth in their own Book of Declarations, pag. 81, 82. Article 2 & 3.) and forcibly expunged them your House as Traytors therefore.

And in the foresaid pages of my plea for a Habeas Corpus, I truly acquaint you with the plot and design, Master Cromwell laid to take away my life, for but a little opposition to the King, whose professed and avowed protectors he and his.

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his son in Law Ireton were at that time, both openly in your House, and in the Generall Council at Putney, nay and gave him leave to peruse and correct with his own hands their Proposals and Declarations before they published them; And yet when the King would be no longer subservient to Oliver and his Sons designs, they as the principall instruments caused his head to be chop'd off as a Traytor and Tyrant for exercising, (as in the Declaration of 17 of March 1648. against him they declare) oppression, and arbitrary power against Law, overthrowing the annual constitution of Parliaments, imprisoning and persecuting of men, for opposing his unlawfull will, for setting up multitudes of projects and monopolies against Law, and so breaking that most excellent Law, the Petition of Right (as they call it there page 7) for endeavouring to bring in the German Horse to awe us into slavery and bondage, and by private solicitations, promises of rewards, and threats from him unto the Judges of Law, to cause them to do his will rather then equall Right, and to break his and their own Oaths, for the oppressions of the Council Table, Star Chamber, High Commission, &c. for protecting Delinquents from Justice, for giving profuse donations of yearly salaries and pensions, to such as were found or would be made fit instruments or promoters of tyranny, protecting his own and the Lords servants from arrests and proceesse of Law, his breach of faith, of oaths, protestations and declarations; unto all which offences were joyned (say you in your said Declaration against him of the 17 of March 1648 pag. 15.) all along a strange obstinacy and implacableness, and uncessant labour for the destruction of his people; which (with the unerring truth wherein is no dispensation for Kings) and say I for Parliament-men neither) that no satisfaction shall be taken for the life of a murderer, but he shall surely be put to death; and that the Land cannot be cleansed of the blood that is shed therein, but by the blood of him that shed it) brought on and effected the worke of Justice upon him.

Of all which crimes and charges, and all your others against the King contained in your foresaid Declaration, I know not three of them, but Cromwell and his Confederates in your pretended House and Army, are as guilty of the like in kind, though under a new name and notion, as the King was of the fore-mentioned (if not more guilty, in that they have so often and largely promised ease and redresse in the same things, encouraged and engaged the people to pour out their monies, and their bloods for seven or eight years together for that very end and no other) and in that they doe the very same things as is obvious and cleer to every rationally and unbiased eye in the whole Nation, and which in a good measure may be evinced in my own particular case, which is my intended task at this time to make appear.

But to save my self a new labour of writing things twice over, I shall here insert my Plea (yet never visible to the People of England) against the late House of Lords, and Wollaston their Gaoler of Newgate, which I prepared for (and carried to) the Committee of Indemnity the 20 of June 1648. Where the Lord Munson had the Chair, (in regard the greatest part of it is almost as pertinent to my present business as if it had been purposely framed for it) for the effecting of which I shall (in truth) endeavour without welt or guard) as well as God and those abilities he hath given me, will enable me to state in fact, law, your own Declarations and the Armies, your dealings with me at presents; which that I may the better do, I shall here insert my said Plea to the Committee of Indemnity first, and then unto it, add or joyn what I have besides at present to say for my self and my instant sufferings, but in the first place the plea it self thus followeth

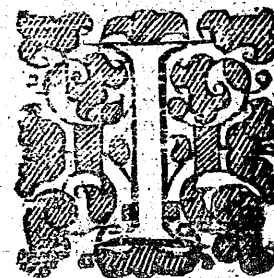
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The PLEA it self thus followeth.

May it please this Honourable Committee,



Was commanded by you, upon Tuesday the 13 day of this present June 1648, to bring in an Answer this day to the Petition and complaint of Henry Wollaston Keeper of the prison of Newgate, in which Petition he complains that I have brought an action at the common Law against him, for detaining me in safe custody according to his duty, by vertue of a Warrant from the House of Lords; and therefore prays indemnity for his acting therein in obedience to the Authority of Parliament, and his trebble damages, and that at common Law there may be no further proceedings in the said Action. And being demanded by the then Chairman of this Committee whether I had caused such an Action to be commenced, yea or no, I positively declared, I had, and that I had very good ground in Law so to do, considering that the Law of England (which is my Birth right and Inheritance) requires, That I shall not be deprived of my Liberty but by due proceesse of Law, according to the Laws of the Land; and that if any shall detain my body in prison without legall Authority, he is liable in Law to make me satisfaction therefore: but Mr. Wollaston had kept me in prison divers weeks by vertue of a pretended Warrant of the single House of Lords, who in Law, I will maintain it, have not the least power in the World to commit my body to prison: yet they did (upon the tenth day of June 1646, laying no crime to my charge) command me to be kept for all my short eternity in this world; for the Warrant is, during their pleasures: and then by another illegall Warrant, within fourteen dayes after, dated the 23 of June 1646, they (for no cause in the world) commit me close prisoner, and command that I be not permitted to have pen, ink nor paper, and that none shall have access unto me in any kinde, but onely my Keeper, untill the Lords otherwise please. Which most illegall Warrant Mr. Wollaston executed upon me with a great deal of severitie and barbarism, not permitting my Wife to come into the prison-yard to speak with me at a distance out of my grates, nor suffering me to receive either meat, drink, or money, or any other necessaries from the hands of my

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Wife, servant, or friends, nor suffering me to see their faces when they sent me in my diet: All which usages are against the Laws and Statutes of this Kingdom; and therefore I have cause and ground enough in Law, to seek for my remedy in Law against the said Mr. Wollastone; and I hope the Members of this Committee have taken too many Oaths to maintain the fundamentall Laws of the Land, and the Liberties of the People, then now to go about to deprive me of the benefit of them.

It is true, you sit here by verue of an Ordinance of both Houses, to indemnifie all those that have acted or done, or commanded to be acted or done, any thing by sea or land, by the Authority, or for the service or benefit of this present Parliament: But under the favour of this Committee, I do conceive, That the said Ordinance, which is your Commission, doth not in the least authorise you to meddle with my present case; forasmuch as I do not prosecute Mr. Wollastone for actions done by the Command and Authority of Parliament, but for actions done directly against their Authority publicly declared in the Laws of the Kingdom, and their own Declarations: and I hope this Committee will not so much undervalue their own House, as to adjudge the House of Lords singly to be the Parliament of England, nor their single Order to be the Parliaments Authority of England: and if not, then I cleerly conceive, that upon your own principles, you have nothing to do with my business before you; neither can I conceive, that you can in the least judge Mr. Wollaston's illegal and barbarous actions done upon me, to be for the service and benefit of the Parliament, but rather the quite contrary, by rendering them odious and abominable in the eyes of the people, if they shall patronize such tyrannicall doings, after they have taken so many Oathes to maintain the Laws and Liberties of the Kingdom, and caused so much English blood to be shed pretendedly therefore.

Whereupon, after a little debate amongst the members of this Committee by themselves, my L. Munson the Chairman thereof was pleased to tell me, that the business was weighty, and did concern the Priviledges of the Lords House; and therefore they judged it convenient to put it off till this day, and to acquaint the Lords with it, that so, if they pleased, some of them might here be present: and you also ordered me to fit my self with a formall Answer to the Petition, which accordingly I have done, and with the favour of this Committee, giving me free leave to speak, I am ready to deliver unto you, and do deliver it unto you thus.

My Lord, I read in the Statutes of 4. Edw. 3. ch. 4. and 36. Edw. 3. ch. 10. and in the tyrannical Act made this Parliament 16. C. R. and in the 4. part Cooke's Instit. fol. 9. 11. 37. 38. 39. 41. 42. and 1. part Book Decl. pag. 701, 702. that Parliaments are principally called for the maintenance of the Laws, and for the redresse of divers mischiefs and grievances that daily happen; and suitable to this are the ends contained in the Writs that summon them, and the intentions of those that chuse the Members and send them.

And if Parliaments be principally called for the maintenance of the Laws, and redresse of mischiefs and grievances, then not for the destruction of the Laws, nor for the increase of mischiefs and grievances. And therefore when this present Parliament in the dayes of their virginity and primitive puritie, in their Actions, Declarations, and Remonstrances expressed much zeal,

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for accomplishing of those ends for which they were trusted in providing for the safety of the Kingdom, and pence of the people, which you call God to witness is your only aime, protesting in the presence of the all seeing deity, that the foresaid ends is the only end of all your counsels and indeavours, wherein you are resolved to continue freed, and enlarged from all private aims, personall respects or passions whatsoever, and persevere in the vigorous indeavoring to preserve the Laws and Liberties of this Land, though you should perish in the work, * calling upon God, that sees your innocency; and that you have no aims but at his glory & the publick good for protection in your straits; I say yet notwithstanding all this, the King to make you odious, and to be deserted of the people, in several of his Declarations Declares that all these were but guilded dissimulations, it being your real intentions to destroy Liberty and property, *meum* and *uum*, and to subvert the Lawes and introduce new forms of arbitrary government, and to introduce Anarchy, a paritie and confusion by levelling of all degrees & conditions, and to monopolise into your hands all the rich and great places in the Kingdom, for your own particular advantage and profit; and to get such a power into your hands, as thereby to enable you inevitably to destroy all that opposed you; and that the maintenance and advancement of Religion, Justice, Liberty, Propertie, and peace, are really but your stalking horses, and neither the grounds of the war, nor of your demands; and that for all your fair pretences to the people, you will extirpate the Law, root, and branch; alter the whole frame of Government, and leave not any thing like Law, Liberty or Property, introduce Democracy and Parity, and leave nether King, nor Gentlemen; and so the people will too late discover all this to their costs, that they have undone themselves with too much discretion, and obtained nothing by their compliance with you, and adherence to you, but to be destroyed last. 1. part Book Decl. pag. 284, 285, 298, 316, 320, 334, 378, 514, 515, 520, 521, 530, 539, 543, 550, 558. 2. Part, pag. 100, 102, 112, 113, 117. In answer unto all which, to disprove what he saith, and keep up your reputations amongst the people for a company of honest men, that really sought their good, and always intended to be as good as their words, promises, and engagements, in your declarations of the 19 of May 1642. 1. Part, Book Decl. Pag. 207. you repeat your votes, against which the King excepts, the weight of which lieth in these words: That the Kingdom hath been of late, and still is in so eminent danger, both from enemies abroad, and a popish discontented party at home; that there is an urgent and an inevitable necessity, for putting the Kingdom into a posture of defence, for the safegard thereof; and that in this case of extreme danger, and his Majesties refusall, the Ordinance of Parliament agreed upon by both Houses for the Militia, doth oblige the people, and ought to be obeyed, by the fundamentall Lawes of this Kingdom. By all which (say you) it doth appear, That there is no colour of this tax, that we go about to introduce a new Law; much less to exercise an Arbitrary power, but indeed to prevent it; for this Law (say you) is as old as the Kingdom, That the Kingdom must not be without a means to preserve it selfe and in the conclusion of the same Decl. Pag. 214. speaking of the many difficulties you grapple with, the many hazards you undergo in your places, you conclude thus, yet we doubt not but we shall overcome all this at last, if

* 1. Part. Book Dec. pag. 172, 195, 214, 281, 342, 464, 494, 497, 498, 663, 666, 673, 750.

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 the people suffer not themselves to be deluded with false and specious shewes, and so drawn to betray us to their own undoing, who have ever been willing to hazard the undoing of our selves, that they might not be betrayed by our neglect of the trust reposed in us; but if it were possible the Kings party should prevail; herein yet (say you) we would not fail, through Gods grace still to persist in our duties, and to look beyond our own lives, estates and advantages, as those who think nothing worth the enjoying without the libertie, peace, and safety of the Kingdom; nor any thing too good to be hazarded in discharge of our consciences, for the obtaining of it; and shall always repose our selves upon the protection of the Almighty, which we are confident shall never be wanting to us (while we seek his glory.) And in your Declaration of the 26 of May 1642, which is an answer to the Kings Declaration of the 4 of May, about the business of Hull; in the 1 Part Decl. pag. 263. speaking of the new engine of the Malignant party about the King, to beget and increase distrust, and disaffection between the King, the Parliament, and the People; We cannot (say you) be so much wanting to our own innocency, or to the duty of our trust, as not to clear our selves from those false aspersions, and (which is our chiefest care) to disabuse the peoples minds, and open their eyes that under the false shewes and pretexts of the Laws of the Land, (frequently interwoven in his Majesties foresaid Declaration) and of their own Rights and Liberties, they may not be carried into the road-way that leadeth to the utter ruine and subversion thereof, and to destroy them both with their own hands, by taking their Lives, Liberties, and Estates out of their hands whom they have chosen and entrusted therewith, and resigning them up unto some evil Counsellors about his Majesty, who can lay no other foundation of their own greatness, but upon the ruine of this Parliament; and in it of all other Parliaments, and in them of the freedom of this Nation: And these are the men that would perswade the people that both Houses of Parliament containing all the Peers, & representing all the Commons of England, would destroy the Lawes of the Land, and Liberties of the People; wherein besides the trust of the whole, they themselves in their own particulars have so great an interest of honour and estate, that we hope it will gain little credit with any that have the least use of reason, that such as must have so great a share in the misery, should take so much paines in the procuring thereof, and spend so much time and run so many hazards to make themselves slaves, and to destroy the property of their estates. But remarkable are your words in the same Declaration pag. 267: where you say, You have given no occasion to his Majesty to declare his resolution with so much earnestness, that he will not suffer either or both Houses by their votes without or against his consent to injoyne any thing that is forbidden by the Law, or to forbid any thing that is injoynd by the Law; for our votes (say you) have done no such thing, and as we shall be very tender of the Law (which we acknowledg to be the safegard and custody of all publick and private interests, &c.) And in the same declaration having argued it soundly against the King, for the calumniation and aspersions cast upon you as you are pleased to call them in; p. 270. you have these words, All this considered, we cannot but wonder, that the contrivers of the foresaid message, should conceive the people of this land to be so void of common-sence,

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 as to enter into so deep a mistrust of those that they have, and his Majesty ought to repose so great a trust in, as to despair of any security in their private estates, by dissents, purchases, assurances, or conveyances, unless his Majesty should by his vote, prevent the prejudice they might receive therein by the votes of both Houses of Parliament, as if they who are especially chosen and intrusted for that purpose; and who themselves must needs have so great a share in all grievances of the Subject, had wholly cast off the care of the Subjects good, and his Majesty had soly taken it up.
 And in your most notablest of Declarations, made about August 1642. 1 Part Book Decl. pag. 491: wherein you endeavour to give an account to the world of the justice of your proceedings, in being necessitated to take up armes against his Majesty, who you say was then in armes against you and the Kingdom, for the suppression of the Lawes and Liberties thereof; which you say every honest man is bound to defend, especially those that have taken the late Protestation, in which Declaration you declare, that the long designe which hath been carried on to alter the frame and constitution of the Government of the Kingdom, from Law and Liberty, to slavery and vassaladge, is now come to ripeness; there you go on to declare an Epitome of the Kings dealings with the Kingdom before this Parliament; in which time you say the Lawes were no defence nor protection of any mans right; all was subject to will and power, which imposed what payment they thought fit, to drain the Subjects purse of, and supply those necessities which ill counsels had brought upon the King, or gratified such as were instruments in promoting those illegal and oppressive courses. They who yeilded and complied, were countenanced and advanced; all others disgraced and kept under; that so mens mindes made poor and base, and their Liberties lost and gone, they might be ready to let go their Religion, whensoever they should be resolved to alter it; and then ennumerate divers strange actions of his done to the Kingdom since this Parliament; and in pag. 494. you declare, that after his ill counsel had got him from the Parliament, then they doe work upon him and upon the Queen, and perswade her to retire out of the Kingdom, and carry him further and further from the Parliament, and so possess him with a hatred of it; that they cannot put words bitter enough into his mouth, to express upon all occasions; they make him cross oppose and envy upon all the proceedings of Parliament, encourage and protect all those that will affront it, take away all power and authority from it to make it contemptible, and of less esteem than the meaneest Court, draw away the members, commanding them to come to him to York, and instead of discharging their duty in the service of the Parliament, to contribute their advice, and assistance to the destruction of it, in endeavouring an arbitrary Government, a thing (say you) which every honest man abhors; much more the Wisdom, Justice, and Piety of the two Houses of Parliament; and in truth such a charge as no rational man can believe it, it being impossible so many several persons as the Houses of Parliament consist of about 600; and in either House all of equal power, should all of them, or at least the major part, agree in Acts of Will and Tyranny, which makes up an arbitrary Government; and most improbable that the Nobility and chief Gentry of this Kingdom, should conspire to take away the Law by which they injoy their estates, are protected from

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from any act of violence and power, and differenced from the meanest sort of people, with whom otherwise they would be but fellow servants; so having given an answer to his charges laid upon you in pag. 496. you vehemently presse the people to come in to the help of the Parliament (against the Kings forces) And save themselves their Laws and Liberties, and though both they and we (say you) must perish, yet have we discharged our consciences, and delivered our soules, and will look for a reward in heaven; should we be so ill requited upon earth, as to be deserted by the people, whom in the next page you tell, nothing will satisfie the King and those evil men with him, but the destruction of this Parliament, and to be Masters of Religion and Liberties, to make us Slaves, and alter the Government of this Kingdom, and reduce it to the condition of some other Countreyes which are not governed by Parliaments, and so by Laws, but by the will of the Prince, or rather of those who are about him; And therefore in the zeal of your Spirits, you declare your resolved resolutions to continue firme to maintain the Laws and Liberties of your Country, according to your duty; saying, *We be to us if we do it not, at least doe our utmost endeavours for the discharge of our duties, and the saving of our soules, and leave the successe to God Almighty; and you conclude with these words; and therefore we do here require all who have any sence of piety, honour, or compassion, to help a distressed State, and to come in to our aid and assistance.*

And in your reply to the Kings Answer of yours, of 26 May 1642. 1 part Book Declar. pag. 693. you declare with indignation your abhorrence of the Kings charging you by your votes to dispose of the peoples lives, liberties and estates, contrary to the Law of the Land, & throw back the Charge upon himself and those that are about him. And in the next page you say thus; and for that concerning our inclination to the slaves, it is affirmed, that his Majestie said nothing that might imply any such inclination in us, but sure, *what ever be our inclination, slavery would be our condition, if we should go about to overthrow the Laws of the Land, and the propriety of every mans estate, and the liberty of his person; for therein we must needs be as much Patients as Agents, and must every one in his turn suffer our selves, what ever we should impose upon others as in nothing we have laid upon others we have ever refused to do or suffer our selves, and that in a high proportion. And then when you come in the next page to speake of the Kings, charging of you that you affect to be Tyrants, because you will admit no rule to Govern by but your own wills; yea worse then those thirty most perfect Tyrants of Athens, spoken of by Sir Walter Rawley in his third Book of the History of the world, Chap. 9. Sect. 2. you abhor the charge with the height of detestation, and therefore in the next page unto it, being page 696 you say We do still acknowledge that it were a very great crime in us, if we had or should do any thing whereby the title and interest of all the Subjects to their lands were destroyed; which I say of necessitie must be, if they be deprived of the benefit of the Law, which is all I crave at your hands, and which I hope you will not deny me; especially considering in your Declaration of the 10 of June 1642, 1 part. Book Decla. pag. 342, for bringing in money and plate, you positively declare, that whatsoever is brought in, shall not at all be employed about any other occasion, then to the purposes aforesaid, which amongst others, are principally for destroying Tyranny, maintaining of Liberty and Propriety,*
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the free Course of Justice according to the known Laws of the Land; but Propriety cannot be maintained, if Liberty be destroyed; for the Liberty of my Person is more neerer to me then my Propriety, or goods; and he that contrary to Law and Justice, robs or deprives me of the Liberty of my Person, the nighest to me, may much more by the same reason, rob and deprive me at his will and pleasure of my goods and estate, the further of from me, and so Propriety is overthrowne and destroyed; and this if done avowedly by you, is destructive to your honours and engagements; yea, & in an absolute violation of all your Oaths and Promises; whereby you will be rendred, by your own actions, in the eyes of the people that trusted you, the basest and worst of men, fit for nothing but desertion, opposition and destruction; Again how can Law be maintained, when the free execution of Justice in the ordinary course thereof shall be hindered by you? which you in your Declaration 23 of October 1642. 1 part. Book Declar. pag. 656) call the soule and life of all Laws, which ordinary course of Justice, you in your first Remonstrance page 7 call the common birth-right of the Subject of England; And therefore 1 part. Book Decl. pag. 660 you own it as your duty, to use the best of your endeavours that the meanest of the Commonalty may enjoy their own birth-right, freedom and liberty of the Lawes of the Land, being equally intitled thereunto with the greatest subject; and if so? how can you in justice and honour or conscience, deprive and bereave me of my birth right? the benefit of the Law of the Land, in the ordinary course of Justice in the Judicatures thereof? who have done no actions either by Sea or Land, but what doth become an honest, true-bred Englishman and constantly in the midst of many deaths, maintaining the Laws and Liberties of my Native Country, which actions are consonant to the Authority of Parliament, and for the service and benefit thereof; and therefore I ought not to be molested and troubled therefore; especially by you, who in your Declarations in the case of the Five Members, declare 1 part. Book Decl. pa. 39. you are very sensible that it equally imports you, as well to see Justice done against them that are criminous, as to defend the just rights and Liberties of the Subjects and Parliament of England; but if you shall stop my proceedings at Common Law against Master Wollaston the Jaylour of Newgate, for keeping me there against Law by the Lords Order, You are so far from punishing the criminous, that you justify the wicked, and condemn the righteous, break all your Oaths, Protestations and Covenants, that you have taken to maintain the Laws and Liberties of the Kingdom, and dissolve the whole frame and constitution of the Civill Policy and Government of this Kingdom into the originall Law of Nature, which crime you taxe the King with, 1 part. Book Decl. pag. 690. yea, and thereby become destructive to the being of the Commonwealth, and the safety of the people, the preservation of which is the chief end of the Law, the institution of all Government, as you declare in your Declarations of the 6 of May 1643 & 17 April 1647. 2 part. Book Decla. fol. 95. 879.

For the Illustration of which I desire to observe this Method.
First. I averre that the House of Lords have not the Least Jurisdiction in the world over me in the case in controversie betwixt us; and I am ready upon my life to make this good by the Laws of the Kingdom against all the Judges and Lawyers in England; but I conceive, I have already so fully done it in my
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three pleas against the Lords, that they are unanswerable, viz. First in my Plea before the Committee of the House of Commons, where Master Henry Martin had the Chaire 6. Novemb. 1646. And Secondly in my Plea the 20 of October 1647. before another Committee of the House of Commons, where M. John Maynard had the Chaire; And Thirdly, in my Plea before the Judges of the Kings Bench, the 8. of May 1648. all three of which I desire to communicate unto your consideration.

And if the Lords by Law have no originall Jurisdiction over me, then no power to summon me, nor no power to try me nor commit me; Wherefore M. Wollaston by Law ought to have refused to have received my body, or detained it in prison, by vertue of their illegall warrant, which being both illegall in the power that made it; & in the forme of drawing it up, he is liable to make me satisfaction in Law for executing it, which at present I illustrate out of your own Declarations, which are the most unanswerable arguments against you that I can use, *As 17. 28. Titus 1. 12.*

And first in your Declaration of the 17 of January 1641. 1. par. Book Decl. pag. 38. 39. where speaking of the Five Members, you say his Majestie did issue forth severall warrants to divers Officers, under his own hand for the apprehension of the persons of the said Members, which by Law he cannot do, there being not all this time any legall charge or accusation, or due processe of Law issued against them, or any pretence of charge made known to the House of Commons; all which are against the Fundamentall Liberties of the Subjects, and the Rights of Parliament; Whereupon we are necessitated according to our duty to declare, That if any person shall arrest M. Hollis, Sir Arthur Haslerig, Master Pym, Master Handen, Master Stjode, or any of them, or any Member of Parliament, by pretence or colour of any warrant issuing out from the King onely, is guilty of the breach of the Liberty of the Subject, and of the Priviledges of Parliament, and a publick enemy to the Common-wealth; and that the arresting of the said Members, or any of them, or any Members of Parliament, by any Warrant whatsoever, without a legall proceeding against them, and without consent of that House, whereof such a person is a Member, is against the Libertie of the Subject, and a breach of Priviledge of Parliament: and the person which shall arrest any of these persons, or any other Member of the Parliament, is declared a publick enemy of the Common-wealth. Yea, and upon the 15 of January 1641, you voted and ordered a Charge to be brought in against Mr. Attorney General Herbert, to require of him satisfaction for his great injury and scandal that particularly he had done to the said Mr. Hollis, &c. and generally to the publick Justice of the Kingdom, in so illegallly accusing the foresaid five Gentlemen, without due processe of Law, as appears in your first part Book Declarat. pag. 53. And therefore in your Petition of the 2 Feb. 1641. 1. par. Book Decl. 67. you tel the King, It is your duty to tell him of the injustice done unto the five Members, for impeaching them without due processe of Law, and to require reparations for them. And therefore in your second Petition of the same month, 1. par. Book Decl. pag. 76. 77. you tel the King again, notwithstanding all your importunity, the said five Members and the Lord Kimbolton still lie under that heavie charge of Treason, to the exceeding prejudice not onely of themselves,

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but also of the whole Parliament. And whereas by the expresse Laws and Statutes of this Realm, that is to say, by two Acts of Parliament, the one made in the 37, and the other in the 38 year of the reign of your most noble Progenitor King Edward the 3. its said, *If any person whatsoever make suggestion to the King himself of any fault committed by another, the same person ought to be sent with the suggestion before the Chancellor, or Keeper of the great Seal, Treasurer, and the great Council, there to finde Surety to pursue his suggestion: which if he cannot prove, he is to be imprisoned till he hath satisfied the party accused of his dammages and slander, and made Fine and Ransom to the King:* The benefit of these Laws you claim at the Kings hand, and there tell him, he ought not of right and justice to deny it to you. And also in 1. part Book Decl. pag. 101, speaking to the King, you say Your Majesty lays a generall tax upon us; if you will be graciously pleased to let us know the particulars, we shall give a cleer and satisfactory Answer: But what hope can we have of ever giving your Majestie satisfaction, when those particulars which you have been made believe were true, yet being produced and made known to us, appeared to be false? and your Majestie notwithstanding will neither punish, nor produce the Authors, but go on to contract new jealousies and fears, upon generall and uncertain grounds, affording us no means or possibilitie of particular answer, to the clearing of our selves. For proof whereof we beseech your Majestie to consider,

The heavie charge and accusation of the Lord Kimbolton, and the five Members of the House of Commons, who refused no Triall or Examination which might stand with the Priviledge of Parliament: yet no Authors, no Witnesses produced, against whom they may have reparation for the great injury and infamy cast upon them, notwithstanding three severall Petitions of both Houses, and the Authority of two Acts of Parliament vouched in the last of those Petitions.

And in a fourth Petition about the same business, 1. part Book Decl. pag. 123. We beseech your Majesty (say you) to remember, that the Government of this Kingdom, as it was in a great part mananged by your ministers before the beginning of this Parliament, consisted of many continued and multiplied acts of violation of Laws, the wounds whereof were scarcely healed, when the extremitie of all those violations was far exceeded by the late strange and unheard of breach of our Laws in the accusation of the Lord Kimbolton and the five Members of the Commons House, and in the proceedings thereupon; for which we have yet received no full satisfaction. And in your Declaration of the 19 of May 1642, 1. par. Book Dec. p. 200. 201. you are very remarkable, and say, The accusation of the L. Kimbolton, and the 5 Members of the House of Commons, is called a breach of Priviledge; and truly so it was, and a very high one, far above any satisfaction that hath yet been given: How can it be said to be largely satisfied, so long as his Majestie laboured to preserve his Attorney from punishment, who was the visible Actor in it? so long as his Majestie hath not onely justified him, but by his Letter declared, that it was his duty to accuse them, and that he would have punished him if he had not done it; so long as those members have not the means of clearing their innocency, and the authors of that malicious Charge undiscovered, though both

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Houses of Parliament have severall times petitioned his Majesty to discover them; and that not onely upon grounds of common Justice, but by Act of Parliament his Majesty is bound to do it; so long as the King refuseth to passe a Bill for their discharge, alledging, that the Narrative in that Bill is against his Honour; whereby he seems still to avow the matter of that false and scandalous Accusation, though he deserts the Prosecution, offering to passe a Bill for their acquittal; yet with intimation, that they must desert the avowing their own innocency, which would more wound them in Honor, then secure them in Law.

And in vindication of this great Priviledge of Parliament, we do not know that we have invaded any Priviledge belonging to his Majesty, as is alledged in his Declaration.

But we look not upon this onely in the notion of a breach of Priviledge, which might be, though the Accusation were true or false; but under the notion of an heinous crime in the Attourney, and all other Subjects who had a hand in it, a crime against the Law of Nature, against the Rules of Justice, that innocent men should be charged with so great an offence as Treason, in the face of the highest Judicatory of the Kingdom, whereby their lives and estates, their blood and honour are in danger, without witness, without evidence, without all possibility of reparation in a legall course; yet a crime of such a nature, that his Majesties Command can no more warrant, then it can any other act of injustice. It is true that those things which are evil in their own nature, such as a false testimony, or a false accusation, cannot be the subject of any Command, or induce any obligation of obedience upon any man, by any Authority whatsoever; therefore the Attourney in this case was bound to refuse to execute such a Command unless he had had some such evidence or testimony, as might have warranted him against the parties, and be liable to make satisfaction if it should prove false. And further, to prove that they are liable to punishment, that puts in execution the Kings illegall Commands, is most excellently proved, and largely evident from your own words in 1 part Book Decl. pag. 259. 260. 276. 279. 280. 721. 722. 723. 727. 803. where you largely declare, that Alexander Archbishop of York, Robert de Vere Duke of Ireland, &c. were executed in Richard the Second's time as Traytors, for putting in execution the commands of the King against the Law: and if they are punishable that execute the commands of the King the Primitive, against Law: then much more by Law is Mr. Wollaston punishable for executing the commands of the single House of Lords the Derivative, against Law: and if in my own defence, when I was in Mr. Wollaston's custody, I had served him, for his actions done to me in pursuance of the Lords single illegall commands, as Simson of Northampton-shire did Johnson in the 42. of Elizabeth for his doing actions in pursuance of the Queens Letters Patents, contrary to Law, in endeavouring by a Warrant (flowing from the High-Commission, which was established by Act of Parliament, and had legall cognizance of any facts in Controversie grounded thereupon) to imprison his body: for doing of which, Simson (in his own defence, and his Liberties) slew the said Johnson: For which he was justified by the Judges of Assise, and all the Judges of England, as you may read in Sir Edward Cook 4. part Institutes, fol. 333. 334. and in my Plea

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Plea Before the Judges of the Kings Bench, called The Laws funerall, page 24. 25. I say in case I had in my own defence, and the defence of my legall Liberties slain Wollaston &c. for executing the Lords single illegall Orders upon me for any thing I can read in the Law, he had his mends in his own hands.

But to come more close upon your own principles, to prove that a single Order of the Lords cannot stand in competition with the Law, I do it, thus; In all your Declarations you declare, that binding and permanent Laws according to the Constitution of this Kingdom, are made by King, Lords, and Commons, and so is the opinion of Sir Ed. Cook, whose Books are published by your own Order, and who in the 2 part of his Institutes, fol. 48. 157 and 3 part fol. 22. and 4 part fol. 23. 25. 48. 292. saith that Act that is made by King and Lords, in Law binds not, nor by King and Commons binds not, or by Lords and Commons binds not in Law; if so, then much more invalid is the single Order of the Lords made against Law, and can indemnifie no man that acts by vertue of it; and your Ordinances made this Parliament in time of extreame necessitie, during denounced Wars, are by your selves in abundance of your own Declarations, esteemed, adjudged, declared but temporary and invalid as durable Laws, which is evidently cleer out of the 1 part Book Decl. p. 93. 102. 112. 142. 143. 150. 171. 173. 179. 207. 208. 267. 277. 303. 305. 382. 697. 705. 709. 727. your expressions in the last page are, we did and doe say that the Sovereign power doth reside in the King and both Houses of Parliament, and that his Majesties Negative voice doth not import a Liberty to deny things as he pleaseth, though never so requisite and necessary for the Kingdom, and yet we did not nor do say, that such bills as his Majesty is so bound both in Conscience and Justice to passe, shall notwithstanding be law without his consent, so far are we from taking away his Negative voice. And if such Ordinances and Bills as passe both Houses are not Lawes by your own Doctrine, without the Kings Consent; then, much lesse can the Order of the single House of Lords be Lawes or supersedeas to the Lawes; And besides, when divers honest and well-affected Citizens, it may be out of a sensible apprehension of the mischiefs that accrue to the Kingdom by having the Supream authority lodged in three distinct Estates, which many times so falls out, that when two Estates grant things essentially good for the welfare of the Kingdom, the third Estate opposeth it, and will not passe it, which many times occasions war and blood-shed, to the hazard of the being of the Kingdom; for the preventing of which, they framed a Petition to your House, Shewing it, To the Supream Authority of this Nation, the Commons assembled in Parliament; in which they intreat you to be careful of the mischief of Negative Voices in any whomsoever; which said Petition your House upon the 20. of May 1647. Voted to be burnt at the Exchange and Westminster by the hands of the Common Hangman, and lately as I am informed, there was a Petition of Master John Windmans presented to your House, and it was rejected by them, for no other cause, but because it had the foresaid title; and therefore you your selves, having rejected to be filed the Supream Authority of this Nation; I can see no ground or reason, how you can upon your own Principles; grant a supersedeas to Master Wollaston to overrule my action at law against him; and so de facto exercise the Supream Authority, which in

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words, you would have the Kingdom believe you abhorre; neither can I in reason or Justice conceive, that it now you should own your selves for the Supreme Authority of the Nation, and the single and absolute Law-Repealers, and Law-Makers thereof; how you can deprive me of the benefit of those just Laws, viz. *Magna Charta*, *Petition of Right*, and the Act that abolished the *Star Chamber*; that you have not avowedly and particularly declared to be void, null and vacated, as never to be in use any more in *England*; Again, you in your Protestation, in your Vote and Covenant, and in your League and Covenant, swore to maintain the Laws and Liberties of the Kingdom with your estates and lives, and make the Kings Person and Authority but subservient thereunto, or dependant thereupon; And you have been so zealous to make Votes to disfranchise all those that will not take your Covenant, as unfit to bear any Office in the Common-wealth, or to give a Vote to chuse an Officer; and can it stand with your Justice and Honour to deny me the benefit of that (viz. the Law) which you have been so zealous in forcing the People of *England* to swear to maintain? or can you in Justice and Honor, be angry with me for standing for that (viz.) the Laws and Liberties of *England*, which you have engaged, incited and forced, thousands and ten thousands of the people of *England*, to loose their Lives and Blouds for, which I amongst others have upon zealous and true principles, as hazardously ventured my life for as any man in *England*? O let such an abominable thing be farre from men of honour, conscience and honesty, and let the fearful judgments that befell the *Hungarians*, as it were, from God from heaven for breaking, violating and falling from their faith and Covenant, made with *Amurrah* the Second, the Sixt Emperor of the *Turkes* Recorded in the Fourth Edition of the *Turkes History* fol. 267. 269. 273. 277 deterr all Covenant Makers, and Covenant takers from breach of their Oaths, Covenants, and Contracts, the breaking of which is highly detested and abhorred of God as a thing that his soul loaths as he declares in Scripture, as you may read *Exo.* 20. 7. *Lev.* 19. 11, 12. *Dent.* 23. 21, 22, 23. *Psal.* 15. 4. *Eccels.* 5. 45. *Ezek.* 17. 13, 14, 15, 10. 17, 18. *Zacab.* 5. 3, 4 & 8. 16, 17. Yea I say let the fearful judgements, wrath and vengeance Recorded by *Sir Walter Rawley* in his excellent preface to his history of the World that befell Tyrants and Oppressors, who after they had broke their Oaths, Faith, Promises and Lawes made with the People, and then turned Tyrants, deterr you from such practises, but especially the fearful judgments of God that befel the most execrable thirty Tyrants of *Athens*, who after the people of that City had set them up for the Conservators of their Laws and Liberties, and who did many things well til they had got power into their own hands, which they had no sooner done, but they turned it poin blank against the people, and fell a murthiering, robbing, spoiling and destroying the innocent people, and raised a Guard of three or foure thousand men of their own Mercenary faction, whose destruction was fatall by the steeled resolution and valour of seventy faithfull and brave Citizens, as you may read in *Sir Walter Rawley's History Lib. 2. Ch. 9. sec. 2 & 3.* Yea the Tyranny of *Duke d'Alva* cost his Master the King of *Spain* the revolt of the *Hollanders* to his unimaginable losse. But to returne, did not you and the Lords the other day pass Votes and Communicated them to the Common Councel of *London*.

dan to declare to them and the whole Kingdom, you would continue the Government, by King, Lords and Commons? and can it now stand with your Honour and Justice, to goe about to advance a single, illegall Order of the Lords above all the Laws made joyntly by you the Lords and King, and to make Ciphers of your selves and your House as well as of the King? which undeniably you do, if you indemnifie Master *Wollaston* by superseding my action at Common Law against him; Again, have you not in your Declaration of the 15 of June 1647. (in which is contained your Votes, to lay the King aside and make no more applications or addressies unto him) declared to preserve unto the people their Laws, and to govern them thereby? sure I am these are your own words, having received an absolute denyall from his Majesty: The Lords and Commons do hold themselves obliged to use their utmost endeavour speedily to settle the present Government in such a way as may bring the greatest security to this Kingdom, in the enjoyment of the Laws and Liberties thereof: And can it now stand with your honour and Justice to fall from this and all other your publique Declarations, by denying me the benefit of the Law against Master *Wollaston*, that unjustly imprisoned me, and Tyrannically and closely imprisoned me, to the hazard of my life and being, and that by an illegall warrant of the Lords, who have no power in Law to commit me, or so much as to summon me before them, in reference to a tryal? much lesse when I do come at their Bar, to deal with me like a Spanish Inquisition, by examining me upon Interrogatories to insnare my self, and refuse to let me see either accuser, profecutor, indictment, charge or impeachment: but presse me againe and again to answer Interrogatories against my self, and so force me to deliver in a Plea, according to my priviledg and the Laws of the Land, against their illegall dealings with me, and then to wave all pretence of any foregoing crime, and commit me the 11 July 1646. to Master *Wollaston* to *Newgate* prison during their pleasure for delivering in that my very Plea, which hath not a word in it but what is justifiable by *Magna Charta*, and the *Petition of Right*; and then when I am at *Newgate*, by pretence of a Warrant of the 22 of June after, for Master *Wollaston* to cause his servants to break into my Chamber and by force and violence to carry me before the Lords, who had, nor have no more Jurisdiction over me by the Laws of *England* to try me, passe upon me, or condemn me, then so many *Turks* have: and when I come there, they only look upon me, but lay nothing to my Charge, neither by word of mouth, nor writing but passe an Order in these very words,

Die Martis 23. Junij.

Ordered by the Lords assembled in Parliamen, That John Lilburn shall stand Committed close Prisoner in th Prison of *Newgate*, And that he be not permitted to have pen, ink or paper, and none shall have accesse unto him in any kind, but his Keeper, untill this Court doth take further Order.

And that is when they turn honest and just, which I do confidently believe will never be; here is illegality upon illegality, and Tyranny upon the neck of that, and yet Master *Wollaston*, and that Barish fellow *Briscoe*, executed it to the height without any scruple of conscience, although they might have as well by vertue of the same Warrant have cut my throat, as have used me as they did, till the 11 of July 1646. at and upon which day they by force of armes, with thirty

thirty or forty of the hangmans guard of Halbertcers, and against all Law and Justice, carried me before the Lords, upon pretence to hear my Charge read, although the Lords had not, nor have not in Law the least power in the world to try me or to summon me, as hath been notably and undeniably proved in the Case of Sir John Maynard and the four Aldermen, in the releasing of whom as the Lords have done, if ever they had any Jurisdiction over Commoners in any kind whatsoever, they have now totally given it away; for they were all impeached by the House of Commons, and their impeachments transmitted from them before ever they medled with them, which I never was, and yet flew as high in their Protestations and Declarations against the Lords Jurisdiction over them as ever I did, whom notwithstanding for all this, without stooping, submitting, or so much as petitioning, the Lords released, and of their own accord took all their proceedings against them off the file, thereby declaring to the whole Kingdom, that their own consciences told them they had no Authority in Law to go about to try them, being none of their Legall Judges, though they were impeached by the House of Commons, and that they had done nothing but their duty in protesting against them, and their Jurisdiction over them.

Therefore (my Lord Munson) can it stand with the Justice and Honour of your House, in your first Remonstrance to the Kingdom, pag. 6. to cry out so bitterly as you do against the Kings Ministers, who durst be so bold and presumptuous to break the Laws, and suppress the Liberties of the Kingdom, after they had been so solemnly and evidently declared by the Petition of Right, by committing divers free men of England to prison for refusing to stoop unto the Commission of Loan, whereby many of them contracted such sicknesses as cost them their lives, and detaining others close prisoners for many months together, without the liberty of using Books, pen, ink, or paper, denying them all the comforts of life, all means of preservation of health, nor permitting their Wives to come unto them: And for the complicating of that cruelty, after yeeres spent in such miserable durance, to keep them still in their oppressed condition, not admitting them to be bailed according to Law, and oppressing and vexing them above measure; and the ordinary course of Justice (the common birth-right of the Subjects of England) wholly obstructed unto them: and divers others oppressed by grievous Fines, Imprisonments, Stigmatizings, Mutilations, Whippings, Pillories, Gaggs, Confinements, Banishments after so rigid a manner, as hath not onely deprived men of the society of their friends, exercise of their professions, comfort of books, use of paper or ink, but even violated that neer union which God

** Was this wicked and illegall in the King? and can your denying my wife (as in my present imprisonment you have done) so much as to see me, or speak with me, or bring me food to preserve me alive, be legall, just, and righteous in you? Let God*

hath established betwixt men and their wives, by forced * and constrained separation, whereby they have been bereaved of the comfort and conversation one of another. Can all these doings be criminous and wicked in the King's Ministers? and can your denying of justice for seven yeeres together to me, that suffered the grievousnesse of these very torments, be just and righteous? Let God and the world judge, whether you

you by your actions do not justify all the fore- *and all righteous men judge betwixt you going unjust proceedings, nay, and out strip them, in that you your selves do, or suffer to be done* (when you have power enough in your hands to remedy, but will not) *and me in this particular.*

divers of the very self same things to some of the very self same men, after (in obedience to your commands, in the sincerity of their souls) they have freely adventured their lives (and so carried themselves in all their actions towards you, that all their adversaries are not able, nor ever were, to lay in law any crime to their charge) for the redresse of all the foresaid grievances? and yet the best recompence you your selves give unto them, is, to toss and tumble them yeer after yeer, from Gaol to Gaol (without laying any crime unto their charge) denying them the benefit of their Birth-right, the Law of the Land, keeping thousands of pounds of their own from them, and endeavouring in their long imprisonments to starve

and murder them, their Wives and Children, by being worse then the King was to your Members, (who allowed them three, four, and five pounds a man weekly, notwithstanding their own great estates to live upon) in allowing them never a penny to live upon, endeavouring to protect all those unrighteous men that (contrary to Law) have endeavoured to murder and destroy them, and take away their lives and beings from the earth. And all this is my own case and sufferings from you your selves. Therefore Hear, O Heavens! and give ear, O Earth! and the

† *As particularly that old guilty Traytor Sir Henry Vane, who was one of the principall men that passed that bloody murdering Sentence in the Star-chamber against me, in the yeer 1627: and whose power (by his crafty Machiavel Sons interest, young Sir Henry) kept me above eight yeeres together in suit in the House of Commons, that I could not get one dram of Justice, or reparation against my Star-chamber Judges; although the pursuing of that Suit one way and other, cost me above a thousand pound: Yet at last, when I got an Ordinance for 3000 li. for reparation (not from those that did me wrongs, but from the Common-wealth's Sequestrations) yet in the passing of that Ordinance, steps up John Blackston in the House, (one of Vane's creatures, for the many thousand pounds sake of the Common-wealth's money he hath helpt him to) and he gets all consideration of interest for the forbearance of the money, cut off: so that it would be many yeeres before the whole sum allowed would come in: onely there was a thousand or fiftie hundred pounds worth of wood sold of Sir Henry Gibbs in Brandsburth Park which Sir Henry Vane, by his power, in the Knights absence and mine both, gets an Order to possess, although he hath no right unto it: so that my 3000 li. will be well nigh this ten yeeres before the annuall rent of the Lands allotted will bring it in: which will scarce be Use for the Principall. Of all which usage, when I came out of the North to the Citie, (immediately after the execution of the King) I complained to Sir Arthur Hallerig, (then my familiar friend) and begged of him to deliver a Message for me to Lieut. Gen. Cromwel; in which I acquainted him step by step, how old Sir Henry Vane had without cause, for this twelve yeeres together sought my blood, and had got a good part of it; and I knew that Lieut. Gen. Cromwel had (by his son's familiarity with him) been of late the staffe and stay of the old Traytor: and therefore I desired him to tell him, I thought there had been out-falling enough betwixt Cromwel and me already, occasioned by himself; but for my part, I desire to have no more jarring betwixt us, and therefore did earnestly intreat him to let old Henry Vane and me alone to stand or fall by our selves: For seeing he would never give over the pursuing of my life, I must be forced to have a touch at his; for I told Sir Arthur, I was resolved either to righ-*

impetch him or indict him for a Traitor in betraying all the North of England to the Earl of Newcastle and sending his Magazine of Arms to him and all just men to Newcastle from Raby Castle, assuring him in reuer that if L. G. Cromwel would yet protect him, for all his greatesse, I would try another fall with him, cost it what it would; but as if it were the highest treason in the world for any man in England, but he that is a Parliament man, to say that blacke the eye of any man in that House, old Sir Henry and young Sir Henry Vane are both endeoured by King Nol to be brought in againe to the House (having been formerly excluded for three quarter Cavaliers) and to be made Members of the New Councell of State; and King Nol by his Beagles at the Council of War gets a Vote to passe to desire him to get a law made by the House to authorize that bloody and tyrannicall Councell to hang poor peal-garlick or any other that they should judge worthy of hanging, so that here was a fine mouse-trap for old and young Vane to catch poor John in, not obtained without doubt of the greatest engagement in the World to be King Nols Slaves & Vassals, to ingage with him, and drive on any interest he would have them, for his so seasonable help of them at this their great time of need, against furious John (as they call him) who in Feb. last offered a Committee of Parliament (where S. Arthur then sat Chairman) upon his life upon the Authority of their own Ordinances to prove old Sir Henry & his son Sir George Vane both Traytors, & to help them to transport their souldiers for Ireland (out of their states & their trayterous Confederates in the County of Durham) 500000. and earnestly begged of S. Arthur & the Committee to acquaine the House herewith; but the next news I hear King Olivers paw was laid upon poor John; but if he and his Cozen Prince Arthur come to burn their fingers before they and John hath done, let Oliver thanke himself, and leave Trayterous old Sir Henry Vane and his wicked sons to stand upon their own legs without the help of his Crutches the next time.

And therefore if there be any truth or resolutions in you to stand to any thing that you say and declare, I challenge at your hands the benefis of all your Declarations and Remonstrances, which are all of my fide; and particularly the notablest of Declarations of the 6 of May 1643; and 17 April 1646. which was made before my contest with the Lords, in which you declare (2 par. Book De. fo. 95. & 879) that although the necessity of war have given some disturbances to loyall proceedings, stopped the usuall course of justice, enforced the Parliament for the preservation of this right to impose and require many great and unusual payments from the good Subjects of this Kingdom, and to take extraordinary wayes for the procuring of monyes for their many pressing occasions; It having pleased God to reduce our affaires into a more hopefull condition then heretofore: We do declare, that we will not, nor any by colour of any authority derived from us, shall interrupt the ordinary course of Justice in the severall Courts of Judicatures of this Kingdom, nor intermeddle in cases of private interest otherwise determinable, unless it be in case of male administration of Justice, wherein we shall so provide, that right be done, and punishment inflicted as there shall be occasion according to the Law of the Kingdom, and the trust reposed in us.

Therefore seeing that you that stile your selves the fountain and conservatory of the Law, first par. Book Declar. pag. 272 have declared in answer to the Kings Complaint against scandalous pamphlets (which was the original presence of the Lords quarrelling with me) that you know the King hath wayes enough in his ordinary Courts of Justice to punish such seditious Pamphlets and Sermons, as are any way prejudiciall to his rights, honour, and authority;

pag. 203. and if the King the Superior or Creator of the Lords; must be tyed in this case to the ordinary Courts of Justice, according to the Laws of the Kingdom, then much more the Lords the creature or inferiour to the King; And therefore I hope you will not be angry with me for refusing obedience to the illegall commands of the single Lords, the inferiour, or hinder me from obtaining Justice, according to Law, upon those that most barbarously executed them upon me, seeing you and the Lords themselves have taught me, and all the people of England, disobedience to the illegall commands of the King the greater, as clearly appears by your Declarations of July the 12, & July 26, 1642. 1 par. Book Decl. p. 201. 45 S. 483. The words of which last are, That the Lords and Commons in Parliament do Declare, That it is against the Laws and Liberties of the Kingdom, that any of the Subjects thereof should be commanded or compelled by the King to attend him at his pleasure, but such as are bound thereunto by speciall service; And if any Messengers or Officers shall by colour of any command from his Majesty, or Warrant under his Majesties hand, arrest, take, or carry away any of his Majesties Subjects to any place whatsoever, contrary to their wils, that it is both against the Law of the Land, the Liberty of the Subject, and it is to the disturbance of the publick Peace of the Kingdom; and any of his Majesties Subjects so arrested may lawfully refuse to obey such Arrests and Commands. To the same purpose you also vote and declare, in pag. 93. 95. 112. Therefore, seeing the Law of the Land is so often by you declared to be the undoubted Birth-right of me, as well as the greatest Lord in England, or Parliament man whatsoever, I earnestly crave, and challenge at your hands, as much for my self, as you did at, and from the hands of the King, for the Lord Kimbolton and the five Members, Sir John Hotham, and the Lord Maion Pennington, Alderman Foulke, Col. Penn, and Col. Manwaring, viz. the benefit of the Law of England in the ordinary Courts of Justice; which is, not to be taken, or imprisoned, pass'd upon, nor condemned but by due Proceede of Law, before a Justice of Peace, according to the Law of the Land, and not to be imprisoned but for a particular crime in Law, expressed in the Commitment, by those that have power in Law to commit me; nor to be tried or condemned, but by presentment, &c. before a Jury of twelve men of my Peers or equals of the same Neighbourhood where the fact was committed; which is, as you declare by Sir Edward Cook in 4 part Institutes fol. 41. the ancient and undoubted Birth-right of all the Subjects of England, and to have my remedy at Law, against all those that shall deal with me contrary to Law. And that you challenged all these things for them before mentioned, you may read in your own Declarations, pag. 7. 38. 39. 41. 53. 57. 77. 101. 123. 140. 162. 201. 203. 208. 210. 245. 277. 278. 459. 660. 845. All which I cannot doubt but you will grant unto me; because it cannot rationally enter into my breast to conceive, that you your selves can judge it consonant to Justice to set me, and the hands, and ten thousands of the people of the Kingdom to fight at your command for the preservation of our birth-right the Law, and then for you to deny it unto us, and deprive us of it, and to recompence us with slavery; which we are in, when we lose the benefit of the Law. Surely, this cannot in honour and justice become you, that call your selves the Conservators of the Law. But if you shall avowedly deny me the

benefit of the Law, you frustrate your end in making Judges to sit in *Westminster Hall* to execute the Law, and put a mock upon the people, and dissolve the whole frame and constitution of the civill Policy of the Government of this Kingdom into the original law of Nature, and leave every man to judge within his own brest what is just and righteous, and thereby necessitate me, whether I will or no, to do that in reference to you, which you in your great straits, did in reference to the King; viz. Appeal to the righteous Judge of all the world, and the judgment of the people to decide the controversy betwixt you, as appears in your own Declarations, *1. part Book Dec. p. 172. 196. 214. 263. 278. 464. 491. 495. 496. 498. 629. 636. 666. 690. 699. 701. 728.* and if I perish, I perish. For what greater tyranny can there be in the world, or what greater straits can a man be put to, then to delayed justice, (which is worse than to be denied) for above seven yeers together, by those that have raised a bloody war, and pretended for justice: and then, after I have spent above 1000 li. in endeavouring to obtain Justice and my own at your hands, and after I have served you faithfully, and adventured my life in the field for you, and undergone multitudes of other hardships and hazards at *Oxford* for you, and carried my self in all my actions towards you unspotted, and that upon your own declared principles: and after all this, to be tossed and tumbled by you from *Gaol*, year after year, for nothing but my honesty; and can come to no legall tryall, although I have endeavoured it with all my might; and to have by you thousands of pounds of my own kept from me, and not a penny in all my captivitie allowed me to live upon, but in the eye of reason exposed to famish and sterve, or to eat my Wife and Children; O monstrous and unnaturall cruelty! which I will maintain upon my life, is not to be parallell'd in all *Queen Marie's* dayes, nor in the worst of *King Charles* his Reign.

*So (my Lord) I have done with my P L E A;
and take leave to remain a true hearted Englishman;*

JOHN LIBURN.

Now Master Speaker, having finished my Plea to the Committee of Indemnity; I must acquaint you that I brought it to the said Committee, with whom I had some verball expostulations, after which I began to open my Plea, having it fair writ in my hand, which the Committee no sooner saw but presently they left (me according to my desire) to the ordinary course of the Law, where I was necessitated at present to cease prosecution of *Wollaston*, because I was continually in expectation of my Liberty from the Lords, and therefore judged it but wisdom in me not to provoke them, and also for perfecting of my Ordinance, for my long sought, dear bought, and hard suffered for reparations, from old *Sir H. Vane* and the rest of my cruel Star-Chamber Judges; which Ordinance with much ado was at last concluded, though to little purpose as before truly is noted in p. 15, 16. And for my Liberty

Liberty, I was chiefly beholding for that to my friends in *London*, who in seven dayes got eight or nine thousand hands to a Petition for me, in the day of your straits by the Cavaleers, and presented it to your House, which my true friend, and faithfull and couragious fellow sufferer *Sir John Maynard* took the advantage of, and improved the utmost of his interest, and thereby became principally instrumentall both in your House and in the House of Lords for my Liberty then, unto whom I must and do returne the chiefest thanks for it.

But now Sir, seeing my life (for nothing but my honesty, and because I will not be a slave to mens lusts) is so strongly sought for to be taken away by those that have made the largest pretences and promises that can be made in the world to deliver this Nation from thraldom, bondage, vassallage and slavery; and seeing they are such painted Sepulchers that they are like to cozen all the honest men in *England* with religious cheaters, such as *Master Edmond Rorer*, with whom as teacher to the Congregation where I was a Member, I walked many yeares in fellowship, and *Master William Kiffin* who was once my servant, and unto both whom the indearest of my affections run out unto; to either of which I never gave a provocation to, nor wronged in all my dayes to my knowledge, neither of which (although the first of them and I have been familiar together for almost tweaty years) I am confident of it, in reference to my actings to the sons of men, are able to my face to say black is my eye, yet for these men so high and mighty in their pretence of religion, and in their formes familiarity and friendship to me, to persecute me bitterly, and write reproachfull books &c against me and in the day of my calamity (when the great men of the Nation make deep furrows upon my back for nothing) when I am as it were in the Kennell, and my hands and feet tied, then to beat, buffet, wound me, and pursue my very life; O the height not only of unchristianity, but even of unmanhood it selfe! such actions differing nothing in beastlinesse and brutishnesse from the brutest of Beasts themselves; if it had been enemies (as *David* did in the like case *Pf. 55. 12, 13, 14.* that had done it, I could have borne it; but for my familiar, & some, indeared friends, to deal thus with me, and that in the day of my adversity, when my life is hunted for like a Partridge upon the mountains, in this they are more unnaturall then the very Pagans and heathens themselves; for saith *Isaiah, cha. 21. 14.* The Inhabitants of the land of Tema brought water to him that was thirsty, they prevented with their bread him that fled; and for their making a frothy light, giddy headed fellow of me in their late book called *Walwyns wyles*, easily deluded and drawn aside, being of no depth in my self; I am confident there is no two men in *England* that know me, whose consciences are more perswaded of the falsity of that their own assertion in every particular then *M. Rorer*, and *Master Kiffin* are, if they would speak the truth from their very hearts; the whole stream of my actions extraordinarily well known to both of them for these twelve or thirteen yeers together, being as a large demonstration that I understand the things I goe about; and am not to be biased with favour, flattery, front, nor hard usages; (but act singly and nakedly upon my own principles that I believe God distills into my soul) I believe as the actions of any man upon the face of the earth are, having never forsaken nor changed my principles

principles from better to worse the space of one hour, from the day of Gods sweet and fatherly discovering, and distinct, and assured making known of his eternall, everlasting and unchangeable loving kindnesse in the Lord Jesus unto my soul, to this day, although I am confident it is now above 13 years, since I knew God as my loving and reconciled father, that had particularly washed and cleansed my soul with the precious blood of Jesus Christ, and had caused the grace of God to appear in my soul, to reach me (as a reciprocall duty spread abroad in my heart by the overflowings of the fountaine of love within me) to abstaine from all ungodlinesse and worldly lusts and to live soberly and righteously, in this present evill world, doing good to all, but especially to the household of Faith, Ingraving with his Spirit upon my heart as with a point of a Diamond those Divine Lawes, viz. to doe to all men as I would they should do to me, and in all the carriage of my life to be watchfull over my actions, and not to do evill that good may come of it, and thirdly that seeing that I am bought with a price by Redemption, that therefore I should not be the servant of men (to serve their lusts and wills) but entirely and solely the servant of God, to glorifie him with my body, in righteous and just actions amongst the sons of men, as well as in my soul, in speculation, imagination or adoration; and so at present I leave them to the reflections of their own consciences, if the vanity of the world and the fading promotions thereof hath not eat out the life and sensible part of them; into whose secrets now let not my soul (O Lord) enter ino. But as for the rest of their subscribing Comrades; being in all six or seven, I know not some of them, only John Price and Richard Arnold I know to be men fitly to deserve the name of Common Baristors, or known Eves-droppers, so detestable and abominable therefore to all truly & really honest unbiassed men that know them, that a man shal but defile himselfe to touch them with a paire of tongs, deserving no other answer from me for their indefatigable and restlesse pains to bespatter and destroy me, but either the highest of scorn, or a good cudgell in due time; and so at present I leave them to the serious perusal of their own ugly forms and shapes, lively pictured out in that most excellent and masculine Anatomy of them, by Doct. Brooks in his Law-Book entitled the Charity of Churchmen, or a Vindication of (my most choice and honest Comrade and Fellow-sufferer) Master William Walwyn.

But in regard my grand adversaries, and their little Beagles in London, doe continually report me to be a man of contention, and one that is never quiet from broyls, nor never content with any Government, but full of self-conceitedness, malice and revenge; it will be very necessary for me to return an effectuall answer to this, before I come to the main thing I intend.

And therefore in the first place; When I was a childe (as Paul saith) I thought as a childe, I did as a childe; but after I came to have any discretion, well nigh twenty years agoe, my Father brought me to London, and bound me Apprentice to Mr. Thomas Hewson near London-stone; whom I served as faithfully about six years, as ever Apprentice served a Master: And though he had no more but my self, and had many thousands of Pounds went through my hands, driving a large Whole-sale trade; yet directly, nor indirectly, I cannot remember that ever I wronged him of a Groat, or the value of it; or that ever all the time I was with him, I was ever branded or taxed with one base visible action; or that I either gave or took a box on the eare, or any thing like it, or ever quarrelled

relled with any Flesh alive all the time I was there; (although I had then as much mettle, life and spirit as most young men in London had) only I must confess, my old Master offered me somtimes some abuse, for which I carryed him before the Chamberlain of London, and ever after lived in peace with him: And after that, in all the dayes of my calamity by the Bishops, had the truest and cordiallest friend of him, that ever servant had of a Master in the day of his tryall. And though in his service (keeping only a Ware-houze) severall days in the week I had spare time enough, yet I never misspent it, but continually spent it in reading the Bible; the Book of Martyrs, *Luthers, Calvins, Bezaes, Gaitwrights, Perkins, Motins, Burtons, and Rogers Works*, with multitude of other such like Books that I had bought with my own moneys; till the foresaid Mr. Edmond Rorer, my familiar friend and neighbour, and fellow-professor of Religion, (conversant at my Masters house from the beginning of my coming to him) brought me in anno 1636. acquainted with Dr. Basswick then prisoner in the Gatehouse, whom after I visited constantly, and for whose service I could have laid down my life; and for my true affection to him, I was forced by the Bishops and their Catchpoles to fly into the Low-Countreys for refuge, just about the time of his Banishment, where I was divers months, and where the Kings Ambassador, *Sir William Boswell*, laid for me (as I was informed) severall designes to put me a Ship board, and send me over to England to the Bishops here, for my visible activity there against them, which forced me continually to wear my sword about me; yet in all my time there, I never gave nor took a box on the eare, nor had so much as a single quartell; and at my coming to England I was in danger enough, and therefore went like a swaggerer disguised, and yet was betrayed by my pretended bosome friend, *John Chilliburn* servant to old Mr. *Wharton* in Bow-lane, and so fell into the devouring clutches of the High-Commission, Councell-board, and the Star-Chamber, all three of which had a sting at me: But in all my troubles and tryals by them for divers years together, I never saw or heard of any other prosecutor, but only two most desperate, forsworn, false Oathes of my then familiar acquaintance, *Edmond Chillington* then *Button* seller in Cannonstreet, and now a forsworn Lieutenant in *Colonell Whalceys Regiment of Horse* which false Oathes he was hired unto by the Bishops and their Chaplins, *Mr. Baker*, &c. and by means of which he got his own Liberty, and this he did for my currese and kindnesse to him in his then captivity, &c. owing me at this day, I am confident of it, upon that account well nigh 30 pounds: by meanes of which Oathes, I had above 500 stripes with knarred cords, given me by the bloody decree of old *Sir Henry Vane*, &c. and endured a world of other unheard of miseries and barbarous cruelties for three years together: and at my deliverance by the Parliament, I could have had his eares for perjury, as easily as to have kissed my hand, if I had been revengefull; but so far was I from that, that I never questioned him for it, but contrarily I requissed him good for evill, when he was prisoner in *Oxford Castle* with me, and ready to starve, being destitute both of money and friends there; and to save him alive, I readily lent him both gold and silver, as he very well knowes, by the same token I was without my money long enough; and in the day of his prosperity here, I was faine to ask often enough for it, before I could get it again.

So here it is true, I was in contestation with the High Commission, Council-Board, and Star-chamber, but they began with me, and not I with them, (the story of which you may read in my book called the Christian mans tryall, Printed for Mr. W. Larnier.) It is true also, I had in them sufferings, many contestations with Gaolers, but it was to preserve my life, when they contrary to Law would have murdered me; but with all my fellow-prisoners, &c. I lived as peaceably, as lovingly and friendly as any man in the world did; and all this contestation was but for the maintaining my legall rights due to me by the Petition of Right, which before the beginning of those troubles I had read, and a little understood: In which contest this Parliament in its Primitive purity hath justified me, in not only by abolishing the foresaid unjust Courts by Act of Parliament; but also in and by their Votes of the 4th. May, 1641. which thus followeth; Resolved upon the Question, That the sentence of the Star-chamber given against John Lilburne, is illegall, and against the liberty of the Subject; and also bloody, wicked, cruel, barbarous, & tyrannicall. Resolved also upon the Question, That reparations ought to be given to Mr. Lilburne, for his imprisonment, sufferings and losses sustained by that illegall sentence; Which I confesse, I never got to this day, but had been a rich and happy man in reference to the world, if it had been voted I should never have expected any; for then might I have spent my eight years time in my trade beyond sea, that I have in a manner spent in following these Votes; and one way or other 1000 or 1500 pounds to boot; with seven or eight imprisonments besides for nothing.

Well, after this I fought with C. Lunsford, and divers others at Westminster, (who drew first) with my sword in my hand, to save the Parliament mens throats from being cut, conscienciously judging nothing that I had too good to hazard for so just an Authority, as I then judged them to be; & they have since well rewarded me for my pains, with 7 or 8 cruell imprisonments, and never told me nor any body else to this hour wherefore, with many strong endeavours to take away my life in the said imprisonments unjustly; but I hope, they especially will justifie me in that contest; however, I from my heart beseech the righteous Lord of Heaven and Earth to judge righteously and impartially betwixt them and me, and to manifest his Righteous judgment betwixt us visibly to the world, that so the sons of men may see it, and behold it, and fear, and tremble before him.

Well, in the next place the Wars begun betwixt them and the King; and truly having seriously read all their primitive most excellent Declarations, and sufficiently my self smarted under the Kings irregular government, in the violating of the Laws of England, the compact betwixt him and his people; which he in my judgment had then notably violated; And not in the least doubting but they would be as good as their words and Declarations, which were to secure the Peoples Lives and Liberties to them, and not in the least to seek themselves; to provide for their weale, but not for their woe: and reading in the Scripture, Rom. 13. that the end of the institution of all Magistracy in the world, is for a terror to evil doers, and for a praise to those that doe well; the serious consideration of which, wrought out something in reason in my own thoughts, to ballance the letter of those Laws, (which I then knew were absolutely for the King) something like those generall rules or maxims in Law,

recor-

recorded by that most excellent of English Lawyers, Sir Edw. Cook, in his 4 part Institut. fol. 330. which are, That although the Law (of England) speak in generall terms, yet it is to be bound up, or accepted, but where reason ceaseth, there the law ceaseth; for seeing reason is the very life and spirit of the Law it self, the Lawgiver is not to be esteemed to respect that which hath no reason, although the generality of the words at the first sight, or after the Letter seem otherwise: And it, in my reason, could not be rationall for any men to appoint a compact to be betwixt two parties, but to bind both equally alike, King as well as People; and not to keep the people bound to the expresse letter of the Kings part, or any others; when the King or that other, shall break his or theirs in twenty particulars, as by Ship-money, Projects, &c. And further, saith Cook, fol. 328. ibid. Such an interpretation of ambiguous things (in Law) is always to be made; that absurdities and inconveniences may be avoyded: but absurdities and inconveniences cannot be avoyded, if the expresse and single letter of any Law, in reference to a King or Parliament, shall tie or bind me to cut my own throat, or any other wayes destroy my self, or my companions, brethren, or neighbours, which is irrational or unjust for me to do: 1 Part. Book Decl. p. 150. So upon these or the like grounds, I took up arms in judgment and conscience against the King, and contested with his misgovernment in subduing my legall and native Rights, and in my sufferings and arraignment at Oxford therefore, carried my self with a great deal of resolution and undauntedness of spirit; for which the Parliament by speciall Declaration of the 17 of December 1642, justified me: which Declaration you may see 1 part Book Decl. pag. 802, 803. yea, and exchanged me very honourably, high above my quality and condition; and at my coming home, some of them that were no mean ones, proffered my wife a place of honour and profit for me; then reputed worth about 1000 l. per annum: which I conscientiously scorned and slighted, professing unto my wife, to her extraordinary grief, that I must rather fight (though it were) for 8 pence a day, till I see the liberties and peace of England settled, then set me down in a rich place for mine own advantage, in the midst of so many grand distractions of my native Country as then possessed it: and so I left old Essex, that had been so generous unto me in giving me almost 300 l. ready money at my deliverance, as Colonel Fleetwood and Colonel Harrison very well know: But him for all that (I say) I left; for his persecuting for non-taking the Covenant, and down to Lincolnshire I posted; to my then two Darlings and familiar Friends, Manchester and Cromwel; where I engaged heartily, [and spent all Essex his money freely] and continued in many a desperate service, till Manchester visibly degenerated; and would have hanged me, for being over-honest, and over active in taking in Tikel Castle too soon: which with his visible turning knave; and apparently betraying his trust at Dennington, in designing his Army, or the best part of it, a sacrifice to the Kings fury, made me engage against him and others of his Associates, with Cromwel, who thereunto solicited me, and also threw up my Commission; and so his baseness spoiled a Souldier of me, that I could never fight as a Souldier since; although Cromwel by himself face to face, and by his Agents (I am confident of it) hath from time to time much, and as earnestly solicited me, as is possible for a man to be solicited; to take up command in Fairfax his Army, But no sooner

sooner was I by the ears with *Manchester*, who first began with me; but Mr *Prynne* wrote this desperate injektive Books against us, all that would not be conformable to the Covenant (that Cheat,) and the Scots Presbytery (that every thing and nothings;) and would have had us all destroyed, or banished the Land of our Nativity: so in conscience to God, and safety to my self and brethren (Mr *Edmund Roser*, my present unworthy Antagonist, being then my pastor or teacher) I was inwardly compelled to deal with him, that thus fought to destroy the generation of the righteous; and accordingly I wrote him a sharp Epistle, now in print, dated 7. Jan. 1644. which brought upon my back a whole slew of troubles; and a Vote or Votes in the House of Commons past against me: whereupon, without any more ado, black *Corbet* and the Committee of Examinations makes me a Prisoner, and to seeth and tumbleth me to the purpose: So before him, upon the 13. of June 1645, was I forced to give in my reasons (now in print) wherefore, I wrote that excellent and seasonable Epistle (which was the first avowed publick Cannon I know of in England, discharged against the then insulting Presbyter, for the liberty of the consciences of my present bloody and malicious persecutors, that now stile themselves the Pastors and Leaders of the Churches of God; but do indeed and in truth, by their unnatural, unchristian, and unjust actions deserve no other stile, but mensie for nothing, but to be the Pastors and Leaders of the Synagogue of Satan) The whole story of which contest with Mr *Prynne*, you may read at large in the beginning of my Book, called *Innocency and Truth justified*. And I hope my present Adversaries, who pretend themselves to be Leaders in the Churches of God, will justify and acquit me from guilt or crime in these contests; especially considering that they themselves (that now are so violent in hunting after my blood, and the blood of my Associates, in the day of our trouble and calamity, now we are under hatches) durst then do nothing manlike for themselves; but sate in silence like a company of macks without souls or hearts.

And then before I well got rid of this broyl, you your self got the House of Commons the 19. day of July 1645. to fall upon my bones, and Vote me to prison I know not wherefore, unless it were for riding post from *Summerst-shire* through twenty dangers to bring you the first news of the *Lord Goringes Army* being routed at *Lampert*; for you never told me other to this hour; but yet I was tossed by your own means, from *Hunt* your Serjeants hands, to the hands of *Knigh* his Deputy; and from thence the 9. of August to *Newgate*, by that old Patentee Monopolizer *Lawrence Whitaker* then Chairman to the Committee of Examination; and when you had got me to *Newgate*, then you got your *Bull-dogs* in the House to bait me to the purpose, and also turn'd me over to be arraigned at the sessions in *Ollibaily* and so to be hanged at *Tyburn*; for you appointed *Bradshaw* your bloody and unjust Lord President, *Malker Seale* and *Walker* &c. to prosecute me for my life; But after I had sufficiently baited both you and your unjust house; you sent me to *Newgate* a hundred pound in money, I thinke to get me to hold my peace, and the 14. of October 1645. most honorably Voted me out of Prison, and so your self being my accuser, prosecutor and Judge, Justified me in this contest, the relation of which you may at large read in that notable book called *Englands Birth-rights*, and in my Epistle of two sheets of paper

per in print dated 25. July 1645. but especially in my Large Book forementioned, and called *Innocency and Truth Justified*; and in this contest with you, my old acquaintance Doctor *Bastwick*, (for whose sake in the Bishops days I underwent more sorrows then is to be found in any ordinary death) fell upon me also, so that likewise I was faine to contest a little with him, but he begunne first.

And after this, viz. upon the 14. day of April 1646. Colonel *Edward King* arrests me in an Action of 2000l. at Westminster for calling him Traitor, which was only in truth, for discharging my duty in prosecuting him, for betraying his trust to the Kings Party, while he was my Colonel in *Lincolnshire*, and in this contest abundance of your own Ordinances justified me which while I pleaded them in my Epistle to *Judge Reeve* of the 6. of June 1646 now in Print, before whom Kings action were dependent; the guilty conscioned Judge grew as angry with me therefore, as the Lawyers in Christs time did at him, for reproving the hypocric of the Scribes and Pharisees, although nominally he medled not with them, yet their own guilty consciences did inwardly accuse them, which made one of them say, *Master, in saying thus, thou reproachest us also*, Luke 11. 45. unto whom Christ replies and saith, *verf. 46. Gc. Wo unto you also ye Lawyers; for ye lade men with burdens grievous to be born and you your selves touch not the burthens with one of your fingers. Wo unto you for you build the Sepulchers of the Prophets, and your Fathers killed them. Truly ye bear witness that ye allow the deeds of your Fathers: for they indeed killed them, and you build their Sepulchers. Therefore also said the wisdom of God, I will send them Prophets and Apostles, and some of them they shall slay and persecute; That the blood of all the Prophets which was shed from the foundation of the world may be required of this Generation, from the blood of Abel unto the blood of Zacharias, which perished between the Altar and the Temple: Verily I say unto you it shall be required of this Generation. Wo unto you Lawyers for ye have taken away the key of knowledg, ye entred not in your selves, and them that were entring in you hindred.*

And accordingly *Judge Reeves* being wounded within at the down-right truth of my forementioned Epistle or Plea, that lasheth the base and abominable corruptions of him and the rest of his Brother-Judges, then and now Administrators of the Law; and finding something in it that brands *Manchester* for an unjust man in his late Generallhip, who then was Speaker of the House of Peers, away to him trudgeth the Judge in all post haste with my Book; to get him by his power to be revenged of me, which he was easily provoked and perswaded too, and accordingly the 10. of June 1646. He gets an Order to passe the Lords House, To summon me up to the Lords Bar to answer to such things as I stood Charged before their Lordships with, concerning the writing the foresaid Letter or plea, and when I came to their Bar they dealt with me like a Spanish Inquisition, in examining me against my selfe, which forced me then at the Bar to deliver in my plea in Law, to prove that by the Laws of England they had no Jurisdiction over Commoners, to try them either for life, limb, liberty, or estate, which you may read in my Printed Book, called *The Freemans freedom vindicated*, which plea and protestation made them mad, and for which they sent me to *Newgate*, from whence upon the 16. of June I sent my appeal for Justice to the House of Commons against them, which made the Lords madder

madder, whereupon they upon the 22. of June 1646. issued out an Order to bring me to their Bar again, where in contempt of their Jurisdiction, I refused to kneel, for which they committed me to the foresaid *Wollaston* Keeper of Newgate, to be kept close Prisoner without pen, ink or paper, the access of my wife or any other friend, which was with rigour sufficiently exercised upon me, till the 10 of July 1646. which day they issued out another Order to bring me again to their Bar, at which when I came, in the height of contempt of their Jurisdiction, I marched in amongst them with my hat on, & not only refused to kneel at their Bar, but also with my fingers stopp both my ears when they went about to read my pretended Charge, for all which they fined me 4000 l. to the King, and further sentenced me to be a prisoner seven yeares, or during their pleasure, in the Tower of London, to be for ever disfranchised of being capable to bear any office or place, in Military or Civil Government, in Church or Common-wealth; and accordingly I was committed to the Tower; where I was in the nature of a close prisoner, divorced from the society of my Wife, till the 16 of September 1646. Whereupon a strong warre was made upon the Lords and their Jurisdiction, by the Authors of those two notable Books, called *Vox plebis*, and *Regall Tyranny*; and I also paid them pretty well my self, in my two large books, called, *Londons Liberty in chains discovered*, and *Londons Charters*, and by a large Petition of my Wives; and accompanied at the delivery of it with divers of her feminine friends, I got my business to the examination of a Committee of the House of Commons, before whom I appeared, and pleaded the 9th November, 1646. and had fair play, but waited month after month, and could get no report of it made by reason of the sway and power that Mr. Denzil Hollis, Sir Philip Stapleton, & the rest of their Associates had bore in the House of Commons, who were then strong confederates with the Lords in their unjust usurpations, and my then professed enemies, in keeping me from Justice, the benefit of the Law and my right: whereupon I was compell'd and necessitated by a hard, long, and almost starving imprisonment to engage against them; which I did to the purpose, as you may read in my Books, called, *The oppressed mans oppression declared*; *The outcries of oppressed commons*; *The resolved mans Resolution*; and *Rash-Oaths*. And then the Army turned up the chief of their heels, by a trick of *Hocus Potius*, alias, AN IMPEACHMENT; And then up got Mr. *Oliver Cromwell* my pretended friend, with whom, and in whose quarrel (for the Liberties of the Common-wealth (as he pretended) at his earnest solicitation of my wife in London, to send for me from the Leaguer then at Crowland; (and by his message delivered unto me for that end, by his brother-in-law Major *Desborough*, near Sir *Will. Russels* in *Cambridg-shire*) I engaged against the Earl of Manchester, &c. and was one of the first Evidences that gave in my testimony against him, before Mr. *Lisle* then chairman to that committee, where *Manchesters* impeachment did then depend; but alas, Mr. *Oliver* impeached him only for this end; (as the sequel fully declares) not in the least for Justice-sake, but only to get him, &c. out of his command) that so he might get in a friend of his own into it that he could rule; and it may be in time himself; both of which he hath compleatly done: but I say Mr. *Oliver*; by the help of the Army at their first Rebellion against the Parliament, their Lords and Masters, was no sooner up; but like a most perfidious base unworthy

worthy man, he turned my enemy and Jaylor, and was as great with Manchester in particular, as ever; yea, and the House of Peers were his only white Boyes; Being more then his drudges, and more conformable to his will then the House of Commons it self; and who but *Oliver* (that before to me had called them in effect both tyrants and usurpers) became their Protector where ever he came, yea, and set his son *Ireton* at work for them also, inasmuch as at some meetings with some of my Friends at the Lord *Whartons* lodgings, he clapt his hand upon his breast, and to this purpose, professed as in the sight of God, upon his conscience, That the Lords had as true a right to their Legislative and Jurisdiction power over the Commons, as he had to the coat upon his back; and he would procure a friend, viz. Mr. *Nath. Fiennes*, should argue and plead their said right with any friend I had in England; and not only so, but did he not get the General and councill of War at Windsor (about the time when the Votes of no more Addresses were to pass) to make a Declaration to the whole Kingdom, declaring the legal Rights of the Lords House, and their fixed Resolutions to maintain and uphold it? which, as I remember was sent by the General, &c. to the Lords by Sir *Hardresse Valler*; and to indear himself the more unto the Lords (in whose House without all doubt he intended to have sate himself:) he requited me evil for good, and became my enemy to keep me in prison, out of which I must not stir, unless I would stoop and acknowledge the Lords jurisdiction over commoners, (and for that end he set his Agents and Instruments at work to get me to doe it;) And it became the above-board work of him and his son-in-law, after a little under-hand working, to make all means gone about in the Army for my liberty, ineffectuall, or a snare to me; so that I was pinched and forced for my own preservation, to fall about *Olivers* cares, and his Sons both, to discover their depth of knavery acted by themselves and agents in their base dealing with me, (who was then almost destroyed in prison by their villany) as you may partly read in my Books, called, *The Juglers discovered*; *Jonah's cries out of the Whales belly*; *The Peoples Prerogative*; *My additionall Plea before Mr. John Maynard of the House*; and my *Whip for the present House of Lords*.
 But to fill up the measure of his malice against me, after by my own industry and importunity, I had got a little Liberty, in spite of him and his faction, from your House, he and his Faction got your House again to commit me and Mr *Wildman* prisoners as Traitors, upon 19. Jan. 1647. for but manning an honest Petition, that did but a little touch upon the Lords power: And yet this very Mr. *Oliver* hath since been the principall Instrument to pluck up the House of Lords by the roots, as usurpers and encroachers, because they would not joyn with him to cut off the King's head (for that which he is as guilty of himself) and so take him out of his way, that he might be absolute King himself, as now he is, and more then ever the King was in his life: for he can, and hath taken severall free men of England by the shoulders at the House door, and in Westminster-hall, and by his will, without any due processe of Law, committed them prisoners to his mercenary Janisaries, (as lately he hath done to honest *Cornet Chesman*, (not of the Army) for but delivering a Letter of his unjustly imprisoned Captains, *Cap. Bray*, to the Speaker, and soliciting him for an Answer to it.) The like of which Tyranny the King never did in his Reign; and yet by Saint
 D 2 *O'iver's*

Oliver's means, lost his head for a Tyrant. But the thing that I principally drive at here, is, to declare, that Oliver and his Parliament now at Westminster (for the Nations it is not) having pluck'd up the House of Lords by the roots, as usurped, tyrannicall, and unjust, hath thereby himself justified me in all my contests with them, in denying their Jurisdiction over Commoners by Law.

And although Oliver had his hands full with Poyer, Gering, Holland, Hamilton and Langdale the last yeer; but especially with the generall odium that was then in both Houses against him, upon the notable Impeachment of his Major Huntington, and I then by my absolute freedom was a little up, and could have at my pleasure been revenged of him, if I had so pleased, either by divisions in his Army, which was easily then in my power; or by joyning in impeaching him with Major Huntington; which I had matter enough to do, and was earnestly solicited to it again and again, and might have had money enough to boot in my then low and exhausted condition: yet I scorned it, and rather applied my hand to help him up again, as not loving a Scotch Interest, as is very well and fully known to his present darling Mr Cornelius Holland, and also to Colonel Ludlow, and Mr Thomas Challoner, with other Members that I could name; and which was demonstrated to himself by a Letter I sent him by Mr Edw. Sexby, whom on purpose I procured to go down to him: the true Copy whereof thus followeth:

S I R,

What my Comrade hath written by our trusty Bearer, might be sufficient for us both; but to demonstrate unto you that I am no staggerer from my first principles that I engaged my life upon, nor from you, if you are what you ought to be, and what you are strongly reported to be; although, if I prosecuted or desired revenge for an hard and almost steroving imprisonment, I could have had of late the choice of twenty opportunities to have payd you to the purpose; but I scorn it, especially when you are low: and this assure your self, that if ever my hand be upon you, it shall be when you are in your full glory, if then you shall decline from the righteous wayes of Truth and Justice: Which, if you will fixedly and impartially prosecute, I am

Yours, to the last drop of my heart blood,
(for all your late severe hand towards me)

From Westminster the 3 of August.

1648, being the second
day of my Freedom,

JOHN LILBURN.

Which Letter &c. as I have been told by the Bearer, was not a little welcome.

But his dealings with me now manifest that Proverb to be very true, viz. Save a Thief from the Gallows, and for your requitall, he will be the first shall hang you. But to this I shall say no more but what the Spirit of truth saith in Prov. 17. 13. That he that rewards evill for good, evill shall not depart from his house. And being at liberty, not liking in the least the severall juglings I observed in divers

divers great ones in reference to the personall Treaty, and that there was nothing worth praising or liking thought of or presented by the Parliament in reference to the Peoples Liberties or Freedoms, (especially considering their late large expences and hazards for the procurement of the settlement of them) I was compelled in conscience to have a hand in that most excellent of Petitions of the 11 of Septemb. 1648. which (I am sure) was no small piece of service to Cromwel and his great Associates: though his Church-men, now my chiefest Adversaries, durst not joyn in it, nor own it for very fear. And having been in the North about my own business, where I saw Cromwel, and made as diligent scrutinies into things about him, as I could; which I then to my self judged, savoured more of intended self-exalting, then any thing really and heartily (of what before I had strongly heard of him) to the through advancement of those things that were worthy to be accounted indeed the Liberties and Freedoms of the Nation:

And being come to London, my self and some other of my friends, by two Messengers, viz. Mr. Hunt one of Cromwel's creatures, and another, sent a Message down to him to Pomfret, to be delivered to himself, and to debate it with him, and bring his expresse Answer back again speedily: the effect of which Message was,

That to our knowledge, God had caused him to understand the principles of a just Government, under which the glory of God may shine forth by an equall distribution unto all men.

That the obtaining of this was the sole intended end of the Warre: and that the Warre cannot be justified upon any other account, then the defence of the peoples right, unto that just Government, and their Freedom Under it.

His Answer to which Message by Mr Hunt was principally directed to the Independents; some of whom appointed a meeting at the Nags-head Tavern by Blackwell-Hall, and invited M. Wildman and my self, &c. thither, whether we went accordingly, and where we met with Colonel Tichburn, Col. John White, Dr. Parker, Mr Taylor, John Price, and divers others; where we had a large debate of things, and where the just ends of the War were as exactly laid open by Mr Wildman, as ever I heard in my life. But towards the conclusion, they plainly told us, The chief things first to be done by the Army, was first To cut off the Kings Head, &c. and force and thoroughly purge, if not dissolve the Parliament: All of which we were all against, and press'd to know the bottom of their center, and in what they would absolutely rest for a future Settlement: and I plainly told them in these words, or to this effect.

Its true, I look upon the King as an evill man in his actions, and divers of his party as bad: but the Army had couzened us the last yeer, and fallen from all their Promises and Declarations, and therefore could not rationally any more be trusted by us without good cautions and security: In which regard, although we should judge the King as arrant a Tyrant as they supposed him, or could imagine him to be; and the Parliament as bad as they could make them; yet there being no other balancing power in the Kingdome against the Army, but the King and Parliament, it was our interest to keep up one Tyrant to balance another, till we certainly knew what that Tyrant that pretended fairest would give us as our Freedoms; that so we might have something to rest upon, and not suffer the Army (so much)

much as in us lay) to devolve all the Government of the Kingdom into their wills and swords (which were two things we nor no rationally man could like) and leave no persons nor power to be a counter-balance against them: And if we should do this, our slavery for future (I told them) might probably be greater then ever it was in the Kings time, and so our last error would be greater then our first: and therefore I pressed very hard for an Agreement amongst the People first, utterly disclaiming the thoughts of the other, till this was done. And this (I told them) was not onely my opinion, but I beleve it to be the unanimous opinion of all my friends with whom I most constantly conversed.

At which the Gentlemen Independents were some of them most desperately choleric: But my opinion being back'd with the Speeches of some others of my Friends, we came calmly to chuse out four and four of a side to debate and conclude of some Heads towards the accomplishment of an Agreement of the People: and (as I remember) their four were Colonel Titchburn, Col. White, Dr Parker, and Jo. Price; and our four were M. William Walwyn, Lieutenant Col. Wetton, M. John Wildman, and my Self. But John Price sent some of the company to tell us (after we were parted, and some of us drinking a cup of wine below) he would not make one, if Mr Walwyn was one, for he had a prejudice against him. Unto which I replied, M. Walwyn had more honesty and integrity in his little finger, then John Price had in all his body; and therefore No meeting for me, seeing John Price was so base, unless Mr Walwyn was one, though we had but two of a side: but the businesse being much debated and expostulated, Mr. Walwyn and John Price both (for peace sake) were at present laid aside: and according to appointment (as I remember) all the other six met the fifteenth of Novemb. 1648, being Wednesday, at the fore-mentioned Nags head; and there, after some debate, unanimously agreed in these words, viz. That in our conceptions, the onely way of Settlement is,

1. That some persons be chosen by the Army to represent the whole Body: And that the well affected in every County (if it may be) chuse some persons to represent them: And those to meet at the Head-Quarters.

2. That those persons ought not to exercise any Legislative power, but only to draw up the foundations of a just Government, and to propound them to the well-affected people in every County to be agreed to: Which Agreement ought to be above Law; and therefore the bounds, limits and extent of the people's Legislative Deputies in Parliament, contained in the Agreement to be drawn up into a formal contract, to be mutually signed by the well-affected people and their said Deputies upon the days of their Election respectively.

3. To prevent present confusion, the Parliament (if it be possible) may not be by force immediately dissolved; but that the day of its dissolution be inserted in that Agreement, by vertue whereof it shall be dissolved.

4. That this way of Settlement, (if it may be) should be mentioned in the Armie's first Remonstrance.

5. That the matter of the Petition of Septemb. 11. be the matter to be settled. Which Agreement of ours (as I remember) was immediately sent away to the Head Quarters at St. Alban's by Mr Hiland of Southwark, where (as it was afterwards told us, it was very well accept.d and approved of by the great

great ones there; whose high and mighty Declaration (drawn by Ireton at Windsor, when he pretended to lay down his Commission) against the King coming to our view, we made divers objections against many passages in it, but especially at divers lishes that tacitely at the beginning of it hinted at us: which we told some of their friends, could not be put in with a spirit of peace towards us, or intention of good to the Nation, in those good things we desired and propounded for it: But it was with many fair expressions saved up by them; upon which we judged it requisite for some of us to go to Windsor, to speak with Mr Ireton the Stear-man himself; and accordingly (as I remember) Lieut. Colonel Wetton, Mr Petty, Mr Wildman, and my Self met there; and having drawn up our thoughts in writing, we communicated them to Col. Tychburn, Col. White, M. Moyer, and divers others of the Independent Party, who went with us to the Governours house, where we met with Mr Peters, the grand Journey- or Hackney-man of the Army; and after we had acquainted him with our mindes, we delivered him a copy of our Paper, containing distinctly the Heads of what we desired, and intreated him to deliver them to Commissary Ireton, with whom we desired to discourse about them; who sent us word, at such an hour he would come to our Inn at the Garter, to speak with us about them; and accordingly he did, accompanied with a whole Train of Officers; and a large and sharp discourse we had; our principall difference lying at his desire in the too strict restraining Liberty of conscience, and in keeping a power in the Parliament to punish where no visible Law is transgressed; the unreasonableness of which was much spoken against by divers of the principall Officers with him, but especially by Col. Harrison, who was then extreme fair and gilded: And so little satisfaction had we at that meeting, from Ireton (the Army's Alpha and Omega) that we despaired of any good from them, and were in a manner resolved to come away in haste to London, and acquaint our friends with our conceptions, and so improve our Interests forcibly, as much as we could, to oppose their intended designs. But Colonel Harrison coming to us again at ten a clock, according to our desire, we had a private and large discourse with him, and fully and effectually acquainted him with the most desperate mischiefousness of their attempting to do these things, without giving some good security to the Nation for the future settlement of their Liberties and Freedoms, especially in frequent, free, and successive Representatives, according to their many Promises, Oathes, Covenants and Declarations; or else as soon as they had performed their intentions to destroy the King, (which we fully understood they were absolutely resolved to do, (yea, as they told us, though they did it by Martiall Law) and also totally to root up the Parliament, and invite so many Members to come to them as would joyn with them, to manage busineses, till a new and equall Representative could by an Agreement be settled; which the chiefest of them protested before God, was the ultimate and chiefest of their designs and desires.) I say, we press'd hard for security, before they attempted these things in the least; lest when they were done, we should be solely left to their wills and swords; by which, we told them, they might rule over us arbitrarily, without declared Laws, as a conquered people, and so deal with us as the poor slavish peasants in France

France are dealt with, who enjoy nothing that they can call their own. And besides, we plainly told him, we would not trust their bare words in general onely, for they had broke their promise once already, both with us and the Kingdom; and he that would break once, would make no conscience of breaking twice, if it served for his ends, and therefore they must come to some absolute particular compact with us, or else, some of us told him, we would post away to London, and stir up our Interest against them, yea and spend our blouds to oppose them. To which he replied to this effect, It was true in what we said; for he must ingenuously confesse, they had once broken with us and the Kingdom, and therefore acknowledged it was dangerous trusting them upon Generals again: But saith he, we cannot stay so long from going to London with the Army as to perfect an Agreement; and without our speedy going, we are all unavoidably destroyed: For (saith he) we fully understand, that the Treaty betwixt the King and Parliament is almost concluded upon; at the conclusion of which, we shall be commanded by King and Parliament to disband, the which if we do, we are unavoidably destroyed for what we have done already: and if we do not disband, they will by Act of Parliament proclaim us Traytors, and declare us to be the onely hinderers of setting peate in the Nation; and then (saith he) we shall never be able to fight with both the Interest of King and Parliament: so that you will be destroyed as well as we: for we certainly understand that Major Generall Brown &c. are underhand preparing an Army against us. And therefore I professe, I confesse, I know not well what to say to your Reasons, they are so strong; but our Necessities are so great, that we must speedily go, or perish; and to go without giving you some content, is hazardous too.

Well Sir, (said we) we have as much cause to distrust the Parliament men, as we have to distrust you; for we know what and how many large promises they have made to the Kingdom, and how little they have performed; and we also know what a temptation Honour, Power, and profit are even to those spirits that were pretty ingenuous and honest before; and when you have done your work, and got, as you pretend, forty or fifty of the honestest Members of the House to you; alas, (said we) it will be a mock Power; yet they may finde such sweetnesse and delight in their pretended power, that they may fly to your swords for their protection, and bid us go shake our ears for our Agreement, and go look it where we can catch it. And therefore we will trust generals no more to your forty or fifty Members of Parliament, then to you: for it's possible, if we leave the Agreement to their framing, they may frame us such a one as will do us no good, but rather make us slaves by our own consents, if signed by us: and therefore we press'd him that we might agree upon a finall and absolute Judge of the matter and method of the Agreement, that so we might not spend months and yeers in dispute about it. And therefore we would propound this unto him, That if their honest friends in the Parliament, as they called them, would chuse four from amongst themselves, and the Army four from amongst themselves, and the Independents four from amongst themselves; we that were nick-named Levellers, would chuse four from among our selves; and these sixteen should draw up the Agreement finally, without any more appeal to any other; and we for our parts, so far as all our Interest in England extended, would be willing

willing to acquiesce in, and submit to the determinations of them 16, or the major part of them: And we would be willing the Presbyterian party should beinvired and desired to chuse four more to be of equall authority with the other sixteen. Provided, they did it by the first day we should appoint to meet upon.

Which Proposition he approved of extraordinary well, and said, It was as just, as rational, and as equitable as possibly could be; and said, He doubted not but all Interests would center in it, and ingaged to acquaint them with it: and so we parted, very glad that we were likely to come to some fixed agreement for the future enjoyment of our dear bought, and hard purchased Freedoms.

And the next morning we went to the Gentlemen Independents, that lay the next door to us, who were almost ready to horse for London, and we acquainted them with it, who liked it very well, and with whom we fixed a night for severall distinct meetings in London, to chuse our respective trustees for this work, and also appointed a day to meet at Winsor again about it, and from them we went to Master Holland, who then was the chief Rickler, for those they called honest men in the House of Commons; and as I remember we met Colonel Harison, Master Holland, and Captaine Smith a Member, and his Son in Law in the Street, and Master Holland seemed exceedingly to rejoyce at the Proposition. Colonel Harison having told him of it before, which we repeated over distinctly to him; that so in conclusion we might not be gulled through pretence of mistakes or misunderstandings; which we were continually afraid we should meet with; so we went all together to Commissary Generall Ireton's chamber to have his concurrence, which of all sides was taken for the concurrence of the whole Army, or at least for the powerfull and governing part of it; he being in a manner both their eyes and ears: so when we came to his Chamber in the Castle, he was in Bed with his Wife, but sent us out word by Colonel Harison as he averred to us, that he did absolutely and heartily agree to the foresaid Proposition, which to avoid mistakes, was again repeated, so we seemed joyfull men of all sides, and appointed a day speedily to meet at Winsor, about it; Master Holland againe and againe engaging for four Parliament men, and Colonel Harison, with Commissary Ireton for four of the Army, as we Londoners had done for each of our tribe; and so to horse we went, and I overtook upon the road the whole gang of Independants, with whom I discoursed again, and acquainted them all fully with the absoluteness of our agreement, which they acquainted their friends with in London, who chose Colonel Tichburn, Colonel John White, Master Daniel Taylor, and Master Price the Scrivener; And for our party, there was by unanimous consent of the Agents from our friends in and about London, at a every large meeting chosen Master William Walwyn, Master Maximilian Petty, Master John Wildman and my Self, and for the honest men of the Parliament as they were called, they had severall meetings at the Bell in Kings-street, and at Summerset-house, where as I was informed, they chose Colonel Henry Martyn, Colonel Alexander Rigby, Master Thomas Challinor, and Master Scot, with one or two more to supply the places of those of them that should be absent at any time about their occasions; so when we came to Winsor the Army men had chosen Commissary Generall Ireton, Sir William Constable, and as I remember Colonel Tomlinson, Colonel

Colonel *Baxter*, Lieutenant Colonel *Kelsey*, and Captain *Parker*, some two of the which last 4 should alwayes make up the number; so we had a meeting in their Council-Chamber at the Castle, where we were all of all sides present, but only the Parliament men, for whom only Colonel *Martyn* appeared, and after a large discourse about the foundations of our agreement, we departed to our Lodging, where Colonel *Martyn* and we four nick-named *Levellers*, lockt our selves up, and went in good earnest to the consideration of our Agreement, but much was not done in it there, because of their haste to London to force and breake up the Parliament (which Journy at all, was very much opposed by M. *Walwyn*, and many reasons he gave against their march to London at all) the absolute desolation of which their friends in the House would no ways admit of, although *Ireton*, *Harison* &c. commonly stiled it then a Parliament that had forfeited its trust, a mock Parliament, and that if they did not totally dissolve it, but purge it, it would be but a mock Parliament, and a mock power however; for where have we say they either law, warrant or Commission to purge it, or can any thing justifie us in the doing it; but the height of necessity to save the Kingdom from a new war, that they with the conjunction with the King will presently vote and declare for, and to procure a new and free representative and so successive and frequent free Representatives, which this present Parliament will never suffer, and without which the freedoms of the Nation are lost and gone; and the doing of which can only justifie before God and man our present and former extraordinary actings with, and against legall Authority, and so all our fighting fruitlesse; and this was their open and common discourse, with more of the like nature; and to those that objected against their totall dissolving or breaking the House, (and the illegalitie of their intended and declared trying of the King, which also was opposed by us, till a new and unquestionable Representative was sitting;) as I am able sufficiently by pluralitie of witnesses to prove and justifie, yea when they were come to London, *Ireton*, &c. and some Members of the House (in a Chamber near the long Gallery in *White-hall*;) had a large conference, where and to whom he stiffly maintained the same to their faces, calling this *Purged Parliament*; a mock power and mock Parliament, which Members I beleve if there were a necessity of it, I could produce to justifie it; for I am sure one of them told me the substance of all the discourse immediatly after it happened; So that if it be treason to call this a Pretended Parliament, a mock power, a mock Parliament, yea and to say in plain English, that it is no Parliament at all; then they themselves are the prime, the chief and originall traytors; and if this be true, as true it is; then there is neither Legall Judges, nor Justices of Peace in England; and if so; then all those that are executed at *Tiburne*, &c. by their sentences of condemnations given against them, are meerly murdered and the Judges or Justices that condemned them are liable in time to be hanged (and that justly) therefore, for acting without a just and legall commission either from true Regall, or true Parliamentary power; see for this purpose the notable arguments in the 13, 14, but especially 15 page of the second Edition of my late picture of the Councell of State: But to returne to our acting to compleat the Agreement, all parties chosen of all sides constantly mett at *White-hall* after the Army came to town, saving the Parliament men failed, only Master *Martin* was most commonly there, and a long and tedious tug we had with Commissary Generall *Ireton* only, yea sometimes whole

whole nights together, Principally about Liberty of Conscience, and the Parliaments punishing where no law provides, and very angry and Lordly in his debates many times he was; but to some kind of an expedient in the first, for peace sake we condescended in to please him, and so came amongst the major part of the 16 Commissioners, according to our originall Agreement, to an absolute and finall conclusion; and thinking all had been done as to any more debate upon it; and that it should without any more adoe be promoted for subscriptions, first at the Councell of Warre, and so in the Regiments; and so all over the Nation; but alas poor fools we were meerly cheated and cozened (it being the principall unhappinesse of some of us (as to the flesh) to have our eyes wide open to see things long before most honest men come to have their eyes open; and this is that which turns to our smart and reproach) and that which we Commissioners feared at the first; viz. (that no tye, promise nor engagements were strong enough to the grand Juglers and Leaders of the Army, was now made cleerly manifest, for when it came to the Councell, there came the Generall *Crumwell*, and the whole gang of creature Colonels and other Officers, and spent many dayes in taking it all in pieces) and there *Ireton* himself shewed himself an absolute King, if not an Emperor; against whose will no man must dispute, and then shittlecock *Roe* their Scout, *Okey*, and Major *Barron* (where *Sir Hardresse Waller* late President) began in their open Councell to quarrell with us by giving some of us base and unworthy language, which procured them from me a sharpe retortment of their own basenesse and unworthinesse into their teeth, and a CHALENGE from my selfe into the field besides seeing they were like to fight with us in the room, in their own Garison, which when *Sir Hardresse* in my care reproved me for it, I justified it and gave it him again for suffering us to be so affronted: And within a little time after I took my leave of them for a pack of dissembling juggling Knaves, amongst whom in consultation ever thereafter I should scorn to come (as I told some of them;) for there was neither faith, truth, nor common honesty amongst them: and so away I went to those that chose and trusted me, and gave publikely and effectually (at a set meeting appointed on purpose) to divers of them an exact account how they had dealt with us, and couzened and deceived us; and so absolutely discharged my selfe for meddling or making any more with so perfidious a generation of men as the great ones of the Army were, but especially the cunningest of Machiavilians Commissary *Henry Ireton*; and having an exact copy of what the greatest part of the foresaid sixteen had agreed upon, I only mended a clause in the first Reserve about Religion, to the sense of us all but *Ireton*, and put an Epistle to it, of the 15 of December 1648; and printed it of my own accord, and the next day it came abroad; about which *Mr Price the Scrivener* and myself had a good sharp bout at Colonel *Titchburn*'s house within two or three dayes after, where I avowed the publishing of it, and also putting my Epistle to it of my own head and accord. And after that I came no more amongst them, but with other of my friends, prepared a complaint against their dealing with us, and a kinde of Protest against their proceedings; which with my own hand I presented to the Generals own hands at the Mews, the 28 of December 1648; being accompanied with Major *Robert Cobbet*, *Mr. Thomas Prince*, *Mr. George Middlemore*,

Mr. Robert Davies, Mr. Richard Overton, Mr. Edward Tench, Mr. Daniel Linton, Mr. William Bottom, Mr. John Harris, Mr. Thomas Dafferne, Mr. Thomas Goddard, Mr. Samuel Blaiklock, Mr. Andrew Dednam, Mr. John Walters, and Mr. Richard Pechel; and which was immediately printed by Ja. and Jo. Moxon, for William Lerner, at the signe of the Black Moor near Bishops-gate: within two or three dayes of the delivery of which, I went towards my Journey to Newcastle; and about five weeks after my arrivall in those parts, I heard that the General and his Council had presented their Agreement to your House: which, when I read the title page of it, I found it to be upon the 20 of January 1648, which is compleat 35 dayes after my publishing of that which is called ours.

And yet in the third and fourth pages of a Declaration of the proceedings of the General in reducing the late revolted Troops, appointed by his Excellency and his Council of War to be printed and published May 22 1649, and signed by their Order, Richard Hatter Secretary, and first printed at Oxford, and then re-printed at London May 23 1649. I finde these very words, viz.

The grounds and manner of the proceedings of these men that have so much pretended for the Liberty of the people, have been as followeth:

There was a paper stiled the Agreement of the people, framed by certain select persons, and debated at a generall Councel of Officers of the Army, to be tendered to the Parliament, and to be by them commended over to the people of the Nation: It being hoped, that such an Expedient, if assented unto, at least by the honest part of the people that had appeared for this common Cause, to which God hath so witnessed, it would have tended much to settlement; and the composing of our differences; at least have fixed honest men to such grounds of certainty as might have kept them firm and entire in opposing the common enemy, and stand united to publick Interest.

The generall Councell of the Army, and the other sorts of men, going then under the name of Levellers (so baptized by your selves at Putney) who (by their late actions have made good the same which we then judged but an imputation) had (as now it appears) different ends and aims, both in the matter and manner of their proceedings: That which was intended by those men, was to have somewhat tendered as a test and coercion upon the people, and all sorts of men and Authorities in the Land: That which these, to wit, the Councell of the Army aimed at, was to make an humble Representation of such things as were then likely to give satisfaction, and unite, and might be remitted to MENS JUDGMENTS, to be owned or disowned as men were satisfied in their consciences, and as it should please God to let men SEE REASON for their so doing; that so it might not be onely called an Agreement, but through the freedom of it, be one INDEED, and RECEIVE IT'S STAMP OF APPROBATION FROM THE PARLIAMENT TO WHOM IT WAS HUMBLY SUBMITTED.

HEREUPON THOSE OTHER MEN TOOK so much DISSATISFACTION, that they forthwith printed and spread abroad their paper, which was different from that of the Army; using all possible means to make the same to passe: but with how little effect, is very well known. And finding by the Arme's application to the PARLIAMENT, that they were likely, according to their duty, to STAND BY AND OWN THEM AS THE SUPREME AUTHORITY OF THE NATION, they have by all means assayed to vilipend

pend that Authority, presenting them to the people (in printed Libels, and otherwise) as worse Tyrants then any who were before them.

In which passage of the Generals and his Council, I shall desire to observe these things; which plainly to me are in the words: and if they can make it appear that I mistake their words as they are laid down, I shall cry them mercy.

First, That they give a false and untrue Narrative of the original occasion of that Agreement, to which by our importunate importunity they were necessitated, and drawn unto that little they did in it as a Bear to the stake, as is truly by me before declared; and which, as the sequell shews, they undertook merely to quiet and please us (*like children with rattles*) till they had done their main work; (*viz.* either in annihilating or purging the House to make it fit for their purpose, and in destroying the King; unto both which they never had our consents in the least) that so they might have no opposition from us, but that we might be lull'd asleep in a fools paradise with thoughts of their honest intentions, till all was over; and then totally lay it aside, as they have done, as being then able to do what they pleased whether we would or no: for if they ever had intended an Agreement, why do they let their own lie dormant in the pretended Parliament ever since they presented it? seeing it is obvious to every knowing English eye, that from the day they presented it to this hour, they have had as much power over their own Parliament now sitting, as any School-master in England ever had over his Boys. But to them it was presented (who scarce ought to meddle with it) on purpose, that there, without any more stir about it, it might be lodged for ever: For alas, an Agreement of the People is not proper to come from the Parliament, because it comes from thence rather with a command then any thing else; so that its we, and not they that really and in good earnest say, it ought not to do; but to be voluntary. Besides, that which is done by one Parliament, as a Parliament, may be undone by the next Parliament: but an Agreement of the People begun and ended amongst the People can never come justly within the Parliaments cognizance to destroy: which the Generall and the chief of his Council knew well enough; and I dare safely say it upon my conscience, that an Agreement of the People upon foundations of just freedom gon through with, is a thing the Generall and the chiefest of his Council as much hates, as they do honesty, justice and righteousness, (which they long since abandoned) against which in their own spirits they are absolutely resolved (I do verily beleieve) to spend their heart blouds, and not to leave a man breathing in English air, if possibly they can, that thoroughly and resolutely prosecutes it; a new and just Parliament being more dreadful to them, then the great day of Judgement spoken so much of in the Scripture. And although they have beheaded the King, yet I am confidently perswaded their enmity is such at the Peoples Liberties, that they would sooner run the hazard of letting the Prince in to reign in his Fathers stead, then further really a just Agreement, or endure the sight of a new Parliament rightly constituted.

Secondly, Its plain to me out of their words, That they positively aver, that their Agreement was presented to the Parliament before ours was published

lished in print; which I must and do here tell both the Generall and his Council, is the arrantest lie and falshood under the cope of heaven: for I have truly before declared, and will justifie it with my life, that ours was printed above thirty dayes before theirs was presented; yea, it was printed before theirs was half perfected. But it is no wonder, when men turn their backs of God, of a good conscience, of righteousnesse and common honesty amongst men, and make lies and falshoods, oppression and bloody cruelty their sole confidence and refuge, that then they say or swear any thing; all which, if the Generall and his Council had not done, they would have scorned and abhorred, in the face of the Sun, to have affirmed and printed so many lies, as in their foregoing words is literally (without wresting) contained.

Thirdly, They positively hint, our dissatisfaction was taken at them for presenting theirs to the Parliament; which is also as false as the former: for 1. Our dissatisfaction was above a month before declared in their open Council by my self, &c. as Sir *Hardresse Waller* and divers others of them cannot but justifie. 2. Our dissatisfaction was long before taken, upon the grounds by me before specified: the manifestations of which dissatisfaction I presented to the Generals own hands the 28. of December 1648, accompanied and subscribed with my own name, and fifteen more of my Comrades, in behalf of our selves, and all our friends that sent us, which we also immediately caused to be printed. And their Agreement, as the Title of it declares, was not presented till the 20 of Jan. after.

Fourthly, They say, *We used all possible means to make ours passe; but with how little successe, they say, is very well known.* If they mean, we used all possible means to make ours passe with them, it's true; but the reason it had no better effect, was because they had no minde to it, it was too honest for them: and I am sure, in the very Epistle to it, it is declared, That the principall reason of the printing of it, is, that the people might have an opportunity to consider the equitie of it, and offer their reasons against any thing therein contained. And this was all the means, after the printing of it, we used to make it passe. Alasse, we knew the Armies swords were longer then ours, and would by force cut in pieces all our endeavours that we should use against their minds and wils, by reason of the peoples cowardlinesse; and therefore we let ours rest, and were willing to sit still to see them perfect theirs, and never did any thing in it since amongst the people to make it passe, that I know of.

Fifthly, They say, *We were troubled at their doing their duty, in submitting to authority, and owning the Parliament as the Supreme Authoritie of the Nation.* When as alas, it is as visible as the Sun when it shines in its glory and splendour, That *CORAH, DATHAN* and *ABIRAM* of old were never such Rebels against Authoritie as the Generall and his Council are, nor the *Anabaptists* at *Munster* with *JOHN* of *LEYDON* and *NEPERDULLION* were never more contemners of Authority; nor *JACK STRAW*, nor *WAT TILER*, nor all those famous men mentioned with a black pen in our Histories; and called *Rebels* and *Traytors*, can never be put in any scale of equal balance, for all manner of *REBELLIONS* and *TREASONS* against all sorts and kinds of Magistracy, with the Generall and his Council: And I will undertake the task upon my life, to make good every particular of this I now say, to

the Generals face. For did any, or all of them fore-mentioned, ever rebell against their Advancers, Promotors and Creators, as these have done two severall times? Did ever any, or all of them chop off (without all shadow of Law) a KING'S and NOBLES HEADS? ravish and force a Parliament twice? nay, raze the foundation of a Parliament to the ground? and under the notion of performing a trust, break all Oathes, Covenants, Protestations and Declarations, (and make evidently void all the declared ends of the War) which was one of *Strafford's* principal Treasons, and which is notably aggravated against him by *M. Pym* in his fore-mentioned Speech against him? pag. 9. 11. and under pretence of preserving their Laws, Liberties, and Freedoms, destroy, annihilate, and tread under their feet all their Laws, Liberties, Freedoms and Properties (although they could cite against *Strafford* the precedent of *Trisilian* chief Justice, who lost his life for delivering of opinions for the subversion of the Law, as *S. Johns Argument of Law* against him, pag. last but one declares; yea, and against the Ship-money Judges, and also the Precedent of *Judg Belknap* in *King Richard* the Second's time, who was by the Parliament banished for but subscribing an opinion against Law, though forc'd by a dagger held to his breast, thereto; yea, and cite also the precedent against him, which was against Justice *Thorp* in *Edward* the Third's time, who was by the Parliament condemned to death for bribery; the reason of which Judgment, they say, was, because he had broken the Kings Oath, that solemn and great Obligation (as *Mr. Pym* *ibid.* calls it) which is the security of the whole Kingdom.) All which forementioned, either with pen or tongue by dispute, I wil particularly maintain and make good upon my life, publickly, before the face of the Kingdom, against the stoutest and ablest of their Champions in all their pretended Churches of God, either Independent or Anabaptistical; and that they are altogether unfavoury salt, good for nothing but to be abominated, and thrown out to the dunghil, as fit for nothing but the indignation of God, and the peoples wrath.

And as for their stiling this their own Junto the Supreme Authoritie; I know the time not long since, when that stile to be given to the House of Commons single, was accounted an abominable wickednesse in the eye of the chiefest of them: Yea, I also know the time, and am able sufficiently to justifie and prove it, that they were absolutely resolved and determined to pull up this their own Parliament by the roots, and not so much as to leave a shadow of it (frequently then calling it a *MOCK-POWER*, and a *MOCK-PARLIAMENT*;) yea, and had done it, if we, and some in the House of our then friends, had not been the principall instruments to hinder them; we judging it then, of two evils the least, to chuse rather to be governed by the shadow of a Parliament, till we could get a reall and true one (which with the greatest protestations in the world they then promised and engaged with all their might speedily to effect) then simply, solely and onely by the wils of Sword-men, whom we had already found to be men of no very tender consciences: But to me it is no wonder, that they own this for the Supreme Power, seeing they have totally in Law, Reason and Justice broke the Parliament, and absolutely, by the hands of Tho. *Pride*, set up indeed a *MOCK-POWER*, and a *MOCK-PARLIAMENT*, by purging out all those that they were any

may jealous of, would not vote as they would have them, and suffering and permitting none to sit but (for the major part of them) a company of absolute School boys, that will, like good boyes, say their lessons after them their Lords and Masters, and Vote as they would have them; and so be a screen (as yong H. Vane used to call the King) betwixt them and the people, with the name of Parliament, and the shadow and imperfect image of legal and just Authority, to pick their pockets for them by Assessments and Taxations; and by their arbitrary and tyrannicall Courts and Committees, (the best of which is now become a perfect Star chamber, High-Commission and Council board) make them their perfect slaves and vassals by their constant and continuall breaking and abusing of their spirits; a thing so much complained of against the Earl of Strafford, by the late Parliament at his tryal, especially in M. Pym's notable Speech against him, pag. 7. as it is printed 1641, at the later end of a book called *Speeches and Passages*: where speaking against Oppression, and the exercise of a tyrannicall and arbitrary Power, (the Earl of Strafford's sins, which now are become more the great mens of the Army) he saith,

It is inconsistent with the peace, the wealth, the prosperity of a Nation; it is destructive to Justice, the mother of peace; to Industry, the spring of wealth; to Valour, which is the active vertue whereby the prosperity of a Nation can onely be procured, confirmed, and enlarged.

*It is not only apt to take away Peace, and so intangle the Nation with Wars; but doth corrupt Peace, and puts such malignitie into it, as produceth the effects of War, as he there instanceth in the Earl of Strafford's Government. And as for Industry and Valour, Who will take pains for that (saith he) which when he hath gotten, is not his own? or who will fight for that wherein he hath no other interest, but such as is subject to the will of another? The ancient encouragement to men that were to defend their Countries was this, That they were to hazard their persons, pro aris & focis, for their Religion, and for their houses; But by this arbitrary way, which was practised (by the Earl) in Ireland and counselled here; no man had any certainty, either of Religion, or of his House, or any thing else to be his own: But besides this, such arbitrary courses have an ill operation upon the courage of a Nation, by **IMBASING THE HEARTS OF THE PEOPLE**; A servile condition doth for the most part beget in men a slavish temper and disposition. Those that live so much under the Whip and the Pillory, and such **SERVILE** engines, as were frequently used by the Earl of Strafford, they may have the dregs of valour, sullenness, and stubbornness, which may make them prone to mutinies and discontents; But those noble and gallant affections which put men on brave designs and attempts for the preservation or enlargement of a Kingdom, they are hardly capable of: Shall it be treason to embase the Kings coin, though but a piece of Twelve-pence or Six-pence; and must it not needs be the effect of a greater Treason, to **EMBASE THE SPIRITS** of his Subjects, and to set a stamp and **CHARACTER OF SERVITUDE** upon them, when by it they shall be disabled to doe any thing for the service of the King or Common wealth? O most excellent and transcendent saying! worthy to be writ in a Table of gold in every Englishmans house.*

But

But Sir, I say, *No wonder*, all the things foregoing rightly considered, they do own you (now as Thomas Pride hath made you) for the supreme Authority of the Nation, although before they would neither submit to the King, nor the Parliament, when it was a thousand times more unquestionably both in Law and Reason, then now you are; but fought against both King and Parliament, their setters up, conquered them, repelled them, subdued them, and broke them both; and so pull'd up by the roots all the legall and visibill Magistracy and Authority in the Nation, and thereby left none but themselves, who stand in parallell to none (as they have managed their business) but to a company of murderers, theeves and robbers, who may justly be dispossessed by the first force that are able to do it (as Mr. Pym undenyably and fully proves in the foresaid Speech pag. 3. 9. 11.) no pretended Authority that they of themselves and by their swords can set up, having in the sight of God or man, either in Law or Reason, any more just Authority in them, then so many Argier Pirats and Robbers upon the Sea have. And so much in answer at present to the forementioned part of the Generals Declaration.

But now to return back, after this necessary Digression, to my own Story of going down into the North, where &c. I received of my 3000 l. allotted me, for my hard suffered for, deer purchased, and long expected Reparations, 400 l. of Sir Arthur Haslerig, for sequestred Coles and Iron, of Mr. Bowes's, and got besides betwixt 100 and 200 l. in Rents, Free-quarter and Taxes having eat out the bowels, soul and life of them, being served in the wood allotted me, (the principall thing in my eye, by old Sir Henry Vane my old bloody enemy) as is in part declared before in page 15 and 16. who hath Treason and crimes enough upon him, not onely to throw him out of the House, if it were any, but also to send him to a Scaffold or Gallows, as is very notably declared in print in *England's Birth-right*, pag. 19. 20. 21. in which pages you may read his Charge of High Treason exhibited against him to the Earl of Essex in anno 1643. by severall Gentlemen of the County of Durham; for his trayterous betraying their Country (and so consequently all the North) to the Earl of Newcastle; for which &c. he better deserved in Law, equity and reason to lose his head, then either Hambleton, or stout Capel did for theirs, they having betrayed no trust (but had the letter of the Law of England &c. to justify them in what they did) as he most palpably hath done. And as for his breaking up the little Parliament, his Star-chamber wickedness, and his desperate Gun-powder Monopoly, with his and his sons Sir George Vane's late jugglings in the County of Durham, I have pretty well anatomised in my book called *The resolved mans resolution*, page 13. 14. 15. 16. 17. 18. his very having a hand in the Gunpowder Monopoly alone being sufficient long since to throw him out of your House, as being uncapable to be a Member therein, as clearly appears by your Votes and Orders of the 19. and 25 of Nov. 1640. one of which, as it is printed in the foresaid *Speeches and Passages*, pag. 329. thus followeth:

It is ordered upon the Question, That all Projectors and Monopolizers whatsoever, or that have had any share in any Monopolies, or that do receive, or lately have received any benefit by any Monopolies or Patent, or that have procured any Warrant

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or

or Command for the restraint or molesting of any that have refused to conform themselves to any Proclamation or project, are disabled by Order of this House, to be a Member thereof, and shall be dealt with as a stranger, that hath no power to sit there.

In the compasse of which Order is both Sir Henry Mildmore and Lawrence Whitaker, and ought in justice, for their notorious Monopolising, to be both long since thrown out of the House.

But again to return: After I had done as much in the North as I could at present do about my own businesse, I came again to London, where I fixed up my resolution wholly to devote my self to provide for the future well-being of my wife and children, and not without the extraordinariest necessity engage in any publick contests again, making it my work to enquire into the true estate of things with the great men that sit at the helm, and whether the bent of their spirits now after they had taken off the King, was to set the Nation free from Tyranny, as well as from some they called principal Tyrants; and whether or no the drift of all their actions were but a meer changing of persons, but not of things or tyranny it self: and truly my observations and inquiries brought me in so little satisfaction in the visible intention of the ruling men, for all their many solemn Engagements to the contrary, that I looked cleerly at the whole tendency of their wayes, to drive at a greater Tyranny then ever, in the worst of the Kings Reign, (before the Parliament) was exercised: at which I bit my lip, but said little, and went to no meeting; which made many of my old faithfull friends be jealous of me, some of whom gave out some private hints, that I had now served my self by my pretended Reparations, and I was thereby quieted, and was become like all the rest of the world, and so there was an end of me. But I confesse, I was in a kinde of deep muse with my self, what to do with my self; being like an old weather-beaten ship, that would fain be in some harbour of ease and rest, and my thoughts were very much bent of going into Holland, where I conjectured I should be out of harms way, and get a little repose. And while I was thus musing, I heard from thence of a most transcendent height and rage that the Kings party there were in, especially about the beheading the late King; so that I judged there was no safety for me there, especially when I called to minde what the Post-master of Burrow-brigs and others in York-shire told me as I came up from Newcastle, which was, that the Cavaliers in those parts were most desperate mad at me in particular, about the beheading of the late King: although I were as far as Newcastle when it was done, and refused to give my consent to be one of his Judges, although I was solicited so to be before I went out of London; yea, although I avowedly declared my self at Windsor against the manner and time of their intended dealing with him; arguing there very stiffly, that upon their own principles, which led them to look upon all legall Authority in England as now broken, they could be no better then murderers in taking away the Kings life though never so guilty of the crimes they charged upon him: for as justice ought to be done, especially for blood, which they then principally charged upon him; so said I, and still say, *It ought to be done justly*: For in case another man murder me, and a day, a week, or a yeer after my brother or friend that is no legall Magistrate, executes him therefore, yet this is mur-

der in the eye of the Law, because it was done by a hand had no Authority to do it. And therefore I pressed again and again, seeing themselves confes'd all legal Authority in England was broke, that they would stay his tryall till a new and equal free Representative upon the Agreement of the well-affected people, that had not fought against their Liberties, Rights and Freedoms, could be chosen and sit, and then either try him thereby, or else by their Judges sitting in the Court called Kings Bench. But they at Windsor ask'd me how by Law I could have him tryed: I told them, the Law of England expressly saith, *Whosoever murders or kills another shall die*; it doth not say, excepting the King, Queen, or Prince, &c. but indefinitely, whosoever murders shall die; and therefore where none is excepted, there all men are included in Law: But the King is a man: Ergo, he is included as well as I. Unto which it was objected, that it would hardly be proved, that the King with his own hands kill'd a man: To which I answered, by the Law of England, he that counsels or commissionates others to kill a man or men, is as guilty of the fact, as he or they that do it: And besides, the advantage of trying of the King by the rules of the Law, would be sufficient to declare, that no man is born (or justly can be made) lawlesse, but that even Magistrates as well as people are subject to the penall part of the Law, as well as the directive part: And besides, to try him in an extraordinary way, that hath no real footsteps nor paths in our Law, would be a thing of extraordinary ill Precedent; for why not twenty upon pretended extraordinary cases, as well as one? and why not a thousand as well as twenty? and extraordinary cases are easily made and pretended by those that are uppermost, though never so unjust in themselves. And besides, to try him in an extraordinary way, when the Law hath provided all the essentials of justice in an ordinary way, (and meerly wants nothing (if it do want) but twelve Kings as his Peers or Equals) will nourish and increase in men that erroneous conceit, *That Magistrates by the Law of God, Nature, and Reason, are not, nor ought not to be subject to the penal part of the Lawes of men, as well as the directive part of it, which is the bane, ruine and destruction of all the Common-wealths in the world.*

I say, the consideration of the things fore-mentioned put me off the thoughts of going to Holland my self: and then I put the query to my self, What course I should (being now a free man) take for my livelihood: for if I and my family lived upon the main stock, which was not very much, (now that I had paid almost all my debts) that would soon waste and be gone; and to take a place for my future livelihood, as I have been offered often, and there a considerable one; that I could not do, for these reasons: First, because I was not satisfied in the present power or Authority to act under them; and so if I should, I should be a supporter of so unjust and illegal a fabrick as I judged an everlasting Parliament (purged twice by force of Arms by the hands of their meer mercenary servants) to be; who were principally raised, hired and paid to kill those they esteemed and judged *Bears, Wolves, Foxes and Poulcats*: that took up Arms against the true, chaste and legally constituted Representative of the Nation, being not in the least hired or raised to be the Masters of their Masters, or the Lawgivers to the legal Law-makers of the Nation in case of necessity. And that an everlasting Parliamner is de-

structive to the very life and soul of the Liberties of this Nation, I thus prove; first by Law, and secondly by Reason.

And first by Law: The Law Books do shew, That a Parliament (which in its own institution is excellent good physick, but never was intended, nor safely can be used for diet, because it is so unlimited and arbitrary) was called and held sometimes twice a year before the Conquest, as is declared by Lambert, in his Collection of Laws before the Conquest, amongst the Laws of Edgar, chap. 7. and by Sir Edward Cook, in his margin in the ninth page of his par. 4. Instit. in the Chapt. of High Court of Parliament: which with other of the Liberties of England being by force of arms subdued by the Bastard Norman Conqueror, although he three severall times took his oath after his being owned for King, to maintain their Laws and Liberties, as being not able, nor judging his Conquest so good, just and secure a Plea to hold his new got Crown by, as an after mutuall compact with the people, or their Representatives over whom he was to rule: and therefore, as Cook in the foresaid Chapt. pag. 12. declares, a Parliament, or a kinde of one, was held in his time. See also 21 Edw. 3. fol. 60. and 1 part. Institut. lib. 2. chap. 10. sect. 164. fol. 110. a. and came to be more frequently used in his Successors time; yea, even to be once in two years in Edward the First or Second's time; at which notwithstanding the people grumbled, as being an abridgment of their ancient and undoubted Libertie, to meet more frequently in their National and publick Assemblies, to treat and conclude of things for their weal and better being; the want of which, of ancient time lost this Island to the Romans, as Cook declares, 4 part. Inst. fol. 9. out of Tacitus in the Life of Agricola, pag. 306. whereupon it was enacted in full Parliament in Edw. the Thirds time, That the King (who is their Officer of trust) should assemble and call them together once every year, or more often if need require; as appears by the Statute of 4 Edw. 3. 14. But because this was not constantly used by that King, but there sometimes was intervals of three or four years betwixt Parliament and Parliament, which was a diminution of the soul and life of all their Liberties, viz. frequent and often constant Parliaments; therefore in the 36 year of his Reign annuall Parliaments are provided for again, and also the causes of their assembling declared in these very words:

Item, For maintenance of the said Articles and Statutes, and redresse of divers mischiefs and grievances which daily happen, a Parliament shall be holden every year, as another time was ordained by a Statute of 4. Edw. 3. chap. 14. But King Charles exceedingly breaking his trust, in the frequent calling of Parliaments, and dissolving them at his pleasure, when they came to treat of any thing that he liked not, and so made them uselesse to the Nation; both which was against his trust, as you notably declare in your Declaration of Novemb. 2. 1642. 1 part Book Decl. pag. 701, 702. And of which you most bitterly complain in your first Remonstrance, 1 part Book Decl. pag. 5. 6. 11. and in pag. 10. 11. ibidem you declare, That his destroying of these two grand Freedoms of the People, viz. Frequent, successive Parliaments, and free Debates therein, had corrupted and distempred the whole frame and Government of the Kingdom, and brought in nothing but wayes of destruction and Tyranny. For the preventing of which for the future, you got an Act to passe in the sixteenth year of the late King,

King, and the first yeer of this long-winded Parliament, to confirm every Article of the two forementioned Acts for an annuall Parliament: And further there say thus:

And whereas it is by experience found, that the not holding of Parliaments according to the two forementioned Acts, hath produced sundry and great mischiefs and inconveniences to the Kings Majesty, the Church and Common-wealth; For the prevention of the like mischiefs and inconveniences in time to come, Be it enacted by the Kings most excellent Majesty, with the consent of the Lords Spirituall and Temporall, and the Commons in this present Parliament assembled, That the said [LAST FOREMENTIONED] Laws and Statutes be from henceforth duely kept and observed. And you there go on and enact, that in case the King perform not this part of his trust in calling annuall Parliaments, that then a Trienniall one shall be CALLED BY THE LORD KEEPER, &c. whether the King will or no.

And there being no provision in this Act, but that the King might break up this Parliament at his pleasure, as before he used to do, and so dis-able you to discharge your trust and duty to the people, in providing fit remedies for those many grievances then extraordinarily spread over the whole Nation, that the long intermission of Parliaments had occasioned; you therefore presse the King to grant an Act, that the two Houses might not be dissolved but by your own consents; which the King condescended unto the rather, because the Scotch Army was then in the Kingdom, which he longed to be rid of, and which you pretended you could not pay without such an Act; these being the true declared and intended causes of it, both in King and Parliament: There being not one word in the Act that authoriseth the two Houses to be a constant and perpetuall Parliament, which was never so much as intended nor pretended; and which if in the Act it had been absolutely declared, it had been a void and a null Act in it self, as being both against the nature of the Kings trust and Yours: which (as in your Book of Decl. part 1. pag. 150. you declare) is, to provide for the peoples weal, but not for their woe; for their better being, but not for their worse being. For, your Interest and the Kings both being Interests of Trust, as your Declarations do plentifully and plainly declare, 1 part Book Decl. pag. 206. 266. 267. 382. but especially your present Juntos late Declaration, against the late beheaded King, and Kingly Government of the 17 of March 1648. pag. 2. 11. 13. 15. 16. compared with 24. 25. 27. And all Interests of trust whatsoever are for the use of others, and cannot, nor ought not to be employed to their own particular, nor to any other use, saving that onely for which they are intended; according to the condition and true intent thereof, 1 part Book Dec. pag. 266. 267. 700. And your trust is onely for the good of the Nation; which is the principall, or onely end of all Government in the Nation; as you confesse in your foresaid Declaration of March 17, pag. 6. and in 2 part Book Decl. pag. 95, 879. And therefore, if you had put the King upon such an Act as the establishing of a perpetuall Parliament, you had thereby destroyed frequent, successive and annuall chosen Parliaments; for which you had been Traytors in the highest nature to your trust, in destroying the very PILLARS, LIFE, MARROW and SOUL OF ALL THE PEOPLES LIBERTIES, for the preservation of which they

they chose you, and which would shortly bring in (as is too evident at this day) greater disorders, confusions, and tyrannies then ever were in all the Kings Reign before; and so wholly and fully make your selves guilty of that which he was but in part (viz. the establishing of a perfect Tyranny by Law) an everlasting Parliament being ten thousand times worse then no Parliament at all; for no such slavery under the cope of heaven, as that which is brought upon the people by pretence of Law, and their own voluntary consents; and no greater Treason can there be in the world committed, then for an interested Power to keep their Commission longer then by the letter, equitie or intention of their Commissions their Masters really intended they should; especially when it is kept by force of Arms, to the Masters hurt, and the danger of his total destruction, for the meer advancement of their servants and their Associates: all which is the case of your pretended Parliament, whereof you are now Speaker, and that you were never intended to sit so long as you have done, nor to be everlasting. I shall here recite the Act it self verbatim, the onely and alone pretence of a Commission you have, and then take it in pieces by paraphrasing upon it. The Act it self thus followeth:

Anno XVII CAROLI Regis.

An ACT to prevent inconveniences which may happen by the untimely Adjourning, Proroguing, or Dissolving of this present PARLIAMENT.

Whereas great Sums of money must of necessity be speedily advanced and provided for the relief of his Majesties Army and people in the Northern parts of this Realm, and for the preventing the imminent danger this Kingdom is in, and for supply of other his Majesties present and urgent occasions, which cannot be so timely effected as is requisite, without credit for raising the said moneys; which credit cannot be obtained, untill such obstacles be first removed as are occasioned by fears, jealousies, and apprehensions of divers of his Majesties loyall Subjects, that this present Parliament may be adjourned, prorogued, or dissolved BEFORE JUSTICE SHALL BE DULY EXECUTED UPON DELINQUENTS, publick Grievances redressed, a firm Peace betwixt the two Nations of England and Scotland concluded, and before sufficient provision be made for the repayment of the said moneys so to be raised: All which the Commons in this present Parliament assembled having duly considered, do therefore

therefore humbly beseech your most excellent Majesty, that it may be declared and enacted,

And be it declared and enacted by the King our Sovereign Lord, with the assent of the Lords and Commons in this present Parliament assembled, and by the Authority of the same, That this present Parliament now assembled, shall not be dissolved, unlesse it be by Act of Parliament to be passed for that purpose; nor shall be at any time or times during the continuance thereof, prorogued or adjourned, unlesse it be by Act of Parliament to be likewise passed for that purpose: And that the House of Peers shall not at any time or times during this present Parliament, be adjourned, unlesse it be by themselves, or by their own Order: And in like manner, That the House of Commons shall not at any time or times during this present Parliament, be adjourned, unlesse it be by themselves, or by their own Order; and that all and every thing or things whatsoever done or to be done, for the adjournment, proroguing, or dissolving of this present Parliament contrary to this present Act, shall be utterly void, and of none effect.

The true intent and meaning of this Act in the Framers, Makers, and Contrivers of it, was meerly to secure their sitting for some reasonable time, that so they might be able to apply fit plasters to the great sores of the Nation, and not be broken up suddenly, before they had applyed them to the sores, and laid them on; and their fear was, the King would, as he used to do, dissolve them suddenly; security from which was their onely end in procuring this Act, and not in the least to make this a perpetuall Parliament; which I demonstrate thus:

First, A perpetuall Parliament is repugnant to the Act made this Parliament for a Triennial Parliament (which in your Declarations is so highly extolled after the making of both the Acts:) for how can every three yeers a Parliament be begun, if this be perpetuall? which by the Act may be so, if the two Houses please. But in all the Act there is not one word of the annihilating or repealing of the Act for a Triennial Parliament; which, if it had been intended, it would have mentioned, and not left such a businesse of consequence in any doubtfulnesse whatsoever: and the not mentioning of it, is a cleer declaration to all the Readers of it, That their designe solely in the last Act, was onely to secure themselves from the Kings sudden and quick dissolving them at his wil and pleasure. And therefore,

Secondly, In Law, according to the constitution of our Parliaments, an Adjournment of the Parliament makes no Session; howbeit, before the Adjournment the King gives his assent to some Bills; as is plain out of Cooke, 4. Instit. chap. High Court of Parliament, fol. 27. authorised to be printed by the late Parliament, in its purest purity for good Law.

Thirdly,

Thirdly, In Law there is no Session, till a prorogation or dissolution of the Parliament; they are the words of Cook himself, fol. 27. *ibid.*

Fourthly, This Parliament, as appears by the Act for not dissolving thereof, before mentioned, cannot be prorogued by the King, but by Act of Parliament: but there hath been as yet no Act of Parliament in that behalf: and therefore all the Acts of this Parliament are in law Acts of one Session, as appears by *Plowd Com. 33. H. 8. B. o. relation 35. Bro. Parl. 86. Dier. 1. M. 85.*

Fifthly, In Law, all 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 for the Triennial, and the Act for this perpetual Parliament, are two Acts of one day, by the Law.

Sixthly, the 4 *Edw. 3. chap. 14.* & 36 *Edw. 3. chap. 10.* forementioned, declares that a Parliament ought to be holden once every year, and more often if need be, those very Acts are every clause of them confirmed this Parliament, which also provides, that in case the King break those Laws, and do not annually call Parliaments, as is before declared, that then the Lord Keeper, whether he will or no, shall call a triennial one. Now I would fain know of any rational man, *How an everlasting Parliament doth agree with a Parliament once every year, or ofner if need require,* or with the intention of those Laws? And how doth a Parliament every three years (provided for as sure as its possible for Law to provide; in case the King annually should not call one) agree with a Parliament for ever, which may be by the letter of the perpetual Act, if the two Houses please?

The conclusion of all is this, that at one day in law, the late Parliament passed two Acts, (for, howbeit the one was in the 16 of the King, and the other in the 17 year of the King: yet both in law are Acts of one day) the one saith, the King shall call a Parliament once a year, after the sitting of this Parliament, and in case he doth not, the Lord Keeper, &c. shall call a Parliament three years after the sitting of this Parliament. The other Act in the letter, or litterall construction of it, saith, this Parliament shall sit for ever if the two Houses please. The one will have a Parliament with an end, the other a Parliament without an end: Now the question is, which of these two was the true intent and meaning of the Makers of this Act: for as Learned Cook rationally and well observes in his excellent exposition of the 1. *Eliz. chap. 1. 4 part. Institut. fol. 328.* (which Act established the power of the High-Commission, that by colour of this Statute did many barbarous and illegall things) *such an interpretation of ambiguous and doubtfull things is alwayes to be made, that absurdities and inconveniences may be avoyded;* but the highest absurdities and inconveniences in the world would follow, if this last Statute should be taken according to the litterall construction of it, and not according to the equity and true intent and meaning of the makers of it, which was not to make this everlasting if they pleased, and so totally to destroy annuall Parliaments, or in the Kings default of calling them, then trienniall Parliaments: whether he would or no, but only to secure them from the Kings sudden breaking them up at his pleasure: that so they might sit some reasonable short time to dispatch the great business of the Nation; and that reasonable time cannot by any words (or the true meaning of any) in either of the Statutes; *Be rightly inter-*

interpreted to be above a year at most, especially from the date of the last; for the laws (in the right and true meaning) notwithstanding the last Act, were yet still in force to binde the King to call *Annuall Parliaments;* but two Parliaments by Law cannot sit together: but without two Parliaments should sit together, (viz. *An everlasting one, and an annuall one, which is our right by Law*) we cannot enjoy the benefit of those good and excellent Laws, for *Annuall Parliaments or ofner if need require.* And therefore to take the utmost extent of the length of that time, the two Houses were enabled to sit by vertue of the force and power of the last Act, it could not be above a year at most, from the day of the date of it, and yet they have sate almost eight since, by vertue and colour of that alone, and of nothing else in law, having no other visible Commission under the Sun, to authorise them to destroy our undoubted naturall and legal Rights, *of having ofner and frequent successive Parliaments totally new,* which they have done by their long and unwarrantable sitting, principally to enrich the most of themselves, and enslave our spirits.

And that an everlasting Parliament was never intended by that Act, I think their own words printed in December, 1641. which was immediately after the passing that Act, will easily decide the controversy.

And in their or your first Remonstrance of the state of the Kingdom, after excusing of your selves from any invasion of the rights of the Crowne, 1. Part, Book Declar. pag. 16, 17. there is these very expression, viz. *The trienniall Parliament, for the matter of it, doth not extend to so much as by law we ought to have required, there being two Statutes still in force, for a Parliament to be once a year: And for the manner of it, (viz. THE TRIENNIAL PARLIAMENT) it is in the Kings power, that it shall never take effect, if he by a timely summons shall prevent any other way of assembling. In the Bill for continuance of this present Parliament, there seems to be some restraint of roall power in dissolving of Parliaments, not to take it out of the Crown, but to suspend the execution of it for THIS TIME AND OCCASION ONLY, which was not necessary for the Kings own security, and the publique peace, that without it we could not have undertaken any of these great charges, but must have left both the Armies to disorder and confusion, and the whole Kingdom to blood and rapine.*

Which words are a plain and cleer demonstration, That the intention of the makers of the foresaid Act was never to make this a perpetuall Parliament, but onely for some reasonable time, to secure their sitting from the Kings sudden breaking them up when he pleased; whose hands were now tied herefrom by this Act: which thing onely is and was the clear meaning of the makers of it.

And that the generall words of a Law, or the literal sense of it, when they hold forth absurdities, and inconveniences, and visible mischiefs, are to be interpreted and controuled by the intent of them that made it, is clear, from their own Oracle Sir *Edw. Cook,* who in his exposition of the foresaid Statute of 1. *Eliz. chap. 1.* in his 4 part *Institutes, fol. 330.* hath these very expressions: *Now that divers and many other Acts of Parliament (BE SIDES THIS OF ELIZ.) which are generall in words, have, upon consideration of the*

the mischief, and all the parts of the Act, (for the avoyding of the inconvenience and absurdity that might follow) received a particular interpretation, it appeareth in booke in cases of far lesse inconvenience and absurdity.

Plo. Com. in Stowels Case fol. 369. The Preamble is to be considered, for it is the key to open the meaning of the makers of the Act, and mischief which they intend to remedy. The Judges of the Law have ever in such sort pursued the intents of the meaning of the makers of such Acts of Parliament, as they have expounded Acts generall in words to be particular, where the intent hath been particular (which are the words of the Book) And therefore upon that rule it is there adjudged, That where the Statute of 7. Edw. 6. is generall, IF ANY RECEIVER OR MINISTER ACCOUNTANT &c. RECEIVE OF ANY PERSON ANY SUM OF MONEY FOR PAYMENT OF ANY FEES, &c. HE SHALL FORFEIT vis. viii. d. FOR EVERY PENNY. That this do not extend, according to the generality of the words, to the Receiver of common persons, because these words subsequent be added (otherwise then be lawfully may by former Laws and Statutes.) Now the Judges restrained the generality to a particular, to the Kings Receiver onely; for that no Law or Statute was formerly made concerning common persons Receivers, &c. But in the Case in question, as well the precedent clause of Restitution, as the subsequent clause expressing offences in particular, and the words in the same generall sentence, viz. UNDER YOUR HIGHNESSE, &c. and principally the cause of the making of this Act do qualifie the generality of the words. And yet notwithstanding it was resolved by all the Court in the said case of Stradling, fol. 203. a. That the Receiver of common persons were within the words of the said Statute. But there it is said, that if a man consider in what point the mischief was before the Statute, and what thing the Parliament meant to redresse by this, he shall perceive that the intent of the Makers of the Act, was to punish onely the Ministers of the King. And a little after the Judges say, That the stile of this Act is, AN ACT FOR THE TRUE ANSWER OF THE KINGS REVENUES. And by this also the intent of the makers of the Act is to be collected; and these be the words of the Book, which is a far stronger case, then the case in question.

4 Ed. 4. fol. 4. & 12. Every Statute ought to be expounded according to the intent of them that made it, where the words thereof are doubtfull and uncertain, and according to the rehearfall of the Statute; and there a generall Statute is construed particularly, upon consideration had of the cause of making of the Act, and of the rehearfall of all the parts of the Act.

To conclude this point with a generall Rule allowed by all Laws in construction of Statutes, viz. Although the Law speak in generall terms, yet it is so to be bound up or accepted, That WHERE REASON CEASETH; THERE THE LAW CEASETH: FOR, SEEING REASON IS THE VERY LIFE AND SPIRIT OF THE LAW IT SELF; the Law-giver is not to be esteemed to respect that which hath no Reason; although the generality of the words at the first sight, or after the letter, seem otherwise. Mark, I intreat you, these last words well, for they are strong and full.

And

And much more is there to this purpose: so he is most excellent in his exposition of the said Statute of 1 Eliz. 1. And that this equitable and intentionall manner of expounding Laws in dubious cases, or where absurdities or mischiefs do depend upon the taking of it in the literal sense, is justifiable, legall and good, is unquestionably demonstrated out of your own 1 part Booke Dec. pag. 150. in these very words, viz. That there is in the Laws an equitable and literall sense. His Majestie (let it be granted) is intrusted by Law with the Militia; but 'tis for the good and preservation of the Republique, against forraign Invasions and domestick Rebellions: For it cannot be supposed that the Parliament would ever by Law intrust the Militia against themselves, or the Common-wealth that intrusts them to provide for their WE ALE, NOT FOR THEIR WOE. So then, when there is certain appearance, or grounded suspicion, that the letter of the Law shall be improved against the equity of it, (that is, the publick good, whether of the body reall, or representative) then the commander going against its equity, gives liberty to the commanded to refuse obedience to the letter: For the Law taken abstract from its original reason and end, is made a shell without a kernell, a shadow without a substance, and a body without a soul. It is the execution of Laws according to their equity and reason, which (as I may say) is the spirit that giveth life to Authority, the letter kills.

Nor need this equity be expressed in the Law, being so naturally implied and supposed in all Laws that are not merely Imperiall, from that analogie which all Bodies politick hold with the naturall, whence all Government and Governours borrow a proportionall respect. And therefore when the Militia of an Army is committed to the General, it is not with any express condition, that he shall not turn the mouthes of his Canons against his own souldiers; for that is so naturally and necessarily implied, that its needlesse to be expressed; 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, except we think that obedience binds men to cut their own throats, or at least their companions.

Yea, the very title of the Act in hand literally declares, it was never intended to be perpetuall; no, nor to extend to so long a time as to be mischievous to the Commonwealth, by subduing the S O U L of all our Liberties, frequent and annuall Parliaments, elected wholly and totally new; for it is called, An Act to prevent Inconveniencies which may happen by the untimely adjourning, proroguing or dissolving of this present Parliament. Mark the words well, and it puts all out of dispute, that this Act was but merely done to tie the Kings hands for a certain reasonable time, that so it should not be dissolved untimely: and the Title declares, it was made to avoid Inconveniencies, and therefore not to beget and increase them; which it must needs do as is already fully proved, if it destroy frequent, successive, annuall Parliaments.

But yet once again more fuller: Reason and Nature it self saith, yea and the Law of England saith, That when an Act of Parliament is against Common Right, or Reason, or repugnant, or impossible to be performed or kept, the common Law shall controul it, and adjudge this Act to be void: they are the words of the Law, 1 pars Dr. Bonham's Case, fol. 118. & 8. Ed. 3. fol. 30. 33. E. cessavit 32. & 27. H. G. annuity 41. & 1 Eliz. Dier 313. & 1 part Cooks Institutes lib. 3. chap. 11. § 209. fol. 140. a. An Act of Parliament that a man shall be a Judge in his own case, is a void Act in Law. Hubbert fol. 120. and the 8 part Cooks Reports in Dr. Bonham's case. See the Army Booke Declarat. pag. 35. § 9. 61. 63. 143.

First therefore let us begin with Common Right; and we shall easily see this perpetuall Act is against that: For it is against common Right, that indebted men (as most, if not all Parliament men are) should not pay their debts. Or that, if any Member of Parliament do any of the People of England wrong (as daily they do) by unjust and unpar-

vainable disseising of him or them of his land, or disseising him of his goods, or blasting of his fame, or doing violence to his person by beating, wounding, or imprisoning, &c. that such persons, during their lives, by a privilege of Parliament (that was intentionally good and just in its institution, when Parliaments were often and short) should be protected and secured from all manner of question at the Law, by any parties so wronged by them, is absolutely against common Right. Nay, and more, That this should extend to multitudes of persons besides, that are their servants or attendants; and also that any, or all of these shall have the benefit of the Law in any Court of Justice in England at their pleasure, against any man whom they shall pretend wrongs them, are such transcendent and grievous enormities, that common Right abhors; and yet this, with a thousand times as much more as bad as these, are the fruits of a perpetuall Parliament, if they please; which tends to the utter destruction of all mens Actions, real, personall, or mixt, who have to do with Parliament men; as appears expressly by the Statute of Limitations of the 21 of James, chap. 16. which strictly confines all manner of Suits to be commenced within certain years after the occasion given.

Secondly, For common Reason: Parliaments were ordained and instituted (as is before truly and legally declared) for remedies to redresse publick and capitall grievances that nowhere else could be redressed: but it is against reason (and the very end of the Institution of Parliament) that Parliaments should make and create multitudes of publike and insufferable grievances; The law of the Land allowes no protection for any man employed in the service of the Kingdom, but for a year at most, as to be free from Suits; and in many Suits none at all, howbeit he be in such services. But a perpetuall Parliament may prove a protection (in all manner of wickedesse and misdemeanours committed against other men, not of the Parliament, amongst any of whom they may pick and chuse whom they please, to ruinate and destroy) and that not for a year, but for ever; which is against all manner of Reason, or the shadow or likeness of it. And therefore, as young Sir Henry Vane said against Episcopal Government in the beginning of his large speech of the 11 of June 1641 now in print, at a Committee for passing the Bill against Episcopall Government, so say I of an everlasting, or of any Parliament that shall do as you have done, in largely sitting beyond the time of your Commission, &c. That when any thing is destructive to the very end for which it should be, and was constituted to be; and not onely so, but does the quite contrary (as your House in every particular doth) certainly, we have cause sufficient enough to lay it aside; and not onely as uselesse, in that it attains not its end; But is dangerous, in that it destroyes and contradicts its end.

Thirdly, For Impossibilitie: The death of the King in law undisputably dissolves the Parliament, spoken of in the foresaid act, which is pretended to be perpetuall; for the Writ of Summons, that is directed to the Sheriffs, by vertue of which, Parliament-men are chosen, runs in these words: King Charles being to have conference and treaty with, &c. upon such a day, about or concerning (as the words of the Triennial Act hath it) the high and urgent affairs concerning his Majestie (and he writes US) the State, and the defence of the Kingdom and Church of England. But I would fain know how it's possible for a Parliament to confer or treat with King CHARLES now he is dead: it's impossible. See 2 H. 5. Cook. tit. Parl. 3. part. And therefore the whole current of the Law of England (yea, Reason it self) from the beginning to the end, is expressly, That the Kings death doth ipso facto dissolve this Parliament, though it had been all the time before never so incire and unquestionable to that very hour; and it must needs be so, he being in Law, yea, and by the authority of this very Parliament stiled, the head, the beginning, and end of Parliaments: See Cooks 4 part Institutes fol. 1. 3. Mr. Pym's forementioned Speech against Strafford pag. 8. S. John's forementioned argument against Strafford, pag. 42. And there

therefore as a Parliament in law cannot begin without the Kings presence in it, either by person or representation, Cook ibid. fo. 6. so it is positively dissolved by his death; for thereby not only the true declared, but intended end of their assembling (which was to treat and confer with King CHARLES) is ceased, and thereby a final end is put unto all the means that are appointed to attain unto that end: And therefore it is as impossible for this Parliament, or any Parliament to continue as long as they please, as for a Parliament to make King Charles alive again.

Fourthly, For Repugnancy: That which is but for a time, cannot be affirmed to have continuance for ever [it is repugnant:] but this Parliament in the intention of the makers of the Act, was to be but for a time, not above a year at most, after the date of the Act, as is before proved and declared from their own words; And therefore it cannot be reputed perpetual, for there is a repugnancy betwixt them.

Again, The King's Writ that summoned this Parliament, is the Basis in Law, and Foundation of this Parliament: If the Foundation be destroyed, the Parliament falls: But the Foundation of it, in every circumstance thereof, is destroyed: And therefore the thing built upon that Foundation must needs fall. It is both a Maxime in Law and Reason.

But if it be objected, The Law of Necessity requires the continuance of the Parliament against the letter of the Law.

I answer, First, Its necessary to consider whether the men that would have it continued as long as they please, be not those that have created the necessities on purpose, that by the colour thereof they may make themselves great and potent; and if so, then that Objection hath no weight, nor by any rules of Justice can they be allowed to gain this advantage by their own fault; as to make that a ground of their justification, which is a great part of their offence. And that it is true in it self, is so obvious to every unbiased knowing eye, it needs no illustration: but if it shall be denied by any of their pens, if God please to give further opportunity, I shall prove it to the full.

Secondly, I answer, There can no necessity be pretended that can be justifiable for breach of trusts that are conferred on purpose for the redresse of mischiefs and grievances, when the trust is perverted to the quite contrary end, to the increase of mischiefs and grievances; yea, to the subversion of Laws and Liberties. I am sure, Mr. Pym by their command and order, told the Earl of Strafford so, when he objected the like, and that he was the King's Counsellor, and might not be questioned for any thing he advised according to his conscience. But saith Mr. Pym pag. 11. He that will have the priviledge of a Counsellor, must keep within the just bounds of a Counsellor. Those matters are the proper subjects of Counsel, which in their times and occasions may be good or beneficial to the King or Commonwealth. But such Treasons in these, the subversion of the Laws, violation of Liberties, they can never be good or justifiable by any circumstance or occasion; and therefore (saith he) being a Counsellor makes his fault much more heinous, as being committed against a GREATER TRUST. And in pag. 12. he answers another excuse of his, which was, That what he did he did with a good intention. Its true, saith Mr. Pym, Some matters heinous and dangerous, may be accompanied with such circumstances, as may make it appear usefull and convenient; and in all such cases, good intention will justify evill counsell. But where the matter propounded are evill in their own nature, such as the matters are with which the Earl of Strafford is charged viz. To BREAK A PUBLICK FAITH, to subvert Laws and Government, they can never be justified by any intentions, how specious or good soever they pretended.

And that they have perverted the ends of their Trust more then ever Strafford did, I shall instance at present but in 3 particulars, the main ends of their Trust was to ease the People

People of their grievances; and what their Grievances were, are excellently reckoned up in the Parliaments first Remonstrance of the state of the Kingdom: First, destruction of their Trades by Monopolize, &c. Secondly, exhausting of their estates to maintain and promote pernicious designs to their destruction. Thirdly, their essential Liberties and Freedoms quite destroyed: Where is the remedy now? hath not the Parliament contrary to that excellent Law against Monopolize, of the 21 James, Chap. 3. of late erected Monopolize by Ordinances, Orders and Votes, (although in the first month of your sitting, you made Orders to throw down Monopolizers out of your House) as particularly, *Whale Oyle, White fine, W'yer, Tyan, with many others; yea, and continuing all the old Monopolies, Merchants, Companies that Trade beyond sea; yea, and set up for eternality that Monopoly of all Monopolies, the Excise; the bare endeavouring of which, they call an unjust and pernicious attempt in the King in the fore-mentioned, Declar. pag. 6.*

And then for exhausting of their estates, the King did it by a little Shipmony and Monopolies &c. but since they begun they have raised and extorted more money from the people and nation then halfe the Kings from the Conqueror ever did, as particularly: 1. *By Excise.* 2. *Contributions.* 3. *Sequestrations of lands to an infinite value.* 4. *Fifth Parts.* 5. *Twenty parts.* 6. *Meal-mony.* 7. *Saile of plundered goods.* 8. *Loanes.* 9. *Benevolences.* 10. *Collections upon their fast dayes.* 11. *New Impositions or Customs upon Merchandise.* 12. *Guards maintained upon the charge of private men.* 13. *Fifty Subsidies at one time.* 14. *Compositions with Delinquents to an infinite value.* 15. *Sale of Bishops Lands.* 16. *Sale of Diocane and Chapters Lands,* and now after the wars are done. 17. *Sale of King, Queen, Prince, Duke, and the rest of the Childrens revenue.* 18. *Saile of their rich goods, which cost an infinite summe.* And 19. *To conclude all a taxation of ninety thousand pound a month, and when they have gathered it pretendedly for the Common-wealths use, divide it by thousands and ten thousands, apiece amongst themselves; and wipe their mouths after it like the impudent Harlot as though they had done no evill; and then purchase with it publique lands at small and triviall values; O Brave Trustees! that have protested before God and the world, againe and againe in the day of their straits, they would never seek themselves, and yet besides all this divide all the chiefest and profitablest places of the Kingdom amongst themselves; And then thirdly, what regulating of Courts of Justice, and abridging of delays, and charges of Law suits have they performed as in their first Remonstrance they promised? Nay, are they not worse then they were before the wars, and besides, then High-Commission, Star-Chamber and Council board were all downe; and have they not now made a Star-Chamber, High-Commission and Council-Board of most of their petty Committees? but most dreadful ones of the House and their New-Council of State? as is evident to be seen in my Comrades and my illegall and arbitrary imprisonment, and cruel close imprisonment Thirdly, Nay have we at all any Law left Master Peters your grand Teacher averred lately to my face we have none?) but their meer wils any pleasures; *saving Fellons Laws, or Marshall law, where men-Butchers are both Informers, Partier, Jury-men and Judges; who have had their hands imbrued in bloud for above this seven yeares together, having served an apprenticeship to killing of men, for nothing but money, and so are more bloudier then Butchers that kill sheep and calves for their own livelihood, who yet by the Law of England, are not permitted to be of any Jury for life and death, because they are conversant in shedding of bloud of bealts; and thereby, through a habit of it, may not be so tender of the bloud of men; as the Law of England, reason and Justice would have men to be.* Yea, do not these men by their swords, being but servants, give what law they please to their Masters: the pretended Law-makers of our house, now constituted by as good and legall a power as he that robs or kills a man upon the high-way.*

But to conclude this tedious point, I shall end it with such an Authority, as to the ruling

ruling men in your House, must needs knock the Nail on the head, and that is with the Declaration of the Army, (*Your Lords, Masters, Law-givers, and Law-executers*) who in their most excellent of Declaratrons of the 14 of June, 1647. About the just and fundamentall rights and liberties of themselves and the Kingdom, page 40, 41, 42. of their boock of Declarations, after they have sufficiently cryed out of Stapleton and his party, for abusing, deluding and over-swaying the house from their true end for which they were assembled together: say thus,

But yet we are so far from designing or complying to have an absolute or arbitrary power fixed or settled for continuance, in any person whatsoever; as that (if we might be sure to obtain it) we cannot wish to have it so in the persons of any whom we could most confide in; or who should appear most of our own opinions and principles, or whom we might have most personall assurance of, or interest in, but we doe, and shall much rather wish, That the Authority of this Kingdom in Parliament (rightly constituted, that is, freely, equally and successively chosen, according to its originall intencion) may ever stand and have its course. And therefore we shall apply our selves chiefly to such things as (by having Parliaments settled in such a right constitution) may give most hopes of Justice and Rightousnesse, to flow down equally to all, in that its Ancient channell, without any overtures, tending either to OVERTHROW that foundation of Order and Government in this Kingdom, or TO INGRESS THAT POWER FOR PERPETUITY INTO THE HANDS OF ANY PARTICULAR PERSONS, OR PARTY WHATSOEVER.

And for that purpose though (as we have found it doubted by many men, minding sincerely the publica good, but not weighing so fully the consequences of things) it may and is not unlike to prove, that, the ending of this Parliament, and the election of a New, the constitution of succeeding Parliaments, (as to the persons Elected) may prove for the worse many wayes; yet since neither in the present purging of this Parliament, nor in the Election of a New, we can promise to our selves or the Kingdom, and assurance of Justice, or other positive good from the bands of men; but those who for present appear most righteous, and most for common good (having an unlimited power fixed in them during life or pleasure) in time may become corrupt, or settle into parties, or factions; or, on the other side in case of new Elections, those that should succeed, may prove as bad or worse then the former. We therefore humbly conceive that (of two inconveniences the lesse being to be chosen) the main thing to be intended in this case (and beyond which humane providence cannot reach, as to any assurance of positive good) seem to be this, *viz.* to provide, that however unjust or corrupt the persons of Parliament men, in present, or future may prove, or whatever ill they may doe to particular parties (or to the whole in particular things) during their respective termes or periods, yet they shall not have the temptation of an unlimited power fixe in them during their owne pleasures, whereby to perpetuate injustice or oppression upon any (without end or remedy) or to advance and uphold any one particular party, faction or interest whatsoever, to the oppression or prejudice of the Community, and the enslaving of the Kingdom unto all posterity, but that the people may have an equall hope or possibility, if they have made an ill choice at one time, to mend it in another, and the Members of the House themselves may be in a capacity to taste subjection as well as rule, and may be so inclined to consider of other mens cases, as what may come to be their own. This we speake in relation to the House of Commons, as being intrusted on the Peoples behalfe, for their interest in that great and supreme power of the Common wealth (*viz.*) the Legislative power with the power of snall Judgement) which being in its own nature so arbitrary, and in a manner unlimited, (unlesse in point of

time) is most unfit and dangerous (as to the peoples interest) to be fir in the persons of the same men, during life or their own pleasures. Neither by the originall constitution of this State, was it, or ought to continue so, nor does it (wherever it is, and continues so) render that State any better then a meer tyranny, or the people subjected to it, any better then vassals; But in all States where there is any face of common freedom, and particularly in this State of England (as it is most evident both by many positive laws and ancient constant custome) the people have a right to new and successive Elections, unto that great and supream truit, at certain periods of time, which is so essential and fundamentall to their freedom, as it is, cannot or not to be denied them, or withheld from them, and without which the House of Commons is of very little concernment to the interest of the Commons of England. Yet in this we could not be understood in the least, to blame those worthies of both Houses, whose zeale to vindicate the Liberties of this Nation, did procure that Act for the continuance of this Parliament; whereby it was secured from being dissolved at the Kings pleasure, (as former Parliaments had been) or reduced to such a certain yeas might enable them the better to assert and vindicate the Liberties of this Nation; (immediately before so highly invaded, and then also so much endangered) and those we take to be the principall ends and grounds for which in that exigency of time and affairs it was procured, and to which we acknowledge it hath happily been made use of; but we cannot thinke it was by those Worthies intended, or ought to be made use of to the perpetuating of that supream truit and power into the persons of any during their owne pleasures, or depriving of the people from their right of elections totally new.

But if here it should be objected although the King be dead, yet the Parliament hath altered the Government into a Common-wealth, and so may if they please change the Constitution of Parliaments.

To which I answer, First, that those company of men at Westminster; that gave Commission to the High Court of Justice to try and behead the King, &c. were no more a Parliament by Law, nor a Representative of the people, by the rules of Justice and Reason, then such a company of men are a Parliament, or Representative of the People, that a company of armed Thieves chuse and set apart to try, judge, comdemn, hang, or behead any man, that they please, or can prevail over by the power of their swords, to bring before them by force of arms, to have their lives taken away by pretence of Justice, grounded upon rules meerly flowing from their wils and swords; for I would fain know any Law in England, that authoriseth a company of Servants to punish or correct their Masters, or to give a Law unto them, or to throw them at their pleasure out of their power, and set themselves down in it, which is the Armes case with the Parliament, especially at Tho. PRIDGES late Purge; which I call (and will maintain to be) an absolute dissolution of the very essence and being of the House of Commons; and I would fain see any Law or Reason in Writing or Print to justify that action, upon any other account, then in hindering them from raising a new Warr, and from destroying the peoples Liberties by their eternall sitting; seeing they keep their power longer by far then their Masters, or impowers the people intended they should; and also employ it to their mischief by hindering them; (I mean those that had not acted against the Liberties of the Parliament) entering into a mutuall engagement to appoint rules whereby to chuse (seeing they cannot all meet in one place themselves) and empower new Trustees, Commissioners, or Representors, to make equall and just Lawes to bind all, and provide for their future well-being, there being no other way justly, either in

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Law or Reason; to settle this Nation in peace and quietness, but by one of these two means: First, either by admitting the King in again upon terms: or else, secondly, to lay foundations of a just Government, by an Agreement made amongst the generality of the people capable of it: and if any man upon earth can either by Law or Reason shew me a third way, that hath any more shadow of Justice in it, then for William the Conqueror, or the great Turk by their swords to give a Law unto this Nation, I will forfeit my life.

But secondly I answer, the main end of the peoples chusing of the Members of the House of Commons was not to come to Westminster to set up a common-wealth, especially to invest all power in themselves, and with that at their pleasure rob and take away (by the rules of their wils) the liberties and lives of those that chuse them, and be unaccountable as long as they live, although they do what they please; therefore I would fain see any bit or shadow of a pretended Commission to this end, either in writing, or tacitly in intention; nay, or so much as in the thoughts of the major part of the Members themselves, when they were impowered; I am sure all their Declarations declare the contrary. And therefore I say, and will make it good against all the tyrannicall Sophisters in England, in a Publique dispute before the People, That the main end wherefore they were sent, was to treat and confer with King Charles, and the House of Peers, about the great affaires of the Nation, &c. and therefore are but a third part, or a third estate of that Parliament, to which they were to come and joyn with; and who were legally to make permanent and binding laws to the people of the Nation; and therefore having taken away two of the three Estates, (through a pretended necessity, for a pretended good end, the accomplishment of which can only justifie this act) that they were chosen on purpose to joyn with to make Laws; the end both in reason and Law of the Peoples trust is ceased; for a Minor joyned with a Major for one and the same end, cannot play Lord paramount over the Major, and then doe what it please; no more can the Minor of a Major, viz. one estate of three legally or justly, destroy two of three without their own consents, or the Authority of a higher power, then all given and deligated for that end intended and declared, which is the People, the fountain and original of all just power, which they never did in their lives; and therefore the whole power of all is returned to them singly and alone, (but if any part of it is yet inherent in any, then it is in PRINCE CHARLES as Heir apparent to his Fathers Crown and Throne) over whom (I mean the people) no persons nor power on earth can now set no change of Government whatever, but what is done by their own mutuall consent by AGREEMENT AMONGST THEMSELVES, but with as reall a face of Tyranny, as ever was acted by any Conqueror or Tyrant in the world; unto which whosoever stoops and supports it, is as absolute a Traytor both by Law and reason, as ever was in the world, (if not against the King, yet against the Peoples Majesty, and Sovereignty, the fountain of all power on earth;) and the present setting up of this Tyrannicall new Commonwealth, considering their many Oaths, Covenants, Promises, Declarations and Remonstrances to the contrary, (with the highest promises and pretences of God for the People and their declared Liberties, that ever was made by men) are the most perfidious, false Faith and Trust breakers and Tyrants that ever lived in the world; and ought by all rationally and honest men to be the most detested and abhorred of all men that ever breathed; by how much the more under the pretence of friendship and brotherly kindness they have done all the mischief they have done in destroying our Lawes and Liberties, &c. Is any Treason like Judas his Treason? who betrayed his Lord and Master with a kisse: Is any murder in the world, like that of Joab committed upon Abner and Amasa? who while he kissed and embraced them with the highest

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declarations of friendly and brotherly affection, stabbed them under the fifth Rib, 2 Sam. 2. 27. & 10. 9, 10. Is any wrong or mischief done unto an ingenious spirit, so bitter to his soul, as the treachery and baseness of a pretended and familiar friend? No undoubtedly, for against a professed enemy a man hath a fence, for he will not trust him, but is alwayes jealous of him: but against a pretended friend he hath none, for he lyes in his bosome, from whom he fears no ill, but sleeps in security, in the height of which he is ruinated and destroyed: which kinde of dealing was most bitter to Davids soule, which made him say, Psalm 55. 12, 13, 14, 15. For it was not an ENEMY that reproached me, then I could have borne it: neither was it he that HATED me, that did magnifie himself against me. then I would have hid my self from him. But it was thou, a man, mine equall, MY GUIDE, MINE ACQUAINTANCE. We took SWEET COUNSELL together, and walked into the house of God in COMPANY: Let death seize upon them, and let them goe down quick into hell, for wickednesse is in their dwelling; and among them, and let the present generation of swaying men, that under the pretence of good, kindness and friendship, have destroyed and trod under their feet all the Liberties of the Nation (and will not let us have a new Parliament) and set up by the Sword their own unsufferable, unsupportable Tyrannicall Tyranny; consider the ends of JWDAS and JOAB, and they shall finde, that for their treachery and blood; the one Hanged himself, and the other was executed in the Tabernacle of the Lord, at the horns of the Altar, whether he fled for refuge and sanctuary, 1 Kings 2. 30, 31. yea, also remember Cains treachery to his innocent brocher Abel, Gen. 4. 8, 10, 11, 12, 13, 14.

Thirdly and lastly, I answer, the House of Commons sitting freely within its limited time, in all its splendor of glory, without the awe of armed men, never in Law, nor in the intencion of their chusers were not a Parliament; and therefore of themselves alone, have no pretence in Law to alter the constitution of Parliaments, especially as to free and successive Elections totally and wholly new; neither if ever it had been in the power of a true and reall House of Commons; Yet this present pretended One now sitting at Westminster is now a true House of Commons; as the Armies ancient Declarations doe notably prove; see their Book, Declar. pag. 125, 127, 134, 135, 138, 139, 140, 141, 143. For I would fain know in Law, where Col. THOMAS PRIDE was authorized to chuse the people of England a Parliament; or to purge away at his pleasure by his sword three quarters of four of the House of Commons, (and so committed the affairs of Parliament to a few, which was never intended by the impowers, but hath always been holden to be against the honor and dignity of a Parliament, and that no such Commission can or ought to be granted, no nor by a legal Authority it self; see 4 part. Cooks Institures, fol. 42. chap. High court of Parliament) and send whom of them he pleaseth to prison, without charge or declared crime; and to stand at the House door in a warlike posture, with Swords and Muskets to keep out whomsoever he pleased, against the Law and constitutions of Parliaments, which ought to sit free from the force of Armed men, 4 part. Institut. and let none goe into the House, but only those that he knew, or did beleve would vote AS HE AND HIS Masters WOULD HAVE THEM; For shame let no man be so audaciouly and sortishly void of reason, as to call Tho. Prides pittifull Juno a Parliament; especially those that called, avowed, protested and declared again and again those to be none, that sate at Westminster the 26 and 27, &c. of July, 647. when a few of their Members were scared away to the Army, by a few. houres Tumult of a company of a few disordred Apprentices: And being no Representative of the people, no nor so much as a shadow of it, much less a PARLIAMENT, with pretence in Law, reason, Justice or Nature can

can there be for them to alter the constitution of successive and frequent Parliaments, and force upon the people the shew of their own wils, lusts, and pleasures, for Laws and rules of Government, made by a pretended, everlasting, nulled Parliament, a Council of State, or Star-chamber, and a Council of War, or rather by Fairfax, Cromwell and Ireton. And so much for my unfati. tiednesse in the present Authoritie.

But secondly, In case the Justices either in Law, or by reason of the power that now rules England, had to my understanding been a thousand times lesse unquestionable then it is, and had neither against the rules of reason ejected two parts of three to set up themselves, nor oustrip'd its Commission in sitting longer then they should, nor never had been forced once by the Apprentices, which the Army called and declared Treason, and those that remained a mock and pretended Parliament; and if so, then it was dissolved, being sine die, and could legally meet no more at all: nor once forced by the Army; and then the second time not onely forced, but pick'd and culled, and one of four left behind, by means of which it was totally destroyed and annihilated, and none left in a manner but such as would do what those that left them would have them: I say, if none of all this had been, I could not with freeness of my own spirit live upon the sweat of poor peoples brows, by a large Salary for my place, who are fain (now their Trades are gone, their estates spent for the intended recovering of their freedoms (of which notwithstanding they are cheated, and that by their pretended friends) and a famine come upon some parts of the Land, and thousands ready to starve) to pay taxations and Excise for the small beer they drink, and the poor clothes they wear, thousands of Families having never a penny in the world to buy bread for them, their wives and children, but what they earn with the sweat of their brows, and notwithstanding are almost as much without work, as without it: and yet out of the bowels, and pining bellies of these poor people, in this sad and deplorable condition must my salary have come, in case I had taken a publick place upon me: Therefore when I seriously consider how many men in the Parliament, and else-where of their associates (that judge themselves the onely Saints and godly men upon earth) that have considerable (and some of them vast) estates of their own inheritance, and yet take five hundred, one, two, three, four, five, six thousand pounds per annum salaries, and other comings in by their places, and that out of the too much exhausted publick Treasury of the Nation, when thousands, not onely of the people of the world, as they call them, but also of the precious and redeemed Lambs of Christ, are ready to sterve for want of bread, I cannot but wonder with my self, whether they have any conscience at all within them or no, and what they think of that saying of the Spirit of God: That who-so hath this worlds good, and seeth his brother hath need, and shutteth up his bowels of compassion from him; (which he absolutely doth, that any way takes a little of his little from him) how dwelleth the love of God in him? 1 John 3. 17. These actions and practices are so far from being like the true and reall children of the most high, that they are the highest oppression, theft and murder in the world, thus to rob the poor people in the day of their great distresse, by Excise, Taxations, &c. to maintain their pomp, superfluities, and debauchery; and many of those from whom they take it, do perish and sterve with want and hunger in the mean time; and be deaf and adamant-hearted to all their TEARS, CRYES, LAMENTATIONS and MOURNFUL HOWLING GROANS; without all doubt these pretended godly, religious men have got a degree beyond those Atheists or fools, that say in their hearts, There is no God, Psal. 14. 1. and 53. 1. And these are my reasons (with my resolvednesse of walking by a known rule amongst men, the declared Law of England) for not taking a publick place upon me, though I have often been proffered considerable ones, yea, that very fore-noon the Vores of Treason passed in the House against that honest Book or Adresse for which I am imprisoned,

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called, THE SECOND PART OF ENGLAND'S NEW CHAINS
DISCOVERED.

In the third place, I considered with myself, that seeing I could do neither of these, then I must do one of these two; first, Either follow a Trade; or else, Go and buy, or farme some Land in the Country: and when I considered the grand oppressions there, as by Tythes, which is not onely annually the tenth part of the Husbandmans profit to the lazy, antichristian, time observing Priests; but annually the fourth part of his increase, labour, hazards, yea, and stock too; which Tythes I should sooner be hanged then pay: and not onely so, but also the Taxations and Ex-cise, with that unfathomable gulf of free-quarter, by means of which a great Officer that bore me a spleen (amongst whom I have enemies enough) with a Regiment, or more, or fewer, in two or three nights (with free-quarter) might eat me (by force of arms) out of house and home; and so not only waste the increase, but also destroy the principall. And so for these reasons I was blockt off from going to live in the Country.

Then secondly, for a Trade, I must either follow it in London, or in some other Corporation: and in another Corporation (although the King the root and fountain of them be destroyed, and although I am not onely a Native and free Denizen of England, and served many yeers to learn a Trade in London, yet in any considerable Corporation in England) can I not with indrusty be suffered to follow a Trade or Merchandizing to get me bread, unlesse I be a Free man thereof; yea, Newcastle, the chiefest place in my eye, being nigh the aboard of my Father and kindred, is so grand inhaunting a Monopolizer, that it monopoliseth the River of Tyne, yea, and the land for seven miles distance; although it can produce neither Law nor Reason therefore, but onely a large bribing purse of the whole Corporation; which they in that Town say, is so heavie, it will break any private particular mans back: which yet I should not have feared, had there been any equall Law to have been had from the Administrators thereof in any of the Courts of Justice in England, being as well able (at least in my own thoughts) to plead my own case in Law at any Bar against an inhaunting Corporation, or a Patentee Monopolizer (both of which are against the fundamentall Laws and Liberties of England, as is notably proved by Cook in his exposition of the Statute of Monopolies, 3 part Instit. fol. 181. 182. &c.) as any Lawyer in England, it being my undoubted right both by Law (See 28. Ed. 1. chap. 11. and the Statute that abolished the Star-chamber) and Reason, to plead mine own cause, or any of my friends that will chuse and trust me; as any Barristers in the Nation, which I will publicly dispute with any Lawyer any day in the week; and for the unjustnesse of Corporations and Monopolies, which are both sons of one father, read my forementioned Book, called, Innocency and Truth justified, from the 46 page to the 63. and my book called, Londons Liberties in chains discovered, but especially pag. 21. 22. 36. 38. 41. 43. 44 45. to 58. And my second part of it, called Londons Charters, pag. 36. 37. to 64. So being for the foregoing reasons blockt off from following a Trade any where else but in or about London, where I had the choice of three things.

First, Either to set up a Shop in the City; which I was stayed off from; for these Reasons:

First, Because the Court of Aldermen are so oppressive in their Government of the City, setting up their own wills, humours, and irrational ridiculous Customs above both the Law, Reason and their own Charters; which I knowing so well as I do, (and which is pretty well anatomized in my foresaid Books) I should never bear, and so be continually in broils, which was my earnest desire to avoid.

Secondly, A man cannot well keep any considerable Trade in a Shop; but he must

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trust much; which a man many times hazard the losse of; especially in these impoverishing times, or else to Law for it, which I never loved (never having had two Suits in my life, that I can remember) not onely for the jangling part of it, but also for the tedious, chargeable, intricate, hazardous uncertainty of the proceedings therein, as the Judges on purpose have made it to get money: for being often in company with an able, and a very honest man for a Lawyer, with other understanding friends, where we had notable discourses of the abuses of the Law, which were particularly instanced to be many, I took special notice of two things he often averred (to his praise I speak it) besides the proceeding for the most part in an unknown tongue, and an unlegible hand as writes, &c. which two things were these, that he would make good;

First, According to the practice in Westminster Hall, 'If a man lent another man 100 l. 500 l. or 1000 l. &c. and had as good security as any in England can give; yet when the day of payment comes, if the party be a crafty baffling man, and have a good purse, he shall keep a man in the Courts in Westminster Hall three or four yeers in suit, let him do the worst he could, before he could get his money; nay, nor never shall get it neither, unlesse he have a purse also able in some reasonable measure to hold pace with him: but in case in any of that time (by sicknesse, losse or other casualties) he happen to fall poor, and so not able in money to pay fees, &c. its lost for ever: besides all this, the hazards he runs (are sufficient) by being betrayed, bought, and sold by his Solicitor or Atturney, &c. Besides the danger of common Knights of the post, to swear the money's paid, &c.

Secondly, He did averre, that he would make it good before the Speaker at the Bar of the House of Commons upon his life; that for the Chancery (which trades men upon book accounts &c. are subject often to use, and there is not a decree of 100 l. from one yeeres end to the other made in that Court, but jumbling all the decrees together one with another, some suits holding 10, 15, 20, 30 yeeres, nay some above, but first and last it costs the Plaintiff 500 l. for every hundred pound decreed one with another; O brave, honest and reforming Parliament who in three dayes might mend all this easily and plainly, by a County record, by which a Suit never need to be of a months continuance, and for which they have often been Petitioned, but yet will not, but suffer it to continue worse then they found it, for all their great promises in their first Remonstrances, &c. to the contrary; yea and give their Judges their places freely, and 1000 l. per annum out of the Common-wealths moneys, besides all their illegall and unfadomable fees; whereas in the Kings tithe they had but 200 l. per annum fallery and their fees; and most commonly paid 5, 6, 7, 8, 900 l. for their places, and yet were every whit as just as these are; for any thing that ever I could hear of to the contrary, and I think I have enquired as diligently into both as any one private man in England hath done; so for these reasons I durst not meddle with a shop in London.

And then in the next place, having multitudes of acquaintance both in City and Country, I had thoughts out of the Cities Freedom to turn Soap-boyle; being a good trade and most vendible for ready moneys, and in it I mer with these discouragements; viz. First, That there are new Monopolies upon some of the principall materials that makes them double prised to what they used to be, which most commonly are all imported from beyond seas, as oyl, tallow and pot-ashes, for which is paid both custome and Excise, yea and for the very coles that boyles them 4 or 5s. in a Chaldron; and scarce any thing free from Excise that belongs to it, or to the backs or bellies of the men that work it, but the very water; and yet notwithstanding when it is boyled and all hazard run, as spoiling or breaking of vessels, falling of the price of sope, or none vending of it, besides many other accidental casualties, yet out of the very sweat of his brows and

and the industry and labour of the very fingers ends, there must Excise be paid of so much a Barrell; and that which is worst of all is this, my House which used to be my Castle, and so it is by Law, might or day must be at the Knaves Excise mans pleasure, to search and break open for unsealed soape when he pleaseth; nay, notwithstanding all this I must be had to take my oath (after they will not trust me, but have searchad what they can) at the Excise Office, that I have made no more but so and so, and it may be I judge such an Oath altogether unlawfull, and therefore cannot take it, and therefore to prison without any more adoe I goe, and must be fined at the will of the chief Excisers, and pay a noble a day to the Serjeant at Armes, besides his mans fees; and if I do take my oath can forswear my self; I hazard the Pillory for perjury besides the wounding of my conscience; but if I be consciencious that I cannot set my conscience upon the tenter-hooks by forswearing of my self; then I am destroyed in my trade by others that will undersell me by this stealing Excise, and swearing soundly to the contrary too, judging it (with Cromwell, as Major Huntington in his impeachment of him declares) *no sinne it may be to deceive the deceiver or oppressory* and all this lyes upon us; in the first year of **Englands Freedom by the Conservatoz of the Libertie thereof**, who yet zealously and for the peoples welfare chopt of the Kings head for tyranny & oppression, although his loynes were never so heavy as their little finger is, *O brave, unerring, unflin- ning, and everlasting, none such Parliamen:*

And therefore last of all I had thoughts towards Winter to buy of my Unkle at *Sunderland* to lay up some coals at my habitation in *Winchester-house*, to sell in *January* and *February*, and in the meane time to lay out my mony in some adventure for *Holland*; and there I met with these difficulties: First, although, I was as wary as any man in *England* could be, to see that *Master Devenish* title to the house was good in Law, and so I might justly and quietly expect the injoyment of my bargaine from him; And thereby I see First his deeds, and the Parliaments Ordinances thereupon, and Secondly I went and spoke with *Master John Cook* the Lawyer, who drew up the conveyances betwixt *Master Devenish* and *Master Young*, of whom *Master Devenish* for his life bought all *Winchester House* in *Southmark*; by all which, but especially from *Master Cooks* owne mouth, I cleerly and evidently found *Master Devenish* had as good a right in all *Winchester house*, for *Master Youngs* life both by Law and Ordinance, as its possible for any man in *England* to have to the cloaths he wears, or any thing else that he possesseth, although he takes the advice of twenty Lawyers in the buying and purchasing of them; which encouraged me to strike a bargaine with him for three years, for as much of the House as I am to pay annually almost 20l. and yet since a Committee of Members with the Trustees of Bishops Lands will needs turne me and the honest man (by force of Armes) out of his Legall possession without any valuable consideration, or rendring at the least any reason wherefore, but only their *Soveraigne wills and pleasures*. O BRAVE PARLIAMENT JUSTICE! without all doubt this is the liberty of the people, and the Law of the Land, that we have been contesting and fighting for these seven yeers together, or at least as much as they intend (now they have conquered us with our own mony and our own hands) we shall possess and enjoy this unrighteous molestation, which with their illegall imprisoning of me hath spoyled a coal-Merchant of me for the present.

And in the second place, as my adventuring to *Holland*, when I came to inquire after the nature of that, I found these difficulties therein, First, *A strict Monopoly*, that none whatsoever shall ship any white cloth for that place but the *Monopolizers themselves*; and Secondly a general monopoly upon *woollen* commodities whatsoever, that unlesse you do as good as tell a lye; I found merchants still continued to be the chief customers, who

it seems have a trick to steal whole ship loads of custome for their own use, by means of which they undersell any other merchant, yea and thereby break the backs of new beginners; for being at my first inquiring thereinto with *Master William Kiffin* my quondam servant, though now my profest and blood thirsty enemy, he told me a little before, he was one day at the *Custom-house*, and the chief men there had caught a poor man that had stolne some custome, for which they were about fining and punishing him, why *Master* saith he to one of them in *Kiffins* hearing as he averred to me) will you be so angry with me, and so harsh to punish me for a small toy, when I am but your own scholler, for I am sure its but the other day since by your own directions I he:pt you to steal in a manner a whole ship load of uncustomed goods: and you being so well pleased with that, my thinks you should not be so angry with me for stealing a little custome for my self.

But then Fourthly, The Prince was Master of the Sea then, so that I durst not venture it in a *English* bottom, some of which had laid in the *Thames* divers weeks loaded and durst not stirre out for want of convoy, which they had sought much for then to the Parliament, but could get none; and to ship it in a *Dutch* bottom, it did not only give the traid of shipping to the *Dutch*, and so destaoy our *English* Mariners, but also by law to ship it in *Dutch* bottom, it is confiscated or at least must pay the custome of Aliens or strangers as appear by the statutes of 5 R 2. Ch. 3 & 6 R 2 cha. 8. & 4 H. 7. ch. 10. & 5. & 6. E. 6 cha. 18. & 1 H. 13. But having bought some cloth and stuffs I was necessitated to run the hazard of shipping them in *Dutch* bottom; but *English* woollen commoditie; being so great a drug in *Holland* as they are by reason of the merchant monopolizers, alias merchant adventurers, that ingrosse the trade to themselves, and buy their cloth here at what rates they please and sell it in *Holland* as dear a list; and so care not how little they vend so they get mony enough by that they sell and disable all others from trading, by meanes of which the poor people here that depend upon cloth-making, wanting work are necessitated to leave the land of their nativity and goe to *Holland* to make cloth for the *dutchmen* to get bread to keep them alive; whereby they have almost got the *English* cloth making traid, and our wise, just and long winded Parliament, are willing they should so do, or else almost in nine years time they would have given some satisfactory effectuall answer in those multitudes of Petitions that have year after year been preferred to them, complaining of these unsufferable and destroying grievances, and yet they can assume to themselves a stile of the *Conservators of the Libertie of England in the first year of Freedom*, but I wonder where it is; for my eyes can see none at all in any kind, but rather more bondage then ever; witnesse now their *Treason-trap*, &c.

So *English* cloath being so great a drugg there, that little profit could I expect by my adventure, unlesse I laid out in the return most of my mony in such Commodities as are monopolized by new Patents, Ordinances, against the Laws and Liberties of *England*, and if I so did, when they come here (if the *Monopolizers* catch them) they are all lost; so here is our *Freedom*, but yet notwithstanding, I did order my factor to lay out the most of my mony there, in such commodities only, being resolved as soon as I could here of the ships arrival in the river of *Thames*, to boord her with half a dozen lusty resolved blades; and with my own hand to give the chief *Monopolizers* a brace of pistoll bullets in his guts, or a prick with my Rapier or dagger, in case he came to take away my goods from me; and then to run the hazard of a tryal at common Law, to see whether by the Law of God, and of *England*; I could not justifie the preservation of my self and my goods, from any that come to rob me of them, and rather kill him or them, that would assault me and them, then suffer him or them to take away by force my livelyhood, and so by consequence the life of me and my family, but the counsell of States robbing me of my liberty, by my close imprisonment in the *Tower* hath frustrated my marchandizing hopes, yea and

and it may be thereby break me to the bargain, but if they do, when they have seriously cast up their gains by it, they will not be six pence the richer, though my wife and little babes may be much more the poorer: But to turn back again to my coming out of the North, besides the thoughts of my future substance, in some honest industrious calling or other, I spent some time at Westminster, to see and satisfy my own understanding how the true sail of things stood at the helm, I mean with the three great men of the Army, viz. FAIRFAX, CROMWELL, and IRETON; and whether I could finde out they had any real thoughts to prosecute their OWN AGREEMENT, that so we might have a new, equal, and just representative, which I upon my principles (now they had laid Kingly Government aside) look'd upon as the only and alone earthly salve, to heal and cure the wounds of this distracted and dying Nation, and to make it flourish once again in peace, Trade and all kinde of outward prosperity, and without which our wounds could never be healed or cured by any other means that could be invented or continued, looking in my own thought upon the then smal sitting remnant of the last Parliament, as a quite contrary interest to the peoples good or welfare; distributive Justice and univerfall righteousness, being their bane, and that which would be the unavoydable ruine by reason of that horrible guilt they have contracted by their self-seeking unjust wayes upon themselves; the great bug-bear the King being now gone, they would be necessarily led, for the supportation of themselves in the evill of their wayes, and continuance of their intended perpetual Greatness, to court, support, and make much of the chief Supporters of all the remaining corrupt Interest in England, as the **Priests, and their robbing Pythes, the bane of industry; the Lawyers, and their monopolizing pleadings, and all their old and base inslaving corruptions in the execution of the Law, as had in a manner as the old bondage of Egypt; and of old and illegall Charter-mongers, the inhauers, engrossers, and Monopolizers of Trade, and all the base bondages thereunto belonging; the peoples freedoms and liberties being the onely thing now dreaded by them as the only engine to pull down all the steps they have long laid for their elective Kingship, and the single injoyment amongst themselves alone (and their vassals, slaves and creatures) of all the great places thereunto belonging, and thereupon depending, which yet they must not immediately do, but go about it gradually, and first get the power of seeming legall authority, into a narrower compasse then it was, in their purged House of Commons; that so that might rule, counsel and direct their mock-Parliament; and the Council of the Army might rule that; by means of which (what with the service of Ireland, &c.) they might so modulate their Army, that it in due time might totally become slavish by obeying without dispute what-ever their great Officers command them, and so unanimously elect, and impose upon the people their present generall for their King, as the onely fit, able, and best deserving man in England for that sovereign Place; provided, under hand he would ingage too high and mighty Oliver, and his Son in law Henry Ireton, to be sure to do as they would have him, and in his Kingship to promote those that they would have advanced, that so one of them might not fail after his decease to succeed him; and so in time, with their long continued power and wils, keep it in their Line, as the onely deserving Family in this Nation, who saved it from its enemies (for their own ends) in the day of its distresse; whose battels it fought pretendedly for the Liberties of England, crying out *Jehu-like, 1 Kings 10. 16. Come, see my zeal therefore in cutting off the Kings head, &c. and razing out his Family: And undoubtedly it is of the Lord, for he hath prospered me in it* (and so he did Judas in betraying Christ) and now hath been able to stand before me, When as, alas, all this successie may be no more but the rod of God, to chastise a then more wicked Family, designed by God to that destruction; for the transgressions, sin, or blood thereof; Yet for all this, the heart may be no more upright then Jehu's was, which**

vanitngly lifted up by his great success, & took no heed at all to walk in the Law of JUSTICE, TRUTH, and OBEDIENCE) the Lord God of Israel with all his heart, but followed after (MANS INVENTIONS and DEVICES) JEROBOAM'S wickedness, to wit the golden calfs in DAN and BETHEL; for which wickedness and pride of his spirit, (after all his success in fulfilling the expresse will and command of God in cutting off from the earth Abahs family, for the transcendent wickedness thereof) yet God began to plague him, and in those daies cut ISRAEL short, ye and afterward for the pride and wickedness of his posterity (unto whom to the fourth generation God gave the Crown of Israel) for JEHU doing well in executing that which was right in his eyes, in utterly cutting of the house of AHAB for their bloodthirsty wickedness, according to the heart and mind of God, vers. 13. brought such plagues upon him and his people, that they became a spoil to all their neighbours, which made their affliction very bitter; insomuch that there was not any stout up, nor any left, nor any helper for Israel, chap. 14. 26. And as JEHU to the eyes of men conspired against his Master and killed him, being but a Captain in Israel; so Shalum the son of JABESH conspired against the last of his race, and smote him before the people, and slew him, and reigned in his stead, Chap. 15. 10. but because those that followed after took no warning by the righteous and grievous punishment of their predecessors for their wickednesse, to walk righteously and justly before the Lord; Therefore he made their Raignes very short, and full of blood and bitter afflictions; and brought their heads to their graves most commonly by Conspiracy; and that many times of their SERVANTS & CAPTAINS; as the sequel of the Story shews.

And in my Observations and private discourses at Westminster, I apparently found it to be as I feared, their main endeavours being closely carried on to perpetuate this Parliament for ever, and by it, a new (and then) endeavoured to be erected Councell of State, and the Councell of Warr, for the future (by the rules of their wills) to govern this declared Free Nation arbitrarily; and to make some Grand examples of terror, as that none for time to come should dare to stir; Which I there clearly saw, to my vexation and trouble, but was inwardly forced to bite my lip and be silent: but that which perplexed me most was that I found promotion and promised hopes of honour and gain had very much changed the principles; and cool'd the zeal of three or four of my familiar acquaintance and bolome friends, that not long before had been visibly and frequently the valiantest, stoutest, ablest Champions for Englands Liberties and Freedomes that I know in the Nation; some of whom very fairly and smoothly dealt often with my self; to be as prudent and wise in acceptation of the favours, and familiar respects of great men, as they had done; and at my coming to town Duke Hamilton, and the stout Lord Capel &c. had newly entred upon the stage for the tryal of their lives, and I confess, I was exceeding curious, in satisfying my self about the manner of dealing with them, and so up into the court I got and heard the beginning of their defence, and afterwards went and spoke with them, looking upon them as part of the people of England, unto whom if any injustice was done, it became a president to destroy me, or the most righteous man in England, if the swaying faction pleased, and seeing these men acknowledge themselves subject to the penal part of the Law, as well as the directive part (which the King never did but to his dying hour maintained) those two most ABOMINABLE AND ALL HUMAINE SOCIETY-destroying maxims viz. that he was accountable to no power on earth, (but God alone) as to punishment for any of his actions, though never so wicked: And secondly that the people have no share in Government. I thought my self and the liberties of my native Country concerned in the manner of their trial, though I neither then nor now liked the cause in which they engaged; as knowing and seeing very well when the hedges and freedoms of our liberties and freedoms have but a gape broken down

downe in them, it is likely in time not only to become a path, but a high road way, to let in such an inundation of illegalities and arbitraries as shall overflow all and tread downe all underfoot, which is plainly to be read in Sir Walter Rawleys remarkable History of the Thirty grand Tyrants of Athens, in his History of the World, lib. chap. 9. sect. 2. fol. And which in time might become a meanes to pervert all the whole Fabricke of the whole English Government, of which my mind being full, I argued thus with my selfe.

If it be these mens lives they would have right or wrong, then they should have killed them in the heat of bloud and not have given them quarter, or after quarter given should notwithstanding broke, and so have dispatched them by shooting or otherwise killing them in their Chambers or the like; but to reserve them many months together alive, and bring them out in the face of the Sunne, pretending to take away their lives by the rules of Justice and Law. Well then what is done unto them in this case, must be just in the meanes and method of Justice as well as in the end, and the Law of England being their birthright and inheritance in every punditillo of it as well as mine or any mans in the Nation, and indeed the end of the making of the Law is for transgressors, by the rule of which their actions ought to be measured, the priviledges and benefit of which all their claime ought not to be denied: (nay if they be ignorant of their legall priviledges, the Judge ought to instruct and inform them thereof) nay or any stander by else that is present at the tryall, and the law renders this reason, lest the prisoner at the Bar should unjustly lose his life by the errors of the proceedings of the Court, 3 par. insti. fol. 29. 137. Alasse, for a righteous man the Law was never made for him, neither hath he any need to claime the benefit of the severall priviledges of it, because he doth not transgresse it; but because so much malice and wickednesse is in the hearts of the sons of men, that many times the wicked and guilty accuse the righteous and innocent, therefore the wisdom of our forefathers, and the righteousnesse of the Laws they made for us and have left unto us is such that no man though never so notorious in publick fame, is to be esteemed or judged a faulty man or transgressor (in the eye of the law) till he be legally and duly convicted of the crime laid unto his charge by the rules and methods of the Law: the law of England is as much to be magnified, as Sir Edward Cook often styles it, being a Law of mercy, 2 par. insti. fol. 313. favours much the life of man, because of all things in the world it is most precious, fol. ibid. 30. see his exposition of magna charta in 2 par. insti. but especially fol. 42, 43, 46, 47, 51, 56. but above all read that most excellent of all his discourses upon the righteousnesse, equity, safety, and justnesse of the tryall by Juries of 12 (Liber de legalis homo) free and legall men (N. E. X. T.) of the neighbourhood in his 2 par. insti. lib. 2. chap. 12. Sect. 234. which Parliaments cannot destroy nor change, because it is impossible for them to find out a juster or better way of tryall, and they are appointed to provide for our weale, but not for our woe, 1 par. book. Dec. p. 150. and not to doe what they list, but what they ought, 1 par. book. Dec. p. 172. 205. 214. 266. 267. 383. 494. 497. 499. 656. 660. 666. 696. 706. 707. & 2 par. fol. 95. & Declarat. 17 March 1648. p. 6. 21, 28, 27. For all the idle pratings of any new upstart SONS OF BELIAL amongst us, such as the Author of the late abominable Book called the DISCOVERER

which is commonly reported to be partly Master Frosts Secretary to the thing called the Council of State, and principally that Apostate JOHN CAN late of Amsterdam, and now of the Parish of Bow, whose conscience by that appears so broad that it will without doubt lead him to worship with the Turks Alkeron if it were in fashion, and fat livings to be got by so doing; But let all men in Authority and great places that value their own heads and lives; Remember Duly and Epsom punishments Privy Councils of Henry the Seventh, for proceeding by the rules of their discretion in trials of causes.

causes, laying aside the tryals by Juries of twelve men, the ancient and undoubted birthright of the Subject 4 par. inst. fol. 41. for which they lost their heads as Traytors for subverting the fundamentall Liberties of the people, although they had an Act of Parliament (viz. 11 Hen. 7. ch. 2. recorded 4 par. inst. fol. 45) made by the unquestionable power in Law as ever was in being in England, in a free and full Parliament, consisting of King, Lords Spirituall and Temporall, and Commons; to authorise and bear them out in what they did; of whom you may read most excellently in Cooks inst. viz. 2 par. fol. 51 & 4 par. fol. 41. 197, 198, 199.

And in my musing with my self of their condition, my thoughts were something to this purpose, the actions done and acted by them, were either crimes or no crimes, crimes as to men they could not be; unless they were transgressions of a knowne and declared law in being in the Nation before their acts were done, (for saith the Spirit of Truth, Where there is no Law there can be no transgression, Rom. 4. 15.) and if so then to punish them for their acts (or facts) any other wayes; or by any other rules, manner or methods then is by those Laws against which they had transgressed, is expressed and prescribed, is very grand injustice: and the most righteous and justest men in the world; (undoubtedly such practises) can never be safe or secure, but are alwayes liable in liberty, estate and life, to be levelled and destroyed by the will, mallice and pleasure, of the present swaying grand faction, in which condition a man differs nothing from a brute beast, but in shape. But the High Court of Justice, erected to try them, was a pretended Court of Justice, not knowne to the visible and declared law of England (being in its constitution altogether against all the English Rules of justice, No nor in being when their facts were committed; And therefore had no pretence at all; being but a new constitution to meddle with Judging of their facts committed before it had a being, or was brought forth into the world.

Besides the erection of it (I mean a High Court of Justice) to try men for siding with the King in the late warrs against the Parliament is a meer and cleer giving away, and surrendring up the legality of their cause in the Kings hands, telling the people in effect hereby, its true we have waged warre against the King, but if his sword had been as long as ours he might easily if he had pleased have hanged us all by the rules of Justice for transgressing a law in being.

But we having by the chance of war prevailed against him alas, we have no law of our sides, by the rules of which we can hang any of his party, but must be forced to take away their lives by the rules of our own wills and power, by rules of pretended Law made after their facts committed, and for the demonstrating of this unto all that have adhered unto us, we Erect a New High Court of Justice by new rules never known in England to try them, that so our friends that have adhered to us, may see where they are, and betimes provide for their own safety, and never trust or believe OUR DECLARATIONS AND REMONSTRANCES ANY MORE; for though we formerly told you we had the Law of our sides; yet by our setting up this High Court of Justice, to be both parties; Jury and Judges, we plainly tel you there was no such thing, but that then what we told you was lyes and falsehoods, and that you should believe us no more: for though then we told you we would maintain the Law, especially of Liberty and Propriety, and that it was a transcendent wickednesse in us to destroy it, and by our votes at our wills and pleasures to dispose or level all the peoples estates, liberties and properties; yet now we tell you, we never in our hearts intended any such thing; but that our designe was totally (if we did overcome) never to keep any of our promises: but absolutely to destroy all Law, and by our absolute will, by all manner of new erected engines, to debaile and breake the peoples Spirits, and to dispose of their liberties, estates and lives by the absolute rule of their own wills, and as a cleer demonstration to your understanding that we never intended otherwise

wife, we erect this HIGH COURT OF JUSTICE, composed of such persons, as we know will obey and execute the absolute dictates of our wills, be they right or wrong, without ever examining whether our commands be consonant to law, reason, equity, justice or conscience, being of as absolute implicate faith in beleieving of us (because we have promised they shall raign. with us or under us) as ever any papish in the world were believing the Pope.

Thirdly, Admit this had been an unquestionable (representative of the people) Parliament, who by vertue thereof hath had a power to levy what mony they had judged convenient upon the people by general tax for the common safety of the Nation, which act both by law, and reason they may do; yet they cannot in law, equity or reason, lay all that tax upon three or four men alone, and make them bear all the charges of the publick; even so, although the Parliament may erect Courts, of Justice, for the good of the people, to administer Law indefinitely to all the people of England alike without exception of persons; yet they can neither by Law, nor Reason, erect a Court of Justice on purpose to try three or four individual persons, and no more because it is against common equity, all Englishmen or people being all born free alike, and the Liberties thereof equally intailed to all alike; and therefore in common equity and justice, three or four individual persons ought not to be burthened with an iron yoake, when the universal are only burthened with a wooden one; and therefore in this sence is my judgment, that that high Court of Justice was altogether unlawfull in case those that set it up had been an unquestionable representative of the people, or a legall Parliament, neither of which they are not in the least; but as they have managed their business in opposing all their primitive declared just ends, a pack of trayterous, self seeking tyranical men, usurpers of the name and power of a Parliament. I say considering with my self some such things as these are, I was something diligent, at the beginning of their tryal to see and hear all; yea and often conversed with themselves, but when I came to hear stout CAPEL make his defence for himself, (which was before he had any counsel assigned) and so GALLANTLY and accurately to plead the Law, and demand the benefit of it; which he did as acutely in my judgment, as ever I did hear any man in his own case in my life, alledging firstly the Statute of 25. Ed. 3. chap. 2. and cited the very word of those 2 notable Statuts for his benefit, of the 2 Hen. 4. chap. 10. and 11. Hen. 7. chap. 1. the last of which indemnifies the Kings followers in wars, and also cited the first and second of P. and M. chap. 10. and pressed therefrom that all treasons should be tryed by the rules of the common Law and not by extraordinary ways and means according to the declared Laws in being citing the petition of right for the proof of that, looking round about him, and saying I am an English man, and the Law is my inheritance, and the benefit of the petition of right my birth-right, if so then saith he looking upon the president, wheres my Fury, I see none of my Jury, that is to pass upon me, I demand the sight of my Fury legally pannelled, as my right by Law, without the verdict of whom I cannot in Law be condemned, and when it was replied upon him by the president, that the members of the Court was the Jury; he most gallantly and resolutely answered to this effect, I hope you will not deny me the benefit of the Law, which you pretend you have fought this Seven years to maintain: I hope, Sir, You will not deny me the benefit of the Declarations of those by whose power you sit: And producing the Declaration (of the pretended House) made the 9th Febr. 1648. To maintain the Fundamentall LAWES of the Nation; he held it forth, and desired it to be read, which was refused by the President, telling him, They knew it well enough: Well then saith he, Here's a Declaration made but the other day, wher in the Parliament declareth, That they are fully resolved to maintain, and shall and will uphold, preserve and keep the Fundamentall Lawes of this

this Nation; for, and concerning the preservation of the Lives, Properties, and Liberties of the People, with all things incident thereunto; with the alterations touching Kings, and House of Lords already resolved in this present Parliament, FOR THE GOOD OF THE PEOPLE: And saith he, It is one of the Fundamentall Liberties of the Subjects of this Kingdom, to be tryed by JURIES; and I hope you will not deny me the benefit of the Parliaments Declaration, and so break it as soon as it is made; but all was to no purpose, he must have no Jury; but Councell, if he would; at the denyall of which unto him, I confesse my heart was ready to sink within me, and my spirit was inwardly fill'd full of fire at these wretched men, whose now declared designs was cleer to tread under their feet all the Liberties of England, notwithstanding all their oathes and promises to the contrary; and then in that day in my own thoughts I clearly bid adieu unto all Englands glorious (amongst men) Liberties and dear-bought Freedoms, and much ado had I in the open Court to containe my self from an avowed detestation of their ABOMINABLE WICKEDNES, my heart was so full; but being withdrawne I was something free in my discourse in all companies I came in, but yet upon the principles of the Law and their own Declarations, as being almost overwhelmed to see what I then saw; and severall discourses I had with the prisoners, and divers of my books and law pleas, with Sir Iohn Maynards and the foure Impeached Aldermen I sent them, and much pressed some of them to put their lives upon the hazard of a Plea and protestation against the Jurisdiction of the Court, telling them if they dyed upon that score, they would not only dy as lovers of the King their principall, but also of their Country, as brave Englishmen in the eyes of the people; whereas if they stooped finally to their Jurisdiction, they might easily perceive they were resolved to sacrifice them, and if they so died they dyed upon a poor and beggarly score; yea in a manner upon the denyall of their own principals; but the Gentlemen having as to me appeared, large promises of their lives upon conformity to the Jurisdiction of the Court were meerey gull'd thereby of their lives, and could scarce ever believe the should dye till the house of death came upon them.

And yet not withstanding this, some of them sent to me, to desire me to be one of their Councell, to plead for them in matter of Law; unto whose friends I returned an Answer to this effect, That I could not be so unworthy in my own estimation, as to plead any plea they could plead for a justification of their actions (though I confessed there were much in Law to be said for them; especially, as the case stood with them) unlesse it were a plea and protestation against their Jurisdiction; and so procrastinate their tryall, if it were a possible till a new Parliament; upon which plea, I could willingly have ventred my heart blood for them, because my interest, and the interest of all the free and honest men in England was as much concerned in that farall president of that abominable and wicked Court, as Capell or Hambletons life, &c. was; but they would not venter there, and so I declined them: And when HOLLAND came to it, a Lady, and some other of his friends came to me, to my house about him; but I was still upon the same string, yet sent him word of severall particulars, in referrence to my Tryall and arraignment at Oxford, that was very materiall to his present cause, and if he would call me in the open Court, as a Witnesse; he should see I would speak my minde freely and effectually, although I smarted for so doing; and he appointed a day to call me; whereupon I went into the Court, and conveyed word to him, I was there, but whether his heart failed him or no, I know not, but he never called me; so when I understood they were all in the way of condemnation, I took the third part of Cooks Institutes under my arme to the house doore, and made severall Applications to some of their Judges, and some Parliament men for them, and particularly with Colonel Temple Governour of the Fort near Graves End, and deli with him

him upon their own Principals, as the most probable to doe the Prisoners good; and to save their lives, which I confesse I much laboured for, and my Discourse with him was to this effect at the House doore:

Sir, I beseech you, let me ask you one question, What's that saith he? It is whether you think your House intend in good earnest to take away the lives of the Lord Capel &c. or whether they have only caused them to be condemned in terrorum & without all controversie said he, they intend to take away their lives, and it is but just they should; and doe not you believe so, No indeed Sir doe I not, and if you please, I will give you some part of my Reasons therefore; I pray let me have them. Well then Sir said I, to say nothing of the Jurisdiction of the Court by which they were tryed (which is very questionable to me) nor of the power of a Parliament to erect such a one, nor yet of the questionableness of the legality of your single House, nor of the clearnesse of the letter of the Law of their sides; which now the King being gone, might put you out of feare of the future power of these men, and make you now they are at your mercy, and you out of feare of present hurt by them; seriously to weigh the Quarrell betwixt you and him in an equall and just balance; which if you do, I am sure you will finde it very disputeable in Law, and something in Reason too, considering many of your late actions; especially if you consider, you never avowedly nor throughly stated your Cause; but begun it upon Commissions for King and Parliament, forced people to take the Oath of Allegiance and Supremacy, Protestation, and two Covenants, in all which you force the people to swear to maintain the Kings Person, Crown and Greatnesse: and this after the Wars begun, letting all Writs and Procestes of Law run in his Name, and thereby your selves make him as it were Alpha and Omega to the people; yea, and in severall of your Declarations since the quarrell, you call him the fountain of Honour, and avow yerr he can do no wrong: See 1 part Book Decl. pag. 199. 304. All which doings of yours are enough to make men side with the King; especially those that have great Estates, if it be for nothing but safeties sake alone: But I will lay all these aside, and argue with you more closely, upon principles that you cannot dispute against.

1. And therefore in the first place, The Law of England published by your selves, saith expressly, No man of England in things concerning life shall be judged twice for one fact; but if once judicially tryed and acquitted, he never more by Law can be questioned again for that crime, though indeed and in truth he be never so guilty of it, and though it be never so criminous in it self; otherwise there would never be end nor safety: And for the proof thereof I then cited the YERS Case, at the Sessions of the Peace holden at Norwich in the 32 year of Queen Elizabeth, and the Judges opinions thereupon, which is notably recorded in Cooks 3 part Institutes chap. 104. of falsifying of Attainders, fol. 230. And my own Case at Oxford, which was to this effect: Being at the Fight at Brainford (which was upon the 12 of Novemb. 1642) taken prisoner in Arms against the King and his party, I was carried captive to Oxford Castle; where not long after my arrivall, the Lord Dunsmore, the Lord Mairevers, the Lord Newark, and the Lord Andover came to the Castle to me from the King, as they said, and professed me from himself great matters, so I would crave his pardon for the treason I had committed against him, in being in arms against him, and forsake the traiterous Parliament, and return to my obedience (as they called it) to the King: but being then as able in my own thoughts, as any private man in England to argue the equity and Justice of the Parliaments Cause, I was then knowingly engaged in by the hopes of the performance of their many gallant promises to make people of England free and happy (their then only declared aim and end) and in whose quarrell I would then have laid down a thousand lives, (if I had had them) and for the greatest part of an hour together, by dint of Argument

gumant, grounded upon Law and Reason, scorning and contemning all their great proffers of Honour, Riches, and Greatnesse, I held them in play so hotly, that they fell ragingly out with me, and gave up their disputing bucklers; thirating to hang me speedily for a grand Traitor, without any more ado. At which I laughed, and desired their Lordships to tell me which way they would go to work to take away my life, now they had given me quarter.

Well, say they, We have two strings to our bow, And in the first place, we will arraigne you for a Traitor, for being the chief or Generall of the Prentices, that came down to Westminster and White Hall, and forced the House of Peers, and drove away the King from his Parliament, and so began the Wars. Unto which I replied, Alasse my Lords, you will be far mistaken there: And I cannot but wonder, that your Lordships should so undervalue your own Honours and Reputations, as so much as once now to mention this. Why Sirrah? said one of them. Why, my Lord? Because your Lordships may remember, that the 3 of May, 1641. the King caused Warrants to issue out to apprehend me as a Traitor for this very thing, and others depending upon it; and as a traitor I was apprehended by his Messengers, one of which that night kept me prisoner as a Traitor: and the next morning I being 4 of May, 1641, as a Traitor I was brought by him to White Hall, where, (as I remember) old Sir Henry Wane and Mr. Nicholas were appointed by the King himself to carry my Impeachment to the House of Peers, at whose Bar I that day appeared (not then understanding their Jurisdiction) and was there that day in your way arraigned for my life, and one Littleton the Lord Keepers Kinsman, swore most bitterly against me: but upon further examination of witnesses, and hearing with patience my own Defence for myself, I was by your whole House (who look'd upon them selves as the highest Judicatory in England) honourably and nobly acquitted, as a person innocent and free of the Kings accusation: of which, my Lords, (said I then) let me plainly tell y u, if I were guilty, you were a company of unrighteous and unjust Judges for freeing me from that Accusation: but, my Lords, being judicially tryed therefore, and acquitted by your selves, (who, if my memory fail me not, I saw all at that Tryall) and by your whole House (then extraordinary full as ever I saw it) who judge your selves the highest Judicature in England, I am acquitted thereby (my Lords) by the Law of England, from any more question about that businesse, although it should be granted, I was never so guilty of it. Unto which they replied (to my remembrance) in these words, A pox on you, for a cunning subtil Rogue, are you so cunning in the Law, that we cannot lay hold of you here? but yet for all your parts, we will have you to the gallows, for leaving War upon the traiterous commands of the Parliament against the King: And here (said they) wee are sure the Law will reach you. Whereupon I was immediately after laid in irons, and brought to the Bar before the Lord Chief Justice Heath, Sir Thomas Gardner Recorder of London, &c. and by Indictment, according to the rules of the Common Law, arraigned for a traitor for levying War in Oxfordshire against the King. But my Plea to the businesse of Westminster and the Prentices was admitted for good law, That being once judicially tryed and acquitted, I could no more be troubled therewith: neither indeed was I. But according to the punctilios of the Law, they gave me all the fair play in the world that the Law would allow me, suffering me to say for my self at the Bar what I pleased, releasing me of my close imprisonment and irons, and allowed me pen, ink and paper (which the Jaylor kept from me) upon my pleading before the Judge; such usages being altogether contrary to law: and that no such usages ought to be exercised in the least upon any prisoner whatsoever, this

that was not beastly rude in his imprisonment; and that no supposed Traitor or Felon by law could be put to any pain or torment before conviction.

And truly, Colonel Temple, I should be very sorry, and blush for shame, especially considering my strong zeal in the Parliaments cause, to see the day that the Parliament of England (at least those that stile themselves) that hath pretended so much righteousness and justice, should be no more just to the Cavaliers (against whom they have fought for injustice and oppression) in denying them the benefit of the Law when they are in their power and mercy, than the Kings Judges were to me, and other of your prisoners, when their lives were in their power and mercy, in the height of War, and of their ranting prosperity, and yet granted us the benefit of Law in all things we claimed it in, as Capt. Vivers of Banbury, arraigned with me, can witness as well as myself.

Now Sir, to make application: the Parliament not long since, when in its power it was more abundantly unquestionable than now it is, (after its new force) condemned CAPEL, HAMBLETON, HOLLAND, &c. to banishment, for the very crimes laid now to their charge; and therefore in Justice and Law cannot a second time cause them to be adjudged to die for the very same things. Its nothing to me, nor to the Kingdom, for you to say, that when that Judgment pass'd they had so many friends sitting in the House as over-voted the honest Common-wealths-men to the prejudice thereof; for the major part is Parliament, or else there is no parliament: Therefore Sir, I reason thus: Either that wherein that Judgment pass'd was a parliament, or no Parliament; if a Parliament, then their judgment (as to themselves especially) was binding, and the benefit of it they ought not to deny to them whose lives are conserved in it; although it were unjust in it self as to the Nation: But if you, or any other man shall say, it was no Parliament, as having forfeited their trust in treating with the King again, and so their Judgment not valid, then with much more confidence say I, this that now sits is no Parliament, and so by consequence, the High Court of Justice no Court of Justice at all? and if so, then to execute them upon their Judgment, is absolute Murder. But I would fain see that honest and valiant man in your House that durst protest against them for no Parliament.

But Sir, besides this, mark the consequence of it to all we Parliamenters that have acted under you, and by vertue of your commands, by these Proceedings:

First, You have sold the Bishops Lands, and given them that bought them, as they suppose, good security for their quiet enjoyment of their Purchases: I, but within a little while after, part of the very same Parliament alters their mindes, and being become the major part by forcible Purgations, illegall new Recruits, or by any other tricks or devices, and they vote, all those bargains are unjust, and the Purchasers ought to lose both their Land and Money: where is then that stable security of Parliaments? And yet such doings would be as just as your present dealings with CAPEL, &c. whose precedent creates a precedent for that, and much more of the same nature.

But secondly, The same Parliament that condemned Capel &c. to Banishment, pass'd multitudes of Compositions with severall Cavaliers, as guilty of Treason in the true nature of it, as they: And by the same rule you now condemn CAPEL, &c. to die; after you have judged them to banishment, you may adjudge all the compounding Cavilcers to be hanged, after you have adjudged them to composition, and so put the Kingdom (by making people desperate) in an everlasting flame that never will have end, because there is no certainty in any of your proceedings, but are as changeable as the wind that bloweth.

Again, Thirdly, and most principally it is a common maxime in Law and Reason,

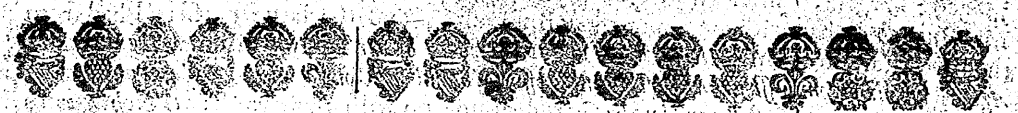
both, and so declared by your selves; 1. part Book Declarat. page 281. "That those that shall guide themselves by the judgment of Parliament, ought (what ever happen) to be secure and free from all account and penalties. But divers honest men (as you now judge them) have acted and guided themselves by the judgment of Parliament, as they account you, in taking away the King's life; and yet by your dealings with CAPEL, &c. they are liable to be hanged as Traytors therefore, if a major part of your very House, by force, or other illegal Tricks, shall vote that act Treason, and all the Actors therein Traitors: So that, Sir, if I have any judgment in me, by this very single act towards them, you shake the very foundation of the validity of all the Parliaments Decrees and Judgments at once, and make invalid all the Security and Indemnity that those (in equity) ought to enjoy, that have acted by your commands, and guided themselves by the judgment of Parliament: By means of which you will finde in time, you have demolished your own Bulwarks, and destroyed your own Fences. And for time to come, for my part, I shall be a thousand times more wary how I obey all your Commands, then ever I was in my life; seeing you are so fickle and unstable, that no man knows rationally where to finde you, or fixedly to what to hold you.

But if you shall object (as some do) That that judgment of Banishment was only in reference to the peace with the King, and that being broke, you are absolved from that judgment, and not bound by it.

To which I answer no more but this; That was a Judgment upon serious and solid debate, of long continuance, at the passing of which you acted as individually, and as independently from the King, as ever you did before or since: and therefore in Law, Justice and Conscience you ought to stand to it, and make it good to the Prisoners concerned in it; especially, considering they desire it.

But having in length outstriped an ordinary epistle, and having much matter remaining, judging it more then time this that I have here written to you, should come to publick view, (although I perish for so doing) I am forced and necessitated abruptly here to break off; and leave the remaining part for a second part to the same tune, if God spare me life and health, and give opportunity, although I be cut in ten thousand peeces therefore; for if every hair of CROMWEL, FAIRFAX, IRETON, HASLERIG, BRADSHAW, and HARISONS head, were a Regiment or Legion of armed men, I would by Gods assistance in the present righteous cause in which they have deeply imbarqued me, (by their lawless Cruelty and Tyranny) fear them no more then so many butterflies or moths in the sun; for behold, God is my salvation, I will trust and not be afraid, for the Lord JEHOVAH is my strength, and my song, he also is (long since) become my Salvation, Isa. 12. 2. Therefore will I sing joyce and be merry, for he hath fitted me for all manner of deaths; in inabling me through his strength power and presence, any time this twelve years together to carry my life in my hand, and to be always ever since in readines at a quarter of an hours warning to lay it down; which I shall as freely doe (as eat) in this just and righteous quarrel; viz. THE LIBERTIES OF THE LAND OF MY NATIVITIES AGAINST THE APOSTACIES AND TYRANNIES OF HER MOST PERFIDIOUS AND TREACHEROUS PROFESSED FRIENDS, and the holding out of Gods Sovereignty amongst the son of men, as being that one, single, individual ALONE (either in heaven or earth) that is to reign, rule, govern, and give a law by his will and pleasure to the sons of men; the absolute workmanship of his hands or power; And therefore to thee O CROMWEL, O FAIRFAX, O IRETON, O HASLERIG, &c. in the power, might and strength of the Lord God Omnipotent and Almighty, that

(20)
The Printer to the Reader.
READER, As thou the faults herein dost spy,
I pray thee to correct them with thy Pen:
The Author is Close-Prisoner, knows not why;
And shall have Liberty, but knows not when.
But if he Falls; as he hath Liv'd, he Dies
A faithfull Martyr for Our LIBERTIES.



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